

The Climate Leadership and Environmental Action for our Nation's Future Act or "CLEAN Future Act" of 2021

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¹ Certain provisions are omitted from this section-by-section summary. The majority of Title III focused on efficiency standards, particularly with regard to building standards is omitted, except for Subtitles E, entitled Investing in State Energy and Subtitle F, entitled FEMP. Subtitle F of Title IV, regarding port electrification and decarbonization is also omitted from the analysis. Title V, impacting manufacturing and federal buy clean procurement standards is omitted as well. Brownstein is happy to conduct an analysis of these omitted provisions upon request.

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TITLE I—NATIONAL CLIMATE TARGET

Subtitle A—National Target

Sec. 101. National goals.

- Establishes an interim goal to achieve a 50% reduction in emissions from 2005 levels by 2030. Sets a national goal of a 100% clean economy by 2050.
- **Impact:** This section sets national goals for emissions reductions and achieving a clean economy. “100 percent clean economy” is defined in Section 106 as economy-wide net-zero greenhouse gas emissions or negative emissions after accounting for sources and sinks of greenhouse gas emissions.

Sec. 102. Federal agency plans.

- Requires the head of each federal agency to develop plans for achieving the national goals. Actions may include issuing regulations, providing incentives, carrying out research and development programs, reducing the agency’s emissions, and improving the resilience of agency facilities and operations to climate change risks and impacts.
- Agencies would be required to hold public comment on the plans within six months of enactment and should consider factors such as environmental justice, job creation and economic growth.
- Requires agencies to submit plans to the Environmental Protection Agency (EPA) for review within nine months of enactment. Agencies would then submit finalized plans to Congress within 15 months of enactment. Plans would need to be reviewed every two years and agencies would be required to submit an annual report to Congress with implementation updates.
- **Impact:** This section would engage all federal agencies in efforts to reduce emissions and establish a 100% clean economy. Environmental justice, job creation and economic growth are among the top priorities agencies should consider when developing plans, reflecting Democratic priorities on climate issues beyond emissions reduction.

Sec. 103. Accountability.

- Requires the EPA to monitor the progress toward achieving national goals and submit an annual progress report to Congress outlining how emissions reductions relate to international climate commitments and recommendations regarding the rate of progress toward these goals. Recommendations from the Clean Economy Federal Advisory Committee established in Sec. 104 would also be included in this report.
- **Impact:** Requires EPA to provide annual updates on the country’s progress toward achieving emissions reductions and meeting its international commitments under the Paris Agreement.

Sec. 104. Clean Economy Federal Advisory Committee.

- Establishes a Clean Economy Federal Advisory Committee within the EPA to make recommendations on interim emissions reduction goals in order for the country to achieve the goals outlined in Section 101.
- Committee membership shall consist of two state officials from different states; two local government officials from states other than those represented by the two state officials; one member of an environmental nonprofit with expertise in emissions mitigation; two members of environmental justice organizations; two members from tribal communities; two members of the National Academy of Sciences who have experience in climate science; four members who are employed by utility, transportation, manufacturing and building trades unions; two members from the power sector; two members of the agricultural industry; two members from the transportation sector; two members from the manufacturing sector; two members from the commercial and residential building sector; one member with public health expertise; and one member who is a young person associated with a climate and environmental organization.
- The committee is directed to consider establishing subcommittees on environmental justice, climate justice, fairness and equity for workers, and the transition of fossil fuel-dependent communities.
- The Advisory Committee shall issue recommendations on interim emissions reduction goals for meeting national goals within 15 months of enactment and provide annual recommendations on federal agency plans to meet the national standard.
- **Impact:** The Advisory Committee will represent a wide range of interests affected by the clean energy transition, reflecting the administration’s desire for consensus building. Due to the range of interests, it remains to be seen what the true impact of the committee’s recommendations will be.

Sec. 105. Recommendations for interim goals.

- Requires the EPA to recommend to Congress one or more interim emissions reduction goals before achieving the national goals outlined in Section 101 within 18 months of enactment. The EPA may recommend revised

or additional goals if the U.S. makes new international commitments to address climate change or upon request from Congress.

- **Impact:** The EPA would provide more specific short-term emissions reduction goals than the ones provided in Section 101. These goals may change depending on progress made toward the national goals, new climate commitments that the country may enter into, and scientific recommendations to limit global warming to 1.5 degrees Celsius.

Sec. 106. Definitions.

- Provides definitions for the terms “Advisory Committee”; “Administrator”; “federal agency”; “greenhouse gas”; and “Secretary.”
- **Impact:** Provides definitions for key terms used in this subtitle.

Subtitle B—National Academy of Sciences Review

Sec. 111. National Academy of Sciences review.

- Allows EPA to form an agreement with the National Academy of Sciences (NAS) to conduct a study measuring progress toward the net-zero target by 2050.
- Requires the study to quantify metrics used to measure progress and methodology on determining the United States’ ability to reach the target.
- Requires a study to quantify sector- and subsector lifecycle GHG emissions.
- **Impact:** The NAS study will enhance ability to assess progress made toward achieving a national goal of net-zero greenhouse gases by 2050 by improving both the measurement of lifecycle greenhouse gas emissions and the accounting of negative emissions.

TITLE II—POWER

Subtitle A—Federal Clean Electricity Standard

Sec. 201. Definitions.

- Generally defines terms applicable to this subtitle.
- Contains “zero-emission electricity” definition and defines as “the fraction of electric energy generated by a given generating unit whose generation is not associated with the release of greenhouse gases into the environment.”
- Contains “Carbon Intensity Factor” definition that varies based on the calendar year and declines from .736 in 2031 down to .4 in 2035 and in each subsequent year after.
- **Impact:** Contains definitions applicable to this subsection.

Sec. 202. Zero-emission electricity requirement.

- Creates the requirement that retail electric suppliers increase the percentage of energy produced from zero-emission sources. This percentage rises to 100% in 2035.
- Creates an exception allowing retail electricity suppliers to defer with payment of more than 10% in the form of an alternative compliance payment.
- Creates the reporting requirement for “behind-the-meter” generation systems requiring the retailer to submit verification of the carbon intensity of behind-the-meter systems and the quantity of electric energy generated by the behind-the-meter section to the EPA.
- Creates an alternative compliance payments system that allows a supplier to submit an alternative compliance payment in lieu of the required zero-emission electricity credit.
- **Impact:** This section will require retail electric suppliers to produce substantially more power from zero-emissions sources unless a retail electric supplier adheres to the alternative compliance payments system.

Sec. 203. Zero-emission electricity credit trading program.

- Directs the EPA administrator to create a zero-emission electricity trading program allowing entities to buy, sell or bank zero-emission electricity credits.
- **Impact:** Allows entities to buy, sell, trade and bank zero-emission electricity credits.

Sec. 204. Determination and issuance of quantity of zero-emission electricity credits.

- Creates the formula used by the EPA to calculate the issuance of zero-emission electricity credits—including credits for carbon capture activities.

- **Impact:** Will create a system where non-emitters would receive full credit for the electricity they provide while emitting generators would receive partial credit.

Sec. 205. Carbon Mitigation Fund.

- Creates a Carbon Mitigation Fund consisting of alternative compliance payments and collected civil penalties
- Allows the EPA to award funds for entities that carry out activities that avoid GHG emissions or remove carbon dioxide from the atmosphere.
- Some examples are: improvements to energy efficiency of existing facilities and devices, replacement of natural gas heaters and appliances with electric ones, and replacement of state-owned fossil fuel vehicles with electric ones.
- **Impact:** Creates a new award fund available to states to aid in the goal of reducing emissions or removing existing carbon dioxide.

Sec. 206. State programs.

- Specifies that states can promulgate more stringent clean energy requirements.
- Retailers that comply with more stringent state programs are deemed to be in compliance with federal requirements.
- However, retailers may not receive federal zero-emission electricity credits if they use state clean energy credits for compliance with a state program.
- **Impact:** Allows states to adopt more stringent clean energy requirements and allows regulated entities to comply with either the federal program or the more stringent state program.

Sec. 207. Report to Congress.

- Requires the EPA to submit a report to Congress by Jan. 1, 2034, with an evaluation and forecast of the remaining barriers to achieving 100% generation of electric energy with no carbon emissions by 2035.
- **Impact:** Provides for congressional oversight of emissions targets.

Sec. 208. Information collection.

- Allows the EPA to require any retail generator, supplier or other entity to submit to the administrator any information it determines to be appropriate to carry out this subtitle.
- **Impact:** Creation of new information collecting requirements for the purpose of reducing carbon emissions.

Sec. 209. Civil penalties.

- Creates EPA authority to assess civil penalties for noncompliance with the zero-emission electricity requirement in Sec. 202.
- This penalty is determined by multiplying the aggregate quantity of zero-emission electricity credits the entity failed to submit for the calendar year by 300% of the amount of the alternative compliance payment for the calendar year.
- Allows EPA to waive or mitigate penalties when the entity is unable to comply with the applicable requirements for reasons outside of its control.
- **Impact:** Creation of new civil penalties for failure to comply with zero-emission requirement.

Sec. 210. Regulations.

- Directs the EPA to promulgate regulations no later than two years after enactment.
- **Impact:** Creates a two-year time frame to promulgate implementing regulations.

Subtitle B—Federal Energy Regulatory Reform

Sec. 211. National policy on transmission.

- Expresses the policy of the federal government to encourage GHG emission reductions through policies that reduce regulatory and jurisdictional barriers and encourage access renewable energy development when planning, siting and operating the power grid.
- **Impact:** Introduces new policy considerations for FERC and DOE under the Federal Power Act.

Sec. 212. Review of the effectiveness of policies and incentives to encourage deployment of advanced transmission technologies.

- Requires FERC to review and report to Congress on its regulatory requirements under the Federal Power Act for transmission infrastructure investments to ensure reliability and affordability one year after passage.
- Encourages FERC to make recommendations on how the rulemaking could be altered to increase capacity and efficiency—including facilitating the use of dynamic line ratings, flow control devices, and network topology optimization.

- **Impact:** Requires FERC to review transmission investment regulations and provide recommendations to revise regulations to increase capacity and efficiency.

Sec. 213. Siting of interstate electric transmission facilities.

- Amends the Federal Power Act to require DOE to study congestion on interstate corridors and consider the integration of renewable energy resources in “high priority interstate transmission corridors” and report to Congress every three years on its findings.
- Amends the Federal Power Act to give FERC the construction permitting authority for electric transmission in states under certain circumstances and encourages applicants to first consider non-transmission alternatives before applying for a permit.
- Amends the Federal Power Act to allow FERC to assume permitting jurisdiction in siting facilities in one year without a rulemaking if the secretary of energy determines the parties to the interstate compact are in disagreement or the area is designated a high-priority interstate transmission corridor.
- **Impact:** Encourages FERC and DOE to consider the integration of renewable energy when siting electric transmission facilities and also expands instances where FERC may assume jurisdiction over the siting of facilities.

Sec. 214. Non-transmission alternatives.

- Allows for FERC to consider the allocation of costs associated with non-transmission alternatives for the purposes of permitting cost recovery through transmission rates.
- Allows costs associated with non-transmission alternatives to be included in transmission rates and subject to regional cost allocation.
- Defines “non-transmission alternative” to an electric storage device, energy efficiency and demand response that defers or eliminates the need for new transmission facilities.
- **Impact:** Allows for energy efficiency, energy storage and demand response to be considered for the purposes of cost recovery.

Sec. 215. Office of Transmission.

- Establishes an Office of Transmission within FERC to review transmission plans by public utilities, coordinate FERC transmission-related matters, and coordinate with the Office of Energy Projects on siting of facilities.
- **Impact:** Creates a new Office of Transmission within FERC to coordinate on transmission planning and siting.

Sec. 216. Identifying regional transmission needs.

- Requires FERC to convene a technical conference on regional transmission needs within nine months of enactment.
- Directs FERC to issue a rulemaking within one year of enactment to require public utilities to disclose more on transmission planning needs and updated methodologies used for those planning needs.
- **Impact:** Directs FERC to issue a rulemaking affecting public utilities.

Sec. 217. Interregional transmission planning.

- Requires FERC to convene a technical conference on the development of an interregional transmission planning process to include facilitation of renewable energy generation and appropriate cost allocation methodologies.
- Directs FERC to issue a rulemaking within 18 months of enactment requiring public utilities to engage in a formal interregional transmission planning process and consider integration of renewable energy while also considering reduced costs to customers.
- **Impact:** Creates a formalized interregional transmission planning process for public utilities to require consideration of costs and renewable energy in transmission planning.

Sec. 218. Transmission siting assistance program.

- Establishes a grant program within DOE to provide assistance to state, local and tribal governments for evaluation, permitting and siting of interstate transmission lines.
- Authorizes \$75 million each fiscal year from 2022–2031.
- **Impact:** Provides \$75 million in funding for technical assistance for state, local and tribal governments.

Sec. 220. Market barriers to clean energy development.

- Grants FERC to establish a carbon pricing regime under sections 205 and 206 of the Federal Power Act.
- Invokes the Commerce Clause to prohibit states from enacting laws that prohibit access to clean energy.
- Requires public utilities to place its transmission facilities under the control of an independent system operator (ISO) or a regional transmission organization (RTO) no later than two years after enactment.

- **Impact:** Authorizes FERC to establish carbon pricing regimes while prohibiting states from instituting policies that restrict clean energy. Mandates interconnection for public utilities.

Sec. 220A. Office of Public Participation.

- Clarifies that the Office of Public Participation may intervene on behalf of individuals or entities—including environmental justice communities—at FERC proceedings under the Federal Power Act and Natural Gas Act.
- Funds the office through fees and charges collected by FERC.
- **Impact:** Strengthens the power of the newly created Office of Public Participation to intervene in FERC proceedings on behalf of environmental justice communities and provides funding for the office.

Sec. 220B. Public interest under the Natural Gas Act.

- Amends the Natural Gas Act to ensure state climate policies and environmental effects are fully considered for natural gas and LNG facilities as well as imports and exports.
- Codifies considerations weighed by the D.C. Circuit of climate impacts in their decision to overturn FERC approvals of the Sabal Trail Pipeline.
- **Impact:** Elevates the consideration of GHG emissions and climate impacts of FERC approvals under the Natural Gas Act.

Sec. 220C. Modifications to exercise of the right of eminent domain by holder of a certificate of public convenience and necessity.

- Amends the Natural Gas Act to prohibit use of eminent domain until all federal and state permits are obtained.
- Prohibits the use of eminent domain for pipelines attached to LNG facilities.
- **Impact:** Restricts use of eminent domain under the Natural Gas Act.

Subtitle C—Public Utility Regulatory Policies Act Reform

Sec. 221. Consideration of energy storage systems.

- Amends the Public Utility Regulatory Policies Act (PURPA) to require electric utilities to show they have considered energy storage systems.
- Proscribes a timeline of one year from enactment for state regulatory entities and non-regulated electric utilities to hold hearings on energy storage systems and make a determination within two years of enactment.
- **Impact:** Requires state regulatory authorities and non-regulated electric utilities to consider energy storage systems.

Sec. 222. Coordination of programs.

- Directs DOE to ensure the Grid Modernization Initiative and other programs conducting energy storage research are coordinated and streamlined.
- **Impact:** Encourages grid modernization programs to be well-coordinated and streamlined within DOE.

Sec. 223. Promoting consideration and utilization of non-wires solutions.

- Encourages the use of distributed generation, energy storage, energy efficiency, demand response, microgrids, or grid software and controls as non-wires solutions.
- Allows for the cost of a non-wires solutions implemented to be recovered from ratepayers in the same manner as an upgrade to transmission or distribution infrastructure would have been recovered.
- Proscribes a timeline of one year from enactment for state regulatory entities and non-regulated electric utilities to hold hearings on non-wires solutions and make a determination within two years of enactment.
- **Impact:** Allows for the use and cost-recovery of certain non-wires solutions.

Sec. 224. Contract options for qualified facilities.

- Requires that qualifying facilities under PURPA be provided the option to enter into a fixed-price contract for energy.
- **Impact:** Provides for fixed-price energy contracting under PURPA.

Sec. 225. Establishment of community solar programs.

- Amends PURPA to require electric utilities offer a community solar program to all ratepayers.
- **Impact:** Mandates the availability of community solar programs.

Sec. 226. Rural and remote communities electrification grants.

- Reauthorizes and updates PURPA Sec. 609 rural and remote communities electrification grants to include Indian tribes and expands eligibility to areas impacted by the closure of a coal generating unit.

- Increases the size of a rural area from 10,000 to 20,000 inhabitants.
- Increases grant funding authorization to \$50 million (up from \$20 million).
- **Impact:** Expands eligibility for electrification grants to rural and remote communities.

Subtitle D—Electricity Infrastructure Modernization and Resilience

Sec. 230. 21st century power grid.

- Directs DOE to establish a program to provide financial assistance to eligible partners to carry out projects related to the modernization of the energy grid.
- Projects for which an eligible partnership may receive financial assistance shall be designed to improve the resiliency, performance or efficiency of the electric grid; may be designed to deploy a new product or technology that could be used by customers of an electric utility; and shall demonstrate secure integration and management of energy resources or secure integration and interoperability of communications and information technologies related to the electric grid.
- Such projects must also include a cybersecurity plan and privacy effects analysis.
- **Impact:** Establishes a program to provide funding for projects that improve the electric grid.

Sec. 231. Microgrids.

- Directs the DOE to establish a program to promote the development of hybrid microgrid systems for isolated communities and microgrid systems to increase the resilience of critical infrastructure. The development of these program will be divided into five phases.
- The program for development of microgrid systems for isolated communities shall be carried out with relevant stakeholders such as states, Indian tribes, local governments, regulators and private sector entities.
- The DOE must periodically submit to Congress a report on efforts to implement these programs.
- **Impact:** This section encourages the development of microgrid systems in order to improve the reliability of the electric grid, especially in isolated communities.

Sec. 232. Strategic transformer reserve program.

- Directs DOE to establish a program to reduce the vulnerability of the electric grid to attack, geomagnetic disturbances, severe weather, climate change and seismic events by ensuring that large power transformers and other critical electric grid equipment can be replaced in response to such events.
- Such a program shall be carried out in consultation with the FERC, the Electricity Subsector Coordinating Council, the Electric Reliability Organization, and owners and operators of critical electric infrastructure.
- Authorizes appropriations in the amount of \$75 million for each of fiscal years 2022 through 2031.
- **Impact:** This program will enhance the security of the electric grid and help ensure there are sufficient federally owned equipment reserves to replace damaged equipment.

Sec. 233. Department of Energy support to repower communities.

- This section directs the Secretary of Energy to establish a program to provide information and technical assistance to state, local, tribal and territorial governments to support the redevelopment of sites with retired fossil fuel-powered electric generating units.
- Authorizes appropriations in the amount of \$10 million for each of fiscal years 2022 through 2031.
- **Impact:** This program will encourage and support the siting of clean energy resources at sites formerly home to fossil fuel power plants.

Sec. 234. Environmental Protection Agency support to repower communities.

- Amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) by directing the Environmental Protection Agency to establish a program to provide grants to eligible entities to remediate former fossil fuel-powered electric-generating unit sites.
- Authorizes appropriations in the amount of \$10 million for each of fiscal years 2022 through 2031.
- **Impact:** This section encourages the remediation of property that was historically used by fossil fuel power plants by providing money to entities that desire to redevelop such properties.

Sec. 235. Dam safety.

- Amends the Federal Power Act to require dams to meet FERC's dam safety requirements and requires licensees to manage, operate and maintain dams.
- Requires FERC to establish procedures to assess the financial viability of an applicant for a license under the Federal Power Act.

- Requires FERC to inform states in which a dam is located when FERC requires licensees to take action to repair a dam or when FERC issues an order to revoke a license.
- Authorizes appropriations in the amount of \$1 million for fiscal year 2022 for a FERC dam safety technical conference with states to discuss dam maintenance and repair, risk-informed decision making, climate and hydrological changes that may affect the structural integrity of dams, and high-hazard dams.
- **Impact:** The requirements of this section are intended to increase dam and public safety and will require greater collaboration between FERC and state governments in relation to dam and public safety.

Sec. 236. Clean energy microgrid grant program.

- Directs DOE to establish a program to provide funding for technical assistance, community outreach and collaborative planning, and projects to develop and construct clean energy microgrids.
- DOE must also develop and carry out an educational outreach program to inform eligible entities about the program established pursuant to this section.
- Projects must use iron, steel and manufactured goods produced in the United States to be eligible to receive funding, unless the project meets a statutory exception.
- Authorizes appropriations in the amount of \$50 million for each of fiscal years 2022 through 2031 for technical assistance and community outreach programs and \$1.5 billion for each of fiscal years 2022 through 2031 for projects to develop and construct clean energy microgrids.
- **Impact:** This section promotes, through \$1.5 billion in funding, the development and construction of clean energy microgrids.

Subtitle E—Clean Electricity Generation

Sec. 241. Distributed energy resources.

- Directs DOE to establish a program to provide to eligible entities loans to support the deployment of distributed energy systems.
- Defines who qualifies as an eligible entity and provides criteria for DOE to follow when selecting eligible entities to receive loans.
- Authorizes appropriations in the amount of \$250 million over the period of fiscal years 2022 through 2031, to remain available until expended.
- **Impact:** Establishes a program to provide loans to support projects that will improve grid security and resiliency, increase use of local renewable energy resources, and enhance peak load management and lower energy costs for rural consumers.

Sec. 242. Grant program for solar installations located in, or that serve, low-income and underserved areas.

- Directs DOE to establish a program to provide financial assistance to eligible entities to install community solar facilities or solar-generating facilities at the residence of a low-income household or at a multifamily affordable housing complex.
- Allows eligible entities to use financial assistance to pay for the planning and installation of eligible projects.
- Authorizes appropriations in the amount of \$250 million over the period of fiscal years 2022 through 2031, to remain available until expended.
- **Impact:** This section will encourage the installation of solar energy projects at low-income residences and communities.

Sec. 243. Hydropower licensing and process improvements.

- Amends the Federal Power Act by adding a new section relating to the hydropower licensing process.
- Requires FERC, USDA, NOAA and the Interior Department to enter into a negotiated rulemaking to develop and publish a rule providing a process for FERC to evaluate applications for a license.
- Encourages interagency cooperation in preparation of environment documents under the National Environmental Policy Act (NEPA) with respect to an application for a license.
- Requires FERC and the secretary of interior to issue guidance on best practices for effective engagement of Indian tribes in the consideration of applications for licenses that may affect tribal rights.
- **Impact:** Requires the establishment of new procedures and standards to improve the hydropower licensing process.

Sec. 244. Long-term nuclear power purchase agreement pilot program.

- Directs the DOE to establish a pilot program to enter into at least one power purchase agreement for first-of-a-kind or early deployment nuclear technologies.

- **Impact:** This pilot program could encourage the use and development of advanced nuclear power technologies.

Sec. 245. Distributed renewable energy.

- Directs DOE, in consultation with regulated entities and state, local and tribal governments engaged in permitting, to establish and carry out a program to establish a voluntary streamlined permitting process for local permitting and inspection of qualifying distributed energy systems.
- Directs DOE to recognize and certify certain communities as “Distributed Energy Opportunity Communities” if they have adopted and implemented the model expedited permit-to-build protocol established under the program.
- Authorizes appropriations in the amount of \$20 million for each of fiscal years 2022 through 2031.
- **Impact:** This section will encourage streamlined permitting requirements through the issuance of voluntary permitting guidelines for distributed renewable energy.

Sec. 246. Power purchase agreements.

- Amends existing law to allow federal power purchase agreements to be made for a period of not more than 40 years for electricity produced by a public utility using zero-emission technology. Otherwise, the contract may only be for a period of not more than 10 years.
- **Impact:** This section allows the government to enter into longer-term energy contracts when the energy is produced by a public utility using zero-emission technology and therefore encourages public utilities to use zero-emission technology.

Sec. 247. Hydropower regulatory improvements.

- Amends the definition of renewable energy in the Energy Policy Act of 2005 to include hydropower production.
- Sets benchmarks for federal purchase of renewable power starting at not less than 25% in fiscal year 2022 and not less than 50% in fiscal year 2032 and each year thereafter.
- **Impact:** This section expands the definition of renewable energy and requires the federal government to increase its purchases of renewable energy moving forward.

Sec. 248. Study on equitable distribution of benefits of clean energy.

- Directs the DOE to enter into an agreement with the National Academics of Science, Engineering, and Medicine to undertake a study on technical and non-technical barriers to provide solutions for ensuring equitable distribution of the benefits associated with clean energy in frontline communities.
- **Impact:** The study will identify barriers and provide solutions to the equitable distribution of the benefits associated with clean energy.

Subtitle F—Low-Income Assistance

Sec. 251. LIHEAP authorization.

- Authorizes the Low-Income Home Energy Assistance Program (LIHEAP) through 2031.
- **Impact:** This section reauthorizes LIHEAP through 2031. Funding for the program was most recently provided for in the fiscal year 2021 omnibus appropriations bill enacted in December 2020, with \$3.75 billion provided.

TITLE III—EFFICIENCY

Subtitle E—Investing in State Energy

Sec. 351. Investing in state energy.

- Amends the Energy Conservation and Production Act (ECPA) to require DOE to provide weatherization assistance funds to a state within 60 days of receiving the funds.
- Requires DOE to provide state energy program funds on this same 60-day time frame.
- **Impact:** States will receive weatherization assistance funds as well as state energy program funds within 60 days of DOE receiving these funds.

Subtitle F—FEMP

Sec. 361. Energy and water performance requirement for federal facilities.

- Amends the National Energy Conservation Policy Act (NECPA) directing each federal agency to reduce average energy intensity of each building by 2.5% yearly respective to 2018 intensities.

- Requires each agency to improve water efficiency and management at federal facilities by reducing water consumption intensity.
- Agencies are to reduce water consumption intensity by reducing potable water consumption by 2% each year, reducing industrial, landscaping and agricultural water consumption by 2% each year, and installing infrastructure features to improve stormwater and wastewater management at each facility.
- **Impact:** Under NECPA, each federal agency will be required to reduce the average building energy intensity and water consumption intensity at all federal facilities through various methods that aim to increase energy efficiency.

TITLE IV—TRANSPORTATION

Subtitle A—Vehicle Performance Standards

Sec. 401. Transportation carbon management.

- Requires the EPA to promulgate standards for emissions of greenhouse gases for every class of new nonroad engines and vehicles, and for new locomotives and new engines used in locomotives.
- Requires the EPA to promulgate greenhouse gas emission standards for existing in-service aircraft, and for new aircraft being delivered on or after Jan. 1, 2030. At a minimum, standards must meet the International Civil Aviation Organization’s CAEP/101 standard for carbon dioxide. Flexibility mechanisms may be incorporated, including averaging and banking.
- Authorizes the EPA to promulgate successive greenhouse gas emission standards, ensuring that greenhouse gas emission standards are always in effect for each regulated class, mandate increased reductions in greenhouse gas emission in each successive set of emission standards, and determine the level of greenhouse gas emission reduction based on the national goal.
- **Impact:** Allows the EPA to issue rules specifically tailored to set greenhouse gas emission standards for airplanes, trains and nonroad vehicles in order to meet the national greenhouse gas emission reduction goal. Requires any successive rules to be more stringent than its predecessor.

Subtitle B—Cleaner Fuels

Sec. 411. Accelerating approval of clean fuels.

- Requires the EPA to take final action on a petition for approval of a renewable fuel pathway if 90 days or more have passed since the petition was submitted, and if the fuel type, production process and feedstock described in the petition have already been approved for sale in at least one state for purposes of reducing carbon in transportation fuel.
- **Impact:** Expedites the approval process for clean fuels that have already been approved for sale in at least one state.

Sec. 412. Annual deadline for petitions by small refineries for exemption from renewable fuel requirements.

- Requires petitions for exemption from renewable fuel standard requirements to be submitted to the EPA by June 1 of the year preceding the year when such requirements would otherwise be in effect.
- **Impact:** Makes late petitions ineligible for consideration or approval.

Sec. 413. Information in petition subject to public disclosure.

- Certain information in small refinery exemption applications will not be considered to be trade secrets or confidential and will be subject to public disclosure.
- The types of information that will be disclosed include: name of the small refinery requesting exemption, number of gallons of renewable fuel that will not be contained in fuel as a result of the extension, and the compliance year for which the exemption is requested.
- **Impact:** Requires that certain types of information from exemption petitions will be publicly disclosed.

Subtitle C—ZEV Vehicle Deployment

Sec. 421. Reauthorization of diesel emissions reduction program.

- Reauthorizes the diesel emissions reduction program for 10 years at \$500 million per fiscal year.

Sec. 422. Pilot program to award grants for the electrification of certain refrigerated vehicles.

- Creates a pilot program to award funds on a competitive basis to carry out projects that retrofit a heavy-duty vehicle by replacing the existing diesel-powered transportation unit with an electric-powered one, or a project that allows transport of refrigeration units to connect to electric power and operate without using diesel fuel.
- Award amounts may not exceed 75% of the cost of a refrigeration replacement project, or 55% of the cost of an electrification program.
- Applicants must describe the air quality in the area of the project and how diesel emissions from heavy-duty vehicles impact the air quality, describe the project proposal including the technology to be used and the number and uses of the vehicles to be retrofitted, the estimated cost of the project, the expected lifetime control of the equipment used, and provisions for monitoring and verification.
- Authorizes \$10 million for the pilot program.
- **Impact:** Creates a pilot program to award funding for diesel-powered refrigeration retrofitting projects and for shore power projects.

Sec. 423. Clean schoolbus program.

- Establishes a program to replace existing school buses with clean-powered school buses by creating a program for competitive grants, rebates and low-cost revolving loans.
- Applicants must provide assurances that all employees involved in the construction, alteration, repair or manufacturing financed by the program be paid the prevailing wage, and a certification that no public work normally performed by a public employee will be privatized in carrying out the project.
- The EPA will publish and maintain a list of clean school bus manufacturers that award recipients may order from.
- Highest priority will be given to projects that serve the highest number of students who are eligible for free or reduced-price lunches. All buses acquired with funds from this program must be operated as school buses for at least five years.
- Authorizes \$2.5 billion for each fiscal year from 2022 through 2031, \$1 billion of which must be used for awards to communities of color, indigenous communities, low-income communities or any community with a nonattainment air quality designation.
- **Impact:** Creates a clean school bus program for school districts to replace their existing fleet of greenhouse gas-producing school buses.

Sec. 424. Clean Cities Coalition Program.

- Creates the Clean Cities Coalition Program that would designate local and regional Clean Cities Coalitions and award funds for projects and activities that reduce petroleum consumption, improve air quality, promote energy and economic security, and support a domestic supply of alternative fuels.
- Authorizes \$50 million in fiscal year 2022, with annual \$10 million increases until fiscal year 2026, and maintains funding at the \$100 million level through fiscal year 2031.
- 30% of funds are designated for coalition administrative and program expenses, 50% of funds are designated for competitive awards, and 20% of funds are designated for administrative costs for the Department of Energy
- **Impact:** Creates a coalition program for cities and regions to work together on greenhouse gas emission reduction programs.

Subtitle D—Zero Emissions Vehicle Infrastructure Buildout

Sec. 431. Definitions.

- Defines terms used in Subtitle D – Zero Emissions Vehicle Infrastructure Buildout.
- **Impact:** These definitions will inform the applications of this subtitle.

Sec. 432. Electric vehicle supply equipment rebate program.

- Directs the DOE to establish a rebate program providing rebates to individuals, state, local, tribal, or territorial government, private entities, not-for-profit entities, nonprofit entities or metropolitan planning organizations for expenses associated with publicly accessible electric vehicle supply equipment.
- The total allowable appropriation for the rebate program is \$100 million per year for each fiscal year from 2022 through 2031.
- **Impact:** Creates new funding for rebates for electric vehicle equipment.

Sec. 433. Model building code for electric vehicle supply equipment.

- Directs DOE to review model building codes for integrating electric vehicle supply equipment into residential and commercial buildings and integrating on-site renewable power equipment and electric storage equipment.
- Directs DOE to provide technical assistance to stakeholders to facilitate understanding of the model code and best practices for adoption.
- **Impact:** DOE will now evaluate model building codes in consideration of electric vehicle supply equipment and renewable power and electric storage equipment.

Sec. 434. Electric vehicle supply equipment coordination.

- Directs the secretary of energy to convene a group to assess the development of standards necessary to support expanded deployment of electric vehicle supply equipment, develop an electric vehicle charging network to provide reliable charging for electric vehicles nationwide, and ensure that development of the electric vehicle charging network will not destabilize the power electric grid.
- The secretary of energy is required to provide a report to Congress regarding the results of the assessment.
- **Impact:** Ensures that development of the electric vehicle supply network will not compromise the reliability of the electric grid.

Sec. 435. State consideration of electric vehicle charging.

- Amends the Public Utility Regulatory Policies Act of 1978 (“PURPA”) to require states to consider measures to promote greater electrification of the transportation sector.
- Applicable considerations include: authorizing measures encouraging deployment of electric vehicle charging equipment; allowing electric utilities to recover from ratepayer investments associated with integration of the electric vehicle supply equipment into the grid; and exempting entities selling electricity to the public solely through electric vehicle chargers from regulation as an electric utility.
- **Impact:** Incentivizes utilities to support deployment of electric vehicle charging equipment.

Sec. 436. State energy plans.

- Amends the Energy Policy and Conservation Act to authorize \$100 million every fiscal year for the years 2022–2031 for the development of State Energy Conservation Plans.
- Additionally authorizes \$25 million each year for fiscal years 2022–2031 for the purpose of carrying out State Energy Transportation Plans.
- Authorizes the secretary of energy to provide financial assistance to states to develop a state energy transportation plan for inclusion in its state energy conservation plan to promote electrification of transportation systems, reduced consumption of fossil fuels and improved air quality.
- **Impact:** Creates new funding for the development of State Energy Conservation Plans and State Energy Transportation Plans.

Sec. 437. Transportation electrification.

- Amends Section 131 of the Energy Independence and Security Act of 2007 to include projects related to transportation electrification, including electric vehicle charging equipment and ground support equipment at ports.
- Increases appropriation from \$90 million to \$2 billion every year for each fiscal year from 2022 to 2031 for grants to state and local governments and private entities.
- Increases appropriation from \$95 million to \$2.5 billion for large-scale projects to electrify the transportation sector.
- **Impact:** Substantially increases the amount of grant funding available for large-scale electrification projects and grants to state, local and private entities for investments in electric vehicle supplies.

Sec. 438. Federal fleets.

- Amends Section 303 of the Energy Policy Act of 1992.
- Directs the DOE to consult with the GSA to ensure that in acquiring medium- and heavy-duty zero emissions vehicles are acquired to the extent feasible for a federal fleet.
- Creates targets for percentage of the federal fleet to be comprised of zero emissions vehicles.
- **Impact:** This will require federal vehicle fleets to be increasingly composed of zero emissions vehicles.

Sec. 440A. Expanding access to electric vehicles in underserved and disadvantaged communities.

- Directs DOE, within one year of enactment, to conduct an assessment addressing deployment of electric vehicle charging infrastructure in underserved or disadvantaged communities.
- Directs DOE to update the initial assessment within five years after enactment.

- **Impacts:** Requires the secretary of energy to ensure that electric vehicle charging infrastructure is developed and deployed in underserved and disadvantaged communities.

Sec. 440B. Electric Vehicle Charging Equity Program.

- Directs the secretary of energy to establish, within 90 days of enactment, the EV Charging Equity Program to increase deployment and accessibility of electric vehicle charging infrastructure in underserved or disadvantaged communities.
- This grant program appropriates \$96 million for awards to eligible entities to carry out the purposes of the equity program.
- **Impact:** Creates new grant funding to ensure that electric vehicle charging integration is carried out in an equitable way.

Sec. 440C. Ensuring program benefits for underserved and disadvantaged communities.

- In administering a relevant program, this section directs the secretary of energy to invest and direct resources in a manner that: promotes electric vehicle charging resources, supports clean and multi-modal transportation, provides improved air quality and emissions reductions, and prioritizes the needs of underserved or disadvantaged communities.
- **Impact:** Specifies the priorities that the secretary of energy is to consider when administering programs in this section.

Sec. 440D. Definitions.

- Defines terms that are used in this subtitle.
- **Impact:** These definitions will inform the application of the programs described in this subtitle.

Sec. 440E. Definitions.

- An “eligible entity” for grant funding is defined as: a college or university, a nonprofit entity, an electric cooperative, a political subdivision of a state, a tribally owned electric utility or an agency, authority, corporation, or instrumentality of an Indian tribe, an investor-owned utility or a private entity
- **Impact:** Definitions will inform the eligibility for grant funding.

Sec. 440F. Electric Vehicle Charging Station Mapping Program.

- Directs DOE, within 180 days of enactment, to establish a program identifying where electric vehicle charging stations will be needed to meet current and future needs of electric vehicle drivers in the five-year period following receipt of the grant.
- Determination of electric vehicle charging station needs will be made by eligible entities receiving grant funding from the Department of Energy for that purpose.
- **Impact:** Creates a grant program for eligible entities to determine future needs for electric vehicle charging infrastructure.

Sec. 440G. Authorization of appropriations.

- \$2 million each year for fiscal years 2022 to 2027 is allocated for funding the Electric Vehicle Charging Station Mapping Program.
- **Impact:** Creates a new appropriation for development of the Electric Vehicle Charging Station Mapping Program.

Subtitle E—Promoting Domestic Advanced Vehicle Manufacturing

Sec. 441. Domestic Manufacturing Conversion Grant Program.

- Amends Subtitle B of title VII of the Energy Policy Act of 2005 to include “plug-in electric” vehicles.
- Directs the secretary of energy to accelerate domestic manufacturing toward the improvement of batteries, power electronics and other technologies for the use of plug-in electric vehicles.
- Prioritizes grant funding for the refurbishment or retooling of manufacturing facilities that have recently ceased operation or would otherwise cease operation in the near future.
- Appropriates \$2.5 billion per year for each fiscal year for the years 2022 through 2031.
- **Impact:** Extends grant funding to aid conversion of shuttered or struggling manufacturing facilities to transition to manufacturing technology related to electric vehicles.

Sec. 442. Advanced technology vehicles manufacturing incentive program.

- Amends Section 136 of the Energy Independence and Security Act of 2007.
- Modifies the definition of “Advanced Technology Vehicle” in the EISA to include ultra-efficient and other low-emissions vehicles complying with model year 2027 or later regulatory standards for light-duty and medium-duty vehicles, and 2030 standards for heavy-duty vehicles.

- Includes the definition of “Ultra-Efficient Component” to include a component of an ultra-efficient vehicle.
- Expands facility fund awards to advanced vehicle manufacturers and component suppliers.
- Creates a priority system for the secretary of energy to utilize in awarding loans or grant funding to manufacturers and suppliers.
- Includes appropriation of \$10 million per year for each fiscal year 2022 through 2031 to carry out the purposes of the section.
- **Impact:** Expands the existing Vehicle Manufacturing Incentive Program to include low-emissions vehicle manufacturers and ultra-efficient component suppliers.

TITLE VI—ENVIRONMENTAL JUSTICE

Subtitle A—Empowering Community Voices

Section 601. Definitions.

- Defines terms used in Title V-Environmental Justice, Subtitle A-Empowering Community Voices.
- **Impact:** These definitions will inform the application of this subtitle.

Section 602. Environmental Justice Community Technical Assistance Grants.

- Amends Title II of the Clean Air Act by adding a new section authorizing the Environmental Protection Agency to award grants to eligible entities to allow them to participate in decisions impacting the health and safety of their communities in connection with an actual or potential release of a hazardous air pollutant.
- Directs the Environmental Protection Agency to publish guidance describing the grant process and its requirements.
- Defines “eligible entity” to mean a population or community of color, an indigenous community or a low-income community that is in close proximity to the actual or potential release of a hazardous air pollutant.
- **Impact:** This section will empower historically marginalized communities to participate in decisions impacting their health and safety.

Section 603. Interagency Federal Working Group on Environmental Justice.

- Directs the Environmental Protection Agency to convene a Working Group on Environmental Justice that includes representatives from at least 20 federal agencies in order to provide guidance to federal agencies on identifying and creating strategies to alleviate disproportionate impacts of pollution on historically marginalized communities.
- **Impact:** This section codifies the interagency working group established under Executive Order 12898 on environmental justice.

Section 604. Federal agency actions to address environmental justice.

- Requires federal agencies to make achieving environmental justice part of the mission of the federal agency.
- Requires federal agencies to periodically submit to Congress and the Working Group a description of the federal agency’s efforts relating to environmental justice.
- **Impact:** This section codifies requirements established under Executive Order 12898 relating to federal agencies efforts to promote environmental justice.

Section 605. National Environmental Justice Advisory Council.

- Establishes the Advisory Council to provide advice to the Environmental Protection Agency on matters concerning environmental justice.
- Identifies the membership, duties and procedures of the Advisory Council.
- **Impact:** This section codifies the prior establishment of the National Environmental Justice Advisory Council within the Federal Advisory Committee Act.

Section 606. Reducing disproportionate impacts of pollution on Environmental Justice Communities.

- Amends the Clean Air Act to state that after the date of the enactment, no permit shall be granted for a proposed major source that would be located in an “overburdened census tract” and defines that phrase.
- Requires the EPA to publish in the *Federal Register* a list of overburdened census tracts and to update the list each year.
- **Impact:** This section will prohibit new major sources of air pollution from being located in certain areas with severe pollution.

Section 607. Ensuring environmental justice in the disposal of hazardous waste.

- Amends the Solid Waste Disposal Act to prohibit the EPA from authorizing a state to administer and enforce a hazardous waste program unless EPA determines that the state program does not create or exacerbate disproportionately high or adverse health or environmental effects on historically marginalized communities.
- **Impact:** This section will require states to demonstrate to the EPA that their hazardous waste programs will not create or exacerbate disproportionately high or adverse health or environmental effects on historically marginalized communities.

Section 608. Hazardous release community notification.

- Amends the Emergency Planning and Community Right-To-Know Act of 1986 to require owners or operators of covered facilities to provide notice and hold a public hearing within three days after a release that requires notification and hold annual public meetings to provide information to local communities.
- **Impact:** This section creates additional obligations on owners and operators of covered facilities to provide information about the actual or potential release of harmful chemicals to local communities.

Section 609. Environmental Justice Grant Programs

- Directs the EPA to continue to carry the Environmental Justice Small Grants Program and the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program as they exist today.
- Authorizes appropriations in the amount of \$50 million for each of fiscal years 2022 through 2031.
- **Impact:** This section statutorily authorizes environmental justice grant programs currently implemented by the Environmental Protection Agency.

Section 610. Environmental Justice Community Solid Waste Disposal Technical Assistance Grants.

- Amends the Solid Waste Disposal Act to allow the EPA to award grants to eligible entities to enable such entities to participate in decisions impacting the health and safety of their communities relating to the permitting or permit renewal of a solid waste disposal facility or hazardous waste facility.
- Directs the EPA to publish guidance describing the grant process and its requirements.
- **Impact:** This section will empower historically marginalized communities to participate in decisions impacting their health and safety.

Section 611. Training of employees of federal agencies.

- Requires each employee of the DOE, EPA, Interior and NOAA to complete an environmental justice training program.
- **Impact:** This section will require existing and new employees of certain federal agencies to undergo additional training on environmental justice issues.

Section 612. Environmental Justice Basic Training Program.

- Directs the EPA to establish a basic training program to help residents of environmental justice communities to identify and address disproportionately adverse human health or environmental effects in their communities.
- Authorizes appropriations in the amount of \$10 million for each of fiscal years 2022 through 2031.
- **Impact:** This section will help promote education in environmental justice communities relating to the environmental issues facing those communities.

Section 613. Environmental Justice Clearinghouse.

- Directs the EPA to establish a public internet-based clearinghouse, to be known as the Environmental Justice Clearinghouse, that includes materials related to environmental justice.
- **Impact:** This section will make information relating to environmental justice issues widely available to the public in one central location.

Section 614. Public meetings.

- Directs the EPA to hold biennial public meetings on environmental justice issues in each region of the EPA in order to gather public input on the EPA's implementation of environmental justice strategies.
- **Impact:** This section will encourage greater public participation in relation to the EPA's current and future actions pertaining to environmental justice issues.

Section 615. Environmental Justice Community, State and Tribal Grant Programs.

- Directs the EPA to establish a program to provide grants to eligible nonprofit, community-based organizations for use to create collaborative partnerships, to educate the community, to identify community projects to address environmental or public health concerns, and to develop an understanding of environmental or public health issues.
- Authorizes appropriations in the amount of \$25 million for each of fiscal years 2022 through 2031 for the above grant program.

- Directs the EPA to establish a program to provide grants to states to enable states to address issues relating to environmental justice and describes the eligibility requirements for the state grant program.
- Authorizes appropriations in the amount of \$15 million for each of fiscal years 2022 through 2031 for the above state grant program.
- Directs the EPA to establish a program to provide grants to tribal governments to enable Indian tribes to address issues relating to environmental justice and describes the eligibility requirements for the tribal grant program.
- Authorizes appropriations in the amount of \$25 million for each of fiscal years 2022 through 2031 for the above tribal grant program.
- Directs the EPA to establish a program to provide not more than 25 multiyear grants to eligible entities to address issues relating to environmental justice and describes the eligibility requirements for this grant program.
- Authorizes appropriations in the amount of \$10 million for each of fiscal years 2022 through 2031 for the above program.
- **Impact:** This section will provide funding for nonprofit organizations, states, Indian tribes and other entities to address environmental justice issues in their communities.

Section 616. Public health risks associated with cumulative environmental stressors.

- Directs the EPA, in consultation with the Advisory Council, to publish and implement a protocol for assessing and addressing the cumulative public health risks associated with climate change, extreme weather events, food shortages, the spread of infectious diseases, pollutants subject to regulation under federal environmental statutes and any other environmental stressors determined by the EPA to impact public health.
- **Impact:** The EPA will create a framework for evaluating cumulative public health risks associated with multiple environmental stressors.

Section 617. Climate Justice Grant Program.

- Directs the EPA to establish a grant program to assist eligible entities to address climate justice issues and describes the eligibility requirements for this grant program.
- Authorizes appropriations in the amount of \$1 billion for each of fiscal years 2022 through 2031.
- **Impact:** This section will provide \$1 billion in funding to local governments, tribal governments and nonprofit community-based organizations to address the impacts of climate change.

Section 618. Office of Energy Equity.

- Amends Title II of the Department of Energy Organization Act to establish the Office of Energy Equity within DOE.
- Describes the mission of the Office of Energy Equity, which includes promoting an agencywide environmental justice strategy, reducing or stabilizing energy costs within underserved or disadvantaged communities, and increase the availability of energy conservation measures within those communities.
- Authorizes appropriations in the amount of \$20 million for each of fiscal years 2022 through 2031.
- **Impact:** This section creates a new office within the Department of Energy with a focus on energy issues in underserved or disadvantaged communities.

Subtitle B—Restoring Regulatory Protections

Section 621. Enhancing underground injection controls for enhanced oil recovery.

- Amends the Safe Drinking Water Act to create a new class of disposal wells for enhanced oil recovery that includes sequestration of carbon dioxide.
- Allows for the transition of existing Class II wells to the new class of disposal wells.
- **Impact:** The streamlining of enhanced oil recovery for carbon capture and sequestration permitting has long been identified as a regulatory roadblock to more widespread use of CCUS in the oil and gas sector and represents a potentially significant change in the regulatory framework.

Section 622. Ensuring safe disposal of coal ash.

- Amends the Solid Waste Disposal Act to place further requirements on the handling of coal combustion residuals, including additional financial assurance requirements.
- **Impact:** This section will require enhanced protections for communities from unsafe disposal of coal ash.

Section 623. Safe hydration is an American right in energy development.

- Amends the Safe Water Drinking Act to require monitoring and testing of certain groundwater aquifers prior to certain hydraulic fracturing activities and make the results accessible through a publicly available database.
- **Impact:** These amendments impose additional monitoring and reporting requirements for oil and gas operators who conduct hydraulic fracturing activities.

Section 624. Addressing hazardous air pollution from oil and gas sources.

- Amends the Clean Air Act by eliminating a provision that excludes emissions from upstream facilities from being aggregated with emissions from midstream facilities for purposes of determining Clean Air Act permitting obligations, including major source status.
- This section also adds hydrogen sulfide to the list of air pollutants subject to the Clean Air Act hazardous air pollutant program.
- **Impact:** These amendments could have substantial impacts on air permitting and potentially future development given the inherent connection between upstream and downstream exploration and production facilities.

Section 625. Closing loopholes and ending arbitrary and needless evasion of regulations.

- Amends the Solid Waste Disposal Act to eliminate what has traditionally been called the “E&P Waste Exemption,” which exempted certain oil and gas production waste from federal regulation under the hazardous waste program. The amendment would also require revisions to the regulations governing solid waste specifically addressed to non-hazardous wastes associated with oil and gas production.
- **Impact:** The amendments eliminating the E&P Waste exemption will have significant ramifications for the management and disposal of exploration and production-related waste.

Subtitle C—Infrastructure to Protect Communities

Sec. 631. Climate impacts financial assurance and user fees.

- Narrows liability protections for Superfund payments by making explicit that any act that may have a plausible causal connection to climate change and its effects cannot be considered an “act of God.”
- Allows the EPA to identify certain classes of facilities required to maintain evidence of financial responsibility for climate change risks.
- Makes facilities susceptible to any claim asserted directly against it for any release or threatened release from the facility caused by climate change and extreme weather.
- Empowers EPA to adjust the level of financial responsibility depending on a variety of factors including the level of payments from the Hazardous Substances Trust Fund and voluntary claims satisfaction. Facilities would have the option to instead pay a user fee into the Hazardous Substances Trust Fund in lieu of maintaining financial responsibility.
- **Impact:** This section explicitly expands Superfund financial liability for risks associated with climate change.

Sec. 632. Brownfields funding.

- This section increases appropriations for brownfield funds to \$350 million in 2022, with annual \$50 million increases until 2026. The funding would continue at the \$550 million level through fiscal year 2031.
- This section also increases appropriations for State Response Programs to \$70 million in 2022, with annual \$10 million increases until 2026. The funding would continue at the \$110 million level through fiscal year 2031.
- **Impact:** Increases investments in brownfields cleanups.

Sec. 633. Drinking water SRF funding.

- Provides funding for State Revolving Loan Funds through fiscal year 2031. Funding starts at \$4.1 billion for fiscal year 2022, with annual increases until fiscal year 2024 where it tops out at \$5.5 billion.
- Extends appropriation authorization of the Indian Reservation Drinking Water Program through fiscal year 2031, maintaining funding at the current \$20 million level.
- Extends appropriation authorization for the Voluntary School and Child Care Program Lead Testing Grant Program through fiscal year 2031 at the current \$25 million level.
- Extends the Drinking Water Fountain Replacement for Schools program through fiscal year 2031 at the current \$5 million funding level.
- Extends funding for states to carry public water system supervision programs through fiscal year 2031 at the current \$125 million level.
- Requires any construction or repairs funded through the State Revolving Loan Funds to use iron and steel products produced in the United States.

- **Impact:** Funds existing drinking water programs for an additional 10 years.

Sec. 634. Drinking water system resilience funding.

- Authorizes funding for Community Water System Resilience assessments through fiscal year 2031 at \$50 million per year.
- **Impact:** Extends the water system resilience program funding for an additional 10 years.

Sec. 635. PFAS treatment grants.

- Establishes a program to award grants to affected community water systems to pay for capital costs associated with the implementation of eligible treatment technologies.
- Community water systems applying for a grant must show 1) presence of PFAS in the water system, and 2) certification that the current treatment technology is not sufficient to remove all detectable amounts of PFAS.
- Authorizes the EPA to maintain a published list of treatment technologies that are effective at removing all detectable amounts of PFAS from drinking water.
- Authorizes \$500 million for each fiscal year from 2022 through 2031 to carry out the program.
- **Impact:** Provides \$500 million in annual funding for PFAS treatment upgrades at community water systems.

Sec. 636. National Priorities List cleanup.

- Authorizes the EPA to create a list of federal sites and facilities vulnerable to climate change for inclusion in the National Priorities List, based on information provided by the Office of Solid Waste and Emergency Response.
- The president will direct the appropriate federal agencies to take responsive actions at each site and facility.
- Requires responsive actions to be completed within 10 years of the date of enactment, regardless of when the action is first undertaken.
- **Impact:** Expands the National Priorities List to include federal sites and facilities impacted by climate change and provides a timeline for responsive action.

Sec. 637. Lead service line replacement.

- Creates new authority for states to use State Revolving Loan Funds to fund replacement of lead service lines. Requires use of American-produced iron and steel and to pay prevailing wages.
- Requires states that enter into a capitalization agreement for lead service line replacement to prepare an annual plan identifying intended uses of the funds and to prioritize disadvantaged communities and environmental justice communities.
- Funds may not be used for partial line replacement. All privately owned portions of lead service lines must be replaced at no cost to the private owner.
- Authorizes \$4.5 billion for lead service line replacement funding for each fiscal year through fiscal year 2031, and allows for any unused funds to be authorized in a subsequent fiscal year.
- **Impact:** Provides states with \$4.5 billion in additional funding to fully replace lead service lines.

Subtitle D—Climate Public Health Protection

Sec. 641. Sense of Congress on public health and climate change.

- Establishes a “sense of Congress” that climate change negatively impacts public health, particularly for low-income communities and communities of color.
- **Impact:** Prioritizes public health and climate-related concerns for underserved communities

Sec. 642. Relationship to other laws.

- Clarifies that nothing in this subtitle limits the authorities or responsibilities conferred on any federal agency or department under any other law or regulation.
- **Impact:** Clarifies scope of the provision.

Sec. 643. National strategic action plan and program.

- Calls on the Department of Health and Human Services to develop a national strategic action plan to prepare for the public health impacts of climate change, including an assessment of the health system’s capacity to address the impacts of climate change.
- Requires an action plan to be published within two years of enactment and involve consultation with officials from the CDC, EPA, NIH, Commerce, NASA, IHS, DOD, State Department, Veterans Affairs, DOE, the National Science Foundation and other federal agencies, Indian tribes, state and local governments, territories, public health organizations, scientists, representatives of at-risk populations and other interested stakeholders.

- Also calls on CDC to establish a climate and health program to track, compile and disseminate information on the health consequences of climate change, including the identification of high-risk locations and populations.
- **Impact:** Increases the body of knowledge available on the public health impacts of climate change, particularly as it affects minorities and low-income communities. Directs the development of a national strategic action plan and climate and health program to address these public health impacts and disseminate knowledge on the subject.

Sec. 644. Advisory board.

- Establishes a science advisory board to provide advice to the Department of Health and Human Services related to the impacts of climate change on public health.
- **Impact:** Establishes a science advisory board to evaluate and provide advice on the public health impacts of climate change.

Sec. 645. Climate change health protection and promotion reports.

- Directs coordination between HHS and the National Academies to prepare periodic reports on the health impacts of climate change, including examinations of scientific developments and recommendations on changes to the national strategic action plan and the climate and health program.
- **Impact:** Provides for periodic updates to the national strategic plan.

Subtitle E—Public Health Air Quality Infrastructure

Sec. 651. Health emergency air toxics monitoring.

- Directs EPA to implement fence-line hazardous air pollutant monitoring at stationary facilities and publish the results of such monitoring on the agency's website for at least five years.
- Priority stationary sources will include (1) the 25 high-priorities facilities identified in the agency's Office of Inspector General Report issued on March 31, 2020, and (2) at least 25 other major sources or synthetic area sources, but only if these sources emit at least one listed pollutant (ethylene oxide, chloroprene, benzene, 1,3-butadiene, or formaldehyde), are located within three miles of a census tract with specified cancer risks or non-cancer risks, are classified as NAICS 322, 324, 325, or is a source required to implement a risk management plan under the Clean Air Act that has had an accidental release within the previous three years.
- Authorizes \$73 million for FY2022, to remain available until expended.
- **Impact:** Substantially increases funding available for hazardous air pollutant monitoring, particularly in areas near vulnerable populations.

Sec. 652. Community Air Toxics Monitoring.

- Directs EPA to promulgate regulations within one year of enactment requiring that, in evaluating compliance with national emission standards, the best available technology be utilized to conduct fence-line monitoring and continuous emissions monitoring from chemical, petrochemical and other sources of fugitive toxic air pollution for use.
- Requires that the EPA establish corrective action levels at the fence-line for hazardous air pollutants that drive cancer, chronic non-cancer, or acute risk, using a precautionary approach to protect human health.
- Authorizes \$17.5 million for FY2022, to remain available until expended.
- **Impact:** Substantially increases funding available for hazardous air pollutant monitoring, particularly in areas near vulnerable populations. Increases focus on continuous fence-line monitoring.

Sec. 653. Criteria Pollutants/NAAQS Monitoring Network.

- Directs the EPA to deploy an additional 80 NCore multipollutant monitoring stations in communities of vulnerable populations, such as those with rates of childhood asthma, chronic obstructive pulmonary disease, heart disease or cancer are higher than the national average, those living below the poverty level, or those with COVID-19 death rates at least 10% higher than the national average.
- Requires the EPA to report to Congress on the status of the national ambient air monitoring network and prepare a plan to repair non-operational monitors.
- Authorizes \$61 million for FY2022, to remain available until expended.
- **Impact:** Substantially increases funding available for hazardous air pollutant monitoring, particularly in areas near vulnerable populations.

Sec. 654. Sensor monitoring.

- Directs the EPA to install at least 1,000 new air quality sensors within six months of enactment in communities with per capita death rates from COVID-19 that are at least 10% higher than the national average.
- Authorizes \$2.5 million for FY2022, to remain available until expended.
- **Impact:** Substantially increases funding available for hazardous air pollutant monitoring, particularly in areas near vulnerable populations.

Sec. 655. Environmental Health Disparities Research Grant Programs.

- Directs the National Institutes of Health, in coordination with the National Center for Environmental Research at the EPA, to implement a grant program to establish no less than 10 research centers to study environmentally driven health disparities.
- Authorizes \$15 million per year from FY2022–2027.
- **Impact:** Establishes a grant program to increase the number of research centers dedicated to studying environmentally driven health disparities.

Sec. 656. Definitions.

- Defines terms used in this subtitle.

TITLE VII—SUPER POLLUTANTS

Subtitle A—Methane

Sec. 701. Controlling methane emissions from the oil and natural gas sector.

- Creates a national goal for the control of methane emissions from the oil and natural gas sector of 65% below calendar year 2012 emissions by 2025, and 90% below calendar year 2012 emissions by 2030.
- Authorizes EPA to issue regulations to meet methane emissions goals under Sec. 111 of the Clean Air Act touching every segment of oil and natural gas systems, including oil and natural gas production, processing, transmission, distribution and storage.
- Requires EPA to issue regulations by Dec. 31, 2022, to establish a national methane goal for 2025 and issue compliance plans for states that fail to meet the methane goals.
- Requires EPA to issue regulations by Dec. 31, 2023, to establish a national methane goal for 2030 and establish source performance standards for new and existing natural gas transmission and distribution pipelines, LNG equipment, and offshore petroleum and natural gas production facilities.

Sec. 702. Controlling flaring.

- Authorizes EPA to prohibit routine flaring from new sources under Sec. 111(b) of the Clean Air Act, as well as require existing sources to reduce routine flaring emissions by 80% from 2017 levels by 2025 and 100% from 2017 levels by 2028.
- Requires EPA to propose regulations by Dec. 31, 2021, and finalize rules no later than Dec. 31, 2022.
- **Impact:** Provides EPA explicit authority to regulate GHG emissions from routine flaring from new and existing sources.

Sec. 703. Emerging oil and natural gas greenhouse gas emission-reduction technologies program.

- Directs the DOE to create a technology commercialization program to reduce greenhouse gas emissions from the oil and natural gas sector, with a focus on decarbonizing natural gas used in electrification.
- Authorizes \$10 million to carry out this program.
- **Impact:** Provides for a program to assist in GHG emission reductions from oil and gas, with a focus on natural gas used for electrification.

Sec. 704. Improving the natural gas distribution system.

- Provides grants to states to offset costs to low-income communities as a result of improvements to the natural gas distribution system.
- Authorizes \$250 million for this grant program.
- **Impact:** Seeks to offset energy costs as states improve natural gas systems.

Sec. 705. Grants for composting and anaerobic digestion food waste-to-energy projects.

- Amends the Solid Waste Disposal Act to provide for grants to states and tribal governments to construct large-scale composting or anaerobic digestion food waste-to-energy projects.
- Authorizes \$100 million through fiscal years 2022–2031.
- **Impact:** Provides for food waste-to-energy grants to states and tribal governments.

Subtitle B—Black Carbon

Sec. 711. Definitions.

- Defines “black carbon” as primary light-absorbing aerosols further defined by EPA based on the best available science.

Sec. 712. Reduction of black carbon emissions.

- Requires EPA to submit to Congress a report regarding black carbon emissions within six months of enactment as an update to the report entitled “Report to Congress on Black Carbon” (March 2012).
- Based on updated information, requires the EPA determine within a year whether a regulation is necessary to reduce emissions of black carbon by 70% relative to 2013 levels by 2025 and includes provisions allowing for participation from indigenous populations in the Arctic.
- Also provides for the secretary of state to provide a report on international avenues to reduce black carbon emissions.
- **Impact:** Authorizes EPA to regulate black carbon emissions and include input from indigenous communities in the Arctic in the rulemaking process.

TITLE VIII—ECONOMYWIDE POLICIES

Subtitle A—State Climate Plans

Sec. 801. State Climate Plans.

- Creates a new title to the Clean Air Act entitled “Title VII – State Climate Plans.”
- Aids states through the use of additional grant funding to reduce emissions and help accomplish the transition to a net-zero economy.
- The approach utilized in this section is flexible in that it does not mandate specific policies implemented in every state, but does provide EPA the authority to set minimum standards and issue designed model control strategies.
- The Backstop Carbon Fee may impact industry clients that continue to emit at high levels in states that fail to comply with the requirements of this section.
- The State Climate Plans Title VII amendment to the Clean Air Act is summarized below:

Sec. 701. Definitions.

- Defines terms used in the Title VII addition to the Clean Air Act.
- **Impact:** Will inform the implementation of State Climate Plans title of the Clean Air Act.

Sec. 702. Inventories.

- Requires each state to submit a comprehensive inventory of covered emissions in the state including sinks and negative emissions to the EPA.
- **Impact:** Requires states to collect applicable data and submit to the EPA.

Sec. 703. Grants for Plan Development.

- Authorizes \$200 million for the EPA to make grants to air pollution control agencies to assist with the costs of developing a state climate plan.
- **Impact:** Creates \$200 million in new grant funding for states to develop State Climate Plans.

Sec. 704. Climate Plan Planning Periods.

- Requires states to adopt a climate plan that provides for achieving the national climate standard, the 2030 carbon dioxide standard, the 2040 carbon dioxide standard and the 2040 methane standard.
- Plans must be submitted to the EPA.
- **Impact:** Creates a rolling schedule for states to develop and submit progressively stringent climate plans.

Sec. 705. Regulations.

- Directs the EPA to establish several model control strategies that states can implement for their own climate plans.
- **Impact:** EPA model control strategies may ease some of the burdens on the state level with developing novel climate plans.

Sec. 706. State climate plan contents.

- Creates requirements for state climate plans under this section including: enforceable emissions limitations, establishment of methods and devices necessary to monitor emissions, creation of

enforcement measures for the emissions limits, assurances that state or local governments will have adequate funding to carry out the climate plan, a just and equitable transition element, and contingency measures.

- **Impacts:** States will have to comply with the requirements for state climate plans under this section.

Sec. 707. EPA action on plan submissions.

- Authorizes the EPA administrator to approve, disapprove or call for revisions on submitted climate plans.
- Directs the EPA to promulgate minimum criteria for any state climate plan or plan revision.
- **Impact:** Provides for EPA to set minimum standards and issue approvals of state climate plans based on those standards.

Sec. 708. Metropolitan planning and transportation consequences.

- Places limits on federal assistance for activities that do not comply with the state's approved climate plan.
- Subsections 176(c) and (d) of the Clean Air Act apply to climate plans as they would be implementation plans under section 110 of the Clean Air Act.
- **Impact:** Applies the limitations on federal assistance for nonconformance with implementation plans elsewhere in the Clean Air Act to nonconformance with state climate plans here.

Sec. 709. Joint Planning.

- Two or more states may jointly submit climate plans or portions of climate plans.
- **Impact:** Allows interstate collaboration in the creation of climate plans. This seems especially pertinent for states with metro areas that cross state lines and member states of groups such as the Regional Greenhouse Gas Initiative (RGGI).

Sec. 710. Maintenance plans.

- Creates requirements for state climate plans once the state has achieved the national climate standard.
- **Impact:** Requires state climate plans to maintain the national climate standard.

Sec. 711. Achievement of standards.

- Creates the EPA standard to determine whether a state has met the applicable climate plan requirement.
- **Impact:** Describes the considerations in determining whether the state has achieved an applicable standard.

Sec. 712. Notice of failure to achieve a standard.

- Requires the EPA to publish a *Federal Register* notice if a determination is made that a state has failed to achieve a standard established under Title VII.
- **Impact:** Creates a mechanism for public notification of a state's failure to achieve carbon emissions standards.

Sec. 713. Consequences for failure to achieve standards.

- Creates consequences and revision requirements until a state is able to come into compliance with the applicable emissions standard.
- **Impacts:** States that fail to achieve the set of emissions standards will face additional reporting and compliance requirements until the standard is met.

Sec. 714. Race to Net-Zero Grant Program.

- Directs EPA to establish the Race to Net-Zero Grant Program.
- Sources that pay a carbon fee pursuant to Sec. 715 may apply to receive grant funds to achieve emissions standards.
- These include implementation of zero-emissions transportation technology, electrification of residential and commercial energy sources, emissions reductions from industrial sources, and reduction, capture and use of landfill gas.
- Directs EPA to promulgate guidelines and criteria for grant program implementation.
- **Impact:** States that submit carbon fees would be eligible to receive grant funding in order to implement carbon-reducing technologies.

Sec. 715. Federal backstop carbon fee.

- Creates a carbon fee assessed on specified sources of covered emissions in states that do not submit a climate plan or applicable revisions approved by the EPA.

- The fee is determined by incorporating the amount of emissions attributable to the terminal used for bulk storage of fuels, distributor of fuels or source of covered emissions multiplied by the dollar amount modeling shows will reduce covered emissions in the state so as to put the state on track to achieve the standards of this title.
- **Impact:** Creates a new fee that may be assessed on certain emitters in states that do not comply with the state climate plan requirements.

Sec. 716. Rule of construction.

- Specifies that nothing in this title affects the obligations of the EPA and the states under other titles of the Clean Air Act to reduce greenhouse gas emissions that contribute to air pollution that may reasonably be anticipated to endanger public health or welfare in the United States or other nations.
- **Impact:** Clarifies interplay between this section and other aspects of the Clean Air Act.

Subtitle B—Clean Energy and Sustainability Accelerator

Sec. 811. Clean Energy and Sustainability Accelerator.

- Establishes the Clean Energy and Sustainability Accelerator, a nonprofit entity charged with the mission to make the United States a world leader in combating the causes and effects of climate change.
- Requires the nonprofit to provide financial support for investments in low- and zero-emission technology, provide financial support to help communities afford low-emission projects, and also provide support to workers impacted by the transition to a low-carbon economy.
- Authorizes \$50 billion in startup funding to the accelerator, with annual \$10 billion infusions for five fiscal years, for a total of \$100 billion.
- **Impact:** Provides public and private funds to finance clean energy technology development.

Subtitle C—Clean Energy Workforce

Sec. 821. Name of Office.

- Renames the “Office of Minority Economic Impact” to the “Office of Impact, Diversity, and Employment.”
- Amends Title II of the Department of Energy Organization Act.
- **Impact:** The office formerly known as the “Office of Minority Economic Impact” will now be named the “Office of Impact, Diversity, and Employment.”

Sec. 822. Energy workforce development programs.

- Amends section 211 of the Department of Energy Organization Act, directing the DOE to carry out programs described in sections 824 and 825 in the CLEAN Future Act.
- Action goes through the director of the Office of Impact, Diversity, and Employment.
- **Impact:** Authorizes the director of the Office of Impact, Diversity, and Employment within DOE to carry out workforce development programs.

Sec. 823. Authorization.

- Authorizes \$100 million for FY 2022-2031 for DOE to carry out this program.

Sec. 824. Energy Workforce Development.

- Establishes a nationwide program to improve education and training for jobs in energy-related industries to increase the number of trained workers in collaboration with the secretaries of education, commerce and labor, and National Science Foundation.
- Provides support for development through financial and technical assistance to educational institutes or organizations serving unemployed energy workers, and offering fellowship programs or apprenticeships at DOE.
- Creates a clearinghouse to develop, maintain and update state resources on training programs for energy-related jobs and provide educational resources for covered organizations developing programs for such jobs.
- The program will develop guidelines for educational institutions helping to provide students skills needed for energy-related industries, including energy efficiency, renewable energy, community energy resiliency, fuel cell and hydrogen energy, the advanced automotive technology industry, manufacturing, chemical manufacturing and construction, the utility industry, alternative fuels, the pipeline industry, nuclear, coal, and oil and gas.
- Develops guidelines that are grade-specific for elementary schools to teach energy efficiency and conservation promoted through STEM education.
- Authorizes \$20 million per year for FY 2022–2031.

- **Impact:** The program developed will provide support needed to improve education and training for energy-related jobs and increase skilled workers in these industries, as well as developing guidelines and a clearinghouse centered on energy-related resources, all created in collaboration with relevant stakeholders.

Sec. 825. Energy Workforce Grant Program.

- Establishes a grant program that provides funds to eligible entities in order to pay wages or stipends of workers during the time they are receiving training to work in energy-related industries.
- Prioritizes that funds go to eligible entities that train individuals from underrepresented communities, unemployed energy workers, veterans or those transferring from the fossil energy sector.
- Authorizes \$70 million per year for FY 2022–2031.
- **Impact:** This grant program will provide incentive for eligible businesses in the renewable energy sector to put workers through proper training by paying the wages of these workers during that training period, prioritizing the support of workers who come from underrepresented groups.

Subtitle D—National Security

Sec. 831. Climate Change National Security Strategy.

- Establishes the responsibility of the federal government to take into account the current and future impact of climate change as a part of national security policy development.

Sec. 832. Coordination on climate change and national security.

- Establishes the Climate and National Security Working Group as a joint venture between the National Security Advisor and the director of the Office of Science and Technology.
- The Working Group and the United States Global Research Program collaborate to develop strategic approaches to identify and assess climate-related impacts on national security interests based on broad analyses using information-sharing tools and climate risk resources.
- Identifies information gaps between climate change impacts and national security, facilitates appropriate data exchange, and uses analytical modeling to enhance understanding of links between interests and best develop policy recommendations.
- **Impact:** The Working Group established by the National Security Advisor and the director of the Office of Science and Technology Policy creates an interagency collaborative effort to address the impact that current and future climate change has on national-security interests using shared research across both sectors.

Sec. 833. Federal agency implementation plans.

- Requires that federal agencies develop implementation plans to meet specific agency requirements to address climate change within national security missions.
- Plans are required to address improvement of data collection on the impact of climate change on national security.
- Plans require agencies to define climate-related risks to agency missions and threats to infrastructure, develop strategies to manage climate-related threats to national security and incorporate climate-change-related impact into executive education and training programs.
- **Impact:** Agencies will be required to strategically address climate-change-related threats to both national security and the agency mission itself by creating specific plans through improved information sharing and pursuing adaptations that take current and future climate-related impacts into account.

Subtitle E—Fairness for American Workers

Sec. 841. Worker protections.

- Requires that funds appropriated must be used for construction using only iron, steel and manufactured goods that are produced in the United States, with exceptions that the material compliance should be inconsistent with public interest, materials are not readily available or the overall cost would increase by 25%.
- Mandates that all workers employed on projects funded by the act be paid no less than local prevailing wages.
- When contracts are awarded through this act, federal agencies will be allowed to require contractors to use project labor agreements and also may be required to negotiate with the relevant labor organizations.
- **Impact:** American workers are protected through measures that mandate fair compensation for workers employed on contracts awarded through this act, as well as creating incentives to purchase materials made in the United States for projects by requirements in place to receive funding from this act.

Sec. 842. Funding for environmental justice communities.

- Requires that the president ensure that no less than 40% of funds made available through the CLEAN Future Act be used to support activities that directly benefit environmental communities.
- **Impact:** Furthers the goal of the president’s Justice40 initiative.

Subtitle F—Climate Risk Disclosures

Sec. 851. Sense of Congress.

- Expresses the sense of Congress that material climate change disclosures are necessary to accurately determine the risk posed by climate change to the financial sector.
- **Impact:** Introduces a new climate risk disclosure requirement at the Securities and Exchange Commission (SEC) based on the Climate Risk Disclosure Act, which was introduced in the 116th Congress by Sen. Elizabeth Warren (D-MA) and Rep. Sean Casten (D-IL).

Sec. 852. Disclosures relating to climate change.

- Amends the Securities Exchange Act of 1934 to require material disclosure of climate change risks.
- Outlines disclosure requirements for public companies, with additional guidance for specific industries to include finance, insurance, transportation, electric power, mining and non-renewable energy.
- **Impact:** This section would require detailed disclosures of climate risks for public companies, with more stringent disclosure regimes for companies in finance, insurance, transportation, electric power, mining and non-renewable energy.

Sec. 853. Backstop.

- Provides that if the SEC fails to issue a rulemaking on this issue within two years, then companies must follow recommendations of the Task Force on Climate-related Financial Disclosures of the Financial Stability Board, as supplemented by SEC Guidance.
- **Impact:** Ensures climate risk disclosures must occur within two years of passage, even if the SEC fails to make a rule on disclosures.

TITLE IX—WASTE REDUCTION

Subtitle A—Clean Air

Sec. 901. Definitions.

- Provides definitions for the terms “Administrator”; “covered facility”; “covered product”; “environmental justice”; “fenceline monitoring”; “frontline community”; “temporary pause period”; and “zero-emissions energy.”
- **Impact:** Defines key terms used in this subtitle.

Sec. 902. Clean air.

- Establishes a temporary pause on new permitting for facilities that produce plastics or the raw materials used to manufacture plastics, such as ethylene, propylene, polyethylene, polypropylene and polyvinyl chloride. Commissions a study to examine the existing and planned expansion of the plastics industry; the environmental justice and pollution impact of plastics production facilities; existing standard technologies and practices for the discharge and emission of pollutants from plastics production facilities; and the best available technologies and practices to reduce the environmental justice and pollution impacts of these facilities and plastic products.
- Requires the EPA to issue rules to limit greenhouse gas emissions and other air pollutants under the Clean Air Act from plastics production facilities, accounting for technological advances and the health of frontline communities. The rules will designate these facilities as a category of stationary sources under section 111(b) of the Clean Air Act; require the use of zero-emissions energy sources at these facilities; update emissions regulations for storage vessels, flaring, synthetic organic chemical manufacturing industry (SOCMI) equipment, and steam boilers at these facilities; update emissions monitoring requirements for these facilities; and limit hazardous air pollutant emissions from these facilities and benzene waste operations by reducing the threshold that qualifies as a leak.
- **Impact:** This section will place a temporary pause on new permitting of plastics production facilities and establish more stringent regulations under the Clean Air Act on greenhouse gas and hazardous air pollutant emissions from these facilities, which will impose additional costs for the industry. Environmental justice and

health concerns will be a priority in establishing these new Clean Air Act standards. Plastics producers will face increased costs to comply with the rules established in this section.

Sec. 903. Environmental justice.

- Requires any proposed permits to be issued under the Clean Air Act for plastics production facilities to be accompanied by an environmental justice assessment. This assessment must evaluate the impacts of the proposed permit on frontline communities and propose changes or alterations to the proposed permit to mitigate these impacts.
- The EPA is directed to ensure that one or more public meetings for proposed permits are held in frontline communities prior to the public comment period. Technical assistance for residents of these communities who wish to participate in the public comment period shall be provided by the EPA or expert sources chosen by community residents. Proposed permits and environmental justice assessments shall be delivered to frontline communities at the beginning of the comment period through direct means or through publications likely to be read by residents.
- Proposed permits shall not be approved unless changes are made to mitigate or eliminate environmental justice impacts with input from frontline communities. Approval shall be conditioned on providing comprehensive fence-line monitoring and response strategies.
- **Impact:** This section aims to increase input from environmental justice communities on the permitting of new plastics production facilities and mitigate the environmental justice impacts of such projects.

Subtitle B—Product Standards and Producer Responsibility

Sec. 911. Product standards and producer responsibility.

- Establishes postconsumer recycled content standards for plastic beverage containers. Manufacturers would be required to make beverage containers with at least 25% postconsumer recycled content from U.S. sources by 2025, 30% postconsumer recycled content by 2030, and 80% postconsumer recycled content by 2040. The EPA will establish standards for subsequent years.
- The EPA is directed to issue rules requiring manufacturers of covered products and beverage containers to design such products to minimize environmental and health impacts. Manufacturers would be required to standardize recycling labeling on beverage containers and other covered products such as packaging, food service products, and paper. The EPA shall conduct an annual assessment on the origins, quantity and composition of the country's plastic waste.
- Establishes a national bottle deposit program modeled after state bottle deposit programs. Provides that the refund value for returned bottles shall be no less than 10 cents. Beverage container distributors must submit an annual report to the EPA listing beverage container return data for the previous calendar year, calculated separately for glass, metal and plastic beverage containers. Distributors may form cooperatives for purposes of collecting and paying the refund value of containers and for processing containers. Distributor cooperatives must create plans to achieve a 75% recovery rate by no later than two years after enactment. Outlines requirements for the operation of beverage container redemption centers.
- **Impact:** This section aims to increase the recycling and recyclability of beverage containers and other single-use items to reduce waste and pollution. New costs will be imposed on beverage container manufacturers to meet postconsumer recycled content standards, labeling requirements and national bottle deposit program requirements.

Sec. 912. Federal procurement.

- Amends the Solid Waste Disposal Act to require agencies to review procurement policies for products containing recovered material once every five years. Requires the EPA to consult with procuring agencies to clarify responsibilities under this section. Commissions an annual report from the EPA and the General Services Administration on the quantity of federally procured products containing recovered material and the percentage of recovered material in each product.
- **Impact:** This section is intended to increase federal procurement of products containing recovered material.

Sec. 913. Task force on extended producer responsibility.

- Establishes a task force to develop recommendations for a national extended producer responsibility (EPR) system for beverage containers and other single-use items. Five million dollars is provided to carry out this section. The task force shall consist of members from states, cities and counties; Indian tribes; product and packaging manufacturers, distributors and retailers; public and private sector recycling, composting, and solid waste industries; collection and cleanup service providers; retail or service establishments; environmental,

scientific and advocacy organizations; public place, freshwater and marine litter prevention and cleanup programs; disability advocacy organizations; and other stakeholders deemed appropriate by the EPA administrator.

- The task force is directed to recommend detailed design criteria for an EPR program that covers the lifecycle of covered products and beverage containers, including financial and operational requirements for producers. Within one year of establishment, the task force shall submit a report to the EPA and Congress outlining recommendations for a national EPR program.
- Requires the EPA to establish a grant program for studies and recommendations on the design of a national EPR program. Eligible recipients include academic institutions, nonprofit and research organizations, and other organizations deemed appropriate.
- **Impact:** This sections lays the groundwork for a national EPR program. The task force is designed to gather input and build consensus from a range of parties that would be affected by such a program, which would help generate support for the task force’s recommendations.

Sec. 914. National Academy of Sciences review.

- Directs the National Academy of Sciences to study best practices for mitigating the environmental impact of single-use products, potential measures to improve the recovery and safe disposal of single-use products, the effects of existing single-use product bans in the United States and in other countries, the impacts of producing and distributing reusable replacements for single-use products, and policy recommendations for limiting or banning single-use products. The National Academy of Sciences is directed to submit its findings to the EPA and Congress within two years of entering into an agreement with the EPA.
- **Impact:** Provides for scientific study of single-use produces and submission of reports to EPA and Congress.

Subtitle C—Zero-waste Grants

Sec. 921. Definitions.

- Provides definitions for “adaptive management practice”; “Administrator”; “domestically-owned and operated”; “eligible entity”; “embodied energy”; “environmental justice community”; “living wage”; “organics recycling”; “recycle/recycling”; “reuse”; “single-use product”; “source reduction”; “source separation”; “waste prevention”; “zero-emissions vehicle”; “zero-waste”; and “zero-waste practice.”
- **Impact:** This section provides definitions for key terms in this subtitle.

Sec. 922. Grants for zero-waste products.

- Establishes a grant program within EPA to support organics recycling infrastructure, electronic waste recycling, source reduction, market development, and zero-emissions recycling and composting collection vehicles projects.
- **Impact:** This grant program aims to increase recycling and composting while reducing the amount of recyclable or compostable waste in landfills.

Sec. 923. Grants for landfill diversion.

- Establishes a grant program within the EPA to support projects relating to increasing tipping fees for waste disposal at landfills; curbside composting collection; and landfill diversion of organic waste. Eligible entities include state agencies or units of state government.
- **Impact:** This grant program aims to support state governments in reducing waste in landfills and increase composting of organic waste.

Sec. 924. Grant applications.

- Outlines criteria for applications for the grant programs in Sections 922 and 923. Priority shall be given to applicants who: have statutorily committed to zero-waste practices, for applicants who are state or local governments; demonstrate how their projects will create new jobs that provide living wages to individuals who experience barriers to employment; will use grant funds for source reduction or waste prevention in schools; will employ adaptive management practices to address or prevent environmental consequences of proposed projects; demonstrate the need for additional resources to achieve source reduction and waste reduction targets set by local governments; will use grant funds to develop innovative or new technologies or strategies for source reduction and waste prevention; demonstrate how grant funds will encourage further investment in source reduction and waste prevention activities; or will incorporate multi-stakeholder involvement in carrying out the project.
- Not less than 75% of grant funds shall be allocated to projects that serve or are located in environmental justice communities.

- **Impact:** This section outlines priorities for allocating grant funds under Sections 922 and 923. Like in other sections of the CLEAN Future Act, environmental justice, job creation, innovation and multi-stakeholder involvement are among the top priorities.

Sec. 925. Reporting.

- Grant recipients under Sections 922 and 923 must submit a report to the EPA on the results of the project and must include data requested for purposes of tracking the effectiveness of these programs.
- **Impact:** This section establishes reporting requirements necessary for the EPA to analyze the effectiveness of grant programs in this subtitle.

Sec. 926. Annual conference.

- Directs the EPA to host an annual conference from 2022 through 2030 to allow eligible entities and other relevant stakeholders to share their experiences and expertise in implementing zero-waste practices.
- **Impact:** The annual conference established in this section will provide an opportunity for grant recipients and relevant stakeholders to share experiences and best practices that will help current and potential recipients improve their zero-waste and landfill diversion projects.

Sec. 927. Authorization of appropriations

- Provides \$150 million in each of fiscal years 2022 through 2031 for the zero-waste grant program and \$250 million is provided for the landfill diversion grant program for each of fiscal years 2022 through 2030.
- **Impact:** This section provides appropriations for the programs established in this subtitle.

Subtitle D—Education and Outreach

Sec. 931. Definition of Administrator.

- Defines the term “Administrator” to mean the EPA Administrator.
- **Impact:** Provides the definition of a key term in this subtitle.

Sec. 932. Consumer Recycling Education and Outreach Grant Program.

- Establishes a grant program within the EPA for the improvement of residential and community recycling programs through public education and outreach. Eligible entities include states, units of local government, tribal governments, nonprofit organizations and public-private partnerships. To receive a grant, entities must demonstrate that funds will be used to encourage collection of recycled materials that are sold to an existing or developing market, including through the submission of business plans and financial data.
- Eligible activities include public service announcements; door-to-door education campaigns; social media and digital outreach; advertising campaigns on recycling awareness; business recycling outreach; and bin, cart and receptacle labeling and signs. Funds may not be awarded to residential recycling programs that do not provide for separate collection of solid waste from recyclables. Grant recipients must submit a report to the EPA within two years of the award describing the impacts of the project on the volume of recyclables collected, participation in the recycling program, and contamination in the recycling stream.
- The EPA is directed to create a model recycling program toolkit to support local recycling education and awareness programs, though the agency may not establish requirements for the labeling of products or regarding what materials can be accepted by a residential recycling program.
- **Impact:** This section creates a grant program to increase recycling rates and reduce contamination in the recycling stream through public education and outreach. The report required of grant recipients will help the EPA gather data to evaluate the effectiveness of the program. The restrictions imposed on the EPA in the model recycling program toolkit provision are designed not to conflict with other provisions in the CLEAN Future Act regarding recycling and labeling requirements.

Sec. 933. Electronic waste education and awareness.

- Establishes a grant program within the EPA to improve consumer education and awareness related to the disposal and recycling of batteries and other electronic waste. The EPA shall create a public database to allow consumers to locate disposal facilities for electronic waste.
- **Impact:** This section aims to increase the safe disposal and recycling of batteries and electronic waste through education and awareness campaigns. The database of disposal sites will also help increase rates of safe disposal and recycling of these materials.

Sec. 934. Authorization of appropriations.

- Provides \$15 million for each of fiscal years 2022 through 2031 to carry out this subsection. At least 10% of grant funds shall be awarded to low-income communities.

- **Impact:** Provides appropriations for the grant programs established in this subtitle. The set-aside for low-income communities reflects the emphasis placed on helping disadvantaged communities seen throughout the CLEAN Future Act.

Subtitle E—Critical Minerals

Sec. 941. Definitions.

- Defines key terms for use in this subsection.

Sec. 942. Grants for battery collection, recycling and reprocessing.

- Establishes a DOE grant program that benefits state and local governments with new or existing programs focused on the collection, recycling, re-processing and proper disposal of batteries.
- Also establishes a grant program for retailers that sell batteries to establish or improve systems for the collection, recycling and disposal of batteries.
- **Impact:** Through these grants, battery retailers as well as state and local governments would be encouraged to improve and grow programs that practice proper battery collection, recycling and disposal.

Sec. 943. Best practices for collection of batteries

- Requires the EPA to establish the best practices for state and local governments to use for battery collection.
- Practices are to be developed in coordination with state and local leaders and relevant stakeholders; battery manufacturers, retailers, waste management industries, etc.
- **Impact:** State and local governments will be equipped with the best practices to safely collect batteries using guidelines created by the EPA with input from relevant stakeholders.

Sec. 944. Voluntary labeling program.

- Requires DOE and EPA to establish a program that improves battery labeling through voluntary measures.
- Label improvements seek to educate consumers on safe battery disposal and provide relevant information to help ease the recycling process.
- **Impact:** A program focused on battery label improvement will improve consumer awareness of safe and proper battery collection and disposal practices.

Sec. 945. Task Force on Battery Producer Responsibility.

- Directs DOE and EPA to establish a task force that develops recommendations for an extended producer responsibility system for batteries.
- The task force will define criteria for the system using all aspects of battery management, including product design, collection models, and transportation of material.
- Task force recommendations for the responsibility system structure will include scope of regulation, identification of regulated entities, strategies of enforcement, relationship with state and local governments and other relevant factors.
- **Impact:** DOE and EPA will have a detailed framework of what an extended producer responsibility system for batteries would look like based on the findings of this task force.

Sec. 946. Task Force on Wind and Solar Recycling.

- Directs DOE and EPA to establish a task force to improve the recycling and reuse of wind and solar energy technologies.
- The task force will propose strategies that reduce waste from wind and solar energy technologies at the end of their lifetimes, prevent this waste from going to landfills, and reduce demand for raw materials to be used for wind and solar technologies.
- Policy recommendations will consider cost, environmental impact and other relevant metrics to the strategies considered.
- **Impact:** A task force established by DOE and EPA will recommend strategies and policies that aim to improve the recovery, recycling and reuse of solar and wind energy technologies, and reduce waste at the end of their useful lifetimes.

Sec. 947. Studies on disposal and recycling.

- Directs DOE to conduct a study on reducing disposal of electronic waste in landfills and strategies on preventing such disposal.
- Directs DOE to conduct a study on the proposed design of a deposit program for critical minerals that creates financial incentive for mineral suppliers to recycle critical minerals.
- Directs DOE to conduct a study on the proposed design of a federal program to create standards for certification of critical mining recycling and certify critical mining companies based on these standards.

- **Impact:** DOE will conduct a range of studies surrounding the disposal and recycling of critical minerals, which will cover the feasibility of programs that could provide incentives and offer strategies on how to reduce waste and improve the recycling process for critical minerals.

Sec. 948. Authorization of appropriations.

- Authorizes \$35 million per year from FY 2022–2031.
- **Impact:** Provides funding for critical minerals recycling and disposal programs.

TITLE X—WORKER AND COMMUNITY TRANSITION

Sec. 1001. Definitions.

- Defines terms used in this title, which includes specifications regarding the type of employers that can impact the locally generated tax revenue or employment due to its closure or risk of closure.
- **Impact:** Details what industry sectors are considered adversely affected, a phrase used throughout this title to determine the type of worker/community that is affected by the transition to net-zero GHG emissions.

Sec. 1002. Energy and economic transition impact studies.

- Requires the National Academy of Sciences to complete studies focused on communities dependent on employment related to fossil fuels, assessing the potential disruptions on these communities due to the transition to net-zero greenhouse gas emissions.
- **Impact:** The academy’s recommendations would include compensation and financial assistance packages to affected communities.

Sec. 1003. Office of Energy and Economic Transition.

- Establishes the Office of Energy and Economic Transition in the executive office of the president, led by a director, to advise the president on national policies to assist impacted workers and communities and to oversee established programs.
- Beginning in 2023, the executive branch shall provide Congress a “Worker and Community Transition Report” no less than once every two years outlining the status of impacted workers and communities.
- **Impact:** Creates the Office of Energy and Economic Transition, led by a director, which will help deliver to Congress a “Worker and Community Transition Report” biannually.

Sec. 1004. Interagency Energy and Economic Transition Task Force.

- Develops an interagency task force to further the coordination of programs and activities for workers and communities adversely affected by the nation’s energy transition.
- Requires the task force to solicit public participation to develop and coordinate related policies and subsequently publish a summary of comments and recommendations.
- **Impact:** Creates a task force of members from various departments to ensure that programs are carried out. Also outlines how the task force will hold public meetings for comments.

Sec. 1005. Stakeholder Advisory Committee.

- Creates a stakeholder advisory committee of members who have knowledge of or experience with workers and communities adversely affected by the energy transition.
- The committee is responsible for facilitating communications with the Office of Energy and Economic Transition and the adversely affected communities.
- **Impact:** Creates opportunities for affected communities to voice their needs either through representatives or public meetings.

Sec. 1006. Assistance for adversely affected communities.

- Establishes a program to provide financial assistance to eligible local government entities that have lost revenue due to the nation’s transition. Authorizes an unspecified amount of funds to carry out this program.
- Eligible local government entities can receive payment of up to eight years equal to 90% of lost local revenues in the first and second years, 75% in the third and fourth years, 50% in the fifth and sixth years, and 25% in the seventh and eighth years.
- The director may also award grants to eligible entities that may not be currently eligible but may be likely to become eligible.
- **Impact:** Provides payments to eligible local government entities to replace lost revenue due to the nation’s transition to net-zero greenhouse gas emissions.

Sec. 1007. Community-based transition hub program.

- Establishes a program for community-based transition hubs, which advise communities in applying for assistance; conducting education and outreach activities; providing information on locally available training, counseling, employment opportunities and wraparound services; and facilitating enrollment in training and educational programs.
- The total period of a grant will not exceed six years and the total amount awarded to an entity during the total period of the grant will not exceed \$12 million.
- **Impact:** Establishes a program to provide adversely affected communities with financial and educational assistance.