

117TH CONGRESS
1ST SESSION

H. R. 5109

To provide support for the first three commercial-scale implementations of transformative industrial technologies.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 27, 2021

Ms. CASTOR of Florida introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide support for the first three commercial-scale implementations of transformative industrial technologies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “First Three Act of
5 2021”.

6 **SEC. 2. SUPPORT FOR THE FIRST THREE COMMERCIAL-**
7 **SCALE IMPLEMENTATIONS OF TRANS-**
8 **FORMATIVE INDUSTRIAL TECHNOLOGIES.**

9 (a) IN GENERAL.—Subject to the availability of ap-
10 propriations, the Secretary, acting through the Director

1 of the Advanced Manufacturing Office of the Department
2 of Energy, shall establish and carry out a program under
3 which the Secretary provides grants and loan guarantees
4 to eligible entities to carry out eligible projects.

5 (b) APPLICATIONS.—

6 (1) IN GENERAL.—To apply for a grant or loan
7 guarantee under the program, an eligible entity shall
8 submit to the Secretary an application at such time,
9 in such manner, and containing such information as
10 the Secretary may require.

11 (2) SELECTION.—In evaluating applications
12 submitted under paragraph (1), the Secretary shall
13 select applications that will result in the greatest—

14 (A) improvement to the competitiveness of
15 United States industry in global markets;

16 (B) reduction in energy use; and

17 (C) reduction in greenhouse gas emissions.

18 (3) CONSULTATION.—In evaluating applications
19 submitted under paragraph (1), the Secretary shall
20 solicit input from outside technical and industry ex-
21 perts on the specific industry sectors in which eligi-
22 ble technologies would be implemented.

23 (c) GRANTS AND LOAN GUARANTEES.—

24 (1) IN GENERAL.—In carrying out the program,
25 the Secretary may not provide grants or loan guar-

1 antees to carry out more than three eligible projects
2 for any category of eligible technology.

3 (2) GRANT AMOUNTS.—The amounts of the
4 grants that may be provided to carry out eligible
5 projects for each category of eligible technology shall
6 be not more than the following:

7 (A) 60 percent of the total eligible project
8 costs for the first eligible project for the cat-
9 egory of eligible technology.

10 (B) 45 percent of the total eligible project
11 costs for the second eligible project for the cat-
12 egory of eligible technology.

13 (C) 30 percent of the total eligible project
14 costs for the third eligible project for the cat-
15 egory of eligible technology.

16 (3) LOAN GUARANTEE AMOUNTS.—

17 (A) IN GENERAL.—In carrying out the
18 program, the Secretary may not provide a loan
19 guarantee for an amount that is greater than
20 80 percent of the applicable eligible project
21 costs.

22 (B) GRANT AND LOAN GUARANTEE.—In
23 any case in which an eligible entity is provided
24 a grant and a loan guarantee under the pro-
25 gram, such loan guarantee may not exceed the

1 amount that is equal to 80 percent of the
2 amount that is equal to the difference be-
3 tween—

- 4 (i) the eligible project cost; and
- 5 (ii) the amount of the grant.

6 (4) PROJECT MILESTONES.—The Secretary
7 shall work with the grant or loan guarantee recipient
8 to develop project milestones and shall issue pay-
9 ments after the recipient demonstrates that it has
10 reached such milestones.

11 (d) MONITORING AND REPORTING.—

12 (1) IN GENERAL.—The Secretary shall annually
13 submit to Congress a report on how grants and loan
14 guarantees provided under the program were used.

15 (2) PROPRIETARY AND COMPETITIVE INFORMA-
16 TION.—Each report submitted under paragraph (1)
17 shall exclude any proprietary or competitive informa-
18 tion relating to eligible entities that were provided a
19 grant or loan guarantee, or eligible technologies that
20 were implemented, under the program.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$500,000,000 for fiscal year 2022 and \$1,000,000,000 for
24 each of fiscal years 2023 through 2031, to remain avail-
25 able until expended.

1 (f) DEFINITIONS.—In this section:

2 (1) ELIGIBLE ENTITY.—The term “eligible enti-
3 ty” means any of the following entities, including a
4 consortium or partnership of such entities:

5 (A) An owner of an industrial plant at
6 which an eligible technology would be imple-
7 mented.

8 (B) A provider that—

9 (i) manufactures an eligible tech-
10 nology; or

11 (ii) implements or integrates an eligi-
12 ble technology at an industrial plant.

13 (C) Another entity involved in the imple-
14 mentation of the eligible technology at an in-
15 dustrial plant.

16 (2) ELIGIBLE PROJECT.—The term “eligible
17 project” means the implementation of an eligible
18 technology at an industrial plant.

19 (3) ELIGIBLE PROJECT COSTS.—The term “eli-
20 gible project costs” includes any capital, installation,
21 engineering, construction, and permitting costs re-
22 lated to carrying out an eligible project.

23 (4) ELIGIBLE TECHNOLOGY.—The term “eligi-
24 ble technology” means, as determined by the Sec-
25 retary, any technology that—

1 (A) is an innovative technology described
2 in section 454(b)(1) of the Energy Independ-
3 ence and Security Act of 2007 (42 U.S.C.
4 17113(b)(1));

5 (B) is demonstrated to be technically viable
6 at pilot scale and ready for commercial-scale
7 implementation;

8 (C) is able to reduce the energy use or
9 greenhouse gas emissions of the process with
10 respect to which the eligible technology is imple-
11 mented by at least 20 percent relative to the
12 current technology; and

13 (D) has the potential to reduce annual
14 United States industrial energy use or green-
15 house gas emissions by at least 1 percent once
16 the eligible technology is fully implemented at
17 appropriate industrial plants in the United
18 States.

19 (5) PROGRAM.—The term “program” means
20 the program established under subsection (a).

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of Energy.

○