

117TH CONGRESS  
1ST SESSION

# H. R. 862

To authorize the Administrator of the Environmental Protection Agency to award grants to eligible entities to reduce greenhouse gas emissions at ports, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2021

Ms. BLUNT ROCHESTER (for herself, Ms. NORTON, Mr. MCNERNEY, Ms. LEE of California, Ms. JAYAPAL, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To authorize the Administrator of the Environmental Protection Agency to award grants to eligible entities to reduce greenhouse gas emissions at ports, and for other purposes.

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 “Climate Action Plan-  
5       ning for Ports Act of 2021”.

1 **SEC. 2. GRANTS TO REDUCE GREENHOUSE GAS EMISSIONS**  
2 **AT PORTS.**

3 (a) GRANTS.—The Administrator of the Environ-  
4 mental Protection Agency may award grants to eligible en-  
5 tities—

6 (1) to implement plans to reduce greenhouse  
7 gas emissions at one or more ports or port facilities  
8 within the jurisdictions of the respective eligible enti-  
9 ties; and

10 (2) to develop climate action plans described in  
11 subsection (b)(2).

12 (b) APPLICATION.—

13 (1) IN GENERAL.—To seek a grant under this  
14 section, an eligible entity shall submit an application  
15 to the Administrator of the Environmental Protec-  
16 tion Agency at such time, in such manner, and con-  
17 taining such information and assurances as the Ad-  
18 ministrator may require.

19 (2) CLIMATE ACTION PLAN.—At a minimum,  
20 each such application shall contain—

21 (A) a detailed and strategic plan, to be  
22 known as a climate action plan, that outlines  
23 how the eligible entity will develop and imple-  
24 ment climate change mitigation or adaptation  
25 measures through the grant; or

1 (B) a request pursuant to subsection  
2 (a)(2) for funding for the development of a cli-  
3 mate action plan.

4 (3) REQUIRED COMPONENTS.—A climate action  
5 plan under paragraph (2) shall demonstrate that the  
6 measures proposed to be implemented through the  
7 grant—

8 (A) will reduce greenhouse gas emissions  
9 at the port or port facilities involved pursuant  
10 to greenhouse gas emission reduction goals set  
11 forth in the climate action plan;

12 (B) will reduce other air pollutants at the  
13 port or port facilities involved pursuant to cri-  
14 teria pollutant emission reduction goals set  
15 forth in the climate action plan;

16 (C) will implement emissions accounting  
17 and inventory practices to determine baseline  
18 emissions and measure progress; and

19 (D) will ensure labor protections for work-  
20 ers employed directly at the port or port facili-  
21 ties involved, including by—

22 (i) demonstrating that implementation  
23 of the measures proposed to be imple-  
24 mented through the grant will not result in

1 a net loss of jobs at the port or port facili-  
2 ties involved;

3 (ii) ensuring that laborers and me-  
4 chanics employed by contractors and sub-  
5 contractors on construction projects to im-  
6 plement the plan will be paid wages not  
7 less than those prevailing on similar con-  
8 struction in the locality, as determined by  
9 the Secretary of Labor under sections  
10 3141 through 3144, 3146, and 3147 of  
11 title 40, United States Code; and

12 (iii) requiring any projects initiated to  
13 carry out the plan with total capital costs  
14 of \$1,000,000 or greater to utilize a  
15 project labor agreement and not impact  
16 any preexisting project labor agreement.

17 (4) OTHER COMPONENTS.—In addition to the  
18 components required by paragraph (3), a climate ac-  
19 tion plan under paragraph (2) shall demonstrate  
20 that the measures proposed to be implemented  
21 through the grant will do at least two of the fol-  
22 lowing:

23 (A) Improve energy efficiency at a port or  
24 port facility, including by using—

1 (i) energy-efficient vehicles, such as  
2 hybrid, low-emission, or zero-emission vehi-  
3 cles;

4 (ii) energy efficient cargo-handling,  
5 harbor vessels, or storage facilities such as  
6 energy-efficient refrigeration equipment;

7 (iii) energy-efficient lighting;

8 (iv) shore power; or

9 (v) other energy efficiency improve-  
10 ments.

11 (B) Deploy technology or processes that  
12 reduce idling of vehicles at a port or port facil-  
13 ity.

14 (C) Reduce the direct emissions of green-  
15 house gases and other air pollutants with a goal  
16 of achieving zero emissions, including by replac-  
17 ing and retrofitting equipment (including vehi-  
18 cles onsite, cargo-handling equipment, or harbor  
19 vessels) at a port or port facility.

20 (5) PROHIBITED USE.—An eligible entity may  
21 not use a grant provided under this section—

22 (A) to purchase fully automated cargo han-  
23 dling equipment;

1 (B) to build, or plan to build, terminal in-  
2 frastructure that is designed for fully auto-  
3 mated cargo handling equipment;

4 (C) to purchase, test, or develop highly  
5 automated trucks, chassis, or any related equip-  
6 ment that can be used to transport container-  
7 ized freight; or

8 (D) to extend to any independent con-  
9 tractor, independent owner, operator, or other  
10 entity that is not using employees for the sake  
11 of performing work on terminal grounds.

12 (6) COORDINATION WITH STAKEHOLDERS.—In  
13 developing a climate action plan under paragraph  
14 (2), an eligible entity shall—

15 (A) identify and collaborate with stake-  
16 holders who may be affected by the plan, in-  
17 cluding local environmental justice communities  
18 and other near-port communities;

19 (B) address the potential cumulative ef-  
20 fects of the plan on stakeholders when those ef-  
21 fects may have a community-level impact; and

22 (C) ensure effective advance communica-  
23 tion with stakeholders to avoid and minimize  
24 conflicts.

1 (c) PRIORITY.—In awarding grants under this sec-  
2 tion, the Administrator of the Environmental Protection  
3 Agency shall give priority to applicants proposing—

4 (1) to strive for zero emissions as a key strat-  
5 egy within the grantee’s climate action plan under  
6 paragraph (2);

7 (2) to take a regional approach to reducing  
8 greenhouse gas emissions at ports;

9 (3) to collaborate with near-port communities to  
10 identify and implement mutual solutions to reduce  
11 air pollutants at ports or port facilities affecting  
12 such communities, with emphasis given to implemen-  
13 tation of such solutions in near-port communities  
14 that are environmental justice communities;

15 (4) to implement activities with off-site benefits,  
16 such as by reducing air pollutants from vehicles,  
17 equipment, and vessels at sites other than the port  
18 or port facilities involved; and

19 (5) to reduce localized health risk pursuant to  
20 health risk reduction goals that are set within the  
21 grantee’s climate action plan under paragraph (2).

22 (d) MODEL METHODOLOGIES.—The Administrator  
23 of the Environmental Protection Agency shall—

24 (1) develop model methodologies which grantees  
25 under this section may choose to use for emissions

1 accounting and inventory practices referred to in  
2 subsection (b)(3)(C); and

3 (2) ensure that such methodologies are designed  
4 to measure progress in reducing air pollution at  
5 near-port communities.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “Administrator” means the Ad-  
8 ministrator of the Environmental Protection Agency.

9 (2) The term “cargo-handling equipment” in-  
10 cludes—

11 (A) ship-to-shore container cranes and  
12 other cranes;

13 (B) container-handling equipment; and

14 (C) equipment for moving or handling  
15 cargo, including trucks, reachstackers, topload-  
16 ers, and forklifts.

17 (3) The term “eligible entity” means—

18 (A) a port authority;

19 (B) a State, regional, local, or Tribal agen-  
20 cy that has jurisdiction over a port authority or  
21 a port;

22 (C) an air pollution control district; or

23 (D) a private entity (including any non-  
24 profit organization) that—



1 (i) applies for a grant under this sec-  
2 tion in collaboration with an entity de-  
3 scribed in subparagraph (A), (B), or (C);  
4 and

5 (ii) owns, operates, or uses a port fa-  
6 cility, cargo equipment, transportation  
7 equipment, related technology, or a ware-  
8 house facility at a port or port facility.

9 (4) The term “environmental justice commu-  
10 nity” means a community with significant represen-  
11 tation of communities of color, low-income commu-  
12 nities, or Tribal and indigenous communities, that  
13 experiences, or is at risk of experiencing, higher or  
14 more adverse human health or environmental effects.

15 (5) The term “harbor vessel” includes a ship,  
16 boat, lighter, or maritime vessel designed for service  
17 at and around harbors and ports.

18 (6) The term “inland port” means a logistics or  
19 distribution hub that is located inland from navi-  
20 gable waters, where cargo, such as break-bulk cargo  
21 or cargo in shipping containers, is processed, stored,  
22 and transferred between trucks, rail cars, or air-  
23 craft.

24 (7) The term “port” includes an inland port.

1           (8) The term “stakeholder” means residents,  
2       community groups, businesses, business owners,  
3       labor unions, commission members, or groups from  
4       which a near-port community draws its resources  
5       that—

6                   (A) have interest in the climate action plan  
7       of a grantee under this section; or

8                   (B) can affect or be affected by the objec-  
9       tives and policies of such a climate action plan.

10       (f) AUTHORIZATION OF APPROPRIATIONS.—

11           (1) IN GENERAL.—To carry out this Act, there  
12       is authorized to be appropriated \$250,000,000 for  
13       each of fiscal years 2022 through 2026.

14           (2) DEVELOPMENT OF CLIMATE ACTION  
15       PLANS.—In addition to the authorization of appro-  
16       priations in paragraph (1), there is authorized to be  
17       appropriated for grants pursuant to subsection  
18       (a)(2) to develop climate action plans \$50,000,000  
19       for fiscal year 2022, to remain available until ex-  
20       pended.

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