

118TH CONGRESS
1ST SESSION

H. R. 891

To direct the Secretary of Energy to carry out a grant program to improve the energy resilience, energy democracy, and security of communities, prioritizing environmental justice communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2023

Ms. BARRAGÁN (for herself, Ms. CLARKE of New York, Mr. HUFFMAN, Ms. BUSH, Mr. CARSON, Ms. BONAMICI, Mr. KHANNA, Mr. ESPAILLAT, Mrs. HAYES, Mrs. WATSON COLEMAN, Mr. NADLER, Ms. NORTON, Ms. PINGREE, Ms. SCANLON, Mr. BEYER, Mr. SCHIFF, Ms. JAYAPAL, Mr. GRIMALVA, Mr. FOSTER, Ms. PORTER, Ms. MATSUI, Mr. CASAR, Mr. COHEN, Mr. KRISHNAMOORTHY, Ms. SÁNCHEZ, Ms. MENG, Ms. TOKUDA, Mr. BLUMENAUER, Mr. CARTER of Louisiana, Ms. VELÁZQUEZ, Ms. TLAIB, Mr. TONKO, Ms. LEE of California, Ms. STANSBURY, Mr. GALLEGO, Mrs. MCBATH, Mr. CLEAVER, Ms. MCCOLLUM, Mr. MEEKS, Mr. PAYNE, Ms. OCASIO-CORTEZ, Mr. MOSKOWITZ, Mr. KIM of New Jersey, and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Energy to carry out a grant program to improve the energy resilience, energy democracy, and security of communities, prioritizing environmental justice communities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Energy Resilient Com-
3 munities Act”.

4 **SEC. 2. CLEAN ENERGY MICROGRID GRANT PROGRAM.**

5 (a) IN GENERAL.—The Secretary of Energy shall es-
6 tablish and carry out a program to provide grants to eligi-
7 ble entities.

8 (b) USE OF FUNDS.—An eligible entity may use a
9 grant provided under the program established pursuant to
10 subsection (a) to—

11 (1) obtain technical assistance to—

12 (A) upgrade building codes and standards
13 for resiliency to climate change hazards (includ-
14 ing wildfires, flooding, sea level rise, landslides,
15 drought, storms, temperature extremes, and
16 other extreme weather events);

17 (B) develop a FEMA Hazard Mitigation
18 Plan to identify and overcome known climate
19 change hazards to critical community infra-
20 structure; or

21 (C) conduct a needs assessment of prospec-
22 tive clean energy microgrid projects and, as ap-
23 plicable, design prospective clean energy
24 microgrids, including assistance to address per-
25 mitting and siting challenges, understand and
26 facilitate financing options, and understand the

1 technical characteristics of clean energy
2 microgrids;

3 (2) provide community outreach and collabo-
4 rative planning with respect to a prospective project
5 described in paragraph (3); or

6 (3) carry out a project to develop and con-
7 struct—

8 (A) a clean energy microgrid that supports
9 critical community infrastructure; or

10 (B) a clean energy microgrid for residences
11 of medical baseline customers.

12 (c) PRIORITY.—

13 (1) IN GENERAL.—In providing grants under
14 the program established pursuant to subsection (a),
15 the Secretary of Energy shall give priority to an eli-
16 gible entity that proposes to use a grant to obtain
17 technical assistance described in subsection (b)(1),
18 provide outreach described in subsection (b)(2), or
19 carry out a project described in subsection (b)(3),
20 that will benefit an environmental justice commu-
21 nity.

22 (2) TECHNICAL ASSISTANCE AND COMMUNITY
23 OUTREACH GRANTS.—After priority given under
24 paragraph (1), in providing grants to obtain tech-
25 nical assistance described in subsection (b)(1) or

1 provide outreach described in subsection (b)(2), the
2 Secretary of Energy shall give priority to an eligible
3 entity proposing to obtain technical assistance or
4 provide outreach that the Secretary of Energy deter-
5 mines will further the development of clean energy
6 microgrids that are community-owned energy sys-
7 tems.

8 (3) CLEAN ENERGY MICROGRID GRANTS.—After
9 priority given under paragraph (1), in providing
10 grants under the program established pursuant to
11 subsection (a) for projects described in subsection
12 (b)(3), the Secretary of Energy shall give priority to
13 an eligible entity that—

14 (A) proposes to develop and construct a
15 clean energy microgrid that, in comparison to
16 other clean energy microgrids for which grants
17 are sought under such program, will result in
18 the greatest reduction—

19 (i) of greenhouse gas emissions;

20 (ii) of emissions of criteria air pollut-
21 ants;

22 (iii) in public health disparities in
23 communities experiencing a dispropor-
24 tionate level of air pollution; or

1 (iv) in the energy cost burden for
2 communities;

3 (B) proposes to develop and construct a
4 clean energy microgrid that is a community-
5 owned energy system;

6 (C) proposes to develop and construct a
7 clean energy microgrid that, in comparison to
8 other clean energy microgrids for which grants
9 are sought under such program, will provide the
10 greatest amount of resiliency benefits to a juris-
11 diction in which the microgrid is located;

12 (D) proposes to develop and construct a
13 clean energy microgrid that minimizes land use
14 impacts by—

15 (i) siting sources of clean energy with-
16 in the already-built environment, including
17 over rooftops and parking lots;

18 (ii) siting sources of clean energy on
19 existing brownfield sites or contaminated
20 sites;

21 (iii) co-locating sources of clean en-
22 ergy on agricultural lands or over res-
23 ervoires; or

24 (iv) siting sources of clean energy on
25 compatible lands;

1 (E) proposes to, in developing and con-
2 structing a clean energy microgrid, utilize or in-
3 volve small businesses or nonprofits that pri-
4 marily operate or are located within environ-
5 mental justice communities, particularly those
6 that are women-owned and operated or minor-
7 ity-owned and operated;

8 (F) has previously received a grant to ob-
9 tain technical assistance under such program;

10 (G) imposes registered apprentice utiliza-
11 tion requirements on projects, provided that
12 such requirements comply with the apprentice
13 to journey worker ratios established by the De-
14 partment of Labor or the applicable State Ap-
15 prenticeship Agency; or

16 (H) proposes to develop and construct a
17 clean energy microgrid in an area designated
18 nonattainment and classified as an Extreme
19 Area or Severe Area for one or more criteria air
20 pollutants.

21 (d) EDUCATIONAL OUTREACH PROGRAM.—

22 (1) IN GENERAL.—Not later than 90 days after
23 funds are made available to carry out this section,
24 the Secretary of Energy shall develop and carry out
25 an educational outreach program to inform eligible

1 entities about the program established pursuant to
2 subsection (a).

3 (2) CONTRACTS.—The Secretary of Energy
4 may enter into third-party contracts to implement
5 the educational outreach program under paragraph
6 (1). In entering into contracts pursuant to this para-
7 graph, the Secretary shall prioritize entering into
8 contracts with women-owned and operated or minor-
9 ity-owned and operated entities.

10 (3) PRIORITY.—The educational outreach pro-
11 gram under paragraph (1) shall prioritize—

12 (A) providing information on the program
13 established pursuant to subsection (a) to eligi-
14 ble entities that serve an environmental justice
15 community and to environmental justice com-
16 munities; and

17 (B) promoting public understanding of the
18 community benefits of clean energy microgrids
19 for critical community infrastructure.

20 (e) COST SHARE.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the Federal share of the cost of technical
23 assistance, outreach, or a project for which a grant
24 is provided pursuant to the program established pur-

1 suant to subsection (a) shall not exceed 60 percent
2 of such cost.

3 (2) ENVIRONMENTAL JUSTICE COMMUNITY.—

4 The Federal share of the cost of technical assistance
5 that is obtained for, outreach that is provided to, or
6 a project that is carried out in, an environmental
7 justice community, and for which a grant is provided
8 pursuant to the program established pursuant to
9 subsection (a) shall not exceed 90 percent of such
10 cost.

11 (f) LIMITATION ON AMOUNT.—The amount of a
12 grant provided to an eligible entity under this section to
13 carry out a project described in subsection (b)(3) may not
14 exceed \$10,000,000.

15 (g) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
16 TURED GOODS.—

17 (1) No funds authorized under this section shall
18 be made available with respect to a project unless all
19 of the iron, steel, and manufactured goods used in
20 the project are produced in the United States.

21 (2) Paragraph (1) shall not apply in any case
22 or category of cases in which the Secretary of En-
23 ergy finds that—

24 (A) applying paragraph (1) would be in-
25 consistent with the public interest;

1 (B) iron, steel, and the relevant manufac-
2 tured goods are not produced in the United
3 States in sufficient and reasonably available
4 quantities and of a satisfactory quality; or

5 (C) inclusion of iron, steel, and manufac-
6 tured goods produced in the United States will
7 increase the cost of the overall project by more
8 than 25 percent.

9 (3) If the Secretary of Energy receives a re-
10 quest for a waiver under this subsection, the Sec-
11 retary shall make available to the public on an infor-
12 mal basis a copy of the request and information
13 available to the Secretary concerning the request,
14 and shall allow for informal public input on the re-
15 quest for at least 15 days prior to making a finding
16 based on the request. The Secretary shall make the
17 request and accompanying information available by
18 electronic means, including on the official public
19 website of the Department of Energy.

20 (4) This subsection shall be applied in a man-
21 ner consistent with the United States obligations
22 under international agreements.

23 (h) PREVAILING WAGES.—All laborers and mechan-
24 ics employed by contractors or subcontractors in the per-
25 formance of construction, alteration, or repair work as-

1 sisted, in whole or in part, by a grant under this section
2 shall be paid wages at rates not less than those prevailing
3 on similar construction in the locality as determined by
4 the Secretary of Labor in accordance with subchapter IV
5 of chapter 31 of title 40, United States Code. With respect
6 to the labor standards in this subsection, the Secretary
7 of Labor shall have the authority and functions set forth
8 in Reorganization Plan Numbered 14 of 1950 (64 Stat.
9 1267; 5 U.S.C. App.) and section 3145 of title 40, United
10 States Code.

11 (i) PROJECT LABOR.—An eligible entity that uses a
12 grant provided under this section to construct a clean en-
13 ergy microgrid shall ensure, to the greatest extent prac-
14 ticable, that any subgrantee of such eligible entity, and
15 any subgrantee thereof, that carries out such construction
16 employs at least 40 percent of laborers or mechanics for
17 such construction that are individuals who—

18 (1) are domiciled, if the applicable construction
19 area is—

20 (A) a major urban area, not further than
21 15 miles from such construction area; or

22 (B) not a major urban area, not further
23 than 50 miles from such construction area;

24 (2) are displaced and unemployed energy work-
25 ers;

1 (3) are members of the Armed Forces serving
2 on active duty, separated from active duty, or retired
3 from active duty;

4 (4) have been incarcerated or served time in a
5 juvenile or adult detention or correctional facility, or
6 been placed on probation, community supervision, or
7 in a diversion scheme;

8 (5) have a disability;

9 (6) are homeless;

10 (7) are receiving public assistance;

11 (8) lack a general education diploma or high
12 school diploma;

13 (9) are emancipated from the foster care sys-
14 tem;

15 (10) reside or work in an environmental justice
16 community; or

17 (11) are registered apprentices with fewer than
18 15 percent of the required graduating apprentice
19 hours in a program.

20 (j) REPORTS.—The Secretary of Energy shall submit
21 to Congress, and make available on the public website of
22 the Department of Energy, an annual report on the pro-
23 gram established pursuant to subsection (a) that includes,
24 with respect to the previous year—

25 (1) the number of grants provided;

1 (2) the total dollar amount of all grants pro-
2 vided;

3 (3) a list of grant disbursements by State;

4 (4) for each grant provided—

5 (A) a description of the technical assist-
6 ance obtained, outreach provided, or project
7 carried out with grants funds; and

8 (B) whether the grant is provided to obtain
9 technical assistance, provide outreach, or carry
10 out a project with respect to an environmental
11 justice community; and

12 (5) for each grant provided to carry out a clean
13 energy microgrid project—

14 (A) employment data for such project, in-
15 cluding the number of jobs created and what
16 percent of laborers and mechanics hired for
17 such project meet the criteria under subsection
18 (i);

19 (B) the greenhouse gas and criteria air
20 pollutant reduction impacts for such project;

21 (C) the public health benefits from such
22 project; and

23 (D) the reduced energy cost burden from
24 such project.

25 (k) FUNDING.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—For
2 each of fiscal years 2024 through 2033, there is au-
3 thorized to be appropriated—

4 (A) \$50,000,000 for grants for technical
5 assistance described in subsection (b)(1) and
6 outreach described in subsection (b)(2); and

7 (B) \$1,500,000,000 for grants for projects
8 described in subsection (b)(3).

9 (2) COMMUNITY-OWNED ENERGY SYSTEMS.—
10 To the maximum extent practicable, not less than 10
11 percent of the amount appropriated under para-
12 graph (1)(B) for any fiscal year shall be used to pro-
13 vide grants for projects to develop and construct
14 clean energy microgrids that are community-owned
15 energy systems.

16 (3) ADMINISTRATIVE EXPENSES.—

17 (A) TECHNICAL ASSISTANCE AND OUT-
18 REACH.—The Secretary may use not more than
19 2 percent of the amount appropriated for any
20 fiscal year under paragraph (1)(A) for adminis-
21 trative expenses.

22 (B) CLEAN ENERGY MICROGRID
23 PROJECTS.—The Secretary may use not more
24 than 2 percent of the amount appropriated for
25 any fiscal year under paragraph (1)(B) for ad-

1 ministrative expenses, including expenses for
2 carrying out the educational outreach program
3 under subsection (d).

4 (l) DEFINITIONS.—In this section:

5 (1) CLEAN ENERGY.—The term “clean energy”
6 means electric energy generated from solar, wind,
7 geothermal, existing hydropower, micro-hydropower,
8 hydrokinetic, or hydrogen fuel cells.

9 (2) COMMUNITY OF COLOR.—The term “com-
10 munity of color” means a geographically distinct
11 area in which the population of any of the following
12 categories of individuals is higher than the average
13 populations of that category for the State in which
14 the community is located:

15 (A) Black.

16 (B) African American.

17 (C) Asian.

18 (D) Pacific Islander.

19 (E) Other non-White race.

20 (F) Non-White Hispanic.

21 (G) Latino.

22 (H) Linguistically isolated.

23 (3) COMMUNITY-OWNED ENERGY SYSTEM.—

24 The term “community-owned energy system” means
25 an energy system owned—

1 (A) by the local government where the sys-
2 tem is located;

3 (B) by a nonprofit organization that is
4 based in the local jurisdiction where the energy
5 system is located;

6 (C) collectively, by community members; or

7 (D) by a worker-owned or community-
8 owned for-profit entity.

9 (4) COMPATIBLE LAND.—The term “compatible
10 land” means land that is at least 5 miles away from
11 existing protected areas and within 3 miles of exist-
12 ing transmission infrastructure.

13 (5) CRITICAL COMMUNITY INFRASTRUCTURE.—
14 The term “critical community infrastructure” means
15 infrastructure that is necessary to providing vital
16 community and individual functions, including—

17 (A) schools;

18 (B) town halls;

19 (C) public safety facilities;

20 (D) hospitals;

21 (E) health clinics;

22 (F) community centers;

23 (G) community nonprofit facilities pro-
24 viding essential services;

25 (H) libraries;

- 1 (I) grocery stores;
- 2 (J) emergency management facilities;
- 3 (K) water systems;
- 4 (L) homeless shelters;
- 5 (M) senior housing; and
- 6 (N) public or affordable housing.

7 (6) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a State, territory of the United States,
10 or Tribal agency;

11 (B) a local government or political subdivi-
12 sion of a State, including a municipally owned
13 electric utility and an agency, authority, cor-
14 poration, or instrumentality of a State or In-
15 dian Tribe;

16 (C) an electric utility;

17 (D) a nonprofit organization; or

18 (E) a partnership between—

19 (i) a private entity, or a nonprofit or-
20 ganization, that owns critical community
21 infrastructure; and

22 (ii) a State, territory of the United
23 States, Tribal agency, or local government.

24 (7) ENVIRONMENTAL JUSTICE COMMUNITY.—

25 The term “environmental justice community” means

1 a community with significant representation of com-
2 munities of color, low-income communities, or Tribal
3 and indigenous communities, that experiences, or is
4 at risk of experiencing, higher or more adverse
5 human health or environmental effects.

6 (8) LOW-INCOME COMMUNITY.—The term “low-
7 income community” means any census block group
8 in which 30 percent or more of the population are
9 individuals with an annual household income equal
10 to, or less than, the greater of—

11 (A) an amount equal to 80 percent of the
12 median income of the area in which the house-
13 hold is located, as reported by the Department
14 of Housing and Urban Development; and

15 (B) 200 percent of the Federal poverty
16 line.

17 (9) MAJOR URBAN AREA.—The term “major
18 urban area” means a metropolitan statistical area
19 within the United States with an estimated popu-
20 lation that is greater than or equal to 1,500,000.

21 (10) MEDICAL BASELINE CUSTOMER.—The
22 term “medical baseline customer” means a customer
23 of an electric utility with special energy needs due
24 to a medical condition, including energy needs for—

25 (A) a motorized wheelchair;

- 1 (B) a ventilator;
- 2 (C) a dialysis machine;
- 3 (D) an apnea monitor;
- 4 (E) an electrostatic nebulizer;
- 5 (F) a respirator;
- 6 (G) medication requiring refrigeration; and
- 7 (H) for a customer with a vulnerable res-
- 8 piratory system, an air cleaning system.

9 (11) MICROGRID.—The term “microgrid”
10 means an interconnected system of loads and clean
11 energy resources (including distributed energy re-
12 sources, energy storage, demand response tools, and
13 other management, forecasting, and analytical tools)
14 which—

15 (A) is appropriately sized to meet the crit-
16 ical needs of its customers;

17 (B) is contained within a clearly defined
18 electrical boundary and has the ability to oper-
19 ate as a single and controllable entity;

20 (C) has the ability to—

21 (i) connect to, disconnect from, or run
22 in parallel with the applicable grid region;
23 or

24 (ii) be managed and isolated from the
25 applicable grid region in order to withstand

1 larger disturbances and maintain the sup-
2 ply of electricity to a connected location;

3 (D) has no point of interconnection to the
4 applicable grid region with a throughput capac-
5 ity in excess of 20 megawatts; and

6 (E) can connect to one building or multiple
7 interconnected buildings.

8 (12) MICRO-HYDROPOWER.—The term “micro-
9 hydropower” means hydropower that produces no
10 more than 100 kilowatts of electricity using the nat-
11 ural flow of water.

12 (13) PRODUCED IN THE UNITED STATES.—The
13 term “produced in the United States” means, in the
14 case of iron or steel, that all manufacturing proc-
15 esses, including the application of a coating, occur in
16 the United States.

17 (14) REGISTERED APPRENTICE.—The term
18 “registered apprentice” means a person in an ap-
19 prenticeship program that is registered with, and ap-
20 proved by, the United States Department of Labor
21 or a State Apprenticeship Agency in accordance with
22 parts 29 and 30 of title 29, Code of Federal Regula-
23 tions (as in effect on January 1, 2020).

24 (15) SMALL BUSINESS.—The term “small busi-
25 ness” has the meaning given the term “small busi-

1 ness concern” under section 3 of the Small Business
2 Act (15 U.S.C. 632).

3 (16) TRIBAL AND INDIGENOUS COMMUNITY.—

4 The term “Tribal and indigenous community”
5 means a population of people who are members of—

6 (A) a federally recognized Indian Tribe;

7 (B) a State-recognized Indian Tribe;

8 (C) an Alaska Native or Native Hawaiian
9 community or organization; or

10 (D) any other community of indigenous
11 people located in a State.

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