

115TH CONGRESS
1ST SESSION

H. R. 3671

To justly transition away from fossil fuel sources of energy to 100 percent clean energy by 2035, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 1, 2017

Ms. GABBARD (for herself, Mr. RASKIN, Ms. LEE, Ms. BARRAGÁN, and Mr. TED LIEU of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, Education and the Workforce, Science, Space, and Technology, Financial Services, and Foreign Affairs, 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 justly transition away from fossil fuel sources of energy to 100 percent clean energy by 2035, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Off Fossil Fuels for a Better Future Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—ENVIRONMENTAL JUSTICE, 100 PERCENT RENEWABLE
 ENERGY AND OUR CLEAN ENERGY FUTURE

- Sec. 101. Findings.
 Sec. 102. Sense of Congress.

TITLE II—CLEAN ENERGY FOR ALL MANDATE

- Sec. 201. Clean Energy Mandates.
 Sec. 202. Zero-emission vehicle mandate.
 Sec. 203. Electrified trains.

TITLE III—OFF FOSSIL FUELS

- Sec. 301. Moratorium on new major fossil fuel projects.
 Sec. 302. Ending fossil fuel subsidies.
 Sec. 303. Low-income weatherization and retrofit assistance.

TITLE IV—ONSHORE WIND, OFFSHORE WIND AND SOLAR
 ENERGY TAX CREDIT EXTENSION

- Sec. 401. Extension of credits for wind facilities.
 Sec. 402. Extension of election to treat qualified facilities as energy property.
 Sec. 403. Extension and omission of phaseout of solar energy credit.

TITLE V—BAN ON CRUDE OIL AND LNG EXPORTS

- Sec. 501. Ban on crude oil and LNG exports.

TITLE VI—JUST TRANSITION AND WORKER PROTECTION

- Sec. 601. The Center for Clean Energy Workforce Development.
 Sec. 602. Equitable transition fund.

TITLE VII—FUNDING

- Sec. 701. Creation of “Off Fossil Fuels Fund”.
 Sec. 702. Recapture of revenue from “fossil fuel credit” repeal.

1 SEC. 2. DEFINITIONS.

2 In this Act:

- 3 (1) CLEAN ENERGY.**—The term “clean energy”
4 means energy efficiency, energy conservation, de-
5 mand response, energy storage, and energy derived
6 from solar, onshore wind, offshore wind, geothermal,
7 and ocean tidal sources.

1 (2) FOSSIL FUEL.—The term “fossil fuel”
2 means coal, petroleum, natural gas, or any derivative
3 of coal, petroleum, or natural gas that is used for
4 fuel.

5 (3) RETAIL ELECTRIC SUPPLIER.—

6 (A) IN GENERAL.—The term “retail elec-
7 tric supplier” means an entity that sold not less
8 than 1,000 megawatt hours of electric energy to
9 electric consumers for purposes other than re-
10 sale during the preceding calendar year.

11 (B) INCLUSION.—The term “retail electric
12 supplier” includes an entity that generates not
13 less than 1,000 megawatt hours of electric en-
14 ergy for use by the entity.

15 (4) DISADVANTAGED COMMUNITY.—

16 (A) IN GENERAL.—The term “disadvan-
17 taged community” means a community that is
18 disadvantaged based on geographic, public
19 health, environmental hazard, or socioeconomic
20 criteria.

21 (B) INCLUSIONS.—The term “disadvan-
22 taged community” includes—

23 (i) an area burdened by cumulative
24 environmental pollution or other hazard

1 that can lead to a negative public health
2 effect;

3 (ii) an area with a concentration of
4 people that—

5 (I) are low-income;

6 (II) have high unemployment;

7 (III) have a high rent burden;

8 (IV) have a low level of home
9 ownership;

10 (V) have a low level of edu-
11 cational attainment;

12 (VI) are members of groups that
13 have historically experienced discrimi-
14 nation on the basis of race or eth-
15 nicity;

16 (VII) lack access to safe, reliable
17 transit;

18 (VIII) lack access to quality, af-
19 fordable healthcare;

20 (IX) live in a high Medicaid pop-
21 ulation; and

22 (X) do not live in reasonable
23 proximity to healthy food outlets; and

24 (iii) an area that is vulnerable to the
25 impact of climate change such as flooding,

1 storm surges, and urban heat island ef-
2 fects.

3 (5) LOW-INCOME COMMUNITY.—The term “low-
4 income community” means a census or tribal block
5 group in which not less than 50 percent of house-
6 holds have an annual income that is less than 80
7 percent of the greater of—

8 (A) as determined by the Secretary of
9 Housing and Urban Development, the annual
10 median gross income for the area in which the
11 census or tribal block group is located; and

12 (B) as determined by the Secretary of
13 Housing and Urban Development, the annual
14 median gross income for the State in which the
15 census or tribal block group is located.

16 (6) STATE.—The term “State” means—

17 (A) a State;

18 (B) the District of Columbia;

19 (C) the Commonwealth of Puerto Rico;

20 (D) any other territory or possession of the
21 United States; and

22 (E) a Native Hawaiian community-based
23 organization.

24 (7) NATIVE HAWAIIAN COMMUNITY-BASED OR-
25 GANIZATION.—The term “Native Hawaiian commu-

1 nity-based organization” means any organization
2 that is composed primarily of Native Hawaiians
3 from a specific community and assist with housing
4 and healthcare, as well as social, cultural, economic
5 and educational development of Native Hawaiians in
6 that community.

7 **TITLE I—ENVIRONMENTAL JUS-**
8 **TICE, 100 PERCENT RENEW-**
9 **ABLE ENERGY AND OUR**
10 **CLEAN ENERGY FUTURE**

11 **SEC. 101. FINDINGS.**

12 Congress finds the following:

13 (1) According to the National Aeronautics and
14 Space Administration (NASA), 97 percent or more
15 of actively publishing climate scientists agree that
16 climate-warming trends over the past century are ex-
17 tremely likely due to human activities. Additionally,
18 most of the leading scientific organizations world-
19 wide have issued public statements endorsing this
20 position.

21 (2) People of color comprise almost half of the
22 11,400,000 people nationwide who live near dan-
23 gerous, polluting facilities, and are twice as likely to
24 live in those areas as White Americans. African-
25 Americans are 79 percent more likely than White

1 Americans to live in communities where industrial
2 pollution poses the greatest health danger. The fact
3 that people of color breathe 46 percent more nitro-
4 gen dioxide than White Americans, a pollutant that
5 causes respiratory diseases and heart conditions, is
6 one of the reasons why children of color go to the
7 emergency room for asthma attacks at nearly triple
8 the rate than White children do.

9 (3) Similarly, in the poor, mostly Latino com-
10 munity of Corpus Christi, Texas, the overall rate of
11 birth defects is 84 percent higher than the rest of
12 the State. The city ranks number one in the State
13 for benzene pollution generated by refineries and pe-
14 trochemical plants—a serious concern, as benzene is
15 a powerful cancer-causing agent. The odds are now
16 an incredible 3 to 1 that a Latino immigrant will re-
17 side in an area with dangerously high levels of toxic
18 pollution. It should come as no surprise, then, that
19 Latino families have placed as much importance on
20 clean air and clean water in their communities as
21 they have on immigration issues.

22 (4) Tribal lands are only 4 percent of the
23 United States land base, yet of the 1,322 Superfund
24 hazardous waste sites, 25 percent are in Indian
25 country. The vast majority—75 percent—of aban-

1 doned uranium mines are on Indian lands, with little
2 effort made to remediate the harms they cause.

3 (5) A full 20 percent of people living in First
4 Nations communities located next to tar sands ex-
5 traction sites were diagnosed with cancer—Keystone
6 XL and the Enbridge Alberta Clipper expansion
7 were one of many pipelines attempting to bring this
8 tar sands, toxic and corrosive crude oil into the
9 United States, directly through tribal treaty lands.

10 (6) Federal leasing of public lands for fossil
11 fuels extraction significantly impacts numerous
12 American Indian Tribes, Alaska Native Tribes, Na-
13 tive Hawaiian communities and indigenous commu-
14 nities that share more than 3,000 miles of contig-
15 uous border with National Forest lands. The re-
16 source exploitation of fossil fuel energy extraction
17 has run a long and deadly course in tribal lands.

18 (7) Fracking operations adversely impact public
19 health through threats to water and air quality from
20 multiple sources including leaks from pipes and re-
21 lated transportation of fossil fuel that results in dis-
22 proportionate increases in hospitalization due to pre-
23 mature births, asthma and cardiovascular disease
24 near fracking sites. People of color living in prox-
25 imity of truck traffic, fracking wells, and experience

1 increased exposure to ultra fine particulate matter
2 from exhaust and emissions near well pads.

3 (8) President Obama joined other world leaders
4 from the Group of Twenty in 2009, and again in
5 2013, in pledging to phase out wasteful fossil-fuel
6 subsidies.

7 (9) The Environmental Law Institute found
8 that from 2002 through 2008, Federal fossil-fuel
9 subsidies in the United States totaled over
10 \$72,000,000,000, while Federal renewable-energy in-
11 vestments totaled \$12,200,000,000.

12 (10) According to the group Taxpayers for
13 Common Sense, the 5 largest oil corporations have
14 made more than \$1,000,000,000,000 in profits dur-
15 ing the past decade.

16 (11) According to the Center for American
17 Progress, the 5 largest oil corporations posted more
18 than \$89,700,000,000 in profits in 2014 alone.

19 (12) According to the Center for Responsive
20 Politics, the oil and gas, coal, utility, and other nat-
21 ural resource extraction industries spent more than
22 \$1,800,000,000 on lobbying during the period of
23 2010 to 2014, which was an effective investment in
24 protecting their extraordinary tax loopholes and sub-
25 sidies.

1 **SEC. 102. SENSE OF CONGRESS.**

2 It is the sense of Congress that:

3 (1) The United States must transition to a 100
4 percent clean energy economy.

5 (2) It is not in the national interest for tax-
6 payers in the United States to subsidize highly prof-
7 itable, polluting fossil-fuel companies.

8 (3) It is imperative that the United States Gov-
9 ernment make extensive investments in grid mod-
10 ernization projects across the country. According to
11 the Hawaii State Energy Office, “grid moderniza-
12 tion refers to computer-based control and automa-
13 tion technology to bring current utility electricity de-
14 livery systems into the 21st century. The benefits of
15 grid modernization include improvements in effi-
16 ciency, reliability, economics, and sustainability of
17 the production and distribution of electricity all the
18 way from electricity generation to the user’s home
19 and workplace”. This will help States like Hawaii
20 that already have a 100 percent renewable portfolio
21 standard achieve its goals on a more aggressive
22 timeline and will assist cities like: Burlington,
23 Vermont; Aspen, Colorado; Baltimore City, Mary-
24 land; Greensburg, Kansas, and every other city and
25 State achieve 100 percent renewable energy stand-
26 ards in a timely fashion.

1 (4) To meet the demands of a zero carbon econ-
2 omy using only renewable generation by 2035, sig-
3 nificant investments in early stage energy technology
4 breakthroughs, grid scale storage technologies, and
5 loan guarantees for utility scale projects will be es-
6 sential to meet the country's energy needs by 2035.
7 The most pressing need will be replacing base load
8 power with a wide range of storage technologies dur-
9 ing times of intermittent renewable power genera-
10 tion. These technologies are mostly in their early
11 stages and will require a significant amount of fund-
12 ing to scale them for commercial or utility scale de-
13 ployment.

14 (5) We must significantly increase Federal
15 R&D funding to develop and deploy the technologies
16 needed for deep decarbonization in our economy.
17 This was a proposal announced at the Paris Climate
18 Accord with Bill Gates called Mission Innovation,
19 which committed to double government investment
20 in energy technology.

21 (6) Funding should be spread throughout the
22 innovation pipeline at the U.S. Department of En-
23 ergy as well as other Federal agencies and depart-
24 ments including the National Science Foundation,
25 NASA, and the Department of Defense.

1 (7) We must invest in early-stage proof of con-
2 cept technologies and basic scientific research at the
3 Department of Energy's Office of Science through
4 the 17 U.S. National Laboratories will be needed to
5 discover the scientific properties needed to produce
6 proof of concept or prototype technologies. The U.S.
7 National Laboratories are centers of basic scientific
8 research already working on technology programs
9 such as grid modernization and security, battery
10 storage, solar and wind technology efficiency, effi-
11 cient transmission and distribution technologies, and
12 hard and software control systems for the grid.
13 Focus on investing in early-stage breakthrough en-
14 ergy technologies. Funding these technologies could
15 lead to innovations that could dramatically change
16 how energy is generated, stored, and distributed.

17 (8) To rapidly move the country towards a 100
18 percent carbon free economy, it is crucial that the
19 country deploys existing utility and grid scale tech-
20 nologies. Frequently, companies seeking to deploy
21 prototype commercial scale power plants cannot se-
22 cure large traditional loans. DOE's Loan Guarantee
23 Program must receive increased funding to provide
24 loans for large renewable energy power plants.

1 (9) Data released last year by the U.S. Energy
2 and Information Administration (EIA), shows that
3 the transportation sector has become the largest pro-
4 ducer of carbon emissions as compared to other sec-
5 tors of the economy. For this reason, Congress must
6 incentivize the transition to clean energy transpor-
7 tation technology as it pertains to ground, air, rail,
8 sea transportation and shipping in the most effi-
9 cient, economically friendly methods possible to en-
10 sure that jobs are protected and the cost of products
11 remains affordable.

12 (10) Permitting rules that allow polluters to
13 target poor communities for industrial facilities,
14 chemical plants, and power plants must end imme-
15 diately. Cumulative environmental impacts on
16 human health and ecosystem impacts must be con-
17 sidered and remediated. Precaution for the health
18 and safety of our children and planet should be val-
19 ued above profit and must be updated.

20 (11) We must achieve civil rights protections to
21 ensure full access to the courts for siting poor and
22 minority communities to seek legal protections by
23 working to overturn the Sandoval Supreme Court
24 decision that set an unreasonable burden of proof of
25 racism for claims of environmental racism, including

1 disparate and cumulative exposure to environmental
2 health risks must be extended.

3 (12) We strongly endorse the Principles of En-
4 vironmental Justice adopted at the First National
5 People of Color Environmental Leadership Summit.
6 The goals and outcomes of any environmental justice
7 plan should continue to be developed under the
8 Jemez Principles for Democratic Organizing with
9 strong and consistent consultation with the commu-
10 nities most affected by the often-unequal enforce-
11 ment of environmental laws.

12 (13) We must ensure that funding for parks
13 and open spaces are distributed equitably in urban,
14 suburban, and rural areas.

15 (14) We must increase incentives for consumers
16 who purchase zero emission vehicles, from single use
17 of HOV lanes, to reduced registration fees.

18 (15) We must continue to support State, tribe
19 and local campaigns that resist the current adminis-
20 tration's efforts to undercut the efforts of States like
21 Hawaii, and local governments that continue to sup-
22 port the Paris Climate Agreement like Baltimore
23 City, Maryland, Burlington, Vermont, and any other
24 city or State that is working to achieve a 100 per-
25 cent clean energy standard.

1 (16) The United States is on the cusp of be-
2 coming a net exporter of natural gas. Any continued
3 build-out of natural gas infrastructure and the use
4 of eminent domain to take private land for trans-
5 porting gas is not to benefit citizens of the United
6 States. Instead it allows for massive profits for fossil
7 fuel companies.

8 (17) In addition to the specific changes made
9 by this Act, we must also explore the methods used
10 in regenerative agriculture that provide healthier,
11 grass-fed cows, chickens and pigs that also restore
12 farmland to its original condition. This is vital if we
13 hope to expand the market of regenerative farming
14 and work to phase out harmful, conventional prac-
15 tices that contaminate our water and deplete essen-
16 tial topsoil. Conventional, large-scale farming is the
17 cause of widespread topsoil depletion, and is a con-
18 tributor to greenhouse gas emissions. There are bet-
19 ter alternatives and sustainable solutions in the form
20 of regenerative agricultural practices. We should
21 incentivize farmers who provide healthier food, sus-
22 tain the land and sequester carbon dioxide and
23 methane.

24 (18) In addition, while the Food and Drug Ad-
25 ministration (FDA) has implemented a voluntary

1 plan with industry to regulate the use of certain
2 antibiotics for enhanced food production, this pro-
3 gram must be made mandatory. The United States
4 Government, and governments around the world
5 openly recognize the public health concerns associ-
6 ated with antimicrobial-resistant bacteria. The ill-
7 nesses connected to the use of drug-resistant strains
8 of bacteria are on the rise, becoming more common,
9 with potentially fatal consequences.

10 (19) It is in the best interest of the country
11 that Congress establish permanent tax credits and
12 start-up grants to encourage the production of Geo-
13 thermal, Ocean Thermal Energy Conversion
14 (OTEC), and Ocean Tidal energy.

15 (20) Falling oil prices, coal company bank-
16 ruptcies and other factors are contributing to a loss
17 of extractive industry jobs. For these reasons, it is
18 our responsibility to ensure comprehensive and just
19 worker protection measures that guarantee future fi-
20 nancial security for all workers affected by these
21 economic downturns.

22 (21) Just transition to a clean energy economy
23 will create jobs by fixing the market externality and
24 creating a free and fair market for renewables,
25 which currently creates three times as many jobs as

1 the fossil fuel industry. These jobs must include the
2 ability for workers to collectively bargain, organize
3 and otherwise enjoy facilitated access to unioniza-
4 tion. Additionally, investment in training in the
5 growing portfolio of trades in the renewable sector
6 is vital.

7 (22) We know that green collar jobs are the
8 present and future of industry from manufacturing
9 and fabrication to solar installation and wind techni-
10 cians which can fill the void of fossil fuel jobs which
11 are never coming back.

12 (23) This transition will improve the health of
13 the citizenry by promoting energy choice that elimi-
14 nates extractive processes that threaten natural re-
15 sources including water quality, air quality and
16 needlessly shorten the lives of those threatened by
17 the last vestiges of the fossil fuel economy.

18 (24) Any attempts to transition United States
19 military equipment and infrastructure to renewable
20 fuels must be done, without exception, with the safe-
21 ty and well-being of our men and women in uniform
22 and the safety of our Nation as the primary focus.

23 (25) Regardless of the overall effects of this
24 Act, it is the duty of Congress to ensure that any
25 transition to a 100 percent clean energy economy

1 does not adversely affect the economy of the United
2 States. We are committed to providing the necessary
3 financial assistance to energy producers, energy work-
4 ers and energy technology creators in our combined
5 efforts to save our planet from the adverse effects of
6 global climate change.

7 (26) Without equivocation, we must not only
8 create new jobs for workers who have lost work, but
9 we must ensure that those new jobs are good jobs,
10 meaning they pay a family-sustaining wage, they
11 provide health care and retirement benefits, they are
12 safe, and the workers who hold them have a power-
13 ful voice on the job through union organizing and
14 the collective bargaining process, especially those in
15 the auto and fossil fuel industries. Moreover, we
16 must create these jobs in the same communities that
17 are suffering. While workers are transitioning to new
18 employment, they must receive protections to main-
19 tain family-level wages, healthcare, and pensions
20 until they are able to start their new jobs. Further,
21 workers need support in connecting with new jobs
22 and the opportunity to learn new skills through vo-
23 cational education programs. In addition, commu-
24 nities must have the infrastructure to attract new
25 investment that provides those jobs.

1 (27) We have the technology to transition to
2 100 percent renewable energy right now, all that is
3 missing is the political and social will.

4 **TITLE II—CLEAN ENERGY FOR**
5 **ALL MANDATE**

6 **SEC. 201. CLEAN ENERGY MANDATES.**

7 (a) MINIMUM ANNUAL PERCENTAGE.—The min-
8 imum annual percentage of the quantity of electricity sold
9 by a retail electric supplier that must be generated from
10 clean energy resources shall be—

11 (1) in 2027, 80 percent; and

12 (2) in 2035, and every year following, 100 per-
13 cent.

14 (b) REPORTING.—Beginning in 2019, by April 1 of
15 each year, each retail electric supplier shall submit a re-
16 port to the Administrator containing:

17 (1) Documentation of purchases or generation
18 by the retail electricity supplier of clean energy
19 source electricity as a percentage of the total retail
20 electricity sales of the retail electricity provider in
21 the preceding year.

22 (2) Documentation of plans for the purchase or
23 generation by the retail electricity supplier of clean
24 energy sourced electricity equal to the percentage re-

1 quired by this Act for retail electricity sales in 2027
2 and in 2035.

3 **SEC. 202. ZERO-EMISSION VEHICLE MANDATE.**

4 Part A of title II of the Clean Air Act (42 U.S.C.
5 7521 et seq.) is amended by adding at the end the fol-
6 lowing:

7 **“SEC. 220. ZERO-EMISSION VEHICLE MANDATE.**

8 “(a) IN GENERAL.—The minimum annual percent-
9 age of the quantity of new motor vehicle sales of a vehicle
10 manufacturer that shall be zero-emission vehicles shall
11 be—

12 “(1) in 2027, 80 percent; and

13 “(2) in 2035, and every year following, 100 per-
14 cent.

15 “(b) REPORTING.—Beginning in 2019, by April 1st
16 of each year, each vehicle manufacturer shall submit a re-
17 port to the Administrator containing:

18 “(1) Documentation of sales by the vehicle
19 manufacturer of zero-emission vehicles as a percent-
20 age of the total sales vehicles of the vehicle manufac-
21 turer in the preceding year.

22 “(2) Documentation of plans to achieve sales by
23 the vehicle manufacturer of zero-emission vehicles
24 equal to the percentage required by this Act for
25 2027 and for 2035.

1 “(c) CAR ALLOWANCE REBATE PROGRAM.—The Sec-
 2 retary of Transportation is instructed to establish the ‘Car
 3 Allowance Rebate’ system to provide economic incentives
 4 for United States consumers to purchase new, clean en-
 5 ergy vehicles.

6 “(d) DEFINITIONS.—In this section:

7 “(1) VEHICLE MANUFACTURER.—

8 “(A) IN GENERAL.—The term ‘vehicle
 9 manufacturer’ means an entity that—

10 “(i) engaged in the manufacturing of
 11 new motor vehicles; and

12 “(ii) sold not fewer than 100 new
 13 motor vehicles to ultimate purchasers, ei-
 14 ther directly or through an affiliate, such
 15 as a dealer.

16 “(B) EXCLUSIONS.—The term ‘vehicle
 17 manufacturer’ does not include—

18 “(i) a motor vehicle parts supplier; or

19 “(ii) a dealer.

20 “(2) ZERO-EMISSION VEHICLE.—The term
 21 ‘zero-emission vehicle’ means a vehicle that produces
 22 zero exhaust emissions of any criteria pollutant, pre-
 23 cursor pollutant, or greenhouse gas in any mode of
 24 operation or condition, as determined by the Admin-
 25 istrator.”.

1 **SEC. 203. ELECTRIFIED TRAINS.**

2 (a) **ELECTRIFIED TRAIN MANDATE.**—

3 (1) **ELECTRIFIED RAIL LINES.**—The minimum
4 percentage of electrified rail lines in the United
5 States shall be—

6 (A) in 2027, 80 percent; and

7 (B) in 2035, and every year following, 100
8 percent.

9 (2) **ELECTRIFIED TRAIN ENGINES.**—The min-
10 imum percentage of electrified train engines in the
11 United States shall be—

12 (A) in 2027, 80 percent; and

13 (B) in 2035, and every year following, 100
14 percent.

15 (b) **PROHIBITION.**—Beginning in 2035 and every
16 year after no train engines running on fossil fuels may
17 operate within the United States.

18 **TITLE III—OFF FOSSIL FUELS**

19 **SEC. 301. MORATORIUM ON NEW MAJOR FOSSIL FUEL**
20 **PROJECTS.**

21 (a) **DEFINITIONS.**—In this section:

22 (1) **FOSSIL FUEL ENERGY.**—The term “fossil
23 fuel energy” means electric energy generated, in
24 whole or in part, by a fossil fuel resource.

25 (2) **FOSSIL FUEL RESOURCE.**—The term “fossil
26 fuel resource” means all forms of coal, oil, and gas.

1 (3) GATHERING LINE.—The term “gathering
2 line” has the meaning given the term in section
3 195.2 of title 49, Code of Federal Regulations (as
4 in effect on the date of enactment of this Act).

5 (4) INTERSTATE PIPELINE.—The term “inter-
6 state pipeline” has the meaning given the term in
7 section 195.2 of title 49, Code of Federal Regula-
8 tions (as in effect on the date of enactment of this
9 Act).

10 (b) MORATORIUM.—Subject to subsection (e), begin-
11 ning on January 1, 2018, there shall be a moratorium on
12 Federal permit approval for—

13 (1) any new electric generating facility that
14 generates fossil fuel energy through the combustion
15 of any fossil fuel resource;

16 (2) any new gathering line or interstate pipeline
17 for the transport of any fossil fuel resource that—

18 (A) crosses Federal land or navigable
19 water; or

20 (B) requires the use of eminent domain on
21 private property;

22 (3) any maintenance activity relating to an ex-
23 isting gathering line or interstate pipeline for the
24 transport of a fossil fuel resource that expands the

1 carrying capacity of the gathering line or interstate
2 pipeline by more than 5 percent;

3 (4) any new or expanding import or export ter-
4 minal for fossil fuel resources;

5 (5) any maintenance activity relating to an ex-
6 isting import or export terminal for a fossil fuel re-
7 source that expands the import or export capacity
8 for a fossil fuel resource;

9 (6) any new refinery of a fossil fuel resource;
10 and

11 (7) any exploration for any type of fossil fuel.

12 (c) ENFORCEMENT.—The Administrator may seek an
13 injunction on the construction of any facility described in
14 subsection (b) that begins on or after January 1, 2018.

15 (d) FEDERAL PERMITS.—The Administrator, in co-
16 ordination with the head of the applicable Federal agency,
17 shall deny any application submitted to the head of that
18 Federal agency on or after January 1, 2018, for a permit
19 for any facility described in subsection (b).

20 (e) TRIBAL CONSULTATION.—

21 (1) IN GENERAL.—If an application for routing
22 or siting approval, or permit or right-of-way was
23 granted, approved, or issued on or after February 8,
24 2017, for any facility described in subsection (b)
25 without the consultation required under Executive

1 Order 13175 (25 U.S.C. 5301 note; relating to trib-
2 al consultation), or without the informed and ex-
3 press consent of the applicable Indian tribe, the Ad-
4 ministrator or appropriate agency head shall order
5 an immediate suspension of any preconstruction,
6 construction, or any other activity within, on, under,
7 or through the approved route or right-of-way or
8 permitted area.

9 (2) DURATION.—The suspension described in
10 paragraph (1) shall remain in full force and effect
11 until conclusion of the appropriate administrative
12 proceeding.

13 (f) EMINENT DOMAIN.—Any application, permit, or
14 right-of-way granted or issued for any facility described
15 in subsection (b) that, on or after February 8, 2017, trig-
16 gers the use of eminent domain shall be null and void.

17 **SEC. 302. ENDING FOSSIL FUEL SUBSIDIES.**

18 (a) REPEAL OF EXPENSING AND 60-MONTH AMORTI-
19 ZATION OF INTANGIBLE DRILLING COSTS.—Subsection
20 (c) of section 263 of the Internal Revenue Code of 1986
21 is amended by striking the period at the end of the third
22 sentence and inserting “, or to any costs paid or incurred
23 after December 31, of the fiscal year in which this legisla-
24 tion is enacted.”.

1 (b) REPEAL OF PERCENTAGE DEPLETION FOR OIL
2 AND GAS WELLS.—

3 (1) IN GENERAL.—Section 613 of the Internal
4 Revenue Code of 1986 is amended by adding at the
5 end the following new subsection:

6 “(f) TERMINATION OF PERCENTAGE DEPLETION
7 FOR OIL AND GAS PROPERTIES.—In the case of oil and
8 gas properties, this section shall not apply to any taxable
9 year beginning after December 31, of the fiscal year in
10 which this legislation is enacted.”.

11 (2) LIMITATIONS ON PERCENTAGE DEPLETION
12 IN CASE OF OIL AND GAS WELLS.—Section 613A of
13 the Internal Revenue Code of 1986 is amended by
14 adding at the end the following new subsection:

15 “(f) TERMINATION.—This section shall not apply to
16 any taxable year beginning after December 31, of the fis-
17 cal year in which this legislation is enacted.”.

18 (c) DENIAL OF DEDUCTION FOR INCOME ATTRIB-
19 UTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL
20 GAS, OR PRIMARY PRODUCTS THEREOF.—

21 (1) IN GENERAL.—Subparagraph (B) of section
22 199(c)(4) of the Internal Revenue Code of 1986 is
23 amended—

24 (A) by striking “or” at the end of clause

25 (ii);

1 (B) by striking the period at the end of
 2 clause (iii) and inserting “, or”; and

3 (C) by inserting after clause (iii) the fol-
 4 lowing new clause:

5 “(iv) the production, refining, proc-
 6 essing, transportation, or distribution of
 7 oil, natural gas, or any primary product
 8 thereof.”.

9 (2) PRIMARY PRODUCT.—Section 199(c)(4)(B)
 10 of the Internal Revenue Code of 1986 is amended by
 11 adding at the end the following flush sentence:

12 “For purposes of clause (iv), the term ‘primary
 13 product’ has the same meaning as when used in
 14 section 927(a)(2)(C), as in effect before its re-
 15 peal.”.

16 (3) CONFORMING AMENDMENTS.—

17 (A) Section 199(c)(4) of the Internal Rev-
 18 enue Code of 1986 is amended—

19 (i) in subparagraph (A)(i)(III), by
 20 striking “electricity, natural gas,” and in-
 21 serting “electricity”; and

22 (ii) in subparagraph (B)(ii), by strik-
 23 ing “electricity, natural gas,” and inserting
 24 “electricity”.

1 (B) Section 199(d) of the Internal Revenue
2 Code of 1986 is amended by striking paragraph
3 (9) and by redesignating paragraph (10) as
4 paragraph (9).

5 (4) EFFECTIVE DATE.—The amendments made
6 by this section shall apply to taxable years beginning
7 after December 31, of the fiscal year in which this
8 legislation is enacted.

9 **SEC. 303. LOW-INCOME WEATHERIZATION AND RETROFIT**
10 **ASSISTANCE.**

11 (a) COMMUNITY ASSISTANCE FUND.—

12 (1) ESTABLISHMENT.—There is established in
13 the Treasury a fund, to be known as the “Communi-
14 ty Assistance Fund” (in this section referred to as
15 the “Fund”).

16 (2) DEPOSITS TO FUND.—In each fiscal year,
17 there shall be deposited in the Fund amounts made
18 available in section 701.

19 (3) EXPENDITURES.—Amounts deposited in the
20 Fund shall be available without further appropria-
21 tion in a fiscal year, as follows:

22 (A) Amounts as needed, shall be made
23 available to the Secretary of Commerce for the
24 Hollings Manufacturing Extension Partnership
25 under section 25 of the National Institute of

1 Standards and Technology Act (15 U.S.C.
2 278k).

3 (B) Twenty percent of such amounts shall
4 be made available to the Secretary of Energy,
5 to be used, in consultation with the Secretary of
6 Commerce, for activities of the Advanced Manu-
7 facturing Office of the Office of Energy Effi-
8 ciency and Renewable Energy.

9 (C) Thirty percent of such amounts shall
10 be made available to the Secretary of Energy
11 for the State Energy Program, to be used ex-
12 clusively by energy offices of States and terri-
13 tories to promote energy efficiency projects at
14 industrial facilities within the jurisdiction of
15 such States and territories.

16 (D) Any of such amounts remaining after
17 distributions under subparagraphs (1), (2), and
18 (3) shall be made available to the Secretary of
19 Energy for industrial energy efficiency pro-
20 grams authorized under part E of the Energy
21 Policy and Conservation Act (42 U.S.C. 6341
22 et seq.) or subtitle D of title IV of the Energy
23 Independence and Security Act of 2007 (Public
24 Law 110–140; 121 Stat. 1623).

25 (b) WEATHERIZATION ASSISTANCE PROGRAM.—

1 (1) IN GENERAL.—Part A of title IV of the En-
2 ergy Conservation and Production Act is amended
3 by striking section 422 (42 U.S.C. 6872) and insert-
4 ing the following:

5 **“SEC. 422. FUNDING.**

6 “(a) IN GENERAL.—Notwithstanding any other pro-
7 vision of law, on October 1, 2018, and on each October
8 1 thereafter, out of any funds in the Treasury not other-
9 wise appropriated, the Secretary of the Treasury shall
10 transfer to the Secretary for the cost of grants to carry
11 out this part \$1,500,000,000, to remain available until ex-
12 pended.

13 “(b) RECEIPT AND ACCEPTANCE.—The Secretary
14 shall be entitled to receive, shall accept, and shall use to
15 carry out this part funds made available in section 701
16 of the Off Fossil Fuels for a Better Future Act.”.

17 (2) TECHNICAL CORRECTION.—Section 415 of
18 the Energy Conservation and Production Act (42
19 U.S.C. 6865) is amended, in subsections (d) and
20 (e)(1)(A), by striking “section 422(b)” each place it
21 appears and inserting “section 422”.

22 (3) ENERGY EFFICIENCY AND CONSERVATION
23 BLOCK GRANT PROGRAM.—Section 548 of the En-
24 ergy Independence and Security Act of 2007 (42

1 U.S.C. 17158) is amended by striking subsection (a)
 2 and inserting the following:

3 “(a) IN GENERAL.—

4 “(1) GRANTS.—Notwithstanding any other pro-
 5 vision of law, on October 1, 2018, and on each Octo-
 6 ber 1 thereafter, out of any funds in the Treasury
 7 not otherwise appropriated, the Secretary of the
 8 Treasury shall transfer to the Secretary for the cost
 9 of grants to carry out this section \$30,000,000, to
 10 remain available until expended.

11 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
 12 retary shall be entitled to receive, shall accept, and
 13 shall use to carry out this section the funds trans-
 14 ferred under paragraph (1), without further appro-
 15 priation.”.

16 **TITLE IV—ONSHORE WIND, OFF-**
 17 **SHORE WIND AND SOLAR EN-**
 18 **ERGY TAX CREDIT EXTEN-**
 19 **SION**

20 **SEC. 401. EXTENSION OF CREDITS FOR WIND FACILITIES.**

21 (a) EXTENSION.—Paragraph (1) of section 45(d) of
 22 the Internal Revenue Code of 1986 is amended by striking
 23 “, and the construction of which begins before January
 24 1, 2020.”.

1 (b) DELETE PHASEOUT.—Subsection (b) of section
 2 45 of such Code is amended by deleting paragraph (5)
 3 and inserting the following:

4 “(5) all credits in this subsection shall be re-
 5 fundable.”.

6 (c) EFFECTIVE DATE.—The amendments made by
 7 this section shall take effect on January 1, 2018.

8 (d) CLARIFICATION.—This section shall cover both
 9 onshore and offshore wind energy production.

10 **SEC. 402. EXTENSION OF ELECTION TO TREAT QUALIFIED**
 11 **FACILITIES AS ENERGY PROPERTY.**

12 (a) IN GENERAL.—Clause (ii) of section 48(a)(5)(C)
 13 is amended by inserting “(January 1, 2020, in the case
 14 of any facility which is described in paragraph (1) of sec-
 15 tion 45(d))” before “, and”.

16 (b) EXTENSION FOR WIND FACILITIES.—Paragraph
 17 (5) of section 48(a) is amended by adding the following
 18 subparagraph:

19 “(E) PHASEOUT OF CREDIT FOR WIND FA-
 20 CILITIES.—In the case of any facility using
 21 wind to produce electricity, the amount of the
 22 credit determined under this section (deter-
 23 mined after the application of paragraphs (1)
 24 and (2) and without regard to this subpara-
 25 graph) shall be reduced by—

1 “(i) in the case of any facility the con-
 2 struction of which begins after December
 3 31, 2016, and before January 1, 2018, 20
 4 percent,

5 “(ii) in the case of any facility the
 6 construction of which begins after Decem-
 7 ber 31, 2017, and before January 1, 2019,
 8 40 percent, and

9 “(iii) in the case of any facility the
 10 construction of which begins after Decem-
 11 ber 31, 2018, and before January 1, 2020,
 12 60 percent.”.

13 (c) EFFECTIVE DATE.—The amendments made by
 14 this section shall take effect on January 1, 2018.

15 **SEC. 403. EXTENSION AND OMISSION OF PHASEOUT OF**
 16 **SOLAR ENERGY CREDIT.**

17 (a) EXTENSION.—Subclause (II) of section
 18 48(a)(2)(A)(i) of the Internal Revenue Code of 1986 is
 19 amended by striking “but only with respect to property
 20 the construction of which begins before January 1, 2022”.

21 (b) PHASEOUT FOR SOLAR ENERGY PROPERTY.—
 22 Subsection (a) of section 48 of such Code is amended by
 23 striking paragraph (6).

24 (c) CONFORMING AMENDMENT.—Subparagraph (A)
 25 of section 48(a)(2) of such Code is amended by striking

1 “Except as provided in paragraph (6), the energy percent-
 2 age” and inserting “The energy percentage”.

3 (d) EFFECTIVE DATE.—The amendments made by
 4 this section shall take effect on the date of the enactment
 5 of this Act.

6 **TITLE V—BAN ON CRUDE OIL** 7 **AND LNG EXPORTS**

8 **SEC. 501. BAN ON CRUDE OIL AND LNG EXPORTS.**

9 (a) IN GENERAL.—Section 101 of title I of division
 10 O of the Consolidated Appropriations Act, 2016 (42
 11 U.S.C. 6212a) is amended to read as follows:

12 **“SEC. 101. PROHIBITION ON EXPORTS OF CRUDE OIL AND** 13 **NATURAL GAS.**

14 “Notwithstanding any other provision of this Act, ex-
 15 ports of domestically produced crude oil and natural gas,
 16 including liquefied natural gas, are prohibited. Except the
 17 Secretary of Commerce may, with the approval of the
 18 President, approve the export of crude oil for—

19 “(1) exchanges in similar quantity for conven-
 20 ience or increased efficiency of transportation with
 21 persons or the government of a foreign state;

22 “(2) temporary exports for convenience or in-
 23 creased efficiency of transportation across parts of
 24 an adjacent foreign state which exports reenter the
 25 United States; and

1 “(3) the historical trading relations of the
2 United States with Canada and Mexico.”.

3 (b) REPEAL RELATING TO EXPORTATION OR IMPOR-
4 TATION OF NATURAL GAS.—Subsections (a) and (c) of
5 section 3 of the Natural Gas Act (15 U.S.C. 717b) are
6 repealed.

7 **TITLE VI—JUST TRANSITION**
8 **AND WORKER PROTECTION**

9 **SEC. 601. THE CENTER FOR CLEAN ENERGY WORKFORCE**
10 **DEVELOPMENT.**

11 (a) ESTABLISHMENT OF CENTER FOR WORKFORCE
12 DEVELOPMENT.—

13 (1) This Act hereby establishes the Center for
14 Clean Energy Workforce Development within the
15 Department of Labor. The Center shall identify the
16 employment potential of the energy efficiency and
17 renewable energy industry and the skills and train-
18 ing needed for workers in those fields, and make rec-
19 ommendations to the President and Congress for
20 policies to promote employment growth and access
21 to jobs. The council shall prioritize maximizing em-
22 ployment opportunities for fossil fuel workers dis-
23 placed in the transition to renewable energy, and
24 residents of areas identified as Environmental Jus-
25 tice.

1 (2) The Center shall establish, in consultation
2 with communities over represented on unemployment
3 rolls, a target for the number of new renewable en-
4 ergy jobs to be created in the United States and
5 shall also set a target for the number of new renew-
6 able energy jobs to be created for fossil fuel workers
7 displaced in the transition to renewable energy, and
8 residents of areas identified as environmental justice
9 communities.

10 (3) The Center shall work with labor unions
11 and other relevant community stakeholders to estab-
12 lish job training and workforce development pro-
13 grams sufficient to meet renewable energy and en-
14 ergy efficiency workforce demands. Relocation assist-
15 ance will be prioritized for fossil fuel workers dis-
16 placed in the transition to renewable energy, and
17 residents of disadvantaged communities and low-in-
18 come communities.

19 (4) States may apply for Federal resources to
20 extend unemployment benefits for fossil fuel workers
21 displaced in the transition to renewable energy.

22 (5) States, local units of government or busi-
23 nesses applying for Federal resources to support the
24 transition to 100 percent renewable energy must cre-
25 ate an advisory council to develop a comprehensive

1 plan for their transition. The council must include
2 American Indian, Alaska Native Tribes, Native Ha-
3 waiian Leaders, Native Organizations and Indige-
4 nous communities, low-income communities, people
5 of color, immigrants, environmental justice organiza-
6 tions and networks and those who are disproportion-
7 ately burdened by pollution. People from these com-
8 munities shall have a leading role in the development
9 and implementation of a clean energy plan and re-
10 lated regulations.

11 (b) ELIGIBILITY.—

12 (1) Workers are eligible when transitioning be-
13 tween jobs or are underemployed, they maintain eli-
14 gibility until they have a salary, pension, and health
15 care benefits package within 10 percent of the pre-
16 vious benefits package.

17 (2) For the first 5 years, coal workers are eligi-
18 ble. Then, if 20 percent or more jobs are lost in
19 other energy sectors, eligibility opens for those work-
20 ers as well.

21 (c) BENEFITS.—

22 (1) For up to three years, workers may receive
23 unemployment insurance, health care, and pension
24 based on their previous salary.

1 (2) Workers may also receive job training,
2 healthcare, and living expenses for up to four years.

3 (3) If a worker is ready to retire, they may opt
4 for pension support and health care.

5 (4) Employers shall receive tax credits to
6 incentivize hiring transitioning employees.

7 (d) INVESTMENTS IN COAL COUNTRY.—Once thirty-
8 five or more workers in a county become eligible for the
9 program created by this Act, that county becomes eligible
10 to apply for targeted, need-based development funds
11 through an interagency effort spearheaded by the Depart-
12 ment of Commerce Economic Development Administration
13 (EDA). Funds will be allocated through:

14 (1) Appalachian Regional Commission (ARC) to
15 assist economic growth in Appalachian communities.
16 Appalachian communities most affected by coal
17 economy transition will receive \$40,000,000 annually
18 for a range of economic development planning and
19 implementation activities.

20 (2) Department of Commerce, Economic Devel-
21 opment Assistance Programs (EDAP) to assist eco-
22 nomically distressed communities by fostering an en-
23 vironment conducive to job creation and economic
24 growth. The Act includes \$10,000,000 annually to
25 coordinate Federal economic development funds gov-

ernmentwide. The agency will take a leadership role in planning and coordination to communities and Federal agencies.

(3) In order to address the continuing legacy of coal abandoned mine lands (AML) on the health, safety, environment and economic development potential of communities, the Act provides \$250,000,000 annually to States and tribes for the reclamation of abandoned coal mine land sites and associated polluted waters in a manner that promotes sustainable redevelopment in economically distressed coal country communities. OSMRE will seek input from States, tribes and other stakeholders as it finalizes details of this proposal.

(4) The remainder (\$7 billion over 10 years) goes to eligible counties for water, broadband, and electric grid infrastructure investments.

(e) WORKPLACE PROTECTIONS FOR ALL.—

(1) Workers eligible for benefits under this section shall have the right unionize by requiring only a majority of eligible workers to sign authorizations with the National Labor Relations Board.

(2) Workers eligible for benefits under this section shall have the right to negotiate within 10 days of union certification and provides the option of me-

1 diation after 90 days and the option of arbitration
2 after 30 days following.

3 **SEC. 602. EQUITABLE TRANSITION FUND.**

4 (a) ESTABLISHMENT.—In order to facilitate a just
5 transition to a clean energy economy and to mitigate the
6 impact of fossil fuel worker transition away from energy-
7 intensive, fossil fuel industry jobs and trade-exposed facili-
8 ties, an equitable transition fund shall be created within
9 the Department of the Treasury.

10 (b) PURPOSE.—The purpose of the fund is to ensure
11 that impacted workers are made substantially whole dur-
12 ing a career transition period. Impacted workers will have
13 access to—

- 14 (1) retraining costs;
- 15 (2) peer counseling services;
- 16 (3) employment placement services;
- 17 (4) relocation expenses; and
- 18 (5) other services as deemed necessary by the
19 Secretary of Labor.

20 (c) FUNDING.—Allocation of full financial support to
21 this fund in an amount sufficient to meet the needs of
22 workers who may lose their jobs to the transition to the
23 clean energy economy. Any funds relegated to the account
24 may only be spent after appropriation.

TITLE VII—FUNDING

2 SEC. 701. CREATION OF “OFF FOSSIL FUELS FUND”.

3 (a) IN GENERAL.—In the Department of the Treas-
4 ury, there shall be created the “OFF Fossil Fuels Fund”.

5 (b) FUNDING TO EXECUTE THE PROVISIONS OF
6 THIS ACT.—

7 (1) REPEAL OF OFFSHORE TAX DEFERMENT.—

8 Section 952 of the Internal Revenue Code of 1986
9 is amended by adding at the end the following:

10 “(f) SPECIAL APPLICATION OF SUBPART.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of this subpart, the term ‘subpart F in-
13 come’ means, in the case of any controlled foreign
14 corporation, the income of such corporation derived
15 from any foreign country.

16 “(2) APPLICABLE RULES.—Rules similar to the
17 rules under the last sentence of subsection (a) and
18 subsection (d) shall apply to this subsection.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by this subsection shall apply to taxable years of for-
21 eign corporations beginning after the date of the en-
22 actment of this Act, and to taxable years of United
23 States shareholders with or within which such tax-
24 able years of a foreign corporation’s end.

25 (c) APPROPRIATION OF FUNDS.—

1 (1) Congress shall appoint a Federal council of
2 12 representatives from American Indian, Alaska
3 Native Tribes, Native Hawaiian Organizations, Na-
4 tive Organizations and Indigenous communities, low-
5 income communities, people of color, immigrants, en-
6 vironmental justice organizations and networks and
7 those who are disproportionately burdened by pollu-
8 tion, to determine the most effective ways to appro-
9 priate funds to support the provisions of titles I, II,
10 III, and IV of this Act.

11 (2) The makeup of this council must be fully
12 representative of each of the groups listed in para-
13 graph (1).

14 **SEC. 702. RECAPTURE OF REVENUE FROM “FOSSIL FUEL**
15 **CREDIT” REPEAL.**

16 Pursuant to section 302 of this Act, the fossil fuel
17 tax credits that are repealed will be utilized in the fol-
18 lowing ways:

19 (1) Funds recaptured from the repeal of fossil
20 fuel production tax credits shall be used to fund the
21 programs and activities associated with this Act.

22 (2) Any funds from section 302 of this Act
23 shall be transferred to the “OFF Fossil Fuels
24 Fund” established in section 701 of this Act.

○