

SEC. 9009. SUSTAINABLE TRANSPORTATION RESEARCH AND DEVELOPMENT.

There are authorized to be appropriated to carry out research, development, demonstration, and commercial application activities within the Department of Energy's Offices of Hydrogen and Fuel Cell Technologies, Vehicle Technologies, and Bioenergy Technologies—

- (1) \$830,000,000 for fiscal year 2021;
- (2) \$855,000,000 for fiscal year 2022; and
- (3) \$880,000,000 for fiscal year 2023.

SEC. 9010. LOAN PROGRAM OFFICE TITLE XVII REFORM.

(a) **TERMS AND CONDITIONS.**—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by amending subsection (b) to read as follows:

“(b) **SPECIFIC APPROPRIATION OR CONTRIBUTION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the cost of a guarantee shall be paid by the Secretary using an appropriation made for the cost of the guarantee, subject to the availability of such an appropriation.

“(2) **INSUFFICIENT APPROPRIATIONS.**—If sufficient appropriated funds to pay the cost of a guarantee are not available, then the guarantee shall not be made unless—

“(A) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

“(B) a combination of one or more appropriations and one or more payments from the borrower under this subsection has been made that is sufficient to cover the cost of the guarantee.”;

(2) in subsection (d)(3), by striking “is not subordinate” and inserting “, including any reorganization, restructuring, or termination thereof, shall not at any time be subordinate”;

(3) in subsection (h)—

(A) by amending paragraph (1) to read as follows:

“(1) **IN GENERAL.**—The Secretary shall charge, and collect on or after the date of the financial close of an obligation, a fee for a guarantee in an amount that the Secretary determines is sufficient to cover applicable administrative expenses (including any costs associated with third-party consultants engaged by the Secretary).”; and

(B) by adding at the following:

“(3) **REDUCTION IN FEE AMOUNT.**—Notwithstanding paragraph (1) and subject to the availability of appropriations, the Secretary may reduce the amount of a fee for a guarantee under this subsection.”; and

(4) by adding at the end the following:

“(l) **RESTRUCTURING OF LOAN GUARANTEES.**—The Secretary shall consult with the Secretary of the Treasury regarding any restructuring of the terms or conditions of a guarantee issued pursuant to this title, including with respect to any deviations from the financial terms of the guarantee.

“(m) **WRITTEN ANALYSIS.**—

“(1) **REQUIREMENT.**—The Secretary may not make a guarantee under this title until the Secretary of the Treasury has transmitted to the Secretary, and the Secretary has taken

Fee.
Determination.

Consultation.

Deadlines.

into consideration, a written analysis of the financial terms and conditions of the proposed guarantee.

“(2) TRANSMISSION.—Not later than 30 days after receiving information on a proposed guarantee from the Secretary, the Secretary of the Treasury shall transmit the written analysis of the financial terms and conditions of the proposed guarantee required under paragraph (1) to the Secretary.

“(3) EXPLANATION.—If the Secretary makes a guarantee the financial terms and conditions of which are not consistent with the written analysis required under this subsection, not later than 30 days after making such guarantee, the Secretary shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, a written explanation of any material inconsistencies.

Deadlines.

“(n) APPLICATION STATUS.—

“(1) REQUEST.—If the Secretary does not make a final decision on an application for a guarantee under this title by the date that is 180 days after receipt of the application by the Secretary, the applicant may request, on or after that date and not more than once every 60 days thereafter until a final decision is made, that the Secretary provide to the applicant a response described in paragraph (2).

“(2) RESPONSE.—Not later than 10 days after receiving a request from an applicant under paragraph (1), the Secretary shall provide to the applicant a response that includes—

“(A) a description of the current status of review of the application;

Summary.
Lists.

“(B) a summary of any factors that are delaying a final decision on the application, a list of what items are required in order to reach a final decision, citations to authorities stating the reasons why such items are required, and a list of actions the applicant can take to expedite the process; and

Estimate.

“(C) an estimate of when a final decision on the application will be made.

“(o) OUTREACH.—In carrying out this title, the Secretary shall—

“(1) provide assistance with the completion of applications for a guarantee under this title;

“(2) conduct outreach, including through conferences and online programs, to disseminate information to potential applicants;

“(3) conduct outreach to encourage participation of supporting finance institutions and private lenders in eligible projects.

“(p) COORDINATION.—In carrying out this title, the Secretary shall coordinate activities under this title with activities of other relevant offices with the Department.

Time period.

“(q) REPORT.—Not later than 2 years after the date of the enactment of this subsection and every 3 years thereafter, the Secretary shall submit to Congress a report on the status of applications for, and projects receiving, guarantees under this title, including—

List.

“(1) a list of such projects, including the guarantee amount, construction status, and financing partners of each such project;

“(2) the status of each such project’s loan repayment, including interest paid and future repayment projections;

“(3) an estimate of the air pollutant or greenhouse gas emissions avoided or reduced from each such project; Estimate.

“(4) data regarding the number of direct and indirect jobs retained, restored, or created by such projects; Data.

“(5) identification of—

“(A) technologies deployed by projects that have received guarantees that have subsequently been deployed commercially without guarantees; and

“(B) novel technologies that have been deployed by such projects and deployed in the commercial energy market;

“(6) the number of new projects projected to receive a guarantee under this title during the next 2 years and the aggregate guarantee amount; Time period.

“(7) the number of outreach engagements conducted with potential applicants;

“(8) the number of applications received and currently pending for each open solicitation; and

“(9) any other metrics the Secretary finds appropriate.”.

(b) PROJECT ELIGIBILITY EXPANSION.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, utilize” after “reduce”; and

(B) in paragraph (2), by striking “.” and inserting “, including projects that employ elements of commercial technologies in combination with new or significantly improved technologies.”;

(2) in subsection (b)—

(A) in paragraph (4), by inserting “, including manufacturing of nuclear supply components for advanced nuclear reactors” after “facilities”;

(B) by amending paragraph (5) to read as follows:

“(5) Carbon capture, utilization, and sequestration practices and technologies, including—

“(A) agricultural and forestry practices that store and sequester carbon; and

“(B) synthetic technologies to remove carbon from the air and oceans.”; and

(C) by adding at the end the following:

“(11) Energy storage technologies for residential, industrial, transportation, and power generation applications.

“(12) Technologies or processes for reducing greenhouse gas emissions from industrial applications, including iron, steel, cement, and ammonia production, hydrogen production, and the generation of high-temperature heat.”; and

(3) by adding at the end the following new subsection:

“(f) REGIONAL VARIATION.—Notwithstanding subsection (a)(2), the Secretary may, if regional variation significantly affects the deployment of a technology, make guarantees under this title for up to 6 projects that employ the same or similar technology as another project, provided no more than 2 projects that use the same or a similar technology are located in the same region of the United States.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following:

“(c) ADMINISTRATIVE AND OTHER EXPENSES.—There are authorized to be appropriated—

“(1) \$32,000,000 for each of fiscal years 2021 through 2025 to carry out this title; and

“(2) for fiscal year 2021, in addition to amounts authorized under paragraph (1), \$25,000,000, to remain available until expended, for administrative expenses described in section 1702(h)(1) that are not covered by fees collected pursuant to section 1702(h).”.