

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1602

To amend the United States Energy Storage Competitiveness Act of 2007 to establish a research, development, and demonstration program for grid-scale energy storage systems, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Better Energy Storage
5 Technology Act” or the “BEST Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DEPARTMENT.—The term “Department”
9 means the Department of Energy.

1 (2) ENERGY STORAGE SYSTEM.—The term “en-
2 ergy storage system” means any system, equipment,
3 facility, or technology that—

4 (A) is capable of absorbing or converting
5 energy, storing the energy for a period of time,
6 and dispatching the energy; and

7 (B)(i) uses mechanical, electrochemical,
8 thermal, electrolysis, or other processes to con-
9 vert and store electric energy that was gen-
10 erated at an earlier time for use at a later time;
11 or

12 (ii) stores energy in an electric, thermal, or
13 gaseous state for direct use for heating or cool-
14 ing at a later time in a manner that avoids the
15 need to use electricity or other fuel sources at
16 that later time, such as a grid-enabled water
17 heater.

18 (3) NATIONAL LABORATORY.—The term “Na-
19 tional Laboratory” has the meaning given the term
20 in section 2 of the Energy Policy Act of 2005 (42
21 U.S.C. 15801).

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of Energy, unless otherwise specified.

1 **SEC. 3. ENERGY STORAGE SYSTEM RESEARCH, DEVELOP-**
2 **MENT, AND DEPLOYMENT PROGRAM.**

3 (a) ESTABLISHMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary shall es-
5 tablish a program, to be known as the “Energy Storage
6 System Research, Development, and Deployment Pro-
7 gram” (referred to in this section as the “program”).

8 (b) INITIAL PROGRAM OBJECTIVES.—The program
9 shall focus on research, development, and deployment of—

10 (1) energy storage systems designed to further
11 the development of technologies—

12 (A) for large-scale commercial deployment;

13 (B) for deployment at cost targets estab-
14 lished by the Secretary;

15 (C) for hourly and subhourly durations re-
16 quired to provide reliability services to the grid;

17 (D) for daily durations, which have—

18 (i) the capacity to discharge energy
19 for a minimum of 6 hours; and

20 (ii) a system lifetime of at least 20
21 years under regular operation;

22 (E) for weekly or monthly durations, which
23 have—

24 (i) the capacity to discharge energy
25 for 10 to 100 hours, at a minimum; and

1 (ii) a system lifetime of at least 20
2 years under regular operation; and

3 (F) for seasonal durations, which have—

4 (i) the capability to address seasonal
5 variations in supply and demand; and

6 (ii) a system lifetime of at least 20
7 years under regular operation;

8 (2) distributed energy storage technologies and
9 applications, including building-grid integration;

10 (3) transportation energy storage technologies
11 and applications, including vehicle-grid integration;

12 (4) cost-effective systems and methods for—

13 (A) the reclamation, recycling, and disposal
14 of energy storage materials, including lithium,
15 cobalt, nickel, and graphite; and

16 (B) the reuse and repurposing of energy
17 storage system technologies;

18 (5) advanced control methods for energy stor-
19 age systems;

20 (6) pumped hydroelectric energy storage sys-
21 tems to advance—

22 (A) adoption of innovative technologies, in-
23 cluding—

- 1 (i) adjustable-speed, ternary, and
2 other new pumping and generating equip-
3 ment designs;
- 4 (ii) modular systems;
- 5 (iii) closed-loop systems, including
6 mines and quarries; and
- 7 (iv) other critical equipment and ma-
8 terials for pumped hydroelectric energy
9 storage, as determined by the Secretary;
10 and
- 11 (B) reductions of equipment costs, civil
12 works costs, and construction times for pumped
13 hydroelectric energy storage projects, with the
14 goal of reducing those costs by 50 percent;
- 15 (7) models and tools to demonstrate the bene-
16 fits of energy storage to—
- 17 (A) power and water supply systems;
- 18 (B) electric generation portfolio optimiza-
19 tion; and
- 20 (C) expanded deployment of other renew-
21 able energy technologies, including in hybrid en-
22 ergy storage systems; and
- 23 (8) energy storage use cases from individual
24 and combination technology applications, including

1 value from various-use cases and energy storage
2 services.

3 (c) TESTING AND VALIDATION.—In coordination
4 with 1 or more National Laboratories, the Secretary shall
5 accelerate the development, standardized testing, and vali-
6 dation of energy storage systems under the program by
7 developing testing and evaluation methodologies for—

8 (1) storage technologies, controls, and power
9 electronics for energy storage systems under a vari-
10 ety of operating conditions;

11 (2) standardized and grid performance testing
12 for energy storage systems, materials, and tech-
13 nologies during each stage of development, beginning
14 with the research stage and ending with the deploy-
15 ment stage;

16 (3) reliability, safety, and durability testing
17 under standard and evolving duty cycles; and

18 (4) accelerated life testing protocols to predict
19 estimated lifetime metrics with accuracy.

20 (d) PERIODIC EVALUATION OF PROGRAM OBJEC-
21 TIVES.—Not less frequently than once every calendar year,
22 the Secretary shall evaluate and, if necessary, update the
23 program objectives to ensure that the program continues
24 to advance energy storage systems toward widespread

1 commercial deployment by lowering the costs and increas-
2 ing the duration of energy storage resources.

3 (e) ENERGY STORAGE STRATEGIC PLAN.—

4 (1) IN GENERAL.—The Secretary shall develop
5 a 10-year strategic plan for the program, and up-
6 date the plan, in accordance with this subsection.

7 (2) CONTENTS.—The strategic plan developed
8 under paragraph (1) shall—

9 (A) be coordinated with and integrated
10 across other relevant offices in the Department;

11 (B) to the extent practicable, include
12 metrics that can be used to evaluate storage
13 technologies;

14 (C) identify Department programs that—

15 (i) support the research and develop-
16 ment activities described in subsection (b)
17 and the demonstration projects under sec-
18 tion 4; and

19 (ii)(I) do not support the activities or
20 projects described in clause (i); but

21 (II) are important to the development
22 of energy storage systems and the mission
23 of the Department, as determined by the
24 Secretary;

25 (D) include expected timelines for—

1 (i) the accomplishment of relevant ob-
2 jectives under current programs of the De-
3 partment relating to energy storage sys-
4 tems; and

5 (ii) the commencement of any new ini-
6 tiatives within the Department relating to
7 energy storage systems to accomplish those
8 objectives; and

9 (E) incorporate relevant activities de-
10 scribed in the Grid Modernization Initiative
11 Multi-Year Program Plan.

12 (3) SUBMISSION TO CONGRESS.—Not later than
13 180 days after the date of enactment of this Act, the
14 Secretary shall submit to the Committee on Energy
15 and Natural Resources of the Senate and the Com-
16 mittees on Energy and Commerce and Science,
17 Space, and Technology of the House of Representa-
18 tives the strategic plan developed under paragraph
19 (1).

20 (4) UPDATES TO PLAN.—The Secretary—

21 (A) shall annually review the strategic plan
22 developed under paragraph (1); and

23 (B) may periodically revise the strategic
24 plan as appropriate.

1 (f) LEVERAGING OF RESOURCES.—The program may
2 be led by a specific office of the Department, but shall
3 be cross-cutting in nature, so that in carrying out activi-
4 ties under the program, the Secretary (or a designee of
5 the Secretary charged with leading the program) shall le-
6 verage existing Federal resources, including, at a min-
7 imum, the expertise and resources of—

8 (1) the Office of Electricity Delivery and En-
9 ergy Reliability;

10 (2) the Office of Energy Efficiency and Renew-
11 able Energy, including the Water Power Tech-
12 nologies Office; and

13 (3) the Office of Science, including—

14 (A) the Basic Energy Sciences Program;

15 (B) the Advanced Scientific Computing
16 Research Program;

17 (C) the Biological and Environmental Re-
18 search Program; and

19 (4) the Electricity Storage Research Initiative
20 established under section 975 of the Energy Policy
21 Act of 2005 (42 U.S.C. 16315).

22 (g) PROTECTING PRIVACY AND SECURITY.—In car-
23 rying out this section, the Secretary shall identify, incor-
24 porate, and follow best practices for protecting the privacy
25 of individuals and businesses and the respective sensitive

1 data of the individuals and businesses, including by man-
2 aging privacy risk and implementing the Fair Information
3 Practice Principles of the Federal Trade Commission for
4 the collection, use, disclosure, and retention of individual
5 electric consumer information in accordance with the Of-
6 fice of Management and Budget Circular A-130 (or suc-
7 cessor circulars).

8 **SEC. 4. ENERGY STORAGE DEMONSTRATION PROJECTS;**
9 **PILOT GRANT PROGRAM.**

10 (a) DEMONSTRATION PROJECTS.—Not later than
11 September 30, 2023, the Secretary shall, to the maximum
12 extent practicable, enter into agreements to carry out not
13 fewer than 5 energy storage system demonstration
14 projects, including at least 1 energy storage system dem-
15 onstration project designed to further the development of
16 technologies described in subparagraph (E) or (F) of sec-
17 tion 3(b)(1).

18 (b) ENERGY STORAGE PILOT GRANT PROGRAM.—

19 (1) DEFINITION OF ELIGIBLE ENTITY.—In this
20 subsection, the term “eligible entity” means—

21 (A) a State energy office (as defined in
22 section 124(a) of the Energy Policy Act of 2005
23 (42 U.S.C. 15821(a)));

24 (B) an Indian tribe (as defined in section
25 4 of the Native American Housing Assistance

1 and Self-Determination Act of 1996 (25 U.S.C.
2 4103);

3 (C) a tribal organization (as defined in sec-
4 tion 3765 of title 38, United States Code);

5 (D) an institution of higher education (as
6 defined in section 101 of the Higher Education
7 Act of 1965 (20 U.S.C. 1001));

8 (E) an electric utility, including—

9 (i) an electric cooperative;

10 (ii) a political subdivision of a State,
11 such as a municipally owned electric util-
12 ity, or any agency, authority, corporation,
13 or instrumentality of a State political sub-
14 division; and

15 (iii) an investor-owned utility; and

16 (F) a private energy storage company that
17 is a small business concern (within the meaning
18 of section 3 of the Small Business Act (15
19 U.S.C. 632)).

20 (2) ESTABLISHMENT.—The Secretary shall es-
21 tablish a competitive grant program under which the
22 Secretary shall award grants to eligible entities to
23 carry out demonstration projects for pilot energy
24 storage systems.

1 (3) SELECTION REQUIREMENTS.—In selecting
2 eligible entities to receive a grant under paragraph
3 (2), the Secretary shall, to the maximum extent
4 practicable—

5 (A) ensure regional diversity among eligi-
6 ble entities awarded grants, including ensuring
7 participation of eligible entities that are rural
8 States and States with high energy costs;

9 (B) ensure that grants are awarded for
10 demonstration projects that—

11 (i) expand on the existing technology
12 demonstration programs of the Depart-
13 ment;

14 (ii) are designed to achieve 1 or more
15 of the objectives described in paragraph
16 (4); and

17 (iii) inject or withdraw energy from
18 the bulk power system, electric distribution
19 system, building energy system, or
20 microgrid (grid-connected or islanded
21 mode) where the project is located; and

22 (C) give consideration to proposals from el-
23 igible entities for securing energy storage
24 through competitive procurement or contract
25 for service.

1 (4) OBJECTIVES.—Each demonstration project
2 carried out by a grant awarded under paragraph (2)
3 shall have 1 or more of the following objectives:

4 (A) To improve the security of critical in-
5 frastructure and emergency response systems.

6 (B) To improve the reliability of trans-
7 mission and distribution systems, particularly in
8 rural areas, including high-energy-cost rural
9 areas.

10 (C) To optimize transmission or distribu-
11 tion system operation and power quality to
12 defer or avoid costs of replacing or upgrading
13 electric grid infrastructure, including trans-
14 formers and substations.

15 (D) To supply energy at peak periods of
16 demand on the electric grid or during periods of
17 significant variation of electric grid supply.

18 (E) To reduce peak loads of homes and
19 businesses.

20 (F) To improve and advance power conver-
21 sion systems.

22 (G) To provide ancillary services for grid
23 stability and management.

24 (H) To integrate renewable energy re-
25 source production.

1 (I) To increase the feasibility of microgrids
2 (grid-connected or islanded mode).

3 (J) To enable the use of stored energy in
4 forms other than electricity to support the nat-
5 ural gas system and other industrial processes.

6 (K) To integrate fast charging of electric
7 vehicles.

8 (L) To improve energy efficiency.

9 (c) REPORTS.—Not less frequently than once every
10 2 years for the duration of the programs under sub-
11 sections (a) and (b), the Secretary shall submit to Con-
12 gress and make publicly available a report describing the
13 performance of those programs.

14 (d) NO PROJECT OWNERSHIP INTEREST.—The Fed-
15 eral Government shall not hold any equity or other owner-
16 ship interest in any energy storage system that is part
17 of a project under this section unless the holding is agreed
18 to by each participant of the project.

19 **SEC. 5. LONG-DURATION DEMONSTRATION INITIATIVE AND**
20 **JOINT PROGRAM.**

21 (a) DEFINITIONS.—In this section:

22 (1) DIRECTOR OF ARPA-E.—The term “Direc-
23 tor of ARPA-E” has the meaning given the term in
24 section 5012(a) of the America COMPETES Act
25 (42 U.S.C. 16538(a)).

1 (2) DIRECTOR OF ESTCP.—The term “Director
2 of ESTCP” means the Secretary of Defense, acting
3 through the Director of the Environmental Security
4 Technology Certification Program of the Depart-
5 ment of Defense.

6 (3) INITIATIVE.—The term “Initiative” means
7 the demonstration initiative established under sub-
8 section (b).

9 (4) JOINT PROGRAM.—The term “Joint Pro-
10 gram” means the joint program established under
11 subsection (d).

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of Energy, acting through the Director
14 of ARPA–E.

15 (b) ESTABLISHMENT OF INITIATIVE.—Not later than
16 180 days after the date of enactment of this Act, the Sec-
17 retary shall establish a demonstration initiative composed
18 of demonstration projects focused on the development of
19 long-duration energy storage technologies.

20 (c) SELECTION OF PROJECTS.—To the maximum ex-
21 tent practicable, in selecting demonstration projects to
22 participate in the Initiative, the Secretary shall—

23 (1) ensure a range of technology types;

24 (2) ensure regional diversity among projects;

25 and

1 (3) consider bulk power level, distribution power
2 level, behind-the-meter, microgrid (grid-connected or
3 islanded mode), and off-grid applications.

4 (d) JOINT PROGRAM.—

5 (1) ESTABLISHMENT.—As part of the Initia-
6 tive, the Secretary, in consultation with the Director
7 of ESTCP, shall establish within the Department of
8 Energy a joint program to carry out projects—

9 (A) to demonstrate promising long-dura-
10 tion energy storage technologies at different
11 scales; and

12 (B) to help new, innovative long-duration
13 energy storage technologies become commer-
14 cially viable.

15 (2) MEMORANDUM OF UNDERSTANDING.—Not
16 later than 200 days after the date of enactment of
17 this Act, the Secretary shall enter into a memo-
18 randum of understanding with the Director of
19 ESTCP to administer the Joint Program.

20 (3) INFRASTRUCTURE.—In carrying out the
21 Joint Program, the Secretary and the Director of
22 ESTCP shall—

23 (A) use existing test-bed infrastructure
24 at—

- 1 (i) Department of Energy facilities;
2 and
3 (ii) Department of Defense installa-
4 tions; and
5 (B) develop new infrastructure for identi-
6 fied projects, if appropriate.

7 (4) GOALS AND METRICS.—The Secretary and
8 the Director of ESTCP shall develop goals and
9 metrics for technological progress under the Joint
10 Program consistent with energy resilience and en-
11 ergy security policies.

12 (5) SELECTION OF PROJECTS.—

13 (A) IN GENERAL.—To the maximum ex-
14 tent practicable, in selecting projects to partici-
15 pate in the Joint Program, the Secretary and
16 the Director of ESTCP shall—

17 (i) ensure that projects are carried
18 out under conditions that represent a vari-
19 ety of environments with different physical
20 conditions and market constraints; and

21 (ii) ensure an appropriate balance
22 of—

23 (I) larger, higher-cost projects;

24 and

25 (II) smaller, lower-cost projects.

1 (B) PRIORITY.—In carrying out the Joint
2 Program, the Secretary and the Director of
3 ESTCP shall give priority to demonstration
4 projects that—

5 (i) make available to the public
6 project information that will accelerate de-
7 ployment of long-duration energy storage
8 technologies; and

9 (ii) will be carried out in the field.

10 **SEC. 6. TECHNICAL AND PLANNING ASSISTANCE PROGRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means—

14 (A) an electric cooperative;

15 (B) a political subdivision of a State, such
16 as a municipally owned electric utility, or any
17 agency, authority, corporation, or instrumen-
18 tality of a State political subdivision;

19 (C) a not-for-profit entity that is in a part-
20 nership with not less than 6 entities described
21 in subparagraph (A) or (B); and

22 (D) an investor-owned utility.

23 (2) PROGRAM.—The term “program” means
24 the technical and planning assistance program estab-
25 lished under subsection (b)(1).

1 (b) ESTABLISHMENT.—

2 (1) IN GENERAL.—The Secretary shall establish
3 a technical and planning assistance program to as-
4 sist eligible entities in identifying, evaluating, plan-
5 ning, designing, and developing processes to procure
6 energy storage systems.

7 (2) ASSISTANCE AND GRANTS.—Under the pro-
8 gram, the Secretary shall—

9 (A) provide technical and planning assist-
10 ance, including disseminating information, di-
11 rectly to eligible entities; and

12 (B) award grants to eligible entities to con-
13 tract to obtain technical and planning assist-
14 ance from outside experts.

15 (3) FOCUS.—In carrying out the program, the
16 Secretary shall focus on energy storage system
17 projects that have the greatest potential for—

18 (A) strengthening the reliability and resil-
19 iency of energy infrastructure;

20 (B) reducing the cost of energy storage
21 systems;

22 (C) improving the feasibility of microgrids
23 (grid-connected or islanded mode), particularly
24 in rural areas, including high energy cost rural
25 areas;

- 1 (D) reducing consumer electricity costs; or
2 (E) maximizing local job creation.

3 (c) TECHNICAL AND PLANNING ASSISTANCE.—

4 (1) IN GENERAL.—Technical and planning as-
5 sistance provided under the program shall include
6 assistance with 1 or more of the following activities
7 relating to energy storage systems:

8 (A) Identification of opportunities to use
9 energy storage systems.

10 (B) Feasibility studies to assess the poten-
11 tial for development of new energy storage sys-
12 tems or improvement of existing energy storage
13 systems.

14 (C) Assessment of technical and economic
15 characteristics, including a cost-benefit analysis.

16 (D) Utility interconnection.

17 (E) Permitting and siting issues.

18 (F) Business planning and financial anal-
19 ysis.

20 (G) Engineering design.

21 (H) Resource adequacy planning.

22 (I) Resilience planning and valuation.

23 (2) EXCLUSION.—Technical and planning as-
24 sistance provided under the program shall not be
25 used to pay any person for influencing or attempting

1 to influence an officer or employee of any Federal,
2 State, or local agency, a Member of Congress, an
3 employee of a Member of Congress, a State or local
4 legislative body, or an employee of a State or local
5 legislative body.

6 (d) INFORMATION DISSEMINATION.—The informa-
7 tion disseminated under subsection (b)(2)(A) shall in-
8 clude—

9 (1) information relating to the topics described
10 in subsection (c)(1), including case studies of suc-
11 cessful examples;

12 (2) computational tools or software for assess-
13 ment, design, and operation and maintenance of en-
14 ergy storage systems;

15 (3) public databases that track existing and
16 planned energy storage systems;

17 (4) best practices for the utility and grid oper-
18 ator business processes associated with the topics
19 described in subsection (c)(1); and

20 (5) relevant State policies or regulations associ-
21 ated with the topics described in subsection (c)(1).

22 (e) APPLICATIONS.—

23 (1) IN GENERAL.—The Secretary shall seek ap-
24 plications for the program—

1 (A) on a competitive, merit-reviewed basis;
2 and

3 (B) on a periodic basis, but not less fre-
4 quently than once every 12 months.

5 (2) APPLICATION.—An eligible entity desiring
6 to apply for the program shall submit to the Sec-
7 retary an application at such time, in such manner,
8 and containing such information as the Secretary
9 may require, including whether the eligible entity is
10 applying for—

11 (A) direct technical or planning assistance
12 under subsection (b)(2)(A); or

13 (B) a grant under subsection (b)(2)(B).

14 (3) PRIORITIES.—In selecting eligible entities
15 for technical and planning assistance under the pro-
16 gram, the Secretary shall give priority to eligible en-
17 tities described in subparagraphs (A) and (B) of
18 subsection (a)(1).

19 (f) REPORTS.—The Secretary shall submit to Con-
20 gress and make available to the public—

21 (1) not less frequently than once every 2 years,
22 a report describing the performance of the program,
23 including a synthesis and analysis of any informa-
24 tion the Secretary requires grant recipients to pro-

1 vide to the Secretary as a condition of receiving a
2 grant; and

3 (2) on termination of the program, an assess-
4 ment of the success of, and education provided by,
5 the measures carried out by eligible entities under
6 the program.

7 (g) COST-SHARING.—Activities under this section
8 shall be subject to the cost-sharing requirements under
9 section 988 of the Energy Policy Act of 2005 (42 U.S.C.
10 16352).

11 **SEC. 7. ENERGY STORAGE MATERIALS RECYCLING PRIZE**
12 **COMPETITION.**

13 Section 1008 of the Energy Policy Act of 2005 (42
14 U.S.C. 16396) is amended by adding at the end the fol-
15 lowing:

16 “(g) ENERGY STORAGE MATERIALS RECYCLING
17 PRIZE COMPETITION.—

18 “(1) DEFINITION OF CRITICAL ENERGY STOR-
19 AGE MATERIALS.—In this subsection, the term ‘crit-
20 ical energy storage materials’ includes—

21 “(A) lithium;

22 “(B) cobalt;

23 “(C) nickel;

24 “(D) graphite; and

1 “(E) any other material determined by the
2 Secretary to be critical to the continued grow-
3 ing supply of energy storage resources.

4 “(2) PRIZE AUTHORITY.—

5 “(A) IN GENERAL.—As part of the pro-
6 gram established under subsection (a), the Sec-
7 retary shall establish an award program, to be
8 known as the ‘Energy Storage Materials Recy-
9 cling Prize Competition’ (referred to in this
10 subsection as the ‘program’), under which the
11 Secretary shall carry out prize competitions and
12 make awards to advance the recycling of critical
13 energy storage materials.

14 “(B) FREQUENCY.—To the maximum ex-
15 tent practicable, the Secretary shall carry out a
16 competition under the program not less fre-
17 quently than once every calendar year.

18 “(3) ELIGIBILITY.—

19 “(A) IN GENERAL.—To be eligible to win
20 a prize under the program, an individual or en-
21 tity—

22 “(i) shall have complied with the re-
23 quirements of the competition as described
24 in the announcement for that competition

1 published in the Federal Register by the
2 Secretary under paragraph (6);

3 “(ii) in the case of a private entity,
4 shall be incorporated in the United States
5 and maintain a primary place of business
6 in the United States;

7 “(iii) in the case of an individual,
8 whether participating singly or in a group,
9 shall be a citizen of, or an alien lawfully
10 admitted for permanent residence in, the
11 United States.

12 “(B) EXCLUSIONS.—The following entities
13 and individuals shall not be eligible to win a
14 prize under the program:

15 “(i) A Federal entity.

16 “(ii) A Federal employee (including
17 an employee of a National Laboratory)
18 acting within the scope of employment.

19 “(4) AWARDS.—In carrying out the program,
20 the Secretary shall award cash prizes, in amounts to
21 be determined by the Secretary, to each individual or
22 entity selected through a competitive process to de-
23 velop advanced methods or technologies to recycle
24 critical energy storage materials from energy storage
25 systems.

1 “(5) CRITERIA.—

2 “(A) IN GENERAL.—The Secretary shall
3 establish objective, merit-based criteria for
4 awarding the prizes in each competition carried
5 out under the program.

6 “(B) REQUIREMENTS.—The criteria estab-
7 lished under subparagraph (A) shall prioritize
8 advancements in methods or technologies that
9 present the greatest potential for large-scale
10 commercial deployment.

11 “(C) CONSULTATION.—In establishing cri-
12 teria under subparagraph (A), the Secretary
13 shall consult with appropriate members of pri-
14 vate industry involved in the commercial deploy-
15 ment of energy storage systems.

16 “(6) ADVERTISING AND SOLICITATION OF COM-
17 PETITORS.—

18 “(A) IN GENERAL.—The Secretary shall
19 announce each prize competition under the pro-
20 gram by publishing a notice in the Federal Reg-
21 ister.

22 “(B) REQUIREMENTS.—Each notice pub-
23 lished under subparagraph (A) shall describe
24 the essential elements of the competition, such
25 as—

- 1 “(i) the subject of the competition;
2 “(ii) the duration of the competition;
3 “(iii) the eligibility requirements for
4 participation in the competition;
5 “(iv) the process for participants to
6 register for the competition;
7 “(v) the amount of the prize; and
8 “(vi) the criteria for awarding the
9 prize.

10 “(7) JUDGES.—

11 “(A) IN GENERAL.—For each prize com-
12 petition under the program, the Secretary shall
13 assemble a panel of qualified judges to select
14 the winner or winners of the competition on the
15 basis of the criteria established under para-
16 graph (5).

17 “(B) SELECTION.—The judges for each
18 competition shall include appropriate members
19 of private industry involved in the commercial
20 deployment of energy storage systems.

21 “(C) CONFLICTS.—An individual may not
22 serve as a judge in a prize competition under
23 the program if the individual, the spouse of the
24 individual, any child of the individual, or any

1 other member of the household of the indi-
2 vidual—

3 “(i) has a personal or financial inter-
4 est in, or is an employee, officer, director,
5 or agent of, any entity that is a registered
6 participant in the prize competition for
7 which the individual will serve as a judge;
8 or

9 “(ii) has a familial or financial rela-
10 tionship with a registered participant in
11 the prize competition for which the indi-
12 vidual will serve as a judge.

13 “(8) REPORT TO CONGRESS.—Not later than
14 60 days after the date on which the first prize is
15 awarded under the program, and annually there-
16 after, the Secretary shall submit to Congress a re-
17 port that—

18 “(A) identifies each award recipient;

19 “(B) describes the advanced methods or
20 technologies developed by each award recipient;
21 and

22 “(C) specifies actions being taken by the
23 Department toward commercial application of
24 all methods or technologies with respect to

1 which a prize has been awarded under the pro-
2 gram.

3 “(9) ANTI-DEFICIENCY ACT.—The Secretary
4 shall carry out the program in accordance with sec-
5 tion 1341 of title 31, United States Code (commonly
6 referred to as the ‘Anti-Deficiency Act’).

7 “(10) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to carry out
9 this subsection \$10,000,000 for each of fiscal years
10 2020 through 2024, to remain available until ex-
11 pended.”.

12 **SEC. 8. REGULATORY ACTIONS TO ENCOURAGE ENERGY**
13 **STORAGE DEPLOYMENT.**

14 (a) DEFINITIONS.—In this section:

15 (1) COMMISSION.—The term “Commission”
16 means the Federal Energy Regulatory Commission.

17 (2) ELECTRIC STORAGE RESOURCE.—The term
18 “electric storage resource” means a resource capable
19 of receiving electric energy from the grid and storing
20 that electric energy for later injection back into the
21 grid.

22 (b) REGULATORY ACTION.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Commission

1 shall issue a regulation to identify the eligibility of,
2 and process for, electric storage resources—

3 (A) to receive cost recovery through Com-
4 mission-regulated rates for the transmission of
5 electric energy in interstate commerce; and

6 (B) that receive cost recovery under sub-
7 paragraph (A) to receive compensation for other
8 services (such as the sale of energy, capacity, or
9 ancillary services) without regard to whether
10 those services are provided concurrently with
11 the transmission service described in subpara-
12 graph (A).

13 (2) PROHIBITION OF DUPLICATE RECOVERY.—
14 Any regulation issued under paragraph (1) shall pre-
15 clude the receipt of unjust and unreasonable double
16 recovery for electric storage resources providing
17 services described in subparagraphs (A) and (B) of
18 that paragraph.

19 (c) ELECTRIC STORAGE RESOURCES TECHNICAL
20 CONFERENCE.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Commis-
23 sion shall convene a technical conference on the po-
24 tential for electric storage resources to improve the
25 operation of electric systems.

1 (2) REQUIREMENTS.—The technical conference
2 under paragraph (1) shall—

3 (A) identify opportunities for further con-
4 sideration of electric storage resources in re-
5 gional and interregional transmission planning
6 processes within the jurisdiction of the Commis-
7 sion;

8 (B) identify all energy, capacity, and ancil-
9 lary service products, market designs, or rules
10 that—

11 (i) are within the jurisdiction of the
12 Commission; and

13 (ii) enable and compensate for the use
14 of electric storage resources that improve
15 the operation of electric systems;

16 (C) examine additional products, market
17 designs, or rules that would enable and com-
18 pensate for the use of electric storage resources
19 for improving the operation of electric systems;
20 and

21 (D) examine the functional value of electric
22 storage resources at the transmission and dis-
23 tribution system interface for purposes of pro-
24 viding electric system reliability.

1 **SEC. 9. COORDINATION.**

2 To the maximum extent practicable, the Secretary
3 shall coordinate the activities under this Act (including ac-
4 tivities conducted pursuant to the amendments made by
5 this Act) among the offices and employees of the Depart-
6 ment, other Federal agencies, and other relevant enti-
7 ties—

- 8 (1) to ensure appropriate collaboration; and
9 (2) to avoid unnecessary duplication of those
10 activities.

11 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated—

13 (1) to carry out section 3, \$100,000,000 for
14 each of fiscal years 2020 through 2024, to remain
15 available until expended;

16 (2) to carry out section 4, \$100,000,000 for
17 each of fiscal years 2020 through 2024, to remain
18 available until expended;

19 (3) to carry out section 5, \$50,000,000 for each
20 of fiscal years 2020 through 2024, to remain avail-
21 able until expended; and

22 (4) to carry out section 6, \$20,000,000 for each
23 of fiscal years 2020 through 2024, to remain avail-
24 able until expended.