To ensure 100 percent renewable electricity, zero emission vehicles, and regenerative agriculture by 2030 to address global warming caused by human activity.

IN THE HOUSE OF REPRESENTATIVES

Mr. Espaillat introduced the following bill; which was referred to the Committee on

A BILL

To ensure 100 percent renewable electricity, zero emission vehicles, and regenerative agriculture by 2030 to address global warming caused by human activity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Earth Act of 2022”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Global climate change is an immediate threat to the national security, public health, and
national economy of the United States as well as the legacy we will leave to our children.

(2) The most vulnerable communities, including communities of color, women, children, the elderly, persons with disabilities, low-income communities, and those with underlying health conditions, face even greater health risks as a result of climate change.

(3) The United States is already seeing climate change exacerbate extreme weather events, with—

(A) the year 2020 seeing the most active Atlantic hurricane season on record with 30 named storms and six major hurricanes;

(B) the 2019 issuance of the first-ever Extreme Red Flag Warning for wildfires;

(C) hundreds of thousands of acres in the Western United States currently or recently experiencing devastating wildfires; and

(D) communities around the country regularly facing “100-Year Floods”.

(4) The United Nations Intergovernmental Panel on Climate Change 2016 Special Report on Climate Change and Land found that sustainable land management can contribute to reducing the
negative impacts of multiple stressors, including climate change.

(5) The Environmental Protection Agency found that electricity, transportation, and agriculture accounted for more than 60 percent of greenhouse gas emissions in 2019.

(6) The National Centers for Environmental Information found that, in 2021, there were 20 weather and climate disaster events with losses exceeding $1,000,000,000 each to affect the United States. These events resulted in the deaths of 688 people and had significant economic effects on the areas impacted. The 1980–2021 annual average is 7.4 events.

(7) The total cost of United States billion-dollar disasters over the years 2016 through 2020 exceeds $600,000,000,000, with a 5-year annual cost average of $121,300,000,000.

(8) The IPCC released its Working Group I, 2021 report, which found that, unless immediate and broad reductions in greenhouse gas emissions are made by the international community, it will be impossible to limit global warming to 2 degrees Celsius, the warming level which the scientific community believes will precipitate catastrophic climate-re-
lated consequences and risks to human health, livelihoods, food security, human security, water supply, and economic growth will all increase.

(9) In 2021, Secretary of Energy, Jennifer Granholm, expressed that, by 2030, the clean energy sector will be a $230,000,000,000,000 global market for all technologies and products that reduce carbon pollution, spurring economic opportunity through job creation for people across the United States and the world.

(10) According to the Environmental Protection Agency, renewable energy reduces greenhouse gas emissions and air pollution associated with energy production.

(11) The 2021 Department of Defense Climate Risk Analysis found that increasing temperatures, changing precipitation patterns, and more frequent, intense, and unpredictable extreme weather conditions caused by climate change are exacerbating existing security risks.

(12) In 2021, the Office of the Director of National Intelligence assessed that climate change will increasingly exacerbate risks to United States national security interests.
(13) In 2021, the President issued an Executive order directing the Federal Government to achieve 100 percent carbon pollution-free electricity on a net annual basis by 2030 and 100 percent zero-emission vehicle acquisitions by 2035.

(14) In 2021, United Nations Secretary-General, Antonio Guterres, described the urgency of addressing climate change by stating that “the alarm bells are deafening, and the evidence is irrefutable: greenhouse gas emissions from fossil fuel burning and deforestation are choking our planet and putting billions of people at immediate risk. Global heating is affecting every region on Earth, with many of the changes becoming irreversible”.

(15) The Sixth Assessment Report of the IPCC found that “human-induced climate change, including more frequent and intense extreme events, has caused widespread adverse impacts and related losses and damages to nature and people, beyond natural climate variability”.

(16) The IPCC notes that to avoid mounting loss of life, biodiversity, and infrastructure, we must have ambitious, accelerated action to adapt to climate change, while also making rapid, deep cuts in greenhouse gas emissions.
SEC. 3. RENEWABLE ENERGY.

(a) RENEWABLE ENERGY STANDARD.—

(1) MINIMUM ANNUAL PERCENTAGE.—The minimum annual percentage of the total quantity of electricity sold by a retail electric supplier that is required to be generated from renewable energy resources shall be—

(A) in each of 2027, 2028, and 2029, at least 80 percent; and

(B) in 2030, and in each year thereafter, 100 percent.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Energy shall issue regulations to carry out this subsection.

(3) REQUIRED SUBMISSIONS.—The regulations issued under paragraph (2) shall require a retail electric supplier to submit to the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation—

(A) not later than one year after the date of enactment of this subsection, and annually thereafter, a plan to achieve compliance with such regulations; and
(B) beginning in 2028, and annually thereafter, by April 15, a report on compliance with this subsection for the preceding year, including evidentiary documentation regarding such compliance.

(4) GRANTS FOR TRANSITION ASSISTANCE.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Energy shall make competitive grants to retail electric suppliers to pay up to 50 percent of the costs of meeting the requirements under this subsection.

(B) PRIORITY.—In awarding grants under this paragraph, the Secretary of Energy shall give priority to retail electric suppliers who display significant need, as determined by the Secretary, to finance their transition to renewable energy.

(C) APPLICATION.—To be eligible to receive a grant under this paragraph, a retail electric supplier shall submit to the Secretary of Energy an application at such time, in such manner, and containing such information as the Secretary may require.
(5) BEST PRACTICES REPORT.—Not later than 180 days after the date of the enactment of this subsection, the Secretary of Energy shall develop and publish, including on the public website of the Department of Energy, a report on the best practices for retail electric suppliers for activities to transition to renewable energy consistent with this subsection, including how to apply for a grant under this subsection.

(b) RENEWABLE ENERGY SOURCES.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Energy shall issue regulations regarding the sourcing, recycling, and disposal of materials used to manufacture renewable energy sources, with goals of—

(A) eliminating the use of rare earth metals in the manufacture of renewable energy sources; and

(B) ensuring the recycling of all such materials.

(2) REQUIRED SUBMISSIONS.—Not later than one year after the date of enactment of this subsection, the regulations issued under paragraph (1) shall require entities subject to such regulations to
submit to the Secretary of Energy documentation on compliance with such regulations, as the Secretary of Energy determines appropriate, including documentation regarding lifecycle greenhouse gas emissions with respect to the business operations of such entities.

(c) DEFINITIONS.—In this section:

(1) RENEWABLE ENERGY.—The term “renewable energy” means electric energy generated from a renewable energy resource.

(2) RENEWABLE ENERGY RESOURCE.—The term “renewable energy resource” means wind, solar, geothermal, tidal, wave, and existing hydropower sources.

(3) RENEWABLE ENERGY SOURCE.—The term “renewable energy source” means any facility or equipment, including any component thereof, used to generate or store renewable energy.

(4) RETAIL ELECTRIC SUPPLIER.—The term “retail electric supplier” means an entity operating in the United States or in a territory of the United States that sold not less than 1,000 megawatt hours to electric consumers for purposes other than resale during the preceding calendar year.
SEC. 4. ZERO EMISSION VEHICLES.

(a) IN GENERAL.—Part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) is amended by adding at the end the following:

“SEC. 220. ZERO EMISSION VEHICLE PRODUCTION.

“(a) MINIMUM ANNUAL PERCENTAGE.—The minimum annual percentage of the total quantity of new motor vehicles sold by a vehicle manufacturer that are zero emission vehicles shall be—

“(1) in each of 2027, 2028, 2029, at least 80 percent; and

“(2) in 2030, and in each year thereafter, 100 percent.

“(b) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Administrator shall issue regulations to carry out this section.

“(c) REQUIRED SUBMISSIONS.—The regulations issued under subsection (b) shall require a vehicle manufacturer to submit to the Environmental Protection Agency, the Department of Energy, and the Department of Transportation—

“(1) not later than one year after the date of enactment of this section, and annually thereafter, a plan to achieve compliance with the requirements of this section, including the steps to be taken with respect to materials and supply chains;
“(2) by April 15, and annually thereafter, a report on compliance with this section, including evidentiary documentation, regarding such compliance; and

“(3) documentation regarding lifecycle greenhouse gas emissions of applicable new zero emission vehicles.

“(d) **GRANTS FOR TRANSITION ASSISTANCE.**—

“(1) **IN GENERAL.**—The Secretary of Transportation shall make competitive grants to vehicle manufacturers to pay up to 50 percent of the costs of meeting the requirements under this section.

“(2) **PRIORITY.**—In awarding grants under this subsection, the Secretary of Transportation shall give priority to vehicle manufacturers who demonstrate significant financial need, as determined by the Secretary of Transportation, to meet the requirement of paragraph (1) or (2) of subsection (a).

“(3) **APPLICATION.**—To be eligible to receive a grant under this subsection, a vehicle manufacturer shall submit to the Secretary of Transportation an application at such time, in such manner, and containing such information as the Secretary of Transportation may require.
“(e) REPORT.—Not later than 180 days after the date of the enactment of this section, the Administrator shall develop and publish, including on the public website of the Environmental Protection Agency, a report on—

“(1) best practices for meeting the requirements of paragraphs (1) and (2) of subsection (a); and

“(2) guidance on how to apply for a grant under this section.

“(f) DEFINITIONS.—In this section:

“(1) MOTOR VEHICLE.—The term ‘motor vehicle’, as defined by this part, includes the following:

“(A) A light-duty vehicle that is capable of seating 12 passengers or less.

“(B) A light-duty truck which has a gross vehicle weight in excess of 6,000 pounds.

“(C) Heavy duty vehicle which has a gross vehicle weight in excess of 8,500 pounds.

“(2) VEHICLE MANUFACTURER.—

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

“(i) engages in the manufacturing of new motor vehicles; and

“(ii) sells no fewer than 100 new motor vehicles to ultimate purchasers, ei-
ther directly or through an affiliate, such
as a dealer.

“(B) Exclusions.—The term ‘vehicle
manufacturer’ does not include—

“(i) a motor vehicle parts supplier; or
“(ii) a dealer.

“(3) Zero Emission Vehicle.—The term ‘zero
emission vehicle’ means a motor vehicle, as defined
by this subsection, that produces zero exhaust emis-
sions of any criteria pollutant, precursor pollutant,
or greenhouse gas in any mode of operation or con-
dition.”.

(b) Conforming Amendments.—The table of con-
tents for the Clean Air Act is amended by inserting after
the item relating to section 219 the following:

“Sec. 220. Zero emission vehicle production.”.

SEC. 5. REGENERATIVE AGRICULTURAL PRACTICES.

(a) Minimum Annual Percentage.—The min-
imum annual percentage of land and livestock managed
with regenerative agricultural practices for a covered land
or livestock corporation shall be—

(1) in each of 2025 and 2026, at least 50 per-
cent;

(2) in each of 2027, 2028, and 2029, at least
75 percent; and
(3) in 2030, and each year thereafter, 100 per-
cent.

(b) REGULATIONS.—Not later than 180 days after
the date of enactment of this section, the Secretary of Ag-
riculture shall issue regulations to carry out this section.

(c) REQUIRED SUBMISSIONS.—The regulations
issued under subsection (b) shall require a covered land
or livestock corporation to submit to the Secretary—

(1) not later than one year after the date of en-
actment of this section, and annually thereafter, a
plan to achieve compliance with the requirements of
this section; and

(2) beginning in 2028, and annually thereafter,
by April 15, a report on compliance with this sec-
tion, including evidentiary documentation regarding
such compliance; and

(3) documentation regarding lifecycle green-
house gas emissions of managing land and livestock
with regenerative agricultural practices.

(d) GRANTS FOR TRANSITION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall make
competitive grants to covered land or livestock cor-
porations to pay up to 50 percent of the costs need-
ed to meet the requirements under this section.
(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to a covered land or livestock corporation that displays significant need, as determined by the Secretary, to finance the transition to regenerative agricultural practices.

(3) APPLICATION.—To be eligible to receive a grant under this subsection, a covered land or livestock corporation shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) BEST PRACTICES REPORT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop and publish, including on the public website of the Department of Agriculture, a report on the best practices for covered land or livestock corporations for regenerative agricultural practices consistent with this section, including how to apply for a grant under this section.

(f) DEFINITIONS.—In this section:

(1) COVERED LAND OR LIVESTOCK CORPORATION.—The term “covered land or livestock corporation” means an entity or person that—
(A) owns, manages, or controls land or livestock, including through—

(i) farming, ranching, or other related agricultural operations; or

(ii) contracts with farmers or ranchers under which the farmers or ranchers purchase patented inputs or inputs otherwise owned by the entity or person to produce agricultural products to be acquired by such entity (or a subsidiary thereof); and

(B) is required to file an annual report under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), or has issued securities under the Securities Exchange Act of 1933.

(2) Regenerative Agricultural Practice.—

(A) In General.—The term “regenerative agricultural practice” means one of the following practices:

(i) Alley cropping.

(ii) Conservation cover.

(iii) Conservation crop rotation.

(iv) Establishment of contour buffer strips.
(v) Contour farming.
(vi) Establishment of cover crops.
(vii) Critical area planting.
(viii) Establishment of cross wind trap strips.
(ix) Establishment of field borders.
(x) Establishment of filter strips.
(xi) Forage and biomass planting, including the use of native prairie and seed mixtures.
(xii) Implementation of forest stand improvements.
(xiii) Establishment of grassed waterways.
(xiv) Hedgerow planting.
(xv) Establishment of herbaceous wind barriers.
(xvi) Multistory cropping.
(xvii) Nutrient management.
(xviii) Prescribed grazing.
(xix) Range planting.
(xx) Residue and tillage management with no till.
(xxi) Residue and tillage management with reduced till.
(xxii) Establishment of riparian forest buffers.

(xxiii) Establishment of riparian herbaceous buffers.

(xxiv) Silvopasture establishment.

(xxv) Striperopping.

(xxvi) Tree and shrub establishment.

(xxvii) Upland wildlife habitat restoration.

(xxviii) Establishment of vegetative barriers.

(xxix) Wetland restoration.

(XXX) Windbreak renovation.

(XXXI) Establishment of windbreaks and shelterbelts.


(XXXIII) Any other highly effective and evidence-based vegetative or management practice, as determined by the Secretary, based on an annual review, that significantly reduces agricultural greenhouse gas emissions or assists producers in adapting to, or mitigating against, increasing weather volatility.
(B) INCLUSIONS.—In the case of covered land or livestock corporation raising ruminant livestock, the term “regenerative agricultural practice” includes the following practices:

(i) The practice of allowing such livestock to graze pasture during the grazing season at least 120 days per year.

(ii) The practice of requiring such livestock to intake at least 30 percent dry matter from grazing pasture during the grazing season.

(iii) The practice of a producer creating a pasture management plan that manages pasture—

(I) as a crop to meet the feed requirements for such livestock; and

(II) to protect soil and water quality.

(iv) The practice of allowing such livestock to—

(I) display natural behaviors at all times, with access to pasture during the finishing phase;
(II) have the living conditions and freedom to express normal behavior;

(III) have freedom from discomfort, fear, distress, hunger, pain, injury, or disease;

(IV) not be placed in confined feeding operations; and

(V) have access to a suitable shelter.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 6. GREENHOUSE GAS EMISSIONS REDUCTION REGULATIONS.

Not later than one year after the date of enactment of this section, the Secretary of Agriculture shall issue regulations that—

(1) require the reduction of greenhouse gas emissions resulting from the operations of a covered land or livestock corporation; and

(2) include guidance on how to reduce greenhouse gas emissions through—

(A) reducing the use of synthetic fertilizers and pesticides;
(B) supporting the supply of organic fertilizers and pesticides;
(C) changing feed content for animals;
(D) general farming practices;
(E) food and animal transportation, packaging, and distribution;
(F) minimizing food waste; and
(G) applying the National List of Allowed and Prohibited Substances, established in section 205.6 et seq. of title 7, Code of Federal Regulations (or any successor regulations), to regenerative agricultural practices, as defined in section 5.

SEC. 7. ANIMAL WELFARE.

(a) ANIMAL WELFARE MANDATE.—Not later than one year after the date of enactment of this section, the Secretary of Agriculture shall issue regulations to ensure the well-being of covered animals.

(b) SPECIFICATIONS.—In issuing regulations with respect to the well-being of a covered animal, the Secretary of Agriculture shall—

(1) prohibit the use of antibiotics, hormones, implants, or other substances, except for purposes of disease treatment as prescribed by a veterinarian;
(2) prohibit forms of permanent physical mutilation, including debeaking, beak or bill trimming, declawing, pinioning, wattle trimming, desnooding, detoeing, nose rings, and tusk removal;

(3) ensure that such covered animal lives in a condition that allows the animal to socialize naturally, to engage in natural behaviors, to have freedom of movement, and to be reared with a mother and weaned at a natural time;

(4) provide for compliance oversight, independent inspections, and transparency of covered facilities; and

(5) if a violation of requirements of this subsection is found during an independent inspection performed pursuant to paragraph (4), the Secretary shall—

(A) establish an online livestream video of such covered facilities that is limited in scope to such violation; and

(B) grant the public access to such online livestream video.

c. REPORT TO CONGRESS.—Not later than two years after the date of enactment of this section, and annually thereafter, the Secretary of Agriculture shall submit to the appropriate committees a report detailing—
(1) the findings of animal welfare compliance, oversight, and independent inspections of covered facilities;

(2) recommendations to Congress on additional actions necessary to ensure covered facilities are compliant with regulations set forth by this section; and

(3) any other details as required by the Secretary.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term “appropriate committees” means—

(A) the Committee on Agriculture and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate.

(2) COVERED ANIMAL.—The term “covered animal” means an animal raised for human consumption or the production of dairy products, including—

(A) beef cattle;

(B) broiler chickens;

(C) laying hens;

(D) dairy cows;
(E) sheep;
(F) goats;
(G) pigs;
(H) turkeys;
(I) bison;
(J) waterfowl, including ducks and geese;

and

(K) any other animal raised for human consumption or the production of dairy products, as determined by the Secretary.

(3) COVERED FACILITY.—The term “covered facility” means a facility of a covered land or livestock corporation (as defined in section 5) that engages in animal raising, transport, slaughter, and processing.

SECTION 8. TAX PROVISIONS RELATING TO CLIMATE TRANSITION COSTS.

(a) QUALIFIED CAPITAL CLIMATE TRANSITION COSTS.—Section 162 of the Internal Revenue Code of 1986 is amended by redesignating subsection (s) as subsection (t) and by inserting after subsection (r) the following new subsection:

“(s) QUALIFIED CAPITAL CLIMATE TRANSITION COSTS.—
“(1) IN GENERAL.—In the case of a retail electric supplier, vehicle manufacturer, or covered land or livestock corporation, the amount of any deduction allowed under subsection (a) with respect to qualified capital climate transitions costs (determined without regard to this subsection) shall be doubled.

“(2) QUALIFIED CAPITAL CLIMATE TRANSITION COSTS.—For purposes of this subsection, the term ‘qualified capital climate transition costs’ means costs directly related to a transition to renewable energy sources, electric vehicle manufacturing, or regenerative agriculture, as such terms are defined by the Secretary.

“(3) DEFINITIONS.—For purposes of this section—

“(A) COVERED LAND OR LIVESTOCK CORPORATION.—The term ‘covered land or livestock corporation’ has the meaning given such term in section 5(f)(1) of the Earth Act of 2022.

“(B) RETAIL ELECTRIC SUPPLIER.—The term ‘retail electric supplier’ has the meaning given such term in section 3(e)(4) of the Earth Act of 2022.
“(C) VEHICLE MANUFACTURER.—The term ‘vehicle manufacturer’ has the meaning given such term in section 220(f)(2) of the Clean Air Act.”.

(b) QUALIFIED CAPITAL CLIMATE TRANSITION PROPERTY.—Section 179 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b)(1), by striking “The aggregate cost” and inserting “Except as provided in subsection (f), the aggregate cost”,

(2) in subsection (d)(1), by striking “and” at the end of subparagraph (B)(ii), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) at the election of the taxpayer, qualified capital climate transition property (as defined in subsection (f).”), and

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

“(f) QUALIFIED CAPITAL CLIMATE TRANSITION PROPERTY.—

“(1) IN GENERAL.—For purposes of this subsection, the term ‘qualified capital climate transition property’ means property directly related to a transi-
tion to renewable energy sources, zero emission vehicle manufacturing, or regenerative agriculture, as such terms are defined by the Secretary.

“(2) LIMITATION.—The Secretary shall establish by regulation the aggregate cost which may be taken into account under subsection (a) with respect to qualified capital climate transition property.

“(3) REGULATIONS AND GUIDANCE.—The Secretary may issue such regulations or guidance as necessary to broadly define qualifying section 179 property based on the qualified capital climate transition costs that can be expected to be necessary in future taxable years.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years ending after the date of the enactment of this Act.

SEC. 9. SUPPORT, OVERSIGHT, AND REPORTING.

(a) SUPPORT AND OVERSIGHT.—The Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture shall provide direct oversight, facilitation, and support for the transitions to minimum annual percentages required under this Act and the amendments made by this Act.
(b) Combined Reporting Required.—Not later than one year after the date of enactment of this Act, and annually thereafter, by April 15, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture shall jointly submit to Congress a combined report on the transitions and the compliance of such transitions required under this Act and the amendments made by this Act.

c) National Academy of Sciences Recommendations.—Not later than one year after the date of enactment of this Act, the National Academy of Sciences shall prepare reports to assist all relevant entities with implementing the requirements of this Act and the amendments made by this Act, including staffing, supply chain, domestic production, raw materials, and the reuse and recycling of all elements utilized to create renewable energy.

SEC. 10. DISALLOWANCE OF DEDUCTIONS FOR NON-COMPLIANT BUSINESSES.

(a) In General.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end thereof the following new section:
SEC. 280I. EXPENDITURES OF NON-COMPLIANT BUSINESSES.

“No deduction shall be allowed for any amount paid or incurred during the taxable year in carrying on any trade or business if such trade or business (or the activities which comprise such trade or business) does not comply with the provisions of the Earth Act of 2022 at any time during such taxable year.”

(b) CONFORMING AMENDMENT.—The table of sections for part IX of the subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

Sec. 280I. Expenditures of non-compliant businesses.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

SEC. 11. SEVERABILITY.

Should any provision in this Act, or an amendment made by this Act, be found to be unconstitutional by a court of law, such provision, or such amendment, shall be severed from the remainder of this Act, and such action shall not affect the enforceability of the remaining provisions of this Act.