

## COMMITTEE PRINT

1 **SEC. 5001. TECHNICAL CORRECTIONS TO THE ENERGY**  
2 **INDEPENDENCE AND SECURITY ACT OF 2007.**

3 (a) Section 543(a) of the Energy Independence and  
4 Security Act of 2007 (42 U.S.C. 17153(a)) is amended—

5 (1) by redesignating paragraphs (2) through  
6 (4) as paragraphs (3) through (5), respectively; and  
7 (2) by striking paragraph (1) and inserting the  
8 following:

9 “(1) 34 percent to eligible units of local govern-  
10 ment—alternative 1, in accordance with subsection  
11 (b);

12 “(2) 34 percent to eligible units of local govern-  
13 ment—alternative 2, in accordance with subsection  
14 (b);”.

15 (b) Section 548(a)(1) of the Energy Independence  
16 and Security Act of 2007 (42 U.S.C. 17158(a)(1)) is  
17 amended by striking “; provided” and all that follows  
18 through “541(3)(B)”.

1 **SEC. 5002. TECHNICAL CORRECTIONS TO THE ENERGY**  
2 **INDEPENDENCE AND SECURITY ACT OF 2007.**

3 Title XIII of the Energy Independence and Security  
4 Act of 2007 (15 U.S.C. 17381 and following) is amended  
5 as follows:

6 (1) By amending subparagraph (A) of section  
7 1304(b)(3) to read as follows:

8 “(A) IN GENERAL.—In carrying out the  
9 initiative, the Secretary shall provide financial  
10 support to smart grid demonstration projects  
11 including those in rural areas and areas where  
12 the majority of generation and transmission as-  
13 sets are controlled by a tax-exempt entity.”.

14 (2) By amending subparagraph (C) of section  
15 1304(b)(3) to read as follows:

16 “(C) FEDERAL SHARE OF COST OF TECH-  
17 NOLOGY INVESTMENTS.—The Secretary shall  
18 provide to an electric utility described in sub-  
19 paragraph (B) or to other parties financial as-  
20 sistance for use in paying an amount equal to  
21 not more than 50 percent of the cost of quali-  
22 fying advanced grid technology investments  
23 made by the electric utility or other party to  
24 carry out a demonstration project.”.

25 (3) By inserting a new subparagraph (E) after  
26 1304(b)(3)(D) as follows:

1           “(E) AVAILABILITY OF DATA.—The Sec-  
2           retary shall establish and maintain a smart grid  
3           information clearinghouse in a timely manner  
4           which will make data from smart grid dem-  
5           onstration projects and other sources available  
6           to the public. As a condition of receiving finan-  
7           cial assistance under this subsection, a utility or  
8           other participant in a smart grid demonstration  
9           project shall provide such information as the  
10          Secretary may require to become available  
11          through the smart grid information clearing-  
12          house in the form and within the timeframes as  
13          directed by the Secretary. The Secretary shall  
14          assure that business proprietary information  
15          and individual customer information is not in-  
16          cluded in the information made available  
17          through the clearinghouse.”.

18          (4) By amending paragraph (2) of section  
19          1304(e) to read as follows:

20                 “(2) to carry out subsection (b), such sums as  
21          may be necessary.”.

22          (5) By amending subsection (a) of section 1306  
23          by striking “reimbursement of one-fifth (20 per-  
24          cent)” and inserting “grants of up to one-half (50  
25          percent)”.

1           (6) By striking the last sentence of subsection  
2           (b)(9) of section 1306.

3           (7) By striking “are eligible for” in subsection  
4           (c)(1) of section 1306 and inserting “utilize”.

5           (8) By amending subsection (e) of section 1306  
6           to read as follows:

7           “(e) PROCEDURES AND RULES.—The Secretary  
8           shall—

9           “(1) establish within 60 days after the enact-  
10          ment of the American Recovery and Reinvestment  
11          Act of 2009 procedures by which applicants can ob-  
12          tain grants of not more than one-half of their docu-  
13          mented costs;

14          “(2) establish procedures to ensure that there is  
15          no duplication or multiple payment for the same in-  
16          vestment or costs, that the grant goes to the party  
17          making the actual expenditures for qualifying smart  
18          grid investments, and that the grants made have sig-  
19          nificant effect in encouraging and facilitating the de-  
20          velopment of a smart grid;

21          “(3) maintain public records of grants made,  
22          recipients, and qualifying smart grid investments  
23          which have received grants;

1           “(4) establish procedures to provide advance  
2           payment of moneys up to the full amount of the  
3           grant award; and

4           “(5) have and exercise the discretion to deny  
5           grants for investments that do not qualify in the  
6           reasonable judgment of the Secretary.”.

7   **SEC. 5003. RENEWABLE ENERGY AND ELECTRIC POWER**  
8                   **TRANSMISSION LOAN GUARANTEE PRO-**  
9                   **GRAMS.**

10          (a) AMENDMENT.—Title XVII of the Energy Policy  
11   Act of 2005 (42 U.S.C. 16511 et seq.) is amended by add-  
12   ing the following at the end:

13   **“SEC. 1705. TEMPORARY PROGRAM FOR RAPID DEPLOY-**  
14                   **MENT OF RENEWABLE ENERGY AND ELEC-**  
15                   **TRIC POWER TRANSMISSION PROJECTS.**

16          “(a) IN GENERAL.—Notwithstanding section 1703,  
17   the Secretary may make guarantees under this section  
18   only for commercial technology projects under subsection  
19   (b) that will commence construction not later than Sep-  
20   tember 30, 2011.

21          “(b) CATEGORIES.—Projects from only the following  
22   categories shall be eligible for support under this section:

23                  “(1) Renewable energy systems.

24                  “(2) Electric power transmission systems.

1       “(c) WAGE RATE REQUIREMENTS.—The Secretary  
2 shall require that each recipient of support under this sec-  
3 tion provide reasonable assurance that all laborers and  
4 mechanics employed in the performance of the project for  
5 which the assistance is provided, including those employed  
6 by contractors or subcontractors, will be paid wages at  
7 rates not less than those prevailing on similar work in the  
8 locality as determined by the Secretary of Labor in accord-  
9 ance with subchapter IV of chapter 31 of part A of subtitle  
10 II of title 40, United States Code (commonly referred to  
11 as the ‘Davis-Bacon Act’).

12       “(d) SUNSET.—The authority to enter into guaran-  
13 tees under this section shall expire on September 30,  
14 2011.”.

15       (b) TABLE OF CONTENTS AMENDMENT.—The table  
16 of contents for the Energy Policy Act of 2005 is amended  
17 by inserting after the item relating to section 1704 the  
18 following new item:

“Sec. 1705. Temporary program for rapid deployment of renewable energy and  
electric power transmission projects.”.

19 **SEC. 5005. WEATHERIZATION PROGRAM AMENDMENTS.**

20       (a) INCOME LEVEL.—Section 412(7) of the Energy  
21 Conservation and Production Act (42 U.S.C. 6862(7)) is  
22 amended by striking “150 percent” both places it appears  
23 and inserting “200 percent”.

1 (b) ASSISTANCE LEVEL PER DWELLING UNIT.—  
2 Section 415(c)(1) of the Energy Conservation and Produc-  
3 tion Act (42 U.S.C. 6865(c)(1)) is amended by striking  
4 “\$2,500” and inserting “\$5,000”.

5 **SEC. 5007. RENEWABLE ELECTRICITY TRANSMISSION**  
6 **STUDY.**

7 In completing the 2009 National Electric Trans-  
8 mission Congestion Study, the Secretary of Energy shall  
9 include—

10 (1) an analysis of the significant potential  
11 sources of renewable energy that are constrained in  
12 accessing appropriate market areas by lack of ade-  
13 quate transmission capacity;

14 (2) an analysis of the reasons for failure to de-  
15 velop the adequate transmission capacity; and

16 (3) recommendations for achieving adequate  
17 transmission capacity.

18 **TITLE VI—ADDITIONAL ENERGY**  
19 **PROVISIONS**

20 **SEC. 6001. ADDITIONAL STATE ENERGY GRANTS.**

21 (a) IN GENERAL.—Amounts appropriated under  
22 [section in bill appropriating funds for program] shall be  
23 available to the Secretary of Energy for making additional  
24 grants under part D of title III of the Energy Policy and  
25 Conservation Act (42 U.S.C. 6321 et seq.). The Secretary

1 shall make grants under this section in excess of the base  
2 allocation established for a State under regulations issued  
3 pursuant to the authorization provided in section 365(f)  
4 of such Act only if the governor of the recipient State noti-  
5 fies the Secretary of Energy that the governor will seek,  
6 to the extent of his or her authority, to ensure that each  
7 of the following will occur:

8 (1) The applicable State regulatory authority  
9 will implement the following regulatory policies for  
10 each electric and gas utility with respect to which  
11 the State regulatory authority has ratemaking au-  
12 thority:

13 (A) Policies that ensure that a utility's re-  
14 covery of prudent fixed costs of service is timely  
15 and independent of its retail sales, without in  
16 the process shifting prudent costs from variable  
17 to fixed charges. This cost shifting constraint  
18 shall not apply to rate designs adopted prior to  
19 the date of enactment of this Act.

20 (B) Cost recovery for prudent investments  
21 by utilities in energy efficiency.

22 (C) An earnings opportunity for utilities  
23 associated with cost-effective energy efficiency  
24 savings.



1           (2) The State, or the applicable units of local  
2 government that have authority to adopt building  
3 codes, will implement the following:

4           (A) A building energy code (or codes) for  
5 residential buildings that meets or exceeds the  
6 most recently published International Energy  
7 Conservation Code, or achieves equivalent or  
8 greater energy savings.

9           (B) A building energy code (or codes) for  
10 commercial buildings throughout the State that  
11 meets or exceeds the ANSI/ASHRAE/IESNA  
12 Standard 90.1-2007, or achieves equivalent or  
13 greater energy savings.

14           (C) A plan for the jurisdiction achieving  
15 compliance with the building energy code or  
16 codes described in subparagraphs (A) and (B)  
17 within 8 years of the date of enactment of this  
18 Act in at least 90 percent of new and renovated  
19 residential and commercial building space. Such  
20 plan shall include active training and enforce-  
21 ment programs and measurement of the rate of  
22 compliance each year.

23           (b) STATE MATCH.—The State cost share require-  
24 ment under the item relating to “DEPARTMENT OF  
25 ENERGY; energy conservation” in title II of the Depart-

1 ment of the Interior and Related Agencies Appropriations  
2 Act, 1985 (98 Stat. 1861) shall not apply to assistance  
3 provided under this section.

4 (c) **EQUIPMENT AND MATERIALS FOR ENERGY EFFI-**  
5 **CIENCY MEASURES.**—No limitation on the percentage of  
6 funding that may be used for the purchase and installation  
7 of equipment and materials for energy efficiency measures  
8 under grants provided under part D of title III of the En-  
9 ergy Policy and Conservation Act (42 U.S.C. 6321 et seq.)  
10 shall apply to assistance provided under this section.

11 **SEC. 6002. INAPPLICABILITY OF LIMITATION.**

12 The limitations in section 399A(f)(2), (3), and (4)  
13 of the Energy Policy and Conservation Act (42 U.S.C.  
14 6371h-1(f)(2), (3), and (4)) shall not apply to grants  
15 funded with appropriations provided by this Act, except  
16 that such grant funds shall be available for not more than  
17 an amount equal to 80 percent of the costs of the project  
18 for which the grant is provided.

