

1 **SEC. 7001. 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 543(b) of the Energy Independence and
16 Security Act of 2007 (42 U.S.C. 17153(b)) is amended
17 by striking “subsection (a)(1)” and inserting “subsection
18 (a)(1) or (2)”.

19 (c) Section 548(a)(1) of the Energy Independence
20 and Security Act of 2007 (42 U.S.C. 17158(a)(1)) is
21 amending by striking “; provided” and all that follows
22 through “541(3)(B)”.

1 **SEC. 7002. AMENDMENTS TO TITLE XIII OF THE ENERGY**
2 **INDEPENDENCE AND SECURITY ACT OF 2007.**

3 Title XIII of the Energy Independence and Security
4 Act of 2007 (42 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 in
11 urban, suburban, tribal, and rural areas, includ-
12 ing areas where electric system assets are con-
13 trolled by nonprofit entities and areas where
14 electric system assets are controlled by investor-
15 owned utilities.”.

16 (2) By amending subparagraph (C) of section
17 1304(b)(3) to read as follows:

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

1 (3) By inserting after section 1304(b)(3)(D)
2 the following new subparagraphs:

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

20 “(F) OPEN PROTOCOLS AND STAND-
21 ARDS.—The Secretary shall require as a condi-
22 tion of receiving funding under this subsection
23 that demonstration projects utilize open proto-
24 cols and standards (including Internet-based

1 protocols and standards) if available and appro-
2 priate.”.

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

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

7 (5) By amending subsection (a) of section 1306
8 by striking “reimbursement of one-fifth (20 per-
9 cent)” and inserting “grants of up to one-half (50
10 percent)”.

11 (6) By striking the last sentence of subsection
12 (b)(9) of section 1306.

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

15 (8) By amending subsection (e) of section 1306
16 to read as follows:

17 “(e) PROCEDURES AND RULES.—(1) The Secretary
18 shall, within 60 days after the enactment of the American
19 Recovery and Reinvestment Act of 2009, by means of a
20 notice of intent and subsequent solicitation of grant pro-
21 posals—

22 “(A) establish procedures by which applicants
23 can obtain grants of not more than one-half of their
24 documented costs;

1 “(B) require as a condition of receiving funding
2 under this subsection that demonstration projects
3 utilize open protocols and standards (including
4 Internet-based protocols and standards) if available
5 and appropriate;

6 “(C) establish procedures to ensure that there
7 is no duplication or multiple payment for the same
8 investment or costs, that the grant goes to the party
9 making the actual expenditures for the qualifying
10 Smart Grid investments, and that the grants made
11 have a significant effect in encouraging and facili-
12 tating the development of a smart grid;

13 “(D) establish procedures to ensure there will
14 be public records of grants made, recipients, and
15 qualifying Smart Grid investments which have re-
16 ceived grants; and

17 “(E) establish procedures to provide advance
18 payment of moneys up to the full amount of the
19 grant award.

20 “(2) The Secretary shall have discretion and exercise
21 reasonable judgment to deny grants for investments that
22 do not qualify.”.

1 **SEC. 7003. RENEWABLE ENERGY AND ELECTRIC POWER**
2 **TRANSMISSION LOAN GUARANTEE PROGRAM.**

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

6 **“SEC. 1705. TEMPORARY PROGRAM FOR RAPID DEPLOY-**
7 **MENT OF RENEWABLE ENERGY AND ELEC-**
8 **TRIC POWER TRANSMISSION PROJECTS.**

9 “(a) IN GENERAL.—Notwithstanding section 1703,
10 the Secretary may make guarantees under this section
11 only for the following categories of projects that commence
12 construction not later than September 30, 2011:

13 “(1) Renewable energy systems, including incre-
14 mental hydropower, that generate electricity or ther-
15 mal energy, and facilities that manufacture related
16 components.

17 “(2) Electric power transmission systems, in-
18 cluding upgrading and reconditioning projects.

19 “(3) Leading edge biofuel projects that will use
20 technologies performing at the pilot or demonstra-
21 tion scale that the Secretary determines are likely to
22 become commercial technologies and will produce
23 transportation fuels that substantially reduce life-
24 cycle greenhouse gas emissions compared to other
25 transportation fuels.

1 “(b) FACTORS RELATING TO ELECTRIC POWER
2 TRANSMISSION SYSTEMS.—In determining to make guar-
3 antees to projects described in subsection (a)(2), the Sec-
4 retary may consider the following factors:

5 “(1) The viability of the project without guar-
6 antees.

7 “(2) The availability of other Federal and State
8 incentives.

9 “(3) The importance of the project in meeting
10 reliability needs.

11 “(4) The effect of the project in meeting a
12 State or region’s environment (including climate
13 change) and energy goals.

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

1 “(d) LIMITATION.—Funding under this section for
2 projects described in subsection (a)(3) shall not exceed
3 \$500,000,000.

4 “(e) SUNSET.—The authority to enter into guaran-
5 tees under this section shall expire on September 30,
6 2011.”.

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

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

11 **SEC. 7004. WEATHERIZATION ASSISTANCE PROGRAM**
12 **AMENDMENTS.**

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

17 (b) ASSISTANCE LEVEL PER DWELLING UNIT.—
18 Section 415(c)(1) of the Energy Conservation and Produc-
19 tion Act (42 U.S.C. 6865(c)(1)) is amended by striking
20 “\$2,500” and inserting “\$6,500”.

21 (c) EFFECTIVE USE OF FUNDS.—In providing funds
22 made available by this Act for the Weatherization Assist-
23 ance Program, the Secretary may encourage States to give
24 priority to using such funds for the most cost-effective ef-

1 efficiency activities, which may include insulation of attics,
2 if, in the Secretary's view, such use of funds would in-
3 crease the effectiveness of the program.

4 (d) TRAINING AND TECHNICAL ASSISTANCE.—Sec-
5 tion 416 of the Energy Conservation and Production Act
6 (42 U.S.C. 6866) is amended by striking “10 percent”
7 and inserting “up to 20 percent”.

8 (e) ASSISTANCE FOR PREVIOUSLY WEATHERIZED
9 DWELLING UNITS.—Section 415(c)(2) of the Energy Con-
10 servation and Production Act (42 U.S.C. 6865(c)(2)) is
11 amended by striking “September 30, 1979” and inserting
12 “September 30, 1994”.

13 **SEC. 7005. RENEWABLE ELECTRICITY TRANSMISSION**
14 **STUDY.**

15 In completing the 2009 National Electric Trans-
16 mission Congestion Study, the Secretary of Energy shall
17 include—

18 (1) an analysis of the significant potential
19 sources of renewable energy that are constrained in
20 accessing appropriate market areas by lack of ade-
21 quate transmission capacity;

22 (2) an analysis of the reasons for failure to de-
23 velop the adequate transmission capacity;

24 (3) recommendations for achieving adequate
25 transmission capacity;

1 (4) an analysis of the extent to which legal
2 challenges filed at the State and Federal level are
3 delaying the construction of transmission necessary
4 to access renewable energy; and

5 (5) an explanation of assumptions and projec-
6 tions made in the Study, including—

7 (A) assumptions and projections relating
8 to energy efficiency improvements in each load
9 center;

10 (B) assumptions and projections regarding
11 the location and type of projected new genera-
12 tion capacity; and

13 (C) assumptions and projections regarding
14 projected deployment of distributed generation
15 infrastructure.

16 **SEC. 7006. ADDITIONAL STATE ENERGY GRANTS.**

17 (a) IN GENERAL.—Amounts appropriated in para-
18 graph (6) under the heading “Department of Energy—
19 Energy Programs—Energy Efficiency and Renewable En-
20 ergy” in title V of division A of this Act shall be available
21 to the Secretary of Energy for making additional grants
22 under part D of title III of the Energy Policy and Con-
23 servation Act (42 U.S.C. 6321 et seq.). The Secretary
24 shall make grants under this section in excess of the base
25 allocation established for a State under regulations issued

1 pursuant to the authorization provided in section 365(f)
2 of such Act only if the governor of the recipient State noti-
3 fies the Secretary of Energy in writing that the governor
4 has obtained necessary assurances that each of the fol-
5 lowing will occur:

6 (1) The applicable State regulatory authority
7 will seek to implement, in appropriate proceedings
8 for each electric and gas utility, with respect to
9 which the State regulatory authority has ratemaking
10 authority, a general policy that ensures that utility
11 financial incentives are aligned with helping their
12 customers use energy more efficiently and that pro-
13 vide timely cost recovery and a timely earnings op-
14 portunity for utilities associated with cost-effective
15 measurable and verifiable efficiency savings, in a
16 way that sustains or enhances utility customers' in-
17 centives to use energy more efficiently.

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

21 (A) A building energy code (or codes) for
22 residential buildings that meets or exceeds the
23 most recently published International Energy
24 Conservation Code, or achieves equivalent or
25 greater energy savings.

1 (B) A building energy code (or codes) for
2 commercial buildings throughout the State that
3 meets or exceeds the ANSI/ASHRAE/IESNA
4 Standard 90.1–2007, or achieves equivalent or
5 greater energy savings.

6 (C) A plan for the jurisdiction achieving
7 compliance with the building energy code or
8 codes described in subparagraphs (A) and (B)
9 within 8 years of the date of enactment of this
10 Act in at least 90 percent of new and renovated
11 residential and commercial building space. Such
12 plan shall include active training and enforce-
13 ment programs and measurement of the rate of
14 compliance each year.

15 (3) The State will to the extent practicable
16 prioritize the grants toward funding energy effi-
17 ciency and renewable energy programs, including—

18 (A) the expansion of existing energy effi-
19 ciency programs approved by the State or the
20 appropriate regulatory authority, including en-
21 ergy efficiency retrofits of buildings and indus-
22 trial facilities, that are funded—

23 (i) by the State; or

1 (ii) through rates under the oversight
2 of the applicable regulatory authority, to
3 the extent applicable;

4 (B) the expansion of existing programs,
5 approved by the State or the appropriate regu-
6 latory authority, to support renewable energy
7 projects and deployment activities, including
8 programs operated by entities which have the
9 authority and capability to manage and dis-
10 tribute grants, loans, performance incentives,
11 and other forms of financial assistance; and

12 (C) cooperation and joint activities between
13 States to advance more efficient and effective
14 use of this funding to support the priorities de-
15 scribed in this paragraph.

16 (b) STATE MATCH.—The State cost share require-
17 ment under the item relating to “DEPARTMENT OF
18 ENERGY; energy conservation” in title II of the Depart-
19 ment of the Interior and Related Agencies Appropriations
20 Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861) shall not
21 apply to assistance provided under this section.

22 (c) EQUIPMENT AND MATERIALS FOR ENERGY EFFI-
23 CIENCY MEASURES AND RENEWABLE ENERGY MEAS-
24 URES.—No limitation on the percentage of funding that
25 may be used for the purchase and installation of equip-

1 ment and materials for energy efficiency measures and re-
2 newable energy measures under grants provided under
3 part D of title III of the Energy Policy and Conservation
4 Act (42 U.S.C. 6321 et seq.) shall apply to assistance pro-
5 vided under this section.