

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 761

To promote energy savings in residential and commercial buildings and industry, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

- 1 On page 2, before line 1, strike the items relating
- 2 to title V and insert the following:

TITLE V—MISCELLANEOUS

- Sec. 501. Offset.
- Sec. 502. Budgetary effects.
- Sec. 503. Advance appropriations required.

- 3 On page 23, lines 3 and 4, strike “this section” and
- 4 insert “section 304”.

- 5 Beginning on page 25, strike line 4 and all that fol-
- 6 lows through page 29, line 22, and insert the following:

1 **SEC. 201. PRIVATE COMMERCIAL BUILDING EFFICIENCY FI-**
2 **NANCING.**

3 (a) IN GENERAL.—The Secretary shall establish a
4 program to be known as the “Commercial Building En-
5 ergy Efficiency Financing Initiative” under which the Sec-
6 retary shall provide grants to States (as defined in section
7 3 of the Energy Policy and Conservation Act (42 U.S.C.
8 6202)) to establish or expand programs to promote the
9 financing of energy efficiency retrofit projects for private
10 sector and commercial buildings.

11 (b) APPLICATIONS.—A State may apply to the Sec-
12 retary for a grant under subsection (a) to establish or ex-
13 pand a program described in subsection (a), including—

14 (1) a commercial Property Assessed Clean En-
15 ergy (PACE) financing program;

16 (2) a credit enhancement structure that is de-
17 signed to mitigate the effects of default, including a
18 loan guarantee program, loan loss reserve program,
19 collateral or subordinated capital program, or other
20 program;

21 (3) a revolving loan fund;

22 (4) a program to promote the use of energy
23 savings performance contracts or utility energy serv-
24 ice contracts, or both;

25 (5) a utility on-bill financing or repayment pro-
26 gram;

1 (6) utility energy efficiency programs for all
2 segments of the utility industry;

3 (7) an interest buy-down program;

4 (8) a secondary market financing program;

5 (9) a leasing structure that recognizes energy
6 costs and addresses split-incentives;

7 (10) an educational program involving commer-
8 cial lenders, energy service companies, commercial
9 building owners, and other stakeholders estab-
10 lished—

11 (A) to provide information to the commu-
12 nity regarding program and project options and
13 outcomes; and

14 (B) to build consensus on approaches to
15 greater energy efficiency investments; and

16 (11) any other activity that will significantly in-
17 crease the total investment in, and energy savings
18 from, building retrofit projects and programs.

19 (c) ADMINISTRATION.—

20 (1) IN GENERAL.—A State receiving a grant
21 under subsection (a) shall give a higher priority to
22 programs and projects that—

23 (A) leverage private and non-Federal
24 sources of funding; and

1 (B) aim explicitly to expand the use of en-
2 ergy efficiency project financing using private
3 sources of funding, including philanthropic and
4 other institutional investment.

5 (2) OTHER ACTIONS.—A State receiving a
6 grant under this section is encouraged—

7 (A) to consider establishing such other ap-
8 propriate policies, incentives, or actions that
9 will advance the purposes of this section; and

10 (B) to coordinate the activities described in
11 subsections (a) and (d).

12 (d) LARGE COMMERCIAL BUILDING EFFICIENCY FI-
13 NANCING INITIATIVES.—

14 (1) IN GENERAL.—As part of this section, the
15 Secretary shall conduct large commercial building ef-
16 ficiency financing initiatives to encourage States to
17 promote the financing of energy efficiency retrofit
18 projects for larger private sector commercial, multi-
19 family, and mixed use buildings.

20 (2) APPLICATIONS.—A State or a group of
21 States may apply to the Secretary for a grant under
22 this subsection to establish or expand programs to
23 promote the purposes described in paragraph (1)
24 through—

1 (A) the facilitation of energy performance
2 contracts in commercial, multifamily, and mixed
3 use buildings by providing guarantees that
4 cover owner default risk, but do not cover tech-
5 nology and other risks that are borne by the
6 contractor;

7 (B) actions by States to work together and
8 with real estate owners, financiers, and other
9 stakeholders to ensure multistate consistency,
10 including common underwriting standards;

11 (C) minimum loan-to-value ratios;

12 (D) minimum debt-to-income coverage ra-
13 tios;

14 (E) a green leasing program;

15 (F) a commercial Property Assessed Clean
16 Energy (PACE) financing program; and

17 (G) any other activity that will signifi-
18 cantly increase the total investment in, and en-
19 ergy savings from, building retrofit projects and
20 programs.

21 (3) LEVERAGING PRIVATE SECTOR FINANC-
22 ING.—A State receiving a grant under this sub-
23 section shall focus on leveraging private sources of
24 funds and working with real estate lenders, fin-
25 anciers, and building owners to assist in expanding

1 the reach of the program established under this sub-
2 section.

3 (4) MULTISTATE FACILITATION.—The Sec-
4 retary shall consult with States and relevant stake-
5 holders with applicable expertise to establish a proc-
6 ess to identify eligible lenders, financiers, and build-
7 ing owners with real estate asset portfolios across
8 multiple States that may be eligible for the efficiency
9 financing initiatives conducted under this subsection.

10 (e) EVALUATION OF PROGRAMS.—The Secretary
11 shall evaluate applications from States under this section
12 on the basis of—

13 (1) the likelihood that a proposed program or
14 activity will—

15 (A) be established or expanded;

16 (B) increase the total investment and en-
17 ergy savings of the retrofit projects to be sup-
18 ported; and

19 (C) increase the total investment and en-
20 ergy savings in a State or region in which in-
21 vestments and energy savings have the greatest
22 potential for growth as compared to other
23 States or regions;

24 (2) in the case of large commercial building ef-
25 ficiency financing initiatives conducted under sub-

1 section (d), evidence of multistate cooperation and
2 coordination with real estate lenders, financiers, and
3 owners; and

4 (3) other factors that will advance the purposes
5 of this section, as determined by the Secretary.

6 (f) REPORTS.—

7 (1) IN GENERAL.—Not later than 2 years after
8 the date of the receipt of a grant under this section,
9 a State shall submit to the Secretary, the Committee
10 on Energy and Natural Resources of the Senate,
11 and the Committee on Energy and Commerce of the
12 House of Representatives a report on the perform-
13 ance of programs and activities carried out with the
14 grant.

15 (2) DATA.—

16 (A) IN GENERAL.—A State receiving a
17 grant under this section and the Secretary shall
18 cooperate to collect and share data resulting
19 from programs and activities carried out under
20 this section.

21 (B) DEPARTMENT DATABASES.—The Sec-
22 retary shall incorporate data described in sub-
23 paragraph (A) into appropriate databases of the
24 Department of Energy, with provisions for the
25 protection of confidential business data.

1 (g) FUNDING.—

2 (1) AUTHORIZATION OF APPROPRIATIONS.—

3 There is authorized to be appropriated to carry out
4 this section \$250,000,000, to remain available until
5 expended.

6 (2) ALLOCATION.—Of the amount made avail-
7 able for a fiscal year under paragraph (1)—

8 (A) 50 percent of the amount shall be allo-
9 cated on a formula-basis that is consistent with
10 the formula used to allocate funds for State en-
11 ergy conservation programs established under
12 part D of title III of the Energy Policy and
13 Conservation Act (42 U.S.C. 6321 et seq.), as
14 determined by the Secretary; and

15 (B) 50 percent of the amount shall be allo-
16 cated to large commercial building financing
17 initiatives conducted under subsection (d), with
18 no individual State receiving more than 10 per-
19 cent of the amount made available for a fiscal
20 year under this subparagraph.

21 (3) STATE ENERGY OFFICES.—Funds provided
22 to a State under this section shall be provided to the
23 office within the State that is responsible for devel-
24 oping the State energy plan for the State under part

1 D of title III of the Energy Policy and Conservation
2 Act (42 U.S.C. 6321 et seq.).

3 (4) LOANS.—No funds made available under
4 this section may be used to provide direct Federal
5 loans for purposes of any of the programs or activi-
6 ties described in subsection (b).

7 Beginning on page 31, line 22, strike “CENTERS”
8 and all that follows through “Section” on page 32, line
9 1, and insert “CENTERS.—Section”.

10 On page 32, lines 4 through 19, redesignate subpara-
11 graphs (A) through (D) as paragraphs (1) through (4),
12 respectively, and indent appropriately.

13 On page 32, line 11, strike “subparagraph (A)” and
14 insert “paragraph (1)”.

15 On page 37, line 15, strike “2108,” and insert “2108
16 of this Act and”.

17 On page 44, between lines 14 and 15, insert the fol-
18 lowing:

1 (e) TERMINATION OF EFFECTIVENESS.—The author-
2 ity provided by this section terminates effective December
3 31, 2015.

4 On page 45, line 2, insert “operation and mainte-
5 nance processes,” after “hardware,”.

6 Beginning on page 46, strike line 14 and all that fol-
7 lows through page 47, line 4, and insert the following:

8 **SEC. 403. NATURAL GAS AND ELECTRIC VEHICLE INFRA-**
9 **STRUCTURE.**

10 (a) UTILITY INCENTIVE PROGRAMS.—Section
11 546(c)(1) of the National Energy Conservation Policy Act
12 (42 U.S.C. 8256(c)(1)) is amended by inserting “(includ-
13 ing measures to support the use of natural gas vehicles
14 and electric vehicles or the fueling or charging infrastruc-
15 ture necessary for natural gas vehicles and electric vehi-
16 cles)” after “demand”.

17 (b) ENERGY SAVINGS PERFORMANCE CONTRACTS.—
18 Section 804(4) of the National Energy Conservation Pol-
19 icy Act (42 U.S.C. 8287c(4)) is amended—

20 (1) in subparagraph (A), by striking “or” after
21 the semicolon;

22 (2) in subparagraph (B), by striking the period
23 at the end and inserting “; or”; and

1 (3) by adding at the end the following:

2 “(C) a measure to support the use of nat-
3 ural gas vehicles and electric vehicles or the
4 fueling or charging infrastructure necessary for
5 natural gas vehicles and electric vehicles, in-
6 cluding the use of utility energy service con-
7 tracts to support those vehicles or infrastruc-
8 ture.”.

9 On page 47, between lines 16 and 17, insert the fol-
10 lowing:

11 **SEC. 501. OFFSET.**

12 Section 422(f) of the Energy Independence and Secu-
13 rity Act of 2007 (42 U.S.C. 17082(f)) is amended—

14 (1) in paragraph (3), by striking “and” after
15 the semicolon at the end; and

16 (2) by striking paragraph (4) and inserting the
17 following:

18 “(4) \$200,000,000 for fiscal year 2013;

19 “(5) \$130,000,000 for fiscal year 2014; and

20 “(6) \$100,000,000 for each of fiscal years 2015
21 through 2017.”.

22 On page 47, line 17, strike “**501**” and insert “**502**”.

- 1 On page 48, line 1, strike “**502**” and insert “**503**”.