

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO THE COMMITTEE PRINT
OFFERED BY MR. WAXMAN OF CALIFORNIA**

Strike all and insert the following:

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 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)”.

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

5 **SEC. 5002. AMENDMENTS TO TITLE XIII OF THE ENERGY**
6 **INDEPENDENCE AND SECURITY ACT OF 2007.**

7 Title XIII of the Energy Independence and Security
8 Act of 2007 (42 U.S.C. 17381 and following) is amended
9 as follows:

10 (1) By amending subparagraph (A) of section
11 1304(b)(3) to read as follows:

12 “(A) IN GENERAL.—In carrying out the
13 initiative, the Secretary shall provide financial
14 support to smart grid demonstration projects in
15 urban, suburban, and rural areas, including
16 areas where electric system assets are controlled
17 by tax-exempt entities and areas where electric
18 system assets are controlled by investor-owned
19 utilities.”.

20 (2) By amending subparagraph (C) of section
21 1304(b)(3) to read as follows:

22 “(C) FEDERAL SHARE OF COST OF TECH-
23 NOLOGY INVESTMENTS.—The Secretary shall
24 provide to an electric utility described in sub-
25 paragraph (B) or to other parties financial as-

1 sistance for use in paying an amount equal to
2 not more than 50 percent of the cost of quali-
3 fying advanced grid technology investments
4 made by the electric utility or other party to
5 carry out a demonstration project.”.

6 (3) By inserting after section 1304(b)(3)(D)
7 the following new subparagraphs:

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

1 “(F) OPEN INTERNET-BASED PROTOCOLS
2 AND STANDARDS.—The Secretary shall require
3 as a condition of receiving funding under this
4 subsection that demonstration projects utilize
5 open Internet-based protocols and standards if
6 available.”.

7 (4) By amending paragraph (2) of section
8 1304(c) to read as follows:

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

11 (5) By amending subsection (a) of section 1306
12 by striking “reimbursement of one-fifth (20 per-
13 cent)” and inserting “grants of up to one-half (50
14 percent)”.

15 (6) By striking the last sentence of subsection
16 (b)(9) of section 1306.

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

19 (8) By amending subsection (e) of section 1306
20 to read as follows:

21 “(e) PROCEDURES AND RULES.—The Secretary
22 shall—

23 “(1) establish within 60 days after the enact-
24 ment of the American Recovery and Reinvestment
25 Act of 2009 procedures by which applicants can ob-

1 tain grants of not more than one-half of their docu-
2 mented costs;

3 “(2) require as a condition of receiving a grant
4 under this section that grant recipients utilize open
5 Internet-based protocols and standards if available;

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

13 “(4) maintain public records of grants made,
14 recipients, and qualifying smart grid investments
15 which have received grants;

16 “(5) establish procedures to provide advance
17 payment of moneys up to the full amount of the
18 grant award; and

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

1 **SEC. 5003. 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 commercial technology projects under subsection
12 (b) that will commence construction not later than Sep-
13 tember 30, 2011.

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

16 “(1) Renewable energy systems that generate
17 electricity.

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

20 “(c) FACTORS RELATING TO ELECTRIC POWER
21 TRANSMISSION SYSTEMS.—In determining to make guar-
22 antees to projects described in subsection (b)(2), the Sec-
23 retary shall consider the following factors:

24 “(1) The viability of the project without guar-
25 antees.

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

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

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

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

19 “(e) SUNSET.—The authority to enter into guaran-
20 tees under this section shall expire on September 30,
21 2011.”.

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

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

1 **SEC. 5005. WEATHERIZATION ASSISTANCE PROGRAM**
2 **AMENDMENTS.**

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

7 (b) ASSISTANCE LEVEL PER DWELLING UNIT.—
8 Section 415(c)(1) of the Energy Conservation and Produc-
9 tion Act (42 U.S.C. 6865(c)(1)) is amended by striking
10 “\$2,500” and inserting “\$5,000”.

11 (c) EFFECTIVE USE OF FUNDS.—In providing funds
12 made available by this Act for the Weatherization Assist-
13 ance Program, the Secretary may encourage States to give
14 priority to using such funds for the most cost-effective ef-
15 ficiency activities, which may include insulation of attics,
16 if, in the Secretary’s view, such use of funds would in-
17 crease the effectiveness of the program.

18 **SEC. 5007. RENEWABLE ELECTRICITY TRANSMISSION**
19 **STUDY.**

20 In completing the 2009 National Electric Trans-
21 mission Congestion Study, the Secretary of Energy shall
22 include—

23 (1) an analysis of the significant potential
24 sources of renewable energy that are constrained in

1 accessing appropriate market areas by lack of ade-
2 quate transmission capacity;

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

5 (3) recommendations for achieving adequate
6 transmission capacity; and

7 (4) an explanation of assumptions and projec-
8 tions made in the Study, including—

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

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

15 (C) assumptions and projections regarding
16 projected deployment of distributed generation
17 infrastructure.

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 (42 U.S.C. 6323a; 98 Stat. 1861) shall not
3 apply to assistance 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.

