

116TH CONGRESS
1ST SESSION

H. R. 2741

To rebuild and modernize the Nation's infrastructure to expand access to broadband and Next Generation 9–1–1, rehabilitate drinking water infrastructure, modernize the electric grid and energy supply infrastructure, redevelop brownfields, strengthen health care infrastructure, create jobs, and protect public health and the environment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2019

Mr. PALLONE (for himself, Mr. RUSH, Ms. ESHOO, Mr. ENGEL, Ms. DEGETTE, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. SCHAKOWSKY, Mr. BUTTERFIELD, Ms. MATSUI, Ms. CASTOR of Florida, Mr. SARBANES, Mr. MCNERNEY, Mr. WELCH, Mr. LUJÁN, Mr. TONKO, Ms. CLARKE of New York, Mr. LOEBSACK, Mr. SCHRADER, Mr. KENNEDY, Mr. CÁRDENAS, Mr. RUIZ, Mr. PETERS, Mrs. DINGELL, Mr. VEASEY, Ms. KUSTER of New Hampshire, Ms. KELLY of Illinois, Ms. BARRAGÁN, Mr. MCEACHIN, Ms. BLUNT ROCHESTER, Mr. SOTO, and Mr. O'HALLERAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Science, Space, and Technology, Ways and Means, Transportation and Infrastructure, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To rebuild and modernize the Nation's infrastructure to expand access to broadband and Next Generation 9–1–1, rehabilitate drinking water infrastructure, modernize the electric grid and energy supply infrastructure, redevelop brownfields, strengthen health care infrastructure,

create jobs, and protect public health and the environment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Leading Infrastructure for Tomorrow’s America Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROADBAND AND NEXT GENERATION 9–1–1
 INFRASTRUCTURE

Subtitle A—Broadband Internet Access Service Program

Sec. 11001. Expansion of broadband access.

Subtitle B—Next Generation 9–1–1

Sec. 12001. Short title.

Sec. 12002. Findings.

Sec. 12003. Sense of Congress.

Sec. 12004. Statement of policy.

Sec. 12005. Coordination of Next Generation 9–1–1 implementation.

Sec. 12006. Savings provision.

Subtitle C—Broadband Infrastructure Finance and Innovation

Sec. 13001. Short title.

Sec. 13002. Definitions.

Sec. 13003. Determination of eligibility and project selection.

Sec. 13004. Secured loans.

Sec. 13005. Lines of credit.

Sec. 13006. Alternative prudential lending standards for small projects.

Sec. 13007. Program administration.

Sec. 13008. State and local permits.

Sec. 13009. Regulations.

Sec. 13010. Funding.

Sec. 13011. Reports to Congress.

TITLE II—DRINKING WATER INFRASTRUCTURE

Subtitle A—PFAS Infrastructure Grant Program

Sec. 21001. Short title.

Sec. 21002. Establishment of PFAS Infrastructure Grant Program.

Sec. 21003. Definition.

Subtitle B—Extensions

Sec. 22001. Funding.

Sec. 22002. American iron and steel products.

TITLE III—CLEAN ENERGY INFRASTRUCTURE

Subtitle A—Grid Security and Modernization

PART 1—ENHANCING ELECTRIC INFRASTRUCTURE RESILIENCE,
RELIABILITY, AND ENERGY SECURITY

Sec. 31101. Program to enhance electric infrastructure resilience, reliability,
and energy security.

PART 2—21ST CENTURY POWER GRID

Sec. 31201. Grant program for grid modernization projects.

Sec. 31202. Interregional transmission planning report.

PART 3—ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM

Sec. 31301. Energy Efficient Transformer Rebate Program.

PART 4—STRATEGIC TRANSFORMER RESERVE PROGRAM

Sec. 31401. Strategic Transformer Reserve Program.

Subtitle B—Energy Efficient Infrastructure

PART 1—EFFICIENCY GRANTS FOR STATE AND LOCAL GOVERNMENTS

Sec. 32101. Energy efficient public buildings.

Sec. 32102. Energy efficiency and conservation block grant program.

PART 2—SMART BUILDING ACCELERATION

Sec. 32201. Short title.

Sec. 32202. Findings.

Sec. 32203. Definitions.

Sec. 32204. Federal smart building program.

Sec. 32205. Survey of private sector smart buildings.

Sec. 32206. Leveraging existing programs.

Sec. 32207. Report.

PART 3—WEATHERIZATION ASSISTANCE PROGRAM

Sec. 32301. Short title.

Sec. 32302. Weatherization assistance program.

Sec. 32303. Report on waivers.

PART 4—SMART ENERGY AND WATER EFFICIENCY

Sec. 32401. Short title.

Sec. 32402. Smart energy and water efficiency program.

PART 5—ACCELERATED ADOPTION OF ENERGY EFFICIENT ENGINES AND
VEHICLES

- Sec. 32501. Reauthorization of diesel emissions reduction program.
- Sec. 32502. Reauthorization of clean school buses program.

PART 6—ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES

- Sec. 32601. Grants for energy efficiency improvements and renewable energy improvements at public school facilities.

PART 7—HOMEOWNER MANAGING ENERGY SAVINGS

- Sec. 32701. Short title.
- Sec. 32702. Definitions.
- Sec. 32703. Home Energy Savings Retrofit Rebate Program.
- Sec. 32704. Contractors.
- Sec. 32705. Rebate aggregators.
- Sec. 32706. Quality assurance providers.
- Sec. 32707. Transferability of home energy savings rebate.
- Sec. 32708. Home Energy Savings Retrofit Rebate Program.
- Sec. 32709. Grants to States and Indian Tribes.
- Sec. 32710. Quality assurance program.
- Sec. 32711. Evaluation report to Congress.
- Sec. 32712. Administration.
- Sec. 32713. Treatment of rebates.
- Sec. 32714. Penalties.
- Sec. 32715. Funding.
- Sec. 32716. Pilot program.

Subtitle C—Energy Supply Infrastructure

PART 1—LOW-INCOME SOLAR

- Sec. 33101. Short title.
- Sec. 33102. Loan and grant program for solar installations in low-income and underserved areas.

PART 2—SAFE, AFFORDABLE, AND ENVIRONMENTALLY SOUND NATURAL GAS DISTRIBUTION

- Sec. 33201. Improving the natural gas distribution system.

PART 3—CLEAN DISTRIBUTED ENERGY PROGRAM

- Sec. 33301. Short title.
- Sec. 33302. Definitions.
- Sec. 33303. Distributed energy loan program.
- Sec. 33304. Technical assistance and grant program.

PART 4—STRATEGIC PETROLEUM RESERVE IMPROVEMENTS

- Sec. 33401. Strategic Petroleum Reserve improvements.

PART 5—REFINED PRODUCT RESERVES

- Sec. 33501. Refined product reserves.

PART 6—DEPARTMENT OF ENERGY OFFICE OF INDIAN ENERGY

- Sec. 33601. Amendment to reauthorize programs to assist Indian Tribes.

Subtitle D—Smart Communities Infrastructure

PART 1—SMART COMMUNITIES

- Sec. 34101. 3C Energy Program.
- Sec. 34102. Federal technology assistance.
- Sec. 34103. Technology demonstration grant program.
- Sec. 34104. Smart city or community.

PART 2—CLEAN CITIES COALITION PROGRAM

- Sec. 34201. Clean Cities Coalition Network program.

PART 3—ELECTRIC VEHICLE INFRASTRUCTURE

- Sec. 34301. Statement of national policy.
- Sec. 34302. Definitions.
- Sec. 34303. Model building code for electric vehicle supply equipment.
- Sec. 34304. Utility electric vehicle charging programs.
- Sec. 34305. State transportation electrification planning grants.
- Sec. 34306. Electric vehicle supply equipment coordination.
- Sec. 34307. Authorization of appropriations.

TITLE IV—HEALTH CARE INFRASTRUCTURE

Subtitle A—Hospital Infrastructure

- Sec. 41001. Hospital infrastructure.

Subtitle B—Indian Health Program Health Care Infrastructure

- Sec. 42001. 21st century Indian health program hospitals and outpatient health care facilities.

Subtitle C—Laboratory Infrastructure

- Sec. 43001. Pilot program to improve laboratory infrastructure.

Subtitle D—Community-Based Care Infrastructure

- Sec. 44001. Pilot program to improve community-based care infrastructure.

Subtitle E—Public Health Infrastructure

- Sec. 45001. Public health data system transformation.
- Sec. 45002. Core public health infrastructure for State, local, and Tribal health departments.
- Sec. 45003. Core public health infrastructure and activities for CDC.

TITLE V—BROWNFIELDS REDEVELOPMENT

- Sec. 50001. Authorization of appropriations.
- Sec. 50002. State response programs.

1 **TITLE I—BROADBAND AND NEXT**
 2 **GENERATION 9-1-1 INFRA-**
 3 **STRUCTURE**

4 **Subtitle A—Broadband Internet**
 5 **Access Service Program**

6 **SEC. 11001. EXPANSION OF BROADBAND ACCESS.**

7 Title I of the Communications Act of 1934 (47
 8 U.S.C. 151 et seq.) is amended by adding at the end the
 9 following new section:

10 **“SEC. 14. EXPANSION OF BROADBAND ACCESS.**

11 “(a) PROGRAM ESTABLISHED.—Not later than 180
 12 days after the date of the enactment of this section, the
 13 Commission, in consultation with the Assistant Secretary,
 14 shall establish a program to expand access to broadband
 15 for unserved areas, underserved areas, and unserved an-
 16 chor institutions in accordance with the requirements of
 17 this section that—

18 “(1) is separate from any universal service pro-
 19 gram established pursuant to section 254; and

20 “(2) does not require funding recipients to be
 21 designated as eligible telecommunications carriers
 22 under section 214(e).

23 “(b) USE OF PROGRAM FUNDS.—

24 “(1) EXPANDING ACCESS TO BROADBAND
 25 THROUGH NATIONAL REVERSE AUCTION.—Not later

1 than 18 months after the date of the enactment of
2 this section, the Commission shall award 75 percent
3 of the amounts appropriated under subsection (h)
4 through a national reverse auction to funding recipi-
5 ents only to expand access to broadband in unserved
6 areas.

7 “(2) EXPANDING ACCESS TO BROADBAND
8 THROUGH STATES.—

9 “(A) DISTRIBUTION OF FUNDS TO
10 STATES.—Not later than 255 days after the
11 date of the enactment of this section, the Com-
12 mission shall distribute 25 percent of the
13 amounts appropriated under subsection (h)
14 among the States, in direct proportion to the
15 population of each State.

16 “(B) PUBLIC NOTICE.—Not later than 195
17 days after the date of the enactment of this sec-
18 tion, the Commission shall issue a public notice
19 informing each State and the public of the
20 amounts to be distributed under this para-
21 graph. The notice shall include—

22 “(i) the manner in which a State shall
23 inform the Commission of that State’s ac-
24 ceptance or acceptance in part of the

1 amounts to be distributed under this para-
2 graph;

3 “(ii) the date (which is 30 days after
4 the date on which the public notice is
5 issued) by which such acceptance or ac-
6 ceptance in part is due; and

7 “(iii) the requirements as set forth
8 under this section and as may be further
9 prescribed by the Commission.

10 “(C) ACCEPTANCE BY STATES.—Not later
11 than 30 days after the date on which the public
12 notice is issued under subparagraph (B), each
13 State accepting amounts to be distributed
14 under this paragraph shall inform the Commis-
15 sion of the acceptance or acceptance in part by
16 the State of the amounts to be distributed
17 under this paragraph in the manner described
18 by the Commission in the public notice.

19 “(D) REQUIREMENTS FOR STATE RECEIPT
20 OF AMOUNTS DISTRIBUTED.—Each State ac-
21 cepting amounts distributed under this para-
22 graph—

23 “(i) shall only award such amounts
24 through a statewide reverse auction or auc-
25 tions, in the manner prescribed by the

1 State but subject to the requirements as
2 set forth under this section and as may be
3 further prescribed by the Commission;

4 “(ii) shall make such awards only—

5 “(I) to funding recipients to ex-
6 pand access to broadband in unserved
7 areas;

8 “(II) to funding recipients to ex-
9 pand access to broadband to unserved
10 anchor institutions; or

11 “(III) to funding recipients to ex-
12 pand access to broadband in under-
13 served areas, but only if a State does
14 not have, or no longer has, any
15 unserved areas;

16 “(iii) shall conduct separate reverse
17 auctions for awards made to unserved an-
18 chor institutions under clause (ii)(II), if a
19 State awards any funding provided by this
20 section to unserved anchor institutions;

21 “(iv) shall return any unused portion
22 of such amounts to the Commission within
23 10 years after the date of the enactment of
24 this section and shall submit a certification
25 to the Commission before receiving such

1 amounts that the State will return such
2 amounts; and

3 “(v) may not use more than 5 percent
4 of the amounts distributed under this
5 paragraph to administer a reverse auction
6 or auctions authorized by this paragraph.

7 “(E) DISTRIBUTION OF REMAINING
8 FUNDS.—In the case of any amounts remaining
9 after the amounts appropriated are distributed
10 as described in subparagraph (A), the Commis-
11 sion shall transfer such amounts to the grant
12 program established under section 159 of the
13 National Telecommunications and Information
14 Administration Organization Act.

15 “(3) COORDINATION OF FEDERAL AND STATE
16 FUNDING.—The Commission shall establish proc-
17 esses through the rulemaking under subsection (e)
18 to—

19 “(A) enable States to conduct statewide re-
20 verse auctions as part of, or in coordination
21 with, the national reverse auction;

22 “(B) assist States in conducting statewide
23 reverse auctions;

24 “(C) coordinate with States to ensure that
25 program funds awarded by the Commission and

1 program funds awarded by the States are not
2 used to expand access to broadband in the same
3 unserved areas; and

4 “(D) coordinate with other Federal pro-
5 grams that expand access to broadband, such
6 as the Connect America Fund or the
7 Broadband e-Connectivity Pilot Program, to en-
8 sure the efficient use of program funds.

9 “(c) PROGRAM REQUIREMENTS.—

10 “(1) TECHNOLOGY NEUTRALITY REQUIRED.—
11 Any entity administering a reverse auction (either
12 the State or the Commission) in making awards may
13 not favor a project using any particular technology.

14 “(2) FUNDS PREFERENCE.—There shall be a
15 preference, as determined by the entity admin-
16 istering the reverse auction (either the State or the
17 Commission), for bidders in a reverse auction pro-
18 posing projects—

19 “(A) with at least 20 percent matching
20 funds from private sources;

21 “(B) that would expand access to
22 broadband on tribal lands, as defined by the
23 Commission;

24 “(C) that would provide higher speeds than
25 those specified in subsection (d)(2);

1 “(D) that would expand access to
2 broadband in advance of the time specified in
3 subsection (e)(5); or

4 “(E) that would expand access to
5 broadband to areas where the median household
6 income is below 150 percent of the poverty
7 threshold as defined by the Bureau of the Cen-
8 sus.

9 “(3) UNSERVED AND UNDERSERVED AREAS.—
10 In determining whether an area is an unserved area
11 or an underserved area or whether an anchor insti-
12 tution is an unserved anchor institution for any re-
13 verse auction authorized under this section, the
14 Commission shall implement the following require-
15 ments through the rulemaking described in sub-
16 section (e):

17 “(A) DATA FOR INITIAL DETERMINA-
18 TION.—To make an initial determination as to
19 whether an area is an unserved area or an un-
20 derserved area or whether an anchor institution
21 is an unserved anchor institution, the Commis-
22 sion shall—

23 “(i) to the extent practicable, use the
24 National Broadband Availability Map, up-

1 dated pursuant to the Consolidated Appro-
2 priations Act, 2018 (Public Law 115–141);

3 “(ii) consider other data on access to
4 broadband obtained or purchased by the
5 Commission;

6 “(iii) consider other publicly available
7 data or information on access to
8 broadband;

9 “(iv) consider other publicly available
10 data or information on State broadband
11 deployment programs; and

12 “(v) not determine an area is not an
13 unserved area or an underserved area on
14 the basis that one location within such
15 area does not meet the definition of an
16 unserved area or an underserved area.

17 “(B) INITIAL DETERMINATION.—The
18 Commission shall make an initial determination
19 of the areas that are unserved areas or under-
20 served areas and which anchor institutions are
21 unserved anchor institutions not later than 270
22 days after the date of the enactment of this sec-
23 tion.

24 “(C) CHALLENGE OF DETERMINATION.—

1 “(i) IN GENERAL.—The Commission
2 shall provide for a process for challenging
3 any initial determination regarding wheth-
4 er an area is an unserved area or an un-
5 derserved area or whether an anchor insti-
6 tution is an unserved anchor institution
7 that, at a minimum, provides not less than
8 45 days for a person to voluntarily submit
9 information concerning—

10 “(I) the broadband offered in the
11 area; or

12 “(II) the broadband offered to
13 the anchor institution.

14 “(ii) STREAMLINED PROCESS.—The
15 Commission shall ensure that such process
16 is sufficiently streamlined such that a rea-
17 sonably prudent person may easily partici-
18 pate to challenge such initial determination
19 with little burden on such person.

20 “(D) FINAL DETERMINATION.—The Com-
21 mission shall make a final determination of the
22 areas that are unserved areas or underserved
23 areas and which anchor institutions are
24 unserved anchor institutions within 1 year after
25 the date of the enactment of this section.

1 “(4) NOTICE, TRANSPARENCY, ACCOUNT-
2 ABILITY, AND OVERSIGHT REQUIRED.—The program
3 shall contain sufficient notice, transparency, ac-
4 countability, and oversight measures to provide the
5 public with notice of the assistance provided under
6 this section, and to deter waste, fraud, and abuse of
7 program funds.

8 “(5) COMPETENCE.—The program shall contain
9 sufficient processes and requirements, as established
10 by the entity administering the reverse auction (ei-
11 ther the State or the Commission), to ensure fund-
12 ing recipients participating in such a reverse auc-
13 tion—

14 “(A) are capable of carrying out the
15 project in a competent manner in compliance
16 with all applicable Federal, State, and local
17 laws; and

18 “(B) have the financial capacity to meet
19 the buildout obligations of the project and re-
20 quirements as set forth under this section and
21 as may be further prescribed by the Commis-
22 sion.

23 “(6) CONTRACTING REQUIREMENTS.—Any la-
24 borer or mechanic employed by any contractor or
25 subcontractor in the performance of work on any

1 project under this section shall be paid wages at
2 rates not less than those prevailing on similar con-
3 struction in the locality as determined by the Sec-
4 retary of Labor under subchapter IV of chapter 31
5 of title 40, United States Code (commonly referred
6 to as the Davis-Bacon Act).

7 “(d) PROJECT REQUIREMENTS.—Any project funded
8 through the program shall meet the following require-
9 ments:

10 “(1) The project shall adhere to quality-of-serv-
11 ice standards as established by the Commission.

12 “(2) The project shall offer broadband with a
13 download speed of at least 100 megabits per second,
14 an upload speed of at least 20 megabits per second,
15 and a latency that is sufficiently low to allow real-
16 time, interactive applications.

17 “(3) For any project that involves laying fiber-
18 optic cables along a roadway, the project shall in-
19 clude interspersed conduit access points at regular
20 and short intervals.

21 “(4) The project may not offer broadband that
22 does not, at a minimum, provide a download speed
23 of at least 25 megabits per second, an upload speed
24 of at least 3 megabits per second, and a latency that

1 is sufficiently low to allow real-time, interactive ap-
2 plications.

3 “(5) The project shall incorporate prudent cy-
4 bersecurity and supply chain risk management prac-
5 tices, as specified by the Commission, through the
6 rulemaking described in subsection (e), in consulta-
7 tion with the Director of the National Institute of
8 Standards and Technology and the Assistant Sec-
9 retary.

10 “(6) The project shall incorporate best prac-
11 tices, as defined by the Commission, for ensuring re-
12 liability and resiliency of the network during disas-
13 ters.

14 “(7) Any funding recipient must agree to have
15 the project meet the requirements established under
16 section 224, as if the project were classified as a
17 ‘utility’ under such section.

18 “(e) RULEMAKING AND DISTRIBUTION AND AWARD
19 OF FUNDS.—Not later than 180 days after the date of
20 the enactment of this section, the Commission, in con-
21 sultation with the Assistant Secretary, shall promulgate
22 rules—

23 “(1) that implement the requirements of this
24 section, as appropriate, including the program re-

1 requirements of subsections (a), (b), and (c) and the
2 project requirements of subsection (d);

3 “(2) that establish the design of and rules for
4 the nationwide reverse auction;

5 “(3) that establish notice requirements for all
6 reverse auctions authorized under this section that,
7 at a minimum, provide the public with notice of—

8 “(A) the initial determination of which
9 areas are unserved areas or underserved areas;

10 “(B) the final determination of which
11 areas are unserved areas or underserved areas
12 after the process for challenging the initial de-
13 termination has concluded;

14 “(C) which entities have applied to bid for
15 funding; and

16 “(D) the results of any reverse auctions,
17 including identifying the funding recipients,
18 which areas each project will serve, the nature
19 of the service that will be provided by the
20 project in each of those areas, and how much
21 funding the funding recipients will receive in
22 each of those areas;

23 “(4) that establish broadband buildout mile-
24 stones and periodic certification by funding recipi-
25 ents to ensure compliance with the broadband build-

1 out milestones for all reverse auctions authorized
2 under this section;

3 “(5) that establish a maximum buildout time-
4 frame of four years beginning on the date on which
5 funding is provided under this section for any
6 project by a funding recipient for a project under
7 this section;

8 “(6) that establish periodic reporting require-
9 ments for funding recipients of projects and that
10 identify, at a minimum, the nature of the service
11 provided in each area for any reverse auction au-
12 thorized under this section;

13 “(7) that establish standard penalties for the
14 noncompliance of funding recipients or projects with
15 the requirements as set forth under this section and
16 as may be further prescribed by the Commission for
17 any reverse auction authorized under this section;

18 “(8) that establish procedures for recovery of
19 funds, in whole or in part, from funding recipients
20 in the event of the default or noncompliance of the
21 funding recipient or project with the requirements
22 established under this section for any reverse auc-
23 tion authorized under this section; and

1 “(9) that establish mechanisms to reduce waste,
2 fraud, and abuse within the program for any reverse
3 auction authorized under this section.

4 “(f) REPORTS REQUIRED.—

5 “(1) INSPECTOR GENERAL AND COMPTROLLER
6 GENERAL REPORT.—Not later than June 30 and
7 December 31 of each year following the awarding of
8 the first funds under the program, the Inspector
9 General of the Commission and the Comptroller
10 General of the United States shall submit to the
11 Committees on Energy and Commerce of the House
12 of Representatives and Commerce, Science, and
13 Transportation of the Senate a report for the pre-
14 vious 6 months that reviews the program. Such re-
15 port shall include any recommendations to address
16 waste, fraud, and abuse.

17 “(2) STATE REPORTS.—Any State that receives
18 funds under the program shall submit an annual re-
19 port to the Commission on how such funds were
20 spent, along with a certification of compliance with
21 the requirements as set forth under this section and
22 as may be further prescribed by the Commission, in-
23 cluding a description of each service provided and
24 the number of individuals to whom the service was
25 provided.

1 “(g) DEFINITIONS.—In this section:

2 “(1) ANCHOR INSTITUTION.—The term ‘anchor
3 institution’ means a public or private school, a li-
4 brary, a medical or healthcare provider, a museum,
5 a public safety entity, public housing, a community
6 college, an institution of higher education, or any
7 other community support organization or agency.

8 “(2) AREA.—The term ‘area’ means the geo-
9 graphic unit of measurement with the greatest level
10 of granularity reasonably feasible for the Commis-
11 sion to use in making eligibility determinations
12 under this section and in meeting the requirements
13 and deadlines of this section.

14 “(3) ASSISTANT SECRETARY.—The term ‘As-
15 sistant Secretary’ means the Assistant Secretary of
16 Commerce for Communications and Information.

17 “(4) BROADBAND.—The term ‘broadband’—

18 “(A) means broadband internet access
19 service that is a mass-market retail service, or
20 a service provided to an anchor institution, by
21 wire or radio that provides the capability to
22 transmit data to and receive data from all or
23 substantially all internet endpoints, including
24 any capabilities that are incidental to and en-

1 able the operation of the communications serv-
2 ice;

3 “(B) includes any service that is a func-
4 tional equivalent of the service described in sub-
5 paragraph (A); and

6 “(C) does not include dial-up internet ac-
7 cess service.

8 “(5) FUNDING RECIPIENT.—The term ‘funding
9 recipient’ means an entity that receives funding for
10 a project under this section.

11 “(6) PROGRAM.—Unless otherwise indicated,
12 the term ‘program’ means the program established
13 under subsection (a).

14 “(7) PROJECT.—The term ‘project’ means an
15 undertaking by a funding recipient under this sec-
16 tion to construct and deploy infrastructure for the
17 provision of broadband.

18 “(8) REVERSE AUCTION.—The term ‘reverse
19 auction’ means an auction in which bids are sub-
20 mitted for a particular project and the bids serving
21 the most locations for the lowest cost to the entity
22 administering the reverse auction (either the State
23 or the Commission), taking into consideration the
24 funding preferences in subsection (c)(2) are selected
25 for funding.

1 “(9) UNDERSERVED AREA.—The term ‘under-
2 served area’ means an area that has access to
3 broadband offered—

4 “(A) with a download speed of at least 25
5 megabits per second and not more than 99
6 megabits per second;

7 “(B) with an upload speed of at least 10
8 megabits per second; and

9 “(C) with latency that is sufficiently low to
10 allow real-time, interactive applications.

11 “(10) UNSERVED ANCHOR INSTITUTION.—The
12 term ‘unserved anchor institution’ means an anchor
13 institution that has no access to broadband or does
14 not have access to broadband offered—

15 “(A) with a download speed of at least 1
16 gigabit per second;

17 “(B) with an upload speed of at least 1
18 gigabit per second; and

19 “(C) with latency that is sufficiently low to
20 allow multiple, simultaneous, real-time, inter-
21 active applications.

22 “(11) UNSERVED AREA.—The term ‘unserved
23 area’ means an area that has no access to
24 broadband or does not have access to broadband of-
25 fered—

1 “(A) with a download speed of at least 25
2 megabits per second;

3 “(B) with an upload speed of at least 3
4 megabits per second; and

5 “(C) with latency that is sufficiently low to
6 allow real-time, interactive applications.

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to the Commission
9 \$40,000,000,000 for fiscal year 2020 to carry out the pro-
10 gram and such amount is authorized to remain available
11 for 10 years.”.

12 **Subtitle B—Next Generation 9–1–1**

13 **SEC. 12001. SHORT TITLE.**

14 This subtitle may be cited as the “Next Generation
15 9–1–1 Act of 2019”.

16 **SEC. 12002. FINDINGS.**

17 Congress makes the following findings:

18 (1) The 9–1–1 systems of the United States,
19 while a model for the entire world, lack the advanced
20 functionality, interoperability, and capabilities that
21 come with the adoption of new digital communica-
22 tions technologies.

23 (2) Communications technologies currently
24 available to the public, including first responders
25 and other public safety personnel, have substantially

1 outpaced the legacy communications technologies
2 still used by most emergency communications cen-
3 ters in the 9–1–1 systems of the United States.

4 (3) This lack of modern technology, when cou-
5 pled with other challenges, is impacting the ability of
6 the 9–1–1 systems of the United States to efficiently
7 and effectively provide responses to emergencies.

8 (4) Modernizing the 9–1–1 systems of the
9 United States to incorporate the new and evolving
10 capabilities of broadband voice and data communica-
11 tions is essential for the safety and security of the
12 public, including first responders and other public
13 safety personnel.

14 (5) Efforts to modernize the 9–1–1 systems of
15 the United States to date, while laudable and impor-
16 tant, have been limited due to a lack of funding and
17 inconsistent or unclear policies related to the govern-
18 ance, deployment, and operations of Next Genera-
19 tion 9–1–1.

20 (6) A nationwide strategy for Next Generation
21 9–1–1 has become essential to help guide the transi-
22 tion and create a common framework for implemen-
23 tation of Next Generation 9–1–1 while preserving
24 State, regional, and local control over the governance

1 and technology choices of the 9–1–1 systems of the
2 United States.

3 (7) Accelerated implementation of Next Genera-
4 tion 9–1–1 will—

5 (A) increase compatibility with emerging
6 communications trends;

7 (B) enhance the flexibility, reliability, and
8 survivability of the 9–1–1 systems of the United
9 States during major incidents;

10 (C) improve emergency response for the
11 public, including first responders and other
12 public safety personnel;

13 (D) promote the interoperability of the 9–
14 1–1 systems of the United States with emer-
15 gency response providers including users of the
16 Nationwide Public Safety Broadband Network
17 being deployed by the First Responder Network
18 Authority; and

19 (E) increase the cost effectiveness of oper-
20 ating the 9–1–1 systems of the United States.

21 **SEC. 12003. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the 9–1–1 professionals in the United
24 States perform important and lifesaving work every
25 day, and need the tools and communications tech-

1 nologies to perform the work effectively in a world
2 with digital communications technologies;

3 (2) the transition from the legacy communica-
4 tions technologies used in the 9–1–1 systems of the
5 United States to Next Generation 9–1–1 is a na-
6 tional priority and a national imperative;

7 (3) the United States should complete the tran-
8 sition described in paragraph (2) as soon as prac-
9 ticable;

10 (4) the United States should develop a nation-
11 wide framework that facilitates cooperation among
12 Federal, State, and local officials on deployment of
13 Next Generation 9–1–1 in order to meet that goal;

14 (5) the term “Public Safety Answering Point”
15 becomes outdated in a broadband environment and
16 9–1–1 centers are increasingly and appropriately
17 being referred to as emergency communications cen-
18 ters; and

19 (6) 9–1–1 authorities and emergency commu-
20 nications centers should have sufficient resources to
21 implement Next Generation 9–1–1, including re-
22 sources to support associated geographic information
23 systems (commonly known as “GIS”), and cyberse-
24 curity measures.

1 **SEC. 12004. STATEMENT OF POLICY.**

2 It is the policy of the United States that—

3 (1) Next Generation 9–1–1 should be techno-
4 logically and competitively neutral;

5 (2) Next Generation 9–1–1 should be interoper-
6 able;

7 (3) the governance and control of the 9–1–1
8 systems of the United States, including Next Gen-
9 eration 9–1–1, should remain at the State, regional,
10 and local level; and

11 (4) individuals in the United States should re-
12 ceive information on how to best utilize Next Gen-
13 eration 9–1–1 and on its capabilities and usefulness.

14 **SEC. 12005. COORDINATION OF NEXT GENERATION 9–1–1 IM-**
15 **PLEMENTATION.**

16 Part C of title I of the National Telecommunications
17 and Information Administration Organization Act (47
18 U.S.C. 901 et seq.) is amended by adding at the end the
19 following:

20 **“SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IM-**
21 **PLEMENTATION.**

22 **“(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMEN-**
23 **TATION COORDINATION OFFICE.—**

24 **“(1) AUTHORITY.—**The Office shall implement
25 the provisions of this section.

26 **“(2) MANAGEMENT PLAN.—**

1 “(A) DEVELOPMENT.—The Assistant Sec-
2 retary and the Administrator shall develop and
3 may modify a management plan for the grant
4 program established under this section, includ-
5 ing by developing—

6 “(i) plans related to the organiza-
7 tional structure of such program; and

8 “(ii) funding profiles for each fiscal
9 year of the duration of such program.

10 “(B) SUBMISSION TO CONGRESS.—Not
11 later than 90 days after the date of the enact-
12 ment of this section or 90 days after the date
13 on which the plan is modified, as applicable, the
14 Assistant Secretary and the Administrator shall
15 submit the management plan developed under
16 subparagraph (A) to—

17 “(i) the Committees on Commerce,
18 Science, and Transportation and Appro-
19 priations of the Senate; and

20 “(ii) the Committees on Energy and
21 Commerce and Appropriations of the
22 House of Representatives.

23 “(3) PURPOSE OF OFFICE.—The Office shall—

24 “(A) take actions, in concert with coordi-
25 nators designated in accordance with subsection

1 (b)(3)(A)(ii), to improve coordination and com-
2 munication with respect to the implementation
3 of Next Generation 9–1–1;

4 “(B) develop, collect, and disseminate in-
5 formation concerning practices, procedures, and
6 technology used in the implementation of Next
7 Generation 9–1–1;

8 “(C) advise and assist eligible entities in
9 the preparation of implementation plans re-
10 quired under subsection (b)(3)(A)(iii);

11 “(D) receive, review, and recommend the
12 approval or disapproval of applications for
13 grants under subsection (b); and

14 “(E) oversee the use of funds provided by
15 such grants in fulfilling such implementation
16 plans.

17 “(4) REPORTS.—The Assistant Secretary and
18 the Administrator shall provide an annual report to
19 Congress by the first day of October of each year on
20 the activities of the Office to improve coordination
21 and communication with respect to the implementa-
22 tion of Next Generation 9–1–1.

23 “(b) NEXT GENERATION 9–1–1 IMPLEMENTATION
24 GRANTS.—

1 “(1) MATCHING GRANTS.—The Assistant Sec-
2 retary and the Administrator, acting through the Of-
3 fice, shall provide grants to eligible entities for—

4 “(A) the implementation of Next Genera-
5 tion 9–1–1;

6 “(B) establishing and maintaining Next
7 Generation 9–1–1;

8 “(C) training directly related to Next Gen-
9 eration 9–1–1;

10 “(D) public outreach and education on how
11 best to use Next Generation 9–1–1 and on its
12 capabilities and usefulness; and

13 “(E) administrative costs associated with
14 planning and implementation of Next Genera-
15 tion 9–1–1, including costs related to planning
16 for and preparing an application and related
17 materials as required by this section, if—

18 “(i) such costs are fully documented
19 in materials submitted to the Office; and

20 “(ii) such costs are reasonable and
21 necessary and do not exceed 5 percent of
22 the total grant award.

23 “(2) MATCHING REQUIREMENT.—The Federal
24 share of the cost of a project eligible for a grant
25 under this section shall not exceed 80 percent.

1 “(3) COORDINATION REQUIRED.—In providing
2 grants under paragraph (1), the Assistant Secretary
3 and the Administrator shall require an eligible entity
4 to certify in its application that—

5 “(A) in the case of an eligible entity that
6 is a State, the entity—

7 “(i) has coordinated the application
8 with the emergency communications cen-
9 ters located within the jurisdiction of such
10 entity;

11 “(ii) has designated a single officer or
12 governmental body to serve as the State
13 point of contact to coordinate the imple-
14 mentation of Next Generation 9–1–1 for
15 that State, except that such designation
16 need not vest such coordinator with direct
17 legal authority to implement Next Genera-
18 tion 9–1–1 or to manage emergency com-
19 munications operations; and

20 “(iii) has developed and submitted a
21 State plan for the coordination and imple-
22 mentation of Next Generation 9–1–1
23 that—

1 “(I) ensures interoperability by
2 requiring the use of commonly accept-
3 ed standards;

4 “(II) enables emergency commu-
5 nications centers to process, analyze,
6 and store multimedia, data, and other
7 information;

8 “(III) incorporates the use of ef-
9 fective cybersecurity resources;

10 “(IV) uses open and competitive
11 request for proposal processes, or the
12 applicable State equivalent, for de-
13 ployment of Next Generation 9–1–1;

14 “(V) includes input from relevant
15 emergency communications centers,
16 regional authorities, local authorities,
17 and Tribal authorities; and

18 “(VI) includes a governance body
19 or bodies, either by creation of new or
20 use of existing body or bodies, for the
21 development and deployment of Next
22 Generation 9–1–1 that—

23 “(aa) includes relevant
24 stakeholders; and

1 “(bb) consults and coordi-
2 nates with the State point of con-
3 tact required by clause (ii); or

4 “(B) in the case of an eligible entity that
5 is not a State, the entity has complied with
6 clauses (i) and (iii) of subparagraph (A), and
7 the State in which the entity is located has
8 complied with clause (ii) of such subparagraph.

9 “(4) CRITERIA.—

10 “(A) IN GENERAL.—Not later than 9
11 months after the date of enactment of this sec-
12 tion, the Assistant Secretary and the Adminis-
13 trator shall issue regulations, after providing
14 the public with notice and an opportunity to
15 comment, prescribing the criteria for selection
16 for grants under this section.

17 “(B) REQUIREMENTS.—The criteria
18 shall—

19 “(i) include performance requirements
20 and a schedule for completion of any
21 project to be financed by a grant under
22 this section; and

23 “(ii) specifically permit regional or
24 multi-State applications for funds.

1 “(C) UPDATES.—The Assistant Secretary
2 and the Administrator shall update such regula-
3 tions as necessary.

4 “(5) GRANT CERTIFICATIONS.—Each applicant
5 for a grant under this section shall certify to the As-
6 sistant Secretary and the Administrator at the time
7 of application, and each applicant that receives such
8 a grant shall certify to the Assistant Secretary and
9 the Administrator annually thereafter during any pe-
10 riod of time the funds from the grant are available
11 to the applicant, that—

12 “(A) no portion of any designated 9–1–1
13 charges imposed by a State or other taxing ju-
14 risdiction within which the applicant is located
15 are being obligated or expended for any purpose
16 other than the purposes for which such charges
17 are designated or presented during the period
18 beginning 180 days immediately preceding the
19 date on which the application was filed and con-
20 tinuing through the period of time during which
21 the funds from the grant are available to the
22 applicant;

23 “(B) any funds received by the applicant
24 will be used to support deployment of Next
25 Generation 9–1–1 that ensures interoperability

1 by requiring the use of commonly accepted
2 standards;

3 “(C) the State in which the applicant re-
4 sides has established, or has committed to es-
5 tablish no later than 3 years following the date
6 on which the funds are distributed to the appli-
7 cant, a sustainable funding mechanism for Next
8 Generation 9–1–1 to be deployed pursuant to
9 the grant;

10 “(D) the applicant will promote interoper-
11 ability between Next Generation 9–1–1 emer-
12 gency communications centers and emergency
13 response providers including users of the na-
14 tionwide public safety broadband network im-
15 plemented by the First Responder Network Au-
16 thority;

17 “(E) the applicant has or will take steps to
18 coordinate with adjoining States to establish
19 and maintain Next Generation 9–1–1; and

20 “(F) the applicant has developed a plan for
21 public outreach and education on how to best
22 use Next Generation 9–1–1 and on its capabili-
23 ties and usefulness.

24 “(6) CONDITION OF GRANT.—Each applicant
25 for a grant under this section shall agree, as a con-

1 dition of receipt of the grant, that if the State or
2 other taxing jurisdiction within which the applicant
3 is located, during any period of time during which
4 the funds from the grant are available to the appli-
5 cant, fails to comply with the certifications required
6 under paragraph (5), all of the funds from such
7 grant shall be returned to the Office.

8 “(7) PENALTY FOR PROVIDING FALSE INFOR-
9 MATION.—Any applicant that provides a certification
10 under paragraph (5) knowing that the information
11 provided in the certification was false shall—

12 “(A) not be eligible to receive the grant
13 under this subsection;

14 “(B) return any grant awarded under this
15 subsection during the time that the certification
16 was not valid; and

17 “(C) not be eligible to receive any subse-
18 quent grants under this subsection.

19 “(8) PROHIBITION.—No grant funds under this
20 subsection may be used—

21 “(A) for any component of the Nationwide
22 Public Safety Broadband Network; or

23 “(B) to make any payments to a person
24 who has been, for reasons of national security,
25 prohibited by any entity of the Federal Govern-

1 ment from bidding on a contract, participating
2 in an auction, or receiving a grant.

3 “(c) FUNDING AND TERMINATION.—

4 “(1) IN GENERAL.—In addition to any funds
5 authorized for grants under section 158, there is au-
6 thorized to be appropriated \$12,000,000,000 for fis-
7 cal years 2020 through 2024.

8 “(2) ADMINISTRATIVE COSTS.—The Office may
9 use up to 5 percent of the funds authorized under
10 this subsection for reasonable and necessary admin-
11 istrative costs associated with the grant program.

12 “(d) DEFINITIONS.—In this section:

13 “(1) 9–1–1 REQUEST FOR EMERGENCY ASSIST-
14 ANCE.—The term ‘9–1–1 request for emergency as-
15 sistance’ means a communication, such as voice,
16 text, picture, multimedia, or any other type of data
17 that is sent to an emergency communications center
18 for the purpose of requesting emergency assistance.

19 “(2) COMMONLY ACCEPTED STANDARDS.—The
20 term ‘commonly accepted standards’ means—

21 “(A) the technical standards followed by
22 the communications industry for network, de-
23 vice, and Internet Protocol connectivity, includ-
24 ing but not limited to, standards developed by
25 the Third Generation Partnership Project

(3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), the Internet Engineering Taskforce (IETF), and the International Telecommunications Union (ITU); and

“(B) standards that are accredited by a recognized authority such as the American National Standards Institute (ANSI).

“(3) DESIGNATED 9–1–1 CHARGES.—The term ‘designated 9–1–1 charges’ means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1.

“(4) ELIGIBLE ENTITY.—The term ‘eligible entity’—

“(A) means a State, local government, or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)));

“(B) includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subpara-

1 graph (A) to coordinate or provide Next Gen-
2 eration 9–1–1; and

3 “(C) does not include any entity that has
4 failed to submit—

5 “(i) the certifications required under
6 subsection (b)(5); and

7 “(ii) the most recently required cer-
8 tification under subsection (c) within 30
9 days after the date on which such certifi-
10 cation is due.

11 “(5) EMERGENCY COMMUNICATIONS CENTER.—
12 The term ‘emergency communications center’ means
13 a facility that is designated to receive a 9–1–1 re-
14 quest for emergency assistance and perform one or
15 more of the following functions:

16 “(A) Process and analyze 9–1–1 requests
17 for emergency assistance and other gathered in-
18 formation.

19 “(B) Dispatch appropriate emergency re-
20 sponse providers.

21 “(C) Transfer or exchange 9–1–1 requests
22 for emergency assistance and other gathered in-
23 formation with other emergency communica-
24 tions centers and emergency response providers.

1 “(D) Analyze any communications received
2 from emergency response providers.

3 “(E) Support incident command functions.

4 “(6) EMERGENCY RESPONSE PROVIDER.—The
5 term ‘emergency response provider’ has the meaning
6 given that term under section 2 of the Homeland Se-
7 curity Act (47 U.S.C. 101(6)), emergency response
8 providers includes Federal, State, and local govern-
9 mental and nongovernmental emergency public safe-
10 ty, fire, law enforcement, emergency response, emer-
11 gency medical (including hospital emergency facili-
12 ties), and related personnel, agencies, and authori-
13 ties).

14 “(7) INTEROPERABLE.—The term ‘interoper-
15 able’ or ‘interoperability’ means the capability of
16 emergency communications centers to receive 9–1–1
17 requests for emergency assistance and related data
18 such as location information and callback numbers
19 from the public, then process and share the 9–1–1
20 requests for emergency assistance and related data
21 with other emergency communications centers and
22 emergency response providers, regardless of jurisdic-
23 tion, equipment, device, software, service provider, or
24 other relevant factors, and without the need for pro-
25 prietary interfaces.

1 “(8) NATIONWIDE.—The term ‘nationwide’
2 means all States of the United States, the District
3 of Columbia, Puerto Rico, American Samoa, Guam,
4 the United States Virgin Islands, the Northern Mar-
5 iana Islands, any other territory or possession of the
6 United States, and each federally recognized Indian
7 tribe.

8 “(9) NATIONWIDE PUBLIC SAFETY BROADBAND
9 NETWORK.—The term ‘nationwide public safety
10 broadband network’ has the meaning given the term
11 in section 6001 of the Middle Class Tax Relief and
12 Job Creation Act of 2012 (47 U.S.C. 1401).

13 “(10) NEXT GENERATION 9–1–1.—The term
14 ‘Next Generation 9–1–1’ means an interoperable, se-
15 cure, Internet Protocol-based system that—

16 “(A) employs commonly accepted stand-
17 ards;

18 “(B) enables the appropriate emergency
19 communications centers to receive, process, and
20 analyze all types of 9–1–1 requests for emer-
21 gency assistance;

22 “(C) acquires and integrates additional in-
23 formation useful to handling 9–1–1 requests for
24 emergency assistance; and

1 “(D) supports sharing information related
2 to 9–1–1 requests for emergency assistance
3 among emergency communications centers and
4 emergency response providers.

5 “(11) OFFICE.—The term ‘Office’ means the
6 Next Generation 9–1–1 Implementation Coordina-
7 tion Office established under section 158 of this
8 title.

9 “(12) STATE.—The term ‘State’ means any
10 State of the United States, the District of Columbia,
11 Puerto Rico, American Samoa, Guam, the United
12 States Virgin Islands, the Northern Mariana Is-
13 lands, and any other territory or possession of the
14 United States.

15 “(13) SUSTAINABLE FUNDING MECHANISM.—
16 The term ‘sustainable funding mechanism’ means a
17 funding mechanism that provides adequate revenues
18 to cover ongoing expenses, including operations,
19 maintenance, and upgrades.”.

20 **SEC. 12006. SAVINGS PROVISION.**

21 Nothing in this subtitle or any amendment made by
22 this subtitle shall affect any application pending or grant
23 awarded under section 158 of the National Telecommuni-
24 cations and Information Administration Organization Act

1 (47 U.S.C. 942) prior to date of the enactment of this
2 Act.

3 **Subtitle C—Broadband Infrastruc-**
4 **ture Finance and Innovation**

5 **SEC. 13001. SHORT TITLE.**

6 This subtitle may be cited as the “Broadband Infra-
7 structure Finance and Innovation Act of 2019”.

8 **SEC. 13002. DEFINITIONS.**

9 In this subtitle:

10 (1) ASSISTANT SECRETARY.—The term “Assist-
11 ant Secretary” means the Assistant Secretary of
12 Commerce for Communications and Information.

13 (2) BIFIA PROGRAM.—The term “BIFIA pro-
14 gram” means the broadband infrastructure finance
15 and innovation program established under this sub-
16 title.

17 (3) BROADBAND SERVICE.—The term
18 “broadband service”—

19 (A) means broadband internet access serv-
20 ice that is a mass-market retail service, or a
21 service provided to an entity described in para-
22 graph (12)(B)(ii), by wire or radio that pro-
23 vides the capability to transmit data to and re-
24 ceive data from all or substantially all internet
25 endpoints, including any capabilities that are

1 incidental to and enable the operation of the
2 communications service;

3 (B) includes any service that is a func-
4 tional equivalent of the service described in sub-
5 paragraph (A); and

6 (C) does not include dial-up internet access
7 service.

8 (4) ELIGIBLE PROJECT COSTS.—The term “eli-
9 gible project costs” means amounts substantially all
10 of which are paid by, or for the account of, an obli-
11 gor in connection with a project, including the cost
12 of—

13 (A) development phase activities, including
14 planning, feasibility analysis, revenue fore-
15 casting, environmental review, historic preserva-
16 tion review, permitting, preliminary engineering
17 and design work, and other preconstruction ac-
18 tivities;

19 (B) construction and deployment phase ac-
20 tivities, including—

21 (i) construction, reconstruction, reha-
22 bilitation, replacement, and acquisition of
23 real property (including land relating to
24 the project and improvements to land),
25 equipment, instrumentation, networking

1 capability, hardware and software, and dig-
2 ital network technology;

3 (ii) environmental mitigation; and

4 (iii) construction contingencies; and

5 (C) capitalized interest necessary to meet
6 market requirements, reasonably required re-
7 serve funds, capital issuance expenses, and
8 other carrying costs during construction and
9 deployment.

10 (5) FEDERAL CREDIT INSTRUMENT.—The term
11 “Federal credit instrument” means a secured loan,
12 loan guarantee, or line of credit authorized to be
13 made available under the BIFIA program with re-
14 spect to a project.

15 (6) INVESTMENT-GRADE RATING.—The term
16 “investment-grade rating” means a rating of BBB
17 minus, Baa3, bbb minus, BBB (low), or higher as-
18 signed by a rating agency to project obligations.

19 (7) LENDER.—The term “lender” means any
20 non-Federal qualified institutional buyer (as defined
21 in section 230.144A(a) of title 17, Code of Federal
22 Regulations (or any successor regulation), known as
23 Rule 144A(a) of the Securities and Exchange Com-
24 mission and issued under the Securities Act of 1933
25 (15 U.S.C. 77a et seq.)), including—

1 (A) a qualified retirement plan (as defined
2 in section 4974(c) of the Internal Revenue Code
3 of 1986) that is a qualified institutional buyer;
4 and

5 (B) a governmental plan (as defined in
6 section 414(d) of the Internal Revenue Code of
7 1986) that is a qualified institutional buyer.

8 (8) LETTER OF INTEREST.—The term “letter
9 of interest” means a letter submitted by a potential
10 applicant prior to an application for credit assistance
11 in a format prescribed by the Assistant Secretary on
12 the website of the BIFIA program that—

13 (A) describes the project and the location,
14 purpose, and cost of the project;

15 (B) outlines the proposed financial plan,
16 including the requested credit assistance and
17 the proposed obligor;

18 (C) provides a status of environmental re-
19 view; and

20 (D) provides information regarding satis-
21 faction of other eligibility requirements of the
22 BIFIA program.

23 (9) LINE OF CREDIT.—The term “line of cred-
24 it” means an agreement entered into by the Assist-
25 ant Secretary with an obligor under section 13005

1 to provide a direct loan at a future date upon the
2 occurrence of certain events.

3 (10) LOAN GUARANTEE.—The term “loan guar-
4 antee” means any guarantee or other pledge by the
5 Assistant Secretary to pay all or part of the prin-
6 cipal of and interest on a loan or other debt obliga-
7 tion issued by an obligor and funded by a lender.

8 (11) OBLIGOR.—The term “obligor” means a
9 party that—

10 (A) is primarily liable for payment of the
11 principal of or interest on a Federal credit in-
12 strument; and

13 (B) may be a corporation, company, part-
14 nership, joint venture, trust, or governmental
15 entity, agency, or instrumentality.

16 (12) PROJECT.—The term “project” means a
17 project—

18 (A) to construct and deploy infrastructure
19 for the provision of broadband service; and

20 (B) that the Assistant Secretary deter-
21 mines will—

22 (i) provide access or improved access
23 to broadband service to consumers residing
24 in areas of the United States that have no

1 access to broadband service or do not have
2 access to broadband service offered—

3 (I) with a download speed of at
4 least 25 megabits per second;

5 (II) with an upload speed of at
6 least 3 megabits per second; and

7 (III) with latency that is suffi-
8 ciently low to allow real-time, inter-
9 active applications; or

10 (ii) provide access or improved access
11 to broadband service to—

12 (I) schools, libraries, medical and
13 healthcare providers, community col-
14 leges and other institutions of higher
15 education, and other community sup-
16 port organizations and entities to fa-
17 cilitate greater use of broadband serv-
18 ice by or through such organizations;

19 (II) organizations and agencies
20 that provide outreach, access, equip-
21 ment, and support services to facili-
22 tate greater use of broadband service
23 by low-income, unemployed, aged, and
24 otherwise vulnerable populations;

1 (III) job-creating strategic facili-
2 ties located within a State-designated
3 economic zone, Economic Develop-
4 ment District designated by the De-
5 partment of Commerce, Renewal
6 Community or Empowerment Zone
7 designated by the Department of
8 Housing and Urban Development, or
9 Enterprise Community designated by
10 the Department of Agriculture; or

11 (IV) public safety agencies.

12 (13) PROJECT OBLIGATION.—The term
13 “project obligation” means any note, bond, deben-
14 ture, or other debt obligation issued by an obligor in
15 connection with the financing of a project, other
16 than a Federal credit instrument.

17 (14) PUBLIC AUTHORITY.—The term “public
18 authority” means a Federal, State, county, town, or
19 township, Indian Tribe, municipal or other local gov-
20 ernment or instrumentality with authority to fi-
21 nance, build, operate, or maintain infrastructure for
22 the provision of broadband service.

23 (15) RATING AGENCY.—The term “rating agen-
24 cy” means a credit rating agency registered with the
25 Securities and Exchange Commission as a nationally

1 recognized statistical rating organization (as defined
2 in section 3(a) of the Securities Exchange Act of
3 1934 (15 U.S.C. 78c(a))).

4 (16) SECURED LOAN.—The term “secured
5 loan” means a direct loan or other debt obligation
6 issued by an obligor and funded by the Assistant
7 Secretary in connection with the financing of a
8 project under section 13004.

9 (17) SMALL PROJECT.—The term “small
10 project” means a project having eligible project costs
11 that are reasonably anticipated not to equal or ex-
12 ceed \$20,000,000.

13 (18) STATE.—The term “State” has the mean-
14 ing given such term in section 3 of the Communica-
15 tions Act of 1934 (47 U.S.C. 153).

16 (19) SUBSIDY AMOUNT.—The term “subsidy
17 amount” means the amount of budget authority suf-
18 ficient to cover the estimated long-term cost to the
19 Federal Government of a Federal credit instru-
20 ment—

21 (A) calculated on a net present value basis;

22 and

23 (B) excluding administrative costs and any
24 incidental effects on governmental receipts or

1 outlays in accordance with the Federal Credit
 2 Reform Act of 1990 (2 U.S.C. 661 et seq.).

3 (20) SUBSTANTIAL COMPLETION.—The term
 4 “substantial completion” means, with respect to a
 5 project receiving credit assistance under the BIFIA
 6 program—

7 (A) the commencement of the provision of
 8 broadband service using the infrastructure
 9 being financed; or

10 (B) a comparable event, as determined by
 11 the Assistant Secretary and specified in the
 12 credit agreement.

13 **SEC. 13003. DETERMINATION OF ELIGIBILITY AND**
 14 **PROJECT SELECTION.**

15 (a) ELIGIBILITY.—

16 (1) IN GENERAL.—A project shall be eligible to
 17 receive credit assistance under the BIFIA program
 18 if—

19 (A) the entity proposing to carry out the
 20 project submits a letter of interest prior to sub-
 21 mission of a formal application for the project;
 22 and

23 (B) the project meets the criteria described
 24 in this subsection.

25 (2) CREDITWORTHINESS.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), to be eligible for assistance
3 under the BIFIA program, a project shall sat-
4 isfy applicable creditworthiness standards,
5 which, at a minimum, shall include—

6 (i) adequate coverage requirements to
7 ensure repayment;

8 (ii) an investment-grade rating from
9 at least 2 rating agencies on debt senior to
10 the Federal credit instrument; and

11 (iii) a rating from at least 2 rating
12 agencies on the Federal credit instrument.

13 (B) SMALL PROJECTS.—In order for a
14 small project to be eligible for assistance under
15 the BIFIA program, such project shall satisfy
16 alternative creditworthiness standards that shall
17 be established by the Assistant Secretary under
18 section 13006 for purposes of this paragraph.

19 (3) APPLICATION.—A State, local government,
20 agency or instrumentality of a State or local govern-
21 ment, public authority, public-private partnership, or
22 any other legal entity undertaking the project and
23 authorized by the Assistant Secretary shall submit a
24 project application that is acceptable to the Assist-
25 ant Secretary.

1 (4) ELIGIBLE PROJECT COST PARAMETERS FOR
2 INFRASTRUCTURE PROJECTS.—Eligible project costs
3 shall be reasonably anticipated to equal or exceed
4 \$2,000,000 in the case of a project or program of
5 projects—

6 (A) in which the applicant is a local gov-
7 ernment, instrumentality of local government,
8 or public authority (other than a public author-
9 ity that is a Federal or State government or in-
10 strumentality);

11 (B) located on a facility owned by a local
12 government; or

13 (C) for which the Assistant Secretary de-
14 termines that a local government is substan-
15 tially involved in the development of the project.

16 (5) DEDICATED REVENUE SOURCES.—The ap-
17 plicable Federal credit instrument shall be repayable,
18 in whole or in part, from—

19 (A) amounts charged to—

20 (i) subscribers of broadband service
21 for such service; or

22 (ii) subscribers of any related service
23 provided over the same infrastructure for
24 such related service;

25 (B) user fees;

1 (C) payments owing to the obligor under a
2 public-private partnership; or

3 (D) other dedicated revenue sources that
4 also secure or fund the project obligations.

5 (6) APPLICATIONS WHERE OBLIGOR WILL BE
6 IDENTIFIED LATER.—A State, local government,
7 agency or instrumentality of a State or local govern-
8 ment, or public authority may submit to the Assist-
9 ant Secretary an application under paragraph (3),
10 under which a private party to a public-private part-
11 nership will be—

12 (A) the obligor; and

13 (B) identified later through completion of
14 a procurement and selection of the private
15 party.

16 (7) BENEFICIAL EFFECTS.—The Assistant Sec-
17 retary shall determine that financial assistance for
18 the project under the BIFIA program will—

19 (A) foster, if appropriate, partnerships
20 that attract public and private investment for
21 the project;

22 (B) enable the project to proceed at an
23 earlier date than the project would otherwise be
24 able to proceed or reduce the lifecycle costs (in-
25 cluding debt service costs) of the project; and

1 (C) reduce the contribution of Federal
2 grant assistance for the project.

3 (8) PROJECT READINESS.—To be eligible for
4 assistance under the BIFIA program, the applicant
5 shall demonstrate a reasonable expectation that the
6 contracting process for the construction and deploy-
7 ment of infrastructure for the provision of
8 broadband service through the project can commence
9 by no later than 90 days after the date on which a
10 Federal credit instrument is obligated for the project
11 under the BIFIA program.

12 (b) SELECTION AMONG ELIGIBLE PROJECTS.—

13 (1) ESTABLISHMENT OF APPLICATION PROC-
14 ESS.—The Assistant Secretary shall establish a roll-
15 ing application process under which projects that are
16 eligible to receive credit assistance under subsection
17 (a) shall receive credit assistance on terms accept-
18 able to the Assistant Secretary, if adequate funds
19 are available to cover the subsidy costs associated
20 with the Federal credit instrument.

21 (2) PRELIMINARY RATING OPINION LETTER.—
22 The Assistant Secretary shall require each project
23 applicant to provide—

24 (A) a preliminary rating opinion letter
25 from at least 1 rating agency—

1 (i) indicating that the senior obliga-
 2 tions of the project, which may be the Fed-
 3 eral credit instrument, have the potential
 4 to achieve an investment-grade rating; and

5 (ii) including a preliminary rating
 6 opinion on the Federal credit instrument;
 7 or

8 (B) in the case of a small project, alter-
 9 native documentation that the Assistant Sec-
 10 retary shall require in the standards established
 11 under section 13006 for purposes of this para-
 12 graph.

13 (3) TECHNOLOGY NEUTRALITY REQUIRED.—In
 14 selecting projects to receive credit assistance under
 15 the BIFIA program, the Assistant Secretary may
 16 not favor a project using any particular technology.

17 (c) FEDERAL REQUIREMENTS.—

18 (1) IN GENERAL.—The following provisions of
 19 law shall apply to funds made available under the
 20 BIFIA program and projects assisted with those
 21 funds:

22 (A) Title VI of the Civil Rights Act of
 23 1964 (42 U.S.C. 2000d et seq.).

24 (B) The National Environmental Policy
 25 Act of 1969 (42 U.S.C. 4321 et seq.).

1 (C) 54 U.S.C. 300101 et seq. (commonly
2 referred to as the “National Historic Preserva-
3 tion Act”).

4 (D) The Uniform Relocation Assistance
5 and Real Property Acquisition Policies Act of
6 1970 (42 U.S.C. 4601 et seq.).

7 (2) NEPA.—No funding shall be obligated for
8 a project that has not received an environmental cat-
9 egorical exclusion, a finding of no significant impact,
10 or a record of decision under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12 (3) TITLE VI OF THE CIVIL RIGHTS ACT OF
13 1964.—For purposes of title VI of the Civil Rights
14 Act of 1964 (42 U.S.C. 2000d et seq.), any project
15 that receives credit assistance under the BIFIA pro-
16 gram shall be considered a program or activity with-
17 in the meaning of section 606 of such title (42
18 U.S.C. 2000d–4a).

19 (d) APPLICATION PROCESSING PROCEDURES.—

20 (1) NOTICE OF COMPLETE APPLICATION.—Not
21 later than 30 days after the date of receipt of an ap-
22 plication under this section, the Assistant Secretary
23 shall provide to the applicant a written notice to in-
24 form the applicant whether—

25 (A) the application is complete; or

1 (B) additional information or materials are
2 needed to complete the application.

3 (2) APPROVAL OR DENIAL OF APPLICATION.—
4 Not later than 60 days after the date of issuance of
5 the written notice under paragraph (1), the Assist-
6 ant Secretary shall provide to the applicant a writ-
7 ten notice informing the applicant whether the As-
8 sistant Secretary has approved or disapproved the
9 application.

10 (3) APPROVAL BEFORE NEPA REVIEW.—Subject
11 to subsection (c)(2), an application for a project may
12 be approved before the project receives an environ-
13 mental categorical exclusion, a finding of no signifi-
14 cant impact, or a record of decision under the Na-
15 tional Environmental Policy Act of 1969 (42 U.S.C.
16 4321 et seq.).

17 (e) DEVELOPMENT PHASE ACTIVITIES.—Any credit
18 instrument secured under the BIFIA program may be
19 used to finance up to 100 percent of the cost of develop-
20 ment phase activities as described in section 13002(4)(A).

21 **SEC. 13004. SECURED LOANS.**

22 (a) IN GENERAL.—

23 (1) AGREEMENTS.—Subject to paragraphs (2)
24 and (3), the Assistant Secretary may enter into

1 agreements with one or more obligors to make se-
2 cured loans, the proceeds of which shall be used—

3 (A) to finance eligible project costs of any
4 project selected under section 13003;

5 (B) to refinance interim construction fi-
6 nancing of eligible project costs of any project
7 selected under section 13003; or

8 (C) to refinance long-term project obliga-
9 tions or Federal credit instruments, if the refi-
10 nancing provides additional funding capacity for
11 the completion, enhancement, or expansion of
12 any project that—

13 (i) is selected under section 13003; or

14 (ii) otherwise meets the requirements
15 of section 13003.

16 (2) LIMITATION ON REFINANCING OF INTERIM
17 CONSTRUCTION FINANCING.—A loan under para-
18 graph (1) shall not refinance interim construction fi-
19 nancing under paragraph (1)(B)—

20 (A) if the maturity of such interim con-
21 struction financing is later than 1 year after
22 the substantial completion of the project; and

23 (B) later than 1 year after the date of sub-
24 stantial completion of the project.

1 (3) RISK ASSESSMENT.—Before entering into
2 an agreement under this subsection, the Assistant
3 Secretary, in consultation with the Director of the
4 Office of Management and Budget, shall determine
5 an appropriate capital reserve subsidy amount for
6 each secured loan, taking into account each rating
7 letter provided by a rating agency under section
8 13003(b)(2)(A)(ii) or, in the case of a small project,
9 the alternative documentation provided under section
10 13003(b)(2)(B).

11 (b) TERMS AND LIMITATIONS.—

12 (1) IN GENERAL.—A secured loan under this
13 section with respect to a project shall be on such
14 terms and conditions and contain such covenants,
15 representations, warranties, and requirements (in-
16 cluding requirements for audits) as the Assistant
17 Secretary determines to be appropriate.

18 (2) MAXIMUM AMOUNT.—The amount of a se-
19 cured loan under this section shall not exceed the
20 lesser of 49 percent of the reasonably anticipated eli-
21 gible project costs or, if the secured loan is not for
22 a small project and does not receive an investment-
23 grade rating, the amount of the senior project obli-
24 gations.

1 (3) PAYMENT.—A secured loan under this sec-
2 tion—

3 (A) shall—

4 (i) be payable, in whole or in part,
5 from—

6 (I) amounts charged to—

7 (aa) subscribers of
8 broadband service for such serv-
9 ice; or

10 (bb) subscribers of any re-
11 lated service provided over the
12 same infrastructure for such re-
13 lated service;

14 (II) user fees;

15 (III) payments owing to the obli-
16 gor under a public-private partner-
17 ship; or

18 (IV) other dedicated revenue
19 sources that also secure the senior
20 project obligations; and

21 (ii) include a coverage requirement or
22 similar security feature supporting the
23 project obligations; and

1 (B) may have a lien on revenues described
2 in subparagraph (A), subject to any lien secur-
3 ing project obligations.

4 (4) INTEREST RATE.—The interest rate on a
5 secured loan under this section shall be not less than
6 the yield on United States Treasury securities of a
7 similar maturity to the maturity of the secured loan
8 on the date of execution of the loan agreement.

9 (5) MATURITY DATE.—The final maturity date
10 of the secured loan shall be the lesser of—

11 (A) 35 years after the date of substantial
12 completion of the project; and

13 (B) if the useful life of the infrastructure
14 for the provision of broadband service being fi-
15 nanced is of a lesser period, the useful life of
16 the infrastructure.

17 (6) NONSUBORDINATION.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraph (B), the secured loan shall not be
20 subordinated to the claims of any holder of
21 project obligations in the event of bankruptcy,
22 insolvency, or liquidation of the obligor.

23 (B) PREEXISTING INDENTURE.—

24 (i) IN GENERAL.—The Assistant Sec-
25 retary shall waive the requirement under

1 subparagraph (A) for a public agency bor-
2 rower that is financing ongoing capital
3 programs and has outstanding senior
4 bonds under a preexisting indenture, if—

5 (I) the secured loan—

6 (aa) is rated in the A cat-
7 egory or higher; or

8 (bb) in the case of a small
9 project, meets an alternative
10 standard that the Assistant Sec-
11 retary shall establish under sec-
12 tion 13006 for purposes of this
13 subclause;

14 (II) the secured loan is secured
15 and payable from pledged revenues
16 not affected by project performance,
17 such as a tax-backed revenue pledge
18 or a system-backed pledge of project
19 revenues; and

20 (III) the BIFLA program share
21 of eligible project costs is 33 percent
22 or less.

23 (ii) LIMITATION.—If the Assistant
24 Secretary waives the nonsubordination re-
25 quirement under this subparagraph—

1 (I) the maximum credit subsidy
2 to be paid by the Federal Government
3 shall be not more than 10 percent of
4 the principal amount of the secured
5 loan; and

6 (II) the obligor shall be respon-
7 sible for paying the remainder of the
8 subsidy cost, if any.

9 (7) FEES.—The Assistant Secretary may estab-
10 lish fees at a level sufficient to cover all or a portion
11 of the costs to the Federal Government of making
12 a secured loan under this section.

13 (8) NON-FEDERAL SHARE.—The proceeds of a
14 secured loan under the BIFIA program, if the loan
15 is repayable from non-Federal funds—

16 (A) may be used for any non-Federal share
17 of project costs required under this subtitle;
18 and

19 (B) shall not count toward the total Fed-
20 eral assistance provided for a project for pur-
21 poses of paragraph (9).

22 (9) MAXIMUM FEDERAL INVOLVEMENT.—The
23 total Federal assistance provided for a project re-
24 ceiving a loan under the BIFIA program shall not
25 exceed 80 percent of the total project cost.

1 (c) REPAYMENT.—

2 (1) SCHEDULE.—The Assistant Secretary shall
3 establish a repayment schedule for each secured loan
4 under this section based on—

5 (A) the projected cash flow from project
6 revenues and other repayment sources; and

7 (B) the useful life of the infrastructure for
8 the provision of broadband service being fi-
9 nanced.

10 (2) COMMENCEMENT.—Scheduled loan repay-
11 ments of principal or interest on a secured loan
12 under this section shall commence not later than 5
13 years after the date of substantial completion of the
14 project.

15 (3) DEFERRED PAYMENTS.—

16 (A) IN GENERAL.—If, at any time after
17 the date of substantial completion of the
18 project, the project is unable to generate suffi-
19 cient revenues to pay the scheduled loan repay-
20 ments of principal and interest on the secured
21 loan, the Assistant Secretary may, subject to
22 subparagraph (C), allow the obligor to add un-
23 paid principal and interest to the outstanding
24 balance of the secured loan.

1 (B) INTEREST.—Any payment deferred
2 under subparagraph (A) shall—

3 (i) continue to accrue interest in ac-
4 cordance with subsection (b)(4) until fully
5 repaid; and

6 (ii) be scheduled to be amortized over
7 the remaining term of the loan.

8 (C) CRITERIA.—

9 (i) IN GENERAL.—Any payment defer-
10 ral under subparagraph (A) shall be con-
11 tingent on the project meeting criteria es-
12 tablished by the Assistant Secretary.

13 (ii) REPAYMENT STANDARDS.—The
14 criteria established pursuant to clause (i)
15 shall include standards for reasonable as-
16 surance of repayment.

17 (4) PREPAYMENT.—

18 (A) USE OF EXCESS REVENUES.—Any ex-
19 cess revenues that remain after satisfying
20 scheduled debt service requirements on the
21 project obligations and secured loan and all de-
22 posit requirements under the terms of any trust
23 agreement, bond resolution, or similar agree-
24 ment securing project obligations may be ap-

1 plied annually to prepay the secured loan with-
2 out penalty.

3 (B) USE OF PROCEEDS OF REFI-
4 NANCING.—The secured loan may be prepaid at
5 any time without penalty from the proceeds of
6 refinancing from non-Federal funding sources.

7 (d) SALE OF SECURED LOANS.—

8 (1) IN GENERAL.—Subject to paragraph (2), as
9 soon as practicable after substantial completion of a
10 project and after notifying the obligor, the Assistant
11 Secretary may sell to another entity or reoffer into
12 the capital markets a secured loan for the project if
13 the Assistant Secretary determines that the sale or
14 reoffering can be made on favorable terms.

15 (2) CONSENT OF OBLIGOR.—In making a sale
16 or reoffering under paragraph (1), the Assistant
17 Secretary may not change the original terms and
18 conditions of the secured loan without the written
19 consent of the obligor.

20 (e) LOAN GUARANTEES.—

21 (1) IN GENERAL.—The Assistant Secretary
22 may provide a loan guarantee to a lender in lieu of
23 making a secured loan under this section if the As-
24 sistant Secretary determines that the budgetary cost

1 of the loan guarantee is substantially the same as
2 that of a secured loan.

3 (2) TERMS.—The terms of a loan guarantee
4 under paragraph (1) shall be consistent with the
5 terms required under this section for a secured loan,
6 except that the rate on the guaranteed loan and any
7 prepayment features shall be negotiated between the
8 obligor and the lender, with the consent of the As-
9 sistant Secretary.

10 (f) STREAMLINED APPLICATION PROCESS.—

11 (1) IN GENERAL.—The Assistant Secretary
12 shall develop one or more expedited application proc-
13 esses, available at the request of entities seeking se-
14 cured loans under the BIFIA program, that use a
15 set or sets of conventional terms established pursu-
16 ant to this section.

17 (2) TERMS.—In establishing the streamlined
18 application process required by this subsection, the
19 Assistant Secretary may allow for an expedited ap-
20 plication period and include terms such as those that
21 require—

22 (A) that the project be a small project;

23 (B) the secured loan to be secured and
24 payable from pledged revenues not affected by
25 project performance, such as a tax-backed rev-

1 enue pledge, tax increment financing, or a sys-
2 tem-backed pledge of project revenues; and

3 (C) repayment of the loan to commence
4 not later than 5 years after disbursement.

5 **SEC. 13005. LINES OF CREDIT.**

6 (a) IN GENERAL.—

7 (1) AGREEMENTS.—Subject to paragraphs (2)
8 through (4), the Assistant Secretary may enter into
9 agreements to make available to one or more obli-
10 gors lines of credit in the form of direct loans to be
11 made by the Assistant Secretary at future dates on
12 the occurrence of certain events for any project se-
13 lected under section 13003.

14 (2) USE OF PROCEEDS.—The proceeds of a line
15 of credit made available under this section shall be
16 available to pay debt service on project obligations
17 issued to finance eligible project costs, extraordinary
18 repair and replacement costs, operation and mainte-
19 nance expenses, and costs associated with unex-
20 pected Federal or State environmental restrictions.

21 (3) RISK ASSESSMENT.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), before entering into an
24 agreement under this subsection, the Assistant
25 Secretary, in consultation with the Director of

1 the Office of Management and Budget and each
2 rating agency providing a preliminary rating
3 opinion letter under section 13003(b)(2)(A),
4 shall determine an appropriate capital reserve
5 subsidy amount for each line of credit, taking
6 into account the rating opinion letter.

7 (B) SMALL PROJECTS.—Before entering
8 into an agreement under this subsection to
9 make available a line of credit for a small
10 project, the Assistant Secretary, in consultation
11 with the Director of the Office of Management
12 and Budget, shall determine an appropriate
13 capital reserve subsidy amount for each such
14 line of credit, taking into account the alter-
15 native documentation provided under section
16 13003(b)(2)(B) instead of preliminary rating
17 opinion letters provided under section
18 13003(b)(2)(A).

19 (4) INVESTMENT-GRADE RATING REQUIRE-
20 MENT.—The funding of a line of credit under this
21 section shall be contingent on—

22 (A) the senior obligations of the project re-
23 ceiving an investment-grade rating from 2 rat-
24 ing agencies; or

1 (B) in the case of a small project, the
2 project meeting an alternative standard that the
3 Assistant Secretary shall establish under section
4 13006 for purposes of this paragraph.

5 (b) TERMS AND LIMITATIONS.—

6 (1) IN GENERAL.—A line of credit under this
7 section with respect to a project shall be on such
8 terms and conditions and contain such covenants,
9 representations, warranties, and requirements (in-
10 cluding requirements for audits) as the Assistant
11 Secretary determines to be appropriate.

12 (2) MAXIMUM AMOUNTS.—The total amount of
13 a line of credit under this section shall not exceed
14 33 percent of the reasonably anticipated eligible
15 project costs.

16 (3) DRAWS.—Any draw on a line of credit
17 under this section shall—

18 (A) represent a direct loan; and

19 (B) be made only if net revenues from the
20 project (including capitalized interest, but not
21 including reasonably required financing re-
22 serves) are insufficient to pay the costs speci-
23 fied in subsection (a)(2).

24 (4) INTEREST RATE.—The interest rate on a
25 direct loan resulting from a draw on the line of cred-

1 it shall be not less than the yield on 30-year United
2 States Treasury securities, as of the date of execu-
3 tion of the line of credit agreement.

4 (5) SECURITY.—A line of credit issued under
5 this section—

6 (A) shall—

7 (i) be payable, in whole or in part,
8 from—

9 (I) amounts charged to—

10 (aa) subscribers of
11 broadband service for such serv-
12 ice; or

13 (bb) subscribers of any re-
14 lated service provided over the
15 same infrastructure for such re-
16 lated service;

17 (II) user fees;

18 (III) payments owing to the obli-
19 gor under a public-private partner-
20 ship; or

21 (IV) other dedicated revenue
22 sources that also secure the senior
23 project obligations; and

1 (ii) include a coverage requirement or
 2 similar security feature supporting the
 3 project obligations; and

4 (B) may have a lien on revenues described
 5 in subparagraph (A), subject to any lien secur-
 6 ing project obligations.

7 (6) PERIOD OF AVAILABILITY.—The full
 8 amount of a line of credit under this section, to the
 9 extent not drawn upon, shall be available during the
 10 10-year period beginning on the date of substantial
 11 completion of the project.

12 (7) RIGHTS OF THIRD-PARTY CREDITORS.—

13 (A) AGAINST FEDERAL GOVERNMENT.—A
 14 third-party creditor of the obligor shall not have
 15 any right against the Federal Government with
 16 respect to any draw on a line of credit under
 17 this section.

18 (B) ASSIGNMENT.—An obligor may assign
 19 a line of credit under this section to—

20 (i) one or more lenders; or

21 (ii) a trustee on the behalf of such a
 22 lender.

23 (8) NONSUBORDINATION.—

24 (A) IN GENERAL.—Except as provided in
 25 subparagraph (B), a direct loan under this sec-

tion shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

(B) PRE-EXISTING INDENTURE.—

(i) IN GENERAL.—The Assistant Secretary shall waive the requirement of subparagraph (A) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, if—

(I) the line of credit—

(aa) is rated in the A category or higher; or

(bb) in the case of a small project, meets an alternative standard that the Assistant Secretary shall establish under section 13006 for purposes of this subclause;

(II) the BIFIA program loan resulting from a draw on the line of credit is payable from pledged revenues not affected by project performance, such as a tax-backed revenue

1 pledge or a system-backed pledge of
2 project revenues; and

3 (III) the BIFIA program share
4 of eligible project costs is 33 percent
5 or less.

6 (ii) LIMITATION.—If the Assistant
7 Secretary waives the nonsubordination re-
8 quirement under this subparagraph—

9 (I) the maximum credit subsidy
10 to be paid by the Federal Government
11 shall be not more than 10 percent of
12 the principal amount of the secured
13 loan; and

14 (II) the obligor shall be respon-
15 sible for paying the remainder of the
16 subsidy cost.

17 (9) FEES.—The Assistant Secretary may estab-
18 lish fees at a level sufficient to cover all or a portion
19 of the costs to the Federal Government of providing
20 a line of credit under this section.

21 (10) RELATIONSHIP TO OTHER CREDIT INSTRU-
22 MENTS.—A project that receives a line of credit
23 under this section also shall not receive a secured
24 loan or loan guarantee under section 13004 in an

1 amount that, combined with the amount of the line
2 of credit, exceeds 49 percent of eligible project costs.

3 (c) REPAYMENT.—

4 (1) TERMS AND CONDITIONS.—The Assistant
5 Secretary shall establish repayment terms and condi-
6 tions for each direct loan under this section based
7 on—

8 (A) the projected cash flow from project
9 revenues and other repayment sources; and

10 (B) the useful life of the infrastructure for
11 the provision of broadband service being fi-
12 nanced.

13 (2) TIMING.—All repayments of principal or in-
14 terest on a direct loan under this section shall be
15 scheduled—

16 (A) to commence not later than 5 years
17 after the end of the period of availability speci-
18 fied in subsection (b)(6); and

19 (B) to conclude, with full repayment of
20 principal and interest, by the date that is 25
21 years after the end of the period of availability
22 specified in subsection (b)(6).

1 **SEC. 13006. ALTERNATIVE PRUDENTIAL LENDING STAND-**
2 **ARDS FOR SMALL PROJECTS.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Assistant Secretary shall establish
5 alternative, streamlined prudential lending standards for
6 small projects receiving credit assistance under the BIFIA
7 program to ensure that such projects pose no additional
8 risk to the Federal Government, as compared with
9 projects that are not small projects.

10 **SEC. 13007. PROGRAM ADMINISTRATION.**

11 (a) REQUIREMENT.—The Assistant Secretary shall
12 establish a uniform system to service the Federal credit
13 instruments made available under the BIFIA program.

14 (b) FEES.—The Assistant Secretary may collect and
15 spend fees, contingent on authority being provided in ap-
16 propriations Acts, at a level that is sufficient to cover—

17 (1) the costs of services of expert firms retained
18 pursuant to subsection (d); and

19 (2) all or a portion of the costs to the Federal
20 Government of servicing the Federal credit instru-
21 ments.

22 (c) SERVICER.—

23 (1) IN GENERAL.—The Assistant Secretary
24 may appoint a financial entity to assist the Assistant
25 Secretary in servicing the Federal credit instru-
26 ments.

1 (2) DUTIES.—A servicer appointed under para-
 2 graph (1) shall act as the agent for the Assistant
 3 Secretary.

4 (3) FEE.—A servicer appointed under para-
 5 graph (1) shall receive a servicing fee, subject to ap-
 6 proval by the Assistant Secretary.

7 (d) ASSISTANCE FROM EXPERT FIRMS.—The Assist-
 8 ant Secretary may retain the services of expert firms, in-
 9 cluding counsel, in the field of municipal and project fi-
 10 nance to assist in the underwriting and servicing of Fed-
 11 eral credit instruments.

12 (e) EXPEDITED PROCESSING.—The Assistant Sec-
 13 retary shall implement procedures and measures to econo-
 14 mize the time and cost involved in obtaining approval and
 15 the issuance of credit assistance under the BIFIA pro-
 16 gram.

17 (f) ASSISTANCE TO SMALL PROJECTS.—Of the
 18 amount appropriated under section 13010(a), and after
 19 the set-aside for administrative expenses under section
 20 13010(b), not less than 20 percent shall be made available
 21 for the Assistant Secretary to use in lieu of fees collected
 22 under subsection (b) for small projects.

23 **SEC. 13008. STATE AND LOCAL PERMITS.**

24 The provision of credit assistance under the BIFIA
 25 program with respect to a project shall not—

1 (1) relieve any recipient of the assistance of any
2 obligation to obtain any required State or local per-
3 mit or approval with respect to the project;

4 (2) limit the right of any unit of State or local
5 government to approve or regulate any rate of re-
6 turn on private equity invested in the project; or

7 (3) otherwise supersede any State or local law
8 (including any regulation) applicable to the construc-
9 tion or operation of the project.

10 **SEC. 13009. REGULATIONS.**

11 The Assistant Secretary may promulgate such regula-
12 tions as the Assistant Secretary determines to be appro-
13 priate to carry out the BIFIA program.

14 **SEC. 13010. FUNDING.**

15 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
16 are authorized to be appropriated to the Assistant Sec-
17 retary to carry out this subtitle \$5,000,000,000 for fiscal
18 year 2020, to remain available until expended.

19 (b) **ADMINISTRATIVE EXPENSES.**—Of the amount
20 appropriated under subsection (a), the Assistant Secretary
21 may use not more than 5 percent for the administration
22 of the BIFIA program.

23 **SEC. 13011. REPORTS TO CONGRESS.**

24 (a) **IN GENERAL.**—Not later than 1 year after the
25 date of the enactment of this Act, and every 2 years there-

1 after, the Assistant Secretary shall submit to Congress a
2 report summarizing the financial performance of the
3 projects that are receiving, or have received, assistance
4 under the BIFIA program, including a recommendation
5 as to whether the objectives of the BIFIA program are
6 best served by—

7 (1) continuing the program under the authority
8 of the Assistant Secretary; or

9 (2) establishing a Federal corporation or feder-
10 ally sponsored enterprise to administer the program.

11 (b) APPLICATION PROCESS REPORT.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of the enactment of this Act, and annually
14 thereafter, the Assistant Secretary shall submit to
15 the Committee on Energy and Commerce of the
16 House of Representatives and the Committee on
17 Commerce, Science, and Transportation of the Sen-
18 ate a report that includes a list of all of the letters
19 of interest and applications received for assistance
20 under the BIFIA program during the preceding fis-
21 cal year.

22 (2) INCLUSIONS.—

23 (A) IN GENERAL.—Each report under
24 paragraph (1) shall include, at a minimum, a

1 description of, with respect to each letter of in-
2 terest and application included in the report—

3 (i) the date on which the letter of in-
4 terest or application was received;

5 (ii) the date on which a notification
6 was provided to the applicant regarding
7 whether the application was complete or
8 incomplete;

9 (iii) the date on which a revised and
10 completed application was submitted (if
11 applicable);

12 (iv) the date on which a notification
13 was provided to the applicant regarding
14 whether the project was approved or dis-
15 approved; and

16 (v) if the project was not approved,
17 the reason for the disapproval.

18 (B) CORRESPONDENCE.—Each report
19 under paragraph (1) shall include copies of any
20 correspondence provided to the applicant in ac-
21 cordance with section 13003(d).

1 **TITLE II—DRINKING WATER**
 2 **INFRASTRUCTURE**
 3 **Subtitle A—PFAS Infrastructure**
 4 **Grant Program**

5 **SEC. 21001. SHORT TITLE.**

6 This subtitle may be cited as the “Providing Finan-
 7 cial Assistance for Safe Drinking Water Act” or the
 8 “PFAS Drinking Water Act”.

9 **SEC. 21002. ESTABLISHMENT OF PFAS INFRASTRUCTURE**
 10 **GRANT PROGRAM.**

11 Part E of the Safe Drinking Water Act (42 U.S.C.
 12 300j et seq.) is amended by adding at the end the fol-
 13 lowing new section:

14 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
 15 **TEMS AFFECTED BY PFAS.**

16 “(a) ESTABLISHMENT.—Not later than 180 days
 17 after the date of enactment of this section, the Adminis-
 18 trator shall establish a program to award grants to af-
 19 fected community water systems to pay for capital costs
 20 associated with the implementation of eligible treatment
 21 technologies.

22 “(b) APPLICATIONS.—

23 “(1) GUIDANCE.—Not later than 12 months
 24 after the date of enactment of this section, the Ad-
 25 ministrator shall publish guidance describing the

1 form and timing for community water systems to
2 apply for grants under this section.

3 “(2) REQUIRED INFORMATION.—The Adminis-
4 trator shall require a community water system ap-
5 plying for a grant under this section to submit—

6 “(A) information showing the presence of
7 PFAS in water of the community water system;
8 and

9 “(B) a certification that the treatment
10 technology in use by the community water sys-
11 tem at the time of application is not sufficient
12 to remove all detectable amounts of PFAS.

13 “(c) LIST OF ELIGIBLE TREATMENT TECH-
14 NOLOGIES.—Not later than 150 days after the date of en-
15 actment of this section, and every two years thereafter,
16 the Administrator shall publish a list of treatment tech-
17 nologies that the Administrator determines are effective
18 at removing all detectable amounts of PFAS from drink-
19 ing water.

20 “(d) PRIORITY FOR FUNDING.—In awarding grants
21 under this section, the Administrator shall prioritize af-
22 fected community water systems that—

23 “(1) serve a disadvantaged community;

1 “(2) will provide at least a 10 percent cost
2 share for the cost of implementing an eligible treat-
3 ment technology; or

4 “(3) demonstrate the capacity to maintain the
5 eligible treatment technology to be implemented
6 using the grant.

7 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 not more than \$500,000,000 for each of the fiscal years
10 2020 through 2024.

11 “(f) DEFINITIONS.—In this section:

12 “(1) AFFECTED COMMUNITY WATER SYSTEM.—
13 The term ‘affected community water system’ means
14 a community water system that is affected by the
15 presence of PFAS in the water in the community
16 water system.

17 “(2) DISADVANTAGED COMMUNITY.—The term
18 ‘disadvantaged community’ has the meaning given
19 that term in section 1452.

20 “(3) ELIGIBLE TREATMENT TECHNOLOGY.—
21 The term ‘eligible treatment technology’ means a
22 treatment technology included on the list published
23 under subsection (c).”.

1 **SEC. 21003. DEFINITION.**

2 Section 1401 of the Safe Drinking Water Act (42
3 U.S.C. 300f) is amended by adding at the end the fol-
4 lowing:

5 “(17) PFAS.—The term ‘PFAS’ means a
6 perfluoroalkyl or polyfluoroalkyl substance with at
7 least one fully fluorinated carbon atom.”.

8 **Subtitle B—Extensions**

9 **SEC. 22001. FUNDING.**

10 (a) STATE REVOLVING LOAN FUNDS.—Section
11 1452(m)(1) of the Safe Drinking Water Act (42 U.S.C.
12 300j–12(m)(1)) is amended—

13 (1) in subparagraph (B), by striking “and”;

14 (2) in subparagraph (C), by striking “2021.”
15 and inserting “2021;”; and

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

17 “(D) \$4,140,000,000 for fiscal year 2022;

18 “(E) \$4,800,000,000 for fiscal year 2023;

19 and

20 “(F) \$5,500,000,000 for fiscal year
21 2024.”.

22 (b) INDIAN RESERVATION DRINKING WATER PRO-
23 GRAM.—Section 2001(d) of America’s Water Infrastruc-
24 ture Act of 2018 (Public Law 115–270) is amended by
25 striking “2022” and inserting “2024”.

1 (c) VOLUNTARY SCHOOL AND CHILD CARE PROGRAM
2 LEAD TESTING GRANT PROGRAM.—Section 1464(d)(8) of
3 the Safe Drinking Water Act (42 U.S.C. 300j–24(d)(8))
4 is amended by striking “2021” and inserting “2024”.

5 (d) DRINKING WATER FOUNTAIN REPLACEMENT
6 FOR SCHOOLS.—Section 1465(d) of the Safe Drinking
7 Water Act (42 U.S.C. 300j–25(d)) is amended by striking
8 “2021” and inserting “2024”.

9 (e) TECHNICAL ASSISTANCE AND GRANTS.—Section
10 1433(g)(6) of the Safe Drinking Water Act (42 U.S.C.
11 300i–2(g)(6)) is amended by striking “2021” and insert-
12 ing “2024”.

13 (f) GRANTS FOR STATE PROGRAMS.—Section
14 1443(a)(7) of the Safe Drinking Water Act (42 U.S.C.
15 300j–2(a)(7)) is amended by striking “2021” and insert-
16 ing “2024”.

17 **SEC. 22002. AMERICAN IRON AND STEEL PRODUCTS.**

18 Section 1452(a)(4)(A) of the Safe Drinking Water
19 Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking
20 “2023” and inserting “2024”.

1 **TITLE III—CLEAN ENERGY**
2 **INFRASTRUCTURE**
3 **Subtitle A—Grid Security and**
4 **Modernization**

5 **PART 1—ENHANCING ELECTRIC INFRASTRUC-**
6 **TURE RESILIENCE, RELIABILITY, AND EN-**
7 **ERGY SECURITY**

8 **SEC. 31101. PROGRAM TO ENHANCE ELECTRIC INFRA-**
9 **STRUCTURE RESILIENCE, RELIABILITY, AND**
10 **ENERGY SECURITY.**

11 (a) PROGRAM.—The Secretary of Energy shall estab-
12 lish a competitive grant program to provide grants to
13 States, units of local government, and Indian tribe eco-
14 nomic development entities to enhance energy security
15 through measures for electricity delivery infrastructure
16 hardening and enhanced resilience and reliability.

17 (b) PURPOSE OF GRANTS.—The Secretary of Energy
18 may make grants on a competitive basis to enable broader
19 use of resiliency-related technologies, upgrades, and insti-
20 tutional measures and practices designed to—

21 (1) improve the resilience, reliability, and secu-
22 rity of electricity delivery infrastructure;

23 (2) improve preparedness and restoration time
24 to mitigate power disturbances resulting from phys-
25 ical and cyber attacks, electromagnetic pulse attacks,

1 geomagnetic disturbances, seismic events, severe
2 weather, and climate change;

3 (3) continue delivery of power to facilities crit-
4 ical to public health, safety, and welfare, including
5 hospitals, assisted living facilities, and schools;

6 (4) continue delivery of power to electricity-de-
7 pendent essential services, including fueling stations
8 and pumps, wastewater and sewage treatment facili-
9 ties, gas pipeline infrastructure, communications
10 systems, transportation services and systems, and
11 services provided by emergency first responders;

12 (5) enhance regional grid resilience and the re-
13 silience of electricity-dependent regional infrastruc-
14 ture; and

15 (6) facilitate greater incorporation of renewable
16 energy generation into the electric grid.

17 (c) EXAMPLES.—Resiliency-related technologies, up-
18 grades, and measures with respect to which grants may
19 be made under this section include—

20 (1) hardening or enhanced protection of utility
21 poles, wiring, cabling, and other distribution compo-
22 nents, facilities, or structures;

23 (2) advanced grid technologies capable of iso-
24 lating or repairing problems remotely, such as ad-
25 vanced metering infrastructure, high-tech sensors,

- 1 grid monitoring and control systems, and remote re-
2 configuration and redundancy systems;
- 3 (3) cybersecurity products and components;
- 4 (4) distributed generation, including back-up
5 generation to power critical facilities and essential
6 services, and related integration components, such as
7 advanced inverter technology;
- 8 (5) microgrid systems, including hybrid
9 microgrid systems for isolated communities;
- 10 (6) combined heat and power;
- 11 (7) waste heat resources;
- 12 (8) non-grid-scale energy storage technologies;
- 13 (9) electronically controlled reclosers and simi-
14 lar technologies for power restoration;
- 15 (10) advanced energy analytics technology, such
16 as internet-based and cloud-based computing solu-
17 tions and subscription licensing models;
- 18 (11) efforts that enhance resilience through
19 planning, preparation, response, and recovery activi-
20 ties;
- 21 (12) operational capabilities to enhance resil-
22 ience through rapid response recovery; and
- 23 (13) efforts to ensure availability of key critical
24 components through contracts, cooperative agree-

1 ments, stockpiling and prepositioning, or other
2 measures.

3 (d) IMPLEMENTATION.—Specific projects or pro-
4 grams established, or to be established, pursuant to grants
5 provided under this section shall be implemented through
6 grant recipients by public and publicly regulated entities
7 on a cost-shared basis.

8 (e) COOPERATION.—In carrying out projects or pro-
9 grams established, or to be established, pursuant to grants
10 provided under this section, recipients shall cooperate, as
11 applicable, with—

12 (1) State public utility commissions;

13 (2) State energy offices;

14 (3) electric infrastructure owners and operators;

15 and

16 (4) other entities responsible for maintaining
17 electric reliability.

18 (f) DATA AND METRICS.—

19 (1) IN GENERAL.—To the extent practicable,
20 grant recipients shall utilize the most current data,
21 metrics, and frameworks related to—

22 (A) electricity delivery infrastructure hard-
23 ening and enhancing resilience and reliability;
24 and

1 (B) current and future threats, including
2 physical and cyber attacks, electromagnetic
3 pulse, geomagnetic disturbances, seismic events,
4 severe weather, and climate change.

5 (2) METRICS.—Grant recipients shall dem-
6 onstrate to the Secretary of Energy, with measur-
7 able and verifiable data, how the deployment of resil-
8 iency-related technologies, upgrades, and measures
9 achieve improvements in the resiliency and recovery
10 of electricity delivery infrastructure and related serv-
11 ices, including a comparison of data collected before
12 and after deployment. Metrics for demonstrating im-
13 provements in resiliency and recovery may include—

14 (A) power quality during power disturb-
15 ances when delivered power does not meet
16 power quality requirements of the customer;

17 (B) duration of customer interruptions;

18 (C) number of customers impacted;

19 (D) cost impacts, including business and
20 other economic losses;

21 (E) impacts on electricity-dependent essen-
22 tial services and critical facilities; and

23 (F) societal impacts.

24 (3) FURTHERING ENERGY ASSURANCE
25 PLANS.—Grant recipients shall demonstrate to the

1 Secretary of Energy how projects or programs estab-
 2 lished, or to be established, pursuant to grants pro-
 3 vided under this section further applicable State and
 4 local energy assurance plans.

5 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated to carry out this section
 7 \$515,000,000 for each of fiscal years 2020 through 2024,
 8 of which not more than \$15,000,000 per fiscal year may
 9 be used for administrative expenses.

10 **PART 2—21ST CENTURY POWER GRID**

11 **SEC. 31201. GRANT PROGRAM FOR GRID MODERNIZATION** 12 **PROJECTS.**

13 (a) IN GENERAL.—The Secretary of Energy shall es-
 14 tablish a program to provide financial assistance to eligible
 15 partnerships to carry out projects related to the mod-
 16 ernization of the electric grid, including—

17 (1) projects for the application of technologies
 18 to improve monitoring of, advanced controls for, and
 19 prediction of performance of, the distribution sys-
 20 tem; and

21 (2) projects related to transmission system
 22 interconnections.

23 (b) ELIGIBLE PROJECTS.—To be eligible for financial
 24 assistance under subsection (a), a project shall—

25 (1) be designed to—

1 (A) improve the resiliency, performance,
2 and efficiency of the future electric grid, while
3 ensuring the continued provision of safe, secure,
4 reliable, and affordable power; or

5 (B) deploy a new product or technology
6 that could be used by customers of an electric
7 utility; and

8 (2) demonstrate—

9 (A) secure integration and management of
10 energy resources, including through distributed
11 energy generation, combined heat and power,
12 micro-grids, energy storage, electric vehicles,
13 energy efficiency, demand response, or intel-
14 ligent loads; or

15 (B) secure integration and interoperability
16 of communications and information technologies
17 related to the electric grid.

18 (c) CYBERSECURITY PLAN.—Each project carried
19 out with assistance provided under subsection (a) shall in-
20 clude the development of a cybersecurity plan written in
21 accordance with guidelines developed by the Secretary.

22 (d) PRIVACY EFFECTS ANALYSIS.—Each project car-
23 ried out with assistance provided under subsection (a)
24 shall include a privacy effects analysis that evaluates the
25 project in accordance with the Voluntary Code of Conduct

1 of the Department of Energy, commonly known as the
2 “DataGuard Energy Data Privacy Program”, or the most
3 recent revisions to the privacy program of the Depart-
4 ment.

5 (e) DEFINITIONS.—In this section:

6 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
7 ble partnership” means a partnership consisting of
8 two or more entities, which—

9 (A) may include—

10 (i) any institution of higher education;

11 (ii) a National Laboratory;

12 (iii) a State or a local government or
13 other public body created by or pursuant
14 to State law;

15 (iv) an Indian Tribe;

16 (v) a Federal power marketing admin-
17 istration; or

18 (vi) an entity that develops and pro-
19 vides technology; and

20 (B) shall include at least one of any of—

21 (i) an electric utility;

22 (ii) a regional transmission organiza-
23 tion; or

24 (iii) an independent system operator.

1 (2) ELECTRIC UTILITY.—The term “electric
2 utility” has the meaning given that term in section
3 3(22) of the Federal Power Act (16 U.S.C.
4 796(22)), except that such term does not include an
5 entity described in subparagraph (B) of such sec-
6 tion.

7 (3) FEDERAL POWER MARKETING ADMINISTRA-
8 TION.—The term “Federal power marketing admin-
9 istration” means the Bonneville Power Administra-
10 tion, the Southeastern Power Administration, the
11 Southwestern Power Administration, or the Western
12 Area Power Administration.

13 (4) INDEPENDENT SYSTEM OPERATOR; RE-
14 GIONAL TRANSMISSION ORGANIZATION.—The terms
15 “independent system operator” and “regional trans-
16 mission organization” have the meanings given those
17 terms in section 3 of the Federal Power Act (16
18 U.S.C. 796).

19 (5) INSTITUTION OF HIGHER EDUCATION.—The
20 term “institution of higher education” has the
21 meaning given that term in section 101(a) of the
22 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary to carry

1 out this section \$200,000,000 for each of fiscal years 2020
2 through 2024, to remain available until expended.

3 **SEC. 31202. INTERREGIONAL TRANSMISSION PLANNING RE-**
4 **PORT.**

5 Not later than 6 months after the date of enactment
6 of this Act, the Secretary of Energy shall submit to Con-
7 gress a report that—

8 (1) examines the effectiveness of interregional
9 transmission planning processes for identifying
10 transmission projects across regions that provide
11 economic, reliability, or operational benefits, taking
12 into consideration the public interest, the integrity of
13 markets, and the protection of consumers;

14 (2) evaluates the current architecture of re-
15 gional electricity grids (including international trans-
16 mission connections of such grids) that together
17 comprise the Nation's electricity grid, with respect
18 to—

19 (A) potential growth in renewable energy
20 generation, including energy generation from
21 offshore wind;

22 (B) potential growth in electricity demand;
23 and

24 (C) retirement of existing electricity gen-
25 eration assets;

1 (3) analyzes—

2 (A) the range of benefits that interregional
3 transmission provides;

4 (B) the impact of basing transmission
5 project approvals on a comprehensive assess-
6 ment of the multiple benefits provided;

7 (C) synchronization of processes described
8 in paragraph (1) among neighboring regions;

9 (D) how often interregional transmission
10 planning should be completed;

11 (E) whether voltage, size, or cost require-
12 ments should be a factor in the approval of
13 interregional transmission projects;

14 (F) cost allocation methodologies for inter-
15 regional transmission projects; and

16 (G) current barriers and challenges to con-
17 struction of interregional transmission projects;
18 and

19 (4) identifies potential changes, based on the
20 analysis under paragraph (3), to the processes de-
21 scribed in paragraph (1) to ensure the most effi-
22 cient, cost effective, and broadly beneficial trans-
23 mission projects are selected for construction.

PART 3—ENERGY EFFICIENT TRANSFORMER

REBATE PROGRAM

**SEC. 31301. ENERGY EFFICIENT TRANSFORMER REBATE
PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) QUALIFIED ENERGY EFFICIENT TRANSFORMER.—The term “qualified energy efficient transformer” means a transformer that meets or exceeds the applicable energy conservation standards described in the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) QUALIFIED ENERGY INEFFICIENT TRANSFORMER.—The term “qualified energy inefficient transformer” means a transformer with an equal number of phases and capacity to a transformer described in any of the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act) that—

(A) does not meet or exceed the applicable energy conservation standards described in paragraph (1); and

1 (B)(i) was manufactured between January
2 1, 1985, and December 31, 2006, for a trans-
3 former with an equal number of phases and ca-
4 pacity as a transformer described in the table
5 in subsection (b)(2) of section 431.196 of title
6 10, Code of Federal Regulations (as in effect on
7 the date of enactment of this Act); or

8 (ii) was manufactured between January 1,
9 1990, and December 31, 2009, for a trans-
10 former with an equal number of phases and ca-
11 pacity as a transformer described in the table
12 in paragraph (1) or (2) of subsection (c) of that
13 section (as in effect on the date of enactment
14 of this Act).

15 (3) QUALIFIED ENTITY.—The term “qualified
16 entity” means an owner of industrial or manufac-
17 turing facilities, commercial buildings, or multifamily
18 residential buildings, a utility, or an energy service
19 company, that fulfills the requirements of subsection
20 (c).

21 (b) ESTABLISHMENT.—Not later than 90 days after
22 the date of enactment of this Act, the Secretary of Energy
23 shall establish a program to provide rebates to qualified
24 entities for expenditures made by the qualified entity for

1 the replacement of a qualified energy inefficient trans-
2 former with a qualified energy efficient transformer.

3 (c) REQUIREMENTS.—To be eligible to receive a re-
4 bate under this section, an entity shall submit to the Sec-
5 retary of Energy an application in such form, at such
6 time, and containing such information as the Secretary
7 may require, including demonstrated evidence—

8 (1) that the entity purchased a qualified energy
9 efficient transformer;

10 (2) of the core loss value of the qualified energy
11 efficient transformer;

12 (3) of the age of the qualified energy inefficient
13 transformer being replaced;

14 (4) of the core loss value of the qualified energy
15 inefficient transformer being replaced—

16 (A) as measured by a qualified professional
17 or verified by the equipment manufacturer, as
18 applicable; or

19 (B) for transformers described in sub-
20 section (a)(2)(B)(i), as selected from a table of
21 default values as determined by the Secretary
22 in consultation with applicable industry; and

23 (5) that the qualified energy inefficient trans-
24 former has been permanently decommissioned and
25 scrapped.

1 (d) AUTHORIZED AMOUNT OF REBATE.—The
2 amount of a rebate provided under this section shall be—

3 (1) for a 3-phase or single-phase transformer
4 with a capacity of not less than 10 and not greater
5 than 2,500 kilovolt-amperes, twice the amount equal
6 to the difference in watts between the core loss value
7 (as measured in accordance with paragraphs (2) and
8 (4) of subsection (c)) of—

9 (A) the qualified energy inefficient trans-
10 former; and

11 (B) the qualified energy efficient trans-
12 former; or

13 (2) for a transformer described in subsection
14 (a)(2)(B)(i), the amount determined using a table of
15 default rebate values by rated transformer output,
16 as measured in kilovolt-amperes, as determined by
17 the Secretary in consultation with applicable indus-
18 try.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$10,000,000 for each of fiscal years 2020 through 2024,
22 to remain available until expended.

1 **PART 4—STRATEGIC TRANSFORMER RESERVE**

2 **PROGRAM**

3 **SEC. 31401. STRATEGIC TRANSFORMER RESERVE PRO-**

4 **GRAM.**

5 (a) ESTABLISHMENT.—The Secretary of Energy
6 shall establish a program to reduce the vulnerability of the
7 electric grid to physical attack, cyber attack, electro-
8 magnetic pulse, geomagnetic disturbances, severe weather,
9 climate change, and seismic events, including by—

10 (1) ensuring that large power transformers,
11 generator step-up transformers, and other critical
12 electric grid equipment are strategically located to
13 ensure timely replacement of such equipment as may
14 be necessary to restore electric grid function rapidly
15 in the event of severe damage to the electric grid
16 due to physical attack, cyber attack, electromagnetic
17 pulse, geomagnetic disturbances, severe weather, cli-
18 mate change, or seismic events; and

19 (2) establishing a coordinated plan to facilitate
20 transportation of large power transformers and
21 other critical electric grid equipment.

22 (b) TRANSFORMER RESILIENCE AND ADVANCED
23 COMPONENTS PROGRAM.—The program established
24 under subsection (a) shall include implementation of the
25 Transformer Resilience and Advanced Components pro-
26 gram to—

1 (1) improve large power transformers and other
2 critical electric grid equipment by reducing their
3 vulnerabilities; and

4 (2) develop, test, and deploy innovative equip-
5 ment designs that are more flexible and offer greater
6 resiliency of electric grid functions.

7 (c) STRATEGIC EQUIPMENT RESERVES.—

8 (1) AUTHORIZATION.—In carrying out the pro-
9 gram established under subsection (a), the Secretary
10 may establish one or more federally owned strategic
11 equipment reserves, as appropriate, to ensure na-
12 tionwide access to reserve equipment.

13 (2) CONSIDERATION.—In establishing any fed-
14 erally owned strategic equipment reserve, the Sec-
15 retary may consider existing spare transformer and
16 equipment programs and requirements established
17 by the private sector, regional transmission opera-
18 tors, independent system operators, and State regu-
19 latory authorities.

20 (d) CONSULTATION.—The program established under
21 subsection (a) shall be carried out in consultation with the
22 Federal Energy Regulatory Commission, the Electricity
23 Subsector Coordinating Council, the Electric Reliability
24 Organization, and owners and operators of critical electric
25 infrastructure and defense and military installations.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$75,000,000 for each of fiscal years 2020 through 2024.

4 **Subtitle B—Energy Efficient**
5 **Infrastructure**

6 **PART 1—EFFICIENCY GRANTS FOR STATE AND**
7 **LOCAL GOVERNMENTS**

8 **SEC. 32101. ENERGY EFFICIENT PUBLIC BUILDINGS.**

9 Section 125(c) of the Energy Policy Act of 2005 (42
10 U.S.C. 15822(c)) is amended by striking “\$30,000,000
11 for each of fiscal years 2006 through 2010” and inserting
12 “\$100,000,000 for each of fiscal years 2020 through
13 2024”.

14 **SEC. 32102. ENERGY EFFICIENCY AND CONSERVATION**
15 **BLOCK GRANT PROGRAM.**

16 (a) PURPOSE.—Section 542(b)(1) of the Energy
17 Independence and Security Act of 2007 (42 U.S.C.
18 17152(b)(1)) is amended—

19 (1) in subparagraph (A), by striking “; and”
20 and inserting a semicolon;

21 (2) in subparagraph (B), by striking the semi-
22 colon and inserting “; and”; and

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

1 “(C) diversifies energy supplies, including
2 by facilitating and promoting the use of alter-
3 native fuels;”.

4 (b) USE OF FUNDS.—Section 544(9) of the Energy
5 Independence and Security Act of 2007 (42 U.S.C.
6 17154(9)) is amended to read as follows:

7 “(9) deployment of energy distribution tech-
8 nologies that significantly increase energy efficiency
9 or expand access to alternative fuels, including—

10 “(A) distributed resources;

11 “(B) district heating and cooling systems;

12 and

13 “(C) infrastructure for delivering alter-
14 native fuels;”.

15 (c) COMPETITIVE GRANTS.—Section 546(c)(2) of the
16 Energy Independence and Security Act of 2007 (42
17 U.S.C. 17156(c)(2)) is amended by inserting “, including
18 projects to expand the use of alternative fuels” before the
19 period at the end.

20 (d) FUNDING.—Section 548(a) of the Energy Inde-
21 pendence and Security Act of 2007 (42 U.S.C. 17158(a))
22 is amended to read as follows:

23 “(a) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) GRANTS.—There is authorized to be ap-
25 propriated to the Secretary for the provision of

1 grants under the program \$3,500,000,000 for each
2 of fiscal years 2020 through 2024.

3 “(2) ADMINISTRATIVE COSTS.—There is au-
4 thorized to be appropriated to the Secretary for ad-
5 ministrative expenses of the program \$35,000,000
6 for each of fiscal years 2020 through 2024.”.

7 (e) TECHNICAL AMENDMENTS.—Section 543 of the
8 Energy Independence and Security Act of 2007 (42
9 U.S.C. 17153) is amended—

10 (1) in subsection (c), by striking “subsection
11 (a)(2)” and inserting “subsection (a)(3)”; and

12 (2) in subsection (d), by striking “subsection
13 (a)(3)” and inserting “subsection (a)(4)”.

14 **PART 2—SMART BUILDING ACCELERATION**

15 **SEC. 32201. SHORT TITLE.**

16 This part may be cited as the “Smart Building Accel-
17 eration Act”.

18 **SEC. 32202. FINDINGS.**

19 Congress finds that—

20 (1) the building sector uses more than 40 per-
21 cent of the energy of the United States;

22 (2) emerging building energy monitoring and
23 control technologies are enabling a transition of the
24 building sector to “smart” buildings that have dra-

1 matically reduced energy use and improved quality
2 of service to occupants;

3 (3) an analysis of select private-sector smart
4 buildings by the Department of Energy would docu-
5 ment the costs and benefits of the emerging tech-
6 nologies, promote the adoption of the technologies,
7 and accelerate the transition to the technologies;

8 (4) with over 400,000 buildings, the Federal
9 Government is the largest building owner in the
10 United States; and

11 (5) the Federal Government can also accelerate
12 the transition to smart building technologies by dem-
13 onstrating and evaluating emerging smart building
14 technologies using existing programs and funding to
15 showcase selected Federal smart buildings.

16 **SEC. 32203. DEFINITIONS.**

17 In this part:

18 (1) DEPARTMENT.—The term “Department”
19 means the Department of Energy.

20 (2) PROGRAM.—The term “program” means
21 the Federal Smart Building Program established
22 under section 32204(a).

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of Energy.

1 (4) SMART BUILDING.—The term “smart build-
2 ing” means a building, or collection of buildings,
3 with an energy system that—

4 (A) is flexible and automated;

5 (B) has extensive operational monitoring
6 and communication connectivity, allowing re-
7 mote monitoring and analysis of all building
8 functions;

9 (C) takes a systems-based approach in in-
10 tegrating the overall building operations for
11 control of energy generation, consumption, and
12 storage;

13 (D) communicates with utilities and other
14 third-party commercial entities, if appropriate;

15 (E) protects the health and safety of occu-
16 pants and workers; and

17 (F) is cybersecure.

18 (5) SMART BUILDING ACCELERATOR.—The
19 term “smart building accelerator” means an initia-
20 tive that is designed to demonstrate specific innova-
21 tive policies and approaches—

22 (A) with clear goals and a clear timeline;

23 and

1 (B) that, on successful demonstration,
2 would accelerate investment in energy effi-
3 ciency.

4 (6) INTERNET OF THINGS TECHNOLOGY SOLU-
5 TION.—The term “internet of things technology so-
6 lution” means a solution that improves energy effi-
7 ciency and predictive maintenance through cutting
8 edge technologies that utilize internet connected
9 technologies including sensors, intelligent gateways,
10 and security embedded hardware.

11 **SEC. 32204. FEDERAL SMART BUILDING PROGRAM.**

12 (a) ESTABLISHMENT.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary shall, in
14 consultation with the Administrator of General Services,
15 establish a program to be known as the “Federal Smart
16 Building Program”—

17 (1) to implement smart building technology;
18 and

19 (2) to demonstrate the costs and benefits of
20 smart buildings.

21 (b) SELECTION.—

22 (1) IN GENERAL.—The Secretary shall coordi-
23 nate the selection of not fewer than 1 building from
24 among each of several key Federal agencies, as de-
25 scribed in subsection (d), to compose an appro-

1 priately diverse set of smart buildings based on size,
2 type, and geographic location.

3 (2) INCLUSION OF COMMERCIALY OPERATED
4 BUILDINGS.—In making selections under paragraph
5 (1), the Secretary may include buildings that are
6 owned by the Federal Government but are commer-
7 cially operated.

8 (c) TARGETS.—Not later than 18 months after the
9 date of enactment of this Act, the Secretary shall establish
10 targets for the number of smart buildings to be commis-
11 sioned and evaluated by key Federal agencies by 3 years
12 and 6 years after the date of enactment of this Act.

13 (d) FEDERAL AGENCY DESCRIBED.—The key Fed-
14 eral agencies referred to subsection (b)(1) shall include
15 buildings operated by—

- 16 (1) the Department of the Army;
- 17 (2) the Department of the Navy;
- 18 (3) the Department of the Air Force;
- 19 (4) the Department;
- 20 (5) the Department of the Interior;
- 21 (6) the Department of Veterans Affairs; and
- 22 (7) the General Services Administration.

23 (e) REQUIREMENT.—In implementing the program,
24 the Secretary shall leverage existing financing mechanisms

1 including energy savings performance contracts, utility en-
2 ergy service contracts, and annual appropriations.

3 (f) EVALUATION.—Using the guidelines of the Fed-
4 eral Energy Management Program relating to whole-build-
5 ing evaluation, measurement, and verification, the Sec-
6 retary shall evaluate the costs and benefits of the buildings
7 selected under subsection (b), including an identification
8 of—

9 (1) which advanced building technologies—

10 (A) are most cost-effective; and

11 (B) show the most promise for—

12 (i) increasing building energy savings;

13 (ii) increasing service performance to
14 building occupants;

15 (iii) reducing environmental impacts;

16 and

17 (iv) establishing cybersecurity; and

18 (2) any other information the Secretary deter-
19 mines to be appropriate.

20 (g) AWARDS.—The Secretary may expand awards
21 made under the Federal Energy Management Program
22 and the Better Building Challenge to recognize specific
23 agency achievements in accelerating the adoption of smart
24 building technologies.

1 **SEC. 32205. SURVEY OF PRIVATE SECTOR SMART BUILD-**
2 **INGS.**

3 (a) SURVEY.—The Secretary shall conduct a survey
4 of privately owned smart buildings throughout the United
5 States, including commercial buildings, laboratory facili-
6 ties, hospitals, multifamily residential buildings, and build-
7 ings owned by nonprofit organizations and institutions of
8 higher education.

9 (b) SELECTION.—From among the smart buildings
10 surveyed under subsection (a), the Secretary shall select
11 not fewer than 1 building each from an appropriate range
12 of building sizes, types, and geographic locations.

13 (c) EVALUATION.—Using the guidelines of the Fed-
14 eral Energy Management Program relating to whole-build-
15 ing evaluation, measurement, and verification, the Sec-
16 retary shall evaluate the costs and benefits of the buildings
17 selected under subsection (b), including an identification
18 of—

19 (1) which advanced building technologies and
20 systems—

21 (A) are most cost-effective; and

22 (B) show the most promise for—

23 (i) increasing building energy savings;

24 (ii) increasing service performance to
25 building occupants;

- 1 (iii) reducing environmental impacts;
- 2 and
- 3 (iv) establishing cybersecurity; and
- 4 (2) any other information the Secretary deter-
- 5 mines to be appropriate.

6 **SEC. 32206. LEVERAGING EXISTING PROGRAMS.**

7 (a) BETTER BUILDING CHALLENGE.—As part of the
8 Better Building Challenge of the Department, the Sec-
9 retary, in consultation with major private sector property
10 owners, shall develop smart building accelerators to dem-
11 onstrate innovative policies and approaches that will accel-
12 erate the transition to smart buildings in the public, insti-
13 tutional, and commercial buildings sectors.

14 (b) RESEARCH AND DEVELOPMENT.—

15 (1) IN GENERAL.—The Secretary shall conduct
16 research and development to address key barriers to
17 the integration of advanced building technologies
18 and to accelerate the transition to smart buildings.

19 (2) INCLUSION.—The research and development
20 conducted under paragraph (1) shall include re-
21 search and development on—

22 (A) achieving whole-building, systems-level
23 efficiency through smart system and component
24 integration;

1 (B) improving physical components, such
2 as sensors and controls, to be adaptive, antici-
3 patory, and networked;

4 (C) reducing the cost of key components to
5 accelerate the adoption of smart building tech-
6 nologies;

7 (D) data management, including the cap-
8 ture and analysis of data and the interoper-
9 ability of the energy systems;

10 (E) protecting against cybersecurity
11 threats and addressing security vulnerabilities
12 of building systems or equipment;

13 (F) business models, including how busi-
14 ness models may limit the adoption of smart
15 building technologies and how to support
16 transactive energy;

17 (G) integration and application of com-
18 bined heat and power systems and energy stor-
19 age for resiliency;

20 (H) characterization of buildings and com-
21 ponents;

22 (I) consumer and utility protections;

23 (J) continuous management, including the
24 challenges of managing multiple energy systems

1 and optimizing systems for disparate stake-
2 holders;

3 (K) integration of internet of things tech-
4 nology solutions, including measures to increase
5 water and energy efficiency, improve water
6 quality, support real-time utility management,
7 and enable actionable analytics and predictive
8 maintenance to improve building systems long-
9 term viability; and

10 (L) other areas of research and develop-
11 ment, as determined appropriate by the Sec-
12 retary.

13 **SEC. 32207. REPORT.**

14 Not later than 2 years after the date of enactment
15 of this Act, and every 2 years thereafter until a total of
16 3 reports have been made, the Secretary shall submit to
17 the Committee on Energy and Natural Resources of the
18 Senate and the Committee on Energy and Commerce and
19 the Committee on Science, Space, and Technology of the
20 House of Representatives a report on—

21 (1) the establishment of the Federal Smart
22 Building Program and the evaluation of Federal
23 smart buildings under section 32204;

24 (2) the survey and evaluation of private sector
25 smart buildings under section 32205; and

1 (3) any recommendations of the Secretary to
2 further accelerate the transition to smart buildings.

3 **PART 3—WEATHERIZATION ASSISTANCE**

4 **PROGRAM**

5 **SEC. 32301. SHORT TITLE.**

6 This part may be cited as the “Weatherization En-
7 hancement and Local Energy Efficiency Investment and
8 Accountability Act”.

9 **SEC. 32302. WEATHERIZATION ASSISTANCE PROGRAM.**

10 (a) REAUTHORIZATION OF WEATHERIZATION AS-
11 SISTANCE PROGRAM.—Section 422 of the Energy Con-
12 servation and Production Act (42 U.S.C. 6872) is amend-
13 ed by striking “appropriated—” and all that follows
14 through “2012..” and inserting “appropriated
15 \$350,000,000 for each of fiscal years 2020 through
16 2024.”.

17 (b) MODERNIZING THE DEFINITION OF WEATHER-
18 IZATION MATERIALS.—Section 412(9)(J) of the Energy
19 Conservation and Production Act (42 U.S.C. 6862(9)(J))
20 is amended—

21 (1) by inserting “, including renewable energy
22 technologies and other advanced technologies,” after
23 “devices or technologies”; and

24 (2) by striking “, after consulting with the Sec-
25 retary of Housing and Urban Development, the Sec-

1 retary of Agriculture, and the Director of the Com-
2 munity Services Administration”.

3 (c) CONSIDERATION OF HEALTH BENEFITS.—Sec-
4 tion 413(b) of the Energy Conservation and Production
5 Act (42 U.S.C. 6863(b)) is amended—

6 (1) by redesignating paragraphs (4) through
7 (6) as paragraphs (5) through (7), respectively; and

8 (2) by inserting after paragraph (3), the fol-
9 lowing:

10 “(4) The Secretary may amend the regulations pre-
11 scribed under paragraph (1) to provide that the standards
12 described in paragraph (2)(A) take into consideration im-
13 provements in the health and safety of occupants of dwell-
14 ing units, and other non-energy benefits, from weatheriza-
15 tion.”.

16 (d) CONTRACTOR OPTIMIZATION.—

17 (1) IN GENERAL.—The Energy Conservation
18 and Production Act is amended by inserting after
19 section 414B (42 U.S.C. 6864b) the following:

20 **“SEC. 414C. CONTRACTOR OPTIMIZATION.**

21 “(a) IN GENERAL.—The Secretary may request that
22 entities receiving funding from the Federal Government
23 or from a State through a weatherization assistance pro-
24 gram under section 413 or section 414 perform periodic
25 reviews of the use of private contractors in the provision

1 of weatherization assistance, and encourage expanded use
2 of contractors as appropriate.

3 “(b) USE OF TRAINING FUNDS.—Entities described
4 in subsection (a) may use funding described in such sub-
5 section to train private, non-Federal entities that are con-
6 tracted to provide weatherization assistance under a
7 weatherization program, in accordance with rules deter-
8 mined by the Secretary.”.

9 (2) TABLE OF CONTENTS AMENDMENT.—The
10 table of contents for the Energy Conservation and
11 Production Act is amended by inserting after the
12 item relating to section 414B the following:

“Sec. 414C. Contractor optimization.”.

13 (e) FINANCIAL ASSISTANCE FOR WAP ENHANCE-
14 MENT AND INNOVATION.—

15 (1) IN GENERAL.—The Energy Conservation
16 and Production Act is amended by inserting after
17 section 414C (as added by subsection (d) of this sec-
18 tion) the following:

19 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-**
20 **MENT AND INNOVATION.**

21 “(a) PURPOSES.—The purposes of this section are—

22 “(1) to expand the number of dwelling units
23 that are occupied by low-income persons that receive
24 weatherization assistance by making such dwelling
25 units weatherization-ready;

1 “(2) to promote the deployment of renewable
2 energy in dwelling units that are occupied by low-in-
3 come persons;

4 “(3) to ensure healthy indoor environments by
5 enhancing or expanding health and safety measures
6 and resources available to dwellings that are occu-
7 pied by low-income persons; and

8 “(4) to disseminate new methods and best prac-
9 tices among entities providing weatherization assist-
10 ance.

11 “(b) FINANCIAL ASSISTANCE.—The Secretary shall,
12 to the extent funds are made available, award financial
13 assistance through a competitive process to entities receiv-
14 ing funding from the Federal Government or from a State
15 through a weatherization program under section 413 or
16 section 414, or to nonprofit entities, to be used by such
17 an entity—

18 “(1) with respect to dwelling units that are oc-
19 cupied by low-income persons, to—

20 “(A) implement measures to make such
21 dwelling units weatherization-ready by address-
22 ing structural, plumbing, roofing, and electrical
23 issues, environmental hazards, or other meas-
24 ures that the Secretary determines to be appro-
25 priate;

1 “(B) install energy efficiency technologies,
2 including home energy management systems,
3 smart devices, and other technologies the Sec-
4 retary determines to be appropriate;

5 “(C) install renewable energy systems (as
6 defined in section 415(c)(6)(A)); and

7 “(D) implement measures to ensure
8 healthy indoor environments by improving in-
9 door air quality, accessibility, and other healthy
10 homes measures as determined by the Sec-
11 retary;

12 “(2) to improve the capability of the entity—

13 “(A) to significantly increase the number
14 of energy retrofits performed by such entity;

15 “(B) to replicate best practices for work
16 performed pursuant to this section on a larger
17 scale; and

18 “(C) to leverage additional funds to sus-
19 tain the provision of weatherization assistance
20 and other work performed pursuant to this sec-
21 tion after financial assistance awarded under
22 this section is expended;

23 “(3) for innovative outreach and education re-
24 garding the benefits and availability of weatheriza-

1 tion assistance and other assistance available pursu-
2 ant to this section;

3 “(4) for quality control of work performed pur-
4 suant to this section;

5 “(5) for data collection, measurement, and
6 verification with respect to such work;

7 “(6) for program monitoring, oversight, evalua-
8 tion, and reporting regarding such work;

9 “(7) for labor, training, and technical assist-
10 ance relating to such work;

11 “(8) for planning, management, and adminis-
12 tration (up to a maximum of 15 percent of the as-
13 sistance provided); and

14 “(9) for such other activities as the Secretary
15 determines to be appropriate.

16 “(c) AWARD FACTORS.—In awarding financial assist-
17 ance under this section, the Secretary shall consider—

18 “(1) the applicant’s record of constructing, ren-
19 ovating, repairing, or making energy efficient single-
20 family, multifamily, or manufactured homes that are
21 occupied by low-income persons, either directly or
22 through affiliates, chapters, or other partners (using
23 the most recent year for which data are available);

24 “(2) the number of dwelling units occupied by
25 low-income persons that the applicant has built, ren-

1 ovated, repaired, weatherized, or made more energy
2 efficient in the 5 years preceding the date of the ap-
3 plication;

4 “(3) the qualifications, experience, and past
5 performance of the applicant, including experience
6 successfully managing and administering Federal
7 funds;

8 “(4) the strength of an applicant’s proposal to
9 achieve one or more of the purposes under sub-
10 section (a);

11 “(5) the extent to which such applicant will uti-
12 lize partnerships and regional coordination to
13 achieve one or more of the purposes under sub-
14 section (a);

15 “(6) regional and climate zone diversity;

16 “(7) urban, suburban, and rural localities; and

17 “(8) such other factors as the Secretary deter-
18 mines to be appropriate.

19 “(d) APPLICATIONS.—

20 “(1) ADMINISTRATION.—To be eligible for an
21 award of financial assistance under this section, an
22 applicant shall submit to the Secretary an applica-
23 tion in such manner and containing such informa-
24 tion as the Secretary may require.

1 “(2) AWARDS.—Subject to the availability of
2 appropriations, not later than 270 days after the
3 date of enactment of this section, the Secretary shall
4 make a first award of financial assistance under this
5 section.

6 “(e) MAXIMUM AMOUNT AND TERM.—

7 “(1) IN GENERAL.—The total amount of finan-
8 cial assistance awarded to an entity under this sec-
9 tion shall not exceed \$2,000,000.

10 “(2) TECHNICAL AND TRAINING ASSISTANCE.—
11 The total amount of financial assistance awarded to
12 an entity under this section shall be reduced by the
13 cost of any technical and training assistance pro-
14 vided by the Secretary that relates to such financial
15 assistance.

16 “(3) TERM.—The term of an award of financial
17 assistance under this section shall not exceed 3
18 years.

19 “(f) REQUIREMENTS.—Not later than 90 days after
20 the date of enactment of this section, the Secretary shall
21 issue requirements to implement this section, including,
22 for entities receiving financial assistance under this sec-
23 tion—

24 “(1) standards for allowable expenditures;

25 “(2) a minimum saving-to-investment ratio; and

1 “(3) standards for—

2 “(A) training programs;

3 “(B) energy audits;

4 “(C) the provision of technical assistance;

5 “(D) monitoring activities carried out
6 using such financial assistance;

7 “(E) verification of energy and cost sav-
8 ings;

9 “(F) liability insurance requirements; and

10 “(G) recordkeeping and reporting require-
11 ments, which shall include reporting to the Of-
12 fice of Weatherization and Intergovernmental
13 Programs of the Department of Energy applica-
14 ble data on each dwelling unit retrofitted or
15 otherwise assisted pursuant to this section.

16 “(g) COMPLIANCE WITH STATE AND LOCAL LAW.—
17 Nothing in this section supersedes or otherwise affects any
18 State or local law, to the extent that the State or local
19 law contains a requirement that is more stringent than
20 the applicable requirement of this section.

21 “(h) REVIEW AND EVALUATION.—The Secretary
22 shall review and evaluate the performance of each entity
23 that receives an award of financial assistance under this
24 section (which may include an audit).

1 “(i) ANNUAL REPORT.—The Secretary shall submit
2 to Congress an annual report that provides a description
3 of—

4 “(1) actions taken under this section to achieve
5 the purposes of this section; and

6 “(2) accomplishments as a result of such ac-
7 tions, including energy and cost savings achieved.

8 “(j) FUNDING.—

9 “(1) AMOUNTS.—

10 “(A) IN GENERAL.—For each of fiscal
11 years 2020 through 2024, of the amount made
12 available under section 422 for such fiscal year
13 to carry out the weatherization program under
14 this part (not including any of such amount
15 made available for Department of Energy head-
16 quarters training or technical assistance), not
17 more than—

18 “(i) 2 percent of such amount (if such
19 amount is \$225,000,000 or more but less
20 than \$260,000,000) may be used to carry
21 out this section;

22 “(ii) 4 percent of such amount (if
23 such amount is \$260,000,000 or more but
24 less than \$300,000,000) may be used to
25 carry out this section; and

1 “(iii) 6 percent of such amount (if
2 such amount is \$300,000,000 or more)
3 may be used to carry out this section.

4 “(B) MINIMUM.—For each of fiscal years
5 2020 through 2024, if the amount made avail-
6 able under section 422 (not including any of
7 such amount made available for Department of
8 Energy headquarters training or technical as-
9 sistance) for such fiscal year is less than
10 \$225,000,000, no funds shall be made available
11 to carry out this section.

12 “(2) LIMITATION.—For any fiscal year, the
13 Secretary may not use more than \$25,000,000 of
14 the amount made available under section 422 to
15 carry out this section.”.

16 (2) TABLE OF CONTENTS.—The table of con-
17 tents for the Energy Conservation and Production
18 Act is amended by inserting after the item relating
19 to section 414C the following:

“Sec. 414D. Financial assistance for WAP enhancement and innovation.”.

20 (f) INCREASE IN ADMINISTRATIVE FUNDS.—Section
21 415(a)(1) of the Energy Conservation and Production Act
22 (42 U.S.C. 6865(a)(1)) is amended by striking “10 per-
23 cent” and inserting “15 percent”.

24 (g) AMENDING RE-WEATHERIZATION DATE.—Para-
25 graph (2) of section 415(c) of the Energy Conservation

1 and Production Act (42 U.S.C. 6865(c)) is amended to
2 read as follows:

3 “(2) Dwelling units weatherized (including dwelling
4 units partially weatherized) under this part, or under
5 other Federal programs (in this paragraph referred to as
6 ‘previous weatherization’), may not receive further finan-
7 cial assistance for weatherization under this part until the
8 date that is 15 years after the date such previous weather-
9 ization was completed. This paragraph does not preclude
10 dwelling units that have received previous weatherization
11 from receiving assistance and services (including the provi-
12 sion of information and education to assist with energy
13 management and evaluation of the effectiveness of in-
14 stalled weatherization materials) other than weatheriza-
15 tion under this part or under other Federal programs, or
16 from receiving non-Federal assistance for weatheriza-
17 tion.”.

18 **SEC. 32303. REPORT ON WAIVERS.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Energy shall submit to Con-
21 gress a report on the status of any request for a waiver
22 of any requirement under section 200.313 of title 2, Code
23 of Federal Regulations, as such requirement applies with
24 respect to the weatherization assistance program under
25 part A of title IV of the Energy Conservation and Produc-

tion Act (42 U.S.C. 6861 et seq.), including a description of any such waiver that has been granted and any such request for a waiver that has been considered but not granted.

PART 4—SMART ENERGY AND WATER

EFFICIENCY

SEC. 32401. SHORT TITLE.

This part may be cited as the “Smart Energy and Water Efficiency Act of 2019”.

SEC. 32402. SMART ENERGY AND WATER EFFICIENCY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a municipality;

(B) a water district; and

(C) any other entity that provides water, wastewater, or water reuse services, including a joint water and power authority.

(2) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(3) SMART ENERGY AND WATER EFFICIENCY PROGRAM.—The term “smart energy and water efficiency program” or “program” means the program established under subsection (b).

1 (b) SMART ENERGY AND WATER EFFICIENCY PRO-
2 GRAM.—

3 (1) IN GENERAL.—The Secretary shall establish
4 and carry out a smart energy and water efficiency
5 program in accordance with this section.

6 (2) ELIGIBLE PROJECTS.—In carrying out the
7 smart energy and water efficiency program, the Sec-
8 retary shall award grants to eligible entities to carry
9 out projects that implement advanced and innovative
10 technology-based solutions that will improve the en-
11 ergy or water efficiency of water, wastewater, or
12 water reuse systems to—

13 (A) help eligible entities make significant
14 progress in conserving water, conserving energy,
15 or reducing the operating costs of such systems;

16 (B) support the implementation of innova-
17 tive processes or the installation of advanced
18 automated systems that provide real-time data
19 on energy and water; or

20 (C) improve predictive maintenance of
21 water, wastewater, or water reuse systems
22 through the use of Internet-connected tech-
23 nologies, such as sensors, intelligent gateways,
24 or security embedded in hardware.

25 (3) PROJECT SELECTION.—

1 (A) IN GENERAL.—The Secretary shall
2 make competitive, merit-reviewed grants under
3 the program to not fewer than 3, but not more
4 than 5, eligible entities.

5 (B) SELECTION CRITERIA.—In selecting an
6 eligible entity to receive a grant under the pro-
7 gram, the Secretary shall consider—

8 (i) energy and cost savings anticipated
9 to result from the project;

10 (ii) the innovative nature, commercial
11 viability, and reliability of the technology
12 to be used;

13 (iii) the degree to which the project
14 integrates innovative sensors, software,
15 hardware, analytics, and management
16 tools;

17 (iv) the anticipated cost-effectiveness
18 of the project in terms of energy savings,
19 water savings or reuse, and infrastructure
20 costs averted;

21 (v) whether the technology can be de-
22 ployed in a variety of geographic regions
23 and the degree to which the technology can
24 be implemented on a smaller or larger
25 scale, including whether the technology can

1 be implemented by other types of eligible
2 entities; and

3 (vi) whether implementation of the
4 project will be complete within 5 years.

5 (C) APPLICATIONS.—

6 (i) IN GENERAL.—Subject to clause
7 (ii), an eligible entity seeking a grant
8 under the program shall submit to the Sec-
9 retary an application at such time, in such
10 manner, and containing such information
11 as the Secretary determines to be nec-
12 essary.

13 (ii) CONTENTS.—An application under
14 clause (i) shall, at a minimum, include—

15 (I) a description of the project;

16 (II) a description of the tech-
17 nology to be used in the project;

18 (III) the anticipated results, in-
19 cluding energy and water savings, of
20 the project;

21 (IV) a comprehensive budget for
22 the project; and

23 (V) the number of households or
24 customers that are served by the eligi-

1 ble entity and will benefit from the
2 project.

3 (4) ADMINISTRATION.—

4 (A) IN GENERAL.—Not later than 300
5 days after the date of enactment of this Act,
6 the Secretary shall select grant recipients under
7 this section.

8 (B) EVALUATIONS.—The Secretary shall
9 annually for 5 years carry out an evaluation of
10 each project for which a grant is provided
11 under this section that—

12 (i) evaluates the progress and effects
13 of the project; and

14 (ii) assesses the degree to which the
15 project can be replicated in other regions,
16 systems, and situations.

17 (C) TECHNICAL ASSISTANCE.—On the re-
18 quest of a grant recipient, the Secretary shall
19 provide technical assistance to the grant recipi-
20 ent to carry out the project.

21 (D) BEST PRACTICES.—The Secretary
22 shall make available to the public—

23 (i) a copy of each evaluation carried
24 out under subparagraph (B); and

1 (ii) a description of any best practices
 2 identified by the Secretary as a result of
 3 those evaluations.

4 (E) REPORT TO CONGRESS.—Not later
 5 than the date on which the Secretary completes
 6 the last evaluation required under subparagraph
 7 (B), the Secretary shall submit to Congress a
 8 report containing the results of each evaluation
 9 carried out under such subparagraph.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 11 authorized to be appropriated \$15,000,000 to carry out
 12 this section, to remain available until expended.

13 **PART 5—ACCELERATED ADOPTION OF ENERGY**
 14 **EFFICIENT ENGINES AND VEHICLES**

15 **SEC. 32501. REAUTHORIZATION OF DIESEL EMISSIONS RE-**
 16 **DUCTION PROGRAM.**

17 Section 797(a) of the Energy Policy Act of 2005 (42
 18 U.S.C. 16137(a)) is amended—

19 (1) by striking “\$100,000,000” and inserting
 20 “\$200,000,000”; and

21 (2) by striking “2016” and inserting “2024”.

22 **SEC. 32502. REAUTHORIZATION OF CLEAN SCHOOL BUSES**
 23 **PROGRAM.**

24 (a) DEFINITIONS.—

1 (1) ALTERNATIVE FUEL.—Section 741(a)(2) of
2 the Energy Policy Act of 2005 (42 U.S.C. 16091(a))
3 is amended—

4 (A) in subparagraph (B), by striking “or”
5 after the semicolon;

6 (B) in subparagraph (C), by striking the
7 period at the end and inserting “; or”; and

8 (C) by adding at the end the following new
9 subparagraph:

10 “(D) electricity.”.

11 (2) CLEAN SCHOOL BUS.—Section 741(a)(3) of
12 the Energy Policy Act of 2005 (42 U.S.C.
13 16091(a)(3)) is amended by striking “that—” and
14 all that follows through “(B) is operated” and in-
15 serting “that is operated”.

16 (b) PROGRAM FOR RETROFIT OR REPLACEMENT OF
17 CERTAIN EXISTING SCHOOL BUSES WITH CLEAN
18 SCHOOL BUSES.—

19 (1) PRIORITY OF GRANT APPLICATIONS.—Sec-
20 tion 741(b)(2) of the Energy Policy Act of 2005 (42
21 U.S.C. 16091(b)(2)) is amended—

22 (A) in subparagraph (A), by inserting be-
23 fore the period at the end “with clean school
24 buses with low or zero emissions”; and

1 (B) by amending subparagraph (B) to read
2 as follows:

3 “(B) RETROFITTING.—In the case of
4 grant applications to retrofit school buses, the
5 Administrator shall give—

6 “(i) highest priority to applicants that
7 propose to retrofit school buses manufac-
8 tured in or after model year 1991 to be-
9 come clean school buses with low or zero
10 emissions; and

11 “(ii) second highest priority to appli-
12 cants that otherwise propose to retrofit
13 school buses manufactured in or after
14 model year 1991 to become clean school
15 buses.”.

16 (2) USE OF SCHOOL BUS FLEET.—Section
17 741(b)(3)(B) of the Energy Policy Act of 2005 (42
18 U.S.C. 16091(b)(3)(B)) is amended by inserting
19 “charged,” after “operated,”.

20 (3) REPLACEMENT GRANTS.—Paragraph (5) of
21 section 741(b) of the Energy Policy Act of 2005 (42
22 U.S.C. 16091(b)) is amended to read as follows:

23 “(5) REPLACEMENT GRANTS.—In the case of
24 grants to replace school buses—

1 “(A) the Administrator may award the
2 grants for up to 60 percent of the replacement
3 costs; and

4 “(B) such replacement costs may include
5 the costs of acquiring the clean school buses
6 and charging and fueling infrastructure.”.

7 (4) ULTRA LOW-SULFUR DIESEL FUEL.—Sec-
8 tion 741(b) of the Energy Policy Act of 2005 (42
9 U.S.C. 16091(b)) is amended—

10 (A) by striking paragraph (6); and

11 (B) by redesignating paragraphs (7) and
12 (8) as paragraphs (6) and (7), respectively.

13 (c) EDUCATION.—Paragraph (1) of section 741(c) of
14 the Energy Policy Act of 2005 (42 U.S.C. 16091(c)) is
15 amended to read as follows:

16 “(1) IN GENERAL.—Not later than 90 days
17 after the date of enactment of the Leading Infra-
18 structure for Tomorrow’s America Act, the Adminis-
19 trator shall develop an education outreach program
20 to promote and explain the grant program under
21 subsection (b), as amended by such Act.”.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
23 741(d) of the Energy Policy Act of 2005 (42 U.S.C.
24 16091(d)) is amended by striking “until expended—” and
25 all that follows through the end of the subsection and in-

1 setting “until expended, \$50,000,000 for each of fiscal
2 years 2020 through 2024.”.

3 **PART 6—ENERGY IMPROVEMENTS AT PUBLIC**
4 **SCHOOL FACILITIES**

5 **SEC. 32601. GRANTS FOR ENERGY EFFICIENCY IMPROVE-**
6 **MENTS AND RENEWABLE ENERGY IMPROVE-**
7 **MENTS AT PUBLIC SCHOOL FACILITIES.**

8 (a) DEFINITIONS.—In this section:

9 (1) ELIGIBLE ENTITY.—The term “eligible enti-
10 ty” means a consortium of—

11 (A) one local educational agency; and

12 (B) one or more—

13 (i) schools;

14 (ii) nonprofit organizations;

15 (iii) for-profit organizations; or

16 (iv) community partners that have the
17 knowledge and capacity to partner and as-
18 sist with energy improvements.

19 (2) ENERGY IMPROVEMENTS.—The term “en-
20 ergy improvements” means—

21 (A) any improvement, repair, or renova-
22 tion, to a school that will result in a direct re-
23 duction in school energy costs including but not
24 limited to improvements to building envelope,
25 air conditioning, ventilation, heating system, do-

1 mestic hot water heating, compressed air sys-
2 tems, distribution systems, lighting, power sys-
3 tems and controls;

4 (B) any improvement, repair, renovation,
5 or installation that leads to an improvement in
6 teacher and student health including but not
7 limited to indoor air quality, daylighting, ven-
8 tilation, electrical lighting, and acoustics; and

9 (C) the installation of renewable energy
10 technologies (such as wind power, photovoltaics,
11 solar thermal systems, geothermal energy, hy-
12 drogen-fueled systems, biomass-based systems,
13 biofuels, anaerobic digesters, and hydropower)
14 involved in the improvement, repair, or renova-
15 tion to a school.

16 (b) AUTHORITY.—From amounts made available for
17 grants under this section, the Secretary of Energy shall
18 provide competitive grants to eligible entities to make en-
19 ergy improvements authorized by this section.

20 (c) PRIORITY.—In making grants under this sub-
21 section, the Secretary shall give priority to eligible entities
22 that have renovation, repair, and improvement funding
23 needs and are—

24 (1) a high-need local educational agency, as de-
25 fined in section 2102 of the Elementary and Sec-

1 ondary Education Act of 1965 (20 14 U.S.C. 6602);
2 or

3 (2) a local educational agency designated with
4 a metrocentric locale code of 41, 42, or 43 as deter-
5 mined by the National Center for Education Statis-
6 tics (NCES), in conjunction with the Bureau of the
7 Census, using the NCES system for classifying local
8 educational agencies.

9 (d) COMPETITIVE CRITERIA.—The competitive cri-
10 teria used by the Secretary shall include the following:

11 (1) The fiscal capacity of the eligible entity to
12 meet the needs for improvements of school facilities
13 without assistance under this section, including the
14 ability of the eligible entity to raise funds through
15 the use of local bonding capacity and otherwise.

16 (2) The likelihood that the local educational
17 agency or eligible entity will maintain, in good condi-
18 tion, any facility whose improvement is assisted.

19 (3) The potential energy efficiency and safety
20 benefits from the proposed energy improvements.

21 (e) APPLICATIONS.—To be eligible to receive a grant
22 under this section, an applicant must submit to the Sec-
23 retary an application that includes each of the following:

1 (1) A needs assessment of the current condition
2 of the school and facilities that are to receive the en-
3 ergy improvements.

4 (2) A draft work plan of what the applicant
5 hopes to achieve at the school and a description of
6 the energy improvements to be carried out.

7 (3) A description of the applicant's capacity to
8 provide services and comprehensive support to make
9 the energy improvements.

10 (4) An assessment of the applicant's expected
11 needs for operation and maintenance training funds,
12 and a plan for use of those funds, if any.

13 (5) An assessment of the expected energy effi-
14 ciency and safety benefits of the energy improve-
15 ments.

16 (6) A cost estimate of the proposed energy im-
17 provements.

18 (7) An identification of other resources that are
19 available to carry out the activities for which funds
20 are requested under this section, including the avail-
21 ability of utility programs and public benefit funds.

22 (f) USE OF GRANT AMOUNTS.—

23 (1) IN GENERAL.—The recipient of a grant
24 under this section shall use the grant amounts only
25 to make the energy improvements contemplated in

1 the application, subject to the other provisions of
2 this subsection.

3 (2) OPERATION AND MAINTENANCE TRAIN-
4 ING.—The recipient may use up to 5 percent for op-
5 eration and maintenance training for energy effi-
6 ciency and renewable energy improvements (such as
7 maintenance staff and teacher training, education,
8 and preventative maintenance training).

9 (3) AUDIT.—The recipient may use funds for a
10 third-party investigation and analysis for energy im-
11 provements (such as energy audits and existing
12 building commissioning).

13 (4) CONTINUING EDUCATION.—The recipient
14 may use up to 1 percent of the grant amounts to de-
15 velop a continuing education curriculum relating to
16 energy improvements.

17 (g) CONTRACTING REQUIREMENTS.—

18 (1) DAVIS-BACON.—Any laborer or mechanic
19 employed by any contractor or subcontractor in the
20 performance of work on any energy improvements
21 funded by a grant under this section shall be paid
22 wages at rates not less than those prevailing on
23 similar construction in the locality as determined by
24 the Secretary of Labor under subchapter IV of chap-

1 ter 31 of title 40, United States Code (commonly re-
2 ferred to as the Davis-Bacon Act).

3 (2) COMPETITION.—Each applicant that re-
4 ceives funds shall ensure that, if the applicant car-
5 ries out repair or renovation through a contract, any
6 such contract process—

7 (A) ensures the maximum number of quali-
8 fied bidders, including small, minority, and
9 women-owned businesses, through full and open
10 competition; and

11 (B) gives priority to businesses located in,
12 or resources common to, the State or the geo-
13 graphical area in which the project is carried
14 out.

15 (h) REPORTING.—Each recipient of a grant under
16 this section shall submit to the Secretary, at such time
17 as the Secretary may require, a report describing the use
18 of such funds for energy improvements, the estimated cost
19 savings realized by those energy improvements, the results
20 of any audit, the use of any utility programs and public
21 benefit funds and the use of performance tracking for en-
22 ergy improvements (such as the Department of Energy:
23 Energy Star program or LEED for Existing Buildings).

1 (i) BEST PRACTICES.—The Secretary shall develop
2 and publish guidelines and best practices for activities car-
3 ried out under this section.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$100,000,000 for each of fiscal years 2020 through 2024.

7 **PART 7—HOMEOWNER MANAGING ENERGY**
8 **SAVINGS**

9 **SEC. 32701. SHORT TITLE.**

10 This part may be cited as the “Home Owner Man-
11 aging Energy Savings Act of 2019” or the “HOMES
12 Act”.

13 **SEC. 32702. DEFINITIONS.**

14 In this part:

15 (1) BPI.—The term “BPI” means the Building
16 Performance Institute.

17 (2) ENERGY AUDIT.—The term “energy audit”
18 means an inspection, survey, and analysis of energy
19 flows for energy conservation in a building, process,
20 or system to reduce the amount of energy input into
21 the system without negatively affecting the output.
22 An energy audit is the first step in identifying op-
23 portunities to reduce energy expense and carbon
24 footprints.

1 (3) ELECTRIC UTILITY.—The term “electric
2 utility” means any company, person, cooperative,
3 State, or Indian tribe agency that delivers or sells
4 electric energy at retail, including nonregulated utili-
5 ties, utilities that are subject to State or Indian tribe
6 rate regulation, and Federal power marketing ad-
7 ministrations.

8 (4) FEDERAL REBATE PROCESSING SYSTEM.—
9 The term “Federal Rebate Processing System”
10 means the Federal Rebate Processing System estab-
11 lished under section 32703(b).

12 (5) HOME.—The term “home” means a resi-
13 dential dwelling unit in a building with no more than
14 4 dwelling units that—

15 (A) is located in the United States;

16 (B) was constructed before the date of en-
17 actment of this Act; and

18 (C) is occupied at least six months out of
19 the year.

20 (6) HOME ENERGY SAVINGS RETROFIT REBATE
21 PROGRAM.—The terms “Home Energy Savings Ret-
22 rofit Rebate Program” or “Program” means the
23 Home Energy Savings Retrofit Rebate Program es-
24 tablished under section 32703(a).

1 (7) HOMEOWNER.—The term “homeowner”
2 means the owner of an owner-occupied home or a
3 tenant-occupied home.

4 (8) INDIAN TRIBE.—The term “Indian tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 (9) NATURAL GAS UTILITY.—The term “nat-
9 ural gas utility” means any company, person, coop-
10 erative, State or local governmental agency or in-
11 strumentality, or Indian tribe that transports, dis-
12 tributes, or sells natural gas at retail.

13 (10) QUALIFIED CONTRACTOR.—The term
14 “qualified contractor” means a residential energy ef-
15 ficiency contractor that meets minimum applicable
16 requirements established under section 32704.

17 (11) QUALIFIED HOME ENERGY EFFICIENCY
18 RETROFIT.—The term “qualified home energy effi-
19 ciency retrofit” means a retrofit described in section
20 32708(d).

21 (12) QUALITY ASSURANCE PROGRAM.—The
22 term “quality assurance program” means a program
23 established under this part, or recognized by the
24 Secretary under this part, to oversee the delivery of
25 home efficiency retrofit programs to ensure that

1 work is performed in accordance with standards and
2 criteria established under this part. Delivery of ret-
3 rofit programs includes delivery of quality assurance
4 reviews of rebate applications and field inspections.
5 Individuals performing quality assurance work under
6 a quality assurance program must be certified under
7 an ANSI accredited quality control inspection certifi-
8 cation designation.

9 (13) QUALITY ASSURANCE PROVIDER.—The
10 term “quality assurance provider” means any entity
11 that meets the minimum applicable requirements es-
12 tablished under section 32706.

13 (14) REBATE AGGREGATOR.—The term “rebate
14 aggregator” means an entity that meets the require-
15 ments of section 32705.

16 (15) RESNET.—The term “RESNET” means
17 the Residential Energy Services Network, which is a
18 nonprofit certification and standard setting organi-
19 zation for home energy raters that evaluate the en-
20 ergy performance of a home and Energy Smart Con-
21 tractors that make energy improvements to the
22 home.

23 (16) SECRETARY.—The term “Secretary”
24 means the Secretary of Energy.

25 (17) STATE.—The term “State” means—

- 1 (A) a State;
- 2 (B) the District of Columbia;
- 3 (C) the Commonwealth of Puerto Rico;
- 4 (D) Guam;
- 5 (E) American Samoa;
- 6 (F) the Commonwealth of the Northern
- 7 Mariana Islands;
- 8 (G) the United States Virgin Islands; and
- 9 (H) any other territory or possession of the
- 10 United States.

11 **SEC. 32703. HOME ENERGY SAVINGS RETROFIT REBATE**
12 **PROGRAM.**

13 (a) IN GENERAL.—The Secretary shall establish the
14 Home Energy Savings Retrofit Rebate Program.

15 (b) FEDERAL REBATE PROCESSING SYSTEM.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary, in consultation with the Secretary of the
19 Treasury, shall—

20 (A) establish a Federal Rebate Processing
21 System which shall serve as a database and in-
22 formation technology system that will allow re-
23 bate aggregators to submit claims for reim-
24 bursement using standard data protocols;

1 (B) establish a national retrofit website
2 that provides information on the Home Energy
3 Savings Retrofit Rebate Program, including—

4 (i) how to determine whether par-
5 ticular efficiency measures are eligible for
6 rebates; and

7 (ii) how to participate in the Program;
8 and

9 (C) make available model forms for dem-
10 onstrating compliance with all applicable re-
11 quirements of this part, which shall be required
12 to be submitted by—

13 (i) each qualified contractor on com-
14 pletion of an eligible home energy retrofit;
15 and

16 (ii) each quality assurance provider on
17 completion of field verification.

18 (2) MODEL FORMS.—In carrying out paragraph
19 (1)(C), the Secretary shall convene a group of stake-
20 holders that are directly and materially affected by
21 the Program to develop the final forms.

22 **SEC. 32704. CONTRACTORS.**

23 (a) CONTRACTOR QUALIFICATIONS.—A contractor
24 may perform retrofit work under the Home Energy Sav-

1 ings Retrofit Rebate Program in a State if the con-
2 tractor—

3 (1) meets all applicable contractor licensing re-
4 quirements established by the State;

5 (2) is—

6 (A) accredited by—

7 (i) BPI as a BPI GoldStar Con-
8 tractor;

9 (ii) RESNET as an Energy Smart
10 Home Performance Team;

11 (iii) ACCA as a QA Home Perform-
12 ance Contractor;

13 (iv) a State-based certification pro-
14 gram established to carry out State energy,
15 clean air, or environmental programs; or

16 (v) an equivalent accreditation pro-
17 gram approved by the Secretary for this
18 purpose; or

19 (B) the general contractor, and—

20 (i) subjects the energy efficiency ret-
21 rofit to a third-party review by a party ap-
22 proved by the Secretary and a quality as-
23 surance inspection authorized by the Sec-
24 retary; and

1 (ii) employs, or utilizes subcontractors
2 who employ, individuals to complete indi-
3 vidual or comprehensive scopes of work re-
4 lated to the energy efficiency retrofit who
5 are certified by—

6 (I) BPI;

7 (II) RESNET;

8 (III) NATE;

9 (IV) ACCA;

10 (V) LIUNA;

11 (VI) the Regional and State De-
12 partment of Energy Weatherization
13 Training Centers; or

14 (VII) other contractor or worker
15 certification programs approved by
16 the Secretary;

17 (3) holds insurance coverage of at least
18 \$1,000,000 for general liability, and for such other
19 purposes and in such other amounts as required by
20 the State;

21 (4) provides warranties to the homeowner that
22 completed work will—

23 (A) be free of significant defects;

1 (B) be installed in accordance with the
2 specifications of the manufacturer, and all ap-
3 plicable State and local codes; and

4 (C) perform properly for a period of at
5 least 1 year after the date of completion of the
6 work; and

7 (5) completes an energy audit to determine the
8 impact of the proposed energy efficiency measures in
9 accordance with an ANSI accredited energy auditing
10 standard.

11 (b) AGREEMENT BETWEEN CONTRACTOR AND
12 HOMEOWNER.—A contractor who performs retrofit work
13 under the Home Energy Savings Retrofit Rebate Program
14 must sign a written or electronic contract with the home-
15 owner that includes—

16 (1) an agreement to not increase the cost of the
17 home improvement as a result of the rebates re-
18 ceived under this part with respect to physical im-
19 provements made to the home;

20 (2) if the contractor and homeowner choose the
21 transferable rebate option authorized under section
22 32707, an agreement to provide the homeowner, be-
23 fore a contract is executed between the contractor
24 and the homeowner covering the eligible work, a no-
25 tice of the rebate amount the contractor intends to

1 apply for with respect to eligible work under this
2 part; and

3 (3) a notice that the homeowner acknowledges
4 that they—

5 (A) reviewed the national retrofit website
6 for the Program;

7 (B) understand the scope of work intended
8 to be completed and that such work may be eli-
9 gible for a rebate under the Program; and

10 (C) understand that the rebate funds are
11 fully subject to availability from the Depart-
12 ment of Energy or rebate aggregator and not
13 within the control of the contractor.

14 **SEC. 32705. REBATE AGGREGATORS.**

15 (a) IN GENERAL.—The Secretary shall develop a net-
16 work of rebate aggregators or a national rebate aggregator
17 that can facilitate the delivery of rebates to homeowners
18 or contractors participating in the Home Energy Savings
19 Retrofit Rebate Program by—

20 (1) reviewing the proposed rebate application
21 for completeness and accuracy;

22 (2) reviewing measures for eligibility in accord-
23 ance with this part;

1 (3) providing data to the Federal Rebate Proc-
2 essing System consistent with data protocols estab-
3 lished by the Secretary; and

4 (4) not later than 30 days after the date of re-
5 ceipt, distributing funds received from the Depart-
6 ment of Energy to homeowners or contractors.

7 (b) ELIGIBILITY.—To be eligible to apply to the Sec-
8 retary for approval as a rebate aggregator, an entity shall
9 be—

10 (1) a Home Performance with Energy Star pro-
11 gram sponsor;

12 (2) an entity administering a residential or
13 building energy efficiency retrofit program, solar
14 program, or other such program impacting energy
15 efficiency in homes established or approved by a
16 State or local government;

17 (3) a Federal power marketing administration,
18 an electric utility, or a natural gas utility that has—

19 (A) a residential energy efficiency retrofit
20 program; and

21 (B) a quality assurance provider or pro-
22 vider network; or

23 (4) an entity that demonstrates to the Sec-
24 retary that the entity can perform the functions of
25 a rebate aggregator, without disrupting existing resi-

1 dential retrofits in the States that are incorporating
2 the Home Energy Savings Retrofit Rebate Program,
3 including demonstration of—

4 (A) the capability to provide electronic
5 data to the Federal Rebate Processing System;

6 (B) a financial system that is capable of
7 tracking the distribution of rebates to partici-
8 pating contractors; and

9 (C) coordination and cooperation by the
10 entity with the appropriate State energy office
11 regarding participation in the existing energy
12 efficiency programs that will be delivering the
13 Home Energy Savings Retrofit Rebate Pro-
14 gram.

15 (c) PUBLIC UTILITY COMMISSION EFFICIENCY TAR-
16 GETS.—The Secretary shall—

17 (1) develop guidelines for States and local gov-
18 ernments to use to allow utilities participating as re-
19 bate aggregators to count the energy savings from
20 the participation of the utilities toward State and
21 local level energy savings targets; and

22 (2) work with States and local governments to
23 assist in the adoption of those guidelines for the
24 purposes and duration of the Home Energy Savings
25 Retrofit Rebate Program.

1 **SEC. 32706. QUALITY ASSURANCE PROVIDERS.**

2 (a) QUALIFICATIONS.—An entity shall be considered
3 a quality assurance provider under this part only if the
4 entity is qualified through—

5 (1) the BPI;

6 (2) RESNET; or

7 (3) any other entity designated by the Secretary
8 such as a State, local government, or State-approved
9 or local government-approved residential energy effi-
10 ciency retrofit program.

11 (b) FUNCTIONS.—A quality assurance provider
12 shall—

13 (1) be independent of the contractor;

14 (2) confirm that contractors or installers of
15 home energy efficiency retrofits meet the qualifica-
16 tion requirements of this part; and

17 (3) perform field inspections to confirm the
18 compliance of the retrofit work and the simulated
19 energy savings under the Home Energy Savings Ret-
20 rofit Rebate Program.

21 **SEC. 32707. TRANSFERABILITY OF HOME ENERGY SAVINGS**
22 **REBATE.**

23 A homeowner may transfer the rebate provided under
24 the Home Energy Savings Retrofit Rebate Program to the
25 contractor performing the retrofit work if the contractor
26 completes a form that accompanies the rebate form devel-

1 oped under section 32703(b). This form, to be made pub-
 2 lically available by the Secretary 90 days after the date
 3 of enactment of this Act, must be approved by paper sig-
 4 nature or electronically by the homeowner and include—

5 (1) the amount of the rebate the contractor will
 6 submit for disbursement to the contractor;

7 (2) the level of energy use reduction of the
 8 home retrofit certified under section 32708(e)(4),
 9 and assurance that the contractor will provide the
 10 certificate to the homeowner within 30 days of re-
 11 ceipt from the Department of Energy;

12 (3) a documentation report of the retrofit per-
 13 formed and paid by the homeowner; and

14 (4) confirmation from the homeowner that they
 15 understand they have the right to submit directly for
 16 the rebate and have chosen to transfer the credit in
 17 full to the contractor.

18 **SEC. 32708. HOME ENERGY SAVINGS RETROFIT REBATE**
 19 **PROGRAM.**

20 (a) IN GENERAL.—If a qualified home energy effi-
 21 ciency retrofit of a home is carried out after the date of
 22 enactment of this Act by a qualified contractor in accord-
 23 ance with this part, subject to appropriations made avail-
 24 able for such purpose, rebates shall be awarded for retro-

1 fits that achieve home energy savings in accordance with
2 this part.

3 (b) AMOUNT OF REBATES.—

4 (1) IN GENERAL.—Subject to subsection (e),
5 the amount of a rebate provided to the owner of a
6 home or a designee of the owner under this section
7 shall be determined in accordance with the following
8 formula:

9 (A) Retrofits that are projected to save at
10 least 20 percent of energy use (Home Perform-
11 ance Retrofits) shall receive a rebate of \$2,500.

12 (B) Retrofits that are projected to save at
13 least 40 percent of energy use (Deep Home
14 Performance Retrofits) shall receive a rebate of
15 \$5,000.

16 (2) REBATE PAYMENT.—

17 (A) IN GENERAL.—The rebate shall be
18 paid, based on energy savings as calculated
19 under subsection (e), within 60 days after—

20 (i) submission of the required rebate
21 forms; and

22 (ii) the completion of any quality as-
23 surance assessment required under sub-
24 paragraph (B).

1 (B) QUALITY ASSURANCE ASSESSMENTS.—

2 The Secretary shall establish a schedule of re-
3 quired quality assurance assessments. In the
4 first year of the Program, the first 10 homes
5 retrofit by each contractor and then 60 percent
6 of all future homes shall be required to have a
7 quality assurance assessment. The Secretary
8 shall establish a cost effective schedule of re-
9 quired quality assurance assessments for subse-
10 quent years based on performance under the
11 Program.

12 (C) BONUS INCENTIVE.—Recipients of

13 grants under section 32709 and rebate
14 aggregators are encouraged to present a pro-
15 posal to the Secretary for an incentive bonus
16 for contractors who have delivered services to
17 consumers and who have achieved a 70 percent
18 or greater realization rate for predicted gross
19 energy cost savings achieved by their portfolio
20 of participating customers. Bonus incentives
21 under such a proposal may be up to 20 percent
22 of the rebate paid to the homeowner.

23 (3) LIMITATION.—In no event shall the amount

24 of rebates under this subsection exceed—

1 (A) \$10,000 with respect to any individual;

2 or

3 (B) 50 percent of the qualified home en-
4 ergy efficiency expenditures paid or incurred by
5 the homeowner under subsection (c).

6 (c) QUALIFIED HOME ENERGY EFFICIENCY EX-
7 PENDITURES.—For purposes of this section, the term
8 “qualified home energy efficiency expenditures”—

9 (1) means any amount paid or incurred by a
10 homeowner for a qualified home energy efficiency
11 retrofit, including the cost of diagnostic procedures,
12 labor, reporting, and modeling; and

13 (2) does not include—

14 (A) improvements to swimming pools or
15 hot tubs; or

16 (B) any amount paid or incurred to pur-
17 chase or install a biomass, wood, or wood pellet
18 furnace, boiler, or stove, unless the system—

19 (i) is designed to meet at least 70 per-
20 cent of the heating demands of the home;

21 (ii) in the case of woodstoves, is cer-
22 tified by the Environmental Protection
23 Agency;

24 (iii) in the case of a wood stove re-
25 placement, replaces an existing wood stove

1 with a stove that is certified by the Envi-
2 ronmental Protection Agency, if a voucher
3 is provided by the installer or other respon-
4 sible party certifying that the old stove has
5 been removed and made inoperable;

6 (iv) in the case of a furnace or boiler,
7 is in a home with a distribution system
8 (such as piping, ducts, vents, blowers, or
9 affixed fans) that allows heat from the fur-
10 nace or boiler to reach all or most parts of
11 the home; and

12 (v) is certified by an independent test
13 laboratory approved by the Secretary as
14 having—

15 (I) thermal efficiency (with a
16 high heating value) of at least 75 per-
17 cent for stoves and 80 percent for fur-
18 naces and boilers;

19 (II) particulate emissions of less
20 than 3.0 grams per hour for wood
21 stoves or pellet stoves; and

22 (III) less than 0.07 lbs per mil-
23 lion BTU for outdoor boilers and fur-
24 naces.

1 (d) QUALIFIED HOME ENERGY EFFICIENCY RET-
2 ROFIT.—

3 (1) IN GENERAL.—A qualified home energy ef-
4 ficiency retrofit is a retrofit that implements meas-
5 ures, during a rebate-eligible year in the existing
6 principal residence of the homeowner which is lo-
7 cated in the United States, intended to reduce the
8 energy use of such residence. A qualified home en-
9 ergy efficiency retrofit shall—

10 (A) be implemented and installed by a
11 qualified contractor;

12 (B) install a set of measures modeled to
13 achieve a reduction in home energy use of 20
14 percent or more from the baseline established
15 under subparagraph (C), using computer mod-
16 eling software approved under paragraph (2);

17 (C) establish the baseline energy use as
18 provided in subsection (e)(1)(C);

19 (D) implement a test-out procedure, fol-
20 lowing guidelines of the applicable accrediting
21 program established by an organization identi-
22 fied in section 32704(a)(2) or equivalent guide-
23 lines approved by the Secretary for this pur-
24 pose, to ensure—

1 (i) the safe operation of all systems
2 post retrofit; and

3 (ii) that, except as provided in para-
4 graph (3), all improvements are included
5 in, and have been installed according to—

6 (I) standards of the applicable
7 accrediting program established by an
8 organization identified in section
9 32704(a)(2);

10 (II) manufacturers installation
11 specifications; and

12 (III) all applicable State and
13 local codes or equivalent standards
14 approved by the Secretary for this
15 purpose;

16 (E) include only measures that have an av-
17 erage estimated life of 5 years or more as deter-
18 mined by the Secretary;

19 (F) not include funds paid or incurred in
20 connection with any expansion of the square
21 footage of the residence; and

22 (G) not include improvements to swimming
23 pools or hot tubs or any other expenditure spe-
24 cifically excluded by the Secretary.

1 (2) APPROVED MODELING SOFTWARE.—The
2 contractor shall use modeling software certified by
3 RESNET as following the software verification test
4 suites in section 4.2.1 of RESNET Publication No.
5 13–001, or under equivalent standards approved by
6 the Secretary for this purpose, and shall have the
7 ability at a minimum to assess the savings associ-
8 ated with all the measures for Home Energy Savings
9 Retrofit Rebate Program.

10 (3) EXCEPTION.—For purposes of paragraph
11 (1)(D)(ii), installation of gas-fired appliances shall
12 comply with requirements of the National Fuel Gas
13 Code (ANSI Z223.1/NFPA 54) and applicable in-
14 stallation requirements in lieu of performance of
15 combustion tests outside those required by the Na-
16 tional Fuel Gas Code (2012 Edition) and the Inter-
17 national Fuel Gas Code (2012 Edition).

18 (e) ENERGY USE REDUCTION.—

19 (1) DETERMINATION OF ENERGY USE REDUC-
20 TION.—

21 (A) IN GENERAL.—The reduction in en-
22 ergy use for any residence shall be determined
23 by modeling the annual predicted percentage re-
24 duction in total energy consumption or costs for
25 heating, cooling, hot water, and permanent

1 lighting. It shall be modeled using computer
2 modeling software approved under subsection
3 (d)(2) and calibrated according to subpara-
4 graph (C) of this paragraph.

5 (B) ENERGY COSTS.—For the purposes of
6 subparagraph (A), the energy cost per unit of
7 fuel for each fuel type shall be determined by
8 dividing the total actual energy bill (subtracting
9 taxes and fees) for the residence for that fuel
10 type for the most recent available 12-month pe-
11 riod by the total energy units of that fuel type
12 used over the same period.

13 (C) BASELINE ENERGY USE.—For the
14 purposes of subparagraph (A), the software
15 model that establishes the baseline energy use
16 and predicted energy savings shall be calibrated
17 according to the procedures set forth in sections
18 3 and 4 of ANSI/BPI Standard BPI-2400-S-
19 2012: Standard Practice for Standardized
20 Qualification of Whole-House Energy Savings
21 Predictions by Calibration to Energy Use His-
22 tory, or an equivalent standard approved by the
23 Secretary for this purpose.

24 (2) DOCUMENTATION.—The percent improve-
25 ment in energy consumption calculated under this

1 section shall be documented through modeling soft-
2 ware described in subsection (d)(2).

3 (3) MONITORING.—The Secretary—

4 (A) shall periodically evaluate the software
5 packages used for determining rebates under
6 this section;

7 (B) shall monitor and compare the pre-
8 dictions to the real energy data, and based on
9 the results, create performance criteria to allow
10 or disallow the software; and

11 (C) may disallow the use of software pro-
12 grams that improperly assess energy savings.

13 (4) CERTIFICATE OF RETROFIT PERFORM-
14 ANCE.—The Secretary shall establish a system for
15 distribution of a certificate of performance in ac-
16 cordance with BPI-2101-S-2013: Standard Re-
17 quirements for a Certificate of Completion for Resi-
18 dential Energy Efficiency Upgrades with the
19 issuance of a rebate that certifies the predicted level
20 of energy use reduction achieved by the retrofit. The
21 certificate shall be provided to the rebate recipient.
22 If the recipient is the contractor under the terms of
23 section 32707, the contractor shall remit the certifi-
24 cate to the homeowner, to be delivered or post-

1 marked not later than 30 days after the contractor's
2 receipt of the certificate.

3 (5) EXCEPTION.—The Secretary shall not uti-
4 lize the authority provided under this part to—

5 (A) develop, adopt, or implement a public
6 labeling system that rates and compares the en-
7 ergy performance of one home with another; or

8 (B) require the public disclosure of an en-
9 ergy performance evaluation or rating developed
10 for any specific home.

11 Nothing in this paragraph shall preclude the com-
12 putation, collection, or use, by the Secretary, rebate
13 aggregators, or quality assurance providers, or the
14 States or Indian tribes, for the purposes of gath-
15 ering information on the rating and comparison of
16 the energy performance of homes with and without
17 energy efficiency retrofits.

18 (f) QUALIFICATION FOR REBATE.—On submission of
19 a claim for a retrofit rebate by a rebate aggregator, the
20 Secretary shall provide reimbursement to the rebate
21 aggregator, if—

22 (1) the retrofit is a qualified home energy effi-
23 ciency retrofit;

24 (2) the amount of the reimbursement is not
25 more than the amount described in subsection (b);

1 (3) documentation required to verify the claim
2 is transmitted with the claim; and

3 (4) any quality assurance assessment required
4 by the Secretary or the rebate aggregator has been
5 completed.

6 (g) AUDITS.—

7 (1) IN GENERAL.—On making payment for a
8 submission under this section, the Secretary shall re-
9 view rebate requests to determine whether Program
10 requirements were met in all respects.

11 (2) INCORRECT PAYMENT.—On a determination
12 of the Secretary under paragraph (1) that a pay-
13 ment was made incorrectly to a party, not later than
14 3 years after the payment was provided the Sec-
15 retary shall—

16 (A) recoup the amount of the incorrect
17 payment; or

18 (B) withhold the amount of the incorrect
19 payment from the next payment made to the
20 party pursuant to a subsequent request.

21 (h) INCENTIVES.—The amount of incentives that the
22 Secretary may provide to quality assurance providers and
23 rebate aggregators under this part shall be—

24 (1) \$50 for each rebate review and submission
25 provided under the Program;

1 (2) \$250 for each field inspection conducted
2 under the Program; or

3 (3) such other amounts as the Secretary con-
4 siders necessary to carry out the quality assurance
5 provisions of this part.

6 **SEC. 32709. GRANTS TO STATES AND INDIAN TRIBES.**

7 (a) IN GENERAL.—A State or Indian tribe that re-
8 ceives a grant under subsection (d) shall be permitted to
9 use the grant for—

10 (1) administrative costs;

11 (2) oversight of quality assurance plans;

12 (3) development of a quality assurance pro-
13 gram;

14 (4) establishment and delivery of financing pi-
15 lots in accordance with this part;

16 (5) coordination with existing residential ret-
17 rofit programs and infrastructure development to as-
18 sist deployment of the Home Energy Savings Ret-
19 rofit Rebate Program; and

20 (6) the costs of carrying out the responsibilities
21 of the State or Indian tribe under the Home Energy
22 Savings Retrofit Rebate Program.

23 (b) INITIAL GRANTS.—Not later than 60 days after
24 receipt of a completed application for a grant under this

1 section, the Secretary shall either make the grant or pro-
2 vide to the applicant an explanation for denying the grant.

3 (c) INDIAN TRIBES.—The Secretary shall reserve an
4 appropriate amount of funding made available to carry out
5 this section for each fiscal year to make grants available
6 to Indian tribes under this section.

7 (d) STATE ALLOTMENTS.—From the amounts made
8 available to carry out this section for each fiscal year re-
9 maining after the reservation required under subsection
10 (c), the Secretary shall make grants available to States
11 in accordance with section 32715.

12 (e) QUALITY ASSURANCE PROGRAMS.—

13 (1) IN GENERAL.—A State or Indian tribe may
14 use a grant made under this section to carry out a
15 quality assurance program that is—

16 (A) operated as part of a State or local
17 government approved energy conservation plan
18 established under part D of title III of the En-
19 ergy Policy and Conservation Act (42 U.S.C.
20 6321 et seq.);

21 (B) managed by the office or the designee
22 of the office that is—

23 (i) responsible for the development of
24 the plan under section 362 of that Act (42
25 U.S.C. 6322); and

1 (ii) to the maximum extent practicable
2 conducting an existing energy efficiency
3 program; and

4 (C) in the case of a grant made to an In-
5 dian tribe, managed by an entity designated by
6 the Indian tribe to carry out a quality assur-
7 ance program or a national quality assurance
8 program manager.

9 (2) NONCOMPLIANCE.—If the Secretary deter-
10 mines that a State or Indian tribe has not provided
11 or cannot provide adequate oversight over a quality
12 assurance program to ensure compliance with this
13 part, the Secretary may—

14 (A) withhold further quality assurance
15 funds from the State or Indian tribe; and

16 (B) require that quality assurance pro-
17 viders operating in the State or by the Indian
18 tribe be overseen by a national quality assur-
19 ance program manager selected by the Sec-
20 retary.

21 (f) IMPLEMENTATION.—A State or Indian tribe that
22 receives a grant under this section may implement a qual-
23 ity assurance program through the State, the Indian tribe,
24 or a third party designated by the State or Indian tribe,
25 including—

- 1 (1) an energy service company;
- 2 (2) an electric utility;
- 3 (3) a natural gas utility;
- 4 (4) a third-party administrator designated by
- 5 the State or Indian tribe; or
- 6 (5) a unit of local government.

7 (g) PUBLIC-PRIVATE PARTNERSHIPS.—A State or
8 Indian tribe that receives a grant under this section is en-
9 couraged to form partnerships with utilities, energy serv-
10 ice companies, and other entities—

- 11 (1) to assist in marketing a program;
- 12 (2) to facilitate consumer financing;
- 13 (3) to assist in implementation of the Home
- 14 Energy Savings Retrofit Rebate Program, including
- 15 installation of qualified home energy efficiency retro-
- 16 fits; and
- 17 (4) to assist in implementing quality assurance
- 18 programs.

19 (h) COORDINATION OF REBATE AND EXISTING
20 STATE-SPONSORED PROGRAMS.—

- 21 (1) IN GENERAL.—A State or Indian tribe
- 22 shall, to the maximum extent practicable, prevent
- 23 duplication through coordination of a program au-
- 24 thorized under this part with—

1 (A) the Energy Star appliance rebates pro-
2 gram authorized under the American Recovery
3 and Reinvestment Act of 2009 (Public Law
4 111–5; 123 Stat. 115); and

5 (B) comparable programs planned or oper-
6 ated by States, political subdivisions, electric
7 and natural gas utilities, Federal power mar-
8 keting administrations, and Indian tribes.

9 (2) EXISTING PROGRAMS.—In carrying out this
10 subsection, a State or Indian tribe shall—

11 (A) give priority to—

12 (i) comprehensive retrofit programs in
13 existence on the date of enactment of this
14 Act, including programs under the super-
15 vision of State utility regulators; and

16 (ii) using funds made available under
17 this part to enhance and extend existing
18 programs; and

19 (B) seek to enhance and extend existing
20 programs by coordinating with administrators
21 of the programs.

22 **SEC. 32710. QUALITY ASSURANCE PROGRAM.**

23 (a) PLAN.—As part of a grant application described
24 in section 32709(b), a State or Indian tribe shall submit
25 to the Secretary a plan to implement a quality assurance

1 program that covers all federally assisted residential effi-
2 ciency retrofit work administered, supervised, or spon-
3 sored by the State or Indian tribe.

4 (b) IMPLEMENTATION.—The State or Indian tribe
5 shall—

6 (1) develop a quality assurance program in con-
7 sultation with industry stakeholders, including rep-
8 resentatives of efficiency program managers, con-
9 tractors, and environmental, energy efficiency, and
10 labor organizations; and

11 (2) implement the quality assurance program
12 not later than 180 days after receipt of a grant
13 under section 32709.

14 (c) COMPONENTS.—The quality assurance program
15 established under this section shall include—

16 (1) maintenance of a list of qualified contrac-
17 tors authorized to perform such retrofit work as de-
18 scribed in section 32704; and

19 (2) nonbinding targets and realistic plans for—

20 (A) the recruitment of small minority-
21 owned or women-owned business enterprises;
22 and

23 (B) the employment of graduates of train-
24 ing programs that primarily serve low-income
25 populations with a median income that is below

1 200 percent of the poverty line (as defined in
2 section 673(2) of the Community Services
3 Block Grant Act (42 U.S.C. 9902(2)), including
4 any revision required by that section) by par-
5 ticipating contractors.

6 (d) NONCOMPLIANCE.—If the Secretary determines
7 that a State or Indian tribe has not taken the steps re-
8 quired under this section, the Secretary shall provide to
9 the State or Indian tribe a period of at least 90 days to
10 comply before suspending the participation of the State
11 or Indian tribe in the program.

12 **SEC. 32711. EVALUATION REPORT TO CONGRESS.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act and annually thereafter, the
15 Secretary shall submit to the Committee on Energy and
16 Natural Resources of the Senate and the Committee on
17 Energy and Commerce of the House of Representatives
18 a report on the use of funds under this part.

19 (b) CONTENTS.—The report submitted under sub-
20 section (a) shall evaluate—

21 (1) how many eligible participants have partici-
22 pated in the Program;

23 (2) how many jobs have been created through
24 the Program, directly and indirectly;

1 (3) what steps could be taken to promote fur-
2 ther deployment of energy efficiency and renewable
3 energy retrofits;

4 (4) the quantity of verifiable energy savings,
5 homeowner energy bill savings, and other benefits of
6 the Program;

7 (5) any waste, fraud, or abuse with respect to
8 such funds; and

9 (6) any other information the Secretary con-
10 siders appropriate.

11 (c) NONCOMPLIANCE.—The Secretary shall require
12 rebate aggregators, States, and Indian tribes to provide
13 the information required to enable the Secretary to carry
14 out this section. If the Secretary determines that a rebate
15 aggregator, State, or Indian tribe has not provided such
16 information on a timely basis, the Secretary shall provide
17 to the rebate aggregator, State, or Indian tribe a period
18 of at least 90 days to provide any necessary information,
19 subject to withholding of funds or reduction of future
20 grant amounts, or decertification of rebate aggregators.

21 **SEC. 32712. ADMINISTRATION.**

22 (a) IN GENERAL.—Subject to section 32715(b), not
23 later than 30 days after the date of enactment of this Act,
24 the Secretary shall provide such administrative and tech-

1 nical support to rebate aggregators, States, and Indian
2 tribes as is necessary to carry out this part.

3 (b) APPOINTMENT OF PERSONNEL.—Notwith-
4 standing the provisions of title 5, United States Code, gov-
5 erning appointments in the competitive service and Gen-
6 eral Schedule classifications and pay rates, the Secretary
7 may appoint such professional and administrative per-
8 sonnel as the Secretary considers necessary to carry out
9 this part.

10 (c) RATE OF PAY.—The rate of pay for a person ap-
11 pointed under subsection (b) shall not exceed the max-
12 imum rate payable for GS–15 of the General Schedule
13 under chapter 53 of title 5, United States Code.

14 (d) INFORMATION COLLECTION.—The Secretary
15 shall establish, and make available to a homeowner, or the
16 homeowner’s designated representative, seeking a rebate
17 under this part, release forms authorizing access by the
18 Secretary, or a designated third-party representative to in-
19 formation in the utility bills of the homeowner. The form
20 shall not include personal identifying information such as
21 name, address, social security number or other identifying
22 information as defined by the Secretary.

1 **SEC. 32713. TREATMENT OF REBATES.**

2 (a) IN GENERAL.—For purposes of the Internal Rev-
3 enue Code of 1986, rebates received for a qualified home
4 energy efficiency retrofit under this part—

5 (1) shall not be considered taxable income to a
6 homeowner; and

7 (2) shall prohibit the consumer from applying
8 for a tax credit allowed under section 25C or 25D
9 of that Code for the same retrofit work performed
10 in the home of the homeowner. If the work is addi-
11 tional, and not included in the rebate baseline, a
12 homeowner may claim the credit.

13 (b) NOTICE.—

14 (1) IN GENERAL.—A participating contractor
15 shall provide notice to a homeowner of the provisions
16 of subsection (a) before eligible work is performed in
17 the home of the homeowner.

18 (2) NOTICE IN REBATE FORM.—A homeowner
19 shall be notified of the provisions of subsection (a)
20 in the appropriate rebate form developed by the Sec-
21 retary, in consultation with the Secretary of the
22 Treasury.

23 **SEC. 32714. PENALTIES.**

24 (a) IN GENERAL.—It shall be unlawful for any per-
25 son to violate this part (including any regulation issued

1 under this part), other than a violation as the result of
2 a clerical error.

3 (b) CIVIL PENALTY.—In addition to any penalty ap-
4 plicable under other Federal law for fraud or other crimes,
5 any person who commits a violation of this part shall be
6 liable to the United States for a civil penalty in an amount
7 that is not more than the higher of—

8 (1) \$15,000 for each violation; or

9 (2) 3 times the value of any associated rebate
10 under this part.

11 (c) ADMINISTRATION.—The Secretary may—

12 (1) assess and compromise a penalty imposed
13 under subsection (b); and

14 (2) require from any entity the records and in-
15 spections necessary to enforce this part.

16 **SEC. 32715. FUNDING.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There are authorized to be
19 appropriated to the Secretary to carry out this part
20 \$250,000,000 for each of fiscal years 2020 through
21 2024, to remain available until expended.

22 (2) MAINTENANCE OF FUNDING.—Funds pro-
23 vided under this section shall supplement and not
24 supplant any Federal and State funding provided to

1 carry out energy efficiency programs in existence on
2 the date of enactment of this Act.

3 (b) GRANTS TO STATES.—

4 (1) IN GENERAL.—Of the amounts provided
5 under subsection (a), not more than 6 percent shall
6 be used to carry out section 32709.

7 (2) DISTRIBUTION TO STATE ENERGY OF-
8 FICES.—Not later than 45 days after the date of en-
9 actment of this Act, the Secretary shall determine a
10 formula to provide funds described in paragraph (1)
11 to State energy offices, in accordance with the allo-
12 cation formula for State energy conservation plans
13 established under part D of title III of the Energy
14 Policy and Conservation Act (42 U.S.C. 6321 et
15 seq.).

16 (c) TRACKING OF REBATES AND EXPENDITURES.—
17 Of the amount provided under subsection (a), not more
18 than 2.5 percent are authorized to be appropriated to the
19 Secretary to be used for costs associated with tracking re-
20 bates and expenditures through the Federal Rebate Proc-
21 essing System under this part, technical assistance to
22 States, and related administrative costs incurred by the
23 Secretary.

24 (d) PROGRAM REVIEW AND BACKSTOP FUNDING.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall perform a State-by-State analysis and
4 review the distribution of rebates under this part.

5 (2) ADJUSTMENT.—The Secretary may allocate
6 technical assistance funding to assist States that
7 have not sufficiently benefitted from the Home En-
8 ergy Savings Retrofit Rebate Program.

9 **SEC. 32716. PILOT PROGRAM.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of this part, the Secretary shall establish
13 a Residential Energy Efficiency Pay for Perform-
14 ance pilot program for States to encourage the use
15 of measured energy savings, and financial payments
16 for those energy savings, in the operation of residen-
17 tial energy efficiency programs.

18 (2) CRITERIA.—Not later than 180 days after
19 the date of enactment of this Act, the Secretary
20 shall provide common measurement criteria, devel-
21 oped with input from home performance industry
22 stakeholders, to ensure comparability among pro-
23 grams but allow flexibility in program design.

24 (b) GRANTS.—In carrying out the pilot program es-
25 tablished under this section, the Secretary shall provide,

1 on a competitive basis, grants to not less than 5 State
2 energy offices.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—For fis-
4 cal year 2020, there are authorized to be appropriated to
5 carry out this section \$100,000,000.

6 (d) DEFINITION.—In this section, the term “State
7 energy office” means the office or agency of a State re-
8 sponsible for developing the State energy plan for the
9 State under section 362 of the Energy Policy and Con-
10 servation Act (42 U.S.C. 6322).

11 **Subtitle C—Energy Supply** 12 **Infrastructure**

13 **PART 1—LOW-INCOME SOLAR**

14 **SEC. 33101. SHORT TITLE.**

15 This part may be cited as the “Low-Income Solar Act
16 of 2019”.

17 **SEC. 33102. LOAN AND GRANT PROGRAM FOR SOLAR IN-** 18 **STALLATIONS IN LOW-INCOME AND UNDER-** 19 **SERVED AREAS.**

20 (a) DEFINITIONS.—In this section:

21 (1) ADMINISTRATIVE EXPENSES.—The term
22 “administrative expenses” has such meaning as may
23 be established by the Secretary.

24 (2) COMMUNITY SOLAR FACILITY.—The term
25 “community solar facility” means a photovoltaic

1 solar electricity generating facility that, as deter-
2 mined by the Secretary—

3 (A) through a voluntary program, provides
4 electric power or financial benefit to, or is
5 owned by, multiple community members;

6 (B) has a nameplate rating of 2 megawatts
7 or less;

8 (C) is located in or near a community of
9 subscribers; and

10 (D) the owner or operator of which re-
11 serves not less than 25 percent of the quantity
12 of electricity generated by the facility for low-
13 income households that are subscribers to the
14 facility.

15 (3) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means—

17 (A) a low-income household;

18 (B) a unit of State, territorial, or local
19 government;

20 (C) an Indian Tribe;

21 (D) a Native Hawaiian community-based
22 organization;

23 (E) any other national or regional entity
24 that—

1 (i) deploys a safe, high-quality photo-
 2 voltaic solar electricity generating facility
 3 for consumers under a model that maxi-
 4 mizes energy savings to those consumers;
 5 and

6 (ii) has experience, as determined by
 7 the Secretary, installing solar systems
 8 using a job training or community volun-
 9 teer-based installation model; and

10 (F) for the loan program only, in addition
 11 to entities described in subparagraphs (A)
 12 through (E), a private entity that—

13 (i) deploys a safe, high-quality photo-
 14 voltaic solar electricity generating facility
 15 for consumers under a model that maxi-
 16 mizes energy savings to those consumers;
 17 and

18 (ii) will install solar systems using a
 19 job training installation model.

20 (4) GRANT-ELIGIBLE HOUSEHOLD.—The term
 21 “grant-eligible household” means a low-income
 22 household the members of which reside in an owner-
 23 occupied home.

24 (5) INDIAN TRIBE.—The term “Indian Tribe”
 25 means any Indian Tribe, band, nation, or other or-

1 ganized group or community, including any Alaska
2 Native village, Regional Corporation, or Village Cor-
3 poration (as defined in, or established pursuant to,
4 the Alaska Native Claims Settlement Act (43 U.S.C.
5 1601 et seq.)), that is recognized as eligible for the
6 special programs and services provided by the
7 United States to Indians because of their status as
8 Indians.

9 (6) LOW-INCOME HOUSEHOLD.—The term
10 “low-income household” means a household with an
11 income equal to 80 percent or less of the applicable
12 area median income, as defined for the applicable
13 year by the Secretary of Housing and Urban Devel-
14 opment.

15 (7) MULTI-FAMILY AFFORDABLE HOUSING.—
16 The term “multi-family affordable housing” means
17 any federally subsidized affordable housing complex
18 in which at least 50 percent of the units are reserved
19 for low-income households.

20 (8) NATIVE HAWAIIAN COMMUNITY-BASED OR-
21 GANIZATION.—The term “Native Hawaiian commu-
22 nity-based organization” means any organization
23 that is composed primarily of Native Hawaiians
24 from a specific community and that assists in the

1 social, cultural, and educational development of Na-
2 tive Hawaiians in that community.

3 (9) PHOTOVOLTAIC SOLAR ELECTRICITY GEN-
4 ERATING FACILITY.—The term “photovoltaic solar
5 electricity generating facility” means—

6 (A) a generator that creates electricity
7 from light photons; and

8 (B) the accompanying hardware enabling
9 that electricity to flow—

10 (i) onto the electric grid; or

11 (ii) into an energy storage device.

12 (10) SECRETARY.—The term “Secretary”
13 means the Secretary of Energy.

14 (11) SUBSCRIBER.—The term “subscriber”
15 means an electricity consumer who owns a subscrip-
16 tion, or an equivalent unit or share of the capacity
17 or generation, of a community solar facility.

18 (12) SUBSCRIPTION.—The term “subscription”
19 means a share in the capacity, or a proportional in-
20 terest in the solar electricity generation, of a com-
21 munity solar facility.

22 (13) UNDERSERVED AREA.—The term “under-
23 served area” means—

1 (A) a geographical area with low or no
2 photovoltaic solar deployment, as determined by
3 the Secretary; or

4 (B) trust land, as defined in section 3765
5 of title 38, United States Code.

6 (b) ESTABLISHMENT OF LOAN AND GRANT PRO-
7 GRAM.—

8 (1) IN GENERAL.—The Secretary shall establish
9 a program under which the Secretary shall provide
10 loans and grants to eligible entities for use in ac-
11 cordance with this section.

12 (2) FUNDING.—

13 (A) IN GENERAL.—Subject to the avail-
14 ability of appropriations, the Secretary shall
15 make grants and issue loans in accordance with
16 this subsection.

17 (B) LOANS.—Not more than 50 percent of
18 funds made available pursuant to subparagraph
19 (A) for a fiscal year shall be used to provide
20 loans to eligible entities for—

21 (i) construction or installation of com-
22 munity solar facilities; or

23 (ii) construction or installation of pho-
24 tovoltaic solar electricity generating facili-

1 ties to serve multi-family affordable hous-
2 ing.

3 (C) GRANTS.—After allocating amounts to
4 carry out subparagraph (B), the Secretary shall
5 use the remaining funds made available pursu-
6 ant to subparagraph (A) for a fiscal year to
7 provide grants to eligible entities for eligible
8 uses described in subsection (e).

9 (3) GOALS AND ACCOUNTABILITY.—In pro-
10 viding loans and grants under this subsection, the
11 Secretary shall take such actions as may be nec-
12 essary to ensure that—

13 (A) the assistance provided under this sub-
14 section is used to facilitate and encourage inno-
15 vative solar installation and financing models,
16 under which the recipients develop and install
17 photovoltaic solar electricity generating facilities
18 that provide significant savings to low-income
19 households while providing job training or com-
20 munity engagement opportunities with respect
21 to each solar system installed;

22 (B) the photovoltaic solar electricity gener-
23 ating facilities installed using assistance pro-
24 vided under this subsection are safe, high-qual-

1 ity systems that comply with local building and
2 safety codes and standards;

3 (C) the program under this section estab-
4 lishes and fosters a partnership between the
5 Federal Government and eligible entities, re-
6 sulting in efficient development of solar installa-
7 tions with—

8 (i) minimal governmental intervention;

9 (ii) limited governmental regulation;

10 and

11 (iii) significant involvement by non-
12 profit and private entities;

13 (D) photovoltaic solar electricity generating
14 facilities installed using assistance provided
15 under this subsection—

16 (i) include job training and commu-
17 nity participation to the extent practicable;

18 and

19 (ii) may include community participa-
20 tion in which job trainees and volunteers
21 assist in the development of solar projects;

22 (E) assistance provided under this sub-
23 section prioritizes development in underserved
24 areas;

(F) photovoltaic solar electricity generating facilities are developed using assistance provided under this subsection on a geographically diverse basis among the eligible entities; and

(G) to the maximum extent practicable, solar installation activities for which assistance is provided under this section leverage, or connect grant-eligible households to, federally or locally subsidized weatherization and energy efficiency efforts that meet or exceed local energy efficiency standards.

(c) NATIONAL COMPETITION.—

(1) IN GENERAL.—The Secretary shall select eligible entities to receive loans or grants under this section through a nationwide competitive process, to be established by the Secretary.

(2) APPLICATIONS.—To be eligible to receive a loan or grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) REQUIREMENTS.—In selecting eligible entities to receive loans or grants under this section, the Secretary shall, at a minimum—

(A) require that the eligible entity—

1 (i) enter into a grant or loan agree-
2 ment, as applicable, under subsection (d);
3 and

4 (ii) has obtained financial commit-
5 ments (or has demonstrated the capacity
6 to obtain financial commitments) necessary
7 to comply with that agreement;

8 (B) ensure that loans and grants are pro-
9 vided, and amounts are used, in a manner that
10 results in geographical diversity throughout the
11 United States and within States, territories,
12 and Indian tribal land among photovoltaic solar
13 electricity generating facilities installed using
14 the assistance provided under this section;

15 (C) to the maximum extent practicable, ex-
16 pand photovoltaic solar energy availability to—

17 (i) geographical areas, throughout the
18 United States and within States, terri-
19 tories, and Indian tribal land, with—

20 (I) low photovoltaic solar pene-
21 tration; or

22 (II) areas with a higher cost bur-
23 den with respect to the deployment or
24 installation of photovoltaic solar elec-
25 tricity generating facilities;

- 1 (ii) rural areas;
- 2 (iii) Indian tribes; and
- 3 (iv) other underserved areas, including
- 4 Appalachian and Alaska Native commu-
- 5 nities;

6 (D) take into account the warranty period
7 and quality of the applicable photovoltaic solar
8 electricity generating facility equipment and any
9 necessary interconnecting equipment; and

10 (E) ensure all calculations for estimated
11 household energy savings are based solely on
12 electricity offsets from the photovoltaic solar
13 electricity generating facilities.

14 (d) LOAN AND GRANT AGREEMENTS.—

15 (1) IN GENERAL.—As a condition of receiving a
16 loan or grant under this section, an eligible entity
17 shall enter into a loan or grant agreement, as appli-
18 cable, with the Secretary.

19 (2) REQUIREMENTS.—A loan or grant agree-
20 ment under this subsection shall—

21 (A) require the Secretary to rescind any
22 amounts provided to the eligible entity that are
23 not used during the 2-year period beginning on
24 the date on which the amounts are initially dis-
25 tributed to the eligible entity, except in any case

1 in which the eligible entity has demonstrated to
2 the satisfaction of the Secretary that a longer
3 period, not to exceed 3 years after the date of
4 initial distribution, is necessary to deliver pro-
5 posed services;

6 (B) for a loan provided under this section,
7 establish—

8 (i) an interest rate equal to the then-
9 current cost of funds to the Department of
10 the Treasury for obligations of comparable
11 maturity to the loan; and

12 (ii) a payout time that maximizes the
13 savings to subscribers during the effective
14 period of the agreement; and

15 (C) contain such other terms as the Sec-
16 retary may require to ensure compliance with
17 the requirements of this section.

18 (e) USE.—An eligible entity shall use a loan or grant
19 provided under this section only for the following activi-
20 ties, for the purpose of developing new photovoltaic solar
21 electricity generating facilities in the United States for
22 low-income households and individuals who otherwise
23 would likely be unable to afford or purchase photovoltaic
24 solar electricity generating facilities:

1 (1) PHOTOVOLTAIC SOLAR EQUIPMENT AND IN-
2 STALLATION.—To pay the costs of—

3 (A) photovoltaic solar equipment and stor-
4 age and all hardware or software components
5 relating to safely producing, monitoring, and
6 connecting the system to the electric grid or on-
7 site storage; and

8 (B) installation, including all direct labor
9 costs associated with installing the photovoltaic
10 solar equipment and storage.

11 (2) JOB TRAINING.—To fund onsite job train-
12 ing and community or volunteer engagement, includ-
13 ing—

14 (A) job training costs directly associated
15 with the solar projects funded under this sec-
16 tion; and

17 (B) job training opportunities that may
18 cover the full range of the solar value chain,
19 such as marketing and outreach, customer ac-
20 quisition, system design, and installation posi-
21 tions.

22 (3) DEPLOYMENT SUPPORT.—To fund entities
23 that have a demonstrated ability, as determined by
24 the Secretary—

1 (A) to advise State and local entities re-
2 garding low-income solar policy, regulatory, and
3 program design to continue and expand the
4 work of the entities;

5 (B) to foster community outreach and edu-
6 cation regarding the benefits of photovoltaic
7 solar energy for low-income and disadvantaged
8 communities; or

9 (C) to provide apprenticeship program op-
10 portunities registered and approved by—

11 (i) the Office of Apprenticeship of the
12 Department of Labor pursuant to part 29
13 of title 29, Code of Federal Regulations (or
14 successor regulations); or

15 (ii) a State Apprenticeship Agency
16 recognized by that Office.

17 (4) ADMINISTRATION.—To pay the administra-
18 tive expenses of the eligible entity, including
19 preproject feasibility efforts, associated with deliv-
20 ering proposed services, subject to the requirement
21 that not more than 15 percent of the total amount
22 of the assistance provided to the eligible entity under
23 this section may be used for administrative expenses.

24 (f) COMPLIANCE.—

1 (1) RECORDS AND AUDITS.—During the period
2 beginning on the date of initial distribution to an eli-
3 gible entity of a loan or grant under this section and
4 ending on the termination date of the loan or grant
5 under subsection (g), the eligible entity shall main-
6 tain such records and adopt such administrative
7 practices as the Secretary may require to ensure
8 compliance with the requirements of this section and
9 the applicable loan or grant agreement.

10 (2) DETERMINATION BY SECRETARY.—If the
11 Secretary determines that an eligible entity that re-
12 ceives a grant or loan under this section has not,
13 during the 2-year period beginning on the date of
14 initial distribution to the eligible entity of the assist-
15 ance (or such longer period as is established under
16 subsection (d)(2)(B)), substantially fulfilled the obli-
17 gations of the eligible entity under the applicable
18 loan or grant agreement, the Secretary shall—

19 (A) rescind the balance of any funds dis-
20 tributed to, but not used by, the eligible entity
21 under this section; and

22 (B) use those amounts to provide other
23 loans or grants in accordance with this section.

24 (g) TERMINATION.—The Secretary shall terminate a
25 loan or grant provided under this section on a determina-

tion that the total amount of the loan or grant (excluding any interest, fees, and other earnings of the loan or grant) has been—

- (1) fully expended by the eligible entity; or
- (2) returned to the Secretary.

(h) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section, to take effect on the date of promulgation.

(i) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section \$200,000,000 for each of fiscal years 2020 through 2024, to remain available until expended.

PART 2—SAFE, AFFORDABLE, AND ENVIRONMENTALLY SOUND NATURAL GAS DISTRIBUTION

SEC. 33201. IMPROVING THE NATURAL GAS DISTRIBUTION SYSTEM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a program to award grants to States, in accordance with this section, for the purpose of providing incentives for natural gas distribution companies to improve the public safety and environmental performance of the natural gas distribution system.

1 (b) GRANTS TO STATES.—

2 (1) IN GENERAL.—A State may apply for a
3 grant under this section to provide funds to natural
4 gas distribution companies in the State that are car-
5 rying out an eligible project.

6 (2) REQUIREMENTS.—In applying for a grant
7 under this section, a State shall demonstrate how
8 the State rate-setting program will ensure that
9 funds provided to natural gas distribution companies
10 under this section are used in accordance with the
11 requirements of this section.

12 (c) ELIGIBLE PROJECTS.—A project that is eligible
13 to be funded through a grant to a State under this section
14 is a project carried out by a natural gas distribution com-
15 pany to accelerate, expand, or enhance the implementation
16 of a plan approved by the State before the date of enact-
17 ment of this section for—

18 (1) replacement of cast and wrought iron and
19 bare steel pipes and other leak-prone components of
20 the natural gas distribution system; or

21 (2) inspection and maintenance programs for
22 the natural gas distribution system.

23 (d) RATE ASSISTANCE.—A natural gas distribution
24 company receiving funds through a grant to a State under
25 this section may use such funds only to offset the near-

1 term incremental costs, as reflected in rate increases to
2 low-income households, of the eligible project.

3 (e) LIMIT TO TRANSITIONAL ASSISTANCE.—A State
4 may provide funds to a natural gas distribution company
5 under this section for a period not to exceed 4 years.

6 (f) PRIORITIZATION.—In awarding grants under this
7 section, the Secretary shall prioritize applications based
8 on the expected results of the State proposal with respect
9 to—

- 10 (1) quantifiable benefits for public safety;
- 11 (2) the magnitude of methane emissions reduc-
- 12 tions;
- 13 (3) innovation in technical or policy approaches;
- 14 (4) the number of low-income households antici-
- 15 pated to benefit from the assistance; and
- 16 (5) overall cost-effectiveness.

17 (g) AUDITING AND REPORTING REQUIREMENTS.—
18 The Secretary shall establish auditing and reporting re-
19 quirements for States with respect to grants awarded
20 under this section.

21 (h) DEFINITIONS.—In this section:

- 22 (1) LOW-INCOME HOUSEHOLD.—The term
23 “low-income household” means a household that is
24 eligible to receive payments under section 2605(b)(2)

1 of the Low-Income Home Energy Assistance Act of
2 1981 (42 U.S.C. 8624(b)(2)).

3 (2) NATURAL GAS DISTRIBUTION COMPANY.—

4 The term “natural gas distribution company” means
5 a person or municipality engaged in the local dis-
6 tribution of natural gas to the public.

7 (3) NATURAL GAS DISTRIBUTION SYSTEM.—

8 The term “natural gas distribution system” means
9 the facilities used for the local distribution of nat-
10 ural gas.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary to carry
13 out this section \$150,000,000 per fiscal year, with the
14 total amount not to exceed \$1,500,000,000.

15 **PART 3—CLEAN DISTRIBUTED ENERGY**

16 **PROGRAM**

17 **SEC. 33301. SHORT TITLE.**

18 This part may be cited as the “Local Energy Supply
19 and Resiliency Act of 2019”.

20 **SEC. 33302. DEFINITIONS.**

21 In this part:

22 (1) COMBINED HEAT AND POWER SYSTEM.—

23 The term “combined heat and power system” means
24 generation of electric energy and heat in a single, in-
25 tegrated system that meets the efficiency criteria in

1 clauses (ii) and (iii) of section 48(c)(3)(A) of the In-
2 ternal Revenue Code of 1986, under which heat that
3 is conventionally rejected is recovered and used to
4 meet thermal energy requirements.

5 (2) DEMAND RESPONSE.—The term “demand
6 response” means changes in electric usage by elec-
7 tric utility customers from the normal consumption
8 patterns of the customers in response to—

9 (A) changes in the price of electricity over
10 time; or

11 (B) incentive payments designed to induce
12 lower electricity use at times of high wholesale
13 market prices or when system reliability is jeop-
14 ardized.

15 (3) DISTRIBUTED ENERGY.—The term “distrib-
16 uted energy” means energy sources and systems
17 that—

18 (A) produce electric or thermal energy
19 close to the point of use using renewable energy
20 resources or waste thermal energy;

21 (B) generate electricity using a combined
22 heat and power system;

23 (C) distribute electricity in microgrids;

24 (D) store electric or thermal energy; or

1 (E) distribute thermal energy or transfer
2 thermal energy to building heating and cooling
3 systems through a district energy system.

4 (4) DISTRICT ENERGY SYSTEM.—The term
5 “district energy system” means a system that pro-
6 vides thermal energy to buildings and other energy
7 consumers from one or more plants to individual
8 buildings to provide space heating, air conditioning,
9 domestic hot water, industrial process energy, and
10 other end uses.

11 (5) ISLANDING.—The term “islanding” means
12 a distributed generator or energy storage device con-
13 tinuing to power a location in the absence of electric
14 power from the primary source.

15 (6) LOAN.—The term “loan” has the meaning
16 given the term “direct loan” in section 502 of the
17 Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

18 (7) MICROGRID.—The term “microgrid” means
19 an integrated energy system consisting of inter-
20 connected loads and distributed energy resources, in-
21 cluding generators and energy storage devices, with-
22 in clearly defined electrical boundaries that—

23 (A) acts as a single controllable entity with
24 respect to the grid; and

1 (B) can connect and disconnect from the
2 grid to operate in both grid-connected mode
3 and island mode.

4 (8) RENEWABLE ENERGY RESOURCE.—The
5 term “renewable energy resource” includes—

6 (A) biomass;

7 (B) geothermal energy;

8 (C) hydropower;

9 (D) landfill gas;

10 (E) municipal solid waste;

11 (F) ocean (including tidal, wave, current,
12 and thermal) energy;

13 (G) organic waste;

14 (H) photosynthetic processes;

15 (I) photovoltaic energy;

16 (J) solar energy; and

17 (K) wind.

18 (9) RENEWABLE THERMAL ENERGY.—The term
19 “renewable thermal energy” means heating or cool-
20 ing energy derived from a renewable energy re-
21 source.

22 (10) SECRETARY.—The term “Secretary”
23 means the Secretary of Energy.

24 (11) THERMAL ENERGY.—The term “thermal
25 energy” means—

1 (A) heating energy in the form of hot
2 water or steam that is used to provide space
3 heating, domestic hot water, or process heat; or

4 (B) cooling energy in the form of chilled
5 water, ice, or other media that is used to pro-
6 vide air conditioning, or process cooling.

7 (12) WASTE THERMAL ENERGY.—The term
8 “waste thermal energy” means energy that—

9 (A) is contained in—

10 (i) exhaust gases, exhaust steam, con-
11 denser water, jacket cooling heat, or lubri-
12 cating oil in power generation systems;

13 (ii) exhaust heat, hot liquids, or flared
14 gas from any industrial process;

15 (iii) waste gas or industrial tail gas
16 that would otherwise be flared, incinerated,
17 or vented;

18 (iv) a pressure drop in any gas, ex-
19 cluding any pressure drop to a condenser
20 that subsequently vents the resulting heat;

21 (v) condenser water from chilled water
22 or refrigeration plants; or

23 (vi) any other form of waste energy,
24 as determined by the Secretary; and

1 (B)(i) in the case of an existing facility, is
2 not being used; or

3 (ii) in the case of a new facility, is not con-
4 ventionally used in comparable systems.

5 **SEC. 33303. DISTRIBUTED ENERGY LOAN PROGRAM.**

6 (a) LOAN PROGRAM.—

7 (1) IN GENERAL.—Subject to the provisions of
8 this subsection and subsections (b) and (c), the Sec-
9 retary shall establish a program to provide to eligible
10 entities—

11 (A) loans for the deployment of distributed
12 energy systems in a specific project; and

13 (B) loans to provide funding for programs
14 to finance the deployment of multiple distrib-
15 uted energy systems through a revolving loan
16 fund, credit enhancement program, or other fi-
17 nancial assistance program.

18 (2) ELIGIBILITY.—Entities eligible to receive a
19 loan under paragraph (1) include—

20 (A) a State, territory, or possession of the
21 United States;

22 (B) a State energy office;

23 (C) a tribal organization (as defined in sec-
24 tion 4 of the Indian Self-Determination and
25 Education Assistance Act (25 U.S.C. 5304));

1 (D) an institution of higher education (as
2 defined in section 101 of the Higher Education
3 Act of 1965 (20 U.S.C. 1001)); and

4 (E) an electric utility, including—

5 (i) a rural electric cooperative;

6 (ii) a municipally owned electric util-
7 ity; and

8 (iii) an investor-owned utility.

9 (3) SELECTION REQUIREMENTS.—In selecting
10 eligible entities to receive loans under this section,
11 the Secretary shall, to the maximum extent prac-
12 ticable, ensure—

13 (A) regional diversity among eligible enti-
14 ties to receive loans under this section, includ-
15 ing participation by rural States and small
16 States; and

17 (B) that specific projects selected for
18 loans—

19 (i) expand on the existing technology
20 deployment program of the Department of
21 Energy; and

22 (ii) are designed to achieve one or
23 more of the objectives described in para-
24 graph (4).

1 (4) OBJECTIVES.—Each deployment selected
2 for a loan under paragraph (1) shall promote one or
3 more of the following objectives:

4 (A) Improved security and resiliency of en-
5 ergy supply in the event of disruptions caused
6 by extreme weather events, grid equipment or
7 software failure, or terrorist acts.

8 (B) Implementation of distributed energy
9 in order to increase use of local renewable en-
10 ergy resources and waste thermal energy
11 sources.

12 (C) Enhanced feasibility of microgrids, de-
13 mand response, or islanding.

14 (D) Enhanced management of peak loads
15 for consumers and the grid.

16 (E) Enhanced reliability in rural areas, in-
17 cluding high energy cost rural areas.

18 (5) RESTRICTION ON USE OF FUNDS.—Any eli-
19 gible entity that receives a loan under paragraph (1)
20 may only use the loan to fund programs relating to
21 the deployment of distributed energy systems.

22 (b) LOAN TERMS AND CONDITIONS.—

23 (1) TERMS AND CONDITIONS.—Notwithstanding
24 any other provision of law, in providing a loan under
25 this section, the Secretary shall provide the loan on

1 such terms and conditions as the Secretary deter-
2 mines, after consultation with the Secretary of the
3 Treasury, in accordance with this section.

4 (2) SPECIFIC APPROPRIATION.—No loan shall
5 be made unless an appropriation for the full amount
6 of the loan has been specifically provided for that
7 purpose.

8 (3) REPAYMENT.—No loan shall be made un-
9 less the Secretary determines that there is reason-
10 able prospect of repayment of the principal and in-
11 terest by the borrower of the loan.

12 (4) INTEREST RATE.—A loan provided under
13 this section shall bear interest at a fixed rate that
14 is equal or approximately equal, in the determination
15 of the Secretary, to the interest rate for Treasury
16 securities of comparable maturity.

17 (5) TERM.—The term of the loan shall require
18 full repayment over a period not to exceed the lesser
19 of—

20 (A) 20 years; or

21 (B) 90 percent of the projected useful life
22 of the physical asset to be financed by the loan
23 (as determined by the Secretary).

24 (6) USE OF PAYMENTS.—Payments of principal
25 and interest on the loan shall—

1 (A) be retained by the Secretary to support
2 energy research and development activities; and

3 (B) remain available until expended, sub-
4 ject to such conditions as are contained in an-
5 nual appropriations Acts.

6 (7) NO PENALTY ON EARLY REPAYMENT.—The
7 Secretary may not assess any penalty for early re-
8 payment of a loan provided under this section.

9 (8) RETURN OF UNUSED PORTION.—In order to
10 receive a loan under this section, an eligible entity
11 shall agree to return to the general fund of the
12 Treasury any portion of the loan amount that is un-
13 used by the eligible entity within a reasonable period
14 of time after the date of the disbursement of the
15 loan, as determined by the Secretary.

16 (9) COMPARABLE WAGE RATES.—Each laborer
17 and mechanic employed by a contractor or subcon-
18 tractor in performance of construction work fi-
19 nanced, in whole or in part, by the loan shall be paid
20 wages at rates not less than the rates prevailing on
21 similar construction in the locality as determined by
22 the Secretary of Labor in accordance with sub-
23 chapter IV of chapter 31 of title 40, United States
24 Code.

1 (c) RULES AND PROCEDURES; DISBURSEMENT OF
2 LOANS.—

3 (1) RULES AND PROCEDURES.—Not later than
4 180 days after the date of enactment of this Act, the
5 Secretary shall adopt rules and procedures for car-
6 rying out the loan program under subsection (a).

7 (2) DISBURSEMENT OF LOANS.—Not later than
8 1 year after the date on which the rules and proce-
9 dures under paragraph (1) are established, the Sec-
10 retary shall disburse the initial loans provided under
11 this section.

12 (d) REPORTS.—Not later than 2 years after the date
13 of receipt of the loan, and annually thereafter for the term
14 of the loan, an eligible entity that receives a loan under
15 this section shall submit to the Secretary a report describ-
16 ing the performance of each program and activity carried
17 out using the loan, including itemized loan performance
18 data.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 such sums as are necessary.

22 **SEC. 33304. TECHNICAL ASSISTANCE AND GRANT PRO-**
23 **GRAM.**

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—The Secretary shall establish
2 a technical assistance and grant program (referred
3 to in this section as the “program”)—

4 (A) to disseminate information and provide
5 technical assistance directly to eligible entities
6 so the eligible entities can identify, evaluate,
7 plan, and design distributed energy systems;
8 and

9 (B) to make grants to eligible entities so
10 that the eligible entities may contract to obtain
11 technical assistance to identify, evaluate, plan,
12 and design distributed energy systems.

13 (2) TECHNICAL ASSISTANCE.—The technical
14 assistance described in paragraph (1) shall include
15 assistance with one or more of the following activi-
16 ties relating to distributed energy systems:

17 (A) Identification of opportunities to use
18 distributed energy systems.

19 (B) Assessment of technical and economic
20 characteristics.

21 (C) Utility interconnection.

22 (D) Permitting and siting issues.

23 (E) Business planning and financial anal-
24 ysis.

25 (F) Engineering design.

1 (3) INFORMATION DISSEMINATION.—The infor-
2 mation disseminated under paragraph (1)(A) shall
3 include—

4 (A) information relating to the topics de-
5 scribed in paragraph (2), including case studies
6 of successful examples;

7 (B) computer software and databases for
8 assessment, design, and operation and mainte-
9 nance of distributed energy systems; and

10 (C) public databases that track the oper-
11 ation and deployment of existing and planned
12 distributed energy systems.

13 (b) ELIGIBILITY.—Any nonprofit or for-profit entity
14 shall be eligible to receive technical assistance and grants
15 under the program.

16 (c) APPLICATIONS.—

17 (1) IN GENERAL.—An eligible entity desiring
18 technical assistance or grants under the program
19 shall submit to the Secretary an application at such
20 time, in such manner, and containing such informa-
21 tion as the Secretary may require.

22 (2) APPLICATION PROCESS.—The Secretary
23 shall seek applications for technical assistance and
24 grants under the program—

25 (A) on a competitive basis; and

1 (B) on a periodic basis, but not less fre-
2 quently than once every 12 months.

3 (3) PRIORITIES.—In selecting eligible entities
4 for technical assistance and grants under the pro-
5 gram, the Secretary shall give priority to eligible en-
6 tities with projects that have the greatest potential
7 for—

8 (A) facilitating the use of renewable energy
9 resources;

10 (B) strengthening the reliability and resil-
11 iency of energy infrastructure to the impact of
12 extreme weather events, power grid failures,
13 and interruptions in supply of fossil fuels;

14 (C) improving the feasibility of microgrids
15 or islanding, particularly in rural areas, includ-
16 ing high energy cost rural areas;

17 (D) minimizing environmental impact, in-
18 cluding regulated air pollutants and greenhouse
19 gas emissions; and

20 (E) maximizing local job creation.

21 (d) GRANTS.—On application by an eligible entity,
22 the Secretary may award grants to the eligible entity to
23 provide funds to cover not more than—

24 (1) 100 percent of the costs of the initial as-
25 sessment to identify opportunities;

1 (2) 75 percent of the cost of feasibility studies
2 to assess the potential for the implementation;

3 (3) 60 percent of the cost of guidance on over-
4 coming barriers to implementation, including finan-
5 cial, contracting, siting, and permitting issues; and

6 (4) 45 percent of the cost of detailed engineer-
7 ing.

8 (e) RULES AND PROCEDURES.—

9 (1) RULES.—Not later than 180 days after the
10 date of enactment of this Act, the Secretary shall
11 adopt rules and procedures for carrying out the pro-
12 gram.

13 (2) GRANTS.—Not later than 120 days after
14 the date of issuance of the rules and procedures for
15 the program, the Secretary shall issue grants under
16 this part.

17 (f) REPORTS.—The Secretary shall submit to Con-
18 gress and make available to the public—

19 (1) not less frequently than once every 2 years,
20 a report describing the performance of the program
21 under this section, including a synthesis and analysis
22 of the information provided in the reports submitted
23 to the Secretary under section 33303(d); and

24 (2) on termination of the program under this
25 section, an assessment of the success of, and edu-

1 cation provided by, the measures carried out by eli-
 2 gible entities during the term of the program.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
 4 authorized to be appropriated to carry out this section
 5 \$250,000,000 for the period of fiscal years 2020 through
 6 2024, to remain available until expended.

7 **PART 4—STRATEGIC PETROLEUM RESERVE**
 8 **IMPROVEMENTS**

9 **SEC. 33401. STRATEGIC PETROLEUM RESERVE IMPROVE-**
 10 **MENTS.**

11 There is authorized to be appropriated
 12 \$4,000,000,000, to remain available until expended, for
 13 capital improvements on, and maintenance of, the Stra-
 14 tegic Petroleum Reserve established under part B of title
 15 I of the Energy Policy and Conservation Act (42 U.S.C.
 16 6231 et seq.) to ensure that the Reserve is operated and
 17 maintained in an environmentally sound manner.

18 **PART 5—REFINED PRODUCT RESERVES**

19 **SEC. 33501. REFINED PRODUCT RESERVES.**

20 (a) REFINED PRODUCT RESERVES.—Title I of the
 21 Energy Policy and Conservation Act (42 U.S.C. 6201 et
 22 seq.) is amended by adding at the end the following:

23 **“PART E—REFINED PRODUCT RESERVES**

24 **“SEC. 191. DEFINITIONS.**

25 “In this part, the following definitions apply:

1 “(1) REFINED PETROLEUM PRODUCT.—The
2 term ‘refined petroleum product’ means gasoline and
3 such other products as the Secretary determines, by
4 rule, appropriate.

5 “(2) RESERVE.—The term ‘Reserve’ means—

6 “(A) the Northeast Gasoline Supply Re-
7 serve established under this part;

8 “(B) the Southeast Refined Product Re-
9 serve established under this part; or

10 “(C) any other regional refined petroleum
11 product supply reserve established under this
12 part.

13 “(3) NORTHEAST.—The term ‘Northeast’
14 means the States of New Jersey, New York,
15 Vermont, Pennsylvania, Connecticut, Rhode Island,
16 Massachusetts, Maine, New Hampshire, and any
17 other contiguous State that the Secretary determines
18 appropriate.

19 “(4) SOUTHEAST.—The term ‘Southeast’
20 means the States of North Carolina, South Carolina,
21 Georgia, Florida, Alabama, and any other contig-
22 uous State that the Secretary determines appro-
23 priate.

24 **“SEC. 192. ESTABLISHMENT.**

25 “(a) IN GENERAL.—The Secretary—

1 “(1) shall establish, maintain, and operate in
2 the Northeast a Northeast Gasoline Supply Reserve,
3 which shall be a component of the Strategic Petro-
4 leum Reserve established under part B of this title;

5 “(2) shall, by rule, establish, maintain, and op-
6 erate in the Southeast a Southeast Refined Product
7 Reserve, which shall be a component of the Strategic
8 Petroleum Reserve established under part B of this
9 title; and

10 “(3) may, by rule, establish, maintain, and op-
11 erate in any other region of the United States, a re-
12 gional refined petroleum product supply reserve,
13 which shall be a component of the Strategic Petro-
14 leum Reserve established under part B of this title.

15 “(b) LIMITATION.—A Reserve established under this
16 part shall contain no more than 1 million barrels of refined
17 petroleum products.

18 “(c) APPLICATION OF PROVISIONS.—Except as oth-
19 erwise provided in this part, the authorities and require-
20 ments of part B of this title shall apply to each Reserve.

21 **“SEC. 193. CONDITIONS FOR RELEASE; PLAN.**

22 “(a) SALE OF PRODUCTS.—The Secretary may sell
23 refined petroleum products from a Reserve upon a finding
24 by the President that there exists, or is likely to exist with-
25 in the next 30 days, a severe energy supply interruption.

1 Such a finding may be made only if the President deter-
2 mines that—

3 “(1) a dislocation in the refined petroleum
4 product market that will affect the region for which
5 the Reserve is established has resulted or is likely to
6 result from such interruption; or

7 “(2) a circumstance, other than that described
8 in paragraph (1), exists that constitutes a regional
9 shortage, of the refined petroleum product in the
10 Reserve, of significant scope and duration and that
11 action taken under this section would assist directly
12 and significantly in reducing the adverse impact of
13 such shortage.

14 “(b) RELEASE OF PETROLEUM.—After consultation
15 with potentially affected parties, the Secretary shall deter-
16 mine procedures governing the release of refined petro-
17 leum products from a Reserve. The procedures shall pro-
18 vide that—

19 “(1) the Secretary may—

20 “(A) sell refined petroleum products from
21 a Reserve through a competitive process; or

22 “(B) enter into exchange agreements for
23 the refined petroleum products that results in
24 the Secretary receiving a greater volume of such

1 products as repayment than the volume pro-
2 vided to the acquirer;

3 “(2) in all sales or exchanges described in para-
4 graph (1), the Secretary shall receive revenue or its
5 equivalent in refined petroleum products that pro-
6 vides the Department with fair market value;

7 “(3) at no time may refined petroleum products
8 be sold or exchanged resulting in a loss of revenue
9 or value to the United States; and

10 “(4) the Secretary shall only sell or dispose of
11 refined petroleum products in a Reserve to entities
12 customarily engaged in the sale and distribution of
13 such products.

14 “(c) PLAN.—Not later than 60 days after the date
15 of the enactment of this section, the Secretary shall trans-
16 mit to the President and, if the President approves, to
17 Congress a plan describing—

18 “(1) the proposed acquisition of storage and re-
19 lated facilities or storage services for the Northeast
20 Gasoline Supply Reserve and the Southeast Refined
21 Product Reserve, including the potential use of stor-
22 age facilities not currently in use;

23 “(2) the proposed acquisition of refined petro-
24 leum products for storage in such Reserves;

1 “(3) the anticipated methods of disposition of
2 refined petroleum products from such Reserves;

3 “(4) the estimated costs of establishment, main-
4 tenance, and operation of such Reserves;

5 “(5) efforts the Department will take to mini-
6 mize any potential need for future drawdowns and
7 ensure that distributors and importers are not dis-
8 couraged from maintaining and increasing supplies
9 to the Northeast and Southeast; and

10 “(6) actions to be taken to ensure quality of the
11 refined petroleum products in such Reserves.

12 **“SEC. 194. PRODUCTS FOR STORAGE IN A RESERVE.**

13 “(a) IN GENERAL.—The Secretary may acquire,
14 place in storage, transport, or exchange refined petroleum
15 products acquired by purchase or exchange.

16 “(b) OBJECTIVES.—The Secretary shall, to the great-
17 est extent practicable, acquire refined petroleum products
18 for a Reserve in a manner consonant with the following
19 objectives:

20 “(1) Minimization of the cost of the Reserve.

21 “(2) Minimization of the Nation’s vulnerability
22 to a severe energy supply interruption.

23 “(3) Minimization of the impact of an acquisi-
24 tion of refined petroleum products on supply levels
25 and market forces.

1 “(4) Encouragement of competition in the pe-
2 troleum industry.

3 “(c) PROCEDURES.—The Secretary shall develop,
4 with public notice and opportunity for comment, proce-
5 dures consistent with the objectives of this section to ac-
6 quire refined petroleum products for a Reserve. Such pro-
7 cedures shall take into account the need to—

8 “(1) maximize overall domestic supply of re-
9 fined petroleum products (including quantities stored
10 in private sector inventories);

11 “(2) avoid incurring excessive cost or appre-
12 ciably affecting the price of refined petroleum prod-
13 ucts to consumers;

14 “(3) minimize the costs to the Department of
15 Energy in acquiring such refined petroleum prod-
16 ucts;

17 “(4) protect national security;

18 “(5) avoid adversely affecting current and fu-
19 tures prices, supplies, and inventories of refined pe-
20 troleum products; and

21 “(6) address such other factors that the Sec-
22 retary determines to be appropriate.

23 “(d) SEVERE ENERGY SUPPLY DISRUPTION.—If the
24 Secretary finds that a severe energy supply interruption
25 may be imminent, the Secretary may suspend the acquisi-

tion of refined petroleum products for a Reserve and may sell any refined petroleum product acquired for, and in transit to, such Reserve.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—
The table of sections for title I of the Energy Policy and Conservation Act is amended by striking the items relating to the second part D, including section 181 of such part, and inserting the following:

“PART E—REFINED PRODUCT RESERVES

“Sec. 191. Definitions.

“Sec. 192. Establishment.

“Sec. 193. Conditions for release; plan.

“Sec. 194. Products for storage in a Reserve.”.

**PART 6—DEPARTMENT OF ENERGY OFFICE OF
INDIAN ENERGY**
**SEC. 33601. AMENDMENT TO REAUTHORIZE PROGRAMS TO
ASSIST INDIAN TRIBES.**

(a) **DEFINITION OF INDIAN LAND.**—Section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2)) is amended—

(1) in subparagraph (B)(iii), by striking “and”;

(2) in subparagraph (C), by striking “land.”

and inserting “land; and”; and

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

“(D) any land in a census tract in which the majority of the residents are Natives (as de-

1 fined in section 3(b) of the Alaska Native
 2 Claims Settlement Act (43 U.S.C. 1602(b))).”.

3 (b) REDUCTION OF COST SHARE.—Section
 4 2602(b)(5) of the Energy Policy Act of 1992 (25 U.S.C.
 5 3502(b)(5)) is amended by adding at the end the following
 6 subparagraph:

7 “(D) The Director may reduce any applicable
 8 cost share required of an Indian tribe in order to re-
 9 ceive a grant under this subsection to not less than
 10 10 percent if the Indian tribe meets criteria devel-
 11 oped by the Director, including financial need.”.

12 (c) AUTHORIZATION.—Section 2602(b)(7) of the En-
 13 ergy Policy Act of 1992 (25 U.S.C. 3502(b)(7)) is amend-
 14 ed by striking “\$20,000,000 for each of fiscal years 2006
 15 through 2016” and inserting “\$30,000,000 for each of fis-
 16 cal years 2020 through 2024”.

17 **Subtitle D—Smart Communities** 18 **Infrastructure**

19 **PART 1—SMART COMMUNITIES**

20 **SEC. 34101. 3C ENERGY PROGRAM.**

21 (a) ESTABLISHMENT.—The Secretary of Energy
 22 shall establish a program to be known as the Cities, Coun-
 23 ties, and Communities Energy Program (or the 3C Energy
 24 Program) to provide technical assistance and competitively
 25 awarded grants to local governments, public housing au-

1 thorities, nonprofit organizations, and other entities the
2 Secretary determines to be eligible, to incorporate clean
3 energy into community development and revitalization ef-
4 forts.

5 (b) BEST PRACTICE MODELS.—The Secretary of En-
6 ergy shall—

7 (1) provide a recipient of technical assistance or
8 a grant under the program established under sub-
9 section (a) with best practice models that are used
10 in jurisdictions of similar size and situation; and

11 (2) assist such recipient in developing and im-
12 plementing strategies to achieve its clean energy
13 technology goals.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 \$50,000,000 for each of fiscal years 2020 through 2024.

17 **SEC. 34102. FEDERAL TECHNOLOGY ASSISTANCE.**

18 (a) SMART CITY OR COMMUNITY ASSISTANCE PILOT
19 PROGRAM.—

20 (1) IN GENERAL.—The Secretary of Energy
21 shall develop and implement a pilot program under
22 which the Secretary shall contract with the national
23 laboratories to provide technical assistance to cities
24 and communities, to improve the access of such cit-
25 ies and communities to expertise, competencies, and

1 infrastructure of the national laboratories for the
2 purpose of promoting smart city or community tech-
3 nologies.

4 (2) PARTNERSHIPS.—In carrying out the pro-
5 gram under this subsection, the Secretary of Energy
6 shall prioritize assistance for cities and communities
7 that have partnered with small business concerns.

8 (b) TECHNOLOGIST IN RESIDENCE PILOT PRO-
9 GRAM.—

10 (1) IN GENERAL.—The Secretary of Energy
11 shall expand the Technologist in Residence pilot pro-
12 gram of the Department of Energy to include part-
13 nerships between national laboratories and local gov-
14 ernments with respect to research and development
15 relating to smart cities and communities.

16 (2) REQUIREMENTS.—For purposes of the part-
17 nerships entered into under paragraph (1), tech-
18 nologists in residence shall work with an assigned
19 unit of local government to develop an assessment of
20 smart city or community technologies available and
21 appropriate to meet the objectives of the city or
22 community, in consultation with private sector enti-
23 ties implementing smart city or community tech-
24 nologies.

1 (c) GUIDANCE.—The Secretary of Energy, in con-
2 sultation with the Secretary of Commerce, shall issue
3 guidance with respect to—

4 (1) the scope of the programs established and
5 implemented under subsections (a) and (b); and

6 (2) requests for proposals from local govern-
7 ments interested in participating in such programs.

8 (d) CONSIDERATIONS.—In establishing and imple-
9 menting the programs under subsections (a) and (b), the
10 Secretary of Energy shall seek to address the needs of
11 small- and medium-sized cities.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$20,000,000 for each of fiscal years 2020 through 2024.

15 **SEC. 34103. TECHNOLOGY DEMONSTRATION GRANT PRO-**
16 **GRAM.**

17 (a) IN GENERAL.—The Secretary of Commerce shall
18 establish a smart city or community regional demonstra-
19 tion grant program under which the Secretary shall con-
20 duct demonstration projects focused on advanced smart
21 city or community technologies and systems in a variety
22 of communities, including small- and medium-sized cities.

23 (b) GOALS.—The goals of the program established
24 under subsection (a) are—

25 (1) to demonstrate—

1 (A) potential benefits of concentrated in-
2 vestments in smart city or community tech-
3 nologies relating to public safety that are re-
4 peatable and scalable; and

5 (B) the efficiency, reliability, and resilience
6 of civic infrastructure and services;

7 (2) to facilitate the adoption of advanced smart
8 city or community technologies and systems; and

9 (3) to demonstrate protocols and standards that
10 allow for the measurement and validation of the cost
11 savings and performance improvements associated
12 with the installation and use of smart city or com-
13 munity technologies and practices.

14 (c) DEMONSTRATION PROJECTS.—

15 (1) ELIGIBILITY.—Subject to paragraph (2), a
16 unit of local government shall be eligible to receive
17 a grant for a demonstration project under this sec-
18 tion.

19 (2) COOPERATION.—To qualify for a dem-
20 onstration project under this section, a unit of local
21 government shall agree to follow applicable best
22 practices identified by the Secretary of Commerce
23 and the Secretary of Energy, in consultation with in-
24 dustry entities, to evaluate the effectiveness of the

1 implemented smart city or community technologies
2 to ensure that—

3 (A) technologies and interoperability can
4 be assessed;

5 (B) best practices can be shared; and

6 (C) data can be shared in a public, inter-
7 operable, and transparent format.

8 (3) FEDERAL SHARE OF COST OF TECHNOLOGY
9 INVESTMENTS.—The Secretary of Commerce—

10 (A) subject to subparagraph (B), shall pro-
11 vide to a unit of local government selected
12 under this section for the conduct of a dem-
13 onstration project a grant in an amount equal
14 to not more than 50 percent of the total cost
15 of technology investments to incorporate and
16 assess smart city or community technologies in
17 the applicable jurisdiction; but

18 (B) may waive the cost-share requirement
19 of subparagraph (A) as the Secretary deter-
20 mines to be appropriate.

21 (d) REQUIREMENT.—In conducting demonstration
22 projects under this section, the Secretary shall—

23 (1) develop competitive, technology-neutral re-
24 quirements;

1 (2) seek to leverage ongoing or existing civic in-
2 frastructure investments; and

3 (3) take into consideration the non-Federal cost
4 share as a competitive criterion in applicant selec-
5 tion in order to leverage non-Federal investment.

6 (e) PUBLIC AVAILABILITY OF DATA AND RE-
7 PORTS.—The Secretary of Commerce shall ensure that re-
8 ports, public data sets, schematics, diagrams, and other
9 works created using a grant provided under this section
10 are—

11 (1) available on a royalty-free, non-exclusive
12 basis; and

13 (2) open to the public to reproduce, publish, or
14 otherwise use, without cost.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out subsection
17 (c) \$100,000,000 for each of fiscal years 2020 through
18 2024.

19 **SEC. 34104. SMART CITY OR COMMUNITY.**

20 (a) IN GENERAL.—In this subtitle, the term “smart
21 city or community” means a community in which innova-
22 tive, advanced, and trustworthy information and commu-
23 nication technologies and related mechanisms are ap-
24 plied—

25 (1) to improve the quality of life for residents;

1 (2) to increase the efficiency and cost effective-
2 ness of civic operations and services;

3 (3) to promote economic growth; and

4 (4) to create a community that is safer and
5 more secure, sustainable, resilient, livable, and work-
6 able.

7 (b) INCLUSIONS.—The term “smart city or commu-
8 nity” includes a local jurisdiction that—

9 (1) gathers and incorporates data from sys-
10 tems, devices, and sensors embedded in civic systems
11 and infrastructure to improve the effectiveness and
12 efficiency of civic operations and services;

13 (2) aggregates and analyzes gathered data;

14 (3) communicates the analysis and data in a va-
15 riety of formats;

16 (4) makes corresponding improvements to civic
17 systems and services based on gathered data; and

18 (5) integrates measures—

19 (A) to ensure the resilience of civic systems
20 against cybersecurity threats and physical and
21 social vulnerabilities and breaches;

22 (B) to protect the private data of resi-
23 dents; and

1 (C) to measure the impact of smart city or
2 community technologies on the effectiveness and
3 efficiency of civic operations and services.

4 **PART 2—CLEAN CITIES COALITION PROGRAM**

5 **SEC. 34201. CLEAN CITIES COALITION NETWORK PROGRAM.**

6 (a) ESTABLISHMENT.—There is established within
7 the Department of Energy a program to be known as the
8 “Clean Cities Coalition Network”.

9 (b) PROJECTS AND ACTIVITIES.—Under the program
10 established in subsection (a), the Secretary and the Clean
11 Cities coalitions shall carry out projects and activities, to
12 improve air quality and reduce petroleum consumption in
13 the transportation sector, that—

14 (1) encourage the use of alternative fuel vehi-
15 cles and alternative fuels;

16 (2) expedite the establishment of regional and
17 national infrastructure to fuel alternative fuel vehi-
18 cles;

19 (3) reduce vehicle emissions; and

20 (4) promote fuel efficient technologies and traf-
21 fic management practices.

22 (c) PROGRAM ELEMENTS.—In carrying out the pro-
23 gram established in subsection (a) the Secretary shall—

24 (1) establish criteria for designating partner-
25 ships between State and local governments, institu-

1 tions of higher education, and private entities as
2 Clean Cities coalitions under the program;

3 (2) designate partnerships that the Secretary
4 determines meet the criteria established under para-
5 graph (1) as Clean Cities coalitions;

6 (3) make awards to Clean Cities coalitions that
7 provide matching funds—

8 (A) to support project-specific activities of
9 such coalitions; and

10 (B) to promote public education and
11 awareness of alternative fuel vehicles and alter-
12 native fuels;

13 (4) make awards to Clean Cities coalitions for
14 administrative expenses of such coalitions;

15 (5) provide technical assistance and training to
16 Clean Cities coalitions;

17 (6) provide opportunities for communication
18 among Clean Cities coalitions; and

19 (7) maintain, and make available to the public,
20 a centralized database of information included in the
21 reports submitted under subsection (d).

22 (d) ANNUAL REPORT.—Each Clean Cities coalition
23 shall submit an annual report to the Secretary on the ac-
24 tivities and accomplishments of the coalition.

25 (e) DEFINITIONS.—In this section:

1 (1) ALTERNATIVE FUEL.—The term “alter-
 2 native fuel” has the meaning given such term in sec-
 3 tion 32901 of title 49, United States Code.

4 (2) ALTERNATIVE FUEL VEHICLE.—The term
 5 “alternative fuel vehicle” any vehicle that is capable
 6 of operating, partially or exclusively, on an alter-
 7 native fuel.

8 (3) SECRETARY.—The term “Secretary” means
 9 the Secretary of Energy.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated to carry out this sec-
 12 tion—

13 (1) \$50,000,000 for fiscal year 2020;

14 (2) \$55,000,000 for fiscal year 2021;

15 (3) \$60,000,000 for fiscal year 2022;

16 (4) \$65,000,000 for fiscal year 2023; and

17 (5) \$70,000,000 for fiscal year 2024.

18 **PART 3—ELECTRIC VEHICLE INFRASTRUCTURE**

19 **SEC. 34301. STATEMENT OF NATIONAL POLICY.**

20 It is the policy of the United States to promote great-
 21 er electrification of the transportation sector in order to
 22 maintain a transportation sector that can provide for the
 23 movement of people, goods, and services and achieve each
 24 of the following, which together characterize a transpor-
 25 tation system with fewer negative environmental effects:

- 1 (1) Reduced greenhouse gas emissions.
- 2 (2) Improved air quality.
- 3 (3) Greater fuel efficiency.
- 4 (4) Nationwide deployment of electric vehicles
- 5 and integration of electric vehicle supply equipment.
- 6 (5) Maintenance of a competitive domestic man-
- 7 ufacturing base and skilled workforce to provide
- 8 electric vehicles and electric vehicle supply equip-
- 9 ment.

10 **SEC. 34302. DEFINITIONS.**

11 In this part, the following definitions apply:

12 (1) **ELECTRIC VEHICLE SUPPLY EQUIPMENT.**—

13 The term “electric vehicle supply equipment” means
14 the conductors, including the ungrounded, grounded,
15 and equipment grounding conductors, the electric ve-
16 hicle connectors, attachment plugs, and all other fit-
17 tings, devices, power outlets, or apparatuses installed
18 specifically for the purpose of delivering energy to an
19 electric vehicle.

20 (2) **SECRETARY.**—The term “Secretary” means
21 the Secretary of Energy.

1 **SEC. 34303. MODEL BUILDING CODE FOR ELECTRIC VEHI-**
2 **CLE SUPPLY EQUIPMENT.**

3 (a) DEVELOPMENT.—The Secretary shall develop a
4 proposal to establish or update, as appropriate, model
5 building codes for—

6 (1) integrating electric vehicle supply equipment
7 into residential and commercial buildings that in-
8 clude space for individual vehicle or fleet vehicle
9 parking; and

10 (2) integrating onsite renewable power equip-
11 ment and electric storage equipment (including elec-
12 tric vehicle batteries to be used for electric storage)
13 in residential and commercial buildings.

14 (b) CONSULTATION.—In developing the proposal
15 under subsection (a), the Secretary shall consult with
16 stakeholders representing the building construction indus-
17 try, manufacturers of electric vehicles and electric vehicle
18 supply equipment, State and local governments, and any
19 other persons with relevant expertise or interests.

20 (c) DEADLINE.—Not later than 1 year after the date
21 of enactment of this Act, the Secretary shall submit the
22 proposal developed under subsection (a) to the American
23 Society of Heating, Refrigerating, and Air Conditioning
24 Engineers and the International Code Council for consid-
25 eration.

1 **SEC. 34304. UTILITY ELECTRIC VEHICLE CHARGING PRO-**
2 **GRAMS.**

3 (a) CONSIDERATION AND DETERMINATION RESPECT-
4 ING CERTAIN RATEMAKING STANDARDS.—Section 111(d)
5 of the Public Utility Regulatory Policies Act of 1978 (16
6 U.S.C. 2621(d)) is amended by adding at the end the fol-
7 lowing:

8 “(20) UTILITY ELECTRIC VEHICLE CHARGING
9 PROGRAMS.—

10 “(A) IN GENERAL.—Each State shall con-
11 sider authorizing each electric utility of the
12 State to recover from ratepayers any capital,
13 operating expenditure, or other costs of the
14 electric utility relating to the deployment of
15 electric vehicle supply equipment designed to
16 provide vehicle charging or load management.

17 “(B) DEFINITION.—For purposes of this
18 paragraph, the term ‘electric vehicle supply
19 equipment’ means the conductors, including the
20 ungrounded, grounded, and equipment ground-
21 ing conductors, the electric vehicle connectors,
22 attachment plugs, and all other fittings, devices,
23 power outlets, or apparatuses installed specifi-
24 cally for the purpose of delivering energy to an
25 electric vehicle.”.

26 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

1 (1) TIME LIMITATIONS.—Section 112(b) of the
2 Public Utility Regulatory Policies Act of 1978 (16
3 U.S.C. 2622(b)) is amended by adding at the end
4 the following:

5 “(7)(A) Not later than 1 year after the enact-
6 ment of this paragraph, each State regulatory au-
7 thority (with respect to each electric utility for which
8 it has ratemaking authority) and each nonregulated
9 utility shall commence the consideration referred to
10 in section 111, or set a hearing date for consider-
11 ation, with respect to the standards established by
12 paragraph (20) of section 111(d).

13 “(B) Not later than 2 years after the date of
14 the enactment of this paragraph, each State regu-
15 latory authority (with respect to each electric utility
16 for which it has ratemaking authority), and each
17 nonregulated electric utility, shall complete the con-
18 sideration, and shall make the determination, re-
19 ferred to in section 111 with respect to each stand-
20 ard established by paragraph (20) of section
21 111(d).”.

22 (2) FAILURE TO COMPLY.—Section 112(c) of
23 the Public Utility Regulatory Policies Act of 1978
24 (16 U.S.C. 2622(c)) is amended by striking “(19)”
25 and inserting “(20)”.

1 (3) PRIOR STATE ACTIONS.—Section 112 of the
2 Public Utility Regulatory Policies Act of 1978 (16
3 U.S.C. 2622) is amended by adding at the end the
4 following:

5 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
6 (c) of this section shall not apply to the standard estab-
7 lished by paragraph (20) of section 111(d) in the case of
8 any electric utility in a State if, before the enactment of
9 this subsection—

10 “(1) the State has implemented for such utility
11 the standard concerned (or a comparable standard);

12 “(2) the State regulatory authority for such
13 State or relevant nonregulated electric utility has
14 conducted a proceeding to consider implementation
15 of the standard concerned (or a comparable stand-
16 ard) for such utility; or

17 “(3) the State legislature has voted on the im-
18 plementation of such standard (or a comparable
19 standard) for such utility.”.

20 **SEC. 34305. STATE TRANSPORTATION ELECTRIFICATION**
21 **PLANNING GRANTS.**

22 (a) STATE ENERGY CONSERVATION PLANS.—Section
23 362(d) of the Energy Policy and Conservation Act (42
24 U.S.C. 6322(d)) is amended—

1 (1) in paragraph (16), by striking “; and” and
2 inserting a semicolon;

3 (2) by redesignating paragraph (17) as para-
4 graph (18); and

5 (3) by inserting after paragraph (16) the fol-
6 lowing:

7 “(17) a State energy transportation plan devel-
8 oped in accordance with section 367; and”.

9 (b) STATE ENERGY TRANSPORTATION PLANS.—Part
10 D of title III of the Energy Policy and Conservation Act
11 (42 U.S.C. 6321 et seq.) is amended by adding at the end
12 the following:

13 **“SEC. 367. STATE ENERGY TRANSPORTATION PLANS.**

14 “(a) IN GENERAL.—The Secretary may provide fi-
15 nancial assistance to a State to develop a State energy
16 transportation plan, for inclusion in a State energy con-
17 servation plan under section 362(d), to promote the elec-
18 trification of the transportation system, reduced consump-
19 tion of fossil fuels, and improved air quality.

20 “(b) CONTENTS.—A State developing a State energy
21 transportation plan under this section shall include in such
22 plan a plan to—

23 “(1) deploy a network of electric vehicle supply
24 equipment to ensure access to electricity for electric
25 vehicles; and

1 “(2) promote modernization of the electric grid
2 to accommodate demand for power to operate elec-
3 tric vehicle supply equipment and to utilize energy
4 storage capacity provided by electric vehicles.

5 “(c) COORDINATION.—In developing a State energy
6 transportation plan under this section, a State shall co-
7 ordinate, as appropriate, with—

8 “(1) State regulatory authorities (as defined in
9 section 3 of the Public Utility Regulatory Policies
10 Act of 1978 (16 U.S.C. 2602));

11 “(2) electric utilities;

12 “(3) regional transmission organizations or
13 independent system operators;

14 “(4) private entities that provide electric vehicle
15 charging services;

16 “(5) State transportation agencies, metropoli-
17 tan planning organizations, and local governments;

18 “(6) electric vehicle manufacturers; and

19 “(7) public and private entities that manage ve-
20 hicle fleets.

21 “(d) TECHNICAL ASSISTANCE.—Upon request of the
22 Governor of a State, the Secretary shall provide informa-
23 tion and technical assistance in the development, imple-
24 mentation, or revision of a State energy transportation
25 plan.

1 “(e) ELECTRIC VEHICLE SUPPLY EQUIPMENT DE-
2 FINED.—For purposes of this section, the term ‘electric
3 vehicle supply equipment’ means the conductors, including
4 the ungrounded, grounded, and equipment grounding con-
5 ductors, the electric vehicle connectors, attachment plugs,
6 and all other fittings, devices, power outlets, or
7 apparatuses installed specifically for the purpose of deliv-
8 ering energy to an electric vehicle.”.

9 **SEC. 34306. ELECTRIC VEHICLE SUPPLY EQUIPMENT CO-**
10 **ORDINATION.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of enactment of this Act, the Secretary, acting
13 through the Assistant Secretary of the Office of Electricity
14 Delivery and Energy Reliability (including the Smart Grid
15 Task Force), shall convene a group to assess progress in
16 the development of standards necessary to—

17 (1) support the expanded deployment of electric
18 vehicle supply equipment;

19 (2) develop an electric vehicle charging network
20 to provide reliable charging for electric vehicles na-
21 tionwide; and

22 (3) ensure the development of such network will
23 not compromise the stability and reliability of the
24 electric grid.

1 (b) REPORT TO CONGRESS.—Not later than 1 year
2 after the date of enactment of this Act, the Secretary shall
3 provide to the Committee on Energy and Commerce of the
4 House of Representatives and to the Committee on En-
5 ergy and Natural Resources of the Senate a report con-
6 taining the results of the assessment carried out under
7 subsection (a) and recommendations to overcome any bar-
8 riers to standards development or adoption identified by
9 the group convened under such subsection.

10 **SEC. 34307. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) STATE ENERGY CONSERVATION PLANS.—Section
12 365(f) of the Energy Policy and Conservation Act (42
13 U.S.C. 6325(f)) is amended to read as follows:

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) STATE ENERGY CONSERVATION PLANS.—

16 For the purpose of carrying out this part, there is
17 authorized to be appropriated \$100,000,000 for each
18 of fiscal years 2020 through 2024.

19 “(2) STATE ENERGY TRANSPORTATION

20 PLANS.—In addition to the amounts authorized
21 under paragraph (1), for the purpose of carrying out
22 section 367, there is authorized to be appropriated
23 \$25,000,000 for each of fiscal years 2020 through
24 2024.”.

1 (b) TRANSPORTATION ELECTRIFICATION.—Section
 2 131 of the Energy Independence and Security Act of 2007
 3 (42 U.S.C. 17011) is amended—

4 (1) in subsection (b)(6), by striking “2008
 5 through 2012” and inserting “2020 through 2024”;
 6 and

7 (2) in subsection (c)(4), by striking “2008
 8 through 2013” and inserting “2020 through 2024”.

9 **TITLE IV—HEALTH CARE**

10 **INFRASTRUCTURE**

11 **Subtitle A—Hospital Infrastructure**

12 **SEC. 41001. HOSPITAL INFRASTRUCTURE.**

13 Section 1610(a) of the Public Health Service Act (42
 14 U.S.C. 300r(a)) is amended by striking paragraph (3) and
 15 inserting the following paragraphs:

16 “(3) PRIORITY.—In awarding grants under this sub-
 17 section, the Secretary shall give priority to applicants
 18 whose projects will include, by design, cybersecurity
 19 against cyber threats.

20 “(4) AMERICAN IRON AND STEEL PRODUCTS.—

21 “(A) IN GENERAL.—As a condition on receipt
 22 of a grant under this section for a project, an entity
 23 shall ensure that all of the iron and steel products
 24 used in the project are produced in the United
 25 States.

1 “(B) APPLICATION.—Subparagraph (A) shall
2 be waived in any case or category of cases in which
3 the Secretary finds that—

4 “(i) applying subparagraph (A) would be
5 inconsistent with the public interest;

6 “(ii) iron and steel products are not pro-
7 duced in the United States in sufficient and
8 reasonably available quantities and of a satis-
9 factory quality; or

10 “(iii) inclusion of iron and steel products
11 produced in the United States will increase the
12 cost of the overall project by more than 25 per-
13 cent.

14 “(C) WAIVER.—If the Secretary receives a re-
15 quest for a waiver under this paragraph, the Sec-
16 retary shall make available to the public, on an in-
17 formal basis, a copy of the request and information
18 available to the Secretary concerning the request,
19 and shall allow for informal public input on the re-
20 quest for at least 15 days prior to making a finding
21 based on the request. The Secretary shall make the
22 request and accompanying information available by
23 electronic means, including on the official public
24 internet site of the Department of Health and
25 Human Services.

1 “(D) INTERNATIONAL AGREEMENTS.—This
2 paragraph shall be applied in a manner consistent
3 with United States obligations under international
4 agreements.

5 “(E) MANAGEMENT AND OVERSIGHT.—The
6 Secretary may retain up to 0.25 percent of the funds
7 appropriated for this section for management and
8 oversight of the requirements of this paragraph.

9 “(F) EFFECTIVE DATE.—This paragraph does
10 not apply with respect to a project if a State agency
11 approves the engineering plans and specifications for
12 the project, in that agency’s capacity to approve
13 such plans and specifications prior to a project re-
14 questing bids, prior to the date of enactment of this
15 paragraph.

16 “(5) AUTHORIZATION OF APPROPRIATIONS.—To
17 carry out this subsection, there is authorized to be appro-
18 priated \$400,000,000 for each of fiscal years 2020
19 through 2024.”.

1 **Subtitle B—Indian Health Program**
2 **Health Care Infrastructure**

3 **SEC. 42001. 21ST CENTURY INDIAN HEALTH PROGRAM HOS-**
4 **PITALS AND OUTPATIENT HEALTH CARE FA-**
5 **CILITIES.**

6 The Indian Health Care Improvement Act is amend-
7 ed by inserting after section 301 of such Act (25 U.S.C.
8 1631) the following:

9 **“SEC. 301A. ADDITIONAL FUNDING FOR PLANNING, DESIGN,**
10 **CONSTRUCTION, MODERNIZATION, AND REN-**
11 **OVATION OF HOSPITALS AND OUTPATIENT**
12 **HEALTH CARE FACILITIES.**

13 “(a) **ADDITIONAL FUNDING.**—For the purpose de-
14 scribed in subsection (b), in addition to any other funds
15 available for such purpose, there is authorized to be appro-
16 priated to the Secretary \$200,000,000 for each of fiscal
17 years 2020 through 2024.

18 “(b) **PURPOSE.**—The purpose described in this sub-
19 section is the planning, design, construction, moderniza-
20 tion, and renovation of hospitals and outpatient health
21 care facilities that are funded, in whole or part, by the
22 Service through, or provided for in, a contract or compact
23 with the Service under the Indian Self-Determination and
24 Education Assistance Act (25 U.S.C. 5301 et seq.).”.

Subtitle C—Laboratory Infrastructure

SEC. 43001. PILOT PROGRAM TO IMPROVE LABORATORY IN- FRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Health and Human Services may award grants to States and political subdivisions of States to support the improvement, renovation, or modernization of infrastructure at clinical laboratories (as defined in section 353 of the Public Health Service Act (42 U.S.C. 263a)).

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$100,000,000, to remain available until expended.

Subtitle D—Community-Based Care Infrastructure

SEC. 44001. PILOT PROGRAM TO IMPROVE COMMUNITY- BASED CARE INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Health and Human Services may award grants to qualified teaching health centers (as defined in section 340H of the Public Health Service Act (42 U.S.C. 256h)) and behavioral health care centers (as defined by the Secretary, to include both substance abuse and mental health care facilities) to support the improvement, renovation, or modernization of infrastructure at such centers.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there is authorized to be appropriated
3 \$100,000,000, to remain available until expended.

4 **Subtitle E—Public Health**
5 **Infrastructure**

6 **SEC. 45001. PUBLIC HEALTH DATA SYSTEM TRANS-**
7 **FORMATION.**

8 (a) IN GENERAL.—

9 (1) EXPANDING CDC CAPABILITIES.—The Sec-
10 retary of Health and Human Services (in this sec-
11 tion referred to as the “Secretary”) shall expand,
12 enhance, and improve the capabilities of the Centers
13 for Disease Control and Prevention relating to infor-
14 mation technology, data, and data systems for pre-
15 paring, detecting, and responding effectively to pub-
16 lic health events. Activities that may be carried out
17 under the preceding sentence include—

18 (A) optimizing public health data collec-
19 tion, transmission, exchange, analysis, and vis-
20 ualization;

21 (B) exchanging data among the Centers
22 for Disease Control and Prevention, State,
23 local, Tribal, and territorial public health de-
24 partments, and health care providers;

1 (C) enhancing the interoperability of public
2 health data systems including with health infor-
3 mation technology; and

4 (D) expanding or enhancing the workforce
5 and training of public health data systems and
6 informatics personnel.

7 (2) CONSULTATION.—In carrying out para-
8 graph (1), the Secretary shall consult with appro-
9 priate State and local health departments, health
10 professionals, health information technology experts,
11 and other appropriate public or private entities as
12 determined appropriate by the Secretary to develop
13 technical and reporting standards (including stand-
14 ards for interoperability) for public health data sys-
15 tems.

16 (b) GRANTS.—The Secretary, acting through the Di-
17 rector of the Centers for Disease Control and Prevention,
18 shall award grants to State, local, Tribal, and territorial
19 public health departments that meet such criteria as the
20 Director determines appropriate, for public health data
21 systems, including systems for electronic case reporting.

22 (c) REPORT TO CONGRESS.—The Secretary shall
23 submit a report to the Committee on Energy and Com-
24 merce of the House of Representatives and the Committee

1 on Health, Education, Labor, and Pensions of the Senate
2 on the activities carried out under this section.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
4 out this section, there is authorized to be appropriated
5 \$100,000,000 for each of fiscal years 2020 through 2024.

6 **SEC. 45002. CORE PUBLIC HEALTH INFRASTRUCTURE FOR**
7 **STATE, LOCAL, AND TRIBAL HEALTH DEPART-**
8 **MENTS.**

9 (a) PROGRAM.—The Secretary of Health and Human
10 Services acting through the Director of the Centers for
11 Disease Control and Prevention (in this section referred
12 to as the “Secretary”) shall establish a core public health
13 infrastructure program consisting of awarding grants
14 under subsection (b).

15 (b) GRANTS.—

16 (1) AWARD.—For the purpose of addressing
17 core public health infrastructure needs, the Sec-
18 retary—

19 (A) shall award a grant to each State
20 health department; and

21 (B) may award grants on a competitive
22 basis to State, local, or Tribal health depart-
23 ments.

1 (2) ALLOCATION.—Of the total amount of
2 funds awarded as grants under this subsection for a
3 fiscal year—

4 (A) not less than 50 percent shall be for
5 grants to State health departments under para-
6 graph (1)(A); and

7 (B) not less than 30 percent shall be for
8 grants to State, local, or Tribal health depart-
9 ments under paragraph (1)(B).

10 (c) USE OF FUNDS.—The Secretary may award a
11 grant to an entity under subsection (b)(1) only if the enti-
12 ty agrees to use the grant to address core public health
13 infrastructure needs, including those identified in the ac-
14 creditation process under subsection (g).

15 (d) FORMULA GRANTS TO STATE HEALTH DEPART-
16 MENTS.—In making grants under subsection (b)(1)(A),
17 the Secretary shall award funds to each State health de-
18 partment in accordance with—

19 (1) a formula based on population size; burden
20 of preventable disease and disability; and core public
21 health infrastructure gaps, including those identified
22 in the accreditation process under subsection (g);
23 and

24 (2) application requirements established by the
25 Secretary, including a requirement that the State

1 submit a plan that demonstrates to the satisfaction
2 of the Secretary that the State's health department
3 will—

4 (A) address its highest priority core public
5 health infrastructure needs; and

6 (B) as appropriate, allocate funds to local
7 health departments within the State.

8 (e) COMPETITIVE GRANTS TO STATE, LOCAL, AND
9 TRIBAL HEALTH DEPARTMENTS.—In making grants
10 under subsection (b)(1)(B), the Secretary shall give pri-
11 ority to applicants demonstrating core public health infra-
12 structure needs identified in the accreditation process
13 under subsection (g).

14 (f) MAINTENANCE OF EFFORT.—The Secretary may
15 award a grant to an entity under subsection (b) only if
16 the entity demonstrates to the satisfaction of the Sec-
17 retary that—

18 (1) funds received through the grant will be ex-
19 pended only to supplement, and not supplant, non-
20 Federal and Federal funds otherwise available to the
21 entity for the purpose of addressing core public
22 health infrastructure needs; and

23 (2) with respect to activities for which the grant
24 is awarded, the entity will maintain expenditures of
25 non-Federal amounts for such activities at a level

1 not less than the level of such expenditures main-
2 tained by the entity for the fiscal year preceding the
3 fiscal year for which the entity receives the grant.

4 (g) ESTABLISHMENT OF A PUBLIC HEALTH ACCRED-
5 ITATION PROGRAM.—

6 (1) IN GENERAL.—The Secretary shall—

7 (A) develop, and periodically review and
8 update, standards for voluntary accreditation of
9 State, local, and Tribal health departments and
10 public health laboratories for the purpose of ad-
11 vancing the quality and performance of such de-
12 partments and laboratories; and

13 (B) implement a program to accredit such
14 health departments and laboratories in accord-
15 ance with such standards.

16 (2) COOPERATIVE AGREEMENT.—The Secretary
17 may enter into a cooperative agreement with a pri-
18 vate nonprofit entity to carry out paragraph (1).

19 (h) REPORT.—The Secretary shall submit to the Con-
20 gress an annual report on progress being made to accredit
21 entities under subsection (g), including—

22 (1) a strategy, including goals and objectives,
23 for accrediting entities under subsection (g) and
24 achieving the purpose described in subsection
25 (g)(1)(A); and

1 (2) identification of gaps in research related to
2 core public health infrastructure and recommenda-
3 tions of priority areas for such research.

4 (i) DEFINITION.—In this section, the term “core pub-
5 lic health infrastructure” includes workforce capacity and
6 competency; laboratory systems; health information,
7 health information systems, and health information anal-
8 ysis; communications; financing; other relevant compo-
9 nents of organizational capacity; and other related activi-
10 ties.

11 (j) AUTHORIZATION OF APPROPRIATIONS.—To carry
12 out this section, there are authorized to be appropriated—

- 13 (1) for fiscal year 2020, \$300,000,000;
14 (2) for fiscal year 2021, \$350,000,000;
15 (3) for fiscal year 2022, \$400,000,000;
16 (4) for fiscal year 2023, \$450,000,000; and
17 (5) for fiscal year 2024, \$500,000,000.

18 **SEC. 45003. CORE PUBLIC HEALTH INFRASTRUCTURE AND**
19 **ACTIVITIES FOR CDC.**

20 (a) IN GENERAL.—The Secretary acting through the
21 Director of the Centers for Disease Control and Preven-
22 tion (in this section referred to as the “Secretary”) shall
23 expand and improve the core public health infrastructure
24 and activities of the Centers for Disease Control and Pre-

1 vention to address unmet and emerging public health
2 needs.

3 (b) REPORT.—The Secretary shall submit to the Con-
4 gress an annual report on the activities funded through
5 this section.

6 (c) DEFINITION.—In this section, the term “core
7 public health infrastructure” has the meaning given to
8 such term in section 45002.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
10 out this section, there is authorized to be appropriated
11 \$350,000,000 for each of fiscal years 2020 through 2024.

12 **TITLE V—BROWNFIELDS** 13 **REDEVELOPMENT**

14 **SEC. 50001. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 104(k)(13) of the Comprehensive Environ-
16 mental Response, Compensation, and Liability Act of
17 1980 (42 U.S.C. 9604(k)(13)) is amended to read as fol-
18 lows:

19 “(13) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to carry out
21 this subsection—

22 “(A) \$350,000,000 for fiscal year 2020;

23 “(B) \$400,000,000 for fiscal year 2021;

24 “(C) \$450,000,000 for fiscal year 2022;

1 “(D) \$500,000,000 for fiscal year 2023;

2 and

3 “(E) \$550,000,000 for fiscal year 2024.”.

4 **SEC. 50002. STATE RESPONSE PROGRAMS.**

5 Section 128(a)(3) of the Comprehensive Environ-
6 mental Response, Compensation, and Liability Act of
7 1980 (42 U.S.C. 9628(a)(3)) is amended to read as fol-
8 lows:

9 “(3) FUNDING.—There is authorized to be ap-
10 propriated to carry out this subsection—

11 “(A) \$70,000,000 for fiscal year 2020;

12 “(B) \$80,000,000 for fiscal year 2021;

13 “(C) \$90,000,000 for fiscal year 2022;

14 “(D) \$100,000,000 for fiscal year 2023;

15 and

16 “(E) \$110,000,000 for fiscal year 2024.”.

○