

Calendar No. 70

113TH CONGRESS
1ST SESSION**S. 761**

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

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2013

Mrs. SHAHEEN (for herself, Mr. PORTMAN, Mr. COONS, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MAY 13, 2013

Reported by Mr. WYDEN, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To promote energy savings in residential and commercial buildings and industry, 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 “Energy Savings and Industrial Competitiveness Act of
6 2013”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

TITLE I—BUILDINGS

Subtitle A—Building Energy Codes

- Sec. 101. Greater energy efficiency in building codes.

Subtitle B—Worker Training and Capacity Building

- Sec. 111. Building training and assessment centers.

TITLE II—PRIVATE COMMERCIAL BUILDING EFFICIENCY
FINANCING

- Sec. 201. Private commercial building efficiency financing.

TITLE III—INDUSTRIAL EFFICIENCY AND COMPETITIVENESS

Subtitle A—Manufacturing Energy Efficiency

- Sec. 301. Purposes.
- Sec. 302. Future of Industry program.
- Sec. 303. Sustainable manufacturing initiative.
- Sec. 304. Conforming amendments.

Subtitle B—Supply Star

- Sec. 311. Supply Star.

Subtitle C—Electric Motor Rebate Program

- Sec. 321. Energy saving motor control rebate program.

Subtitle D—Transformer Rebate Program

- Sec. 331. Energy efficient transformer rebate program.

TITLE IV—FEDERAL AGENCY ENERGY EFFICIENCY

- Sec. 401. Adoption of information and communications technology power savings techniques by Federal agencies.
- Sec. 402. Availability of funds for design updates.
- Sec. 403. Natural gas and electric vehicle infrastructure.
- Sec. 404. Federal data center consolidation.

TITLE V—MISCELLANEOUS

- ~~Sec. 501. Budgetary effects.~~
- ~~Sec. 502. Advance appropriations required.~~

TITLE V—MISCELLANEOUS

- Sec. 501. Offset.

Sec. 502. Budgetary effects.

Sec. 503. Advance appropriations required.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Energy.

4 **TITLE I—BUILDINGS**

5 **Subtitle A—Building Energy Codes**

6 **SEC. 101. GREATER ENERGY EFFICIENCY IN BUILDING**
7 **CODES.**

8 (a) DEFINITIONS.—Section 303 of the Energy Con-
9 servation and Production Act (42 U.S.C. 6832) is amend-
10 ed—

11 (1) by striking paragraph (14) and inserting
12 the following:

13 “(14) MODEL BUILDING ENERGY CODE.—The
14 term ‘model building energy code’ means a voluntary
15 building energy code and standards developed and
16 updated through a consensus process among inter-
17 ested persons, such as the IECC or the code used
18 by—

19 “(A) the Council of American Building Of-
20 ficials;

21 “(B) the American Society of Heating, Re-
22 frigerating, and Air-Conditioning Engineers; or

23 “(C) other appropriate organizations.”;

24 and

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

2 “(17) IECC.—The term ‘IECC’ means the
3 International Energy Conservation Code.

4 “(18) INDIAN TRIBE.—The term ‘Indian tribe’
5 has the meaning given the term in section 4 of the
6 Native American Housing Assistance and Self-De-
7 termination Act of 1996 (25 U.S.C. 4103).”.

8 (b) STATE BUILDING ENERGY EFFICIENCY
9 CODES.—Section 304 of the Energy Conservation and
10 Production Act (42 U.S.C. 6833) is amended to read as
11 follows:

12 **“SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-
13 CIENCY CODES.**

14 “(a) IN GENERAL.—The Secretary shall—

15 “(1) encourage and support the adoption of
16 building energy codes by States, Indian tribes, and,
17 as appropriate, by local governments that meet or
18 exceed the model building energy codes, or achieve
19 equivalent or greater energy savings; and

20 “(2) support full compliance with the State and
21 local codes.

22 “(b) STATE AND INDIAN TRIBE CERTIFICATION OF
23 BUILDING ENERGY CODE UPDATES.—

24 “(1) REVIEW AND UPDATING OF CODES BY
25 EACH STATE AND INDIAN TRIBE.—

1 “(A) IN GENERAL.—Not later than 2 years
2 after the date on which a model building energy
3 code is updated, each State or Indian tribe shall
4 certify whether or not the State or Indian tribe,
5 respectively, has reviewed and updated the en-
6 ergy provisions of the building code of the State
7 or Indian tribe, respectively.

8 “(B) DEMONSTRATION.—The certification
9 shall include a demonstration of whether or not
10 the energy savings for the code provisions that
11 are in effect throughout the State or Indian
12 tribal territory meet or exceed—

13 “(i) the energy savings of the updated
14 model building energy code; or

15 “(ii) the targets established under sec-
16 tion 307(b)(2).

17 “(C) NO MODEL BUILDING ENERGY CODE
18 UPDATE.—If a model building energy code is
19 not updated by a target date established under
20 section 307(b)(2)(D), each State or Indian tribe
21 shall, not later than 2 years after the specified
22 date, certify whether or not the State or Indian
23 tribe, respectively, has reviewed and updated
24 the energy provisions of the building code of the

1 State or Indian tribe, respectively, to meet or
2 exceed the target in section 307(b)(2).

3 “(2) VALIDATION BY SECRETARY.—Not later
4 than 90 days after a State or Indian tribe certifi-
5 cation under paragraph (1), the Secretary shall—

6 “(A) determine whether the code provi-
7 sions of the State or Indian tribe, respectively,
8 meet the criteria specified in paragraph (1);
9 and

10 “(B) if the determination is positive, vali-
11 date the certification.

12 “(c) IMPROVEMENTS IN COMPLIANCE WITH BUILD-
13 ING ENERGY CODES.—

14 “(1) REQUIREMENT.—

15 “(A) IN GENERAL.—Not later than 3 years
16 after the date of a certification under sub-
17 section (b), each State and Indian tribe shall
18 certify whether or not the State and Indian
19 tribe, respectively, has—

20 “(i) achieved full compliance under
21 paragraph (3) with the applicable certified
22 State and Indian tribe building energy
23 code or with the associated model building
24 energy code; or

1 “(ii) made significant progress under
2 paragraph (4) toward achieving compliance
3 with the applicable certified State and In-
4 dian tribe building energy code or with the
5 associated model building energy code.

6 “(B) REPEAT CERTIFICATIONS.—If the
7 State or Indian tribe certifies progress toward
8 achieving compliance, the State or Indian tribe
9 shall repeat the certification until the State or
10 Indian tribe certifies that the State or Indian
11 tribe has achieved full compliance, respectively.

12 “(2) MEASUREMENT OF COMPLIANCE.—A cer-
13 tification under paragraph (1) shall include docu-
14 mentation of the rate of compliance based on—

15 “(A) independent inspections of a random
16 sample of the buildings covered by the code in
17 the preceding year; or

18 “(B) an alternative method that yields an
19 accurate measure of compliance.

20 “(3) ACHIEVEMENT OF COMPLIANCE.—A State
21 or Indian tribe shall be considered to achieve full
22 compliance under paragraph (1) if—

23 “(A) at least 90 percent of building space
24 covered by the code in the preceding year sub-
25 stantially meets all the requirements of the ap-

1 applicable code specified in paragraph (1), or
2 achieves equivalent or greater energy savings
3 level; or

4 “(B) the estimated excess energy use of
5 buildings that did not meet the applicable code
6 specified in paragraph (1) in the preceding
7 year, compared to a baseline of comparable
8 buildings that meet this code, is not more than
9 5 percent of the estimated energy use of all
10 buildings covered by this code during the pre-
11 ceding year.

12 “(4) SIGNIFICANT PROGRESS TOWARD
13 ACHIEVEMENT OF COMPLIANCE.—A State or Indian
14 tribe shall be considered to have made significant
15 progress toward achieving compliance for purposes
16 of paragraph (1) if the State or Indian tribe—

17 “(A) has developed and is implementing a
18 plan for achieving compliance during the 8-
19 year-period beginning on the date of enactment
20 of this paragraph, including annual targets for
21 compliance and active training and enforcement
22 programs; and

23 “(B) has met the most recent target under
24 subparagraph (A).

1 “(5) VALIDATION BY SECRETARY.—Not later
2 than 90 days after a State or Indian tribe certifi-
3 cation under paragraph (1), the Secretary shall—

4 “(A) determine whether the State or In-
5 dian tribe has demonstrated meeting the cri-
6 teria of this subsection, including accurate
7 measurement of compliance; and

8 “(B) if the determination is positive, vali-
9 date the certification.

10 “(d) STATES OR INDIAN TRIBES THAT DO NOT
11 ACHIEVE COMPLIANCE.—

12 “(1) REPORTING.—A State or Indian tribe that
13 has not made a certification required under sub-
14 section (b) or (c) by the applicable deadline shall
15 submit to the Secretary a report on—

16 “(A) the status of the State or Indian tribe
17 with respect to meeting the requirements and
18 submitting the certification; and

19 “(B) a plan for meeting the requirements
20 and submitting the certification.

21 “(2) FEDERAL SUPPORT.—For any State or In-
22 dian tribe for which the Secretary has not validated
23 a certification by a deadline under subsection (b) or
24 (c), the lack of the certification may be a consider-

1 ation for Federal support authorized under this sec-
2 tion for code adoption and compliance activities.

3 “(3) LOCAL GOVERNMENT.—In any State or
4 Indian tribe for which the Secretary has not vali-
5 dated a certification under subsection (b) or (c), a
6 local government may be eligible for Federal support
7 by meeting the certification requirements of sub-
8 sections (b) and (c).

9 “(4) ANNUAL REPORTS BY SECRETARY.—

10 “(A) IN GENERAL.—The Secretary shall
11 annually submit to Congress, and publish in the
12 Federal Register, a report on—

13 “(i) the status of model building en-
14 ergy codes;

15 “(ii) the status of code adoption and
16 compliance in the States and Indian tribes;

17 “(iii) implementation of this section;
18 and

19 “(iv) improvements in energy savings
20 over time as result of the targets estab-
21 lished under section 307(b)(2).

22 “(B) IMPACTS.—The report shall include
23 estimates of impacts of past action under this
24 section, and potential impacts of further action,
25 on—

1 “(i) upfront financial and construction
2 costs, cost benefits and returns (using in-
3 vestment analysis), and lifetime energy use
4 for buildings;

5 “(ii) resulting energy costs to individ-
6 uals and businesses; and

7 “(iii) resulting overall annual building
8 ownership and operating costs.

9 “(e) TECHNICAL ASSISTANCE TO STATES AND IN-
10 DIAN TRIBES.—The Secretary shall provide technical as-
11 sistance to States and Indian tribes to implement the goals
12 and requirements of this section, including procedures and
13 technical analysis for States and Indian tribes—

14 “(1) to improve and implement State residential
15 and commercial building energy codes;

16 “(2) to demonstrate that the code provisions of
17 the States and Indian tribes achieve equivalent or
18 greater energy savings than the model building en-
19 ergy codes and targets;

20 “(3) to document the rate of compliance with a
21 building energy code; and

22 “(4) to otherwise promote the design and con-
23 struction of energy efficient buildings.

24 “(f) AVAILABILITY OF INCENTIVE FUNDING.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 incentive funding to States and Indian tribes—

3 “(A) to implement the requirements of this
4 section;

5 “(B) to improve and implement residential
6 and commercial building energy codes, including
7 increasing and verifying compliance with the
8 codes and training of State, tribal, and local
9 building code officials to implement and enforce
10 the codes; and

11 “(C) to promote building energy efficiency
12 through the use of the codes.

13 “(2) ADDITIONAL FUNDING.—Additional fund-
14 ing shall be provided under this subsection for im-
15 plementation of a plan to achieve and document full
16 compliance with residential and commercial building
17 energy codes under subsection (c)—

18 “(A) to a State or Indian tribe for which
19 the Secretary has validated a certification under
20 subsection (b) or (c); and

21 “(B) in a State or Indian tribe that is not
22 eligible under subparagraph (A), to a local gov-
23 ernment that is eligible under this section.

24 “(3) TRAINING.—Of the amounts made avail-
25 able under this subsection, the State may use

1 amounts required, but not to exceed \$750,000 for a
2 State, to train State and local building code officials
3 to implement and enforce codes described in para-
4 graph (2).

5 “(4) LOCAL GOVERNMENTS.—States may share
6 grants under this subsection with local governments
7 that implement and enforce the codes.

8 “(g) STRETCH CODES AND ADVANCED STAND-
9 ARDS.—

10 “(1) IN GENERAL.—The Secretary shall provide
11 technical and financial support for the development
12 of stretch codes and advanced standards for residen-
13 tial and commercial buildings for use as—

14 “(A) an option for adoption as a building
15 energy code by local, tribal, or State govern-
16 ments; and

17 “(B) guidelines for energy-efficient build-
18 ing design.

19 “(2) TARGETS.—The stretch codes and ad-
20 vanced standards shall be designed—

21 “(A) to achieve substantial energy savings
22 compared to the model building energy codes;
23 and

1 “(B) to meet targets under section 307(b),
2 if available, at least 3 to 6 years in advance of
3 the target years.

4 “(h) STUDIES.—The Secretary, in consultation with
5 building science experts from the National Laboratories
6 and institutions of higher education, designers and build-
7 ers of energy-efficient residential and commercial build-
8 ings, code officials, and other stakeholders, shall under-
9 take a study of the feasibility, impact, economics, and
10 merit of—

11 “(1) code improvements that would require that
12 buildings be designed, sited, and constructed in a
13 manner that makes the buildings more adaptable in
14 the future to become zero-net-energy after initial
15 construction, as advances are achieved in energy-sav-
16 ing technologies;

17 “(2) code procedures to incorporate measured
18 lifetimes, not just first-year energy use, in trade-offs
19 and performance calculations; and

20 “(3) legislative options for increasing energy
21 savings from building energy codes, including addi-
22 tional incentives for effective State and local action,
23 and verification of compliance with and enforcement
24 of a code other than by a State or local government.

1 “(i) EFFECT ON OTHER LAWS.—Nothing in this sec-
2 tion or section 307 supersedes or modifies the application
3 of sections 321 through 346 of the Energy Policy and
4 Conservation Act (42 U.S.C. 6291 et seq.).

5 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 and section 307 \$200,000,000, to remain available until
8 expended.”.

9 (c) FEDERAL BUILDING ENERGY EFFICIENCY
10 STANDARDS.—Section 305 of the Energy Conservation
11 and Production Act (42 U.S.C. 6834) is amended by strik-
12 ing “voluntary building energy code” each place it appears
13 in subsections (a)(2)(B) and (b) and inserting “model
14 building energy code”.

15 (d) MODEL BUILDING ENERGY CODES.—Section 307
16 of the Energy Conservation and Production Act (42
17 U.S.C. 6836) is amended to read as follows:

18 **“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY**
19 **CODES.**

20 “(a) IN GENERAL.—The Secretary shall support the
21 updating of model building energy codes.

22 “(b) TARGETS.—

23 “(1) IN GENERAL.—The Secretary shall sup-
24 port the updating of the model building energy codes

1 to enable the achievement of aggregate energy sav-
2 ings targets established under paragraph (2).

3 “(2) TARGETS.—

4 “(A) IN GENERAL.—The Secretary shall
5 work with State, Indian tribes, local govern-
6 ments, nationally recognized code and stand-
7 ards developers, and other interested parties to
8 support the updating of model building energy
9 codes by establishing one or more aggregate en-
10 ergy savings targets to achieve the purposes of
11 this section.

12 “(B) SEPARATE TARGETS.—The Secretary
13 may establish separate targets for commercial
14 and residential buildings.

15 “(C) BASELINES.—The baseline for updat-
16 ing model building energy codes shall be the
17 2009 IECC for residential buildings and
18 ASHRAE Standard 90.1–2010 for commercial
19 buildings.

20 “(D) SPECIFIC YEARS.—

21 “(i) IN GENERAL.—Targets for spe-
22 cific years shall be established and revised
23 by the Secretary through rulemaking and
24 coordinated with nationally recognized code
25 and standards developers at a level that—

1 “(I) is at the maximum level of
2 energy efficiency that is techno-
3 logically feasible and life-cycle cost ef-
4 fective, while accounting for the eco-
5 nomic considerations under paragraph
6 (4);

7 “(II) is higher than the preceding
8 target; and

9 “(III) promotes the achievement
10 of commercial and residential high-
11 performance buildings through high
12 performance energy efficiency (within
13 the meaning of section 401 of the En-
14 ergy Independence and Security Act
15 of 2007 (42 U.S.C. 17061)).

16 “(ii) INITIAL TARGETS.—Not later
17 than 1 year after the date of enactment of
18 this clause, the Secretary shall establish
19 initial targets under this subparagraph.

20 “(iii) DIFFERENT TARGET YEARS.—
21 Subject to clause (i), prior to the applica-
22 ble year, the Secretary may set a later tar-
23 get year for any of the model building en-
24 ergy codes described in subparagraph (A)

1 if the Secretary determines that a target
2 cannot be met.

3 “(iv) SMALL BUSINESS.—When estab-
4 lishing targets under this paragraph
5 through rulemaking, the Secretary shall
6 ensure compliance with the Small Business
7 Regulatory Enforcement Fairness Act of
8 1996 (5 U.S.C. 601 note; Public Law 104–
9 121).

10 “(3) APPLIANCE STANDARDS AND OTHER FAC-
11 TORS AFFECTING BUILDING ENERGY USE.—In es-
12 tablishing building code targets under paragraph
13 (2), the Secretary shall develop and adjust the tar-
14 gets in recognition of potential savings and costs re-
15 lating to—

16 “(A) efficiency gains made in appliances,
17 lighting, windows, insulation, and building enve-
18 lope sealing;

19 “(B) advancement of distributed genera-
20 tion and on-site renewable power generation
21 technologies;

22 “(C) equipment improvements for heating,
23 cooling, and ventilation systems;

1 “(D) building management systems and
2 SmartGrid technologies to reduce energy use;
3 and

4 “(E) other technologies, practices, and
5 building systems that the Secretary considers
6 appropriate regarding building plug load and
7 other energy uses.

8 “(4) ECONOMIC CONSIDERATIONS.—In estab-
9 lishing and revising building code targets under
10 paragraph (2), the Secretary shall consider the eco-
11 nomic feasibility of achieving the proposed targets
12 established under this section and the potential costs
13 and savings for consumers and building owners, in-
14 cluding a return on investment analysis.

15 “(c) TECHNICAL ASSISTANCE TO MODEL BUILDING
16 ENERGY CODE-SETTING AND STANDARD DEVELOPMENT
17 ORGANIZATIONS.—

18 “(1) IN GENERAL.—The Secretary shall, on a
19 timely basis, provide technical assistance to model
20 building energy code-setting and standard develop-
21 ment organizations consistent with the goals of this
22 section.

23 “(2) ASSISTANCE.—The assistance shall in-
24 clude, as requested by the organizations, technical
25 assistance in—

1 “(A) evaluating code or standards pro-
2 posals or revisions;

3 “(B) building energy analysis and design
4 tools;

5 “(C) building demonstrations;

6 “(D) developing definitions of energy use
7 intensity and building types for use in model
8 building energy codes to evaluate the efficiency
9 impacts of the model building energy codes;

10 “(E) performance-based standards;

11 “(F) evaluating economic considerations
12 under subsection (b)(4); and

13 “(G) developing model building energy
14 codes by Indian tribes in accordance with tribal
15 law.

16 “(3) AMENDMENT PROPOSALS.—The Secretary
17 may submit timely model building energy code
18 amendment proposals to the model building energy
19 code-setting and standard development organiza-
20 tions, with supporting evidence, sufficient to enable
21 the model building energy codes to meet the targets
22 established under subsection (b)(2).

23 “(4) ANALYSIS METHODOLOGY.—The Secretary
24 shall make publicly available the entire calculation
25 methodology (including input assumptions and data)

1 used by the Secretary to estimate the energy savings
2 of code or standard proposals and revisions.

3 “(d) DETERMINATION.—

4 “(1) REVISION OF MODEL BUILDING ENERGY
5 CODES.—If the provisions of the IECC or ASHRAE
6 Standard 90.1 regarding building energy use are re-
7 vised, the Secretary shall make a preliminary deter-
8 mination not later than 90 days after the date of the
9 revision, and a final determination not later than 15
10 months after the date of the revision, on whether or
11 not the revision will—

12 “(A) improve energy efficiency in buildings
13 compared to the existing model building energy
14 code; and

15 “(B) meet the applicable targets under
16 subsection (b)(2).

17 “(2) CODES OR STANDARDS NOT MEETING TAR-
18 GETS.—

19 “(A) IN GENERAL.—If the Secretary
20 makes a preliminary determination under para-
21 graph (1)(B) that a code or standard does not
22 meet the targets established under subsection
23 (b)(2), the Secretary may at the same time pro-
24 vide the model building energy code or standard
25 developer with proposed changes that would re-

1 sult in a model building energy code that meets
2 the targets and with supporting evidence, tak-
3 ing into consideration—

4 “(i) whether the modified code is tech-
5 nically feasible and life-cycle cost effective;

6 “(ii) available appliances, technologies,
7 materials, and construction practices; and

8 “(iii) the economic considerations
9 under subsection (b)(4).

10 “(B) INCORPORATION OF CHANGES.—

11 “(i) IN GENERAL.—On receipt of the
12 proposed changes, the model building en-
13 ergy code or standard developer shall have
14 an additional 270 days to accept or reject
15 the proposed changes of the Secretary to
16 the model building energy code or standard
17 for the Secretary to make a final deter-
18 mination.

19 “(ii) FINAL DETERMINATION.—A
20 final determination under paragraph (1)
21 shall be on the modified model building en-
22 ergy code or standard.

23 “(e) ADMINISTRATION.—In carrying out this section,
24 the Secretary shall—

1 “(1) publish notice of targets and supporting
2 analysis and determinations under this section in the
3 Federal Register to provide an explanation of and
4 the basis for such actions, including any supporting
5 modeling, data, assumptions, protocols, and cost-
6 benefit analysis, including return on investment; and

7 “(2) provide an opportunity for public comment
8 on targets and supporting analysis and determina-
9 tions under this section.

10 “(f) VOLUNTARY CODES AND STANDARDS.—Not-
11 withstanding any other provision of this section, any
12 model building code or standard established under ~~this~~
13 ~~section~~ *section 304* shall not be binding on a State, local
14 government, or Indian tribe as a matter of Federal law.”.

15 **Subtitle B—Worker Training and** 16 **Capacity Building**

17 **SEC. 111. BUILDING TRAINING AND ASSESSMENT CENTERS.**

18 (a) IN GENERAL.—The Secretary shall provide
19 grants to institutions of higher education (as defined in
20 section 101 of the Higher Education Act of 1965 (20
21 U.S.C. 1001)) and Tribal Colleges or Universities (as de-
22 fined in section 316(b) of that Act (20 U.S.C. 1059c(b)))
23 to establish building training and assessment centers—

1 (1) to identify opportunities for optimizing en-
2 ergy efficiency and environmental performance in
3 buildings;

4 (2) to promote the application of emerging con-
5 cepts and technologies in commercial and institu-
6 tional buildings;

7 (3) to train engineers, architects, building sci-
8 entists, building energy permitting and enforcement
9 officials, and building technicians in energy-efficient
10 design and operation;

11 (4) to assist institutions of higher education
12 and Tribal Colleges or Universities in training build-
13 ing technicians;

14 (5) to promote research and development for
15 the use of alternative energy sources and distributed
16 generation to supply heat and power for buildings,
17 particularly energy-intensive buildings; and

18 (6) to coordinate with and assist State-accred-
19 ited technical training centers, community colleges,
20 Tribal Colleges or Universities, and local offices of
21 the National Institute of Food and Agriculture and
22 ensure appropriate services are provided under this
23 section to each region of the United States.

24 (b) COORDINATION AND NONDUPLICATION.—

1 (1) IN GENERAL.—The Secretary shall coordi-
 2 nate the program with the industrial research and
 3 assessment centers program and with other Federal
 4 programs to avoid duplication of effort.

5 (2) COLLOCATION.—To the maximum extent
 6 practicable, building, training, and assessment cen-
 7 ters established under this section shall be collocated
 8 with Industrial Assessment Centers.

9 **TITLE II—PRIVATE COMMER-**
 10 **CIAL BUILDING EFFICIENCY**
 11 **FINANCING**

12 **SEC. 201. PRIVATE COMMERCIAL BUILDING EFFICIENCY FI-**
 13 **NANCING.**

14 (a) IN GENERAL.—The Secretary shall establish a
 15 program to be known as the “Commercial Building En-
 16 ergy Efficiency Financing Initiative” under which the Sec-
 17 retary shall provide grants to States (as defined in section
 18 3 of the Energy Policy and Conservation Act (42 U.S.C.
 19 6202)) to establish or expand programs to promote the
 20 financing of energy efficiency retrofit projects for private
 21 sector and commercial buildings.

22 (b) APPLICATIONS.—A State may apply to the Sec-
 23 retary for a grant under this section to establish or expand
 24 a program described in subsection (a), including—

- 1 (1) a commercial Property Assessed Clean En-
2 ergy (PACE) financing program;
- 3 (2) a credit enhancement structure that is de-
4 signed to mitigate the effects of default, including a
5 loan guarantee program, loan loss reserve program,
6 collateral or subordinated capital program, or other
7 program;
- 8 (3) a revolving loan fund;
- 9 (4) a program to promote the use of energy
10 savings performance contracts or utility energy serv-
11 ice contracts, or both;
- 12 (5) a utility on-bill financing or repayment pro-
13 gram;
- 14 (6) an interest buy-down program;
- 15 (7) a secondary market financing program;
- 16 (8) a leasing structure that recognizes energy
17 costs and addresses split-incentives;
- 18 (9) an educational program involving commer-
19 cial lenders, energy service companies, commercial
20 building owners, and other stakeholders estab-
21 lished—
 - 22 (A) to provide information to the commu-
23 nity regarding program and project options and
24 outcomes; and

1 ~~(B)~~ to build consensus on approaches to
2 greater energy efficiency investments; and

3 ~~(10)~~ any other activity that will significantly in-
4 crease the total investment in, and energy savings
5 from, building retrofit projects and programs.

6 ~~(c) ADMINISTRATION.—~~

7 ~~(1) IN GENERAL.—~~A State receiving a grant
8 under this section shall give a higher priority to pro-
9 grams and projects that—

10 ~~(A)~~ leverage private sources of funding;
11 and

12 ~~(B)~~ aim explicitly to expand the use of en-
13 ergy efficiency project financing using private
14 sources of funding, including philanthropic and
15 other institutional investment.

16 ~~(2) OTHER ACTIONS.—~~A State receiving a
17 grant under this section is encouraged to consider
18 establishing such other appropriate policies, incen-
19 tives, or actions that will advance the purposes of
20 this section.

21 ~~(d) EVALUATION OF PROGRAMS.—~~The Secretary
22 shall evaluate applications from States under this section
23 on the basis of—

24 ~~(1)~~ the likelihood that a proposed program or
25 activity will—

1 (A) be established or expanded;

2 (B) increase the total investment and en-
3 ergy savings of the retrofit projects to be sup-
4 ported; and

5 (C) increase the total investment and en-
6 ergy savings in a State or region in which in-
7 vestments and energy savings have the greatest
8 potential for growth as compared to other
9 States or regions; and

10 (2) other factors that will advance the purposes
11 of this section, as determined by the Secretary.

12 (c) REPORTS.—

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

21 (2) DATA.—

22 (A) IN GENERAL.—A State receiving a
23 grant under this section and the Secretary shall
24 cooperate to collect and share data resulting

1 from programs and activities carried out under
2 this section.

3 (B) DEPARTMENT DATABASES.—The Sec-
4 retary shall incorporate data described in sub-
5 paragraph (A) into appropriate databases of the
6 Department of Energy, with provisions for the
7 protection of confidential business data.

8 (f) FUNDING.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this section \$250,000,000 for the period of fiscal
12 years 2015 through 2020, to remain available until
13 expended.

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

16 (A) 75 percent of the amount shall be allo-
17 cated on a formula-basis that is consistent with
18 the formula used to allocate funds for State en-
19 ergy conservation programs established under
20 part D of title III of the Energy Policy and
21 Conservation Act (42 U.S.C. 6321 et seq.); as
22 determined by the Secretary; and

23 (B) 25 percent of the amount shall be dis-
24 tributed by the Secretary consistent with the

1 evaluation criteria established under subsection
2 (d).

3 ~~(3) STATE ENERGY OFFICES.—Funds provided~~
4 ~~to a State under this section shall be provided to the~~
5 ~~office within the State that is responsible for devel-~~
6 ~~oping the State energy plan for the State under part~~
7 ~~D of title III of the Energy Policy and Conservation~~
8 ~~Act (42 U.S.C. 6321 et seq.).~~

9 **SEC. 201. PRIVATE COMMERCIAL BUILDING EFFICIENCY FI-**
10 **NANCING.**

11 *(a) IN GENERAL.—The Secretary shall establish a pro-*
12 *gram to be known as the “Commercial Building Energy*
13 *Efficiency Financing Initiative” under which the Secretary*
14 *shall provide grants to States (as defined in section 3 of*
15 *the Energy Policy and Conservation Act (42 U.S.C. 6202))*
16 *to establish or expand programs to promote the financing*
17 *of energy efficiency retrofit projects for private sector and*
18 *commercial buildings.*

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

22 *(1) a commercial Property Assessed Clean En-*
23 *ergy (PACE) financing program;*

24 *(2) a credit enhancement structure that is de-*
25 *signed to mitigate the effects of default, including a*

1 *loan guarantee program, loan loss reserve program,*
2 *collateral or subordinated capital program, or other*
3 *program;*

4 *(3) a revolving loan fund;*

5 *(4) a program to promote the use of energy sav-*
6 *ings performance contracts or utility energy service*
7 *contracts, or both;*

8 *(5) a utility on-bill financing or repayment pro-*
9 *gram;*

10 *(6) utility energy efficiency programs for all seg-*
11 *ments of the utility industry;*

12 *(7) an interest buy-down program;*

13 *(8) a secondary market financing program;*

14 *(9) a leasing structure that recognizes energy*
15 *costs and addresses split-incentives;*

16 *(10) an educational program involving commer-*
17 *cial lenders, energy service companies, commercial*
18 *building owners, and other stakeholders established—*

19 *(A) to provide information to the commu-*
20 *nity regarding program and project options and*
21 *outcomes; and*

22 *(B) to build consensus on approaches to*
23 *greater energy efficiency investments; and*

1 (11) *any other activity that will significantly in-*
 2 *crease the total investment in, and energy savings*
 3 *from, building retrofit projects and programs.*

4 (c) *ADMINISTRATION.*—

5 (1) *IN GENERAL.*—*A State receiving a grant*
 6 *under subsection (a) shall give a higher priority to*
 7 *programs and projects that—*

8 (A) *leverage private and non-Federal*
 9 *sources of funding; and*

10 (B) *aim explicitly to expand the use of en-*
 11 *ergy efficiency project financing using private*
 12 *sources of funding, including philanthropic and*
 13 *other institutional investment.*

14 (2) *OTHER ACTIONS.*—*A State receiving a grant*
 15 *under this section is encouraged—*

16 (A) *to consider establishing such other ap-*
 17 *propriate policies, incentives, or actions that will*
 18 *advance the purposes of this section; and*

19 (B) *to coordinate the activities described in*
 20 *subsections (a) and (d).*

21 (d) *LARGE COMMERCIAL BUILDING EFFICIENCY FI-*
 22 *NANCING INITIATIVES.*—

23 (1) *IN GENERAL.*—*As part of this section, the*
 24 *Secretary shall conduct large commercial building ef-*
 25 *iciency financing initiatives to encourage States to*

1 *promote the financing of energy efficiency retrofit*
2 *projects for larger private sector commercial, multi-*
3 *family, and mixed use buildings.*

4 (2) *APPLICATIONS.—A State or a group of States*
5 *may apply to the Secretary for a grant under this*
6 *subsection to establish or expand programs to promote*
7 *the purposes described in paragraph (1) through—*

8 (A) *the facilitation of energy performance*
9 *contracts in commercial, multifamily, and mixed*
10 *use buildings by providing guarantees that cover*
11 *owner default risk, but do not cover technology*
12 *and other risks that are borne by the contractor;*

13 (B) *actions by States to work together and*
14 *with real estate owners, financiers, and other*
15 *stakeholders to ensure multistate consistency, in-*
16 *cluding common underwriting standards;*

17 (C) *minimum loan-to-value ratios;*

18 (D) *minimum debt-to-income coverage ra-*
19 *tios;*

20 (E) *a green leasing program;*

21 (F) *a commercial Property Assessed Clean*
22 *Energy (PACE) financing program; and*

23 (G) *any other activity that will signifi-*
24 *cantly increase the total investment in, and en-*

1 *ergy savings from, building retrofit projects and*
2 *programs.*

3 (3) *LEVERAGING PRIVATE SECTOR FINANCING.*—

4 *A State receiving a grant under this subsection shall*
5 *focus on leveraging private sources of funds and work-*
6 *ing with real estate lenders, financiers, and building*
7 *owners to assist in expanding the reach of the pro-*
8 *gram established under this subsection.*

9 (4) *MULTISTATE FACILITATION.*—*The Secretary*
10 *shall consult with States and relevant stakeholders*
11 *with applicable expertise to establish a process to*
12 *identify eligible lenders, financiers, and building*
13 *owners with real estate asset portfolios across multiple*
14 *States that may be eligible for the efficiency financing*
15 *initiatives conducted under this subsection.*

16 (e) *EVALUATION OF PROGRAMS.*—*The Secretary shall*
17 *evaluate applications from States under this section on the*
18 *basis of—*

19 (1) *the likelihood that a proposed program or ac-*
20 *tivity will—*

21 (A) *be established or expanded;*

22 (B) *increase the total investment and en-*
23 *ergy savings of the retrofit projects to be sup-*
24 *ported; and*

1 (C) increase the total investment and energy
2 savings in a State or region in which invest-
3 ments and energy savings have the greatest po-
4 tential for growth as compared to other States or
5 regions;

6 (2) in the case of large commercial building effi-
7 ciency financing initiatives conducted under sub-
8 section (d), evidence of multistate cooperation and co-
9 ordination with real estate lenders, financiers, and
10 owners; and

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

13 (f) *REPORTS.*—

14 (1) *IN GENERAL.*—Not later than 2 years after
15 the date of the receipt of a grant under this section,
16 a State shall submit to the Secretary, the Committee
17 on Energy and Natural Resources of the Senate, and
18 the Committee on Energy and Commerce of the House
19 of Representatives a report on the performance of pro-
20 grams and activities carried out with the grant.

21 (2) *DATA.*—

22 (A) *IN GENERAL.*—A State receiving a
23 grant under this section and the Secretary shall
24 cooperate to collect and share data resulting from

1 *programs and activities carried out under this*
2 *section.*

3 *(B) DEPARTMENT DATABASES.—The Sec-*
4 *retary shall incorporate data described in sub-*
5 *paragraph (A) into appropriate databases of the*
6 *Department of Energy, with provisions for the*
7 *protection of confidential business data.*

8 *(g) FUNDING.—*

9 *(1) AUTHORIZATION OF APPROPRIATIONS.—*
10 *There is authorized to be appropriated to carry out*
11 *this section \$250,000,000, to remain available until*
12 *expended.*

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

15 *(A) 50 percent of the amount shall be allo-*
16 *cated on a formula-basis that is consistent with*
17 *the formula used to allocate funds for State en-*
18 *ergy conservation programs established under*
19 *part D of title III of the Energy Policy and Con-*
20 *servation Act (42 U.S.C. 6321 et seq.), as deter-*
21 *mined by the Secretary; and*

22 *(B) 50 percent of the amount shall be allo-*
23 *cated to large commercial building financing*
24 *initiatives conducted under subsection (d), with*
25 *no individual State receiving more than 10 per-*

1 *cent of the amount made available for a fiscal*
 2 *year under this subparagraph.*

3 (3) *STATE ENERGY OFFICES.*—*Funds provided to*
 4 *a State under this section shall be provided to the of-*
 5 *fice within the State that is responsible for developing*
 6 *the State energy plan for the State under part D of*
 7 *title III of the Energy Policy and Conservation Act*
 8 *(42 U.S.C. 6321 et seq.).*

9 (4) *LOANS.*—*No funds made available under this*
 10 *section may be used to provide direct Federal loans*
 11 *for purposes of any of the programs or activities de-*
 12 *scribed in subsection (b).*

13 **TITLE III—INDUSTRIAL EFFI-**
 14 **CIENCY AND COMPETITIVE-**
 15 **NESS**

16 **Subtitle A—Manufacturing Energy**
 17 **Efficiency**

18 **SEC. 301. PURPOSES.**

19 The purposes of this subtitle are—

20 (1) to reform and reorient the industrial effi-
 21 ciency programs of the Department of Energy;

22 (2) to establish a clear and consistent authority
 23 for industrial efficiency programs of the Depart-
 24 ment;

1 (3) to accelerate the deployment of technologies
2 and practices that will increase industrial energy ef-
3 ficiency and improve productivity;

4 (4) to accelerate the development and dem-
5 onstration of technologies that will assist the deploy-
6 ment goals of the industrial efficiency programs of
7 the Department and increase manufacturing effi-
8 ciency;

9 (5) to stimulate domestic economic growth and
10 improve industrial productivity and competitiveness;
11 and

12 (6) to strengthen partnerships between Federal
13 and State governmental agencies and the private
14 and academic sectors.

15 **SEC. 302. FUTURE OF INDUSTRY PROGRAM.**

16 (a) IN GENERAL.—Section 452 of the Energy Inde-
17 pendence and Security Act of 2007 (42 U.S.C. 17111) is
18 amended by striking the section heading and inserting the
19 following: “**FUTURE OF INDUSTRY PROGRAM**”.

20 (b) DEFINITION OF ENERGY SERVICE PROVIDER.—
21 Section 452(a) of the Energy Independence and Security
22 Act of 2007 (42 U.S.C. 17111(a)) is amended—

23 (1) by redesignating paragraphs (3) through

24 (5) as paragraphs (4) through (6), respectively; and

25 (2) by inserting after paragraph (2):

1 “(3) ENERGY SERVICE PROVIDER.—The term
 2 ‘energy service provider’ means any business pro-
 3 viding technology or services to improve the energy
 4 efficiency, power factor, or load management of a
 5 manufacturing site or other industrial process in an
 6 energy-intensive industry, or any utility operating
 7 under a utility energy service project.”.

8 (c) INDUSTRIAL RESEARCH AND ASSESSMENT CEN-
 9 TERS.—

10 ~~(1) IN GENERAL.—~~Section *CENTERS*.—Section
 11 452(e) of the Energy Independence and Security Act
 12 of 2007 (42 U.S.C. 17111(e)) is amended—

13 ~~(A)~~ (1) by redesignating paragraphs (1)
 14 through (5) as subparagraphs (A) through (E), re-
 15 spectively, and indenting appropriately;

16 ~~(B)~~ (2) by striking “The Secretary” and insert-
 17 ing the following:

18 “(1) IN GENERAL.—The Secretary”;

19 ~~(C)~~ (3) in subparagraph (A) (as redesignated by
 20 ~~subparagraph (A)~~ *paragraph (1)*), by inserting be-
 21 fore the semicolon at the end the following: “, in-
 22 cluding assessments of sustainable manufacturing
 23 goals and the implementation of information tech-
 24 nology advancements for supply chain analysis, lo-

1 gistics, system monitoring, industrial and manufac-
2 turing processes, and other purposes”; and

3 ~~(D)~~ (4) by adding at the end the following:

4 “(2) COORDINATION.—

5 “(A) IN GENERAL.—To increase the value
6 and capabilities of the industrial research and
7 assessment centers, the centers shall—

8 “(i) coordinate with Manufacturing
9 Extension Partnership Centers of the Na-
10 tional Institute of Standards and Tech-
11 nology;

12 “(ii) coordinate with the Building
13 Technologies Program of the Department
14 of Energy to provide building assessment
15 services to manufacturers;

16 “(iii) increase partnerships with the
17 National Laboratories of the Department
18 of Energy to leverage the expertise and
19 technologies of the National Laboratories
20 for national industrial and manufacturing
21 needs;

22 “(iv) increase partnerships with en-
23 ergy service providers and technology pro-
24 viders to leverage private sector expertise
25 and accelerate deployment of new and ex-

1 isting technologies and processes for en-
2 ergy efficiency, power factor, and load
3 management;

4 “(v) identify opportunities for reduc-
5 ing greenhouse gas emissions; and

6 “(vi) promote sustainable manufac-
7 turing practices for small- and medium-
8 sized manufacturers.

9 “(3) OUTREACH.—The Secretary shall provide
10 funding for—

11 “(A) outreach activities by the industrial
12 research and assessment centers to inform
13 small- and medium-sized manufacturers of the
14 information, technologies, and services avail-
15 able; and

16 “(B) coordination activities by each indus-
17 trial research and assessment center to leverage
18 efforts with—

19 “(i) Federal and State efforts;

20 “(ii) the efforts of utilities and energy
21 service providers;

22 “(iii) the efforts of regional energy ef-
23 ficiency organizations; and

24 “(iv) the efforts of other industrial re-
25 search and assessment centers.

1 “(4) WORKFORCE TRAINING.—

2 “(A) IN GENERAL.—The Secretary shall
3 pay the Federal share of associated internship
4 programs under which students work with or
5 for industries, manufacturers, and energy serv-
6 ice providers to implement the recommendations
7 of industrial research and assessment centers.

8 “(B) FEDERAL SHARE.—The Federal
9 share of the cost of carrying out internship pro-
10 grams described in subparagraph (A) shall be
11 50 percent.

12 “(5) SMALL BUSINESS LOANS.—The Adminis-
13 trator of the Small Business Administration shall, to
14 the maximum extent practicable, expedite consider-
15 ation of applications from eligible small business
16 concerns for loans under the Small Business Act (15
17 U.S.C. 631 et seq.) to implement recommendations
18 of industrial research and assessment centers estab-
19 lished under paragraph (1).

20 “(6) ADVANCED MANUFACTURING STEERING
21 COMMITTEE.—The Secretary shall establish an advi-
22 sory steering committee to provide recommendations
23 to the Secretary on planning and implementation of
24 the Advanced Manufacturing Office of the Depart-
25 ment of Energy.”.

1 **SEC. 303. SUSTAINABLE MANUFACTURING INITIATIVE.**

2 (a) IN GENERAL.—Part E of title III of the Energy
3 Policy and Conservation Act (42 U.S.C. 6341) is amended
4 by adding at the end the following:

5 **“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

6 “(a) IN GENERAL.—As part of the Office of Energy
7 Efficiency and Renewable Energy, the Secretary, on the
8 request of a manufacturer, shall conduct onsite technical
9 assessments to identify opportunities for—

10 “(1) maximizing the energy efficiency of indus-
11 trial processes and cross-cutting systems;

12 “(2) preventing pollution and minimizing waste;

13 “(3) improving efficient use of water in manu-
14 facturing processes;

15 “(4) conserving natural resources; and

16 “(5) achieving such other goals as the Secretary
17 determines to be appropriate.

18 “(b) COORDINATION.—The Secretary shall carry out
19 the initiative in coordination with the private sector and
20 appropriate agencies, including the National Institute of
21 Standards and Technology, to accelerate adoption of new
22 and existing technologies and processes that improve en-
23 ergy efficiency.

24 “(c) RESEARCH AND DEVELOPMENT PROGRAM FOR
25 SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECH-
26 NOLOGIES AND PROCESSES.—As part of the industrial ef-

1 efficiency programs of the Department of Energy, the Sec-
2 retary shall carry out a joint industry-government partner-
3 ship program to research, develop, and demonstrate new
4 sustainable manufacturing and industrial technologies and
5 processes that maximize the energy efficiency of industrial
6 plants, reduce pollution, and conserve natural resources.”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 the Energy Policy and Conservation Act (42 U.S.C. prec.
9 6201) is amended by adding at the end of the items relat-
10 ing to part E of title III the following:

“Sec. 376. Sustainable manufacturing initiative.”.

11 **SEC. 304. CONFORMING AMENDMENTS.**

12 (a) Section 106 of the Energy Policy Act of 2005 (42
13 U.S.C. 15811) is repealed.

14 (b) Sections 131, 132, 133, 2103, and 2107 of the
15 Energy Policy Act of 1992 (42 U.S.C. 6348, 6349, 6350,
16 13453, 13456) are repealed.

17 (c) Section 2101(a) of the Energy Policy Act of 1992
18 (42 U.S.C. 13451(a)) is amended in the third sentence
19 by striking “sections 2102, 2103, 2104, 2105, 2106,
20 2107, and 2108” and inserting “sections 2102, 2104,
21 2105, 2106, and ~~2108~~, *2108 of this Act and* section 376
22 of the Energy Policy and Conservation Act,”.

1 **Subtitle B—Supply Star**

2 **SEC. 311. SUPPLY STAR.**

3 The Energy Policy and Conservation Act is amended
4 by inserting after section 324A (42 U.S.C. 6294a) the fol-
5 lowing:

6 **“SEC. 324B. SUPPLY STAR PROGRAM.**

7 “(a) IN GENERAL.—There is established within the
8 Department of Energy a Supply Star program to identify
9 and promote practices, recognize companies, and, as ap-
10 propriate, recognize products that use highly efficient sup-
11 ply chains in a manner that conserves energy, water, and
12 other resources.

13 “(b) COORDINATION.—In carrying out the program
14 described in subsection (a), the Secretary shall—

15 “(1) consult with other appropriate agencies;
16 and

17 “(2) coordinate efforts with the Energy Star
18 program established under section 324A.

19 “(c) DUTIES.—In carrying out the Supply Star pro-
20 gram described in subsection (a), the Secretary shall—

21 “(1) promote practices, recognize companies,
22 and, as appropriate, recognize products that comply
23 with the Supply Star program as the preferred prac-
24 tices, companies, and products in the marketplace
25 for maximizing supply chain efficiency;

1 “(2) work to enhance industry and public
2 awareness of the Supply Star program;

3 “(3) collect and disseminate data on supply
4 chain energy resource consumption;

5 “(4) develop and disseminate metrics, proc-
6 esses, and analytical tools (including software) for
7 evaluating supply chain energy resource use;

8 “(5) develop guidance at the sector level for im-
9 proving supply chain efficiency;

10 “(6) work with domestic and international orga-
11 nizations to harmonize approaches to analyzing sup-
12 ply chain efficiency, including the development of a
13 consistent set of tools, templates, calculators, and
14 databases; and

15 “(7) work with industry, including small busi-
16 nesses, to improve supply chain efficiency through
17 activities that include—

18 “(A) developing and sharing best practices;

19 and

20 “(B) providing opportunities to benchmark
21 supply chain efficiency.

22 “(d) EVALUATION.—In any evaluation of supply
23 chain efficiency carried out by the Secretary with respect
24 to a specific product, the Secretary shall consider energy
25 consumption and resource use throughout the entire

1 lifecycle of a product, including production, transport,
2 packaging, use, and disposal.

3 “(e) GRANTS AND INCENTIVES.—

4 “(1) IN GENERAL.—The Secretary may award
5 grants or other forms of incentives on a competitive
6 basis to eligible entities, as determined by the Sec-
7 retary, for the purposes of—

8 “(A) studying supply chain energy resource
9 efficiency; and

10 “(B) demonstrating and achieving reduc-
11 tions in the energy resource consumption of
12 commercial products through changes and im-
13 provements to the production supply and dis-
14 tribution chain of the products.

15 “(2) USE OF INFORMATION.—Any information
16 or data generated as a result of the grants or incen-
17 tives described in paragraph (1) shall be used to in-
18 form the development of the Supply Star Program.

19 “(f) TRAINING.—The Secretary shall use funds to
20 support professional training programs to develop and
21 communicate methods, practices, and tools for improving
22 supply chain efficiency.

23 “(g) EFFECT OF IMPACT ON CLIMATE CHANGE.—
24 For purposes of this section, the impact on climate change

1 shall not be a factor in determining supply chain effi-
2 ciency.

3 “(h) EFFECT OF OUTSOURCING OF AMERICAN
4 JOBS.—For purposes of this section, the outsourcing of
5 American jobs in the production of a product shall not
6 count as a positive factor in determining supply chain effi-
7 ciency.

8 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$10,000,000 for the period of fiscal years 2014 through
11 2023.”.

12 **Subtitle C—Electric Motor Rebate** 13 **Program**

14 **SEC. 321. ENERGY SAVING MOTOR CONTROL REBATE PRO-** 15 **GRAM.**

16 (a) ESTABLISHMENT.—Not later than January 1,
17 2014, the Secretary shall establish a program to provide
18 rebates for expenditures made by entities for the purchase
19 and installation of a new constant speed electric motor
20 control that reduces motor energy use by not less than
21 5 percent.

22 (b) REQUIREMENTS.—

23 (1) APPLICATION.—To be eligible to receive a
24 rebate under this section, an entity shall submit to
25 the Secretary an application in such form, at such

1 time, and containing such information as the Sec-
2 retary may require, including—

3 (A) demonstrated evidence that the entity
4 purchased a constant speed electric motor con-
5 trol that reduces motor energy use by not less
6 than 5 percent; and

7 (B) the physical nameplate of the installed
8 motor of the entity to which the energy saving
9 motor control is attached.

10 (2) AUTHORIZED AMOUNT OF REBATE.—The
11 Secretary may provide to an entity that meets the
12 requirements of paragraph (1) a rebate the amount
13 of which shall be equal to the product obtained by
14 multiplying—

15 (A) the nameplate horsepower of the elec-
16 tric motor to which the energy saving motor
17 control is attached; and

18 (B) \$25.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$5,000,000 for each of fiscal years 2014 and 2015, to re-
22 main available until expended.

1 **Subtitle D—Transformer Rebate**
2 **Program**

3 **SEC. 331. ENERGY EFFICIENT TRANSFORMER REBATE PRO-**
4 **GRAM.**

5 (a) DEFINITION OF QUALIFIED TRANSFORMER.—In
6 this section, the term “qualified transformer” means a
7 transformer that meets or exceeds the National Electrical
8 Manufacturers Association (NEMA) Premium Efficiency
9 designation, calculated to 2 decimal points, as having 30
10 percent fewer losses than the NEMA TP–1–2002 effi-
11 ciency standard for a transformer of the same number of
12 phases and capacity, as measured in kilovolt-amperes.

13 (b) ESTABLISHMENT.—Not later than January 1,
14 2014, the Secretary shall establish a program under which
15 rebates are provided for expenditures made by owners of
16 industrial or manufacturing facilities, commercial build-
17 ings, and multifamily residential buildings for the pur-
18 chase and installation of a new energy efficient trans-
19 formers.

20 (c) REQUIREMENTS.—

21 (1) APPLICATION.—To be eligible to receive a
22 rebate under this section, an owner shall submit to
23 the Secretary an application in such form, at such
24 time, and containing such information as the Sec-

1 retary may require, including demonstrated evidence
2 that the owner purchased a qualified transformer.

3 (2) AUTHORIZED AMOUNT OF REBATE.—For
4 qualified transformers, rebates, in dollars per kilo-
5 volt-ampere (referred to in this paragraph as
6 “kVA”) shall be—

7 (A) for 3-phase transformers—

8 (i) with a capacity of not greater than
9 10 kVA, 15;

10 (ii) with a capacity of not less than 10
11 kVA and not greater than 100 kVA, the
12 difference between 15 and the quotient ob-
13 tained by dividing—

14 (I) the difference between—

15 (aa) the capacity of the
16 transformer in kVA; and

17 (bb) 10; by

18 (II) 9; and

19 (iii) with a capacity greater than or
20 equal to 100 kVA, 5; and

21 (B) for single-phase transformers, 75 per-
22 cent of the rebate for a 3-phase transformer of
23 the same capacity.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section

1 \$5,000,000 for each of fiscal years 2014 and 2015, to re-
2 main available until expended.

3 (e) *TERMINATION OF EFFECTIVENESS.*—*The authority*
4 *provided by this section terminates effective December 31,*
5 *2015.*

6 **TITLE IV—FEDERAL AGENCY**
7 **ENERGY EFFICIENCY**

8 **SEC. 401. ADOPTION OF INFORMATION AND COMMUNICA-**
9 **TIONS TECHNOLOGY POWER SAVINGS TECH-**
10 **NIQUES BY FEDERAL AGENCIES.**

11 (a) *IN GENERAL.*—Not later than 360 days after the
12 date of enactment of this Act, the Secretary, in consulta-
13 tion with the Secretary of Defense, the Secretary of Vet-
14 erans Affairs, and the Administrator of General Services,
15 shall issue guidance for Federal agencies to employ ad-
16 vanced tools promoting energy efficiency and energy sav-
17 ings through the use of information and communications
18 technologies, including computer hardware, *operation and*
19 *maintenance processes*, energy efficiency software, and
20 power management tools.

21 (b) *REPORTS ON PLANS AND SAVINGS.*—Not later
22 than 180 days after the date of the issuance of the guid-
23 ance under subsection (a), each Federal agency shall sub-
24 mit to the Secretary a report that describes—

1 (1) the plan of the agency for implementing the
2 guidance within the agency; and

3 (2) estimated energy and financial savings from
4 employing the tools and processes described in sub-
5 section (a).

6 **SEC. 402. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**

7 Section 3307 of title 40, United States Code, is
8 amended—

9 (1) by redesignating subsections (d) through (h)
10 as subsections (e) through (i), respectively; and

11 (2) by inserting after subsection (c) the fol-
12 lowing:

13 “(d) AVAILABILITY OF FUNDS FOR DESIGN UP-
14 DATES.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 for any project for which congressional approval is
17 received under subsection (a) and for which the de-
18 sign has been substantially completed but construc-
19 tion has not begun, the Administrator of General
20 Services may use appropriated funds to update the
21 project design to meet applicable Federal building
22 energy efficiency standards established under section
23 305 of the Energy Conservation and Production Act
24 (42 U.S.C. 6834) and other requirements estab-
25 lished under section 3312.

1 “(2) LIMITATION.—The use of funds under
2 paragraph (1) shall not exceed 125 percent of the
3 estimated energy or other cost savings associated
4 with the updates as determined by a life cycle cost
5 analysis under section 544 of the National Energy
6 Conservation Policy Act (42 U.S.C. 8254).”.

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

9 Section 804(4) of the National Energy Conservation
10 Policy Act (42 U.S.C. 8287c(4)) is amended—

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

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

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

16 “(C) a measure to support the use of nat-
17 ural gas vehicles and electric vehicles or the
18 fueling or charging infrastructure necessary for
19 natural gas vehicles and electric vehicles, in-
20 cluding the use of utility energy service con-
21 tracts to support those vehicles or infrastruc-
22 ture.”.

1 **SEC. 403. NATURAL GAS AND ELECTRIC VEHICLE INFRA-**
 2 **STRUCTURE.**

3 (a) *UTILITY INCENTIVE PROGRAMS.*—Section
 4 546(c)(1) of the National Energy Conservation Policy Act
 5 (42 U.S.C. 8256(c)(1)) is amended by inserting “(including
 6 measures to support the use of natural gas vehicles and elec-
 7 tric vehicles or the fueling or charging infrastructure nec-
 8 essary for natural gas vehicles and electric vehicles)” after
 9 “demand”.

10 (b) *ENERGY SAVINGS PERFORMANCE CONTRACTS.*—
 11 Section 804(4) of the National Energy Conservation Policy
 12 Act (42 U.S.C. 8287c(4)) is amended—

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

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

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

18 “(C) a measure to support the use of nat-
 19 ural gas vehicles and electric vehicles or the fuel-
 20 ing or charging infrastructure necessary for nat-
 21 ural gas vehicles and electric vehicles, including
 22 the use of utility energy service contracts to sup-
 23 port those vehicles or infrastructure.”.

24 **SEC. 404. FEDERAL DATA CENTER CONSOLIDATION.**

25 Not later than 180 days after the date of enactment
 26 of this Act, the Administrator for the Office of E-Govern-

1 ment and Information Technology within the Office of
 2 Management and Budget shall develop and publish a goal
 3 for the total amount of planned energy and cost savings
 4 and increased productivity by the Federal Government
 5 through the consolidation of Federal data centers during
 6 the 5-year period beginning on the date of enactment of
 7 this Act, which shall include a breakdown on a year-by-
 8 year basis of the projected savings and productivity gains.

9 **TITLE V—MISCELLANEOUS**

10 **SEC. 501. OFFSET.**

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

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

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

17 *“(4) \$200,000,000 for fiscal year 2013;*

18 *“(5) \$130,000,000 for fiscal year 2014; and*

19 *“(6) \$100,000,000 for each of fiscal years 2015*
 20 *through 2017.”.*

21 **SEC. 501.502. BUDGETARY EFFECTS.**

22 The budgetary effects of this Act, for the purpose of
 23 complying with the Statutory Pay-As-You-Go Act of 2010,
 24 shall be determined by reference to the latest statement
 25 titled “Budgetary Effects of PAYGO Legislation” for this

1 Act, submitted for printing in the Congressional Record
2 by the Chairman of the Senate Budget Committee, pro-
3 vided that such statement has been submitted prior to the
4 vote on passage.

5 **SEC. ~~502-503~~. ADVANCE APPROPRIATIONS REQUIRED.**

6 The authorization of amounts under this Act and the
7 amendments made by this Act shall be effective for any
8 fiscal year only to the extent and in the amount provided
9 in advance in appropriations Acts.

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113TH CONGRESS
1ST Session

S. 761

A BILL

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

MAY 13, 2013

Reported with amendments