

111TH CONGRESS  
1ST SESSION

# S. 1092

To establish a program to provide loans for use in carrying out residential, commercial, industrial, and transportation energy efficiency and renewable generation projects.

---

## IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To establish a program to provide loans for use in carrying out residential, commercial, industrial, and transportation energy efficiency and renewable generation projects.

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.**

4 This Act may be cited as the “Reenergize America  
5 Loan Program Act of 2009”.

6 **SEC. 2. REENERGIZE AMERICA LOAN PROGRAM.**

7 (a) DEFINITIONS.—In this section:

1           (1) FUND.—The term “Fund” means the Re-  
 2           energize America Loan Program Fund established  
 3           by subsection (g).

4           (2) 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. 450b).

8           (3) PROGRAM.—The term “Program” means  
 9           the Green America Loan Program established by  
 10          subsection (b).

11          (4) QUALIFIED PERSON.—The term “qualified  
 12          person” means an individual or entity that is deter-  
 13          mined to be capable of meeting all terms and condi-  
 14          tions of a loan provided under this section based on  
 15          the criteria and procedures approved by the Sec-  
 16          retary in a plan submitted under subsection (d).

17          (5) SECRETARY.—The term “Secretary” means  
 18          the Secretary of Energy.

19          (6) STATE.—The term “State” means—

20               (A) a State;

21               (B) the District of Columbia;

22               (C) the Commonwealth of Puerto Rico;

23               (D) any other territory or possession of the  
 24          United States; and

25               (E) an Indian tribe.

1 (b) ESTABLISHMENT.—There is established within  
2 the Department of Energy a revolving loan program to  
3 be known as the “Reenergize America Loan Program”.

4 (c) ALLOCATIONS TO STATES.—

5 (1) IN GENERAL.—In carrying out the Pro-  
6 gram, the Secretary shall allocate funds to States  
7 for use in providing zero-interest loans to qualified  
8 persons to carry out residential, commercial, indus-  
9 trial, and transportation energy efficiency and re-  
10 newable generation projects contained in State en-  
11 ergy conservation plans submitted and approved  
12 under sections 362 and 363 of the Energy Policy  
13 and Conservation Act (42 U.S.C. 6322, 6323), re-  
14 spectively.

15 (2) ADMINISTRATIVE EXPENSES.—A State that  
16 receives an allocation of funds under this subsection  
17 may impose on each qualified person that receives a  
18 loan from the allocated funds of the State adminis-  
19 trative fees to cover the costs incurred by the State  
20 in administering the loan.

21 (3) REPAYMENT AND RETURN OF PRINCIPAL.—  
22 Return of principal from loans provided by a State  
23 may be retained by the State for the purpose of  
24 making additional loans pursuant to—

1 (A) a plan approved by the Secretary  
2 under subsection (d); and

3 (B) such terms and conditions as the Sec-  
4 retary considers appropriate to ensure the fi-  
5 nancial integrity of the Program.

6 (d) APPLICATION.—A State that seeks to receive an  
7 allocation under this section shall—

8 (1) submit to the Secretary for review and ap-  
9 proval a 5-year plan for the administration and dis-  
10 tribution by the State of funds from the allocation,  
11 including a description of criteria that the State will  
12 use to determine the qualifications of potential bor-  
13 rowers for loans made from the allocated funds;

14 (2) agree to submit to annual audits with re-  
15 spect to any allocated funds received and distributed  
16 by the State; and

17 (3) reapply for a subsequent allocation at the  
18 end of the 5-year period covered by the plan.

19 (e) ALLOCATION.—In approving plans submitted by  
20 the States under subsection (d) and allocating funds  
21 among States under this section, the Secretary shall con-  
22 sider—

23 (1) the likely energy savings and renewable en-  
24 ergy potential of the plans;

25 (2) regional energy needs; and

1           (3) the equitable distribution of funds among  
2       regions of the United States.

3       (f) MAXIMUM AMOUNT; TERM.—A loan provided by  
4       a State using funds allocated under this section shall be—

5           (1) in an amount not to exceed \$5,000,000; and

6           (2) for a term of not to exceed 4 years.

7       (g) REENERGIZE AMERICA LOAN PROGRAM FUND.—

8           (1) ESTABLISHMENT.—There is established in  
9       the Treasury of the United States a revolving fund,  
10      to be known as the “Reenergize America Loan Pro-  
11      gram Fund”, consisting of such amounts as are  
12      transferred to the Fund under paragraph (2).

13          (2) TRANSFERS TO FUND.—From any Federal  
14      royalties, rents, and bonuses derived from Federal  
15      onshore and offshore oil, gas, coal, or alternative en-  
16      ergy leases issued under the Outer Continental Shelf  
17      Lands Act (43 U.S.C. 1331 et seq.) or the Mineral  
18      Leasing Act (30 U.S.C. 181 et seq.) that are depos-  
19      ited in the Treasury, and after distribution of any  
20      funds described in paragraph (3), there shall be  
21      transferred to the Fund \$1,000,000,000 for each of  
22      fiscal years 2010 through 2020.

23          (3) PRIOR DISTRIBUTIONS.—The distributions  
24      referred to in paragraph (2) are those required by  
25      law—

(A) to States and to the Reclamation Fund under the Mineral Leasing Act (30 U.S.C. 191(a)); and

(B) to other funds receiving amounts from Federal oil and gas leasing programs, including—

(i) any recipients pursuant to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g));

(ii) the Land and Water Conservation Fund, pursuant to section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5(c));

(iii) the Historic Preservation Fund, pursuant to section 108 of the National Historic Preservation Act (16 U.S.C. 470h); and

(iv) the coastal impact assistance program established under section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a).

(4) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), on request by the Secretary, the Secretary of the Treasury shall transfer from

1 the Fund to the Secretary such amounts as the  
 2 Secretary determines to be necessary to provide  
 3 allocations to States under subsection (c).

4 (B) ADMINISTRATIVE EXPENSES.—An  
 5 amount not exceeding 5 percent of the amounts  
 6 in the Fund shall be available for each fiscal  
 7 year to pay the administrative expenses nec-  
 8 essary to carry out this subsection.

9 (5) TRANSFERS OF AMOUNTS.—

10 (A) IN GENERAL.—The amounts required  
 11 to be transferred to the Fund under this sub-  
 12 section shall be transferred at least monthly  
 13 from the general fund of the Treasury to the  
 14 Fund on the basis of estimates made by the  
 15 Secretary of the Treasury.

16 (B) ADJUSTMENTS.—Proper adjustment  
 17 shall be made in amounts subsequently trans-  
 18 ferred to the extent prior estimates were in ex-  
 19 cess of or less than the amounts required to be  
 20 transferred.

21 (h) FUNDING.—Notwithstanding any other provision  
 22 of law, for each of fiscal years 2010 through 2020, the  
 23 Secretary shall use to carry out the Program such  
 24 amounts as are available in the Fund.

○