

Calendar No. 618

111TH CONGRESS
2^D SESSION

S. 3460

[Report No. 111–332]

To require the Secretary of Energy to provide funds to States for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2010

Mr. SANDERS (for himself, Mr. SPECTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. KAUFMAN, Mrs. GILLIBRAND, Ms. STABENOW, Mr. LEAHY, Mrs. BOXER, Mr. CASEY, Mr. HARKIN, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Mr. KERRY, Mrs. SHAHEEN, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 27, 2010

Reported by Mr. BINGAMAN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Secretary of Energy to provide funds to States for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, 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.**

4 This Act may be cited as the “10 Million Solar Roofs
 5 Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ELIGIBLE PARTICIPANT.**—The term “eligi-
 9 ble participant” means—

10 (A) an owner of a home;

11 (B) a business entity;

12 (C) a local educational agency; and

13 (D) any other individual or entity that the
 14 Secretary determines to be appropriate.

15 (2) **INSTALLED NAMEPLATE CAPACITY.**—The
 16 term “installed nameplate capacity” means the max-
 17 imum output of a solar electric system under specific
 18 conditions designated by the manufacturer of the
 19 solar electric system.

20 (3) **LOCAL EDUCATIONAL AGENCY.**—The term
 21 “local educational agency” has the meaning given
 22 the term in section 9101 of the Elementary and Sec-
 23 ondary Education Act of 1965 (20 U.S.C. 7801).

24 (4) **SECRETARY.**—The term “Secretary” means
 25 the Secretary of Energy.

1 ~~(5) SOLAR ENERGY SYSTEM.—~~The term “solar
2 energy system” means rooftop or ground-mounted
3 solar equipment—

4 ~~(A)~~ that is used to generate electricity or
5 heat water; and

6 ~~(B)~~ with an installed nameplate capacity
7 not exceeding 1 megawatt or the thermal equiv-
8 alent of 1 megawatt.

9 **SEC. 3. REBATES, LOANS, AND OTHER INCENTIVES FOR**
10 **PURCHASE AND INSTALLATION OF SOLAR**
11 **ENERGY SYSTEMS.**

12 ~~(a) IN GENERAL.—~~As soon as practicable after the
13 date of enactment of this Act, the Secretary shall establish
14 a program under which the Secretary shall provide funds
15 to States to provide rebates, loans, or other incentives to
16 eligible participants for the purchase and installation of
17 solar energy systems for properties located in the United
18 States.

19 ~~(b) ALLOCATION.—~~For each of fiscal years 2012
20 through 2020, the Secretary shall provide funds to States
21 in accordance with the allocation formula used to allocate
22 funds to States to carry out State energy conservation
23 plans under part D of title III of the Energy Policy and
24 Conservation Act (42 U.S.C. 6321 et seq.).

25 ~~(c) STATES NOT RECEIVING FUNDS.—~~

1 (1) DUTY OF STATES.—Any State that does not
 2 elect to receive funds provided under this section
 3 shall submit to the Secretary written notification of
 4 the decision of the State not to receive the funds.

5 (2) DUTY OF SECRETARY.—Upon the receipt of
 6 written notification by a State under paragraph (1),
 7 the Secretary shall redistribute the funds that the
 8 State would have received to each other State that
 9 elects to receive funds provided under this section in
 10 accordance with the allocation formula described in
 11 subsection (b).

12 (d) IMPLEMENTATION.—

13 (1) AUTHORIZED USE OF FUNDS.—Subject to
 14 subsection (e), each State may use funds received
 15 under this section to expand an existing, or establish
 16 and fund a new—

17 (A) State solar rebate program;

18 (B) solar loan program;

19 (C) solar performance-based incentive pro-
 20 gram; or

21 (D) solar incentive program or innovative
 22 solar financing program not described in sub-
 23 paragraphs (A) through (C), as determined by
 24 the Secretary.

1 (2) PROGRAM REQUIREMENTS.—For each fiscal
 2 year during which a State uses funds provided under
 3 this section for a use described in paragraph (1), the
 4 State shall—

5 (A) certify to the Secretary that the funds
 6 will be used—

7 (i) to supplement, expand, or create
 8 new programs (and will not supplant exist-
 9 ing programs as to maximize program par-
 10 ticipation); and

11 (ii) to deploy an increased quantity of
 12 solar energy systems; and

13 (B) submit to the Secretary an annual im-
 14 plementation plan that contains—

15 (i) projections for solar energy sys-
 16 tems deployment;

17 (ii) data regarding the number of eli-
 18 gible participants that are assisted under
 19 existing applicable State programs; and

20 (iii) projections for—

21 (I) additional solar energy system
 22 deployment; and

23 (II) the number of additional eli-
 24 gible participants for the fiscal year

1 following the fiscal year covered by
2 the annual implementation plan.

3 (e) SOLAR ENERGY SYSTEM.—With respect to each
4 State that receives funds under this section, the Secretary
5 may specify the type and capacity of the solar energy sys-
6 tem that the State may use.

7 (f) NON-FEDERAL SHARE.—Each State that receives
8 funds under this section shall be responsible for an
9 amount equal to 20 percent of the amount of the provided
10 funds.

11 (g) ADMINISTRATIVE EXPENSES.—Not more than 5
12 percent of the amounts made available for each fiscal year
13 under this section may be used to pay the administrative
14 expenses of the Department of Energy that the Secretary
15 determines to be necessary to carry out this Act (including
16 expenses arising from monitoring and evaluation).

17 (h) RELATIONSHIP TO OTHER LAW.—An eligible
18 participant that receives a rebate under this section shall
19 not be eligible for a rebate under section 206(c) of the
20 Energy Policy Act of 2005 (42 U.S.C. 15853).

21 (i) COORDINATION; CONSULTATION.—To the max-
22 imum extent practicable, the Secretary shall consult with
23 the Secretary of the Treasury and the Governor of each
24 State that receives funds under this section to ensure that
25 each program carried out by each State through the use

1 of the funds is coordinated with each other applicable in-
 2 centive or financing program of the Federal Government
 3 or any other State.

4 (j) GOAL.—It is the aspiration and goal of the United
 5 States, through this Act or any appropriate incentive or
 6 research and development program, to install distributed
 7 solar energy systems on not less than 10,000,000 prop-
 8 erties located in the United States by January 1, 2020.

9 (k) REPORT REGARDING ADDITIONAL REC-
 10 OMMENDATIONS.—Not later than 270 days after the date
 11 of enactment of this Act, the Secretary shall submit to
 12 the Committee on Energy and Natural Resources of the
 13 Senate and the Committee on Energy and Commerce of
 14 the House of Representatives a report that contains addi-
 15 tional recommendations that the Secretary determines to
 16 be necessary to achieve the goal described in subsection
 17 (j), including any modification to the program established
 18 under subsection (a).

19 (l) AUTHORIZATION OF APPROPRIATIONS.—There
 20 are authorized to be appropriated to the Secretary to carry
 21 out this section—

22 (1) for fiscal year 2012, \$250,000,000; and

23 (2) for each of fiscal years 2013 through 2020,
 24 such sums as are necessary.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “10 Million Solar Roofs*
 3 *Act of 2010”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *ELIGIBLE PARTICIPANT.*—*The term “eligible*
 7 *participant” means—*

8 (A) *an owner of a home;*

9 (B) *a business entity;*

10 (C) *a local educational agency; and*

11 (D) *any other individual or entity that the*
 12 *Secretary determines to be appropriate.*

13 (2) *INDIAN TRIBE.*—*The term “Indian tribe” has*
 14 *the meaning given the term in section 4 of the Indian*
 15 *Self-Determination and Education Assistance Act (25*
 16 *U.S.C. 450b).*

17 (3) *INSTALLED NAMEPLATE CAPACITY.*—*The*
 18 *term “installed nameplate capacity” means the max-*
 19 *imum output of a solar electric system under specific*
 20 *conditions designated by the manufacturer of the*
 21 *solar electric system.*

22 (4) *LOCAL EDUCATIONAL AGENCY.*—*The term*
 23 *“local educational agency” has the meaning given the*
 24 *term in section 9101 of the Elementary and Sec-*
 25 *ondary Education Act of 1965 (20 U.S.C. 7801).*

1 (5) *SECRETARY*.—The term “Secretary” means
2 the Secretary of Energy.

3 (6) *SOLAR ENERGY SYSTEM*.—The term “solar
4 energy system” means rooftop or ground-mounted
5 solar equipment—

6 (A) that is used to generate electricity or
7 heat water; and

8 (B) with an installed nameplate capacity
9 not exceeding 1 megawatt or the thermal equiva-
10 lent of 1 megawatt.

11 **SEC. 3. REBATES, LOANS, AND OTHER INCENTIVES FOR**
12 **PURCHASE AND INSTALLATION OF SOLAR EN-**
13 **ERGY SYSTEMS.**

14 (a) *IN GENERAL*.—As soon as practicable after the
15 date of enactment of this Act, the Secretary shall establish
16 a program under which the Secretary shall provide com-
17 petitive grants to States, Indian tribes, and local govern-
18 ments to provide rebates, loans, or other incentives to eligi-
19 ble participants for the purchase and installation of solar
20 energy systems for properties located in the United States.

21 (b) *IMPLEMENTATION*.—

22 (1) *COMPETITIVE GRANTS*.—

23 (A) *IN GENERAL*.—For each fiscal year, the
24 Secretary shall provide competitive grants to

1 *States, Indian tribes, and local governments to*
2 *be used in accordance with this section.*

3 *(B) REQUIREMENTS.—The Secretary shall*
4 *adopt and implement criteria for awarding com-*
5 *petitive grants under subparagraph (A) to*
6 *States, Indian tribes, and local governments that*
7 *would—*

8 *(i) provide the maximum leverage of*
9 *Federal funds;*

10 *(ii) provide for the maximum deploy-*
11 *ment of solar energy;*

12 *(iii) ensure that grants are awarded to*
13 *a diversity of geographic locations and re-*
14 *cipients with different population sizes;*

15 *(iv) provide not less than 2 percent of*
16 *the funds available to Indian tribes and*
17 *consortia of Indian tribes; and*

18 *(v) provide a preference for grant re-*
19 *cipients that have established and main-*
20 *tained, or agree to commit to establish and*
21 *maintain, standards and policies to over-*
22 *come barriers to distributed generation (in-*
23 *cluding interconnection and net metering)*
24 *in a manner consistent with the legal au-*
25 *thorities of the grant recipient.*

(2) *AUTHORIZED USE OF FUNDS.*—Subject to subsection (c), competitive grants provided under this section may be used to expand an existing, or establish and fund a new—

(A) solar rebate program;

(B) solar loan program;

(C) solar performance-based incentive program; or

(D) solar incentive program, solar deployment program or project, or innovative solar financing program not described in subparagraphs (A) through (C), as determined by the Secretary.

(3) *PROGRAM REQUIREMENTS.*—For each fiscal year during which a grant recipient uses funds provided under this section, the grant recipient shall—

(A) certify to the Secretary that the funds will be used—

(i) to supplement, expand, or create new programs or projects and will not supplant existing programs as to maximize program participation; and

(ii) to deploy an increased quantity of solar energy systems; and

1 (B) submit to the Secretary an implementa-
2 tion plan that contains—

3 (i) projections for solar energy systems
4 deployment;

5 (ii) data regarding the number of eligi-
6 ble participants that are assisted under ex-
7 isting applicable State and local programs;
8 and

9 (iii) projections for—
10 (I) additional solar energy system
11 deployment; and
12 (II) the number of additional eli-
13 gible participants who will be covered
14 by the annual implementation plan.

15 (c) *SOLAR ENERGY SYSTEM.*—With respect to grant
16 awards in any fiscal year under this section, the Secretary
17 may specify the type and capacity of the solar energy sys-
18 tem and type of deployment or incentive program for which
19 the grant funds are made available.

20 (d) *NON-FEDERAL SHARE.*—Each eligible entity that
21 receives funds under this section shall be responsible for an
22 amount equal to 20 percent of the amount of the provided
23 funds.

24 (e) *ADMINISTRATIVE EXPENSES.*—

1 (1) *IN GENERAL.*—Not more than 5 percent of
 2 the amounts made available for each fiscal year under
 3 this section may be used to pay the administrative ex-
 4 penses of the Department of Energy that the Sec-
 5 retary determines to be necessary to carry out this
 6 Act (including expenses arising from monitoring and
 7 evaluation).

8 (2) *ELIGIBLE ENTITIES; OTHER GRANT RECIPI-*
 9 *ENTS .*—Grant recipients may use amounts made
 10 available for each fiscal year under this section to
 11 pay for administrative expenses in accordance with
 12 section 545(b)(3)(A) of the Energy Independence and
 13 Security Act of 2007 (42 U.S.C. 17155(b)(3)(A)).

14 (f) *RELATIONSHIP TO OTHER LAW.*—An eligible par-
 15 ticipant that receives a rebate under this section shall not
 16 be eligible for a rebate under section 206(c) of the Energy
 17 Policy Act of 2005 (42 U.S.C. 15853).

18 (g) *COORDINATION; CONSULTATION.*—To the max-
 19 imum extent practicable, the Secretary shall consult with
 20 the Secretary of the Treasury and the Chief Executive of
 21 each grant recipient that receives funds under this section
 22 to ensure that each program carried out by each grant re-
 23 cipient through the use of the funds is coordinated with each
 24 other applicable incentive or financing program of the Fed-
 25 eral Government or any other applicable program.

1 (h) *MAXIMUM INCENTIVE.*—

2 (1) *IN GENERAL.*—*With respect to each rebate,*
 3 *grant, and tax credit provided to an eligible partici-*
 4 *pant under this section, the aggregate value of the*
 5 *grants, rebates, and tax credits may not exceed 50*
 6 *percent of the cost to the purchaser of the purchase*
 7 *and installation of the solar energy system.*

8 (2) *EFFECT.*—*Nothing in this subsection affects*
 9 *any solar loan or financing program under this sec-*
 10 *tion or any other law (including regulations).*

11 (i) *GOAL.*—*It is the goal of the United States, through*
 12 *this Act and any appropriate incentive or research and de-*
 13 *velopment program, to install distributed solar energy sys-*
 14 *tems on not less than 10,000,000 properties located in the*
 15 *United States by December 31, 2021.*

16 (j) *REPORT REGARDING ADDITIONAL RECOMMENDA-*
 17 *TIONS.*—*Not later than 270 days after the date of enactment*
 18 *of this Act, the Secretary shall submit to the Committee on*
 19 *Energy and Natural Resources of the Senate and the Com-*
 20 *mittee on Energy and Commerce of the House of Represent-*
 21 *atives a report that contains additional recommendations*
 22 *that the Secretary determines to be necessary to achieve the*
 23 *goal described in subsection (i), including any modification*
 24 *to the program established under subsection (a).*

1 *(k) AUTHORIZATION OF APPROPRIATIONS.—There are*
2 *authorized to be appropriated to the Secretary to carry out*
3 *this section—*

4 *(1) for fiscal year 2012, \$250,000,000; and*

5 *(2) for each of fiscal years 2013 through 2021,*

6 *such sums as are necessary.*

Amend the title so as to read: “A bill to require the Secretary of Energy to provide competitive grants to States, Indian tribes, and local governments for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, and for other purposes.”.

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[Report No. 111-332]

A BILL

To require the Secretary of Energy to provide funds to States for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, and for other purposes.

SEPTEMBER 27, 2010

Reported with an amendment and an amendment to the title