

Energy Efficiency Bills in the Senate

There have been a significant number of energy efficiency bills introduced in the Senate during the first few months of the 114th Congress. A large portion of these bills received testimony in an April 30 hearing connected to the potential comprehensive energy package currently being developed by the Senate Energy and Natural Resources Committee.

The 22 Bills

The Senate Energy and Natural Resources Committee held a hearing on April 30th, one of four hearings used to receive testimony on bills for consideration in a potential comprehensive energy bill. The primary focus of this hearing was on the energy efficiency title of that future package and included the examination of 22 energy efficiency bills. Although the final components are still uncertain, it is probable that the final energy efficiency section will contain a selection of these bills.

S. 523 – A bill to coordinate the provision of energy retrofitting assistance to schools

Introduced by Senators Collins (R-Me.), Warner (D-Va.), Ayotte (R-N.H.) and Merkley (D-Or.), S. 523 designates the Department of Energy as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop and finance energy efficiency, renewable energy and energy retrofitting projects for schools.

S. 600 – A bill to require the Secretary of Energy to establish an energy efficiency retrofit pilot program

Introduced by Senator Klobuchar (D-Mn.) with bipartisan support, S. 600 would establish a pilot program to award grants for the purpose of retrofitting non-profit buildings with energy efficiency improvements under the guidance of the Department of Energy. The bill also authorizes \$10 million for fiscal years 2016-2020 to carry out this pilot program and offsets this authorization by amending EISA.

S. 703 – The Weatherization Enhancement and Local Energy Efficiency Investment and Accountability Act of 2015

S. 703 was introduced by Senator Coons (D-De.), along with Senators Collins (R-Me.), Reed (D-R.I.) and Shaheen (D-N.H.), would reauthorize the Weatherization Assistance Program (WAP) and the State Energy Program (SEP) from 2016-2020. WAP and SEP would be annually appropriated for the years 2016-2020 \$450 million and \$75 million, respectively. Furthermore, this bill would create grants for new, self-sustaining low-income, single-family and multifamily housing energy retrofit model programs for eligible organizations, as well as to set up a quality assurance program to ensure that WAP contractors hold minimum accreditations.

S. 720 – The Energy Savings and Industrial Competitiveness Act of 2015

Senators Portman (R-Oh.) and Shaheen (D-N.H.) have introduced S. 720, also known as “Portman-Shaheen,” along with nearly a dozen other cosponsors. Portman-Shaheen contains provisions that will create a national strategy to increase the use of energy efficiency through a model building energy code; promote development of energy efficient supply-chains for companies; encourage the federal government

to adopt and implement energy saving policies and programs; improve federal data center efficiency; support the deployment of energy-efficient technologies in schools; improve commercial building efficiency; and promote the benchmarking and disclosure of buildings' energy use, among a number of other initiatives.

S. 723 – The Utility Energy Service Contracts Improvement Act of 2015

Senators Schatz (D-Hi.), Alexander (R-Tn.) Coats (R-In.) and Coons (D-De.) introduced the Utility Energy Service Contracts Improvement Act to clarify the rules governing the use of utility energy service contracts (UESCs) in order to encourage their widespread use. This act will allow Federal agencies to utilize UESCs, where practical, to help reduce energy use by extending the accepted contract period to a maximum of 25 years.

S. 858 – The Energy Savings through Public-Private Partnerships Act of 2015

S. 858 was introduced by Senators Gardner (R-Co.), Coons (D-De.), Portman (R-Oh.) and Shaheen (D-N.H.) to encourage the use of Energy Savings Performance Contracts (ESCPs) and UESCs in federal facilities to address the energy consumption of the federal government.

S. 869 – The All-of-the-Above Federal Building Energy Conservation Act of 2015

Introduced by Senators Hoeven (R-N.D.), Manchin (D-W.V.) and Donnelly (D-In.), S. 869 would require each Federal agency to reduce its energy consumption per gross square foot by a certain percentage each year through 2017 from a 2003 baseline. Federal officials would be required to conduct energy and water-use surveys to identify energy and water saving measures. Following the completion of this survey, agencies will have to submit plans to implement those measures that would improve energy and water efficiency. Subsequently, DOE is required to submit a report to Congress on the feasibility of mandating that Federal agencies reduce energy consumption by gross square foot 3% annually, from fiscal year 2018 through fiscal year 2030. The bill would also update the efficiency standards for all Federal buildings.

S. 878 – A bill to establish a State residential building energy efficiency upgrades loan pilot program

The bill was introduced by Senator Sanders (I-Vt.) and does have support from several other Senators. It would establish a program under DOE that would make available to eligible entities loans for the purpose of establishing or expanding programs that provide to recipient households financing for residential building energy efficiency upgrades.

S. 886 – The Smart Energy and Water Efficiency Act of 2015

Senator Udall (D-N.M.) introduced the Smart Energy and Water Efficiency Act, which would direct DOE to create a pilot program that would award grants to entities to further develop technologies that will improve the efficiency of the energy-water nexus.

S. 888 - The Promoting Regional Energy Partnerships for Advancing Resilient Energy Systems (PREPARE) Act

S. 888 was introduced by Senators Schatz (D-Hi.) and Heinrich (D-N.M.) and directs DOE and the Department of the Interior (DOI) to provide technical assistance to government entities, Indian tribes and regional and non-profit organizations to develop energy strategies that harmonize and promote national, regional and state energy goals. It also creates an awards program addressing the uniqueness of the energy challenges facing states and Indian tribes. Authorizes \$250 million, to remain until expended, to carry out the provisions of the bill.

S. 893 – The Energy Productivity Innovation Challenge (EPIC) Act of 2015

Introduced by Senators Warner (D-Va.) and Manchin (D-W.V.), the bill would establish the Energy Productivity Innovation Challenge to assist energy policy innovation in the States to promote the goal of doubling electric and thermal energy productivity by 2030. States would be invited to participate and would need to submit plans in order to be considered for any of the grants made available under this bill. DOE would review submitted plans and award initial grants to up to 25 States. Up to 6 States could be chosen for additional funding, determined by the progress made under the initial grant. There are similar provisions included within the bill to help Indian tribes achieve the same goals. To carry out these provisions, \$100 million is authorized for the period of FY 2016 and FY 2017, which is offset by amending Section 422 of EISA.

S. 939 – A bill to require the evaluation and consolidation of duplicative green building programs within the Department of Energy

Introduced by Senators Flake (R-Az.) and Booker (D-N.J.), this bill would require DOE to submit a report that analyzes all green building programs under its control and identify which programs, if any, should be consolidated or eliminated. The report must also include a detailed explanation of which green building programs were specifically authorized by Congress and which ones are carried out under the discretionary authority of DOE.

S. 1029 – A bill to amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing a final rule amending the efficiency standards for residential non-weatherized gas furnaces or mobile home furnaces until an analysis has been completed, and for other purposes

Introduced by Senators Hoeven (R-N.D.) and Alexander (R-Tn.), this bill would prohibit DOE from prescribing a final ruling on efficiency standards for residential non-weatherized gas furnaces or mobile home furnaces until a stakeholder advisory group has completed an analysis of the impact of a nationwide requirement of a condensing furnace efficiency standard. If the analysis finds that a nationwide standard is not technically feasible or economically justified, DOE must establish an amended standard for condensing furnaces.

S. 1038 – The ENERGY STAR Program Integrity Act

The ENERGY STAR Program Integrity Act was introduced by Senator Risch (R-Id.) It would clarify that any disclosure relating to participation of a product in the ENERGY STAR program does not create an express or implied warranty so as to prohibit the rise of private claims or rights of action under Federal or State law

relating to the disqualification of that product from ENERGY STAR. However, the product must have been certified by an ENERGY STAR-recognized body, EPA must approve corrective measures including the possibility of compensation and the responsible party must comply with the corrective measures.

S. 1039 – A bill to require certain agencies to conduct assessments of data centers and develop data center consolidation and optimization plans to achieve energy cost savings

Introduced by Senator Risch (R-Id.). This bill would require DOE, as well as all agencies under the jurisdiction of DOE, to submit annual reports from FY2015-2019 that include a comprehensive asset inventory of data centers and an updated consolidation plan for these data centers.

S. 1044 – The E-Access Act or the Access to Consumer Energy Information Act

Introduced by Senator Markey (D-Ma.), the E-Access Act would help consumers manage their energy usage by enhancing consumer access to electricity information and allow for the adoption of innovative products and services to achieve this goal.

S. 1046 – The Smart Building Acceleration Act

The Smart Building Acceleration Act was introduced by Senator Cantwell (D-Wa.) and is designed to accelerate the adoption of smart building technologies in the private sector and key Federal agencies. DOE would be required to complete an evaluation of privately owned smart buildings and select at least 1 building each from an appropriate range of building sizes and types to determine associated costs and benefits of these buildings. DOE would then create a program to establish 1 or more smart buildings under the jurisdiction of several key Federal agencies, including DOE, Department of Defense (DOD), Department of Veterans Affairs (VA) and the General Services Administration (GSA).

S. 1047 – A bill to require the Secretary of Energy to review rulemaking proceedings of other Federal agencies for the potential to cause an adverse effect on the cost, time or difficulty of complying with energy efficiency regulations, guidelines or standards

This bill was introduced by Senator Alexander (R-Tn.) and would require DOE to review the rulemaking proceedings of other Federal agencies that are pending for the potential to cause an adverse effect on the cost, time or difficulty of complying with current or proposed energy efficiency regulations, guidelines or standards of DOE. The provisions of the bill would ensure that there are no areas of conflict or overlap between a proposed or final regulation, guideline or standard by DOE and a proposed or final regulation, guideline or standard by a different Federal agency.

S. 1048 – A bill to remove the authority of the Secretary to amend or issue new energy efficiency standards for ceiling fans

This bill was introduced by Senator Alexander (R-Tn.) and would remove the authority of DOE to amend or issue new energy efficiency standards for ceiling fans.

S. 1052 – The Energy Information for Commercial Buildings Act

The Energy Information for Commercial Buildings Act was introduced by Senator Franken (D-Mn.) and would require DOE to complete a study on the impact of State and local performance benchmarking and disclosure policies for commercial and multifamily buildings and provide competitive awards to utilities States and units of local government to develop and implement effective and promising programs to achieve the provisions of this bill. The bill authorizes \$5 million for each of FYs 2016-2020 to carry out these provisions.

S. 1053 – A bill to amend the National Energy Conservation Policy Act to promote alternative fueled vehicle fleets and infrastructure

This bill was introduced by Senator Franken (D-Mn.) and would amend the National Energy Conservation Policy Act to promote alternative fueled vehicle fleets and infrastructure. It would do this by allowing utility companies to set up incentive programs and would also allow for the use of ESPCs.

S. 1063 – The American Energy Efficiency Act

The American Energy Efficiency Act was introduced by Senator Franken (D-Mn.) and would establish a Federal energy efficiency resource standard that applies to all major electric and gas utility companies. These standards increase on an annual basis from 2017 to 2030 and hit a maximum of 20% savings for electricity and 13% for natural gas. DOE would be required to extend these savings percentages for the period 2031-2040 by the end of 2028 at the maximum level that is cost-effective and achievable.

Additional Bills

In the time since the hearing, several other bills have been introduced that also have ties to energy efficiency. These bills will likely be included for consideration in the comprehensive energy package as well.

S. 1054 – The Smart Manufacturing Leadership Act

Introduced by Senator Shaheen (D-N.H.), the Smart Manufacturing Leadership Act aims to improve the productivity and energy efficiency of the manufacturing sector by directing DOE, in coordination with the National Academies and other appropriate Federal agencies, to develop a national smart manufacturing plan and to provide assistance to small- and medium-sized manufacturers in implementing smart manufacturing programs.

S. 1201 – The Clean Distributed Energy Grid Integration Act

Introduced by Senator Shaheen (D-N.H.), this bill would lead toward the greater integration of clean distributed energy into electric grids by requiring DOE to complete a study that looks at the current status of integrating these sources and any issues preventing greater integration. Additionally, DOE will convene a working group and distribute grants to entities to further promote grid integration.

S. 1202 – The Heat Efficiency through Applied Technology (HEAT) Act

This bill was introduced by Senator Shaheen (D-N.H.) and would amend the Public Utility Regulatory Policies Act of 1978 to assist States in adopting updated interconnection procedures and tariff schedules and standards for supplemental, backup and standby power fees for projects for combined heat and power technology and waste heat to power technology.

S. 1218 – The Nexus of Energy and Water for Sustainability (NEWS) Act of 2015

Introduced by Senator Murkowski (R-Ak.), the NEWS Act would establish an interagency coordination committee with the leadership of DOE and DOI that is focused on the nexus between energy and water production, use and efficiency.

S. 1304 –The 21st Century Energy Workforce Act

The bill was introduced by Senator Cantwell (D-Wa.) and would require DOE to establish a pilot program to award competitive grants for the development of a skilled energy workforce. To support this program, DOE will establish the National Center of Excellence for the 21st Century Workforce Advisory Board to foster strategic vision, guidance and networks for the energy industry.

S. 1306 – The Energy Independence Investment Act of 2015

Introduced by Senators Manchin (D-W.V.) and Heitkamp (D-N.D.), this bill would require DOE to complete a study on the effectiveness of the advanced fossil loan guarantee incentive program and other incentive programs for advanced fossil energy. The point of this study would be to evaluate these programs and how they might be applied towards improving the efficiency of coal power plants and for carbon capture projects.