THE ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2013, H.R. 1616

Title I – Buildings

Subtitle A – Building Energy Codes

Section 101. Greater energy efficiency in building codes

This section amends the Energy Conservation and Production Act.

The new Section 307 (going in logical rather than numerical order) directs DOE to support the updating of model building energy codes. DOE is to work with relevant and interested parties to establish one or more aggregate energy savings targets, and may establish different targets for residential and commercial buildings. Targets will be set at the maximum level of energy efficiency that is technologically feasible and life-cycle cost-effective, and should be developed with economic considerations and future technological advances taken into account. The baseline for setting these codes will be the 2009 IECC for residential buildings and ASHRAE Standard 90.1-2010 for commercial buildings.

DOE will provide technical assistance to model building energy code-setting and standard development organizations, and will make its energy savings calculation methodology publicly available.

DOE will make a final determination within 15 months of any code revisions on whether the revisions will improve energy efficiency sufficiently to meet the targets. If, in a preliminary determination made within 90 days of revisions, DOE determines that the revision will not meet the target, DOE will provide proposed changes. The model building energy code or standard developer then will have an additional 270 days to accept or reject the proposed changes, after which DOE will make a final determination.

The new Section 304 directs DOE to encourage and support the adoption of building energy codes by states, Indian tribes, and local governments that meet or exceed model building energy codes. DOE will also support full compliance with existing state and local codes. Within two years of a model building energy code update, the state or Indian tribe will certify that the code will achieve target energy savings. Within ninety days of this certification, DOE will determine if the criteria are indeed met, and will validate the certification if they are.

Within three years of certification of a state or Indian tribe code, each state or Indian tribe must certify that the code has achieved full compliance or made significant progress. DOE will validate this achievement or progress within ninety days. If the code has not achieved full compliance or made significant progress within three years, the state or Indian tribe must submit a report to the DOE that

contains a plan to achieve full compliance. The state or Indian tribe may also be eligible for federal support.

DOE will publish an annual report on the status of model building energy codes, levels of compliance with the codes, and past and projected economic costs and benefits associated with the building codes. DOE will also provide technical assistance, incentive funding, and additional funding, some of which may be used to train officials to implement and enforce building codes. DOE will also provide technical and financial support to develop stretch codes and advanced standards, resulting in buildings that achieve substantial energy savings and meet targets at least three to six years ahead of schedule.

DOE, in consultation with building science experts, will produce a report on potential code improvements to make buildings more adaptable for future technology improvements that would allow for zero-net-energy usage; code procedures that would incorporate measured lifetime performance; and legislative options, including incentives, for increasing energy savings.

This section authorizes $200 million to be appropriated and to remain available until expended.

Subtitle B – Worker Training and Capacity Building

Section 111. Building training and assessment centers

DOE will provide grants to institutions of high learning to establish building training and assessment centers. These centers will identify opportunities for optimizing energy efficiency, promote R&D and application of emerging technologies, and train students and workers in the energy efficiency field. To the extent possible, these centers will be collocated with existing Industrial Assessment Centers. DOE will also coordinate with relevant parties to ensure that there is no duplication of effort.

Title II – Private Commercial Building Efficiency Financing

Section 201. Private commercial building efficiency financing

DOE will establish the Commercial Building Energy Efficiency Financing Initiative, and provide grants to states to establish or expand programs that promote the financing of retrofits for commercial or private sector buildings. Eligible programs include, but are not limited to, commercial Property Assessed Clean Energy (PACE) financing programs, revolving loan funds, and community education programs. States will give higher priority to programs that leverage private sources of funding and expand the use of energy efficiency project financing using private sources of funding.

DOE will evaluate applications from states based on the likelihood that the program will be successful, expand, and increase the total investment and energy savings in a state or region with the greatest potential for growth. Within two years of being awarded the grant, the recipient state will submit a performance report to the DOE, the Senate Energy and Natural Resources Committee, and

the House Energy and Commerce Committee. Each state will collect and share pertinent data, and DOE will incorporate all non-confidential data into the appropriate departmental database.

$250 million will be authorized to be appropriated for the period of FY 2015 through 2020, to remain available until expended. Funds will be allocated to the state office that is responsible for developing the state energy plan.

Title III – Industrial Efficiency and Competitiveness

Subtitle A – Manufacturing Energy Efficiency

Section 301. Purposes

The purpose of this subtitle is to reform and clarify the industrial energy efficiency programs of DOE; to accelerate the development and deployment of emerging technologies that can contribute to industrial energy efficiency; to stimulate economic growth through increased industrial productivity; and to strengthen partnerships between governmental agencies, universities, and the private sector.

Section 302. Future of Industry program

This section amends and clarifies the Energy Independence and Security Act of 2007, providing provisions for the future of the industry program of the DOE. It expands the definition, value, and capabilities of industrial research and assessment centers. The centers are directed to increase partnerships and coordination with the Manufacturing Extension Centers of the National Institute of Standards and Technology, energy service and technology providers, and DOE's Building Technologies Program and National Laboratories. The centers will identify opportunities for reducing greenhouse gas emissions and promote sustainability for small- and medium-sized manufacturers.

DOE is directed to provide funding for outreach and coordination activities by the industrial research and assessment centers, as well as 50% of associated internship programs under which students work to implement the recommendations of these centers. DOE is also directed to establish an advisory steering committee to provide recommendations on planning and implementation of the Advanced Manufacturing Office.

The Small Business Administration will expedite consideration, to the greatest extent possible, of applications for loans under the Small Business Act to implement recommendations of the centers.

Section 303. Sustainable manufacturing initiative

This section amends the Energy Policy and Conservation Act to add a sustainable manufacturing initiative. At the request of a manufacturer, DOE will conduct onsite technical assessments to identify opportunities for maximizing energy and water use efficiency, preventing pollution, minimizing waste, conserving natural resources, and other goals. DOE will coordinate with the private sector and

appropriate agencies to accelerate the adoption of relevant technologies. DOE will also partner with industry to form an RD&D program in sustainable manufacturing and industrial technologies.

Section 304. Conforming amendments

Section 106 of the Energy Policy Act of 2005 is repealed. Sections 131, 132, 133, 2103, and 2107 of the Energy Policy Act of 1992 are repealed.

Subtitle B – Supply Star

Section 311. Supply Star

This section amends the Energy Policy and Conservation Act. DOE will establish a Supply Star program to identify and promote practices, recognize companies, and recognize products that use highly efficient supply chains that conserve resources. DOE will work to enhance industry and public awareness of the program, collect and disseminate data and metrics on supply chain resource consumption, work with organizations to harmonize approaches to analyzing supply chain efficiency, and work with industry to improve supply chain efficiency. In evaluating supply chain efficiency, DOE will consider energy consumption and resource use through the entire lifecycle of the product.

DOE may award grants or other incentives on a competitive basis to eligible entities for the purposes of either studying supply chain resource efficiency or reducing energy resource consumption of commercial products through improvements to the production supply and distribution chain of products. Information gathered from this program will be used to improve the Supply Star Program. DOE will fund relevant professional training programs.

DOE will not consider the impact of climate change when determining supply chain efficiency, and will not count the outsourcing of American jobs in production as a positive factor when determining efficiency. There is authorized to be appropriated $10 million for the period of FY 2014 through 2023.

Subtitle C – Electric Motor Rebate Program

Section 321. Energy saving motor control rebate program

By January 1, 2014, DOE will establish a program to provide rebates for new constant speed electric controls that reduce motor energy use by at least five percent. In order to receive the rebate, the applicant must provide information to DOE that validates the energy savings and identifies the physical nameplate of the installed motor. The rebate would be worth $25 per horsepower. The bill authorizes $5 million for each of the fiscal years 2014 and 2015, to remain available until expended.

Subtitle D – Transformer Rebate Program

Section 331. Energy efficient transformer rebate program

DOE will establish a program under which rebates are provided to owners of industrial of manufacturing facilities, commercial buildings, and multifamily residential buildings who purchase and install new energy efficient transformers. The owner must submit an application to DOE with proof of installation in order to be eligible for the rebate. There is authorized to be appropriated $5 million for each of the fiscal years 2014 and 2015, to remain available until expended.

Title IV – Federal Agency Energy Efficiency

Section 401. Adoption of information and communications technology power savings techniques by federal agencies

Within 360 days of the enactment of this legislation, DOE must issue guidance for federal agencies to employ advanced energy efficiency and savings tools through the use of information and communications technologies. DOE will develop the guidelines in consultation with the Department of Defense, the Department of Veterans Affairs, and the General Services Administration.

Within 180 days of the release of this guidance, each federal agency most provide DOE with a plan for implementation and estimated energy and financial savings.

Section 402. Availability of funds for design updates

This section amends Section 3307 of title 40, United States Code, concerning projects that have received congressional approval and for which the design is substantially complete but have not yet begun construction. The General Services Administration may use appropriated funds to update the design of such projects to meet applicable federal building energy efficiency standards. These funds may not exceed 125% of the estimated energy or other cost savings as determined by a life cycle cost analysis.

Section 403. Natural gas and electric vehicle infrastructure

This section amends Section 804(4) of the National Energy Conservation Policy Act, providing federal support for the use of natural gas vehicles and electric vehicles or fueling and charging infrastructure for such vehicles. It authorizes the use of utility energy service contracts to support these vehicles or infrastructure.

Section 404. Federal data center consolidation

Within 180 days of the enactment of this legislation, the Office of E-Government and Information Technology within the Office of Management and Budget will develop and publish a five year goal for the total amount of planned energy and cost savings and increased productivity by the federal government through the consolidation of federal data centers. They will also include a year-by-year breakdown.

Title V – Miscellaneous

Section 501. Budgetary effects

The budgetary effects of this Act will be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this legislation, submitted to the Congressional Record by the Chairman of the Senate Budget Committee.

Section 502. Advance appropriations required

The authorization of funds in this Act will be applicable for any fiscal year only if the sums are actually appropriated.

The full text of H.R. 1616 is available at: http://www.gpo.gov/fdsys/pkg/BILLS-113hr1616ih/pdf/BILLS-113hr1616ih.pdf