



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

## Summary of Energy Related Provisions in the American Recovery and Reinvestment Act of 2009 (Public Law No: 111-005)

Prior to taking office, President Obama announced in his January 8 remarks that the stimulus plan would include provisions to double the production of alternative energy in the next three years, modernize more than 75 percent of federal buildings and improve the energy efficiency of two million American homes. These benchmarks were set prior to any Congressional action on stimulus legislation by either the House of Representatives or the Senate.

The following summary covers provisions of H.R. 1 as signed into Law on February 17, 2009 by the President becoming Public Law No: 111-005. Previous summaries are available providing a side-by-side comparisons of the legislation as considered in the House and Senate upon request.

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### Title IV - Energy & Water Development

#### ***DEPARTMENT OF THE ARMY***

Corps of Engineers  
- Civil

- \$4.6 Billion

Investigations

- \$25 Million
  - These funds shall only be used for programs, projects, or activities that receive funds provided in Acts making appropriations available for Energy & Water Development
  - Funds provided shall be used for programs, projects, or activities (or elements of ) that can be completed within the funds made available in that account & will not require new budget authority to complete
  - For projects that are being completed with these funds that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims

	<ul style="list-style-type: none"> <li>○ The Secretary of the Army shall submit a quarterly report to both chambers' Committees on Appropriations detailing the allocation, obligation, and expenditures of these funds, beginning within 45 days of enactment</li> <li>○ The Secretary shall have unlimited reprogramming authority for these funds</li> </ul>
<p>Construction</p>	<ul style="list-style-type: none"> <li>● \$2 billion <ul style="list-style-type: none"> <li>○ At least \$200 Million must be for water-related environmental infrastructure assistance</li> <li>○ Section 102 of Public Law 109-103 (33 USC 2221) shall not apply to these funds</li> <li>○ Funds shall not be cost-shared with the Inland Waterways Trust Fund (notwithstanding any other provision of law)</li> <li>○ Funds shall only be used for programs, projects, or activities that receive funds in Acts making appropriations for Energy &amp; Water Development</li> <li>○ Funds provided shall be used for programs, projects, or activities (or elements of) that can be completed within the funds made available in that account &amp; will not require new budget authority to complete</li> <li>○ These funds shall not fall under total project cost limitations in section 902 of the Water Resources Development Act of 1986, as amended (33 USC 2280) during fiscal year 2009</li> <li>○ Acting through the Chief of Engineers, the Secretary of the Army may use funds for work authorized under section 14 of the Flood Control Act of 1946 (33 USC 701r), section 205 of the Flood Control Act of 1948 (33 USC 701s), section 206 of the Water Resources Development Act of 1996 (33 USC 2330), or section 1135 of the Water Resources Development Act of 1986 (33 USC 2309a) - not withstanding program cost limitations</li> <li>○ For projects that are being completed with these funds that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims</li> <li>○ The Secretary of the Army shall submit a quarterly report to both chambers' Committees on Appropriations detailing the allocation, obligation, and expenditures of these funds, beginning within 45 days of enactment</li> <li>○ The Secretary shall have unlimited reprogramming authority for these funds</li> </ul> </li> </ul>
<p>Mississippi River &amp; Tributaries</p>	<ul style="list-style-type: none"> <li>● \$375 Million <ul style="list-style-type: none"> <li>○ Funds shall only be used for programs, projects, or activities that receive funds in Acts making appropriations for Energy &amp; Water Development</li> <li>○ Funds provided shall be used for programs, projects, or activities (or elements of ) that can be completed within the funds made available in that account &amp; will not require new budget authority to complete</li> <li>○ These funds shall not fall under total project cost limitations in section 902 of the Water Resources Development Act of 1986, as amended (33 USC 2280) during fiscal year 2009</li> <li>○ For projects that are being completed with these funds that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims</li> <li>○ The Secretary of the Army shall submit a quarterly report to both chambers' Committees on Appropriations detailing the allocation, obligation, and expenditures of these funds, beginning within 45 days of enactment</li> <li>○ The Secretary shall have unlimited reprogramming authority for these funds</li> </ul> </li> </ul>

<p>Operation &amp; Maintenance</p>	<ul style="list-style-type: none"> <li>• \$2.075 Billion <ul style="list-style-type: none"> <li>○ Funds shall only be used for programs, projects, or activities that receive funds in Acts making appropriations for Energy &amp; Water Development</li> <li>○ Funds provided shall be used for programs, projects, or activities (or elements of) that can be completed within the funds made available in that account &amp; will not require new budget authority to complete</li> <li>○ Section 9006 of PL 110-114 shall not apply to these funds</li> <li>○ For projects that are being completed with these funds that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims</li> <li>○ The Secretary of the Army shall submit a quarterly report to both chambers' Committees on Appropriations detailing the allocation, obligation, and expenditures of these funds, beginning within 45 days of enactment</li> <li>○ The Secretary shall have unlimited reprogramming authority for these funds</li> </ul> </li> </ul>
<p>Regulatory Program</p>	<ul style="list-style-type: none"> <li>• \$25 Million</li> </ul>
<p>Formerly Utilized Sites Remedial Action Program</p>	<ul style="list-style-type: none"> <li>• \$100 Million <ul style="list-style-type: none"> <li>○ Funds provided shall be used for programs, projects, or activities (or elements of) that can be completed within the funds made available in that account &amp; will not require new budget authority to complete</li> <li>○ For projects that are being completed with these funds that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims</li> <li>○ The Secretary of the Army shall submit a quarterly report to both chambers' Committees on Appropriations detailing the allocation, obligation, and expenditures of these funds, beginning within 45 days of enactment</li> <li>○ The Secretary shall have unlimited reprogramming authority for these funds</li> </ul> </li> </ul>
<p><b><i>DEPARTMENT OF THE INTERIOR</i></b></p>	
<p>Water &amp; Related Resources</p>	<ul style="list-style-type: none"> <li>• \$1 Billion <ul style="list-style-type: none"> <li>○ At least \$126 Million - for water reclamation &amp; reuse projects authorized under title XVI of PL 102-575</li> <li>○ Funds provided shall be used for programs, projects, or activities (or elements of) that can be completed within the funds made available in that account &amp; will not require new budget authority to complete</li> <li>○ \$50 Million may be transferred to the Department of Interior for programs, projects, &amp; activities under the Central Utah Project Completion Act (titles II-V of PL 102-575)</li> <li>○ \$50 Million may be transferred to the Department of Interior for programs, projects, &amp; activities under the California Bay-Delta Restoration Act (PL 108-361)</li> <li>○ At least \$60 Million to be used for rural water projects and to be expended primarily on water intake &amp; treatment facilities of such projects</li> <li>○ At least \$10 million for bureau-wide inspection of canals program in urbanized areas</li> <li>○ The costs of extraordinary maintenance &amp; replacement activities carried out with these funds shall be repaid pursuant to existing authority, except the length of repayment period shall be determined by the Commissioner, but in no case shall the</li> </ul> </li> </ul>

	<p>repayment period exceed 50 years and the repayment shall include interest, at a rate determined by the Secretary of the Treasury as of the beginning fiscal year in which the work is commenced, on the basis of average market yields on outstanding marketable obligations of the US with the remaining periods of maturity comparable to the applicable reimbursement period of the project adjusted to the nearest 1/8<sup>th</sup> of 1 percent on the unamortized balance of any portion of the loan</p> <ul style="list-style-type: none"> <li>○ For projects that are being completed with these funds that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims</li> <li>○ The Secretary of the Interior shall submit a quarterly report to both chambers' Committees on Appropriations detailing the allocation, obligation, and expenditures of these funds, beginning within 45 days of enactment</li> <li>○ The Secretary shall have unlimited reprogramming authority for these funds</li> </ul>
<b>DEPARTMENT OF ENERGY</b>	
<p>Energy Efficiency &amp; Renewable Energy</p>	<ul style="list-style-type: none"> <li>● \$16.8 billion <ul style="list-style-type: none"> <li>○ <b>Energy Efficiency &amp; Conservation Block Grant (\$3.2 billion), Weatherization Assistance Program (\$5 billion), and State Energy Programs (\$3.1 billion) are all funded from this source (see below for more information on these programs)</b></li> <li>○ \$2 billion - grants for the manufacturing of advanced batteries &amp; components <ul style="list-style-type: none"> <li>▪ Secretary shall provide facility funding awards to manufacturers of advanced battery systems &amp; vehicle batteries that are produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, &amp; software designers</li> <li>▪ The Secretary may recruit &amp; directly appoint highly qualified individuals into the competitive service with the funds provided upon determining that there is a severe shortage of candidates or a critical hiring need for particular positions (notwithstanding section 3304 of title V, United States Code, and without regard to provisions in sections 3309 through 3318 of such title 5)</li> <li>▪ This authority shall not apply to positions in the Excepted Service or the Senior Executive Service</li> <li>▪ Any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.</li> </ul> </li> </ul> </li> </ul>
<p><b>Energy Efficiency and Conservation Block Grant (EECBG)<sup>1,2</sup></b></p>	<ul style="list-style-type: none"> <li>● \$3.2 billion <ul style="list-style-type: none"> <li>○ \$2.8 billion awarded using existing program formula established in the Energy Independence and Security Act of 2007 (42 U.S.C. 17151).</li> <li>○ \$400 million for competitive grants for states and applicable units of local government.</li> <li>○ The Secretary may use the most recent &amp; accurate population data available to satisfy the requirements of section 543(b) of the Energy Independence and Security Act of 2007</li> </ul> </li> </ul>

<sup>1</sup> Authorized under subtitle E of title V of the Energy Independence and Security Act of 2007.

<sup>2</sup> For more information on the Energy Efficiency and Conservation Block Grants program go to: [http://apps1.eere.energy.gov/wip/block\\_grants.cfm](http://apps1.eere.energy.gov/wip/block_grants.cfm).

<b>Weatherization Assistance Program</b>	<ul style="list-style-type: none"> <li>• \$5 Billion for the Weatherization Assistance Program under Part A of title IV of the Energy Conservation &amp; Production Act (42 USC 6861 et seq.).</li> <li>• Income eligibility level changed from 150% of poverty level to 200% of poverty level</li> <li>• Assistance level per unit changed from \$2,500 to \$6,500</li> <li>• Funding ceiling for training and technical assistance is changed from 10 % to up to 20 percent. [Section 416 of the Energy Conservation and Production Act (42 U.S.C. 6866)]</li> <li>• Assistance for previously weatherized dwelling units is updated from September 30, 1979 to September 30, 1994.</li> <li>• Provides guidance on effective use of funds, i.e., the Secretary may encourage States to give priority to using such funds for the most cost-effective efficiency activities</li> </ul>
<b>State Energy Programs (SEP)<sup>3</sup></b>	<ul style="list-style-type: none"> <li>• \$3.1 Billion for State Energy Program as authorized under Part D of title III of the Energy Policy &amp; Conservation Act (42 USC 6321)</li> <li>• Includes a provision requiring as a condition of receipt of State Energy Program grants, a Governor must notify the Secretary of Energy that the Governor has obtained certain assurances, regarding certain regulatory policies, building code requirements and the prioritization of existing state programs. <ul style="list-style-type: none"> <li>○ Regulatory policies - applicable State regulatory authority will seek to implement a general policy that ensures that utility financial incentives are aligned with helping their customers use energy more efficiently and that provide timely cost recovery and a timely earnings opportunity for utilities associated with cost-effective measurable and verifiable efficiency savings, in a way that sustains or enhances utility customers' incentives to use energy more efficiently. This should be done in appropriate proceedings for each electric and gas utility, with respect to which the State regulatory authority has ratemaking authority</li> <li>○ Building code requirements - unit(s) of government with the authority to adopt building codes, will adopt or exceed the 2009 International Energy Conservation Code for residential buildings and the ANSI/ASHRAE/IESNA Standard 90.1-2007 for commercial buildings.</li> <li>○ A plan must also be put in place for the jurisdiction to achieve compliance within 8 years of the date of enactment of this Act in at least 90 percent of new or renovated residential and commercial building space.</li> <li>○ The State will prioritize grants toward funding energy efficiency and renewable energy programs, including the expansion of existing energy efficiency programs, such as energy efficiency retrofits of buildings and industrial facilities that are either funded by the State or through rates under the oversight of a regulatory authority and the expansion. This also includes programs operated by entities that are able to manage and distribute grants, loans, performance incentives, and other forms of financial assistance.</li> <li>○ Joint projects or projects between States will also receive prioritization.</li> </ul> </li> <li>• There is no State Match requirement</li> <li>• There is no percentage limitation on funding for the purchase and installation of equipment and materials for energy efficiency and renewable energy measures under these SEP grants.</li> </ul>

<sup>3</sup> Authorized under Part D of title III of the Energy Policy and Conservation Act (42 20 U.S.C. 6321)

<p>Electricity Delivery &amp; Energy Reliability</p>	<ul style="list-style-type: none"> <li>• \$4.5 Billion <ul style="list-style-type: none"> <li>○ Funds shall be available for expenses necessary for electricity delivery &amp; energy reliability activities to modernize the electric grid to include demand responsive equipment, enhance security &amp; reliability of the energy infrastructure, energy storage research, development, demonstration, and deployment, and facilitate recovery from disruptions to the energy supply, and for implementation of programs authorized under title XIII of the Energy Independence &amp; Security Act of 2007 (42 USC 17381 et seq)</li> <li>○ \$100 Million - for worker training activities <ul style="list-style-type: none"> <li>▪ The Secretary may recruit &amp; directly appoint highly qualified individuals into the competitive service with the funds provided upon determining that there is a severe shortage of candidates or a critical hiring need for particular positions (notwithstanding section 3304 of title V, United States Code, and without regard to provisions in sections 3309 through 3318 of such title 5)</li> <li>▪ This authority shall not apply to positions in the Excepted Service or the Senior Executive Service</li> <li>▪ Any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.</li> </ul> </li> <li>○ \$80 Million within the available funds, the Office of Electricity Delivery &amp; Energy Reliability (EDER) within the Department of Energy may conduct a resource assessment and analysis of future demand and transmission requirements after consultation with the Federal Energy Regulatory Commission (FERC), for the purposes of facilitating the development of regional transmission plans <ul style="list-style-type: none"> <li>▪ EDER &amp; FERC will provide technical assistance to the North American Electric Reliability Corporation, the regional reliability entities, the States, and other transmission owners and operators for the formation of interconnection -based transmission plans for the Eastern and Western Interconnections &amp; ERCOT</li> <li>▪ Such assistance may include modeling, support to regions &amp; States for development of coordinated State electricity policies, programs, laws &amp; regulations</li> </ul> </li> <li>○ \$10 Million - implement section 1305 of PL 110-140</li> <li>○ The Secretary may use or transfer amounts provided under this heading to carry out new authority for transmission improvements, if such authority is enacted in a subsequent Act, consistent with the existing fiscal management practices &amp; procedures</li> </ul> </li> </ul>
<p>Fossil Energy Research &amp; Development</p>	<ul style="list-style-type: none"> <li>• \$3.4 Billion</li> </ul>
<p>Non-Defense Environmental Cleanup</p>	<ul style="list-style-type: none"> <li>• \$483 Million</li> </ul>
<p>Uranium Enrichment Decontamination &amp; Decommissioning</p>	<ul style="list-style-type: none"> <li>• \$390 Million <ul style="list-style-type: none"> <li>○ \$70 Million shall be available in accordance with title X, subtitle A of the Energy Policy Act of 1992</li> </ul> </li> </ul>

Fund	
Science	<ul style="list-style-type: none"> <li>• \$1.6 Billion</li> </ul>
Advanced Research Projects Agency - Energy	<ul style="list-style-type: none"> <li>• \$400 Million as authorized under section 5012 of the America Competes Act (42 USC 16538)</li> </ul>
Title 17 - Innovative Technology Loans Guarantee Program	<ul style="list-style-type: none"> <li>• \$6 Billion - an additional amount for the cost of guaranteed loans authorized by section 1705 of the Energy Policy Act of 2005 <ul style="list-style-type: none"> <li>○ \$25 Million - to be used for administrative expenses in carrying out the guaranteed loan program</li> <li>○ \$10 Million - transferred to and available for administrative expenses for the Advanced Vehicles Manufacturing Loan Program</li> </ul> </li> </ul>
Office of the Inspector General	<ul style="list-style-type: none"> <li>• \$15 Million for necessary expenses in carrying out the provisions of the Inspector General Act of 1978</li> <li>• Available until September 30, 2012</li> </ul>
Defense Environmental Cleanup	<ul style="list-style-type: none"> <li>• \$5.127 Billion</li> </ul>
Construction, Rehabilitation, Operation, & Maintenance, Western Area Power Administration	<ul style="list-style-type: none"> <li>• \$10 Million - for conservation and renewable resources programs, and to carry out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 USC 7152), and other related activities <ul style="list-style-type: none"> <li>○ To remain available until expended</li> <li>○ The Administrator shall establish such personnel staffing levels as he deems necessary to economically and efficiently complete the activities granted by section 402 of this Act</li> <li>○ This appropriation is non-reimbursable</li> </ul> </li> </ul>
General Provisions	<ul style="list-style-type: none"> <li>• Sec. 401 - Bonneville Power Administration Borrowing Authority <ul style="list-style-type: none"> <li>○ \$3.25 Billion additional borrowing authority is made available under the Federal Columbia River Transmission System Act (16 USC 838 et seq.), to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning &amp; Conservation Act (16 USC 839 et seq.)</li> <li>○ To remain outstanding at any time</li> </ul> </li> <li>• Sec. 402 - Western Area Power Administration Borrowing Authority <ul style="list-style-type: none"> <li>○ \$3.25 billion in borrowing authority</li> <li>○ Adds ending title "Title III - Borrowing Authority" to the Hoover Power Plant Act of 1984 (PL 98-381)</li> <li>○ Authorizes the Secretary of the Treasury to loan to the WAPA without further appropriation and without fiscal year limitation on such terms as may be fixed by the Administrator and the Secretary such sums that are not to exceed in the</li> </ul> </li> </ul>

- aggregate, including deferred interest, the \$3.25 billion in outstanding repayable balances at any one time.
- The loan funds may be used for constructing, financing, facilitating, planning, operating, maintaining, or studying construction of new or upgraded electric power transmission lines and related facilities with at least one terminus within the area served by WAPA
  - The loan funds may also be used for delivering or facilitating the delivery of power generated by renewable energy resources constructed or reasonably expected to be constructed after this section's enactment date.
  - The rate of interest to be charged in connection with any such loan shall be fixed by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date of the loan.
  - WAPA may refinance such loans
  - The Administrator may permit other entities to participate in the financing, construction and ownership projects financed by such loans
  - Effective on the date of enactment, the Administrator shall have the authority to have utilized \$1.75 billion at any one time. For funds above such level, the funds will be disbursed unless within 90 days of the first such request, there is a joint resolution rescinding the remainder of the balance of the borrowing authority
  - For repayment purposes, each transmission line and related facility project will be considered individual and not related to other such projects under WAPA
  - All proceeds from the use of the transmission capacity from an individual project must be used to pay back the principal and interest of the loan from the Treasury except for those funds needed to pay for ancillary services that are provided and operating and maintenance costs.
  - The Administrator does not have any additional authority or obligation to provide ancillary services to users of transmission lines built by these loans
  - Revenue from ancillary services provided by existing Federal power systems to users of transmission projects funded by these loans shall be treated as revenue to the existing power system that provided the ancillary services.
  - For each project, the Administrator must certify prior to committing funds to the project, that the project is in the public interest, will not adversely impact system reliability or operations or other statutory obligations, and that it is reasonable to expect that the proceeds from the project will be adequate to repay the loan.
  - The balance shall be forgiven if the full amount of the loan has not been repaid by the end of the project's useful life - however, funds used to study projects that were never built are not forgiven. The Administrator is to notify the Secretary of amounts that are to be forgiven
  - Public Process - the Administrator shall use a public process to develop practices and policies that implement the authority granted, and in the course of selecting potential projects to be funded, the Administrator shall seek Requests for Interest from entities interested in identifying potential projects through one or more notices published in the Federal Register.
- Sec. 403 - Set-Aside for Management & Oversight
    - Up to 0.5% of each amount appropriated in this title may be used for the expenses of management & oversight of the programs, grants, & activities funded by such appropriation, & may be transferred by the head of the Federal department or agency involved to any other appropriate account within the department or agency for that purpose.



- The Secretary will provide a report to both Chambers' Committees on Appropriations 30 days prior to the transfer
- Funds set aside under this section shall remain available until September 30, 2012
- Sec. 404 - Technical Corrections to the Energy Independence & Security Act of 2007
  - Amends sec. 543(a) of the EISA - makes 34% to eligible units of local government as alternative 1 and alternative 2
- Sec. 405 - Amendments to Title XIII of the Energy Independence & Security Act of 2007
  - Amends title XIII of EISA to provide financial support to smart grid demonstration projects including those in urban, suburban, rural and tribal areas including areas where electric system assets are controlled by nonprofit entities and areas where electric system assets are controlled by investor owned utilities.
  - The Secretary shall provide to an eligible electric utility or to other financial assistance for use in paying an amount equal to not more than 50% of the cost of qualifying advanced grid technology investments made by the electric utility or other party to carry out a demonstration project.
  - The Secretary shall establish and maintain a smart grid clearing house in a timely manner which will make data from smart grid demonstration projects and other sources available to the public.
  - As a condition of receiving such financial assistance, participants in smart grid demonstrations are agreeing to provide such information as the Secretary may require to become available through the smart grid clearinghouse in the form and within certain timeframes. Business proprietary information and individual customer information will not be made available via the clearinghouse.
  - Also as a condition of receiving such financial assistance, demonstration projects must utilize open protocols and standards if available and appropriate.
  - Amends subsection (a) of section 1306 by replacing "reimbursement of one-fifth (20 percent)" with "grants up to one-half (50 percent)"
  - The Secretary will establish: procedures for obtainment of grants worth not more than one-half of an applicant's documented costs; conditions upon receiving of financial assistance; procedures for making sure there are no duplications or multiple payments for same investments or costs, that grants go to the parties making the actual expenditures for qualifying Smart Grid investments, and that grants made have a significant effect in encouraging and facilitating the development of a smart grid; procedures for transparency with public records; and procedures for advance payments of up to full amount of grant reward.
- Sec. 406 - Renewable Energy & Electric Power Transmission Loan Guarantee Program
  - Amends title XVII of EISA 2005 creating a temporary loan guarantee program for the rapid deployment of renewable energy and electric power transmission projects.
  - Notwithstanding section 1703, the Secretary may make guarantees under this section only for the following categories of projects that commence construction no later than September 30, 2011
    - Renewable energy systems, including incremental hydropower, that generate electricity or thermal energy, and facilities that manufacture related components;
    - Electric power transmission systems, including upgrading and reconditioning projects

	<ul style="list-style-type: none"> <li>▪ Leading edge biofuel projects that will use technologies performing at the pilot or demonstration scale that the Secretary determines are likely to become commercial technologies and will produce transportation fuels that substantially reduce life-cycle greenhouse gas emissions compared to other transportation fuels.</li> <li>○ The Secretary must consider the following factors when determining to make guarantees to such projects <ul style="list-style-type: none"> <li>▪ Viability of the project without guarantees</li> <li>▪ Availability of other Federal and State incentives</li> <li>▪ Importance of the project in meeting reliability needs</li> <li>▪ Effect of the project in meeting a State or regions environment (including climate change) and energy goals.</li> </ul> </li> <li>○ The Secretary shall require that each recipient of support provide reasonable assurance that all laborers and mechanics employed in the performance of the project for which the assistance is provided, including those employed by contractors and subcontractors, will be paid wages at the rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.</li> <li>○ Funding for such leading edge biofuel projects shall not exceed \$500 Million.</li> <li>○ This authority expires on September 30, 2011.</li> </ul> <ul style="list-style-type: none"> <li>• Sec. 408 - Technical Corrections to Public Utility Regulatory Policies Act of 1978 <ul style="list-style-type: none"> <li>○ Redesignates two paragraphs of the PURPA, one regarding consideration of smart grid investments and the other relating to smart grid information</li> </ul> </li> <li>• Sec. 409 - Renewable Electricity Transmission Study <ul style="list-style-type: none"> <li>○ The 2009 National Electric Transmission Congestion Study shall include <ul style="list-style-type: none"> <li>▪ An analysis of the significant potential sources of renewable energy that are constrained in accessing appropriate market areas by lack of adequate transmission capacity, the reasons for the lack of ability to develop adequate transmission capacity; and recommendations for achieving such capacity</li> <li>▪ An analysis of the extend to which legal challenges at the State and Federal level are delaying the construction of transmission necessary to access renewable energy</li> <li>▪ An explanation of assumptions and projections made in the Study, including those made relating to energy efficiency improvements to each load center, those made regarding the location and type of projected new generation capacity; and those made regarding projected deployment of distributed generation infrastructure.</li> </ul> </li> </ul> </li> </ul>
Electrical Infrastructure Projects <sup>4</sup>	No additional funding included

**Title XII - Transportation & Housing & Urban Development, & Related Agencies**

<sup>4</sup> Authorized under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011).

**DEPARTMENT OF HOUSING & URBAN DEVELOPMENT**

Assisted Housing  
Stability & Energy  
& Green Retrofit  
Investments

- \$2.25 Billion
  - \$250 Million to support a program of grants or loans for energy retrofit & green investments, i.e., to upgrade HUD sponsored low-income housing to increase energy efficiency, including new insulation, windows, & furnaces
    - projects must comply with the requirements of subchapter IV of chapter 31 of title 40, U.S. Code
    - Grants and loans shall be provided through the policies, procedures, contracts & transactional infrastructure of authorized programs administered by the Office of Affordable Housing Preservation of the HUD, on such terms & conditions as the Secretary of HUD deems appropriate to ensure the maintenance & preservation of the property, the continued operation & maintenance of energy efficiency technology, & the timely expenditure of funds
    - Secretary may provide as part of such grant or loan terms, including but not limited to: fees to cover investment oversight & implementation by said owner, or to encourage job creation for low-income or very low-income individuals
    - The Secretary may share in a portion of future property utility savings resulting from improvements made by such grants or loans
    - Grants & loans shall include a financial assessment & physical inspection of such property
    - Eligible owners must have at least a satisfactory management review rating, be in substantial compliance with applicable performance standards & legal requirements, & commit to an additional period of affordability determined by the Secretary, but not fewer than 15 years
    - The Secretary shall undertake appropriate underwriting & oversight with respect to grant & loan transactions & may set aside up to 5% of these funds for such purpose
    - Secretary shall take steps necessary to ensure that owners receiving funding for energy & green retrofit investments shall expend such funding within 2 years of the date they received the funding
    - Secretary may waive or specify alternative requirements for any provision for the use of these funds, except for requirements related to fair housing, nondiscrimination, labor standards, & environment
    - Up to 1% of these funds shall be made available for staffing, training, technical assistance, technology, monitoring, research & evaluation activities
    - Funds available until September 30, 2012
    - Funds used for technology shall be transferred to "Working Capital Fund"

Office of Lead  
Hazard Control &  
Healthy Homes

- \$100 Million in competitive grants to local governments & nonprofit organizations to remove lead-based paint hazards in low-income housing.
- Remain available until September 30, 2011
- A grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program shall be considered as funds for a special project for purposes of section 305(e) of the Multifamily Housing Property Disposition Reform Act of 1994
- Funds will be awarded first to applicants who applied to the Lead Hazard Reduction Program Notices of Funding Availability in FY 2008 and were denied funds to do funding limitations
- Remaining funds after reservation of funds for such grants will be added to the Lead Hazard Reduction Program Notices of Funding Availability for FY 2009

## Title VIII - Departments of Labor, Health & Human Services, Education & Related Agencies

Department of Labor	
Employment & Training Administration - Training & Employment Services	<ul style="list-style-type: none"> <li>• \$750 Million for a program of competitive grants for worker training &amp; placement in high growth &amp; emerging industry sectors                             <ul style="list-style-type: none"> <li>○ \$500 Million shall be for competitive grants in research, labor exchange, &amp; job training projects that prepare workers for careers in energy efficiency &amp; renewable energy - much like those described in Green Jobs Act of 2007</li> <li>○ The Department is expected to use a limited portion of the program funds for technical assistance &amp; related research.</li> </ul> </li> </ul>
Departmental Management - Office of Jobs Corps	<ul style="list-style-type: none"> <li>• \$250 Million - additional amount for construction, rehabilitation, &amp; acquisition of Job Corps Centers, which shall be available upon the date of enactment and remain available until June 30, 2010.                             <ul style="list-style-type: none"> <li>○ Up to 15% may be transferred to meet the operational needs of such centers, which may include training for careers in the energy efficiency, renewable energy, &amp; environmental protection industries.</li> </ul> </li> </ul>
Health & Human Services	
Low Income Home Energy Assistance Program (LIHEAP)	No additional funding included