SEC. 5001. TECHNICAL CORRECTIONS TO THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.

(a) Section 543(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by striking paragraph (1) and inserting the following:

“(1) 34 percent to eligible units of local government—alternative 1, in accordance with subsection (b);”.

“(2) 34 percent to eligible units of local government—alternative 2, in accordance with subsection (b);”.

(b) Section 543(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153(b)) is amended by striking “subsection (a)(1)” and inserting “subsection (a)(1) or (2)”.
(c) Section 548(a)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17158(a)(1)) is amending by striking “; provided” and all that follows through “541(3)(B)”.


Title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 and following) is amended as follows:

(1) By amending subparagraph (A) of section 1304(b)(3) to read as follows:

“(A) IN GENERAL.—In carrying out the initiative, the Secretary shall provide financial support to smart grid demonstration projects in urban, suburban, and rural areas, including areas where electric system assets are controlled by tax-exempt entities and areas where electric system assets are controlled by investor-owned utilities.”.

(2) By amending subparagraph (C) of section 1304(b)(3) to read as follows:

“(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) or to other parties financial as-
sistance for use in paying an amount equal to
not more than 50 percent of the cost of qual-
ifying advanced grid technology investments
made by the electric utility or other party to
carry out a demonstration project.”.

(3) By inserting after section 1304(b)(3)(D)
the following new subparagraphs:

“(E) A VAILABILITY OF DATA.—The Sec-
retary shall establish and maintain a smart grid
information clearinghouse in a timely manner
which will make data from smart grid dem-
onstration projects and other sources available
to the public. As a condition of receiving finan-
cial assistance under this subsection, a utility or
other participant in a smart grid demonstration
project shall provide such information as the
Secretary may require to become available
through the smart grid information clearing-
house in the form and within the timeframes as
directed by the Secretary. The Secretary shall
assure that business proprietary information
and individual customer information is not in-
cluded in the information made available
through the clearinghouse.
“(F) OPEN INTERNET-BASED PROTOCOLS AND STANDARDS.—The Secretary shall require as a condition of receiving funding under this subsection that demonstration projects utilize open Internet-based protocols and standards if available.”.

(4) By amending paragraph (2) of section 1304(c) to read as follows:

“(2) to carry out subsection (b), such sums as may be necessary.”.

(5) By amending subsection (a) of section 1306 by striking “reimbursement of one-fifth (20 percent)” and inserting “grants of up to one-half (50 percent)”.

(6) By striking the last sentence of subsection (b)(9) of section 1306.

(7) By striking “are eligible for” in subsection (e)(1) of section 1306 and inserting “utilize”.

(8) By amending subsection (e) of section 1306 to read as follows:

“(e) PROCEDURES AND RULES.—The Secretary shall—

“(1) establish within 60 days after the enactment of the American Recovery and Reinvestment Act of 2009 procedures by which applicants can ob-
tain grants of not more than one-half of their documented costs;

“(2) require as a condition of receiving a grant under this section that grant recipients utilize open Internet-based protocols and standards if available;

“(3) establish procedures to ensure that there is no duplication or multiple payment or recovery for the same investment or costs, that the grant goes to the party making the actual expenditures for qualifying smart grid investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid;

“(4) maintain public records of grants made, recipients, and qualifying smart grid investments which have received grants;

“(5) establish procedures to provide advance payment of moneys up to the full amount of the grant award; and

“(6) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.”.
SEC. 5003. RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION LOAN GUARANTEE PROGRAM.

(a) Amendment.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding the following at the end:

“SEC. 1705. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.

“(a) In General.—Notwithstanding section 1703, the Secretary may make guarantees under this section only for commercial technology projects under subsection (b) that will commence construction not later than September 30, 2011.

“(b) Categories.—Projects from only the following categories shall be eligible for support under this section:

“(1) Renewable energy systems that generate electricity.

“(2) Electric power transmission systems, including upgrading and reconductoring projects.

“(c) Factors Relating to Electric Power Transmission Systems.—In determining to make guarantees to projects described in subsection (b)(2), the Secretary shall consider the following factors:

“(1) The viability of the project without guarantees.
“(2) The availability of other Federal and State incentives.

“(3) The importance of the project in meeting reliability needs.

“(4) The effect of the project in meeting a State or region’s environment (including climate change) and energy goals.

“(d) Wage Rate Requirements.—The Secretary shall require that each recipient of support under this section 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 or subcontractors, will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ‘Davis-Bacon Act’).

“(e) Sunset.—The authority to enter into guarantees under this section shall expire on September 30, 2011.”.

(b) Table of Contents Amendment.—The table of contents for the Energy Policy Act of 2005 is amended by inserting after the item relating to section 1704 the following new item:
Sec. 1705. Temporary program for rapid deployment of renewable energy and electric power transmission projects.

Sec. 5005. WEATHERIZATION ASSISTANCE PROGRAM

AMENDMENTS.

(a) Income Level.—Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) is amended by striking “150 percent” both places it appears and inserting “200 percent”.

(b) Assistance Level Per Dwelling Unit.—Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking “$2,500” and inserting “$5,000”.

(c) Effective Use of Funds.—In providing funds made available by this Act for the Weatherization Assistance Program, the Secretary may encourage States to give priority to using such funds for the most cost-effective efficiency activities, which may include insulation of attics, if, in the Secretary’s view, such use of funds would increase the effectiveness of the program.

Sec. 5007. RENEWABLE ELECTRICITY TRANSMISSION STUDY.

In completing the 2009 National Electric Transmission Congestion Study, the Secretary of Energy shall include—

(1) an analysis of the significant potential sources of renewable energy that are constrained in
accessing appropriate market areas by lack of adequate transmission capacity;

(2) an analysis of the reasons for failure to develop the adequate transmission capacity;

(3) recommendations for achieving adequate transmission capacity; and

(4) an explanation of assumptions and projections made in the Study, including—

(A) assumptions and projections relating to energy efficiency improvements in each load center;

(B) assumptions and projections regarding the location and type of projected new generation capacity; and

(C) assumptions and projections regarding projected deployment of distributed generation infrastructure.

TITLE VI—ADDITIONAL ENERGY PROVISIONS

SEC. 6001. ADDITIONAL STATE ENERGY GRANTS.

(a) IN GENERAL.—Amounts appropriated under [section in bill appropriating funds for program] shall be available to the Secretary of Energy for making additional grants under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.). The Secretary
shall make grants under this section in excess of the base allocation established for a State under regulations issued pursuant to the authorization provided in section 365(f) of such Act only if the governor of the recipient State notifies the Secretary of Energy that the governor will seek, to the extent of his or her authority, to ensure that each of the following will occur:

(1) The applicable State regulatory authority will implement the following regulatory policies for each electric and gas utility with respect to which the State regulatory authority has ratemaking authority:

(A) Policies that ensure that a utility’s recovery of prudent fixed costs of service is timely and independent of its retail sales, without in the process shifting prudent costs from variable to fixed charges. This cost shifting constraint shall not apply to rate designs adopted prior to the date of enactment of this Act.

(B) Cost recovery for prudent investments by utilities in energy efficiency.

(C) An earnings opportunity for utilities associated with cost-effective energy efficiency savings.
(2) The State, or the applicable units of local
government that have authority to adopt building
codes, will implement the following:

(A) A building energy code (or codes) for
residential buildings that meets or exceeds the
most recently published International Energy
Conservation Code, or achieves equivalent or
greater energy savings.

(B) A building energy code (or codes) for
commercial buildings throughout the State that
meets or exceeds the ANSI/ASHRAE/IESNA
Standard 90.1-2007, or achieves equivalent or
greater energy savings.

(C) A plan for the jurisdiction achieving
compliance with the building energy code or
codes described in subparagraphs (A) and (B)
within 8 years of the date of enactment of this
Act in at least 90 percent of new and renovated
residential and commercial building space. Such
plan shall include active training and enforce-
ment programs and measurement of the rate of
compliance each year.

(b) STATE MATCH.—The State cost share require-
ment under the item relating to “DEPARTMENT OF
ENERGY; energy conservation” in title II of the Depart-
ment of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861) shall not apply to assistance provided under this section.

(e) Equipment and Materials for Energy Efficiency Measures.—No limitation on the percentage of funding that may be used for the purchase and installation of equipment and materials for energy efficiency measures under grants provided under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) shall apply to assistance provided under this section.

SEC. 6002. INAPPLICABILITY OF LIMITATION.

The limitations in section 399A(f)(2), (3), and (4) of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1(f)(2), (3), and (4)) shall not apply to grants funded with appropriations provided by this Act, except that such grant funds shall be available for not more than an amount equal to 80 percent of the costs of the project for which the grant is provided.