

113TH CONGRESS  
1ST SESSION

# S. 1501

To establish a Financing Energy Efficient Manufacturing Program in the Department of Energy to provide financial assistance to promote energy efficiency and onsite renewable technologies in manufacturing and industrial facilities.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2013

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish a Financing Energy Efficient Manufacturing Program in the Department of Energy to provide financial assistance to promote energy efficiency and onsite renewable technologies in manufacturing and industrial facilities.

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 “Job Creation through  
5 Energy Efficient Manufacturing Act”.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to encourage widespread  
3 deployment of energy efficiency and onsite renewable en-  
4 ergy technologies in manufacturing and industrial facili-  
5 ties throughout the United States through the establish-  
6 ment of a Financing Energy Efficient Manufacturing Pro-  
7 gram that would—

8           (1) encourage the widespread availability of fi-  
9 nancial products and programs with attractive rates  
10 and terms that significantly reduce or eliminate up-  
11 front expenses to allow manufacturing and industrial  
12 businesses to invest in energy efficiency measures,  
13 onsite clean and renewable energy systems, smart  
14 grid systems, and alternative vehicle fleets by pro-  
15 viding credit support, credit enhancement, secondary  
16 markets, and other support to originators of the fi-  
17 nancial products and sponsors of the financing pro-  
18 grams; and

19           (2) help building owners to invest in measures  
20 and systems that reduce energy costs, in many cases  
21 creating a net cost savings that can be realized in  
22 the short-term, and may also allow manufacturing  
23 and industrial businesses owners to defer capital ex-  
24 penditures, save money to hire new workers, and in-  
25 crease the value, comfort, and sustainability of the  
26 property of the owners.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) COVERED PROGRAM.—The term “covered  
4 program” means a program to finance energy effi-  
5 ciency retrofit, onsite clean and renewable energy,  
6 smart grid, and alternative vehicle fleet projects for  
7 industrial businesses.

8 (2) SECRETARY.—The term “Secretary” means  
9 the Secretary of Energy.

10 (3) STATE.—The term “State” means—

11 (A) a State;

12 (B) the District of Columbia;

13 (C) the Commonwealth of Puerto Rico;

14 and

15 (D) any other territory or possession of the  
16 United States.

17 **SEC. 4. FINANCING ENERGY EFFICIENT MANUFACTURING**  
18 **PROGRAM.**

19 (a) ESTABLISHMENT.—The Secretary shall establish  
20 a program, to be known as the “Financing Energy Effi-  
21 cient Manufacturing Program”, under which the Secretary  
22 shall provide grants to States to establish or expand cov-  
23 ered programs.

24 (b) APPLICATIONS.—

1           (1) IN GENERAL.—A State may apply to the  
2           Secretary for a grant under subsection (a) to estab-  
3           lish or expand covered programs.

4           (2) EVALUATION.—The Secretary shall evaluate  
5           applications submitted by States under paragraph  
6           (1) on the basis of—

7                   (A) the likelihood that the covered pro-  
8                   gram would—

9                           (i) be established or expanded; and

10                           (ii) increase the total investment and  
11                   energy savings of retrofit projects to be  
12                   supported;

13                   (B) in the case of industrial business effi-  
14                   ciency financing initiatives conducted under  
15                   subsection (c), evidence of multistate coopera-  
16                   tion and coordination with lenders, financiers,  
17                   and owners; and

18                   (C) other factors that would advance the  
19                   purposes of this Act, as determined by the Sec-  
20                   retary.

21           (c) MULTISTATE FACILITATION.—The Secretary  
22           shall consult with States and relevant stakeholders with  
23           applicable expertise to establish a process to identify fi-  
24           nancing opportunities for manufacturing and industrial  
25           business with asset portfolios across multiple States.

1 (d) ADMINISTRATION.—A State receiving a grant  
2 under subsection (a) shall give a higher priority to covered  
3 programs that—

4 (1) leverage private and non-Federal sources of  
5 funding; and

6 (2) aim explicitly to expand the use of energy  
7 efficiency project financing using private sources of  
8 funding.

9 (e) DAVIS-BACON COMPLIANCE.—

10 (1) IN GENERAL.—All laborers and mechanics  
11 employed on projects funded directly by or assisted  
12 in whole or in part by this Act shall be paid wages  
13 at rates not less than those prevailing on projects of  
14 a character similar in the locality as determined by  
15 the Secretary of Labor in accordance with sub-  
16 chapter IV of chapter 31 of part A of subtitle II of  
17 title 40, United States Code (commonly referred to  
18 as the “Davis-Bacon Act”).

19 (2) AUTHORITY.—With respect to the labor  
20 standards specified in this subsection, the Secretary  
21 of Labor shall have the authority and functions set  
22 forth in Reorganization Plan Numbered 14 of 1950  
23 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of  
24 title 40, United States Code.

25 (f) REPORTS.—

1           (1) IN GENERAL.—Not later than 2 years after  
2 the date of receipt of a grant under this Act, a State  
3 shall submit to the Secretary, the Committee on En-  
4 ergy and Natural Resources of the Senate, and the  
5 Committee on Energy and Commerce of the House  
6 of Representatives a report that describes the per-  
7 formance of covered programs carried out using the  
8 grant funds.

9           (2) DATA.—

10           (A) IN GENERAL.—A State receiving a  
11 grant under this Act, in cooperation with the  
12 Secretary, shall—

13                   (i) collect and share data resulting  
14 from covered programs carried out under  
15 this Act; and

16                   (ii) include in the report submitted  
17 under paragraph (1) any data collected  
18 under clause (i).

19           (B) DEPARTMENT DATABASES.—The Sec-  
20 retary shall incorporate data described in sub-  
21 paragraph (A) into appropriate databases of the  
22 Department of Energy, with provisions for the  
23 protection of confidential business data.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-  
3 priated to carry out this Act \$250,000,000, to remain  
4 available until expended.

5 (b) STATE ENERGY OFFICES.—Funds provided to a  
6 State under this Act shall be provided to the office within  
7 the State that is responsible for developing the State en-  
8 ergy plan for the State under part D of title III of the  
9 Energy Policy and Conservation Act (42 U.S.C. 6321 et  
10 seq.).

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