



MEMORANDUM

May 14, 2019

To: Subcommittee on Energy Members and Staff
Fr: Committee on Energy and Commerce Democratic Staff
Re: Subcommittee Markup

On **Thursday, May 16, 2019, at 10 a.m. in the John D. Dingell Room, 2123 of the Rayburn House Office Building**, the Subcommittee on Energy will hold a markup of the following 10 bills: **H.R. 2088**, bill to amend the Energy Independence and Security Act of 2007 to reauthorize the Energy Efficiency and Conservation Block Grant Program; **H.R. 2041**, the “Weatherization Enhancement and Local Energy Efficiency Investment and Accountability Act”; **H.R. 2119**, A bill to amend the Energy Policy Act of 2005 to reauthorize grants for improving the energy efficiency of public buildings; **H.R. 1315**, the “Blue Collar to Green Collar Jobs Development Act of 2019”; **H.R. 2665**, the “Smart Energy and Water Efficiency Act of 2019”; **H.R. 2044**, the “Smart Building Acceleration Act”; **H.R. 359**, the “Enhancing Grid Security through Public-Private Partnerships Act”; **H.R. 360**, the “Cyber Sense Act of 2019”; **H.R. 362**, the “Energy Emergency Leadership Act”; and **H.R. 370**, the “Pipeline and LNG Facility Cybersecurity Preparedness Act”.

I. H.R. 2088, A BILL TO AMEND THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007 TO REAUTHORIZE THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM, AND FOR OTHER PURPOSES

Reps. Stanton (D-AZ) and Veasey (D-TX) introduced H.R. 2088 on April 4, 2019, to amend the Energy Independence and Security Act of 2007 to reauthorize the Energy Efficiency and Conservation Block Grant Program.

Congress authorized the Energy Efficiency and Conservation Block Grant Program in the Energy Independence and Security Act of 2007 to provide up to \$2 billion per year from Fiscal Year (FY) 2008-2012. In 2009, the American Recovery and Reinvestment Act allocated \$3.2 billion to the program. The program provides grants to states, local governments, and Indian tribes to assist their efforts to reduce fossil fuel emissions and conserve energy. The grants can be used to improve energy efficiency in all sectors of the local economy and for a wide variety of activities, allowing for flexibility to fund projects that best address local conditions and needs.

The bill reauthorizes the program to provide \$3.5 billion per year from FY 2020-2025. In addition, the bill includes several amendments to the program to add the goal of diversifying energy supplies by promoting use of alternative fuels. The bill amends sections 544 and 546 of the law to explicitly authorize funding to deploy infrastructure for delivering alternative fuels, including electricity.

II. H.R. 2041, THE “WEATHERIZATION ENHANCEMENT AND LOCAL ENERGY EFFICIENCY INVESTMENT AND ACCOUNTABILITY ACT”

Rep. Tonko (D-NY) introduced H.R. 2041, the “Weatherization Enhancement and Local Energy Efficiency Investment and Accountability Act”, on April 2, 2019.

H.R. 2041 updates the 1976 Department of Energy (DOE) Weatherization Assistance Program (WAP). WAP is the nation’s largest residential whole-house energy efficiency program, providing formula grant funding to all 50 states, the District of Columbia, Native American Tribes, and five U.S. territories.

The bill reauthorizes WAP at \$350 million per fiscal year from FY2020 through FY2024. When reissuing regulations on program cost-effectiveness, the bill would allow the Secretary to take into consideration improvements in health and safety of occupant dwelling units, as well as other non-energy benefits from weatherization assistance. The bill would also allow the Secretary to require periodic review of the use of private contractors in provisioning weatherization assistance and encouraging expanded use of contractors, as appropriate.

H.R. 2041 further establishes a competitive grant program to support innovation in weatherization assistance, and it increases the funding amount that may be used for administrative purposes from 10 percent to 15 percent. The bill amends the re-weatherization date so that dwelling units weatherized using Federal funds are eligible to receive additional assistance 15 years after completion of the previous weatherization assistance.

III. H.R. 2119, A BILL TO AMEND THE ENERGY POLICY ACT OF 2005 TO REAUTHORIZE GRANTS FOR IMPROVING THE ENERGY EFFICIENCY OF PUBLIC BUILDINGS, AND FOR OTHER PURPOSES

Rep. Kelly (D-IL) introduced H.R. 2119 on April 8, 2019, to reauthorize grants for improving the energy efficiency of public buildings by amending the Energy Policy Act of 2005 (EPAct05).

The bill amends Section 125(c) of EPAct05 to authorize \$100 million each year from FY 2021-2025. Section 125 established a grant program, implemented by DOE, to provide grants for states to improve the energy efficiency of public buildings and facilities. EPAct05 originally authorized the program at \$30 million each year.

IV. H.R. 1315, THE “BLUE COLLAR TO GREEN COLLAR JOBS DEVELOPMENT ACT OF 2019”

Rep. Rush (D-IL) introduced H.R. 1315, the “Blue Collar to Green Collar Jobs Development Act of 2019”, on February 22, 2019.

H.R. 1315 amends section 211 of the Department of Energy Organization Act to rename the Office of Minority Economic Impact as the Office of Economic Impact, Diversity, and Employment. The bill would establish energy workforce development by creating “a comprehensive nationwide program to improve education and training for jobs in energy-related industries.” Among other things, it encourages underrepresented groups—including religious and ethnic minorities, women, veterans, individuals with disabilities, socioeconomically disadvantaged individuals, and returning citizens—to enter the science, technology, engineering, and mathematics (STEM) fields.

The bill also requires DOE to provide direct assistance (including financial assistance awards and technical expertise) to educational institutions, local workforce development boards, State workforce development boards, non-profit organizations, labor organizations, and apprenticeship programs. It directs the Secretary to collaborate with the Secretaries of Labor and Education to develop educational guidelines and conduct outreach to minority-serving educational institutions and displaced and unemployed energy and manufacturing workers. In addition, the bill establishes a program to provide grants to eligible businesses to pay new and existing employees receiving training to work in renewable energy, energy efficiency, grid modernization, carbon capture and storage, and fuel cell generation sectors.

V. H.R. 2665, THE “SMART ENERGY AND WATER EFFICIENCY ACT OF 2019”

Reps. McNerney (D-CA) and Kinzinger (R-IL) introduced H.R. 2665, the “Smart Energy and Water Efficiency Act of 2019”, on May 10, 2019.

H.R. 2665 establishes a smart energy and water efficiency management program. The bill directs DOE to award grants to eligible entities to demonstrate advanced and innovative technology-based solutions that will do one or more of the following:

- increase and improve the energy efficiency of water, wastewater, and water reuse systems;
- support the implementation of innovative processes or the installation of advanced automated systems providing real-time data on energy and water; or
- improve energy and water conservation quality and predictive maintenance through use of internet-connected technologies.

The bill also establishes a competitive and merit-based grant award process with selection criteria, and requires an evaluation of each grant project every year for five years. The legislation would also make the projects’ best practices available to the public and produce a report to Congress no later than five years after the program’s establishment.

VI. H.R. 2044, THE “SMART BUILDING ACCELERATION ACT”

Reps. Welch (D-VT) and Kinzinger (R-IL) introduced H.R. 2044, the “Smart Building Acceleration Act”, on April 3, 2019.

The bill requires DOE to conduct a survey of smart buildings across the country and then select at least one building from an appropriate range of building sizes and types to be evaluated for further assessment. The assessment includes an evaluation of which advanced building technologies are the most cost-effective, as well as which advanced technologies show the most promise for decreasing building utility demands and increasing service performance to building occupants. The bill would also establish an initiative at DOE to implement smart building technology at one or more buildings under each of several Federal agencies and evaluate the costs and benefits of these buildings.

Additionally, the bill would require the development, in consultation with private sector property owners, of a smart building initiative to demonstrate policies and approaches that facilitate the transition to smart buildings under the umbrella of the DOE Better Buildings Challenge. The bill also requires research on eliminating barriers to the integration of advanced building technologies and facilitating the transition to smart buildings and provides a report to Congress summarizing findings and providing recommendations to facilitate the transition to smart buildings.

VII. H.R. 359, THE “ENHANCING GRID SECURITY THROUGH PUBLIC-PRIVATE PARTNERSHIPS ACT”

Reps. McNerney (D-CA) and Latta (R-OH) introduced H.R. 359, the “Enhancing Grid Security Through Public-Private Partnerships Act”, on January 9, 2019. This legislation contains provisions that address physical and cyber security of electric utilities.

H.R. 359 directs the Secretary of Energy, in consultation with States, other Federal agencies, and industry stakeholders, to create and implement a program to enhance the physical and cyber security of electric utilities. Among other things, this program would develop voluntary implementation of methods for assessing security vulnerabilities. It would provide cybersecurity training to electric utilities, advance the cybersecurity of utility third-party vendors, and promote sharing of best practices and data collection in the electric sector. The bill requires DOE to submit a report to Congress on cybersecurity and distribution systems.

Finally, the bill requires an update to the Interruption Cost Estimate (ICE) Calculator at least once every two years. The ICE Calculator, developed by DOE’s Lawrence Berkley Lab and Nexant, Inc., is an electric reliability planning tool for estimating electricity interruption costs and the benefits associated with reliability improvements.¹

¹ Department of Energy, Interruption Cost Estimate Calculator (www.icecalculator.com) (accessed May. 8, 2019).

VIII. H.R. 360, THE “CYBER SENSE ACT OF 2019”

Reps. Latta (R-OH) and McNerney (D-CA) introduced H.R. 360, the “Cyber Sense Act of 2019”, on January 9, 2019.

H.R. 360 requires the Secretary of Energy to establish the Cyber Sense Program. This voluntary program would identify cyber-secure products that could be used in the bulk-power system. In addition to making DOE responsible for promoting cyber-secure products, this legislation requires DOE to determine a testing process for Cyber Sense products and establish a cybersecurity vulnerability reporting process and database.

Additionally, the bill requires DOE to provide technical assistance to electric utilities, manufacturers, and other relevant stakeholders related to cybersecurity vulnerabilities in products under the Cyber Sense program. The bill requires all cyber-secure products to be reviewed biennially to determine how such products respond to and prevent cyber threats. This legislation also requires DOE to solicit public comment before establishing or altering the Cyber Sense program.

IX. H.R. 362, THE “ENERGY EMERGENCY LEADERSHIP ACT”

Reps. Rush (D-IL) and Walberg (R-MI) introduced H.R. 362, the “Energy Emergency Leadership Act”, on January 9, 2019.

The legislation amends Section 203(a) of the Department of Energy Organization Act to create a new DOE Assistant Secretary position with jurisdiction over all energy emergency and security functions related to energy supply, infrastructure, and cybersecurity. The bill authorizes the new Assistant Secretary to provide, upon request of a State, local, or tribal government, DOE with technical assistance, and support and response capabilities with respect to energy security threats, risks, and incidents.

X. H.R. 370, THE “PIPELINE AND LNG FACILITY CYBERSECURITY PREPAREDNESS ACT”

Reps. Upton (R-MI) and Loeb sack (D-IA) introduced H.R. 370, the “Pipeline and LNG Facility Cybersecurity Preparedness Act”, on January 9, 2019. The bill would establish a program at DOE, in coordination with other Federal agencies, States, and the energy sector, to create policies and procedures that would improve the physical and cyber security and resiliency of natural gas transmission and distribution pipelines, hazardous liquid pipelines, and liquefied natural gas (LNG) facilities.

The Secretary of Energy would coordinate responses to, and recovery from, physical and cyber incidents affecting the energy sector and develop advanced cybersecurity technologies, perform pilot demonstration projects, and establish workforce development security curricula for pipelines and LNG facilities. Finally, the bill would provide mechanisms to help the energy sector evaluate, prioritize, and improve security capabilities for such facilities.