

**AMENDMENT OFFERED BY MR. CÁRDENAS OF
CALIFORNIA TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 8**

In chapter 2 of subtitle A of title IV, add at the end
the following new section:

1 **SEC. 4127. LOAN AND GRANT PROGRAM FOR SOLAR IN-**
2 **STALLATIONS IN LOW-INCOME AND UNDER-**
3 **SERVED AREAS.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADMINISTRATIVE EXPENSES.—The term
6 “administrative expenses” has such meaning as may
7 be established by the Secretary.

8 (2) COMMUNITY SOLAR FACILITY.—The term
9 “community solar facility” means a community-
10 based distributed photovoltaic solar electricity gener-
11 ating facility that, as determined by the Secretary—

12 (A) is owned by a subscriber organization;

13 (B) has a nameplate rating of 2 megawatts
14 or less;

15 (C) is located in or near a community of
16 subscribers to whom the beneficial use of the
17 electricity generated by the facility belongs; and

1 (D) reserves not less than 25 percent of
2 the quantity of electricity generated by the fa-
3 cility for low-income households that are sub-
4 sscribers to the facility.

5 (3) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) a low-income household;

8 (B) a unit of State, territorial, or local
9 government;

10 (C) an Indian tribe;

11 (D) a Native Hawaiian community-based
12 organization;

13 (E) a rural community (as defined in sec-
14 tion 343(a) of the Consolidated Farm and
15 Rural Development Act (7 U.S.C. 1991(a));

16 (F) any other national or regional entity
17 that—

18 (i) deploys a safe, high-quality photo-
19 voltaic solar electricity generating facility
20 for consumers under a model that maxi-
21 mizes energy savings to those consumers;
22 and

23 (ii) has experience, as determined by
24 the Secretary, installing solar systems

1 using a job training or community volun-
2 teer-based installation model; and

3 (G) for the loan program only, in addition
4 to entities described in subsections (A) through
5 (F), a private entity that—

6 (i) deploys a safe, high-quality photo-
7 voltaic solar electricity generating facility
8 for consumers under a model that maxi-
9 mizes energy savings to those consumers;
10 and

11 (ii) will install solar systems using a
12 job training installation model.

13 (4) GRANT-ELIGIBLE HOUSEHOLD.—The term
14 “grant-eligible household” means a household the
15 members of which—

16 (A) earn an income equal to 80 percent or
17 less of the applicable area median income, as
18 defined for the applicable year by the Secretary
19 of Housing and Urban Development; and

20 (B) reside in an owner-occupied home.

21 (5) INDIAN TRIBE.—The term “Indian tribe”
22 means any Indian tribe, band, nation, or other orga-
23 nized group or community, including any Alaskan
24 Native village or regional or village corporation (as
25 defined in, or established pursuant to, the Alaska

1 Native Claims Settlement Act (43 U.S.C. 1601 et
2 seq.)), that is recognized as eligible for the special
3 programs and services provided by the United States
4 to Indians because of their status as Indians.

5 (6) LOW-INCOME HOUSEHOLD.—The term
6 “low-income household” means a household with an
7 income equal to 80 percent or less of the applicable
8 area median income, as defined for the applicable
9 year by the Secretary of Housing and Urban Devel-
10 opment.

11 (7) MULTI-FAMILY AFFORDABLE HOUSING.—
12 The term “multi-family affordable housing” means
13 any federally subsidized affordable housing complex
14 in which at least 50 percent of the units are reserved
15 for low-income households.

16 (8) NATIVE HAWAIIAN COMMUNITY-BASED OR-
17 GANIZATION.—The term “Native Hawaiian commu-
18 nity-based organization” means any organization
19 that is composed primarily of Native Hawaiians
20 from a specific community and that assists in the
21 social, cultural, and educational development of Na-
22 tive Hawaiians in that community.

23 (9) PHOTOVOLTAIC SOLAR ELECTRICITY GEN-
24 ERATING FACILITY.—The term “photovoltaic solar
25 electricity generating facility” means—

1 (A) a generator that creates electricity
2 from light photons; and

3 (B) the accompanying hardware enabling
4 that electricity to flow—

5 (i) onto the electric grid; or

6 (ii) into an energy storage device.

7 (10) SECRETARY.—The term “Secretary”
8 means the Secretary of Energy.

9 (11) SUBSCRIBER.—The term “subscriber”
10 means an electricity consumer who—

11 (A) owns a subscription, or an equivalent
12 unit or share of the capacity or generation, of
13 a community solar facility;

14 (B) has identified 1 or more physical loca-
15 tions—

16 (i) to which the subscription will be
17 attributed;

18 (ii) within the same electric utility
19 service territory, or within the same geo-
20 graphical area, as the community solar fa-
21 cility, in accordance with applicable State
22 and local law; and

23 (iii) that may change from time to
24 time, subject to the condition that the
25 physical location shall be within the geo-

1 graphical limits allowed for a subscriber of
2 the applicable community solar facility;
3 and

4 (C) confirms the status of the consumer as
5 a low-income household for each applicable fis-
6 cal year.

7 (12) SUBSCRIPTION.—The term “subscription”
8 means a share in the capacity, or a proportional in-
9 terest in the solar electricity generation, of a com-
10 munity solar facility.

11 (13) UNDERSERVED AREA.—The term “under-
12 served area” means—

13 (A) a geographical area with low or no
14 photovoltaic solar deployment, as determined by
15 the Secretary; or

16 (B) trust land, as defined in section 3765
17 of title 38, United States Code.

18 (b) ESTABLISHMENT OF LOAN AND GRANT PRO-
19 GRAM.—

20 (1) IN GENERAL.—The Secretary shall establish
21 a program under which the Secretary shall provide
22 loans and grants to eligible entities for use in ac-
23 cordance with this section.

24 (2) FUNDING.—

1 (A) IN GENERAL.—Subject to the avail-
2 ability of appropriations, the Secretary shall
3 make grants and issue loans in accordance with
4 this subsection.

5 (B) LOANS.—Subject to subparagraph
6 (D), not more than 50 percent of funds made
7 available under subparagraph (A) for a fiscal
8 year shall be used to provide loans to eligible
9 entities for—

10 (i) community solar facilities; or

11 (ii) multi-family affordable housing
12 solar installations.

13 (C) GRANTS.—After allocating amounts to
14 carry out subparagraph (B), the Secretary shall
15 use the remaining funds made available under
16 subparagraph (A) for a fiscal year to provide
17 grants to eligible entities—

18 (i) to pay the upfront costs of photo-
19 voltaic solar electricity generating facilities
20 installed on properties of grant-eligible
21 households; or

22 (ii) for any other eligible use described
23 in subsection (e).

24 (D) INCREASE IN GRANT AMOUNT.—Not-
25 withstanding subparagraph (A), if the Secretary

1 determines that more than 50 percent of the
2 amounts described in that subparagraph are
3 necessary during any of fiscal years 2016
4 through 2030 to provide grants to encourage
5 innovative financing and installation models to
6 reach underserved markets, the Secretary may
7 use more than 50 percent of those amounts to
8 provide those grants.

9 (3) GOALS AND ACCOUNTABILITY.—

10 (A) IN GENERAL.—In providing loans and
11 grants under this subsection, the Secretary
12 shall take such actions as may be necessary to
13 ensure that—

14 (i) the assistance provided under this
15 subsection is used to facilitate and encour-
16 age innovative solar installation and fi-
17 nancing models, under which the recipients
18 develop and install photovoltaic solar elec-
19 tricity generating facilities that provide sig-
20 nificant savings to low-income households
21 while providing job training or community
22 engagement opportunities with respect to
23 each solar system installed;

24 (ii) loan and grant recipients shall—

1 (I) have installed not less than
2 600 kilowatts of photovoltaic solar en-
3 ergy during the 2-year period pre-
4 ceding the date on which the loan or
5 grant is provided to ensure consumer
6 protection; or

7 (II) until the goal described in
8 subclause (I) is achieved, enter into
9 partnership with an entity that—

10 (aa) has not less than 2
11 years of experience deploying
12 solar photovoltaic systems for
13 low-income households in a man-
14 ner that maximizes the savings
15 benefits of solar access; and

16 (bb) was primarily respon-
17 sible for the installation of at
18 least 2 megawatts of solar energy
19 during the 2-year period pre-
20 ceding the date on which the loan
21 or grant is provided;

22 (iii) the photovoltaic solar electricity
23 generating facilities installed using assist-
24 ance provided under this subsection are
25 safe, high-quality systems that comply with

1 local building and safety codes and stand-
2 ards;

3 (iv) the provision of assistance under
4 this subsection establishes and fosters a
5 partnership between the Federal Govern-
6 ment and eligible entities, resulting in effi-
7 cient development of solar installations
8 with—

9 (I) minimal governmental inter-
10 vention;

11 (II) limited governmental regula-
12 tion; and

13 (III) significant involvement by
14 nonprofit and private entities;

15 (v) solar projects installed using as-
16 sistance provided under this subsection—

17 (I) shall include job training; and

18 (II) may include community par-
19 ticipation in which job trainees and
20 volunteers assist in the development of
21 solar projects;

22 (vi) assistance provided under this
23 subsection prioritizes development in—

24 (I) areas with low photovoltaic
25 penetration;

- 1 (II) rural areas;
- 2 (III) Indian tribal areas; and
- 3 (IV) other underserved areas, in-
- 4 cluding Alaskan Native and Appa-
- 5 lachian communities;
- 6 (vii) solar systems are developed using
- 7 assistance provided under this subsection
- 8 on a geographically diverse basis among
- 9 the eligible entities; and
- 10 (viii) to the maximum extent prac-
- 11 ticable, solar installation activities for
- 12 which assistance is provided under this
- 13 section leverage, or connect grant-eligible
- 14 households to, federally or locally sub-
- 15 sidized weatherization and energy effi-
- 16 ciency efforts that meet or exceed local en-
- 17 ergy efficiency standards.

18 (B) DETERMINATION.—If, at any time, the

19 Secretary determines that the goals described in

20 this paragraph cannot be met by providing as-

21 sistance in accordance with this subsection, the

22 Secretary shall immediately submit to the ap-

23 propriate committees of Congress a written no-

24 tice of that determination, including any pro-

1 posed changes necessary to achieve the goals
2 under this paragraph.

3 (4) COMMUNITY SOLAR FACILITIES.—

4 (A) IN GENERAL.—A community solar fa-
5 cility may use a loan provided under this sub-
6 section only to offset the costs of generation
7 and provision of solar energy to low-income
8 households that are subscribers of the commu-
9 nity solar facility.

10 (B) TRANSFER AND ASSIGNMENT OF SUB-
11 SCRIPTIONS.—A subscription to a community
12 solar facility that receives assistance under this
13 subsection may be transferred or assigned by
14 the subscriber to—

15 (i) any subscriber organization; or

16 (ii) any individual or entity who quali-
17 fies to be a subscriber to that community
18 solar facility.

19 (C) TREATMENT.—

20 (i) IN GENERAL.—No owner, oper-
21 ator, or subscriber of a community solar
22 facility that receives assistance under this
23 subsection shall be subject to regulation by
24 the Federal Energy Regulatory Commis-

1 sion solely as a result of an interest in the
2 community solar facility.

3 (ii) PRICE OF SUBSCRIPTION.—The
4 price paid for any subscription to a com-
5 munity solar facility shall not be subject to
6 the regulation of any Federal department,
7 agency, or commission.

8 (c) NATIONAL COMPETITION.—

9 (1) IN GENERAL.—The Secretary shall select el-
10 igible entities to receive loans or grants under this
11 section through a nationwide competitive process, to
12 be established by the Secretary.

13 (2) APPLICATIONS.—To be eligible to receive a
14 loan or grant under this section, an eligible entity
15 shall submit to the Secretary an application at such
16 time, in such manner, and containing such informa-
17 tion as the Secretary may require.

18 (3) REQUIREMENTS.—In selecting eligible enti-
19 ties to receive loans or grants under this section, the
20 Secretary shall, at a minimum—

21 (A) require that the eligible entity—

22 (i) enter into a grant or loan agree-
23 ment, as applicable, under subsection (d);
24 and

1 (ii) has obtained financial commit-
2 ments (or has demonstrated the capacity
3 to obtain financial commitments) necessary
4 to comply with that agreement;

5 (B) ensure that loans and grants are pro-
6 vided, and amounts are used, in a manner that
7 results in geographical diversity throughout the
8 United States and within States, territories,
9 and Indian tribal land among photovoltaic solar
10 electricity generating facilities installed using
11 the assistance provided under this section;

12 (C) to the maximum extent practicable, ex-
13 pand photovoltaic solar energy availability to—

14 (i) geographical areas, throughout the
15 United States and within States, terri-
16 tories, and Indian tribal land, with—

17 (I) low photovoltaic solar pene-
18 tration; or

19 (II) areas with a higher cost bur-
20 den with respect to the deployment or
21 installation of photovoltaic solar elec-
22 tricity generating facilities;

23 (ii) rural communities;

24 (iii) Indian tribes; and

1 (iv) other underserved areas, including
2 Appalachian and Alaska Native commu-
3 nities;

4 (D) take into account the warranty period
5 and quality of the applicable photovoltaic solar
6 electricity generating facility equipment and any
7 necessary interconnecting equipment; and

8 (E) ensure all calculations for estimated
9 household energy savings are based solely on
10 electricity offsets from the photovoltaic solar
11 electricity generating facilities.

12 (d) LOAN AND GRANT AGREEMENTS.—

13 (1) IN GENERAL.—As a condition of receiving a
14 loan or grant under this section, an eligible entity
15 shall enter into a loan or grant agreement, as appli-
16 cable, with the Secretary.

17 (2) REQUIREMENTS.—A loan or grant agree-
18 ment under this subsection shall—

19 (A) require the eligible entity—

20 (i) to use the assistance provided
21 under this section only in accordance with
22 this section;

23 (ii) to install such number of solar
24 systems with such defined capacity target
25 (expressed in megawatts) as may be estab-

1 lished by the Secretary, taking into consid-
2 eration the costs associated with carrying
3 out loan or grant obligations in the areas
4 in which the solar systems will be devel-
5 oped;

6 (iii) to use the assistance in a manner
7 that leverages other sources of funding
8 (other than loans or grants under this sec-
9 tion), including private or public funds, in
10 developing the solar projects; and

11 (iv) to establish loan terms, if applica-
12 ble, that maximize the benefit to the low-
13 income households receiving solar energy
14 from the eligible entity;

15 (B) require the Secretary to rescind any
16 amounts provided to the eligible entity that are
17 not used during the 2-year period beginning on
18 the date on which the amounts are initially dis-
19 tributed to the eligible entity, except in any case
20 in which the eligible entity has demonstrated to
21 the satisfaction of the Secretary that a longer
22 period, not to exceed 3 years after the date of
23 initial distribution, is necessary to deliver pro-
24 posed services;

1 (C) for a loan provided under this section,
2 establish—

3 (i) an interest rate equal to the then-
4 current cost of funds to the Department of
5 the Treasury for obligations of comparable
6 maturity to the loan; and

7 (ii) a payout time that maximizes the
8 savings to customers during the effective
9 period of the agreement; and

10 (D) contain such other terms as the Sec-
11 retary may require to ensure compliance with
12 the requirements of this section.

13 (e) USE.—An eligible entity shall use a loan or grant
14 provided under this section only for the following activi-
15 ties, for the purpose of developing new photovoltaic solar
16 projects in the United States for low-income households
17 and individuals who otherwise would likely be unable to
18 afford or purchase photovoltaic solar systems:

19 (1) PHOTOVOLTAIC SOLAR EQUIPMENT AND IN-
20 STALLATION.—To pay the costs of—

21 (A) solar equipment, including only photo-
22 voltaic solar equipment and storage and all
23 hardware or software components relating to
24 safely producing, monitoring, and connecting

1 the system to the electric grid or onsite storage;
2 and

3 (B) installation, including all direct labor
4 associated with installing the photovoltaic solar
5 equipment.

6 (2) JOB TRAINING.—To fund onsite job train-
7 ing and community or volunteer engagement, includ-
8 ing—

9 (A) only job training costs directly associ-
10 ated with the solar projects funded under this
11 section; and

12 (B) job training opportunities that may
13 cover the full range of the solar value chain,
14 such as marketing and outreach, customer ac-
15 quisition, system design, and installation posi-
16 tions.

17 (3) DEPLOYMENT SUPPORT.—To fund entities
18 that have a demonstrated ability, as determined by
19 the Secretary—

20 (A) to advise State and local entities re-
21 garding low-income solar policy, regulatory, and
22 program design to continue and expand the
23 work of the entities;

24 (B) to foster community outreach and edu-
25 cation regarding the benefits of photovoltaic

1 solar energy for low-income and disadvantaged
2 communities; or

3 (C) to provide apprenticeship program op-
4 portunities registered and approved by—

5 (i) the Office of Apprenticeship of the
6 Department of Labor pursuant to part 29
7 of title 29, Code of Federal Regulations (or
8 successor regulations); or

9 (ii) a State Apprenticeship Agency
10 recognized by that Office.

11 (4) ADMINISTRATION.—To pay the administra-
12 tive expenses of the eligible entity, including
13 preproject feasibility efforts, in carrying out the du-
14 ties of the Secretary associated with delivering pro-
15 posed services, subject to the requirement that not
16 more than 15 percent of the total amount of the as-
17 sistance provided to the eligible entity under this
18 section may be used for administrative expenses.

19 (f) COMPLIANCE.—

20 (1) RECORDS AND AUDITS.—During the period
21 beginning on the date of initial distribution to an eli-
22 gible entity of a loan or grant under this section and
23 ending on the termination date of the loan or grant
24 under subsection (g), the eligible entity shall main-
25 tain such records and adopt such administrative

1 practices as the Secretary may require to ensure
2 compliance with the requirements of this section and
3 the applicable loan or grant agreement.

4 (2) DETERMINATION BY SECRETARY.—If the
5 Secretary determines that an eligible entity that re-
6 ceives a grant or loan under this section has not,
7 during the 2-year period beginning on the date of
8 initial distribution to the eligible entity of the assist-
9 ance (or such longer period as is established under
10 subsection (d)(2)(B)), substantially fulfilled the obli-
11 gations of the eligible entity under the applicable
12 loan or grant agreement, the Secretary shall—

13 (A) rescind the balance of any funds dis-
14 tributed to, but not used by, the eligible entity
15 under this section; and

16 (B) use those amounts to provide other
17 loans or grants in accordance with this section.

18 (g) TERMINATION.—The Secretary shall terminate a
19 loan or grant provided under this section on a determina-
20 tion that the total amount of the loan or grant (excluding
21 any interest, fees, and other earnings of the loan or grant)
22 has been—

23 (1) fully expended by the eligible entity; or

24 (2) returned to the Secretary.

1 (h) REGULATIONS.—Not later than 90 days after the
2 date of enactment of this Act, the Secretary shall promul-
3 gate such regulations as the Secretary determines to be
4 necessary to carry out this section, to take effect on the
5 date of promulgation.

6 (i) FUNDING.—There is authorized to be appro-
7 priated to the Secretary to carry out this section
8 \$200,000,000 for each of fiscal years 2016 through 2030,
9 to remain available until expended.

