

107TH CONGRESS  
1ST SESSION

# H. R. 683

To increase the authorization of appropriations for low-income energy assistance, weatherization, and State energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. MARKEY (for himself, Mr. FROST, Mrs. MALONEY of New York, and Mr. HILLIARD) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To increase the authorization of appropriations for low-income energy assistance, weatherization, and State energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes.

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 “Energy Emergency Re-  
5 sponse Act of 2001”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) high energy costs are causing hardship for  
4 families;

5 (2) restructured energy markets have increased  
6 the need for a higher and more consistent level of  
7 funding for low income energy assistance programs;

8 (3) conservation programs implemented by the  
9 States and the low income weatherization program  
10 reduce costs and need for additional energy supplies;

11 (4) energy conservation is a cornerstone of na-  
12 tional energy security policy;

13 (5) the Federal Government is the largest con-  
14 sumer of energy in the economy of the United  
15 States; and

16 (6) many opportunities exist for significant en-  
17 ergy cost savings within the Federal Government.

18 (b) PURPOSES.—The purposes of this Act are to pro-  
19 vide assistance to those individuals most affected by high  
20 energy prices and to promote and accelerate energy con-  
21 servation investments in private and Federal facilities.

22 **SEC. 3. INCREASED FUNDING FOR LIHEAP, WEATHERIZA-**  
23 **TION, AND STATE ENERGY GRANTS.**

24 (a) LIHEAP.—Section 2602(b) of the Low-Income  
25 Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b))  
26 is amended by striking the first sentence and inserting the

1 following: “There are authorized to be appropriated to  
2 carry out the provisions of this title (other than section  
3 2607A), \$3,400,000,000 for each of fiscal years 2001  
4 through 2005.”.

5 (b) WEATHERIZATION ASSISTANCE.—Section 422 of  
6 the Energy Conservation and Production Act (42 U.S.C.  
7 6872) is amended by striking “for fiscal years 1999  
8 through 2003 such sums as may be necessary and insert-  
9 ing “\$310,000,000 for each of fiscal years 2001 through  
10 2005”.

11 (c) STATE ENERGY CONSERVATION GRANTS.—Sec-  
12 tion 365(f) of the Energy Policy and Conservation Act (42  
13 U.S.C. 6325(f)) is amended by striking “for fiscal years  
14 1999 through 2003 such sums as may be necessary” and  
15 inserting “\$75,000,000 for each of fiscal years 2001  
16 through 2005”.

17 **SEC. 4. FEDERAL ENERGY MANAGEMENT REVIEWS.**

18 Section 543 of the National Energy Conservation  
19 Policy Act (42 U.S.C. 8253) is amended by adding at the  
20 end the following:

21 “(e) PRIORITY RESPONSE REVIEWS.—Each agency  
22 shall—

23 “(1) not later than October 1, 2001, undertake  
24 a comprehensive review of all practicable measures  
25 for—

1           “(A) increasing energy and water con-  
2           servation, and

3           “(B) using renewable energy sources; and

4           “(2) not later than 180 days after completing  
5           the review, implement measures to achieve not less  
6           than 50 percent of the potential efficiency and re-  
7           newable savings identified in the review.”.

8   **SEC. 5. COST SAVINGS FROM REPLACEMENT FACILITIES.**

9           Section 801(a) of the National Energy Conservation  
10          Policy Act (42 U.S.C. 8287(a)) is amended by adding at  
11          the end the following:

12          “(3)(A) In the case of an energy savings contract or  
13          energy savings performance contract providing for energy  
14          savings through the construction and operation of one or  
15          more buildings or facilities to replace one or more existing  
16          buildings or facilities, benefits ancillary to the purpose of  
17          such contract under paragraph (1) may include savings  
18          resulting from reduced costs of operation and maintenance  
19          at such replacement buildings or facilities when compared  
20          with costs of operation and maintenance at the buildings  
21          or facilities being replaced.

22          “(B) Notwithstanding paragraph (2)(B), aggregate  
23          annual payments by an agency under an energy savings  
24          contract or energy savings performance contract referred  
25          to in subparagraph (A) may take into account (through

1 the procedures developed pursuant to this section) savings  
2 resulting from reduced costs of operation and maintenance  
3 as described in subparagraph (A).”.

4 **SEC. 6. REPEAL OF ENERGY SAVINGS PERFORMANCE CON-**  
5 **TRACT SUNSET.**

6 Section 801(c) of the National Energy Conservation  
7 Policy Act (42 U.S.C. 8287(c)) is repealed.

8 **SEC. 7. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINI-**  
9 **TIONS.**

10 (a) ENERGY SAVINGS.—Section 804(2) of the Na-  
11 tional Energy Conservation Policy Act (42 U.S.C.  
12 8287c(2)) is amended to read as follows:

13 “(2) The term “energy savings” means a reduc-  
14 tion in the cost of energy or water, from a base cost  
15 established through a methodology set forth in the  
16 contract, used in either—

17 “(A) an existing federally owned building  
18 or buildings or other federally owned facilities  
19 as a result of—

20 “(i) the lease or purchase of operating  
21 equipment, improvements, altered oper-  
22 ation and maintenance, or technical serv-  
23 ices;

24 “(ii) the increased efficient use of ex-  
25 isting energy sources by cogeneration or

1 heat recovery, excluding any cogeneration  
2 process for other than a federally owned  
3 building or buildings or other federally  
4 owned facilities; or

5 “(iii) the increased efficient use of ex-  
6 isting water sources; or

7 “(B) a replacement facility under section  
8 801(a)(3).”.

9 (b) ENERGY SAVINGS CONTRACT.—Section 804(3) of  
10 the National Energy Conservation Policy Act (42 U.S.C.  
11 8287c(3)) is amended to read as follows:

12 “(3) The terms ‘energy savings contract’ and  
13 ‘energy savings performance contract’ mean a con-  
14 tract which provides for—

15 “(A) the performance of services for the  
16 design, acquisition, installation, testing, oper-  
17 ation, and, where appropriate, maintenance and  
18 repair, of an identified energy or water con-  
19 servation measure or series of measures at one  
20 or more locations; or

21 “(B) energy savings through the construc-  
22 tion and operation of one or more buildings or  
23 facilities to replace one or more existing build-  
24 ings or facilities.”.

1           (c) ENERGY OR WATER CONSERVATION MEASURE.—  
2 Section 804(4) of the National Energy Conservation Pol-  
3 icy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

4           “(4) The term ‘energy or water conservation  
5 measure’ means—

6                   “(A) an energy conservation measure, as  
7 defined in section 551(4) (42 U.S.C. 8259(4));

8 or

9                   “(B) a water conservation measure that  
10 improves water efficiency, is life cycle cost effec-  
11 tive, and involves water conservation, water re-  
12 cycling or reuse, improvements in operation or  
13 maintenance efficiencies, retrofit activities or  
14 other related activities, not at a Federal hydro-  
15 electric facility.”.

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