

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3631

To encourage innovation to create clean technologies, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 22, 2010

Mrs. MURRAY 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 encourage innovation to create clean technologies, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Clean Energy Works Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENCOURAGING INNOVATION TO CREATE CLEAN  
TECHNOLOGIES

Sec. 101. State energy programs.

Sec. 102. ARPA–E amendments.

TITLE II—PREPARING A CLEAN ENERGY WORKFORCE

- Sec. 201. Definitions.  
 Sec. 202. Regional energy alliance skills grants.  
 Sec. 203. Regional industry energy efficiency grants.  
 Sec. 204. Customized low carbon energy training grants.  
 Sec. 205. Authorization of appropriations.

TITLE III—MISCELLANEOUS

- Sec. 301. Clarification of application of grants for specified energy property to certain regulated companies.  
 Sec. 302. Applicability of reporting requirements.

1 **TITLE I—ENCOURAGING INNO-**  
 2 **VATION TO CREATE CLEAN**  
 3 **TECHNOLOGIES**

4 **SEC. 101. STATE ENERGY PROGRAMS.**

5 (a) ALLOCATION.—Section 363(b)(3) of the Energy  
 6 Policy and Conservation Act (42 U.S.C. 6323(b)(3)) is  
 7 amended—

8 (1) by redesignating subparagraphs (A), (B),  
 9 and (C) as clauses (i), (ii), and (iii), respectively,  
 10 and indenting appropriately;

11 (2) in the matter preceding clause (i) (as redesi-  
 12 gnated by paragraph (1)), by striking “(3) In deter-  
 13 mining” and inserting the following:

14 “(3) DETERMINATION OF FEDERAL FINANCIAL  
 15 ASSISTANCE.—

16 “(A) IN GENERAL.—In determining”; and

17 (3) by adding at the end the following:

18 “(B) ALLOCATION.—

19 “(i) IN GENERAL.—For each fiscal  
 20 year, if the funds made available to the

1 Secretary to carry out this part exceed  
2 \$25,500,000—

3 “(I) \$25,500,000 shall be allo-  
4 cated to each participating State in  
5 accordance with the table contained in  
6 section 420.11 of title 10, Code of  
7 Federal Regulations (as in effect on  
8 the date of enactment of this subpara-  
9 graph); and

10 “(II) any additional amount shall  
11 be allocated in accordance with clause  
12 (ii).

13 “(ii) ALLOCATION OF EXCESS  
14 FUNDS.—An amount described in clause  
15 (i)(II) shall be allocated to each partici-  
16 pating State as follows:

17 “(I) One-third of the amount  
18 shall be divided equally among the  
19 participating States.

20 “(II) One-third of the amount  
21 shall be distributed ratably among the  
22 participating States based on the pop-  
23 ulation of each participating State, as  
24 contained in the most recent reliable  
25 census data available from the Bureau

1 of the Census of the Department of  
2 Commerce, for all participating States  
3 at the time at which the Secretary  
4 calculates the formula for distribution.

5 “(III) One third of the amount  
6 shall be distributed ratably among the  
7 participating States, to each partici-  
8 pating State that, by State law, has—

9 “(aa) established energy ef-  
10 ficiency as the first priority in  
11 utility energy planning; and

12 “(bb) developed energy effi-  
13 ciency resource standards, or a  
14 renewable portfolio standard (or  
15 equivalent) that includes energy  
16 efficiency as an eligible resource  
17 to meet the guidelines under sec-  
18 tion 362.”.

19 (b) USE OF FUNDS.—Section 363 of the Energy Pol-  
20 icy and Conservation Act (42 U.S.C. 6323) is amended  
21 by adding at the end the following:

22 “(g) USE OF FUNDS.—

23 “(1) IN GENERAL.—For each fiscal year, each  
24 participating State that receives an amount of funds

1 under this section shall use not less than  $\frac{1}{3}$  of the  
2 amount to provide grants and loans—

3 “(A) for renewable energy development;

4 “(B) to energy technology companies; or

5 “(C) to promote energy efficiency.

6 “(2) STATE COST-SHARING.—

7 “(A) IN GENERAL.—Subject to subpara-  
8 graph (B), each participating State that re-  
9 ceives an amount of funds under this section  
10 shall pay 20 percent of the costs of each activ-  
11 ity carried out under the grant.

12 “(B) DEFERRAL.—The State cost-share  
13 described in subparagraph (A) may be deferred  
14 for not more than 5 years, at the discretion of  
15 the Secretary.

16 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
17 is authorized to be appropriated to carry out this part  
18 \$1,500,000,000 for each of fiscal years 2011 through  
19 2016.”.

20 **SEC. 102. ARPA-E AMENDMENTS.**

21 Section 5012 of the America COMPETES Act (42  
22 U.S.C. 16538) is amended—

23 (1) in subsection (c)(2)—

24 (A) in subparagraph (A), by inserting

25 “and applied” after “advances in fundamental”;

1 (B) by striking “and” at the end of sub-  
2 paragraph (B);

3 (C) by striking the period at the end of  
4 subparagraph (C) and inserting “; and”; and

5 (D) by adding at the end the following:

6 “(D) promoting the commercial application  
7 of advanced energy technologies.”;

8 (2) in subsection (e)—

9 (A) in paragraph (3)—

10 (i) by striking subparagraph (C) and  
11 inserting the following:

12 “(C) research and development of ad-  
13 vanced manufacturing process and technologies  
14 for the domestic manufacturing of novel energy  
15 technologies; and”;

16 (ii) by striking “and” at the end of  
17 subparagraph (D);

18 (B) by striking the period at the end of  
19 paragraph (4) and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(5) pursuant to subsection (c)(2)(C)—

22 “(A) ensuring that applications for funding  
23 disclose the extent of current and prior efforts,  
24 including monetary investments as appropriate,

1 in pursuit of the technology area for which  
2 funding is being requested;

3 “(B) adopting measures to ensure that, in  
4 making awards, program managers adhere to  
5 the objectives described in subsection (c)(2)(C);  
6 and

7 “(C) providing as part of the annual report  
8 required by subsection (h)(1), a summary of the  
9 instances of and reasons for ARPA–E funding  
10 projects in technology areas already being un-  
11 dertaken by industry.”;

12 (3) by redesignating subsections (f) through  
13 (m) as subsections (g), (h), (i), (j), (l), (m), (n), and  
14 (o), respectively;

15 (4) by inserting after subsection (e) the fol-  
16 lowing new subsection:

17 “(f) AWARDS.—

18 “(1) IN GENERAL.—In carrying out this sec-  
19 tion, the Director may initiate and execute awards  
20 in the form of grants, contracts, cooperative agree-  
21 ments, cash prizes, and other transactions.

22 “(2) CONSIDERATIONS.—The Director shall  
23 make awards under this section that are designed—

1           “(A) to overcome the long-term and high-  
2 risk barriers to the goals and means described  
3 in subsection (c); and

4           “(B) to facilitate submissions, where pos-  
5 sible, by small businesses and entrepreneurs,  
6 pursuant to announcements published not less  
7 frequently than annually, of funding opportuni-  
8 ties for—

9                   “(i) specific areas of technological in-  
10 novation; and

11                   “(ii) broadly defined areas of science  
12 and technology, to remain open for periods  
13 of one year.”;

14           (5) in subsection (g) (as redesignated by para-  
15 graph (3))—

16                   (A) by redesignating paragraphs (1) and  
17 (2) as paragraphs (2) and (3), respectively;

18                   (B) by inserting before paragraph (2) (re-  
19 designated by subparagraph (A)) the following:

20                   “(1) IN GENERAL.—The Director shall establish  
21 and maintain within ARPA–E a staff with sufficient  
22 qualifications and expertise to enable ARPA–E to  
23 carry out the responsibilities of ARPA–E under this  
24 section, in conjunction with the operations of the  
25 rest of the Department.”;



1 (C) in paragraph (2) (as redesignated by  
2 subparagraph (A))—

3 (i) in the paragraph heading, by strik-  
4 ing “PROGRAM MANAGERS” and inserting  
5 “PROGRAM DIRECTORS”;

6 (ii) in subparagraph (A)—

7 (I) by striking “program man-  
8 agers” and inserting “program direc-  
9 tors”; and

10 (II) by striking “each of”;

11 (iii) in subparagraph (B)—

12 (I) by striking “program man-  
13 ager” and inserting “program direc-  
14 tor”;

15 (II) in clause (iv), by striking “,  
16 with advice under subsection (j) as  
17 appropriate,”;

18 (III) by redesignating clauses (v)  
19 and (vi) as clauses (vi) and (viii), re-  
20 spectively;

21 (IV) by inserting after clause (iv)  
22 the following:

23 “(v) identifying innovative cost-shar-  
24 ing arrangements for ARPA–E projects,  
25 including through use of the authority

1 under section 988(b)(3) of the Energy Pol-  
2 icy Act of 2005 (42 U.S.C. 16352(b)(3));”;

3 (V) in clause (vi) (as redesign-  
4 nated by subclause (III)), by striking  
5 “; and” and inserting a semicolon;  
6 and

7 (VI) by inserting after clause (vi)  
8 (as redesignated by subclause (III)),  
9 the following:

10 “(vii) identifying mechanisms for com-  
11 mercial application of successful energy  
12 technology development projects, including  
13 through the establishment of partnerships  
14 between awardees and commercial entities;  
15 and”;

16 (iv) in subparagraph (C), by inserting  
17 “up to” after “shall be”;

18 (D) in subparagraph (B) of paragraph (3)  
19 (as redesignated by subparagraph (A)), by  
20 striking “not less than 70, and not more than  
21 120,” and inserting “not more than 120”; and

22 (E) by adding at the end the following:

23 “(4) FELLOWSHIPS.—

24 “(A) IN GENERAL.—The Director may se-  
25 lect exceptional early-career and senior sci-

1 entific, legal, business, and technical personnel  
2 to serve as fellows to work at ARPA-E for  
3 terms not to exceed 2 years.

4 “(B) RESPONSIBILITIES.—Responsibilities  
5 of fellows may include—

6 “(i) supporting program directors in  
7 program creation, design, implementation,  
8 and management;

9 “(ii) exploring technical fields for fu-  
10 ture ARPA-E program areas;

11 “(iii) assisting the Director in the cre-  
12 ation of the strategic vision for ARPA-E  
13 referred to in subsection (h)(2);

14 “(iv) preparing energy technology and  
15 economic analyses; and

16 “(v) any other appropriate responsibil-  
17 ities identified by the Director.”;

18 (6) in subsection (h)(2) (as redesignated by  
19 paragraph (3))—

20 (A) by striking “2008” and inserting  
21 “2010”; and

22 (B) by striking “2011” and inserting  
23 “2015”;

24 (7) by striking subsection (j) (as redesignated  
25 by paragraph (3)), and inserting the following:

1       “(j) FEDERAL DEMONSTRATION OF TECH-  
2 NOLOGIES.—The Director shall seek opportunities to part-  
3 ner with purchasing and procurement programs of Federal  
4 agencies to demonstrate energy technologies resulting  
5 from activities funded through ARPA-E.”;

6           (8) by inserting after subsection (j) the fol-  
7 lowing:

8       “(k) EVENTS.—

9           “(1) IN GENERAL.—The Director may convene,  
10 organize, and sponsor events that further the objec-  
11 tives of ARPA-E, including events that assemble  
12 awardees, the most promising applicants for ARPA-  
13 E funding, and a broad range of ARPA-E stake-  
14 holders (which may include members of relevant sci-  
15 entific research and academic communities, govern-  
16 ment officials, financial institutions, private inves-  
17 tors, entrepreneurs, and other private entities), for  
18 the purposes of—

19           “(A) demonstrating projects of ARPA-E  
20 awardees;

21           “(B) demonstrating projects of finalists for  
22 ARPA-E awards and other energy technology  
23 projects;

24           “(C) facilitating discussion of the commer-  
25 cial application of energy technologies developed

1 under ARPA–E and other government-spon-  
2 sored research and development programs; or

3 “(D) any other purposes that the Director  
4 determines to be appropriate.

5 “(2) TECHNOLOGY TRANSFER.—Funding for  
6 activities described in paragraph (1) shall be pro-  
7 vided as part of the technology transfer and out-  
8 reach activities under subsection (o)(4)(B).”;

9 (9) in subsection (m) (as redesignated by para-  
10 graph (3))—

11 (A) in paragraph (1), by striking “4  
12 years” and inserting “5 years”; and

13 (B) in paragraph (2)(B), by inserting “,  
14 and how those lessons may apply to the oper-  
15 ation of other programs within the Department  
16 of Energy” after “ARPA–E”; and

17 (10) in subsection (o), as so redesignated by  
18 paragraph (3)—

19 (A) by striking paragraph (2) and insert-  
20 ing the following:

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—  
22 Subject to paragraph (4), there is authorized to be  
23 appropriated to the Director for deposit in the Fund  
24 \$1,000,000,000 for each of fiscal years 2011  
25 through 2016.”

- 1 (B) by striking paragraph (4);
- 2 (C) by redesignating paragraph (5) as
- 3 paragraph (4); and
- 4 (D) in subparagraph (B) of paragraph (4)
- 5 (as redesignated by subparagraph (C))—
- 6 (i) by striking “2.5 percent” and in-
- 7 serting “5 percent”; and
- 8 (ii) by inserting “, consistent with the
- 9 goal described in subsection (c)(2)(D) and
- 10 within the responsibilities of program di-
- 11 rectors as specified in subsection
- 12 (g)(2)(B)(vii)” after “outreach activities”.

13 **TITLE II—PREPARING A CLEAN**

14 **ENERGY WORKFORCE**

15 **SEC. 201. DEFINITIONS.**

16 In this title:

17 (1) **IN GENERAL.**—The terms “institution of

18 higher education”, “local area”, “local board”, “Sec-

19 retary”, “State”, and “State board” have the mean-

20 ings given to the terms in section 101 of the Work-

21 force Investment Act of 1998 (29 U.S.C. 2801).

22 (2) **CAREER PATHWAY.**—The term “career

23 pathway” means a high-quality, rigorous, and rel-

24 evant set of education, training, and workplace

25 courses and experiences that—

1 (A) is aligned with the skill needs of an in-  
2 dustry in a regional economy;

3 (B) includes the full range of secondary or  
4 postsecondary education options, including reg-  
5 istered apprenticeships;

6 (C) includes academic and career coun-  
7 seling and supports the development of individ-  
8 ualized career plans;

9 (D) includes integrated education and  
10 training services, as appropriate;

11 (E) helps workers enter or advance within  
12 a specific sector or occupational field;

13 (F) leads to the attainment of a degree or  
14 industry-recognized credential; and

15 (G) has the goal of increasing the edu-  
16 cational and skills attainment, and employment  
17 outcomes, of individuals.

18 (3) IDENTIFIED INDUSTRY.—The term “identi-  
19 fied industry” means an industry that supports low  
20 carbon energy sources and that is identified in a  
21 grant application submitted under this title.

22 **SEC. 202. REGIONAL ENERGY ALLIANCE SKILLS GRANTS.**

23 (a) PURPOSE.—The purpose of this section is to in-  
24 crease the availability of highly skilled workers qualified  
25 for careers, leading to economic self-sufficiency of the

1 United States, in low carbon energy industries, including  
2 careers in the production, transmission, or distribution of  
3 low carbon energy, by—

4 (1) developing industry-recognized skill stand-  
5 ards in critical occupations;

6 (2) enhancing the awareness and use of indus-  
7 try-recognized skill standards and credentials, exist-  
8 ing as of the date of enactment of this Act; or

9 (3) developing career pathways on the basis of  
10 industry-recognized skill standards and credentials.

11 (b) GENERAL AUTHORITY.—Using funds authorized  
12 under section 205, the Secretary shall award regional en-  
13 ergy alliance skills grants on a competitive basis to eligible  
14 entities.

15 (c) USE OF FUNDS.—

16 (1) IN GENERAL.—An eligible entity that re-  
17 ceives such a grant shall use the grant funds to pay  
18 for the Federal share of the cost of supporting inno-  
19 vative strategies to prepare workers for employment,  
20 with the skills required by an identified industry  
21 within States or multi-State areas.

22 (2) REQUIRED ACTIVITIES.—The eligible entity  
23 shall use the grant funds to—

24 (A) refine workforce strategic plans for the  
25 identified industry, including the identification



1 of occupations critical to the identified industry  
2 and the skills and credentials necessary for  
3 workers in those occupations;

4 (B) develop or refine industry-recognized  
5 skill standards and credentials for occupations  
6 critical to the industry, including occupations  
7 on which the competitive success of the industry  
8 depends;

9 (C) integrate such skill standards and cre-  
10 dentials into curricula at secondary schools and  
11 institutions of higher education to support in-  
12 dustry-recognized credential programs;

13 (D) establish, adopt, or expand career  
14 pathways for occupations supporting an identi-  
15 fied industry, using the skill standards and cre-  
16 dentials developed and refined under subpara-  
17 graph (B); and

18 (E) establish workforce development pro-  
19 grams and activities to meet the long-term  
20 needs of the identified industry and complement  
21 programs and services administered by State  
22 boards and local boards.

23 (3) ALLOWABLE ACTIVITIES.—The eligible enti-  
24 ty may use the funds to carry out 1 or more of the  
25 following:

1 (A) Implement career awareness activities,  
2 focused on occupations critical to the identified  
3 industry, in secondary schools and institutions  
4 of higher education.

5 (B) Implement integrated education and  
6 training activities, such as paid or unpaid work  
7 experiences, on-the-job training opportunities,  
8 customized training programs, or transitional  
9 jobs programs.

10 (C) Partner with entities carrying out  
11 youth-serving programs (including entities oper-  
12 ating Job Corps centers under subtitle C of title  
13 I of the Workforce Investment Act of 1998 (29  
14 U.S.C. 2801 et seq.), preapprenticeship pro-  
15 grams, and YouthBuild programs under section  
16 173A of the Workforce Investment Act of 1998  
17 (29 U.S.C. 2918a), where appropriate) and pro-  
18 grams targeting populations of individuals  
19 underrepresented in the industry, such as vet-  
20 erans and women.

21 (D) Build awareness of relevant employers  
22 and labor organizations about the skill develop-  
23 ment opportunities available through the activi-  
24 ties carried out under the grant.

25 (d) ELIGIBLE ENTITIES.—

1           (1) IN GENERAL.—To be eligible to receive a  
2 grant under this section, an entity shall be an En-  
3 ergy Alliance that meets the requirements of para-  
4 graph (2) and submits an application in accordance  
5 with subsection (e).

6           (2) ENERGY ALLIANCE.—For purposes of this  
7 section, an Energy Alliance shall be composed of—

8           (A) at least 1 industry representative from  
9 each low carbon energy industry addressed in  
10 the application;

11           (B) 1 representative of the State board  
12 from each of the States in the area to be served  
13 under the grant;

14           (C) at least 1 representative of a local  
15 board from each of the local areas in the area  
16 to be served under the grant;

17           (D) at least 1 representative from relevant  
18 institutions of higher education, providers of  
19 registered apprenticeships, and other eligible  
20 training providers offering to develop or refine  
21 industry-recognized skills standards or industry-  
22 recognized credentials, from each such State,  
23 that offer education or training programs to ad-  
24 dress the skill needs of the identified industry;

1 (E) at least 1 representative from relevant  
2 labor organizations from each such State;

3 (F) at least 1 representative of an eco-  
4 nomic development organization; and

5 (G) at least 1 representative from a career  
6 and technical education organization from each  
7 such State.

8 (e) APPLICATION.—To be eligible to receive a grant  
9 under this section, an entity shall submit an application  
10 to the Secretary at such time, in such manner, and meet-  
11 ing such requirements as the Secretary may determine to  
12 be appropriate. The application shall contain such infor-  
13 mation as the Secretary may require, including informa-  
14 tion to enable the Secretary to review the skill standards  
15 and credentials to be, as appropriate, developed or used.

16 (f) PRIORITY.—In making grants under this section,  
17 the Secretary shall give priority to entities submitting ap-  
18 plications for grant programs—

19 (1) that serve States that have State laws speci-  
20 fying targets for reducing energy consumption by or  
21 on a determined date or timeline;

22 (2) that serve States in which industry or sector  
23 partnerships, industry associations, or the State gov-  
24 ernments have developed a low carbon energy indus-  
25 try-specific strategic plan for developing the low car-

1 bon energy assets for the State or multi-State area  
2 involved for the purposes of reducing dependence on  
3 foreign oil and fossil fuels, and economic develop-  
4 ment; and

5 (3) that focus on a low carbon energy industry  
6 with established industry-recognized skill standards  
7 and credentials that lead to industry-recognized cre-  
8 dentials.

9 (g) FEDERAL SHARE.—

10 (1) IN GENERAL.—The Federal share of the  
11 cost referred to in subsection (c) shall be 50 percent.

12 (2) NON-FEDERAL SHARE.—The eligible entity  
13 involved may provide the non-Federal share in cash  
14 or in kind, fairly evaluated, including plant, equip-  
15 ment, or services.

16 (h) PERFORMANCE AND EVALUATION.—After select-  
17 ing entities to become grant recipients and before pro-  
18 viding the grant payments, the Secretary shall negotiate  
19 performance measures, with expected levels of perform-  
20 ance, with the entities. The Secretary shall use the per-  
21 formance measures to evaluate the entities.

22 **SEC. 203. REGIONAL INDUSTRY ENERGY EFFICIENCY**  
23 **GRANTS.**

24 (a) IN GENERAL.—Using funds authorized under  
25 section 205, the Secretary shall award regional industry

1 energy efficiency grants on a competitive basis to eligible  
2 entities under this section, for the purpose of educating  
3 and training incumbent workers in the skills necessary to  
4 increase energy efficiency in industries in existence on the  
5 date of enactment of this Act (referred to in this section  
6 as “existing industries”).

7 (b) USE OF FUNDS.—An eligible entity that receives  
8 such a grant shall use the grant funds to pay for the Fed-  
9 eral share of the cost to support—

10 (1) assisting industries in identifying new skills  
11 necessary for occupations, existing as of the date of  
12 enactment of this Act, to support a more energy effi-  
13 cient approach to such industries; and

14 (2) providing training and education to incum-  
15 bent workers on the skills identified under para-  
16 graph (1) that are necessary to use equipment ref-  
17 erenced in subsection (e)(2), and implement policies,  
18 procedures, or protocols, required to reduce energy  
19 consumption in existing industries.

20 (c) ELIGIBLE ENTITIES.—

21 (1) IN GENERAL.—To be eligible to receive a  
22 grant under this section, an entity shall be a covered  
23 entity that meets the requirements of paragraph (2)  
24 and that submits an application in accordance with  
25 subsection (d).

1           (2) COVERED ENTITIES.—For the purposes of  
2 this section, covered entities shall be partnerships  
3 that include—

4           (A) an industry group or association with  
5 an energy consumption that is calculated by the  
6 Environmental Protection Agency using section  
7 763(b)(2)(A)(ii)(II)(aa) of the American Clean  
8 Energy and Security Act of 2009 (H.R. 2454,  
9 111th Congress, as placed on the calendar of  
10 the Senate on July 7, 2009); and

11           (B) at least 1 representative of each of the  
12 following:

13           (i) State boards.

14           (ii) Local boards.

15           (iii) Labor organizations.

16           (iv) Institutions of higher education,  
17 providers of registered apprenticeships,  
18 and other entities, eligible to provide train-  
19 ing services under section 122 of the  
20 Workforce Investment Act of 1998 (29  
21 U.S.C. 2842).

22           (v) Economic development organiza-  
23 tions.

24           (d) APPLICATION.—To be eligible to receive a grant  
25 under this section, an entity shall submit an application

1 to the Secretary at such time, in such manner, and meet-  
2 ing such requirements as the Secretary may determine to  
3 be appropriate. The application shall contain such infor-  
4 mation as the Secretary may require, including informa-  
5 tion to enable the Secretary to review the skill standards  
6 and credentials to be used.

7 (e) PRIORITY.—In making grants under this section,  
8 the Secretary shall give priority to entities submitting ap-  
9 plications—

10 (1) for grant programs that serve States that  
11 have State laws specifying targets for reducing en-  
12 ergy consumption by or on a determined date or  
13 timeline; and

14 (2) for grant programs that serve industries  
15 that have a demonstrated commitment to purchasing  
16 and installing the necessary equipment, and imple-  
17 menting the necessary work processes and protocols,  
18 to reduce energy consumption through the utilization  
19 of available tax credits or other means.

20 (f) FEDERAL SHARE.—

21 (1) IN GENERAL.—The Federal share of the  
22 cost described in subsection (b) shall be a share ne-  
23 gotiated between the eligible entity and the Sec-  
24 retary, and shall range from 25 percent to 75 per-  
25 cent based on each of the following factors:



1 (A) Whether the business receiving the  
2 training and education is in an industry identi-  
3 fied in part of the energy efficiency plans of the  
4 State or local area.

5 (B) The number of employees employed by  
6 the business.

7 (C) The number of individuals to be  
8 trained or educated.

9 (D) The level of wages, benefits, and other  
10 compensation available to employees in the oc-  
11 cupations and career pathways involved.

12 (E) The demonstrated commitment of the  
13 business to providing ongoing training and edu-  
14 cation, performance improvement opportunities,  
15 career advancement, and other benefits to its  
16 employees.

17 (F) Other factors as determined appro-  
18 priate by the Secretary.

19 (2) NON-FEDERAL SHARE.—The eligible entity  
20 may provide the non-Federal share in cash or in  
21 kind, fairly evaluated, including plant, equipment, or  
22 services.

23 (g) PERFORMANCE AND EVALUATION.—After select-  
24 ing entities to become grant recipients and before pro-  
25 viding the grant payments, the Secretary shall negotiate

1 performance measures, with expected levels of perform-  
2 ance, with the entities. The Secretary shall use the per-  
3 formance measures to evaluate the entities

4 **SEC. 204. CUSTOMIZED LOW CARBON ENERGY TRAINING**  
5 **GRANTS.**

6 (a) IN GENERAL.—Using funds authorized under  
7 section 205, the Secretary shall award low carbon energy  
8 training grants on a competitive basis to eligible entities  
9 to provide customized training services to businesses in  
10 identified industries, or to businesses in industries that di-  
11 rectly support or supply identified industries.

12 (b) USE OF FUNDS.—

13 (1) IN GENERAL.—An eligible entity that re-  
14 ceives such a grant shall use the grant funds to pay  
15 for the Federal share of the cost to support cus-  
16 tomized training for incumbent workers, or job seek-  
17 ers identified as having the basic skills likely re-  
18 quired for success in an occupation and career with-  
19 in the business and industry involved.

20 (2) REQUIRED ACTIVITIES.—The eligible entity  
21 shall use the grant funds to—

22 (A) assist employers in a low carbon indus-  
23 try that are partners in the eligible entity to ad-  
24 dress documented skill shortages for which such  
25 employers have been unable to find workers

1 with the necessary skills through traditional  
2 and readily available sources; and

3 (B) address technical skill needs, as well as  
4 general educational requirements for targeted  
5 occupations, in a manner that leads to the at-  
6 tainment, by participating workers, of an indus-  
7 try-recognized credential that has value in the  
8 labor market beyond a sponsoring employer and  
9 that is portable throughout the industry.

10 (3) ALLOWABLE ACTIVITIES.—The eligible enti-  
11 ty may use the funds to carry out 1 or more of the  
12 following:

13 (A) Assist an employer in developing train-  
14 ing plans, improving supervision, increasing ad-  
15 vancement of low-skill workers, and strength-  
16 ening linkages with entities providing workforce  
17 investment activities under the Workforce In-  
18 vestment Act of 1998 (29 U.S.C. 2801 et seq.),  
19 adult education programs, and education and  
20 training programs of institutions of higher edu-  
21 cation.

22 (B) Partner with entities carrying out  
23 youth-serving programs (including entities oper-  
24 ating Job Corps centers under subtitle C of title  
25 I of the Workforce Investment Act of 1998 (29

1 U.S.C. 2801 et seq.), preapprenticeship pro-  
2 grams, and YouthBuild programs under section  
3 173A of the Workforce Investment Act of 1998  
4 (29 U.S.C. 2918a), where appropriate) and pro-  
5 grams targeting populations of individuals  
6 underrepresented in the industry, such as vet-  
7 erans and women.

8 (4) PROHIBITION.—An eligible entity in a State  
9 shall not use the grant funds to attract businesses  
10 from other States, or to prevent businesses from  
11 moving to other States.

12 (c) ELIGIBLE ENTITIES.—

13 (1) IN GENERAL.—To be eligible to receive a  
14 grant under this section, an entity shall be a covered  
15 entity that meets the requirements of paragraph (2)  
16 and submits an application in accordance with sub-  
17 section (d).

18 (2) COVERED ENTITIES.—For the purposes of  
19 this section, covered entities shall be partnerships  
20 that include at least 1 of the following:

21 (A) State boards.

22 (B) Local boards.

23 (C) A consortium of State boards or local  
24 boards, and an employer in an identified indus-  
25 try, or in an industry that directly supports or

1 supplies an identified industry, that dem-  
2 onstrates a need for customized training.

3 (D) A consortium of State boards or local  
4 boards, and a group of employers in an identi-  
5 fied industry, or in an industry that directly  
6 supports or supplies an identified industry, that  
7 demonstrates a need for customized training.

8 (d) APPLICATION.—To be eligible to receive a grant  
9 under this section, an entity shall submit an application  
10 to the Secretary at such time, in such manner, and meet-  
11 ing such requirements as the Secretary may determine to  
12 be appropriate. The application shall contain such infor-  
13 mation as the Secretary may require, including informa-  
14 tion to enable the Secretary to review the skill standards  
15 and credentials to be, as appropriate, developed or used.

16 (e) FEDERAL SHARE.—

17 (1) IN GENERAL.—The Federal share of the  
18 cost of training described in subsection (b)(1) shall  
19 be a share negotiated between the eligible entity and  
20 the Secretary, and shall range from 25 percent to 75  
21 percent based on each of the following factors:

22 (A) If the business receiving the training is  
23 in an industry identified in part of the energy  
24 efficiency plans of the State or local area.

1           (B) The number of employees employed by  
2 the business.

3           (C) The number of individuals to be  
4 trained.

5           (D) The level of wages, benefits, and other  
6 compensation available to the employees in the  
7 occupations involved.

8           (E) The demonstrated commitment of the  
9 business to providing ongoing training, per-  
10 formance improvement opportunities, career ad-  
11 vancement, and other benefits to its employees.

12           (F) Other factors as determined appro-  
13 priate by the State board or local board in-  
14 volved.

15           (2) NON-FEDERAL SHARE.—The eligible entity  
16 may provide the non-Federal share in cash or in  
17 kind, fairly evaluated, including plant, equipment, or  
18 services.

19           (f) PERFORMANCE AND EVALUATION.—

20           (1) PERFORMANCE MEASURES.—After selecting  
21 entities to become grant recipients and before pro-  
22 viding the grant payments, the Secretary shall—

23           (A) negotiate performance measures, with  
24 expected levels of performance, with the enti-  
25 ties; and

1 (B) require the attainment of industry-rec-  
2 ognized credentials, as identified in the applica-  
3 tion submitted under subsection (d), to be in-  
4 cluded as a performance measure.

5 (2) EVALUATION.—The Secretary shall use the  
6 performance measures to evaluate the entities.

7 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to carry out  
9 this title \$2,000,000,000 for each of the fiscal years 2011  
10 through 2016.

11 **TITLE III—MISCELLANEOUS**

12 **SEC. 301. CLARIFICATION OF APPLICATION OF GRANTS**  
13 **FOR SPECIFIED ENERGY PROPERTY TO CER-**  
14 **TAIN REGULATED COMPANIES.**

15 (a) IN GENERAL.—The first sentence of section  
16 1603(f) of division B of the American Recovery and Rein-  
17 vestment Act of 2009 is amended by inserting “(other  
18 than subsection (d)(2) thereof)” after “section 50 of the  
19 Internal Revenue Code of 1986”.

20 (b) EFFECTIVE DATE.—The amendment made by  
21 this section shall take effect as if included in section 1603  
22 of division B of the American Recovery and Reinvestment  
23 Act of 2009.

1 **SEC. 302. APPLICABILITY OF REPORTING REQUIREMENTS.**

2 Section 401 of the American Recovery and Reinvest-  
3 ment Act of 2009 (Public Law 111–5; 123 Stat. 140) is  
4 amended—

5 (1) by striking “For the purposes of” and in-  
6 serting the following:

7 “(a) IN GENERAL.—For the purposes of”; and

8 (2) by adding at the end the following:

9 “(b) APPLICABILITY.—As of October 1, 2010, each  
10 provision of this Act that is otherwise applicable to the  
11 use of the authority made available under the Federal Co-  
12 lumbia River Transmission System Act (16 U.S.C. 838  
13 et seq.) shall not apply to any activity carried out under  
14 this section.”.

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