

111TH CONGRESS
1ST SESSION

H. R. 3836

To authorize the Secretary of Energy to provide credit support to enhance the availability of private financing for clean energy technology deployment.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2009

Mr. ISRAEL introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To authorize the Secretary of Energy to provide credit support to enhance the availability of private financing for clean energy technology deployment.

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. INDIRECT SUPPORT.**

4 (a) IN GENERAL.—For the purpose of enhancing the
5 availability of private financing for clean energy tech-
6 nology deployment, the Secretary of Energy may—

7 (1) provide credit support to portfolios of tax-
8 able debt obligations originated by State, local, and
9 private sector entities that enable owners and users
10 of buildings and industrial facilities to—

1 (A) significantly increase the energy effi-
2 ciency of such buildings or facilities; or

3 (B) install systems that individually gen-
4 erate electricity from renewable energy re-
5 sources and have a capacity of no more than 2
6 megawatts;

7 (2) facilitate financing transactions in tax eq-
8 uity markets and long-term purchasing of clean en-
9 ergy by State, local, and nongovernmental not-for-
10 profit entities, to the degree and extent that the Sec-
11 retary of Energy determines such financing activity
12 is appropriate and consistent with carrying out the
13 purpose described in subsection (b); and

14 (3) provide credit support to portfolios of tax-
15 able debt obligations originated by State, local, and
16 private sector entities that enable the deployment of
17 energy storage applications for electric drive vehi-
18 cles, stationary applications, and electricity trans-
19 mission and distribution.

20 (b) PURPOSE.—The purpose of this program is to
21 promote access to affordable financing for accelerated and
22 widespread deployment of—

23 (1) clean energy technologies;

24 (2) advanced or enabling energy infrastructure
25 technologies; and

1 (3) energy efficiency technologies in residential,
2 commercial, and industrial applications, including
3 end-use efficiency in buildings.

4 (c) DEFINITIONS.—For purposes of the section:

5 (1) CLEAN ENERGY TECHNOLOGY.—The term
6 “clean energy technology” means a technology re-
7 lated to the production, use, transmission, storage,
8 control, or conservation of energy—

9 (A) that will contribute to a stabilization of
10 atmospheric greenhouse gas concentrations
11 through reduction, avoidance, or sequestration
12 of energy-related emissions and—

13 (i) reduce the need for additional en-
14 ergy supplies by using existing energy sup-
15 plies with greater efficiency or by transmit-
16 ting, distributing, or transporting energy
17 with greater effectiveness through the in-
18 frastructure of the United States; or

19 (ii) diversify the sources of energy
20 supply of the United States to strengthen
21 energy security and to increase supplies
22 with a favorable balance of environmental
23 effects if the entire technology system is
24 considered; and

1 (B) for which, as determined by the Ad-
2 ministrator, insufficient commercial lending is
3 available at affordable rates to allow for wide-
4 spread deployment.

5 (2) CREDIT SUPPORT.—The term “credit sup-
6 port” means—

7 (A) direct loans, letters of credit, loan
8 guarantees, and insurance products; and

9 (B) the purchase or commitment to pur-
10 chase, or the sale or commitment to sell, debt
11 instruments (including subordinated securities).

12 (3) DIRECT LOAN.—The term “direct loan” has
13 the meaning given the term in section 502 of the
14 Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

15 (4) LOAN GUARANTEE.—The term “loan guar-
16 antee” has the meaning given the term in section
17 502 of the Federal Credit Reform Act of 1990 (2
18 U.S.C. 661a).

19 (5) RENEWABLE ENERGY RESOURCE.—The
20 term “renewable energy resource” means each of the
21 following:

22 (A) Wind energy.

23 (B) Solar energy.

24 (C) Geothermal energy.

25 (D) Renewable biomass.

1 (E) Biogas derived exclusively from renew-
2 able biomass.

3 (F) Biofuels derived exclusively from re-
4 newable biomass.

5 (G) Hydropower.

6 (H) Marine and hydrokinetic renewable en-
7 ergy, as that term is defined in section 632 of
8 the Energy Independence and Security Act of
9 2007 (42 U.S.C. 17211).

10 (d) TRANSPARENCY.—The Secretary of Energy shall
11 seek to foster through its credit support activities—

12 (1) the development and consistent application
13 of standard contractual terms, transparent under-
14 writing standards and consistent measurement and
15 verification protocols, as applicable; and

16 (2) the creation of performance data that pro-
17 motes effective underwriting and risk management
18 to support lending markets and stimulate the devel-
19 opment of private investment markets.

20 (e) EXEMPT SECURITIES.—All securities insured or
21 guaranteed by the Secretary of Energy shall, to the same
22 extent as securities that are direct obligations of or obliga-
23 tions guaranteed as to the principal or interest by the
24 United States, be considered to be exempt securities with-

1 in the meaning of the laws administered by the Securities
2 and Exchange Commission.

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