

**Calendar No. 386**116TH CONGRESS  
1ST SESSION**S. 2399**

To amend the Energy Policy Act of 2005 to improve State loan eligibility for projects for innovative technologies.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

DECEMBER 18, 2019

Reported by Ms. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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**A BILL**

To amend the Energy Policy Act of 2005 to improve State loan eligibility for projects for innovative technologies.

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. STATE LOAN ELIGIBILITY.**

4 (a) DEFINITIONS.—Section 1701 of the Energy Pol-  
5 icy Act of 2005 (42 U.S.C. 16511) is amended by adding  
6 at the end the following:

1           “(6) STATE.—The term ‘State’ has the mean-  
2           ing given the term in section 202 of the Energy  
3           Conservation and Production Act (42 U.S.C. 6802).

4           “(7) STATE ENERGY FINANCING INSTITU-  
5           TION.—

6           “(A) IN GENERAL.—The term ‘State en-  
7           ergy financing institution’ means a quasi-inde-  
8           pendent entity or an entity within a State agen-  
9           cy or financing authority established by a  
10          State—

11           “(i) to provide financing support or  
12           credit enhancements, including loan guar-  
13           antees and loan loss reserves, for eligible  
14           projects; and

15           “(ii) to create liquid markets for eligi-  
16           ble projects, including warehousing and  
17           securitization, or take other steps to reduce  
18           financial barriers to the deployment of ex-  
19           isting and new eligible projects.

20           “(B) INCLUSION.—The term ‘State energy  
21           financing institution’ includes an entity or orga-  
22           nization established to achieve the purposes de-  
23           scribed in clauses (i) and (ii) of subparagraph  
24           (A) by an Indian Tribal entity or an Alaska  
25           Native Corporation.”.

1 (b) TERMS AND CONDITIONS.—Section 1702 of the  
 2 Energy Policy Act of 2005 (42 U.S.C. 16512) is amend-  
 3 ed—

4 (1) *in subsection (a), by inserting “, including*  
 5 *projects receiving financial support or credit enhance-*  
 6 *ments from a State energy financing institution,”*  
 7 *after “for projects”;*

8 (2) *in subsection (d)(1), by inserting “, includ-*  
 9 *ing a guarantee for a project receiving financial sup-*  
 10 *port or credit enhancements from a State energy fi-*  
 11 *naning institution,” after “No guarantee”; and*

12 (3) *by adding at the end the following:*

13 (1) ~~in subsection (a), by inserting “or to a~~  
 14 ~~State energy financing institution” after “for~~  
 15 ~~projects”;~~ and

16 (2) ~~by adding at the end the following:~~

17 ~~“(1) STATE ENERGY FINANCING INSTITUTIONS.—~~

18 ~~“(1) ELIGIBILITY.—To be eligible for a guar-~~  
 19 ~~antee under this title, a State energy financing insti-~~  
 20 ~~tution—~~

21 ~~“(l) STATE ENERGY FINANCING INSTITUTIONS.—~~

22 ~~“(1) ELIGIBILITY.—To be eligible for a guar-~~  
 23 ~~antee under this title, a project receiving financial~~  
 24 ~~support or credit enhancements from a State energy~~  
 25 ~~financing institution—~~

1           “(A) shall meet the requirements of section  
2           1703(a)(1); and

3           “(B) shall not be required to meet the re-  
4           quirements of section 1703(a)(2).

5           “(2) PARTNERSHIPS AUTHORIZED.—In car-  
6           rying out a project receiving a loan guarantee under  
7           this title, State energy financing institutions may  
8           enter into partnerships with private entities, Tribal  
9           entities, and Alaska Native corporations.

10          “(3) PROHIBITION ON USE OF APPROPRIATED  
11          FUNDS.—Amounts appropriated to the Department  
12          of Energy before the date of enactment of this sub-  
13          section shall not be available to be used for the cost  
14          of loan guarantees made to State energy financing  
15          institutions under this subsection.”.



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