

STREAMLINING ENERGY EFFICIENCY FOR SCHOOLS ACT
OF 2014

JUNE 19, 2014.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. UPTON, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 4092]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4092) to amend the Energy Policy and Conservation Act to establish the Office of Energy Efficiency and Renewable Energy as the lead Federal agency for coordinating Federal, State, and local assistance provided to promote the energy retrofitting of schools, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Streamlining Energy Efficiency for Schools Act of 2014”.

SEC. 2. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

Section 392 of the Energy Policy and Conservation Act (42 U.S.C. 6371a) is amended by adding at the end the following:

“(e) COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.—

“(1) DEFINITION OF SCHOOL.—Notwithstanding section 391(6), for the purposes of this subsection, the term ‘school’ means—

“(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

“(C) a school of the defense dependents’ education system under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

“(D) a school operated by the Bureau of Indian Affairs;

“(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

“(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

“(2) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall establish a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.

“(3) REQUIREMENTS.—In carrying out paragraph (2), the Secretary shall—

“(A) consult with appropriate Federal agencies to develop a list of Federal programs and financing mechanisms that are, or may be, used for the purposes described in paragraph (2); and

“(B) coordinate with appropriate Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms described in subparagraph (A), which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance in the Office of Energy Efficiency and Renewable Energy that States, local education agencies, and schools may use to effectively access and use such Federal programs and financing mechanisms.”.

PURPOSE AND SUMMARY

H.R. 4092, the “Streamlining Energy Efficiency for Schools Act of 2014,” was introduced by Representative Cartwright (D-PA) on February 26, 2014. The legislation establishes a clearinghouse within the Department of Energy (DOE) to consolidate and maintain information regarding available federal programs and financing mechanisms that may be used by schools to develop and implement energy efficiency, distributed generation, and energy retrofitting projects.

BACKGROUND AND NEED FOR LEGISLATION

The 17,450 K–12 school districts in the United States spend approximately \$6 billion each year on energy bills, second only to personnel costs while exceeding the costs of textbooks and supplies.¹ In fact, “as much as 30 percent of a school district’s total energy is used inefficiently or unnecessarily.”² Yet, an estimated 14 million American children attend deteriorating public schools and, ac-

¹ENERGY STAR, “Schools: An Overview of Energy Use and Energy Efficiency Opportunities.”

²*Id.*

According to a Department of Education survey, “53 percent of public schools needed to spend money on repairs, renovations, and modernizations to put the school’s onsite buildings in good overall condition.”³

Energy expenses are one of the few costs that can be reduced while also improving classroom instruction. Cost-savings realized from improved energy efficiency can be used to help pay for building improvements and classroom upgrades. Examples of cost-effective energy efficiency measures available to schools include:

- Install energy-efficient lighting systems and controls that improve light quality and reduce heat gain.
- Upgrade and maintain heating and cooling equipment.
- Use a performance contract to guarantee energy savings from upgrades.
- Work with an energy services provider to help manage and improve energy performance.
- Install window films and add insulation or reflective roof coating to reduce energy consumption.

There are numerous federal initiatives already available to schools to help them become more energy efficient. However, these programs are spread across the federal government, making it challenging, time consuming, and costly for schools to identify and take full advantage of these programs.

The “Streamlining Energy Efficiency for Schools Act” would provide a consolidated structure to help schools better navigate available federal programs, such as DOE’s EnergySmart Schools program and EPA’s Energy Star for K–12 School Districts program, and financing options to develop certain energy projects. Specifically, the bill establishes a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that may be used by schools to initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects.

The bill also directs DOE’s Office of Energy Efficiency and Renewable Energy to coordinate with Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms. This may include the development and maintenance of a single online resource that provides a “one-stop-shop” that States, local education agencies, and schools may use to effectively access and use such Federal programs and financing mechanisms.

Supporters of the Legislation

Supporters of the bill include ASHRAE and U.S. Green Building Council.

HEARINGS

The Committee on Energy and Commerce has not held hearings on the legislation.

³U.S. Department of Education, National Center for Education Statistics, “*Condition of America’s Public School Facilities: 2012–2013*,” at p. 3 (Mar. 2014).

COMMITTEE CONSIDERATION

On April 29 and 30, 2014, the Committee on Energy and Commerce met in open markup session. During the markup, an amendment in the nature of a substitute was offered and adopted by a voice vote. The Committee ordered H.R. 4092 favorably reported, by a voice vote, to the House of Representatives, as amended.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 4092 reported. A motion by Mr. Upton to order H.R. 4092 reported to the House, as amended, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings that are reflected in this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

H.R. 4092 establishes a clearinghouse within DOE to consolidate and maintain information regarding available federal programs and financing mechanisms that may be used by schools to develop and implement energy efficiency, distributed generation, and energy retrofitting projects.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4092, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives, the Committee finds that H.R. 4092 contains no earmarks, limited tax benefits, or limited tariff benefits.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 20, 2014.

Hon. FRED UPTON,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4092, the Streamlining Energy Efficiency for Schools Act of 2014.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 4092—Streamlining Energy Efficiency for Schools Act of 2014

H.R. 4092 would require the Secretary of Energy to establish a centralized clearinghouse to disseminate information on federal programs, incentives, and mechanisms for financing energy-efficient retrofits and upgrades at schools. The bill would direct the Secretary to work with other federal agencies to develop a comprehensive list of such federal programs and to streamline efforts to publicize them through education and outreach.

Based on information from the Department of Energy (DOE) about current levels of spending for similar efforts, CBO estimates that enacting H.R. 4092 would not significantly affect the federal budget. We estimate that any additional costs incurred by DOE to expand existing efforts to promote opportunities to boost energy efficiency of schools under H.R. 4092 would total less than \$500,000 annually, assuming the availability of appropriated funds. H.R. 4092 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4092 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 4092 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting H.R. 4092 specifically directs no rule makings within the meaning of 5 U.S.C. 551 to be completed.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides the short title of the “Streamlining Energy Efficiency for Schools Act of 2014.”

Section 2. Coordination of Energy Retrofitting Assistance for Schools

This section amends Section 392 of the Energy Policy and Conservation Act by adding a new subsection (e)—“Coordination of Energy Retrofitting Assistance for Schools.”

Subsection (e)(1) adds a new definition of “school” for purposes of this subsection.

Subsection (e)(2) requires the Secretary of Energy to establish a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.

Subsection (e)(3) provides that, in carrying out subsection (e)(2), the Secretary of Energy shall: (1) consult with appropriate Federal agencies to develop a list of Federal programs and financing mechanisms that are, or may be, used to implement subsection (e)(2); and (2) coordinate with appropriate Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms, which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance within the Department of Energy that States, local education agencies, and schools may use to effectively access and use such Federal programs and financing mechanisms.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 392 OF THE ENERGY POLICY AND CONSERVATION ACT

GUIDELINES

SEC. 392. (a) * * *

* * * * *

(e) *COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.*—

(1) *DEFINITION OF SCHOOL.*—*Notwithstanding section 391(6), for the purposes of this subsection, the term “school” means—*

(A) *an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));*

(B) *an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));*

(C) *a school of the defense dependents’ education system under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;*

(D) *a school operated by the Bureau of Indian Affairs;*

(E) *a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and*

(F) *a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).*

(2) *ESTABLISHMENT OF CLEARINGHOUSE.*—*The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall establish a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.*

(3) *REQUIREMENTS.*—*In carrying out paragraph (2), the Secretary shall—*

(A) *consult with appropriate Federal agencies to develop a list of Federal programs and financing mechanisms that are, or may be, used for the purposes described in paragraph (2); and*

(B) *coordinate with appropriate Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms described in subparagraph (A), which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance in the Office of Energy Efficiency and Renewable Energy that States, local education agencies, and schools may use to effectively access and use such Federal programs and financing mechanisms.*