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# **Energy Efficiency and Renewable Energy (EERE): Authorizations of Appropriations Proposed by the Energy Policy Modernization Act of 2015 (S. 2012)**

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## Introduction

This report describes provisions in S. 2012, the Energy Policy Modernization Act of 2015, that would provide explicit authorizations of appropriations for certain Department of Energy (DOE) energy efficiency and renewable energy programs and activities.<sup>1</sup> Although the authorization of appropriations for most of these programs has expired, their underlying statutory authority generally remains in effect.<sup>2</sup> Although S. 2012 also contains provisions that would propose changes to the energy efficiency and renewable energy programs themselves, this report focuses only on the provisions that would explicitly authorize appropriations.

This report analyzes the authorizations of appropriations for energy efficiency and renewable energy programs and activities in S. 2012, which was reported from the Senate Energy and Natural Resources Committee on September 9, 2015. The House Energy and Commerce Committee reported H.R. 8, the North American Energy Security and Infrastructure Act of 2015, on November 19, 2015. Both bills address a broad array of energy policy issues and may be discussed more extensively by Congress in the near-term.<sup>3</sup> H.R. 8 does not include energy efficiency and renewable energy authorizations.<sup>4</sup> This report does not provide a comprehensive list of authorizations for energy efficiency and renewable energy programs and activities. Rather, it focuses only on the proposed authorization and reauthorization of appropriations for those energy efficiency and renewable energy programs and activities contained in S. 2012.

S. 2012 would reauthorize appropriations for five existing programs and activities: Weatherization Assistance Program, State Energy Program, Vehicle Technologies Program,<sup>5</sup> geothermal energy activities, and marine hydrokinetic activities.<sup>6</sup> S. 2012 also would authorize appropriations for the establishment of both a new grant program and a new low-interest loan program for woody biomass heat and biopower systems. Additionally, the bill would require the Secretary of Energy to identify green building programs that were specifically authorized by Congress.<sup>7</sup>

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<sup>1</sup> An authorization may generally be described as a statutory provision that defines the authority of the government to act. It can establish or continue a federal agency, program, policy, project, or activity. Further, it may establish policies and restrictions and deal with organizational and administrative matters. It also may authorize, explicitly or implicitly, subsequent congressional action to provide appropriations. For further information, see CRS Report R42098, *Authorization of Appropriations: Procedural and Legal Issues*, by Jessica Tollestrup and Brian T. Yeh.

<sup>2</sup> A lack of current authorization of appropriations is not unique to energy efficiency and renewable energy programs and activities. Many other programs also lack current authorization of appropriations. For a list of some of these programs, see the Congressional Budget Office, *Unauthorized Appropriations and Expiring Authorizations*, January 15, 2015, at <https://www.cbo.gov/publication/49871>.

<sup>3</sup> Other bills have been introduced in the 114<sup>th</sup> Congress that would address new or existing energy efficiency and renewable energy programs and activities (e.g., S. 600, S. 2089, H.R. 2296, and H.R. 3420), but these bills are beyond the scope of this report.

<sup>4</sup> As reported, H.R. 8 has an authorization provision that allows the Secretary of Energy to enhance emergency preparedness for natural disasters (§1103). Also, H.R. 8 contains an amendment concerning federal authorizations for hydropower whereby it modifies the hydropower licensing process, among other things.

<sup>5</sup> Including the Vehicle Research and Development program and the Medium and Heavy-Duty Commercial and Transit Vehicles programs.

<sup>6</sup> For more information on these programs and activities, see CRS Report R44004, *DOE's Office of Energy Efficiency and Renewable Energy: FY2016 Appropriations*, by Fred Sissine.

<sup>7</sup> §1020 of S. 2012. Green building programs are identified in the bill as any program listed in Table 9 of U.S. Government Accountability Office, *2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue*, GAO-12-342SP, February 2012. Table 9 includes the State (continued...)

**Table 1** lists citations for the proposed authorization of appropriations in S. 2012, the respective program or activity to which each provision pertains, the current statutory authorization of appropriations for that program or activity, and the proposed authorization of appropriations.

**Table 1. S. 2012 EERE Program Authorizations and Reauthorizations**

S. 2012 Provision	Statutory Program or Activity Referenced	Current Law Statutory Authorization of Appropriations	S. 2012 Proposed Authorization of Appropriations
Title I: Efficiency Section 1012	Weatherization Assistance Program (42 U.S.C. 6872)	EISA <sup>a</sup> authorized the program to be appropriated at various levels, increasing from \$750 million in FY2008 to \$1.4 billion in FY2012.	Would authorize appropriations of \$350 million annually from FY2016 through FY2020.
Title I: Efficiency Section 1013	State Energy Program (42 U.S.C. 6325(f))	EISA authorized the program to be appropriated at \$125 million annually from FY2007 to FY2012.	Would authorize appropriations of \$90 million annually from FY2016 through FY2020, from which no more than 5% could be used to provide competitively awarded financial assistance.

(...continued)

Energy Program and the Weatherization Assistance Program, among others. CRS requested from the Department of Energy (DOE) a list of public-law authorizations and reauthorizations for the respective energy efficiency and renewable energy programs or federally funded activities, and DOE responded that such a compilation was not available beyond what was included in the budget request. In its FY2016 budget request, DOE includes public-law authorizations for proposed appropriation language requests. The FY2013 budget request is the latest budget request that provides the public-law authorizations for most of the energy efficiency and renewable energy program areas. In responding to Congress's requirement to identify green building programs specifically authorized by Congress, DOE may compile a table similar to the budget authority table that the U.S. Forest Service provides in its budget justification, which contains the title of the act or program, summary of the authority, expiration date, programs affected, public law citation, and U.S.C. reference. Alternatively, DOE may draft a table containing other criteria uniquely suited to its programs and activities.

S. 2012 Provision	Statutory Program or Activity Referenced	Current Law Statutory Authorization of Appropriations	S. 2012 Proposed Authorization of Appropriations
Title I: Efficiency Subtitle D: Vehicles <sup>b</sup>	Vehicle Technology Program (42 U.S.C. 17011-17013)	EISA authorized various amounts (e.g., specific dollar amounts, such sums as necessary) over different time frames for various parts of the program (e.g., EISA authorized (1) \$90 million annually for FY2008 through FY2012 for the Plug-In Electric Drive Vehicle Program; (2) \$95 million annually for FY2008 through FY2013 for the Near-Term Transportation Sector Electrification Program; and (3) “such sums as may be necessary to carry out this section” for the Advanced Battery Loan Guarantee Program).	Would authorize appropriations for activities under this subtitle of <ul style="list-style-type: none"> <li>• \$313.6 million for FY2016,</li> <li>• \$326.1 million for FY2017,</li> <li>• \$339.2 million for FY2018,</li> <li>• \$352.7 million for FY2019, and</li> <li>• \$366.8 million for FY2020.</li> </ul>
Title III: Supply Section 3011	Geothermal Energy (42 U.S.C. 17191-17204)	EISA authorized \$90 million annually for FY2008 through FY2012, of which \$10 million annually is for Section 616, <sup>c</sup> along with \$5 million annually for FY2008 through FY2012 to the Secretary of Energy for the Intermountain West Geothermal Consortium.	Would authorize appropriations for the activities under the subpart for geothermal energy: \$65 million for FY2017 and \$75 million annually for FY2018 through FY2021.
Title III: Supply Section 3016	Marine Hydrokinetic (42 U.S.C. 17211-17215)	For marine and hydrokinetic renewable energy technologies activities, EISA authorized appropriated \$50 million annually from FY2008 through FY2012, except for activities receiving funds under EPAAct05 <sup>d</sup> Section 931(a)(2)(E)(i) (ocean energy, including wave energy).	Would authorize appropriations of \$55 million annually for FY2017 and FY2018, and \$60 million annually for FY2019 through FY2021.
Title III: Supply Section 3017	2002 farm bill <sup>e</sup> Section 9008, Biomass Research and Development (7 U.S.C. 8108)	New Provision	Would establish a woody biomass heat and biopower grant program to be funded at a level of no more than \$15 million from the amounts appropriated to carry out the subsection.

<b>S. 2012 Provision</b>	<b>Statutory Program or Activity Referenced</b>	<b>Current Law Statutory Authorization of Appropriations</b>	<b>S. 2012 Proposed Authorization of Appropriations</b>
Title III: Supply Section 3017	New Provision	New Provision	Would authorize appropriations of \$50 million to the U.S. Department of Agriculture to establish a low-interest loan program for woody biomass heat and biopower systems program.

**Source:** Congressional Research Service.

**Notes:**

- a. EISA = Energy Independence and Security Act of 2007 (P.L. 110-140)
- b. Referred to as the Vehicle Innovation Act of 2015.
- c. EISA §616, Geothermal Energy Production from Oil and Gas Fields and Recovery and Production of Geopressured Gas Resources.
- d. EPAAct05 = Energy Policy Act of 2005 (P.L. 109-58)
- e. 2002 farm bill = Farm Security and Rural Investment Act of 2002 (P.L. 107-171).

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