



*National Association of
State Energy Officials*

Infrastructure Investment and Jobs Act of 2021: NASEO Building Committee

Ed Carley, December 1, 2021

Photo Courtesy of RL Martin



Infrastructure Investment and Jobs Act of 2021

- The bill formerly known as the Bipartisan Infrastructure Bill (aka BIF) was signed into law on November 15, 2021
 - NASEO and the State Energy Offices have supported and worked to pass some of the energy related elements in the Law for years
- NASEO Summary :
https://www.naseo.org/Data/Sites/1/documents/tk-news/naseo-infrastructure-bill-provisions-of-interest_081921.pdf



Infrastructure Investment and Jobs Act
(As passed by the U.S. Senate August 10, 2021)
Provisions of Interest to NASEO Members

On August 20, 2021, the U.S. Senate passed the [*Infrastructure Investment and Jobs Act*](#) often referred to as the bipartisan infrastructure bill. As has been reported by NASEO, while the bill has not yet passed the U.S. House of Representatives, we anticipate that it will be passed before the end of September and would then be sent to the President for his signature.

Because of the historic size and scope of this bill, we strongly encourage State Energy Offices to become familiar with provisions of interest and to begin considering the implications and opportunities for your state. NASEO will hold regional, committee, and national calls to continue to inform states, and will hold “deep dive” discussions at the NASEO Annual Meeting in Portland, Maine this October. We are also engaging the U.S. Department of Energy to aid in navigating the implementation of these provisions.

What is in the Law?

What elements of the law
will impact buildings
programs in the states and
territories?

Relevant sections

Sec. 40109 State Energy Program	Sec. 40551 Weatherization Assistance Program
Sec. 40107 Deployment of Technologies to Enhance Grid Flexibility	Sec. 40552 Energy Efficiency Conservation Block Grants
Sec. 40502 Energy Efficiency Revolving Loan Fund Capitalization (aka INSULATE Act)	Sec. 40512 Building, Training, and Assessment Centers
Sec. 40503 Energy Auditor Training Program	Sec. 40513 Career Skills Training
Sec. 40511 Cost-effective codes implementation for efficiency and resilience	Sec. 40514 Commercial Building Energy Consumption Information Sharing
Sec. 40541 Grants for energy efficiency and renewable energy (Schools and nonprofits)	Division J. Appropriation Title VII HHS, Education and Related Agencies- Low Income Home Energy Assistance Program (LIHEAP)

Funding by program

Section	Amount of Funding	Competitive or Formula	Notes
40109 - State Energy Program (SEP)	\$500 million over 5 years	Formula	No match
40502 - Energy Efficiency Revolving Loan Fund Capitalization Grants (INSULATE Act)	\$250 million	40% via SEP Formula (\$100m), 60% to “priority states” (\$150m).	Priority states capped at \$15m additional per state. Unclaimed funds may be reallocated after 2 years.
40503 - Energy Auditor Grant Training program	\$40 million over 5 years	Competitive.	No more than \$2m per state
40511 - Cost-Effective Codes Implementation For Efficiency and Resilience	\$225 million over 5 years	Competitive.	Energy offices eligible, along with other entities.

Funding by program

Type	Amount of Funding	Competitive or Formula	Notes
40107 – Deployment of Technologies to Enhance Grid Flexibility	\$3 billion		Reimburses 20% of eligible investments – includes some building devices and software that enables demand flexibility and Smart Grid function.
40541 Grants for Energy Efficiency and Renewable Energy (Schools and nonprofits)	\$500 million	Competitive	Energy Offices not eligible for direct funding but could be partners.
40551 - Weatherization Assistance Program	\$3.5 billion	Formula	
40552 - Energy Efficiency Conservation Block Grants (EECBG)	\$550 million, of which 28% or ~\$150m to SEOs	EECBG formula.	

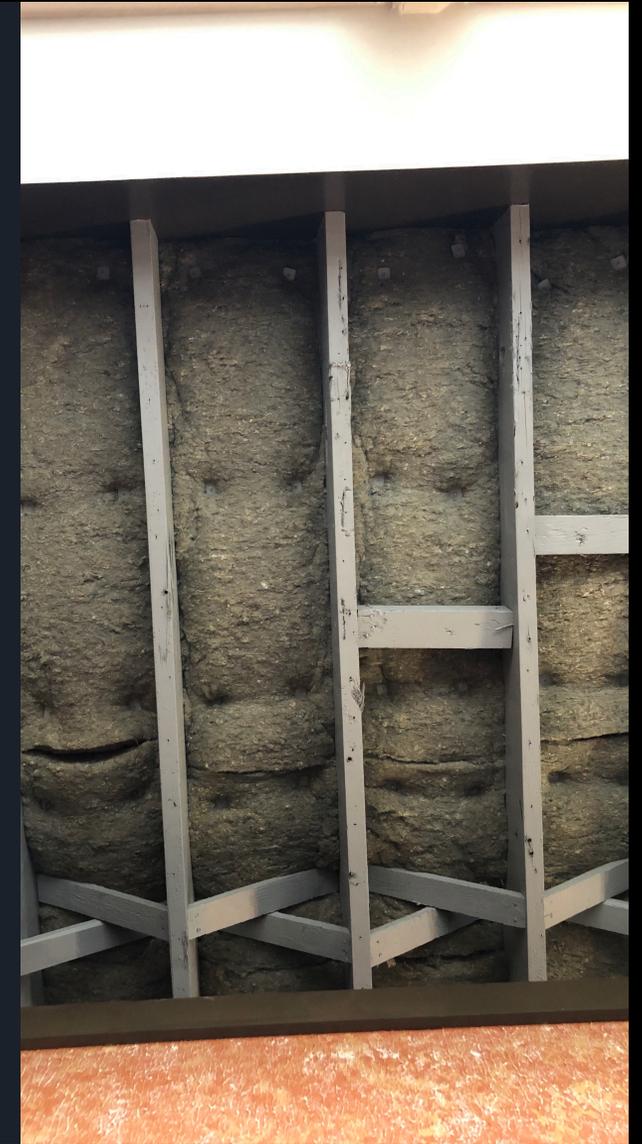
Funding by program

Type	Amount of Funding	Competitive or Formula	Notes
40512 - Building, Training, and Assessment Centers	\$10 million		Funds will be provided to institutes of higher education, mostly co-located with IACs
40513 - Career Skills Training	\$10 million		Funds provided to nonprofit partnerships. Requires 50% cost share for career training.
Low Income Home Energy Assistance Program (LIHEAP)	\$500 million (\$100m/yr.)	Formula	Portions can support weatherization
40514 - Commercial Building Energy Consumption Information Sharing	n/a		



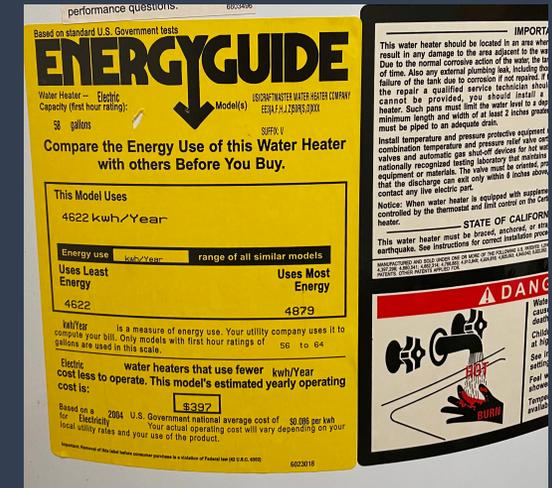
Energy Efficiency Revolving Loan Fund (Sec. 40502) aka INSULATE Act

- \$250 million
- Use of Grant Funds
 - Commercial and Residential Energy Audits
 - Commercial and residential energy energy upgrades and retrofits
- Loans to be provided to recipients that do not have access to private capital to the extent practicable.
- Ed Carley photos



Energy Auditor Grant Training program

- \$40 million over 5 years
- Up to \$2 million per state on a competitive basis
- Train individuals to conduct audits or surveys or commercial and residential buildings
 - ASHRAE, AEE, BPI, RESNET, other certifications as recognized by DOE
- Eligible states are ones with “a demonstrated need for assistance for training energy audits”
- Grant applications will require proposed curriculum, proposed certification, per-individual cost, plan for connecting trainees with employment, and possibly more





Cost-Effective Codes Implementation for Efficiency and Resilience

- \$225 million for five years, \$45 million per year
- Energy Offices are eligible entities, but not the only eligible entities.
 - Eligible entities: a relevant state agency... such as a State building code agency, State energy office, or tribal energy office and a partnership. Partnerships may include local code agencies, codes and standards developers, associations of builders and design and construction professionals, local and utility EE programs, consumer, EE, and environmental advocates and other entities. * PRIORITY GIVEN TO PARTNERSHIPS

- Ed Carley Photo

Cost-Effective Codes Implementation for Efficiency and Resilience

- Eligible Activities
 - Creating or enabling state or regional partnerships to provide training materials to builders and code officials
 - Collecting and disseminating quantitative data on code implementation
 - Developing and implementing plans for highly effective code implementation, including measuring compliance
 - address implementation needs in rural, suburban and urban areas
 - Implementing updates in energy codes
- “An update to a building energy code under this section, including an amendment that results in increased efficiency compared to the previously adopted building energy code, shall include any update made available after the existing building energy code, even if it is not the most recent updated code available.”

- Ed Carley Photo



Energy Efficiency and Renewable Energy at Public School Facilities

- \$500 million over five years, competitive. SEOs not directly eligible.
- Eligible entities: Local education agencies or 1 more schools, non-profit, for-profit or community partners with the knowledge and capacity to assist with energy improvements.
- Local education agencies rarely receive federal funding and will need assistance with the reporting and accounting requirements associated with federal dollars. The targeted school districts are those that are especially resource constrained. Your experience with federal \$\$ will be valuable.
- Prioritizes high need schools as indicated by renovation, repair and improvement funding needs, high percentage of students eligible for free or reduced price lunch, school district locale code of 41 (rural-fringe), 42 (rural-distant), or 43 (rural-remote).
- \$500 million is insufficient to meet the need for school improvements. Leverage Public Private Partnerships where possible.



Energy Efficiency Conservation Block Grants (EECBG)

- \$550 million total, 28% to energy offices via EECBG Formula (approximately \$150m)
- Amends Section 544 of Energy Independence and Security Act of 2007 to reauthorize EECBG and allow new program types.
 - Funds can be used to reduce emissions in buildings, transportation and “other appropriate sectors”
- *Very flexible source of funding*
- **Poll question- Are you interested in participating a NASEO model program review working group?**
- Ed Carley Photo

Provisions of interest but without SEO funding

- Sec. 40514 – Commercial Building Energy Consumption Information Sharing
 - Directs the Administrator of the Energy Information Administration (EIA) to share Commercial Building Energy Consumption Survey (CBECS) data with the U.S. Environmental Protection Agency (EPA)
 - Directs the Administrator of the EPA to share information from ENERGY STAR Portfolio Manager with EIA
 - Directs EIA to consider whether CBECS could be published every three years using survey data supplemented by Portfolio Manager data.

Provisions of interest (Cont.)

- Sec. 40413- Expansion of Energy Consumption Surveys
 - Directs the Energy Information Administration to expand data collected in the Manufacturing Energy Survey, Commercial Building Energy Consumption Survey, Residential Energy Consumption Survey
 - Increases the resolution of data collected
- Title V – Energy Efficiency and Building Infrastructure
 - (1) PRIORITY STATE.—The term “priority State” means a State that— (A) is eligible for funding under the State Energy Program; and (B)(i) is among the 15 States with the highest annual per-capita combined residential and commercial sector energy consumption, as most recently reported by the Energy Information Administration; or (ii) is among the 15 States with the highest annual per-capita energy-related carbon dioxide emissions by State, as most recently reported by the Energy Information Administration. (Pg. 622 of the Law)

Provisions of interest (Cont.)

- Sec. 40556 Model Guidance for Combined Heat and Power Systems and Waste Heat to Power Systems
 - Directs DOE and FERC to review existing rules and procedures relating to interconnection for CHP systems with nameplate capacity up to 150 MW connecting at distribution or transmission voltage levels and to issue model guidance for consideration by state regulatory authorities and nonregulated electric utilities to reduce barriers to CHP deployment.

Buy American, Davis Bacon, etc.

- Buy American requirements will be established by the Office of Management and Budget (OMB)
 - Buy American requirements are a decision that will be made by the Federal Government and while we are working to obtain information, we do not know what the requirements will be at this time.
 - Waivers are expected to be very difficult to obtain.
- Davis-Bacon
 - Gathering prevailing wage information will take time.
 - Categories and wages need to be updated, electronic forms created by DOE & Dept of Labor
 - NASEO is still gathering information

Questions?

- Please use the chat feature to ask questions, or use the “raise hand” feature so we can call on you to ask your question.

Thanks and contact info

For additional questions, please email Ed Carley (ecarley@naseo.org)

Appendix

- INSULATE Act Priority state definition
- In this subtitle:
 - (1) PRIORITY STATE.—The term “priority State” means a
 - State that—
 - (A) is eligible for funding under the State Energy Program;
 - and
 - (B)(i) is among the 15 States with the highest annual per-capita combined residential and commercial sector energy consumption, as most recently reported by the Energy Information Administration; or
 - (ii) is among the 15 States with the highest annual per-capita energy-related carbon dioxide emissions by State, as most recently reported by the Energy Information Administration.