

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

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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:

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

1           “(7) STATE ENERGY FINANCING INSTITU-  
2           TION.—

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

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

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

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

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

1           (1) in subsection (a), by inserting “or to a  
2       State energy financing institution” after “for  
3       projects”; and

4           (2) by adding at the end the following:

5       “(1) STATE ENERGY FINANCING INSTITUTIONS.—

6           “(1) ELIGIBILITY.—To be eligible for a guar-  
7       antee under this title, a State energy financing insti-  
8       tution—

9           “(A) shall meet the requirements of section  
10       1703(a)(1); and

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

13          “(2) PARTNERSHIPS AUTHORIZED.—In car-  
14       rying out a project receiving a loan guarantee under  
15       this title, State energy financing institutions may  
16       enter into partnerships with private entities, Tribal  
17       entities, and Alaska Native corporations.

18          “(3) PROHIBITION ON USE OF APPROPRIATED  
19       FUNDS.—Amounts appropriated to the Department  
20       of Energy before the date of enactment of this sub-  
21       section shall not be available to be used for the cost  
22       of loan guarantees made to State energy financing  
23       institutions under this subsection.”.

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