

116TH CONGRESS
1ST SESSION

S. 2447

To require the Secretary of Energy to establish or designate the Distributed Energy Opportunity Board to carry out a program to facilitate a voluntary streamlined process for local permitting of distributed renewable energy, energy storage, and electric vehicle charging systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2019

Mr. HEINRICH (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of Energy to establish or designate the Distributed Energy Opportunity Board to carry out a program to facilitate a voluntary streamlined process for local permitting of distributed renewable energy, energy storage, and electric vehicle charging systems, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “American Energy Op-
5 portunity Act of 2019”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AUTHORITY HAVING JURISDICTION.**—The
 4 term “authority having jurisdiction” means any
 5 State, county, local, or Tribal office or official with
 6 jurisdiction—

7 (A) to issue permits;

8 (B) to conduct inspections to enforce the
 9 requirements of a relevant code or standard; or

10 (C) to approve the installation of, or the
 11 equipment and materials used in the installa-
 12 tion of, qualifying distributed energy systems.

13 (2) **BOARD.**—The term “Board” means the
 14 Distributed Energy Opportunity Board established
 15 or designated under section 3(a).

16 (3) **DISTRIBUTED ENERGY SYSTEM IN-**
 17 **STALLER.**—The term “distributed energy system in-
 18 staller” means an entity or individual—

19 (A) with knowledge and skills relating to—

20 (i) the construction and operation of
 21 the equipment used in qualifying distrib-
 22 uted energy systems; and

23 (ii) the installation of qualifying dis-
 24 tributed energy systems; and

25 (B) that has employed safety training to
 26 recognize and avoid the hazards involved in con-

1 structing, operating, and installing qualifying
2 distributed energy systems.

3 (4) QUALIFYING DISTRIBUTED ENERGY SYS-
4 TEM.—The term “qualifying distributed energy sys-
5 tem” means any equipment or materials installed in,
6 on, or near a residential, commercial, or industrial
7 building to support onsite or local energy use, in-
8 cluding—

9 (A) to generate electricity from distributed
10 renewable energy sources, including from—

11 (i) solar photovoltaic modules or simi-
12 lar solar energy technologies; and

13 (ii) wind power systems;

14 (B) to store and discharge electricity from
15 batteries with a capacity of at least 2 kilowatt
16 hours;

17 (C) to charge a plug-in electric drive vehi-
18 cle at a power rate of at least 2 kilowatts; or

19 (D) to refuel a fuel cell electric vehicle.

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary of Energy.

22 **SEC. 3. ESTABLISHMENT OR DESIGNATION OF THE DIS-**
23 **TRIBUTED ENERGY OPPORTUNITY BOARD.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of enactment of this Act, the Secretary, in consulta-

1 tion with trade associations and other entities representing
2 distributed energy system installers and organizations rep-
3 resenting State, local, and Tribal governments engaged in
4 permitting, shall establish or designate a nonprofit cor-
5 poration, to be known as the “Distributed Energy Oppor-
6 tunity Board”, to carry out a voluntary program to
7 streamline the process for local permitting and inspection
8 of qualifying distributed energy systems.

9 (b) COMPOSITION.—The Board shall include rep-
10 resentatives from—

11 (1) relevant Federal agencies, or organizations
12 that represent those agencies;

13 (2) State, local, and Tribal governments, or or-
14 ganizations that represent those governments;

15 (3) distributed energy generation companies;

16 (4) battery storage companies;

17 (5) associations that represent the distributed
18 energy generation and battery storage industry;

19 (6) building code agencies and organizations,
20 including a model energy code-setting organization;

21 and

22 (7) other codes and standards organizations.

23 (c) PURPOSE AND ACTIVITIES OF THE BOARD.—

24 (1) PURPOSE.—The purpose of the Board is to
25 establish a voluntary program for facilitating—

1 (A) streamlined permitting processes of
2 qualifying distributed energy systems; and

3 (B) certification of distributed energy sys-
4 tem installers.

5 (2) ACTIVITIES.—The Board shall—

6 (A) develop and maintain a streamlined
7 permitting process, such as a national online
8 permitting system and technology platform for
9 expediting, standardizing, and streamlining per-
10 mitting, that authorities having jurisdiction
11 may use, at the discretion of those authorities,
12 to receive, review, and approve permit applica-
13 tions relating to qualifying distributed energy
14 systems;

15 (B) establish a model expedited permit-to-
16 build protocol for qualifying distributed energy
17 systems;

18 (C) provide technical assistance to authori-
19 ties having jurisdiction on using and adopting—

20 (i) the streamlined permitting process
21 described in subparagraph (A); and

22 (ii) the model expedited permit-to-
23 build protocol described in subparagraph
24 (B);

1 (D)(i) investigate the development of vol-
2 untary national certifications for distributed en-
3 ergy system installers and qualifying distributed
4 energy systems; and

5 (ii) if the Board determines that the na-
6 tional certifications would expedite and stream-
7 line the permitting and inspection process, de-
8 velop the voluntary national certifications;

9 (E) develop and maintain a voluntary na-
10 tional inspection protocol integrated with the
11 national online permitting system described in
12 subparagraphs (A) and (B) and related tools to
13 expedite, standardize, and streamline the in-
14 spection of qualifying distributed energy sys-
15 tems, including—

16 (i) by investigating the potential for
17 using remote inspections; and

18 (ii) by investigating the potential for
19 sample-based inspection for distributed en-
20 ergy system installers with a demonstrated
21 track record of high-quality work; and

22 (F) take any other action to expedite,
23 standardize, streamline, or improve the process
24 for permitting, inspecting, or interconnecting
25 qualifying distributed energy systems.

1 (d) FEE AUTHORITY.—The Board may assess fees
2 for the provision of services by the Board in amounts de-
3 termined reasonable and appropriate by the Board, includ-
4 ing fees from participating distributed energy system in-
5 stallers relating to the activities of the Board described
6 in subsection (c)(2).

7 (e) NONPROFIT STATUS.—The Board shall be consid-
8 ered to be an organization described in section 501(c)(3)
9 of the Internal Revenue Code of 1986, and exempt from
10 taxation under section 501(a) of that Code.

11 (f) SUPPORT SERVICES.—The Secretary shall—

12 (1) provide technical assistance to the Board in
13 carrying out the activities described in subsection
14 (c)(2); and

15 (2) provide such financial assistance to the
16 Board as the Secretary determines to be appropriate
17 from any funds appropriated to carry out this Act.

18 **SEC. 4. DISTRIBUTED ENERGY OPPORTUNITY COMMU-**
19 **NITIES.**

20 (a) IN GENERAL.—The Secretary shall recognize and
21 certify certain communities as “Distributed Energy Op-
22 portunity Communities”.

23 (b) QUALIFICATIONS.—The Secretary may certify a
24 State, local community, or Tribe as a “Distributed Energy
25 Opportunity Community” if that State, local community,

1 or Tribe has adopted and implemented the model expedited permit-to-build protocol established by the Board.

3 (c) PROCESS.—The Secretary may confer a certification under subsection (a) through existing programs of the Department of Energy.

6 (d) GRANTS.—The Secretary may award competitive grants, using funds appropriated to the Secretary to carry out this Act, to encourage communities to adopt the model expedited permit-to-build protocol and standardized inspection processes established by the Board.

11 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated to the Secretary to carry out this Act \$20,000,000 for each of fiscal years 2019 through 2024.

○