

111TH CONGRESS
1ST SESSION

S. 137

To create jobs and reduce the dependence of the United States on foreign and unsustainable energy sources by promoting the production of green energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. BROWN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To create jobs and reduce the dependence of the United States on foreign and unsustainable energy sources by promoting the production of green energy, 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 “Green Energy Produc-
5 tion Act of 2009”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act to is make the United States
3 the world leader in green energy production and manufac-
4 turing by—

5 (1) promoting green technology innovation;

6 (2) assisting in the transition to a green energy
7 economy; and

8 (3) increasing scientific knowledge that may re-
9 veal the basis for new or enhanced products, equip-
10 ment, or processes.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) **BIOMASS.**—The term “biomass” has the
14 meaning given the term “renewable biomass” in sec-
15 tion 211(o)(1) of the Clean Air Act (42 U.S.C.
16 7545(o)(1)).

17 (2) **ENVIRONMENTALLY PROTECTIVE.**—The
18 term “environmentally protective” means, with re-
19 spect to technology, technology that—

20 (A) is most likely to result in the least im-
21 pact to land, forests, water quantity and qual-
22 ity, air quality, and wildlife habitat; and

23 (B) possesses the highest potential for
24 long-term sustained production of green energy.

25 (3) **GREEN ENERGY.**—

1 (A) IN GENERAL.—The term “green en-
 2 ergy” has the meaning given the term “renew-
 3 able energy”.

4 (B) INCLUSION.—The term “green en-
 5 ergy” includes energy derived from coal pro-
 6 duced in a manner that—

7 (i) sequesters carbon from carbon di-
 8 oxide emissions at a minimum 85 percent
 9 capture rate on an annual basis; and

10 (ii) complies with section 1421(d) of
 11 the Safe Drinking Water Act (42 U.S.C.
 12 300h(d)).

13 (4) INSTITUTION OF HIGHER EDUCATION.—The
 14 term “institution of higher education” has the
 15 meaning given the term in section 101 of the Higher
 16 Education Act of 1965 (20 U.S.C. 1001)).

17 (5) RENEWABLE ENERGY.—The term “renew-
 18 able energy” means electric energy generated at a
 19 facility (including a distributed generation facility)
 20 from solar, wind, fuel cells, biomass, geothermal,
 21 ocean energy, or landfill gas.

22 (6) SECRETARY.—The term “Secretary” means
 23 the Secretary of Energy.

24 (7) TARGET AREA.—The term “target area”
 25 means—

1 (A) an area that has experienced a signifi-
2 cant loss of manufacturing employment;

3 (B) an area with a large manufacturing
4 capacity;

5 (C) an area with an unemployment rate
6 that is higher than the national average unem-
7 ployment rate; and

8 (D) priority for an area that includes a
9 brownfield site (as defined in section 101 of the
10 Comprehensive Environmental Response, Com-
11 pensation, and Liability Act of 1980 (42 U.S.C.
12 9601)).

13 **SEC. 4. GREEN TECHNOLOGY INVESTMENT CORPORATION.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—There is established in the
16 Department of Energy a corporation to be known as
17 the “Green Technology Investment Corporation”.

18 (2) MEETINGS.—The Corporation shall meet at
19 least 4 times during each fiscal year.

20 (3) RULES FOR CORPORATION BUSINESS.—Not
21 later than 1 year after the date of enactment of this
22 Act, the Corporation shall establish rules for the
23 conduct of business of the Corporation.

24 (4) APPLICABLE AUTHORITY.—The Corporation
25 shall be subject to—

1 (A) subchapter II of chapter 5, and chap-
 2 ter 7, of title 5, United States Code (commonly
 3 known as the “Administrative Procedure Act”);
 4 and

5 (B) all other Federal law applicable to
 6 quasi-autonomous agencies within the Depart-
 7 ment of Energy.

8 (5) ADMINISTRATIVE COSTS.—The Secretary
 9 shall—

10 (A) be responsible for paying all adminis-
 11 trative costs of the Corporation; and

12 (B) in conjunction with the Board of Di-
 13 rectors of the Corporation, take every reason-
 14 able action to reduce and minimize administra-
 15 tive costs of carrying out this section and the
 16 program.

17 (b) BOARD OF DIRECTORS.—

18 (1) IN GENERAL.—The Board of Directors of
 19 the Corporation shall consist of 7 members, ap-
 20 pointed by the President, by and with the advice and
 21 consent of the Senate, who are—

22 (A) leaders from industry, labor, academia,
 23 government, and nongovernment organizations;
 24 and

1 (B) selected based on having the necessary
2 expertise—

3 (i) to build world-class applied re-
4 search capability;

5 (ii) to assist entrepreneurial
6 innovators in accelerating formation and
7 attraction of technology-based businesses;

8 (iii) to create product innovation;

9 (iv) to market the manufacturing
10 competitiveness of the United States;

11 (v) to create domestic jobs and skills
12 development opportunities in emerging do-
13 mestic markets; and

14 (vi) to evaluate and advise on environ-
15 mental sustainability and climate change.

16 (2) CHAIRPERSON.—The President shall ap-
17 point, by and with the advice and consent of the
18 Senate, 1 member of the Board of Directors to serve
19 as Chairperson.

20 (c) TERM OF SERVICE.—

21 (1) IN GENERAL.—Each member of the Board
22 of Directors shall be appointed for a term of 5 years.

23 (2) ADDITIONAL TERMS.—The President may
24 appoint, by and with the advice and consent of the

1 Senate, a member of the Board to serve additional
2 terms of service.

3 (d) RESPONSIBILITIES.—The Corporation shall allo-
4 cate funds, provide grants, and carry out programs under
5 this Act, for all phases of technology commercialization,
6 in accordance with this Act.

7 **SEC. 5. GREEN TECHNOLOGY INVESTMENT FUND.**

8 (a) ESTABLISHMENT.—There is established in the
9 Treasury of the United States a fund, to be known as the
10 “Green Technology Investment Fund” (referred to in this
11 section as the “Fund”), consisting of such amounts as are
12 appropriated to the Fund under section 11.

13 (b) EXPENDITURES FROM FUND.—

14 (1) IN GENERAL.—Subject to paragraph (2), on
15 request by the Corporation, the Secretary of the
16 Treasury shall transfer from the Fund to the Cor-
17 poration such amounts as the Corporation deter-
18 mines are necessary to provide grants, loans, and
19 other assistance, and otherwise carry out programs,
20 under this Act.

21 (2) ADMINISTRATIVE EXPENSES.—An amount
22 not exceeding 10 percent of the amounts in the
23 Fund shall be available for each fiscal year to pay
24 the administrative expenses necessary to carry out
25 this Act.

1 (c) TRANSFERS OF AMOUNTS.—

2 (1) IN GENERAL.—The amounts required to be
3 transferred to the Fund under this section shall be
4 transferred at least monthly from the general fund
5 of the Treasury to the Fund on the basis of esti-
6 mates made by the Secretary of the Treasury.

7 (2) ADJUSTMENTS.—Proper adjustment shall
8 be made in amounts subsequently transferred to the
9 extent prior estimates were in excess of or less than
10 the amounts required to be transferred.

11 **SEC. 6. GREEN REDEVELOPMENT, OPPORTUNITY, AND**
12 **WORKFORCE (GROW) GRANTS.**

13 The Corporation shall establish and carry out a grant
14 program—

15 (1) to assist small and medium-sized businesses
16 in accelerating new product development and com-
17 mercialization of technology products;

18 (2) to assist small and medium-sized businesses
19 in capitalizing on early-stage investment, particularly
20 those businesses that provide evidence of a capability
21 to meet a green marketplace need;

22 (3) to create and maintain jobs within the
23 United States;

1 (4) to assist local governments in improving in-
2 frastructure for related businesses in accordance
3 with this section;

4 (5) to seek and develop innovative ways of as-
5 sisting businesses and communities in achieving the
6 goals of this Act;

7 (6) to redeploy underused manufacturing capac-
8 ity;

9 (7) to capitalize on export opportunities;

10 (8) to revitalize depressed manufacturing com-
11 munities; and

12 (9) to search for and develop innovative ways to
13 design environmentally protective technologies and
14 best practices and demonstrate commercial green en-
15 ergy production.

16 **SEC. 7. GREEN ENERGY TECHNOLOGY INTERNSHIP PRO-**
17 **GRAM.**

18 (a) IN GENERAL.—The Corporation shall establish a
19 green energy technology internship program under
20 which—

21 (1) students and educators at institutions of
22 higher education in the United States are paired
23 with businesses of all sizes in the United States; and

24 (2) those businesses are encouraged—

1 (A) to develop cutting-edge, high-tech skills
2 in participating students; and

3 (B) to ultimately offer full-time employ-
4 ment to those students after graduation.

5 (b) GOAL.—The Corporation shall establish as a goal
6 for the green energy technology internship program the
7 reimbursement by the Corporation, of not more than the
8 greater of 50 percent or \$5,000 of the wages paid to a
9 participating student or educator, on the condition that,
10 in the case of a participating student, the business strives
11 for the possibility of full-time employment of the student
12 after graduation.

13 (c) REQUIREMENTS.—The Corporation shall estab-
14 lish requirements for participation in the green energy
15 technology internship program, including requirements re-
16 lating to—

17 (1) the eligibility of students, educators, and
18 businesses to participate in the program; and

19 (2) application contents and procedures.

20 **SEC. 8. GREEN ENERGY TECHNOLOGY APPRENTICESHIP**
21 **PROGRAM.**

22 (a) IN GENERAL.—The Corporation shall establish a
23 green energy technology apprenticeship program under
24 which—

1 (1) apprentices and employers in the United
2 States are paired with businesses of all sizes in the
3 United States; and

4 (2) those businesses are encouraged—

5 (A) to develop cutting-edge, high-tech skills
6 in participating students;

7 (B) to ultimately offer full-time employ-
8 ment to those students after completion; and

9 (C) to work closely with organized labor.

10 (b) GOAL.—As a goal for the green energy technology
11 apprenticeship program, the Corporation shall, to the
12 maximum extent practicable, provide reimbursement for
13 not more than the higher of 50 percent or \$5,000 of the
14 wages paid to a participating apprentice, if the business
15 paired with the apprentice agrees to make every effort to
16 offer full-time employment to the apprentice on the com-
17 pletion of the apprenticeship.

18 (c) REQUIREMENTS.—The Corporation shall estab-
19 lish requirements for participation in the green energy
20 technology apprenticeship program, including require-
21 ments relating to—

22 (1) the eligibility of apprentices, organized
23 labor, trades, and businesses to participate in the
24 program;

1 (2) partnerships with organized labor appren-
2 ticeship programs; and

3 (3) application contents and procedures.

4 **SEC. 9. CRITERIA FOR PROVISION OF GRANTS, LOANS, AND**
5 **OTHER ASSISTANCE.**

6 (a) ELIGIBLE PROJECTS.—

7 (1) IN GENERAL.—The Corporation shall pro-
8 vide grants, loans, and other assistance in accord-
9 ance with the programs under this Act for projects
10 that, as determined by the Corporation—

11 (A) offer the best technology, research, and
12 commercialization for the United States;

13 (B) permit anticipation and action on mar-
14 ket opportunities;

15 (C) encourage industry involvement;

16 (D) facilitate investment at the intersec-
17 tion of core competency areas;

18 (E) recruit world-class talent and high-
19 growth companies;

20 (F) create economic opportunity for target
21 areas;

22 (G) engage regional partners;

23 (H) emphasize accountability and metrics;

1 (I) upon completion, will serve as sites and
 2 facilities primarily intended for commercial, in-
 3 dustrial, or manufacturing use; and

4 (J) advance environmental protection.

5 (2) PRIORITY.—In carrying out paragraph (1),
 6 the Corporation—

7 (A) shall give priority to—

8 (i) renewable energy, carbon-neutral
 9 projects; and

10 (ii) projects that advance environ-
 11 mentally protective goals, with a particular
 12 emphasis on best practices and innovative
 13 technology that reduce negative impacts on
 14 a commercial scale; and

15 (B) may consider and give priority to the
 16 potential of a project to develop or improve in-
 17 novative, cutting-edge technology for green en-
 18 ergy projects that are carbon neutral.

19 (b) BASIS.—A grant, loan, or other assistance pro-
 20 vided under this Act—

21 (1) shall be based on the best available tech-
 22 nology, research, and commercialization, with a
 23 focus on diversity of green technologies; and

24 (2) shall not be provided solely on a geo-
 25 graphical basis.

1 (c) ELIGIBLE APPLICANTS.—The Corporation may
2 provide a grant, loan, or other assistance under this Act
3 to—

4 (1) a political subdivision or nonprofit economic
5 development organization;

6 (2) a municipality, local government, commu-
7 nity, or institution of higher education (including a
8 technical educational institution); and

9 (3) a private, for-profit entity, with the unani-
10 mous approval by the Board of Directors of the Cor-
11 poration.

12 (d) FUNDS ALLOCATED.—The Corporation shall de-
13 termine the maximum and minimum amount provided for
14 each program and program recipient under this Act in
15 order to maximize the purposes of this Act.

16 (e) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, and annually thereafter, the Cor-
18 poration shall submit to Congress a report that describes
19 all activities of the Corporation carried out using funds
20 made available under this Act, including, for the year cov-
21 ered by the report, a description of—

22 (1) each grant, loan, or other award of assist-
23 ance provided under this Act; and

24 (2) the reason for each grant, loan, or other
25 award.

1 **SEC. 10. ADMINISTRATION.**

2 Notwithstanding any other provision of this Act, none
3 of the funds made available to carry out this Act may be
4 used to carry out any project, activity, or expense that
5 is not located within the United States.

6 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Fund
8 to carry out this Act, to remain available until expended—

9 (1) \$1,000,000,000 for fiscal year 2009;

10 (2) \$5,000,000,000 for fiscal year 2010; and

11 (3) \$10,000,000,000 for each of fiscal years
12 2011 through 2013.

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