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1ST SESSION

S. 923

To promote the development and use of marine renewable energy technologies,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2009

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

A BILL

To promote the development and use of marine renewable
energy technologies, 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 “Marine Renewable En-
5 ergy Promotion Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **FUND.**—The term “Fund” means the
9 Adaptive Management and Environmental Fund es-
10 tablished by section 3(c).

1 (2) MARINE RENEWABLE ENERGY.—The term
 2 “marine renewable energy” means energy from—

3 (A) waves, tides, and currents in oceans,
 4 estuaries, and tidal areas;

5 (B) free flowing water in rivers, lakes, man
 6 made channels, and streams; and

7 (C) differentials in ocean temperature or
 8 ocean thermal energy conversion.

9 (3) SECRETARY.—The term “Secretary” means
 10 the Secretary of Energy.

11 **SEC. 3. MARINE RENEWABLE ENERGY RESEARCH AND DE-**
 12 **VELOPMENT.**

13 (a) RESEARCH AND DEVELOPMENT PROGRAM.—

14 (1) IN GENERAL.—The Secretary shall establish
 15 a marine renewable energy research and develop-
 16 ment program that is focused on—

17 (A) developing new marine renewable en-
 18 ergy technologies;

19 (B) reducing the manufacturing and oper-
 20 ation costs of marine renewable energy tech-
 21 nologies;

22 (C) increasing the reliability and surviv-
 23 ability of marine renewable energy facilities;

24 (D) integrating marine renewable energy
 25 into the national electric grid;

1 (E) identifying opportunities for cross-pol-
2 lination and development of economies of scale
3 between offshore wind and marine renewable
4 energy sources;

5 (F) identifying the environmental impacts
6 of marine renewable energy and ways to ad-
7 dress any negative impacts; and

8 (G)(i) applying advanced systems engineer-
9 ing and system integration methods to identify
10 critical interfaces and develop open standards
11 for marine renewable energy;

12 (ii) transferring the resulting intellectual
13 property to industry stakeholders as public in-
14 formation through published interface defini-
15 tions, standards, and demonstration projects;
16 and

17 (iii) developing incentives for industry to
18 comply with the standards.

19 (2) ADMINISTRATION.—The program estab-
20 lished under paragraph (1) shall be separate from
21 any wind and hydropower program carried out by
22 the Secretary.

23 (b) MARINE-BASED ENERGY DEVICE VERIFICATION
24 PROGRAM.—

1 (1) ESTABLISHMENT.—The Secretary shall es-
2 tablish a marine-based energy device verification
3 program to provide a bridge from the wave, tidal,
4 current, or thermal energy capture device design and
5 development efforts underway across the industry to
6 commercial deployment of marine renewable energy
7 devices.

8 (2) PURPOSES.—The purposes of the program
9 are to fund, facilitate the development and installa-
10 tion of, and evaluate marine renewable energy
11 projects, in partnership with the Electric Power Re-
12 search Institute, the National Renewable Energy
13 Laboratory, the Pacific Northwest National Labora-
14 tory Marine Sciences Laboratory, and the Sandia
15 National Laboratories, and in conjunction with uni-
16 versities and other institutions of higher education,
17 private business entities, and other appropriate orga-
18 nizations, in order—

19 (A) to increase marine renewable energy
20 experience; and

21 (B) to build and operate enough candidate
22 devices to obtain statistically significant oper-
23 ating and maintenance data.

24 (3) OBJECTIVES.—The objectives of the pro-
25 gram include—

1 (A) verifying the performance, reliability,
2 maintainability, and cost of new marine renew-
3 able energy device designs and system compo-
4 nents in an operating environment;

5 (B) providing States, regulators, utilities,
6 and other stakeholders with a valid opportunity
7 to test and evaluate marine renewable energy
8 technology in new areas;

9 (C) documenting and communicating the
10 experience from those projects for the benefit of
11 utilities, independent power producers, other
12 nonutility generators, device suppliers, and oth-
13 ers in the marine renewable energy development
14 community; and

15 (D) resolving environmental issues through
16 robust characterization, reliable impact pre-
17 diction, effective monitoring, development and
18 use of adaptive management, and informing en-
19 gineering design to improve environmental per-
20 formance.

21 (c) ADAPTIVE MANAGEMENT AND ENVIRONMENTAL
22 FUND.—

23 (1) FINDINGS.—Congress finds that—

1 (A) the use of marine renewable energy
 2 technologies can reduce contributions to global
 3 warming;

4 (B) marine renewable energy technologies
 5 can be produced domestically;

6 (C) marine renewable energy is a nascent
 7 industry; and

8 (D) the United States must work to pro-
 9 mote new renewable energy technologies that
 10 reduce contributions to global warming gases
 11 and improve domestic energy production.

12 (2) FUND.—

13 (A) ESTABLISHMENT.—There is estab-
 14 lished in the Treasury of the United States a
 15 revolving fund, to be known as the “Adaptive
 16 Management and Environmental Fund”, con-
 17 sisting of such amounts as are appropriated to
 18 the Fund under subsection (d).

19 (B) EXPENDITURES FROM FUND.—

20 (i) IN GENERAL.—Subject to clause
 21 (ii), on request by the Secretary, the Sec-
 22 retary of the Treasury shall transfer from
 23 the Fund to the Secretary such amounts
 24 as the Secretary determines are necessary
 25 to provide grants to eligible entities to as-

1 sist the entities in complying with Federal,
2 State, or local regulatory permit require-
3 ments through assessment and demonstra-
4 tion of the environmental effects of marine
5 renewable energy projects (including envi-
6 ronmental studies, design, fabrication, de-
7 ployment, operating, monitoring, environ-
8 mental mitigation, and decommissioning
9 costs).

10 (ii) ADMINISTRATIVE EXPENSES.—An
11 amount not exceeding 10 percent of the
12 amounts in the Fund shall be available for
13 each fiscal year to pay the administrative
14 expenses necessary to carry out this sub-
15 section.

16 (C) TRANSFERS OF AMOUNTS.—

17 (i) IN GENERAL.—The amounts re-
18 quired to be transferred to the Fund under
19 this paragraph shall be transferred at least
20 monthly from the general fund of the
21 Treasury to the Fund on the basis of esti-
22 mates made by the Secretary of the Treas-
23 ury.

24 (ii) ADJUSTMENTS.—Proper adjust-
25 ment shall be made in amounts subse-

1 frequently transferred to the extent prior esti-
2 mates were in excess of or less than the
3 amounts required to be transferred.

4 (3) ELIGIBILITY.—

5 (A) IN GENERAL.—To be eligible for a
6 grant under this subsection, an entity shall pro-
7 vide to the Secretary a regulatory permit that
8 includes conditions for the removal of the ma-
9 rine renewable energy project supported by the
10 grant if the permitting authority finds that the
11 marine renewable energy project has an unac-
12 ceptable adverse impact on the environment.

13 (B) ADMINISTRATION.—A marine renew-
14 able energy project shall not be required to be
15 removed in the absence of a finding by the per-
16 mitting authority that the project has an unac-
17 ceptable adverse impact.

18 (4) PUBLIC AVAILABILITY.—The results of any
19 assessment or demonstration conducted under this
20 subsection shall be made available to the public, ex-
21 cept to the extent that the assessment or demonstra-
22 tion contains information that is protected from dis-
23 closure under section 552(b) of title 5, United States
24 Code.

25 (5) AUDIT REQUIREMENTS.—

1 (A) IN GENERAL.—Any entity that receives
2 a grant under this subsection shall—

3 (i) track the use of grant funds from
4 the Fund; and

5 (ii) certify annually to the Secretary
6 that the grant funds were used only for
7 purposes authorized under this subsection.

8 (B) PROCEDURES.—The Secretary shall
9 establish procedures to ensure that the Sec-
10 retary is able to oversee and audit the use of
11 funds by eligible entities.

12 (C) ANNUAL AUDITS.—The Secretary shall
13 conduct an audit, at least annually, of the use
14 of grant funds received under this subsection by
15 each eligible entity.

16 (D) INELIGIBILITY.—The Secretary may
17 declare an entity ineligible for a grant under
18 this subsection on a finding of inappropriate
19 use of funding.

20 (6) SUNSET PROVISION.—

21 (A) REPORT.—The Secretary shall submit
22 a report to the appropriate committees of Con-
23 gress if the Secretary determines that the tech-
24 nologies and activities supported under this
25 subsection have achieved a level of maturity

1 that is sufficient to enable the program author-
2 ized under this subsection to cease.

3 (B) TERMINATION.—The program author-
4 ized under this subsection and the Fund shall
5 cease to exist effective on the date of submis-
6 sion of a report described in subparagraph (A).

7 (7) ADMINISTRATION.—The Secretary may use
8 amounts in the Fund to provide assistance to State
9 resource agencies that are processing applications
10 for permits required for marine renewables projects
11 that have received assistance from the Fund to as-
12 sist staff with understanding and evaluating applica-
13 tions and participating in the applicable Federal En-
14 ergy Regulatory Commission or Minerals Manage-
15 ment Service regulatory process.

16 (8) ENVIRONMENTAL REQUIREMENT.—Nothing
17 in this section eliminates or otherwise affects any re-
18 quirement imposed under the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$250,000,000 for each of fiscal years 2010 through 2021.

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