

110TH CONGRESS
2D SESSION

S. 3725

To promote economic recovery through green jobs and infrastructure, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2008

Ms. STABENOW (for herself and Mr. BROWN) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To promote economic recovery through green jobs and
infrastructure, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Green Jobs and Infrastructure Act of 2008”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—CLEAN TECHNOLOGY MANUFACTURING INCENTIVE
PROGRAM

Sec. 101. Clean technology manufacturing incentive program.

TITLE II—HIGH-PERFORMANCE BUILDING BLOCK GRANTS

Sec. 201. High-performance building block grants.

TITLE III—GREEN ENERGY JOBS

Sec. 301. Clean Energy Service Corps.

Sec. 302. Green jobs.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Energy.

4 **TITLE I—CLEAN TECHNOLOGY**
5 **MANUFACTURING INCENTIVE**
6 **PROGRAM**

7 **SEC. 101. CLEAN TECHNOLOGY MANUFACTURING INCEN-**
8 **TIVE PROGRAM.**

9 (a) LOANS.—The Secretary shall provide loans to
10 manufacturers to help finance the cost of—

11 (1) reequipping, expanding, or establishing (in-
12 cluding applicable engineering costs) a manufac-
13 turing facility in the United States to produce clean
14 technology products and the significant component
15 parts of those products, including—

16 (A) wind turbines;

17 (B) solar energy products;

18 (C) fuel cells;

19 (D) advanced batteries and storage de-
20 vices;

21 (E) biomass engines;

1 (F) geothermal equipment;

2 (G) ocean energy equipment;

3 (H) carbon capture and storage;

4 (I) energy efficiency products, including
5 appliances and products that are used to in-
6 crease energy efficiency by at least 30 percent
7 over a baseline product (and significant compo-
8 nents of the appliances and products), subject
9 to the condition that the parts shall be integral
10 to the overall efficiency of the end product; and

11 (J) products for retrofitting a manufac-
12 turing facility to improve industrial processes
13 and create greater energy efficiency through the
14 use of technologies, including—

15 (i) combined heat and power systems;

16 (ii) natural gas pressure recovery;

17 (iii) advanced cogeneration;

18 (iv) gasification;

19 (v) anaerobic digestion; and

20 (vi) landfill gas recovery; and

21 (2) improving the energy-efficiency of the in-
22 dustrial processes of the manufacturers other than
23 through the production of products and component
24 parts described in paragraph (1)(J).

1 (b) PERIOD OF AVAILABILITY.—A loan under sub-
2 section (a) shall apply to—

3 (1) facilities and equipment placed in service
4 before December 30, 2012; and

5 (2) clean technology retooling costs, retrofitting
6 costs, worker training costs, and other costs de-
7 scribed in subsection (a) incurred during the period
8 beginning on the date of enactment of this Act and
9 ending on December 30, 2020.

10 (c) DIRECT LOAN PROGRAM.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, subject to the
13 availability of appropriated funds, the Secretary
14 shall carry out a program to provide a total of not
15 more than \$50,000,000,000 in loans to eligible indi-
16 viduals and entities (as determined by the Secretary)
17 for the costs of activities described in subsection (a).

18 (2) APPLICATION.—An applicant for a loan
19 under this section shall submit to the Secretary an
20 application at such time, in such manner, and con-
21 taining such information as the Secretary may re-
22 quire, including a written assurance that the wages
23 and benefits that will be provided to each individual
24 that is employed by the applicant (including a con-
25 tractor or subcontractor) in carrying out activities

1 described in subsection (a) are at least equal to the
2 average in the area, as determined by the Secretary.

3 (3) SELECTION OF ELIGIBLE PROJECTS.—The
4 Secretary shall select eligible projects to receive
5 loans under this subsection in cases in which, as de-
6 termined by the Secretary, the loan recipient—

7 (A) has a viable market for the product or
8 component described in subsection (a);

9 (B) will provide sufficient information to
10 the Secretary for the Secretary to ensure that
11 the qualified investment is expended efficiently
12 and effectively;

13 (C) will provide such information as the
14 Secretary may request to demonstrate that the
15 qualified investment will preserve or create jobs;
16 and

17 (D) has met such other criteria as may be
18 established and published by the Secretary.

19 (4) RATES, TERMS, AND REPAYMENT OF
20 LOANS.—A loan provided under this subsection—

21 (A) shall have an interest rate that, as of
22 the date on which the loan is made, is equal to
23 the cost of funds to the Department of the
24 Treasury for obligations of comparable matu-
25 rity;

1 (B) shall have a term equal to the lesser
2 of—

3 (i) the projected life, in years, of the
4 eligible project to be carried out using
5 funds from the loan, as determined by the
6 Secretary; and

7 (ii) 25 years;

8 (C) may be subject to a deferral in repay-
9 ment for not more than 5 years after the date
10 on which the eligible project carried out using
11 funds from the loan first begins operations, as
12 determined by the Secretary;

13 (D) shall be made by the Federal Financ-
14 ing Bank; and

15 (E) shall be repaid in full if the loan re-
16 cipient moves production of activities described
17 in subsection (a) outside of the United States
18 during the term of the loan.

19 (5) FEES.—Administrative costs shall be no
20 more than \$100,000 or 10 basis point of the loan.

21 (d) PRIORITY.—In making loans to manufacturers
22 under this section, the Secretary—

23 (1) shall give priority to those facilities that are
24 located in regions with the highest unemployment
25 rates; and

1 (2) may provide awards or loan to facilities that
2 are idle.

3 (e) MANUFACTURING EXTENSION PARTNERSHIP
4 PROGRAM.—In carrying out this section, the Secretary
5 shall coordinate with the Secretary of Commerce in car-
6 rying out the Manufacturing Extension Partnership pro-
7 gram established under sections 25 and 26 of the National
8 Institute of Standards and Technology Act (15 U.S.C.
9 278k, 278l).

10 (f) FUNDING.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law, not later than 30 days after the
13 date of enactment of this Act, on October 1, 2009,
14 and on each October 1 thereafter through October 1,
15 2012, out of any funds in the Treasury not other-
16 wise appropriated, the Secretary of the Treasury
17 shall transfer to the Secretary for the cost of loans
18 and loan guarantees to carry out this section such
19 sums as are necessary to provide the amount of
20 loans authorized under subsection (c)(1), to remain
21 available until expended.

22 (2) RECEIPT AND ACCEPTANCE.—The Sec-
23 retary shall be entitled to receive, shall accept, and
24 shall use to carry out this section the funds trans-

1 ferred under paragraph (1), without further appro-
2 piation.

3 **TITLE II—HIGH-PERFORMANCE**
4 **BUILDING BLOCK GRANTS**

5 **SEC. 201. HIGH-PERFORMANCE BUILDING BLOCK GRANTS.**

6 (a) IN GENERAL.—Title V of the Energy Independ-
7 ence and Security Act of 2007 (Public Law 110–140; 121
8 Stat. 1655) is amended by adding at the end the following:

9 **“Subtitle F—High-Performance**
10 **Building Block Grants**

11 **“SEC. 551. DEFINITIONS.**

12 “In this subtitle:

13 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
14 tity’ means—

15 “(A) an eligible unit of local government;

16 “(B) an Indian tribe or Native Hawaiian
17 community;

18 “(C) a utility system; or

19 “(D) a public-private partnership.

20 “(2) ELIGIBLE UNIT OF LOCAL GOVERN-
21 MENT.—The term ‘eligible unit of local government’
22 means any political subdivision of a State.

23 “(3) ENERGY-EFFICIENT; ENERGY EFFI-
24 CIENCY.—The terms ‘energy-efficient’ and ‘energy
25 efficiency’ with respect to a building, facility, proc-

1 ess, or other activity, mean that the building, facil-
2 ity, process, or other activity uses technology or
3 practices to reduce energy use by at least 20 per-
4 cent.

5 “(4) HIGH-PERFORMANCE BUILDING.—The
6 term ‘high-performance building’ means the con-
7 struction or retrofitting of a facility in a manner
8 that achieves energy efficiency through—

9 “(A) an energy efficiency retrofitting activ-
10 ity; or

11 “(B) the installation and use of a renew-
12 able energy technology.

13 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
14 has the meaning given the term in section 4 of the
15 Indian Self-Determination and Education Assistance
16 Act (25 U.S.C. 450b).

17 “(6) PROGRAM.—The term ‘program’ means
18 the High-Performance Building Block Grant Pro-
19 gram established under section 552(a).

20 “(7) STATE.—The term ‘State’ means—

21 “(A) a State;

22 “(B) the District of Columbia;

23 “(C) the Commonwealth of Puerto Rico;

24 and

1 “(D) any other territory or possession of
2 the United States.

3 “(8) UTILITY SYSTEM.—The term ‘utility sys-
4 tem’ has the meaning given the term in section
5 2688(i) of title 10, United States Code.

6 **“SEC. 552. HIGH-PERFORMANCE BUILDING BLOCK GRANT**
7 **PROGRAM.**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish a program, to be known as the ‘High-Performance
10 Building Block Grant Program’, under which the Sec-
11 retary shall provide grants, on a competitive basis, to eligi-
12 ble entities in accordance with this subtitle.

13 “(b) PURPOSE.—The purpose of the program shall
14 be to assist eligible entities in implementing large-scale,
15 multi-building residential and commercial projects to im-
16 prove and provide high-performance building, green build-
17 ing, and renewable energy services and financing to home-
18 owners and small businesses.

19 “(c) PRIORITY.—In carrying out this section, the
20 Secretary shall give priority for grants to projects that—

21 “(1) include a cost recovery mechanism (such
22 as on-bill financing);

23 “(2) use certified contractors; and

24 “(3) use products produced domestically.

1 **“SEC. 553. USE OF FUNDS.**

2 “An eligible entity may use a grant received under
3 this subtitle to carry out activities to achieve the purposes
4 of the program, including—

5 “(1) development and implementation of a high-
6 performance building strategy under section 554(b);

7 “(2) coordination with other Federal or State
8 programs to develop and implement that strategy;

9 “(3) retaining technical consultant services to
10 assist the eligible entity in the development of such
11 a strategy, including—

12 “(A) formulation of high-performance
13 building goals;

14 “(B) identification of strategies to achieve
15 those goals—

16 “(i) through efforts to increase high-
17 performance building; and

18 “(ii) by encouraging behavioral
19 changes among the population served by
20 the eligible entity;

21 “(C) development of methods to measure
22 progress in achieving the goals;

23 “(D) development and publication of an-
24 nual reports to the population served by the eli-
25 gible entity describing—

26 “(i) the strategies and goals; and

1 “(ii) the progress made in achieving
2 the strategies and goals during the pre-
3 ceding calendar year; and

4 “(E) other services to assist in the imple-
5 mentation of the high-performance building
6 strategy;

7 “(4) conducting residential and commercial
8 building energy audits;

9 “(5) establishment of cost recovery systems and
10 other financial incentive programs for high-perform-
11 ance building improvements;

12 “(6) the provision of grants to nonprofit organi-
13 zations and governmental agencies for the purpose
14 of performing high-performance building retrofits;

15 “(7) development and implementation of high-
16 performance building programs for buildings and fa-
17 cilities within the jurisdiction of the eligible entity,
18 including—

19 “(A) retrofitting;

20 “(B) design and operation of the pro-
21 grams;

22 “(C) identifying the most effective methods
23 for achieving maximum participation and effi-
24 ciency rates;

25 “(D) public education;

1 “(E) measurement and verification proto-
2 cols; and

3 “(F) identification of smart energy effi-
4 cient technologies;

5 “(8) application and implementation of energy
6 distribution technologies that significantly increase
7 high-performance building, including—

8 “(A) distributed resources; and

9 “(B) district heating and cooling systems;

10 “(9) activities to increase participation and effi-
11 ciency rates for material conservation programs, in-
12 cluding source reduction, recycling, and recycled
13 content procurement programs that lead to increases
14 in high-performance building;

15 “(10) coordination of or cooperation with pro-
16 grams to train workers to participate in projects in-
17 volving high-performance buildings;

18 “(11) development, implementation, and instal-
19 lation on or in any private building within the juris-
20 diction of the eligible entity of onsite renewable en-
21 ergy technology that generates electricity from re-
22 newable resources, including—

23 “(A) solar energy;

24 “(B) wind energy;

25 “(C) fuel cells;

1 “(D) biomass; and

2 “(E) geothermal energy; and

3 “(12) any other appropriate activity, as deter-
4 mined by the Secretary, in consultation with—

5 “(A) the Administrator of the Environ-
6 mental Protection Agency;

7 “(B) the Secretary of Transportation;

8 “(C) the Secretary of Housing and Urban
9 Development; and

10 “(D) the Secretary of Labor.

11 **“SEC. 554. REQUIREMENTS FOR GRANTS.**

12 “(a) APPLICATIONS.—To be eligible to receive a
13 grant under this subtitle, an eligible entity shall submit
14 to the Secretary an application at such time, in such man-
15 ner, and containing such information as the Secretary may
16 require.

17 “(b) STRATEGY.—

18 “(1) PROPOSED STRATEGY.—

19 “(A) IN GENERAL.—Before receiving a
20 grant under this subtitle, an eligible entity shall
21 submit to the Secretary a proposed high-per-
22 formance building strategy in accordance with
23 this paragraph.

24 “(B) INCLUSIONS.—The proposed strategy
25 under subparagraph (A) shall include—

1 “(i) a description of the goals of the
2 eligible entity, in accordance with the pur-
3 poses of this subtitle, for increased high-
4 performance building in the jurisdiction of
5 the eligible entity; and

6 “(ii) a plan for the use of the grant
7 to assist the eligible entity in achieving
8 those goals, in accordance with section
9 553.

10 “(C) REQUIREMENTS.—In developing the
11 strategy under subparagraph (A), an eligible
12 entity shall—

13 “(i) take into account any plans for
14 the use of funds by adjacent eligible enti-
15 ties that receive grants under the program;
16 and

17 “(ii) coordinate and share information
18 with the State in which the eligible entity
19 is located regarding activities carried out
20 using the grant to maximize the high-per-
21 formance building benefits under this sub-
22 title.

23 “(2) APPROVAL BY SECRETARY.—

24 “(A) IN GENERAL.—The Secretary shall
25 approve or disapprove a proposed strategy

1 under paragraph (1) by not later than 120 days
2 after the date of submission of the proposed
3 strategy.

4 “(B) DISAPPROVAL.—If the Secretary dis-
5 approves a proposed strategy under subpara-
6 graph (A)—

7 “(i) the Secretary shall provide to the
8 eligible entity the reasons for the dis-
9 approval; and

10 “(ii) the eligible entity may revise and
11 resubmit the proposed strategy as many
12 times as necessary until the Secretary ap-
13 proves a proposed strategy.

14 “(C) REQUIREMENT.—The Secretary shall
15 not provide to an eligible entity any grant
16 under the program until a proposed strategy of
17 the eligible entity is approved by the Secretary
18 under this paragraph.

19 “(3) LIMITATIONS ON USE OF FUNDS.—Of
20 amounts provided to an eligible entity under the pro-
21 gram, the eligible entity may use—

22 “(A) 10 percent for administrative ex-
23 penses, excluding the cost of meeting the re-
24 porting requirements of this subtitle; and

1 “(B) any amount for the establishment of
2 revolving loan funds to carry out activities de-
3 scribed in section 553.

4 “(4) ANNUAL REPORT.—Not later than 2 years
5 after the date on which funds are initially provided
6 to an eligible entity under the program, and annu-
7 ally thereafter, the eligible entity shall submit to the
8 Secretary a report describing—

9 “(A) the status of development and imple-
10 mentation of the high-performance building
11 strategy of the eligible entity;

12 “(B) as practicable, an assessment of high-
13 performance building gains within the jurisdic-
14 tion of the eligible entity; and

15 “(C) as practicable, an assessment of job
16 training strategies and job creation relating to
17 the high-performance building strategy of the
18 eligible entity.

19 “(c) CONSTRUCTION REQUIREMENT.—

20 “(1) IN GENERAL.—To be eligible to receive a
21 grant under the program, each eligible entity shall
22 submit to the Secretary a written assurance that all
23 laborers and mechanics employed by any contractor
24 or subcontractor of the eligible entity during any
25 construction, alteration, or repair activity funded, in

1 whole or in part, by the grant shall be paid wages
2 at rates not less than the prevailing wages for simi-
3 lar construction activities in the locality, as deter-
4 mined by the Secretary of Labor, in accordance with
5 sections 3141 through 3144, 3146, and 3147 of title
6 40, United States Code.

7 “(2) SECRETARY OF LABOR.—With respect to
8 the labor standards referred to in paragraph (1), the
9 Secretary of Labor shall have the authority and
10 functions described in—

11 “(A) Reorganization Plan Numbered 14 of
12 1950 (5 U.S.C. 903 note); and

13 “(B) section 3145 of title 40, United
14 States Code.

15 “(d) PRIORITY.—In providing grants under this sub-
16 title, the Secretary shall give priority to eligible entities—

17 “(1) that plan to carry out projects that would
18 result in significant high-performance building im-
19 provements and retrofits on a large scale; and

20 “(2) in regions with higher rates of unemploy-
21 ment and housing foreclosures.

22 **“SEC. 555. REVIEW AND EVALUATION.**

23 “(a) IN GENERAL.—The Secretary may review and
24 evaluate the performance of any eligible entity that re-

1 ceives a grant under the program, including by conducting
 2 an audit, as the Secretary determines to be appropriate.

3 “(b) WITHHOLDING OF FUNDS.—The Secretary may
 4 withhold from an eligible entity any portion of a grant to
 5 be provided to the eligible entity under the program if the
 6 Secretary determines that the eligible entity has failed to
 7 achieve compliance with—

8 “(1) any applicable guideline or regulation of
 9 the Secretary relating to the program, including the
 10 misuse or misappropriation of funds provided under
 11 the program; or

12 “(2) the high-performance building strategy of
 13 the eligible entity.

14 **“SEC. 556. FUNDING.**

15 “(a) MANDATORY FUNDING.—

16 “(1) IN GENERAL.—Not later than 30 days
 17 after the date of enactment of this subtitle, out of
 18 any funds in the Treasury not otherwise appro-
 19 priated, the Secretary of the Treasury shall transfer
 20 to the Secretary to carry out this section
 21 \$1,000,000,000 to remain available until expended.

22 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
 23 retary shall be entitled to receive, shall accept, and
 24 shall use to carry out this section the funds trans-

1 ferred under paragraph (1), without further appro-
2 piation.

3 “(b) DISCRETIONARY FUNDING.—There is author-
4 ized to be appropriated to carry out this subtitle
5 \$1,000,000,000 for each of fiscal years 2010 through
6 2013.

7 “(c) MAINTENANCE OF FUNDING.—The funding pro-
8 vided under this subtitle shall supplement (and not sup-
9 plant) other Federal funding provided under—

10 “(1) a State energy conservation plan estab-
11 lished under part D of title III of the Energy Policy
12 and Conservation Act (42 U.S.C. 6321 et seq.); or

13 “(2) the Weatherization Assistance Program for
14 Low-Income Persons established under part A of
15 title IV of the Energy Conservation and Production
16 Act (42 U.S.C. 6861 et seq.).”.

17 (b) CONFORMING AMENDMENT.—The table of con-
18 tents of the Energy Independence and Security Act of
19 2007 (42 U.S.C. 17001 note) is amended by adding at
20 the end of the items relating to title V the following:

“Subtitle F—High-Performance Building Block Grants

“Sec. 551. Definitions.

“Sec. 552. High-performance building block grant program.

“Sec. 553. Use of funds.

“Sec. 554. Requirements for grants.

“Sec. 555. Review and evaluation.

“Sec. 556. Funding.”.

1 **TITLE III—GREEN ENERGY JOBS**

2 **SEC. 301. CLEAN ENERGY SERVICE CORPS.**

3 Section 122(a) of the National and Community Serv-
4 ice Act of 1990 (42 U.S.C. 12572(a)) is amended—

5 (1) by redesignating paragraph (15) as para-
6 graph (16); and

7 (2) by inserting after paragraph (14) the fol-
8 lowing:

9 “(15) A Clean Energy Service Corps program
10 in which—

11 “(A) participants—

12 “(i) encourage or promote clean en-
13 ergy technologies; or

14 “(ii) enable communities and non-
15 profit organizations to assist business own-
16 ers and households in matters relating to
17 clean energy technologies, and in becoming
18 more energy efficient; and

19 “(B) priority is provided for programs that
20 enroll corps participants who will be trained for
21 careers that promote a sustainable economy.”.

22 **SEC. 302. GREEN JOBS.**

23 Section 171(e)(8) of the Workforce Investment Act
24 of 1998 (29 U.S.C. 2916(e)(8)) is amended—

1 (1) by redesignating subparagraphs (A), (B),
2 and (C) as clauses (i), (ii), and (iii), respectively,
3 and indenting appropriately; and

4 (2) by striking “(8)” and all that follows
5 through “of which—” and inserting the following:

6 “(8) FUNDING.—

7 “(A) MANDATORY FUNDING.—

8 “(i) IN GENERAL.—Not later than 30
9 days after the date of enactment of the
10 Green Jobs and Infrastructure Act of
11 2008, out of any funds in the Treasury not
12 otherwise appropriated, the Secretary of
13 the Treasury shall transfer to the Sec-
14 retary to carry out this subsection
15 \$250,000,000, to remain available until ex-
16 pended.

17 “(ii) RECEIPT AND ACCEPTANCE.—

18 The Secretary shall be entitled to receive,
19 shall accept, and shall use to carry out this
20 subsection the funds transferred under
21 clause (i), without further appropriation.

22 “(B) DISCRETIONARY FUNDING.—In addi-
23 tion to the amount made available under sub-
24 paragraph (A), there is authorized to be appro-

1 pried to carry out this subsection
2 \$125,000,000 for each fiscal year.

3 “(C) ALLOCATION.—Of the amount avail-
4 able under subparagraph (A) or (B) for a fiscal
5 year—”.

○