

# Calendar No. 374

110TH CONGRESS  
1ST SESSION

# S. 838

[Report No. 110–176]

To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 12, 2007

Mr. SMITH (for himself, Mr. BINGAMAN, Ms. LANDRIEU, Mr. MENENDEZ, Ms. COLLINS, Mr. CONRAD, Mr. CASEY, Mr. SPECTER, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 17, 2007

Reported by Mr. BINGAMAN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italie*]

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## A BILL

To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States-Israel  
3 Energy Cooperation Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) it is in the highest national security inter-  
7 ests of the United States to develop alternative re-  
8 newable energy sources;

9 (2) the State of Israel is a steadfast ally of the  
10 United States;

11 (3) the special relationship between the United  
12 States and Israel is manifested in a variety of coop-  
13 erative scientific research and development pro-  
14 grams; such as—

15 (A) the United States-Israel Binational  
16 Science Foundation (BSF); and

17 (B) the United States-Israel Binational In-  
18 dustrial Research and Development Foundation  
19 (BIRD);

20 (4) those programs have made possible many  
21 scientific, technological, and commercial break-  
22 throughs in the fields of life sciences, medicine, bio-  
23 engineering, agriculture, biotechnology, communica-  
24 tions, and others;

25 (5) on February 1, 1996, the Secretary of En-  
26 ergy and the Israeli Minister of Energy and Infra-

1 structure signed an agreement to establish a frame-  
 2 work for collaboration between the United States  
 3 and Israel in energy research and development ac-  
 4 tivities;

5 (6) Israeli scientists and engineers are at the  
 6 forefront of research and development in the field of  
 7 alternative renewable energy sources; and

8 (7) enhanced cooperation between the United  
 9 States and Israel for the purpose of research and de-  
 10 velopment of alternative renewable energy sources  
 11 would be in the national interests of both countries.

12 **SEC. 3. GRANT PROGRAM.**

13 (a) **AUTHORITY.**—Pursuant to the responsibilities de-  
 14 scribed in section 102(10), (14), and (17) of the Depart-  
 15 ment of Energy Organization Act (42 U.S.C. 7112(10),  
 16 (14), and (17)) and section 103(9) of the Energy Reorga-  
 17 nization Act of 1974 (42 U.S.C. 5813(9)), the Secretary,  
 18 in consultation with the BIRD or BSF, shall award grants  
 19 to eligible entities.

20 (b) **APPLICATION.**—

21 (1) **SUBMISSION OF APPLICATIONS.**—To receive  
 22 a grant under this section, an eligible entity shall  
 23 submit an application to the Secretary containing  
 24 such information and assurances as the Secretary, in  
 25 consultation with the BIRD or BSF, may require.

1           (2) ~~SELECTION OF ELIGIBLE ENTITIES.~~—The  
 2       Secretary, in consultation with the Directors of the  
 3       ~~BIRD and BSF,~~ may review any application sub-  
 4       mitted by any eligible entity and select any eligible  
 5       entity meeting criteria established by the Secretary,  
 6       in consultation with the Advisory Board, for a grant  
 7       under this section.

8           (c) ~~AMOUNT OF GRANT.~~—The amount of each grant  
 9       awarded for a fiscal year under this section shall be deter-  
 10      mined by the Secretary, in consultation with the ~~BIRD~~  
 11      or ~~BSF.~~

12          (d) ~~PRIVATE FUNDS.~~—The Secretary may accept  
 13      contributions of funds from private sources to carry out  
 14      this Act.

15          (e) ~~OFFICE OF ENERGY EFFICIENCY AND RENEW-~~  
 16      ~~ABLE ENERGY.~~—The Secretary shall carry out this sec-  
 17      tion through the existing programs at the Office of Energy  
 18      Efficiency and Renewable Energy.

19          (f) ~~RESEARCH ADMINISTRATION.~~—

20               (1) ~~IN GENERAL.~~—The requirements of sections  
 21      988 and 989 of the Energy Policy Act of 2005 (42  
 22      U.S.C. 16352 and 16353) shall apply to any grant  
 23      made under this section.

24               (2) ~~REPAYMENT.~~—

1           (A) IN GENERAL.—Any funds repaid to  
 2           the BIRD by a grantee for a grant made under  
 3           this section shall be—

4                     (i) transferred to the Secretary;

5                     (ii) deposited by the Secretary into  
 6           the Energy Research and Development Ac-  
 7           tivities Fund established in subparagraph  
 8           (B); and

9                     (iii) available to the Secretary for use  
 10          for alternative renewable energy research  
 11          and development activities.

12          (B) REVOLVING FUND.—There is estab-  
 13          lished in the Treasury of the United States a  
 14          revolving fund known as the Energy Research  
 15          and Development Activities Fund. Any amounts  
 16          deposited in the Fund pursuant to clause (ii) of  
 17          subparagraph (A) shall be available to the Sec-  
 18          retary, without fiscal year limitation or further  
 19          appropriation, for the purpose described in  
 20          clause (iii) of such subparagraph.

21          (g) REPORT.—Not later than 180 days after the com-  
 22          pletion of work supported by a grant under this section,  
 23          each recipient shall submit a report to the Secretary—

24                     (1) documenting how the recipient used the  
 25          grant funds; and

1           (2) evaluating the level of success of each  
2           project funded by the grant.

3 **SEC. 4. INTERNATIONAL ENERGY ADVISORY BOARD.**

4           (a) **ESTABLISHMENT.**—There is established in the  
5 Department of Energy an International Energy Advisory  
6 Board.

7           (b) **DUTIES.**—The Advisory Board shall advise the  
8 Secretary on—

9               (1) criteria for the recipients of grants awarded  
10           under section 3(a);

11               (2) the total amount of grant money to be  
12           awarded to all grantees selected by the Secretary, in  
13           consultation with the BIRD; and

14               (3) the total amount of grant money to be  
15           awarded to all grantees selected by the Secretary, in  
16           consultation with the BSF, for each fiscal year.

17           (c) **MEMBERSHIP.**—

18               (1) **COMPOSITION.**—The Advisory Board shall  
19           be composed of—

20                       (A) 1 member appointed by the Secretary  
21                       of Commerce;

22                       (B) 2 members appointed by the Secretary  
23                       of Energy; and

24                       (C) 2 members who shall be Israeli citi-  
25                       zens, appointed by the Secretary of Energy

1 after consultation with appropriate officials in  
2 the Israeli Government.

3 ~~(2) DEADLINE FOR APPOINTMENTS.—~~The ini-  
4 tial appointments under paragraph ~~(1)~~ shall be  
5 made not later than 60 days after the date of enact-  
6 ment of this Act.

7 ~~(3) TERM.—~~Each member of the Advisory  
8 Board shall be appointed for a term of 4 years.

9 ~~(4) VACANCIES.—~~A vacancy on the Advisory  
10 Board shall be filled in the manner in which the  
11 original appointment was made.

12 ~~(5) BASIC PAY.—~~

13 ~~(A) COMPENSATION.—~~A member of the  
14 Advisory Board shall serve without pay.

15 ~~(B) TRAVEL EXPENSES.—~~Each member of  
16 the Advisory Board shall receive travel ex-  
17 penses, including per diem in lieu of subsist-  
18 ence, in accordance with applicable provisions of  
19 subchapter I of chapter 57 of title 5, United  
20 States Code.

21 ~~(6) QUORUM.—~~Three members of the Advisory  
22 Board shall constitute a quorum.

23 ~~(7) CHAIRPERSON.—~~The Chairperson of the  
24 Advisory Board shall be designated by the Secretary  
25 of Energy at the time of the appointment.

1           ~~(8) MEETINGS.—~~The Advisory Board shall  
 2           meet at least once annually at the call of the Chair-  
 3           person.

4           ~~(d) TERMINATION.—~~Section 14(a)(2)(B) of the Fed-  
 5           eral Advisory Committee Act (5 U.S.C. App.) shall not  
 6           apply to the Advisory Board.

7   **SEC. 5. DEFINITIONS.**

8           In this Act:

9           ~~(1) ADVISORY BOARD.—~~The term “Advisory  
 10          Board” means the International Energy Advisory  
 11          Board established by section 4(a).

12          ~~(2) BIRD.—~~The term “BIRD” means the  
 13          Israel-United States Binational Industrial Research  
 14          and Development Foundation.

15          ~~(3) BSF.—~~The term “BSF” means the United  
 16          States-Israel Binational Science Foundation.

17          ~~(4) ELIGIBLE ENTITY.—~~The term “eligible enti-  
 18          ty” means a joint venture comprised of both Israeli  
 19          and United States private business entities or a joint  
 20          venture comprised of both Israeli academic persons  
 21          (who reside and work in Israel) and United States  
 22          academic persons; that—

23                  (A) carries out an eligible project; and

24                  (B) is selected by the Secretary, in con-  
 25          sultation with the BIRD or BSF, using the cri-



1           teria established by the Secretary, in consulta-  
2           tion with the Advisory Board.

3           ~~(5) ELIGIBLE PROJECT.—The term “eligible~~  
4           ~~project” means a project to encourage cooperation~~  
5           ~~between the United States and Israel on research,~~  
6           ~~development, or commercialization of alternative en-~~  
7           ~~ergy, improved energy efficiency, or renewable en-~~  
8           ~~ergy sources.~~

9           ~~(6) SECRETARY.—The term “Secretary” means~~  
10          ~~the Secretary of Energy, acting through the Assist-~~  
11          ~~ant Secretary of Energy for Energy Efficiency and~~  
12          ~~Renewable Energy.~~

13   **SEC. 6. TERMINATION.**

14          The grant program authorized under section 3 and  
15   the Advisory Board shall terminate upon the expiration  
16   of the 7-year period which begins on the date of the enact-  
17   ment of this Act.

18   **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

19          The Secretary is authorized to expend not more than  
20   \$20,000,000 to carry out this Act for each of fiscal years  
21   2008 through 2014 from funds previously authorized to  
22   the Office of Energy Efficiency and Renewable Energy.

23   **SECTION 1. SHORT TITLE.**

24          *This Act may be cited as the “United States-Israel En-*  
25   *ergy Cooperation Act”.*

1 **SEC. 2. FINDINGS.**

2 *Congress finds that—*

3 *(1) it is in the highest national security interests*  
4 *of the United States to develop renewable energy*  
5 *sources;*

6 *(2) the State of Israel is a steadfast ally of the*  
7 *United States;*

8 *(3) the special relationship between the United*  
9 *States and Israel is manifested in a variety of cooper-*  
10 *ative scientific research and development programs,*  
11 *such as—*

12 *(A) the United States-Israel Binational*  
13 *Science Foundation; and*

14 *(B) the United States-Israel Binational In-*  
15 *dustrial Research and Development Foundation;*

16 *(4) those programs have made possible many sci-*  
17 *entific, technological, and commercial breakthroughs*  
18 *in the fields of life sciences, medicine, bioengineering,*  
19 *agriculture, biotechnology, communications, and oth-*  
20 *ers;*

21 *(5) on February 1, 1996, the Secretary of En-*  
22 *ergy and the Israeli Minister of Energy and Infra-*  
23 *structure signed an agreement to establish a frame-*  
24 *work for collaboration between the United States and*  
25 *Israel in energy research and development activities;*

1           (6) *Israeli scientists and engineers are at the*  
 2           *forefront of research and development in the field of*  
 3           *renewable energy sources; and*

4           (7) *enhanced cooperation between the United*  
 5           *States and Israel for the purpose of research and de-*  
 6           *velopment of renewable energy sources would be in the*  
 7           *national interests of both countries.*

8   **SEC. 3. GRANT PROGRAM.**

9           (a) *ESTABLISHMENT.*—*In implementing the agree-*  
 10          *ment entitled the “Agreement between the Department of*  
 11          *Energy of the United States of America and the Ministry*  
 12          *of Energy and Infrastructure of Israel Concerning Energy*  
 13          *Cooperation”, dated February 1, 1996, the Secretary of En-*  
 14          *ergy (referred to in this Act as the “Secretary”) shall estab-*  
 15          *lish a grant program in accordance with the requirements*  
 16          *of sections 988 and 989 of the Energy Policy Act of 2005*  
 17          *(42 U.S.C. 16352, 16353) to support research, development,*  
 18          *and commercialization of renewable energy or energy effi-*  
 19          *ciency.*

20          (b) *TYPES OF ENERGY.*—*In carrying out subsection*  
 21          *(a), the Secretary may make grants to promote—*

- 22               (1) *solar energy;*
- 23               (2) *biomass energy;*
- 24               (3) *energy efficiency;*
- 25               (4) *wind energy;*

1           (5) *geothermal energy*;

2           (6) *wave and tidal energy*; and

3           (7) *advanced battery technology*.

4           (c) *ELIGIBLE APPLICANTS*.—*An applicant shall be eli-*  
 5 *gible to receive a grant under this section if the project of*  
 6 *the applicant—*

7           (1) *addresses a requirement in the area of im-*  
 8 *proved energy efficiency or renewable energy sources,*  
 9 *as determined by the Secretary; or*

10          (2) *is a joint venture between—*

11               (A)(i) *a for-profit business entity, academic*  
 12 *institution, National Laboratory (as defined in*  
 13 *section 2 of the Energy Policy Act of 2005 (42*  
 14 *U.S.C. 15801)), or nonprofit entity in the*  
 15 *United States; and*

16               (ii) *a for-profit business entity, academic*  
 17 *institution, or nonprofit entity in Israel; or*

18               (B)(i) *the Federal Government; and*

19               (ii) *the Government of Israel*.

20          (d) *APPLICATIONS*.—*To be eligible to receive a grant*  
 21 *under this section, an applicant shall submit to the Sec-*  
 22 *retary an application for the grant in accordance with pro-*  
 23 *cedures established by the Secretary, in consultation with*  
 24 *the advisory board established under subsection (e).*

25          (e) *ADVISORY BOARD*.—

1           (1) *ESTABLISHMENT.*—*The Secretary shall estab-*  
2       *lish an advisory board—*

3                   (A) *to monitor the method by which grants*  
4       *are awarded under this section; and*

5                   (B) *to provide to the Secretary periodic per-*  
6       *formance reviews of actions taken to carry out*  
7       *this section.*

8           (2) *COMPOSITION.*—*The advisory board estab-*  
9       *lished under paragraph (1) shall be composed of 3*  
10      *members, to be appointed by the Secretary, of*  
11      *whom—*

12                   (A) *1 shall be a representative of the Fed-*  
13      *eral Government;*

14                   (B) *1 shall be selected from a list of nomi-*  
15      *nees provided by the United States-Israel Bina-*  
16      *tional Science Foundation; and*

17                   (C) *1 shall be selected from a list of nomi-*  
18      *nees provided by the United States-Israel Bina-*  
19      *tional Industrial Research and Development*  
20      *Foundation.*

21      (f) *CONTRIBUTED FUNDS.*—*Notwithstanding section*  
22      *3302 of title 31, United States Code, the Secretary may ac-*  
23      *cept, retain, and use funds contributed by any person, gov-*  
24      *ernment entity, or organization for purposes of carrying*  
25      *out this section—*

1           (1) *without further appropriation; and*

2           (2) *without fiscal year limitation.*

3           (g) *REPORT.—Not later than 180 days after the date*  
 4 *of completion of a project for which a grant is provided*  
 5 *under this section, the grant recipient shall submit to the*  
 6 *Secretary a report that contains—*

7           (1) *a description of the method by which the re-*  
 8 *cipient used the grant funds; and*

9           (2) *an evaluation of the level of success of each*  
 10 *project funded by the grant.*

11          (h) *CLASSIFICATION.—Grants shall be awarded under*  
 12 *this section only for projects that are considered to be un-*  
 13 *classified by both the United States and Israel.*

14   **SEC. 4. TERMINATION.**

15          *The grant program and the advisory committee estab-*  
 16 *lished under this Act terminate on the date that is 7 years*  
 17 *after the date of enactment of this Act.*

18   **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

19          *The Secretary shall use amounts authorized to be ap-*  
 20 *propriated under section 931 of the Energy Policy Act of*  
 21 *2005 (42 U.S.C. 16231) to carry out this Act.*

Amend the title so as to read: “To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons.”.



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