

116TH CONGRESS  
1ST SESSION

# S. 1528

To amend title 31, United States Code, to provide for the issuance of Green Bonds and to establish the United States Green Bank, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 16, 2019

Mr. MURPHY (for himself, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To amend title 31, United States Code, to provide for the issuance of Green Bonds and to establish the United States Green Bank, 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. CAPITALIZATION, METHOD OF CAPITAL STOCK**  
4 **PAYMENTS, ISSUANCE OF GREEN BONDS.**

5 Chapter 31 of title 31, United States Code, is amend-  
6 ed by adding after section 3102 the following new section:

7 **“§ 3102A. Green Bonds**

8 **“(a) INITIAL CAPITALIZATION.—**The Secretary of the  
9 Treasury shall issue bonds (in this section referred to as

1 ‘Green Bonds’) in the amount of \$10,000,000,000 on the  
2 credit of the United States to acquire capital stock of the  
3 United States Green Bank (established under section  
4 9801 of this title). Stock certificates evidencing ownership  
5 in the United States Green Bank shall be issued by the  
6 Green Bank to the Secretary of the Treasury, to the ex-  
7 tent of payments made for the capital stock of the Green  
8 Bank.

9 “(b) FUTURE CAPITALIZATION.—Upon the request  
10 of the United States Green Bank, the Secretary of the  
11 Treasury shall issue additional Green Bonds on the credit  
12 of the United States to acquire additional capital stock  
13 of the United States Green Bank in an aggregate amount  
14 not to exceed \$50,000,000,000 outstanding at any one  
15 time.

16 “(c) DENOMINATIONS AND MATURITY.—Green  
17 Bonds shall be in such forms and denominations, and shall  
18 mature within such periods, as determined by the Sec-  
19 retary of the Treasury.

20 “(d) INTEREST.—Green Bonds shall bear interest at  
21 a rate not less than the current average yield on out-  
22 standing market obligations of the United States of com-  
23 parable maturity during the month preceding the issuance  
24 of the obligation as determined by the Secretary of the  
25 Treasury.

1       “(e) GUARANTEED.—Green Bonds shall be fully and  
 2 unconditionally guaranteed both as to interest and prin-  
 3 cipal by the United States, and such guaranty shall be  
 4 expressed on the face of each bond.

5       “(f) LAWFUL INVESTMENTS.—Green Bonds shall be  
 6 lawful investments, and may be accepted as security for  
 7 all fiduciary, trust, and public funds, the investment or  
 8 deposit of which shall be under the authority or control  
 9 of the United States or any officer or officers thereof.”.

10 **SEC. 2. GREEN BANK.**

11       Title 31, United States Code, is amended by adding  
 12 the following new chapter at the end thereof:

13                   **“CHAPTER 98—GREEN BANK**

14 **“§ 9801. United States Green Bank**

15       “(a) SHORT TITLE.—This section may be cited as the  
 16 ‘United States Green Bank Act of 2019’.

17       “(b) PURPOSES.—The purposes of this section are as  
 18 follows:

19               “(1) To significantly increase the pace and  
 20 amount of investment in clean energy, energy effi-  
 21 ciency, and other climate change mitigation and ad-  
 22 aptation projects at the State and local level.

23               “(2) To improve the standard of living for  
 24 Americans by delivering clean electricity more effi-  
 25 ciently and at lower cost and by funding projects

1 that will create high-paying, long-term jobs and  
2 make affordable financing available to low- and mod-  
3 erate-income families.

4 “(3) To address the main impediment to invest-  
5 ment at the State and local level—limited capital  
6 and tight balance sheets—by establishing a national  
7 Green Bank to capitalize legitimate Regional, State,  
8 and Municipal Green Banks.

9 “(4) To facilitate—

10 “(A) efficient tax equity markets for quali-  
11 fied clean energy projects; and

12 “(B) the financing of long-term clean en-  
13 ergy purchasing by governmental and non-  
14 governmental not-for-profit entities.

15 “(5) To foster—

16 “(A) the development and consistent appli-  
17 cation of transparent underwriting standards,  
18 standard contractual terms, and measurement  
19 and verification protocols for qualified clean en-  
20 ergy projects, qualified energy efficiency  
21 projects, and qualified climate change mitiga-  
22 tion or adaptation projects;

23 “(B) the creation of performance data that  
24 enables effective underwriting, risk manage-  
25 ment, and pro forma modeling of financial per-

1 formance of qualified clean energy projects and  
2 qualified energy efficiency projects to support  
3 primary financing markets and stimulate devel-  
4 opment of secondary investment markets for  
5 clean energy projects, energy efficiency projects,  
6 and climate change mitigation or adaptation  
7 projects; and

8 “(C) the level of financing support for  
9 qualified clean energy projects, qualified energy  
10 efficiency projects, and qualified climate mitiga-  
11 tion and adaptation projects necessary to ad-  
12 vance vital national objectives, including—

13 “(i) achieving energy independence  
14 from foreign energy sources;

15 “(ii) abating climate change by in-  
16 creasing zero or low carbon electricity gen-  
17 eration and transportation capabilities;

18 “(iii) adapting to the impacts result-  
19 ing from climate change;

20 “(iv) realizing energy efficiency poten-  
21 tial in existing infrastructure;

22 “(v) easing the economic effects of  
23 transitioning from a carbon-based economy  
24 to a clean energy economy;

1           “(vi) achieving job creation through  
2           the construction and operation of qualified  
3           clean energy projects, qualified energy effi-  
4           ciency projects, and qualified climate  
5           change mitigation or adaptation projects;

6           “(vii) fostering long-term domestic  
7           manufacturing capacity in the clean en-  
8           ergy, energy efficiency, and climate change  
9           mitigation or adaptation industries; and

10           “(viii) complementing and supple-  
11           menting other clean energy, energy effi-  
12           ciency, and climate change mitigation and  
13           adaptation legislation at the regional,  
14           State, municipal, and county level.

15           “(c) DEFINITIONS.—In this section:

16           “(1) BANK.—The term ‘Bank’ means the  
17           United States Green Bank established under sub-  
18           section (d).

19           “(2) BOARD.—The term ‘Board’ means the  
20           Board of Directors of the Bank.

21           “(3) CLEAN ENERGY PROJECT.—The term  
22           ‘clean energy project’ means any electricity genera-  
23           tion, transmission, storage, heating, cooling, trans-  
24           portation, distribution, industrial process, or manu-  
25           facturing project whose primary purpose is the de-

1 ployment, development, or production of an energy  
2 system or technology that avoids, reduces, or seques-  
3 ters air pollutants or anthropogenic greenhouse  
4 gases, including the following:

5 “(A) Solar.

6 “(B) Wind.

7 “(C) Geothermal.

8 “(D) Biomass.

9 “(E) Hydropower.

10 “(F) Ocean and hydrokinetic.

11 “(G) Fuel cell.

12 “(H) Advanced battery.

13 “(I) Carbon capture and sequestration.

14 “(J) Next generation biofuels from  
15 nonfood feedstocks.

16 “(K) Alternative fuel vehicle infrastruc-  
17 ture.

18 “(L) Alternative fuel vehicles.

19 “(4) CLIMATE CHANGE MITIGATION OR ADAP-  
20 TATION PROJECT.—The term ‘climate change miti-  
21 gation or adaptation project’ means any project that  
22 reduces the emissions of greenhouse gases by  
23 sources or enhance their removal from the atmos-  
24 phere by sinks, or reduce the vulnerability of social  
25 and biological systems to relatively sudden change

1 and thus offset the effects of global warming, includ-  
2 ing—

3 “(A) afforestation, reforestation, and land  
4 conservation;

5 “(B) regenerative agriculture;

6 “(C) transit-oriented development and  
7 mass transit infrastructure;

8 “(D) waste and recycling;

9 “(E) water treatment; and

10 “(F) wetland protection.”.

11 “(5) ELIGIBLE CLEAN ENERGY FINANCING IN-  
12 STITUTION.—The term ‘Eligible Clean Energy Fi-  
13 nancing Institution’ means a not-for-profit, inde-  
14 pendent entity, quasi-independent entity, or a gov-  
15 ernmental entity within an agency or financing au-  
16 thority, established or designated by a State, group  
17 of States, the District of Columbia, a territory of the  
18 United States, or an Eligible State Political Subdivi-  
19 sion to—

20 “(A) provide low-cost or long-term financ-  
21 ing support or credit enhancements, including  
22 loan guarantees and loan loss reserves, for  
23 Qualified Clean Energy Projects, Qualified En-  
24 ergy Efficiency Projects, or Qualified Mitigation  
25 or Adaptation Projects; and



1           “(B) create liquid markets for these  
2 projects including warehousing and  
3 securitization, or take other steps to reduce fi-  
4 nancial barriers to the deployment of existing  
5 and innovative clean energy, energy efficiency  
6 projects, and climate change mitigation or ad-  
7 aptation projects. Eligible Clean Energy Fi-  
8 nancing Institutions may enter into partner-  
9 ships with private entities.

10           “(6) ELIGIBLE STATE POLITICAL SUBDIVI-  
11 SION.—The term ‘Eligible State Political Subdivi-  
12 sion’ means—

13           “(A) any municipality, county or other po-  
14 litical subdivision within a State that, based on  
15 the population data from the most recent U.S.  
16 Census Bureau—

17           “(i) with respect to a municipality,  
18 has a population of not fewer than  
19 200,000 people;

20           “(ii) with respect to a county, parish  
21 or borough, has a population of not fewer  
22 than 800,000 people; or

23           “(iii) with respect to a municipality,  
24 county, parish, or borough, has a popu-  
25 lation—

1                   “(I) of not fewer than 84,000  
2                   people; and

3                   “(II) that constitutes not less  
4                   than 5 percent of the total population  
5                   of the State in which the municipality,  
6                   county, parish, or borough is located;  
7                   and

8                   “(B) any political subdivision that—

9                   “(i) is located in a State that collabo-  
10                  rates as 1 region for the purposes of this  
11                  Act; or

12                  “(ii)(I) collaborates with another po-  
13                  litical subdivision; and

14                  “(II) when combined with the political  
15                  subdivision described in subclause (I),  
16                  meets the requirements described in sub-  
17                  paragraph (A).

18                  “(7) ENERGY EFFICIENCY PROJECT.—The term  
19                  ‘energy efficiency project’ means any project, tech-  
20                  nology, function, or measure that results in the re-  
21                  duction of energy use required to achieve the same  
22                  level of service or output prior to the application of  
23                  such project, technology, function, or measure, or  
24                  substantially reduces greenhouse gas emissions rel-  
25                  ative to emissions that would have occurred prior to

1 the application of such project, technology, function,  
2 or measure.

3 “(8) GREEN BOND.—The term ‘Green Bond’  
4 means a bond issued pursuant to section 3102A of  
5 this title.

6 “(9) QUALIFIED CLEAN ENERGY PROJECT.—  
7 The term ‘qualified clean energy project’ means a  
8 clean energy project that—

9 “(A) is a Clean Energy Project carried out  
10 domestically within the territorial borders of the  
11 United States;

12 “(B) stays in good standing with its fi-  
13 nancing entity;

14 “(C) to the extent otherwise required by  
15 law, pays wages in accordance with subchapter  
16 IV of chapter 31 of title 40, United States Code  
17 (commonly referred to as the Davis-Bacon Act);

18 “(D) if for nuclear power, is funded by the  
19 Bank only after all other existing Federal fi-  
20 nancial support has been expended;

21 “(E) if for Alternative fuel vehicles, is for  
22 the purchase or lease of eligible vehicles and not  
23 the design or manufacture thereof; and

1           “(F) satisfies any other conditions estab-  
2           lished by the Bank and published in the Fed-  
3           eral Register.

4           “(10) QUALIFIED ENERGY EFFICIENCY  
5           PROJECT.—The term ‘qualified energy efficiency  
6           project’ means an energy efficiency project, includ-  
7           ing smart grid technologies and functions character-  
8           ized in section 1301 of the Energy Independence  
9           and Security Act of 2007 and end-use technologies  
10          for efficiency gains in new construction and across  
11          existing infrastructure that—

12                   “(A) is an Energy Efficiency Project car-  
13                   ried out domestically within the territorial bor-  
14                   ders of the United States;

15                   “(B) stays current on interest and debt  
16                   payment obligations;

17                   “(C) to the extent otherwise required by  
18                   law, pays wages in accordance with subchapter  
19                   IV of chapter 31 of title 40, United States Code  
20                   (commonly referred to as the Davis-Bacon Act);  
21                   and

22                   “(D) satisfies any other conditions estab-  
23                   lished by the Bank and published in the Fed-  
24                   eral Register.

25          “(d) GREEN BANK.—

1           “(1) ESTABLISHMENT OF CORPORATION.—

2           There is established a corporation to be known as  
3           the United States Green Bank that shall be wholly  
4           owned by the United States.

5           “(2) OVERSIGHT.—The Bank shall be subject  
6           to the general supervision and direction of the Sec-  
7           retary of the Treasury. The Bank shall be an instru-  
8           mentality of the United States Government and shall  
9           maintain such offices as may be necessary or appro-  
10          priate in the conduct of its business.

11          “(3) CHARTER.—The Bank shall be chartered  
12          for 40 years from the date of enactment of this sec-  
13          tion.

14          “(4) GOVERNANCE.—

15                 “(A) BOARD OF DIRECTORS OF THE  
16                 BANK.—

17                         “(i) IN GENERAL.—The Bank shall be  
18                         under the direction of a Board of Directors  
19                         consisting of 9 members and be subject to  
20                         the general supervision and direction of the  
21                         Secretary of the Treasury as Chairman of  
22                         the Board.

23                         “(ii) MEMBERSHIP.—The Board shall  
24                         consist of 9 members, as follows:

1           “(I) The Secretary of the Treas-  
2           ury or the Secretary’s designee as  
3           Chairman of the Board.

4           “(II) The Secretary of Energy or  
5           the Secretary’s designee.

6           “(III) The Secretary of Trans-  
7           portation or the Secretary’s designee.

8           “(IV) The Administrator of the  
9           Environmental Protection Agency or  
10          the Administrator’s designee.

11          “(V) The Secretary of the De-  
12          partment of Defense or the Sec-  
13          retary’s designee.

14          “(VI) Four members appointed  
15          by the President of the United States  
16          including a Chief Executive Officer, 1  
17          member with expertise regarding re-  
18          newable energy, 1 member with exper-  
19          tise regarding energy efficiency, 1  
20          member with expertise regarding fi-  
21          nance, 1 member with expertise re-  
22          garding electric utilities, and 1 mem-  
23          ber with expertise regarding sustain-  
24          able transportation.

1           “(iii) QUORUM.—Five members of the  
2 Board shall constitute a quorum.

3           “(iv) BYLAWS.—The Board shall  
4 adopt, and may amend, such bylaws as are  
5 necessary for the proper management and  
6 functioning of the Bank, and shall, in such  
7 bylaws, designate the vice presidents and  
8 other officers of the Bank and prescribe  
9 their duties.

10           “(v) TERMS.—The initial terms of the  
11 members of the Board shall be 4 years.  
12 For terms beginning after the first 4 years  
13 following the date of the enactment of this  
14 section, the Board shall create staggered  
15 terms of 2, 3, and 4 years for members of  
16 the Board.

17           “(vi) VACANCIES.—Any vacancy on  
18 the Board shall be filled in the same man-  
19 ner in which the original appointment was  
20 made.

21           “(vii) INTERIM APPOINTMENTS.—Any  
22 member appointed to fill a vacancy occur-  
23 ring before the expiration of the term for  
24 which such member’s predecessor was ap-

1 pointed shall be appointed only for the re-  
2 mainder of such term.

3 “(viii) REAPPOINTMENT.—Members  
4 of the Board may be reappointed for addi-  
5 tional terms of service as members of the  
6 Board.

7 “(ix) CONTINUATION OF SERVICE.—  
8 Any member of the Board whose term has  
9 expired may continue to serve on the  
10 Board until the earlier of—

11 “(I) the date on which such  
12 member’s successor is appointed; or

13 “(II) the end of the 6-month pe-  
14 riod beginning on the date such mem-  
15 ber’s term expires.

16 “(B) EXECUTIVE VICE PRESIDENT.—The  
17 Chief Executive Officer shall appoint an Execu-  
18 tive Vice President who—

19 “(i) shall serve as Chief Executive Of-  
20 ficer of the Bank during the absence or  
21 disability of, or in the event of a vacancy  
22 in the office, of Chief Executive Officer;  
23 and



1           “(ii) shall at other times perform such  
2           functions as the Chief Executive Officer  
3           may prescribe.

4           “(C) POLICIES AND PROCEDURES.—At the  
5           request of any 2 members of the Board, the  
6           Chairman shall place an item pertaining to the  
7           policies or procedures of the Bank on the agen-  
8           da for discussion by the Board. Not later than  
9           30 days after the date such a request is made,  
10          the Chairman shall hold a meeting of the Board  
11          at which such item shall be discussed.

12          “(D) CONFLICTS OF INTEREST.—No direc-  
13          tor, officer, attorney, agent, or employee of the  
14          Bank shall in any manner, directly or indi-  
15          rectly, participate in the deliberation upon, or  
16          the determination of, any question affecting  
17          such individual’s personal interests, or the in-  
18          terests of any corporation, partnership, or asso-  
19          ciation in which such individual is directly or  
20          indirectly personally interested.

21          “(5) HIRING AND CONTRACTING AUTHORITY.—

22                 “(A) CONTRACTING.—The Bank may em-  
23                 ploy or otherwise contract with banks, credit  
24                 agencies, attorneys, and other third parties at  
25                 customary commercial rates.

1           “(B) HIRING.—Notwithstanding any oth-  
2           erwise applicable Federal rules and regulations,  
3           the Bank may employ and otherwise contract  
4           with employees and provide compensation to  
5           such employees at prevailing rates for com-  
6           pensation for similar positions in private indus-  
7           try.

8           “(6) SUNSET.—

9           “(A) EXPIRATION OF CHARTER.—The  
10          Bank shall continue to exercise its functions  
11          until all obligations and commitments of the  
12          Bank are discharged, even after its charter has  
13          expired.

14          “(B) PRIOR OBLIGATIONS.—No provisions  
15          of this subsection shall be construed as pre-  
16          venting the Bank from—

17                 “(i) acquiring obligations prior to the  
18                 date of the expiration of its charter which  
19                 mature subsequent to such date;

20                 “(ii) assuming, prior to the date of  
21                 the expiration of its charter, liability as  
22                 guarantor, endorser, or acceptor of obliga-  
23                 tions which mature subsequent to such  
24                 date;

1           “(iii) issuing, prior or subsequent to  
2           the date of the expiration of its charter,  
3           for purchase by the Secretary of the Treas-  
4           ury or any other purchasers, its notes, de-  
5           bentures, bonds, or other obligations which  
6           mature subsequent to such date; or

7           “(iv) continuing as a corporation and  
8           exercising any of its functions subsequent  
9           to the date of the expiration of its charter  
10          for purposes of orderly liquidation, includ-  
11          ing the administration of its assets and the  
12          collection of any obligations held by the  
13          Bank.

14          “(e) GREEN BANK ESTABLISHMENT FUND.—

15                 “(1) ESTABLISHMENT.—There is established in  
16          the Treasury of the United States a revolving fund,  
17          to be known as the ‘Green Bank Establishment  
18          Fund’ (hereinafter referred to as the ‘Fund’), con-  
19          sisting of—

20                         “(A) such amounts as are deposited in the  
21          Fund under this subtitle, including but not lim-  
22          ited to proceeds from the Green Bonds issued  
23          under section 3102A; and

24                         “(B) such sums as may be appropriated to  
25          supplement the Fund.

1           “(2) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated to the Fund  
3           such sums as are necessary to carry out this sub-  
4           title.

5           “(3) EXPENDITURES FROM THE FUND.—

6           Amounts in the Fund shall be available to the Chief  
7           Executive for obligation without fiscal year limita-  
8           tion, to remain available until expended.

9           “(f) LENDING, FINANCING, EXPENDITURES.—

10           “(1) IN GENERAL.—The Bank shall establish a  
11           program to provide, on a competitive basis financing  
12           or financing support from the Fund, as the Bank  
13           determines appropriate, solely to provide capitaliza-  
14           tion to an Eligible Clean Energy Financing Institu-  
15           tion for the establishment or continuing operation of  
16           that entity.

17           “(2) TYPES OF FINANCING OR FINANCING SUP-  
18           PORT.—The Bank may provide loans, loan guaran-  
19           tees, credit buy downs, or other financing or financ-  
20           ing support the Bank determines appropriate.

21           “(3) REQUIREMENTS.—The Bank may only  
22           provide loans, loan guarantees or credit buy downs  
23           under paragraph (1) if:

24           “(A) APPLICATION.—The applicant sub-  
25           mits an application for loans, loan guarantees

1 or credit buy downs in accordance with applica-  
2 tion criteria established by the Bank.

3 “(B) ELIGIBLE CLEAN ENERGY FINANCING  
4 INSTITUTIONS.—An entity is eligible to receive  
5 loans, loan guarantees or credit buy downs  
6 under this section only if the entity—

7 “(i) meets the definition of Eligible  
8 Clean Energy Financing Institution;

9 “(ii) uses the funding from the Bank  
10 solely for the purposes described in this  
11 section; and

12 “(iii) satisfies the capitalization and  
13 funding requirements as described in this  
14 section.

15 “(C) PROJECT FINANCE.—The Bank shall  
16 not directly lend or otherwise provide financial  
17 products to any individual projects, nor shall it  
18 be required to examine individual projects for  
19 the purposes of lending under paragraph (1)  
20 other than as necessary to determine whether  
21 an applicant meets the criteria for Eligible  
22 Clean Energy Financing Institutions.

23 “(D) CAPITALIZATION AND CO-FUND-  
24 ING.—The Eligible Clean Energy Financing In-  
25 stitution—

1           “(i) shall provide, at the time of re-  
2           ceipt of any initial funding for capitaliza-  
3           tion by the Bank, an amount from funding  
4           sources other than the Bank equivalent to  
5           no less than \$1,000,000 and no less than  
6           20 percent of the total initial funding pro-  
7           vided by the Bank; and

8           “(ii) may not receive any subsequent  
9           funding for capitalization by the Bank, in  
10          addition to any initial funding for capital-  
11          ization provided by the Bank in accordance  
12          with (i) above in, of amounts greater than  
13          two times the amount of capital committed  
14          for use by the Eligible Clean Energy Fi-  
15          nancing Institution for Qualified Clean En-  
16          ergy Projects and Qualified Energy Effi-  
17          ciency Projects at the time of application.

18          “(4) REGULATIONS.—The Bank shall establish  
19          regulations to carry out the activities and operations  
20          set out in this chapter.

21          “(g) LENDING ACTIVITIES.—

22          “(1) FEES.—The Bank shall assess reasonable  
23          fees on its activities so as to cover its reasonable  
24          costs and expenses, consistent with the Federal  
25          Credit Reform Act of 1990 (2 U.S.C. 661 et seq.),

1 provided the Bank operates as a not-for-profit enti-  
2 ty.

3 “(2) APPROPRIATIONS AND RETENTION OF RE-  
4 CEIPTS.—For purposes of the Federal Credit Re-  
5 form Act, funds made available to the Green Bank  
6 pursuant to section 3102A for carrying out this sec-  
7 tion are appropriated to the Green Bank for the  
8 purposes described in the section. Receipts collected  
9 by the Green Bank, consistent with the Federal  
10 Credit Reform Act, shall be considered to have been  
11 provided in advance in an appropriations Act, and  
12 shall remain available to the Green Bank until ex-  
13 pended.

14 “(3) IMMUNITY FROM IMPAIRMENT, LIMITA-  
15 TION, OR RESTRICTION.—

16 “(A) IN GENERAL.—All rights and rem-  
17 edies of the Bank shall be immune from impair-  
18 ment, limitation, or restrictions by or under—

19 “(i) any law (other than a law enacted  
20 by Congress expressly in limitation of this  
21 paragraph) that becomes effective after the  
22 acquisition by the Bank of the subject or  
23 property on, under, or with respect to  
24 which the right or remedy arises or exists

1 or would so arise or exist in the absence of  
2 the law; or

3 “(ii) any administrative or other ac-  
4 tion that becomes effective after the acqui-  
5 sition.

6 “(B) STATE LAW.—The Bank may con-  
7 duct its business without regard to any quali-  
8 fication or law of any State relating to incorpo-  
9 ration.

10 “(4) TAXATION.—

11 “(A) IN GENERAL.—Subject to subpara-  
12 graph (B), the Bank (including its activities,  
13 capital, reserves, surplus and income) shall be  
14 exempt from all taxation imposed by any State  
15 or local political subdivision of a State.

16 “(B) REAL PROPERTY.—Any real property  
17 of the Bank shall be subject to taxation by a  
18 State or political subdivision of a State to the  
19 same extent according to the value of the real  
20 property as other real property is taxed.

21 “(5) POWER TO REMOVE; JURISDICTION.—Not-  
22 withstanding any other provision of law, any civil ac-  
23 tion, suit, or proceeding to which the Bank is a  
24 party shall be deemed to arise under the laws of the  
25 United States, and the United States district courts



1 shall have original jurisdiction. The Bank may, with-  
2 out bond or security, remove any such action, suit,  
3 or proceeding from a State court to a United States  
4 district court or to the United States District Court  
5 for the District of Columbia.

6 “(6) SPENDING SAFEGUARDS.—

7 “(A) IN GENERAL.—The Chief Executive  
8 Officer of the Bank—

9 “(i) shall require any Eligible Clean  
10 Energy Financing Institution receiving fi-  
11 nancial support pursuant to this section to  
12 report quarterly, in a format specified by  
13 the Chief Executive Officer, on such enti-  
14 ty’s use of such support and its progress  
15 fulfilling the objectives for which such sup-  
16 port was granted, and the Chief Executive  
17 Officer shall make these reports available  
18 to the public;

19 “(ii) may establish additional report-  
20 ing and information requirements for any  
21 recipient of financing support made avail-  
22 able pursuant to this section;

23 “(iii) shall establish appropriate mech-  
24 anisms to ensure appropriate use and com-  
25 pliance with all terms of any financing

1 support made available pursuant to this  
2 section;

3 “(iv) may, in addition to and con-  
4 sistent with any other authority under ap-  
5 plicable law, deobligate financing support  
6 made available pursuant to this section to  
7 entities that demonstrate an insufficient  
8 level of performance, or wasteful or fraud-  
9 ulent spending, as defined in advance by  
10 the Chief Executive Officer, and award  
11 these funds competitively to new or exist-  
12 ing applicants consistent with this section;

13 “(v) shall create and maintain a fully  
14 searchable database, accessible on the  
15 Internet (or successor protocol) at no cost  
16 to the public, that contains at least—

17 “(I) a list of each entity that has  
18 applied for loans, loan guarantees or  
19 credit buy downs under this section;

20 “(II) a description of each appli-  
21 cation;

22 “(III) the status of each such ap-  
23 plication;

1                   “(IV) the name of each entity re-  
2                   ceiving funds made available pursuant  
3                   to this section;

4                   “(V) the purpose for which such  
5                   entity is receiving such funds;

6                   “(VI) each quarterly report sub-  
7                   mitted by the entity pursuant to this  
8                   section; and

9                   “(VII) information related to  
10                  Qualifying Clean Energy Projects and  
11                  Qualifying Energy Efficiency Projects  
12                  funded by Eligible Clean Energy Fi-  
13                  nancing Institutions using funding re-  
14                  ceived from the Bank;

15                  “(vi) to the extent practicable, data  
16                  maintained under clause (v) shall be used  
17                  to inform private capital markets, includ-  
18                  ing the development of underwriting stand-  
19                  ards for the financing of clean energy  
20                  projects and energy efficiency projects;

21                  “(vii) shall make all financing trans-  
22                  actions available for public inspection, in-  
23                  cluding formal annual reviews by both a  
24                  private auditor and the Comptroller Gen-  
25                  eral; and

1           “(viii) shall at all times be available to  
2           receive public comment in writing on the  
3           activities of the Bank.

4           “(B) PROTECTION OF CONFIDENTIAL  
5           BUSINESS INFORMATION.—To the extent nec-  
6           essary and appropriate, the Chief Executive Of-  
7           ficer may redact any information regarding ap-  
8           plicants and borrowers to protect confidential  
9           business information.

10          “(7) GUARANTEE.—Except as provided in sec-  
11          tion 3102A(e) with respect to Green Bonds, finan-  
12          cial support provided by the Bank shall not be fully  
13          and unconditionally guaranteed by the United  
14          States.

15          “(h) NEW BANK DIVISION.—

16          “(1) IN GENERAL.—The Bank shall establish a  
17          New Bank Division to provide technical assistance to  
18          States, group of States, the District of Columbia,  
19          territories of the United States, or Eligible State Po-  
20          litical Subdivisions seeking to establish green banks.

21          “(2) AUTHORIZATION OF APPROPRIATIONS.—  
22          There are authorized to be appropriated to the New  
23          Bank Division such sums as are necessary to carry  
24          out this subsection.”.

1 **SEC. 3. CONFORMING AMENDMENTS.**

2 (a) **TAX EXEMPT STATUS.**—Section 501(l) of the In-  
3 ternal Revenue Code of 1986 is amended by adding at the  
4 end the following:

5 “(4) The Green Bank established under section  
6 9801 of title 31, United States Code.”.

7 (b) **WHOLLY OWNED GOVERNMENT CORPORA-**  
8 **TION.**—Section 9101(3) of title 31, United States Code,  
9 is amended by adding at the end the following:

10 “(S) the Green Bank.”.

11 (c) **CLERICAL AMENDMENTS.**—

12 (1) The table of sections for chapter 31 of title  
13 31, United States Code, is amended by inserting  
14 after the item relating to section 3102 the following  
15 new item:

“3102A. Green Bonds.”.

16 (2) The table of chapters for subtitle VI of title  
17 31, United States Code, is amended by adding at  
18 the end the following new item:

**“98. Green Bank ..... 9801”.**

