

109TH CONGRESS
1ST SESSION

H. R. 1127

To reauthorize the renewable energy production incentive and to provide that a qualified renewable energy facility shall not be assigned a priority for eligibility or allocation of appropriated funds on the basis of the energy source used at such facility.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. TERRY (for himself, Mr. PETERSON of Minnesota, Mr. FORTENBERRY, and Mr. OSBORNE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To reauthorize the renewable energy production incentive and to provide that a qualified renewable energy facility shall not be assigned a priority for eligibility or allocation of appropriated funds on the basis of the energy source used at such facility.

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 “Renewable Energy
5 Production Incentive Reform and Reauthorization Act”.

1 **SEC. 2. RENEWABLE ENERGY PRODUCTION INCENTIVE.**

2 (a) INCENTIVE PAYMENTS.—Section 1212(a) of the
3 Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is
4 amended to read as follows:

5 “(a) INCENTIVE PAYMENTS.—

6 “(1) SECRETARY OF ENERGY.—For electric en-
7 ergy generated from solar, wind, or geothermal en-
8 ergy and sold by a qualified renewable energy facility
9 during the incentive period, the Secretary of Energy
10 shall make, subject to the availability of appropria-
11 tions, incentive payments to the owner or operator
12 of such facility.

13 “(2) SECRETARY OF AGRICULTURE.—For elec-
14 tric energy generated from biomass and sold by a
15 qualified renewable energy facility during the incen-
16 tive period, unless the electric energy is generated
17 from heat derived from landfill gases, the Secretary
18 of Agriculture shall make, subject to the availability
19 of appropriations, incentive payments to the owner
20 or operator of such facility.

21 “(3) ADMINISTRATOR OF THE ENVIRONMENTAL
22 PROTECTION AGENCY.—For electric energy gen-
23 erated from heat derived from landfill gases and sold
24 by a qualified renewable energy facility during the
25 incentive period, the Administrator of the Environ-
26 mental Protection Agency shall make, subject to the

1 availability of appropriations, incentive payments to
2 the owner or operator of such facility.

3 “(4) PAYMENTS.—The amount of the payment
4 made to any owner or operator under this section
5 shall be as determined under subsection (e). Pay-
6 ments under this section may only be made upon re-
7 ceipt by the Secretary of Energy, the Secretary of
8 Agriculture, or the Administrator of the Environ-
9 mental Protection Agency, as applicable, of an in-
10 centive payment application which establishes that
11 the applicant is eligible to receive such payment.

12 “(5) ASSIGNMENT OF PRIORITY.—The Sec-
13 retary of Energy, the Secretary of Agriculture, and
14 the Administrator of the Environmental Protection
15 Agency shall not establish any criteria or procedures
16 that have the effect of assigning to a qualified re-
17 newable energy facility that is eligible for payments
18 under this section a higher or lower priority for eligi-
19 bility or allocation of payments on the basis of the
20 energy source used at such facility.”.

21 (b) ELIGIBILITY WINDOW.—Section 1212(c) of the
22 Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is
23 amended by striking “during the 10-fiscal” and all that
24 follows through “enactment of this section” and inserting
25 “before October 1, 2016”.

1 (c) AMOUNT OF PAYMENT.—Section 1212(e)(1) of
2 the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1))
3 is amended—

4 (1) by striking “Secretary” and inserting “Sec-
5 retary of Energy, the Secretary of Agriculture, or
6 the Administrator of the Environmental Protection
7 Agency”; and

8 (2) by striking “1.5” and inserting “1.8”.

9 (d) SUNSET.—Section 1212(f) of the Energy Policy
10 Act of 1992 (42 U.S.C. 13317(f)) is amended by striking
11 “the expiration of” and all that follows through “enact-
12 ment of this section” and inserting “September 30,
13 2026”.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
15 1212(g) of the Energy Policy Act of 1992 (42 U.S.C.
16 13317(g)) is amended to read as follows:

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—For the
18 purpose of carrying out this section, there are authorized
19 to be appropriated—

20 “(1) \$25,000,000 to the Secretary of Energy;

21 “(2) \$5,000,000 to the Secretary of Agri-
22 culture; and

23 “(3) \$5,000,000 to the Administrator of the
24 Environmental Protection Agency,
25 for each of fiscal years 2006 through 2026.”.

1 (f) DEFINITION.—Section 1212 of the Energy Policy
2 Act of 1992 (42 U.S.C. 13317) is amended by adding at
3 the end the following new subsection:

4 “(h) DEFINITION.—For purposes of this section, the
5 term ‘biomass’ includes livestock biomass.”.

6 **SEC. 3. ADVISORY COMMITTEE.**

7 Section 6(b)(4)(A) of the Renewable Energy and En-
8 ergy Efficiency Technology Competitiveness Act of 1989
9 (42 U.S.C. 12005(b)(4)(A)) is amended—

10 (1) by redesignating clauses (iii) through (ix) as
11 clauses (iv) through (x), respectively; and

12 (2) by inserting after clause (ii) the following
13 new clause:

14 “(iii) the Secretary of Agriculture;”.

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