

109TH CONGRESS
1ST SESSION

S. 326

To reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2005

Mr. SMITH (for himself, Ms. CANTWELL, Mrs. FEINSTEIN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To reauthorize and revise the Renewable Energy Production Incentive program, 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 “Renewable Energy
5 Production Incentive Reform Act”.

6 **SEC. 2. AMENDMENTS.**

7 (a) INCENTIVE PAYMENTS.—Section 1212(a) of the
8 Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is
9 amended by striking “and which satisfies” and all that
10 follows through “Secretary shall establish.” and inserting

1 “. If there are insufficient appropriations to make full pay-
2 ments for electric production from all qualified renewable
3 energy facilities in any given year, the Secretary shall as-
4 sign 60 percent of appropriated funds for that year to fa-
5 cilities that use solar, wind, geothermal, or closed-loop
6 (dedicated energy crops) biomass technologies to generate
7 electricity, and assign the remaining 40 percent to other
8 projects. The Secretary may, after transmitting to the
9 Congress an explanation of the reasons therefor, alter the
10 percentage requirements of the preceding sentence.”.

11 (b) QUALIFIED RENEWABLE ENERGY FACILITY.—
12 Section 1212(b) of the Energy Policy Act of 1992 (42
13 U.S.C. 13317(b)) is amended—

14 (1) by striking “a State or any political” and
15 all that follows through “nonprofit electrical cooper-
16 ative” and inserting “a not-for-profit electric cooper-
17 ative, a public utility described in section 115 of the
18 Internal Revenue Code of 1986, a State, Common-
19 wealth, territory, or possession of the United States
20 or the District of Columbia, or a political subdivision
21 thereof, or an Indian tribal government of subdivi-
22 sion thereof,”; and

23 (2) by inserting “landfill gas,” after “wind, bio-
24 mass,”.

1 (c) ELIGIBILITY WINDOW.—Section 1212(c) of the
2 Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is
3 amended by striking “during the 10-fiscal year period be-
4 ginning with the first full fiscal year occurring after the
5 enactment of this section” and inserting “after October
6 1, 2005, and before October 1, 2015”.

7 (d) AMOUNT OF PAYMENT.—Section 1212(e)(1) of
8 the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1))
9 is amended by inserting “landfill gas,” after “wind, bio-
10 mass,”.

11 (e) SUNSET.—Section 1212(f) of the Energy Policy
12 Act of 1992 (42 U.S.C. 13317(f)) is amended by striking
13 “the expiration of” and all that follows through “of this
14 section” and inserting “September 30, 2025”.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
16 1212(g) of the Energy Policy Act of 1992 (42 U.S.C.
17 13317(g)) is amended to read as follows:

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 there are authorized to be appropriated such sums
21 as may be necessary to carry out this section for fis-
22 cal years 2005 through 2025.

1 “(2) AVAILABILITY OF FUNDS.—Funds made
2 available under paragraph (1) shall remain available
3 until expended.”.

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