

107TH CONGRESS  
1ST SESSION

# S. 1211

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

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IN THE SENATE OF THE UNITED STATES

JULY 20, 2001

Ms. CANTWELL (for herself and Mr. SMITH of Oregon) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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. REAUTHORIZATION AND REVISION.**

7 Section 1212 of the Energy Policy Act of 1992 (42  
8 U.S.C. 13317) is amended—

9 (1) in subsection (a)—

1 (A) in the first sentence, by striking “A  
2 qualified” and inserting the following:

3 “(1) IN GENERAL.—A qualified”; and

4 (B) in the third sentence, by striking “and  
5 which satisfies” and all that follows and insert-  
6 ing a period; and

7 (C) by striking the fourth sentence and in-  
8 serting the following:

9 “(3) CRITERIA AND PROCEDURE.—

10 “(A) IN GENERAL.—The Secretary shall  
11 establish criteria and procedures necessary for  
12 efficient administration of the program.

13 “(B) LIMITATION.—The Secretary shall  
14 not establish any criterion or procedure that  
15 has the effect of assigning to a proposal a high-  
16 er or lower priority for eligibility or allocation  
17 of appropriated funds on the basis of the energy  
18 source proposed.”;

19 (2) in subsection (b)—

20 (A) by striking “which is owned” and all  
21 that follows through “a nonprofit electrical co-  
22 operative” and inserting “that is owned by an  
23 electricity-generating cooperative exempt from  
24 taxation under section 501(c)(12) or section  
25 1381(a)(2)(C) of the Internal Revenue Code of

1 1986, a public utility described in section 115  
2 of that Code, a State, Commonwealth, territory,  
3 or possession of the United States or the Dis-  
4 trict of Columbia (including a political subdivi-  
5 sion of a State, Commonwealth, territory, or  
6 possession of the United States or the District  
7 of Columbia), or a tribal government (including  
8 a subdivision of a tribal government),”; and

9 (B) by inserting “landfill gas, incremental  
10 hydropower,” after “wind, biomass,”;

11 (3) in subsection (c), by striking “during the  
12 10-fiscal year period beginning with the first full fis-  
13 cal year occurring after the enactment of this sec-  
14 tion” and inserting “before October 1, 2013”;

15 (4) in subsection (d)—

16 (A) by striking “A qualified” and inserting  
17 the following:

18 “(1) IN GENERAL.—A qualified”; and

19 (B) by striking the second sentence and in-  
20 serting the following:

21 “(2) BEGINNING OF PAYMENT PERIOD.—The  
22 payment period shall begin with the fiscal year in  
23 which—

24 “(A) electricity generated from the facility  
25 is first eligible for payments; or

1           “(B) the Secretary determines that all nec-  
2           essary Federal and State authorizations have  
3           been obtained to begin construction of the facil-  
4           ity.”;

5           (5) in subsection (e)(1), by inserting “landfill  
6           gas, incremental hydropower,” after “wind, bio-  
7           mass,”; and

8           (6) by striking subsection (g) and inserting the  
9           following:

10          “(g) INCREMENTAL HYDROPOWER.—

11           “(1) DEFINITION OF INCREMENTAL HYDRO-  
12           POWER.—In this subsection, the term ‘incremental  
13           hydropower’ means additional generating capacity  
14           achieved from increased efficiency or additions of  
15           new capacity at a hydroelectric facility in existence  
16           on the date of enactment of this paragraph.

17           “(2) PROGRAMS.—Subject to subsection (h)(2),  
18           if an incremental hydropower program meets the re-  
19           quirements of this section, as determined by the Sec-  
20           retary, the incremental hydropower program shall be  
21           eligible to receive incentive payments under this sec-  
22           tion.

23          “(h) AUTHORIZATION OF APPROPRIATIONS.—

24           “(1) IN GENERAL.—Subject to paragraph (2),  
25           there are authorized to be appropriated such sums

1 as are necessary to carry out this section for fiscal  
2 years 2003 through 2023.

3 “(2) LIMITATION ON FUNDS USED FOR INCRE-  
4 MENTAL HYDROPOWER PROGRAMS.—Not more than  
5 30 percent of the amounts made available under  
6 paragraph (1) shall be used to carry out programs  
7 described in subsection (g)(2).

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

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