RSC
Republican Study Committee
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Legislative Bulletin……………………………….………April 20, 2005

Contents:

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: Dozens

Total Cost of Discretionary Authorizations: Tens of billions of dollars over five years

Effect on Revenue: Reduces revenues by a net $3.218 billion over the FY2005-FY2009 period.

Total Change in Mandatory Spending: Reduces mandatory spending by a net $1.075 billion over the FY2006-FY2010 period.

Total New State & Local Government Mandates: Dozens

Total New Private Sector Mandates: Dozens

Number of *Bills* Without Committee Reports: 1

Number of *Reported* Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 6—Energy Policy Act (Barton)

Order of Business: The bill is scheduled to be considered on Wednesday, April 20th and Thursday, April 21st, subject to a structured rule (H.Res. 219). The amendments made in order under this rule will be summarized in a separate RSC document. This version of H.R. 6 is largely similar, but not identical to, the original version of H.R. 6 that passed the House during the 108th Congress by a vote of 247-175: http://clerk.house.gov/evs/2003/roll145.xml

The Conference Report for last Congress' H.R. 6 passed the House by a vote of 246-180: http://clerk.house.gov/evs/2003/roll630.xml The Senate did not pass the Conference Report.

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<u>Possible Conservative Concerns</u>: Conservatives might be concerned by the <u>overall high level of authorizations</u> in the bill (most of which are higher than those in H.R. 6 last Congress) and by the creation of <u>dozens of new federal programs</u>. Additionally, conservatives might be concerned about such things as:

- the 155% increase over current law in funding for LIHEAP—the low-income heating program focused mainly in the northeastern United States;
- the ability of funds collected from offshore oil and gas leases (up to $2 billion over ten years) to be spent on ultra-deepwater and unconventional natural gas and other petroleum activities without any additional action from Congress;
- programs for extraneous items in an energy bill—such as scooters and airport baggage trucks;
- programs for activities that the private sector could (and perhaps should) handle itself; and
- various private-sector mandates (see below).

<u>Summary *Highlights* by Title</u>:

NOTE: There is no Title XI or XXIV in the reported text, and provisions in the bill text that are repeated are summarized as such below (this occurs when more than one committee asserts jurisdiction on an issue).

<u>Title I—Energy Efficiency</u>

- **<u>Federal Buildings</u>**:
  <u>Guidelines for energy efficiency</u> in federal facilities are set so that the energy consumption per gross square foot in each federal building goes down by an increasing percentage each fiscal year from 2006 (a 2% reduction) through 2015 (a 20% reduction). Certain federal buildings may be excluded for several listed reasons (such as national security).
  <u>Requires all federal buildings</u> (including legislative branch buildings) to be metered for their energy use by the start of fiscal year 2012.

Allows and encourages federal agencies to enter into "energy savings performance contracts" to improve energy efficiency (the total amount of contracts not to exceed $500 million).
Authorizes $10 million over five years ($2 million each year) for the Architect of the Capitol to develop and implement a plan for the Capitol complex to save energy and water.
Requires federal agencies to procure energy efficient products unless it is not cost-effective or no such product is available that meets the functional requirements of the agency.

- **Testbed Program:** Authorizes $18 million to be appropriated over FY2006-2008 to establish an Advanced Building Efficiency Testbed program for the development of efficiency innovations in building technologies.
- **Daylight Savings:** Extends daylight savings time by two months from April through October to March through November and requires the Secretary of Energy to report to Congress on this change's impact on energy consumption.
- **LIHEAP**: Increases the authorization for the Low-Income Home Energy Assistance Program (LIHEAP) from $2 billion to $5.1 billion for each of fiscal years 2005 through 2007, a 155% annual increase or $9.3 billion increase over three years from current law.
- **Weatherization Assistance:** Authorizes appropriations for the Weatherization Assistance Program (grants to states for the improvement of low income individuals' homes) as follows: $500 million for FY2006, $600 million for FY2006, and $700 million for FY2007. It *expands* eligibility by changing the definition of low income from 125% of poverty to 150% of poverty.
- **State Energy Programs:** Authorizes appropriations for State energy programs (federal funds to help states develop and implement state energy conservation plans) as follows: $100 million for fiscal years 2006 and 2007, and $125 million for FY2006.
- **Rebate Program**: Authorizes $50 million for each of fiscal years 2006-2010 for states to establish energy efficient appliance rebate programs to provide rebates to residential consumers for the purchase of residential Energy Star products to replace used appliances of the same type.
- **Public Education**: Directs the Secretary of Energy to initiate a public education campaign on the energy and cost savings of regularly scheduled maintenance of air conditioners, heating, and ventilating systems.
- **State & Local Government Buildings:** Establishes a new program in the Department of Energy to distribute grants to state and local governments to improve energy efficiency in public buildings. Authorizes $30 million for each of fiscal years 2006 through 2010.
- **Low-Income Community Pilot Program**: Establishes a new pilot program for grants to local governments and private organizations to improve energy efficiency, identify and develop alternative renewable energy supplies, and increase energy conservation in low-income rural and urban communities. Authorizes $20 million for each of fiscal years 2006-2008.

- **Energy Star**: Establishes an Energy Star Program in the Department of Energy to promote energy-efficient products and buildings labeled "Energy Star" for meeting the highest energy efficiency standards. The bill does not specify authorization levels.
- **New Energy Conservation Standards**: Sets new standards (or in some cases, requires a new rulemaking process to set new standards) for battery charger, ceiling fans, vending machines, refrigerators, illuminated exit signs, torchieres (portable electric lamps), and unit heaters.
- **Housing**: Makes a variety of changes to current housing programs to encourage energy efficient housing for low-income families, increase mortgage insurance incentives for energy efficient housing, and require public housing agencies to purchase energy-efficient appliances.

Title II—Renewable Energy

- **Renewable Energy Assessment**: Authorizes $50 million over fiscal years 2006 through 2010 for the Secretary of the Energy to regularly assess the renewable energy resources available within the United States (including solar, wind, biomass, ocean, geothermal, and hydroelectric).
- **Renewable Energy Production Incentive:** Modifies, extends (through September 2025), and expands the current renewable energy incentive program (authorized at "such sums"), which provides payments of 1.7 cents per kilowatt-hour to qualifying generators for electricity produced from renewable energy sources.
- **Federal Purchase Requirement:** Requires that the President, acting through the Secretary of Energy, seek to ensure that, "to the extent economically feasible and technically practicable," of the total amount of electric energy the federal government consumes during any fiscal year, the following amounts shall be renewable energy:
  (1) Not less than 3 percent in fiscal years 2007 through 2009.
  (2) Not less than 5 percent in fiscal years 2010 through 2012.
  (3) Not less than 7.5 percent in fiscal year 2013 and each fiscal year thereafter.
- **Insular Areas Energy Security**: Indefinitely authorizes $5 million in grants per fiscal year to governments of the U.S. territories to protect electric power transmission and distribution lines from hurricanes and typhoons. The federal cost for a project is capped at 75%.
- **Photovoltaic Energy in Public Buildings**: Authorizes $300 million over the FY2006-FY2010 period for the establishment and subsequent evaluation of a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar electric systems for electric production in new and existing public buildings.
- **Biomass Program:** Authorizes the Secretary of Agriculture and the Secretary of the Interior to make grants to any person that owns or operates a facility that uses biomass (such as trees, woody plants, brush, and wood chips) as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility. The Secretary may also make grants not to exceed $500,000 to persons (individual, community, tribe, small U.S. business, or non-profit) "to offset the cost of projects to develop or research opportunities to improve the use of, or add value to, biomass."

The bill authorizes $550 million over FY2006-2016 for these programs, and requires a report to Congress by 2012.

- **Weatherization Assistance**: Caps the level of weatherization assistance at $3,000 per dwelling unit.
- **Rebate Program**: Directs the Secretary of Energy to establish a program providing rebates for consumers for expenditures made for the installation of a renewable energy system in a dwelling unit or small business. Authorizes appropriations for the new rebate program as follows: $150 million for FY2006, $150 million for FY2007, and $200 million for FY2008, $250 million for FY2009, and $250 million for FY2010.
- **Hydroelectric Alternative for Resource Protection**: Requires that federal resource agencies consider alternatives to the mandatory conditions and fishway prescriptions they would otherwise impose on hydroelectric power projects during a licensing proceeding.
- **Hydroelectric Incentive Payments**: Authorizes $10 million for each of fiscal years 2006 through 2015 for incentive payments to hydroelectric facilities that expand operations at existing dams. No facility could receive more than $750,000 in a calendar year. Also authorizes $100 million over fiscal years 2006 through 2015 for incentive payments to hydroelectric facilities to make capital improvements to improve efficiency by at least 3% at existing dams.
- **Off-Peak Pumping**: Requires the Secretary of the Interior to shift as much water pumping at Bureau of Reclamation facilities as possible to off-peak hours to minimize the amount of electric power consumed for such pumping during peak hours, and stipulates that the Secretary must have consent of those contracted with the U.S. who use the water for irrigation and would be affected.

Title III—Oil and Gas

- **Strategic Petroleum Reserve**: Provides permanent authority to operate the Strategic Petroleum Reserve (authorized at "such sums"). Directs the Secretary of Energy to fill the Strategic Petroleum Reserve "as expeditiously as practicable" and to plan to expand the Reserve to one billion barrels. Directs the Secretary to suspend deliveries of royalty-in-kind oil to the Strategic Reserve until the price of oil falls below $40 per barrel for 2 consecutive weeks on the New York Mercantile Exchange. Also directs the Secretary to proceed selecting sites (from sites the Secretary previously studied) necessary to enable acquisition of the one billion barrels of oil for the Strategic Petroleum Reserve.
- **Production Incentives**: Authorizes the construction, expansion, or operation of natural gas facilities, upon the approval of the Federal Power Commission. Requires a notice and hearings upon filing of any application to construct, expand or operate a natural gas facility, to be facilitated by the Commission.
- **Natural Gas Market Report**: Directs the Federal Energy Regulatory Commission to issue, within 180 days of enactment of the Energy Policy Act, rules directing all entities under the Federal Power Commission's jurisdiction to report information to the Commission on the availability and prices of natural gas sold at wholesale in interstate commerce.

- **Increased Coordination on Federal Land Leases**: Directs the Secretary of the Interior and the Secretary of Agriculture to enter into an agreement regarding oil and gas leasing on public lands under the jurisdiction of various federal agencies. The agreement would include establishing various administrative procedures and lines of authority to ensure timely processing of oil and gas lease applications, and would eliminate duplication of effort and increase coordination among departments. Also directs the Secretary of the Interior and Agriculture to establish a joint data retrieval system capable of tracking applications and formal requests made regarding the federal oil and gas leasing program.
- **New Resource Mapping System**: Directs the Secretary of the Interior and Agriculture to establish a joint Geographic Information System mapping system to track surface resources to aid in resources management and to process surface use plans of operation and applications for permits to drill.
- **Refining Revitalization**: Authorizes the "U.S. Refinery Revitalization Act of 2005," which encourages the expansion of the United States refining capacity by providing an accelerated review and approval process of all regulatory approvals for certain idle refineries. It would also provide corresponding legal and technical assistance to states with inadequate resources to meet such permit review demands. Includes findings supporting the need for U.S. refinery revitalization which includes statistics on the decline in U.S. refineries. Among other findings, it states: "the U.S. has 149 refineries, down from 324 in 1981." Allows the Secretary of Energy to designate areas that meet certain requirements as "Refinery Revitalization Zones." Those requirements include: experienced mass layoffs at manufacturing facilities, contains an idle refinery, or has an unemployment rate that exceeds the national average by at least 10 percent.

Title IV—Coal

- **Clean Coal Power Initiative:** Authorizes $1.8 billion over FY2006-2014 for projects that advance efficiency, environmental performance, and cost competitiveness of coal power.
- **Centers of Excellence**: From the above amount, the Secretary is required to award grants to universities to establish Clean Coal Centers of Excellence for Energy Systems of the Future.
- **Clean Coal Projects**: Authorizes $125 million to provide a loan to the owner of an experimental clean coal power plant and authorizes loan guarantees for one coal gasification project and at least five petroleum coke gasification projects.
- **Clean Air Coal Program**: Authorizes $3 billion over eight years ($1 billion more than was in last Congress' H.R. 6 conference report) to create a new Clean Air Coal Program to facilitate the production and generation of coal-based power and the installation of pollution-control equipment. Caps the federal share of any individual program at 50%.

Title V—Indian Energy

- **<u>Office of Indian Energy Policy and Programs</u>**: Creates the Office of Indian Energy Policy and Programs at the Department of Energy.
- **<u>New DOI Indian Grant Program</u>**: Authorizes a new Indian energy resource development program in the Dept. of Interior authorized at such sums for 11 years.
- **<u>New DOE Indian Program</u>**: Authorizes a new program to help Indian tribes meet "energy education, research and development, planning, and management needs." The program is authorized at such sums for 11 years.
- **<u>New Indian Energy Loan Guarantee Program</u>**: Authorizes such sums for a new program at the Dept. of Energy to provide loan guarantees for not more than 90% of the unpaid principal and interest due on any loan made to any Indian tribe for energy development. The aggregate outstanding loan guarantee amount under this new program shall not exceed $2 billion.
- **<u>Preference for Indian Energy</u>**: Creates a new preference for federal purchasing of electricity to corporations, partnerships, etc. that are owned and controlled by one or more Indian tribes.
- **<u>Indian Assistance</u>**: Amends current law regarding Indian energy (25 U.S.C. 3501 et seq.) and defines the terms "Indian tribe" and "tribal land" and "Native Corporation". Authorizes such sums for federal assistance for regulations, requirements and conditions on Indians for leases, business agreements, and rights-of-way involving energy development or transmission.
- **<u>Federal Power Marketing Administrations:</u>** Authorizes $750,000 for the administration of the encouragement of Indian tribal energy development, including the Bonneville Power Administration and the Western Area Power Administration.

<u>Title VI—Nuclear Matters</u>

- **<u>Indemnification</u>**: Extends and increases (through the end of 2025) the federal indemnification of Department of Energy (nuclear) contractors, Nuclear Regulatory Commission (NRC) licensees, and nonprofit educational institutions (that do nuclear energy work). In certain cases, the liability limit is raised from $100 million to $500 million, and the Secretary is required to increase the amount of indemnification at least once during each subsequent 5-year period for inflation based on the Consumer Price Index.
- **<u>Prohibits Government Liability Involving Terrorist Activities</u>**: Prohibits any officer or entity of the United States from entering into any agreement that would directly or indirectly impose liability on the U.S. for nuclear incidents occurring in connection with a facility in a country whose government has been identified by the Secretary of State as engaged in terrorist activities.
- **<u>Nuclear Training & Fellowship Program</u>**: Authorizes $1 million for each of fiscal years 2005 through 2009 for a Nuclear Regulatory Commission training program.
- **<u>Uranium Mining:</u>** Authorizes $30 million over FY06-08 for cooperative research on uranium mining.
- **<u>Whistleblower Protection</u>**: Extends whistleblower protection to employees and sub-contractors of the Energy Department and the NRC.

- **<u>Export Prohibition</u>**: Prohibits the export of nuclear and any nuclear-related materials and equipment to countries that sponsor terrorism (subject to certain exceptions and waivers).
- **<u>Uranium Stockpile</u>**: Authorizes the creation of a new, national low-enriched uranium stockpile.
- **<u>Advanced Reactor Hydrogen Cogeneration Project</u>**: Creates a new hydrogen cogeneration project.
- **<u>Research for Advanced Nuclear Reactor Technologies:</u>** Authorizes appropriations of $65 million in 2006, and ***$1.25 billion*** for FY08-FY15 (an annual increase of 15%).
- **<u>Threat Studies</u>**: Directs the President and the NRC to study the security threats to nuclear installations.
- **<u>Nuclear Threat Training Program</u>**: Directs the President to establish a new program to provide technical assistance and training to federal, state and local law enforcement agencies to respond to threats against a nuclear facility.
- **<u>Fingerprinting</u>**: Requires the fingerprinting of certain individuals who have unescorted access to nuclear facilities.
- **<u>Firearms</u>**: Authorizes NRC licensees to carry firearms.
- **<u>Sabotage</u>**: Sets $1 million and/or life imprisonment without parole is the maximum penalty for sabotaging nuclear facilities or fuel.

<u>Title VII—Vehicles and Fuels</u>

- **<u>New Credits for Lease Condensate</u>**: Allocates one credit to fleets or covered person for using at least 1,125 gallons of certain types of lease condensate fuels (a mixture recovered as a liquid from natural gas in lease separation facilities) in vehicles weighing more than 8,500 pounds.
- **<u>New Review and Report on 1992 Energy Policy Act</u>**: Authorizes a review, report, and Secretary recommendations of the effect of the alternative fuel sections in the 1992 energy bill.
- **<u>New Grant Program to Change Normal Cars to Hybrid Cars</u>**: Authorizes $100 million over three years and such sums for two addition years for a new competitive grant program for the installation of hybrid retrofit and electric conversion technologies for combustion engine vehicles.
- **<u>New Pilot Program for Alternative Fuel Vehicles including Scooters</u>**: Authorizes $200 million for a new competitive grant pilot program to provide no more than fifteen geographically dispersed project grants to state governments, local governments, or metro transit authorities to acquire alternative fuel, hybrid, or fuel cell vehicles, including cars, motorized 2-wheeled bicycles (Segway likely qualifies), scooters, airport ground support and baggage vehicles, and school buses. No one grant may be for more than $20 million and the grant must not be more than 50% of the cost for the pilot program. The Secretary is required to provide not less than 20% and not more than 25% of these grant funds for "the acquisition of ultra-low sulfur diesel vehicles.
- **<u>New Hydrogen Fuel Cell Bus Awards</u>**: Authorizes $50 million ($10 million a year for FY06-FY10) for competitive awards to 25 fuel cell transit buses and infrastructure in five geographically dispersed localities.

- **<u>New Clean School Buses Grant Program</u>**: Establishes a new program awarding grants for replacing school buses manufactured before 1991 with alternative fuel and ultra-low sulfur diesel fuel school buses. Authorizes the following amounts:
  FY05—$45 million
  FY06—$65 million
  FY07—$90 million
  FY08-FY09—"such sums as are necessary"
- **<u>New Diesel Retrofit Grant Program</u>**: Establishes a new program awarding grants for the installation of retrofit technologies for diesel school buses. Authorizes the following amounts:
  FY05—$20 million
  FY06—$35 million
  FY07—$45 million
  FY08-FY09—"such sums as are necessary"
- **<u>New Fuel Cell School Buses Program</u>**: Creates a $75 million program (over three years) for cooperative agreements with the private sector for developing fuel cell powered school buses.
- **<u>Railroads</u>**: Authorizes appropriations for a public-private initiative to develop and demonstrate railroad technologies that increase fuel economy and reduce emissions: $25 million for FY2006, $35 million for FY2007, and $50 million for FY2008.
- **<u>New Idle Reduction Deployment Program:</u>** Establishes a new program for the deployment of "idle reduction technology" (when heavy vehicles sit idle) grants for the installation of retrofit technologies for diesel school buses. Authorizes (with 50% federal cost sharing) the following amounts:
  FY06—$19.5 million
  FY07—$30 million
  FY08—$45 million
- **<u>New Biodiesel Engine Testing Program:</u>** Establishes a new $25 million program ($5 million per year) for the inclusion of biodiesel testing in advanced diesel engine and fuel system technology.
- **<u>New Ultra-Efficient Engine Technology for Aircraft:</u>** Establishes a new $225 million program ($45 million per year) in conjunction with NASA to develop Ultra-Efficient Engine Technology for Aircraft.
- **<u>Fuel Economy Standards</u>**: Authorizes $10 million ($2 million a year) for the National Highway Traffic Safety Administration (NHTSA) to implement and enforce average fuel economy standards.
- **<u>Reducing Fuel Use</u>**: Directs the NHTSA to study the feasibility and effects of significantly reducing by model year 2012 the use of fuel for automobiles.

<u>Title VIII—Hydrogen</u>

- **<u>New Program</u>**: Requires the Secretary of Energy, in partnership with the private sector, to carry out a program addressing the production of hydrogen from diverse energy sources, the safe and storage of delivery of hydrogen or hydrogen-carrier fuels, the development of safe and affordable fuel cells, and the development of necessary standards and safety practices related to hydrogen and hydrogen-carrier fuels.

Activities must facilitate the development of hydrogen energy and energy infrastructure, fuel cells, advanced vehicle technologies, and clean fuels in addition to hydrogen.

- **Hydrogen Energy Interagency Task Force**. Directs the President to establish this new task force, chaired by the Secretary of Energy, and requires coordination of eight other agencies.
- **Hydrogen Technical and Fuel Cell Advisory Committee and Interagency Task Force**: Establishes this new committee and task force.
- **Solar Energy Program**: Requires the Secretary of Energy to develop a wind energy technology roadmap for implementing new technologies; establishes five new projects to demonstrate the production of hydrogen at existing solar energy facilities; and establishes a new research and development program for solar power devices.
- **Wind Energy Program**: Requires the Secretary of Energy to develop a solar energy technology roadmap for implementing new technologies; establishes five new projects to demonstrate the production of hydrogen at existing wind energy facilities; and establishes a new research and development program for wind power devices.
- **Authorizations**: For all of the above activities, authorizes the following amounts:
  - FY06—$546 million
  - FY07—$750 million
  - FY08—$850 million
  - FY09—$900 million
  - FY10—$1 billion

Title IX—Research and Development

- **Science**: Authorizes the following amounts for science activities:
  - FY06—$3.79 billion
  - FY07—$4.15 billion
  - FY08—$4.63 billion
  - FY09—$5.30 billion
  - FY10—$5.80 billion
- From the above amounts, allocates the following:
- **Systems Biology Program (genetics, protein science, and computational biology):** FY06 $100 million, FY07-FY10 such sums
- **Advanced Scientific Computing Research:** FY06 $252 million, FY07 $270 million, FY08 $350 million, FY09 $375 million, and FY10 $400 million
- **Fusion Energy Sciences Program:** FY06 $335 million, FY07 $349 million, FY08 $362 million, FY09 $377 million, and FY10 $393 million
- **Science and Technology Scholarship Program:** FY06 $0.8 million, FY07 $1.6 million, FY08 $2 million, FY09 $2 million, and FY10 $2 million
- **Office of Scientific and Technical Information:** FY06 $7 million, FY07 $7.5 million, FY08 $8 million, FY09 $8 million, and FY10 $8.5 million
- **University Consortium Pilot Program:** FY06 $4 million, FY07 $4 million, FY08 $4 million, FY09 $8 million, and FY10 $8 million

- **Management Provisions**:

--Requires non-federal sources to pay at least 20% of project costs for all research and development programs `
--Requires non-federal sources to pay at least 50% of project costs for all demonstration and commercial development programs
--Establishes research and development advisory boards to review energy efficiency, renewable energy, nuclear energy, and fossil energy programs at the Department of Energy

- --Requires biennial reports on equal opportunity practices at National Laboratories.

- **Energy Efficiency**: Authorizes the following amounts for energy research, development, demonstration, and commercial application activities:
  - FY06—$620 million
  - FY07—$700 million
  - FY08—$800 million
  - FY09—$925 million
  - FY10—$1 billion
- From the above amounts, allocates the following:
- **Vehicles Programs:** $200 million for FY2006, $240 million for FY2007, $270 million for FY2008, $310 million for FY2009, $340 million for FY2010
- **Buildings Programs:** $100 million for FY2006, $130 million for FY2007, $160 million for FY2008, $200 million for FY2009, $240 million for FY2010
- **Industries Programs:** $102 million for FY2006, $117 million for FY2007, $142 million for FY2008, $170 million for FY2009, $190 million for FY2010
- **Demonstration and Commercial Application Activities:** $10 million for FY2006, $10 million for FY2007, $10 million for FY2008, $7 million for FY2009, $7 million for FY2010
- **Secondary Electric Vehicle Battery Use Program:** $4 million for FY2006, $7 million for FY2007, $7 million for FY2008, $7 million for FY2009, $7 million for FY2010
- **Next Generation Lighting Initiative:** $20 million for FY2006, $30 million for FY2007, and $50 million each year for FY06-13

- **Distributed Energy and Electric Energy Systems**: Authorizes the following amounts for distributed energy and electric energy systems activities:

  FY06—$220 million
  FY07—$240 million
  FY08—$250 million
  FY09—$265 million
  FY10—$275 million

- **Renewable Energy**: Authorizes the following amounts for renewable energy activities:

  FY06—$465 million
  FY07—$605 million
  FY08—$775 million
  FY09—$940 million

FY10—$1.125 billion

- From the above amounts, allocates the following:
- **Solar:** FY06 $100 million, FY07 $140 million, FY08 $200 million, FY09 $250 million, and FY10 $300 million.
- **Bioenergy:** FY06 $200 million, FY07 $245 million, FY08 $310 million, FY09 $355 million, and FY10 $400 million.
- **Wind:** FY06 $55 million, FY07 $60 million, FY08 $65 million, FY09 $65 million, and FY10 $65 million.
- **Geothermal:** FY06-FY10 $30 million each year.
- **Photovoltaic Demonstration:** FY06 $50 million, FY07 $100 million, FY08 $150 million, FY09 $200 million, and FY10 $300 million.
- **Public Buildings:** $150 million over FY04-08 to research and develop innovative technology for solar and other renewable energy sources in state and local government buildings.
- **Other programs**: Authorizes other programs for research, development, demonstration, and commercial application into ocean energy, kinetic hydro turbines, and the combined use of renewable energy technologies with one another and with other energy technologies.

- **Nuclear Energy Programs**: Authorizes the following amounts for nuclear energy programs (the specifics of which are detailed but not earmarked in the bill):

  FY06—$407 million
  FY07—$427 million
  FY08—$449 million
  FY09—$471 million
  FY10—$495 million
- From the amounts above, allocates the following:
- **University Programs:** FY06 $35.2 million, FY07 $44.4 million, FY08 $49.2 million, FY09 $55.0 million, and FY10 $60.0 million, for programs to encourage students to student the nuclear sciences and related fields.
- **Next Generation Nuclear Plant Program:** Creates a separate program of research, development, demonstration, and commercial application of advanced nuclear fission reactor technology, authorized as follows: $150 million for each of fiscal years FY2006-2010.

- **Fossil Energy**: Authorizes the following amounts for fossil energy research programs

  FY06—$583 million
  FY07—$611 million
  FY08—$626 million
  FY09—$641 million
  FY10—$657 million
- From the above amounts, allocates the following:
- **Carbon Dioxide Capture Research and Development:** FY06 $20 million, FY07 $25 million, FY08 $30 million, FY09 $35 million, and FY10 $40 million
- **Ultra-Deepwater**: Establishes the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund in the Treasury to collect revenue from offshore

oil and gas leases, with funds used to award grants for ultra-deepwater natural gas and other petroleum activities and unconventional natural gas and other petroleum resource activities. Funds collected from leases could be spent without any additional action from Congress (up to $2 billion over ten years).

Title X—Department of Energy Management

- **New Assistant Secretary**: Creates an additional Assistant Secretary position to enable improved management of nuclear energy issues.
- **Royalties**: Provides that royalties payable to the United States under an oil or gas lease shall, upon demand of the Secretary of the Interior, be paid in oil or gas. The Secretary of the Interior may sell or otherwise dispose of any royalty production taken in-kind (other than oil or gas transferred under the Outer Continental Shelf Lands Act) for not less than the market price (including disposal or sale to other federal agencies). The Federal Government would be able to transport or sell such oil or gas or use it to bolster the Strategic Petroleum Reserve (authorized under Title III in the bill from the 108th Congress).

Title XII—Electricity

- **Electric Reliability**: Allows FERC to certify an Electric Reliability Organization (ERO) to provide for an "adequate" level of reliability of the bulk-power system (facilities and control systems necessary for operating an interconnected electric energy transmission network or any portion thereof). The ERO would set enforceable reliability standards and file them with FERC. The bill authorizes $500 million over fiscal years 2006 through 2015 for all activities involving the ERO.
- **Interstate Electrical Transmission Facilities and Siting**:
  - Requires the Secretary of Energy to regularly monitor areas experiencing electric energy transmission congestion and designate them as interstate congestion areas.
  - Permits the Federal Energy Regulatory Commission (FERC) to issue permits for the construction or modification of electric transmission facilities in interstate congestion areas, provided that the state where the construction is to occur either does not have the authority to approve the siting of the facilities or the state has withheld or unreasonably set conditions for approval of the siting.
  - Authorizes states to enter into interstate compacts establishing regional transmission siting agencies.
  - Permits the use of **eminent domain** by FERC in order to site facilities on private lands ("just compensation" would be required for the private property holders).
  - Includes expedited procedures for the authorization of the siting of facilities on federal lands under which the Department of Energy may be the lead agency for approving the siting.
  - **Electric Transmission and Distribution Program**: Establishes a new program to develop a multi-year, comprehensive strategy to improve the nation's electricity transmission and distribution. The program will be run by a

new Office of Electric Transmission and Distribution. $140 million is authorized in appropriations over five years for the program.

- **Advanced Power System Technology Incentive Program**: Authorizes a new program to make incentive payments to owners or operators of advanced power system technologies (such as an advanced fuel cell, turbine, or hybrid power system to generate or store electric energy). The bill authorizes $80 million over the next eight years.
- **Open Access**: Authorizes FERC to require an unregulated transmitting utility to provide transmission services at its normal rates, subject to certain exceptions.
- **RTOs**: Expresses a sense of Congress that all transmitting utilities in interstate commerce voluntarily become members of independently administered regional transmission organizations that have operational control of interstate transmission facilities and do not own or control generation facilities used to supply electric energy at wholesale.

- **Public Utility Holding Companies**: Repeals the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) and implements new provisions for public utility holding companies (PUHC). For example, each PUHC and its associate and affiliate companies would have to make its books and records regarding utility rates accessible to FERC and to state regulators. FERC would retain its right to oversee utility rates.
- **Time-Based Metering**: Requires each electric utility to (at the request of an electric consumer) provide electric service under a time-based rate schedule, under which electric rates vary according to changes in the utility's wholesale power cost.
- **Net Metering**: Requires each electric utility to provide (at the request of an electric consumer) net metering service, whereby the consumer can generate electric energy from an on-site generator, deliver it to the local distribution facility, and offset the electrical energy provided by the utility.
- **Removing Cogeneration Requirements**: Terminates under certain circumstances the requirement for electric utilities to purchase electric energy from or sell electric energy to a small power production or "cogeneration" facility.
- **Market Transparency**: Directs FERC to establish an electronic information system to provide public access (subject to certain exceptions) to information about the availability and market price of sales of electric energy at wholesale and about the transmission of electric energy to FERC, state commissions, wholesale buyers and sellers, users of transmission services, and the public.
- **Round-Trip Trading**: Prohibits electricity transactions that are designed to distort reported revenues, trading volumes, or prices.
- **Consumer Privacy**: Directs the Federal Trade Commission (FTC) to issue rules protecting the privacy of electricity consumers from the disclosure of consumer information obtained in connection with an electricity sale or delivery.
- **Mergers Accountability**: Initiates a review of which federal agencies should be responsible for overseeing the mergers of electric utilities.
- **Slamming**: Directs the FTC to issue rules prohibiting the change of selection of an electric utility without the informed consent of the consumer or appropriate state regulatory authority.

- **Cramming**: Directs the FTC to issue rules prohibiting the sale of anything to an electricity consumer without his or the law's express authorization.

Title XIII—Energy Tax Incentives

For more information on any of the specific tax provisions listed below, please see the document published by the Joint Committee on Taxation at http://www.house.gov/jct/x-15-05.pdf.

- **Energy Infrastructure Tax Incentives:**
  - **Natural Gas Gathering Pipelines –** Treats such pipelines as 7-year property.
  - **Natural Gas Distribution Pipelines –** Treats such pipelines as 15-year property.
  - **Electric Transmission Property** – Treats such assets as 15-year property.
  - **Atmospheric Pollution Control Facilities –** Broadens the ability to recover the cost of such facilities over a five year period by repealing the requirement that such facilities be in operation prior to 1976.
  - **Non-Conventional Source Credit –** Extends and modifies the current credit from producing fuel from a non-conventional source (such as landfill gas).
  - **Nuclear Decommissioning Costs** – Modifies the tax treatment of contributions to funds for nuclear power plant decommissioning costs.
  - **Tax-Exempt Bond Rules for Prepayment of Natural Gas** – Exempts certain prepayments for natural gas from tax-exempt bond arbitrage rules.
  - **Oil Depletion Deduction** – Expands the number of refineries excluded from the oil depletion deduction.
  - **Cost**: $6.14 billion over ten years.

- **Miscellaneous Energy Tax Incentives:**
  - **Residential Energy Efficient Property Credit** – Provides 15% non-refundable tax credit (up to $2,000) for the purchase of residential solar water heating property and photovoltaic cells that is used for purposes *other than* heating swimming pools and hot tubs.
  - **Business Fuel Cell Investment Credit** – Provides a 15% non-refundable tax credit for the purchase of a fuel cell power plant (converts a fuel into electricity) for businesses (terminated on December 31, 2007).
  - **Diesel Mixtures** – Offers reduced tax rate on certain mixtures of diesel fuel.
  - **Amortizations** – Allows rental payments related to oil and gas wells and of geological and geophysical expenditures to be amortized.
  - **Lean-Burn Technology Motor Vehicle Credit –** Provides a credit for the purchase of new advanced lean-burn technology diesel motor vehicle. The size of the credit ranges from $500 to $3,000 based upon the fuel economy of the vehicle.
  - **Improvements to Existing Homes** – Provides a 20% non-refundable tax credit (up to $2,000) per home for energy efficiency improvements to existing homes (terminated on December 31, 2007).
  - **Cost**: $1.67 billion over ten years.

- **AMT Relief Provisions:**
  - Allows certain business and non-business energy credits against the Alternative Minimum Tax (AMT).
  - **Cost:** $82 million over ten years.

NOTE: The cost of the bill's tax incentives totals $7.9 billion over ten years.

Title XIV—Miscellaneous

- **Oxygen-Fuel Program**: Establishes a new program on oxygen-fuel systems, and authorizes the following amounts:
  FY06—$100 million
  FY07—$100 million
  FY08—$100 million
- **Carbon-Based Fuel Cell Development**: Authorizes the Secretary to make a single grant to a qualified institution to design a coal-based fuel cell, and authorizes $850,000 for FY06 for this grant.

Title XV—Ethanol and Motor Fuels

- **Renewable Fuel Program**: Directs the EPA to promulgate regulations within a year ensuring that gasoline sold or dispensed to consumers in the U.S. contains the average annual applicable volume (as defined in the bill for each year) of renewable fuels (i.e. fuels derived from grains, starches, oilseeds, or other biomass). The annual applicable volume would reach five billion gallons in 2012. Such regulations would contain compliance provisions but would not restrict where renewable fuels can be used or impose any per-gallon obligation for the use of renewables. Incentives would be implemented to encourage the refining, blending, and importing of gasoline that contains more renewables than required. Sets rules for waivers of the renewable fuel requirements.

For more information on this provision, please see: http://www.heritage.org/Research/EnergyandEnvironment/wm713.cfm?renderforprint=1

- **Fuels Safe Harbor**: Prevents fuels containing methyl tertiary butyl ether (MTBE) or other renewable fuels from being deemed defective merely because they contain MTBE. Does not waive liability for actual environmental violations.
- **MTBE Conversion:** Authorizes $2.0 billion over fiscal years 2005 through 2012 for grants to merchant producers of MTBE in the U.S. to assist the producers in converting production facilities to the production of iso-octane and alkylates.
- **MTBE Prohibition**: Prohibits the use of MTBE in motor vehicle fuel in any state beginning in 2015, unless a state informs the federal government that it is allowing the use of MTBE within its borders.
- **MTBE Contamination:** Authorizes expenditures from the Leaking Underground Storage Trust Fund for the EPA to undertake actions related to MTBE contamination resulting from underground storage tanks. Requires the

promulgation of new regulations governing the training of people who daily operate and manage underground storage tanks.

- **Reformulated Gasoline**: Eliminates the oxygen content requirement for reformulated gasoline, but maintains the toxic air pollutant emissions reductions from reformulated gasoline.
- **Municipal Solid Waste**: Creates a new loan-guarantee program for the construction of facilities for the processing and conversion of municipal solid waste into fuel ethanol and other commercial byproducts. The bill authorizes "such sums as necessary" for the program.
- **Ethanol Production Facilities Grants**: Authorizes $750 million over three fiscal years for grants to build eligible production facilities for producing ethanol from cellulosic biomass and waste-derived feedstocks.
- **Boutique Fuels:** Allows the EPA to temporarily waive fuel additive requirements for up to 20 days in the event of supply disruption (such as result from a natural disaster or a pipeline failure). In addition, the bill caps the number of boutique fuels (or highly specialized fuels) that can be used in certain distribution regions.

Title XVI—Studies

- Initiates various studies, including:
  - Inventory of petroleum and natural gas storage
  - Energy efficiency standards
  - Telecommuting
  - Effectiveness of the Low-Income Home Energy Assistance Program (LIHEAP)
  - Oil bypass filtration technology
  - Total integrated thermal systems
  - Promoting collaborations between large and small universities on federal energy projects
  - Effects of the exemption of electric cooperatives and government-owned utilities from FERC regulation on electricity reliability and consumer protection
  - Energy Integration with Latin America
  - Low-Income Gas Reservoir Study – Provides a $3 million grant to an organization of oil and gas producing States for an annual study of low-volume natural gas reservoirs.

Title XVII—Renewable Energy

- **Biomass Program:** Authorizes the Secretary of Agriculture and the Secretary of the Interior to make grants to any person that owns or operates a facility that uses biomass (such as trees, woody plants, brush, and wood chips) as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility. The Secretary may also make grants not to exceed $500,000 to persons (individual, community, tribe, small U.S. business, or non-profit) "to offset the cost of projects to develop or research opportunities to improve the use of, or add value to, biomass."

The bill authorizes $50 million per year for FY2006-2016 for these programs, and requires a report to Congress by 2010.

- **Environmental Review for Renewable Energy Projects**: Provides that renewable energy projects under the jurisdiction of a federal agency would not have to examine alternative locations or actions and would only have to analyze the environmental impact of the proposed action at the proposed location (and any impact of inaction).

Title XVIII—Geothermal Energy

- **Geothermal Development Leasing**: Opens public lands within the National Forest System to geothermal energy development leasing under a competitive bidding process. Allows fees for direct use of geothermal resources for purposes other than the commercial generation of electricity.
- **Geothermal Steam**: Amends the Geothermal Steam Act of 1970 (30 U.S.C. 1003) regarding competitive lease sales, low temperature geothermal resources (temp. of less than 195 degrees.), royalty rates and conditions, reimbursement for costs of environmental analyses, lease duration and work commitment requirements, and conversion of geothermal leases to mineral leases

Title XIX—Hydropower

- **Increased Hydroelectric Generation**: Directs the Secretaries of the Interior, of Energy, and of the Army to jointly study the potential for increasing electric power production capability at federally owned or operated water regulation, storage, and conveyance facilities.
- **Off-Peak Pumping**: Requires the Secretary of the Interior to shift as much water pumping at Bureau of Reclamation facilities as possible to off-peak hours to minimize the amount of electric power consumed for such pumping during peak hours, and stipulates that the Secretary must have consent of those contracted with the U.S. who use the water for irrigation and would be affected.

Title XX— Oil and Gas—Resources

- **Idled Wells on Federal Land**: Establishes a new program to remediate, reclaim, or close abandoned or idled oil and gas wells located on federal land. Authorizes $125 million over FY2006-FY2010.
- **Management of Federal Oil and Gas Leasing Program**: Directs the Secretary to develop a plan to ensure timely processing of oil and gas leases and applications, and improve lease enforcement. Authorizes $240 million over FY2006-FY2009.
- **Pilot Project to Improve Federal Permit Coordination**: Directs the Secretary of the Interior to establish a federal permit streamlining pilot program.
- **Domestic Offshore Energy Reinvestment Program**: Establishes a separate fund in the Treasury called the Secure Energy Reinvestment Fund with royalties collected from outer Continental Shelf revenue, and directs funds in excess of the following amounts to be deposited in this new fund, subject to appropriations:

  FY06—$7 billion

FY07—$7.1 billion
FY08—$7.3 billion
FY09—$6.9 billion
FY10—$7.2 billion
FY11—$7.25 billion
FY12—$8.125 billion
FY13—$8.1 billion
FY14—$9 billion
FY15—$7.5 billion

Title XXI—Coal

- **Coal Leases**: Limits fees and removes deadlines with respect to coal leases. Repeals the 160-acre limit for coal leases and amends current law with regard to the payment of advanced royalties under coal leases. Requires the Secretary to review public lands with coal resources and complete an inventory to be made public within two years.

Title XXII—Arctic Coastal Plain Domestic Energy

- **ANWR**: Allows for oil and gas leasing in the Arctic National Wildlife Refuge (ANWR) that would result in an "environmentally sound program for the exploration, development, and production" of the oil and gas in ANWR. The bill specifies terms on grants of leases, lease terms, and sales conditions.
- **Environmental Impacts**: The Secretary of the Interior, charged with overseeing the leasing (first lease required within 22 months of enactment), would have to ensure that the oil and gas activities (including transportation) would result in "no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment." The Secretary would have to prepare an environmental impact statement for the leasing proposal under this bill (plus one leasing-plan alternative) before proceeding with any lease contract.
  Leases authorized by this legislation would have to comply with all applicable provisions of federal and state environmental law and with other requirements outlined in the bill, such as:
  --limiting exploration to November 1 through May 1 each year;
  --designing safety and construction standards for pipelines and access roads that minimize the adverse effects on migratory species (such as caribou) and on the flow of surface water;
  --protecting wetlands "to the extent practicable;"
  --avoiding or reducing air traffic-related disturbance to fish and wildlife;
  --prohibiting general public access to pipelines and service roads;
  --avoiding significant adverse effects on subsistence hunting, fishing, and trapping; and
  --protecting cultural and archaeological resources.
- **Surface Coverage**: The maximum amount of surface coverage covered by production and support of lessee facilities could not exceed 2,000 acres.

- **State and Local Authority**: The bill specifies that nothing in this Act should be considered to expand or limit state or local regulatory authority.
- **Special Areas**: The Secretary of the Interior could designate up to 45,000 acres of "Special Areas" for oil and gas leasing, which require unique management and regulatory protection, pending consultation with state and local authorities, and must designate the 4,000-acre Sadlerochit Spring as a Special Area. No "Special Area" could encompass lands with "surface occupancy."
- **Public Input**: The public would be allowed input into siting plans and would be ensured reasonable access to public lands in ANWR for traditional uses.
- **Judicial Review**: Establishes expedited judicial review processes for complaints against the federal government regarding leases and lease applications in ANWR and limits the venue to the U.S. District Court of Appeals for the District of Columbia.
- **Leasing Revenues**: Fifty percent of the leasing revenues collected by the federal government (via the Secretary of the Interior) would go to Alaska (in semiannual payments), and the balance would go to the U.S. Treasury as miscellaneous receipts. Bonus payments received by the federal government under ANWR leases could be used for low-income home energy assistance.
- **Local Impact Aid**: Establishes the Coastal Plain Local Government Impact Aid Assistance Fund within the U.S. Treasury to help mitigate the potential effects of oil and gas exploration and development on local cultural values and municipal services. The Fund, which could never exceed $11 million, would be funded with revenues from lease rents and royalties. $5 million per fiscal year is authorized to the Interior Secretary to deposit in the Fund.

Title XXIII—Set America Free (SAFE)

- **New Commission**: Establishes the 16-member United States Commission on North American Energy Freedom to make recommendations for a coordinated and comprehensive North American energy policy that will achieve energy self-sufficiency by 2025 within North America (United States, Canada, and Mexico). Commissioners, appointed by the President, would have to be from all three countries. $10 million would be authorized for two years to fund the Commission.
- **Energy Freedom Policy**: The President would be directed to submit to Congress a statement of proposals to implement or respond to the Commission's recommendations.
- **Findings**: Contains 28 congressional findings related to the importance of the United States reducing its reliance on non-North-American oil.

Title XXV—Grand Canyon Hydrogen-Powered Transportation Demonstration

- **Demonstration Program**: Authorizes $1.2 million over three years for a demonstration program for hydrogen-based public transportation technology at Grand Canyon National Park.
- **Tribal Preference**: The establishment of the program would have to give preference to tribal entities.

Title XXVI—Additional Provisions

- **Waiving of Environmental Review**: The following activities of the Department of the Interior would not be subject to environmental review if the activity is conducted for exploring or developing a domestic federal energy source:
  --Geophysical exploration that does not require road building;
  --Individual surface disturbances of less than five acres;
  --Drilling an oil or gas well at a location or well pad site at which drilling has occurred previously;
  --Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to the National Environmental Policy Act of 1969 analyzed such drilling as a reasonably foreseeable activity;
  --Disposal of water produced from an oil or gas well, if the disposal is in compliance with a permit issued under the Federal Water Pollution Control Act;
  --Placement of a pipeline in an approved right-of-way corridor; and
  --Maintenance of a minor activity, other than any construction or major renovation of a building or facility.
- **Energy Efficiency in Federal Land Management**: Directs the Secretaries of the Interior, of Commerce, and of Agriculture, "to the extent practicable," to incorporate energy efficient technologies in public and administrative buildings and to use energy efficient motor vehicles associated with the management of the National Park System, the National Wildlife Refuge System, the National Forest System, the National Marine Sanctuaries System, and other public lands and resources managed by the Secretaries.

Additional Background: To see the RSC Legislative Bulletin on H.R. 6, the Energy Policy Act, as it first passed the House last year, go to this webpage: http://johnshadegg.house.gov/rsc/LB41003.pdf

Committee Action: The bill is a compilation of sections written and marked up primarily by the Committee on Energy and Commerce, but also by the Committees on Education and the Workforce, Financial Services, Agriculture, Resources, Science, Ways and Means, and Transportation and Infrastructure. The compiled bill was introduced in the House on April 18, 2005.

Administration Position: Although a Statement of Administration Policy (SAP) for H.R. 6 this year is not yet available, the opening sentence of the SAP for H.R. 6 in the last Congress was: "The Administration supports House passage of H.R. 6 and commends the House for its action in developing comprehensive and balanced national energy legislation that is largely consistent with the Administration's National Energy Policy."

To read more of last Congress' SAP, visit this webpage: http://www.whitehouse.gov/omb/legislative/sap/108-1/hr6sap-h.pdf

Cost to Taxpayers: In an April 19, 2005 letter from CBO to House Rules Committee Chairman David Dreier, CBO preliminarily estimates that H.R. 6 would increase mandatory spending by $196.0 million in FY2006 and reduce mandatory spending by a net $1.075 billion over the FY2006-FY2010 period. Furthermore, the Joint Committee on Taxation (JCT) estimates that H.R. 6 would increase revenues by $163.0 million in FY2005 and reduce revenues by a net $3.218 billion over the FY2005-FY2009 period. The JCT estimate assumes the bill will be enacted by July 1, 2005. CBO's estimate assumes enactment near the end of fiscal year 2005.

CBO is not likely to do an estimate of the costs that would be subject to the annual appropriations process (i.e. authorizations), but if appropriated, the programs in H.R. 6 would cost tens of billions of dollars over five years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill would create dozens of new programs and functions for the federal government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes. In an April 19, 2005 letter from CBO to House Rules Committee Chairman David Dreier, CBO reports the following:

> H.R. 6 contains numerous mandates as defined in the Unfunded Mandates Reform Act (UMRA) that would affect both intergovernmental and private-sector entities. Based on our review of the bill, CBO expects that the mandates (new requirements, limits on existing rights, and preemptions) contained in the bill's titles on motor fuels (title XV), nuclear energy (title VI), electricity (title XII) and energy efficiency (title I) would have the greatest impact on state and local governments and private-sector entities.
>
> CBO estimates that the cost of complying with intergovernmental mandates, in aggregate, could be significant and likely would exceed the threshold established in UMRA ($62 million in 2005, adjusted annually for inflation) at some point over the next five years…

Constitutional Authority: A committee report citing constitutional authority is unavailable.