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S. 2142

115TH CONGRESS 1ST SESSION

To amend the Energy Policy and Conservation Act to establish the CHP Technical Assistance Partnership Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2017

Mr. KING introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Energy Policy and Conservation Act to estab-lish the CHP Technical Assistance Partnership Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘CHP Support Act’’.

SEC. 2. CHP TECHNICAL ASSISTANCE PARTNERSHIP PROGRAM.

Section 375 of the Energy Policy and Conservation Act (42 U.S.C. 6345) is amended to read as follows:

"SEC. 375. CHP TECHNICAL ASSISTANCE PARTNERSHIP PROGRAM.

''(a) RENAMING.—

''(1) IN GENERAL.—The Clean Energy Application Centers of the Department of Energy are redesignated as the CHP Technical Assistance Partnership Program (referred to in this section as the 'Program').

''(2) PROGRAM DESCRIPTION.—The Program shall consist of—

''(A) the 7 regional CHP Technical Assistance Partnerships in existence on the date of enactment of the CHP Support Act;

''(B) such other regional CHP Technical Assistance Partnerships as the Secretary may establish; and

''(C) any supporting technical activities under the Technical Partnership Program of the Advanced Manufacturing Office.

''(3) REFERENCES.—Any reference in any law, rule, regulation, or publication to a Combined Heat and Power Application Center or a Clean Energy Application Center shall be deemed to be a reference to the Program.

''(b) CHP TECHNICAL ASSISTANCE PARTNERSHIP PROGRAM.—

''(1) IN GENERAL.—The Program shall—

''(A) operate programs to encourage deployment of combined heat and power (referred to in this subsection as 'CHP') technologies by

providing education and outreach to—

''(i) building, industrial, and electric and natural gas utility professionals;

''(ii) State and local policymakers; and

''(iii) other individuals and organizations with an interest in efficient energy use, local or opportunity fuel use, resiliency, or energy security, microgrids and district energy; and

''(B)provide project specific support to building and industrial professionals through economic and engineering assessments and advisory activities.

''(2) FUNDING FOR CERTAIN ACTIVITIES.—

''(A) IN GENERAL.—The Program shall make funds available to institutions of higher education, research centers, and other appropriate institutions to ensure the continued operations and effectiveness of the regional CHP Technical Assistance Partnerships.

''(B) USE OF FUNDS.—Funds made available under subparagraph (A) may be used—

''(i) to research, develop, and distribute informational materials relevant to manufacturers, commercial buildings, institutional facilities, and Federal sites, including continued support of the mission goals of the Department of Defense, on CHP and microgrid technologies, including continuation and updating of—

''(I) the CHP Technical Assistance Partnerships installation data-

base;

''(II) CHP technology potential analyses;

''(III) State CHP resource pages; and

''(IV) CHP Technical Assistance Partnerships websites;

''(ii) to research, develop, and conduct target market workshops, reports, seminars, internet programs, CHP resiliency resources, and other activities to provide education to end users, regulators, and

stakeholders in a manner that leads to the deployment of CHP technologies;

''(iii) to provide or coordinate onsite assessments for sites and enterprises that may consider deployment of CHP technology;

''(iv) to perform market research to identify high profile candidates for deployment of CHP technologies, hybrid renewable-CHP technologies, microgrids, and clean energy;

''(v) to provide nonbiased engineering support to sites considering deployment of CHP technologies;

''(vi) to assist organizations developing clean energy technologies and policies in overcoming barriers to deployment; and

''(vii) to assist companies and organizations with field validation and performance evaluations of CHP and other clean energy technologies implemented.

''(C) DURATION.—The Program shall make funds available under subparagraph (A) for a period of 5 years.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $12,000,000 for each of fiscal years 2018 through 2022.''

HR 8 – Secs. 1107 (utility resiliency plans) and 3115 (federal purchase requirement)

SEC. 1107. STATE COVERAGE AND CONSIDERATION OF PURPA STANDARDS FOR ELECTRIC UTILITIES.

(a) STATE CONSIDERATION OF RESILIENCY AND ADVANCED ENERGY ANALYTICS TECHNOLOGIES AND RELIABLE GENERATION.—

(1) CONSIDERATION.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding the following at the end:

"(20) IMPROVING THE RESILIENCE OF ELECTRIC INFRASTRUCTURE.—

"(A) IN GENERAL.—Each electric utility shall develop a plan to use resiliency-related technologies, upgrades, measures, and other approaches designed to improve the resilience of electric infrastructure, mitigate power outages, continue delivery of vital services, and maintain the flow of power to facilities critical to public health, safety, and welfare, to the extent practicable using the most current data, metrics, and frameworks related to current and future threats, including physical and cyber attacks, electromagnetic pulse attacks, geomagnetic disturbances, seismic events, and severe weather and other environmental stressors.

"(B) RESILIENCY-RELATED TECHNOLOGIES.—For purposes of this paragraph, examples of resiliency-related technologies, upgrades, measures, and other approaches include—

"(i) hardening, or other enhanced protection, of utility poles, wiring, cabling, and other distribution components, facilities, or structures;

"(ii) advanced grid technologies capable of isolating or repairing problems remotely, such as advanced metering infrastructure, high-tech sensors, grid monitoring and control systems, and remote reconfiguration and redundancy systems;

"(iii) cybersecurity products and components;

"(iv) distributed generation, including back-up generation to power critical facilities and essential services, and related integration components, such as advanced inverter technology;

"(v) microgrid systems, including hybrid microgrid systems for isolated communities;

"(vi) combined heat and power;

"(vii) waste heat resources;

“(viii) non-grid-scale energy storage technologies;

“(ix) wiring, cabling, and other distribution components, including submersible distribution components, and enclosures;

“(x) electronically controlled reclosers and similar technologies for power restoration, including emergency mobile substations, as defined in section 1105 of the North American Energy Security and Infrastructure Act of 2015;

“(xi) advanced energy analytics technology, such as Internet-based and cloud-based computing solutions and subscription licensing models;

“(xii) measures that enhance resilience through planning, preparation, response, and recovery activities;

“(xiii) operational capabilities to enhance resilience through rapid response recovery; and

“(xiv) measures to ensure availability of key critical components through contracts, cooperative agreements, stockpiling and prepositioning, or other measures.

“(C) RATE RECOVERY.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) shall consider authorizing each such electric utility to recover any capital, operating expenditure, or other costs of the electric utility related to the procurement, deployment, or use of resiliency-related technologies, including a reasonable rate of return on the capital expenditures of the electric utility for the procurement, deployment, or use of resiliency-related technologies.

“(21) PROMOTING INVESTMENTS IN ADVANCED ENERGY ANALYTICS TECHNOLOGY.—

“(A) IN GENERAL.—Each electric utility shall develop and implement a plan for deploying advanced energy analytics technology.

“(B) RATE RECOVERY.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) shall consider confirming and clarifying, if necessary, that each such electric utility is authorized to recover the costs of the electric utility relating to the procurement, deployment, or use of advanced energy analytics technology, including a reasonable rate of return on all such costs incurred by the electric utility for the procurement, deployment, or use of advanced energy analytics technology, provided such technology is used by the electric utility for purposes of realizing operational efficiencies, cost savings, enhanced energy management and customer engagement, improvements in system reliability, safety, and cybersecurity, or other benefits to ratepayers.

SEC. 3115. FEDERAL PURCHASE REQUIREMENT.

(a) DEFINITIONS.—Section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)) is amended by striking paragraph (2) and inserting the following:

"(2) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy, or thermal energy if resulting from a thermal energy project placed in service after December 31, 2014, generated from, or avoided by, solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste (in accordance with subsection (e)), qualified waste heat resource, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

"(3) QUALIFIED WASTE HEAT RESOURCE.—The term 'qualified waste heat resource' means—

"(A) exhaust heat or flared gas from any industrial process;

"(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

"(C) a pressure drop in any gas for an industrial or commercial process; or

"(D) such other forms of waste heat as the Secretary determines appropriate.".

(b) PAPER RECYCLING.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

"(e) PAPER RECYCLING.—

"(1) SEPARATE COLLECTION.—For purposes of this section, any Federal agency may consider electric energy generation purchased from a facility to be renewable energy if the municipal solid waste used by the facility to generate the electricity is—

"(A) separately collected (within the meaning of section 246.101(z) of title 40, Code of Federal Regulations, as in effect on the date of enactment of the North American Energy Security and Infrastructure Act of 2015) from paper that is commonly recycled; and

"(B) processed in a way that keeps paper that is commonly recycled segregated from non-recyclable solid waste.

"(2) INCIDENTAL INCLUSION.—Municipal solid waste used to generate electric energy that meets the conditions described in paragraph (1) shall be considered renewable energy even if the municipal solid waste contains incidental commonly recycled paper.

"(3) NO EFFECT ON EXISTING PROCESSES.—Nothing in paragraph (1) shall be interpreted to require a State or political subdivision of a State, directly or indirectly, to change the systems, processes, or equipment it uses to collect, treat, dispose of, or otherwise use municipal solid waste, within the meaning of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), nor require a change to the regulations that implement subtitle D of such Act (42 U.S.C. 6941 et seq.).".

115TH CONGRESS **H. R. 2479**
1ST SESSION

To rebuild and modernize the Nation's infrastructure to expand access to broadband internet, rehabilitate drinking water infrastructure, modernize the electric grid and energy supply infrastructure, redevelop brownfields, strengthen health care infrastructure, create jobs, protect public health and the environment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2017

Mr. PALLONE (for himself, Mr. RUSH, Ms. ESHOO, Mr. ENGEL, Mr. GENE GREEN of Texas, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. SCHAKOWSKY, Mr. BUTTERFIELD, Ms. CASTOR of Florida, Mr. SARBANES, Mr. MCNERNEY, Mr. WELCH, Mr. BEN RAY LUJA´N of New Mexico, Mr. TONKO, Ms. CLARKE of New York, Mr. LOEBSACK, Mr. CA´RDENAS, Mr. RUIZ, Mrs. DINGELL, Mr. KENNEDY, Ms. MATSUI, Ms. DEGETTE, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology, Transportation and Infrastructure, Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provi-sions as fall within the jurisdiction of the committee concerned

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A BILL

To rebuild and modernize the Nation's infrastructure to expand access to broadband internet, rehabilitate drinking water infrastructure, modernize the electric grid and energy supply infrastructure, redevelop brownfields, strengthen health care infrastructure, create jobs, protect public health and the environment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Leading Infrastructure for Tomorrow's America Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXPANSION OF BROADBAND ACCESS

Sec. 10001. Expansion of broadband access.

TITLE II—DRINKING WATER INFRASTRUCTURE

Subtitle A—AQUA Act

Sec. 21001. Short title.
Sec. 21002. Prevailing wages.
Sec. 21003. Use of funds.
Sec. 21004. Requirements for use of American materials.
Sec. 21005. Data on variances, exemptions, and persistent violations.
Sec. 21006. Assistance for restructuring.
Sec. 21007. Priority and weight of applications.
Sec. 21008. Disadvantaged communities.
Sec. 21009. Administration of State loan funds.
Sec. 21010. State revolving loan funds for American Samoa, Northern Mariana Islands, Guam, and the Virgin Islands.
Sec. 21011. Authorization of appropriations.
Sec. 21012. Affordability of new standards.
Sec. 21013. Focus on lifecycle costs.
Sec. 21014. Best practices for administration of State revolving loan fund pro-grams

Subtitle B—Reducing Lead in Drinking Water

Sec. 22001. Reducing lead in drinking water.
Sec. 22002. Drinking water fountain replacement for schools.
Sec. 22003. Aligning definitions of lead free.
Sec. 22004. Guidance for schools regarding lead in drinking water.

Sec. 22005. School lead pipe replacement program.
Sec. 22006. School remedial action program.

Subtitle C—Climate Resiliency, Security, and Source Water Protection Planning

Sec. 23001. Climate resiliency, security, and source water protection planning.

TITLE III—CLEAN ENERGY INFRASTRUCTURE

Subtitle A—Grid Security And Modernization
PART 1—ENHANCING ELECTRIC INFRASTRUCTURE RESILIENCE, RELIABILITY, AND ENERGY SECURITY

Sec. 31101. Program to enhance electric infrastructure resilience, reliability, and energy security.
PART 2—21ST CENTURY POWER GRID

Sec. 31201. Technology demonstration on the distribution system.
PART 3—ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM

Sec. 31301. Energy Efficient Transformer Rebate Program.
PART 4—STRATEGIC TRANSFORMER RESERVE PROGRAM

Sec. 31401. Strategic Transformer Reserve Program.
Subtitle B—Energy Efficient Infrastructure
PART 1—HOME OWNER MANAGING ENERGY SAVINGS

Sec. 32101. Short title.
Sec. 32102. Definitions.
Sec. 32103. Home Energy Savings Retrofit Rebate Program.
Sec. 32104. Contractors.
Sec. 32105. Rebate aggregators.
Sec. 32106. Quality assurance providers.
Sec. 32107. Transferability of home energy savings rebate.
Sec. 32108. Home Energy Savings Retrofit Rebate Program.
Sec. 32109. Grants to States and Indian Tribes.
Sec. 32110. Quality assurance program.
Sec. 32111. Evaluation report to Congress.
Sec. 32112. Administration.
Sec. 32113. Treatment of rebates.
Sec. 32114. Penalties.
Sec. 32115. Funding.
Sec. 32116. Pilot program.
PART 2—SMART BUILDING ACCELERATION

Sec. 32201. Short title.
Sec. 32202. Findings.
Sec. 32203. Definitions.
Sec. 32204. Survey of private sector smart buildings.
Sec. 32205. Federal smart building program.
Sec. 32206. Leveraging existing programs.
Sec. 32207. Report.
PART 3—WEATHERIZATION ASSISTANCE AND STATE ENERGY PROGRAMS

Sec. 32301. Weatherization assistance and State energy programs.
PART 4—SMART ENERGY AND WATER EFFICIENCY

Sec. 32401. Short title.
Sec. 32402. Smart energy and water efficiency pilot program.
PART 5—DIESEL EMISSIONS REDUCTION

Sec. 32501. Short title.
Sec. 32502. Reauthorization of diesel emissions reduction program.

PART 6—ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES

Sec. 32601. Grants for energy efficiency improvements and renewable energy improvements at public school facilities.

Subtitle C—Energy Supply Infrastructure
PART 1—LOW-INCOME SOLAR

Sec. 33101. Short title.
Sec. 33102. Loan and grant program for solar installations in low-income and underserved areas.

PART 2—SAFE, AFFORDABLE, AND ENVIRONMENTALLY SOUND NATURAL GAS DISTRIBUTION

Sec. 33201. Improving the natural gas distribution system.

PART 3—CLEAN DISTRIBUTED ENERGY PROGRAM

Sec. 33301. Short title.
Sec. 33302. Definitions.
Sec. 33303. Distributed energy loan program.
Sec. 33304. Technical assistance and grant program.

PART 4—STRATEGIC PETROLEUM RESERVE IMPROVEMENTS

Sec. 33401. Strategic Petroleum Reserve improvements.

PART 5—SOUTHEAST REFINED PRODUCT RESERVE

Sec. 33501. Southeast Refined Product Reserve.

Subtitle D—Smart Communities Infrastructure

Sec. 34001. 3C Energy Program.
Sec. 34002. Federal technology assistance.
Sec. 34003. Technology demonstration grant program.
Sec. 34004. Smart city or community.

TITLE IV—BROWNFIELDS REDEVELOPMENT

Sec. 40001. Short title.
Sec. 40002. Clarification of State or local government ownership.
Sec. 40003. Nonprofit organization eligibility.
Sec. 40004. Increased funding limit for direct remediation.
Sec. 40005. Indirect costs.
Sec. 40006. Eligibility for funding for brownfield sites acquired prior to January 11, 2002.
Sec. 40007. Multi-purpose brownfield grants.
Sec. 40008. Program for sustainable reuse and alternative energy on brownfield sites.
Sec. 40009. Staff for small, disadvantaged, or rural communities.
Sec. 40010. Small community technical assistance grants.
Sec. 40011. Authorization of appropriations.
Sec. 40012. State response programs.

TITLE V—HEALTHCARE INFRASTRUCTURE
Subtitle A—Hospital Infrastructure

Sec. 51001. Hospital infrastructure.

Subtitle B—Indian Health Program Health Care Infrastructure

Sec. 52001. 21st Century Indian health program hospitals and outpatient health care facilities.

Subtitle C—Laboratory Infrastructure

Sec. 53001. Pilot program to improve laboratory infrastructure.

Subtitle D—Community-Based Care Infrastructure

Sec. 54001. Pilot program to improve community-based care infrastructure.

Title III – Clean Energy Infrastructure

Subtitle A – Grid Security and Modernization

Part 1 – Enhancing Electric Infrastructure Resilience, Reliability, and Energy Security

SEC. 31101. PROGRAM TO ENHANCE ELECTRIC INFRASTRUCTURE RESILIENCE, RELIABILITY, AND ENERGY SECURITY.

(a) PROGRAM.—The Secretary of Energy shall establish a competitive grant program to provide grants to States, units of local government, and Indian tribe economic development entities to enhance energy security through measures for electricity delivery infrastructure hardening and enhanced resilience and reliability.

(b) PURPOSE OF GRANTS.—The Secretary of Energy may make grants on a competitive basis to enable broader use of resiliency-related technologies, upgrades, and institutional measures and practices designed to—

(1) improve the resilience, reliability, and security of electricity delivery infrastructure;

(2) improve preparedness and restoration time to mitigate power disturbances resulting from physical and cyber attacks, electromagnetic pulse attacks,

geomagnetic disturbances, seismic events, severe weather, and climate change;

(3) continue delivery of power to facilities critical to public health, safety, and welfare, including

hospitals, assisted living facilities, and schools;

(4) continue delivery of power to electricity-dependent essential services, including fueling stations and pumps, wastewater and sewage treatment facilities, gas pipeline infrastructure, communications systems, transportation services and systems, and services provided by emergency first responders;

(5) enhance regional grid resilience and the resilience of electricity-dependent regional infrastructure; and

(6) facilitate greater incorporation of renewable energy generation into the electric grid.

(c) EXAMPLES.—Resiliency-related technologies, upgrades, and measures with respect to which grants may be made under this section include—

(1) hardening or enhanced protection of utility poles, wiring, cabling, and other distribution components, facilities, or structures;

(2) advanced grid technologies capable of isolating or repairing problems remotely, such as advanced metering infrastructure, high-tech sensors,

grid monitoring and control systems, and remote re-configuration and redundancy systems;

(3) cybersecurity products and components;

(4) distributed generation, including back-up generation to power critical facilities and essential services, and related integration components, such as advanced inverter technology;

(5) microgrid systems, including hybrid microgrid systems for isolated communities;

(6) combined heat and power;

(7) waste heat resources;

(8) non-grid-scale energy storage technologies;

(9) electronically controlled reclosers and similar technologies for power restoration;

(10) advanced energy analytics technology, such as internet-based and cloud-based computing solutions and subscription licensing models;

(11) efforts that enhance resilience through planning, preparation, response, and recovery activities;

(12) operational capabilities to enhance resilience through rapid response recovery; and

(13) efforts to ensure availability of key critical components through contracts, cooperative agree-

ments, stockpiling and prepositioning, or other measures.

(d) IMPLEMENTATION.—Specific projects or programs established, or to be established, pursuant to grants provided under this section shall be implemented through grant recipients by public and publicly regulated entities on a cost-shared basis.

(e) COOPERATION.—In carrying out projects or programs established, or to be established, pursuant to grants provided under this section, recipients shall cooperate, as applicable, with—

(1) State public utility commissions;

(2) State energy offices;

(3) electric infrastructure owners and operators; and

(4) other entities responsible for maintaining electric reliability.

(f) DATA AND METRICS.—

(1) IN GENERAL.—To the extent practicable, grant recipients shall utilize the most current data, metrics, and frameworks related to—

(A) electricity delivery infrastructure hardening and enhancing resilience and reliability; and

(B) current and future threats, including physical and cyber attacks, electromagnetic pulse, geomagnetic disturbances, seismic events, severe weather, and climate change.

(2) METRICS.—Grant recipients shall demonstrate to the Secretary of Energy, with measurable and verifiable data, how the deployment of resiliency-related technologies, upgrades, and measures achieve improvements in the resiliency and recovery of electricity delivery infrastructure and related services, including a comparison of data collected before and after deployment. Metrics for demonstrating improvements in resiliency and recovery may include—

(A) power quality during power disturbances when delivered power does not meet power quality requirements of the customer;

(B) duration of customer interruptions;

(C) number of customers impacted;

(D) cost impacts, including business and other economic losses;

(E) impacts on electricity-dependent essential services and critical facilities; and

(F) societal impacts.

(3) FURTHERING ENERGY ASSURANCE PLANS.—Grant recipients shall demonstrate to the

Secretary of Energy how projects or programs established, or to be established, pursuant to grants provided under this section further applicable State and local energy assurance plans.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $515,000,000 for each of fiscal years 2018 through 2022, of which not more than $15,000,000 per fiscal year may be used for administrative expenses.

PART 2—21ST CENTURY POWER GRID

SEC. 31201. TECHNOLOGY DEMONSTRATION ON THE DISTRIBUTION SYSTEM.

(a) IN GENERAL.—The Secretary of Energy shall establish a financial assistance program to carry out eligible projects related to the modernization of the electric grid, including the application of technologies to improve observability, advanced controls, and prediction of system performance on the distribution system and related transmission system interdependencies.

(b) ELIGIBLE PROJECTS.—To be eligible for financial assistance under subsection (a), a project shall—

(1) be designed to—

(A) improve the performance and efficiency of the future electric grid, while ensuring the

continued provision of safe, secure, reliable, and affordable power; and

(B) provide new options for customer-owned resources;

(2) demonstrate—

(A) secure integration and management of energy resources, including distributed energy generation, combined heat and power, micro-grids, energy storage, electric vehicles, energy efficiency, demand response, and intelligent loads; and

(B) secure integration and interoperability of communications and information tech-nologies; and

(3) include the participation of a partnership consisting of two or more entities that—

(A) may include—

(i) any institution of higher education;

(ii) a national laboratory;

(iii) a representative of a State or local government;

(iv) a representative of an Indian tribe; or

(v) a Federal power marketing admin-istration; and

(B) shall include at least one of any of—

(i) an investor-owned electric utility;

(ii) a publicly owned electric utility;

(iii) a technology provider;

(iv) a rural electric cooperative;

(v) a regional transmission organization; or

(vi) an independent system operator.

(c) CYBERSECURITY PLAN.—Each eligible project carried out pursuant to subsection (a) shall include the development of a cybersecurity plan written in accordance with guidelines developed by the Secretary.

(d) PRIVACY RISK ANALYSIS.—Each eligible project carried out pursuant to subsection (a) shall include a privacy impact assessment that evaluates the project against the 5 core concepts in the Voluntary Code of Conduct of the Department of Energy, commonly known as the ''DataGuard Energy Data Privacy Program'', or the most recent revisions to the privacy program of the Department.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $200,000,000 for each of fiscal years 2018 through 2022, to remain available until expended.

PART 3—ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM

SEC. 31301. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED ENERGY EFFICIENT TRANSFORMER.—Theterm ‘‘qualified energy efficient transformer’’ means a transformer that meets or exceeds the applicable energy conservation standards described in the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) QUALIFIED ENERGY INEFFICIENT TRANSFORMER.—The term ‘‘qualified energy inefficient transformer’’ means a transformer with an equal number of phases and capacity to a transformer described in any of the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act) that—

(A) does not meet or exceed the applicable energy conservation standards described in paragraph (1); and

(B)(i) was manufactured between January 1, 1985, and December 31, 2006, for a transformer with an equal number of phases and capacity as a transformer described in the table in subsection (b)(2) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

(ii) was manufactured between January 1, 1990, and December 31, 2009, for a transformer with an equal number of phases and capacity as a transformer described in the table in paragraph (1) or (2) of subsection (c) of that section (as in effect on the date of enactment of this Act).

(3) QUALIFIED ENTITY.—The term ''qualified entity'' means an owner of industrial or manufacturing facilities, commercial buildings, or multifamily residential buildings, a utility, or an energy service company, that fulfills the requirements of subsection (c).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall establish a program to provide rebates to qualified entities for expenditures made by the qualified entity for

the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.

(c) REQUIREMENTS.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary of Energy an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence—

(1) that the entity purchased a qualified energy efficient transformer;

(2) of the core loss value of the qualified energy efficient transformer;

(3) of the age of the qualified energy inefficient transformer being replaced;

(4) of the core loss value of the qualified energy inefficient transformer being replaced—

(A) as measured by a qualified professional or verified by the equipment manufacturer, as applicable; or

(B) for transformers described in subsection (a)(2)(B)(i), as selected from a table of default values as determined by the Secretary in consultation with applicable industry; and

(5) that the qualified energy inefficient transformer has been permanently decommissioned and scrapped.

(d) AUTHORIZED AMOUNT OF REBATE.—The amount of a rebate provided under this section shall be—

(1) for a 3-phase or single-phase transformer with a capacity of not less than 10 and not greater than 2,500 kilovolt-amperes, twice the amount equal to the difference in watts between the core loss value (as measured in accordance with paragraphs (2) and (4) of subsection (c)) of—

(A) the qualified energy inefficient transformer; and

(B) the qualified energy efficient transformer; or

(2) for a transformer described in subsection (a)(2)(B)(i), the amount determined using a table of default rebate values by rated transformer output, as measured in kilovolt-amperes, as determined by the Secretary in consultation with applicable industry.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2018 through 2022, to remain available until expended.

PART 3—CLEAN DISTRIBUTED ENERGY PROGRAM

SEC. 33301. SHORT TITLE.

This part may be cited as the ''Local Energy Supply and Resiliency Act of 2017''.

SEC. 33302. DEFINITIONS.

In this part:

(1) COMBINED HEAT AND POWER SYSTEM.—The term ''combined heat and power system'' means generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

(2) DEMAND RESPONSE.—The term ''demand response'' means changes in electric usage by electric utility customers from the normal consumption patterns of the customers in response to—

(A) changes in the price of electricity over time; or

(B) incentive payments designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized.

(3) DISTRIBUTED ENERGY.—The term ''distributed energy'' means energy sources and systems that—

(A) produce electric or thermal energy close to the point of use using renewable energy resources or waste thermal energy;

(B) generate electricity using a combined heat and power system;

(C) distribute electricity in microgrids;

(D) store electric or thermal energy; or

(E) distribute thermal energy or transfer thermal energy to building heating and cooling systems through a district energy system.

(4) DISTRICT ENERGY SYSTEM.—The term ''district energy system'' means a system that provides thermal energy to buildings and other energy consumers from one or more plants to individual buildings to provide space heating, air conditioning,

domestic hot water, industrial process energy, and other end uses.

(5) ISLANDING.—The term ''islanding'' means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source.

(6) LOAN.—The term ''loan'' has the meaning given the term ''direct loan'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) MICROGRID.—The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources, including generators and energy storage devices, with-

in clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the grid; and

(B) can connect and disconnect from the grid to operate in both grid-connected mode and island mode.

(8) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' includes—

(A) biomass;

(B) geothermal energy;

(C) hydropower;

(D) landfill gas;

(E) municipal solid waste;

(F) ocean (including tidal, wave, current, and thermal) energy;

(G) organic waste;

(H) photosynthetic processes;

(I) photovoltaic energy;

(J) solar energy; and

(K) wind.

(9) RENEWABLE THERMAL ENERGY.—The term ''renewable thermal energy'' means heating or cooling energy derived from a renewable energy resource.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(11) THERMAL ENERGY.—The term ''thermal energy'' means—

(A) heating energy in the form of hot

water or steam that is used to provide space heating, domestic hot water, or process heat; or

(B) cooling energy in the form of chilled water, ice, or other media that is used to provide air conditioning, or process cooling.

(12) WASTE THERMAL ENERGY.—The term ''waste thermal energy'' means energy that—

(A) is contained in—

(i) exhaust gases, exhaust steam, condenser water, jacket cooling heat, or lubricating oil in power generation systems;

(ii) exhaust heat, hot liquids, or flared gas from any industrial process;

(iii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

(iv) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat;

(v) condenser water from chilled water or refrigeration plants; or

(vi) any other form of waste energy, as determined by the Secretary; and

(B)(i) in the case of an existing facility, is not being used; or

(ii) in the case of a new facility, is not conventionally used in comparable systems.

SEC. 33303. DISTRIBUTED ENERGY LOAN PROGRAM.

(a) LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the provisions of this subsection and subsections (b) and (c), the Secretary shall establish a program to provide to eligible entities—

(A) loans for the deployment of distributed energy systems in a specific project; and

(B) loans to provide funding for programs to finance the deployment of multiple distributed energy systems through a revolving loan fund, credit enhancement program, or other financial assistance program.

(2) ELIGIBILITY.—Entities eligible to receive a loan under paragraph (1) include—

(A) a State, territory, or possession of the United States;

(B) a State energy office;

(C) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(D) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

(E) an electric utility, including—

(i) a rural electric cooperative;

(ii) a municipally owned electric utility; and

(iii) an investor-owned utility.

(3) SELECTION REQUIREMENTS.—In selecting eligible entities to receive loans under this section,

the Secretary shall, to the maximum extent practicable, ensure—

(A) regional diversity among eligible entities to receive loans under this section, including participation by rural States and small States; and

(B) that specific projects selected for loans—

(i) expand on the existing technology deployment program of the Department of Energy; and

(ii) are designed to achieve one or more of the objectives described in paragraph (4).

(4) OBJECTIVES.—Each deployment selected for a loan under paragraph (1) shall promote one or more of the following objectives:

(A) Improved security and resiliency of energy supply in the event of disruptions caused by extreme weather events, grid equipment or software failure, or terrorist acts.

(B) Implementation of distributed energy in order to increase use of local renewable energy resources and waste thermal energy sources.

(C) Enhanced feasibility of microgrids, demand response, or islanding.

(D) Enhanced management of peak loads for consumers and the grid.

(E) Enhanced reliability in rural areas, including high energy cost rural areas.

(5) RESTRICTION ON USE OF FUNDS.—Any eligible entity that receives a loan under paragraph (1) may only use the loan to fund programs relating to the deployment of distributed energy systems.

(b) LOAN TERMS AND CONDITIONS.—

(1) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, in providing a loan under this section, the Secretary shall provide the loan on such terms and conditions as the Secretary determines, after consultation with the Secretary of the Treasury, in accordance with this section.

(2) SPECIFIC APPROPRIATION.—No loan shall be made unless an appropriation for the full amount of the loan has been specifically provided for that purpose.

(3) REPAYMENT.—No loan shall be made unless the Secretary determines that there is reasonable prospect of repayment of the principal and interest by the borrower of the loan.

(4) INTEREST RATE.—A loan provided under

this section shall bear interest at a fixed rate that is equal or approximately equal, in the determination of the Secretary, to the interest rate for Treasury securities of comparable maturity.

(5) TERM.—The term of the loan shall require full repayment over a period not to exceed the lesser of—

(A) 20 years; or

(B) 90 percent of the projected useful life of the physical asset to be financed by the loan (as determined by the Secretary).

(6) USE OF PAYMENTS.—Payments of principal and interest on the loan shall—

(A) be retained by the Secretary to support energy research and development activities; and

(B) remain available until expended, subject to such conditions as are contained in annual appropriations Acts.

(7) NO PENALTY ON EARLY REPAYMENT.—The Secretary may not assess any penalty for early repayment of a loan provided under this section.

(8) RETURN OF UNUSED PORTION.—In order to receive a loan under this section, an eligible entity shall agree to return to the general fund of the

Treasury any portion of the loan amount that is unused by the eligible entity within a reasonable period of time after the date of the disbursement of the loan, as determined by the Secretary.

(9) COMPARABLE WAGE RATES.—Each laborer

and mechanic employed by a contractor or subcontractor in performance of construction work financed, in whole or in part, by the loan shall be paid wages at rates not less than the rates prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(c) RULES AND PROCEDURES; DISBURSEMENT OF LOANS.—

(1) RULES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for carrying out the loan program under subsection (a).

(2) DISBURSEMENT OF LOANS.—Not later than 1 year after the date on which the rules and procedures under paragraph (1) are established, the Secretary shall disburse the initial loans provided under this section.

(d) REPORTS.—Not later than 2 years after the date of receipt of the loan, and annually thereafter for the term of the loan, an eligible entity that receives a loan under this section shall submit to the Secretary a report describing the performance of each program and activity carried out using the loan, including itemized loan performance data.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section

such sums as are necessary.

SEC. 33304. TECHNICAL ASSISTANCE AND GRANT PRO-GRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a technical assistance and grant program (referred to in this section as the ''program'')—

(A) to disseminate information and provide technical assistance directly to eligible entities so the eligible entities can identify, evaluate, plan, and design distributed energy systems; and

(B) to make grants to eligible entities so that the eligible entities may contract to obtain technical assistance to identify, evaluate, plan, and design distributed energy systems.

(2) TECHNICAL ASSISTANCE.—The technical assistance described in paragraph (1) shall include assistance with one or more of the following activities relating to distributed energy systems:

(A) Identification of opportunities to use distributed energy systems.

(B) Assessment of technical and economic characteristics.

(C) Utility interconnection.

(D) Permitting and siting issues.

(E) Business planning and financial analysis.

(F) Engineering design.

(3) INFORMATION DISSEMINATION.—The information disseminated under paragraph (1)(A) shall include—

(A) information relating to the topics described in paragraph (2), including case studies of successful examples;

(B) computer software and databases for assessment, design, and operation and maintenance of distributed energy systems; and

(C) public databases that track the operation and deployment of existing and planned distributed energy systems.

(b) ELIGIBILITY.—Any nonprofit or for-profit entity shall be eligible to receive technical assistance and grants under the program.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring technical assistance or grants under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) APPLICATION PROCESS.—The Secretary shall seek applications for technical assistance and grants under the program—

(A) on a competitive basis; and

(B) on a periodic basis, but not less frequently than once every 12 months.

(3) PRIORITIES.—In selecting eligible entities for technical assistance and grants under the program, the Secretary shall give priority to eligible entities with projects that have the greatest potential for—

(A) facilitating the use of renewable energy resources;

(B) strengthening the reliability and resiliency of energy infrastructure to the impact of

extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(C) improving the feasibility of microgrids or islanding, particularly in rural areas, including high energy cost rural areas;

(D) minimizing environmental impact, including regulated air pollutants and greenhouse gas emissions; and

(E) maximizing local job creation.

(d) GRANTS.—On application by an eligible entity, the Secretary may award grants to the eligible entity to provide funds to cover not more than—

(1) 100 percent of the costs of the initial assessment to identify opportunities;

(2) 75 percent of the cost of feasibility studies to assess the potential for the implementation;

(3) 60 percent of the cost of guidance on overcoming barriers to implementation, including finan-

cial, contracting, siting, and permitting issues; and

(4) 45 percent of the cost of detailed engineering.

(e) RULES AND PROCEDURES.—

(1) RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall

adopt rules and procedures for carrying out the program.

(2) GRANTS.—Not later than 120 days after the date of issuance of the rules and procedures for the program, the Secretary shall issue grants under this part.

(f) REPORTS.—The Secretary shall submit to Congress and make available to the public—

(1) not less frequently than once every 2 years, a report describing the performance of the program under this section, including a synthesis and analysis of the information provided in the reports submitted to the Secretary under section 33303(d); and

(2) on termination of the program under this section, an assessment of the success of, and education provided by, the measures carried out by eligible entities during the term of the program.

(g)AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for the period of fiscal years 2018 through 2022, to remain available until expended.

115TH CONGRESS
1ST SESSION

H. R. 4118

To amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2017

Mr. POE of Texas (for himself, Mr. AMODEI, Mr. MCNERNEY, Mr. WELCH, Mr. BLUMENAUER, Mr. THOMPSON of California, and Mr. GOSAR) intro-duced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Master Limited Partnerships Parity Act''.

SEC. 2. EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS, TRANSPORTATION FUELS, AND RELATED ENERGY ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''income and gains derived from the exploration'' and inserting ''income and gains derived from the following:

''(i)MINERALS,NATURALRESOURCES, ETC.—The exploration'';

(2) by inserting ''or'' before ''industrial source'';

(3) by inserting a period after ''carbon dioxide''; and

(4) by striking '', or the transportation or storage'' and all that follows and inserting the following:

''(ii) RENEWABLE ENERGY.—The generation of electric power (including the leasing of tangible personal property used for such generation) exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48 (determined without regard to any termination date), or in the case of a facility de-

scribed in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of such resource.

''(iii) ENERGY STORAGE PROPERTY.—The sale of electric power, capacity, resource adequacy, demand response capabilities, or ancillary services that is produced or made available from any equipment or facility (operating as a single unit or as an aggregation of units) the principal function of which is to—

''(I) use mechanical, chemical, electrochemical, hydroelectric, or thermal processes to store energy that was generated at one time for conversion to electricity at a later time, or

''(II) store thermal energy for direct use for heating or cooling at a later time in a manner that avoids the need to use electricity at that later time.

''(iv) COMBINED HEAT AND POWER.—The generation, storage, or distribution of thermal energy exclusively utilizing property described in section 48(c)(3) (determined without regard to subparagraphs (B) and (D) thereof and without regard to any placed in service date).

''(v) RENEWABLE THERMAL ENERGY.—The generation, storage, or distribution of thermal energy exclusively using any resource described in section 45(c)(1) or energy property described in clause (i) or (iii) of section 48(a)(3)(A).

''(vi) WASTE HEAT TO POWER.—The use of recoverable waste energy, as defined in section 371(5) of the Energy Policy and Conservation Act (42 U.S.C. 6341(5)) (as in effect on the date of the enactment of the Master Limited Partnerships Parity Act).

''(vii) RENEWABLE FUEL INFRASTRUCTURE.—The storage or transportation of any fuel described in subsection (b), (c), (d), or (e) of section 6426.

‘‘(viii) RENEWABLE FUELS.—The production, storage, or transportation of any renewablefueldescribedinsection 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) (as in effect on the date of the enactment of the Master Limited Partnerships Parity Act) or section 40A(d)(1).

‘‘(ix) FUEL DERIVED FROM CAPTURED CARBON DIOXIDE.—The production, storage, or transportation of any fuel which—

‘‘(I) uses carbon dioxide captured from an anthropogenic source or the atmosphere as its primary feedstock, and

‘‘(II) is determined by the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, to achieve a reduction of not less than a 60 percent in lifecycle greenhouse gas emissions (as defined in section 211(o)(1)(H) of the Clean Air Act) compared to baseline lifecycle

greenhouse gas emissions (as defined in section 211(o)(1)(C) of such Act). This clause shall not apply to any fuel which uses as its primary feedstock carbon dioxide which is deliberately released from naturally-occurring subsurface springs.

''(x) RENEWABLE CHEMICALS.—The production, storage, or transportation of any qualifying renewable chemical (as defined in paragraph (6)).

''(xi) ENERGY EFFICIENT BUILDINGS.—The audit and installation through contract or other agreement of any energy efficient building property described in section 179D(c)(1).

''(xii) GASIFICATION WITH SEQUESTRATION.—The production of any product or the generation of electric power from a project—

''(I) which meets the requirements of subparagraphs (A) and (B) of section 48B(c)(1), and

''(II) not less than 75 percent of the total carbon dioxide emissions of which is qualified carbon dioxide (as

defined in section 45Q(b)) which is disposed of or utilized as provided in paragraph (7).

''(xiii) CARBON CAPTURE AND SEQUESTRATION.—

''(I) POWER GENERATION FACILITIES.—The generation or storage of electric power (including associated income from the sale or marketing of energy, capacity, resource adequacy, and ancillary services) produced from any power generation facility which is, or from any power generation unit within, a qualified facility which is described in section 45Q(c) and not less than 50 percent (30 percent in the case of a facility or unit placed in service before January 1, 2017) of the total carbon dioxide emissions of which is qualified carbon dioxide which is disposed of or utilized as provided in paragraph (7).

''(II) OTHER FACILITIES.—The sale of any good or service from any facility (other than a power generation

facility) which is a qualified facility described in section 45Q(c) and the captured qualified carbon dioxide (as so defined) of which is disposed of as provided in paragraph (7).''.

(b) RENEWABLE CHEMICAL.—

(1) IN GENERAL.—Section 7704(d) of such Code is amended by adding at the end the following new paragraph:

''(6) QUALIFYING RENEWABLE CHEMICAL.—

''(A) IN GENERAL.—The term 'qualifying renewable chemical' means any renewable chemical (as defined in section 9001 of the Agriculture Act of 2014)—

''(i) which is produced by the taxpayer in the United States or in a territory or possession of the United States,

''(ii) which is the product of, or reliant upon, biological conversion, thermal conversion, or a combination of biological and thermal conversion, of renewable biomass (as defined in section 9001(13) of the Farm Security and Rural Investment Act of 2002),

‘‘(iii) the biobased content of which is 95 percent or higher,

‘‘(iv) which is sold or used by the taxpayer—

‘‘(I) for the production of chemical products, polymers, plastics, or formulated products, or

‘‘(II) as chemicals, polymers, plastics, or formulated products,

‘‘(v) which is not sold or used for the production of any food, feed, or fuel, and

‘‘(vi) which is—

‘‘(I) acetic acid, acrylic acid, acyl glutamate, adipic acid, algae oils, algae sugars, 1,4-butanediol (BDO), iso-butanol, n-butanol, C10 and higher hydrocarbons produced from olefin metathesis, carboxylic acids produced from olefin metathesis, cellulosic sugar, diethyl methylene malonate, dodecanedioic acid (DDDA), esters produced from olefin metathesis, ethyl acetate, ethylene glycol, farnesene, 2,5-furandicarboxylic acid, gamma-butyrolactone, glucaric acid,

hexamethylenediamine (HMD), 3-hydroxy propionic acid, iso-butene, isoprene, itaconic acid, lactide, levulinic acid, polyhydroxyalkonate(PHA), polylactic acid (PLA), polyethylene furanoate (PEF), polyethylene terephthalate (PET), polyitaconic acid, polyols from vegetable oils, poly(xylitan levulinate ketal), 1,3-propanediol, 1,2-propanediol, rhamnolipids, short and medium chain carboxylic acids produced from anaerobic digestion, succinic acid, terephthalic acid, vegetable fatty acid derived from ethyl esters containing vegetable oil, or *p*-Xylene, or

''(II) any chemical not described in clause (i) which is a chemical listed by the Secretary for purposes of this paragraph.

''(B) BIOBASED CONTENT.—For purposes of subparagraph (A)(iii), the term 'biobased content percentage' means, with respect to any renewable chemical, the biobased content of such chemical (expressed as a percentage) de-

termined by testing representative samples using the American Society for Testing and Materials (ASTM) D6866.''.

(2) LIST OF OTHER QUALIFYING RENEWABLE CHEMICALS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary's delegate), in consultation with the Secretary of Agriculture, shall establish a program to consider applications from taxpayers for the listing of chemicals under section 7874(d)(6)(A)(vi)(II) (as added by paragraph (1)).

(c) DISPOSAL AND UTILIZATION OF CAPTURED CARBON DIOXIDE.—Section 7704(d) of such Code, as amended by subsection (b), is amended by adding at the end the following new paragraph:

''(7) DISPOSAL AND UTILIZATION OF CAPTURED CARBON DIOXIDE.—For purposes of clauses (xii)(III) and (xiii)(I) of paragraph (1)(E), carbon dioxide is disposed of or utilized as provided in this paragraph if such carbon dioxide is—

''(A) placed into secure geological storage (as determined under section 45Q(d)(2)),

''(B) used as a tertiary injectant (as defined in section 45Q(d)(3)) in a qualified enhanced oil or natural gas recovery project (as

defined in section 45Q(d)(4)) and placed into secure geological storage (as so determined),

''(C) fixated through photosynthesis or chemosynthesis (such as through the growing of algae or bacteria),

''(D) chemically converted to a material or chemical compound in which it is securely stored, or

''(E) used for any other purpose which the Secretary determines has the potential to strengthen or significantly develop a competitive market for carbon dioxide captured from man-made sources.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

S. 1460

To provide for the modernization of the energy and natural resources policies of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2017

Ms. MURKOWSKI (for herself and Ms. CANTWELL) introduced the following bill; which was read the first time

JUNE 29, 2017

Read the second time and placed on the calendar

A BILL

To provide for the modernization of the energy and natural resources policies of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy and Natural Resources Act of 2017".

SEC. 1116. FEDERAL BUILDING ENERGY INTENSITY IMPROVEMENT.

Beginning in fiscal year 2018 and each fiscal year thereafter through fiscal year 2027, the head of each Federal agency shall, unless otherwise specified and where life-cycle cost-effective, promote building energy conservation, efficiency, and management by reducing, in Federal buildings of the agency, building energy intensity, as measured in British thermal units per gross square foot, by 2.5 percent each fiscal year, relative to the baseline of the building energy use of the applicable Federal buildings in fiscal year 2017 and after taking into account the progress of the Federal agency in preceding fiscal years.