

117TH CONGRESS
1ST SESSION

H. R. 3959

To amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard for retail electricity suppliers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2021

Mr. WELCH (for himself, Ms. CLARKE of New York, Ms. BARRAGÁN, Ms. SCHAKOWSKY, Ms. JAYAPAL, and Mr. CLEAVER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard for retail electricity suppliers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—

5 This Act may be cited as the “American Re-
6 newable Energy Act of 2021”.

7 (b) FINDINGS.—Congress finds that—

1 (1) the Federal renewable electricity standard
2 established by section 610 of the Public Utility Reg-
3 ulatory Policies Act of 1978 (as added by this Act)
4 establishes a market-based policy to create ongoing
5 competition among renewable electricity generators
6 across the United States and provide the greatest
7 quantity of clean electricity for the lowest price; and

8 (2) the United States has vast wind, solar, hy-
9 dropower, and geothermal resources that—

10 (A) are renewable;

11 (B) are dispersed widely across different
12 regions of the United States;

13 (C) can be harnessed to generate a signifi-
14 cant share of electricity in the United States;
15 and

16 (D) when deployed, will significantly re-
17 duce and eliminate the emission of harmful
18 greenhouse gases and criteria pollutants, which
19 have historically been concentrated in under-
20 served communities and communities of color,
21 contributing to disproportionate burdens and
22 environmental injustices.

1 **SEC. 2. FEDERAL RENEWABLE ELECTRICITY STANDARD.**

2 Title VI of the Public Utility Regulatory Policies Act
3 of 1978 (16 U.S.C. 2601 et seq.) is amended by adding
4 after section 609 (7 U.S.C. 918c) the following:

5 **“SEC. 610. FEDERAL RENEWABLE ELECTRICITY STANDARD.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) CRITERIA AIR POLLUTANT.—The term
8 ‘criteria air pollutant’ means an air pollutant for
9 which a national ambient air quality standard has
10 been promulgated under section 109 of the Clean
11 Air Act.

12 “(2) DISTRIBUTED GENERATION.—The term
13 ‘distributed generation’ means a non-centralized re-
14 newable energy resource installation, or inter-
15 connected series of installations, that generates elec-
16 tricity near the point of use with a total generating
17 capacity of 1 megawatt or less.

18 “(3) ENVIRONMENTAL JUSTICE COMMUNITY.—

19 “(A) IN GENERAL.—The term ‘environ-
20 mental justice community’ means a low-income
21 or low-wealth community that is impacted by
22 environmental injustice.

23 “(B) INCLUSIONS.—The term ‘environ-
24 mental justice community’ includes any commu-
25 nity that—

1 “(i) is located nearest to an existing
2 area of significant environmental pollution
3 and degradation;

4 “(ii) bears a burden of negative public
5 health effects from pollution;

6 “(iii) includes 1 or more sites of—

7 “(I) a facility that is a part of a
8 polluting industry;

9 “(II) a waste dump; or

10 “(III) a facility for fossil resource
11 extraction;

12 “(iv) experiences a high incidence of
13 climate change impacts and disasters;

14 “(v) has been excluded or harmed by
15 racist or discriminatory policies that have
16 resulted in disproportionate burdens of en-
17 vironmental pollution and related health
18 and socioeconomic disparities;

19 “(vi) has a land-based or food subsist-
20 ence culture that is experiencing ecosystem
21 disruption and devastation;

22 “(vii) faces relocation and resettlement
23 resulting from—

24 “(I) climate change; or

1 “(II) impacts to the environment
2 and ecosystems; or

3 “(viii) is an Indigenous community.

4 “(4) FEDERAL RENEWABLE ELECTRICITY
5 CREDIT.—The term ‘Federal renewable electricity
6 credit’ means a credit that—

7 “(A) represents, for purposes of compli-
8 ance with this section, 1 megawatt hour of re-
9 newable electricity; and

10 “(B) is issued pursuant to subsection (e).

11 “(5) IMPACTED COMMUNITY.—

12 “(A) IN GENERAL.—The term ‘impacted
13 community’ means a community that is harmed
14 by environmental, economic, or socioeconomic
15 injustice.

16 “(B) INCLUSIONS.—The term ‘impacted
17 community’ includes—

18 “(i) an environmental justice commu-
19 nity; and

20 “(ii) a community that—

21 “(I) has a high concentration of
22 low-income and low-wealth house-
23 holds, including households comprised
24 primarily of members of groups that
25 have historically experienced discrimi-

1 nation on the basis of race, gender,
2 national origin, or ethnicity (including
3 Black, Indigenous, Latinx, Arab,
4 Asian, and Pacific Islander commu-
5 nities);

6 “(II) has experienced or is expe-
7 riencing economic transition,
8 deindustrialization, historic under-
9 investment, and poverty; or

10 “(III) has high unemployment
11 due to—

12 “(aa) a significant decline in
13 coal mining activity; or

14 “(bb) the closure of a coal-
15 fired power plant.

16 “(6) INDIAN TRIBE.—The term ‘Indian Tribe’
17 means any Indian Tribe, band, nation, or other or-
18 ganized group or community (including any Native
19 village, Regional Corporation, or Village Corporation
20 (as those terms are defined in section 3 of the Alas-
21 ka Native Claims Settlement Act)) that is recognized
22 as eligible for the special programs and services pro-
23 vided by the United States to Indians because of
24 their status as Indians.

1 “(7) QUALIFIED HYDROPOWER.—The term
2 ‘qualified hydropower’ means energy produced from
3 generating capacity added to a dam on or after Jan-
4 uary 1, 2001, if the Commission certifies that—

5 “(A) the dam—

6 “(i) was placed in service before the
7 date of enactment of this section;

8 “(ii) was operated for flood control,
9 navigation, or water supply purposes; and

10 “(iii) was not producing hydroelectric
11 power prior to the addition of the capacity;
12 and

13 “(B) the hydroelectric project installed on
14 the dam—

15 “(i) is licensed or is exempt from li-
16 censing by the Commission;

17 “(ii) is in compliance with—

18 “(I) the terms and conditions of
19 the license or exemption; and

20 “(II) other applicable legal re-
21 quirements for the protection of envi-
22 ronmental quality, including applica-
23 ble fish passage requirements; and

24 “(iii) is operated so that the water
25 surface elevation at any given location and

1 time that would have occurred in the ab-
2 sence of the hydroelectric project is main-
3 tained, subject to any license or exemption
4 requirements that require changes in water
5 surface elevation for the purpose of im-
6 proving the environmental quality of the
7 affected waterway.

8 “(8) RENEWABLE ELECTRICITY.—The term ‘re-
9 newable electricity’ means electricity generated (in-
10 cluding by means of a fuel cell) from a renewable en-
11 ergy resource.

12 “(9) RENEWABLE ENERGY RESOURCE.—The
13 term ‘renewable energy resource’ means each of the
14 following:

15 “(A) Wind energy.

16 “(B) Solar energy.

17 “(C) Geothermal energy.

18 “(D) Biogas derived from anaerobic diges-
19 tion at wastewater treatment facilities, or from
20 farm anaerobic digestion.

21 “(E) Qualified hydropower.

22 “(F) Marine energy (as defined in section
23 632 of the Energy Independence and Security
24 Act of 2007).

25 “(10) RETAIL ELECTRICITY SUPPLIER.—

1 “(A) IN GENERAL.—The term ‘retail elec-
2 tricity supplier’ means, for any calendar year,
3 an electric utility that sells not fewer than
4 1,000,000 megawatt hours of electricity to elec-
5 tric consumers during the preceding calendar
6 year.

7 “(B) INCLUSIONS AND LIMITATIONS.—For
8 purposes of determining whether an electric
9 utility qualifies as a retail electricity supplier
10 under subparagraph (A)—

11 “(i) the sales made by any affiliate of
12 the electric utility to electric consumers,
13 other than sales to lessees or tenants of
14 the affiliate, shall be considered to be sales
15 made by the electric utility; and

16 “(ii) sales made by the electric utility
17 to an affiliate, lessee, or tenant of the elec-
18 tric utility shall not be treated as sales to
19 electric consumers.

20 “(C) AFFILIATE.—In this paragraph, the
21 term ‘affiliate’ when used in relation to a per-
22 son, means another person that directly or indi-
23 rectly owns or controls, is owned or controlled
24 by, or is under common ownership or control

1 with, that person, as determined under regula-
2 tions promulgated by the Commission.

3 “(11) RETAIL ELECTRICITY SUPPLIER’S BASE
4 QUANTITY.—The term ‘retail electricity supplier’s
5 base quantity’ means the total quantity of electricity
6 sold by the retail electricity supplier, expressed in
7 megawatt hours, to electric consumers during the
8 relevant calendar year, excluding electricity gen-
9 erated by a hydroelectric facility, other than quali-
10 fied hydropower.

11 “(12) RETIRE AND RETIREMENT.—The terms
12 ‘retire’ and ‘retirement’ mean, with respect to a
13 Federal renewable electricity credit, to disqualify the
14 credit for any subsequent use under this section, re-
15 gardless of whether the use is a sale, transfer, ex-
16 change, or submission in satisfaction of a compliance
17 obligation.

18 “(b) ANNUAL COMPLIANCE OBLIGATION.—

19 “(1) IN GENERAL.—Except as otherwise pro-
20 vided in subsection (f), for each of calendar years
21 2021 through 2030, not later than March 31 of the
22 following calendar year, each retail electricity sup-
23 plier shall submit to the Commission a quantity of
24 Federal renewable electricity credits that represents
25 a quantity of megawatt hours of renewable elec-

1 tricity that is at least equal to the annual target of
2 the retail electricity supplier under subsection (d).

3 “(2) EQUITY REQUIREMENTS.—

4 “(A) DISTRIBUTED GENERATION.—The
5 Commission shall require that, of the quantity
6 of Federal renewable electricity credits required
7 to be submitted by a retail electricity supplier
8 to comply with paragraph (1)—

9 “(i) for the period of calendar years
10 2021 through 2024, at least 15 percent of
11 such Federal renewable electricity credits
12 represent megawatt hours of renewable
13 electricity generated by distributed genera-
14 tion; and

15 “(ii) for the period of calendar years
16 2025 through 2030, at least 20 percent of
17 such Federal renewable electricity credits
18 represent megawatt hours of renewable
19 electricity generated by distributed genera-
20 tion.

21 “(B) IMPACTED COMMUNITIES.—The
22 Commission shall require that, of the quantity
23 of Federal renewable electricity credits required
24 to be submitted by a retail electricity supplier
25 to comply with paragraph (1)—

1 “(i) for the period of calendar years
2 2021 through 2024, at least 15 percent of
3 such Federal renewable electricity credits
4 represent megawatt hours of renewable
5 electricity generated in impacted commu-
6 nities; and

7 “(ii) for the period of calendar years
8 2025 through 2030, at least 20 percent of
9 such Federal renewable electricity credits
10 represent megawatt hours of renewable
11 electricity generated in impacted commu-
12 nities.

13 “(C) DISTRIBUTED GENERATION OCCUR-
14 RING IN A IMPACTED COMMUNITY.—For any
15 calendar year, distributed generation that oc-
16 curs in a impacted community may be used for
17 purposes of complying with both subparagraph
18 (A) and subparagraph (B).

19 “(c) ESTABLISHMENT.—

20 “(1) IN GENERAL.—Not later than January 1,
21 2022, the Commission shall promulgate regulations
22 to implement and enforce the requirements of this
23 section.

1 “(2) CONSIDERATIONS.—In promulgating regu-
2 lations under paragraph (1), the Commission shall,
3 to the maximum extent practicable—

4 “(A) preserve the integrity and incorporate
5 best practices of existing State and Tribal re-
6 newable electricity programs;

7 “(B) preserve the integrity of voluntary re-
8 newable energy markets;

9 “(C) design and implement such regula-
10 tions in a manner that seeks to be equitable
11 and just;

12 “(D) identify and prioritize measures to
13 maximize reductions of emissions of greenhouse
14 gases and criteria air pollutants in impacted
15 communities;

16 “(E) ensure that activities undertaken to
17 comply with such regulations result in a net de-
18 crease in emissions of criteria air pollutants in
19 impacted communities;

20 “(F) ensure that the deployment of any
21 new renewable electricity generation provides
22 economic, health, and resiliency benefits to the
23 communities and areas in which the generation
24 is built, including the use of community benefit

1 agreements or equivalent means as determined
2 appropriate by the Commission;

3 “(G) prioritize measures that will
4 incentivize or allow for distributed, community,
5 and public ownership over renewable energy
6 projects;

7 “(H) establish and delegate to an appro-
8 priate entity the administration of a national
9 Federal renewable electricity credit trading
10 market for the issuance and trade of Federal
11 renewable electricity credits, relying on existing
12 and emerging State, Tribal, or regional track-
13 ing systems that issue and track non-Federal
14 renewable electricity credits;

15 “(I) establish and delegate to appropriate
16 entities the administration of not fewer than 6
17 regional, geographically-based, Federal renew-
18 able electricity credit trading markets, and de-
19 termine the optimal levels of credit trading al-
20 lowed within and between regions to maximize
21 deployment of new renewable electricity genera-
22 tion within each region;

23 “(J) cooperate with States and Indian
24 Tribes—

1 “(i) to facilitate coordination between
2 State, Tribal, and Federal renewable elec-
3 tricity programs; and

4 “(ii) to minimize administrative bur-
5 dens and costs to retail electricity sup-
6 pliers; and

7 “(K) encourage strategic deployment of
8 distributed generation to maximize system ben-
9 efits that can lower costs for all customers, in-
10 cluding siting generation resources in grid-con-
11 strained areas and co-location of renewable en-
12 ergy resources with energy storage.

13 “(d) ANNUAL COMPLIANCE REQUIREMENT.—

14 “(1) ANNUAL TARGETS.—For each of calendar
15 years 2021 through 2030, the annual target of a re-
16 tail electricity supplier shall be equal to the number
17 of megawatt hours that is equal to the product ob-
18 tained by multiplying—

19 “(A) the required annual percentage for
20 that calendar year under paragraph (2); and

21 “(B) the retail electricity supplier’s base
22 quantity for that calendar year.

23 “(2) REQUIRED ANNUAL PERCENTAGE.—For
24 each of calendar years 2021 through 2030, the re-
25 quired annual percentage shall be as follows:

“Year:	Required annual percentage:
2021	20.0
2022	24.5
2023	29.0
2024	34.0
2025	39.0
2026	45.0
2027	51.0
2028	57.0
2029	63.5
2030	70.0.

1 “(e) FEDERAL RENEWABLE ELECTRICITY CRED-
2 ITS.—

3 “(1) IN GENERAL.—

4 “(A) ISSUANCE; TRACKING;
5 VERIFICATION.—The regulations promulgated
6 under this section shall include provisions gov-
7 erning the issuance, tracking, and verification
8 of Federal renewable electricity credits.

9 “(B) CREDIT RATIO.—Except as provided
10 in paragraphs (2) through (5), the Commission
11 shall issue to each generator of renewable elec-
12 tricity 1 Federal renewable electricity credit for
13 each megawatt hour of renewable electricity
14 generated by the generator after December 31,
15 2020.

16 “(C) SERIAL NUMBER.—The Commission
17 shall assign a unique serial number to each
18 Federal renewable electricity credit.

1 “(2) GENERATION FROM CERTAIN STATE RE-
2 NEWABLE ELECTRICITY PROGRAMS.—

3 “(A) IN GENERAL.—If renewable elec-
4 tricity is generated with the support of pay-
5 ments from a retail electricity supplier pursuant
6 to a State renewable electricity program
7 (whether through State alternative compliance
8 payments or through payments to a State re-
9 newable electricity procurement fund or entity),
10 the Commission shall issue Federal renewable
11 electricity credits to the retail electricity sup-
12 plier for the portion of the relevant renewable
13 electricity generation that is attributable to pay-
14 ments made by the retail electricity supplier, as
15 determined pursuant to regulations promul-
16 gated by the Commission.

17 “(B) REMAINING PORTION.—For any re-
18 maining portion of the relevant renewable elec-
19 tricity generation, the Commission shall issue
20 Federal renewable electricity credits to the gen-
21 erator, as provided in paragraph (1), except
22 that not more than 1 Federal renewable elec-
23 tricity credit shall be issued for the same mega-
24 watt hour of electricity.

1 “(C) STATE GUIDANCE.—In determining
2 how Federal renewable electricity credits will be
3 apportioned among retail electricity suppliers
4 and generators under this paragraph, the Com-
5 mission shall consider information and guidance
6 issued by the applicable one or more States.

7 “(3) CERTAIN POWER SALES CONTRACTS.—Ex-
8 cept as otherwise provided in paragraph (2), if a
9 generator has sold renewable electricity to a retail
10 electricity supplier under a contract for power from
11 a facility placed in service before the date of enact-
12 ment of this section, and the contract does not pro-
13 vide for the determination of ownership of the Fed-
14 eral renewable electricity credits associated with the
15 generation, the Commission shall issue the Federal
16 renewable electricity credits to the retail electricity
17 supplier for the duration of the contract.

18 “(4) CREDITS BASED ON QUALIFIED HYDRO-
19 POWER.—For purposes of this subsection, the num-
20 ber of megawatt hours of renewable electricity gen-
21 eration from qualified hydropower shall be cal-
22 culated—

23 “(A) based solely on the increase in aver-
24 age annual generation directly resulting from

1 the efficiency improvements or capacity addi-
2 tions described in subsection (a)(6); and

3 “(B) using the same water flow informa-
4 tion used to determine a historic average an-
5 nual generation baseline for the hydroelectric
6 facility, as certified by the Commission.

7 “(5) CREDITS BASED ON FARM ANAEROBIC DI-
8 GESTION.—For any calendar year, a generator may
9 only receive Federal renewable electricity credits for
10 renewable electricity generated from biogas that is
11 derived from farm anaerobic digestion if—

12 “(A) any manure used for such anaerobic
13 digestion is from a farm that only provides its
14 manure for anaerobic digestion to one anaerobic
15 digester system;

16 “(B) the anaerobic digester system used by
17 such generator has a capacity of less than, or
18 equal to, 1 megawatt; and

19 “(C) during such calendar year the total
20 renewable electricity produced from biogas de-
21 rived from farm anaerobic digestion in the ap-
22 plicable State represents not more than 10 per-
23 cent of the State’s overall electricity usage.

24 “(6) GENERATION FROM MIXED RENEWABLE
25 AND NONRENEWABLE RESOURCES.—If electricity is

1 generated using both a renewable energy resource
2 and an energy source that is not a renewable energy
3 resource, the Commission shall issue Federal renew-
4 able electricity credits based on the proportion of the
5 electricity generated that is attributable to the re-
6 newable energy resource.

7 “(7) PROHIBITION AGAINST DOUBLE-COUNT-
8 ING.—The Commission shall ensure that—

9 “(A) no Federal renewable electricity cred-
10 it is used more than once for compliance with
11 this section; and

12 “(B) not more than 1 Federal renewable
13 electricity credit is issued for any megawatt
14 hour of renewable electricity generated.

15 “(8) TRADING.—The lawful holder of a Federal
16 renewable electricity credit may—

17 “(A) sell, exchange, or transfer the credit;

18 “(B) submit the credit for compliance
19 under subsection (b); or

20 “(C) submit the credit for retirement by
21 the Commission.

22 “(9) BANKING.—

23 “(A) IN GENERAL.—A Federal renewable
24 electricity credit may be submitted in satisfac-
25 tion of the compliance obligation under sub-

1 section (b) for the compliance year for which
2 the credit was issued or for any of the 2 imme-
3 diately subsequent compliance years.

4 “(B) RETIREMENT.—The Commission
5 shall retire any Federal renewable electricity
6 credit that has not been retired by April 2 of
7 the calendar year that is 2 years after the cal-
8 endar year during which the credit was issued.

9 “(10) RETIREMENT.—The Commission shall re-
10 tire a Federal renewable electricity credit imme-
11 diately upon submission by the lawful holder of the
12 credit, whether in satisfaction of a compliance obli-
13 gation under subsection (b) or for another reason.

14 “(f) ALTERNATIVE COMPLIANCE PAYMENTS.—

15 “(1) IN GENERAL.—A retail electricity supplier
16 may satisfy the requirements of subsection (b) in
17 whole or in part by submitting in accordance with
18 this subsection, in lieu of each Federal renewable
19 electricity credit that would otherwise be submitted,
20 an alternative compliance payment equal to \$50, ad-
21 justed for inflation on January 1 of each year fol-
22 lowing calendar year 2021, in accordance with regu-
23 lations promulgated by the Commission.

24 “(2) PAYMENT TO STATE FUNDS.—

1 “(A) IN GENERAL.—Except as otherwise
2 provided in this paragraph, payments made
3 under this subsection shall be made directly to
4 one or more States in which the retail elec-
5 tricity supplier sells electricity, in proportion to
6 the portion of the retail electricity supplier’s
7 base quantity that is sold within each applicable
8 State, if—

9 “(i) the payments are deposited di-
10 rectly into a fund of the State treasury es-
11 tablished for that purpose; and

12 “(ii) the State uses the funds in ac-
13 cordance with paragraphs (3) and (4).

14 “(B) NONCOMPLIANCE.—If the Commis-
15 sion determines that a State is in substantial
16 noncompliance with paragraph (3) or paragraph
17 (4), the Commission shall direct that any future
18 alternative compliance payments that would
19 otherwise be paid to the State under this sub-
20 section shall instead be paid to the Commission
21 and deposited in the Treasury.

22 “(3) STATE USE OF FUNDS.—As a condition of
23 receipt of alternative compliance payments pursuant
24 to this subsection, a State shall—

25 “(A) use the payments exclusively for—

1 “(i) deploying technologies that gen-
2 erate electricity from renewable energy re-
3 sources;

4 “(ii) deploying technologies that store
5 electricity for use at a later time; or

6 “(iii) implementing cost-effective en-
7 ergy efficiency programs to achieve energy
8 savings; and

9 “(B) invest or use the payments in a man-
10 ner designed to ensure that impacted commu-
11 nities receive, or directly benefit from, at least
12 50 percent of such funds.

13 “(4) REPORTING.—

14 “(A) IN GENERAL.—As a condition of re-
15 ceipt of alternative compliance payments pursu-
16 ant to this subsection, a State shall submit to
17 the Commission an annual report, in accord-
18 ance with regulations promulgated by the Com-
19 mission, containing a full accounting of the use
20 of the payments, including a detailed descrip-
21 tion of the activities funded by the payments
22 and demonstrating compliance with the require-
23 ments of this subsection.

24 “(B) DEADLINE.—A State shall submit a
25 report under this paragraph—

1 “(i) not later than 1 year after the
2 date on which the first alternative compli-
3 ance payment is received; and

4 “(ii) every 1 year thereafter until all
5 alternative compliance payments are ex-
6 pended.

7 “(g) INFORMATION COLLECTION.—The Commission
8 may require any retail electricity supplier, renewable elec-
9 tricity generator, or any other entity that the Commission
10 determines appropriate, to provide any information the
11 Commission determines appropriate to carry out this sec-
12 tion.

13 “(h) ENFORCEMENT AND JUDICIAL REVIEW.—

14 “(1) FAILURE TO SUBMIT CREDITS.—If any
15 person fails to comply with the requirements of sub-
16 section (b) or (f) for a calendar year, the person
17 shall be liable to pay to the Commission a civil pen-
18 alty equal to the product obtained by multiplying—

19 “(A) double the alternative compliance
20 payment calculated under subsection (f)(1) for
21 such calendar year; and

22 “(B) the aggregate quantity of Federal re-
23 newable electricity credits or equivalent alter-
24 native compliance payments that the person
25 failed to submit in violation of the requirements

1 of subsections (b) and (f) for such calendar
2 year.

3 “(2) ENFORCEMENT.—The Commission shall
4 assess a civil penalty under paragraph (1) in accord-
5 ance with the procedures described in section 31(d)
6 of the Federal Power Act.

7 “(3) VIOLATION OF REQUIREMENT OF REGULA-
8 TIONS OR ORDERS.—

9 “(A) IN GENERAL.—Any person who vio-
10 lates or fails or refuses to comply with any re-
11 quirement of this section, other than a require-
12 ment of subsection (b) or (f), shall be subject
13 to a civil penalty under section 316A(b) of the
14 Federal Power Act.

15 “(B) ASSESSMENT.—The penalty under
16 subparagraph (A) shall be assessed by the Com-
17 mission in the same manner as in the case of
18 a violation referred to in section 316A(b) of
19 that Act.

20 “(4) JUDICIAL REVIEW.—

21 “(A) IN GENERAL.—Any person aggrieved
22 by a final action taken by the Commission
23 under this section, other than the assessment of
24 a civil penalty under paragraphs (1) through
25 (3), may use the procedures for review de-

1 scribed in section 313 of the Federal Power
2 Act.

3 “(B) REFERENCE.—For purposes of this
4 paragraph, references to an order in section
5 313 of that Act shall be considered to refer also
6 to all other final actions of the Commission
7 under this section other than the assessment of
8 a civil penalty under paragraphs (1) through
9 (3).

10 “(i) ADMINISTRATION.—Nothing in this section—

11 “(1) diminishes or qualifies any authority of a
12 State, a political subdivision of a State, or an Indian
13 Tribe—

14 “(A) to adopt or enforce any law or regula-
15 tion respecting renewable electricity, including
16 any law or regulation establishing requirements
17 that are more stringent than those established
18 by this section, provided that no such law or
19 regulation may relieve any person of any re-
20 quirement otherwise applicable under this sec-
21 tion; or

22 “(B) to regulate the acquisition and dis-
23 position of Federal renewable electricity credits
24 by retail electricity suppliers within the jurisdic-
25 tion of the State, political subdivision, or Indian

1 Tribe, including the authority to require the re-
 2 tail electricity supplier to acquire and submit to
 3 the Commission for retirement Federal renew-
 4 able electricity credits in excess of those sub-
 5 mitted under this section; or

6 “(2) affects the application of or the responsi-
 7 bility for compliance with any other provision of law
 8 or regulation.”.

9 **SEC. 3. CLARIFYING STATE AUTHORITY TO ADOPT RENEW-**
 10 **ABLE ENERGY INCENTIVES.**

11 Section 210 of the Public Utility Regulatory Policies
 12 Act of 1978 (16 U.S.C. 824a–3) is amended by adding
 13 at the end the following:

14 “(o) CLARIFICATION OF STATE AUTHORITY TO
 15 ADOPT RENEWABLE ENERGY INCENTIVES.—

16 “(1) DEFINITION OF STATE-APPROVED PRO-
 17 DUCTION INCENTIVE PROGRAM.—In this subsection,
 18 the term ‘State-approved production incentive pro-
 19 gram’ means a requirement imposed pursuant to
 20 State law or by a State regulatory authority acting
 21 within its authority under State law that an electric
 22 utility purchase renewable energy (as defined in sec-
 23 tion 609(a)) at a specified rate.

24 “(2) STATE AUTHORITY TO ADOPT RENEWABLE
 25 ENERGY INCENTIVES.—Notwithstanding any other

1 provision of this Act or the Federal Power Act, a
2 State law or State regulatory authority may set the
3 rates for a sale of electricity by a facility generating
4 renewable energy (as defined in section 609(a)) pur-
5 suant to a State-approved production incentive pro-
6 gram under which the facility voluntarily partici-
7 pates in the State-approved production incentive
8 program.”.

9 **SEC. 4. CONFORMING AMENDMENT.**

10 The table of contents of the Public Utility Regulatory
11 Policies Act of 1978 (16 U.S.C. prec. 2601) is amended
12 by adding at the end of the items relating to title VI the
13 following:

“Sec. 609. Rural and remote communities electrification grants.

“Sec. 610. Federal renewable electricity standard.”.

