H.R. 2776
Renewable Energy and Energy Conservation Tax Act of 2007

June 19, 2007

I. PRODUCTION INCENTIVES

Long-term extension and modification of renewable energy production tax credit. The bill extends the placed-in-service date for four years (through December 31, 2012) for qualifying facilities: wind; closed-loop biomass; open-loop biomass; geothermal; small irrigation hydropower; landfill gas; and trash combustion facilities. It also includes a new category of qualifying facilities -- facilities that generate electricity from marine renewables (e.g., waves and tides). The bill would cap the aggregate amount of tax credits that can be earned for qualifying facilities placed in service after December 31, 2008 to an amount that has a present value equal to 35% of the facility's cost. *This proposal is estimated to cost $6.58 billion over 10 years.*

Long-term extension and modification of solar energy and fuel cell investment tax credit. The bill extends the 30% investment tax credit for solar energy property and qualified fuel cell property for eight years (through the end of 2016). It also increases the $500 per half kilowatt of capacity cap for qualified fuel cells to $1,500 per half kilowatt of capacity. The bill removes an existing limitation that prevents public utilities from claiming the investment tax credit. *This proposal is estimated to cost $563 million over 10 years.*

New Clean Renewable Energy Bonds ("CREBs"). The bill authorizes $2 billion of new clean renewable energy bonds for public power providers and electric cooperatives. Sixty percent of the authorization must be used for qualifying projects of public power providers and forty percent must be used for qualifying projects of electric cooperatives. Qualifying projects include facilities that generate electricity from the following resources: wind; closed-loop biomass; open-loop biomass; geothermal; small irrigation hydropower; landfill gas; and trash combustion facilities. *This proposal is estimated to cost $550 million over 10 years.*

Sales of electric transmission property. The bill extends the present-law deferral on sales of transmission property from electric utilities and their affiliates to a FERC-approved independent transmission company. Rather than paying tax on any gain from the sale in the year the sale is completed, electric utilities and their affiliates will have 8 years to pay the tax on any gain from the sale. The rule expires January 1, 2010. *This proposal is revenue neutral over 10 years.*

Residential energy-efficient property. The bill removes the caps on the credit for residential solar property (currently capped at $2,000) and residential fuel cell property (currently capped at $500 per half kilowatt of capacity). The bill also allows the credit to be used to offset alternative minimum tax (AMT). *This proposal is estimated to cost $89 million over 10 years.*

II. CONSERVATION

TRANSPORTATION

Plug-in hybrid vehicle credit. The bill establishes a new credit for each qualified plug-in vehicle placed in service during each taxable year by a taxpayer. The base amount of the credit is $4,000. If the qualified vehicle draws propulsion from a battery with at least 5 kilowatt hours of capacity, the credit amount is increased by $200, plus another $200 for each kilowatt hour of battery capacity in excess of 5 kilowatt hours up to 15 kilowatt hours. Taxpayers may claim the full amount of the allowable credit up to the end of the first calendar quarter after the quarter in which the manufacturer records 60,000 sales. The credit is reduced in following quarters. The credit is available against the alternative minimum tax (AMT). *This proposal is estimated to cost $1.22 billion over 10 years.*

Cellulosic alcohol production credit. The bill creates a new production tax credit of 50 cents per gallon for cellulosic alcohol produced for use as a fuel in the United States. This credit is in addition to the current 51 cents per gallon ethanol credit and the 10 cents per gallon small producer credit. The credit is available through the end of 2010. *This proposal is estimated to cost $24 million over 10 years.*

Extension of biodiesel production tax credit; extension and modification of renewable diesel tax credit. The bill extends for two years (through December 31, 2010) the $1.00 and 50 cent per gallon production tax credits for biodiesel and the small biodiesel producer credit of 10 cents per gallon. The bill also extends for two years (through December 31, 2010) the $1.00 per gallon production tax credit for diesel fuel created from biomass. The bill eliminates the requirement that the diesel fuel must be produced using a thermal depolymerization process. As a result, the credit will be available for any diesel fuel created from biomass without regard to the process used. The bill also requires the diesel fuel to be usable as a fuel in vehicles. *This proposal is estimated to cost $279 million over 10 years.*

Extension and increase of alternative refueling stations tax credit. The bill increases the 30% alternative refueling property credit (capped at $30,000) to 50% (capped at $50,000). The credit provides a tax credit to businesses (e.g., gas stations) that install alternative fuel pumps such as fuel pumps that dispense E85 fuel. The bill also extends this credit through the end of 2010. *This proposal is estimated to cost $184 million over 10 years.*

Fringe benefit for bicycle commuters. The bill allows employers to provide employees that commute to work using a bicycle limited fringe benefits to offset the costs of such commuting (e.g., bicycle storage). *This proposal is estimated to cost $10 million over 10 years.*

Modification of depreciation and expensing rules for certain vehicles. The bill would eliminate a loophole in the tax law that provides businesses with tax benefits if they purchase heavy vehicles that are often less fuel efficient (e.g., large sports utility vehicles (SUVs)) rather than lighter, more fuel efficient vehicles. The bill would retain these existing tax benefits for vans that are designed for strictly business use and trucks. The bill would also retain existing tax benefits for heavy vehicles (and extend these tax benefits to lighter, generally more fuel-efficient vehicles) that are used in the following businesses: (1) transporting persons or property for compensation or hire; (2) farming; (3) transporting a substantial amount of equipment, supplies or inventory; and (4) moving or delivering property which requires substantial cargo capacity. *This proposal is estimated to raise $786 million over 10 years.*

Restructuring of New York Liberty Zone tax credits. The bill would implement a proposal included in the President's FY 2008 Budget to provide the City of New York and the State of New York with tax credits for expenditures made for transportation infrastructure projects connecting with the New York Liberty Zone. *This proposal is estimated to cost $1.636 billion over 10 years.*

OTHER CONSERVATION PROVISIONS

Qualified energy conservation bonds. The bill creates a new category of tax credit bonds for green community programs and initiatives designed to reduce greenhouse gas emissions. There is a national limitation of $3.6 billion which is allocated to States and municipalities. *This proposal is estimated to cost $1.46 billion over 10 years.*

Qualified energy efficiency assistance bonds. The bill creates a new category of tax credit bonds to provide States with funds to implement long-term programs that will provide consumers with low-interest loans and grants for energy-efficient property and efficiency improvements to existing homes. There is a national limitation of $2.4 billion. *This proposal is estimated to cost $903 million over 10 years.*

Extension of energy-efficient commercial buildings. The bill extends the energy-efficient commercial buildings deduction for five years (through December 31, 2013). *This proposal is estimated to cost $901 million over 10 years.*

Modification and extension of energy-efficient appliance credit. The bill would modify the existing energy-efficient appliance credit and extend this credit for three years (through the end of 2010). *This proposal is estimated to cost $351 million over 10 years.*

Five-year depreciation for smart meters. The bill would allow electric utilities to depreciate smart electric meters over a five year period. *This proposal is estimated to cost $1.315 billion over 10 years*.

III. Revenue Provisions

Denial of Oil and Gas Tax Benefits

Denial of section 199 benefits for income attributable to domestic production of oil, natural gas or primary products thereof. The bill excludes gross receipts derived from the sale, exchange or other disposition of oil, natural gas, or any primary product thereof from the domestic production deduction. The domestic production deduction replaced an export subsidy that had been declared an illegal trade subsidy by the World Trade Organization. The prior export subsidy was not available for exports of oil, natural gas or any primary product thereof. When the domestic production deduction was enacted, this new benefit was extended to these products. As a result, the domestic production deduction became a new subsidy for the oil and gas companies. This bill repeals this subsidy for the oil and gas companies. This proposal was previously included in H.R. 6, which passed the House of Representatives by a vote of 264 to 163 (with 36 House Republicans joining 228 House Democrats in support). *This proposal is estimated to raise $11.427 billion over 10 years.*

7-year amortization of geological and geophysical expenditures for certain major integrated oil companies. The bill increases the amortization period for geological and geophysical expenditures (G&G costs) from five years to seven years for large integrated oil companies. This proposal was previously included in H.R. 6, which passed the House of Representatives by a vote of 264 to 163 (with 36 House Republicans joining 228 House Democrats in support). *This proposal is estimated to raise $103 million over 10 years.*

Clarification of foreign oil and gas extraction income. The tax code limits the ability of oil and gas companies to claim foreign tax credits with respect to foreign oil and gas extraction income. Because of this limitation, there is a potential for oil and gas companies to manipulate their extraction income in order to achieve beneficial results under U.S. foreign tax credit rules. The bill would eliminate this potential. The bill would require oil and gas companies to use the ascertainable independent market values at the nearest point to the well for which an independent market exists in calculating their foreign oil and gas extraction income ("FOGEI") and foreign oil related income ("FORI"). The bill would also require that where a foreign country collects foreign taxes that are limited in their application to taxpayers engaged in oil or gas activities that oil and gas companies treat these taxes as oil and gas extraction taxes subject to the FOGEI limitation. *This proposal is estimated to raise $3.562 billion over 10 years.*

Clarification of Eligibility for Certain Fuel Credit

Clarification of eligibility for renewable diesel credit. The bill clarifies that the $1 per gallon production credit for renewable diesel is limited to diesel fuel that is produced solely from biomass. Diesel fuel that is created by coprocessing biomass with other feedstocks (e.g., petroleum) will be eligible for the 50 cent per gallon tax credit for alternative fuels. *This proposal is estimated to raise $85 million over 10 years.*

Clarification that fuel credits are designed to provide an incentive for United States production. The bill clarifies that the per gallon tax incentives for biodiesel, renewable diesel and alternative fuels are incentives for the production of alternative fuels in the United States. The bill also clarifies that the per gallon tax incentives for alcohol fuels, biodiesel, renewable diesel and alternative fuels are limited to fuels that are produced for consumption in the United States. *This proposal is estimated to raise $109 million over 10 years.*

IV. Other Provisions

Studies

Carbon audit of the tax code. The bill directs the Secretary of the Treasury to request that the National Academy of Sciences undertake a comprehensive review of the tax code to identify the types of specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

Comprehensive study of biofuels. The bill directs the Secretary of the Treasury, in consultation with the Secretary of Agriculture and the Secretary of Energy and the Administrator of the Environmental Protection Agency, to request that the National Academy of Sciences produce an analysis of current scientific findings relating to the future production of biofuels and the domestic effects of a dramatic increase in the production of biofuels.

Labor Standards

Labor standards for certain projects financed with tax credit bonds. The bill provides that the Davis-Bacon labor standards will apply to projects financed with tax credit bonds.