

[DISCUSSION DRAFT]

MAY 29, 2009

111TH CONGRESS
1ST SESSION

H. R. _____

To amend the Internal Revenue Code of 1986 to provide for the treatment of bonds issued to finance renewable energy resource facilities, conservation and efficiency facilities, and other specified greenhouse gas emission technologies.

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 to provide for the treatment of bonds issued to finance renewable energy resource facilities, conservation and efficiency facilities, and other specified greenhouse gas emission technologies.

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

1 **SECTION 1. TREATMENT OF BONDS ISSUED TO FINANCE**
2 **RENEWABLE ENERGY RESOURCE FACILITIES**
3 **AND CONSERVATION AND EFFICIENCY FA-**
4 **CILITIES AND OTHER SPECIFIED GREEN-**
5 **HOUSE GAS EMISSION TECHNOLOGIES.**

6 (a) IN GENERAL.—Section 142(a) of the Internal
7 Revenue Code of 1986 is amended by striking “or” at the
8 end of paragraph (14), by striking the period at the end
9 of paragraph (15) and inserting a comma, and by insert-
10 ing after paragraph (15) the following new paragraphs:

11 “(16) renewable energy resource facilities,

12 “(17) conservation and efficiency facilities and
13 projects, or

14 “(18) zero emission vehicles and related facili-
15 ties or projects.”.

16 (b) RENEWABLE ENERGY RESOURCE FACILITY.—
17 Section 142 of such Code is further amended by adding
18 at the end the following new subsection:

19 “(n) RENEWABLE ENERGY RESOURCE FACILI-
20 TIES.—For purposes of subsection (a)(16)—

21 “(1) IN GENERAL.—The term ‘renewable en-
22 ergy resource facility’ means—

23 “(A) any facility used to produce electric
24 or thermal energy (including a distributed gen-
25 eration facility) from—

26 “(i) solar, wind, or geothermal energy,

1 “(ii) marine and hydrokinetic renew-
2 able energy,

3 “(iii) incremental hydropower,

4 “(iv) biomass (as defined in section
5 203(b) of the Energy Policy Act of 2005
6 (42 U.S.C. 15852(b))), or

7 “(v) landfill gas, or

8 “(B) any facility or project used for the
9 manufacture of facilities referred to in subpara-
10 graph (A).

11 “(2) DEFINITIONS.—For purposes of paragraph
12 (1)—

13 “(A) GEOTHERMAL ENERGY.—The term
14 ‘geothermal energy’ means energy derived from
15 a geothermal deposit (within the meaning of
16 section 613(e)(2)) or from geothermal heat
17 pumps.

18 “(B) MARINE AND HYDROKINETIC RENEW-
19 ABLE ENERGY.—The term ‘marine and
20 hydrokinetic renewable energy’ has the meaning
21 given such term in section 45(c)(10).

22 “(C) INCREMENTAL HYDROPOWER.—The
23 term ‘incremental hydropower’ means additional
24 energy generated as a result of efficiency im-
25 provements or capacity additions to existing hy-

1 dropower facilities made on or after the date of
2 enactment of this subsection. The term ‘incre-
3 mental hydropower’ does not include additional
4 energy generated as a result of operational
5 changes not directly associated with efficiency
6 improvements or capacity additions.”.

7 (c) CONSERVATION AND EFFICIENCY.—Section 142
8 of such Code is amended by adding at the end the fol-
9 lowing new subsection:

10 “(o) CONSERVATION AND EFFICIENCY FACILITIES
11 AND PROJECTS.—For purposes of subsection (a)(17), the
12 term ‘conservation and efficiency facility and project’
13 means—

14 “(1) any facility used for the conservation or
15 the efficient use of energy, including energy efficient
16 retrofitting of existing buildings, or for the efficient
17 storage, transmission, or distribution of energy, in-
18 cluding any facility or project designed to implement
19 smart grid technologies (as described in title XIII of
20 the Energy Independence and Security Act of 2007,
21 or individual components of such technologies as
22 listed in section 1301 of such Act),

23 “(2) any facility used for the conservation of or
24 the efficient use of water, including—

25 “(A) any facility or project designed to—

1 “(i) reduce the demand for water,
2 “(ii) improve efficiency in use and re-
3 duce losses and waste of water, and
4 “(iii) improve land management prac-
5 tices to conserve water, or
6 “(B) any individual component of a facility
7 or project referred to in subparagraph (A), or
8 “(3) any facility or project used for the manu-
9 facture of facilities referred to in paragraphs (1) and
10 (2).

11 For purposes of paragraph (2)(B), facilities **【projects?】**
12 does not include facilities that store water.”.

13 (d) ZERO EMISSION VEHICLES AND RELATED FA-
14 CILITIES OR PROJECTS.—Section 142 of such Code is
15 amended by adding at the end the following new sub-
16 section:

17 “(p) ZERO EMISSION VEHICLES AND RELATED FA-
18 CILITIES.—

19 “(1) ZERO EMISSION VEHICLES.—The term
20 ‘zero emission vehicles’ means vehicles that have no
21 tailpipe emissions, evaporative emissions, or onboard
22 emission-control systems that can deteriorate over
23 time.

24 “(2) FACILITIES RELATED TO ZERO EMISSION
25 VEHICLES.—A facility **【project??】** is related to a

1 zero emission vehicle if the facility is any real or per-
2 sonal property to be used in the design, technology
3 transfer, manufacture, production, assembly, dis-
4 tribution, or service of zero emission vehicles.”.

5 (e) COORDINATION WITH SECTION 45.—Paragraph
6 (3) of section 45(b) of such Code is amended by adding
7 at the end the following new sentence: “Clause (ii) of sub-
8 paragraph (A) shall not apply with respect to (I) any
9 qualified facility that is a renewable energy resource facil-
10 ity described in section 142(a)(16), (II) any qualified facil-
11 ity that is a conservation and efficiency facility described
12 in section 142(a)(17), or (III) any qualified facility that
13 is a zero emission vehicle and related facility or project
14 described in section 142(a)(18).”.

15 (f) COORDINATION WITH SECTION 45K.—Subpara-
16 graph (A) of section 45K(b)(3) of such Code is amended
17 by adding at the end the following flush sentence: “Clause
18 (i)(II) shall not apply with respect to (aa) any qualified
19 facility that is a renewable energy resource facility de-
20 scribed in section 142(a)(16), (bb) any qualified facility
21 that is a conservation and efficiency facility described sec-
22 tion 142(a)(17), or (cc) any qualified facility that is a zero
23 emission vehicle and related facility or project described
24 in section 142(a)(18).”.

1 (g) COORDINATION WITH SECTION 146(g)(3).—Sec-
2 tion 146(g)(3) is amended by striking “or (15)” and all
3 that follows through the end of the paragraph and insert-
4 ing “(15), (16), (17), or (18)”.

5 (h) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to obligations issued after the date
7 of the enactment of this Act.