

117TH CONGRESS
1ST SESSION

S. 1034

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 SENATE OF THE UNITED STATES

MARCH 25, 2021

Mr. COONS (for himself, Mr. MORAN, Mr. KING, Mr. CARPER, Ms. ERNST, Ms. COLLINS, Mr. WARNER, Mr. BRAUN, Ms. STABENOW, Mr. CRAPO, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Finance

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.

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.**

4 This Act may be cited as the “Financing Our Energy
5 Future Act”.

1 **SEC. 2. GREEN ENERGY PUBLICLY TRADED PARTNER-**
 2 **SHIPS.**

3 (a) IN GENERAL.—Section 7704(d)(1)(E) of the In-
 4 ternal Revenue Code of 1986 is amended—

5 (1) by striking “income and gains derived from
 6 the exploration” and inserting “income and gains
 7 derived from—

8 “(i) the exploration”,

9 (2) by inserting “or” before “industrial
 10 source”, and

11 (3) by striking “, or the transportation or stor-
 12 age” and all that follows and inserting the following:

13 “(ii) the generation of electric power
 14 or thermal energy exclusively using any
 15 qualified energy resource (as defined in
 16 section 45(c)(1)),

17 “(iii) the operation of energy property
 18 (as defined in section 48(a)(3), determined
 19 without regard to any date by which the
 20 construction of the facility is required to
 21 begin),

22 “(iv) in the case of a facility described
 23 in paragraph (3) or (7) of section 45(d)
 24 (determined without regard to any placed
 25 in service date or date by which construc-
 26 tion of the facility is required to begin),

1 the accepting or processing of open-loop
2 biomass or municipal solid waste,

3 “(v) the storage of electric power or
4 thermal energy exclusively using equipment
5 (other than equipment primarily used in
6 the transportation of goods or individuals
7 and not for the production of electricity)
8 which—

9 “(I) uses batteries, compressed
10 air, pumped hydropower, hydrogen
11 storage (including hydrolysis and elec-
12 trolysis), thermal energy storage, re-
13 generative fuel cells, flywheels, capaci-
14 tors, superconducting magnets, or
15 other technologies identified by the
16 Secretary, after consultation with the
17 Secretary of Energy, to store energy
18 for conversion to electricity and has a
19 capacity of not less than 5 kilowatt
20 hours, or

21 “(II) stores thermal energy to
22 heat or cool (or provide hot water for
23 use in) a structure (other than for use
24 in a swimming pool),

1 “(vi) the generation, storage, or dis-
2 tribution of electric power or thermal en-
3 ergy exclusively using energy property that
4 is combined heat and power system prop-
5 erty (as defined in section 48(c)(3), deter-
6 mined without regard to subparagraph
7 (B)(iii) thereof and without regard to any
8 date by which the construction of the facil-
9 ity is required to begin),

10 “(vii) the transportation or storage of
11 any fuel described in subsection (b), (c),
12 (d), or (e) of section 6426,

13 “(viii) the conversion of renewable bio-
14 mass (as defined in subparagraph (I) of
15 section 211(o)(1) of the Clean Air Act (as
16 in effect on the date of the enactment of
17 this clause)) into renewable fuel (as de-
18 fined in subparagraph (J) of such section
19 as so in effect), or the storage or transpor-
20 tation of such fuel,

21 “(ix) the production, storage, or
22 transportation of any fuel which—

23 “(I) uses as its primary feedstock
24 carbon oxides captured from an an-
25 thropogenic source or the atmosphere,

1 “(II) does not use as its primary
2 feedstock carbon oxide which is delib-
3 erately released from naturally occur-
4 ring subsurface springs, and

5 “(III) is determined by the Sec-
6 retary, after consultation with the
7 Secretary of Energy and the Adminis-
8 trator of the Environmental Protec-
9 tion Agency, to achieve a reduction of
10 not less than a 60 percent in lifecycle
11 greenhouse gas emissions (as defined
12 in section 211(o)(1)(H) of the Clean
13 Air Act, as in effect on the date of the
14 enactment of this clause) compared to
15 baseline lifecycle greenhouse gas emis-
16 sions (as defined in section
17 211(o)(1)(C) of such Act, as so in ef-
18 fect),

19 “(x) the generation of electric power
20 from a qualifying gasification project (as
21 defined in section 48B(c)(1) without re-
22 gard to subparagraph (C)) that is de-
23 scribed in section 48B(d)(1)(B),

24 “(xi) in the case of a qualified facility
25 (as defined in section 45Q(d), without re-

gard to any date by which construction of the facility is required to begin) not less than 50 percent (30 percent in the case of a facility placed in service before January 1, 2022) of the total carbon oxide production of which is qualified carbon oxide (as defined in section 45Q(c))—

“(I) the generation, availability for such generation, or storage of electric power at such facility, or

“(II) the capture of carbon dioxide by such facility,

“(xii) the generation of electric power or energy from any advanced nuclear facility (as defined in section 45J(d)(2), determined by substituting ‘December 31, 2018’ for ‘December 31, 1993’), or

“(xiii) the production, storage, or transportation of any renewable chemical which—

“(I) is produced in the United States (or in a territory or possession of the United States) from renewable biomass,

1 “(II) is not less than 95 percent
2 biobased content,

3 “(III) is not sold or used for the
4 production of any food, feed, fuel, or
5 pharmaceuticals,

6 “(IV) is approved to use the
7 USDA Certified Biobased Product
8 label under section 9002(b) of the
9 Farm Security and Rural Investment
10 Act of 2002 (7 U.S.C. 8102(b)), and

11 “(V) is a chemical intermediate
12 (as such term is defined in section
13 3201.109 of title 7, Code of Federal
14 Regulations (or successor regula-
15 tions)),”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to taxable years beginning after
18 December 31, 2021.

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