

111TH CONGRESS
1ST SESSION

H. R. 2982

To amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2009

Mr. GRIJALVA (for himself, Ms. HERSETH SANDLIN, Mr. PASTOR of Arizona, and Mr. WU) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources.

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 “Fair Allocation of In-
5 ternal Revenue Credit for Renewable Electricity Distribu-
6 tion by Indian Tribes Act of 2009” or as the “FAIR
7 CREDIT Act of 2009”.

1 **SEC. 2. TRANSFER BY INDIAN TRIBES OF CREDIT FOR**
2 **ELECTRICITY PRODUCED FROM RENEWABLE**
3 **RESOURCES.**

4 (a) IN GENERAL.—Paragraph (3) of section 45(e) of
5 the Internal Revenue Code of 1986 (relating to production
6 attributable to the taxpayer) is amended to read as fol-
7 lows:

8 “(3) PRODUCTION ATTRIBUTABLE TO THE TAX-
9 PAYER.—

10 “(A) IN GENERAL.—In the case of a facil-
11 ity in which more than 1 person has an owner-
12 ship interest, except to the extent provided in
13 regulations prescribed by the Secretary, produc-
14 tion from the facility shall be allocated among
15 such persons in proportion to their respective
16 ownership interests in the gross sales from such
17 facility.

18 “(B) SPECIAL RULE FOR INDIAN
19 TRIBES.—

20 “(i) IN GENERAL.—In the case of a
21 facility described in subparagraph (A) in
22 which an Indian tribe has an ownership in-
23 terest in the gross sales from such facility,
24 such Indian tribe may assign to any other
25 person who has such an ownership interest
26 in such facility any portion of the produc-

1 tion from the facility that would (but for
2 this subparagraph) be allocated to such In-
3 dian tribe. Any such assignment may be
4 revoked only with the consent of the Sec-
5 retary and shall be made at such time and
6 in such manner as the Secretary may pro-
7 vide.

8 “(ii) INDIAN TRIBE.—For purposes of
9 clause (i), the term ‘Indian tribe’ means
10 any Indian tribe, band, nation, pueblo, or
11 other organized group or community, in-
12 cluding any Alaska Native village or re-
13 gional or village corporation, as defined in,
14 or established pursuant to, the Alaska Na-
15 tive Claims Settlement Act (43 U.S.C.
16 1601 et seq.) which is recognized as eligi-
17 ble for the special programs and services
18 provided by the United States to Indians
19 because of their status as Indians.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to electricity produced and sold
22 after the date of the enactment of this Act.

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