

112TH CONGRESS
1ST SESSION

H. R. 1611

To amend the Internal Revenue Code of 1986 to provide for the designation of Clean Energy Business Zones and for tax incentives for the construction of, and employment at, energy-efficient buildings and clean energy facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Mr. GRIMM (for himself and Mr. BARTLETT) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Internal Revenue Code of 1986 to provide for the designation of Clean Energy Business Zones and for tax incentives for the construction of, and employment at, energy-efficient buildings and clean energy facilities, 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 “Clean Energy Business
5 Zone Act of 2011” and as the “Clean Energy Empower-
6 ment Zone Act of 2011”.

1 **SEC. 2. DESIGNATION OF CLEAN ENERGY BUSINESS ZONES**
 2 **AND TAX INCENTIVES WITH RESPECT TO**
 3 **SUCH ZONES.**

4 (a) IN GENERAL.—Chapter 1 of the Internal Rev-
 5 enue Code of 1986 is amended by adding at the end the
 6 following new subchapter:

7 **“Subchapter Z—Clean Energy Business Zones**

“PART I. DESIGNATION.

“PART II. TAX BENEFITS.

8 **“PART I—DESIGNATION**

“Sec. 1400V–1. Designation of Clean Energy Business Zones.

9 **“SEC. 1400V–1. DESIGNATION OF CLEAN ENERGY BUSINESS**
 10 **ZONES.**

11 “(a) IN GENERAL.—The Secretary may designate 40
 12 clean energy business zones.

13 “(b) CONSULTATION.—In designating such zones, the
 14 Secretary shall consult with—

15 “(1) the Secretary of Housing and Urban De-
 16 velopment in the case of urban areas, and

17 “(2) the Secretary of Agriculture in the case of
 18 rural areas.

19 “(c) DESIGNATION CRITERIA.—In designating such
 20 zones, the Secretary shall consider the following factors:

21 “(1) Whether the area already has a clean en-
 22 ergy infrastructure or otherwise has a deteriorating
 23 conventional energy infrastructure.

1 “(2) Whether the area is reliant on carbon-in-
2 tensive industries and, consequently, job loss is an-
3 ticipated due to the transition to a clean energy
4 economy.

5 “(3) Whether the area is home to business sec-
6 tors that could complement new clean energy indus-
7 tries.

8 “(4) Whether the area has other environmental
9 or economic conditions conducive to the establish-
10 ment of facilities relating to the manufacture or re-
11 search of clean energy or clean energy technologies,
12 including the components used in such manufacture
13 or research and the production of clean energy.

14 “(d) SIZE.—An area may be designated as a Clean
15 Energy Business Zone only if it meets the requirements
16 of section 1392(a)(3).

17 “(e) PERIOD DESIGNATIONS MAY BE MADE.—A des-
18 ignation may be made under subsection (a) only after
19 2011 and before 2014.

20 “(f) PERIOD FOR WHICH DESIGNATION IS IN EF-
21 FECT.—Any designation under this section shall remain
22 in effect during the period beginning on the date of the
23 designation and ending on the close of the 10th calendar
24 year beginning on or after such date of designation.

1 **“PART II—TAX BENEFITS**

“Sec. 1400V-2. Tax benefits for clean energy business zones.

2 **“SEC. 1400V-2. TAX BENEFITS FOR CLEAN ENERGY BUSI-**
3 **NESS ZONES.**

4 “(a) WAGE CREDIT.—For purposes of section
5 1396—

6 “(1) IN GENERAL.—Subject to the modifica-
7 tions in paragraph (2), a Clean Energy Business
8 Zone shall be treated as an empowerment zone.

9 “(2) MODIFICATIONS.—In applying section
10 1396 with respect to Clean Energy Business
11 Zones—

12 “(A) IN GENERAL.—In the case of quali-
13 fied wages—

14 “(i) subsection (b) thereof shall be ap-
15 plied by substituting ‘30 percent’ for ‘20
16 percent’, and

17 “(ii) subsection (c) thereof shall be
18 applied by substituting ‘\$20,000’ for
19 ‘\$15,000’ each place it appears.

20 “(B) QUALIFIED WAGES.—For purposes of
21 subparagraph (A), the term ‘qualified wages’
22 means qualified zone wages (as defined in sec-
23 tion 1396(c)) for services performed by the em-
24 ployee—

1 “(i) in the construction of any quali-
2 fied Green building, or

3 “(ii) in any qualified clean energy fa-
4 cility.

5 “(C) COORDINATION WITH BASIC CRED-
6 IT.—The \$15,000 amount in section 1396(c)(2)
7 (without regard to this subsection) shall be re-
8 duced for any calendar year by the amount of
9 wages paid or incurred during such year which
10 are taken into account in determining the credit
11 under this subsection.

12 “(3) CREDIT TO BE REFUNDABLE.—So much
13 of the credit allowable by section 1396 solely by rea-
14 son of this subsection shall be treated as allowed
15 under subpart C of part IV of subchapter A of this
16 chapter.

17 “(b) EXPANSION OF WORK OPPORTUNITY CREDIT.—

18 “(1) IN GENERAL.—For purposes of section 51,
19 a Clean Energy Business Zone employee shall be
20 treated as a member of a targeted group.

21 “(2) CLEAN ENERGY BUSINESS ZONE BUSINESS
22 EMPLOYEE.—For purposes of this subsection—

23 “(A) IN GENERAL.—The term ‘Clean En-
24 ergy Business Zone employee’ means, with re-

1 spect to any period, any employee of a Clean
2 Energy Business Zone business if—

3 “(i) the principal place of abode of
4 such employee during such period is within
5 a Clean Energy Business Zone,

6 “(ii) substantially all the services per-
7 formed during such period by such em-
8 ployee for such business are performed—

9 “(I) in the construction of any
10 qualified Green energy building, or

11 “(II) in a qualified clean energy
12 facility, and

13 “(iii) such employee had been em-
14 ployed in a carbon-intensive business at
15 any time during the 1-year period ending
16 on the date that the individual was first
17 hired by the employer.

18 “(B) CLEAN ENERGY BUSINESS ZONE
19 BUSINESS.—The term ‘Clean Energy Business
20 Zone business’ means any trade or business—

21 “(i) which is located in a Clean En-
22 ergy Business Zone, and

23 “(ii) at least 15 percent of the em-
24 ployees of which are residents of a Clean
25 Energy Business Zone.

1 “(C) SPECIAL RULES FOR DETERMINING
2 AMOUNT OF CREDIT.—For purposes of applying
3 subpart F of part IV of subchapter A of this
4 chapter to wages paid or incurred to any Clean
5 Energy Business Zone business employee—

6 “(i) subsections (c)(4) and (i)(2) of
7 section 51 shall not apply, and

8 “(ii) in determining qualified wages,
9 the following shall apply in lieu of section
10 51(b):

11 “(I) QUALIFIED WAGES.—The
12 term ‘qualified wages’ means wages
13 paid or incurred by the employer to
14 individuals who are Clean Energy
15 Business Zone business employees of
16 such employer for work performed
17 during calendar year 2012.

18 “(II) ONLY FIRST \$12,000 OF
19 WAGES PER CALENDAR YEAR TAKEN
20 INTO ACCOUNT.—The amount of the
21 qualified wages which may be taken
22 into account with respect to any indi-
23 vidual shall not exceed \$12,000 per
24 calendar year.

25 “(c) CLEAN RENEWABLE ENERGY BONDS.—

1 “(1) IN GENERAL.—For purposes of section
2 54(c)(2), the term ‘qualified facility’ includes—

3 “(A) any qualified Green building, and

4 “(B) any qualified clean energy facility.

5 “(2) EXTENSION.—In the case of bonds which
6 are clean renewable energy bonds under section 54
7 solely by reason of this subsection, section 54(m)
8 shall be applied by substituting ‘December 31, 2022’
9 for ‘December 31, 2009’.

10 “(d) INCREASED EXPENSING UNDER SECTION
11 179.—

12 “(1) IN GENERAL.—For purposes of section
13 179, the dollar amount in effect under section
14 179(b)(1) for the taxable year shall be increased by
15 the lesser of—

16 “(A) \$250,000, or

17 “(B) the cost of qualified section 179
18 Clean Energy Business Zone property placed in
19 service during the taxable year.

20 “(2) QUALIFIED SECTION 179 CLEAN ENERGY
21 BUSINESS ZONE PROPERTY.—For purposes of this
22 subsection—

23 “(A) IN GENERAL.—The term ‘qualified
24 section 179 Clean Energy Business Zone prop-

1 erty’ means section 179 property (as defined in
2 section 179(d))—

3 “(i) which is described in section
4 168(k)(2)(A)(i) or which is nonresidential
5 real property or residential rental property,

6 “(ii) substantially all of the use of
7 which is in—

8 “(I) a qualified Green building or
9 a qualified clean energy facility, and

10 “(II) the active conduct of a
11 trade or business by the taxpayer in
12 such Zone,

13 “(iii) the original use of which in the
14 Clean Energy Business Zone commences
15 with the taxpayer on or after the date of
16 the enactment of this section,

17 “(iv) which is acquired by the tax-
18 payer by purchase (as defined in section
19 179(d)) on or after such date, but only if
20 no written binding contract for the acquisi-
21 tion was in effect before such date, and

22 “(v) which is placed in service by the
23 taxpayer during the 2-year period begin-
24 ning on such date (during the 3-year pe-
25 riod beginning on such date, in the case of

1 nonresidential real property and residential
2 rental property).

3 “(B) EXCEPTIONS.—

4 “(i) ALTERNATIVE DEPRECIATION
5 PROPERTY.—Such term shall not include
6 any property described in section
7 168(k)(2)(D)(i).

8 “(ii) TAX-EXEMPT BOND-FINANCED
9 PROPERTY.—Such term shall not include
10 any property any portion of which is fi-
11 nanced with the proceeds of any obligation
12 the interest on which is exempt from tax
13 under section 103.

14 “(iii) ELECTION OUT.—If a taxpayer
15 makes an election under this clause with
16 respect to any class of property for any
17 taxable year, this subsection shall not
18 apply to all property in such class placed
19 in service during such taxable year.

20 “(3) SPECIAL RULES.—For purposes of this
21 subsection, rules similar to the rules of subpara-
22 graph (E) of section 168(k)(2) shall apply, except
23 that such subparagraph shall be applied—

24 “(A) without regard to ‘and before Janu-
25 ary 1, 2013’ in clause (i) thereof, and

1 “(B) by substituting ‘qualified Clean En-
2 ergy Business Zone property’ for ‘qualified
3 property’ in clause (iv) thereof.

4 “(4) ALLOWANCE AGAINST ALTERNATIVE MIN-
5 IMUM TAX.—For purposes of this subsection, rules
6 similar to the rules of section 168(k)(2)(G) shall
7 apply.

8 “(5) RECAPTURE.—For purposes of this sub-
9 section, rules similar to the rules under section
10 179(d)(10) shall apply with respect to any qualified
11 section 179 Clean Energy Business Zone property
12 which ceases to be qualified section 179 Clean En-
13 ergy Business Zone property.

14 “(e) EXCLUSION OF CAPITAL GAIN ON STOCK IN
15 QUALIFIED BUSINESSES.—

16 “(1) IN GENERAL.—Gross income shall not in-
17 clude qualified capital gain from the sale or ex-
18 change of any Clean Energy Business Zone asset
19 held for more than 5 years.

20 “(2) CLEAN ENERGY BUSINESS ZONE ASSET.—
21 For purposes of this subsection—

22 “(A) IN GENERAL.—The term ‘Clean En-
23 ergy Business Zone asset’ means—

24 “(i) any Clean Energy Business Zone
25 business stock,

1 “(ii) any Clean Energy Business Zone
2 partnership interest, and

3 “(iii) any Clean Energy Business
4 Zone business property.

5 “(B) CLEAN ENERGY BUSINESS ZONE
6 BUSINESS STOCK.—

7 “(i) IN GENERAL.—The term ‘Clean
8 Energy Business Zone business stock’
9 means any stock in a domestic corporation
10 which is originally issued after the date of
11 the enactment of this section if—

12 “(I) such stock is acquired by the
13 taxpayer, before January 1, 2015, at
14 its original issue (directly or through
15 an underwriter) solely in exchange for
16 cash,

17 “(II) as of the time such stock
18 was issued, such corporation was a
19 Clean Energy Business Zone business
20 (or, in the case of a new corporation,
21 such corporation was being organized
22 for purposes of being a Clean Energy
23 Business Zone business), and

24 “(III) during substantially all of
25 the taxpayer’s holding period for such

1 stock, such corporation qualified as a
2 Clean Energy Business Zone business.

3 “(ii) REDEMPTIONS.—A rule similar
4 to the rule of section 1202(c)(3) shall
5 apply for purposes of this paragraph.

6 “(C) CLEAN ENERGY BUSINESS ZONE
7 PARTNERSHIP INTEREST.—The term ‘Clean
8 Energy Business Zone partnership interest’
9 means any capital or profits interest in a do-
10 mestic partnership which is originally issued
11 after the date of the enactment of this section
12 if—

13 “(i) such interest is acquired by the
14 taxpayer, before January 1, 2015, from
15 the partnership solely in exchange for cash,

16 “(ii) as of the time such interest was
17 acquired, such partnership was a Clean
18 Energy Business Zone business (or, in the
19 case of a new partnership, such partner-
20 ship was being organized for purposes of
21 being a Clean Energy Business Zone busi-
22 ness), and

23 “(iii) during substantially all of the
24 taxpayer’s holding period for such interest,

1 such partnership qualified as a Clean En-
2 ergy Business Zone business.

3 A rule similar to the rule of subparagraph
4 (B)(ii) shall apply for purposes of this subpara-
5 graph.

6 “(D) CLEAN ENERGY BUSINESS ZONE
7 BUSINESS PROPERTY.—

8 “(i) IN GENERAL.—The term ‘Clean
9 Energy Business Zone business property’
10 means property which is a qualified Green
11 building if—

12 “(I) such property was acquired
13 by the taxpayer by purchase (as de-
14 fined in section 179(d)(2)) after the
15 date of the enactment of this section
16 and before January 1, 2015,

17 “(II) the original use of such
18 property in the Clean Energy Busi-
19 ness Zone commences with the tax-
20 payer, and

21 “(III) during substantially all of
22 the taxpayer’s holding period for such
23 property, substantially all of the use
24 of such property was in a Clean En-

1 ergy Business Zone business of the
2 taxpayer.

3 “(ii) SPECIAL RULE FOR BUILDINGS
4 WHICH ARE SUBSTANTIALLY IMPROVED.—

5 “(I) IN GENERAL.—The require-
6 ments of subclauses (I) and (II) of
7 clause (i) shall be treated as met with
8 respect to—

9 “(aa) property which is sub-
10 stantially improved by the tax-
11 payer before January 1, 2015,
12 and

13 “(bb) any land on which
14 such property is located.

15 “(II) SUBSTANTIAL IMPROVE-
16 MENT.—For purposes of subclause
17 (I), property shall be treated as sub-
18 stantially improved by the taxpayer
19 only if, during any 24-month period
20 beginning after December 31, 1999,
21 additions to basis with respect to such
22 property in the hands of the taxpayer
23 exceed the greater of \$5,000 or an
24 amount equal to the adjusted basis of
25 such property at the beginning of

1 such 24-month period in the hands of
2 the taxpayer.

3 “(E) TREATMENT OF CLEAN ENERGY
4 BUSINESS ZONE TERMINATION.—The termi-
5 nation of the designation of the Clean Energy
6 Business Zone shall be disregarded for purposes
7 of determining whether any property is a Clean
8 Energy Business Zone asset.

9 “(F) TREATMENT OF SUBSEQUENT PUR-
10 CHASERS, ETC.—The term ‘Clean Energy Busi-
11 ness Zone asset’ includes any property which
12 would be a Clean Energy Business Zone asset
13 but for subparagraph (B)(i)(I), (C)(i), or (D)(i)
14 (I) or (II) in the hands of the taxpayer if such
15 property was a Clean Energy Business Zone
16 asset in the hands of a prior holder.

17 “(G) 5-YEAR SAFE HARBOR.—If any prop-
18 erty ceases to be a Clean Energy Business Zone
19 asset by reason of subparagraph (B)(i)(III),
20 (C)(iii), or (D)(i)(III) after the 5-year period
21 beginning on the date the taxpayer acquired
22 such property, such property shall continue to
23 be treated as meeting the requirements of such
24 paragraph; except that the amount of gain to
25 which paragraph (1) applies on any sale or ex-

1 change of such property shall not exceed the
2 amount which would be qualified capital gain
3 had such property been sold on the date of such
4 cessation.

5 “(3) CLEAN ENERGY BUSINESS ZONE BUSI-
6 NESS.—For purposes of this subsection, the term
7 ‘Clean Energy Business Zone business’ means any
8 trade or business if—

9 “(A) all buildings located in any Clean En-
10 ergy Business Zone which are owned or occu-
11 pied by such trade or business are qualified
12 Green buildings or qualified clean energy facili-
13 ties, and

14 “(B) such business would be an enterprise
15 zone business (as defined in section 1397C) de-
16 termined—

17 “(i) by substituting ‘80 percent’ for
18 ‘50 percent’ in subsections (b)(2) and
19 (c)(1) of section 1397C,

20 “(ii) by substituting ‘15 percent’ for
21 ‘35 percent’ in subsections (b)(6) and
22 (c)(5) of section 1397C, and

23 “(iii) by treating no area other than
24 the Clean Energy Business Zone as an em-
25 powerment zone or enterprise community.

1 “(4) OTHER DEFINITIONS AND SPECIAL
2 RULES.—

3 “(A) QUALIFIED CAPITAL GAIN.—Except
4 as otherwise provided in this paragraph, the
5 term ‘qualified capital gain’ means any gain
6 recognized on the sale or exchange of—

7 “(i) a capital asset, or

8 “(ii) property used in the trade or
9 business (as defined in section 1231(b)).

10 “(B) GAIN BEFORE ENACTMENT OR AFTER
11 2014 NOT QUALIFIED.—The term ‘qualified cap-
12 ital gain’ shall not include any gain attributable
13 to periods before the date of the enactment of
14 this section or after December 31, 2014.

15 “(C) CERTAIN GAIN NOT QUALIFIED.—The
16 term ‘qualified capital gain’ shall not include
17 any gain which would be treated as ordinary in-
18 come under section 1245 or under section 1250
19 if section 1250 applied to all depreciation rath-
20 er than the additional depreciation.

21 “(D) INTANGIBLES AND LAND NOT INTE-
22 GRAL PART OF CLEAN ENERGY BUSINESS ZONE
23 BUSINESS.—The term ‘qualified capital gain’
24 shall not include any gain which is attributable
25 to real property, or an intangible asset, which

1 is not an integral part of a Clean Energy Busi-
2 ness Zone business.

3 “(E) RELATED PARTY TRANSACTIONS.—
4 The term ‘qualified capital gain’ shall not in-
5 clude any gain attributable, directly or indi-
6 rectly, in whole or in part, to a transaction with
7 a related person. For purposes of this para-
8 graph, persons are related to each other if such
9 persons are described in section 267(b) or
10 707(b)(1).

11 “(5) CERTAIN RULES TO APPLY.—Rules similar
12 to the rules of subsections (g), (h), (i)(2), and (j) of
13 section 1202 shall apply for purposes of this sub-
14 section.

15 “(6) SALES AND EXCHANGES OF INTERESTS IN
16 PARTNERSHIPS AND S CORPORATIONS WHICH ARE
17 CLEAN ENERGY BUSINESS ZONE BUSINESSES.—In
18 the case of the sale or exchange of an interest in a
19 partnership, or of stock in an S corporation, which
20 was a Clean Energy Business Zone business during
21 substantially all of the period the taxpayer held such
22 interest or stock, the amount of qualified capital
23 gain shall be determined without regard to—

24 “(A) any gain which is attributable to real
25 property, or an intangible asset, which is not an

1 integral part of a Clean Energy Business Zone
2 business, and

3 “(B) any gain attributable to periods be-
4 fore the date of the enactment of this section or
5 after December 31, 2014.

6 “(f) EXPENSING OF PORTION OF COST OF QUALI-
7 FIED CLEAN ENERGY FACILITIES.—

8 “(1) IN GENERAL.—A taxpayer may elect to
9 treat the cost of any qualified clean energy facility
10 property as an expense which is not chargeable to
11 capital account. Any cost so treated shall be allowed
12 as a deduction for the taxable year in which the
13 property is placed in service.

14 “(2) MAXIMUM AMOUNT OF DEDUCTION.—

15 “(A) IN GENERAL.—The deduction under
16 paragraph (1) for any taxable year shall not ex-
17 ceed \$1,000,000.

18 “(B) DEDUCTION ALLOWED FOR ONLY 5
19 YEARS.—A deduction shall be allowed under
20 this paragraph for any qualified clean energy
21 facility property only for the taxable year dur-
22 ing which the qualified clean energy facility is
23 placed in service and for the first 4 taxable
24 years thereafter.

1 “(3) QUALIFIED CLEAN ENERGY FACILITY
2 PROPERTY.—For purposes of this subsection, the
3 term ‘qualified clean energy facility property’ means
4 any property—

5 “(A) with respect to which depreciation (or
6 amortization in lieu of depreciation) is allow-
7 able, and

8 “(B) which is installed on or in any quali-
9 fied clean energy facility.

10 “(4) BASIS REDUCTION.—For purposes of this
11 subtitle, if a deduction is allowed under this sub-
12 section with respect to any qualified clean energy fa-
13 cility property, the basis of such property shall be
14 reduced by the amount of the deduction so allowed.

15 “(5) TERMINATION.—This subsection shall not
16 apply to property placed in service after December
17 31, 2014.

18 “(g) DEFINITIONS.—For purposes of this section—

19 “(1) QUALIFIED GREEN BUILDING.—

20 “(A) IN GENERAL.—The term ‘qualified
21 Green building’ means any building which is lo-
22 cated in a Clean Energy Business Zone and
23 which meets the standards prescribed by the
24 Administrator of the Environmental Protection

1 Agency under subparagraph (B) for such build-
2 ing.

3 “(B) STANDARDS.—The Administrator of
4 the Environmental Protection Agency shall de-
5 velop and implement, in consultation with the
6 Secretary of Energy, standards for a national
7 energy and environmental building retrofit pol-
8 icy for single-family and multifamily residences.
9 The Administrator shall develop and implement,
10 in consultation with the Secretary of Energy
11 and the Director of Commercial High-Perform-
12 ance Green Buildings, standards for a national
13 energy and environmental building retrofit pol-
14 icy for nonresidential buildings. The programs
15 to implement the residential and nonresidential
16 policies based on the standards developed under
17 this subparagraph shall together be known as
18 the Retrofit for Energy and Environmental
19 Performance (REEP) program.

20 “(2) QUALIFIED CLEAN ENERGY FACILITY.—
21 The term ‘qualified clean energy facility’ means any
22 facility which is located in a Clean Energy Business
23 Zone and which relates to the manufacture or re-
24 search of clean energy or clean energy technologies,

1 including the components used in such manufacture
2 or research and the production of clean energy.”.

3 (b) CLERICAL AMENDMENT.—The table of sub-
4 chapters for chapter 1 of such Code is amended by adding
5 at the end the following new item:

“SUBCHAPTER Z. CLEAN ENERGY BUSINESS ZONES.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to taxable years ending after the
8 date of the enactment of this Act.

9 **SEC. 3. WAIVER OF SBA LOAN FEES.**

10 (a) SECTION 7(a) LOANS.—Paragraph (18) section
11 7(a) of the Small Business Act is amended by adding at
12 the end the following new subparagraph:

13 “(C) NO FEE PERMITTED FOR CLEAN EN-
14 ERGY CONSTRUCTION LOANS.—No fee may be
15 imposed under this paragraph with respect to
16 any loan made before January 1, 2022, for the
17 construction of any qualified Green building (as
18 defined in section 1400V-2(g) of the Internal
19 Revenue Code of 1986) or any qualified clean
20 energy facility (as defined in such section).”.

21 (b) SECTION 504 LOANS.—Paragraph (2) of section
22 503(d) of the Small Business Investment Act of 1958 is
23 amended by adding at the end the following new sentence:
24 “No fee may be imposed under this paragraph with re-
25 spect to any loan made before January 1, 2022, for the

1 construction of any qualified Green building (as defined
2 in section 1400V-2(g) of the Internal Revenue Code of
3 1986) or any qualified clean energy facility (as defined
4 in such section).”

○