

109TH CONGRESS
1ST SESSION

S. 1079

To amend the Internal Revenue Code of 1986 to expand and extend the renewable resource credit for trash combustion facilities.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2005

Mrs. LINCOLN 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 expand and extend the renewable resource credit for trash combustion facilities.

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 “Waste-to-Energy Tax
5 Credit Act”.

1 **SEC. 2. EXPANSION AND EXTENSION OF RENEWABLE RE-**
2 **SOURCE CREDIT FOR TRASH COMBUSTION**
3 **FACILITIES.**

4 (a) IN GENERAL.—Paragraph (7) of section 45(d) of
5 the Internal Revenue Code of 1986 (relating to trash com-
6 bustion facilities) is amended—

7 (1) by inserting “or unit” after “any facility”,
8 and

9 (2) by striking “2006.” and inserting “2009,
10 only if the average production of electricity from the
11 existing facility and the new unit exceeds historical
12 levels of electricity produced before the date such
13 new unit was placed in service.”.

14 (b) CREDIT RATE AND PERIOD FOR ELECTRICITY
15 PRODUCED AND SOLD AFTER ENACTMENT DATE.—Sec-
16 tion 45(b)(4) of the Internal Revenue Code of 1986 (relat-
17 ing to credit rate and period for electricity produced and
18 sold from certain facilities) is amended—

19 (1) by striking “(6), or (7)” in subparagraphs
20 (A) and (B)(i) and inserting “or (6)”, and

21 (2) by inserting “and in the case of any facility
22 described in subsection (d)(7), the 7-year period be-
23 ginning on the date the facility was originally placed
24 in service shall be substituted for such 10-year pe-
25 riod” before the period at the end of subparagraph
26 (B)(i).

1 (c) EXTENSION FOR CERTAIN FACILITIES.—Section
2 45(e) of the Internal Revenue Code of 1986 (relating to
3 definitions and special rules) is amended by adding at the
4 end the following new paragraph:

5 “(10) EXTENSION FOR CERTAIN FACILITIES.—
6 In the case of any facility described in subsection
7 (d)(7), for purposes of subsection (b)(4), such facil-
8 ity shall be treated as being placed in service before
9 January 1, 2009, if such facility is placed in service
10 before July 1, 2009 pursuant to a binding written
11 contract in effect before January 1, 2009.”.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect as if included in the amend-
14 ments made by section 710 of the American Jobs Creation
15 Act of 2004.

○