

111TH CONGRESS
1ST SESSION

H. R. 1794

To provide incentives to reduce dependence on foreign oil.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2009

Mr. DANIEL E. LUNGREN of California (for himself and Mr. COSTA) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Science and Technology and Energy and Commerce, 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 provide incentives to reduce dependence on foreign oil.

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 “New Options Petro-
5 leum Energy Conservation Act of 2009”.

6 **SEC. 2. CLIMATE NEUTRAL COMBUSTION CREDIT.**

7 (a) IN GENERAL.—Section 46 of the Internal Rev-
8 enue Code of 1986 (relating to amount of credit) is
9 amended by striking “and” at the end of paragraph (3),
10 by striking the period at the end of paragraph (4) and

1 inserting “, and”, and by adding at the end the following
2 new paragraph:

3 “(5) the climate neutral combustion credit.”.

4 (b) AMOUNT OF CREDIT.—Subpart E of part IV of
5 subchapter A of chapter 1 of such Code (relating to rules
6 for computing investment credit) is amended by inserting
7 after section 48B the following new section:

8 **“SEC. 48C. CLIMATE NEUTRAL COMBUSTION CREDIT.**

9 “(a) IN GENERAL.—For purposes of section 46, the
10 climate neutral combustion credit for any taxable year is
11 an amount equal to 20 percent of the qualified investment
12 for such taxable year.

13 “(b) QUALIFIED INVESTMENT.—

14 “(1) IN GENERAL.—For purposes of subsection
15 (a), the qualified investment for any taxable year is
16 the basis of any property placed in service by the
17 taxpayer during such taxable year which is part of
18 a climate neutral combustion facility—

19 “(A)(i) the construction, reconstruction, or
20 erection of which is completed by the taxpayer,
21 or

22 “(ii) which is acquired by the taxpayer if
23 the original use of such property commences
24 with the taxpayer, and

1 “(B) with respect to which depreciation (or
2 amortization in lieu of depreciation) is allow-
3 able.

4 “(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED
5 PROPERTY.—Rules similar to section 48(a)(4) shall
6 apply for purposes of this section.

7 “(3) CERTAIN QUALIFIED PROGRESS EXPENDI-
8 TURES RULES MADE APPLICABLE.—Rules similar to
9 the rules of subsections (c)(4) and (d) of section 46
10 (as in effect on the day before the enactment of the
11 Revenue Reconciliation Act of 1990) shall apply for
12 purposes of this section.

13 “(c) CLIMATE NEUTRAL COMBUSTION FACILITY.—
14 For purposes of this section, the term ‘climate neutral
15 combustion facility’ means any facility which—

16 “(1) burns matter to produce electricity,

17 “(2) captures the carbon dioxide released dur-
18 ing combustion and uses such carbon dioxide to re-
19 cover hydrocarbon fuel from below ground, and

20 “(3) produces no atmospheric emissions of mer-
21 cury or greenhouse gasses and no emissions that
22 form fine particulate, smog, or acid rain.

23 “(d) DENIAL OF DOUBLE BENEFIT.—A credit shall
24 not be allowed under this section for any qualified invest-

1 ment for which a credit is allowed under section 48A or
2 48B.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 49(a)(1)(C) of such Code is amend-
5 ed by striking “and” at the end of clause (iii), by
6 striking the period at the end of clause (iv) and in-
7 serting “, and”, and by adding at the end the fol-
8 lowing new clause:

9 “(v) the basis of any property which
10 is part of a qualifying climate neutral com-
11 bustion facility.”.

12 (2) The table of sections for subpart E of part
13 IV of subchapter A of chapter 1 of such Code is
14 amended by inserting after the item relating to sec-
15 tion 48B the following new item:

“Sec. 48C. Climate neutral combustion credit.”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to periods after the date of the
18 enactment of this Act, under rules similar to the rules of
19 section 48(m) of the Internal Revenue Code of 1986 (as
20 in effect on the day before the date of the enactment of
21 the Revenue Reconciliation Act of 1990).

22 **SEC. 3. EXTENSION OF ENERGY CREDIT FOR SOLAR EN-**
23 **ERGY PROPERTY.**

24 Paragraph (2)(A)(i)(II) and paragraph (3)(A)(ii) of
25 section 48(a) of the Internal Revenue Code of 1986 (relat-

ing to energy credit) are each amended by striking “but only with respect to periods ending before January 1, 2017”.

SEC. 4. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D of the Internal Revenue Code of 1986 is amended by striking subsection (g).

SEC. 5. PRIZE PROGRAM.

The Secretary of Energy shall establish a program to award a prize in the amount of \$1,000,000,000 to the first automobile manufacturer incorporated in the United States to manufacture and sell in the United States 60,000 midsize sedan automobiles which operate on gasoline and can travel 100 miles per gallon.

SEC. 6. LITHIUM ION BATTERY TECHNOLOGY.

There are authorized to be appropriated to the Secretary of Energy \$30,000,000 for fiscal year 2010 for the development of advanced lithium ion battery technology.

SEC. 7. EXPENSING OF PROPERTY USED IN THE REFINING OF ETHANOL, METHANOL, AND BIODIESEL.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179E the following new section:

1 **“SEC. 179F. ELECTION TO EXPENSE CERTAIN PROPERTY**
 2 **USED IN REFINING ETHANOL, METHANOL,**
 3 **AND BIODIESEL.**

4 “(a) IN GENERAL.—A taxpayer may elect to treat the
 5 cost of any qualified biofuel property as an expense which
 6 is not chargeable to capital account. Any cost so treated
 7 shall be allowed as a deduction for the taxable year in
 8 which the property is placed in service.

9 “(b) ELECTION.—An election under this section for
 10 any taxable year shall be made on the taxpayer’s return
 11 of the tax imposed by this chapter for the taxable year.
 12 Such election shall be made in such manner as the Sec-
 13 retary may by regulations prescribe. Any election made
 14 under this section may not be revoked except with the con-
 15 sent of the Secretary.

16 “(c) QUALIFIED BIOFUEL PROPERTY.—For purposes
 17 of this section—

18 “(1) IN GENERAL.—The term ‘qualified biofuel
 19 property’ means any property—

20 “(A) used for the refining of any biofuel,
 21 and

22 “(B) the original use of which commences
 23 with the taxpayer.

24 “(2) BIOFUEL.—The term ‘biofuel’ means
 25 qualified methanol or ethanol fuel (as defined in sec-

1 tion 4041(b)(2)(B)) and biodiesel (as defined in sec-
 2 tion 40A(d)).

3 “(d) DUAL USE PROPERTY.—In the case of any
 4 property which is used for the refining of any biofuel and
 5 for any other use, the cost of such property taken into
 6 account under subsection (a) shall be reduced by an
 7 amount which bears the same ratio to the cost of such
 8 property as such other uses bears to all uses of such prop-
 9 erty.

10 “(e) COORDINATION WITH 50 PERCENT EXPENSING
 11 OF REFINERIES.—Section 179C shall not apply to any
 12 property taken into account under subsection (a).

13 “(f) RECAPTURE.—Rules similar to the rules of sec-
 14 tion 179(d)(10) shall apply with respect to any property
 15 which ceases to be qualified biofuel property.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 1245(a) of such Code is amended
 18 by inserting “179F,” after “179E,” both places it
 19 appears in paragraphs (2)(C) and (3)(C).

20 (2) Section 263(a)(1) of such Code is amended
 21 by striking “or” at the end of subparagraph (K), by
 22 striking the period at the end of subparagraph (L)
 23 and inserting “, or”, and by inserting after subpara-
 24 graph (L) the following new subparagraph:

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.