

111TH CONGRESS
2D SESSION

S. 3590

To amend the Internal Revenue Code of 1986 to provide financial incentives to facilitate the development and early deployment of carbon capture and sequestration technologies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2010

Mr. ROCKEFELLER (for himself and Mr. VOINOVICH) 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 provide financial incentives to facilitate the development and early deployment of carbon capture and sequestration technologies, 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 “Carbon Capture and
5 Sequestration Deployment Revenue Act of 2010”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

TITLE I—SEQUESTRATION TAX CREDIT AND CAPACITY
INCENTIVES

Sec. 201. Tax credit for early adoption of CCS.
Sec. 202. Carbon sequestration bonds.

5 (a) IN GENERAL.—Section 45Q of the Internal Rev-
6 enue Code of 1986 is amended—

11 (2) by striking subsection (a)(2) and inserting
12 the following:

17 “(A) disposed of in secure geologic storage,
18 or

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1 (3) by striking the words “by the taxpayer”
2 each place they appear in subsection (a);

3 (4) by striking “would otherwise” in subsection
4 (b)(1)(A) and inserting “would, but for the capture
5 and use or sequestration,”;

6 (5) by striking paragraph (1) of subsection (c)
7 and redesignating paragraphs (2) and (3) as para-
8 graphs (1) and (2), respectively;

9 (6) by striking paragraph (5) of subsection (d)
10 and inserting the following:

11 “(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—
12 Any credit under this section shall be attributable to
13 the person that captures the qualified carbon diox-
14 ide, except to the extent provided in regulations pre-
15 scribed by the Secretary.”;

16 (7) by adding at the end of subsection (d) the
17 following:

18 “(8) PLACED IN SERVICE.—Carbon capture
19 equipment is placed in service on the date qualified
20 carbon dioxide is first captured at a qualified facility
21 and either—

22 “(A) injected in secure geologic storage or
23 converted to a stable form, or

1 “(B) used as an injectant in a qualified en-
 2 hanced hydrocarbon recovery project or con-
 3 verted to a stable form.

4 “(9) TRANSFERABILITY OF CREDIT.—The cred-
 5 it under this section may be transferred to any other
 6 person by the person to which the credit is attrib-
 7 utable.”;

8 (8) by striking subsection (e) and inserting the
 9 following:

10 “(e) APPLICATION OF SECTION.—The credit under
 11 this section shall apply with respect to qualified carbon
 12 dioxide captured at a qualified facility at which carbon
 13 capture equipment is placed in service prior to January
 14 1, 2019. The taxpayer may claim the credit for a 10-year
 15 period commencing with the date the carbon capture
 16 equipment is placed in service.”; and

17 (9) by inserting “or conversion to a stable
 18 form” after “geological storage” in subsection
 19 (d)(2).

20 (b) EFFECTIVE DATE.—The amendments made by
 21 subsection (a) shall apply to carbon dioxide captured after
 22 the date of enactment of this Act.

1 **SEC. 102. FEDERAL FINANCIAL INCENTIVES FOR ADDI-**
 2 **TIONAL 10 GW OF CAPACITY.**

3 (a) ADDITIONAL AUTHORIZATION.—Section 1704 of
 4 the Energy Policy Act of 2005 (42 U.S.C. 16514) is
 5 amended—

6 (1) by adding the following at the end of sub-
 7 section (a): “In addition to other amounts made
 8 available under this section, there are authorized
 9 \$20,000,000,000 to be used only for guarantees
 10 under this title for—

11 “(1) the construction of new commercial scale
 12 electric generation units, or industrial facility units,
 13 that are eligible units utilizing carbon capture and
 14 sequestration technology;

15 “(2) the retrofit of existing commercial scale
 16 electric generation units, or industrial facility units,
 17 that are eligible units providing for carbon capture
 18 and sequestration; and

19 “(3) the construction of carbon dioxide trans-
 20 mission pipelines to transport carbon dioxide to se-
 21 questration sites or to sites where such carbon diox-
 22 ide will be used for hydrocarbon recovery.”; and

23 (2) by adding at the end thereof the following:

24 “(c) DEFINITIONS.—In this section:

25 “(1) COMMERCIAL SCALE.—The term ‘commer-
 26 cial scale’ means, with respect to an electric genera-

tion unit, that the unit is designed to generate and sell electric power directly to consumers, or for resale, with a carbon dioxide capture system having a useful life of at least 15 years.

“(2) PERMANENT GEOLOGIC STORAGE SITE.—

The term ‘permanent geologic storage site’ means a site that the Secretary determines is capable of storing carbon dioxide in saline or other deep geologic storage structures.

“(3) ELIGIBLE UNIT.—The term ‘eligible unit’

means an electric generation unit or industrial facility unit located in the United States that—

“(A) uses coal or petroleum coke for at least 75 percent of the fuel used by the unit;

“(B) uses carbon capture technology to treat at least—

“(i) 20 percent of the carbon dioxide emissions of the unit; or

“(ii) an amount of carbon dioxide emissions that is attributable to 200 megawatts of the total nameplate generating capacity of the unit;

“(C) captures at least 80 percent of the carbon dioxide emissions from the treated emissions of the unit;

1 “(D) transports such captured carbon di-
2 oxide to a permanent geologic storage site in
3 the United States or to a site on the North
4 American continent for use for hydrocarbon re-
5 covery;

6 “(E) provides for the permanent storage of
7 such carbon dioxide in such site; and

8 “(F) has been approved by the Secretary
9 as eligible under this subsection.

10 “(d) ELIGIBLE UNITS.—

11 “(1) CERTIFICATION.—No unit shall be an eli-
12 gible unit under subsection (c) unless the Secretary
13 has certified such unit as meeting the requirements
14 of such subsection (c) pursuant to a certification
15 process established by the Secretary by rule.

16 “(2) LIMITATION.—The Secretary may certify
17 eligible units under this subsection which total in the
18 aggregate no more than 10 gigawatts of treated gen-
19 erating capacity, of which not more than the equiva-
20 lent of 5 gigawatts of capacity may be for industrial
21 units. For purposes of determining equivalency
22 under this subsection, an industrial unit with uncon-
23 trolled carbon dioxide emissions equal to the uncon-
24 trolled carbon dioxide emissions of a 500 megawatt
25 electric generation unit shall be treated as having in-

1 stalled capacity equivalent to such 500 megawatt
 2 unit.”.

3 (b) TAX CREDITS.—

4 (1) IN GENERAL.—Subpart E of part IV of
 5 subchapter A of chapter 1 of the Internal Revenue
 6 Code of 1986 is amended by adding at the end
 7 thereof the following:

8 **“SEC. 48E. PIONEER CCS FACILITIES.**

9 “(a) ADDITIONAL QUALIFYING ADVANCED COAL
 10 PROJECT CREDIT.—For purposes of section 46, the quali-
 11 fying advanced coal project credit for any taxable year
 12 shall also include an additional amount equal to 30 per-
 13 cent of the incremental cost for carbon capture and se-
 14 questration systems for eligible units, determined as fol-
 15 lows:

16 “(1) For an eligible unit that is a new electric
 17 generation unit, the incremental costs shall be the
 18 amount by which the costs incurred by the taxpayer
 19 for the unit exceed the costs of construction of a
 20 comparable supercritical pulverized coal unit without
 21 carbon capture and sequestration technology. To es-
 22 tablish incremental costs, the taxpayer shall obtain
 23 a certified report of a qualified independent engineer
 24 estimating the differential construction cost between
 25 the eligible unit and a comparably-sized supercritical

1 pulverized coal unit without carbon capture and se-
2 questration. The independent engineer shall utilize
3 cost estimates for supercritical pulverized coal units
4 available from Federal agencies, academia and/or the
5 private sector, appropriately adjusted for size, fuel
6 source and location. An engineering design of a hy-
7 pothetical supercritical pulverized coal unit shall not
8 be required to establish the incremental costs.

9 “(2) For an eligible unit that is a new indus-
10 trial unit, the incremental costs shall be the amount
11 by which the costs incurred by the taxpayer for the
12 unit exceed the costs of construction of a comparable
13 industrial unit without carbon capture and seques-
14 tration.

15 “(3) For an eligible unit that retrofits a carbon
16 capture, transportation, and sequestration system on
17 an existing generation or industrial unit, the incre-
18 mental cost shall be the construction costs incurred
19 by the taxpayer for the carbon capture and seques-
20 tration system.

21 “(b) DEFINITIONS.—For purposes of this section, the
22 term ‘eligible unit’ means an electric generation unit or
23 industrial facility unit located in the United States that—

24 “(A) uses coal or petroleum coke for at least 75
25 percent of the fuel used by the unit;

1 “(B) uses carbon capture technology to treat at
2 least—

3 “(i) 20 percent of the carbon dioxide emis-
4 sions of the unit; or

5 “(ii) an amount of carbon dioxide emis-
6 sions that is attributable to 200 megawatts of
7 the total nameplate generating capacity of the
8 unit;

9 “(C) captures at least 80 percent of the carbon
10 dioxide emissions from the treated emissions of the
11 unit;

12 “(D) transports such captured carbon dioxide
13 to a permanent geologic storage site in the United
14 States or to a site on the North American continent
15 for use for hydrocarbon recovery; and

16 “(E) provides for the permanent storage of
17 such carbon dioxide in such site.

18 “(c) ELECTION.—No costs for which a credit has
19 been provided under section 48A or section 48B shall be
20 eligible for a credit under this section.”.

21 (2) CLERICAL AMENDMENT.—The table of con-
22 tents for such subpart E is amended by adding at
23 the end thereof the following:

“48E. Pioneer CCS facilities.”.

24 (3) EFFECTIVE DATE.—The amendments made
25 by this subsection shall apply with respect to—

1 (A) new facilities placed in service after
 2 December 31, 2010, and before January 1,
 3 2025; and

4 (B) the retrofit of existing facilities that
 5 commence operation with such retrofit after De-
 6 cember 31, 2010, and before January 1, 2025.

7 **TITLE II—62 GW EARLY ADOPT-**
 8 **ER PROGRAM; SEQUESTRA-**
 9 **TION BONDS**

10 **SEC. 201. TAX CREDIT FOR EARLY ADOPTION OF CCS.**

11 (a) IN GENERAL.—Subpart D of part IV of sub-
 12 chapter A of chapter 1 of the Internal Revenue Code of
 13 1986 is amended by adding at the end thereof the fol-
 14 lowing:

15 **“SEC. 45S. CREDIT FOR EARLY ADOPTION OF CCS.**

16 “(a) EARLY ADOPTION CREDIT.—For purposes of
 17 section 38, the carbon dioxide sequestration credit for any
 18 taxable year shall be the amount set forth in subsection
 19 (b), in the case of certified new or retrofit electric utility
 20 units or certified new or retrofit industrial units in pro-
 21 viding for carbon capture and sequestration in secure geo-
 22 logic storage, adjusted as provided in subsection (c).

23 “(b) DETERMINATION OF AMOUNT.—

24 “(1) 65 PERCENT CAPTURE RATE.—Except as
 25 provided in paragraph (2) and adjusted in sub-

1 section (c), the amount of the credit under sub-
2 section (a) shall be \$67 per ton of carbon dioxide
3 captured and sequestered in the case of a certified
4 new or retrofit electric utility unit or a certified new
5 or retrofit industrial unit that—

6 “(A) is placed in service before January 1,
7 2025, and

8 “(B) captures and sequesters at least 65
9 percent of the carbon dioxide emissions in the
10 treated portion of the flue gas or fuel gas
11 stream.

12 “(2) HIGHER CAPTURE RATE.—The amount of
13 credit provided under paragraph (1) shall be in-
14 creased by \$1.15 per ton for each percent of addi-
15 tional carbon dioxide emissions captured and seques-
16 tered above such 65 percent capture rate, up to a
17 maximum credit of \$96 per ton for a capture and
18 sequestration rate of 90 percent or more.

19 “(c) ADJUSTMENT FOR LATER COMMENCEMENT.—
20 The amount of the credit determined under subsection (b)
21 shall be reduced by \$1 per ton of carbon dioxide for each
22 year after the calendar year 2024 in which the carbon cap-
23 ture and sequestration equipment is placed in service.

24 “(d) PLACED IN SERVICE.—For purposes of this sec-
25 tion, the term ‘placed in service’ with respect to a certified

1 new or retrofit electric utility unit or a certified new or
2 retrofit industrial unit is the date on which such unit first
3 captures and sequesters carbon dioxide in secure geologic
4 storage.

5 “(e) CERTIFICATION OF 62 GW.—No credit shall be
6 allowed under this section unless the electric utility unit
7 or industrial unit with respect to which a credit is applied
8 has been certified by the Secretary. Upon application of
9 any taxpayer for certification under this section, the Sec-
10 retary shall certify the unit in accordance with the certifi-
11 cation program under subsection (g).

12 “(f) LIMITATION.—The Secretary shall certify eligi-
13 ble new or retrofit units under this subsection which total
14 in the aggregate no more than 62 gigawatts of treated
15 generating capacity, of which not more than 10 percent
16 of this capacity may be for industrial units. For purposes
17 of determining gigawatt equivalency under this subsection,
18 6 million metric tonnes per year of captured and seques-
19 tered carbon dioxide emissions from industrial units shall
20 be treated as having the capacity equivalent of 1 gigawatt
21 of treated generating capacity.

22 “(g) CERTIFICATION PROGRAM.—

23 “(1) The Secretary shall establish a program
24 for the certification of new or retrofit electric units
25 and new or retrofit industrial units utilizing carbon

1 capture and sequestration technology eligible to
2 apply for a credit under this section. A facility shall
3 be certified only if the owner or operator of the
4 unit—

5 “(A) specifies the capacity of the unit sub-
6 ject to carbon capture and sequestration, and

7 “(B) commits to place the unit, or equip-
8 ment in the case of a retrofit, in service within
9 7 years after the date of the certification and
10 to comply with such interim development mile-
11 stones (including the issuance of all necessary
12 Federal, State, and local permits) as the Sec-
13 retary shall, by rule, prescribe.

14 “(2) Failure to comply with the 7-year date set
15 forth in this subsection or with any significant mile-
16 stone or other requirement established by the Sec-
17 retary under paragraph (1) shall result in the termi-
18 nation of the certification. The 7-year date shall be
19 extended by the period of any delay caused by chal-
20 lenges or litigation related to permits required for
21 the facility. No unit for which a certification has
22 been terminated shall be eligible for a new certifi-
23 cation under this section.

24 “(h) APPLICATION OF SECTION.—The credit under
25 this section shall apply to carbon dioxide captured and se-

1 questered in secure geologic storage from a certified new
 2 or retrofit electric utility unit or from a certified new or
 3 retrofit industrial unit. The taxpayer may claim the credit
 4 for a 10-year period commencing on the date the unit is
 5 placed in service.

6 “(i) OTHER CREDITS.—Carbon dioxide from equip-
 7 ment for which carbon dioxide storage credit has been al-
 8 lowed under section 45Q or an investment credit has been
 9 allowed under section 48E shall not be eligible for a credit
 10 under this section.

11 “(j) DEFINITIONS.—In this section:

12 “(1) RETROFIT.—The term ‘retrofit’ means the
 13 application of carbon capture and sequestration
 14 technology to an existing unit, provided that such
 15 technology treats at least—

16 “(A) 20 percent of the carbon dioxide
 17 emissions of the unit; or

18 “(B) an amount of carbon dioxide emis-
 19 sions that is attributable to 200 megawatts of
 20 the total nameplate generating capacity (or, in
 21 the case of an industrial unit, an equivalent ca-
 22 pacity).

23 “(2) INDUSTRIAL UNIT.—The term ‘industrial
 24 unit’ means a unit that—

1 “(A) is not a qualifying electric generating
2 unit;

3 “(B) uses coal or petroleum coke for at
4 least 75 percent of the fuel used by the unit;
5 and

6 “(C) absent carbon capture and sequestra-
7 tion, would emit greater than 500,000 tons per
8 year of carbon dioxide.

9 “(3) TREATED GENERATING CAPACITY.—The
10 term ‘treated generating capacity’ means the portion
11 of the total generating capacity of an electric gener-
12 ating unit (or, in the case of an industrial unit, an
13 equivalent capacity) for which the flue gas or fuel
14 gas is treated by carbon capture and sequestration
15 technology.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for subpart D of part IV of subchapter A of chapter 1
18 of the Internal Revenue Code of 1986 is amended by add-
19 ing at the end thereof the following:

“45S. Credit for early adoption of CCS.”.

20 **SEC. 202. CARBON SEQUESTRATION BONDS.**

21 (a) IN GENERAL.—Part IV of subchapter A of chap-
22 ter 1 of the Internal Revenue Code of 1986 is amended
23 by adding at the end the following new subpart:

24 **“Subpart K—Carbon Sequestration Bonds**

“Sec. 54BB. Carbon Sequestration bonds.

1 **“SEC. 54BB. CARBON SEQUESTRATION BONDS.**

2 “(a) IN GENERAL.—If a taxpayer holds a carbon se-
 3 questration bond on one or more interest payment dates
 4 of the bond during any taxable year, there shall be allowed
 5 as a credit against the tax imposed by this chapter for
 6 the taxable year an amount equal to the sum of the credits
 7 determined under subsection (b) with respect to such
 8 dates.

9 “(b) AMOUNT OF CREDIT.—The amount of the credit
 10 determined under this subsection with respect to any in-
 11 terest payment date for a carbon sequestration bond is
 12 70 percent of the amount of interest payable by the issuer
 13 with respect to such date.

14 “(c) LIMITATION BASED ON AMOUNT OF TAX.—

15 “(1) IN GENERAL.—The credit allowed under
 16 subsection (a) for any taxable year shall not exceed
 17 the excess of—

18 “(A) the sum of the regular tax liability
 19 (as defined in section 26(b)) plus the tax im-
 20 posed by section 55, over

21 “(B) the sum of the credits allowable
 22 under this part (other than subpart C and this
 23 subpart).

24 “(2) CARRYOVER OF UNUSED CREDIT.—If the
 25 credit allowable under subsection (a) exceeds the
 26 limitation imposed by paragraph (1) for such taxable

1 year, such excess shall be carried to the succeeding
 2 taxable year and added to the credit allowable under
 3 subsection (a) for such taxable year (determined be-
 4 fore the application of paragraph (1) for such suc-
 5 ceeding taxable year).

6 “(d) CARBON SEQUESTRATION BOND.—

7 “(1) IN GENERAL.—For purposes of this sec-
 8 tion, the term ‘carbon sequestration bond’ means
 9 any obligation issued as part of an issue if—

10 “(A) 95 percent of the available project
 11 proceeds (as defined in section 54A) of such
 12 issue, in excess of the amounts in a reasonably
 13 required reserve (within the meaning of section
 14 150(a)(3)) for such issue, are to be used for
 15 qualified carbon sequestration costs incurred by
 16 public power providers or cooperative electric
 17 companies,

18 “(B) the obligation is issued by a qualified
 19 issuer, and

20 “(C) the issuer makes an irrevocable elec-
 21 tion to have this section apply.

22 “(2) APPLICABLE RULES.—For purposes of ap-
 23 plying paragraph (1)—

24 “(A) an issue shall not be treated as meet-
 25 ing the requirements of paragraph (1) unless

1 the issue satisfies the requirements of section
 2 148 with respect to the proceeds of the issue,

3 “(B) for purposes of applying section 148
 4 to such an issue, the yield on a carbon seques-
 5 tration bond shall be determined without regard
 6 to the credit allowed under subsection (a),

7 “(C) an issue shall not be treated as meet-
 8 ing the requirements of this paragraph unless
 9 the issuer of the carbon sequestration bonds
 10 submits reports similar to the reports required
 11 under section 149(e), and

12 “(D) a bond shall not be treated as a car-
 13 bon sequestration bond if the issue price has
 14 more than a de minimis amount (determined
 15 under rules similar to the rules of section
 16 1273(a)(3)) of premium over the stated prin-
 17 cipal amount of the bond.

18 “(e) LIMITATION ON AMOUNT OF BONDS DES-
 19 IGNATED.—

20 “(1) IN GENERAL.—There is a national carbon
 21 sequestration bond limitation of \$5,000,000,000.

22 “(2) ALLOCATION BY SECRETARY.—The Sec-
 23 retary shall make allocations of the amount of the
 24 national carbon sequestration bond limitation in

1 such manner as the Secretary determines appro-
2 priate.

3 “(f) INTEREST PAYMENT DATE.—For purposes of
4 this section, the term ‘interest payment date’ means any
5 date on which the holder of record of the carbon sequestra-
6 tion bond is entitled to a payment of interest under such
7 bond.

8 “(g) SPECIAL RULES.—

9 “(1) INTEREST ON CARBON SEQUESTRATION
10 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-
11 ERAL INCOME TAX PURPOSES.—For purposes of this
12 title, interest on any carbon sequestration bond shall
13 be includible in gross income.

14 “(2) APPLICATION OF CERTAIN RULES.—Rules
15 similar to the rules of subsections (f), (g), (h), and
16 (i) of section 54A shall apply for purposes of the
17 credit allowed under subsection (a).

18 “(h) SPECIAL RULE FOR QUALIFIED CARBON SE-
19 QUESTRATION BONDS.—In the case of a qualified carbon
20 sequestration bond—

21 “(1) ISSUER ALLOWED REFUNDABLE CRED-
22 IT.—In lieu of any credit allowed under this section
23 with respect to such bond, the issuer of such bond
24 shall be allowed a credit as provided in section 6432.

1 “(2) QUALIFIED CARBON SEQUESTRATION
 2 BOND.—In this subsection, the term ‘qualified car-
 3 bon sequestration bond’ means any carbon seques-
 4 tration bond issued as part of an issue if the issuer
 5 makes an irrevocable election to have this subsection
 6 apply.

7 “(i) DEFINITIONS.—In this section:

8 “(1) QUALIFIED CARBON SEQUESTRATION
 9 COSTS.—The term ‘qualified carbon sequestration
 10 costs’ means the incremental costs for carbon cap-
 11 ture and sequestration systems as described in sec-
 12 tion 48E (without regard to any placed in service
 13 date), which systems are owned by a public power
 14 provider or a cooperative electric company.

15 “(2) PUBLIC POWER PROVIDER.—The term
 16 ‘public power provider’ means a State utility with a
 17 service obligation, as such terms are defined in sec-
 18 tion 217 of the Federal Power Act (as in effect on
 19 the date of the enactment of the Carbon Capture
 20 and Sequestration Deployment Revenue Act of
 21 2010).

22 “(3) COOPERATIVE ELECTRIC COMPANY.—The
 23 term ‘cooperative electric company’ means a mutual
 24 or cooperative electric company described in section
 25 501(c)(12) or section 1381 (a)(2)(C).

(b) CREDIT FOR QUALIFIED CARBON SEQUESTRATION BONDS.—Subchapter B of chapter 65 of such Code is amended by adding at the end the following new section:

16 “(a) IN GENERAL.—In the case of a qualified carbon
17 sequestration bond, the issuer of such bond shall be al-
18 lowed a credit with respect to each interest payment under
19 such bond which shall be payable by the Secretary as pro-
20 vided in subsection (b).

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1 issuer) 65 percent of the interest payable under such bond
 2 on such date.

3 “(c) DEFINITIONS.—In this section:

4 “(1) INTEREST PAYMENT DATE.—The term ‘in-
 5 terest payment date’ means each date on which in-
 6 terest is payable by the issuer under the terms of
 7 the bond.

8 “(2) QUALIFIED CARBON SEQUESTRATION
 9 BOND.—The term ‘qualified carbon sequestration
 10 bond’ has the meaning given such term in section
 11 54BB(h)(2).

12 “(d) APPLICATION OF ARBITRAGE RULES.—For pur-
 13 poses of section 148, the yield on a qualified bond shall
 14 be reduced by the credit allowed under this section.”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 1324(b)(2) of title 31, United
 17 States Code, is amended by striking “or 6431” and
 18 inserting “6431, or 6432,”.

19 (2) Section 54A(c)(1)(B) of the Internal Rev-
 20 enue Code of 1986 is amended by striking “subparts
 21 C and J” and inserting “subparts C, J, and K”.

22 (3) Sections 54(c)(2), 1397E(c)(2), and
 23 1400N(l)(3)(B) of such Code are each amended by
 24 striking “and J” and inserting “J, and K”.

1 (4) Section 6211(b)(4)(A) of such Code is
 2 amended by striking “and 6431” and inserting
 3 “6431, and 6432”.

4 (5) Section 6401(b)(1) of such Code is amend-
 5 ed by striking “and J” and inserting “J, and K”.

6 (6) The table of subparts for part IV of sub-
 7 chapter A of chapter 1 of such Code is amended by
 8 adding at the end the following new item:

“SUBPART K. CARBON SEQUESTRATION BONDS.”.

9 (7) The table of sections for subchapter B of
 10 chapter 65 of such Code is amended by adding at
 11 the end the following new item:

“Sec. 6432. Credit for qualified carbon sequestration bonds allowed to issuer.”.

12 (d) TRANSITIONAL COORDINATION WITH STATE
 13 LAW.—Except as otherwise provided by a State after the
 14 date of the enactment of this Act, the interest on any car-
 15 bon sequestration bond (as defined in section 54BB of the
 16 Internal Revenue Code of 1986, as added by this section)
 17 and the amount of any credit determined under such sec-
 18 tion with respect to such bond shall be treated for pur-
 19 poses of the income tax laws of such State as being exempt
 20 from Federal income tax.

21 (e) EFFECTIVE DATE.—The amendments made by
 22 this section shall apply to obligations issued after the date
 23 of the enactment of this Act.

