

116TH CONGRESS
2D SESSION

H. R. 8879

To amend the Internal Revenue Code of 1986 to provide credits for the production of renewable chemicals and investments in renewable chemical production facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2020

Mr. PASCRELL (for himself and Mr. FITZPATRICK) 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 provide credits for the production of renewable chemicals and investments in renewable chemical production 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 “Renewable Chemicals
5 Act of 2020”.

1 **SEC. 2. CREDITS FOR PRODUCTION OF RENEWABLE CHEMI-**
2 **CALS AND INVESTMENTS IN RENEWABLE**
3 **CHEMICAL PRODUCTION FACILITIES.**

4 (a) PRODUCTION OF RENEWABLE CHEMICALS.—

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

9 **“SEC. 45U. CREDIT FOR PRODUCTION OF RENEWABLE**
10 **CHEMICALS.**

11 “(a) IN GENERAL.—For purposes of section 38, the
12 production credit for renewable chemicals for any taxable
13 year is an amount (determined separately for each renew-
14 able chemical) equal to—

15 “(1) 15 percent of the sales price of each pound
16 of a renewable chemical—

17 “(A) produced—

18 “(i) by the taxpayer, or

19 “(ii) for the taxpayer by a contract
20 manufacturer under a binding written
21 agreement, and

22 “(B) sold for its fair market value at retail
23 by the taxpayer during the taxable year, re-
24 duced by

1 “(2) a percentage equal to so much of the per-
2 centage of the renewable chemical as is not biobased
3 content.

4 “(b) LIMITATION.—The amount of the credit deter-
5 mined under subsection (a) with respect to a renewable
6 chemical sold during any taxable year shall not exceed the
7 credit amount allocated for purposes of this section by the
8 Secretary to the taxpayer with respect to such chemical
9 for such taxable year under section 48E.

10 “(c) DEFINITIONS.—For purposes of this section—

11 “(1) RENEWABLE CHEMICAL.—The term ‘re-
12 newable chemical’ means any chemical which—

13 “(A) is produced in the United States (or
14 in a territory or possession of the United
15 States) from renewable biomass,

16 “(B) is not less than 95 percent biobased
17 content,

18 “(C) is not sold or used for the production
19 of any food, feed, fuel, or pharmaceuticals,

20 “(D) is approved to use the USDA Cer-
21 tified Biobased Product label under section
22 9002(b) of the Farm Security and Rural In-
23 vestment Act of 2002 (7 U.S.C. 8102(b)), and

24 “(E) is a chemical intermediate (as such
25 term is defined in section 3201.109 of title 7,

1 Code of Federal Regulations (or successor regu-
2 lations)).

3 “(2) BIOBASED CONTENT.—The term ‘biobased
4 content’ means, with respect to any renewable chem-
5 ical, the biobased content of the total mass of or-
6 ganic carbon in such chemical (expressed as a per-
7 centage), determined by testing representative sam-
8 ples using the American Society for Testing and Ma-
9 terials (ASTM) D6866.

10 “(3) RENEWABLE BIOMASS.—The term ‘renew-
11 able biomass’ has the meaning given such term in
12 section 9001(13) of the Farm Security and Rural
13 Investment Act of 2002 (7 U.S.C. 8101(13)).

14 “(d) NATIONAL LIMITATION ON CREDITS FOR RE-
15 NEWABLE CHEMICALS.—See section 48E(e) for rules re-
16 lating to national limitation on credits under this section.

17 “(e) COORDINATION WITH INVESTMENT CREDIT FOR
18 RENEWABLE CHEMICAL PRODUCTION FACILITIES.—See
19 section 48E(f) for rules coordinating section 48E with this
20 section.

21 “(f) TERMINATION.—Notwithstanding any other pro-
22 vision of this section or section 48E, the Secretary may
23 not allocate any credit amount under this section to any
24 taxable year which begins more than 5 years after the date
25 of the enactment of this section.”.

1 (2) CREDIT TO BE PART OF GENERAL BUSI-
2 NESS CREDIT.—Subsection (b) of section 38 of such
3 Code is amended by striking “plus” at the end of
4 paragraph (32), by striking the period at the end of
5 paragraph (33) and inserting “, plus”, and by add-
6 ing at the end the following new paragraph:

7 “(34) the renewable chemicals production credit
8 determined under section 45U(a).”.

9 (b) INVESTMENT CREDIT IN LIEU OF PRODUCTION
10 CREDIT.—

11 (1) IN GENERAL.—Section 46 of the Internal
12 Revenue Code of 1986 is amended by striking “and”
13 at the end of paragraph (5), by striking the period
14 at the end of paragraph (6) and inserting “, and”,
15 and by adding at the end the following new para-
16 graph:

17 “(7) the renewable chemical production facili-
18 ties credit.”.

19 (2) RENEWABLE CHEMICAL PRODUCTION FA-
20 CILITIES CREDIT.—Subpart E of part IV of sub-
21 chapter A of chapter 1 of such Code is amended by
22 inserting after section 48D the following:

1 **“SEC. 48E. INVESTMENT CREDIT FOR RENEWABLE CHEM-**
 2 **ICAL PRODUCTION FACILITIES.**

3 “(a) IN GENERAL.—For purposes of section 46, the
 4 renewable chemical production facilities credit for any tax-
 5 able year is an amount equal to 30 percent of the basis
 6 of any eligible property which is a part of a renewable
 7 chemical production facility placed in service by the tax-
 8 payer during such taxable year.

9 “(b) LIMITATION.—The amount of the credit deter-
 10 mined under subsection (a) with respect to a renewable
 11 chemical production facility of the taxpayer during any
 12 taxable year shall not exceed the credit amount allocated
 13 for purposes of this section by the Secretary to the tax-
 14 payer for such taxable year under subsection (e).

15 “(c) RENEWABLE CHEMICAL PRODUCTION FACIL-
 16 ITY.—For purposes of this section—

17 “(1) IN GENERAL.—The term ‘renewable chem-
 18 ical production facility’ means a facility—

19 “(A) which is owned by the taxpayer,

20 “(B) which is originally placed in service
 21 after the date of the enactment of this section
 22 and before the first day of the taxable year
 23 which begins 6 years after the date of the en-
 24 actment of this section,

25 “(C) with respect to which—

1 “(i) no credit has been allowed under
2 section 45U for chemicals produced at
3 such facility in any previous taxable year,
4 and

5 “(ii) the taxpayer makes an irrev-
6 ocable election to have this section apply,
7 and

8 “(D) which is primarily used to produce
9 renewable chemicals.

10 “(2) ELIGIBLE PROPERTY.—The term ‘eligible
11 property’ means any property—

12 “(A) which is—

13 “(i) tangible personal property, or

14 “(ii) other tangible property (not in-
15 cluding a building or its structural compo-
16 nents),

17 but only if such property is used as an integral
18 part of the renewable chemical production facil-
19 ity, and

20 “(B) with respect to which depreciation (or
21 amortization in lieu of depreciation) is allow-
22 able.

23 “(3) RENEWABLE CHEMICAL.—The term ‘re-
24 newable chemical’ has the meaning given such term
25 by section 45U(c)(1).

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

7 “(e) NATIONAL LIMITATION ON CREDITS FOR RE-
8 NEWABLE CHEMICALS.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this section, the
11 Secretary, in consultation with the Secretary of Ag-
12 riculture, shall establish a program to allocate credit
13 amounts under this section and section 45U to tax-
14 payers who produce renewable chemicals for taxable
15 years ending after the date of the enactment of this
16 section.

17 “(2) LIMITATIONS.—

18 “(A) AGGREGATE LIMITATION.—The total
19 amount of credits that may be allocated under
20 such program shall not exceed \$500,000,000.

21 “(B) TAXPAYER LIMITATION.—The
22 amount of credits that may be allocated to any
23 taxpayer under such program shall not exceed
24 \$125,000,000. For purposes of the preceding
25 sentence, all persons treated as a single em-

1 employer under subsection (a) or (b) of section 52,
2 or subsection (m) or (o) of section 414, shall be
3 treated as one taxpayer.

4 “(3) SELECTION CRITERIA.—In determining to
5 which taxpayers to make allocations of the credit
6 amount under such program, the Secretary shall
7 take into consideration—

8 “(A) the number of jobs created and main-
9 tained (directly and indirectly) in the United
10 States (including territories and possessions of
11 the United States) as a result of such allocation
12 during the credit period and thereafter,

13 “(B) the degree to which the production of
14 the renewable chemical demonstrates reduced
15 dependence on imported feedstocks, petroleum,
16 non-renewable resources, or other fossil fuels,

17 “(C) the technological innovation involved
18 in the production method of the renewable
19 chemical,

20 “(D) the energy efficiency and reduction in
21 lifecycle greenhouse gases of the renewable
22 chemical or of the production method of the re-
23 newable chemical,

24 “(E) whether there is a reasonable expect-
25 tation of commercial viability,

1 “(F) whether the renewable chemical has
2 an established market, and

3 “(G) whether the renewable chemical is
4 currently being produced in commercial quan-
5 tities.

6 “(4) REVIEW AND REALLOCATION.—

7 “(A) REVIEW.—Not later than 6 years
8 after the date of the enactment of this section,
9 the Secretary shall review the credits allocated
10 under this section.

11 “(B) REALLOCATION.—If the Secretary
12 determines that unused credits are available for
13 reallocation after the review described in sub-
14 paragraph (A), the Secretary is authorized to
15 conduct an additional program for applications
16 for certification.

17 “(5) DISCLOSURE OF ALLOCATIONS.—The Sec-
18 retary shall, upon making an allocation of credit
19 amount under this section, publicly disclose the iden-
20 tity of the taxpayer and the amount of the credit
21 with respect to such taxpayer.

22 “(f) COORDINATION WITH PRODUCTION CREDIT FOR
23 RENEWABLE CHEMICALS.—If a taxpayer makes an elec-
24 tion under subsection (c)(1)(C)(ii) with respect to a renew-
25 able chemical production facility, a credit shall not be al-

1 lowed under section 45U for any renewable chemical pro-
2 duced by such facility.

3 “(g) REGULATIONS.—The Secretary shall issue such
4 regulations or other guidance as may be necessary to carry
5 out this section and section 45U.

6 “(h) TERMINATION.—The Secretary may not allocate
7 any credit amount under this section to any taxable year
8 which begins more than 5 years after the date of the en-
9 actment of this section.”.

10 (c) CREDITS ALLOWABLE AGAINST ALTERNATIVE
11 MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) of
12 the Internal Revenue Code of 1986 is amended by redesign-
13 ating clauses (vii) through (ix) as clauses (ix) through
14 (xi), respectively, and by inserting after clause (vi) the fol-
15 lowing new clauses:

16 “(vii) the credit determined under sec-
17 tion 45U,

18 “(viii) the credit determined under
19 section 46 to the extent that such credit is
20 attributable to the renewable chemical pro-
21 duction facilities credit under section
22 48E,”.

23 (d) CLERICAL AMENDMENTS.—

24 (1) The table of sections for subpart D of part
25 IV of subchapter A of chapter 1 of the Internal Rev-

1 enue Code of 1986 is amended by adding at the end
2 the following new item:

“Sec. 45U. Credit for production of renewable chemicals.”.

3 (2) The table of sections for subpart E of part
4 IV of subchapter A of chapter 1 of such Code is
5 amended by adding at the end the following new
6 item:

“Sec. 48E. Investment credit for renewable chemical production facilities.”.

7 (e) EFFECTIVE DATES.—The amendments made by
8 this section shall apply to renewable chemicals produced
9 and renewable chemical production facilities placed in
10 service after the date of the enactment of this Act, in tax-
11 able years ending after such date.

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