To amend the Internal Revenue Code of 1986 to extend the energy credit for offshore wind facilities.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2019

Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN, Mr. CARDIN, Mr. COONS, Mr. KING, Mr. MENENDEZ, Mr. REED, Mr. SCHATZ, Ms. WARRREN, Mr. WHITEHOUSE, and Mr. MARKEY) 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 extend the energy credit for offshore wind facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Incentivizing Offshore Wind Power Act”.
SEC. 2. EXTENSION OF ENERGY CREDIT FOR OFFSHORE WIND FACILITIES.

(a) IN GENERAL.—Section 48(a)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(F) QUALIFIED OFFSHORE WIND FACILITIES.—

“(i) IN GENERAL.—In the case of any qualified offshore wind facility—

“(I) subparagraph (C)(ii) shall be applied by substituting ‘January 1 of the applicable year (as determined under subparagraph (F)(ii))’ for ‘January 1, 2020’,

“(II) subparagraph (E) shall not apply, and

“(III) for purposes of this paragraph, section 45(d)(1) shall be applied by substituting ‘January 1 of the applicable year (as determined under section 48(a)(5)(F)(ii))’ for ‘January 1, 2020’.

“(ii) APPLICABLE YEAR.—

“(I) IN GENERAL.—For purposes of this subparagraph, the term ‘applicable year’ means the later of—
“(aa) calendar year 2027, or
“(bb) the calendar year subsequent to the first calendar year in which the Secretary, in consultation with the Secretary of Energy, determines that the United States has increased its offshore wind capacity by not less than 3,000 megawatts as compared to such capacity on January 1, 2020.

“(II) EXCLUSION OF CERTAIN FACILITIES.—For purposes of subclause (I)(bb), the Secretary shall not include any increase in offshore wind capacity which is attributable to any facility the construction of which began before January 1, 2020.

“(iii) QUALIFIED OFFSHORE WIND FACILITY.—For purposes of this subparagraph, the term ‘qualified offshore wind facility’ means a qualified facility described in paragraph (1) of section 45(d) which is located in the inland navigable waters of the United States, including the Great
Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of the United States, and the outer Continental Shelf of the United States.

“(iv) **REPORT ON OFFSHORE WIND CAPACITY.**—On January 15, 2026, and annually thereafter until the calendar year described in clause (ii)(I)(bb), the Secretary, in consultation with the Secretary of Energy, shall issue a report to be made available to the public which discloses the increase in the offshore wind capacity of the United States, as measured in total megawatts, since January 1, 2020.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to periods after December 31, 2016, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).