

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S.**

To amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

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IN THE SENATE OF THE UNITED STATES

Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN, Mr. COONS, Mr. KING, Mr. SCHATZ, Mr. MARKEY, Mr. MENENDEZ, Ms. WARREN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

*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 “Incentivizing Offshore**  
**5 Wind Power Act”.**

**6 SEC. 2. QUALIFYING OFFSHORE WIND FACILITY CREDIT.**

**7 (a) IN GENERAL.—**Section 46 of the Internal Rev-  
**8 enue Code of 1986 is amended—**

1           (1) by striking “and” at the end of paragraph  
2           (5),

3           (2) by striking the period at the end of para-  
4           graph (6) and inserting “, and”, and

5           (3) by adding at the end the following new  
6           paragraph:

7           “(7) the qualifying offshore wind facility cred-  
8           it.”.

9           **(b) AMOUNT OF CREDIT.**—Subpart E of part IV of  
10          subchapter A of chapter 1 is amended by inserting after  
11          section 48D the following new section:

12          **“SEC. 48E. CREDIT FOR OFFSHORE WIND FACILITIES.**

13           **“(a) IN GENERAL.**—For purposes of section 46, the  
14          qualifying offshore wind facility credit for any taxable year  
15          is an amount equal to 30 percent of the qualified invest-  
16          ment for such taxable year with respect to any qualifying  
17          offshore wind facility of the taxpayer.

18           **“(b) QUALIFIED INVESTMENT.**—

19           **“(1) IN GENERAL.**—For purposes of subsection  
20          (a), the qualified investment for any taxable year is  
21          the basis of eligible property placed in service by the  
22          taxpayer during such taxable year which is part of  
23          a qualifying offshore wind facility.

24           **“(2) CERTAIN QUALIFIED PROGRESS EXPENDI-  
25          TURES RULES MADE APPLICABLE.**—Rules similar to

1 the rules of subsections (c)(4) and (d) of section 46  
2 (as in effect on the day before the enactment of the  
3 Revenue Reconciliation Act of 1990) shall apply for  
4 purposes of this section.

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

6 “(1) QUALIFYING OFFSHORE WIND FACILITY.—

7 “(A) IN GENERAL.—The term ‘qualifying  
8 offshore wind facility’ means an offshore facility  
9 using wind to produce electricity.

10 “(B) OFFSHORE FACILITY.—The term  
11 ‘offshore facility’ means any facility located in  
12 the inland navigable waters of the United  
13 States, including the Great Lakes, or in the  
14 coastal waters of the United States, including  
15 the territorial seas of the United States, the ex-  
16 clusive economic zone of United States, and the  
17 outer Continental Shelf of the United States.

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

20 “(A) which is—

21 “(i) tangible personal property, or

22 “(ii) other tangible property (not in-  
23 cluding a building or its structural compo-  
24 nents), but only if such property is used as

1 an integral part of the qualifying offshore  
2 wind facility, and

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

6 “(d) QUALIFYING CREDIT FOR OFFSHORE WIND FA-  
7 CILITIES PROGRAM.—

8 “(1) ESTABLISHMENT.—

9 “(A) IN GENERAL.—Not later than 180  
10 days after the date of the enactment of this sec-  
11 tion, the Secretary, in consultation with the  
12 Secretary of Energy and the Secretary of the  
13 Interior, shall establish a qualifying credit for  
14 offshore wind facilities program to consider and  
15 award certifications for qualified investments el-  
16 igible for credits under this section to qualifying  
17 offshore wind facility sponsors.

18 “(B) LIMITATION.—The total amount of  
19 megawatt capacity for offshore facilities with  
20 respect to which credits may be allocated under  
21 the program shall not exceed 3,000 megawatts.

22 “(2) CERTIFICATION.—

23 “(A) APPLICATION PERIOD.—Each appli-  
24 cant for certification under this paragraph shall  
25 submit an application containing such informa-

1           tion as the Secretary may require beginning on  
2           the date the Secretary establishes the program  
3           under paragraph (1).

4           “(B) PERIOD OF ISSUANCE.—An applicant  
5           which receives a certification shall have 5 years  
6           from the date of issuance of the certification in  
7           order to place the facility in service and if such  
8           facility is not placed in service by that time pe-  
9           riod, then the certification shall no longer be  
10          valid.

11          “(3) SELECTION CRITERIA.—In determining  
12          which qualifying offshore wind facilities to certify  
13          under this section, the Secretary shall—

14                 “(A) take into consideration which facili-  
15                 ties will be placed in service at the earliest date,  
16                 and

17                 “(B) take into account the technology of  
18                 the facility that may lead to reduced industry  
19                 and consumer costs or expand access to off-  
20                 shore wind.

21          “(4) REVIEW, ADDITIONAL ALLOCATIONS, AND  
22          REALLOCATIONS.—

23                 “(A) REVIEW.—Periodically, but not later  
24                 than 4 years after the date of the enactment of  
25                 this section, the Secretary shall review the cred-

1 its allocated under this section as of the date of  
2 such review.

3 “(B) ADDITIONAL ALLOCATIONS AND RE-  
4 ALLOCATIONS.—The Secretary may make addi-  
5 tional allocations and reallocations of credits  
6 under this section if the Secretary determines  
7 that—

8 “(i) the limitation under paragraph  
9 (1)(B) has not been attained at the time of  
10 the review, or

11 “(ii) scheduled placed-in-service dates  
12 of previously certified facilities have been  
13 significantly delayed and the Secretary de-  
14 termines the applicant will not meet the  
15 timeline pursuant to paragraph (2)(B).

16 “(C) ADDITIONAL PROGRAM FOR ALLOCA-  
17 TIONS AND REALLOCATIONS.—If the Secretary  
18 determines that credits under this section are  
19 available for further allocation or reallocation,  
20 but there is an insufficient quantity of quali-  
21 fying applications for certification pending at  
22 the time of the review, the Secretary is author-  
23 ized to conduct an additional program for appli-  
24 cations for certification.



1 (C) by adding after clause (vi) the fol-  
2 lowing new clause:

3 “(vii) the basis of any property which  
4 is part of a qualifying offshore wind facil-  
5 ity under section 48E.”.

6 (2) The table of sections for subpart E of part  
7 IV of subchapter A of chapter 1 of the Internal Rev-  
8 enue Code of 1986 is amended by inserting after the  
9 item relating to section 48D the following new item:

“48E. Credit for offshore wind facilities.”.

10 (d) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to periods after the date of the  
12 enactment of this Act, under rules similar to the rules of  
13 section 48(m) of the Internal Revenue Code of 1986 (as  
14 in effect on the day before the date of the enactment of  
15 the Revenue Reconciliation Act of 1990).