

114TH CONGRESS  
1ST SESSION

# H. R. 2883

To amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2015

Mr. POE of Texas (for himself, Mr. THOMPSON of California, Mr. AMODEI, Mr. WELCH, Mr. GOSAR, Mr. BLUMENAUER, Mr. COFFMAN, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, 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 “Master Limited Part-  
5       nerships Parity Act”.

1 **SEC. 2. EXTENSION OF PUBLICLY TRADED PARTNERSHIP**  
 2 **OWNERSHIP STRUCTURE TO ENERGY POWER**  
 3 **GENERATION PROJECTS, TRANSPORTATION**  
 4 **FUELS, AND RELATED ENERGY ACTIVITIES.**

5 (a) IN GENERAL.—Subparagraph (E) of section  
 6 7704(d)(1) of the Internal Revenue Code of 1986 is  
 7 amended—

8 (1) by striking “income and gains derived from  
 9 the exploration” and inserting “income and gains  
 10 derived from the following:

11 “(i) MINERALS, NATURAL RE-  
 12 SOURCES, ETC.—The exploration”,

13 (2) by inserting “or” before “industrial  
 14 source”,

15 (3) by inserting a period after “carbon diox-  
 16 ide”, and

17 (4) by striking “, or the transportation or stor-  
 18 age” and all that follows and inserting the following:

19 “(ii) RENEWABLE ENERGY.—The gen-  
 20 eration of electric power (including the  
 21 leasing of tangible personal property used  
 22 for such generation) exclusively utilizing  
 23 any resource described in section 45(c)(1)  
 24 or energy property described in section 48  
 25 (determined without regard to any termi-  
 26 nation date), or in the case of a facility de-

scribed in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of such resource.

“(iii) ELECTRICITY STORAGE DEVICES.—The receipt and sale of electric power that has been stored in a device directly connected to the grid.

“(iv) COMBINED HEAT AND POWER.—The generation, storage, or distribution of thermal energy exclusively utilizing property described in section 48(c)(3) (determined without regard to subparagraphs (B) and (D) thereof and without regard to any placed in service date).

“(v) RENEWABLE THERMAL ENERGY.—The generation, storage, or distribution of thermal energy exclusively using any resource described in section 45(c)(1) or energy property described in clause (i) or (iii) of section 48(a)(3)(A).

“(vi) WASTE HEAT TO POWER.—The use of recoverable waste energy, as defined

1 in section 371(5) of the Energy Policy and  
2 Conservation Act (42 U.S.C. 6341(5)) (as  
3 in effect on the date of the enactment of  
4 the Master Limited Partnerships Parity  
5 Act).

6 “(vii) RENEWABLE FUEL INFRA-  
7 STRUCTURE.—The storage or transpor-  
8 tation of any fuel described in subsection  
9 (b), (c), (d), or (e) of section 6426.

10 “(viii) RENEWABLE FUELS.—The pro-  
11 duction, storage, or transportation of any  
12 renewable fuel described in section  
13 211(o)(1)(J) of the Clean Air Act (42  
14 U.S.C. 7545(o)(1)(J)) (as in effect on the  
15 date of the enactment of the Master Lim-  
16 ited Partnerships Parity Act) or section  
17 40A(d)(1).

18 “(ix) RENEWABLE CHEMICALS.—The  
19 production, storage, or transportation of  
20 any qualifying renewable chemical (as de-  
21 fined in paragraph (6)).

22 “(x) ENERGY EFFICIENT BUILD-  
23 INGS.—The audit and installation through  
24 contract or other agreement of any energy

efficient building property described in section 179D(c)(1).

“(xi) GASIFICATION WITH SEQUESTRATION.—The production of any product or the generation of electric power from a project that meets the requirements of subparagraphs (A) and (B) of section 48B(c)(1) and that separates and sequesters in secure geological storage (as determined under section 45Q(d)(2)) at least 75 percent of such project’s total qualified carbon dioxide (as defined in section 45Q(b)).

“(xii) CARBON CAPTURE AND SEQUESTRATION.—

“(I) POWER GENERATION FACILITIES.—The generation or storage of electric power (including associated income from the sale or marketing of energy, capacity, resource adequacy, and ancillary services) produced from any power generation facility which is, or from any power generation unit within, a qualified facility described in section 45Q(c) which—

1 “(aa) in the case of a power  
2 generation facility or power gen-  
3 eration unit placed in service  
4 after January 8, 2013, captures  
5 50 percent or more of the quali-  
6 fied carbon dioxide (as defined in  
7 section 45Q(b)) of such facility  
8 and disposes of such captured  
9 qualified carbon dioxide in secure  
10 geological storage (as determined  
11 under section 45Q(d)(2)), and

12 “(bb) in the case of a power  
13 generation facility or power gen-  
14 eration unit placed in service be-  
15 fore January 9, 2013, captures  
16 30 percent or more of the quali-  
17 fied carbon dioxide (as defined in  
18 section 45Q(b)) of such facility  
19 and disposes of such captured  
20 qualified carbon dioxide in secure  
21 geological storage (as determined  
22 under section 45Q(d)(2)).

23 “(II) OTHER FACILITIES.—The  
24 sale of any good or service from any  
25 facility (other than a power generation

1 facility) which is a qualified facility  
 2 described in section 45Q(c) and the  
 3 captured qualified carbon dioxide (as  
 4 so defined) of which is disposed of in  
 5 secure geological storage (as deter-  
 6 mined under section 45Q(d)(2)).”.

7 (b) RENEWABLE CHEMICAL.—

8 (1) IN GENERAL.—Section 7704(d) of such  
 9 Code is amended by adding at the end the following  
 10 new paragraph:

11 “(6) QUALIFYING RENEWABLE CHEMICAL.—

12 “(A) IN GENERAL.—The term ‘qualifying  
 13 renewable chemical’ means any renewable chem-  
 14 ical (as defined in section 9001 of the Agri-  
 15 culture Act of 2014)—

16 “(i) which is produced by the taxpayer  
 17 in the United States or in a territory or  
 18 possession of the United States,

19 “(ii) which is the product of, or reli-  
 20 ant upon, biological conversion, thermal  
 21 conversion, or a combination of biological  
 22 and thermal conversion, of renewable bio-  
 23 mass (as defined in section 9001(12) of the  
 24 Farm Security and Rural Investment Act  
 25 of 2002),

1 “(iii) the biobased content of which is  
2 95 percent or higher,

3 “(iv) which is sold or used by the tax-  
4 payer—

5 “(I) for the production of chem-  
6 ical products, polymers, plastics, or  
7 formulated products, or

8 “(II) as chemicals, polymers,  
9 plastics, or formulated products,

10 “(v) which is not sold or used for the  
11 production of any food, feed, or fuel, and

12 “(vi) which is—

13 “(I) acetic acid, acrylic acid, acyl  
14 glutamate, adipic acid, algae oils,  
15 algae sugars, aromatics, 1,4-  
16 butanediol, iso-butanol, n-butanol,  
17 carboxylic acids, cellulosic sugar,  
18 diethyl methylene malonate, ethyl ace-  
19 tate, farnesene, gamma-butyrolactone,  
20 glucaric acid, hexamethylenediamine,  
21 3-hydroxy propionic acid, C10 hydro-  
22 carbons, isoprene, itaconic acid,  
23 ketals, levulinic acid, olefins,  
24 polyhydroxyalkonate, polylactic acid,  
25 polyitaconic acid, polyols from vege-



1                   table oils, poly(xylitan levulinate  
2                   ketal), 1,3-propanediol, 1,2-  
3                   propanediol, succinic acid, terpenes,  
4                   thiols, or *p*-Xylene, or

5                   “(II) any chemical not described  
6                   in clause (i) which is a chemical listed  
7                   by the Secretary for purposes of this  
8                   paragraph.

9                   “(B) BIOBASED CONTENT.—For purposes  
10                  of subparagraph (A)(iii), the term ‘biobased  
11                  content percentage’ means, with respect to any  
12                  renewable chemical, the biobased content of  
13                  such chemical (expressed as a percentage) de-  
14                  termined by testing representative samples  
15                  using the American Society for Testing and  
16                  Materials (ASTM) D6866.”.

17                  (2) LIST OF OTHER QUALIFYING RENEWABLE  
18                  CHEMICALS.—Not later than 180 days after the date  
19                  of the enactment of this Act, the Secretary of the  
20                  Treasury (or the Secretary’s delegate), in consulta-  
21                  tion with the Secretary of Agriculture, shall establish  
22                  a program to consider applications from taxpayers  
23                  for the listing of chemicals under section  
24                  7874(d)(6)(A)(vi)(II) (as added by paragraph (1)).

1       (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the date of the enactment  
3 of this Act, in taxable years ending after such date.

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