

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Internal Revenue Code of 1986 to modify the renewable electricity production credit for open-loop biomass facilities engaged in forest restoration activities.

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IN THE SENATE OF THE UNITED STATES

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Mr. KELLY 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 modify the renewable electricity production credit for open-loop biomass facilities engaged in forest restoration activities.

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. OPEN-LOOP BIOMASS FACILITIES ENGAGED IN**  
4 **FOREST RESTORATION ACTIVITIES.**

5 (a) IN GENERAL.—Section 45(d)(3) of the Internal  
6 Revenue Code of 1986 is amended by adding at the end  
7 the following:

8 “(D) FACILITIES ENGAGED IN FOREST  
9 RESTORATION ACTIVITIES.—

1           “(i) IN GENERAL.—In the case of any  
2           facility described in subparagraph (A)  
3           which satisfies the requirements described  
4           in clause (ii), subsection (a)(2)(A)(ii) shall  
5           be applied, at the election of the owner of  
6           such facility, by substituting ‘any month  
7           during such taxable year in which such fa-  
8           cility satisfies the requirements described  
9           in subsection (d)(3)(D)(ii)’ for ‘the 10-year  
10          period beginning on the date the facility  
11          was originally placed in service’.

12          “(ii) REQUIREMENTS.—The require-  
13          ments described in this subclause shall,  
14          with respect to any month during any tax-  
15          able year, consist of a facility which gen-  
16          erates electricity using wood biomass, pro-  
17          vided that, with respect to such month, not  
18          less than 50 percent of such wood biomass  
19          is sourced from an authorized hazardous  
20          fuel reduction project implemented under  
21          title I of the Healthy Forests Restoration  
22          Act of 2003 (16 U.S.C. 6511 et seq.) or a  
23          stewardship contracting project entered  
24          into under section 604 of that Act (16  
25          U.S.C. 6591c).”.

1           (b) **EFFECTIVE DATE.**—The amendment made by  
2 this section shall take effect on January 1, 2022.