

114TH CONGRESS  
2D SESSION

# S. 3159

To amend the Internal Revenue Code of 1986 to provide tax credits for energy storage technologies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 12, 2016

Mr. HEINRICH (for himself, Mr. HELLER, Mr. SCHATZ, Mr. FRANKEN, Mr. MERKLEY, Mr. KING, Mr. REED, Ms. HIRONO, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to provide tax credits for energy storage technologies, 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 “Energy Storage Tax  
5 Incentive and Deployment Act of 2016”.

6 **SEC. 2. ENERGY CREDIT FOR ENERGY STORAGE TECH-**  
7 **NOLOGIES.**

8 (a) IN GENERAL.—Subclause (II) of section  
9 48(a)(2)(A)(i) of the Internal Revenue Code of 1986 is

1 amended by striking “paragraph (3)(A)(i)” and inserting  
2 “clause (i) or (viii) of paragraph (3)(A)”.

3 (b) ENERGY STORAGE TECHNOLOGIES.—Subpara-  
4 graph (A) of section 48(a)(3) of the Internal Revenue  
5 Code of 1986 is amended by striking “or” at the end of  
6 clause (vi), by adding “or” at the end of clause (vii), and  
7 by adding at the end the following new clause:

8 “(viii) equipment which receives,  
9 stores, and delivers energy using batteries,  
10 compressed air, pumped hydropower, hy-  
11 drogen storage (including hydrolysis), ther-  
12 mal energy storage, regenerative fuel cells,  
13 flywheels, capacitors, superconducting  
14 magnets, or other technologies identified  
15 by the Secretary in consultation with the  
16 Secretary of Energy, and which has a ca-  
17 pacity of not less than 5 kilowatt hours,”.

18 (c) PHASEOUT OF CREDIT.—Paragraph (6) of sec-  
19 tion 48(a) of the Internal Revenue Code of 1986 is amend-  
20 ed—

21 (1) by striking “ENERGY” in the heading and  
22 inserting “AND ENERGY STORAGE”, and

23 (2) by striking “paragraph (3)(A)(i)” both  
24 places it appears and inserting “clause (i) or (viii)  
25 of paragraph (3)(A)”.

1 (d) **EFFECTIVE DATE.**—The amendments made by  
 2 this section shall apply to property placed in service after  
 3 December 31, 2015.

4 **SEC. 3. RESIDENTIAL ENERGY EFFICIENT PROPERTY**  
 5 **CREDIT FOR BATTERY STORAGE TECH-**  
 6 **NOLOGY.**

7 (a) **IN GENERAL.**—Subsection (a) of section 25D of  
 8 the Internal Revenue Code of 1986 is amended by striking  
 9 “and” at the end of paragraph (4), by striking the period  
 10 at the end of paragraph (5) and inserting “, and”, and  
 11 by adding at the end the following new paragraph:

12 “(6) the applicable percentage of the qualified  
 13 battery storage technology expenditures made by the  
 14 taxpayer during such year.”.

15 (b) **QUALIFIED BATTERY STORAGE TECHNOLOGY**  
 16 **EXPENDITURE.**—Subsection (d) of section 25D of the In-  
 17 ternal Revenue Code of 1986 is amended by adding at the  
 18 end the following new paragraph:

19 “(6) **QUALIFIED BATTERY STORAGE TECH-**  
 20 **NOLOGY EXPENDITURE.**—The term ‘qualified bat-  
 21 tery storage technology expenditure’ means an ex-  
 22 penditure for battery storage technology which—

23 “(A) is installed on or in connection with  
 24 a dwelling unit located in the United States and  
 25 used as a residence by the taxpayer, and

1                   “(B) has a capacity of not less than 3 kilo-  
2                   watt hours.”.

3           (c) APPLICABLE PERCENTAGE.—Subsection (g) of  
4 section 25D of the Internal Revenue Code of 1986 is  
5 amended by striking “(1) and (2)” and inserting “(1), (2),  
6 and (6)”.

7           (d) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply to expenditures paid or incurred  
9 in taxable years beginning after December 31, 2015.

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