

107TH CONGRESS
1ST SESSION

S. 686

To amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

IN THE SENATE OF THE UNITED STATES

APRIL 4, 2001

Mrs. LINCOLN (for herself, Mr. ALLARD, and Mr. GRASSLEY) 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 provide a credit against tax for energy efficient appliances.

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 “Resource Efficient Ap-
5 pliance Incentives Act”.

6 **SEC. 2. TAX CREDIT FOR ENERGY EFFICIENT APPLIANCES.**

7 (a) IN GENERAL.—Subpart D of part IV of sub-
8 chapter A of chapter 1 of the Internal Revenue Code of
9 1986 (relating to business-related credits) is amended by
10 adding at the end the following new section:

1 **“SEC. 45E. ENERGY EFFICIENT APPLIANCE CREDIT.**

2 “(a) GENERAL RULE.—For purposes of section 38,
3 the energy efficient appliance credit determined under this
4 section for the taxable year is an amount equal to the ap-
5 plicable amount determined under subsection (b) with re-
6 spect to qualified energy efficient appliances produced by
7 the taxpayer during the calendar year ending with or with-
8 in the taxable year.

9 “(b) APPLICABLE AMOUNT.—For purposes of sub-
10 section (a), the applicable amount determined under this
11 subsection with respect to a taxpayer is the sum of—

12 “(1) in the case of an energy efficient clothes
13 washer described in subsection (d)(2)(A) or an en-
14 ergy efficient refrigerator described in subsection
15 (d)(3)(B)(i), an amount equal to—

16 “(A) \$50, multiplied by

17 “(B) the number of such washers and re-
18 frigerators produced by the taxpayer during
19 such calendar year, and

20 “(2) in the case of an energy efficient clothes
21 washer described in subsection (d)(2)(B) or an en-
22 ergy efficient refrigerator described in subsection
23 (d)(3)(B)(ii), an amount equal to—

24 “(A) \$100, multiplied by

1 “(B) the number of such washers and re-
 2 frigerators produced by the taxpayer during
 3 such calendar year.

4 “(c) LIMITATION ON MAXIMUM CREDIT.—

5 “(1) IN GENERAL.—The maximum amount of
 6 credit allowed under subsection (a) with respect to
 7 a taxpayer for all taxable years shall be—

8 “(A) \$30,000,000 with respect to the cred-
 9 it determined under subsection (b)(1), and

10 “(B) \$30,000,000 with respect to the cred-
 11 it determined under subsection (b)(2).

12 “(2) LIMITATION BASED ON GROSS RE-
 13 CEIPTS.—The credit allowed under subsection (a)
 14 with respect to a taxpayer for the taxable year shall
 15 not exceed an amount equal to 2 percent of the aver-
 16 age annual gross receipts of the taxpayer for the 3
 17 taxable years preceding the taxable year in which
 18 the credit is determined.

19 “(3) GROSS RECEIPTS.—For purposes of this
 20 subsection, the rules of paragraphs (2) and (3) of
 21 section 448(c) shall apply.

22 “(d) QUALIFIED ENERGY EFFICIENT APPLIANCE.—
 23 For purposes of this section—

24 “(1) IN GENERAL.—The term ‘qualified energy
 25 efficient appliance’ means—

1 “(A) an energy efficient clothes washer, or

2 “(B) an energy efficient refrigerator.

3 “(2) ENERGY EFFICIENT CLOTHES WASHER.—

4 The term ‘energy efficient clothes washer’ means a
5 residential clothes washer, including a residential
6 style coin operated washer, which is manufactured
7 with—

8 “(A) a 1.26 Modified Energy Factor (re-
9 ferred to in this paragraph as ‘MEF’) (as de-
10 termined by the Secretary of Energy), or

11 “(B) a 1.42 MEF (as determined by the
12 Secretary of Energy) (1.5 MEF for calendar
13 years beginning after 2004).

14 “(3) ENERGY EFFICIENT REFRIGERATOR.—The
15 term ‘energy efficient refrigerator’ means an auto-
16 matic defrost refrigerator-freezer which—

17 “(A) has an internal volume of at least
18 16.5 cubic feet, and

19 “(B) consumes—

20 “(i) 10 percent less kw/hr/yr than the
21 energy conservation standards promulgated
22 by the Department of Energy for such re-
23 frigerator for 2001, or

24 “(ii) 15 percent less kw/hr/yr than
25 such energy conservation standards.

1 “(e) SPECIAL RULES.—

2 “(1) IN GENERAL.—Rules similar to the rules
3 of subsections (c), (d), and (e) of section 52 shall
4 apply for purposes of this section.

5 “(2) AGGREGATION RULES.—All persons treat-
6 ed as a single employer under subsection (a) or (b)
7 of section 52 or subsection (m) or (o) of section 414
8 shall be treated as one person for purposes of sub-
9 section (a).

10 “(f) VERIFICATION.—The taxpayer shall submit such
11 information or certification as the Secretary, in consulta-
12 tion with the Secretary of Energy, determines necessary
13 to claim the credit amount under subsection (a).

14 “(g) TERMINATION.—This section shall not apply—

15 “(1) with respect to energy efficient refrig-
16 erators described in subsection (d)(3)(B)(i) produced
17 in calendar years beginning after 2005, and

18 “(2) with respect to all other qualified energy
19 efficient appliances produced in calendar years be-
20 ginning after 2007.”.

21 (b) LIMITATION ON CARRYBACK.—Section 39(d) of
22 the Internal Revenue Code of 1986 (relating to transition
23 rules) is amended by adding at the end the following new
24 paragraph:

1 “(10) NO CARRYBACK OF ENERGY EFFICIENT
 2 APPLIANCE CREDIT BEFORE EFFECTIVE DATE.—No
 3 portion of the unused business credit for any taxable
 4 year which is attributable to the energy efficient ap-
 5 pliance credit determined under section 45E may be
 6 carried to a taxable year ending before the date of
 7 the enactment of section 45E.”.

8 (c) CONFORMING AMENDMENT.—Section 38(b) of
 9 the Internal Revenue Code of 1986 (relating to general
 10 business credit) is amended by striking “plus” at the end
 11 of paragraph (12), by striking the period at the end of
 12 paragraph (13) and inserting “, plus”, and by adding at
 13 the end the following new paragraph:

14 “(14) the energy efficient appliance credit de-
 15 termined under section 45E(a).”.

16 (d) CLERICAL AMENDMENT.—The table of sections
 17 for subpart D of part IV of subchapter A of chapter 1
 18 of the Internal Revenue Code of 1986 is amended by in-
 19 serting after the item relating to section 45D the following
 20 new item:

 “Sec. 45E. Energy efficient appliance credit.”.

21 (e) EFFECTIVE DATE.—The amendments made by
 22 this section shall apply to taxable years beginning after
 23 December 31, 2001.

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