

111TH CONGRESS  
1ST SESSION

# H. R. 1812

To amend the Internal Revenue Code of 1986 to reduce the recovery periods for certain energy production and distribution facilities.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2009

Mrs. BACHMANN (for herself, Mr. PAUL, and Mrs. SCHMIDT) 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 reduce the recovery periods for certain energy production and distribution facilities.

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 “Promoting New Amer-  
5       ican Energy Act of 2009”.

6       **SEC. 2. 3-YEAR RECOVERY PERIOD FOR CERTAIN ENERGY**  
7                       **PRODUCTION AND DISTRIBUTION FACILI-**  
8                       **TIES.**

9       (a) IN GENERAL.—Subparagraph (A) of section  
10       168(e)(3) of the Internal Revenue Code of 1986 (defining

1 3-year property) is amended by striking “and” at the end  
2 of clause (ii), by striking the period at the end of clause  
3 (iii), and by adding at the end the following new clauses:

4 “(iv) any industrial steam and electric  
5 generation and/or distribution system de-  
6 scribed in Asset Class 00.4 of Revenue  
7 Procedure 87–56,

8 “(v) any electric utility nuclear pro-  
9 duction plant described in Asset Class  
10 49.12 of such Procedure,

11 “(vi) any electric utility steam produc-  
12 tion plant which is fueled by coal and de-  
13 scribed in Asset Class 49.13 of such Proce-  
14 dure,

15 “(vii) any electric utility transmission  
16 and distribution plant described in Asset  
17 Class 49.14 of such Procedure,

18 “(viii) any electric utility combustion  
19 turbine production plant which is fueled by  
20 natural gas and described in Asset Class  
21 49.15 of such Procedure,

22 “(ix) pollution control equipment that  
23 modifies the outputs (such as thermal dis-  
24 charge control) rather than modifying in-  
25 puts, and

1 “(x) any property which is described  
 2 in subparagraph (A) of section 48(a)(3)  
 3 (or would be so described if ‘solar, wind, or  
 4 geothermal energy’ were substituted for  
 5 ‘solar energy’ in clause (i) thereof) and the  
 6 last sentence of such section did not apply  
 7 to such subparagraph.

8 Nothing in any provision of law shall be con-  
 9 strued to treat property as not being described  
 10 in clause (x) (or the corresponding provisions of  
 11 prior law) by reason of being public utility  
 12 property (within the meaning of section  
 13 48(a)(3)).”.

14 (b) ALTERNATIVE DEPRECIATION SYSTEM.—The  
 15 table contained in subparagraph (B) of section 168(g)(3)  
 16 of such Code is amended by inserting below the item relat-  
 17 ing to subparagraph (A)(iii) the following new items:

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“(A)(iv) .....	15
(A)(v) .....	15
(A)(vi) .....	20
(A)(vii) .....	15
(A)(viii) .....	15”.

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18 (c) CONFORMING AMENDMENT.—Subparagraph (B)  
 19 of section 168(e)(3) of such Code is amended—  
 20 (1) by striking subclause (I) of clause (vi),

1           (2) by redesignating subclauses (II) and (III) of  
2       clause (vi) as subclauses (I) and (II), respectively,  
3       and

4           (3) by striking the last sentence.

5       (d) EFFECTIVE DATE.—

6           (1) IN GENERAL.—The amendments made by  
7       this section shall apply to property placed in service  
8       after the date of the enactment of this Act.

9           (2) EXCEPTION.—The amendments made by  
10      this section shall not apply to any property with re-  
11      spect to which the taxpayer or a related party has  
12      entered into a binding contract for the construction  
13      thereof on or before such date, or, in the case of  
14      self-constructed property, has started construction  
15      on or before such date.

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