

116TH CONGRESS
1ST SESSION

H. R. 5409

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2019

Mr. CURTIS introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code to provide tax credits for energy storage technology, 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 “Incentivizing New and
5 Valuable Energy Storage Technology (INVEST) Act of
6 2019”.

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

9 (a) IN GENERAL.—Subclause (II) of section
10 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, 2018.

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 inserting “and”
 10 after the comma at the end of paragraph (5), and by add-
 11 ing at the end the following new paragraph:

12 “(6) the qualified battery storage technology ex-
 13 penditures,”.

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

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

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

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

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to expenditures paid or incurred
5 in taxable years beginning after December 31, 2018.

6 **SEC. 4. PUBLIC UTILITY PROPERTY.**

7 (a) IN GENERAL.—Paragraph (2) of section 50(d) of
8 the Internal Revenue Code of 1986 is amended—

9 (1) by adding after the first sentence the fol-
10 lowing new sentence: “At the election of a taxpayer,
11 this paragraph shall not apply to energy property
12 described in clause (viii) of section 48(a)(3)(A) that
13 is placed in service by the taxpayer after December
14 31, 2018, provided—”; and

15 (2) by adding the following new subparagraphs:

16 “(A) no election under this paragraph shall
17 be permitted if the making of such election is
18 prohibited by, or required by, a State or polit-
19 ical subdivision thereof, by any agency or in-
20 strumentality of the United States, or by a pub-
21 lic service or public utility commission or other
22 similar body of any State or political subdivi-
23 sion that regulates public utilities as described
24 in section 7701(a)(33)(A),

1 “(B) an election under this paragraph
2 shall be made separately with respect to each
3 energy property by the due date (including ex-
4 tensions) of the Federal tax return for the tax-
5 able year in which such property is placed in
6 service by the taxpayer, and once made, may be
7 revoked only with the consent of the Secretary,
8 and

9 “(C) an election shall not apply with re-
10 spect to any energy property described in such
11 subparagraph if such property has a maximum
12 energy capacity equal to or less than 14 kilo-
13 watt hours.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to property placed in service after
16 December 31, 2018.

○