112TH CONGRESS 1ST SESSION H.R. 2866

To amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2011

Mr. MANZULLO (for himself, Mr. RYAN of Ohio, Mr. BISHOP of New York, Mr. CRITZ, Mr. CROWLEY, Mr. HOLT, Mr. JACKSON of Illinois, Mr. KING of New York, Mr. LIPINSKI, Mrs. MALONEY, Mr. MICHAUD, and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

- To amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.
 - 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 "Mechanical Insulation
- 5 Installation Incentive Act of 2011".

1SEC. 2. EXPENSING OF MECHANICAL INSULATION PROP-2ERTY.

3 (a) IN GENERAL.—Part VI of subchapter B of chap4 ter 1 of subtitle A of the Internal Revenue Code of 1986
5 (relating to itemized deductions for individuals and cor6 porations) is amended by inserting after section 179E the
7 following new section:

8 "SEC. 179F. MECHANICAL INSULATION PROPERTY.

9 "(a) TREATMENT AS EXPENSES.—In addition to any 10 other deduction in this subtitle, there shall be allowed as 11 a deduction an amount equal to the applicable percentage 12 of the cost of mechanical insulation property placed in 13 service during the taxable year.

14 "(b) APPLICABLE PERCENTAGE.—For purposes of
15 subsection (a)—

- 16 "(1) IN GENERAL.—The term 'applicable per17 centage' means the lesser of—
- 18 "(A) 30 percent, and

"(B) the reduction in energy loss (expressed as a percentage) from the installed mechanical insulation property compared to reference mechanical insulation property which
meets the minimum requirements of ASHRAE
standard 90.1–2007.

25 "(2) SPECIAL RULE RELATING TO MAINTE26 NANCE.—In the case of mechanical insulation prop•HR 2866 IH

erty placed in service as a replacement for insulation
 property—

3	"(A) paragraph $(1)(B)$ shall not apply, and
4	"(B) the cost of such property shall be
5	treated as an expense for which a deduction is
6	allowed under section 162 instead of being
7	treated as depreciable for purposes of the de-
8	duction provided by section 167.
9	"(c) Definitions.—For purposes of this section—
10	"(1) Mechanical insulation property.—
11	The term 'mechanical insulation property' means in-
12	sulation materials, facings, and accessory products—
13	"(A) placed in service in connection with a
14	mechanical system which—
15	"(i) is located in the United States,
16	and
17	"(ii) is of a character subject to an al-
18	lowance for depreciation, and
19	"(B) utilized for thermal requirements for
20	mechanical piping and equipment, hot and cold
21	applications, and heating, venting and air con-
22	ditioning applications which can be used in a
23	variety of facilities.
24	"(2) Cost.—The cost of mechanical insulation
25	property includes—

"(A) the amounts paid or incurred for the 1 2 installation of such property for that increthe 3 mental portion above minimums in 4 ASHRAE standard 90.1–2007 and the total in-5 sulation cost for maintenance applications, 6 "(B) in the case of removal and disposal of the old mechanical insulation property, 10 per-7 8 cent of the cost of the new mechanical insula-9 tion property (determined without regard to 10 this subparagraph), and "(C) expenditures for labor costs properly 11 12 allocable to the preparation, assembly, and in-13 stallation of mechanical insulation property. 14 "(d) COORDINATION.—Subsection (a) shall not apply 15 to the cost of mechanical insulation property which is taken into account under section 179D or which, but for 16 17 subsection (b) of section 179D, would be taken into ac-18 count under such section. 19 "(e) Allocation of Deduction for Tax-Exempt PROPERTY.—In the case of mechanical insulation prop-20 21 erty installed on or in property owned by an entity de-22 scribed in paragraph (3) or (4) of section 50(b), the per-

23 son who is the primary contractor for the installation of24 such property shall be treated as the taxpayer that placed25 such property in service.

"(f) CERTIFICATION.—For purposes of this section,
 energy savings shall be certified under regulations or other
 guidance provided by the Secretary, in consultation with
 the Secretary of Energy.

5 "(g) TERMINATION.—This section shall not apply to 6 any property placed in service after the end of the 5-year 7 period beginning on the date of the enactment of this sec-8 tion.".

9 (b) DEDUCTION FOR CAPITAL EXPENDITURES.— 10 Section 263(a)(1) of such Code (relating to capital ex-11 penditures) is amended by striking "or" at the end of sub-12 paragraph (K), by striking the period at the end of para-13 graph (L) and inserting ", or", and by adding at the end 14 the following new subparagraph:

15 "(M) expenditures for which a deduction isallowed under section 179F.".

17 (c) TECHNICAL AND CLERICAL AMENDMENTS.—

18 (1) Section 312(k)(3)(B) of such Code is
19 amended by striking "or 179E" each place it ap20 pears in the text or heading thereof and inserting
21 "179E, or 179F".

(2) Paragraphs (2)(C) and (3)(C) of section
1245(a) of such Code are each amended by inserting
"179F," after "179E,".

(3) The table of sections for part VI of sub chapter B of chapter 1 of subtitle A of such Code
 is amended by inserting after the item relating to
 section 179E the following new item:
 "Sec. 179F. Mechanical insulation property.".

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to property placed in service after
7 the date of enactment of this Act.

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