

116TH CONGRESS  
2D SESSION

# H. R. 8743

To amend the Internal Revenue Code of 1986 to make certain energy tax credits fully refundable and to delay the tax credit phase down, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 2020

Mr. LEVIN of California (for himself, Mr. SCHWEIKERT, Mr. TONKO, and Mr. COOK) 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 make certain energy tax credits fully refundable and to delay the tax credit phase down, 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 “Solar Jobs Preserva-  
5 tion Act of 2020”.

1 **SEC. 2. ELECTIVE PAYMENT FOR ENERGY PROPERTY,**  
2 **ELECTRICITY PRODUCED FROM CERTAIN RE-**  
3 **NEWABLE RESOURCES.**

4 (a) IN GENERAL.—Subchapter B of chapter 65 is  
5 amended by adding at the end the following new section:

6 **“SEC. 6431. ELECTIVE PAYMENT FOR ENERGY PROPERTY,**  
7 **ELECTRICITY PRODUCED FROM CERTAIN RE-**  
8 **NEWABLE RESOURCES.**

9 “(a) ENERGY PROPERTY.—In the case of a taxpayer  
10 making an election (at such time and in such manner as  
11 the Secretary may provide) under this section with respect  
12 to any portion of an applicable credit, such taxpayer shall  
13 be treated as making a payment against the tax imposed  
14 by subtitle A for the taxable year equal to the amount  
15 of such portion.

16 “(b) DEFINITIONS AND SPECIAL RULES.—For pur-  
17 poses of this section—

18 “(1) APPLICABLE CREDIT.—The term ‘applica-  
19 ble credit’ means the energy credit under section 48.

20 “(2) TIMING.—The payment described in sub-  
21 section (a) shall be treated as made on the later of  
22 the initial due date of the return of tax for the tax-  
23 able year or the date on which such return is filed.

24 “(c) EXCLUSION FROM GROSS INCOME.—Gross in-  
25 come of the taxpayer shall be determined without regard  
26 to this section.

1 “(d) DENIAL OF DOUBLE BENEFIT.—Solely for pur-  
2 poses of section 38, in the case of a taxpayer making an  
3 election under this section, the energy credit determined  
4 under section 48 shall be reduced by the amount of the  
5 portion of such credit with respect to which the taxpayer  
6 makes such election.

7 “(e) APPLICATION.—This section shall apply to prop-  
8 erty the construction of which begins before January 1,  
9 2022.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 for subchapter B of chapter 65 is amended by adding at  
12 the end the following new item:

“Sec. 6431. Elective payment for energy property, electricity produced from  
certain renewable resources.”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to property placed in service after  
15 the date of the enactment of this Act.

16 **SEC. 3. EXTENSION OF ENERGY CREDIT.**

17 (a) IN GENERAL.—Section 48(a)(6) of the Internal  
18 Revenue Code of 1986 is amended—

19 (1) in subparagraph (A)—

20 (A) by striking “which begins before Janu-  
21 ary 1, 2022” and inserting “which begins be-  
22 fore January 1, 2023”,

23 (B) in clause (i), by striking “January 1,  
24 2021” and inserting “January 1, 2022”, and

1 (C) in clause (ii)—

2 (i) by striking “December 31, 2020”

3 and inserting “December 31, 2021”, and

4 (ii) by striking “January 1, 2022”

5 and inserting “January 1, 2023”, and

6 (2) in subparagraph (B)—

7 (A) by striking “January 1, 2022” and in-

8 serting “January 1, 2023”, and

9 (B) by striking “January 1, 2024” and in-

10 serting “January 1, 2025”.

11 (b) EFFECTIVE DATE.—The amendments made by

12 this section shall apply to property placed in service after

13 the date of the enactment of this Act.

○