

English / McCrery Amendment in the Nature of a Substitute to H.R. 5351

Strikes Underlying bill and replaces with:

Renewable Energy Tax Credit (Section 45). Extends through December 31, 2009 the period during which certain facilities may be placed in service for purposes of the Section 45 credit.

Energy-Efficient Business Property. Extends for one year the 30 percent business energy credit for purchase of qualified fuel cell power plants for businesses and a 10 percent credit for purchase of qualifying stationary microturbine power plants. The 30 percent credit for purchase of qualifying solar energy property is also extended. Credits apply to periods before January 1, 2010.

Energy-Efficient Appliances. Extends the tax credit for the production of energy efficient appliances for two years (through December 31, 2009) and readjusts the baseline for the credit.

Energy-Efficient Residential Property. Extends for one year a 30 percent credit for purchase for qualified photovoltaic property and solar water heating property used exclusively for purposes other than heating swimming pools and hot tubs. Provision also provides a 30 percent credit for the purchase of qualified fuel cell power plants and applies to property placed prior to January 1, 2010.

Energy-Efficient Existing Homes. Extends the residential property tax credit for two years (through December 31, 2009) for expenditures to improve the energy efficiency of an existing home.

Energy-Efficient New Homes. Extends for one year a credit to eligible contractor for construction of a qualified new energy-efficient home. Credit applies to manufactured homes meeting Energy Star Standards and other homes meeting a 50 percent standard. Credit applies to homes which are purchased prior to January 1, 2010.

Energy-Efficient Commercial Buildings. Extends for one year the deduction for energy efficient commercial buildings that reduce annual energy and power consumption by 50 percent compared to the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) standard.

Clean Renewable Energy Bonds (CREBs). Adds \$400 million to CREBs, defined as bonds issued by qualified issuers if, in addition to other requirements, 95 percent of proceeds are used to finance capital expenditures incurred for facilities qualifying for tax credit under section 45. Qualified issuers include governmental bodies (including Indian tribal governments) and mutual or cooperative electric companies. Provision is effective for bonds issued after December 31, 2008.

Percentage Depletion for Marginal Wells. Extends suspension on the taxable income limit for purposes of depreciating a marginal oil or gas well through 2009.

Refund for Improperly Collected Coal Excise Taxes. The proposal allows coal producers and exporters to claim a refund for excise taxes unconstitutionally imposed on coal exported from the United States.