

.....
(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the amend the Internal Revenue Code of 1986 to provide critical businesses with a tax credit for electric generators placed in service in certain high risk disaster areas.

IN THE HOUSE OF REPRESENTATIVES

Mr. LUTTRELL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the amend the Internal Revenue Code of 1986 to provide critical businesses with a tax credit for electric generators placed in service in certain high risk disaster areas.

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 “Critical Businesses
5 Preparedness Act”.

1 **SEC. 2. CREDIT FOR ELECTRIC GENERATORS PLACED IN**
2 **SERVICE BY CRITICAL BUSINESSES IN HIGH**
3 **RISK DISASTER AREAS.**

4 (a) IN GENERAL.—Subpart D of part IV of sub-
5 chapter A of chapter 1 of the Internal Revenue Code of
6 1986 is amended by adding at the end the following new
7 section:

8 **“SEC. 45BB. CREDIT FOR ELECTRIC GENERATORS PLACED**
9 **IN SERVICE BY CRITICAL BUSINESSES IN**
10 **HIGH RISK DISASTER AREAS.**

11 “(a) IN GENERAL.—For purposes of section 38, in
12 the case of a specified taxpayer, the qualified disaster pre-
13 paredness electric generator expenses credit for any tax-
14 able year is an amount equal to 30 percent of the qualified
15 disaster preparedness electric generator expenses paid or
16 incurred by the taxpayer during such taxable year.

17 “(b) SPECIFIED TAXPAYER.—For purposes of this
18 section, the term ‘specified taxpayer’ means any person
19 engaged in a trade or business that is determined by the
20 Secretary, after consultation with the Administrator of the
21 Federal Emergency Management Agency, as being a trade
22 or business that is critical in the aftermath of a flood or
23 hurricane. Such trades or businesses shall not fail to in-
24 clude hospitals, nursing homes, grocery stores, and gas
25 stations.

1 “(c) QUALIFIED DISASTER PREPAREDNESS ELEC-
2 TRIC GENERATOR EXPENSES.—For purposes of this sec-
3 tion—

4 “(1) IN GENERAL.—The term ‘qualified dis-
5 aster preparedness electric generator expenses’
6 means, with respect to any specified taxpayer, any
7 amount paid or incurred by such taxpayer for an
8 electric generator (including costs of installation)
9 placed in service in a high risk disaster area and
10 used in a trade or business referred to in subsection
11 (b).

12 “(2) HIGH RISK DISASTER AREA.—The term
13 ‘high risk disaster area’ means any area determined
14 by the Secretary, after consultation with the Admin-
15 istrator of the Federal Emergency Management
16 Agency, as being an area that is at high risk of
17 flooding or hurricanes.

18 “(d) DENIAL OF DOUBLE BENEFIT.—In the case of
19 any qualified disaster preparedness electric generator ex-
20 penses with respect to which credit is allowed under sub-
21 section (a)—

22 “(1) no deduction or credit shall be allowed for,
23 or by reason of, any such expense to the extent of
24 the amount of such credit, and

1 “(2) the basis of any property shall be reduced
2 by the amount of such credit to the extent that such
3 expenses were taken into account in determining
4 such basis.”.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking “plus” at the end of paragraph (40), by striking the period at the end of paragraph (41) and inserting “, plus”, and by adding at the end the following new paragraph:

“(42) in the case of a specified taxpayer (as defined in section 45BB(b)), the qualified disaster preparedness electric generator expenses credit determined under section 45BB(a).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 45BB. Credit for electric generators placed in service by critical businesses in high risk disaster areas.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.