To amend the Internal Revenue Code of 1986 to provide a tax credit for certain indoor air quality assessments and improvements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee

A BILL

To amend the Internal Revenue Code of 1986 to provide a tax credit for certain indoor air quality assessments and improvements, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Airborne Act”.

SEC. 2. INDOOR AIR QUALITY CREDIT.

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

“SEC. 45U. INDOOR AIR QUALITY CREDIT.

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—For purposes of section 38, the indoor air quality credit determined under this section for the taxable year is an amount equal to the sum of—

“(A) the applicable amount paid or incurred during such taxable year for a qualified indoor air quality assessment of a qualifying property, plus

“(B) the applicable amount with respect to any qualified air filter upgrade or qualified HVAC upgrade placed in service at such qualifying property during such taxable year.

“(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is—

“(A) in the case of a qualified indoor air quality assessment, $1 per square foot of property affected by such upgrade,

“(B) in the case of a qualified air filter upgrade, $5 per square foot of property affected by such upgrade, and
“(C) in the case of a qualified HVAC upgrade, $50 per square foot of property affected by such upgrade.

“(b) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED INDOOR AIR QUALITY ASSESSMENT.—The term ‘qualified indoor air quality assessment’ means an assessment of air quality carried out pursuant to the standards described in subsection (c)(1).

“(2) QUALIFIED AIR FILTER UPGRADE.—The term ‘qualified air filter upgrade’ means a new air filter or an air filter repair which—

“(A) is placed in service after the date of the enactment of this section at a commercial or public property with respect to which a qualified indoor air quality assessment is completed, and

“(B) is certified pursuant to subsection (c)(2) to bring the commercial or public property on which it is installed into compliance into compliance with the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 62.1-2019, along with the use of filters and air cleaners that achieve a Minimum Efficiency Reporting Value
(MERV) rating of 13 or better levels of performance for air recirculated by HVAC systems per guidance provided by ASHRAE Epidemic Task Force Core Recommendations of October 19, 2021.

“(3) QUALIFIED HVAC UPGRADE.—The term ‘qualified HVAC upgrade’ means a new heating, ventilation, and air conditioning system (HVAC) or HVAC repair which is—

“(A) placed in service after the date of the enactment of this section at a commercial or public property with respect to which a qualified indoor air quality assessment is completed, and

“(B) is certified pursuant to subsection (c)(3) to bring the commercial or public property on which it is installed into compliance with the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 62.1-2019, along with the use of filters and air cleaners that achieve a Minimum Efficiency Reporting Value (MERV) rating of 13 or better levels of performance for air recirculated by HVAC systems per guidance
provided by ASHRAE Epidemic Task Force Core Recommendations of October 19, 2021.

“(4) QUALIFYING PROPERTY.—The term ‘qualifying property’ means commercial property, public property, or property owned by an organization described in section 501(c)(3) and exempt from tax under section 501(a).

“(c) INDOOR AIR QUALITY ASSESSMENT AND CERTIFICATION STANDARDS.—The Secretary shall, after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate, prescribe by regulations standards for—

“(1) carrying out qualified indoor air quality assessments,

“(2) certifying air filter upgrades as qualified air filter upgrades, and

“(3) certifying HVAC upgrades as qualified HVAC upgrades.

“(d) LIMITATIONS.—

“(1) QUALIFIED HVAC AND QUALIFIED AIR FILTER UPGRADES.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed 50 percent of the total amount expended by the taxpayer during such taxable year
for qualified air filter upgrades or qualified HVAC upgrades.

“(2) INDOOR AIR QUALITY ASSESSMENTS.—The credit allowed under this section with respect to any taxpayer for any taxable year with respect to qualified indoor air quality assessments shall not exceed the amounts paid or incurred with respect to such assessments.

“(e) REGULATIONS FOR ALLOCATION OF CREDIT WITH RESPECT TO IMPROVEMENTS ON PUBLIC PROPERTY.—In the case of qualified indoor air quality assessments, qualified air filter upgrades, or qualified HVAC upgrades conducted on or in property owned by a Federal, State, or local government or a political subdivision thereof, credits with respect to such assessments and upgrades may be allocated, under such regulations as the Secretary shall prescribe, to the person primarily responsible for designing the property. Such person shall be treated as the taxpayer for purposes of this credit.

“(f) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.
“(g) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section.”.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code is amended by striking “plus” at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting “, plus”, and by adding at the end the following new paragraph:

“(34) the indoor air quality credit determined under section 45U.”.

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

“Sec. 45U. Indoor Air Quality Credit.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses made or incurred after December 31, 2021, in taxable years ending after such date.

SEC. 3. INDOOR AIR QUALITY CERTIFICATION.

Not later than 365 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall establish a voluntary certification program through which property owners may certify that their properties are in compliance with the indoor air quality
standards of section 45U(c) of the Internal Revenue Code of 1986, as added by this Act.