## 111TH CONGRESS 1ST SESSION S. 2755

To amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

## IN THE SENATE OF THE UNITED STATES

#### NOVEMBER 9, 2009

Mr. MENENDEZ (for himself, Ms. STABENOW, Mr. BENNET, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Finance

# A BILL

- To amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, 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 Manufacturing

5 Jobs Creation Act".

## 6 SEC. 2. INVESTMENT CREDIT FOR EQUIPMENT USED TO 7 FABRICATE SOLAR ENERGY PROPERTY.

8 (a) IN GENERAL.—Subparagraph (A) of section
9 48(a)(3) of the Internal Revenue Code of 1986 (defining

1	energy property) is amended by striking "or" at the end
2	of clause (vi), by adding "or" at the end of clause (vii),
3	and by inserting after clause (vii) the following new clause:
4	"(viii) equipment designed to be used
5	for the fabrication of property described in
6	clause (i) or paragraph (1) or (2) of sec-
7	tion 25D(d), including solar cells and mod-
8	ules that convert sunlight to electricity, but
9	only with respect to periods ending before
10	January 1, 2017.".
11	(b) CREDIT PERCENTAGE.—Clause (i) of section
12	48(a)(2)(A) of the Internal Revenue Code of 1986 (defin-
13	ing energy percentage) is amended by striking "and" at
14	the end of subclause (III) and by inserting after subclause
15	(IV) the following new subclause:
16	"(V) energy property described
17	in paragraph (3)(A)(viii), and".
18	(c) EFFECTIVE DATE.—The amendments made by
19	this section shall apply to periods after the date of the
20	enactment of this Act, under rules similar to the rules of
21	section 48(m) of the Internal Revenue Code of 1986 (as
22	in effect on the day before the date of the enactment of
23	the Revenue Reconciliation Act of 1990).

# 1SEC. 3. SOLAR ENERGY PROPERTY FABRICATION EQUIP-2MENT TREATED AS SPECIFIED ENERGY3PROPERTY FOR ENERGY PROPERTY GRANTS4IN LIEU OF CREDITS.

5 (a) ADDITIONAL SPECIFIED ENERGY PROPERTY.—
6 Section 1603(d)(3) of the American Recovery and Rein7 vestment Tax Act of 2009 is amended by striking "de8 scribed in clause (i) or (ii)" and inserting "described in
9 clause (i), (ii) or (viii)".

10 (b) PLACED IN SERVICE LIMITATION.—Paragraph 11 (2) of section 1603(a) of the American Recovery and Rein-12 vestment Tax Act of 2009 is amended by striking "but 13 only if the construction of such property began during 14 2009 or 2010." and inserting the following: "but only if— 15 "(A) the construction of such property

16 began during 2009 or 2010, or

"(B) in the case of property described in
section 48(a)(3)(A)(viii) of the Internal Revenue Code of 1986, is acquired by the taxpayer
pursuant to a written binding contract which
was entered into during 2009 or 2010.".

(c) EFFECTIVE DATE.—The amendments made by
this section shall take effect as if included in the enactment of section 1603 of the American Recovery and Reinvestment Tax Act of 2009.