

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.

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## 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

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## 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).

1 **SEC. 3. SOLAR ENERGY PROPERTY FABRICATION EQUIP-**  
 2 **MENT TREATED AS SPECIFIED ENERGY**  
 3 **PROPERTY FOR ENERGY PROPERTY GRANTS**  
 4 **IN LIEU OF CREDITS.**

5 (a) **ADDITIONAL SPECIFIED ENERGY PROPERTY.**—  
 6 Section 1603(d)(3) of the American Recovery and Rein-  
 7 vestment Tax Act of 2009 is amended by striking “de-  
 8 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

17 “(B) in the case of property described in  
 18 section 48(a)(3)(A)(viii) of the Internal Rev-  
 19 enue Code of 1986, is acquired by the taxpayer  
 20 pursuant to a written binding contract which  
 21 was entered into during 2009 or 2010.”.

22 (c) **EFFECTIVE DATE.**—The amendments made by  
 23 this section shall take effect as if included in the enact-  
 24 ment of section 1603 of the American Recovery and Rein-  
 25 vestment Tax Act of 2009.