

112TH CONGRESS
1ST SESSION

S. _____

To amend the Internal Revenue Code of 1986 to provide an investment tax credit for community wind projects having generation capacity of not more than 20 megawatts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. FRANKEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 to provide an investment tax credit for community wind projects having generation capacity of not more than 20 megawatts, 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. INVESTMENT TAX CREDIT FOR COMMUNITY**
- 4 **WIND PROJECTS HAVING GENERATION CA-**
- 5 **PACITY OF NOT MORE THAN 20 MEGAWATTS.**
- 6 (a) IN GENERAL.—Paragraph (4) of section 48(c) of
- 7 the Internal Revenue Code of 1986 is amended—

1 (1) by striking subparagraph (A) and inserting
2 the following new subparagraph:

3 “(A) IN GENERAL.—The term ‘qualified
4 small wind energy property’ means—

5 “(i) property which uses a qualifying
6 small wind turbine to generate electricity,
7 or

8 “(ii) property which uses 1 or more
9 wind turbines with an aggregate nameplate
10 capacity of more than 100 kilowatts but
11 not more than 20 megawatts.”, and

12 (2) by redesignating subparagraph (C) as sub-
13 paragraph (D) and by inserting after subparagraph
14 (B) the following new subparagraph:

15 “(C) REGULATIONS.—The Secretary shall
16 prescribe such regulations as may be appro-
17 priate to prevent improper division of property
18 to attempt to meet the limitation under sub-
19 paragraph (A)(ii).”.

20 (b) DENIAL OF PRODUCTION CREDIT.—Paragraph
21 (1) of section 45(d) of the Internal Revenue Code of 1986
22 is amended by striking the period at the end and inserting
23 “or any facility which is a qualified small wind energy
24 property described in section 48(c)(4)(A)(ii) with respect
25 to which the credit under section 48 is allowable.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to property placed in service after
3 the date of the enactment of this Act.