

119TH CONGRESS
2D SESSION

S. _____

To amend the Internal Revenue Code of 1986 to expand the meaning and eligibility of energy communities for purposes of the increased renewable electricity production and increased clean electricity investment credit rates, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of South Carolina 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 expand the meaning and eligibility of energy communities for purposes of the increased renewable electricity production and increased clean electricity investment credit rates, 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 “Opportunities for Nu-
5 clear Energy Investment Act”.

1 **SEC. 2. NUCLEAR COMMUNITIES DEFINITION AND APPLI-**
2 **CABILITY.**

3 (a) DEFINITION OF NUCLEAR COMMUNITIES.—
4 Clause (iv) of section 45(b)(11)(B) of the Internal Rev-
5 enue Code of 1986 is amended to read as follows:

6 “(iv) for purposes of any qualified fa-
7 cility which is an advanced nuclear facility,
8 a metropolitan statistical area or non-met-
9 ropolitan statistical area which has (or, at
10 any time during the period beginning after
11 December 31, 2009, had) 0.17 percent or
12 greater—

13 “(I) direct employment related to
14 the advancement of nuclear power, in-
15 cluding employment related to—

16 “(aa) an advanced nuclear
17 facility,

18 “(bb) advanced nuclear
19 power research and development,

20 “(cc) nuclear fuel cycle re-
21 search, development, or produc-
22 tion, including mining, enrich-
23 ment, manufacture, storage, dis-
24 posal, or recycling of nuclear
25 fuel, and

1 “(dd) the manufacturing or
2 assembly of components used in
3 an advanced nuclear facility, plus
4 “(II) indirect or induced employ-
5 ment related to the planning, licens-
6 ing, engineering, procurement, site
7 preparation, construction, and com-
8 missioning of an advanced nuclear fa-
9 cility.”.

10 (b) SPECIAL RULE FOR BEGINNING OF CONSTRUC-
11 TION FOR ADVANCED NUCLEAR FACILITIES.—Section
12 45(b)(11)(C) of such Code is amended by adding at the
13 end the following new clause:

14 “(iii) SPECIAL RULE FOR BEGINNING
15 OF CONSTRUCTION.—For purposes of this
16 paragraph, if construction of an advanced
17 nuclear facility begins in an area which, as
18 of the date on which construction of such
19 facility begins, satisfies the requirements
20 under any clause in subparagraph (B),
21 such facility shall be deemed to be located
22 in an energy community for the entirety of
23 the 10-year period beginning on the date
24 the facility was originally placed in serv-
25 ice.”.

1 (c) APPLICABILITY OF DEFINITION OF NUCLEAR
2 COMMUNITIES.—Section 48E(a)(3)(A)(i) of such Code is
3 amended by striking “, as applied without regard to clause
4 (iv) thereof”.

5 (d) EFFECTIVE DATES.—

6 (1) DEFINITION OF NUCLEAR COMMUNITIES.—
7 Except as provided under paragraph (2), the amend-
8 ments made by this section shall take effect as if in-
9 cluded in section 70512(f)(1) of Public Law 119–21.

10 (2) APPLICABILITY OF DEFINITION OF NU-
11 CLEAR COMMUNITIES.—The amendment made by
12 subsection (c) shall take effect as if included in sec-
13 tion 70512(f)(2) of Public Law 119–21.

14 **SEC. 3. EXPANSION OF ADVANCED MANUFACTURING PRO-**
15 **DUCTION CREDIT TO INCLUDE DISTRIBUTION TRANSFORMERS AND LARGE POWER**
16 **TRANSFORMERS.**
17

18 (a) IN GENERAL.—Section 45X of the Internal Rev-
19 enue Code of 1986 is amended—

20 (1) in subsection (b)(1)—

21 (A) in subparagraph (L)(ii), by striking
22 “and” at the end,

23 (B) in subparagraph (M), by striking the
24 period at the end and inserting “, and”, and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(N) in the case of any distribution trans-
4 former or large power transformer, an amount
5 equal to 10 percent of the costs incurred by the
6 taxpayer with respect to production of such
7 transformer.”, and

8 (2) in subsection (c)—

9 (A) in paragraph (1)(A)—

10 (i) in clause (iv), by striking “and” at
11 the end,

12 (ii) in clause (v), by striking the pe-
13 riod at the end and inserting “, and”, and

14 (iii) by adding at the end the fol-
15 lowing new clause:

16 “(vi) any distribution transformer or
17 large power transformer.”, and

18 (B) by adding at the end the following new
19 paragraph:

20 “(7) TRANSFORMERS.—

21 “(A) DISTRIBUTION TRANSFORMER.—The
22 term ‘distribution transformer’ has the same
23 meaning given such term under section 321(35)
24 of the Energy Policy and Conservation Act (42
25 U.S.C. 6291(35)).

1 “(B) LARGE POWER TRANSFORMER.—The
2 term ‘large power transformer’ means a device
3 that functions to transfer electrical energy be-
4 tween 2 or more circuits through electro-
5 magnetic induction at the same or different
6 voltage levels within and among the bulk-power
7 system (as defined in section 215(a) of the Fed-
8 eral Power Act (16 U.S.C. 824o(a))).”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to components produced and sold
11 after the date which is 90 days after the date of enactment
12 of this Act.