H. R. 5376

# One Hundred Seventeenth Congress of the United States of America

**AT THE SECOND SESSION**

***Begun and held at the City of Washington on Monday, the third day of January, two thousand and twenty-two***

## An Act

To provide for reconciliation pursuant to title II of S. Con. Res. 14.

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

## TITLE I—COMMITTEE ON FINANCE

for construction, alteration, or repair of a similar character in the locality in which such residence is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

"(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.".

(e) BASIS ADJUSTMENT.—Section 45L(e) is amended by inserting after the first sentence the following: "This subsection shall not apply for purposes of determining the adjusted basis of any building under section 42.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to dwelling units acquired after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to dwelling units acquired after December 31, 2021.

## PART 4—CLEAN VEHICLES

**SEC. 13401. CLEAN VEHICLE CREDIT.**

(a) PER VEHICLE DOLLAR LIMITATION.—Section 30D(b) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) CRITICAL MINERALS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(1)(A) is satisfied, the amount determined under this paragraph is $3,750.

"(3) BATTERY COMPONENTS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(2)(A) is satisfied, the amount determined under this paragraph is $3,750.".

(b) FINAL ASSEMBLY.—Section 30D(d) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking "and" at the end,

(B) in subparagraph (F)(ii), by striking the period at the end and inserting ", and", and

(C) by adding at the end the following:

"(G) the final assembly of which occurs within North America.",

(2) by adding at the end the following:

"(5) FINAL ASSEMBLY.—For purposes of paragraph (1)(G), the term 'final assembly' means the process by which a manufacturer produces a new clean vehicle at, or through the use of, a plant, factory, or other place from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle.".

(c) DEFINITION OF NEW CLEAN VEHICLE.—

(1) IN GENERAL.—Section 30D(d), as amended by the preceding provisions of this section, is amended—

(A) in the heading, by striking "QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR" and inserting "CLEAN",

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "qualified plug-in electric drive motor" and inserting "clean",

(ii) in subparagraph (C), by inserting "qualified" before "manufacturer",

(iii) in subparagraph (F)—

(I) in clause (i), by striking "4" and inserting "7", and

(II) in clause (ii), by striking "and" at the end,

(iv) in subparagraph (G), by striking the period at the end and inserting ", and", and

(v) by adding at the end the following:

"(H) for which the person who sells any vehicle to the taxpayer furnishes a report to the taxpayer and to the Secretary, at such time and in such manner as the Secretary shall provide, containing—

"(i) the name and taxpayer identification number of the taxpayer,

"(ii) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number,

"(iii) the battery capacity of the vehicle,

"(iv) verification that original use of the vehicle commences with the taxpayer, and

"(v) the maximum credit under this section allowable to the taxpayer with respect to the vehicle.",

(C) in paragraph (3)—

(i) in the heading, by striking "MANUFACTURER" and inserting "QUALIFIED MANUFACTURER",

(ii) by striking "The term 'manufacturer' has the meaning given such term in" and inserting "The term 'qualified manufacturer' means any manufacturer (within the meaning of the", and

(iii) by inserting ") which enters into a written agreement with the Secretary under which such manufacturer agrees to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing vehicle identification numbers and such other information related to each vehicle manufactured by such manufacturer as the Secretary may require" before the period at the end, and

(D) by adding at the end the following:

"(6) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this section, the term 'new clean vehicle' shall include any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)) which meets the requirements under subparagraphs (G) and (H) of paragraph (1).".

(2) CONFORMING AMENDMENTS.—Section 30D is amended—

(A) in subsection (a), by striking "new qualified plug-in electric drive motor vehicle" and inserting "new clean vehicle", and

(B) in subsection (b)(1), by striking "new qualified plug-in electric drive motor vehicle" and inserting "new clean vehicle".

(d) ELIMINATION OF LIMITATION ON NUMBER OF VEHICLES ELIGIBLE FOR CREDIT.—Section 30D is amended by striking subsection (e).

(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

(1) IN GENERAL.—Section 30D, as amended by the preceding provisions of this section, is amended by inserting after subsection (d) the following:

"(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

"(1) CRITICAL MINERALS REQUIREMENT.—

"(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such battery that were—

"(i) extracted or processed—

"(I) in the United States, or

"(II) in any country with which the United States has a free trade agreement in effect, or

"(ii) recycled in North America,

is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

"(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 40 percent,

"(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent,

"(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent,

"(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent, and

"(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

"(2) BATTERY COMPONENTS.—

"(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the components contained in such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

"(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent,

"(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent,

"(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent,

"(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent,

"(v) in the case of a vehicle placed in service during calendar year 2028, 90 percent,

"(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.

"(3) REGULATIONS AND GUIDANCE.—

"(A) IN GENERAL.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

"(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall issue proposed guidance with respect to the requirements under this subsection.".

(2) EXCLUDED ENTITIES.—Section 30D(d), as amended by the preceding provisions of this section, is amended by adding at the end the following:

"(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

"(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

"(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).".

(f) SPECIAL RULES.—Section 30D(f) is amended by adding at the end the following:

"(8) ONE CREDIT PER VEHICLE.—In the case of any vehicle, the credit described in subsection (a) shall only be allowed once with respect to such vehicle, as determined based upon the vehicle identification number of such vehicle.

"(9) VIN REQUIREMENT.—No credit shall be allowed under this section with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

"(10) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

"(i) the lesser of—

"(I) the modified adjusted gross income of the taxpayer for such taxable year, or

"(II) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

"(ii) the threshold amount.

"(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(ii), the threshold amount shall be—

"(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $300,000,

"(ii) in the case of a head of household (as defined in section 2(b)), $225,000, and

"(iii) in the case of a taxpayer not described in clause (i) or (ii), $150,000.

"(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

"(11) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—

"(A) IN GENERAL.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of the applicable limitation.

"(B) APPLICABLE LIMITATION.—For purposes of subparagraph (A), the applicable limitation for each vehicle classification is as follows:

"(i) VANS.—In the case of a van, $80,000.

"(ii) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $80,000.

"(iii) PICKUP TRUCKS.—In the case of a pickup truck, $80,000.

"(iv) OTHER.—In the case of any other vehicle, $55,000.

"(C) REGULATIONS AND GUIDANCE.—For purposes of this paragraph, the Secretary shall prescribe such regulations or other guidance as the Secretary determines necessary for determining vehicle classifications using criteria similar to that employed by the Environmental Protection Agency and the Department of the Energy to determine size and class of vehicles.".

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended by striking subsection (g) and inserting the following:

"(g) TRANSFER OF CREDIT.—

"(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

"(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

"(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

"(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

"(i) the manufacturer's suggested retail price,

"(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

"(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

"(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

"(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

"(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

"(ii) such election shall not limit the value or use of such incentive.

"(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

"(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

"(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

"(A) shall not be includible in the gross income of the taxpayer, and

"(B) with respect to the dealer, shall not be deductible under this title.

"(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

"(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

"(B) paragraph (6) of such subsection shall not apply, and

"(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle

to the Secretary in such manner as the Secretary may provide.

"(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

"(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

"(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(d)(6) shall apply for purposes of this paragraph.

"(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

"(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.

"(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

"(10) RECAPTURE.—In the case of any taxpayer who has made an election described in paragraph (1) with respect to a new clean vehicle and received a payment described in paragraph (2)(C) from an eligible entity, if the credit under subsection (a) would otherwise (but for this subsection) not be allowable to such taxpayer pursuant to the application of subsection (f)(10), the tax imposed on such taxpayer under this chapter for the taxable year in which such vehicle was placed in service shall be increased by the amount of the payment received by such taxpayer.".

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking "and" at the end,

(ii) in clause (v), by striking the period at the end and inserting ", and", and

(iii) by adding at the end the following:

"(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.", and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting ", including any vehicle with respect to which the taxpayer elects the application of subsection (g)" before the period at the end.

(h) TERMINATION.—Section 30D is amended by adding at the end the following:

"(h) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle placed in service after December 31, 2032.".

(i) ADDITIONAL CONFORMING AMENDMENTS.—

(1) The heading of section 30D is amended by striking "**NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES**" and inserting "**CLEAN VEHICLE CREDIT**".

(2) Section 30B is amended—

(A) in subsection (h)(8), by striking ", except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle", and

(B) by striking subsection (i).

(3) Section 38(b)(30) is amended by striking "qualified plug-in electric drive motor" and inserting "clean".

(4) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (R), by striking "and" at the end,

(B) in subparagraph (S), by striking the period at the end and inserting ", and", and

(C) by inserting after subparagraph (S) the following:

"(T) an omission of a correct vehicle identification number required under section 30D(f)(9) (relating to credit for new clean vehicles) to be included on a return.".

(5) Section 6501(m) is amended by striking "30D(e)(4)" and inserting "30D(f)(6)".

(6) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30D and inserting after the item relating to section 30C the following item:

"Sec. 30D. Clean vehicle credit.".

(j) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any credit allowed to an eligible entity (as defined in section 30D(g)(2) of the Internal Revenue Code of 1986) pursuant to an election made under section 30D(g) of the Internal Revenue Code of 1986 that is direct spending shall be increased by 6.0445 percent.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section shall apply to vehicles placed in service after December 31, 2022.

(2) FINAL ASSEMBLY.—The amendments made by subsection (b) shall apply to vehicles sold after the date of enactment of this Act.

(3) PER VEHICLE DOLLAR LIMITATION AND RELATED REQUIREMENTS.—The amendments made by subsections (a) and (e) shall apply to vehicles placed in service after the date on which the proposed guidance described in paragraph (3)(B) of section 30D(e) of the Internal Revenue Code of 1986 (as added by subsection (e)) is issued by the Secretary of the Treasury (or the Secretary's delegate).

(4) TRANSFER OF CREDIT.—The amendments made by subsection (g) shall apply to vehicles placed in service after December 31, 2023.

(5) ELIMINATION OF MANUFACTURER LIMITATION.—The amendment made by subsection (d) shall apply to vehicles sold after December 31, 2022.

(l) TRANSITION RULE.—Solely for purposes of the application of section 30D of the Internal Revenue Code of 1986, in the case of a taxpayer that—

(1) after December 31, 2021, and before the date of enactment of this Act, purchased, or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986, as in effect on the day before the date of enactment of this Act), and

(2) placed such vehicle in service on or after the date of enactment of this Act,

such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary's delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

**SEC. 13402. CREDIT FOR PREVIOUSLY-OWNED CLEAN VEHICLES.**

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

**"SEC. 25E. PREVIOUSLY-OWNED CLEAN VEHICLES.**

"(a) ALLOWANCE OF CREDIT.—In the case of a qualified buyer who during a taxable year places in service a previously-owned clean vehicle, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

"(1) $4,000, or

"(2) the amount equal to 30 percent of the sale price with respect to such vehicle.

"(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

"(A) the lesser of—

"(i) the modified adjusted gross income of the taxpayer for such taxable year, or

"(ii) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

"(B) the threshold amount.

"(2) THRESHOLD AMOUNT.—For purposes of paragraph (1)(B), the threshold amount shall be—

"(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

"(B) in the case of a head of household (as defined in section 2(b)), $112,500, and

"(C) in the case of a taxpayer not described in subparagraph (A) or (B), $75,000.

"(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

"(c) DEFINITIONS.—For purposes of this section—

"(1) PREVIOUSLY-OWNED CLEAN VEHICLE.—The term 'previously-owned clean vehicle' means, with respect to a taxpayer, a motor vehicle—

"(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

"(B) the original use of which commences with a person other than the taxpayer,

"(C) which is acquired by the taxpayer in a qualified sale, and

"(D) which—

"(i) meets the requirements of subparagraphs (C), (D), (E), (F), and (H) (except for clause (iv) thereof) of section 30D(d)(1), or

"(ii) is a motor vehicle which—

"(I) satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

"(II) has a gross vehicle weight rating of less than 14,000 pounds.

"(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

"(A) by a dealer (as defined in section 30D(g)(8)),

"(B) for a sale price which does not exceed $25,000, and

"(C) which is the first transfer since the date of the enactment of this section to a qualified buyer other than the person with whom the original use of such vehicle commenced.

"(3) QUALIFIED BUYER.—The term 'qualified buyer' means, with respect to a sale of a motor vehicle, a taxpayer—

"(A) who is an individual,

"(B) who purchases such vehicle for use and not for resale,

"(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151, and

"(D) who has not been allowed a credit under this section for any sale during the 3-year period ending on the date of the sale of such vehicle.

"(4) MOTOR VEHICLE; CAPACITY.—The terms 'motor vehicle' and 'capacity' have the meaning given such terms in paragraphs (2) and (4) of section 30D(d), respectively.

"(d) VIN NUMBER REQUIREMENT.—No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

"(e) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of section 30D(f) (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

"(f) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2032.".

(b) TRANSFER OF CREDIT.—Section 25E, as added by subsection (a), is amended—

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following:

"(f) TRANSFER OF CREDIT.—Rules similar to the rules of section 30D(g) shall apply.".

(c) CONFORMING AMENDMENTS.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(1) in subparagraph (S), by striking "and" at the end,

(2) in subparagraph (T), by striking the period at the end and inserting ", and", and

(3) by inserting after subparagraph (T) the following:

"(U) an omission of a correct vehicle identification number required under section 25E(d) (relating to credit for previously-owned clean vehicles) to be included on a return.".

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Previously-owned clean vehicles.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to vehicles acquired after December 31, 2022.

(2) TRANSFER OF CREDIT.—The amendments made by subsection (b) shall apply to vehicles acquired after December 31, 2023.

**SEC. 13403. QUALIFIED COMMERCIAL CLEAN VEHICLES.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

**"SEC. 45W. CREDIT FOR QUALIFIED COMMERCIAL CLEAN VEHICLES.**

"(a) IN GENERAL.—For purposes of section 38, the qualified commercial clean vehicle credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified commercial clean vehicle placed in service by the taxpayer during the taxable year.

"(b) PER VEHICLE AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (4), the amount determined under this subsection with respect to any qualified commercial clean vehicle shall be equal to the lesser of—

"(A) 15 percent of the basis of such vehicle (30 percent in the case of a vehicle not powered by a gasoline or diesel internal combustion engine), or

"(B) the incremental cost of such vehicle.

"(2) INCREMENTAL COST.—For purposes of paragraph (1)(B), the incremental cost of any qualified commercial clean vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable vehicle.

"(3) COMPARABLE VEHICLE.—For purposes of this subsection, the term 'comparable vehicle' means, with respect to any qualified commercial clean vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine and which is comparable in size and use to such vehicle.

"(4) LIMITATION.—The amount determined under this subsection with respect to any qualified commercial clean vehicle shall not exceed—

"(A) in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, $7,500, and

"(B) in the case of a vehicle not described in subparagraph (A), $40,000.

"(c) QUALIFIED COMMERCIAL CLEAN VEHICLE.—For purposes of this section, the term 'qualified commercial clean vehicle' means any vehicle which—

"(1) meets the requirements of section 30D(d)(1)(C) and is acquired for use or lease by the taxpayer and not for resale,

"(2) either—

"(A) meets the requirements of subparagraph (D) of section 30D(d)(1) and is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails), or

"(B) is mobile machinery, as defined in section 4053(8) (including vehicles that are not designed to perform a function of transporting a load over the public highways),

"(3) either—

"(A) is propelled to a significant extent by an electric motor which draws electricity from a battery which has a capacity of not less than 15 kilowatt hours (or, in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, 7 kilowatt hours) and is capable of being recharged from an external source of electricity, or

"(B) is a motor vehicle which satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

"(4) is of a character subject to the allowance for depreciation.

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—Rules similar to the rules under subsection (f) of section 30D (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

"(2) VEHICLES PLACED IN SERVICE BY TAX-EXEMPT ENTITIES.—Subsection (c)(4) shall not apply to any vehicle which is not subject to a lease and which is placed in service by a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A).

"(3) NO DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to any vehicle for which a credit was allowed under section 30D.

"(e) VIN NUMBER REQUIREMENT.—No credit shall be determined under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

"(f) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this section, including regulations or other guidance relating to determination of the incremental cost of any qualified commercial clean vehicle.

"(g) TERMINATION.—No credit shall be determined under this section with respect to any vehicle acquired after December 31, 2032.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (35), by striking "plus" at the end,

(B) in paragraph (36), by striking the period at the end and inserting ", plus", and

(C) by adding at the end the following new paragraph:

"(37) the qualified commercial clean vehicle credit determined under section 45W.".

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking "and" at the end,

(B) in subparagraph (U), by striking the period at the end and inserting ", and", and

(C) by inserting after subparagraph (U) the following:

"(V) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included on a return.".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

"Sec. 45W. Qualified commercial clean vehicle credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

**SEC. 13404. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.**

(a) IN GENERAL.—Section 30C(g) is amended by striking "December 31, 2021" and inserting "December 31, 2032".

(b) CREDIT FOR PROPERTY OF A CHARACTER SUBJECT TO DEPRECIATION.—

(1) IN GENERAL.—Section 30C(a) is amended by inserting "(6 percent in the case of property of a character subject to depreciation)" after "30 percent".

(2) MODIFICATION OF CREDIT LIMITATION.—Subsection (b) of section 30C is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "with respect to all" and inserting "with respect to any single item of", and

(ii) by striking "at a location", and

(B) in paragraph (1), by striking "$30,000 in the case of a property" and inserting "$100,000 in the case of any such item of property".

(3) BIDIRECTIONAL CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C(c) is amended to read as follows:

"(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

"(A) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

"(B) only the following were treated as clean-burning fuels for purposes of section 179A(d):

"(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

"(ii) Any mixture—

"(I) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

"(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture. "(iii) Electricity.

"(2) BIDIRECTIONAL CHARGING EQUIPMENT.—Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

"(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

"(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.".

(c) CERTAIN ELECTRIC CHARGING STATIONS INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following:

"(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

"(A) meets the requirements of subsection (a)(2), and

"(B) is of a character subject to depreciation.

"(2) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

"(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

"(B) has 2 or 3 wheels, and

"(C) is propelled by electricity.".

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is further amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

"(g) WAGE AND APPRENTICESHIP REQUIREMENTS.—

"(1) INCREASED CREDIT AMOUNT.—

"(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling project which satisfies the requirements of subparagraph (C), the amount of the credit determined under subsection (a) for any qualified alternative fuel vehicle refueling property of a character subject to an allowance for depreciation which is part of such project shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

"(B) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROJECT.—For purposes of this subsection, the term 'qualified alternative fuel vehicle refueling project' means a project consisting of one or more properties that are part of a single project.

"(C) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

"(i) A project the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2)(A) and (3).

"(ii) A project which satisfies the requirements of paragraphs (2)(A) and (3).

"(2) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of any qualified alternative fuel vehicle refueling property which is part of such project shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

"(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

"(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.".

(e) ELIGIBLE CENSUS TRACTS.—Subsection (c) of section 30C, as amended by subsection (b)(3), is amended by adding at the end the following:

"(3) PROPERTY REQUIRED TO BE LOCATED IN ELIGIBLE CENSUS TRACTS.—

"(A) IN GENERAL.—Property shall not be treated as qualified alternative fuel vehicle refueling property unless such property is placed in service in an eligible census tract.

"(B) ELIGIBLE CENSUS TRACT.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'eligible census tract' means any population census tract which—

"(I) is described in section 45D(e), or

"(II) is not an urban area.

"(ii) URBAN AREA.—For purposes of clause (i)(II), the term 'urban area' means a census tract (as defined by the Bureau of the Census) which, according to the most recent decennial census, has been designated as an urban area by the Secretary of Commerce.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

## PART 5—INVESTMENT IN CLEAN ENERGY MANUFACTURING AND ENERGY SECURITY

### SEC. 13501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION OF CREDIT.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) ADDITIONAL ALLOCATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

"(2) LIMITATION.—The total amount of credits which may be allocated under the program established under paragraph (1) shall not exceed $10,000,000,000, of which not greater than $6,000,000,000 may be allocated to qualified investments which are not located within a census tract which—

"(A) is described in clause (iii) of section 45(b)(11)(B), and

"(B) prior to the date of enactment of this subsection, had no project which received a certification and allocation of credits under subsection (d).

"(3) CERTIFICATIONS.—

"(A) APPLICATION REQUIREMENT.—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary may require.

"(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

"(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and to notify the Secretary that such project has been so placed in service, and if such project is not placed in service by that time period, then the certification shall no longer be valid. If any certification is revoked under this subparagraph, the amount of the limitation under paragraph (2) shall be increased by the amount of the credit with respect to such revoked certification.

"(D) LOCATION OF PROJECT.—In the case of an applicant which receives a certification, if the Secretary determines that the project has been placed in service at a location which is materially different than the location specified in the application for such project, the certification shall no longer be valid.

"(4) CREDIT RATE CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—

"(A) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under

subsection (a) shall be determined by substituting '6 percent' for '30 percent'.

"(B) ALTERNATIVE RATE.—In the case of any project which satisfies the requirements of paragraphs (5)(A) and (6), subparagraph (A) shall not apply.

"(5) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this subparagraph with respect to a project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the re-equipping, expansion, or establishment of a manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

"(6) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

"(7) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.".

(b) MODIFICATION OF QUALIFYING ADVANCED ENERGY PROJECTS.—Section 48C(c)(1)(A) is amended—

(1) by inserting ", any portion of the qualified investment of which is certified by the Secretary under subsection (e) as eligible for a credit under this section" after "means a project",

(2) in clause (i)—

(A) by striking "a manufacturing facility for the production of" and inserting "an industrial or manufacturing facility for the production or recycling of",

(B) in clause (I), by inserting "water," after "sun,",

(C) in clause (II), by striking "an energy storage system for use with electric or hybrid-electric motor vehicles" and inserting "energy storage systems and components",

(D) in clause (III), by striking "grids to support the transmission of intermittent sources of renewable energy, including storage of such energy" and inserting "grid modernization equipment or components",

(E) in subclause (IV), by striking "and sequester carbon dioxide emissions" and inserting ", remove, use, or sequester carbon oxide emissions",

(F) by striking subclause (V) and inserting the following:

"(V) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product which is—

"(aa) renewable, or

"(bb) low-carbon and low-emission,",

(G) by striking subclause (VI),

(H) by redesignating subclause (VII) as subclause (IX),

(I) by inserting after subclause (V) the following new subclauses:

"(VI) property designed to produce energy conservation technologies (including residential, commercial, and industrial applications),

"(VII) light-, medium-, or heavy-duty electric or fuel cell vehicles, as well as—

"(aa) technologies, components, or materials for such vehicles, and

"(bb) associated charging or refueling infrastructure,

"(VIII) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds, as well as technologies, components, or materials for such vehicles, or", and

(J) in subclause (IX), as so redesignated, by striking "and" at the end, and

(3) by striking clause (ii) and inserting the following:

"(ii) which re-equips an industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20 percent through the installation of—

"(I) low- or zero-carbon process heat systems,

"(II) carbon capture, transport, utilization and storage systems,

"(III) energy efficiency and reduction in waste from industrial processes, or

"(IV) any other industrial technology designed to reduce greenhouse gas emissions, as determined by the Secretary, or

"(iii) which re-equips, expands, or establishes an industrial facility for the processing, refining, or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).".

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 48C(c)(2) is amended to read as follows:

"(A) which is necessary for—

"(i) the production or recycling of property described in clause (i) of paragraph (1)(A),

"(ii) re-equipping an industrial or manufacturing facility described in clause (ii) of such paragraph, or

"(iii) re-equipping, expanding, or establishing an industrial facility described in clause (iii) of such paragraph,".

(d) DENIAL OF DOUBLE BENEFIT.—48C(f), as redesignated by this section, is amended by striking "or 48B" and inserting "48B, 48E, 45Q, or 45V".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

**SEC. 13502. ADVANCED MANUFACTURING PRODUCTION CREDIT.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

**"SEC. 45X. ADVANCED MANUFACTURING PRODUCTION CREDIT.**

"(a) IN GENERAL.—

"(1) ALLOWANCE OF CREDIT.—For purposes of section 38, the advanced manufacturing production credit for any taxable year is an amount equal to the sum of the credit amounts

determined under subsection (b) with respect to each eligible component which is—

"(A) produced by the taxpayer, and

"(B) during the taxable year, sold by such taxpayer to an unrelated person.

"(2) PRODUCTION AND SALE MUST BE IN TRADE OR BUSINESS.—Any eligible component produced and sold by the taxpayer shall be taken into account only if the production and sale described in paragraph (1) is in a trade or business of the taxpayer.

"(3) UNRELATED PERSON.—

"(A) IN GENERAL.—For purposes of this subsection, a taxpayer shall be treated as selling components to an unrelated person if such component is sold to such person by a person related to the taxpayer.

"(B) ELECTION.—

"(i) IN GENERAL.—At the election of the taxpayer (in such form and manner as the Secretary may prescribe), a sale of components by such taxpayer to a related person shall be deemed to have been made to an unrelated person.

"(ii) REQUIREMENT.—As a condition of, and prior to, any election described in clause (i), the Secretary may require such information or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, or any improper or excessive amount determined under paragraph (1).

"(b) CREDIT AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (3), the amount determined under this subsection with respect to any eligible component, including any eligible component it incorporates, shall be equal to—

"(A) in the case of a thin film photovoltaic cell or a crystalline photovoltaic cell, an amount equal to the product of—

"(i) 4 cents, multiplied by

"(ii) the capacity of such cell (expressed on a per direct current watt basis),

"(B) in the case of a photovoltaic wafer, $12 per square meter,

"(C) in the case of solar grade polysilicon, $3 per kilogram,

"(D) in the case of a polymeric backsheet, 40 cents per square meter,

"(E) in the case of a solar module, an amount equal to the product of—

"(i) 7 cents, multiplied by

"(ii) the capacity of such module (expressed on a per direct current watt basis),

"(F) in the case of a wind energy component—

"(i) if such component is a related offshore wind vessel, an amount equal to 10 percent of the sales price of such vessel, and

"(ii) if such component is not described in clause (i), an amount equal to the product of—

"(I) the applicable amount with respect to such component (as determined under paragraph (2)(A)), multiplied by

"(II) the total rated capacity (expressed on a per watt basis) of the completed wind turbine for which such component is designed,

"(G) in the case of a torque tube, 87 cents per kilogram,

"(H) in the case of a structural fastener, $2.28 per kilogram,

"(I) in the case of an inverter, an amount equal to the product of—

"(i) the applicable amount with respect to such inverter (as determined under paragraph (2)(B)), multiplied by

"(ii) the capacity of such inverter (expressed on a per alternating current watt basis),

"(J) in the case of electrode active materials, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such materials,

"(K) in the case of a battery cell, an amount equal to the product of—

"(i) $35, multiplied by

"(ii) subject to paragraph (4), the capacity of such battery cell (expressed on a kilowatt-hour basis),

"(L) in the case of a battery module, an amount equal to the product of—

"(i) $10 (or, in the case of a battery module which does not use battery cells, $45), multiplied by

"(ii) subject to paragraph (4), the capacity of such battery module (expressed on a kilowatt-hour basis), and

"(M) in the case of any applicable critical mineral, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such mineral.

"(2) APPLICABLE AMOUNTS.—

"(A) WIND ENERGY COMPONENTS.—For purposes of paragraph (1)(F)(ii), the applicable amount with respect to any wind energy component shall be—

"(i) in the case of a blade, 2 cents,

"(ii) in the case of a nacelle, 5 cents,

"(iii) in the case of a tower, 3 cents, and

"(iv) in the case of an offshore wind foundation—

"(I) which uses a fixed platform, 2 cents, or

"(II) which uses a floating platform, 4 cents.

"(B) INVERTERS.—For purposes of paragraph (1)(I), the applicable amount with respect to any inverter shall be—

"(i) in the case of a central inverter, 0.25 cents,

"(ii) in the case of a utility inverter, 1.5 cents,

"(iii) in the case of a commercial inverter, 2 cents,

"(iv) in the case of a residential inverter, 6.5 cents, and

"(v) in the case of a microinverter or a distributed wind inverter, 11 cents.

"(3) PHASE OUT.—

"(A) IN GENERAL.—Subject to subparagraph (C), in the case of any eligible component sold after December 31, 2029, the amount determined under this subsection with

respect to such component shall be equal to the product of—

"(i) the amount determined under paragraph (1) with respect to such component, as determined without regard to this paragraph, multiplied by

"(ii) the phase out percentage under subparagraph (B).

"(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—

"(i) in the case of an eligible component sold during calendar year 2030, 75 percent,

"(ii) in the case of an eligible component sold during calendar year 2031, 50 percent,

"(iii) in the case of an eligible component sold during calendar year 2032, 25 percent,

"(iv) in the case of an eligible component sold after December 31, 2032, 0 percent.

"(C) EXCEPTION.—For purposes of determining the amount under this subsection with respect to any applicable critical mineral, this paragraph shall not apply.

"(4) LIMITATION ON CAPACITY OF BATTERY CELLS AND BATTERY MODULES.—

"(A) IN GENERAL.—For purposes of subparagraph (K)(ii) or (L)(ii) of paragraph (1), the capacity determined under either subparagraph with respect to a battery cell or battery module shall not exceed a capacity-to-power ratio of 100:1.

"(B) CAPACITY-TO-POWER RATIO.—For purposes of this paragraph, the term 'capacity-to-power ratio' means, with respect to a battery cell or battery module, the ratio of the capacity of such cell or module to the maximum discharge amount of such cell or module.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE COMPONENT.—

"(A) IN GENERAL.—The term 'eligible component' means—

"(i) any solar energy component,

"(ii) any wind energy component,

"(iii) any inverter described in subparagraphs (B) through (G) of paragraph (2),

"(iv) any qualifying battery component, and

"(v) any applicable critical mineral.

"(B) APPLICATION WITH OTHER CREDITS.—The term 'eligible component' shall not include any property which is produced at a facility if the basis of any property which is part of such facility is taken into account for purposes of the credit allowed under section 48C after the date of the enactment of this section.

"(2) INVERTERS.—

"(A) IN GENERAL.—The term 'inverter' means an end product which is suitable to convert direct current electricity from 1 or more solar modules or certified distributed wind energy systems into alternating current electricity.

"(B) CENTRAL INVERTER.—The term 'central inverter' means an inverter which is suitable for large utility-scale systems and has a capacity which is greater than 1,000

kilowatts (expressed on a per alternating current watt basis).

"(C) COMMERCIAL INVERTER.—The term 'commercial inverter' means an inverter which—

"(i) is suitable for commercial or utility-scale applications,

"(ii) has a rated output of 208, 480, 600, or 800 volt three-phase power, and

"(iii) has a capacity which is not less than 20 kilowatts and not greater than 125 kilowatts (expressed on a per alternating current watt basis).

"(D) DISTRIBUTED WIND INVERTER.—

"(i) IN GENERAL.—The term 'distributed wind inverter' means an inverter which—

"(I) is used in a residential or non-residential system which utilizes 1 or more certified distributed wind energy systems, and

"(II) has a rated output of not greater than 150 kilowatts.

"(ii) CERTIFIED DISTRIBUTED WIND ENERGY SYSTEM.—The term 'certified distributed wind energy system' means a wind energy system which is certified by an accredited certification agency to meet Standard 9.1-2009 of the American Wind Energy Association (including any subsequent revisions to or modifications of such Standard which have been approved by the American National Standards Institute).

"(E) MICROINVERTER.—The term 'microinverter' means an inverter which—

"(i) is suitable to connect with one solar module,

"(ii) has a rated output of—

"(I) 120 or 240 volt single-phase power, or

"(II) 208 or 480 volt three-phase power, and

"(iii) has a capacity which is not greater than 650 watts (expressed on a per alternating current watt basis).

"(F) RESIDENTIAL INVERTER.—The term 'residential inverter' means an inverter which—

"(i) is suitable for a residence,

"(ii) has a rated output of 120 or 240 volt single-phase power, and

"(iii) has a capacity which is not greater than 20 kilowatts (expressed on a per alternating current watt basis).

"(G) UTILITY INVERTER.—The term 'utility inverter' means an inverter which—

"(i) is suitable for commercial or utility-scale systems,

"(ii) has a rated output of not less than 600 volt three-phase power, and

"(iii) has a capacity which is greater than 125 kilowatts and not greater than 1000 kilowatts (expressed on a per alternating current watt basis)

"(3) SOLAR ENERGY COMPONENT.—

"(A) IN GENERAL.—The term 'solar energy component' means any of the following:

"(i) Solar modules.

"(ii) Photovoltaic cells.
"(iii) Photovoltaic wafers.
"(iv) Solar grade polysilicon.
"(v) Torque tubes or structural fasteners.
"(vi) Polymeric backsheets.
"(B) ASSOCIATED DEFINITIONS.—
"(i) PHOTOVOLTAIC CELL.—The term 'photovoltaic cell' means the smallest semiconductor element of a solar module which performs the immediate conversion of light into electricity.
"(ii) PHOTOVOLTAIC WAFER.—The term 'photovoltaic wafer' means a thin slice, sheet, or layer of semiconductor material of at least 240 square centimeters—
"(I) produced by a single manufacturer either—
"(aa) directly from molten or evaporated solar grade polysilicon or deposition of solar grade thin film semiconductor photon absorber layer, or
"(bb) through formation of an ingot from molten polysilicon and subsequent slicing, and
"(II) which comprises the substrate or absorber layer of one or more photovoltaic cells.
"(iii) POLYMERIC BACKSHEET.—The term 'polymeric backsheet' means a sheet on the back of a solar module which acts as an electric insulator and protects the inner components of such module from the surrounding environment.
"(iv) SOLAR GRADE POLYSILICON.—The term 'solar grade polysilicon' means silicon which is—
"(I) suitable for use in photovoltaic manufacturing, and
"(II) purified to a minimum purity of 99.999999 percent silicon by mass.
"(v) SOLAR MODULE.—The term 'solar module' means the connection and lamination of photovoltaic cells into an environmentally protected final assembly which is—
"(I) suitable to generate electricity when exposed to sunlight, and
"(II) ready for installation without an additional manufacturing process.
"(vi) SOLAR TRACKER.—The term 'solar tracker' means a mechanical system that moves solar modules according to the position of the sun and to increase energy output.
"(vii) SOLAR TRACKER COMPONENTS.—
"(I) TORQUE TUBE.—The term 'torque tube' means a structural steel support element (including longitudinal purlins) which—
"(aa) is part of a solar tracker,
"(bb) is of any cross-sectional shape,
"(cc) may be assembled from individually manufactured segments,
"(dd) spans longitudinally between foundation posts,

"(ee) supports solar panels and is connected to a mounting attachment for solar panels (with or without separate module interface rails), and

"(ff) is rotated by means of a drive system.

"(II) STRUCTURAL FASTENER.—The term 'structural fastener' means a component which is used—

"(aa) to connect the mechanical and drive system components of a solar tracker to the foundation of such solar tracker,

"(bb) to connect torque tubes to drive assemblies, or

"(cc) to connect segments of torque tubes to one another.

"(4) WIND ENERGY COMPONENT.—

"(A) IN GENERAL.—The term 'wind energy component' means any of the following:

"(i) Blades.

"(ii) Nacelles.

"(iii) Towers.

"(iv) Offshore wind foundations.

"(v) Related offshore wind vessels.

"(B) ASSOCIATED DEFINITIONS.—

"(i) BLADE.—The term 'blade' means an airfoil-shaped blade which is responsible for converting wind energy to low-speed rotational energy.

"(ii) OFFSHORE WIND FOUNDATION.—The term 'offshore wind foundation' means the component (including transition piece) which secures an offshore wind tower and any above-water turbine components to the seafloor using—

"(I) fixed platforms, such as offshore wind monopiles, jackets, or gravity-based foundations, or

"(II) floating platforms and associated mooring systems.

"(iii) NACELLE.—The term 'nacelle' means the assembly of the drivetrain and other tower-top components of a wind turbine (with the exception of the blades and the hub) within their cover housing.

"(iv) RELATED OFFSHORE WIND VESSEL.—The term 'related offshore wind vessel' means any vessel which is purpose-built or retrofitted for purposes of the development, transport, installation, operation, or maintenance of offshore wind energy components.

"(v) TOWER.—The term 'tower' means a tubular or lattice structure which supports the nacelle and rotor of a wind turbine.

"(5) QUALIFYING BATTERY COMPONENT.—

"(A) IN GENERAL.—The term 'qualifying battery component' means any of the following:

"(i) Electrode active materials.

"(ii) Battery cells.

"(iii) Battery modules.

"(B) ASSOCIATED DEFINITIONS.—

"(i) ELECTRODE ACTIVE MATERIAL.—The term 'electrode active material' means cathode materials, anode

materials, anode foils, and electrochemically active materials, including solvents, additives, and electrolyte salts that contribute to the electrochemical processes necessary for energy storage .

"(ii) BATTERY CELL.—The term 'battery cell' means an electrochemical cell—

"(I) comprised of 1 or more positive electrodes and 1 or more negative electrodes,

"(II) with an energy density of not less than 100 watt-hours per liter, and

"(III) capable of storing at least 12 watt-hours of energy.

"(iii) BATTERY MODULE.—The term 'battery module' means a module—

"(I)(aa) in the case of a module using battery cells, with 2 or more battery cells which are configured electrically, in series or parallel, to create voltage or current, as appropriate, to a specified end use, or

"(bb) with no battery cells, and

"(II) with an aggregate capacity of not less than 7 kilowatt-hours (or, in the case of a module for a hydrogen fuel cell vehicle, not less than 1 kilowatt-hour).

"(6) APPLICABLE CRITICAL MINERALS.—The term 'applicable critical mineral' means any of the following:

"(A) ALUMINUM.—Aluminum which is—

"(i) converted from bauxite to a minimum purity of 99 percent alumina by mass, or

"(ii) purified to a minimum purity of 99.9 percent aluminum by mass.

"(B) ANTIMONY.—Antimony which is—

"(i) converted to antimony trisulfide concentrate with a minimum purity of 90 percent antimony trisulfide by mass, or

"(ii) purified to a minimum purity of 99.65 percent antimony by mass.

"(C) BARITE.—Barite which is barium sulfate purified to a minimum purity of 80 percent barite by mass.

"(D) BERYLLIUM.—Beryllium which is—

"(i) converted to copper-beryllium master alloy, or

"(ii) purified to a minimum purity of 99 percent beryllium by mass.

"(E) CERIUM.—Cerium which is—

"(i) converted to cerium oxide which is purified to a minimum purity of 99.9 percent cerium oxide by mass, or

"(ii) purified to a minimum purity of 99 percent cerium by mass.

"(F) CESIUM.—Cesium which is—

"(i) converted to cesium formate or cesium carbonate, or

"(ii) purified to a minimum purity of 99 percent cesium by mass.

"(G) CHROMIUM.—Chromium which is—

"(i) converted to ferrochromium consisting of not less than 60 percent chromium by mass, or

"(ii) purified to a minimum purity of 99 percent chromium by mass.

"(H) COBALT.—Cobalt which is—

"(i) converted to cobalt sulfate, or

"(ii) purified to a minimum purity of 99.6 percent cobalt by mass.

"(I) DYSPROSIUM.—Dysprosium which is—

"(i) converted to not less than 99 percent pure dysprosium iron alloy by mass, or

"(ii) purified to a minimum purity of 99 percent dysprosium by mass.

"(J) EUROPIUM.—Europium which is—

"(i) converted to europium oxide which is purified to a minimum purity of 99.9 percent europium oxide by mass, or

"(ii) purified to a minimum purity of 99 percent by mass.

"(K) FLUORSPAR.—Fluorspar which is—

"(i) converted to fluorspar which is purified to a minimum purity of 97 percent calcium fluoride by mass, or

"(ii) purified to a minimum purity of 99 percent fluorspar by mass.

"(L) GADOLINIUM.—Gadolinium which is—

"(i) converted to gadolinium oxide which is purified to a minimum purity of 99.9 percent gadolinium oxide by mass, or

"(ii) purified to a minimum purity of 99 percent gadolinium by mass.

"(M) GERMANIUM.—Germanium which is—

"(i) converted to germanium tetrachloride, or

"(ii) purified to a minimum purity of 99.99 percent germanium by mass.

"(N) GRAPHITE.—Graphite which is purified to a minimum purity of 99.9 percent graphitic carbon by mass.

"(O) INDIUM.—Indium which is—

"(i) converted to—

"(I) indium tin oxide, or

"(II) indium oxide which is purified to a minimum purity of 99.9 percent indium oxide by mass, or

"(ii) purified to a minimum purity of 99 percent indium by mass.

"(P) LITHIUM.—Lithium which is—

"(i) converted to lithium carbonate or lithium hydroxide, or

"(ii) purified to a minimum purity of 99.9 percent lithium by mass.

"(Q) MANGANESE.—Manganese which is—

"(i) converted to manganese sulphate, or

"(ii) purified to a minimum purity of 99.7 percent manganese by mass.

"(R) NEODYMIUM.—Neodymium which is—

"(i) converted to neodymium-praseodymium oxide which is purified to a minimum purity of 99 percent neodymium-praseodymium oxide by mass,

"(ii) converted to neodymium oxide which is purified to a minimum purity of 99.5 percent neodymium oxide by mass

"(iii) purified to a minimum purity of 99.9 percent neodymium by mass.

"(S) NICKEL.—Nickel which is—

"(i) converted to nickel sulphate, or

"(ii) purified to a minimum purity of 99 percent nickel by mass.

"(T) NIOBIUM.—Niobium which is—

"(i) converted to ferronibium, or

"(ii) purified to a minimum purity of 99 percent niobium by mass.

"(U) TELLURIUM.—Tellurium which is—

"(i) converted to cadmium telluride, or

"(ii) purified to a minimum purity of 99 percent tellurium by mass.

"(V) TIN.—Tin which is purified to low alpha emitting tin which—

"(i) has a purity of greater than 99.99 percent by mass, and

"(ii) possesses an alpha emission rate of not greater than 0.01 counts per hour per centimeter square.

"(W) TUNGSTEN.—Tungsten which is converted to ammonium paratungstate or ferrotungsten.

"(X) VANADIUM.—Vanadium which is converted to ferrovanadium or vanadium pentoxide.

"(Y) YTTRIUM.—Yttrium which is—

"(i) converted to yttrium oxide which is purified to a minimum purity of 99.999 percent yttrium oxide by mass, or

"(ii) purified to a minimum purity of 99.9 percent yttrium by mass.

"(Z) OTHER MINERALS.—Any of the following minerals, provided that such mineral is purified to a minimum purity of 99 percent by mass:

"(i) Arsenic.
"(ii) Bismuth.
"(iii) Erbium.
"(iv) Gallium.
"(v) Hafnium.
"(vi) Holmium.
"(vii) Iridium.
"(viii) Lanthanum.
"(ix) Lutetium.
"(x) Magnesium.
"(xi) Palladium.
"(xii) Platinum.
"(xiii) Praseodymium.
"(xiv) Rhodium.
"(xv) Rubidium.
"(xvi) Ruthenium.
"(xvii) Samarium.
"(xviii) Scandium.
"(xix) Tantalum.
"(xx) Terbium.
"(xxi) Thulium.

"(xxii) Titanium.
"(xxiii) Ytterbium.
"(xxiv) Zinc.
"(xxv) Zirconium.

"(d) SPECIAL RULES.—In this section—

"(1) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

"(2) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to eligible components the production of which is within—

"(A) the United States (within the meaning of section 638(1)), or

"(B) a possession of the United States (within the meaning of section 638(2)).

"(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(4) SALE OF INTEGRATED COMPONENTS.—For purposes of this section, a person shall be treated as having sold an eligible component to an unrelated person if such component is integrated, incorporated, or assembled into another eligible component which is sold to an unrelated person.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (36), by striking "plus" at the end,

(B) in paragraph (37), by striking the period at the end and inserting ", plus", and

(C) by adding at the end the following new paragraph:

"(38) the advanced manufacturing production credit determined under section 45X(a).".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

"Sec. 45X. Advanced manufacturing production credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to components produced and sold after December 31, 2022.

## PART 6—SUPERFUND

**SEC. 13601. REINSTATEMENT OF SUPERFUND.**

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking "9.7 cents" and inserting "16.4 cents".

(B) Section 4611(c) is amended by adding at the end the following:

"(3) ADJUSTMENT FOR INFLATION.—

(5) Section 4101(a)(1), as amended by the preceding provisions of this Act, is amended by inserting "every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45Z)," after "section 6426(k)(3)),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2024.

## PART 8—CREDIT MONETIZATION AND APPROPRIATIONS

### SEC. 13801. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting after section 6416 the following new section:

**"SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.**

"(a) IN GENERAL.—In the case of an applicable entity making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined with respect to such entity, such entity shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

"(b) APPLICABLE CREDIT.—The term 'applicable credit' means each of the following:

"(1) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

"(2) So much of the renewable electricity production credit determined under section 45(a) as is attributable to qualified facilities which are originally placed in service after December 31, 2022.

"(3) So much of the credit for carbon oxide sequestration determined under section 45Q(a) as is attributable to carbon capture equipment which is originally placed in service after December 31, 2022.

"(4) The zero-emission nuclear power production credit determined under section 45U(a).

"(5) So much of the credit for production of clean hydrogen determined under section 45V(a) as is attributable to qualified clean hydrogen production facilities which are originally placed in service after December 31, 2012.

"(6) In the case of a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A), the credit for qualified commercial vehicles determined under section 45W by reason of subsection (d)(3) thereof.

"(7) The credit for advanced manufacturing production under section 45X(a).

"(8) The clean electricity production credit determined under section 45Y(a).

"(9) The clean fuel production credit determined under section 45Z(a).

"(10) The energy credit determined under section 48.

"(11) The qualifying advanced energy project credit determined under section 48C.

"(12) The clean electricity investment credit determined under section 48E.

"(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

"(1) IN GENERAL.—In the case of any applicable credit determined with respect to any facility or property held directly by a partnership or S corporation, any election under subsection (a) shall be made by such partnership or S corporation. If such partnership or S corporation makes an election under such subsection (in such manner as the Secretary may provide) with respect to such credit—

"(A) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit,

"(B) subsection (e) shall be applied with respect to such credit before determining any partner's distributive share, or shareholder's pro rata share, of such credit,

"(C) any amount with respect to which the election in subsection (a) is made shall be treated as tax exempt income for purposes of sections 705 and 1366, and

"(D) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise applicable credit for each taxable year.

"(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any applicable credit determined with respect to such facility or property.

"(3) TREATMENT OF PAYMENTS TO PARTNERSHIPS AND S CORPORATIONS.—For purposes of section 1324 of title 31, United States Code, the payments under paragraph (1)(A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE ENTITY.—

"(A) IN GENERAL.—The term 'applicable entity' means—

"(i) any organization exempt from the tax imposed by subtitle A,

"(ii) any State or political subdivision thereof,

"(iii) the Tennessee Valley Authority,

"(iv) an Indian tribal government (as defined in section 30D(g)(9)),

"(v) any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), or

"(vi) any corporation operating on a cooperative basis which is engaged in furnishing electric energy to persons in rural areas.

"(B) ELECTION WITH RESPECT TO CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has placed in service a qualified clean hydrogen production facility (as defined in section 45V(c)(3)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year,

but only with respect to the credit described in subsection (b)(5).

"(C) ELECTION WITH RESPECT TO CREDIT FOR CARBON OXIDE SEQUESTRATION.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, placed in service carbon capture equipment at a qualified facility (as defined in section 45Q(d)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(3).

"(D) ELECTION WITH RESPECT TO ADVANCED MANUFACTURING PRODUCTION CREDIT.—

"(i) IN GENERAL.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, produced eligible components (as defined in section 45X(c)(1)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(7).

"(ii) LIMITATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), if a taxpayer makes an election under this subparagraph with respect to any taxable year, such taxpayer shall be treated as having made such election for each of the 4 succeeding taxable years ending before January 1, 2033.

"(II) EXCEPTION.—A taxpayer may elect to revoke the application of the election made under this subparagraph to any taxable year described in subclause (I). Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in subclause (I). Any election under this subclause may not be subsequently revoked.

"(iii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (ii)(I), no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to eligible components for purposes of the credit described in subsection (b)(7).

"(E) OTHER RULES.—

"(i) IN GENERAL.—An election made under subparagraph (B), (C), or (D) shall be made at such time and in such manner as the Secretary may provide.

"(ii) LIMITATION.—No election may be made under subparagraph (B), (C), or (D) with respect to any taxable year beginning after December 31, 2032.

"(2) APPLICATION.—In the case of any applicable entity which makes the election described in subsection (a), any applicable credit shall be determined—

"(A) without regard to paragraphs (3) and (4)(A)(i) of section 50(b), and

"(B) by treating any property with respect to which such credit is determined as used in a trade or business of the applicable entity.

"(3) ELECTIONS.—

"(A) IN GENERAL.—

"(i) DUE DATE.—Any election under subsection (a) shall be made not later than—

"(I) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), such date as is determined appropriate by the Secretary, or

"(II) in any other case, the due date (including extensions of time) for the return of tax for the taxable year for which the election is made, but in no event earlier than 180 days after the date of the enactment of this section.

"(ii) ADDITIONAL RULES.—Any election under subsection (a), once made, shall be irrevocable and shall apply (except as otherwise provided in this paragraph) with respect to any credit for the taxable year for which the election is made.

"(B) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(2), any election under subsection (a) shall—

"(i) apply separately with respect to each qualified facility,

"(ii) be made for the taxable year in which such qualified facility is originally placed in service, and

"(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (a)(2)(A)(ii) of section 45 with respect to such qualified facility.

"(C) CREDIT FOR CARBON OXIDE SEQUESTRATION.—

"(i) IN GENERAL.—In the case of the credit described in subsection (b)(3), any election under subsection (a) shall—

"(I) apply separately with respect to the carbon capture equipment originally placed in service by the applicable entity during a taxable year, and

"(II)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(C), apply to the taxable year in which such equipment is placed in service and the 4 subsequent taxable years with respect to such equipment which end before January 1, 2033, and

"(bb) in any other case, apply to such taxable year and to any subsequent taxable year which is within the period described in paragraph (3)(A) or (4)(A) of section 45Q(a) with respect to such equipment.

"(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(II)(aa) with respect to carbon capture equipment, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

"(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may, at any time during the period described in clause (i)(II)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

"(D) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

"(i) IN GENERAL.—In the case of the credit described in subsection (b)(5), any election under subsection (a) shall—

"(I) apply separately with respect to each qualified clean hydrogen production facility,

"(II) be made for the taxable year in which such facility is placed in service (or within the 1-year period subsequent to the date of enactment of this section in the case of facilities placed in service before December 31, 2022), and

"(III)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(B), apply to such taxable year and the 4 subsequent taxable years with respect to such facility which end before January 1, 2033, and

"(bb) in any other case, apply to such taxable year and all subsequent taxable years with respect to such facility.

"(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(III)(aa) with respect to a qualified clean hydrogen production facility, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such facility for purposes of the credit described in subsection (b)(5).

"(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(B) with respect to a qualified clean hydrogen production facility, such taxpayer may, at any time during the period described in clause (i)(III)(aa), revoke the application of such election with respect to such facility for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

"(E) CLEAN ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(8), any election under subsection (a) shall—

"(i) apply separately with respect to each qualified facility,

"(ii) be made for the taxable year in which such facility is placed in service, and

"(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (b)(1)(B) of section 45Y with respect to such facility.

"(4) TIMING.—The payment described in subsection (a) shall be treated as made on—

"(A) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), the later of the date that a return would be due under section 6033(a) if such government or subdivision were described in that section or the date on which such government or subdivision submits a claim for credit or refund (at such time and in such manner as the Secretary shall provide), and

"(B) in any other case, the later of the due date (determined without regard to extensions) of the return of tax for the taxable year or the date on which such return is filed.

"(5) ADDITIONAL INFORMATION.—As a condition of, and prior to, any amount being treated as a payment which is made by an applicable entity under subsection (a), the Secretary may require such information or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

"(6) EXCESSIVE PAYMENT.—

"(A) IN GENERAL.—In the case of any amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), which the Secretary determines constitutes an excessive payment, the tax imposed on such entity by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

"(i) the amount of such excessive payment, plus

"(ii) an amount equal to 20 percent of such excessive payment.

"(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the applicable entity demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.

"(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term 'excessive payment' means, with respect to a facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—

"(i) the amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), with respect to such facility or property for such taxable year, over

"(ii) the amount of the credit which, without application of this section, would be otherwise allowable (as determined pursuant to paragraph (2) and without regard to section 38(c)) under this title with respect to such facility or property for such taxable year.

"(e) DENIAL OF DOUBLE BENEFIT.—In the case of an applicable entity making an election under this section with respect to an applicable credit, such credit shall be reduced to zero and shall, for any other purposes under this title, be deemed to have been allowed to such entity for such taxable year.

"(f) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

"(g) BASIS REDUCTION AND RECAPTURE.—Except as otherwise provided in subsection (c)(2)(A), rules similar to the rules of section 50 shall apply for purposes of this section.

"(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise allowable (determined without regard to section 38(c)).".

(b) TRANSFER OF CERTAIN CREDITS.—Subchapter B of chapter 65, as amended by subsection (a), is amended by inserting after section 6417 the following new section:

**"SEC. 6418. TRANSFER OF CERTAIN CREDITS.**

"(a) IN GENERAL.—In the case of an eligible taxpayer which elects to transfer all (or any portion specified in the election) of an eligible credit determined with respect to such taxpayer for any taxable year to a taxpayer (referred to in this section as the 'transferee taxpayer') which is not related (within the meaning of section 267(b) or 707(b)(1)) to the eligible taxpayer, the transferee taxpayer specified in such election (and not the eligible taxpayer) shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

"(b) TREATMENT OF PAYMENTS MADE IN CONNECTION WITH TRANSFER.—With respect to any amount paid by a transferee taxpayer to an eligible taxpayer as consideration for a transfer described in subsection (a), such consideration—

"(1) shall be required to be paid in cash,

"(2) shall not be includible in gross income of the eligible taxpayer, and

"(3) with respect to the transferee taxpayer, shall not be deductible under this title.

"(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

"(1) IN GENERAL.—In the case of any eligible credit determined with respect to any facility or property held directly by a partnership or S corporation, if such partnership or S corporation makes an election under subsection (a) (in such manner as the Secretary may provide) with respect to such credit—

"(A) any amount received as consideration for a transfer described in such subsection shall be treated as tax exempt income for purposes of sections 705 and 1366, and

"(B) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise eligible credit for each taxable year.

"(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any eligible credit determined with respect to such facility or property.

"(d) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under subsection (a), such credit shall be taken into account in the first taxable year of the transferee taxpayer ending with, or after, the taxable year of the eligible taxpayer with respect to which the credit was determined.

"(e) LIMITATIONS ON ELECTION.—

"(1) TIME FOR ELECTION.—An election under subsection (a) to transfer any portion of an eligible credit shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the credit is determined, but in no event earlier than 180 days after the date of the enactment of this section. Any such election, once made, shall be irrevocable.

"(2) NO ADDITIONAL TRANSFERS.—No election may be made under subsection (a) by a transferee taxpayer with respect to any portion of an eligible credit which has been previously transferred to such taxpayer pursuant to this section.

"(f) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CREDIT.—

"(A) IN GENERAL.—The term 'eligible credit' means each of the following:

"(i) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

"(ii) The renewable electricity production credit determined under section 45(a).

"(iii) The credit for carbon oxide sequestration determined under section 45Q(a).

"(iv) The zero-emission nuclear power production credit determined under section 45U(a).

"(v) The clean hydrogen production credit determined under section 45V(a).

"(vi) The advanced manufacturing production credit determined under section 45X(a).

"(vii) The clean electricity production credit determined under section 45Y(a).

"(viii) The clean fuel production credit determined under section 45Z(a).

"(ix) The energy credit determined under section 48.

"(x) The qualifying advanced energy project credit determined under section 48C.

"(xi) The clean electricity investment credit determined under section 48E.

"(B) ELECTION FOR CERTAIN CREDITS.—In the case of any eligible credit described in clause (ii), (iii), (v), or (vii) of subparagraph (A), an election under subsection (a) shall be made—

"(i) separately with respect to each facility for which such credit is determined, and

"(ii) for each taxable year during the 10-year period beginning on the date such facility was originally placed in service (or, in the case of the credit described in clause (iii), for each year during the 12-year period beginning on the date the carbon capture equipment was originally placed in service at such facility).

"(C) EXCEPTION FOR BUSINESS CREDIT CARRYFORWARDS OR CARRYBACKS.—The term 'eligible credit' shall not include any business credit carryforward or business credit carryback determined under section 39.

"(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer which is not described in section 6417(d)(1)(A).

"(g) SPECIAL RULES.—For purposes of this section—

"(1) ADDITIONAL INFORMATION.—As a condition of, and prior to, any transfer of any portion of an eligible credit pursuant to subsection (a), the Secretary may require such information (including, in such form or manner as is determined appropriate by the Secretary, such information returns) or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

"(2) EXCESSIVE CREDIT TRANSFER.—

"(A) IN GENERAL.—In the case of any portion of an eligible credit which is transferred to a transferee taxpayer pursuant to subsection (a) which the Secretary determines constitutes an excessive credit transfer, the tax imposed on the transferee taxpayer by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

"(i) the amount of such excessive credit transfer, plus

"(ii) an amount equal to 20 percent of such excessive credit transfer.

"(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the transferee taxpayer demonstrates to the satisfaction of the Secretary that the excessive credit transfer resulted from reasonable cause.

"(C) EXCESSIVE CREDIT TRANSFER DEFINED.—For purposes of this paragraph, the term 'excessive credit transfer' means, with respect to a facility or property for which an election is made under subsection (a) for any taxable year, an amount equal to the excess of—

"(i) the amount of the eligible credit claimed by the transferee taxpayer with respect to such facility or property for such taxable year, over

"(ii) the amount of such credit which, without application of this section, would be otherwise allowable under this title with respect to such facility or property for such taxable year.

"(3) BASIS REDUCTION; NOTIFICATION OF RECAPTURE.—In the case of any election under subsection (a) with respect to

any portion of an eligible credit described in clauses (ix) through (xi) of subsection (f)(1)(A)—

"(A) subsection (c) of section 50 shall apply to the applicable investment credit property (as defined in subsection (a)(5) of such section) as if such eligible credit was allowed to the eligible taxpayer, and

"(B) if, during any taxable year, the applicable investment credit property (as defined in subsection (a)(5) of section 50) is disposed of, or otherwise ceases to be investment credit property with respect to the eligible taxpayer, before the close of the recapture period (as described in subsection (a)(1) of such section)—

"(i) such eligible taxpayer shall provide notice of such occurrence to the transferee taxpayer (in such form and manner as the Secretary shall prescribe), and

"(ii) the transferee taxpayer shall provide notice of the recapture amount (as defined in subsection (c)(2) of such section), if any, to the eligible taxpayer (in such form and manner as the Secretary shall prescribe).

"(4) PROHIBITION ON ELECTION OR TRANSFER WITH RESPECT TO PROGRESS EXPENDITURES.—This section shall not apply with respect to any amount of an eligible credit which is allowed pursuant to rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

"(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including regulations or other guidance providing rules for determining a partner's distributive share of the tax exempt income described in subsection (c)(1).".

(c) REAL ESTATE INVESTMENT TRUSTS.—Section 50(d) is amended by adding at the end the following: "In the case of a real estate investment trust making an election under section 6418, paragraphs (1)(B) and (2)(B) of the section 46(e) referred to in paragraph (1) of this subsection shall not apply to any investment credit property of such real estate investment trust to which such election applies.".

(d) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Section 39(a) is amended by adding at the end the following:

"(4) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Notwithstanding subsection (d), in the case of any applicable credit (as defined in section 6417(b))—

"(A) this section shall be applied separately from the business credit (other than the applicable credit),

"(B) paragraph (1) shall be applied by substituting 'each of the 3 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

"(C) paragraph (2) shall be applied—

"(i) by substituting '23 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '22 taxable years' for '20 taxable years' in subparagraph (B) thereof.".

(e) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6416 the following new items:

"Sec. 6417. Elective payment of applicable credits.
"Sec. 6418. Transfer of certain credits.".

(f) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any payment made to a taxpayer pursuant to an election under section 6417 of the Internal Revenue Code of 1986, or any amount treated as a payment which is made by the taxpayer under subsection (a) of such section, that is direct spending shall be increased by 6.0445 percent.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

**SEC. 13802. APPROPRIATIONS.**

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000 to remain available until September 30, 2031, for necessary expenses for the Internal Revenue Service to carry out this subtitle (and the amendments made by this subtitle), which shall supplement and not supplant any other appropriations that may be available for this purpose.

## PART 9—OTHER PROVISIONS

**SEC. 13901. PERMANENT EXTENSION OF TAX RATE TO FUND BLACK LUNG DISABILITY TRUST FUND.**

(a) IN GENERAL.—Section 4121 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date which is 1 day after the date of enactment of this Act.

**SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.**

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking "AMOUNT.—The amount" and inserting "AMOUNT.—

"(I) IN GENERAL.—The amount", and

(2) by adding at the end the following new subclause:

"(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.".

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking "for a taxable year, there shall be allowed" and inserting "for a taxable year—

"(A) there shall be allowed",

(B) by striking "equal to the" and inserting "equal to so much of the",

(C) by striking the period at the end and inserting "as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and", and

609.2 of title 10, Code of Federal Regulations)" before the period at the end.

(f) SOURCE OF PAYMENTS.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) is amended by adding at the end the following:

"(3) SOURCE OF PAYMENTS.—The source of a payment received from a borrower under subparagraph (A) or (B) of paragraph (2) may not be a loan or other debt obligation that is made or guaranteed by the Federal Government.".

**SEC. 50142. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available through September 30, 2028, for the costs of providing direct loans under section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)): *Provided*, That funds appropriated by this section may be used for the costs of providing direct loans for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of, advanced technology vehicles described in subparagraph (C), (D), (E), or (F) of section 136(a)(1) of such Act (42 U.S.C. 17013(a)(1)) only if such advanced technology vehicles emit, under any possible operational mode or condition, low or zero exhaust emissions of greenhouse gases.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $25,000,000 of amounts made available under subsection (a) for administrative costs of providing loans as described in subsection (a).

(c) ELIMINATION OF LOAN PROGRAM CAP.—Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking "a total of not more than $25,000,000,000 in".

**SEC. 50143. DOMESTIC MANUFACTURING CONVERSION GRANTS.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2031, to provide grants for domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) COST SHARE.—The Secretary shall require a recipient of a grant provided under subsection (a) to provide not less than 50 percent of the cost of the project carried out using the grant.

(c) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than 3 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

**SEC. 50144. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available through September 30, 2026,

Service, the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Reclamation, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement.

# TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

## Subtitle A—Air Pollution

**SEC. 60101. CLEAN HEAVY-DUTY VEHICLES.**

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7431) the following:

**"SEC. 132. CLEAN HEAVY-DUTY VEHICLES.**

"(a) APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2031, to carry out this section.

"(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

"(3) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

"(b) PROGRAM.—Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

"(1) the incremental costs of replacing an eligible vehicle that is not a zero-emission vehicle with a zero-emission vehicle, as determined by the Administrator based on the market value of the vehicles;

"(2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

"(3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and

"(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

"(c) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall prescribe.

"(d) DEFINITIONS.—For purposes of this section:

projects that result in additional through travel lanes for single occupant passenger vehicles.

"(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

"(A) appropriate for use in projects eligible under this title; and

"(B) eligible for reimbursement or incentives under this section.

"(c) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

"(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a State;

"(B) a unit of local government;

"(C) a political subdivision of a State;

"(D) a territory of the United States;

"(E) an entity described in section 207(m)(1)(E);

"(F) a recipient of funds under section 203;

"(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

"(H) a special purpose district or public authority with a transportation function.

"(3) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"179. Low-carbon transportation materials grants.".

# TITLE VII—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

**SEC. 70001. DHS OFFICE OF CHIEF READINESS SUPPORT OFFICER.**

In addition to the amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2028, for the Office of the Chief Readiness Support Officer to carry out sustainability and environmental programs.

**SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.**

In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code:

(1) $1,290,000,000, to remain available through September 30, 2031, for the purchase of zero-emission delivery vehicles.

(2) $1,710,000,000, to remain available through September 30, 2031, for the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

**SEC. 70003. UNITED STATES POSTAL SERVICE OFFICE OF INSPECTOR GENERAL.**

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2031, to support oversight of United States Postal Service activities implemented pursuant to this Act.

**SEC. 70004. GOVERNMENT ACCOUNTABILITY OFFICE OVERSIGHT.**

In addition to amounts otherwise available, there is appropriated to the Comptroller General of the United States for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for necessary expenses of the Government Accountability Office to support the oversight of—

(1) the distribution and use of funds appropriated under this Act; and

(2) whether the economic, social, and environmental impacts of the funds described in paragraph (1) are equitable.

**SEC. 70005. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.**

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2026, for necessary expenses to—

(1) oversee the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

**SEC. 70006. FEMA BUILDING MATERIALS PROGRAM.**

Through September 30, 2026, the Administrator of the Federal Emergency Management Agency may provide financial assistance under sections 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(h), 42 U.S.C. 5170c(a), 42 U.S.C. 5172(b)) for—

(1) costs associated with low-carbon materials; and

(2) incentives that encourage low-carbon and net-zero energy projects.

**SEC. 70007. FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL ENVIRONMENTAL REVIEW IMPROVEMENT FUND MANDATORY FUNDING.**

In addition to amounts otherwise available, there is appropriated to the Federal Permitting Improvement Steering Council Environmental Review Improvement Fund, out of any money in the Treasury not otherwise appropriated, $350,000,000 for fiscal year 2023, to remain available through September 30, 2031.