

1 qualified plug-in electric drive motor vehicle (as de-
2 fined in section 30D(d)(1) of the Internal Revenue
3 Code of 1986, as in effect on the day before the date
4 of enactment of this Act), and

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

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

12 **SEC. 13402. CREDIT FOR PREVIOUSLY-OWNED CLEAN VEHI-**
13 **CLES.**

14 (a) IN GENERAL.—Subpart A of part IV of sub-
15 chapter A of chapter 1 is amended by inserting after sec-
16 tion 25D the following new section:

17 **“SEC. 25E. PREVIOUSLY-OWNED CLEAN VEHICLES.**

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

23 “(1) \$4,000, or

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

1 “(b) LIMITATION BASED ON MODIFIED ADJUSTED
2 GROSS INCOME.—

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

5 “(A) the lesser of—

6 “(i) the modified adjusted gross in-
7 come of the taxpayer for such taxable year,
8 or

9 “(ii) the modified adjusted gross in-
10 come of the taxpayer for the preceding tax-
11 able year, exceeds

12 “(B) the threshold amount.

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

15 “(A) in the case of a joint return or a sur-
16 viving spouse (as defined in section 2(a)),
17 \$150,000,

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

20 “(C) in the case of a taxpayer not de-
21 scribed in subparagraph (A) or (B), \$75,000.

22 “(3) MODIFIED ADJUSTED GROSS INCOME.—
23 For purposes of this subsection, the term ‘modified
24 adjusted gross income’ means adjusted gross income

1 increased by any amount excluded from gross in-
2 come under section 911, 931, or 933.

3 “(c) DEFINITIONS.—For purposes of this section—

4 “(1) PREVIOUSLY-OWNED CLEAN VEHICLE.—
5 The term ‘previously-owned clean vehicle’ means,
6 with respect to a taxpayer, a motor vehicle—

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

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

12 “(C) which is acquired by the taxpayer in
13 a qualified sale, and

14 “(D) which—

15 “(i) meets the requirements of sub-
16 paragraphs (C), (D), (E), (F), and (H)
17 (except for clause (iv) thereof) of section
18 30D(d)(1), or

19 “(ii) is a motor vehicle which—

20 “(I) satisfies the requirements
21 under subparagraphs (A) and (B) of
22 section 30B(b)(3), and

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

1 “(2) QUALIFIED SALE.—The term ‘qualified
2 sale’ means a sale of a motor vehicle—

3 “(A) by a dealer (as defined in section
4 30D(g)(8)),

5 “(B) for a sale price which does not exceed
6 \$25,000, and

7 “(C) which is the first transfer since the
8 date of the enactment of this section to a quali-
9 fied buyer other than the person with whom the
10 original use of such vehicle commenced.

11 “(3) QUALIFIED BUYER.—The term ‘qualified
12 buyer’ means, with respect to a sale of a motor vehi-
13 cle, a taxpayer—

14 “(A) who is an individual,

15 “(B) who purchases such vehicle for use
16 and not for resale,

17 “(C) with respect to whom no deduction is
18 allowable with respect to another taxpayer
19 under section 151, and

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

24 “(4) MOTOR VEHICLE; CAPACITY.—The terms
25 ‘motor vehicle’ and ‘capacity’ have the meaning

1 given such terms in paragraphs (2) and (4) of sec-
2 tion 30D(d), respectively.

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

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

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

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

17 (1) by redesignating subsection (f) as sub-
18 section (g), and

19 (2) by inserting after subsection (e) the fol-
20 lowing:

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

23 (c) CONFORMING AMENDMENTS.—Section
24 6213(g)(2), as amended by the preceding provisions of
25 this Act, is amended—

1 (1) in subparagraph (S), by striking “and” at
2 the end,

3 (2) in subparagraph (T), by striking the period
4 at the end and inserting “, and”, and

5 (3) by inserting after subparagraph (T) the fol-
6 lowing:

7 “(U) an omission of a correct vehicle iden-
8 tification number required under section 25E(d)
9 (relating to credit for previously-owned clean
10 vehicles) to be included on a return.”.

11 (d) CLERICAL AMENDMENT.—The table of sections
12 for subpart A of part IV of subchapter A of chapter 1
13 is amended by inserting after the item relating to section
14 25D the following new item:

 “Sec. 25E. Previously-owned clean vehicles.”.

15 (e) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), the amendments made by this section
18 shall apply to vehicles acquired after December 31,
19 2022.

20 (2) TRANSFER OF CREDIT.—The amendments
21 made by subsection (b) shall apply to vehicles ac-
22 quired after December 31, 2023.

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

24 (a) IN GENERAL.—Subpart D of part IV of sub-
25 chapter A of chapter 1, as amended by the preceding pro-

1 visions of this Act, is amended by adding at the end the
2 following new section:

3 **“SEC. 45W. CREDIT FOR QUALIFIED COMMERCIAL CLEAN**
4 **VEHICLES.**

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

11 “(b) PER VEHICLE AMOUNT.—

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

16 “(A) 15 percent of the basis of such vehi-
17 cle (30 percent in the case of a vehicle not pow-
18 ered by a gasoline or diesel internal combustion
19 engine), or

20 “(B) the incremental cost of such vehicle.

21 “(2) INCREMENTAL COST.—For purposes of
22 paragraph (1)(B), the incremental cost of any quali-
23 fied commercial clean vehicle is an amount equal to
24 the excess of the purchase price for such vehicle over
25 such price of a comparable vehicle.

1 “(3) COMPARABLE VEHICLE.—For purposes of
2 this subsection, the term ‘comparable vehicle’ means,
3 with respect to any qualified commercial clean vehi-
4 cle, any vehicle which is powered solely by a gasoline
5 or diesel internal combustion engine and which is
6 comparable in size and use to such vehicle.

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

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

13 “(B) in the case of a vehicle not described
14 in subparagraph (A), \$40,000.

15 “(c) QUALIFIED COMMERCIAL CLEAN VEHICLE.—
16 For purposes of this section, the term ‘qualified commer-
17 cial clean vehicle’ means any vehicle which—

18 “(1) meets the requirements of section
19 30D(d)(1)(C) and is acquired for use or lease by the
20 taxpayer and not for resale,

21 “(2) either—

22 “(A) meets the requirements of subpara-
23 graph (D) of section 30D(d)(1) and is manufac-
24 tured primarily for use on public streets, roads,

1 and highways (not including a vehicle operated
2 exclusively on a rail or rails), or

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

7 “(3) either—

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

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

19 “(4) is of a character subject to the allowance
20 for depreciation.

21 “(d) SPECIAL RULES.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 rules similar to the rules under subsection (f) of sec-
24 tion 30D shall apply for purposes of this section.

1 “(2) RECAPTURE.—The Secretary shall, by reg-
2 ulations or other guidance, provide for recapturing
3 the benefit of any credit allowed under subsection
4 (a) with respect to any property which ceases to be
5 property eligible for such credit.

6 “(3) VEHICLES PLACED IN SERVICE BY TAX-
7 EXEMPT ENTITIES.—Subsection (c)(4) shall not
8 apply to any vehicle which is not subject to a lease
9 and which is placed in service by a tax-exempt entity
10 described in clause (i), (ii), or (iv) of section
11 168(h)(2)(A).

12 “(4) NO DOUBLE BENEFIT.—No credit shall be
13 allowed under this section with respect to any vehicle
14 for which a credit was allowed under section 30D.

15 “(e) VIN NUMBER REQUIREMENT.—No credit shall
16 be determined under subsection (a) with respect to any
17 vehicle unless the taxpayer includes the vehicle identifica-
18 tion number of such vehicle on the return of tax for the
19 taxable year.

20 “(f) REGULATIONS AND GUIDANCE.—The Secretary
21 shall issue such regulations or other guidance as the Sec-
22 retary determines necessary or appropriate to carry out
23 the purposes of this section, including regulations or other
24 guidance relating to determination of the incremental cost
25 of any qualified commercial clean vehicle.

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

4 (b) CONFORMING AMENDMENTS.—

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

7 (A) in paragraph (35), by striking “plus”
8 at the end,

9 (B) in paragraph (36), by striking the pe-
10 riod at the end and inserting “, plus”, and

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

13 “(37) the qualified commercial clean vehicle
14 credit determined under section 45W.”.

15 (2) Section 6213(g)(2), as amended by the pre-
16 ceding provisions of this Act, is amended—

17 (A) in subparagraph (T), by striking
18 “and” at the end,

19 (B) in subparagraph (U), by striking the
20 period at the end and inserting “, and”, and

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

23 “(V) an omission of a correct vehicle iden-
24 tification number required under section

1 45W(e) (relating to commercial clean vehicle
2 credit) to be included on a return.”.

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

“Sec. 45W. Qualified commercial clean vehicle credit.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to vehicles acquired after Decem-
9 ber 31, 2022.

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

12 (a) IN GENERAL.—Section 30C(g) is amended by
13 striking “December 31, 2021” and inserting “December
14 31, 2032”.

15 (b) CREDIT FOR PROPERTY OF A CHARACTER SUB-
16 JECT TO DEPRECIATION.—

17 (1) IN GENERAL.—Section 30C(a) is amended
18 by inserting “(6 percent in the case of property of
19 a character subject to depreciation)” after “30 per-
20 cent”.

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

23 (A) in the matter preceding paragraph

24 (1)—

1 (i) by striking “with respect to all”
2 and inserting “with respect to any single
3 item of”, and

4 (ii) by striking “at a location”, and
5 (B) in paragraph (1), by striking “\$30,000
6 in the case of a property” and inserting
7 “\$100,000 in the case of any such item of prop-
8 erty”.

9 (3) BIDIRECTIONAL CHARGING EQUIPMENT IN-
10 CLUDED AS QUALIFIED ALTERNATIVE FUEL VEHI-
11 CLE REFUELING PROPERTY.—Section 30C(c) is
12 amended to read as follows:

13 “(c) QUALIFIED ALTERNATIVE FUEL VEHICLE RE-
14 FUELING PROPERTY.—For purposes of this section—

15 “(1) IN GENERAL.—The term ‘qualified alter-
16 native fuel vehicle refueling property’ has the same
17 meaning as the term ‘qualified clean-fuel vehicle re-
18 fueling property’ would have under section 179A
19 if—

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

1 “(B) only the following were treated as
2 clean-burning fuels for purposes of section
3 179A(d):

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

9 “(ii) Any mixture—

10 “(I) which consists of two or
11 more of the following: biodiesel (as de-
12 fined in section 40A(d)(1)), diesel fuel
13 (as defined in section 4083(a)(3)), or
14 kerosene, and

15 “(II) at least 20 percent of the
16 volume of which consists of biodiesel
17 (as so defined) determined without re-
18 gard to any kerosene in such mixture.

19 “(iii) Electricity.

20 “(2) BIDIRECTIONAL CHARGING EQUIPMENT.—
21 Property shall not fail to be treated as qualified al-
22 ternative fuel vehicle refueling property solely be-
23 cause such property—

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

1 “(B) allows discharging electricity from
2 such battery to an electric load external to such
3 motor vehicle.”.

4 (c) CERTAIN ELECTRIC CHARGING STATIONS IN-
5 CLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE
6 REFUELING PROPERTY.—Section 30C is amended by re-
7 designating subsections (f) and (g) as subsections (g) and
8 (h), respectively, and by inserting after subsection (e) the
9 following:

10 “(f) SPECIAL RULE FOR ELECTRIC CHARGING STA-
11 TIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—
12 For purposes of this section—

13 “(1) IN GENERAL.—The term ‘qualified alter-
14 native fuel vehicle refueling property’ includes any
15 property described in subsection (c) for the re-
16 charging of a motor vehicle described in paragraph
17 (2), but only if such property—

18 “(A) meets the requirements of subsection
19 (a)(2), and

20 “(B) is of a character subject to deprecia-
21 tion.

22 “(2) MOTOR VEHICLE.—A motor vehicle is de-
23 scribed in this paragraph if the motor vehicle—

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

4 “(B) has at least 2, but not more than 3,
5 wheels, and

6 “(C) is propelled by electricity.”.

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

12 “(g) WAGE AND APPRENTICESHIP REQUIRE-
13 MENTS.—

14 “(1) INCREASED CREDIT AMOUNT.—

15 “(A) IN GENERAL.—In the case of any
16 qualified alternative fuel vehicle refueling
17 project which satisfies the requirements of sub-
18 paragraph (C), the amount of the credit deter-
19 mined under subsection (a) for any qualified al-
20 ternative fuel vehicle refueling property of a
21 character subject to an allowance for deprecia-
22 tion which is part of such project shall be equal
23 to such amount (determined without regard to
24 this sentence) multiplied by 5.

1 “(B) QUALIFIED ALTERNATIVE FUEL VE-
2 HICLE REFUELING PROJECT.—For purposes of
3 this subsection, the term ‘qualified alternative
4 fuel vehicle refueling project’ means a project
5 consisting of one or more properties that are
6 part of a single project.

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

10 “(i) A project the construction of
11 which begins prior to the date that is 60
12 days after the Secretary publishes guid-
13 ance with respect to the requirements of
14 paragraphs (2)(A) and (3).

15 “(ii) A project which satisfies the re-
16 quirements of paragraphs (2)(A) and (3).

17 “(2) PREVAILING WAGE REQUIREMENTS.—

18 “(A) IN GENERAL.—The requirements de-
19 scribed in this subparagraph with respect to
20 any qualified alternative fuel vehicle refueling
21 project are that the taxpayer shall ensure that
22 any laborers and mechanics employed by con-
23 tractors and subcontractors in the construction
24 of any qualified alternative fuel vehicle refueling
25 property which is part of such project shall be

1 paid wages at rates not less than the prevailing
2 rates for construction, alteration, or repair of a
3 similar character in the locality in which such
4 project is located as most recently determined
5 by the Secretary of Labor, in accordance with
6 subchapter IV of chapter 31 of title 40, United
7 States Code.

8 “(B) CORRECTION AND PENALTY RELATED
9 TO FAILURE TO SATISFY WAGE REQUIRE-
10 MENTS.—Rules similar to the rules of section
11 45(b)(7)(B) shall apply.

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

14 “(4) REGULATIONS AND GUIDANCE.—The Sec-
15 retary shall issue such regulations or other guidance
16 as the Secretary determines necessary or appropriate
17 to carry out the purposes of this subsection, includ-
18 ing regulations or other guidance which provides for
19 requirements for recordkeeping or information re-
20 porting for purposes of administering the require-
21 ments of this subsection.”.

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

1 “(3) PROPERTY REQUIRED TO BE LOCATED IN
2 ELIGIBLE CENSUS TRACTS.—

3 “(A) IN GENERAL.—Property shall not be
4 treated as qualified alternative fuel vehicle re-
5 fueling property unless such property is placed
6 in service in an eligible census tract.

7 “(B) ELIGIBLE CENSUS TRACT.—

8 “(i) IN GENERAL.—For purposes of
9 this paragraph, the term ‘eligible census
10 tract’ means any population census tract
11 which—

12 “(I) is described in section
13 45D(e), or

14 “(II) is not an urban area.

15 “(ii) URBAN AREA.—For purposes of
16 clause (i)(II), the term ‘urban area’ means
17 a census tract (as defined by the Bureau
18 of the Census) which, according to the
19 most recent decennial census, has been
20 designated as an urban area by the Sec-
21 retary of Commerce.”.

22 (f) EFFECTIVE DATE.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), the amendments made by this section

1 shall apply to property placed in service after De-
2 cember 31, 2022.

3 (2) EXTENSION.—The amendments made by
4 subsection (a) shall apply to property placed in serv-
5 ice after December 31, 2021.

6 **PART 5—INVESTMENT IN CLEAN ENERGY**

7 **MANUFACTURING AND ENERGY SECURITY**

8 **SEC. 13501. EXTENSION OF THE ADVANCED ENERGY**
9 **PROJECT CREDIT.**

10 (a) EXTENSION OF CREDIT.—Section 48C is amend-
11 ed by redesignating subsection (e) as subsection (f) and
12 by inserting after subsection (d) the following new sub-
13 section:

14 “(e) ADDITIONAL ALLOCATIONS.—

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

21 “(2) LIMITATION.—

22 “(A) IN GENERAL.—The total amount of
23 credits which may be allocated under the pro-
24 gram established under paragraph (1) shall not
25 exceed \$10,000,000,000, of which not greater