

Union Calendar No. 454

118TH CONGRESS
2^D SESSION

H. R. 7980

[Report No. 118-550]

To amend the Internal Revenue Code of 1986 to exclude vehicles the batteries of which contain materials sourced from prohibited foreign entities from the clean vehicle credit.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2024

Mrs. MILLER of West Virginia introduced the following bill; which was referred to the Committee on Ways and Means

JUNE 11, 2024

Additional sponsors: Ms. TENNEY, Mr. KELLY of Pennsylvania, Ms. VAN DUYNE, and Mr. FERGUSON

JUNE 11, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 15, 2024]

A BILL

To amend the Internal Revenue Code of 1986 to exclude vehicles the batteries of which contain materials sourced from prohibited foreign entities from the clean vehicle credit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “End Chinese Dominance*
5 *of Electric Vehicles in America Act of 2024”.*

6 **SEC. 2. EXCLUSION FROM CLEAN VEHICLE CREDIT OF VEHI-**
7 **CLES CONTAINING MATERIALS SOURCED**
8 **FROM PROHIBITED FOREIGN ENTITIES.**

9 *(a) IN GENERAL.—Section 30D(d)(7) of the Internal*
10 *Revenue Code of 1986 is amended to read as follows:*

11 *“(7) EXCLUDED ENTITIES.—*

12 *“(A) IN GENERAL.—For purposes of this*
13 *section, the term ‘new clean vehicle’ shall not in-*
14 *clude any vehicle—*

15 *“(i) with respect to which any of the*
16 *components contained in the drive battery*
17 *or any material contained in such a compo-*
18 *nent was extracted, processed, recycled,*
19 *manufactured, or assembled by a prohibited*
20 *foreign entity, or*

21 *“(ii) the drive battery of which is de-*
22 *signed, manufactured, or produced using*
23 *any process attributable to any licensing,*
24 *royalty, service, or similar agreement with*
25 *a prohibited foreign entity the estimated*

1 total contract cost, including variable, con-
2 tingent, or sales-based payments, of which
3 exceeds \$5,000,000.

4 “(B) *PROHIBITED FOREIGN ENTITY*.—For
5 purposes of subparagraph (A), the term ‘prohib-
6 ited foreign entity’ means—

7 “(i) any foreign entity of concern (as
8 defined in section 40207(a)(5) of the Infra-
9 structure Investment and Jobs Act),

10 “(ii) any entity with respect to which
11 the government of a covered nation has the
12 right or power (directly or indirectly) to
13 appoint or approve the appointment of a
14 covered officer, or

15 “(iii) any entity 25 percent or more of
16 the capital or profits interests of which are
17 owned (directly or indirectly) in the aggre-
18 gate by 1 or more of the following:

19 “(I) A covered nation or an entity
20 described in clause (i) or (ii).

21 “(II) A citizen, national, or resi-
22 dent of a covered nation.

23 “(III) An entity organized under
24 the laws of a covered nation.

1 “(C) *COVERED OFFICER.*—For purposes of
2 this paragraph, the term ‘covered officer’
3 means—

4 “(i) any member of the board of direc-
5 tors, board of supervisors, or an equivalent
6 governing body,

7 “(ii) the president, senior vice presi-
8 dent, chief executive officer, chief operating
9 officer, chief financial officer, or general
10 counsel, or

11 “(iii) any individual who performs du-
12 ties usually associated with a title listed in
13 clause (i) or (ii).

14 “(D) *COVERED NATION.*—For purposes of
15 this paragraph, the term ‘covered nation’ has the
16 meaning given such term in section 4872(d) of
17 title 10, United States Code.

18 “(E) *DRIVE BATTERY.*—For purposes of this
19 paragraph, the term ‘drive battery’ means, with
20 respect to a vehicle, the battery from which the
21 electric motor of such vehicle draws electricity.”.

22 (b) *EFFECTIVE DATE.*—The amendment made by this
23 section shall apply to vehicles placed in service after the
24 date of enactment of this Act.

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