

AMENDMENTS

2022—Subsec. (d)(3). Pub. L. 117-169, §13204(a)(2), added par. (3).

Subsec. (d)(4). Pub. L. 117-169, §13204(a)(3), added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 117-169, title I, §13204(a)(5), Aug. 16, 2022, 136 Stat. 1939, provided that:

“(A) IN GENERAL.—The amendments made by paragraphs (1) [enacting this section] and (4) [amending section 38 of this title] of this subsection shall apply to hydrogen produced after December 31, 2022.

“(B) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amendment made by paragraph (2) [amending this section] shall apply to facilities the construction of which begins after the date of enactment of this Act [Aug. 16, 2022].

“(C) MODIFICATION OF EXISTING FACILITIES.—The amendment made by paragraph (3) [amending this section] shall apply to modifications made after December 31, 2022.”

§ 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.

(Added Pub. L. 117-169, title I, §13403(a), Aug. 16, 2022, 136 Stat. 1964.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 117-169, title I, §13403(c), Aug. 16, 2022, 136 Stat. 1966, provided that: “The amendments made by this section [enacting this section and amending sections 38 and 6213 of this title] shall apply to vehicles acquired after December 31, 2022.”

§ 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 backsheets, 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,