AMENDMENT TO THE SENATE AMENDMENT TO H.R. 5376

OFFERED BY ________________________________

Section 30D(d)(7) of the Internal Revenue Code of 1986, as proposed to be added by section 13401(e)(2), is amended to read as follows:

“(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—

“(i) 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

“(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Bor-
(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—

“(i) by a foreign entity of concern (as so defined), or

“(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Border Protection of the Department of Homeland Security.”