

118TH CONGRESS  
1ST SESSION

# H. R. 4441

To amend the Internal Revenue Code of 1986 to prohibit foreign adversaries and certain entities related to such adversaries from claiming certain tax credits relating to electric vehicles.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2023

Mr. SELF introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to prohibit foreign adversaries and certain entities related to such adversaries from claiming certain tax credits relating to electric vehicles.

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 “Foreign Automobile  
5 Industry Restriction on Electric Vehicle Tax Credits Act  
6 of 2023” or the “FAIR-EV Tax Credits Act of 2023”.

1 **SEC. 2. PROHIBITING FOREIGN ADVERSARIES AND CER-**  
2 **TAIN ENTITIES RELATED TO SUCH ADVER-**  
3 **SARIES FROM CLAIMING CERTAIN TAX CRED-**  
4 **ITS RELATING TO ELECTRIC VEHICLES.**

5 (a) IN GENERAL.—Section 30D(d)(3) of the Internal  
6 Revenue Code of 1986 is amended to read as follows:

7 “(3) QUALIFIED MANUFACTURER.—The term  
8 ‘qualified manufacturer’ means any manufacturer  
9 (within the meaning of the regulations prescribed by  
10 the Administrator of the Environmental Protection  
11 Agency for purposes of the administration of title II  
12 of the Clean Air Act (42 U.S.C. 7521 et seq.))  
13 which—

14 “(A) enters into a written agreement with  
15 the Secretary under which such manufacturer  
16 agrees to make periodic written reports to the  
17 Secretary (at such times and in such manner as  
18 the Secretary may provide) providing vehicle  
19 identification numbers and such other informa-  
20 tion related to each vehicle manufactured by  
21 such manufacturer as the Secretary may re-  
22 quire, and

23 “(B) is not—

24 “(i) an entity majority-owned by or  
25 organized under the laws of a foreign ad-  
26 versary (as defined in part 7.4 of title 15,

1 Code of Federal Regulations or any suc-  
2 cessor regulation), or

3 “(ii) a related person (as defined in  
4 section 1031(f)(3)) of an entity described  
5 in clause (i).”.

6 (b) EFFECTIVE DATE.—The amendment made by  
7 this section shall apply to vehicles placed in services after  
8 the date of the enactment of this section.

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