

118TH CONGRESS
2D SESSION

S. 4237

To amend the Internal Revenue Code of 1986 to repeal the credit for new clean vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2024

Mr. BARRASSO (for himself, Mr. BRAUN, Mrs. CAPITO, Mr. COTTON, Mr. CRAMER, Mr. DAINES, Ms. ERNST, Mr. HOEVEN, Mr. LANKFORD, Mr. LEE, Ms. LUMMIS, Mr. MARSHALL, Mr. RICKETTS, Mr. RISCH, Mr. ROUNDS, Mr. SCHMITT, Mr. SCOTT of Florida, Mr. THUNE, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to repeal the credit for new clean vehicles, and for other purposes.

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 “Eliminate Lavish In-
5 centives To Electric Vehicles Act” or the “ELITE Vehi-
6 cles Act”.

1 **SEC. 2. REPEAL OF CLEAN VEHICLE CREDIT.**

2 (a) IN GENERAL.—Subpart B of part IV of sub-
 3 chapter A of chapter 1 of the Internal Revenue Code of
 4 1986 is amended by striking section 30D (and by striking
 5 the item relating to such section in the table of sections
 6 for such subpart).

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 30B(d)(3) of the Internal Revenue
 9 Code of 1986 is amended by striking subparagraph
 10 (D).

11 (2) Section 38(b) of such Code is amended by
 12 striking paragraph (30).

13 (3) Section 179D(d) of such Code is amend-
 14 ed—

15 (A) in paragraph (3)(B)(ii), by striking
 16 “(as defined in section 30D(g)(9))”, and

17 (B) by adding at the end the following new
 18 paragraph:

19 “(6) INDIAN TRIBAL GOVERNMENT.—For pur-
 20 poses of this subsection, the term ‘Indian tribal gov-
 21 ernment’ means the recognized governing body of
 22 any Indian or Alaska Native tribe, band, nation,
 23 pueblo, village, community, component band, or com-
 24 ponent reservation, individually identified (including
 25 parenthetically) in the list published most recently as
 26 of the date of enactment of this paragraph pursuant

1 to section 104 of the Federally Recognized Indian
2 Tribe List Act of 1994 (25 U.S.C. 5131).”.

3 (4) Section 1016(a) of such Code is amended—

4 (A) in paragraph (36), by adding “and” at
5 the end,

6 (B) by striking paragraph (37), and

7 (C) by redesignating paragraph (38) as
8 paragraph (37).

9 (5) Section 6213(g)(2) of such Code is amend-
10 ed by striking subparagraph (T).

11 (6) Section 6417(d)(1)(A)(iv) of such Code is
12 amended by striking “section 30D(g)(9)” and insert-
13 ing “section 179D(d)(6)”.

14 (7) Section 6501(m) of such Code is amended
15 by striking “30D(f)(6),”.

16 (8) Section 166(b)(5)(A)(ii) of title 23, United
17 States Code, is amended by inserting “, as in effect
18 on the date of the enactment of the ELITE Vehicles
19 Act” after “section 30D(d)(1) of the Internal Rev-
20 enue Code of 1986”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to vehicles purchased, or for which
23 a written binding contract to purchase has been entered
24 into, after the date which is 30 days after the date of en-
25 actment of this Act.

1 **SEC. 3. REPEAL OF CREDIT FOR PREVIOUSLY-OWNED**
2 **CLEAN VEHICLES.**

3 (a) IN GENERAL.—Subpart A of part IV of sub-
4 chapter A of chapter 1 of the Internal Revenue Code of
5 1986 is amended by striking section 25E (and by striking
6 the item relating to such section in the table of sections
7 for such subpart).

8 (b) CONFORMING AMENDMENT.—Section 6213(g)(2)
9 of the Internal Revenue Code of 1986 is amended by strik-
10 ing subparagraph (U).

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to vehicles purchased, or for which
13 a written binding contract to purchase has been entered
14 into, after the date which is 30 days after the date of en-
15 actment of this Act.

16 **SEC. 4. REPEAL OF CREDIT FOR QUALIFIED COMMERCIAL**
17 **CLEAN VEHICLES.**

18 (a) IN GENERAL.—Subpart D of part IV of sub-
19 chapter A of chapter 1 of the Internal Revenue Code of
20 1986 is amended by striking section 45W (and by striking
21 the item relating to such section in the table of sections
22 for such subpart).

23 (b) CONFORMING AMENDMENTS.—

24 (1) Section 38(b) of the Internal Revenue Code
25 of 1986, as amended by sections 13502, 13701, and
26 13704 of Public Law 117–169, is amended—

1 (A) by striking paragraph (37), and

2 (B) by redesignating paragraphs (38)
3 through (41) as paragraphs (37) through (40),
4 respectively.

5 (2) Section 6213(g)(2) of such Code is amend-
6 ed—

7 (A) by adding “and” at the end of sub-
8 paragraph (R),

9 (B) by striking the comma at the end of
10 subparagraph (S) and inserting a period, and

11 (C) by striking subparagraph (V).

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to vehicles purchased, or for which
14 a written binding contract to purchase has been entered
15 into, after the date which is 30 days after the date of en-
16 actment of this Act.

17 **SEC. 5. EXCLUSION OF ELECTRIC VEHICLE RECHARGING**
18 **PROPERTY FROM ALTERNATIVE FUEL VEHI-**
19 **CLE REFUELING PROPERTY CREDIT.**

20 (a) IN GENERAL.—Section 30C of the Internal Rev-
21 enue Code of 1986 is amended—

22 (1) in subsection (c)—

23 (A) in paragraph (1)(B), by striking clause
24 (iii), and

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) EXCLUSION OF ELECTRIC VEHICLE RE-
4 CHARGING PROPERTY.—The term ‘qualified alter-
5 native fuel vehicle refueling property’ shall not in-
6 clude any property for the recharging of motor vehi-
7 cles propelled by electricity.”, and

8 (2) by striking subsection (f).

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to property purchased, or for which
11 a written binding contract to purchase has been entered
12 into, after the date which is 30 days after the date of en-
13 actment of this Act.

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