

118TH CONGRESS
1ST SESSION

S. 756

To amend the Internal Revenue Code of 1986 to expand prohibitions under the clean vehicle credit on battery components manufactured or assembled by corporations associated with foreign entities of concern, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2023

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 expand prohibitions under the clean vehicle credit on battery components manufactured or assembled by corporations associated with foreign entities of concern, 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 “Restricting Electric
5 Vehicle Outlays from Kleptomaniac Enemies Act of 2023”
6 or the “REVOKE Act of 2023”.

1 **SEC. 2. PROHIBITION ON BATTERY COMPONENTS MANU-**
2 **FACTURED OR ASSEMBLED BY CORPORA-**
3 **TIONS ASSOCIATED WITH FOREIGN ENTITIES**
4 **OF CONCERN.**

5 (a) IN GENERAL.—Subparagraph (B) of section
6 30D(d)(7) of the Internal Revenue Code of 1986 is
7 amended by striking “manufactured or assembled by a
8 foreign entity of concern (as so defined).” and inserting
9 the following: “manufactured or assembled by—

10 “(i) a foreign entity of concern (as so
11 defined),

12 “(ii) a domestic corporation which—
13 “(I) is controlled by, operated by,
14 or under the substantial influence of a
15 foreign entity of concern, or

16 “(II) relies on technology pro-
17 vided through a licensing agreement
18 with a foreign entity of concern,

19 “(iii) a foreign corporation—

20 “(I) which is created or orga-
21 nized in a country which is not de-
22 scribed in section 40207(a)(5)(C) of
23 the Infrastructure Investment and
24 Jobs Act (42 U.S.C. 18741(a)(5)(C)),
25 and

26 “(II) which—

1 “(aa) is controlled by, oper-
 2 ated by, or under the substantial
 3 influence of a foreign entity of
 4 concern,

5 “(bb) relies on technology
 6 provided through a licensing
 7 agreement with a foreign entity
 8 of concern, or

9 “(cc) is owned more than 20
 10 percent by 1 or more foreign en-
 11 tities of concern, or

12 “(iv) any member or partner of a
 13 joint venture or partnership in which at
 14 least 1 other member or partner is a for-
 15 eign entity of concern.”.

16 (b) EFFECTIVE DATE.—The amendment made by
 17 this section shall apply to vehicles sold after the date of
 18 enactment of this Act.

19 **SEC. 3. PROHIBITION ON TECHNOLOGY LICENSED FROM**
 20 **CORPORATIONS ASSOCIATED WITH FOREIGN**
 21 **ENTITIES OF CONCERN.**

22 (a) IN GENERAL.—Subparagraph (B) of section
 23 48C(c)(1) of the Internal Revenue Code of 1986 is amend-
 24 ed to read as follows:

1 “(B) EXCEPTION.—Such term shall not in-
2 clude—

3 “(i) any portion of a project for the
4 production of any property which is used
5 in the refining or blending of any transpor-
6 tation fuel (other than renewable fuels), or

7 “(ii) any project which incorporates or
8 utilizes technology provided through a li-
9 censing agreement with an entity described
10 in clauses (i) through (iv) of section
11 30D(d)(7)(B).”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall apply to certifications awarded under
14 section 48C of the Internal Revenue Code of 1986 after
15 the date of enactment of this Act.

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