Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—208

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Conway
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Flood
Flores
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Perry
Pfluger
Posey
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Zeldin

NOT VOTING—3

Gallagher
Kinzinger
Pence

□ 1148

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Amodei (Keller)
Axne (Wexton)
Bacon (Stauber)
Baird (Mooney)
Barr (Guthrie)
Barragán (Blunt Rochester)
Bass (Kuster)
Bentz (Fitzgerald)
Bera (Beyer)
Bonamici (Beyer)
Bost (Miller-Meeks)
Brownley (Kuster)
Buchanan (Franklin, C. Scott)
Bucshon (Banks)
Budd (Donalds)
Bush (Bowman)
Calvert (Valadao)
Cárdenas (Correa)
Carter (TX) (Weber (TX))
Cawthorn (Boebert)
Cherfilus-McCormick (Takano)
Cicilline (Foster)
Cohen (Beyer)
Comer (Guthrie)
Connolly (Beyer)
Cooper (Blunt Rochester)
Crist (Wasserman Schultz)
Curtis (Stewart)
DeFazio (Pallone)
DeGette (Perlmutter)
DeLauro (Courtney)
DeSaulnier (Perlmutter)
DesJarlais (Fleischmann)
Deutch (Rice (NY))
Diaz-Balart (Salazar)
Doggett (Takano)
Doyle, Michael F. (Bowman)
Dunn (Cammack)
Escobar (Garcia (TX))
Fallon (Gohmert)
Flores (Pfluger)
Frankel, Lois (Kuster)
Garbarino (Fleischmann)
Gibbs (Balderson)
Gomez (Correa)
Gonzales, Tony (Gimenez)
Gosar (Reschenthaler)
Gottheimer (Neguse)
Granger (Weber (TX))
Graves (MO) (Guthrie)
Green (TN) (Fleischmann)
Harder (CA) (Beyer)
Hartzler (Tenney)
Herrell (Norman)
Herrera Beutler (Stewart)
Huffman (Beyer)
Jackson (Burgess)
Jacobs (NY) (Fleischmann)
Johnson (GA) (Pallone)
Johnson (SD) (Reschenthaler)
Johnson (TX) (Jeffries)
Joyce (PA) (Keller)
Kahele (Correa)
Keating (Pappas)
Kelly (IL) (Blunt Rochester)
Khanna (Pappas)
Kilmer (Strickland)
Kim (CA) (Miller-Meeks)
Kirkpatrick (Pallone)
Krishnamoorthi (Neguse)
LaHood (Reschenthaler)
LaMalfa (Fleischmann)
Lamborn (Fleischmann)
Langevin (Lynch)
Lawrence (Stevens)
Lawson (FL) (Soto)
Leger Fernandez (Correa)
Lesko (Fleischmann)
Letlow (Tenney)
Levin (MI) (Correa)
Lieu (Takano)
Lucas (Bice (OK))
Luetkemeyer (Meuser)
Manning (Wexton)
Matsui (Eshoo)
McBath (Blunt Rochester)
McEachin (Beyer)
McHenry (Cammack)
McNerney (Correa)
Meng (Kuster)
Miller (WV) (Mooney)
Moore (UT) (Stewart)
Moore (WI) (Beyer)
Moulton (Correa)
Napolitano (Correa)
Nehls (Reschenthaler)
Ocasio-Cortez (Bowman)
Omar (Bowman)
Owens (Donalds)
Palazzo (Fleischmann)
Panetta (Correa)
Payne (Pallone)
Phillips (Pappas)
Pingree (Kuster)
Porter (Wexton)
Pressley (Bowman)
Price (NC) (Butterfield)
Rice (SC) (Gonzalez (OH))
Rodgers (WA) (Bilirakis)
Rogers (KY) (Reschenthaler)
Roybal-Allard (Correa)
Rush (Blunt Rochester)
Sánchez (Perlmutter)
Sarbanes (Ruppersberger)
Schakowsky (Bowman)
Sherman (Beyer)
Sires (Pallone)
Smith (NJ) (Kelly (PA))
Smith (WA) (Courtney)
Steel (Miller-Meeks)
Steube (Franklin, C. Scott)
Suozzi (Perlmutter)
Swalwell (Stevens)
Taylor (Burgess)
Thompson (CA) (Eshoo)
Thompson (PA) (Keller)
Timmons (Donalds)
Titus (Pallone)
Tlaib (Dingell)
Tonko (Pallone)
Torres (NY) (Strickland)
Trahan (Lynch)
Trone (Beyer)
Van Drew (Tenney)
Van Duyne (Babin)
Vargas (Takano)
Wagner (Guthrie)
Walberg (Bergman)
Watson Coleman (Bowman)
Welch (Pallone)
Wenstrup (Guthrie)
Wilson (FL) (Soto)
Wilson (SC) (Duncan)

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 8525

Mr. GIMENEZ. Mr. Speaker, I hereby remove my name as a cosponsor of H.R. 8525.

The SPEAKER pro tempore (Mr. COURTNEY). The gentleman's request is accepted.

## BUILD BACK BETTER ACT

Mr. YARMUTH. Mr. Speaker, pursuant to House Resolution 1316, I call up the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

Strike all after the anacting clause and insert the following:

*TITLE I—COMMITTEE ON FINANCE*

*Subtitle A—Deficit Reduction*

*SEC. 10001. AMENDMENT OF 1986 CODE.*

*Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.*

*PART 1—CORPORATE TAX REFORM*

*SEC. 10101. CORPORATE ALTERNATIVE MINIMUM TAX.*

*I(a) mposition of Tax.—*

*(1) In general.—Paragraph (2) of section 55(b) is amended to read as follows:*

*''(2) Corporations.—*

*''(A) Applicable corporations.—In the case of an applicable corporation, the tentative minimum tax for the taxable year shall be the excess of—*

*''(i) 15 percent of the adjusted financial statement income for the taxable year (as determined under section 56A), over*

*''(ii) the corporate AMT foreign tax credit for the taxable year.*

*''(B) Other corporations.—In the case of any corporation which is not an applicable corporation, the tentative minimum tax for the taxable year shall be zero.''.*

*(2) Applicable corporation.—Section 59 is amended by adding at the end the following new subsection:*

*''(k) APPLICABLE CORPORATION.—For purposes of this part—*

*''(1) APPLICABLE CORPORATION DEFINED.—*

*''(A) IN GENERAL.—The term 'applicable corporation' means, with respect to any taxable year, any corporation (other than an S corporation, a regulated investment company, or a real estate investment trust) which meets the average annual adjusted financial statement income test of subparagraph (B) for one or more taxable years which—*

*''(i) are prior to such taxable year, and*

*''(ii) end after December 31, 2021.*

*''(B) AVERAGE ANNUAL ADJUSTED FINANCIAL STATEMENT INCOME TEST.—For purposes of this subsection—*

*''(i) a corporation meets the average annual adjusted financial statement income test for a taxable year if the average annual adjusted financial statement income of such corporation (determined without regard to section 56A(d)) for the 3-taxable-year period ending with such taxable year exceeds $1,000,000,000, and*

*''(ii) in the case of a corporation described in paragraph (2), such corporation meets the average annual adjusted financial statement income test for a taxable year if—*

*''(I) the corporation meets the requirements of clause (i) for such taxable year (determined after the application of paragraph (2)), and*

*''(II) the average annual adjusted financial statement income of such corporation (determined without regard to the application of paragraph (2) and without regard to section 56A(d)) for the 3-taxable-year-period ending with such taxable year is $100,000,000 or more.*

*''(C) EXCEPTION.—Notwithstanding subparagraph (A), the term 'applicable corporation' shall not include any corporation which otherwise meets the requirements of subparagraph (A) if—*

*''(i) such corporation—*

*''(I) has a change in ownership, or*

*''(II) has a specified number (to be determined by the Secretary and which shall, as appropriate, take into account the facts and circumstances of the taxpayer) of consecutive taxable years, including the most recent taxable*

*year, in which the corporation does not meet the average annual adjusted financial statement income test of subparagraph (B), and*

*''(ii) the Secretary determines that it would not be appropriate to continue to treat such corporation as an applicable corporation.*

*The preceding sentence shall not apply to any corporation if, after the Secretary makes the determination described in clause (ii), such corporation meets the average annual adjusted financial statement income test of subparagraph (B) for any taxable year beginning after the first taxable year for which such determination applies.*

*''(D) SPECIAL RULES FOR DETERMINING APPLICABLE CORPORATION STATUS.—*

*''(i) IN GENERAL.—Solely for purposes of determining whether a corporation is an applicable corporation under this paragraph, all adjusted financial statement income of persons treated as a single employer with such corporation under subsection (a) or (b) of section 52 (determined with the modifications described in clause (ii)) shall be treated as adjusted financial statement income of such corporation, and adjusted financial statement income of such corporation shall be determined without regard to paragraphs (2)(D)(i) and (11) of section 56A(c).*

*''(ii) MODIFICATIONS.—For purposes of this subparagraph—*

*''(I) section 52(a) shall be applied by substituting 'component members' for 'members', and*

*''(II) for purposes of applying section 52(b), the term 'trade or business' shall include any activity treated as a trade or business under paragraph (5) or (6) of section 469(c) (determined without regard to the phrase 'To the extent provided in regulations' in such paragraph (6)).*

*''(iii) COMPONENT MEMBER.—For purposes of this subparagraph, the term 'component member' has the meaning given such term by section 1563(b), except that the determination shall be made without regard to section 1563(b)(2).*

*''(E) OTHER SPECIAL RULES.—*

*''(i) CORPORATIONS IN EXISTENCE FOR LESS THAN 3 YEARS.—If the corporation was in existence for less than 3-taxable years, subparagraph (B) shall be applied on the basis of the period during which such corporation was in existence.*

*''(ii) SHORT TAXABLE YEARS.—Adjusted financial statement income for any taxable year of less than 12 months shall be annualized by multiplying the adjusted financial statement income for the short period by 12 and dividing the result by the number of months in the short period.*

*''(iii) TREATMENT OF PREDECESSORS.—Any reference in this subparagraph to a corporation shall include a reference to any predecessor of such corporation.*

*''(2) SPECIAL RULE FOR FOREIGN-PARENTED MULTINATIONAL GROUPS.—*

*''(A) IN GENERAL.—If a corporation is a member of a foreign-parented multinational group for any taxable year, then, solely for purposes of determining whether such corporation meets the average annual adjusted financial statement income test under paragraph (1)(B)(ii)(I) for such taxable year, the adjusted financial statement income of such corporation for such taxable year shall include the adjusted financial statement income of all members of such group. Solely for purposes of this subparagraph, adjusted financial statement income shall be determined without regard to paragraphs (2)(D)(i), (3), (4), and (11) of section 56A(c).*

*''(B) FOREIGN-PARENTED MULTINATIONAL GROUP.—For purposes of subparagraph (A), the term 'foreign-parented multinational group' means, with respect to any taxable year, two or more entities if—*

*''(i) at least one entity is a domestic corporation and another entity is a foreign corporation,*

*''(ii) such entities are included in the same applicable financial statement with respect to such year, and*

*''(iii) either—*

*''(I) the common parent of such entities is a foreign corporation, or*

*''(II) if there is no common parent, the entities are treated as having a common parent which is a foreign corporation under subparagraph (D).*

*''(C) FOREIGN CORPORATIONS ENGAGED IN A TRADE OR BUSINESS WITHIN THE UNITED STATES.—For purposes of this paragraph, if a foreign corporation is engaged in a trade or business within the United States, such trade or business shall be treated as a separate domestic corporation that is wholly owned by the foreign corporation.*

*''(D) OTHER RULES.—The Secretary shall, applying the principles of this section, prescribe rules for the application of this paragraph, including rules for the determination of—*

*''(i) the entities (if any) which are to be to be treated under subparagraph (B)(iii)(II) as having a common parent which is a foreign corporation,*

*''(ii) the entities to be included in a foreign-parented multinational group, and*

*''(iii) the common parent of a foreign-parented multinational group.*

*''(3) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall provide regulations or other guidance for the purposes of carrying out this subsection, including regulations or other guidance—*

*''(A) providing a simplified method for determining whether a corporation meets the requirements of paragraph (1), and*

*'''(B) addressing the application of this subsection to a corporation that experiences a change in ownership.''.*

*(3) REDUCTION FOR BASE EROSION AND ANTI-ABUSE TAX.—Section 55(a)(2) is amended by inserting ''plus, in the case of an applicable corporation, the tax imposed by section 59A'' before the period at the end.*

*(4) CONFORMING AMENDMENTS.—*

*(A) Section 55(a) is amended by striking ''In the case of a taxpayer other than a corporation, there'' and inserting ''There''.*

*(B)(i) Section 55(b)(1) is amended—*

*(I) by striking so much as precedes subparagraph (A) and inserting the following:*

*''(1) NONCORPORATE TAXPAYERS.—In the case of a taxpayer other than a corporation—'', and*

*(II) by adding at the end the following new subparagraph:*

*''(D) ALTERNATIVE MINIMUM TAXABLE INCOME.—The term 'alternative minimum taxable income' means the taxable income of the taxpayer for the taxable year—*

*''(i) determined with the adjustments provided in section 56 and section 58, and*

*''(ii) increased by the amount of the items of tax preference described in section 57.*

*If a taxpayer is subject to the regular tax, such taxpayer shall be subject to the tax imposed by this section (and, if the regular tax is determined by reference to an amount other than taxable income, such amount shall be treated as the taxable income of such taxpayer for purposes of the preceding sentence).''.*

*(ii) Section 860E(a)(4) is amended by striking ''55(b)(2)'' and inserting ''55(b)(1)(D)''.*

*(iii) Section 897(a)(2)(A)(i) is amended by striking ''55(b)(2)'' and inserting ''55(b)(1)(D)''.*

*(C) Section 11(d) is amended by striking ''the tax imposed by subsection (a)'' and inserting ''the taxes imposed by subsection (a) and section 55''.*

*(D) Section 12 is amended by adding at the end the following new paragraph:*

*''(5) For alternative minimum tax, see section 55.''.*

*(E) Section 882(a)(1) is amended by inserting '', 55,'' after ''section 11''.*

*(F) Section 6425(c)(1)(A) is amended to read as follows:*

*''(A) the sum of—*

*''(i) the tax imposed by section 11 or subchapter L of chapter 1, whichever is applicable, plus*

*''(ii) the tax imposed by section 55, plus*

*''(iii) the tax imposed by section 59A, over''.*

*(G) Section 6655(e)(2) is amended by inserting '', adjusted financial statement income (as defined in section 56A),'' before ''and modified taxable income'' each place it appears in subparagraphs (A)(i) and (B)(i).*

*(H) Section 6655(g)(1)(A) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following new clause:*

*''(ii) the tax imposed by section 55,''.*

*(b) ADJUSTED FINANCIAL STATEMENT INCOME.—*

*(1) IN GENERAL.—Part VI of subchapter A of chapter 1 is amended by inserting after section 56 the following new section:*

***''SEC. 56A. ADJUSTED FINANCIAL STATEMENT INCOME.***

*''(a) IN GENERAL.—For purposes of this part, the term 'adjusted financial statement income' means, with respect to any corporation for any taxable year, the net income or loss of the taxpayer set forth on the taxpayer's applicable financial statement for such taxable year, adjusted as provided in this section.*

*''(b) APPLICABLE FINANCIAL STATEMENT.—For purposes of this section, the term 'applicable financial statement' means, with respect to any taxable year, an applicable financial statement (as defined in section 451(b)(3) or as specified by the Secretary in regulations or other guidance) which covers such taxable year.*

*''(c) GENERAL ADJUSTMENTS.—*

*''(1) STATEMENTS COVERING DIFFERENT TAXABLE YEARS.—Appropriate adjustments shall be made in adjusted financial statement income in any case in which an applicable financial statement covers a period other than the taxable year.*

*''(2) SPECIAL RULES FOR RELATED ENTITIES.—*

*''(A) CONSOLIDATED FINANCIAL STATEMENTS.—If the financial results of a taxpayer are reported on the applicable financial statement for a group of entities, rules similar to the rules of section 451(b)(5) shall apply.*

*''(B) CONSOLIDATED RETURNS.—Except as provided in regulations prescribed by the Secretary, if the taxpayer is part of an affiliated group of corporations filing a consolidated return for any taxable year, adjusted financial statement income for such group for such taxable year shall take into account items on the group's applicable financial statement which are properly allocable to members of such group.*

*''(C) TREATMENT OF DIVIDENDS AND OTHER AMOUNTS.—In the case of any corporation which is not included on a consolidated return with the taxpayer, adjusted financial statement income of the taxpayer with respect to such other corporation shall be determined by only taking into account the dividends received from such other corporation (reduced to the extent provided by the Secretary in regulations or other guidance) and other amounts which are includible in gross income or deductible as a loss under this chapter (other than amounts required to be included under sections 951 and 951A or such other amounts as provided by the Secretary) with respect to such other corporation.*

*''(D) TREATMENT OF PARTNERSHIPS.—*

*''(i) IN GENERAL.—Except as provided by the Secretary, if the taxpayer is a partner in a partnership, adjusted financial statement income of the taxpayer with respect to such partnership shall be adjusted to only take into account the taxpayer's distributive share of adjusted financial statement income of such partnership.*

*''(ii) ADJUSTED FINANCIAL STATEMENT INCOME OF PARTNERSHIPS.—For the purposes of this part, the adjusted financial statement income of a partnership shall be the partnership's net income or loss set forth on such partnership's applicable financial statement (adjusted under rules similar to the rules of this section).*

*''(3) ADJUSTMENTS TO TAKE INTO ACCOUNT CERTAIN ITEMS OF FOREIGN INCOME.—*

*''(A) IN GENERAL.—If, for any taxable year, a taxpayer is a United States shareholder of one*

*or more controlled foreign corporations, the adjusted financial statement income of such taxpayer with respect to such controlled foreign corporation (as determined under paragraph (2)(C)) shall be adjusted to also take into account such taxpayer's pro rata share (determined under rules similar to the rules under section 951(a)(2)) of items taken into account in computing the net income or loss set forth on the applicable financial statement (as adjusted under rules similar to those that apply in determining adjusted financial statement income) of each such controlled foreign corporation with respect to which such taxpayer is a United States shareholder.*

*''(B) NEGATIVE ADJUSTMENTS.—In any case in which the adjustment determined under subparagraph (A) would result in a negative adjustment for such taxable year—*

*''(i) no adjustment shall be made under this paragraph for such taxable year, and*

*''(ii) the amount of the adjustment determined under this paragraph for the succeeding taxable year (determined without regard to this paragraph) shall be reduced by an amount equal to the negative adjustment for such taxable year.*

*''(4) EFFECTIVELY CONNECTED INCOME.—In the case of a foreign corporation, to determine adjusted financial statement income, the principles of section 882 shall apply.*

*''(5) ADJUSTMENTS FOR CERTAIN TAXES.—Adjusted financial statement income shall be appropriately adjusted to disregard any Federal income taxes, or income, war profits, or excess profits taxes (within the meaning of section 901) with respect to a foreign country or possession of the United States, which are taken into account on the taxpayer's applicable financial statement. To the extent provided by the Secretary, the preceding sentence shall not apply to income, war profits, or excess profits taxes (within the meaning of section 901) that are imposed by a foreign country or possession of the United States and taken into account on the taxpayer's applicable financial statement if the taxpayer does not choose to have the benefits of subpart A of part III of subchapter N for the taxable year. The Secretary shall prescribe such regulations or other guidance as may be necessary and appropriate to provide for the proper treatment of current and deferred taxes for purposes of this paragraph, including the time at which such taxes are properly taken into account.*

*''(6) ADJUSTMENT WITH RESPECT TO DISREGARDED ENTITIES.—Adjusted financial statement income shall be adjusted to take into account any adjusted financial statement income of a disregarded entity owned by the taxpayer.*

*''(7) SPECIAL RULE FOR COOPERATIVES.—In the case of a cooperative to which section 1381 applies, the adjusted financial statement income (determined without regard to this paragraph) shall be reduced by the amounts referred to in section 1382(b) (relating to patronage dividends and per-unit retain allocations) to the extent such amounts were not otherwise taken into account in determining adjusted financial statement income.*

*''(8) RULES FOR ALASKA NATIVE CORPORATIONS.—Adjusted financial statement income shall be appropriately adjusted to allow—*

*''(A) cost recovery and depletion attributable to property the basis of which is determined under section 21(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(c)), and*

*''(B) deductions for amounts payable made pursuant to section 7(i) or section 7(j) of such Act (43 U.S.C. 1606(i) and 1606(j)) only at such time as the deductions are allowed for tax purposes.*

*''(9) AMOUNTS ATTRIBUTABLE TO ELECTIONS FOR DIRECT PAYMENT OF CERTAIN CREDITS.—Adjusted financial statement income shall be appropriately adjusted to disregard any amount treated as a payment against the tax imposed by subtitle A pursuant to an election under section 48D(d) or 6417, to the extent such amount was not otherwise taken into account under paragraph (5).*

*''(10) CONSISTENT TREATMENT OF MORTGAGE SERVICING INCOME OF TAXPAYER OTHER THAN A REGULATED INVESTMENT COMPANY.—*

*''(A) IN GENERAL.—Adjusted financial statement income shall be adjusted so as not to include any item of income in connection with a mortgage servicing contract any earlier than when such income is included in gross income under any other provision of this chapter.*

*''(B) RULES FOR AMOUNTS NOT REPRESENTING REASONABLE COMPENSATION.—The Secretary shall provide regulations to prevent the avoidance of taxes imposed by this chapter with respect to amounts not representing reasonable compensation (as determined by the Secretary) with respect to a mortgage servicing contract.*

*''(11) ADJUSTMENT WITH RESPECT TO DEFINED BENEFIT PENSIONS.—*

*''(A) IN GENERAL.—Except as otherwise provided in rules prescribed by the Secretary in regulations or other guidance, adjusted financial statement income shall be—*

*''(i) adjusted to disregard any amount of income, cost, or expense that would otherwise be included on the applicable financial statement in connection with any covered benefit plan,*

*''(ii) increased by any amount of income in connection with any such covered benefit plan that is included in the gross income of the corporation under any other provision of this chapter, and*

*''(iii) reduced by deductions allowed under any other provision of this chapter with respect to any such covered benefit plan.*

*''(B) COVERED BENEFIT PLAN.—For purposes of this paragraph, the term 'covered benefit plan' means—*

*''(i) a defined benefit plan (other than a multiemployer plan described in section 414(f)) if the trust which is part of such plan is an employees' trust described in section 401(a) which is exempt from tax under section 501(a),*

*''(ii) any qualified foreign plan (as defined in section 404A(e)), or*

*''(iii) any other defined benefit plan which provides post-employment benefits other than pension benefits.*

*''(12) TAX-EXEMPT ENTITIES.—In the case of an organization subject to tax under section 511, adjusted financial statement income shall be appropriately adjusted to only take into account any adjusted financial statement income—*

*''(A) of an unrelated trade or business (as defined in section 513) of such organization, or*

*''(B) derived from debt-financed property (as defined in section 514) to the extent that income from such property is treated as unrelated business taxable income.*

*''(13) DEPRECIATION.—Adjusted financial statement income shall be—*

*''(A) reduced by depreciation deductions allowed under section 167 with respect to property to which section 168 applies to the extent of the amount allowed as deductions in computing taxable income for the taxable year, and*

*''(B) appropriately adjusted—*

*''(i) to disregard any amount of depreciation expense that is taken into account on the taxpayer's applicable financial statement with respect to such property, and*

*''(ii) to take into account any other item specified by the Secretary in order to provide that such property is accounted for in the same manner as it is accounted for under this chapter.*

*''(14) QUALIFIED WIRELESS SPECTRUM.—*

*''(A) IN GENERAL.—Adjusted financial statement income shall be—*

*''(i) reduced by amortization deductions allowed under section 197 with respect to qualified wireless spectrum to the extent of the amount allowed as deductions in computing taxable income for the taxable year, and*

*''(ii) appropriately adjusted—*

*''(I) to disregard any amount of amortization expense that is taken into account on the taxpayer's applicable financial statement with respect to such qualified wireless spectrum, and*

*''(II) to take into account any other item specified by the Secretary in order to provide that such qualified wireless spectrum is accounted for in the same manner as it is accounted for under this chapter.*

*''(B) QUALIFIED WIRELESS SPECTRUM.—For purposes of this paragraph, the term 'qualified wireless spectrum' means wireless spectrum which—*

*''(i) is used in the trade or business of a wireless telecommunications carrier, and*

*''(ii) was acquired after December 31, 2007, and before the date of enactment of this section.*

*''(15) SECRETARIAL AUTHORITY TO ADJUST ITEMS.—The Secretary shall issue regulations or other guidance to provide for such adjustments to adjusted financial statement income as the Secretary determines necessary to carry out the purposes of this section, including adjustments—*

*''(A) to prevent the omission or duplication of any item, and*

*''(B) to carry out the principles of part II of subchapter C of this chapter (relating to corporate liquidations), part III of subchapter C of this chapter (relating to corporate organizations and reorganizations), and part II of subchapter K of this chapter (relating to partnership contributions and distributions).*

*''(d) DEDUCTION FOR FINANCIAL STATEMENT NET OPERATING LOSS.—*

*''(1) IN GENERAL.—Adjusted financial statement income (determined after application of subsection (c) and without regard to this subsection) shall be reduced by an amount equal to the lesser of—*

*''(A) the aggregate amount of financial statement net operating loss carryovers to the taxable year, or*

*''(B) 80 percent of adjusted financial statement income computed without regard to the deduction allowable under this subsection.*

*''(2) FINANCIAL STATEMENT NET OPERATING LOSS CARRYOVER.—A financial statement net operating loss for any taxable year shall be a financial statement net operating loss carryover to each taxable year following the taxable year of the loss. The portion of such loss which shall be carried to subsequent taxable years shall be the amount of such loss remaining (if any) after the application of paragraph (1).*

*''(3) FINANCIAL STATEMENT NET OPERATING LOSS DEFINED.—For purposes of this subsection, the term 'financial statement net operating loss' means the amount of the net loss (if any) set forth on the corporation's applicable financial statement (determined after application of subsection (c) and without regard to this subsection) for taxable years ending after December 31, 2019.*

*''(e) REGULATIONS AND OTHER GUIDANCE.—The Secretary shall provide for such regulations and other guidance as necessary to carry out the purposes of this section, including regulations and other guidance relating to the effect of the rules of this section on partnerships with income taken into account by an applicable corporation.''.*

*(2) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter A of chapter 1 is amended by inserting after the item relating to section 56 the following new item:*

*''Sec. 56A. Adjusted financial statement income.''.*

*(c) CORPORATE AMT FOREIGN TAX CREDIT.—Section 59, as amended by this section, is amended by adding at the end the following new subsection:*

*''(l) CORPORATE AMT FOREIGN TAX CREDIT.—*

*''(1) IN GENERAL.—For purposes of this part, if an applicable corporation chooses to have the benefits of subpart A of part III of subchapter N for any taxable year, the corporate AMT foreign tax credit for the taxable year of the applicable corporation is an amount equal to sum of—*

*''(A) the lesser of—*

*''(i) the aggregate of the applicable corporation's pro rata share (as determined under section 56A(c)(3)) of the amount of income, war*

*profits, and excess profits taxes (within the meaning of section 901) imposed by any foreign country or possession of the United States which are—*

*''(I) taken into account on the applicable financial statement of each controlled foreign corporation with respect to which the applicable corporation is a United States shareholder, and*

*''(II) paid or accrued (for Federal income tax purposes) by each such controlled foreign corporation, or*

*''(ii) the product of the amount of the adjustment under section 56A(c)(3) and the percentage specified in section 55(b)(2)(A)(i), and*

*''(B) in the case of an applicable corporation that is a domestic corporation, the amount of income, war profits, and excess profits taxes (within the meaning of section 901) imposed by any foreign country or possession of the United States to the extent such taxes are—*

*''(i) taken into account on the applicable corporation's applicable financial statement, and*

*''(ii) paid or accrued (for Federal income tax purposes) by the applicable corporation.*

*''(2) CARRYOVER OF EXCESS TAX PAID.—For any taxable year for which an applicable corporation chooses to have the benefits of subpart A of part III of subchapter N, the excess of the amount described in paragraph (1)(A)(i) over the amount described in paragraph (1)(A)(ii) shall increase the amount described in paragraph (1)(A)(i) in any of the first 5 succeeding taxable years to the extent not taken into account in a prior taxable year.*

*''(3) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall provide for such regulations or other guidance as is necessary to carry out the purposes of this subsection.''.*

*(d) TREATMENT OF GENERAL BUSINESS CREDIT.—Section 38(c)(6)(E) is amended to read as follows:*

*''(E) CORPORATIONS.—In the case of a corporation—*

*''(i) the first sentence of paragraph (1) shall be applied by substituting '25 percent of the taxpayer's net income tax as exceeds $25,000' for 'the greater of' and all that follows,*

*''(ii) paragraph (2)(A) shall be applied without regard to clause (ii)(I) thereof, and*

*''(iii) paragraph (4)(A) shall be applied without regard to clause (ii)(I) thereof.''.*

*(e) CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—*

*(1) IN GENERAL.—Section 53(e) is amended to read as follows:*

*''(e) APPLICATION TO APPLICABLE CORPORATIONS.—In the case of a corporation—*

*''(1) subsection (b)(1) shall be applied by substituting 'the net minimum tax for all prior taxable years beginning after 2022' for 'the adjusted net minimum tax imposed for all prior taxable years beginning after 1986', and*

*''(2) the amount determined under subsection (c)(1) shall be increased by the amount of tax imposed under section 59A for the taxable year.''.*

*(2) CONFORMING AMENDMENTS.—Section 53(d) is amended—*

*(A) in paragraph (2), by striking '', except that in the case'' and all that follows through ''treated as zero'', and*

*(B) by striking paragraph (3).*

*(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.*

### *PART 2—EXCISE TAX ON REPURCHASE OF CORPORATE STOCK*

#### *SEC. 10201. EXCISE TAX ON REPURCHASE OF CORPORATE STOCK.*

*(a) IN GENERAL.—Subtitle D is amended by inserting after chapter 36 the following new chapter:*

### *''CHAPTER 37—REPURCHASE OF CORPORATE STOCK*



#### *''SEC. 4501. REPURCHASE OF CORPORATE STOCK.*

*''(a) GENERAL RULE.—There is hereby imposed on each covered corporation a tax equal to 1 percent of the fair market value of any stock of the corporation which is repurchased by such corporation during the taxable year.*

*''(b) COVERED CORPORATION.—For purposes of this section, the term 'covered corporation' means any domestic corporation the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)).*

*''(c) REPURCHASE.—For purposes of this section—*

*''(1) IN GENERAL.—The term 'repurchase' means—*

*''(A) a redemption within the meaning of section 317(b) with regard to the stock of a covered corporation, and*

*''(B) any transaction determined by the Secretary to be economically similar to a transaction described in subparagraph (A).*

*''(2) TREATMENT OF PURCHASES BY SPECIFIED AFFILIATES.—*

*''(A) IN GENERAL.—The acquisition of stock of a covered corporation by a specified affiliate of such covered corporation, from a person who is not the covered corporation or a specified affiliate of such covered corporation, shall be treated as a repurchase of the stock of the covered corporation by such covered corporation.*

*''(B) SPECIFIED AFFILIATE.—For purposes of this section, the term 'specified affiliate' means, with respect to any corporation—*

*''(i) any corporation more than 50 percent of the stock of which is owned (by vote or by value), directly or indirectly, by such corporation, and*

*''(ii) any partnership more than 50 percent of the capital interests or profits interests of which is held, directly or indirectly, by such corporation.*

*''(3) ADJUSTMENT.—The amount taken into account under subsection (a) with respect to any stock repurchased by a covered corporation shall be reduced by the fair market value of any stock issued by the covered corporation during the taxable year, including the fair market value of any stock issued or provided to employees of such covered corporation or employees of a specified affiliate of such covered corporation during the taxable year, whether or not such stock is issued or provided in response to the exercise of an option to purchase such stock.*

*''(d) SPECIAL RULES FOR ACQUISITION OF STOCK OF CERTAIN FOREIGN CORPORATIONS.—*

*''(1) IN GENERAL.—In the case of an acquisition of stock of an applicable foreign corporation by a specified affiliate of such corporation (other than a foreign corporation or a foreign partnership (unless such partnership has a domestic entity as a direct or indirect partner)) from a person who is not the applicable foreign corporation or a specified affiliate of such applicable foreign corporation, for purposes of this section—*

*''(A) such specified affiliate shall be treated as a covered corporation with respect to such acquisition,*

*''(B) such acquisition shall be treated as a repurchase of stock of a covered corporation by such covered corporation, and*

*''(C) the adjustment under subsection (c)(3) shall be determined only with respect to stock issued or provided by such specified affiliate to employees of the specified affiliate.*

*''(2) SURROGATE FOREIGN CORPORATIONS.—In the case of a repurchase of stock of a covered surrogate foreign corporation by such covered surrogate foreign corporation, or an acquisition of stock of a covered surrogate foreign corporation by a specified affiliate of such corporation, for purposes of this section—*

*''(A) the expatriated entity with respect to such covered surrogate foreign corporation shall be treated as a covered corporation with respect to such repurchase or acquisition,*

*''(B) such repurchase or acquisition shall be treated as a repurchase of stock of a covered corporation by such covered corporation, and*

*''(C) the adjustment under subsection (c)(3) shall be determined only with respect to stock issued or provided by such expatriated entity to employees of the expatriated entity.*

*''(3) DEFINITIONS.—For purposes of this subsection—*

*''(A) APPLICABLE FOREIGN CORPORATION.—The term 'applicable foreign corporation' means any foreign corporation the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)).*

*''(B) COVERED SURROGATE FOREIGN CORPORATION.—The term 'covered surrogate foreign corporation' means any surrogate foreign corporation (as determined under section 7874(a)(2)(B) by substituting 'September 20, 2021' for 'March 4, 2003' each place it appears) the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)), but only with respect to taxable years which include any portion of the applicable period with respect to such corporation under section 7874(d)(1).*

*''(C) EXPATRIATED ENTITY.—The term 'expatriated entity' has the meaning given such term by section 7874(a)(2)(A).*

*''(e) EXCEPTIONS.—Subsection (a) shall not apply—*

*''(1) to the extent that the repurchase is part of a reorganization (within the meaning of section 368(a)) and no gain or loss is recognized on such repurchase by the shareholder under chapter 1 by reason of such reorganization,*

*''(2) in any case in which the stock repurchased is, or an amount of stock equal to the value of the stock repurchased is, contributed to an employer-sponsored retirement plan, employee stock ownership plan, or similar plan,*

*''(3) in any case in which the total value of the stock repurchased during the taxable year does not exceed $1,000,000,*

*''(4) under regulations prescribed by the Secretary, in cases in which the repurchase is by a dealer in securities in the ordinary course of business,*

*''(5) to repurchases by a regulated investment company (as defined in section 851) or a real estate investment trust, or*

*''(6) to the extent that the repurchase is treated as a dividend for purposes of this title.*

*''(f) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe such regulations and other guidance as are necessary or appropriate to carry out, and to prevent the avoidance of, the purposes of this section, including regulations and other guidance—*

*''(1) to prevent the abuse of the exceptions provided by subsection (e),*

*''(2) to address special classes of stock and preferred stock, and*

*''(3) for the application of the rules under subsection (d).''.*

*(b) TAX NOT DEDUCTIBLE.—Paragraph (6) of section 275(a) is amended by inserting ''37,'' before ''41''.*

*(c) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 36 the following new item:*

*''CHAPTER 37—REPURCHASE OF CORPORATE STOCK''.*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchases (within the meaning of section 4501(c) of the Internal Revenue Code of 1986, as added by this section) of stock after December 31, 2022.*

### *PART 3—FUNDING THE INTERNAL REVENUE SERVICE AND IMPROVING TAXPAYER COMPLIANCE*

#### *SEC. 10301. ENHANCEMENT OF INTERNAL REVENUE SERVICE RESOURCES.*

*IN GENERAL.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022:*

*(1) INTERNAL REVENUE SERVICE.—*

*(A) IN GENERAL.—*

*(i) TAXPAYER SERVICES.—For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,181,500,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.*

*(ii) ENFORCEMENT.—For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations (including investigative technology), to provide digital asset monitoring and compliance activities, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $45,637,400,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.*

*(iii) OPERATIONS SUPPORT.—For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $25,326,400,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.*

*(iv) BUSINESS SYSTEMS MODERNIZATION.—For necessary expenses of the Internal Revenue Service's business systems modernization program, including development of callback technology and other technology to provide a more personalized customer service but not including the operation and maintenance of legacy systems, $4,750,700,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.*

*(B) TASK FORCE TO DESIGN AN IRS-RUN FREE ''DIRECT EFILE'' TAX RETURN SYSTEM.—For necessary expenses of the Internal Revenue Service to deliver to Congress, within nine months following the date of the enactment of this Act, a report on (I) the cost (including options for differential coverage based on taxpayer adjusted gross income and return complexity) of developing and running a free direct efile tax return system, including costs to build and administer each release, with a focus on multi-lingual and mobile-friendly features and safeguards for taxpayer data; (II) taxpayer opinions, expectations, and level of trust, based on surveys, for such a free direct efile system; and (III) the opinions of an independent third-party on the overall feasibility, approach, schedule, cost, organizational design, and Internal Revenue Service capacity to deliver such a direct efile tax return system, $15,000,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.*

*(2) TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration, $403,000,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.*

*(3) OFFICE OF TAX POLICY.—For necessary expenses of the Office of Tax Policy of the Department of the Treasury to carry out functions related to promulgating regulations under the Internal Revenue Code of 1986, $104,533,803, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.*

*(4) UNITED STATES TAX COURT.—For necessary expenses of the United States Tax Court, including contract reporting and other services as authorized by 5 U.S.C. 3109; $153,000,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.*

*(5) TREASURY DEPARTMENTAL OFFICES.—For necessary expenses of the Departmental Offices of the Department of the Treasury to provide for oversight and implementation support for actions by the Internal Revenue Service to implement this Act and the amendments made by this Act, $50,000,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.*

## *Subtitle B—Prescription Drug Pricing Reform*

### *PART 1—LOWERING PRICES THROUGH DRUG PRICE NEGOTIATION*

#### *SEC. 11001. PROVIDING FOR LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.*

*(a) PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.—Title XI of the Social Security Act is amended by adding after section 1184 (42 U.S.C. 1320e–3) the following new part:*

### *''PART E—PRICE NEGOTIATION PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS*

#### *''SEC. 1191. ESTABLISHMENT OF PROGRAM.*

*''(a) IN GENERAL.—The Secretary shall establish a Drug Price Negotiation Program (in this part referred to as the 'program'). Under the program, with respect to each price applicability period, the Secretary shall—*

*''(1) publish a list of selected drugs in accordance with section 1192;*

*''(2) enter into agreements with manufacturers of selected drugs with respect to such period, in accordance with section 1193;*

*''(3) negotiate and, if applicable, renegotiate maximum fair prices for such selected drugs, in accordance with section 1194;*

*''(4) carry out the publication and administrative duties and compliance monitoring in accordance with sections 1195 and 1196.*

*''(b) DEFINITIONS RELATING TO TIMING.—For purposes of this part:*

*''(1) INITIAL PRICE APPLICABILITY YEAR.—The term 'initial price applicability year' means a year (beginning with 2026).*

*''(2) PRICE APPLICABILITY PERIOD.—The term 'price applicability period' means, with respect to a qualifying single source drug, the period beginning with the first initial price applicability year with respect to which such drug is a selected drug and ending with the last year during which the drug is a selected drug.*

*''(3) SELECTED DRUG PUBLICATION DATE.—The term 'selected drug publication date' means, with respect to each initial price applicability year, February 1 of the year that begins 2 years prior to such year.*

*''(4) NEGOTIATION PERIOD.—The term 'negotiation period' means, with respect to an initial price applicability year with respect to a selected drug, the period—*

*''(A) beginning on the sooner of—*

*''(i) the date on which the manufacturer of the drug and the Secretary enter into an agreement under section 1193 with respect to such drug; or*

*''(ii) February 28 following the selected drug publication date with respect to such selected drug; and*

*''(B) ending on November 1 of the year that begins 2 years prior to the initial price applicability year.*

*''(c) OTHER DEFINITIONS.—For purposes of this part:*

*''(1) MANUFACTURER.—The term 'manufacturer' has the meaning given that term in section 1847A(c)(6)(A).*

*''(2) MAXIMUM FAIR PRICE ELIGIBLE INDIVIDUAL.—The term 'maximum fair price eligible individual' means, with respect to a selected drug—*

*''(A) in the case such drug is dispensed to the individual at a pharmacy, by a mail order service, or by another dispenser, an individual who is enrolled in a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title if coverage is provided under such plan for such selected drug; and*

*''(B) in the case such drug is furnished or administered to the individual by a hospital, physician, or other provider of services or supplier, an individual who is enrolled under part B of title XVIII, including an individual who is enrolled in an MA plan under part C of such title, if payment may be made under part B for such selected drug.*

*''(3) MAXIMUM FAIR PRICE.—The term 'maximum fair price' means, with respect to a year during a price applicability period and with respect to a selected drug (as defined in section 1192(c)) with respect to such period, the price negotiated pursuant to section 1194, and updated pursuant to section 1195(b), as applicable, for such drug and year.*

*''(4) REFERENCE PRODUCT.—The term 'reference product' has the meaning given such term in section 351(i) of the Public Health Service Act.*

*''(5) TOTAL EXPENDITURES.—The term 'total expenditures' includes, in the case of expenditures with respect to part D of title XVIII, the total gross covered prescription drug costs (as defined in section 1860D–15(b)(3)). The term 'total expenditures' excludes, in the case of expenditures with respect to part B of such title, expenditures for a drug or biological product that are bundled or packaged into the payment for another service.*

*''(6) UNIT.—The term 'unit' means, with respect to a drug or biological product, the lowest identifiable amount (such as a capsule or tablet, milligram of molecules, or grams) of the drug or biological product that is dispensed or furnished.*

*''(d) TIMING FOR INITIAL PRICE APPLICABILITY YEAR 2026.—Notwithstanding the provisions of this part, in the case of initial price applicability year 2026, the following rules shall apply for purposes of implementing the program:*

*''(1) Subsection (b)(3) shall be applied by substituting 'September 1, 2023' for ', with respect to each initial price applicability year, February 1 of the year that begins 2 years prior to such year'.*

*''(2) Subsection (b)(4) shall be applied—*

*''(A) in subparagraph (A)(ii), by substituting 'October 1, 2023' for 'February 28 following the selected drug publication date with respect to such selected drug'; and*

*''(B) in subparagraph (B), by substituting 'August 1, 2024' for 'November 1 of the year that begins 2 years prior to the initial price applicability year'.*

*''(3) Section 1192 shall be applied—*

*''(A) in subsection (b)(1)(A), by substituting 'during the period beginning on June 1, 2022, and ending on May 31, 2023' for 'during the most recent period of 12 months prior to the selected drug publication date (but ending not later than October 31 of the year prior to the year of such drug publication date), with respect to such year, for which data are available'; and*

''(B) in subsection (d)(1)(A), by substituting 'during the period beginning on June 1, 2022, and ending on May 31, 2023' for 'during the most recent period for which data are available of at least 12 months prior to the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year'.

''(4) Section 1193(a) shall be applied by substituting 'October 1, 2023' for 'February 28 following the selected drug publication date with respect to such selected drug'.

''(5) Section 1194(b)(2) shall be applied—

''(A) in subparagraph (A), by substituting 'October 2, 2023' for 'March 1 of the year of the selected drug publication date, with respect to the selected drug';

''(B) in subparagraph (B), by substituting 'February 1, 2024' for 'the June 1 following the selected drug publication date'; and

''(C) in subparagraph (E), by substituting 'August 1, 2024' for 'the first day of November following the selected drug publication date, with respect to the initial price applicability year '.

''(6) Section 1195(a)(1) shall be applied by substituting 'September 1, 2024' for 'November 30 of the year that is 2 years prior to such initial price applicability year'.

**''SEC. 1192. SELECTION OF NEGOTIATION-ELIGIBLE DRUGS AS SELECTED DRUGS.**

''(a) IN GENERAL.—Not later than the selected drug publication date with respect to an initial price applicability year, in accordance with subsection (b), the Secretary shall select and publish a list of—

''(1) with respect to the initial price applicability year 2026, 10 negotiation-eligible drugs described in subparagraph (A) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year (or, all (if such number is less than 10) such negotiation-eligible drugs with respect to such year);

''(2) with respect to the initial price applicability year 2027, 15 negotiation-eligible drugs described in subparagraph (A) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year (or, all (if such number is less than 15) such negotiation-eligible drugs with respect to such year);

''(3) with respect to the initial price applicability year 2028, 15 negotiation-eligible drugs described in subparagraph (A) or (B) of subsection (d)(1) with respect to such year (or, all (if such number is less than 15) such negotiation-eligible drugs with respect to such year); and

''(4) with respect to the initial price applicability year 2029 or a subsequent year, 20 negotiation-eligible drugs described in subparagraph (A) or (B) of subsection (d)(1), with respect to such year (or, all (if such number is less than 20) such negotiation-eligible drugs with respect to such year).

Subject to subsection (c)(2) and section 1194(f)(5), each drug published on the list pursuant to the previous sentence shall be subject to the negotiation process under section 1194 for the negotiation period with respect to such initial price applicability year (and the renegotiation process under such section as applicable for any subsequent year during the applicable price applicability period).

''(b) SELECTION OF DRUGS.—

''(1) IN GENERAL.—In carrying out subsection (a), subject to paragraph (2), the Secretary shall, with respect to an initial price applicability year, do the following:

''(A) Rank negotiation-eligible drugs described in subsection (d)(1) according to the total expenditures for such drugs under parts B and D of title XVIII, as determined by the Secretary, during the most recent period of 12 months prior to the selected drug publication date (but ending not later than October 31 of the year prior to the year of such drug publication date), with respect to such year, for which data are available, with the negotiation-eligible drugs with the highest total expenditures being ranked the highest.

''(B) Select from such ranked drugs with respect to such year the negotiation-eligible drugs with the highest such rankings.

''(2) HIGH SPEND PART D DRUGS FOR 2026 AND 2027.—With respect to the initial price applicability year 2026 and with respect to the initial price applicability year 2027, the Secretary shall apply paragraph (1) as if the reference to 'negotiation-eligible drugs described in subsection (d)(1)' were a reference to 'negotiation-eligible drugs described in subsection (d)(1)(A)' and as if the reference to 'total expenditures for such drugs under parts B and D of title XVIII' were a reference to 'total expenditures for such drugs under part D of title XVIII'.

''(c) SELECTED DRUG.—

''(1) IN GENERAL.—For purposes of this part, in accordance with subsection (e)(2) and subject to paragraph (2), each negotiation-eligible drug included on the list published under subsection (a) with respect to an initial price applicability year shall be referred to as a 'selected drug' with respect to such year and each subsequent year beginning before the first year that begins at least 9 months after the date on which the Secretary determines at least one drug or biological product—

''(A) is approved or licensed (as applicable)—

''(i) under section 505(j) of the Federal Food, Drug, and Cosmetic Act using such drug as the listed drug; or

''(ii) under section 351(k) of the Public Health Service Act using such drug as the reference product; and

''(B) is marketed pursuant to such approval or licensure.

''(2) CLARIFICATION.—A negotiation-eligible drug—

''(A) that is included on the list published under subsection (a) with respect to an initial price applicability year; and

''(B) for which the Secretary makes a determination described in paragraph (1) before or during the negotiation period with respect to such initial price applicability year;

shall not be subject to the negotiation process under section 1194 with respect to such negotiation period and shall continue to be considered a selected drug under this part with respect to the number of negotiation-eligible drugs published on the list under subsection (a) with respect to such initial price applicability year.

''(d) NEGOTIATION-ELIGIBLE DRUG.—

''(1) IN GENERAL.—For purposes of this part, subject to paragraph (2), the term 'negotiation-eligible drug' means, with respect to the selected drug publication date with respect to an initial price applicability year, a qualifying single source drug, as defined in subsection (e), that is described in either of the following subparagraphs (or, with respect to the initial price applicability year 2026 or 2027, that is described in subparagraph (A)):

''(A) PART D HIGH SPEND DRUGS.—The qualifying single source drug is, determined in accordance with subsection (e)(2), among the 50 qualifying single source drugs with the highest total expenditures under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3), during the most recent 12-month period for which data are available prior to such selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date).

''(B) PART B HIGH SPEND DRUGS.—The qualifying single source drug is, determined in accordance with subsection (e)(2), among the 50 qualifying single source drugs with the highest total expenditures under part B of title XVIII, as determined by the Secretary in accordance with paragraph (3), during such most recent 12-month period, as described in subparagraph (A).

''(2) EXCEPTION FOR SMALL BIOTECH DRUGS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the term 'negotiation-eligible drug' shall not include, with respect to the initial price applicability years 2026, 2027, and 2028, a qualifying single source drug that meets either of the following:

''(i) PART D DRUGS.—The total expenditures for the qualifying single source drug under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3)(B), during 2021—

''(I) are equal to or less than 1 percent of the total expenditures under such part D, as so determined, for all covered part D drugs (as defined in section 1860D–2(e)) during such year; and

''(II) are equal to at least 80 percent of the total expenditures under such part D, as so determined, for all covered part D drugs for which the manufacturer of the drug has an agreement in effect under section 1860D–14A during such year.

''(ii) PART B DRUGS.—The total expenditures for the qualifying single source drug under part B of title XVIII, as determined by the Secretary in accordance with paragraph (3)(B), during 2021—

''(I) are equal to or less than 1 percent of the total expenditures under such part B, as so determined, for all qualifying single source drugs for which payment may be made under such part B during such year; and

''(II) are equal to at least 80 percent of the total expenditures under such part B, as so determined, for all qualifying single source drugs of the manufacturer for which payment may be made under such part B during such year.

''(B) CLARIFICATIONS RELATING TO MANUFACTURERS.—

''(i) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this paragraph.

''(ii) LIMITATION.—A drug shall not be considered to be a qualifying single source drug described in clause (i) or (ii) of subparagraph (A) if the manufacturer of such drug is acquired after 2021 by another manufacturer that does not meet the definition of a specified manufacturer under section 1860D–14C(g)(4)(B)(ii), effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

''(C) DRUGS NOT INCLUDED AS SMALL BIOTECH DRUGS.—A new formulation, such as an extended release formulation, of a qualifying single source drug shall not be considered a qualifying single source drug described in subparagraph (A).

''(3) CLARIFICATIONS AND DETERMINATIONS.—

''(A) PREVIOUSLY SELECTED DRUGS AND SMALL BIOTECH DRUGS EXCLUDED.—In applying subparagraphs (A) and (B) of paragraph (1), the Secretary shall not consider or count—

''(i) drugs that are already selected drugs; and

''(ii) for initial price applicability years 2026, 2027, and 2028, qualifying single source drugs described in paragraph (2)(A).

''(B) USE OF DATA.—In determining whether a qualifying single source drug satisfies any of the criteria described in paragraph (1) or (2), the Secretary shall use data that is aggregated across dosage forms and strengths of the drug, including new formulations of the drug, such as an extended release formulation, and not based on the specific formulation or package size or package type of the drug.

''(e) QUALIFYING SINGLE SOURCE DRUG.—

''(1) IN GENERAL.—For purposes of this part, the term 'qualifying single source drug' means, with respect to an initial price applicability year, subject to paragraphs (2) and (3), a covered part D drug (as defined in section 1860D–2(e)) that is described in any of the following or a drug or biological product for which payment may be made under part B of title XVIII that is described in any of the following:

''(A) DRUG PRODUCTS.—A drug—

''(i) that is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act and is marketed pursuant to such approval;

''(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 7 years will have elapsed since the date of such approval; and

''(iii) that is not the listed drug for any drug that is approved and marketed under section 505(j) of such Act.

''(B) BIOLOGICAL PRODUCTS.—A biological product—

''(i) that is licensed under section 351(a) of the Public Health Service Act and is marketed under section 351 of such Act;

''(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 11 years will have elapsed since the date of such licensure; and

''(iii) that is not the reference product for any biological product that is licensed and marketed under section 351(k) of such Act.

''(2) TREATMENT OF AUTHORIZED GENERIC DRUGS.—

''(A) IN GENERAL.—In the case of a qualifying single source drug described in subparagraph (A) or (B) of paragraph (1) that is the listed drug (as such term is used in section 505(j) of the Federal Food, Drug, and Cosmetic Act) or a product described in clause (ii) of subparagraph (B), with respect to an authorized generic drug, in applying the provisions of this part, such authorized generic drug and such listed drug or such product shall be treated as the same qualifying single source drug.

''(B) AUTHORIZED GENERIC DRUG DEFINED.—For purposes of this paragraph, the term 'authorized generic drug' means—

''(i) in the case of a drug, an authorized generic drug (as such term is defined in section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act); and

''(ii) in the case of a biological product, a product that—

''(I) has been licensed under section 351(a) of such Act; and

''(II) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the reference product in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the reference product.

''(3) EXCLUSIONS.—In this part, the term 'qualifying single source drug' does not include any of the following:

''(A) CERTAIN ORPHAN DRUGS.—A drug that is designated as a drug for only one rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act and for which the only approved indication (or indications) is for such disease or condition.

''(B) LOW SPEND MEDICARE DRUGS.—A drug or biological product with respect to which the total expenditures under parts B and D of title XVIII, as determined by the Secretary in accordance with subsection (d)(3)(B)—

''(i) with respect to initial price applicability year 2026, is less than, during the period beginning on June 1, 2022, and ending on May 31, 2023, $200,000,000;

''(ii) with respect to initial price applicability year 2027, is less than, during the most recent 12-month period applicable under subparagraphs (A) and (B) of subsection (d)(1) for such year, the dollar amount specified in clause (i) increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the period beginning on June 1, 2023, and ending on September 30, 2024; or

''(iii) with respect to a subsequent initial price applicability year, is less than, during the most recent 12-month period applicable under subparagraphs (A) and (B) of subsection (d)(1) for such year, the dollar amount specified in this subparagraph for the previous initial price applicability year increased by the annual percentage increase in such consumer price index for the 12-month period ending on September 30 of the year prior to the year of the selected drug publication date with respect to such subsequent initial price applicability year.

''(C) PLASMA-DERIVED PRODUCTS.—A biological product that is derived from human whole blood or plasma.

**''SEC. 1193. MANUFACTURER AGREEMENTS.**

''(a) IN GENERAL.—For purposes of section 1191(a)(2), the Secretary shall enter into agreements with manufacturers of selected drugs with respect to a price applicability period, by not later than February 28 following the selected drug publication date with respect to such selected drug, under which—

''(1) during the negotiation period for the initial price applicability year for the selected drug, the Secretary and the manufacturer, in accordance with section 1194, negotiate to determine (and, by not later than the last date of such period, agree to) a maximum fair price for such selected drug of the manufacturer in order for the manufacturer to provide access to such price—

''(A) to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(2) and are dispensed such drug (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs) during, subject to paragraph (2), the price applicability period; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during, subject to paragraph (2), the price applicability period;

''(2) the Secretary and the manufacturer shall, in accordance with section 1194, renegotiate (and, by not later than the last date of the period of renegotiation, agree to) the maximum fair price for such drug, in order for the manufacturer to provide access to such maximum fair price (as so renegotiated)—

''(A) to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(2) and are dispensed such drug (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs) during any year during the price applicability period (beginning after such renegotiation) with respect to such selected drug; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during any year described in subparagraph (A);

''(3) subject to subsection (d), access to the maximum fair price (including as renegotiated pursuant to paragraph (2)), with respect to such a selected drug, shall be provided by the manufacturer to—

''(A) maximum fair price eligible individuals, who with respect to such drug are described in subparagraph (A) of section 1191(c)(2), at the pharmacy, mail order service, or other dispenser at the point-of-sale of such drug (and shall be provided by the manufacturer to the pharmacy, mail order service, or other dispenser, with respect to such maximum fair price eligible individuals who are dispensed such drugs), as described in paragraph (1)(A) or (2)(A), as applicable; and

''(B) hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug, as described in paragraph (1)(B) or (2)(B), as applicable;

''(4) the manufacturer submits to the Secretary, in a form and manner specified by the Secretary, for the negotiation period for the price applicability period (and, if applicable, before any period of renegotiation pursuant to section 1194(f)) with respect to such drug—

''(A) information on the non-Federal average manufacturer price (as defined in section 8126(h)(5) of title 38, United States Code) for the drug for the applicable year or period; and

''(B) information that the Secretary requires to carry out the negotiation (or renegotiation process) under this part; and

''(5) the manufacturer complies with requirements determined by the Secretary to be necessary for purposes of administering the program and monitoring compliance with the program.

''(b) AGREEMENT IN EFFECT UNTIL DRUG IS NO LONGER A SELECTED DRUG.—An agreement entered into under this section shall be effective, with respect to a selected drug, until such drug is no longer considered a selected drug under section 1192(c).

''(c) CONFIDENTIALITY OF INFORMATION.—Information submitted to the Secretary under this part by a manufacturer of a selected drug that is proprietary information of such manufacturer (as determined by the Secretary) shall be used only by the Secretary or disclosed to and used by the Comptroller General of the United States for purposes of carrying out this part.

''(d) NONDUPLICATION WITH 340B CEILING PRICE.—Under an agreement entered into under this section, the manufacturer of a selected drug—

''(1) shall not be required to provide access to the maximum fair price under subsection (a)(3), with respect to such selected drug and maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such selected drug at a covered entity described in section 340B(a)(4) of the Public Health Service Act, to such covered entity if such selected drug is subject to an agreement described in section 340B(a)(1) of such Act and the ceiling price (defined in section 340B(a)(1) of such Act) is lower than the maximum fair price for such selected drug; and

''(2) shall be required to provide access to the maximum fair price to such covered entity with respect to maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such selected drug at such entity at such ceiling price in a nonduplicated amount to the ceiling price if such maximum fair price is below the ceiling price for such selected drug.

**''SEC. 1194. NEGOTIATION AND RENEGOTIATION PROCESS.**

''(a) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug (or selected drugs), with respect to the period for which such agreement is in effect and in accordance with subsections (b), (c), and (d), the Secretary and the manufacturer—

''(1) shall during the negotiation period with respect to such drug, in accordance with this section, negotiate a maximum fair price for such drug for the purpose described in section 1193(a)(1); and

''(2) renegotiate, in accordance with the process specified pursuant to subsection (f), such maximum fair price for such drug for the purpose described in section 1193(a)(2) if such drug is a renegotiation-eligible drug under such subsection.

''(b) NEGOTIATION PROCESS REQUIREMENTS.—

''(1) METHODOLOGY AND PROCESS.—The Secretary shall develop and use a consistent methodology and process, in accordance with paragraph (2), for negotiations under subsection (a) that aims to achieve the lowest maximum fair price for each selected drug.

''(2) SPECIFIC ELEMENTS OF NEGOTIATION PROCESS.—As part of the negotiation process under this section, with respect to a selected drug and the negotiation period with respect to the initial price applicability year with respect to such drug, the following shall apply:

''(A) SUBMISSION OF INFORMATION.—Not later than March 1 of the year of the selected drug publication date, with respect to the selected drug, the manufacturer of the drug shall submit to the Secretary, in accordance with section 1193(a)(4), the information described in such section.

''(B) INITIAL OFFER BY SECRETARY.—Not later than the June 1 following the selected drug publication date, the Secretary shall provide the manufacturer of the selected drug with a written initial offer that contains the Secretary's proposal for the maximum fair price of the drug and a concise justification based on the factors described in section 1194(e) that were used in developing such offer.

''(C) RESPONSE TO INITIAL OFFER.—

''(i) IN GENERAL.—Not later than 30 days after the date of receipt of an initial offer under subparagraph (B), the manufacturer shall either accept such offer or propose a counteroffer to such offer.

''(ii) COUNTEROFFER REQUIREMENTS.—If a manufacturer proposes a counteroffer, such counteroffer—

''(I) shall be in writing; and

''(II) shall be justified based on the factors described in subsection (e).

''(D) RESPONSE TO COUNTEROFFER.—After receiving a counteroffer under subparagraph (C), the Secretary shall respond in writing to such counteroffer.

''(E) DEADLINE.—All negotiations between the Secretary and the manufacturer of the selected drug shall end prior to the first day of November following the selected drug publication date, with respect to the initial price applicability year.

''(F) LIMITATIONS ON OFFER AMOUNT.—In negotiating the maximum fair price of a selected drug, with respect to the initial price applicability year for the selected drug, and, as applicable, in renegotiating the maximum fair price for such drug, with respect to a subsequent year during the price applicability period for such drug, the Secretary shall not offer (or agree to a counteroffer for) a maximum fair price for the selected drug that—

''(i) exceeds the ceiling determined under subsection (c) for the selected drug and year; or

''(ii) as applicable, is less than the floor determined under subsection (d) for the selected drug and year.

''(c) CEILING FOR MAXIMUM FAIR PRICE.—

''(1) GENERAL CEILING.—

''(A) IN GENERAL.—The maximum fair price negotiated under this section for a selected drug, with respect to the first initial price applicability year of the price applicability period with respect to such drug, shall not exceed the lower of the amount under subparagraph (B) or the amount under subparagraph (C).

''(B) SUBPARAGRAPH (B) AMOUNT.—An amount equal to the following:

''(i) COVERED PART D DRUG.—In the case of a covered part D drug (as defined in section 1860D–2(e)), the sum of the plan specific enrollment weighted amounts for each prescription drug plan or MA–PD plan (as determined under paragraph (2)).

''(ii) PART B DRUG OR BIOLOGICAL.—In the case of a drug or biological product for which payment may be made under part B of title XVIII, the payment amount under section 1847A(b)(4) for the drug or biological product for the year prior to the year of the selected drug publication date with respect to the initial price applicability year for the drug or biological product.

''(C) SUBPARAGRAPH (C) AMOUNT.—An amount equal to the applicable percent described in paragraph (3), with respect to such drug, of the following:

''(i) INITIAL PRICE APPLICABILITY YEAR 2026.—In the case of a selected drug with respect to which such initial price applicability year is 2026, the average non-Federal average manufacturer price for such drug for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such drug for 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the year of the selected drug publication date with respect to such initial price applicability year.

''(ii) INITIAL PRICE APPLICABILITY YEAR 2027 AND SUBSEQUENT YEARS.—In the case of a selected drug with respect to which such initial price applicability year is 2027 or a subsequent year, the lower of—

''(I) the average non-Federal average manufacturer price for such drug for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such drug for 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the year of the selected drug publication date with respect to such initial price applicability year; or

''(II) the average non-Federal average manufacturer price for such drug for the year prior to the selected drug publication date with respect to such initial price applicability year.

''(2) PLAN SPECIFIC ENROLLMENT WEIGHTED AMOUNT.—For purposes of paragraph (1)(B)(i), the plan specific enrollment weighted amount for a prescription drug plan or an MA–PD plan with respect to a covered Part D drug is an amount equal to the product of—

''(A) the negotiated price of the drug under such plan under part D of title XVIII, net of all price concessions received by such plan or pharmacy benefit managers on behalf of such plan, for the most recent year for which data is available; and

''(B) a fraction—

''(i) the numerator of which is the total number of individuals enrolled in such plan in such year; and

''(ii) the denominator of which is the total number of individuals enrolled in a prescription drug plan or an MA–PD plan in such year.

''(3) APPLICABLE PERCENT DESCRIBED.—For purposes of this subsection, the applicable percent described in this paragraph is the following:

''(A) SHORT-MONOPOLY DRUGS AND VACCINES.—With respect to a selected drug (other than an extended-monopoly drug and a long-monopoly drug), 75 percent.

''(B) EXTENDED-MONOPOLY DRUGS.—With respect to an extended-monopoly drug, 65 percent.

''(C) LONG-MONOPOLY DRUGS.—With respect to a long-monopoly drug, 40 percent.

''(4) EXTENDED-MONOPOLY DRUG DEFINED.—

''(A) IN GENERAL.—In this part, subject to subparagraph (B), the term 'extended-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which at least 12 years, but fewer than 16 years, have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

''(B) EXCLUSIONS.—The term 'extended-monopoly drug' shall not include any of the following:

''(i) A vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to such section.

''(ii) A selected drug for which a manufacturer had an agreement under this part with the Secretary with respect to an initial price applicability year that is before 2030.

''(C) CLARIFICATION.—Nothing in subparagraph (B)(ii) shall limit the transition of a selected drug described in paragraph (3)(A) to a long-monopoly drug if the selected drug meets the definition of a long-monopoly drug.

''(5) LONG-MONOPOLY DRUG DEFINED.—

''(A) IN GENERAL.—In this part, subject to subparagraph (B), the term 'long-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which at least 16 years have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

''(B) EXCLUSION.—The term 'long-monopoly drug' shall not include a vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to such section.

''(6) AVERAGE NON-FEDERAL AVERAGE MANUFACTURER PRICE.—In this part, the term 'average non-Federal average manufacturer price' means the average of the non-Federal average manufacturer price (as defined in section 8126(h)(5) of title 38, United States Code) for the 4 calendar quarters of the year involved.

''(d) TEMPORARY FLOOR FOR SMALL BIOTECH DRUGS.—In the case of a selected drug that is a qualifying single source drug described in section 1192(d)(2) and with respect to which the first initial price applicability year of the price applicability period with respect to such drug is 2029 or 2030, the maximum fair price negotiated under this section for such drug for such initial price applicability year may not be less than 66 percent of the average non-Federal average manufacturer price for such drug (as defined in subsection (c)(6)) for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such drug for 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the selected drug publication date with respect to the initial price applicability year.

''(e) FACTORS.—For purposes of negotiating the maximum fair price of a selected drug under this part with the manufacturer of the drug, the Secretary shall consider the following factors, as applicable to the drug, as the basis for determining the offers and counteroffers under subsection (b) for the drug:

''(1) MANUFACTURER-SPECIFIC DATA.—The following data, with respect to such selected drug, as submitted by the manufacturer:

''(A) Research and development costs of the manufacturer for the drug and the extent to which the manufacturer has recouped research and development costs.

''(B) Current unit costs of production and distribution of the drug.

''(C) Prior Federal financial support for novel therapeutic discovery and development with respect to the drug.

''(D) Data on pending and approved patent applications, exclusivities recognized by the Food and Drug Administration, and applications and approvals under section 505(c) of the Federal Food, Drug, and Cosmetic Act or section 351(a) of the Public Health Service Act for the drug.

''(E) Market data and revenue and sales volume data for the drug in the United States.

''(2) EVIDENCE ABOUT ALTERNATIVE TREATMENTS.—The following evidence, as available, with respect to such selected drug and therapeutic alternatives to such drug:

''(A) The extent to which such drug represents a therapeutic advance as compared to existing therapeutic alternatives and the costs of such existing therapeutic alternatives.

''(B) Prescribing information approved by the Food and Drug Administration for such drug and therapeutic alternatives to such drug.

''(C) Comparative effectiveness of such drug and therapeutic alternatives to such drug, taking into consideration the effects of such drug

*and therapeutic alternatives to such drug on specific populations, such as individuals with disabilities, the elderly, the terminally ill, children, and other patient populations.*

*''(D) The extent to which such drug and therapeutic alternatives to such drug address unmet medical needs for a condition for which treatment or diagnosis is not addressed adequately by available therapy.*

*In using evidence described in subparagraph (C), the Secretary shall not use evidence from comparative clinical effectiveness research in a manner that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill.*

*''(f) RENEGOTIATION PROCESS.—*

*''(1) IN GENERAL.—In the case of a renegotiation-eligible drug (as defined in paragraph (2)) that is selected under paragraph (3), the Secretary shall provide for a process of renegotiation (for years (beginning with 2028) during the price applicability period, with respect to such drug) of the maximum fair price for such drug consistent with paragraph (4).*

*''(2) RENEGOTIATION-ELIGIBLE DRUG DEFINED.—In this section, the term 'renegotiation-eligible drug' means a selected drug that is any of the following:*

*''(A) ADDITION OF NEW INDICATION.—A selected drug for which a new indication is added to the drug.*

*''(B) CHANGE OF STATUS TO AN EXTENDED-MONOPOLY DRUG.—A selected drug that—*

*''(i) is not an extended-monopoly or a long-monopoly drug; and*

*''(ii) for which there is a change in status to that of an extended-monopoly drug.*

*''(C) CHANGE OF STATUS TO A LONG-MONOPOLY DRUG.—A selected drug that—*

*''(i) is not a long-monopoly drug; and*

*''(ii) for which there is a change in status to that of a long-monopoly drug.*

*''(D) MATERIAL CHANGES.—A selected drug for which the Secretary determines there has been a material change of any of the factors described in paragraph (1) or (2) of subsection (e).*

*''(3) SELECTION OF DRUGS FOR RENEGOTIATION.—For each year (beginning with 2028), the Secretary shall select among renegotiation-eligible drugs for renegotiation as follows:*

*''(A) ALL EXTENDED-MONOPOLY NEGOTIATION-ELIGIBLE DRUGS.—The Secretary shall select all renegotiation-eligible drugs described in paragraph (2)(B).*

*''(B) ALL LONG-MONOPOLY NEGOTIATION-ELIGIBLE DRUGS.—The Secretary shall select all renegotiation-eligible drugs described in paragraph (2)(C).*

*''(C) REMAINING DRUGS.—Among the remaining renegotiation-eligible drugs described in subparagraphs (A) and (D) of paragraph (2), the Secretary shall select renegotiation-eligible drugs for which the Secretary expects renegotiation is likely to result in a significant change in the maximum fair price otherwise negotiated.*

*''(4) RENEGOTIATION PROCESS.—*

*''(A) IN GENERAL.—The Secretary shall specify the process for renegotiation of maximum fair prices with the manufacturer of a renegotiation-eligible drug selected for renegotiation under this subsection.*

*''(B) CONSISTENT WITH NEGOTIATION PROCESS.—The process specified under subparagraph (A) shall, to the extent practicable, be consistent with the methodology and process established under subsection (b) and in accordance with subsections (c), (d), and (e), and for purposes of applying subsections (c)(1)(A) and (d), the reference to the first initial price applicability year of the price applicability period with respect to such drug shall be treated as the first initial price applicability year of such period for which the maximum fair price established pursuant to such renegotiation applies, including for applying subsection (c)(3)(B) in the case of renegotiation-eligible drugs described in paragraph (3)(A) of this subsection and subsection (c)(3)(C) in the case of renegotiation-eligible drugs described in paragraph (3)(B) of this subsection.*

*''(5) CLARIFICATION.—A renegotiation-eligible drug for which the Secretary makes a determination described in section 1192(c)(1) before or during the period of renegotiation shall not be subject to the renegotiation process under this section.*

*''(g) CLARIFICATION.—The maximum fair price for a selected drug described in subparagraph (A) or (B) of paragraph (1) shall take effect no later than the first day of the first calendar quarter that begins after the date described in subparagraph (A) or (B), as applicable.*

***''SEC. 1195. PUBLICATION OF MAXIMUM FAIR PRICES.***

*''(a) IN GENERAL.—With respect to an initial price applicability year and a selected drug with respect to such year—*

*''(1) not later than November 30 of the year that is 2 years prior to such initial price applicability year, the Secretary shall publish the maximum fair price for such drug negotiated with the manufacturer of such drug under this part; and*

*''(2) not later than March 1 of the year prior to such initial price applicability year, the Secretary shall publish, subject to section 1193(c), the explanation for the maximum fair price with respect to the factors as applied under section 1194(e) for such drug described in paragraph (1).*

*''(b) UPDATES.—*

*''(1) SUBSEQUENT YEAR MAXIMUM FAIR PRICES.—For a selected drug, for each year subsequent to the first initial price applicability year of the price applicability period with respect to such drug, with respect to which an agreement for such drug is in effect under section 1193, not later than November 30 of the year that is 2 years prior to such subsequent year, the Secretary shall publish the maximum fair price applicable to such drug and year, which shall be—*

*''(A) subject to subparagraph (B), the amount equal to the maximum fair price published for such drug for the previous year, increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with the July immediately preceding such November 30; or*

*''(B) in the case the maximum fair price for such drug was renegotiated, for the first year for which such price as so renegotiated applies, such renegotiated maximum fair price.*

*''(2) PRICES NEGOTIATED AFTER DEADLINE.—In the case of a selected drug with respect to an initial price applicability year for which the maximum fair price is determined under this part after the date of publication under this section, the Secretary shall publish such maximum fair price by not later than 30 days after the date such maximum price is so determined.*

***''SEC. 1196. ADMINISTRATIVE DUTIES AND COMPLIANCE MONITORING.***

*''(a) ADMINISTRATIVE DUTIES.—For purposes of section 1191(a)(4), the administrative duties described in this section are the following:*

*''(1) The establishment of procedures to ensure that the maximum fair price for a selected drug is applied before—*

*''(A) any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of maximum fair price eligible individuals; and*

*''(B) any other discounts.*

*''(2) The establishment of procedures to compute and apply the maximum fair price across different strengths and dosage forms of a selected drug and not based on the specific formulation or package size or package type of such drug.*

*''(3) The establishment of procedures to carry out the provisions of this part, as applicable, with respect to—*

*''(A) maximum fair price eligible individuals who are enrolled in a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title; and*

*''(B) maximum fair price eligible individuals who are enrolled under part B of such title, including who are enrolled in an MA plan under part C of such title.*

*''(4) The establishment of a negotiation process and renegotiation process in accordance with section 1194.*

*''(5) The establishment of a process for manufacturers to submit information described in section 1194(b)(2)(A).*

*''(6) The sharing with the Secretary of the Treasury of such information as is necessary to determine the tax imposed by section 5000D of the Internal Revenue Code of 1986, including the application of such tax to a manufacturer, producer, or importer or the determination of any date described in section 5000D(c)(1) of such Code. For purposes of the preceding sentence, such information shall include—*

*''(A) the date on which the Secretary receives notification of any termination of an agreement under the Medicare coverage gap discount program under section 1860D-14A and the date on which any subsequent agreement under such program is entered into;*

*''(B) the date on which the Secretary receives notification of any termination of an agreement under the manufacturer discount program under section 1860D-14C and the date on which any subsequent agreement under such program is entered into; and*

*''(C) the date on which the Secretary receives notification of any termination of a rebate agreement described in section 1927(b) and the date on which any subsequent rebate agreement described in such section is entered into.*

*''(7) The establishment of procedures for purposes of applying section 1192(d)(2)(B).*

*''(b) COMPLIANCE MONITORING.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under section 1193 and establish a mechanism through which violations of such terms shall be reported.*

***''SEC. 1197. CIVIL MONETARY PENALTIES.***

*''(a) VIOLATIONS RELATING TO OFFERING OF MAXIMUM FAIR PRICE.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a year during the price applicability period with respect to such drug, that does not provide access to a price that is equal to or less than the maximum fair price for such drug for such year—*

*''(1) to a maximum fair price eligible individual who with respect to such drug is described in subparagraph (A) of section 1191(c)(2) and who is dispensed such drug during such year (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs); or*

*''(2) to a hospital, physician, or other provider of services or supplier with respect to maximum fair price eligible individuals who with respect to such drug is described in subparagraph (B) of such section and is furnished or administered such drug by such hospital, physician, or provider or supplier during such year;*

*shall be subject to a civil monetary penalty equal to ten times the amount equal to the product of the number of units of such drug so furnished, dispensed, or administered during such year and the difference between the price for such drug made available for such year by such manufacturer with respect to such individual or hospital, physician, provider of services, or supplier and the maximum fair price for such drug for such year.*

*''(b) VIOLATIONS OF CERTAIN TERMS OF AGREEMENT.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a year during the price applicability period with respect to such drug, that is in violation of a requirement imposed pursuant to section 1193(a)(5), including*

*the requirement to submit information pursuant to section 1193(a)(4), shall be subject to a civil monetary penalty equal to $1,000,000 for each day of such violation.*

*''(c) FALSE INFORMATION.—Any manufacturer that knowingly provides false information pursuant to section 1196(a)(7) shall be subject to a civil monetary penalty equal to $100,000,000 for each item of such false information.*

*''(d) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).*

***''SEC. 1198. LIMITATION ON ADMINISTRATIVE AND JUDICIAL REVIEW.***

*''There shall be no administrative or judicial review of any of the following:*

*''(1) The determination of a unit, with respect to a drug or biological product, pursuant to section 1191(c)(6).*

*''(2) The selection of drugs under section 1192(b), the determination of negotiation-eligible drugs under section 1192(d), and the determination of qualifying single source drugs under section 1192(e).*

*''(3) The determination of a maximum fair price under subsection (b) or (f) of section 1194.*

*''(4) The determination of renegotiation-eligible drugs under section 1194(f)(2) and the selection of renegotiation-eligible drugs under section 1194(f)(3).''.*

*(b) APPLICATION OF MAXIMUM FAIR PRICES AND CONFORMING AMENDMENTS.—*

*(1) UNDER MEDICARE.—*

*(A) APPLICATION TO PAYMENTS UNDER PART B.—Section 1847A(b)(1)(B) of the Social Security Act (42 U.S.C. 1395w–3a(b)(1)(B)) is amended by inserting ''or in the case of such a drug or biological product that is a selected drug (as referred to in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), 106 percent of the maximum fair price (as defined in section 1191(c)(3)) applicable for such drug and a year during such period'' after ''paragraph (4)''.*

*(B) APPLICATION UNDER MA OF COST-SHARING FOR PART B DRUGS BASED OFF OF NEGOTIATED PRICE.—Section 1852(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)(iv)) is amended—*

*(i) by redesignating subclause (VII) as subclause (VIII); and*

*(ii) by inserting after subclause (VI) the following subclause:*

*''(VII) A drug or biological product that is a selected drug (as referred to in section 1192(c)).''.*

*(C) EXCEPTION TO PART D NON-INTERFERENCE.—Section 1860D–11(i) of the Social Security Act (42 U.S.C. 1395w–111(i)) is amended—*

*(i) in paragraph (1), by striking ''and'' at the end;*

*(ii) in paragraph (2), by striking ''or institute a price structure for the reimbursement of covered part D drugs.'' and inserting '', except as provided under section 1860D–4(b)(3)(l); and''; and*

*(iii) by adding at the end the following new paragraph:*

*''(3) may not institute a price structure for the reimbursement of covered part D drugs, except as provided under part E of title XI.''.*

*(D) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)) is amended—*

*(i) in subparagraph (B), by inserting '', subject to subparagraph (D),'' after ''negotiated prices''; and*

*(ii) by adding at the end the following new subparagraph:*

*''(D) APPLICATION OF MAXIMUM FAIR PRICE FOR SELECTED DRUGS.—In applying this section, in the case of a covered part D drug that is a selected drug (as referred to in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), the negotiated prices used for payment (as described in this subsection) shall be no greater than the maximum fair price (as defined in section 1191(c)(3)) for such drug and for each year during such period plus any dispensing fees for such drug.''.*

*(E) COVERAGE OF SELECTED DRUGS.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended by adding at the end the following new subparagraph:*

*''(I) REQUIRED INCLUSION OF SELECTED DRUGS.—*

*''(i) IN GENERAL.—For 2026 and each subsequent year, the PDP sponsor offering a prescription drug plan shall include each covered part D drug that is a selected drug under section 1192 for which a maximum fair price (as defined in section 1191(c)(3)) is in effect with respect to the year.*

*''(ii) CLARIFICATION.—Nothing in clause (i) shall be construed as prohibiting a PDP sponsor from removing such a selected drug from a formulary if such removal would be permitted under section 423.120(b)(5)(iv) of title 42, Code of Federal Regulations (or any successor regulation).''.*

*(F) INFORMATION FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS REQUIRED.—*

*(i) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:*

*''(8) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall require the sponsor to provide information to the Secretary as requested by the Secretary for purposes of carrying out section 1194.''.*

*(ii) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:*

*''(E) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Section 1860D–12(b)(8).''.*

*(G) CONDITIONS FOR COVERAGE.—*

*(i) MEDICARE PART D.—Section 1860D–43(c) of the Social Security Act (42 U.S.C. 1395w–153(c)) is amended—*

*(I) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;*

*(II) by striking ''AGREEMENTS.—Subsection'' and inserting the following: ''AGREEMENTS.—*

*''(1) IN GENERAL.—Subject to paragraph (2), subsection''; and*

*(III) by adding at the end the following new paragraph:*

*''(2) EXCEPTION.—Paragraph (1)(A) shall not apply to a covered part D drug of a manufacturer for any period described in section 5000D(c)(1) of the Internal Revenue Code of 1986 with respect to the manufacturer.''.*

*(ii) MEDICAID AND MEDICARE PART B.—Section 1927(a)(3) of the Social Security Act (42 U.S.C. 1396r–8(a)(3)) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to a single source drug or innovator multiple source drug of a manufacturer for any period described in section 5000D(c)(1) of the Internal Revenue Code of 1986 with respect to the manufacturer.''.*

*(H) DISCLOSURE OF INFORMATION UNDER MEDICARE PART D.—*

*(i) CONTRACT REQUIREMENTS.—Section 1860D–12(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1395w–112(b)(3)(D)(i)) is amended by inserting '', or carrying out part E of title XI'' after ''appropriate)''.*

*(ii) SUBSIDIES.—Section 1860D–15(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–115(f)(2)(A)(i)) is amended by inserting ''or part E of title XI'' after ''this section''.*

*(2) DRUG PRICE NEGOTIATION PROGRAM PRICES INCLUDED IN BEST PRICE.—Section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)) is amended—*

*(A) in clause (i)(VI), by striking ''any prices charged'' and inserting ''subject to clause (ii)(V), any prices charged''; and*

*(B) in clause (ii)—*

*(i) in subclause (III), by striking ''; and'' at the end;*

*(ii) in subclause (IV), by striking the period at the end and inserting ''; and''; and*

*(iii) by adding at the end the following new subclause:*

*''(V) in the case of a rebate period and a covered outpatient drug that is a selected drug (as referred to in section 1192(c)) during such rebate period, shall be inclusive of the maximum fair price (as defined in section 1191(c)(3)) for such drug with respect to such period.''.*

*(3) MAXIMUM FAIR PRICES EXCLUDED FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)) is amended—*

*(A) in subclause (IV) by striking ''; and'' at the end;*

*(B) in subclause (V) by striking the period at the end and inserting ''; and''; and*

*(C) by adding at the end the following new subclause:*

*''(VI) any reduction in price paid during the rebate period to the manufacturer for a drug by reason of application of part E of title XI.''.*

*(c) IMPLEMENTATION FOR 2026 THROUGH 2028.—The Secretary of Health and Human Services shall implement this section, including the amendments made by this section, for 2026, 2027, and 2028 by program instruction or other forms of program guidance.*

***SEC. 11002. SPECIAL RULE TO DELAY SELECTION AND NEGOTIATION OF BIOLOGICS FOR BIOSIMILAR MARKET ENTRY.***

*(a) IN GENERAL.—Part E of title XI of the Social Security Act, as added by section 11001, is amended—*

*(1) in section 1192—*

*(A) in subsection (a), in the flush matter following paragraph (4), by inserting ''and subsection (b)(3)'' after ''the previous sentence'';*

*(B) in subsection (b)—*

*(i) in paragraph (1), by adding at the end the following new subparagraph:*

*''(C) In the case of a biological product for which the inclusion of the biological product as a selected drug on a list published under subsection (a) has been delayed under subsection (f)(2), remove such biological product from the rankings under subparagraph (A) before making the selections under subparagraph (B).''; and*

*(ii) by adding at the end the following new paragraph:*

*''(3) INCLUSION OF DELAYED BIOLOGICAL PRODUCTS.—Pursuant to subparagraphs (B)(ii)(I) and (C)(i) of subsection (f)(2), the Secretary shall select and include on the list published under subsection (a) the biological products described in such subparagraphs. Such biological products shall count towards the required number of drugs to be selected under subsection (a)(1).''; and*

*(C) by adding at the end the following new subsection:*

*''(f) SPECIAL RULE TO DELAY SELECTION AND NEGOTIATION OF BIOLOGICS FOR BIOSIMILAR MARKET ENTRY.—*

*''(1) APPLICATION.—*

*''(A) IN GENERAL.—Subject to subparagraph (B), in the case of a biological product that would (but for this subsection) be an extended-monopoly drug (as defined in section 1194(c)(4)) included as a selected drug on the list published under subsection (a) with respect to an initial price applicability year, the rules described in paragraph (2) shall apply if the Secretary determines that there is a high likelihood (as described in paragraph (3)) that a biosimilar biological product (for which such biological product will be the reference product) will be licensed and marketed under section 351(k) of the Public Health Service Act before the date that is 2 years after the selected drug publication date with respect to such initial price applicability year.*

''(B) REQUEST REQUIRED.—

''(i) IN GENERAL.—The Secretary shall not provide for a delay under—

''(I) paragraph (2)(A) unless a request is made for such a delay by a manufacturer of a biosimilar biological product prior to the selected drug publication date for the list published under subsection (a) with respect to the initial price applicability year for which the biological product may have been included as a selected drug on such list but for subparagraph (2)(A); or

''(II) paragraph (2)(B)(iii) unless a request is made for such a delay by such a manufacturer prior to the selected drug publication date for the list published under subsection (a) with respect to the initial price applicability year that is 1 year after the initial price applicability year for which the biological product described in subsection (a) would have been included as a selected drug on such list but for paragraph (2)(A).

''(ii) INFORMATION AND DOCUMENTS.—

''(I) IN GENERAL.—A request made under clause (i) shall be submitted to the Secretary by such manufacturer at a time and in a form and manner specified by the Secretary, and contain—

''(aa) information and documents necessary for the Secretary to make determinations under this subsection, as specified by the Secretary and including, to the extent available, items described in subclause (III); and

''(bb) all agreements related to the biosimilar biological product filed with the Federal Trade Commission or the Assistant Attorney General pursuant to subsections (a) and (c) of section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(II) ADDITIONAL INFORMATION AND DOCUMENTS.—After the Secretary has reviewed the request and materials submitted under subclause (I), the manufacturer shall submit any additional information and documents requested by the Secretary necessary to make determinations under this subsection.

''(III) ITEMS DESCRIBED.—The items described in this clause are the following:

''(aa) The manufacturing schedule for such biosimilar biological product submitted to the Food and Drug Administration during its review of the application under such section 351(k).

''(bb) Disclosures (in filings by the manufacturer of such biosimilar biological product with the Securities and Exchange Commission required under section 12(b), 12(g), 13(a), or 15(d) of the Securities Exchange Act of 1934 about capital investment, revenue expectations, and actions taken by the manufacturer that are typical of the normal course of business in the year (or the 2 years, as applicable) before marketing of a biosimilar biological product) that pertain to the marketing of such biosimilar biological product, or comparable documentation that is distributed to the shareholders of privately held companies.

''(C) AGGREGATION RULE.—

''(i) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986, or in a partnership, shall be treated as one manufacturer for purposes of paragraph (2)(D)(iv).

''(ii) PARTNERSHIP DEFINED.—In clause (i), the term 'partnership' means a syndicate, group, pool, joint venture, or other organization through or by means of which any business, financial operation, or venture is carried on by the manufacturer of the biological product and the manufacturer of the biosimilar biological product.

''(2) RULES DESCRIBED.—The rules described in this paragraph are the following:

''(A) DELAYED SELECTION AND NEGOTIATION FOR 1 YEAR.—If a determination of high likelihood is made under paragraph (3), the Secretary shall delay the inclusion of the biological product as a selected drug on the list published under subsection (a) until such list is published with respect to the initial price applicability year that is 1 year after the initial price applicability year for which the biological product would have been included as a selected drug on such list.

''(B) IF NOT LICENSED AND MARKETED DURING THE INITIAL DELAY.—

''(i) IN GENERAL.—If, during the time period between the selected drug publication date on which the biological product would have been included on the list as a selected drug pursuant to subsection (a) but for subparagraph (A) and the selected drug publication date with respect to the initial price applicability year that is 1 year after the initial price applicability year for which such biological product would have been included as a selected drug on such list, the Secretary determines that the biosimilar biological product for which the manufacturer submitted the request under paragraph (1)(B)(i)(II) (and for which the Secretary previously made a high likelihood determination under paragraph (3)) has not been licensed and marketed under section 351(k) of the Public Health Service Act, the Secretary shall, at the request of such manufacturer—

''(I) reevaluate whether there is a high likelihood (as described in paragraph (3)) that such biosimilar biological product will be licensed and marketed under such section 351(k) before the date that is 2 years after the selected drug publication date for which such biological product would have been included as a selected drug on such list published but for subparagraph (A); and

''(II) evaluate whether, on the basis of clear and convincing evidence, the manufacturer of such biosimilar biological product has made a significant amount of progress (as determined by the Secretary) towards both such licensure and the marketing of such biosimilar biological product (based on information from items described in subclauses (I)(bb) and (II) of paragraph (1)(B)(ii)) since the receipt by the Secretary of the request made by such manufacturer under paragraph (1)(B)(i)(I).

''(ii) SELECTION AND NEGOTIATION.—If the Secretary determines that there is not a high likelihood that such biosimilar biological product will be licensed and marketed as described in clause (i)(I) or there has not been a significant amount of progress as described in clause (i)(II)—

''(I) the Secretary shall include the biological product as a selected drug on the list published under subsection (a) with respect to the initial price applicability year that is 1 year after the initial price applicability year for which such biological product would have been included as a selected drug on such list but for subparagraph (A); and

''(II) the manufacturer of such biological product shall pay a rebate under paragraph (4) with respect to the year for which such manufacturer would have provided access to a maximum fair price for such biological product but for subparagraph (A).

''(iii) SECOND 1-YEAR DELAY.—If the Secretary determines that there is a high likelihood that such biosimilar biological product will be licensed and marketed (as described in clause (i)(I)) and a significant amount of progress has been made by the manufacturer of such biosimilar biological product towards such licensure and marketing (as described in clause (i)(II)), the Secretary shall delay the inclusion of the biological product as a selected drug on the list published under subsection (a) until the selected drug publication date of such list with respect to the initial price applicability year that is 2 years after the initial price applicability year for which such biological product would have been included as a selected drug on such list but for this subsection.

''(C) IF NOT LICENSED AND MARKETED DURING THE YEAR TWO DELAY.—If, during the time period between the selected drug publication date of the list for which the biological product would have been included as a selected drug but for subparagraph (B)(iii) and the selected drug publication date with respect to the initial price applicability year that is 2 years after the initial price applicability year for which such biological product would have been included as a selected drug on such list but for this subsection, the Secretary determines that such biosimilar biological product has not been licensed and marketed—

''(i) the Secretary shall include such biological product as a selected drug on such list with respect to the initial price applicability year that is 2 years after the initial price applicability year for which such biological product would have been included as a selected drug on such list; and

''(ii) the manufacturer of such biological product shall pay a rebate under paragraph (4) with respect to the years for which such manufacturer would have provided access to a maximum fair price for such biological product but for this subsection.

''(D) LIMITATIONS ON DELAYS.—

''(i) LIMITED TO 2 YEARS.—In no case shall the Secretary delay the inclusion of a biological product on the list published under subsection (a) for more than 2 years.

''(ii) EXCLUSION OF BIOLOGICAL PRODUCTS THAT TRANSITIONED TO A LONG-MONOPOLY DRUG DURING THE DELAY.—In the case of a biological product for which the inclusion on the list published pursuant to subsection (a) was delayed by 1 year under subparagraph (A) and for which there would have been a change in status to a long-monopoly drug (as defined in section 1194(c)(5)) if such biological product had been a selected drug, in no case may the Secretary provide for a second 1-year delay under subparagraph (B)(iii).

''(iii) EXCLUSION OF BIOLOGICAL PRODUCTS IF MORE THAN 1 YEAR SINCE LICENSURE.—In no case shall the Secretary delay the inclusion of a biological product on the list published under subsection (a) if more than 1 year has elapsed since the biosimilar biological product has been licensed under section 351(k) of the Public Health Service Act and marketing has not commenced for such biosimilar biological product.

''(iv) CERTAIN MANUFACTURERS OF BIOSIMILAR BIOLOGICAL PRODUCTS EXCLUDED.—In no case shall the Secretary delay the inclusion of a biological product as a selected drug on the list published under subsection (a) if Secretary determined that the manufacturer of the biosimilar biological product described in paragraph (1)(A)—

''(I) is the same as the manufacturer of the reference product described in such paragraph or is treated as being the same pursuant to paragraph (1)(C); or

''(II) has, based on information from items described in paragraph (1)(B)(ii)(I)(bb), entered into any agreement described in such paragraph with the manufacturer of the reference product described in paragraph (1)(A) that—

''(aa) requires or incentivizes the manufacturer of the biosimilar biological product to submit a request described in paragraph (1)(B); or

''(bb) restricts the quantity (either directly or indirectly) of the biosimilar biological product that may be sold in the United States over a specified period of time.

''(3) HIGH LIKELIHOOD.—For purposes of this subsection, there is a high likelihood described in paragraph (1) or paragraph (2), as applicable, if the Secretary finds that—

''(A) an application for licensure under section 351(k) of the Public Health Service Act for the biosimilar biological product has been accepted for review or approved by the Food and Drug Administration; and

''(B) information from items described in sub clauses (I)(bb) and (III) of paragraph (1)(B)(ii) submitted to the Secretary by the manufacturer requesting a delay under such paragraph provides clear and convincing evidence that such biosimilar biological product will, within the time period specified under paragraph (1)(A) or (2)(B)(i)(I), be marketed.

''(4) REBATE.—

''(A) IN GENERAL.—For purposes of subparagraphs (B)(ii)(II) and (C)(ii) of paragraph (2), in the case of a biological product for which the inclusion on the list under subsection (a) was delayed under this subsection and for which the Secretary has negotiated and entered into an agreement under section 1193 with respect to such biological product, the manufacturer shall be required to pay a rebate to the Secretary at such time and in such manner as determined by the Secretary.

''(B) AMOUNT.—Subject to subparagraph (C), the amount of the rebate under subparagraph (A) with respect to a biological product shall be equal to the estimated amount—

''(i) in the case of a biological product that is a covered part D drug (as defined in section 1860D–2(e)), that is the sum of the products of—

''(I) 75 percent of the amount by which—

''(aa) the average manufacturer price, as reported by the manufacturer of such covered part D drug under section 1927 (or, if not reported by such manufacturer under section 1927, as reported by such manufacturer to the Secretary pursuant to the agreement under section 1193(a)) for such biological product, with respect to each of the calendar quarters of the price applicability period that would have applied but for this subsection; exceeds

''(bb) in the initial price applicability year that would have applied but for a delay under—

''(AA) paragraph (2)(A), the maximum fair price negotiated under section 1194 for such biological product under such agreement; or

''(BB) paragraph (2)(B)(iii), such maximum fair price, increased as described in section 1195(b)(1)(A); and

''(II) the number of units dispensed under part D of title XVIII for such covered part D drug during each such calendar quarter of such price applicability period; and

''(ii) in the case of a biological product for which payment may be made under part B of title XVIII, that is the sum of the products of—

''(I) 80 percent of the amount by which—

''(aa) the payment amount for such biological product under section 1847A(b), with respect to each of the calendar quarters of the price applicability period that would have applied but for this subsection; exceeds

''(bb) in the initial price applicability year that would have applied but for a delay under—

''(AA) paragraph (2)(A), the maximum fair price negotiated under section 1194 for such biological product under such agreement; or

''(BB) paragraph (2)(B)(iii), such maximum fair price, increased as described in section 1195(b)(1)(A); and

''(II) the number of units (excluding units that are packaged into the payment amount for an item or service and are not separately payable under such part B) of the billing and payment code of such biological product administered or furnished under such part B during each such calendar quarter of such price applicability period.

''(C) SPECIAL RULE FOR DELAYED BIOLOGICAL PRODUCTS THAT ARE LONG-MONOPOLY DRUGS.—

''(i) IN GENERAL.—In the case of a biological product with respect to which a rebate is required to be paid under this paragraph, if such biological product qualifies as a long-monopoly drug (as defined in section 1194(c)(5)) at the time of its inclusion on the list published under subsection (a), in determining the amount of the rebate for such biological product under subparagraph (B), the amount described in clause (ii) shall be substituted for the maximum fair price described in clause (i)(I) or (ii)(I) of such subparagraph (B), as applicable.

''(ii) AMOUNT DESCRIBED.—The amount described in this clause is an amount equal to 65 percent of the average non-Federal average manufacturer price for the biological product for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such biological product for 2021, for the first full year following the market entry for such biological product), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the selected drug publication date with respect to the initial price applicability year that would have applied but for this subsection.

''(D) REBATE DEPOSITS.—Amounts paid as rebates under this paragraph shall be deposited into—

''(i) in the case payment is made for such biological product under part B of title XVIII, the Federal Supplementary Medical Insurance Trust Fund established under section 1841; and

''(ii) in the case such biological product is a covered part D drug (as defined in section 1860D–2(e)), the Medicare Prescription Drug Account under section 1860D–16 in such Trust Fund.

''(5) DEFINITIONS OF BIOSIMILAR BIOLOGICAL PRODUCT.—In this subsection, the term 'biosimilar biological product' has the meaning given such term in section 1847A(c)(6).'';

(2) in section 1193(a)(4)—

(A) in the matter preceding subparagraph (A), by inserting '', and for section 1192(f),'' after ''section 1194(f))'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) by adding at the end the following new subparagraph:

''(C) information that the Secretary requires to carry out section 1192(f), including rebates under paragraph (4) of such section; and'';

(3) in section 1196(a)(7), by striking ''section 1192(d)(2)(B)'' and inserting ''subsections (d)(2)(B) and (f)(1)(C) of section 1192'';

(4) in section 1197—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following new subsection:

''(b) VIOLATIONS RELATING TO PROVIDING REBATES.—Any manufacturer that fails to comply with the rebate requirements under section 1192(f)(4) shall be subject to a civil monetary penalty equal to 10 times the amount of the rebate the manufacturer failed to pay under such section.''; and

(5) in section 1198(b)(2), by inserting ''the application of section 1192(f),'' after ''section 1192(e)''.

(b) CONFORMING AMENDMENTS FOR DISCLOSURE OF CERTAIN INFORMATION.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)) is amended by striking ''or to carry out section 1847B'' and inserting ''or to carry out section 1847B or section 1192(f), including rebates under paragraph (4) of such section''.

(c) IMPLEMENTATION FOR 2026 THROUGH 2028.—The Secretary of Health and Human Services shall implement this section, including the amendments made by this section, for 2026, 2027, and 2028 by program instruction or other forms of program guidance.

***SEC. 11003. EXCISE TAX IMPOSED ON DRUG MANUFACTURERS DURING NONCOMPLIANCE PERIODS.***

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

***''CHAPTER 50A—DESIGNATED DRUGS***



***''SEC. 5000D. DESIGNATED DRUGS DURING NONCOMPLIANCE PERIODS.***

''(a) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any designated drug during a day described in subsection (b) a tax in an amount such that the applicable percentage is equal to the ratio of—

''(1) such tax, divided by

''(2) the sum of such tax and the price for which so sold.

''(b) NONCOMPLIANCE PERIODS.—A day is described in this subsection with respect to a designated drug if it is a day during one of the following periods:

''(1) The period beginning on the March 1st (or, in the case of initial price applicability year 2026, the October 2nd) immediately following the date on which such drug is included on the list published under section 1192(a) of the Social Security Act and ending on the earlier of—

''(A) the first date on which the manufacturer of such designated drug has in place an agreement described in section 1193(a) of such Act with respect to such drug, or

''(B) the date that the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

''(2) The period beginning on the November 2nd immediately following the March 1st described in paragraph (1) (or, in the case of initial price applicability year 2026, the August 2nd immediately following the October 2nd described in such paragraph) and ending on the earlier of—

''(A) the first date on which the manufacturer of such designated drug and the Secretary of Health and Human Services have agreed to a maximum fair price under an agreement described in section 1193(a) of the Social Security Act, or

''(B) the date that the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

''(3) In the case of any designated drug which is a selected drug (as defined in section 1192(c) of the Social Security Act) that the Secretary of Health and Human Services has selected for renegotiation under section 1194(f) of such Act, the period beginning on the November 2nd of the year that begins 2 years prior to the first initial price applicability year of the price applicability period for which the maximum fair price established pursuant to such renegotiation applies and ending on the earlier of—

''(A) the first date on which the manufacturer of such designated drug has agreed to a renegotiated maximum fair price under such agreement, or

''(B) the date that the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

''(4) With respect to information that is required to be submitted to the Secretary of Health and Human Services under an agreement described in section 1193(a) of the Social Security Act, the period beginning on the date on which such Secretary certifies that such information is overdue and ending on the date that such information is so submitted.

''(c) SUSPENSION OF TAX.—

''(1) IN GENERAL.—A day shall not be taken into account as a day during a period described in subsection (b) if such day is also a day during the period—

''(A) beginning on the first date on which—

''(i) the notice of terminations of all applicable agreements of the manufacturer have been received by the Secretary of Health and Human Services, and

''(ii) none of the drugs of the manufacturer of the designated drug are covered by an agreement under section 1860D-14A or 1860D-14C of the Social Security Act, and

''(B) ending on the last day of February following the earlier of—

''(i) the first day after the date described in subparagraph (A) on which the manufacturer enters into any subsequent applicable agreement, or

''(ii) the first date any drug of the manufacturer of the designated drug is covered by an agreement under section 1860D-14A or 1860D-14C of the Social Security Act.

''(2) APPLICABLE AGREEMENT.—For purposes of this subsection, the term 'applicable agreement' means the following:

''(A) An agreement under—

''(i) the Medicare coverage gap discount program under section 1860D-14A of the Social Security Act, or

''(ii) the manufacturer discount program under section 1860D-14C of such Act.

''(B) A rebate agreement described in section 1927(b) of such Act.

''(d) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

''(1) in the case of sales of a designated drug during the first 90 days described in subsection (b) with respect to such drug, 65 percent,

''(2) in the case of sales of such drug during the 91st day through the 180th day described in subsection (b) with respect to such drug, 75 percent,

''(3) in the case of sales of such drug during the 181st day through the 270th day described in subsection (b) with respect to such drug, 85 percent, and

''(4) in the case of sales of such drug during any subsequent day, 95 percent.

''(e) DEFINITIONS.—For purposes of this section—

''(1) DESIGNATED DRUG.—The term 'designated drug' means any negotiation-eligible drug (as defined in section 1192(d) of the Social Security Act) included on the list published under section 1192(a) of such Act which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

''(2) UNITED STATES.—The term 'United States' has the meaning given such term by section 4612(a)(4).

''(3) OTHER TERMS.—The terms 'initial price applicability year', 'price applicability period', and 'maximum fair price' have the meaning given such terms in section 1191 of the Social Security Act.

''(f) SPECIAL RULES.—

''(1) COORDINATION WITH RULES FOR POSSESSIONS OF THE UNITED STATES.—Rules similar to the rules of paragraphs (2) and (4) of section 4132(c) shall apply for purposes of this section.

''(2) ANTI-ABUSE RULE.—In the case of a sale which was timed for the purpose of avoiding the tax imposed by this section, the Secretary may treat such sale as occurring during a day described in subsection (b).

''(g) EXPORTS.—Rules similar to the rules of section 4662(e) (other than section 4662(e)(2)(A)(ii)(II)) shall apply for purposes of this chapter.

''(h) REGULATIONS.—The Secretary shall prescribe such regulations and other guidance as may be necessary to carry out this section.''.

(b) NO DEDUCTION FOR EXCISE TAX PAYMENTS.—Section 275(a)(6) of the Internal Revenue Code of 1986 is amended by inserting ''50A,'' after ''46,''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 50A—DESIGNATED DRUGS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

**SEC. 11004. FUNDING.**

In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2022, to remain available until expended, to carry out the provisions of, including the amendments made by, this part.

## PART 2—PRESCRIPTION DRUG INFLATION REBATES

**SEC. 11101. MEDICARE PART B REBATE BY MANUFACTURERS.**

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following subsection:

''(i) REBATE BY MANUFACTURERS FOR SINGLE SOURCE DRUGS AND BIOLOGICALS WITH PRICES INCREASING FASTER THAN INFLATION.—

''(1) REQUIREMENTS.—

''(A) SECRETARIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each calendar quarter beginning on or after January 1, 2023, the Secretary shall, for each part B rebatable drug, report to each manufacturer of such part B rebatable drug the following for such calendar quarter:

''(i) Information on the total number of units of the billing and payment code described in subparagraph (A)(i) of paragraph (3) with respect to such drug and calendar quarter.

''(ii) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A)(ii) of such paragraph for such drug and calendar quarter.

''(iii) The rebate amount specified under such paragraph for such part B rebatable drug and calendar quarter.

''(B) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after January 1, 2023, the manufacturer of a part B rebatable drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information described in subparagraph (A) for such calendar quarter, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such calendar quarter.

''(C) TRANSITION RULE FOR REPORTING.—The Secretary may, for each part B rebatable drug, delay the timeframe for reporting the information described in subparagraph (A) for calendar quarters beginning in 2023 and 2024 until not later than September 30, 2025.

''(2) PART B REBATABLE DRUG DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'part B rebatable drug' means a single source drug or biological (as defined in subparagraph (D) of subsection (c)(6)), including a biosimilar biological product (as defined in subparagraph (H) of such subsection) but excluding a qualifying biosimilar biological product (as defined in subsection (b)(8)(B)(iii)), for which payment is made under this part, except such term shall not include such a drug or biological—

''(i) if, as determined by the Secretary, the average total allowed charges for such drug or biological under this part for a year per individual that uses such a drug or biological are less than, subject to subparagraph (B), $100; or

''(ii) that is a vaccine described in subparagraph (A) or (B) of section 1861(s)(10).

''(B) INCREASE.—The dollar amount applied under subparagraph (A)(i)—

''(i) for 2024, shall be the dollar amount specified under such subparagraph for 2023, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year; and

''(ii) for a subsequent year, shall be the dollar amount specified in this clause (or clause (i)) for the previous year (without application of subparagraph (C)), increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year.

''(C) ROUNDING.—Any dollar amount determined under subparagraph (B) that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(3) REBATE AMOUNT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the amount specified in this paragraph for a part B rebatable drug assigned to a billing and payment code for a calendar quarter is, subject to subparagraphs (B) and (G) and paragraph (4), the estimated amount equal to the product of—

''(i) the total number of units determined under subparagraph (B) for the billing and payment code of such drug; and

''(ii) the amount (if any) by which—

''(I) the amount equal to—

''(aa) in the case of a part B rebatable drug described in paragraph (1)(B) of subsection (b), 106 percent of the amount determined under paragraph (4) of such section for such drug during the calendar quarter; or

''(bb) in the case of a part B rebatable drug described in paragraph (1)(C) of such subsection, the payment amount under such paragraph for such drug during the calendar quarter; exceeds

''(II) the inflation-adjusted payment amount determined under subparagraph (C) for such part B rebatable drug during the calendar quarter.

''(B) TOTAL NUMBER OF UNITS.—For purposes of subparagraph (A)(i), the total number of units for the billing and payment code with respect to a part B rebatable drug furnished during a calendar quarter described in subparagraph (A) is equal to—

''(i) the number of units for the billing and payment code of such drug furnished during such calendar quarter, minus

''(ii) the number of units for such billing and payment code of such drug furnished during such calendar quarter—

''(I) with respect to which the manufacturer provides a discount under the program under section 340B of the Public Health Service Act or a rebate under section 1927; or

''(II) that are packaged into the payment amount for an item or service and are not separately payable.

''(C) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this subparagraph for a part B rebatable drug for a calendar quarter is—

''(i) the payment amount for the billing and payment code for such drug in the payment amount benchmark quarter (as defined in subparagraph (D)); increased by

''(ii) the percentage by which the rebate period CPI–U (as defined in subparagraph (F)) for the calendar quarter exceeds the benchmark period CPI–U (as defined in subparagraph (E)).

''(D) PAYMENT AMOUNT BENCHMARK QUARTER.—The term 'payment amount benchmark quarter' means the calendar quarter beginning July 1, 2021.

''(E) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for January 2021.

''(F) REBATE PERIOD CPI–U.—The term 'rebate period CPI–U' means, with respect to a calendar quarter described in subparagraph (C), the greater of the benchmark period CPI–U and the consumer price index for all urban consumers (United States city average) for the first month of the calendar quarter that is two calendar quarters prior to such described calendar quarter.

''(G) REDUCTION OR WAIVER FOR SHORTAGES AND SEVERE SUPPLY CHAIN DISRUPTIONS.—The Secretary shall reduce or waive the amount under subparagraph (A) with respect to a part B rebatable drug and a calendar quarter—

''(i) in the case of a part B rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act at any point during the calendar quarter; or

''(ii) in the case of a biosimilar biological product, when the Secretary determines there is a severe supply chain disruption during the calendar quarter, such as that caused by a natural disaster or other unique or unexpected event.

''(4) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

''(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration

*after December 1, 2020, clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the third full calendar quarter after the day on which the drug was first marketed and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'January 2021' under such paragraph were a reference to 'the first month of the first full calendar quarter after the day on which the drug was first marketed'.*

*''(B) TIMELINE FOR PROVISION OF REBATES FOR SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after December 1, 2020, paragraph (1)(B) shall be applied as if the reference to 'January 1, 2023' under such paragraph were a reference to 'the later of the 6th full calendar quarter after the day on which the drug was first marketed or January 1, 2023'.*

*''(C) SELECTED DRUGS.—In the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)) with respect to a price applicability period (as defined in section 1191(b)(2)), in the case such drug is no longer considered to be a selected drug under section 1192(c), for each applicable period (as defined under subsection (g)(7)) beginning after the price applicability period with respect to such drug, clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the calendar quarter beginning January 1 of the last year during such price applicability period with respect to such selected drug and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'January 2021' under such paragraph were a reference to 'the July of the year preceding such last year'.*

*''(5) APPLICATION TO BENEFICIARY COINSURANCE.—In the case of a part B rebatable drug furnished on or after April 1, 2023, if the payment amount described in paragraph (3)(A)(ii)(I) (or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)), the payment amount described in subsection (b)(1)(B) for such drug) for a calendar quarter exceeds the inflation adjusted payment for such quarter—*

*''(A) in computing the amount of any coinsurance applicable under this part to an individual to whom such drug is furnished, the computation of such coinsurance shall be equal to 20 percent of the inflation-adjusted payment amount determined under paragraph (3)(C) for such part B rebatable drug; and*

*''(B) the amount of such coinsurance for such calendar quarter, as computed under subparagraph (A), shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under subparagraphs (B) or (C) of subsection (b)(1).*

*''(6) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.*

*''(7) CIVIL MONEY PENALTY.—If a manufacturer of a part B rebatable drug has failed to comply with the requirements under paragraph (1)(B) for such drug for a calendar quarter, the manufacturer shall be subject to, in accordance with a process established by the Secretary pursuant to regulations, a civil money penalty in an amount equal to at least 125 percent of the amount specified in paragraph (3) for such drug for such calendar quarter. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).*

*''(8) LIMITATION ON ADMINISTRATIVE OR JUDICIAL REVIEW.—There shall be no administrative or judicial review of any of the following:*

*''(A) The determination of units under this subsection.*

*''(B) The determination of whether a drug is a part B rebatable drug under this subsection.*

*''(C) The calculation of the rebate amount under this subsection.*

*''(D) The computation of coinsurance under paragraph (5) of this subsection.*

*''(E) The computation of amounts paid under section 1833(a)(1)(EE).''.*

*(b) AMOUNTS PAYABLE; COST-SHARING.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—*

*(1) in subsection (a)(1)—*

*(A) in subparagraph (G), by inserting '', subject to subsection (i)(9),'' after ''the amounts paid'';*

*(B) in subparagraph (S), by striking ''with respect to'' and inserting ''subject to subparagraph (EE), with respect to'';*

*(C) by striking ''and (DD)'' and inserting ''(DD)''; and*

*(D) by inserting before the semicolon at the end the following: '', and (EE) with respect to a part B rebatable drug (as defined in paragraph (2) of section 1847A(i)) furnished on or after April 1, 2023, for which the payment amount for a calendar quarter under paragraph (3)(A)(ii)(I) of such section (or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c) for which, the payment amount described in section 1847A(b)(1)(B)) for such drug for such quarter exceeds the inflation-adjusted payment under paragraph (3)(A)(ii)(II) of such section for such quarter, the amounts paid shall be equal to the percent of the payment amount under paragraph (3)(A)(ii)(I) of such section or section 1847A(b)(1)(B), as applicable, that equals the difference between (i) 100 percent, and (ii) the percent applied under section 1847A(i)(5)(B)'';*

*(2) in subsection (i), by adding at the end the following new paragraph:*

*''(9) In the case of a part B rebatable drug (as defined in paragraph (2) of section 1847A(i)) for which payment under this subsection is not packaged into a payment for a service furnished on or after April 1, 2023, under the revised payment system under this subsection, in lieu of calculation of coinsurance and the amount of payment otherwise applicable under this subsection, the provisions of section 1847A(i)(5) and paragraph (1)(EE) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(i)(5) and subsection (a) apply under such section and subsection.''; and*

*(3) in subsection (t)(8), by adding at the end the following new subparagraph:*

*''(F) PART B REBATABLE DRUGS.—In the case of a part B rebatable drug (as defined in paragraph (2) of section 1847A(i), except if such drug does not have a copayment amount as a result of application of subparagraph (E)) for which payment under this part is not packaged into a payment for a covered OPD service (or group of services) furnished on or after April 1, 2023, and the payment for such drug under this subsection is the same as the amount for a calendar quarter under paragraph (3)(A)(ii)(I) of section 1847A(i), under the system under this subsection, in lieu of calculation of the copayment amount and the amount of payment otherwise applicable under this subsection (other than the application of the limitation described in subparagraph (C)), the provisions of section 1847A(i)(5) and paragraph (1)(EE) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(i)(5) and subsection (a) apply under such section and subsection.''.*

*(c) CONFORMING AMENDMENTS.—*

*(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended by inserting ''subsection (i) or'' before ''section 1927''.*

*(2) EXCLUDING PART B DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)) is amended by inserting ''or section 1847A(i)'' after ''this section''.*

*(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)) is amended by inserting ''and the rebate'' after ''the payment amount''.*

*(4) EXCLUDING PART B DRUG INFLATION REBATES FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)), as amended by section 11001(b)(3), is amended—*

*(A) in subclause (V), by striking ''and'' at the end;*

*(B) in subclause (VI), by striking the period at the end and inserting a semicolon; and*

*(C) by adding at the end the following new subclause:*

*''(VII) rebates paid by manufacturers under section 1847A(i); and''.*

*(d) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $80,000,000 for fiscal year 2022, including $12,500,000 to carry out the provisions of, including the amendments made by, this section in fiscal year 2022, and $7,500,000 to carry out the provisions of, including the amendments made by, this section in each of fiscal years 2023 through 2031, to remain available until expended.*

***SEC. 11102. MEDICARE PART D REBATE BY MANUFACTURERS.***

*(a) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14A (42 U.S.C. 1395w–114a) the following new section:*

***''SEC. 1860D–14B. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.***

*''(a) REQUIREMENTS.—*

*''(1) SECRETARIAL PROVISION OF INFORMATION.—Not later than 9 months after the end of each applicable period (as defined in subsection (g)(7)), subject to paragraph (3), the Secretary shall, for each part D rebatable drug, report to each manufacturer of such part D rebatable drug the following for such period:*

*''(A) The amount (if any) of the excess annual manufacturer price increase described in subsection (b)(1)(A)(ii) for each dosage form and strength with respect to such drug and period.*

*''(B) The rebate amount specified under subsection (b) for each dosage form and strength with respect to such drug and period.*

*''(2) MANUFACTURER REQUIREMENTS.—For each applicable period, the manufacturer of a part D rebatable drug, for each dosage form and strength with respect to such drug, not later than 30 days after the date of receipt from the Secretary of the information described in paragraph (1) for such period, shall provide to the Secretary a rebate that is equal to the amount specified in subsection (b) for such dosage form and strength with respect to such drug for such period.*

*''(3) TRANSITION RULE FOR REPORTING.—The Secretary may, for each rebatable covered part D drug, delay the timeframe for reporting the information and rebate amount described in subparagraphs (A) and (B) of such paragraph for the applicable periods beginning October 1, 2022, and October 1, 2023, until not later than December 31, 2025.*

*''(b) REBATE AMOUNT.—*

*''(1) IN GENERAL.—*

*''(A) CALCULATION.—For purposes of this section, the amount specified in this subsection for a dosage form and strength with respect to a part D rebatable drug and applicable period is, subject to subparagraph (C), paragraph (5)(B), and paragraph (6), the estimated amount equal to the product of—*

''(i) subject to subparagraph (B) of this paragraph, the total number of units of such dosage form and strength for each rebatable covered part D drug dispensed under this part during the applicable period; and

''(ii) the amount (if any) by which—

''(I) the annual manufacturer price (as determined in paragraph (2)) paid for such dosage form and strength with respect to such part D rebatable drug for the period; exceeds

''(II) the inflation-adjusted payment amount determined under paragraph (3) for such dosage form and strength with respect to such part D rebatable drug for the period.

''(B) EXCLUDED UNITS.—For purposes of subparagraph (A)(i), beginning with plan year 2026, the Secretary shall exclude from the total number of units for a dosage form and strength with respect to a part D rebatable drug, with respect to an applicable period, units of each dosage form and strength of such part D rebatable drug for which the manufacturer provides a discount under the program under section 340B of the Public Health Service Act.

''(C) REDUCTION OR WAIVER FOR SHORTAGES AND SEVERE SUPPLY CHAIN DISRUPTIONS.—The Secretary shall reduce or waive the amount under subparagraph (A) with respect to a part D rebatable drug and an applicable period—

''(i) in the case of a part D rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act at any point during the applicable period;

''(ii) in the case of a generic part D rebatable drug (described in subsection (g)(1)(C)(ii)) or a biosimilar (defined as a biological product licensed under section 351(k) of the Public Health Service Act), when the Secretary determines there is a severe supply chain disruption during the applicable period, such as that caused by a natural disaster or other unique or unexpected event; and

''(iii) in the case of a generic Part D rebatable drug (as so described), if the Secretary determines that without such reduction or waiver, the drug is likely to be described as in shortage on such shortage list during a subsequent applicable period.

''(2) DETERMINATION OF ANNUAL MANUFACTURER PRICE.—The annual manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable period, is the sum of the products of—

''(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of such period; and

''(B) the ratio of—

''(i) the total number of units of such dosage form and strength reported under section 1927 with respect to each such calendar quarter of such period; to

''(ii) the total number of units of such dosage form and strength reported under section 1927 with respect to such period, as determined by the Secretary.

''(3) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this paragraph for a dosage form and strength with respect to a part D rebatable drug for an applicable period, subject to paragraph (5), is—

''(A) the benchmark period manufacturer price determined under paragraph (4) for such dosage form and strength with respect to such drug and period; increased by

''(B) the percentage by which the applicable period CPI–U (as defined in subsection (g)(5)) for the period exceeds the benchmark period CPI–U (as defined in subsection (g)(4)).

''(4) DETERMINATION OF BENCHMARK PERIOD MANUFACTURER PRICE.—The benchmark period manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable period, is the sum of the products of—

''(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of the payment amount benchmark period (as defined in subsection (g)(3)); and

''(B) the ratio of—

''(i) the total number of units reported under section 1927 of such dosage form and strength with respect to each such calendar quarter of such payment amount benchmark period; to

''(ii) the total number of units reported under section 1927 of such dosage form and strength with respect to such payment amount benchmark period.

''(5) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

''(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part D rebatable drug first approved or licensed by the Food and Drug Administration after October 1, 2021, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark period' were defined under subsection (g)(3) as the first calendar year beginning after the day on which the drug was first marketed and subparagraph (B) of paragraph (3) shall be applied as if the term 'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'January 2021' under such subsection were a reference to 'January of the first year beginning after the date on which the drug was first marketed'.

''(B) TREATMENT OF NEW FORMULATIONS.—

''(i) IN GENERAL.—In the case of a part D rebatable drug that is a line extension of a part D rebatable drug that is an oral solid dosage form, the Secretary shall establish a formula for determining the rebate amount under paragraph (1) and the inflation adjusted payment amount under paragraph (3) with respect to such part D rebatable drug and an applicable period, consistent with the formula applied under subsection (c)(2)(C) of section 1927 for determining a rebate obligation for a rebate period under such section.

''(ii) LINE EXTENSION DEFINED.—In this subparagraph, the term 'line extension' means, with respect to a part D rebatable drug, a new formulation of the drug, such as an extended release formulation, but does not include an abuse-deterrent formulation of the drug (as determined by the Secretary), regardless of whether such abuse-deterrent formulation is an extended release formulation.

''(C) SELECTED DRUGS.—In the case of a part D rebatable drug that is a selected drug (as defined in section 1192(c)) with respect to a price applicability period (as defined in section 1191(b)(2)), in the case such drug is no longer considered to be a selected drug under section 1192(c), for each applicable period (as defined under subsection (g)(7)) beginning after the price applicability period with respect to such drug, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark period' were defined under subsection (g)(3) as the last year beginning during such price applicability period with respect to such selected drug and subparagraph (B) of paragraph (3) shall be applied as if the term 'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'January 2021' under such subsection were a reference to 'January of the last year beginning during such price applicability period with respect to such drug'.

''(6) RECONCILIATION IN CASE OF REVISED INFORMATION.—The Secretary shall provide for a method and process under which, in the case where a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan submits revisions to the number of units of a rebatable covered part D drug dispensed, the Secretary determines, pursuant to such revisions, adjustments, if any, to the calculation of the amount specified in this subsection for a dosage form and strength with respect to such part D rebatable drug and an applicable period and reconciles any overpayments or underpayments in amounts paid as rebates under this subsection. Any identified underpayment shall be rectified by the manufacturer not later than 30 days after the date of receipt from the Secretary of information on such underpayment.

''(c) REBATE DEPOSITS.—Amounts paid as rebates under subsection (b) shall be deposited into the Medicare Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(d) INFORMATION.—For purposes of carrying out this section, the Secretary shall use information submitted by—

''(1) manufacturers under section 1927(b)(3);

''(2) States under section 1927(b)(2)(A); and

''(3) PDP sponsors of prescription drug plans and MA organization offering MA–PD plans under this part.

''(e) CIVIL MONEY PENALTY.—If a manufacturer of a part D rebatable drug has failed to comply with the requirement under subsection (a)(2) with respect to such drug for an applicable period, the manufacturer shall be subject to a civil money penalty in an amount equal to 125 percent of the amount specified in subsection (b) for such drug for such period. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) LIMITATION ON ADMINISTRATIVE OR JUDICIAL REVIEW.—There shall be no administrative or judicial review of any of the following:

''(1) The determination of units under this section.

''(2) The determination of whether a drug is a part D rebatable drug under this section.

''(3) The calculation of the rebate amount under this section.

''(g) DEFINITIONS.—In this section:

''(1) PART D REBATABLE DRUG.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'part D rebatable drug' means, with respect to an applicable period, a drug or biological described in subparagraph (C) that is a covered part D drug (as such term is defined under section 1860D–2(e)).

''(B) EXCLUSION.—

''(i) IN GENERAL.—Such term shall, with respect to an applicable period, not include a drug or biological if the average annual total cost under this part for such period per individual who uses such a drug or biological, as determined by the Secretary, is less than, subject to clause (ii), $100, as determined by the Secretary using the most recent data available or, if data is not available, as estimated by the Secretary.

''(ii) INCREASE.—The dollar amount applied under clause (i)—

''(I) for the applicable period beginning October 1, 2023, shall be the dollar amount specified under such clause for the applicable period beginning October 1, 2022, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with October of 2023; and

''(II) for a subsequent applicable period, shall be the dollar amount specified in this clause for the previous applicable period, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with October of the previous period.

Any dollar amount specified under this clause that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(C) DRUG OR BIOLOGICAL DESCRIBED.—A drug or biological described in this subparagraph is a drug or biological that, as of the first day of the applicable period involved, is—

''(i) a drug approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act;

''(ii) a drug approved under an abbreviated new drug application under section 505(j) of the Federal Food, Drug, and Cosmetic Act, in the case where—

''(I) the reference listed drug approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, including any 'authorized generic drug' (as that term is defined in section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act), is not being marketed, as identified in the Food and Drug Administration's National Drug Code Directory;

''(II) there is no other drug approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act that is rated as therapeutically equivalent (under the Food and Drug Administration's most recent publication of 'Approved Drug Products with Therapeutic Equivalence Evaluations') and that is being marketed, as identified in the Food and Drug Administration's National Drug Code Directory;

''(III) the manufacturer is not a 'first applicant' during the '180-day exclusivity period', as those terms are defined in section 505(j)(5)(B)(iv) of the Federal Food, Drug, and Cosmetic Act; and

''(IV) the manufacturer is not a 'first approved applicant' for a competitive generic therapy, as that term is defined in section 505(j)(5)(B)(v) of the Federal Food, Drug, and Cosmetic Act; or

''(iii) a biological licensed under section 351 of the Public Health Service Act.

''(2) UNIT.—The term 'unit' means, with respect to a part D rebatable drug, the lowest dispensable amount (such as a capsule or tablet, milligram of molecules, or grams) of the part D rebatable drug, as reported under section 1927.

''(3) PAYMENT AMOUNT BENCHMARK PERIOD.—The term 'payment amount benchmark period' means the period beginning January 1, 2021, and ending in the month immediately prior to October 1, 2021.

''(4) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for January 2021.

''(5) APPLICABLE PERIOD CPI–U.—The term 'applicable period CPI–U' means, with respect to an applicable period, the consumer price index for all urban consumers (United States city average) for the first month of such applicable period.

''(6) AVERAGE MANUFACTURER PRICE.—The term 'average manufacturer price' has the meaning, with respect to a part D rebatable drug of a manufacturer, given such term in section 1927(k)(1), with respect to a covered outpatient drug of a manufacturer for a rebate period under section 1927.

''(7) APPLICABLE PERIOD.—The term 'applicable period' means a 12-month period beginning with October 1 of a year (beginning with October 1, 2022).

''(h) IMPLEMENTATION FOR 2022, 2023, AND 2024.—The Secretary shall implement this section for 2022, 2023, and 2024 by program instruction or other forms of program guidance.''.

(b) CONFORMING AMENDMENTS.—

(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)), as amended by section 11101(c)(1), is amended by striking ''subsection (i) or section 1927'' and inserting ''subsection (i), section 1927, or section 1860D–14B''.

(2) EXCLUDING PART D DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)), as amended by section 11101(c)(2), is amended by striking ''or section 1847A(i)'' and inserting '', section 1847A(i), or section 1860D–14B''.

(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)), as amended by sections 11002(b) and 11101(c)(3), is amended by striking ''or section 1192(f), including rebates under paragraph (4) of such section'' and inserting '', section 1192(f), including rebates under paragraph (4) of such section, or section 1860D–14B''.

(4) EXCLUDING PART D DRUG INFLATION REBATES FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)), as amended by section 11001(b)(3) and section 11101(c)(4), is amended by adding at the end the following new subclause:

(A) in subclause (VI), by striking ''and'' at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subclause:

''(VIII) rebates paid by manufacturers under section 1860D–14B.''.

(c) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $80,000,000 for fiscal year 2022, including $12,500,000 to carry out the provisions of, including the amendments made by, this section in fiscal year 2022, and $7,500,000 to carry out the provisions of, including the amendments made by, this section in each of fiscal years 2023 through 2031, to remain available until expended.

### PART 3—PART D IMPROVEMENTS AND MAXIMUM OUT-OF-POCKET CAP FOR MEDICARE BENEFICIARIES

#### SEC. 11201. MEDICARE PART D BENEFIT REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting ''for a year preceding 2025 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2025 and each subsequent year'' after ''paragraph (3)'';

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(ii) in clause (ii)(III), by striking ''and each subsequent year'' and inserting ''through 2024''; and

(C) in subparagraph (D)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(II) in subclause (I)(bb), by striking ''a year after 2018'' and inserting ''each of years 2019 through 2024''; and

(ii) in clause (ii)(V), by striking ''2019 and each subsequent year'' and inserting ''each of years 2019 through 2024'';

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting ''for a year preceding 2025,'' after ''and (4),''; and

(B) in clause (ii), by striking ''for a subsequent year'' and inserting ''for each of years 2007 through 2024''; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and moving the margin of each such redesignated item 2 ems to the right;

(II) in the matter preceding item (aa), as redesignated by subclause (I), by striking ''is equal to the greater of—'' and inserting ''is equal to—

''(I) for a year preceding 2024, the greater of—'';

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ''; and''; and

(IV) by adding at the end the following:

''(II) for 2024 and each succeeding year, $0.''; and

(ii) in clause (ii)—

(I) by striking ''clause (i)(I)'' and inserting ''clause (i)(I)(aa)''; and

(II) by adding at the end the following new sentence: ''The Secretary shall continue to calculate the dollar amounts specified in clause (i)(I)(aa), including with the adjustment under this clause, after 2023 for purposes of section 1860D–14(a)(1)(D)(iii).'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ''or'' at the end;

(II) in subclause (VI)—

(aa) by striking ''for a subsequent year'' and inserting ''for each of years 2021 through 2024''; and

(bb) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new subclauses:

''(VII) for 2025, is equal to $2,000; or

''(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.''; and

(ii) in clause (ii), by striking ''clause (i)(II)'' and inserting ''clause (i)'';

(C) in subparagraph (C)—

(i) in clause (i), by striking ''and for amounts'' and inserting ''and, for a year preceding 2025, for amounts''; and

(ii) in clause (iii)—

(I) by redesignating subclauses (I) through (IV) as items (aa) through (dd) and indenting appropriately;

(II) by striking ''if such costs are borne or paid'' and inserting ''if such costs—

''(I) are borne or paid—''; and

(III) in item (dd), by striking the period at the end and inserting ''; or''; and

(IV) by adding at the end the following new subclause:

''(II) for 2025 and subsequent years, are reimbursed through insurance, a group health plan, or certain other third party payment arrangements, but not including the coverage provided by a prescription drug plan or an MA–PD plan that is basic prescription drug coverage (as defined in subsection (a)(3)) or any payments by a manufacturer under the manufacturer discount program under section 1860D–14C.''; and

(D) in subparagraph (E), by striking ''In applying'' and inserting ''For each of years 2011 through 2024, in applying''.

(b) REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''equal to 80 percent'' and inserting ''equal to—

''(A) for a year preceding 2025, 80 percent'';

(B) in subparagraph (A), as added by subparagraph (A), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(B) for 2025 and each subsequent year, the sum of—

''(i) with respect to applicable drugs (as defined in section 1860D–14C(g)(2)), an amount equal to 20 percent of such allowable reinsurance costs attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B); and

''(ii) with respect to covered part D drugs that are not applicable drugs (as so defined), an amount equal to 40 percent of such allowable reinsurance costs attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year

*after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B).'';*

*(2) in paragraph (2)—*

*(A) by striking ''COSTS.—For purposes'' and inserting ''COSTS.—*

*''(A) IN GENERAL.—Subject to subparagraph (B), for purposes''; and*

*(B) by adding at the end the following new subparagraph:*

*''(B) INCLUSION OF MANUFACTURER DISCOUNTS ON APPLICABLE DRUGS.—For purposes of applying subparagraph (A), the term 'allowable reinsurance costs' shall include the portion of the negotiated price (as defined in section 1860D–14C(g)(6)) of an applicable drug (as defined in section 1860D–14C(g)(2)) that was paid by a manufacturer under the manufacturer discount program under section 1860D–14C.''; and*

*(3) in paragraph (3)—*

*(A) in the first sentence, by striking ''For purposes'' and inserting ''Subject to paragraph (2)(B), for purposes''; and*

*(B) in the second sentence, by inserting ''(or, with respect to 2025 and subsequent years, in the case of an applicable drug, as defined in section 1860D–14C(g)(2), by a manufacturer)'' after ''by the individual or under the plan''.*

*(c) MANUFACTURER DISCOUNT PROGRAM.—*

*(1) IN GENERAL.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 through 42 U.S.C. 1395w–153), as amended by section 11102, is amended by inserting after section 1860D–14B the following new sections:*

***''SEC. 1860D–14C. MANUFACTURER DISCOUNT PROGRAM.***

*''(a) ESTABLISHMENT.—The Secretary shall establish a manufacturer discount program (in this section referred to as the 'program'). Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c).*

*''(b) TERMS OF AGREEMENT.—*

*''(1) IN GENERAL.—*

*''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide, in accordance with this section, discounted prices for applicable drugs of the manufacturer that are dispensed to applicable beneficiaries on or after January 1, 2025.*

*''(B) CLARIFICATION.—Nothing in this section shall be construed as affecting—*

*''(i) the application of a coinsurance of 25 percent of the negotiated price, as applied under paragraph (2)(A) of section 1860D–2(b), for costs described in such paragraph; or*

*''(ii) the application of the copayment amount described in paragraph (4)(A) of such section, with respect to costs described in such paragraph.*

*''(C) TIMING OF AGREEMENT.—*

*''(i) SPECIAL RULE FOR 2025.—In order for an agreement with a manufacturer to be in effect under this section with respect to the period beginning on January 1, 2025, and ending on December 31, 2025, the manufacturer shall enter into such agreement not later than March 1, 2024.*

*''(ii) 2026 AND SUBSEQUENT YEARS.—In order for an agreement with a manufacturer to be in effect under this section with respect to plan year 2026 or a subsequent plan year, the manufacturer shall enter into such agreement not later than a calendar quarter or semi-annual deadline established by the Secretary.*

*''(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.*

*''(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary, as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).*

*''(4) LENGTH OF AGREEMENT.—*

*''(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).*

*''(B) TERMINATION.—*

*''(i) BY THE SECRETARY.—The Secretary shall provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date to be repealed if the Secretary determines appropriate.*

*''(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—*

*''(I) if the termination occurs before January 31 of a plan year, as of the day after the end of the plan year; and*

*''(II) if the termination occurs on or after January 31 of a plan year, as of the day after the end of the succeeding plan year.*

*''(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.*

*''(5) EFFECTIVE DATE OF AGREEMENT.—An agreement under this section shall take effect at the start of a calendar quarter or another date specified by the Secretary.*

*''(c) DUTIES DESCRIBED.—The duties described in this subsection are the following:*

*''(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—*

*''(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;*

*''(B) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—*

*''(i) the negotiated price of the applicable drug; and*

*''(ii) the discounted price of the applicable drug;*

*''(C) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as specified by the Secretary; and*

*''(D) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, prescription drug plans and MA–PD plans, and the Secretary.*

*''(2) MONITORING COMPLIANCE.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.*

*''(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.*

*''(d) ADMINISTRATION.—*

*''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).*

*''(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.*

*''(e) CIVIL MONEY PENALTY.—*

*''(1) IN GENERAL.—A manufacturer that fails to provide discounted prices for applicable drugs of the manufacturer dispensed to applicable beneficiaries in accordance with an agreement in effect under this section shall be subject to a civil money penalty for each such failure in an amount the Secretary determines is equal to the sum of—*

*''(A) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and*

*''(B) 25 percent of such amount.*

*''(2) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).*

*''(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in).*

*''(g) DEFINITIONS.—In this section:*

*''(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing a covered part D drug—*

*''(A) is enrolled in a prescription drug plan or an MA–PD plan;*

*''(B) is not enrolled in a qualified retiree prescription drug plan; and*

*''(C) has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that exceed the annual deductible specified in section 1860D–2(b)(1).*

*''(2) APPLICABLE DRUG.—The term 'applicable drug', with respect to an applicable beneficiary—*

*''(A) means a covered part D drug—*

*''(i) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act; and*

*''(ii)(I) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;*

*''(II) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or*

*''(III) is provided through an exception or appeal; and*

*''(B) does not include a selected drug (as referred to under section 1192(c)) during a price applicability period (as defined in section 1191(b)(2)) with respect to such drug.*

*''(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—*

*''(A) with respect to claims for reimbursement submitted electronically, 14 days; and*

*''(B) with respect to claims for reimbursement submitted otherwise, 30 days.*

*''(4) DISCOUNTED PRICE.—*

*''(A) IN GENERAL.—The term 'discounted price' means, subject to subparagraphs (B) and (C), with respect to an applicable drug of a manufacturer dispensed during a year to an applicable beneficiary—*

''(i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, 90 percent of the negotiated price of such drug; and

''(ii) who has incurred such costs, as so determined, in the year that are equal to or exceed such threshold for the year, 80 percent of the negotiated price of such drug.

''(B) PHASE-IN FOR CERTAIN DRUGS DISPENSED TO LIS BENEFICIARIES.—

''(i) IN GENERAL.—In the case of an applicable drug of a specified manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary who is a subsidy eligible individual (as defined in section 1860D–14(a)(3)), the term 'discounted price' means the specified LIS percent (as defined in clause (iii)) of the negotiated price of the applicable drug of the manufacturer.

''(ii) SPECIFIED MANUFACTURER.—

''(I) IN GENERAL.—In this subparagraph, subject to subclause (II), the term 'specified manufacturer' means a manufacturer of an applicable drug for which, in 2021—

''(aa) the manufacturer had a coverage gap discount agreement under section 1860D–14A;

''(bb) the total expenditures for all of the specified drugs of the manufacturer covered by such agreement or agreements for such year and covered under this part during such year represented less than 1.0 percent of the total expenditures under this part for all covered Part D drugs during such year; and

''(cc) the total expenditures for all of the specified drugs of the manufacturer that are single source drugs and biological products for which payment may be made under part B during such year represented less than 1.0 percent of the total expenditures under part B for all drugs or biological products for which payment may be made under such part during such year.

''(II) SPECIFIED DRUGS.—

''(aa) IN GENERAL.—For purposes of this clause, the term 'specified drug' means, with respect to a specified manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or processed by the manufacturer.

''(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.

''(III) LIMITATION.—The term 'specified manufacturer' shall not include a manufacturer described in subclause (I) if such manufacturer is acquired after 2021 by another manufacturer that is not a specified manufacturer, effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

''(iii) SPECIFIED LIS PERCENT.—In this subparagraph, the 'specified LIS percent' means, with respect to a year—

''(I) for an applicable drug dispensed for an applicable beneficiary described in clause (i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent; and

''(ee) for 2029 and each subsequent year, 90 percent; and

''(II) for an applicable drug dispensed for an applicable beneficiary described in clause (i) who has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent;

''(ee) for 2029, 90 percent;

''(ff) for 2030, 85 percent; and

''(gg) for 2031 and each subsequent year, 80 percent.

''(C) PHASE-IN FOR SPECIFIED SMALL MANUFACTURERS.—

''(i) IN GENERAL.—In the case of an applicable drug of a specified small manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary, the term 'discounted price' means the specified small manufacturer percent (as defined in clause (iii)) of the negotiated price of the applicable drug of the manufacturer.

''(ii) SPECIFIED SMALL MANUFACTURER.—

''(I) IN GENERAL.—In this subparagraph, subject to subclause (III), the term 'specified small manufacturer' means a manufacturer of an applicable drug for which, in 2021—

''(aa) the manufacturer is a specified manufacturer (as defined in subparagraph (B)(ii)); and

''(bb) the total expenditures under part D for any one of the specified small manufacturer drugs of the manufacturer that are covered by the agreement or agreements under section 1860D–14A of such manufacturer for such year and covered under this part during such year are equal to or more than 80 percent of the total expenditures under this part for all specified small manufacturer drugs of the manufacturer that are covered by such agreement or agreements for such year and covered under this part during such year.

''(II) SPECIFIED SMALL MANUFACTURER DRUGS.—

''(aa) IN GENERAL.—For purposes of this clause, the term 'specified small manufacturer drugs' means, with respect to a specified small manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or processed by the manufacturer.

''(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.

''(III) LIMITATION.—The term 'specified small manufacturer' shall not include a manufacturer described in subclause (I) if such manufacturer is acquired after 2021 by another manufacturer that is not a specified small manufacturer, effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

''(iii) SPECIFIED SMALL MANUFACTURER PERCENT.—In this subparagraph, the term 'specified small manufacturer percent' means, with respect to a year—

''(I) for an applicable drug dispensed for an applicable beneficiary who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent; and

''(ee) for 2029 and each subsequent year, 90 percent; and

''(II) for an applicable drug dispensed for an applicable beneficiary who has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent;

''(ee) for 2029, 90 percent;

''(ff) for 2030, 85 percent; and

''(gg) for 2031 and each subsequent year, 80 percent.

''(D) TOTAL EXPENDITURES.—For purposes of this paragraph, the term 'total expenditures' includes, in the case of expenditures with respect to part D, the total gross covered prescription drug costs as defined in section 1860D–15(b)(3). The term 'total expenditures' excludes, in the case of expenditures with respect to part B, expenditures for a drug or biological that are bundled or packaged into the payment for another service.

''(E) SPECIAL CASE FOR CERTAIN CLAIMS.—

''(i) CLAIMS SPANNING DEDUCTIBLE.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall above the annual deductible specified in section 1860D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the negotiated price of the applicable drug that falls above such annual deductible.

''(ii) CLAIMS SPANNING OUT-OF-POCKET THRESHOLD.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall entirely below or entirely above the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, the manufacturer of the applicable drug shall provide the discounted price—

''(I) in accordance with subparagraph (A)(i) on the portion of the negotiated price of the applicable drug that falls below such threshold; and

''(II) in accordance with subparagraph (A)(ii) on the portion of such price of such drug that falls at or above such threshold.

''(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

''(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term for purposes of section 1860D–2(d)(1)(B), and, with respect to an applicable drug, such negotiated price shall include any dispensing fee and, if applicable, any vaccine administration fee for the applicable drug.

''(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' has the meaning given such term in section 1860D–22(a)(2).

***''SEC. 1860D–14D. SELECTED DRUG SUBSIDY PROGRAM.***

''With respect to covered part D drugs that would be applicable drugs (as defined in section 1860D–14C(g)(2)) but for the application of subparagraph (B) of such section, the Secretary shall provide a process whereby, in the case of an applicable beneficiary (as defined in section 1860D–14C(g)(1)) who, with respect to a year, is enrolled in a prescription drug plan or is enrolled in an MA–PD plan, has not incurred costs that are equal to or exceed the annual out-of-

pocket threshold specified in section 1860D–2(b)(4)(B)(i), and is dispensed such a drug, the Secretary (periodically and on a timely basis) provides the PDP sponsor or the MA organization offering the plan, a subsidy with respect to such drug that is equal to 10 percent of the negotiated price (as defined in section 1860D–14C(g)(6)) of such drug.''.

(2) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–14A of the Social Security Act (42 U.S.C. 1395w–114a) is amended—

(A) in subsection (a), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to subsection (h), the Secretary''; and

(B) by adding at the end the following new subsection:

''(h) SUNSET OF PROGRAM.—

''(1) IN GENERAL.—The program shall not apply with respect to applicable drugs dispensed on or after January 1, 2025, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

''(2) CONTINUED APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all responsibilities and duties) shall continue to apply on and after January 1, 2025, with respect to applicable drugs dispensed prior to such date.''.

(3) SELECTED DRUG SUBSIDY PAYMENTS FROM MEDICARE PRESCRIPTION DRUG ACCOUNT.—Section 1860D–16(b)(1) of the Social Security Act (42 U.S.C. 1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) payments under section 1860D–14D (relating to selected drug subsidy payments).''.

(d) MEDICARE PART D PREMIUM STABILIZATION.—

(1) 2024 THROUGH 2029.—Section 1860D–13 of the Social Security Act (42 U.S.C. 1395w–113) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A), by inserting ''or (8) (as applicable)'' after ''paragraph (2)'';

(ii) in paragraph (2), in the matter preceding subparagraph (A), by striking ''The base'' and inserting ''Subject to paragraph (8), the base'';

(iii) in paragraph (7)—

(I) in subparagraph (B)(ii), by inserting ''or (8) (as applicable)'' after ''paragraph (2)''; and

(II) in subparagraph (E)(i), by inserting ''or (8) (as applicable)'' after ''paragraph (2)''; and

(iv) by adding at the end the following new paragraph:

''(8) PREMIUM STABILIZATION.—

''(A) IN GENERAL.—The base beneficiary premium under this paragraph for a prescription drug plan for a month in 2024 through 2029 shall be computed as follows:

''(i) 2024.—The base beneficiary premium for a month in 2024 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under paragraph (2) for a month in 2023 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2024 that would have applied if this paragraph had not been enacted.

''(ii) 2025.—The base beneficiary premium for a month in 2025 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (i) for a month in 2024 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2025 that would have applied if this paragraph had not been enacted.

''(iii) 2026.—The base beneficiary premium for a month in 2026 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (ii) for a month in 2025 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2026 that would have applied if this paragraph had not been enacted.

''(iv) 2027.—The base beneficiary premium for a month in 2027 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (iii) for a month in 2026 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2027 that would have applied if this paragraph had not been enacted.

''(v) 2028.—The base beneficiary premium for a month in 2028 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (iv) for a month in 2027 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2028 that would have applied if this paragraph had not been enacted.

''(vi) 2029.—The base beneficiary premium for a month in 2029 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (v) for a month in 2028 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2029 that would have applied if this paragraph had not been enacted.

''(B) CLARIFICATION REGARDING 2030 AND SUBSEQUENT YEARS.—The base beneficiary premium for a month in 2030 or a subsequent year shall be computed under paragraph (2) without regard to this paragraph.''; and

(B) in subsection (b)(3)(A)(ii), by striking ''subsection (a)(2)'' and inserting ''paragraph (2) or (8) of subsection (a) (as applicable)''.

(2) ADJUSTMENT TO BENEFICIARY PREMIUM PERCENTAGE FOR 2030 AND SUBSEQUENT YEARS.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)), as amended by paragraph (1), is amended—

(A) in paragraph (3)(A), by inserting ''(or, for 2030 and each subsequent year, the percent specified under paragraph (9))'' after ''25.5 percent''; and

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

''(9) PERCENT SPECIFIED.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes of paragraph (3)(A), the percent specified under this paragraph for 2030 and each subsequent year is the percent that the Secretary determines is necessary to ensure that the base beneficiary premium computed under paragraph (2) for a month in 2030 is equal to the lesser of—

''(i) the base beneficiary premium computed under paragraph (8)(A)(vi) for a month in 2029 increased by 6 percent; or

''(ii) the base beneficiary premium computed under paragraph (2) for a month in 2030 that would have applied if this paragraph had not been enacted.

''(B) FLOOR.—The percent specified under subparagraph (A) may not be less than 20 percent.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 1854(b)(2)(B) of the Social Security Act 42 U.S.C. 1395w–24(b)(2)(B)) is amended by striking ''section 1860D–13(a)(2)'' and inserting ''paragraph (2) or (8) (as applicable) of section 1860D–13(a)''.

(B) Section 1860D–11(g)(6) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)) is amended by inserting ''(or, for 2030 and each subsequent year, the percent specified under section 1860D–13(a)(9))'' after ''25.5 percent''.

(C) Section 1860D–13(a)(7)(B)(i) of the Social Security Act (42 U.S.C. 1395w–113(a)(7)(B)(i)) is amended—

(i) in subclause (I), by inserting ''(or, for 2030 and each subsequent year, the percent specified under paragraph (9))'' after ''25.5 percent''; and

(ii) in subclause (II), by inserting ''(or, for 2030 and each subsequent year, the percent specified under paragraph (9))'' after ''25.5 percent''.

(D) Section 1860D–15(a) of the Social Security Act (42 U.S.C. 1395w–115(a)) is amended—

(i) in the matter preceding paragraph (1), by inserting ''(or, for each of 2024 through 2029, the percent applicable as a result of the application of section 1860D–13(a)(8), or, for 2030 and each subsequent year, 100 percent minus the percent specified under section 1860D–13(a)(9))'' after ''74.5 percent''; and

(ii) in paragraph (1)(B), by striking ''paragraph (2) of section 1860D–13(a)'' and inserting ''paragraph (2) or (8) of section 1860D–13(a) (as applicable)''.

(e) CONFORMING AMENDMENTS.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (a)(2)(A)(i)(I), by striking '', or an increase in the initial'' and inserting ''or, for a year preceding 2025, an increase in the initial'';

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking ''AT INITIAL COVERAGE LIMIT''; and

(ii) by inserting ''for a year preceding 2025 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2025 and each subsequent year'' after ''subsection (b)(3) for the year'' each place it appears; and

(C) in subsection (d)(1)(A), by striking ''or an initial'' and inserting ''or, for a year preceding 2025, an initial''.

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is amended by striking ''the initial'' and inserting ''for a year preceding 2025, the initial''.

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2025, the continuation'';

(ii) in subparagraph (D)(iii), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''; and

(iii) in subparagraph (E), by striking ''The elimination'' and inserting ''For a year preceding 2024, the elimination''; and

(B) in paragraph (2)(E), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''.

(4) Section 1860D–21(d)(7) of the Social Security Act (42 U.S.C. 1395w–131(d)(7)) is amended by striking ''section 1860D–2(b)(4)(B)(i)'' and inserting ''section 1860D–2(b)(4)(C)(i)''.

(5) Section 1860D–22(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A)) is amended—

(A) by striking ''the value of any discount'' and inserting the following: ''the value of—

''(i) for years prior to 2025, any discount'';

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(ii) for 2025 and each subsequent year, any discount provided pursuant to section 1860D–14C.''.

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ''for a year before 2025'' after ''1860D–2(b)(3)''; and

(B) by inserting ''for such year'' before the period.

(7) Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) participate in—

''(A) for 2011 through 2024, the Medicare coverage gap discount program under section 1860D–14A; and

''(B) for 2025 and each subsequent year, the manufacturer discount program under section 1860D–14C;'';

(ii) by striking paragraph (2) and inserting the following:

''(2) have entered into and have in effect—

''(A) for 2011 through 2024, an agreement described in subsection (b) of section 1860D–14A with the Secretary; and

''(B) for 2025 and each subsequent year, an agreement described in subsection (b) of section 1860D–14C with the Secretary; and''; and

(iii) in paragraph (3), by striking ''such section'' and inserting ''section 1860D–14A''; and

(B) by striking subsection (b) and inserting the following:

''(b) EFFECTIVE DATE.—Paragraphs (1)(A), (2)(A), and (3) of subsection (a) shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2025, and paragraphs (1)(B) and (2)(B) of such subsection shall apply to covered part D drugs dispensed under this part on or after January 1, 2025.''.

(8) Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(A) in subsection (c)(1)(C)(i)(VI), by inserting before the period at the end the following: ''or under the manufacturer discount program under section 1860D–14C''; and

(B) in subsection (k)(1)(B)(i)(V), by inserting before the period at the end the following: ''or under section 1860D–14C''.

(f) IMPLEMENTATION FOR 2024 THROUGH 2026.—The Secretary shall implement this section, including the amendments made by this section, for 2024, 2025, and 2026 by program instruction or other forms of program guidance.

(g) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $341,000,000 for fiscal year 2022, including $20,000,000 and $65,000,000 to carry out the provisions of, including the amendments made by, this section in fiscal years 2022 and 2023, respectively, and $32,000,000 to carry out the provisions of, including the amendments made by, this section in each of fiscal years 2024 through 2031, to remain available until expended.

**SEC. 11202. MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS UNDER PRESCRIPTION DRUG PLANS AND MA–PD PLANS.**

(a) IN GENERAL.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and (D)'' and inserting '', (D), and (E)''; and

(B) by adding at the end the following new subparagraph:

''(E) MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS.—

''(i) IN GENERAL.—For plan years beginning on or after January 1, 2025, each PDP sponsor offering a prescription drug plan and each MA organization offering an MA–PD plan shall provide to any enrollee of such plan, including an enrollee who is a subsidy eligible individual (as defined in paragraph (3) of section 1860D–14(a)), the option to elect with respect to a plan year to pay cost-sharing under the plan in monthly amounts that are capped in accordance with this subparagraph.

''(ii) DETERMINATION OF MAXIMUM MONTHLY CAP.—For each month in the plan year for which an enrollee in a prescription drug plan or an MA–PD plan has made an election pursuant to clause (i), the PDP sponsor or MA organization shall determine a maximum monthly cap (as defined in clause (iv)) for such enrollee.

''(iii) BENEFICIARY MONTHLY PAYMENTS.—With respect to an enrollee who has made an election pursuant to clause (i), for each month described in clause (ii), the PDP sponsor or MA organization shall bill such enrollee an amount (not to exceed the maximum monthly cap) for the out-of-pocket costs of such enrollee in such month.

''(iv) MAXIMUM MONTHLY CAP DEFINED.—In this subparagraph, the term 'maximum monthly cap' means, with respect to an enrollee—

''(I) for the first month for which the enrollee has made an election pursuant to clause (i), an amount determined by calculating—

''(aa) the annual out-of-pocket threshold specified in paragraph (4)(B) minus the incurred costs of the enrollee as described in paragraph (4)(C); divided by

''(bb) the number of months remaining in the plan year; and

''(II) for a subsequent month, an amount determined by calculating—

''(aa) the sum of any remaining out-of-pocket costs owed by the enrollee from a previous month that have not yet been billed to the enrollee and any additional out-of-pocket costs incurred by the enrollee; divided by

''(bb) the number of months remaining in the plan year.

''(v) ADDITIONAL REQUIREMENTS.—The following requirements shall apply with respect to the option to make an election pursuant to clause (i) under this subparagraph:

''(I) SECRETARIAL RESPONSIBILITIES.—The Secretary shall provide information to part D eligible individuals on the option to make such election through educational materials, including through the notices provided under section 1804(a).

''(II) TIMING OF ELECTION.—An enrollee in a prescription drug plan or an MA–PD plan may make such an election—

''(aa) prior to the beginning of the plan year; or

''(bb) in any month during the plan year.

''(III) PDP SPONSOR AND MA ORGANIZATION RESPONSIBILITIES.—Each PDP sponsor offering a prescription drug plan or MA organization offering an MA–PD plan—

''(aa) may not limit the option for an enrollee to make such an election to certain covered part D drugs;

''(bb) shall, prior to the plan year, notify prospective enrollees of the option to make such an election in promotional materials;

''(cc) shall include information on such option in enrollee educational materials;

''(dd) shall have in place a mechanism to notify a pharmacy during the plan year when an enrollee incurs out-of-pocket costs with respect to covered part D drugs that make it likely the enrollee may benefit from making such an election;

''(ee) shall provide that a pharmacy, after receiving a notification described in item (dd) with respect to an enrollee, informs the enrollee of such notification;

''(ff) shall ensure that such an election by an enrollee has no effect on the amount paid to pharmacies (or the timing of such payments) with respect to covered part D drugs dispensed to the enrollee; and

''(gg) shall have in place a financial reconciliation process to correct inaccuracies in payments made by an enrollee under this subparagraph with respect to covered part D drugs during the plan year.

''(IV) FAILURE TO PAY AMOUNT BILLED.—If an enrollee fails to pay the amount billed for a month as required under this subparagraph—

''(aa) the election of the enrollee pursuant to clause (i) shall be terminated and the enrollee shall pay the cost-sharing otherwise applicable for any covered part D drugs subsequently dispensed to the enrollee up to the annual out-of-pocket threshold specified in paragraph (4)(B); and

''(bb) the PDP sponsor or MA organization may preclude the enrollee from making an election pursuant to clause (i) in a subsequent plan year.

''(V) CLARIFICATION REGARDING PAST DUE AMOUNTS.—Nothing in this subparagraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for an amount owed under this subparagraph.

''(VI) TREATMENT OF UNSETTLED BALANCES.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as plan losses and the Secretary shall not be liable for any such balances outside of those assumed as losses estimated in plan bids.''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''subparagraph (E)'' and inserting ''subparagraph (E) or subparagraph (F)''; and

(B) by adding at the end the following new subparagraph:

''(F) INCLUSION OF COSTS PAID UNDER MAXIMUM MONTHLY CAP OPTION.—In applying subparagraph (A), with respect to an enrollee who has made an election pursuant to clause (i) of paragraph (2)(E), costs shall be treated as incurred if such costs are paid by a PDP sponsor or an MA organization under the option provided under such paragraph.''.

(b) APPLICATION TO ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(c) of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new paragraph:

''(4) SAME MAXIMUM MONTHLY CAP ON COST-SHARING.—The maximum monthly cap on cost-sharing payments shall apply to coverage with respect to an enrollee who has made an election pursuant to clause (i) of subsection (b)(2)(E) under the option provided under such subsection.''.

(c) IMPLEMENTATION FOR 2025.—The Secretary shall implement this section, including the amendments made by this section, for 2025 by program instruction or other forms of program guidance.

(d) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $10,000,000 for fiscal year 2023, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

## PART 4—CONTINUED DELAY OF IMPLEMENTATION OF PRESCRIPTION DRUG REBATE RULE

**SEC. 11301. EXTENSION OF MORATORIUM ON IMPLEMENTATION OF RULE RELATING TO ELIMINATING THE ANTI-KICKBACK STATUTE SAFE HARBOR PROTECTION FOR PRESCRIPTION DRUG REBATES.**

The Secretary of Health and Human Services shall not, prior to January 1, 2032, implement, administer, or enforce the provisions of the final rule published by the Office of the Inspector General of the Department of Health and Human Services on November 30, 2020, and titled ''Fraud and Abuse; Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees'' (85 Fed. Reg. 76666).

## PART 5—MISCELLANEOUS

**SEC. 11401. COVERAGE OF ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES UNDER MEDICARE PART D.**

(a) ENSURING TREATMENT OF COST-SHARING AND DEDUCTIBLE IS CONSISTENT WITH TREATMENT OF VACCINES UNDER MEDICARE PART B.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102), as amended by sections 11201 and 11202, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''The coverage'' and inserting ''Subject to paragraph (8), the coverage'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''and paragraph (8)'' after ''and (E)'';

(ii) in subparagraph (C)(i), in the matter preceding subclause (I), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (8)''; and

(iii) in subparagraph (D)(i), in the matter preceding subclause (I), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (8)'';

(C) in paragraph (3)(A), in the matter preceding clause (i), by striking ''and (4)'' and inserting ''(4), and (8)'';

(D) in paragraph (4)(A)(i), by striking ''The coverage'' and inserting ''Subject to paragraph (8), the coverage''; and

(E) by adding at the end the following new paragraph:

''(8) TREATMENT OF COST-SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES CONSISTENT WITH TREATMENT OF VACCINES UNDER PART B.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2023, with respect to an adult vaccine recommended by the Advisory Committee on Immunization Practices (as defined in subparagraph (B))—

''(i) the deductible under paragraph (1) shall not apply; and

''(ii) there shall be no coinsurance or other cost-sharing under this part with respect to such vaccine.

''(B) ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—For purposes of this paragraph, the term 'adult vaccine recommended by the Advisory Committee on Immunization Practices' means a covered part D drug that is a vaccine licensed under section 351 of the Public Health Service Act for use by adult populations and administered in accordance with recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(5) TREATMENT OF COST-SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—The coverage is in accordance with subsection (b)(8).''.

(b) CONFORMING AMENDMENTS TO COST-SHARING FOR LOW-INCOME INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)), as amended by section 11201, is amended—

(1) in paragraph (1)(D), in each of clauses (ii) and (iii), by striking ''In the case'' and inserting ''Subject to paragraph (6), in the case'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''A reduction'' and inserting ''Subject to section 1860D–2(b)(8), a reduction'';

(B) in subparagraph (D), by striking ''The substitution'' and inserting ''Subject to paragraph (6), the substitution''; and

(C) in subparagraph (E), by striking ''subsection (c)'' and inserting ''paragraph (6) of this subsection and subsection (c)''; and

(3) by adding at the end the following new paragraph:

''(6) NO APPLICATION OF COST-SHARING OR DEDUCTIBLE FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—For plan years beginning on or after January 1, 2023, with respect to an adult vaccine recommended by the Advisory Committee on Immunization Practices (as defined in section 1860D–2(b)(8)(B))—

''(A) the deductible under section 1860D–2(b)(1) shall not apply; and

''(B) there shall be no cost-sharing under this section with respect to such vaccine.''.

(c) TEMPORARY RETROSPECTIVE SUBSIDY.—

(1) IN GENERAL.—Section 1860D–15 of the Social Security Act (42 U.S.C. 1395w–115) is amended by adding at the end the following new subsection:

''(h) TEMPORARY RETROSPECTIVE SUBSIDY FOR REDUCTION IN COST-SHARING AND DEDUCTIBLE FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES DURING 2023.—

''(1) IN GENERAL.—In addition to amounts otherwise payable under this section to a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan, for plan year 2023, the Secretary shall provide the PDP sponsor or MA organization offering the plan subsidies in an amount equal to the aggregate reduction in cost-sharing and deductible by reason of the application of section 1860D–2(b)(8) for individuals under the plan during the year.

''(2) TIMING.—The Secretary shall provide a subsidy under paragraph (1), as applicable, not later than 18 months following the end of the applicable plan year.''.

(2) TREATMENT AS INCURRED COSTS.—Section 1860D–2(b)(4)(C)(iii)(I) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)(iii)(I)), as amended by section 11201(a)(3)(C), is amended—

(A) in item (cc), by striking ''or'' at the end; and

(B) by adding at the end the following new item:

''(dd) under section 1860D–15(h); or''.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting coverage under part D of title XVIII of the Social Security Act for vaccines that are not recommended by the Advisory Committee on Immunization Practices.

(e) IMPLEMENTATION FOR 2023 THROUGH 2025.—The Secretary shall implement this section, including the amendments made by this section, for 2023, 2024, and 2025, by program instruction or other forms of program guidance.

**SEC. 11402. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.**

Section 1847A(c)(4) of the Social Security Act (42 U.S.C. 1395w–3a(c)(4)) is amended—

(1) in each of subparagraphs (A) and (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(3) by striking ''UNAVAILABLE.—In the case'' and inserting ''UNAVAILABLE.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case''; and

(4) by adding at the end the following new subparagraph:

''(B) LIMITATION ON PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.—In the case of a biosimilar biological product furnished on or after July 1, 2024, during the initial period described in subparagraph (A) with respect to the biosimilar biological product, the amount payable under this section for the biosimilar biological product is the lesser of the following:

''(i) The amount determined under clause (ii) of such subparagraph for the biosimilar biological product.

''(ii) The amount determined under subsection (b)(1)(B) for the reference biological product.''.

**SEC. 11403. TEMPORARY INCREASE IN MEDICARE PART B PAYMENT FOR CERTAIN BIOSIMILAR BIOLOGICAL PRODUCTS.**

Section 1847A(b)(8) of the Social Security Act (42 U.S.C. 1395w–3a(b)(8)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margin of each such redesignated clause 2 ems to the right;

(2) by striking ''PRODUCT.—The amount'' and inserting the following: ''PRODUCT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount''; and

(3) by adding at the end the following new subparagraph:

''(B) TEMPORARY PAYMENT INCREASE.—

''(i) IN GENERAL.—In the case of a qualifying biosimilar biological product that is furnished during the applicable 5-year period for such product, the amount specified in this paragraph for such product with respect to such period is the sum determined under subparagraph (A), except that clause (ii) of such subparagraph shall be applied by substituting '8 percent' for '6 percent'.

''(ii) APPLICABLE 5-YEAR PERIOD.—For purposes of clause (i), the applicable 5-year period for a qualifying biosimilar biological product is—

''(I) in the case of such a product for which payment was made under this paragraph as of September 30, 2022, the 5-year period beginning on October 1, 2022; and

''(II) in the case of such a product for which payment is first made under this paragraph during a calendar quarter during the period beginning October 1, 2022, and ending December 31, 2027, the 5-year period beginning on the first day of such calendar quarter during which such payment is first made.

''(iii) QUALIFYING BIOSIMILAR BIOLOGICAL PRODUCT DEFINED.—For purposes of this subparagraph, the term 'qualifying biosimilar biological product' means a biosimilar biological product described in paragraph (1)(C) with respect to which—

''(I) in the case of a product described in clause (ii)(I), the average sales price under paragraph (8)(A)(i) for a calendar quarter during the 5-year period described in such clause is not more than the average sales price under paragraph (4)(A) for such quarter for the reference biological product; and

''(II) in the case of a product described in clause (ii)(II), the average sales price under paragraph (8)(A)(i) for a calendar quarter during the 5-year period described in such clause is not more than the average sales price under paragraph (4)(A) for such quarter for the reference biological product.''.

**SEC. 11404. EXPANDING ELIGIBILITY FOR LOW-INCOME SUBSIDIES UNDER PART D OF THE MEDICARE PROGRAM.**

Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)), as amended by sections 11201 and 11401, is amended—

(1) in the subsection heading, by striking ''INDIVIDUALS'' and all that follows through ''LINE'' and inserting ''CERTAIN INDIVIDUALS'';

(2) in paragraph (1)—

(A) by striking the paragraph heading and inserting ''INDIVIDUALS WITH CERTAIN LOW INCOMES''; and

(B) in the matter preceding subparagraph (A)—

(i) by inserting ''(or, with respect to a plan year beginning on or after January 1, 2024, 150 percent)'' after ''135 percent''; and

(ii) by inserting ''(or, with respect to a plan year beginning on or after January 1, 2024, paragraph (3)(E))'' after ''the resources requirement described in paragraph (3)(D)''; and

(3) in paragraph (2)—

(A) by striking the paragraph heading and inserting ''OTHER LOW-INCOME INDIVIDUALS''; and

(B) in the matter preceding subparagraph (A), by striking ''In the case of a subsidy'' and inserting ''With respect to a plan year beginning before January 1, 2024, in the case of a subsidy''.

**SEC. 11405. IMPROVING ACCESS TO ADULT VACCINES UNDER MEDICAID AND CHIP.**

(a) MEDICAID.—

(1) REQUIRING COVERAGE OF ADULT VACCINATIONS.—

(A) IN GENERAL.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended in the matter preceding clause (i) by inserting ''(13)(B),'' after ''(5),''.

(B) MEDICALLY NEEDY.—Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting '', (13)(B),'' after ''(5)''.

(2) NO COST SHARING FOR VACCINATIONS.—

(A) GENERAL COST-SHARING LIMITATIONS.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(i) in subsection (a)(2)—

(I) in subparagraph (G), by inserting a comma after ''State plan'';

(II) in subparagraph (H), by striking ''; or'' and inserting a comma;

(III) in subparagraph (I), by striking ''; and'' and inserting '', or''; and

(IV) by adding at the end the following new subparagraph:

''(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines; and''; and

(ii) in subsection (b)(2)—

(I) in subparagraph (G), by inserting a comma after ''State plan'';

(II) in subparagraph (H), by striking ''; or'' and inserting a comma;

(III) in subparagraph (I), by striking ''; and'' and inserting '', or''; and

(IV) by adding at the end the following new subparagraph:

''(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines; and''.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following new clause:

''(xiv) Vaccines described in section 1905(a)(13)(B) and the administration of such vaccines.''.

(3) INCREASED FMAP FOR ADULT VACCINES AND THEIR ADMINISTRATION.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(A) by striking ''and (5)'' and inserting ''(5)'';

(B) by striking ''services and vaccines described in subparagraphs (A) and (B) of subsection (a)(13), and prohibits cost-sharing for such services and vaccines'' and inserting ''services described in subsection (a)(13)(A), and prohibits cost-sharing for such services'';

(C) by striking ''medical assistance for such services and vaccines'' and inserting ''medical assistance for such services''; and

(D) by inserting '', and (6) during the first 8 fiscal quarters beginning on or after the effective date of this clause, in the case of a State which, as of the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', provides medical assistance for vaccines described in subsection (a)(13)(B) and their administration and prohibits cost-sharing for such vaccines, the Federal medical assistance percentage, as determined under this subsection and subsection (y), shall be increased by 1 percentage point with respect to medical assistance for such vaccines and their administration'' before the first period.

(b) CHIP.—

(1) REQUIRING COVERAGE OF ADULT VACCINATIONS.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

''(12) REQUIRED COVERAGE OF APPROVED, RECOMMENDED ADULT VACCINES AND THEIR ADMINISTRATION.—Regardless of the type of coverage elected by a State under subsection (a), if the State child health plan or a waiver of such plan provides child health assistance or pregnancy-related assistance (as defined in section 2112) to an individual who is 19 years of age or older, such assistance shall include coverage of vaccines described in section 1905(a)(13)(B) and their administration.''.

(2) NO COST-SHARING FOR VACCINATIONS.—Section 2103(e)(2) of such Act (42 U.S.C. 1397cc(e)(2)) is amended by inserting ''vaccines described in subsection (c)(12) (and the administration of such vaccines),'' after ''in vitro diagnostic products described in subsection (c)(10) (and administration of such products),''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the 1st day of the 1st fiscal quarter that begins on or after the date that is 1 year after the date of enactment of this Act and shall apply to expenditures made under a State plan or waiver of such plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w–6) or under a State child health plan or waiver of such plan under title XXI of such Act (42 U.S.C. 1397aa through 1397mm) on or after such effective date.

**SEC. 11406. APPROPRIATE COST-SHARING FOR COVERED INSULIN PRODUCTS UNDER MEDICARE PART D.**

(a) IN GENERAL.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102), as amended by sections 11201, 11202, and 11401, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)'';

(ii) in subparagraph (C)(i), in the matter preceding subclause (I), by striking ''and (8)'' and inserting '', (8), and (9)''; and

(iii) in subparagraph (D)(i), in the matter preceding subclause (I), by striking ''and (8)'' and inserting '', (8), and (9)'';

(C) in paragraph (3)(A), in the matter preceding clause (i), by striking ''and (8)'' and inserting ''(8), and (9)'';

(D) in paragraph (4)(A)(i), by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)''; and

(E) by adding at the end the following new paragraph:

''(9) TREATMENT OF COST-SHARING FOR COVERED INSULIN PRODUCTS.—

''(A) NO APPLICATION OF DEDUCTIBLE.—For plan year 2023 and subsequent plan years, the deductible under paragraph (1) shall not apply with respect to any covered insulin product.

''(B) APPLICATION OF COST-SHARING.—

''(i) PLAN YEARS 2023 AND 2024.—For plan years 2023 and 2024, the coverage provides benefits for any covered insulin product, regardless of whether an individual has reached the initial coverage limit under paragraph (3) or the out-of-pocket threshold under paragraph (4), with cost-sharing for a month's supply that does not exceed the applicable copayment amount.

''(ii) PLAN YEAR 2025 AND SUBSEQUENT PLAN YEARS.—For a plan year beginning on or after January 1, 2025, the coverage provides benefits for any covered insulin product, prior to an individual reaching the out-of-pocket threshold under paragraph (4), with cost-sharing for a month's supply that does not exceed the applicable copayment amount.

''(C) COVERED INSULIN PRODUCT.—In this paragraph, the term 'covered insulin product' means an insulin product that is a covered part D drug covered under the prescription drug plan or MA–PD plan that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act and marketed pursuant to such approval or licensure, including any covered insulin product that has been deemed to be licensed under section 351 of the Public Health Service Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and marketed pursuant to such section.

''(D) APPLICABLE COPAYMENT AMOUNT.—In this paragraph, the term 'applicable copayment amount' means, with respect to a covered insulin product under a prescription drug plan or an MA–PD plan dispensed—

''(i) during plan years 2023, 2024, and 2025, $35; and

''(ii) during plan year 2026 and each subsequent plan year, the lesser of—

''(I) $35;

''(II) an amount equal to 25 percent of the maximum fair price established for the covered insulin product in accordance with part E of title XI; or

''(III) an amount equal to 25 percent of the negotiated price of the covered insulin product under the prescription drug plan or MA–PD plan.

''(E) SPECIAL RULE FOR FIRST 3 MONTHS OF 2023.—With respect to a month's supply of a covered insulin product dispensed during the period beginning on January 1, 2023, and ending on March 31, 2023, a PDP sponsor offering a prescription drug plan or an MA organization offering an MA–PD plan shall reimburse an enrollee within 30 days for any cost-sharing paid by such enrollee that exceeds the cost-sharing applied by the prescription drug plan or MA–PD plan under subparagraph (B)(i) at the point-of-sale for such month's supply.''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(6) TREATMENT OF COST-SHARING FOR COVERED INSULIN PRODUCTS.—The coverage is provided in accordance with subsection (b)(9).''.

(b) CONFORMING AMENDMENTS TO COST-SHARING FOR LOW-INCOME INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)), as amended by sections 11201, 11401, and 11404, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)(iii), by adding at the end the following new sentence: ''For plan year 2023 and subsequent plan years, the copayment amount applicable under the preceding sentence to a month's supply of a covered insulin product (as defined in section 1860D–2(b)(9)(C)) dispensed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.''; and

(B) in subparagraph (E), by inserting the following before the period at the end: ''or under section 1860D–2(b)(9) in the case of a covered insulin product (as defined in subparagraph (C) of such section)''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''section 1860D–2(b)(8)'' and inserting ''paragraphs (8) and (9) of section 1860D–2(b)'';

(B) in subparagraph (D), by adding at the end the following new sentence: ''For plan year 2023, the amount of the coinsurance applicable under the preceding sentence to a month's supply of a covered insulin product (as defined in section 1860D–2(b)(9)(C)) dispensed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.''; and

(C) in subparagraph (E), by adding at the end the following new sentence: ''For plan year 2023, the amount of the copayment or coinsurance applicable under the preceding sentence to a month's supply of a covered insulin product (as defined in section 1860D–2(b)(9)(C)) dispensed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.''.

(c) TEMPORARY RETROSPECTIVE SUBSIDY.—Section 1860D–15(h) of the Social Security Act (42 U.S.C. 1395w–115(h)), as added by section 11401(c), is amended—

(1) in the subsection heading, by inserting ''AND INSULIN'' after ''PRACTICES''; and

(2) in paragraph (1), by striking ''section 1860D–2(b)(8)'' and inserting ''paragraph (8) or (9) of section 1860D–2(b)''.

(d) IMPLEMENTATION FOR 2023 THROUGH 2025.—The Secretary shall implement this section for plan years 2023, 2024, and 2025 by program instruction or other forms of program guidance.

(e) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $1,500,000 for fiscal year 2022, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

**SEC. 11407. LIMITATION ON MONTHLY COINSURANCE AND ADJUSTMENTS TO SUPPLIER PAYMENT UNDER MEDICARE PART B FOR INSULIN FURNISHED THROUGH DURABLE MEDICAL EQUIPMENT.**

(a) WAIVER OF DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(1) by striking ''and (12)'' and inserting ''(12)''; and

(2) by inserting before the period the following: '', and (13) such deductible shall not

apply with respect to insulin furnished on or after July 1, 2023, through an item of durable medical equipment covered under section 1861(n).''.

(b) COINSURANCE.—

(1) IN GENERAL.—Section 1833(a)(1)(S) of the Social Security Act (42 U.S.C. 1395l(a)(1)(S)) is amended—

(A) by inserting ''(i) except as provided in clause (ii),'' after ''(S)''; and

(B) by inserting after ''or 1847B),'' the following: ''and (ii) with respect to insulin furnished on or after July 1, 2023, through an item of durable medical equipment covered under section 1861(n), the amounts paid shall be, subject to the fourth sentence of this subsection, 80 percent of the payment amount established under section 1847A (or section 1847B, if applicable) for such insulin,''.

(2) ADJUSTMENT TO SUPPLIER PAYMENTS; LIMITATION ON MONTHLY COINSURANCE.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended, in the flush matter at the end, by adding at the end the following new sentence: ''The Secretary shall make such adjustments as may be necessary to the amounts paid as specified under paragraph (1)(S)(ii) for insulin furnished on or after July 1, 2023, through an item of durable medical equipment covered under section 1861(n), such that the amount of coinsurance payable by an individual enrolled under this part for a month's supply of such insulin does not exceed $35.''.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services shall implement this section for 2023 by program instruction or other forms of program guidance.

**SEC. 11408. SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE FOR INSULIN.**

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE FOR CERTAIN INSULIN PRODUCTS.—

''(i) IN GENERAL.—A plan shall not fail to be treated as a high deductible health plan by reason of failing to have a deductible for selected insulin products.

''(ii) SELECTED INSULIN PRODUCTS.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'selected insulin products' means any dosage form (such as vial, pump, or inhaler dosage forms) of any different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin.

''(II) INSULIN.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) and continues to be marketed pursuant to such licensure.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 2022.

### Subtitle C—Affordable Care Act Subsidies

**SEC. 12001. IMPROVE AFFORDABILITY AND REDUCE PREMIUM COSTS OF HEALTH INSURANCE FOR CONSUMERS.**

(a) IN GENERAL.—Clause (iii) of section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''in 2021 or 2022'' and inserting ''after December 31, 2020, and before January 1, 2026'', and

(2) by striking ''2021 AND 2022'' in the heading and inserting ''2021 THROUGH 2025''.

(b) EXTENSION THROUGH 2025 OF RULE TO ALLOW CREDIT TO TAXPAYERS WHOSE HOUSEHOLD INCOME EXCEEDS 400 PERCENT OF THE POVERTY LINE.—Section 36B(c)(1)(E) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''in 2021 or 2022'' and inserting ''after December 31, 2020, and before January 1, 2026'', and

(2) by striking ''2021 AND 2022'' in the heading and inserting ''2021 THROUGH 2025''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

### Subtitle D—Energy Security

**SEC. 13001. AMENDMENT OF 1986 CODE.**

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

### PART 1—CLEAN ELECTRICITY AND REDUCING CARBON EMISSIONS

**SEC. 13101. EXTENSION AND MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.**

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2022'' each place it appears and inserting ''January 1, 2025'':

(1) Paragraph (2)(A).
(2) Paragraph (3)(A).
(3) Paragraph (6).
(4) Paragraph (7).
(5) Paragraph (9).
(6) Paragraph (11)(B).

(b) BASE CREDIT AMOUNT.—Section 45 is amended—

(1) in subsection (a)(1), by striking ''1.5 cents'' and inserting ''0.3 cents'', and

(2) in subsection (b)(2), by striking ''1.5 cent'' and inserting ''0.3 cent''.

(c) APPLICATION OF EXTENSION TO GEOTHERMAL AND SOLAR.—Section 45(d)(4) is amended by striking ''and which'' and all that follows through ''January 1, 2022'' and inserting ''and the construction of which begins before January 1, 2025''.

(d) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2025''.

(e) APPLICATION OF EXTENSION TO WIND FACILITIES.—

(1) IN GENERAL.—Section 45(d)(1) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2025''.

(2) APPLICATION OF PHASEOUT PERCENTAGE.—

(A) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—Section 45(b)(5) is amended by inserting ''which is placed in service before January 1, 2022'' after ''using wind to produce electricity''.

(B) ENERGY CREDIT.—Section 48(a)(5)(E) is amended by inserting ''placed in service before January 1, 2022, and'' before ''treated as energy property''.

(3) QUALIFIED OFFSHORE WIND FACILITIES UNDER ENERGY CREDIT.—Section 48(a)(5)(F)(i) is amended by striking ''offshore wind facility'' and all that follows and inserting the following: ''offshore wind facility, subparagraph (E) shall not apply.''.

(f) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45(b) is amended by adding at the end the following new paragraphs:

''(6) INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirements of subparagraph (B), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (5) and without regard to this paragraph) shall be equal to such amount multiplied by 5.

''(B) QUALIFIED FACILITY REQUIREMENTS.—A qualified facility meets the requirements of this subparagraph if it is one of the following:

''(i) A facility with a maximum net output of less than 1 megawatt (as measured in alternating current).

''(ii) A facility the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (7)(A) and (8).

''(iii) A facility which satisfies the requirements of paragraphs (7)(A) and (8).

''(7) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

''(i) the construction of such facility, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2)(A)(ii), the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (6)(A) for a taxable year, the requirement under clause (ii) is applied to such taxable year in which the alteration or repair of the qualified facility occurs.''

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

''(i) IN GENERAL.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to the construction of any qualified facility or with respect to the alteration or repair of a facility in any year during the period described in subparagraph (A)(ii), such taxpayer shall be deemed to have satisfied such requirement under such subparagraph with respect to such facility for any year if, with respect to any laborer or mechanic who was paid wages at a rate below the rate described in such subparagraph for any period during such year, such taxpayer—

''(I) makes payment to such laborer or mechanic in an amount equal to the sum of—

''(aa) an amount equal to the difference between—

''(AA) the amount of wages paid to such laborer or mechanic during such period, and

''(BB) the amount of wages required to be paid to such laborer or mechanic pursuant to such subparagraph during such period, plus

''(bb) interest on the amount determined under item (aa) at the underpayment rate established under section 6621 (determined by substituting '6 percentage points' for '3 percentage points' in subsection (a)(2) of such section) for the period described in such item, and

''(II) makes payment to the Secretary of a penalty in an amount equal to the product of—

''(aa) $5,000, multiplied by

''(bb) the total number of laborers and mechanics who were paid wages at a rate below the rate described in subparagraph (A) for any period during such year.

''(ii) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply with respect to the assessment or collection of any penalty imposed by this paragraph.

''(iii) INTENTIONAL DISREGARD.—If the Secretary determines that any failure described in clause (i) is due to intentional disregard of the requirements under subparagraph (A), such clause shall be applied—

''(I) in subclause (I), by substituting 'three times the sum' for 'the sum', and

''(II) in subclause (II), by substituting '$10,000' for '5,000' in item (aa) thereof.

''(iv) LIMITATION ON PERIOD FOR PAYMENT.—Pursuant to rules issued by the Secretary, in the case of a final determination by the Secretary with respect to any failure by the taxpayer to satisfy the requirement under subparagraph (A), subparagraph (B)(i) shall not apply unless the

*payments described in subclauses (I) and (II) of such subparagraph are made by the taxpayer on or before the date which is 180 days after the date of such determination.*

*''(8) APPRENTICESHIP REQUIREMENTS.—The requirements described in this paragraph with respect to the construction of any qualified facility are as follows:*

*''(A) LABOR HOURS.—*

*''(i) PERCENTAGE OF TOTAL LABOR HOURS.—Taxpayers shall ensure that, with respect to the construction of any qualified facility, not less than the applicable percentage of the total labor hours of the construction, alteration, or repair work (including such work performed by any contractor or subcontractor) with respect to such facility shall, subject to subparagraph (B), be performed by qualified apprentices.*

*''(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be—*

*''(I) in the case of a qualified facility the construction of which begins before January 1, 2023, 10 percent,*

*''(II) in the case of a qualified facility the construction of which begins after December 31, 2022, and before January 1, 2024, 12.5 percent, and*

*''(III) in the case of a qualified facility the construction of which begins after December 31, 2023, 15 percent.*

*''(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.*

*''(C) PARTICIPATION.—Each taxpayer, contractor, or subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work with respect to the construction of a qualified facility shall employ 1 or more qualified apprentices to perform such work.*

*''(D) EXCEPTION.—*

*''(i) IN GENERAL.—A taxpayer shall not be treated as failing to satisfy the requirements of this paragraph if such taxpayer—*

*''(I) satisfies the requirements described in clause (ii), or*

*''(II) subject to clause (iii), in the case of any failure by the taxpayer to satisfy the requirement under subparagraphs (A) and (C) with respect to the construction, alteration, or repair work on any qualified facility to which subclause (I) does not apply, makes payment to the Secretary of a penalty in an amount equal to the product of—*

*''(aa) $50, multiplied by*

*''(bb) the total labor hours for which the requirement described in such subparagraph was not satisfied with respect to the construction, alteration, or repair work on such qualified facility.*

*''(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under this paragraph with respect to a qualified facility if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and—*

*''(I) such request has been denied, provided that such denial is not the result of a refusal by the taxpayer or any contractors or subcontractors engaged in the performance of construction, alteration, or repair work with respect to such qualified facility to comply with the established standards and requirements of the registered apprenticeship program, or*

*''(II) the registered apprenticeship program fails to respond to such request within 5 business days after the date on which such registered apprenticeship program received such request.*

*''(iii) INTENTIONAL DISREGARD.—If the Secretary determines that any failure described in subclause (i)(II) is due to intentional disregard of the requirements under subparagraphs (A) and (C), subclause (i)(II) shall be applied by substituting '$500' for '$50' in item (aa) thereof.*

*''(E) DEFINITIONS.—For purposes of this paragraph—*

*''(i) LABOR HOURS.—The term 'labor hours'—*

*''(I) means the total number of hours devoted to the performance of construction, alteration, or repair work by any individual employed by the taxpayer or by any contractor or subcontractor, and*

*''(II) excludes any hours worked by—*

*''(aa) foremen,*

*''(bb) superintendents,*

*''(cc) owners, or*

*''(dd) persons employed in a bona fide executive, administrative, or professional capacity (within the meaning of those terms in part 541 of title 29, Code of Federal Regulations).*

*''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' means an individual who is employed by the taxpayer or by any contractor or subcontractor and who is participating in a registered apprenticeship program, as defined in section 3131(e)(3)(B).*

*''(9) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.*

*(g) DOMESTIC CONTENT, PHASEOUT, AND ENERGY COMMUNITIES.—Section 45(b), as amended by subsection (f), is amended—*

*(1) by redesignating paragraph (9) as paragraph (12), and*

*(2) by inserting after paragraph (8) the following:*

*''(9) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—*

*''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B)(i), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (8)) shall be increased by an amount equal to 10 percent of the amount so determined.*

*''(B) REQUIREMENT.—*

*''(i) IN GENERAL.—The requirement described in this clause is satisfied with respect to any qualified facility if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) was produced in the United States (as determined under section 661 of title 49, Code of Federal Regulations).*

*''(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5 of title 49, Code of Federal Regulations.*

*''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components) which are mined, produced, or manufactured in the United States.*

*''(C) ADJUSTED PERCENTAGE.—*

*''(i) IN GENERAL.—Subject to subclause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be 40 percent.*

*''(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.*

*''(10) PHASEOUT FOR ELECTIVE PAYMENT.—*

*''(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—*

*''(i) the value of such credit (determined without regard to this paragraph), multiplied by*

*''(ii) the applicable percentage.*

*''(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—*

*''(i) which satisfies the requirements under paragraph (9)(B), or*

*''(ii) with a maximum net output of less than 1 megawatt (as measured in alternating current),*

*the applicable percentage shall be 100 percent.*

*''(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—*

*''(i) if construction of such facility began before January 1, 2024, 100 percent, and*

*''(ii) if construction of such facility began in calendar year 2024, 90 percent.*

*''(D) EXCEPTION.—*

*''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall provide exceptions to the requirements under this paragraph if—*

*''(I) the inclusion of steel, iron, or manufactured products which are produced in the United States increases the overall costs of construction of qualified facilities by more than 25 percent, or*

*''(II) relevant steel, iron, or manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.*

*''(ii) APPLICABLE PERCENTAGE.—In any case in which the Secretary provides an exception pursuant to clause (i), the applicable percentage shall be 100 percent.*

*''(11) SPECIAL RULE FOR QUALIFIED FACILITY LOCATED IN ENERGY COMMUNITY.—*

*''(A) IN GENERAL.—In the case of a qualified facility which is located in an energy community, the credit determined under subsection (a) (determined after the application of paragraphs (1) through (10), without the application of paragraph (9)) shall be increased by an amount equal to 10 percent of the amount so determined.*

*''(B) ENERGY COMMUNITY.—For purposes of this paragraph, the term 'energy community' means—*

*''(i) a brownfield site (as defined in subparagraphs (A), (B), and (D)(ii)(III) of section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39))),*

*''(ii) a metropolitan statistical area or nonmetropolitan statistical area which—*

*''(I) has (or, at any time during the period beginning after December 31, 2009, had) 0.17 percent or greater direct employment or 25 percent or greater local tax revenues related to the extraction, processing, transport, or storage of coal, oil, or natural gas (as determined by the Secretary), and*

*''(II) has an unemployment rate at or above the national average unemployment rate for the previous year (as determined by the Secretary), or*

*''(iii) a census tract—*

*''(I) in which—*

*''(aa) after December 31, 1999, a coal mine has closed, or*

*''(bb) after December 31, 2009, a coal-fired electric generating unit has been retired, or*

*''(II) which is directly adjoining to any census tract described in subclause (I).''.*

*(h) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45(b)(3) is amended to read as follows:*

*''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of 15 percent or a fraction—*

*''(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of proceeds of an issue of any obligations the interest on which is exempt from tax under section*

103 and which is used to provide financing for the qualified facility, and

''(B) the denominator of which is the aggregate amount of additions to the capital account for the qualified facility for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.''.

(i) ROUNDING ADJUSTMENT.—

(1) IN GENERAL.—Section 45(b)(2) is amended by striking the second sentence and inserting the following: ''If the 0.3 cent amount as increased under the preceding sentence is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. In any other case, if an amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.''.

(2) CONFORMING AMENDMENT.—Section 45(b)(4)(A) is amended by striking ''last sentence'' and inserting ''last two sentences''.

(j) HYDROPOWER.—

(1) ELIMINATION OF CREDIT RATE REDUCTION FOR QUALIFIED HYDROELECTRIC PRODUCTION AND MARINE AND HYDROKINETIC RENEWABLE ENERGY.—Section 45(b)(4)(A), as amended by the preceding provisions of this section, is amended by striking ''(7), (9), or (11)'' and inserting ''or (7)''.

(2) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—Section 45 is amended—

(A) in subsection (c)(10)(A)—

(i) in clause (iii), by striking ''or'',

(ii) in clause (iv), by striking the period at the end and inserting '', or'' and

(iii) by adding at the end the following:

''(v) pressurized water used in a pipeline (or similar man-made water conveyance) which is operated—

''(I) for the distribution of water for agricultural, municipal, or industrial consumption, and

''(II) not primarily for the generation of electricity.'', and

(B) in subsection (d)(11)(A), by striking ''150'' and inserting ''25''.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to facilities placed in service after December 31, 2021.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amendment made by subsection (h) shall apply to facilities the construction of which begins after the date of enactment of this Act.

(3) DOMESTIC CONTENT, PHASEOUT, ENERGY COMMUNITIES, AND HYDROPOWER.—The amendments made by subsections (g) and (j) shall apply to facilities placed in service after December 31, 2022.

**SEC. 13102. EXTENSION AND MODIFICATION OF ENERGY CREDIT.**

(a) EXTENSION OF CREDIT.—The following provisions of section 48 are each amended by striking ''January 1, 2024'' each place it appears and inserting ''January 1, 2025'':

(1) Subsection (a)(2)(A)(i)(II).

(2) Subsection (a)(3)(A)(ii).

(3) Subsection (c)(1)(D).

(4) Subsection (c)(2)(D).

(5) Subsection (c)(3)(A)(iv).

(6) Subsection (c)(4)(C).

(7) Subsection (c)(5)(D).

(b) FURTHER EXTENSION FOR CERTAIN ENERGY PROPERTY.—Section 48(a)(3)(A)(vii) is amended by striking ''January 1, 2024'' and inserting ''January 1, 2035''.

(c) PHASEOUT OF CREDIT.—Section 48(a) is amended by striking paragraphs (6) and (7) and inserting the following new paragraph:

''(6) PHASEOUT FOR CERTAIN ENERGY PROPERTY.—In the case of any qualified fuel cell property, qualified small wind property, or energy property described in clause (i) or clause (ii) of paragraph (3)(A) the construction of which begins after December 31, 2019, and which is placed in service before January 1, 2022, the energy percentage determined under paragraph (2) shall be equal to 26 percent.''.

(d) BASE ENERGY PERCENTAGE AMOUNT; PHASEOUT OF CERTAIN ENERGY PROPERTY.—

(1) BASE ENERGY PERCENTAGE AMOUNT.—Section 48(a) is amended—

(A) in paragraph (2)(A)—

(i) in clause (i), by striking ''30 percent'' and inserting ''6 percent'', and

(ii) in clause (ii), by striking ''10 percent'' and inserting ''2 percent'', and

(B) in paragraph (5)(A)(ii), by striking ''30 percent'' and inserting ''6 percent''.

(2) PHASEOUT OF CERTAIN ENERGY PROPERTY.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(7) PHASEOUT FOR CERTAIN ENERGY PROPERTY.—In the case of any energy property described in clause (vii) of paragraph (3)(A), the energy percentage determined under paragraph (2) shall be equal to—

''(A) in the case of any property the construction of which begins before January 1, 2033, and which is placed in service after December 31, 2021, 6 percent,

''(B) in the case of any property the construction of which begins after December 31, 2032, and before January 1, 2034, 5.2 percent, and

''(C) in the case of any property the construction of which begins after December 31, 2033, and before January 1, 2035, 4.4 percent.''.

(e) 6 PERCENT CREDIT FOR GEOTHERMAL.—Section 48(a)(2)(A)(i)(II) is amended by striking ''paragraph (3)(A)(i)'' and inserting ''clause (i) or (iii) of paragraph (3)(A)''.

(f) ENERGY STORAGE TECHNOLOGIES; QUALIFIED BIOGAS PROPERTY; MICROGRID CONTROLLERS; EXTENSION OF OTHER PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (vii), and by adding at the end the following new clauses:

''(ix) energy storage technology,

''(x) qualified biogas property, or

''(xi) microgrid controllers,''.

(2) APPLICATION OF 6 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclauses (IV) and (V) and adding at the end the following new subclauses:

''(VI) energy storage technology,

''(VII) qualified biogas property,

''(VIII) microgrid controllers, and

''(IX) energy property described in clauses (v) and (vii) of paragraph (3)(A), and''.

(3) DEFINITIONS.—Section 48(c) is amended by adding at the end the following new paragraphs:

''(6) ENERGY STORAGE TECHNOLOGY.—

''(A) IN GENERAL.—The term 'energy storage technology' means—

''(i) property (other than property primarily used in the transportation of goods or individuals and not for the production of electricity) which receives, stores, and delivers energy for conversion to electricity (or, in the case of hydrogen, which stores energy), and has a nameplate capacity of not less than 5 kilowatt hours, and

''(ii) thermal energy storage property.

''(B) MODIFICATIONS OF CERTAIN PROPERTY.—In the case of any property which either—

''(i) was placed in service before the date of enactment of this section and would be described in subparagraph (A)(i), except that such property has a capacity of less than 5 kilowatt hours and is modified in a manner that such property (after such modification) has a nameplate capacity of not less than 5 kilowatt hours, or

''(ii) is described in subparagraph (A)(i) and is modified in a manner that such property (after such modification) has an increase in nameplate capacity of not less than 5 kilowatt hours,

such property shall be treated as described in subparagraph (A)(i) except that the basis of any existing property prior to such modification shall not be taken into account for purposes of this section. In the case of any property to which this subparagraph applies, subparagraph (D) shall be applied by substituting 'modification' for 'construction'.

''(C) THERMAL ENERGY STORAGE PROPERTY.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, the term 'thermal energy storage property' means property comprising a system which—

''(I) is directly connected to a heating, ventilation, or air conditioning system,

''(II) removes heat from, or adds heat to, a storage medium for subsequent use, and

''(III) provides energy for the heating or cooling of the interior of a residential or commercial building.

''(ii) EXCLUSION.—The term 'thermal energy storage property' shall not include—

''(I) a swimming pool,

''(II) combined heat and power system property, or

''(III) a building or its structural components.

''(D) TERMINATION.—The term 'energy storage technology' shall not include any property the construction of which begins after December 31, 2024.

''(7) QUALIFIED BIOGAS PROPERTY.—

''(A) IN GENERAL.—The term 'qualified biogas property' means property comprising a system which—

''(i) converts biomass (as defined in section 45K(c)(3), as in effect on the date of enactment of this paragraph) into a gas which—

''(I) consists of not less than 52 percent methane by volume, or

''(II) is concentrated by such system into a gas which consists of not less than 52 percent methane, and

''(ii) captures such gas for sale or productive use, and not for disposal via combustion.

''(B) INCLUSION OF CLEANING AND CONDITIONING PROPERTY.—The term 'qualified biogas property' includes any property which is part of such system which cleans or conditions such gas.

''(C) TERMINATION.—The term 'qualified biogas property' shall not include any property the construction of which begins after December 31, 2024.

''(8) MICROGRID CONTROLLER.—

''(A) IN GENERAL.—The term 'microgrid controller' means equipment which is—

''(i) part of a qualified microgrid, and

''(ii) designed and used to monitor and control the energy resources and loads on such microgrid.

''(B) QUALIFIED MICROGRID.—The term 'qualified microgrid' means an electrical system which—

''(i) includes equipment which is capable of generating not less than 4 kilowatts and not greater than 20 megawatts of electricity,

''(ii) is capable of operating—

''(I) in connection with the electrical grid and as a single controllable entity with respect to such grid, and

''(II) independently (and disconnected) from such grid, and

''(iii) is not part of a bulk-power system (as defined in section 215 of the Federal Power Act (16 U.S.C. 824o)).

''(C) TERMINATION.—The term 'microgrid controller' shall not include any property the construction of which begins after December 31, 2024.''.

(4) DENIAL OF DOUBLE BENEFIT FOR QUALIFIED BIOGAS PROPERTY.—Section 45(e) is amended by adding at the end the following new paragraph:

''(12) COORDINATION WITH ENERGY CREDIT FOR QUALIFIED BIOGAS PROPERTY.—The term 'qualified facility' shall not include any facility which produces electricity from gas produced by qualified biogas property (as defined in section 48(c)(7)) if a credit is allowed under section 48 with respect to such property for the taxable year or any prior taxable year.''.

(5) PUBLIC UTILITY PROPERTY.—Paragraph (2) of section 50(d) is amended—

(A) by adding after the first sentence the following new sentence: ''At the election of a taxpayer, this paragraph shall not apply to any energy storage technology (as defined in section 48(c)(6)), provided—'', and

(B) by adding the following new subparagraphs:

''(A) no election under this paragraph shall be permitted if the making of such election is prohibited by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision that regulates public utilities as described in section 7701(a)(33)(A),

''(B) an election under this paragraph shall be made separately with respect to each energy storage technology by the due date (including extensions) of the Federal tax return for the taxable year in which the energy storage technology is placed in service by the taxpayer, and once made, may be revoked only with the consent of the Secretary, and

''(C) an election shall not apply with respect to any energy storage technology if such energy storage technology has a maximum capacity equal to or less than 500 kilowatt hours.''.

(g) FUEL CELLS USING ELECTROMECHANICAL PROCESSES.—

(1) IN GENERAL.—Section 48(c)(1) is amended—

(A) in subparagraph (A)(i)—

(i) by inserting ''or electromechanical'' after ''electrochemical'', and

(ii) by inserting ''(1 kilowatt in the case of a fuel cell power plant with a linear generator assembly)'' after ''0.5 kilowatt'', and

(B) in subparagraph (C)—

(i) by inserting '', or linear generator assembly,'' after ''a fuel cell stack assembly'', and

(ii) by inserting ''or electromechanical'' after ''electrochemical''.

(2) LINEAR GENERATOR ASSEMBLY LIMITATION.—Section 48(c)(1) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) LINEAR GENERATOR ASSEMBLY.—The term 'linear generator assembly' does not include any assembly which contains rotating parts.''.

(h) DYNAMIC GLASS.—Section 48(a)(3)(A)(ii) is amended by inserting '', or electrochromic glass which uses electricity to change its light transmittance properties in order to heat or cool a structure,'' after ''sunlight''.

(i) COORDINATION WITH LOW INCOME HOUSING TAX CREDIT.—Paragraph (3) of section 50(c) is amended—

(1) by striking ''and'' at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(C) paragraph (1) shall not apply for purposes of determining eligible basis under section 42.''.

(j) INTERCONNECTION PROPERTY.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(8) INTERCONNECTION PROPERTY.—

''(A) IN GENERAL.—For purposes of determining the credit under subsection (a), energy property shall include amounts paid or incurred by the taxpayer for qualified interconnection property in connection with the installation of energy property (as defined in paragraph (3)) which has a maximum net output of not greater than 5 megawatts (as measured in alternating current), to provide for the transmission or distribution of the electricity produced or stored by such property, and which are properly chargeable to the capital account of the taxpayer.

''(B) QUALIFIED INTERCONNECTION PROPERTY.—The term 'qualified interconnection property' means, with respect to an energy project which is not a microgrid controller, any tangible property—

''(i) which is part of an addition, modification, or upgrade to a transmission or distribution system which is required at or beyond the point at which the energy project interconnects to such transmission or distribution system in order to accommodate such interconnection,

''(ii) either—

''(I) which is constructed, reconstructed, or erected by the taxpayer, or

''(II) for which the cost with respect to the construction, reconstruction, or erection of such property is paid or incurred by such taxpayer, and

''(iii) the original use of which, pursuant to an interconnection agreement, commences with a utility.

''(C) INTERCONNECTION AGREEMENT.—The term 'interconnection agreement' means an agreement with a utility for the purposes of interconnecting the energy property owned by such taxpayer to the transmission or distribution system of such utility.

''(D) UTILITY.—For purposes of this paragraph, the term 'utility' means the owner or operator of an electrical transmission or distribution system which is subject to the regulatory authority of a State or political subdivision thereof, any agency or instrumentality of the United States, a public service or public utility commission or other similar body of any State or political subdivision thereof, or the governing or ratemaking body of an electric cooperative.

''(E) SPECIAL RULE FOR INTERCONNECTION PROPERTY.—In the case of expenses paid or incurred for interconnection property, amounts otherwise chargeable to capital account with respect to such expenses shall be reduced under rules similar to the rules of section 50(c).''.

(k) ENERGY PROJECTS, WAGE REQUIREMENTS, AND APPRENTICESHIP REQUIREMENTS.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraphs:

''(9) INCREASED CREDIT AMOUNT FOR ENERGY PROJECTS.—

''(A) IN GENERAL.—

''(i) RULE.—In the case of any energy project which satisfies the requirements of subparagraph (B), the amount of the credit determined under this subsection (determined after the application of paragraphs (1) through (8) and without regard to this clause) shall be equal to such amount multiplied by 5.

''(ii) ENERGY PROJECT DEFINED.—For purposes of this subsection, the term 'energy project' means a project consisting of one or more energy properties that are part of a single project.

''(B) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project with a maximum net output of less than 1 megawatt of electrical (as measured in alternating current) or thermal energy.

''(ii) A project the construction of which begins before the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (10)(A) and (11).

''(iii) A project which satisfies the requirements of paragraphs (10)(A) and (11).

''(10) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any energy project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

''(i) the construction of such energy project, and

''(ii) for the 5-year period beginning on the date such project is originally placed in service, the alteration or repair of such project,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. Subject to subparagraph (C), for purposes of any determination under paragraph (9)(A)(i) for the taxable year in which the energy project is placed in service, the taxpayer shall be deemed to satisfy the requirement under clause (ii) at the time such project is placed in service.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(C) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under this subsection by reason of this paragraph with respect to any project which does not satisfy the requirements under subparagraph (A) (after application of subparagraph (B)) for the period described in clause (ii) of subparagraph (A) (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a).

''(11) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.''.

(l) DOMESTIC CONTENT; PHASEOUT FOR ELECTIVE PAYMENT.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraphs:

''(12) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any energy project which satisfies the requirement under subparagraph (B), for purposes of applying paragraph (2) with respect to such property, the energy percentage shall be increased by the applicable credit rate increase.

''(B) REQUIREMENT.—Rules similar to the rules of section 45(b)(9)(B) shall apply.

''(C) APPLICABLE CREDIT RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be—

''(i) in the case of an energy project which does not satisfy the requirements of paragraph (9)(B), 2 percentage points, and

''(ii) in the case of an energy project which satisfies the requirements of paragraph (9)(B), 10 percentage points.

''(13) PHASEOUT FOR ELECTIVE PAYMENT.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, rules similar to the rules of section 45(b)(10) shall apply.''.

(m) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Section 48(a)(4) is amended to read as follows:

''(4) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(n) TREATMENT OF CERTAIN CONTRACTS INVOLVING ENERGY STORAGE.—Section 7701(e) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)(i), by striking ''or'' at the end of subclause (II), by striking ''and'' at the end of subclause (III) and inserting ''or'', and by adding at the end the following new subclause:

''(IV) the operation of a storage facility, and'', and

(B) by adding at the end the following new subparagraph:

''(F) STORAGE FACILITY.—For purposes of subparagraph (A), the term 'storage facility' means a facility which uses energy storage technology within the meaning of section 48(c)(6).'', and

(2) in paragraph (4), by striking ''or water treatment works facility'' and inserting ''water treatment works facility, or storage facility''.

(o) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(14) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—

''(A) IN GENERAL.—In the case of any energy project that is placed in service within an energy community (as defined in section 45(b)(11)(B), as applied by substituting 'energy project' for 'qualified facility' each place it appears), for purposes of applying paragraph (2) with respect to energy property which is part of such project, the energy percentage shall be increased by the applicable credit rate increase.

''(B) APPLICABLE CREDIT RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be equal to—

''(i) in the case of any energy project which does not satisfy the requirements of paragraph (9)(B), 2 percentage points, and

''(ii) in the case of any energy project which satisfies the requirements of paragraph (9)(B), 10 percentage points.''.

(p) REGULATIONS.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(15) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(q) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to property placed in service after December 31, 2021.

(2) OTHER PROPERTY.—The amendments made by subsections (f), (g), (h), (i), (j), (l), (n), and (o) shall apply to property placed in service after December 31, 2022.

(3) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—The amendments made by subsection (m) shall apply to property the construction of which begins after the date of enactment of this Act.

**SEC. 13103. INCREASE IN ENERGY CREDIT FOR SOLAR AND WIND FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.**

(a) IN GENERAL.—Section 48 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR CERTAIN SOLAR AND WIND FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any qualified solar and wind facility with respect to which the Secretary makes an allocation of environmental justice solar and wind capacity limitation under paragraph (4)—

''(A) the energy percentage otherwise determined under paragraph (2) or (5) of subsection (a) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice solar and wind capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) QUALIFIED SOLAR AND WIND FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified solar and wind facility' means any facility—

''(i) which generates electricity solely from property described in section 45(d)(1) or in clause (i) or (vi) of subsection (a)(3)(A),

''(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line (as defined in section 36B(d)(3)(A)) applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this section, the term 'eligible property' means energy property which—

''(A) is part of a facility described in section 45(d)(1) for which an election was made under subsection (a)(5), or

''(B) is described in clause (i) or (vi) of subsection (a)(3)(A),

including energy storage technology (as described in subsection (a)(3)(A)(ix)) installed in connection with such energy property.

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to allocate amounts of environmental justice solar and wind capacity limitation to qualified solar and wind facilities. In establishing such program and to carry out the purposes of this subsection, the Secretary shall provide procedures to allow for an efficient allocation process, including, when determined appropriate, consideration of multiple projects in a single application if such projects will be placed in service by a single taxpayer.

''(B) LIMITATION.—The amount of environmental justice solar and wind capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each of calendar years 2023 and 2024, and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2024 except as provided in section 48E(h)(4)(D)(ii).

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice solar and wind capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

**SEC. 13104. EXTENSION AND MODIFICATION OF CREDIT FOR CARBON OXIDE SEQUESTRATION.**

(a) MODIFICATION OF CARBON OXIDE CAPTURE REQUIREMENTS.—

(1) IN GENERAL.—Section 45Q(d) is amended to read as follows:

''(d) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility or direct air capture facility—

''(1) the construction of which begins before January 1, 2033, and either—

''(A) construction of carbon capture equipment begins before such date, or

''(B) the original planning and design for such facility includes installation of carbon capture equipment, and

''(2) which—

''(A) in the case of a direct air capture facility, captures not less than 1,000 metric tons of qualified carbon oxide during the taxable year,

''(B) in the case of an electricity generating facility—

''(i) captures not less than 18,750 metric tons of qualified carbon oxide during the taxable year, and

''(ii) with respect to any carbon capture equipment for the applicable electric generating unit at such facility, has a capture design capacity of not less than 75 percent of the baseline carbon oxide production of such unit, or

''(C) in the case of any other facility, captures not less than 12,500 metric tons of qualified carbon oxide during the taxable year.''.

(2) DEFINITIONS.—

(A) IN GENERAL.—Section 45Q(e) is amended—

(i) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively, and

(ii) by inserting after ''For purposes of this section—'' the following new paragraphs:

''(1) APPLICABLE ELECTRIC GENERATING UNIT.—The term 'applicable electric generating unit' means the principal electric generating

*unit for which the carbon capture equipment is originally planned and designed.*

*''(2) BASELINE CARBON OXIDE PRODUCTION.—*

*''(A) IN GENERAL.—The term 'baseline carbon oxide production' means either of the following:*

*''(i) In the case of an applicable electric generating unit which was originally placed in service more than 1 year prior to the date on which construction of the carbon capture equipment begins, the average annual carbon oxide production, by mass, from such unit during—*

*''(I) in the case of an applicable electric generating unit which was originally placed in service more than 1 year prior to the date on which construction of the carbon capture equipment begins and on or after the date which is 3 years prior to the date on which construction of such equipment begins, the period beginning on the date such unit was placed in service and ending on the date on which construction of such equipment began, and*

*''(II) in the case of an applicable electric generating unit which was originally placed in service more than 3 years prior to the date on which construction of the carbon capture equipment begins, the 3 years with the highest annual carbon oxide production during the 12-year period preceding the date on which construction of such equipment began.*

*''(ii) In the case of an applicable electric generating unit which—*

*''(I) as of the date on which construction of the carbon capture equipment begins, is not yet placed in service, or*

*''(II) was placed in service during the 1-year period prior to the date on which construction of the carbon capture equipment begins,*

*the designed annual carbon oxide production, by mass, as determined based on an assumed capacity factor of 60 percent.*

*''(B) CAPACITY FACTOR.—The term 'capacity factor' means the ratio (expressed as a percentage) of the actual electric output from the applicable electric generating unit to the potential electric output from such unit.''.*

*(B) CONFORMING AMENDMENT.—Section 142(o)(1)(B) is amended by striking ''section 45Q(e)(1)'' and inserting ''section 45Q(e)(3)''.*

*(b) MODIFIED APPLICABLE DOLLAR AMOUNT.—Section 45Q(b)(1)(A) is amended—*

*(1) in clause (i)—*

*(A) in subclause (I), by striking ''the dollar amount'' and all that follows through ''such period'' and inserting ''$17'', and*

*(B) in subclause (II), by striking ''the dollar amount'' and all that follows through ''such period'' and inserting ''$12'', and*

*(2) in clause (ii)—*

*(A) in subclause (I), by striking ''$50'' and inserting ''$17'', and*

*(B) in subclause (II), by striking ''$35'' and inserting ''$12''.*

*(c) DETERMINATION OF APPLICABLE DOLLAR AMOUNT.—*

*(1) IN GENERAL.—Section 45Q(b)(1), as amended by the preceding provisions of this Act, is amended—*

*(A) by redesignating subparagraph (B) as subparagraph (D), and*

*(B) by inserting after subparagraph (A) the following new subparagraphs:*

*''(B) SPECIAL RULE FOR DIRECT AIR CAPTURE FACILITIES.—In the case of any qualified facility described in subsection (d)(2)(A) which is placed in service after December 31, 2022, the applicable dollar amount shall be an amount equal to the applicable dollar amount otherwise determined with respect to such qualified facility under subparagraph (A), except that such subparagraph shall be applied—*

*''(i) by substituting '$36' for '$17' each place it appears, and*

*''(ii) by substituting '$26' for '$12' each place it appears.*

*''(C) APPLICABLE DOLLAR AMOUNT FOR ADDITIONAL CARBON CAPTURE EQUIPMENT.—In the case of any qualified facility which is placed in service before January 1, 2023, if any additional carbon capture equipment is installed at such facility and such equipment is placed in service after December 31, 2022, the applicable dollar amount shall be an amount equal to the applicable dollar amount otherwise determined under this paragraph, except that subparagraph (B) shall be applied—*

*''(i) by substituting 'before January 1, 2023' for 'after December 31, 2022', and*

*''(ii) by substituting 'the additional carbon capture equipment installed at such qualified facility' for 'such qualified facility'.''.*

*(2) CONFORMING AMENDMENTS.—*

*(A) Section 45Q(b)(1)(A) is amended by striking ''The applicable dollar amount'' and inserting ''Except as provided in subparagraph (B) or (C), the applicable dollar amount''.*

*(B) Section 45Q(b)(1)(D), as redesignated by paragraph (1)(A), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A), (B), or (C)''.*

*(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45Q is amended by redesignating subsection (h) as subsection (i) and inserting after subsection (g) following new subsection:*

*''(h) INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES AND CARBON CAPTURE EQUIPMENT.—*

*''(1) IN GENERAL.—In the case of any qualified facility or any carbon capture equipment which satisfy the requirements of paragraph (2), the amount of the credit determined under subsection (a) shall be equal to such amount (determined without regard to this sentence) multiplied by 5.*

*''(2) REQUIREMENTS.—The requirements described in this paragraph are that—*

*''(A) with respect to any qualified facility the construction of which begins on or after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), as well as any carbon capture equipment placed in service at such facility—*

*''(i) subject to subparagraph (B) of paragraph (3), the taxpayer satisfies the requirements under subparagraph (A) of such paragraph with respect to such facility and equipment, and*

*''(ii) the taxpayer satisfies the requirements under paragraph (4) with respect to the construction of such facility and equipment,*

*''(B) with respect to any carbon capture equipment the construction of which begins on or after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and which is installed at a qualified facility the construction of which began prior to such date—*

*''(i) subject to subparagraph (B) of paragraph (3), the taxpayer satisfies the requirements under subparagraph (A) of such paragraph with respect to such equipment, and*

*''(ii) the taxpayer satisfies the requirements under paragraph (4) with respect to the construction of such equipment, or*

*''(C) the construction of carbon capture equipment begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and such equipment is installed at a qualified facility the construction of which begins prior to such date.*

*''(3) PREVAILING WAGE REQUIREMENTS.—*

*''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility and any carbon capture equipment placed in service at such facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—*

*''(i) the construction of such facility or equipment, and*

*''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in paragraph (3)(A) or (4)(A) of subsection (a), the alteration or repair of such facility or such equipment,*

*shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility and equipment are located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this subparagraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.*

*''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.*

*''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.*

*''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.*

*(e) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45Q(f) is amended—*

*(1) by striking the second paragraph (3), as added at the end of such section by section 80402(e) of the Infrastructure Investment and Jobs Act (Public Law 117-58), and*

*(2) by adding at the end the following new paragraph:*

*''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.*

*(f) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—Section 45Q(g) is amended by inserting ''the earlier of January 1, 2023, and'' before ''the end of the calendar year''.*

*(g) ELECTION.—Section 45Q(f), as amended by subsection (e), is amended by adding at the end the following new paragraph:*

*''(9) ELECTION.—For purposes of paragraphs (3) and (4) of subsection (a), a person described in paragraph (3)(A)(ii) may elect, at such time and in such manner as the Secretary may prescribe, to have the 12–year period begin on the first day of the first taxable year in which a credit under this section is claimed with respect to carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018 (after application of paragraph (6), where applicable) if—*

*''(A) no taxpayer claimed a credit under this section with respect to such carbon capture equipment for any prior taxable year,*

*''(B) the qualified facility at which such carbon capture equipment is placed in service is located in an area affected by a federally-declared disaster (as defined by section 165(i)(5)(A)) after the carbon capture equipment is originally placed in service, and*

*''(C) such federally-declared disaster results in a cessation of the operation of the qualified facility or the carbon capture equipment after such equipment is originally placed in service.''.*

*(h) REGULATIONS FOR BASELINE CARBON OXIDE PRODUCTION.—Subsection (i) of section 45Q, as redesignated by subsection (d), is amended—*

*(1) in paragraph (1), by striking ''and'',*

*(2) in paragraph (2), by striking the period at the end and inserting '', and'', and*

*(3) by adding at the end the following new paragraph:*

*''(3) for purposes of subsection (d)(2)(B)(ii), adjust the baseline carbon oxide production with respect to any applicable electric generating unit at any electricity generating facility if, after the date on which the carbon capture equipment is placed in service, modifications*

*which are chargeable to capital account are made to such unit which result in a significant increase or decrease in carbon oxide production.''.*

*(i) EFFECTIVE DATES.—*

*(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the amendments made by this section shall apply to facilities or equipment placed in service after December 31, 2022.*

*(2) MODIFICATION OF CARBON OXIDE CAPTURE REQUIREMENTS.—The amendments made by subsection (a) shall apply to facilities or equipment the construction of which begins after the date of enactment of this Act.*

*(3) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—The amendments made by subsection (f) shall take effect on the date of enactment of this Act.*

*(4) ELECTION.—The amendments made by subsection (g) shall apply to carbon oxide captured and disposed of after December 31, 2021.*

***SEC. 13105. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.***

*(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:*

***''SEC. 45U. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.***

*''(a) AMOUNT OF CREDIT.—For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the amount by which—*

*''(1) the product of—*

*''(A) 0.3 cents, multiplied by*

*''(B) the kilowatt hours of electricity—*

*''(i) produced by the taxpayer at a qualified nuclear power facility, and*

*''(ii) sold by the taxpayer to an unrelated person during the taxable year, exceeds*

*''(2) the reduction amount for such taxable year.*

*''(b) DEFINITIONS.—*

*''(1) QUALIFIED NUCLEAR POWER FACILITY.—For purposes of this section, the term 'qualified nuclear power facility' means any nuclear facility—*

*''(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity,*

*''(B) which is not an advanced nuclear power facility as defined in subsection (d)(1) of section 45J, and*

*''(C) which is placed in service before the date of the enactment of this section.*

*''(2) REDUCTION AMOUNT.—*

*''(A) IN GENERAL.—For purposes of this section, the term 'reduction amount' means, with respect to any qualified nuclear power facility for any taxable year, the amount equal to the lesser of—*

*''(i) the amount determined under subsection (a)(1), or*

*''(ii) the amount equal to 16 percent of the excess of—*

*''(I) subject to subparagraph (B), the gross receipts from any electricity produced by such facility (including any electricity services or products provided in conjunction with the electricity produced by such facility) and sold to an unrelated person during such taxable year, over*

*''(II) the amount equal to the product of—*

*''(aa) 2.5 cents, multiplied by*

*''(bb) the amount determined under subsection (a)(1)(B).*

*''(B) TREATMENT OF CERTAIN RECEIPTS.—*

*''(i) IN GENERAL.—Subject to clause (iii), the amount determined under subparagraph (A)(ii)(I) shall include any amount received by the taxpayer during the taxable year with respect to the qualified nuclear power facility from a zero-emission credit program. For purposes of determining the amount received during such taxable year, the taxpayer shall take into account any reductions required under such program.*

*''(ii) ZERO-EMISSION CREDIT PROGRAM.—For purposes of this subparagraph, the term 'zero-emission credit program' means any payments with respect to a qualified nuclear power facility as a result of any Federal, State or local government program for, in whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.*

*''(iii) EXCLUSION.—For purposes of clause (i), any amount received by the taxpayer from a zero-emission credit program shall be excluded from the amount determined under subparagraph (A)(ii)(I) if the full amount of the credit calculated pursuant to subsection (a) (determined without regard to this subparagraph) is used to reduce payments from such zero-emission credit program.*

*''(3) ELECTRICITY.—For purposes of this section, the term 'electricity' means the energy produced by a qualified nuclear power facility from the conversion of nuclear fuel into electric power.*

*''(c) OTHER RULES.—*

*''(1) INFLATION ADJUSTMENT.—The 0.3 cent amount in subsection (a)(1)(A) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(II)(aa) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), as applied by substituting 'calendar year 2023' for 'calendar year 1992' in subparagraph (B) thereof) for the calendar year in which the sale occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 2.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.*

*''(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.*

*''(d) WAGE REQUIREMENTS.—*

*''(1) INCREASED CREDIT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—In the case of any qualified nuclear power facility which satisfies the requirements of paragraph (2)(A), the amount of the credit determined under subsection (a) shall be equal to such amount (as determined without regard to this sentence) multiplied by 5.*

*''(2) PREVAILING WAGE REQUIREMENTS.—*

*''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified nuclear power facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the alteration or repair of such facility shall be paid wages at rates not less than the prevailing rates for alteration or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.*

*''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.*

*''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.*

*''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2032.''.*

*(b) CONFORMING AMENDMENTS.—*

*(1) Section 38(b) is amended—*

*(A) in paragraph (32), by striking ''plus'' at the end,*

*(B) in paragraph (33), by striking the period at the end and inserting '', plus'', and*

*(C) by adding at the end the following new paragraph:*

*''(34) the zero-emission nuclear power production credit determined under section 45U(a).''.*

*(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:*

*''Sec. 45U. Zero-emission nuclear power production credit.''.*

*(c) EFFECTIVE DATE.—This section shall apply to electricity produced and sold after December 31, 2023, in taxable years beginning after such date.*

***PART 2—CLEAN FUELS***

***SEC. 13201. EXTENSION OF INCENTIVES FOR BIODIESEL, RENEWABLE DIESEL AND ALTERNATIVE FUELS.***

*(a) BIODIESEL AND RENEWABLE DIESEL CREDIT.—Section 40A(g) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.*

*(b) BIODIESEL MIXTURE CREDIT.—*

*(1) IN GENERAL.—Section 6426(c)(6) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.*

*(2) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(6)(B) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.*

*(c) ALTERNATIVE FUEL CREDIT.—Section 6426(d)(5) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.*

*(d) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(e)(3) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.*

*(e) PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.*

*(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.*

*(g) SPECIAL RULE.—In the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2022, and ending with the close of the last calendar quarter beginning before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.*

***SEC. 13202. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.***

*(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking ''2022'' and inserting ''2025''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified second generation biofuel production after December 31, 2021.*

***SEC. 13203. SUSTAINABLE AVIATION FUEL CREDIT.***

*(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 40A the following new section:*

***''SEC. 40B. SUSTAINABLE AVIATION FUEL CREDIT.***

*''(a) IN GENERAL.—For purposes of section 38, the sustainable aviation fuel credit determined under this section for the taxable year is, with respect to any sale or use of a qualified mixture which occurs during such taxable year, an amount equal to the product of—*

''(1) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(2) the sum of—

''(A) $1.25, plus

''(B) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(b) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this section, the term 'applicable supplementary amount' means, with respect to any sustainable aviation fuel, an amount equal to $0.01 for each percentage point by which the lifecycle greenhouse gas emissions reduction percentage with respect to such fuel exceeds 50 percent. In no event shall the applicable supplementary amount determined under this subsection exceed $0.50.

''(c) QUALIFIED MIXTURE.—For purposes of this section, the term 'qualified mixture' means a mixture of sustainable aviation fuel and kerosene if—

''(1) such mixture is produced by the taxpayer in the United States,

''(2) such mixture is used by the taxpayer (or sold by the taxpayer for use) in an aircraft,

''(3) such sale or use is in the ordinary course of a trade or business of the taxpayer, and

''(4) the transfer of such mixture to the fuel tank of such aircraft occurs in the United States.

''(d) SUSTAINABLE AVIATION FUEL.—

''(1) IN GENERAL.—For purposes of this section, the term 'sustainable aviation fuel' means liquid fuel, the portion of which is not kerosene, which—

''(A) meets the requirements of—

''(i) ASTM International Standard D7566, or

''(ii) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1,

''(B) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass,

''(C) is not derived from palm fatty acid distillates or petroleum, and

''(D) has been certified in accordance with subsection (e) as having a lifecycle greenhouse gas emissions reduction percentage of at least 50 percent.

''(2) DEFINITIONS.—In this subsection—

''(A) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(i) monoglycerides, diglycerides, and triglycerides,

''(ii) free fatty acids, and

''(iii) fatty acid esters.

''(B) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) LIFECYCLE GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE.—For purposes of this section, the term 'lifecycle greenhouse gas emissions reduction percentage' means, with respect to any sustainable aviation fuel, the percentage reduction in lifecycle greenhouse gas emissions achieved by such fuel as compared with petroleum-based jet fuel, as defined in accordance with—

''(1) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(2) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(f) REGISTRATION OF SUSTAINABLE AVIATION FUEL PRODUCERS.—No credit shall be allowed under this section with respect to any sustainable aviation fuel unless the producer or importer of such fuel—

''(1) is registered with the Secretary under section 4101, and

''(2) provides—

''(A) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(i) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in paragraph (1) of subsection (e), or

''(ii) in the case of any methodology established under paragraph (2) of such subsection, requirements similar to the requirements described in clause (i), and

''(B) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

''(g) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any sustainable aviation fuel shall, under rules prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such sustainable aviation fuel solely by reason of the application of section 6426 or 6427(e).

''(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2024.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.— Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', plus'', and by inserting after paragraph (34) the following new paragraph:

''(35) the sustainable aviation fuel credit determined under section 40B.''.

(c) COORDINATION WITH BIODIESEL INCENTIVES.—

(1) IN GENERAL.—Section 40A(d)(1) is amended by inserting ''or 40B'' after ''determined under section 40''.

(2) CONFORMING AMENDMENT.—Section 40A(f) is amended by striking paragraph (4).

(d) SUSTAINABLE AVIATION FUEL ADDED TO CREDIT FOR ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(k) SUSTAINABLE AVIATION FUEL CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture, an amount equal to the product of—

''(A) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(B) the sum of—

''(i) $1.25, plus

''(ii) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(2) DEFINITIONS.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

''(3) REGISTRATION REQUIREMENT.—For purposes of this subsection, rules similar to the rules of section 40B(f) shall apply.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 6426 is amended—

(i) in subsection (a)(1), by striking ''and (e)'' and inserting ''(e), and (k)'', and

(ii) in subsection (h), by striking ''under section 40 or 40A'' and inserting ''under section 40, 40A, or 40B''.

(B) Section 6427(e) is amended—

(i) in the heading, by striking ''OR ALTERNATIVE FUEL'' and inserting, ''ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL'',

(ii) in paragraph (1), by inserting ''or the sustainable aviation fuel mixture credit'' after ''alternative fuel mixture credit'', and

(iii) in paragraph (6)—

(I) in subparagraph (C), by striking ''and'' at the end,

(II) in subparagraph (D), by striking the period at the end and inserting '', and'', and

(III) by adding at the end the following new subparagraph:

''(E) any qualified mixture of sustainable aviation fuel (as defined in section 6426(k)(3)) sold or used after December 31, 2024.''.

(C) Section 4101(a)(1) is amended by inserting ''every person producing or importing sustainable aviation fuel (as defined in section 40B),'' before ''and every person producing second generation biofuel''.

(D) The table of sections for subpart D of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Sustainable aviation fuel credit.''.

(e) AMOUNT OF CREDIT INCLUDED IN GROSS INCOME.—Section 87 is amended by striking ''and'' in paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the sustainable aviation fuel credit determined with respect to the taxpayer for the taxable year under section 40B(a).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2022.

***SEC. 13204. CLEAN HYDROGEN.***

(a) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

***''SEC. 45V. CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.***

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the clean hydrogen production credit for any taxable year is an amount equal to the product of—

''(1) the kilograms of qualified clean hydrogen produced by the taxpayer during such taxable year at a qualified clean hydrogen production facility during the 10-year period beginning on the date such facility was originally placed in service, multiplied by

''(2) the applicable amount (as determined under subsection (b)) with respect to such hydrogen.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(2), the applicable amount shall be an amount equal to the applicable percentage of $0.60. If any amount as determined under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

''(A) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) not greater than 4 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 2.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 20 percent.

''(B) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 2.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 1.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 25 percent.

''(C) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 1.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 0.45 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 33.4 percent.

''(D) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 100 percent.

''(3) INFLATION ADJUSTMENT.—The $0.60 amount in paragraph (1) shall be adjusted by

multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), determined by substituting '2022' for '1992' in subparagraph (B) thereof) for the calendar year in which the qualified clean hydrogen is produced. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(c) DEFINITIONS.—For purposes of this section—

''(1) LIFECYCLE GREENHOUSE GAS EMISSIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'lifecycle greenhouse gas emissions' has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of enactment of this section.

''(B) GREET MODEL.—The term 'lifecycle greenhouse gas emissions' shall only include emissions through the point of production (well-to-gate), as determined under the most recent Greenhouse gases, Regulated Emissions, and Energy use in Transportation model (commonly referred to as the 'GREET model') developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(2) QUALIFIED CLEAN HYDROGEN.—

''(A) IN GENERAL.—The term 'qualified clean hydrogen' means hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of not greater than 4 kilograms of CO2e per kilogram of hydrogen.

''(B) ADDITIONAL REQUIREMENTS.—Such term shall not include any hydrogen unless—

''(i) such hydrogen is produced—

''(I) in the United States (as defined in section 638(1)) or a possession of the United States (as defined in section 638(2)),

''(II) in the ordinary course of a trade or business of the taxpayer, and

''(III) for sale or use, and

''(ii) the production and sale or use of such hydrogen is verified by an unrelated party.

''(C) PROVISIONAL EMISSIONS RATE.—In the case of any hydrogen for which a lifecycle greenhouse gas emissions rate has not been determined for purposes of this section, a taxpayer producing such hydrogen may file a petition with the Secretary for determination of the lifecycle greenhouse gas emissions rate with respect to such hydrogen.

''(3) QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—The term 'qualified clean hydrogen production facility' means a facility—

''(A) owned by the taxpayer,

''(B) which produces qualified clean hydrogen, and

''(C) the construction of which begins before January 1, 2033.

''(d) SPECIAL RULES.—

''(1) TREATMENT OF FACILITIES OWNED BY MORE THAN 1 TAXPAYER.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

''(2) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—No credit shall be allowed under this section with respect to any qualified clean hydrogen produced at a facility which includes carbon capture equipment for which a credit is allowed to any taxpayer under section 45Q for the taxable year or any prior taxable year.

''(e) INCREASED CREDIT AMOUNT FOR QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITIES.—

''(1) IN GENERAL.—In the case of any qualified clean hydrogen production facility which satisfies the requirements of paragraph (2), the amount of the credit determined under subsection (a) with respect to qualified clean hydrogen described in subsection (b)(2) shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(2) REQUIREMENTS.—A facility meets the requirements of this paragraph if it is one of the following:

''(A) A facility—

''(i) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and

''(ii) which meets the requirements of paragraph (3)(A) with respect to alteration or repair of such facility which occurs after such date.

''(B) A facility which satisfies the requirements of paragraphs (3)(A) and (4).

''(3) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified clean hydrogen production facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

''(i) the construction of such facility, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2), the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this subparagraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(f) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations or other guidance to carry out the purposes of this section, including regulations or other guidance for determining lifecycle greenhouse gas emissions.''.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, is amended by adding at the end the following new paragraph:

''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(3) MODIFICATION OF EXISTING FACILITIES.—Section 45V(d), as added and amended by the preceding provisions of this section, is amended by adding at the end the following new paragraph:

''(4) MODIFICATION OF EXISTING FACILITIES.—For purposes of subsection (a)(1), in the case of any facility which—

''(A) was originally placed in service before January 1, 2023, and, prior to the modification described in subparagraph (B), did not produce qualified clean hydrogen, and

''(B) after the date such facility was originally placed in service—

''(i) is modified to produce qualified clean hydrogen, and

''(ii) amounts paid or incurred with respect to such modification are properly chargeable to capital account of the taxpayer,

such facility shall be deemed to have been originally placed in service as of the date that the property required to complete the modification described in subparagraph (B) is placed in service.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(i) in paragraph (34), by striking ''plus'' at the end,

(ii) in paragraph (35), by striking the period at the end and inserting '', plus'', and

(iii) by adding at the end the following new paragraph:

''(36) the clean hydrogen production credit determined under section 45V(a).''.

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45V. Credit for production of clean hydrogen.''.

(5) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraphs (1) and (4) 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) shall apply to facilities the construction of which begins after the date of enactment of this Act.

(C) MODIFICATION OF EXISTING FACILITIES.—The amendment made by paragraph (3) shall apply to modifications made after December 31, 2022.

(b) CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES ALLOWED IF ELECTRICITY IS USED TO PRODUCE CLEAN HYDROGEN.—

(1) IN GENERAL.—Section 45(e), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(13) SPECIAL RULE FOR ELECTRICITY USED AT A QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—Electricity produced by the taxpayer shall be treated as sold by such taxpayer to an unrelated person during the taxable year if—

''(A) such electricity is used during such taxable year by the taxpayer or a person related to the taxpayer at a qualified clean hydrogen production facility (as defined in section 45V(c)(3)) to produce qualified clean hydrogen (as defined in section 45V(c)(2)), and

''(B) such use and production is verified (in such form or manner as the Secretary may prescribe) by an unrelated third party.''.

(2) SIMILAR RULE FOR ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.—Subsection (c)(2) of section 45U, as added by section 13105 of this Act, is amended by striking ''and (5)'' and inserting ''(5), and (13)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced after December 31, 2022.

(c) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

(1) IN GENERAL.—Section 48(a), as amended by the preceding provisions of this Act, is amended—

(A) by redesignating paragraph (15) as paragraph (16), and

(B) by inserting after paragraph (14) the following new paragraph:

''(15) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified property (as defined in paragraph (5)(D)) which is part of a specified clean hydrogen production facility—

''(i) such property shall be treated as energy property for purposes of this section, and

''(ii) the energy percentage with respect to such property is—

''(I) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (A) of section 45V(b)(2), 1.2 percent,

''(II) in the case of a facility which is designed and reasonably expected to produce

*qualified clean hydrogen which is described in a subparagraph (B) of such section, 1.5 percent,*

*''(III) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (C) of such section, 2 percent, and*

*''(IV) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in subparagraph (D) of such section, 6 percent.*

*''(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45V or section 45Q for any taxable year with respect to any specified clean hydrogen production facility or any carbon capture equipment included at such facility.*

*''(C) SPECIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—For purposes of this paragraph, the term 'specified clean hydrogen production facility' means any qualified clean hydrogen production facility (as defined in section 45V(c)(3))—*

*''(i) which is placed in service after December 31, 2022,*

*''(ii) with respect to which—*

*''(I) no credit has been allowed under section 45V or 45Q, and*

*''(II) the taxpayer makes an irrevocable election to have this paragraph apply, and*

*''(iii) for which an unrelated third party has verified (in such form or manner as the Secretary may prescribe) that such facility produces hydrogen through a process which results in lifecycle greenhouse gas emissions which are consistent with the hydrogen that such facility was designed and expected to produce under subparagraph (A)(ii).*

*''(D) QUALIFIED CLEAN HYDROGEN.—For purposes of this paragraph, the term 'qualified clean hydrogen' has the meaning given such term by section 45V(c)(2).*

*''(E) REGULATIONS.—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 which recaptures so much of any credit allowed under this section as exceeds the amount of the credit which would have been allowed if the expected production were consistent with the actual verified production (or all of the credit so allowed in the absence of such verification).''.*

*(2) CONFORMING AMENDMENT.—Paragraph (9)(A)(i) of section 48(a), as added by section 13102, is amended by inserting ''and paragraph (15)'' after ''paragraphs (1) through (8)''.*

*(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2022, and, for any property the construction of which begins prior to January 1, 2023, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2022.*

*(d) TERMINATION OF EXCISE TAX CREDIT FOR HYDROGEN.—*

*(1) IN GENERAL.—Section 6426(d)(2) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.*

*(2) CONFORMING AMENDMENT.—Section 6426(e)(2) is amended by striking ''(F)'' and inserting ''(E)''.*

*(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2022.*

### *PART 3—CLEAN ENERGY AND EFFICIENCY INCENTIVES FOR INDIVIDUALS*

#### *SEC. 13301. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.*

*(a) EXTENSION OF CREDIT.—Section 25C(g)(2) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.*

*(b) ALLOWANCE OF CREDIT.—Section 25C(a) is amended to read as follows:*

*''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—*

*''(1) the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and*

*''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.''.*

*(c) APPLICATION OF ANNUAL LIMITATION IN LIEU OF LIFETIME LIMITATION.—Section 25C(b) is amended to read as follows:*

*''(b) LIMITATIONS.—*

*''(1) IN GENERAL.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $1,200.*

*''(2) ENERGY PROPERTY.—The credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not exceed, with respect to any item of qualified energy property, $600.*

*''(3) WINDOWS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, in the aggregate with respect to all exterior windows and skylights, $600.*

*''(4) DOORS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—*

*''(A) $250 in the case of any exterior door, and*

*''(B) $500 in the aggregate with respect to all exterior doors.*

*''(5) HEAT PUMP AND HEAT PUMP WATER HEATERS; BIOMASS STOVES AND BOILERS.—Notwithstanding paragraphs (1) and (2), the credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not, in the aggregate, exceed $2,000 with respect to amounts paid or incurred for property described in clauses (i) and (ii) of subsection (d)(2)(A) and in subsection (d)(2)(B).''.*

*(d) MODIFICATIONS RELATED TO QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—*

*(1) STANDARDS FOR ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended by striking ''meets—'' and all that follows through the period at the end and inserting the following: ''meets—*

*''(A) in the case of an exterior window or skylight, Energy Star most efficient certification requirements,*

*''(B) in the case of an exterior door, applicable Energy Star requirements, and*

*''(C) in the case of any other component, the prescriptive criteria for such component established by the most recent International Energy Conservation Code standard in effect as of the beginning of the calendar year which is 2 years prior to the calendar year in which such component is placed in service.''.*

*(2) ROOFS NOT TREATED AS BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(3) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).*

*(3) AIR SEALING INSULATION ADDED TO DEFINITION OF BUILDING ENVELOPE COMPONENT.—Section 25C(c)(3)(A) is amended by inserting '', including air sealing material or system,'' after ''material or system''.*

*(e) MODIFICATION OF RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—Section 25C(d) is amended to read as follows:*

*''(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—*

*''(1) IN GENERAL.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property which is—*

*''(A) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and*

*''(B) originally placed in service by the taxpayer.*

*Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.*

*''(2) QUALIFIED ENERGY PROPERTY.—The term 'qualified energy property' means any of the following:*

*''(A) Any of the following which meet or exceed the highest efficiency tier (not including any advanced tier) established by the Consortium for Energy Efficiency which is in effect as of the beginning of the calendar year in which the property is placed in service:*

*''(i) An electric or natural gas heat pump water heater.*

*''(ii) An electric or natural gas heat pump.*

*''(iii) A central air conditioner.*

*''(iv) A natural gas, propane, or oil water heater.*

*''(v) A natural gas, propane, or oil furnace or hot water boiler.*

*''(B) A biomass stove or boiler which—*

*''(i) uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and*

*''(ii) has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).*

*''(C) Any oil furnace or hot water boiler which—*

*''(i) is placed in service after December 31, 2022, and before January 1, 2027, and—*

*''(I) meets or exceeds 2021 Energy Star efficiency criteria, and*

*''(II) is rated by the manufacturer for use with fuel blends at least 20 percent of the volume of which consists of an eligible fuel, or*

*''(ii) is placed in service after December 31, 2026, and—*

*''(I) achieves an annual fuel utilization efficiency rate of not less than 90, and*

*''(II) is rated by the manufacturer for use with fuel blends at least 50 percent of the volume of which consists of an eligible fuel.*

*''(D) Any improvement to, or replacement of, a panelboard, sub-panelboard, branch circuits, or feeders which—*

*''(i) is installed in a manner consistent with the National Electric Code,*

*''(ii) has a load capacity of not less than 200 amps,*

*''(iii) is installed in conjunction with—*

*''(I) any qualified energy efficiency improvements, or*

*''(II) any qualified energy property described in subparagraphs (A) through (C) for which a credit is allowed under this section for expenditures with respect to such property, and*

*''(iv) enables the installation and use of any property described in subclause (I) or (II) of clause (iii).*

*''(3) ELIGIBLE FUEL.—For purposes of paragraph (2), the term 'eligible fuel' means—*

*''(A) biodiesel and renewable diesel (within the meaning of section 40A), and*

*''(B) second generation biofuel (within the meaning of section 40).''.*

*(f) HOME ENERGY AUDITS.—*

*(1) IN GENERAL.—Section 25C(a), as amended by subsection (b), is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:*

*''(3) the amount paid or incurred by the taxpayer during the taxable year for home energy audits.''.*

*(2) LIMITATION.—Section 25C(b), as amended by subsection (c), is amended adding at the end the following new paragraph:*

*''(6) HOME ENERGY AUDITS.—*

*''(A) DOLLAR LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(3) shall not exceed $150.*

*''(B) SUBSTANTIATION REQUIREMENT.—No credit shall be allowed under this section by reason of subsection (a)(3) unless the taxpayer includes with the taxpayer's return of tax such information or documentation as the Secretary may require.''.*

(3) HOME ENERGY AUDITS.—

(A) IN GENERAL.—Section 25C is amended by redesignating subsections (e), (f), and (g), as subsections (f), (g), and (h), respectively, and by inserting after subsection (d) the following new subsection:

''(e) HOME ENERGY AUDITS.—For purposes of this section, the term 'home energy audit' means an inspection and written report with respect to a dwelling unit located in the United States and owned or used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121) which—

''(1) identifies the most significant and cost-effective energy efficiency improvements with respect to such dwelling unit, including an estimate of the energy and cost savings with respect to each such improvement, and

''(2) is conducted and prepared by a home energy auditor that meets the certification or other requirements specified by the Secretary in regulations or other guidance (as prescribed by the Secretary not later than 365 days after the date of the enactment of this subsection).''.

(B) CONFORMING AMENDMENT.—Section 1016(a)(33) is amended by striking ''section 25C(f)'' and inserting ''section 25C(g)''.

(4) LACK OF SUBSTANTIATION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2) is amended—

(A) in subparagraph (P), by striking ''and'' at the end,

(B) in subparagraph (Q), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (Q) the following:

''(R) an omission of information or documentation required under section 25C(b)(6)(B) (relating to home energy audits) to be included on a return.''.

(g) IDENTIFICATION NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 25C, as amended by this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) PRODUCT IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any item of specified property placed in service after December 31, 2024, unless—

''(A) such item is produced by a qualified manufacturer, and

''(B) the taxpayer includes the qualified product identification number of such item on the return of tax for the taxable year.

''(2) QUALIFIED PRODUCT IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified product identification number' means, with respect to any item of specified property, the product identification number assigned to such item by the qualified manufacturer pursuant to the methodology referred to in paragraph (3).

''(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term 'qualified manufacturer' means any manufacturer of specified property which enters into an agreement with the Secretary which provides that such manufacturer will—

''(A) assign a product identification number to each item of specified property produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to each such item (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide),

''(B) label such item with such number in such manner as the Secretary may provide, and

''(C) make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) of the product identification numbers so assigned and including such information as the Secretary may require with respect to the item of specified property to which such number was so assigned.

''(4) SPECIFIED PROPERTY.—For purposes of this subsection, the term 'specified property' means any qualified energy property and any property described in subparagraph (B) or (C) of subsection (c)(3).''.

(2) OMISSION OF CORRECT PRODUCT IDENTIFICATION NUMBER TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (Q), by striking ''and'' at the end,

(B) in subparagraph (R), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (R) the following:

''(S) an omission of a correct product identification number required under section 25C(h) (relating to credit for nonbusiness energy property) to be included on a return.''.

(h) ENERGY EFFICIENT HOME IMPROVEMENT CREDIT.—

(1) IN GENERAL.—The heading for section 25C is amended by striking ''**NONBUSINESS ENERGY PROPERTY**'' and inserting ''**ENERGY EFFICIENT HOME IMPROVEMENT CREDIT**''.

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25C and inserting after the item relating to section 25B the following item:

''Sec. 25C. Energy efficient home improvement credit.''.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

(3) IDENTIFICATION NUMBER REQUIREMENT.—The amendments made by subsection (g) shall apply to property placed in service after December 31, 2024.

***SEC. 13302. RESIDENTIAL CLEAN ENERGY CREDIT.***

(a) EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 25D(h) is amended by striking ''December 31, 2023'' and inserting ''December 31, 2034''.

(2) APPLICATION OF PHASEOUT.—Section 25D(g) is amended—

(A) in paragraph (2), by striking ''before January 1, 2023, 26 percent, and'' and inserting ''before January 1, 2022, 26 percent,'', and

(B) by striking paragraph (3) and by inserting after paragraph (2) the following new paragraphs:

''(3) in the case of property placed in service after December 31, 2021, and before January 1, 2033, 30 percent,

''(4) in the case of property placed in service after December 31, 2032, and before January 1, 2034, 26 percent, and

''(5) in the case of property placed in service after December 31, 2033, and before January 1, 2035, 22 percent.''.

(b) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—

(1) ALLOWANCE OF CREDIT.—Paragraph (6) of section 25D(a) is amended to read as follows:

''(6) the qualified battery storage technology expenditures,''.

(2) DEFINITION OF QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—Paragraph (6) of section 25D(d) is amended to read as follows:

''(6) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—The term 'qualified battery storage technology expenditure' means an expenditure for battery storage technology which—

''(A) is installed in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) has a capacity of not less than 3 kilowatt hours.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 25D(d)(3) is amended by inserting '', without regard to subparagraph (D) thereof'' after ''section 48(c)(1)''.

(2) The heading for section 25D is amended by striking ''**ENERGY EFFICIENT PROPERTY**'' and inserting ''**CLEAN ENERGY CREDIT**''.

(3) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25D and inserting the following:

''Sec. 25D. Residential clean energy credit.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to expenditures made after December 31, 2021.

(2) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—The amendments made by subsection (b) shall apply to expenditures made after December 31, 2022.

***SEC. 13303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.***

(a) IN GENERAL.—

(1) MAXIMUM AMOUNT OF DEDUCTION.—Subsection (b) of section 179D is amended to read as follows:

''(b) MAXIMUM AMOUNT OF DEDUCTION.—

''(1) IN GENERAL.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

''(A) the product of—

''(i) the applicable dollar value, and

''(ii) the square footage of the building, over

''(B) the aggregate amount of the deductions under subsections (a) and (f) with respect to the building for the 3 taxable years immediately preceding such taxable year (or, in the case of any such deduction allowable to a person other than the taxpayer, for any taxable year ending during the 4-taxable-year period ending with such taxable year).

''(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (1)(A)(i), the applicable dollar value shall be an amount equal to $0.50 increased (but not above $1.00) by $0.02 for each percentage point by which the total annual energy and power costs for the building are certified to be reduced by a percentage greater than 25 percent.

''(3) INCREASED DEDUCTION AMOUNT FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of any property which satisfies the requirements of subparagraph (B), paragraph (2) shall be applied by substituting '$2.50' for '$0.50', '$.10' for '$.02', and '$5.00' for '$1.00'.

''(B) PROPERTY REQUIREMENTS.—In the case of any energy efficient commercial building property, energy efficient building retrofit property, or property installed pursuant to a qualified retrofit plan, such property shall meet the requirements of this subparagraph if —

''(i) installation of such property begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (4)(A) and (5), or

''(ii) installation of such property satisfies the requirements of paragraphs (4)(A) and (5).

''(4) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any property are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the installation of any property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such property is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

*Rules similar to the rules of section 45(b)(7)(B) shall apply.*

*''(5) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.*

*''(6) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.*

*(2) MODIFICATION OF EFFICIENCY STANDARD.—Section 179D(c)(1)(D) is amended by striking ''50 percent'' and inserting ''25 percent''.*

*(3) REFERENCE STANDARD.—Section 179D(c)(2) is amended by striking ''the most recent'' and inserting the following: ''the more recent of—*

*''(A) Standard 90.1-2007 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America, or*

*''(B) the most recent''.*

*(4) FINAL DETERMINATION; EXTENSION OF PERIOD; PLACED IN SERVICE DEADLINE.—Subparagraph (B) of section 179D(c)(2), as amended by paragraph (3), is amended—*

*(A) by inserting ''for which the Department of Energy has issued a final determination and'' before ''which has been affirmed'',*

*(B) by striking ''2 years'' and inserting ''4 years'', and*

*(C) by striking ''that construction of such property begins'' and inserting ''such property is placed in service''.*

*(5) ELIMINATION OF PARTIAL ALLOWANCE.—*

*(A) IN GENERAL.—Section 179D(d) is amended—*

*(i) by striking paragraph (1), and*

*(ii) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.*

*(B) CONFORMING AMENDMENTS.—*

*(i) Section 179D(c)(1)(D) is amended—*

*(I) by striking ''subsection (d)(6)'' and inserting ''subsection (d)(5)'', and*

*(II) by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.*

*(ii) Paragraph (2)(A) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (2)'' and inserting ''paragraph (1)''.*

*(iii) Paragraph (4) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (3)(B)(iii)'' and inserting ''paragraph (2)(B)(iii)''.*

*(iv) Section 179D is amended by striking subsection (f).*

*(v) Section 179D(h) is amended by striking ''or (d)(1)(A)''.*

*(6) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Paragraph (3) of section 179D(d), as redesignated by paragraph (5)(A), is amended to read as follows:*

*''(3) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—*

*''(A) IN GENERAL.—In the case of energy efficient commercial building property installed on or in property owned by a specified tax-exempt entity, the Secretary shall promulgate regulations or guidance to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.*

*''(B) SPECIFIED TAX-EXEMPT ENTITY.—For purposes of this paragraph, the term 'specified tax-exempt entity' means—*

*''(i) the United States, any State or political subdivision thereof, any possession of the United States, or any agency or instrumentality of any of the foregoing,*

*''(ii) an Indian tribal government (as defined in section 30D(g)(9)) or Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), and*

*''(iii) any organization exempt from tax imposed by this chapter.''.*

*(7) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Section 179D, as amended by the preceding provisions of this section, is amended by inserting after subsection (e) the following new subsection:*

*''(f) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—*

*''(1) IN GENERAL.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this subsection with respect to any qualified building, there shall be allowed as a deduction for the taxable year which includes the date of the qualifying final certification with respect to the qualified retrofit plan of such building, an amount equal to the lesser of—*

*''(A) the excess described in subsection (b) (determined by substituting 'energy use intensity' for 'total annual energy and power costs' in paragraph (2) thereof), or*

*''(B) the aggregate adjusted basis (determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient building retrofit property placed in service by the taxpayer pursuant to such qualified retrofit plan.*

*''(2) QUALIFIED RETROFIT PLAN.—For purposes of this subsection, the term 'qualified retrofit plan' means a written plan prepared by a qualified professional which specifies modifications to a building which, in the aggregate, are expected to reduce such building's energy use intensity by 25 percent or more in comparison to the baseline energy use intensity of such building. Such plan shall provide for a qualified professional to—*

*''(A) as of any date during the 1-year period ending on the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date,*

*''(B) certify the status of property installed pursuant to such plan as meeting the requirements of subparagraphs (B) and (C) of paragraph (3), and*

*''(C) as of any date that is more than 1 year after the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date.*

*''(3) ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—For purposes of this subsection, the term 'energy efficient building retrofit property' means property—*

*''(A) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,*

*''(B) which is installed on or in any qualified building,*

*''(C) which is installed as part of—*

*''(i) the interior lighting systems,*

*''(ii) the heating, cooling, ventilation, and hot water systems, or*

*''(iii) the building envelope, and*

*''(D) which is certified in accordance with paragraph (2)(B) as meeting the requirements of subparagraphs (B) and (C).*

*''(4) QUALIFIED BUILDING.—For purposes of this subsection, the term 'qualified building' means any building which—*

*''(A) is located in the United States, and*

*''(B) was originally placed in service not less than 5 years before the establishment of the qualified retrofit plan with respect to such building.*

*''(5) QUALIFYING FINAL CERTIFICATION.—For purposes of this subsection, the term 'qualifying final certification' means, with respect to any qualified retrofit plan, the certification described in paragraph (2)(C) if the energy use intensity certified in such certification is not more than 75 percent of the baseline energy use intensity of the building.*

*''(6) BASELINE ENERGY USE INTENSITY.—*

*''(A) IN GENERAL.—For purposes of this subsection, the term 'baseline energy use intensity' means the energy use intensity certified under paragraph (2)(A), as adjusted to take into account weather.*

*''(B) DETERMINATION OF ADJUSTMENT.—For purposes of subparagraph (A), the adjustments described in such subparagraph shall be determined in such manner as the Secretary may provide.*

*''(7) OTHER DEFINITIONS.—For purposes of this subsection—*

*''(A) ENERGY USE INTENSITY.—The term 'energy use intensity' means the annualized, measured site energy use intensity determined in accordance with such regulations or other guidance as the Secretary may provide and measured in British thermal units.*

*''(B) QUALIFIED PROFESSIONAL.—The term 'qualified professional' means an individual who is a licensed architect or a licensed engineer and meets such other requirements as the Secretary may provide.*

*''(8) COORDINATION WITH DEDUCTION OTHERWISE ALLOWED UNDER SUBSECTION (a).—*

*''(A) IN GENERAL.—In the case of any building with respect to which an election is made under paragraph (1), the term 'energy efficient commercial building property' shall not include any energy efficient building retrofit property with respect to which a deduction is allowable under this subsection.*

*''(B) CERTAIN RULES NOT APPLICABLE.—*

*''(i) IN GENERAL.—Except as provided in clause (ii), subsection (d) shall not apply for purposes of this subsection.*

*''(ii) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Rules similar to subsection (d)(3) shall apply for purposes of this subsection.''.*

*(8) INFLATION ADJUSTMENT.—Section 179D(g) is amended—*

*(A) by striking ''2020'' and inserting ''2022'',*

*(B) by striking ''or subsection (d)(1)(A)'', and*

*(C) by striking ''2019'' and inserting ''2021''.*

*(b) APPLICATION TO REAL ESTATE INVESTMENT TRUST EARNINGS AND PROFITS.—Section 312(k)(3)(B) is amended—*

*(1) by striking ''For purposes of computing the earnings and profits of a corporation'' and inserting the following:*

*''(i) IN GENERAL.—For purposes of computing the earnings and profits of a corporation, except as provided in clause (ii)'', and*

*(2) by adding at the end the following new clause:*

*''(ii) SPECIAL RULE.—In the case of a corporation that is a real estate investment trust, any amount deductible under section 179D shall be allowed in the year in which the property giving rise to such deduction is placed in service (or, in the case of energy efficient building retrofit property, the year in which the qualifying final certification is made).''.*

*(c) CONFORMING AMENDMENT.—Paragraph (1) of section 179D(d), as redesignated by subsection (a)(5)(A), is amended by striking ''not later than the date that is 2 years before the date that construction of such property begins'' and inserting ''not later than the date that is 4 years before the date such property is placed in service''.*

*(d) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2022.*

*(2) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Subsection (f) of section 179D of the Internal Revenue Code of 1986 (as amended by this section), and any other provision of such section solely for purposes of applying such subsection, shall apply to property placed in service after December 31, 2022 (in taxable years ending after such date) if such property is placed in service pursuant to qualified retrofit plan (within the meaning of such section) established after such date.*

***SEC. 13304. EXTENSION, INCREASE, AND MODIFICATIONS OF NEW ENERGY EFFICIENT HOME CREDIT.***

*(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.*

*(b) INCREASE IN CREDIT AMOUNTS.—Paragraph (2) of section 45L(a) is amended to read as follows:*

*''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—*

*''(A) in the case of a dwelling unit which is eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program—*

*''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $2,500, and*

*''(ii) which meets the requirements of subsection (c)(1)(B), $5,000, and*

*''(B) in the case of a dwelling unit which is part of a building eligible to participate in the Energy Star Multifamily New Construction Program—*

*''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $500, and*

*''(ii) which meets the requirements of subsection (c)(1)(B), $1,000.''.*

*(c) MODIFICATION OF ENERGY SAVING REQUIREMENTS.—Section 45L(c) is amended to read as follows:*

*''(c) ENERGY SAVING REQUIREMENTS.—*

*''(1) IN GENERAL.—*

*''(A) IN GENERAL.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit meets the requirements of paragraph (2) or (3) (whichever is applicable).*

*''(B) ZERO ENERGY READY HOME PROGRAM.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit is certified as a zero energy ready home under the zero energy ready home program of the Department of Energy as in effect on January 1, 2023 (or any successor program determined by the Secretary).*

*''(2) SINGLE-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—*

*''(A) such dwelling unit meets—*

*''(i)(I) in the case of a dwelling unit acquired before January 1, 2025, the Energy Star Single-Family New Homes National Program Requirements 3.1, or*

*''(II) in the case of a dwelling unit acquired after December 31, 2024, the Energy Star Single-Family New Homes National Program Requirements 3.2, and*

*''(ii) the most recent Energy Star Single-Family New Homes Program Requirements applicable to the location of such dwelling unit (as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date the dwelling unit was acquired), or*

*''(B) such dwelling unit meets the most recent Energy Star Manufactured Home National program requirements as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date such dwelling unit is acquired.*

*''(3) MULTI-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—*

*''(A) such dwelling unit meets the most recent Energy Star Multifamily New Construction National Program Requirements (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and*

*''(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).''.*

*(d) PREVAILING WAGE REQUIREMENT.—Section 45L is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:*

*''(g) PREVAILING WAGE REQUIREMENT.—*

*''(1) IN GENERAL.—In the case of a qualifying residence described in subsection (a)(2)(B) meeting the prevailing wage requirements of paragraph (2)(A), the credit amount allowed with respect to such residence shall be—*

*''(A) $2,500 in the case of a residence which meets the requirements of subparagraph (A) of subsection (c)(1) (and which does not meet the requirements of subparagraph (B) of such subsection), and*

*''(B) $5,000 in the case of a residence which meets the requirements of subsection (c)(1)(B).*

*''(2) PREVAILING WAGE REQUIREMENTS.—*

*''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified residence are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of such residence shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such residence is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.*

*''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.*

*''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.*

*(e) BASIS ADJUSTMENT.—Section 45L(e) is amended by inserting after the first sentence the following: ''This subsection shall not apply for purposes of determining the adjusted basis of any building under section 42.''.*

*(f) EFFECTIVE DATES.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to dwelling units acquired after December 31, 2022.*

*(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to dwelling units acquired after December 31, 2021.*

## *PART 4—CLEAN VEHICLES*

***SEC. 13401. CLEAN VEHICLE CREDIT.***

*(a) PER VEHICLE DOLLAR LIMITATION.—Section 30D(b) is amended by striking paragraphs (2) and (3) and inserting the following:*

*''(2) CRITICAL MINERALS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(1)(A) is satisfied, the amount determined under this paragraph is $3,750.*

*''(3) BATTERY COMPONENTS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(2)(A) is satisfied, the amount determined under this paragraph is $3,750.''.*

*(b) FINAL ASSEMBLY.—Section 30D(d) is amended—*

*(1) in paragraph (1)—*

*(A) in subparagraph (E), by striking ''and'' at the end,*

*(B) in subparagraph (F)(ii), by striking the period at the end and inserting '', and'', and*

*(C) by adding at the end the following:*

*''(G) the final assembly of which occurs within North America.'',*

*(2) by adding at the end the following:*

*''(5) FINAL ASSEMBLY.—For purposes of paragraph (1)(G), the term 'final assembly' means the process by which a manufacturer produces a new clean vehicle at, or through the use of, a plant, factory, or other place from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle.''.*

*(c) DEFINITION OF NEW CLEAN VEHICLE.—*

*(1) IN GENERAL.—Section 30D(d), as amended by the preceding provisions of this section, is amended—*

*(A) in the heading, by striking ''QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR'' and inserting ''CLEAN'',*

*(B) in paragraph (1)—*

*(i) in the matter preceding subparagraph (A), by striking ''qualified plug-in electric drive motor'' and inserting ''clean'',*

*(ii) in subparagraph (C), by inserting ''qualified'' before ''manufacturer'',*

*(iii) in subparagraph (F)—*

*(I) in clause (i), by striking ''4'' and inserting ''7'', and*

*(II) in clause (ii), by striking ''and'' at the end,*

*(iv) in subparagraph (G), by striking the period at the end and inserting '', and'', and*

*(v) by adding at the end the following:*

*''(H) for which the person who sells any vehicle to the taxpayer furnishes a report to the taxpayer and to the Secretary, at such time and in such manner as the Secretary shall provide, containing—*

*''(i) the name and taxpayer identification number of the taxpayer,*

*''(ii) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number,*

*''(iii) the battery capacity of the vehicle,*

*''(iv) verification that original use of the vehicle commences with the taxpayer, and*

*''(v) the maximum credit under this section allowable to the taxpayer with respect to the vehicle.'',*

*(C) in paragraph (3)—*

*(i) in the heading, by striking ''MANUFACTURER'' and inserting ''QUALIFIED MANUFACTURER'',*

*(ii) by striking ''The term 'manufacturer' has the meaning given such term in'' and inserting ''The term 'qualified manufacturer' means any manufacturer (within the meaning of the'', and*

*(iii) by inserting '') which enters into a written agreement with the Secretary under which such manufacturer agrees to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing vehicle identification numbers and such other information related to each vehicle manufactured by such manufacturer as the Secretary may require'' before the period at the end, and*

*(D) by adding at the end the following:*

*''(6) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this section, the term 'new clean vehicle' shall include any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)) which meets the requirements under subparagraphs (G) and (H) of paragraph (1).''.*

*(2) CONFORMING AMENDMENTS.—Section 30D is amended—*

*(A) in subsection (a), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle'', and*

*(B) in subsection (b)(1), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle''.*

*(d) ELIMINATION OF LIMITATION ON NUMBER OF VEHICLES ELIGIBLE FOR CREDIT.—Section 30D is amended by striking subsection (e).*

*(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—*

*(1) IN GENERAL.—Section 30D, as amended by the preceding provisions of this section, is amended by inserting after subsection (d) the following:*

*''(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—*

*''(1) CRITICAL MINERALS REQUIREMENT.—*

*''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is*

*that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such battery that were—*

*''(i) extracted or processed—*

*''(I) in the United States, or*

*''(II) in any country with which the United States has a free trade agreement in effect, or*

*''(ii) recycled in North America,*

*is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).*

*''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—*

*''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 40 percent,*

*''(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent,*

*''(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent,*

*''(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent, and*

*''(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.*

*''(2) BATTERY COMPONENTS.—*

*''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the components contained in such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).*

*''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—*

*''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent,*

*''(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent,*

*''(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent,*

*''(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent,*

*''(v) in the case of a vehicle placed in service during calendar year 2028, 90 percent,*

*''(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.*

*''(3) REGULATIONS AND GUIDANCE.—*

*''(A) IN GENERAL.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.*

*''(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall issue proposed guidance with respect to the requirements under this subsection.''.*

*(2) EXCLUDED ENTITIES.—Section 30D(d), as amended by the preceding provisions of this section, is amended by adding at the end the following:*

*''(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 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*

*''(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 by a foreign entity of concern (as so defined).''.*

*(f) SPECIAL RULES.—Section 30D(f) is amended by adding at the end the following:*

*''(8) ONE CREDIT PER VEHICLE.—In the case of any vehicle, the credit described in subsection (a) shall only be allowed once with respect to such vehicle, as determined based upon the vehicle identification number of such vehicle.*

*''(9) VIN REQUIREMENT.—No credit shall be allowed under this section 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.*

*''(10) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—*

*''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—*

*''(i) the lesser of—*

*''(I) the modified adjusted gross income of the taxpayer for such taxable year, or*

*''(II) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds*

*''(ii) the threshold amount.*

*''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(ii), the threshold amount shall be—*

*''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $300,000,*

*''(ii) in the case of a head of household (as defined in section 2(b)), $225,000, and*

*''(iii) in the case of a taxpayer not described in clause (i) or (ii), $150,000.*

*''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.*

*''(11) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—*

*''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of the applicable limitation.*

*''(B) APPLICABLE LIMITATION.—For purposes of subparagraph (A), the applicable limitation for each vehicle classification is as follows:*

*''(i) VANS.—In the case of a van, $80,000.*

*''(ii) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $80,000.*

*''(iii) PICKUP TRUCKS.—In the case of a pickup truck, $80,000.*

*''(iv) OTHER.—In the case of any other vehicle, $55,000.*

*''(C) REGULATIONS AND GUIDANCE.—For purposes of this paragraph, the Secretary shall prescribe such regulations or other guidance as the Secretary determines necessary for determining vehicle classifications using criteria similar to that employed by the Environmental Protection Agency and the Department of the Energy to determine size and class of vehicles.''.*

*(g) TRANSFER OF CREDIT.—*

*(1) IN GENERAL.—Section 30D is amended by striking subsection (g) and inserting the following:*

*''(g) TRANSFER OF CREDIT.—*

*''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).*

*''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—*

*''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,*

*''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—*

*''(i) the manufacturer's suggested retail price,*

*''(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and*

*''(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),*

*''(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and*

*''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—*

*''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and*

*''(ii) such election shall not limit the value or use of such incentive.*

*''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.*

*''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.*

*''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—*

*''(A) shall not be includible in the gross income of the taxpayer, and*

*''(B) with respect to the dealer, shall not be deductible under this title.*

*''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—*

*''(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,*

*''(B) paragraph (6) of such subsection shall not apply, and*

*''(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.*

*''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—*

*''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.*

*''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(d)(6) shall apply for purposes of this paragraph.*

*''(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.*

*''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.*

''(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

''(10) RECAPTURE.—In the case of any taxpayer who has made an election described in paragraph (1) with respect to a new clean vehicle and received a payment described in paragraph (2)(C) from an eligible entity, if the credit under subsection (a) would otherwise (but for this subsection) not be allowable to such taxpayer pursuant to the application of subsection (f)(10), the tax imposed on such taxpayer under this chapter for the taxable year in which such vehicle was placed in service shall be increased by the amount of the payment received by such taxpayer.''.

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking ''and'' at the end,

(ii) in clause (v), by striking the period at the end and inserting '', and'', and

(iii) by adding at the end the following:

''(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.'', and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting '', including any vehicle with respect to which the taxpayer elects the application of subsection (g)'' before the period at the end.

(h) TERMINATION.—Section 30D is amended by adding at the end the following:

''(h) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle placed in service after December 31, 2032.''.

(i) ADDITIONAL CONFORMING AMENDMENTS.—

(1) The heading of section 30D is amended by striking ''**NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES**'' and inserting ''**CLEAN VEHICLE CREDIT**''.

(2) Section 30B is amended—

(A) in subsection (h)(8), by striking '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle'', and

(B) by striking subsection (i).

(3) Section 38(b)(30) is amended by striking ''qualified plug-in electric drive motor'' and inserting ''clean''.

(4) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (R), by striking ''and'' at the end,

(B) in subparagraph (S), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (S) the following:

''(T) an omission of a correct vehicle identification number required under section 30D(f)(9) (relating to credit for new clean vehicles) to be included on a return.''.

(5) Section 6501(m) is amended by striking ''30D(e)(4)'' and inserting ''30D(f)(6)''.

(6) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30D and inserting after the item relating to section 30C the following item:

''Sec. 30D. Clean vehicle credit.''.

(j) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any credit allowed to an eligible entity (as defined in section 30D(g)(2) of the Internal Revenue Code of 1986) pursuant to an election made under section 30D(g) of the Internal Revenue Code of 1986 that is direct spending shall be increased by 6.0445 percent.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section shall apply to vehicles placed in service after December 31, 2022.

(2) FINAL ASSEMBLY.—The amendments made by subsection (b) shall apply to vehicles sold after the date of enactment of this Act.

(3) PER VEHICLE DOLLAR LIMITATION AND RELATED REQUIREMENTS.—The amendments made by subsections (a) and (e) shall apply to vehicles placed in service after the date on which the proposed guidance described in paragraph (3)(B) of section 30D(e) of the Internal Revenue Code of 1986 (as added by subsection (e)) is issued by the Secretary of the Treasury (or the Secretary's delegate).

(4) TRANSFER OF CREDIT.—The amendments made by subsection (g) shall apply to vehicles placed in service after December 31, 2023.

(5) ELIMINATION OF MANUFACTURER LIMITATION.—The amendment made by subsection (d) shall apply to vehicles sold after December 31, 2022.

(l) TRANSITION RULE.—Solely for purposes of the application of section 30D of the Internal Revenue Code of 1986, in the case of a taxpayer that—

(1) after December 31, 2021, and before the date of enactment of this Act, purchased, or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986, as in effect on the day before the date of enactment of this Act), and

(2) placed such vehicle in service on or after the date of enactment of this Act,

such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary's delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

***SEC. 13402. CREDIT FOR PREVIOUSLY-OWNED CLEAN VEHICLES.***

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

***''SEC. 25E. PREVIOUSLY-OWNED CLEAN VEHICLES.***

''(a) ALLOWANCE OF CREDIT.—In the case of a qualified buyer who during a taxable year places in service a previously-owned clean vehicle, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

''(1) $4,000, or

''(2) the amount equal to 30 percent of the sale price with respect to such vehicle.

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

''(A) the lesser of—

''(i) the modified adjusted gross income of the taxpayer for such taxable year, or

''(ii) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

''(B) the threshold amount.

''(2) THRESHOLD AMOUNT.—For purposes of paragraph (1)(B), the threshold amount shall be—

''(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

''(B) in the case of a head of household (as defined in section 2(b)), $112,500, and

''(C) in the case of a taxpayer not described in subparagraph (A) or (B), $75,000.

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) PREVIOUSLY-OWNED CLEAN VEHICLE.—The term 'previously-owned clean vehicle' means, with respect to a taxpayer, a motor vehicle—

''(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

''(B) the original use of which commences with a person other than the taxpayer,

''(C) which is acquired by the taxpayer in a qualified sale, and

''(D) which—

''(i) meets the requirements of subparagraphs (C), (D), (E), (F), and (H) (except for clause (iv) thereof) of section 30D(d)(1), or

''(ii) is a motor vehicle which—

''(I) satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(II) has a gross vehicle weight rating of less than 14,000 pounds.

''(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

''(A) by a dealer (as defined in section 30D(g)(8)),

''(B) for a sale price which does not exceed $25,000, and

''(C) which is the first transfer since the date of the enactment of this section to a qualified buyer other than the person with whom the original use of such vehicle commenced.

''(3) QUALIFIED BUYER.—The term 'qualified buyer' means, with respect to a sale of a motor vehicle, a taxpayer—

''(A) who is an individual,

''(B) who purchases such vehicle for use and not for resale,

''(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151, and

''(D) who has not been allowed a credit under this section for any sale during the 3-year period ending on the date of the sale of such vehicle.

''(4) MOTOR VEHICLE; CAPACITY.—The terms 'motor vehicle' and 'capacity' have the meaning given such terms in paragraphs (2) and (4) of section 30D(d), respectively.

''(d) VIN NUMBER REQUIREMENT.—No credit shall be allowed 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.

''(e) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of section 30D(f) (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

''(f) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2032.''.

(b) TRANSFER OF CREDIT.—Section 25E, as added by subsection (a), is amended—

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following:

''(f) TRANSFER OF CREDIT.—Rules similar to the rules of section 30D(g) shall apply.''.

(c) CONFORMING AMENDMENTS.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(1) in subparagraph (S), by striking ''and'' at the end,

(2) in subparagraph (T), by striking the period at the end and inserting '', and'', and

(3) by inserting after subparagraph (T) the following:

''(U) an omission of a correct vehicle identification number required under section 25E(d) (relating to credit for previously-owned clean vehicles) to be included on a return.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Previously-owned clean vehicles.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to vehicles acquired after December 31, 2022.

(2) TRANSFER OF CREDIT.—The amendments made by subsection (b) shall apply to vehicles acquired after December 31, 2023.

**SEC. 13403. QUALIFIED COMMERCIAL CLEAN VEHICLES.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

**"SEC. 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.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (35), by striking ''plus'' at the end,

(B) in paragraph (36), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(37) the qualified commercial clean vehicle credit determined under section 45W.''.

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking ''and'' at the end,

(B) in subparagraph (U), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (U) the following:

''(V) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included on a return.''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45W. Qualified commercial clean vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

**SEC. 13404. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.**

(a) IN GENERAL.—Section 30C(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) CREDIT FOR PROPERTY OF A CHARACTER SUBJECT TO DEPRECIATION.—

(1) IN GENERAL.—Section 30C(a) is amended by inserting ''(6 percent in the case of property of a character subject to depreciation)'' after ''30 percent''.

(2) MODIFICATION OF CREDIT LIMITATION.—Subsection (b) of section 30C is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking ''with respect to all'' and inserting ''with respect to any single item of'', and

(ii) by striking ''at a location'', and

(B) in paragraph (1), by striking ''$30,000 in the case of a property'' and inserting ''$100,000 in the case of any such item of property''.

(3) BIDIRECTIONAL CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C(c) is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(A) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(B) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(ii) Any mixture—

''(I) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

''(iii) Electricity.

''(2) BIDIRECTIONAL CHARGING EQUIPMENT.—Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

''(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

''(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.''.

(c) CERTAIN ELECTRIC CHARGING STATIONS INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following:

''(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

''(A) meets the requirements of subsection (a)(2), and

''(B) is of a character subject to depreciation.

''(2) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

''(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

''(B) has 2 or 3 wheels, and

''(C) is propelled by electricity.''.

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is further amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

''(g) WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling project which satisfies the requirements of subparagraph (C), the amount of the credit determined under subsection (a) for any qualified alternative fuel vehicle refueling property of a character subject to an allowance for depreciation which is part of such project shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(B) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROJECT.—For purposes of this subsection, the term 'qualified alternative fuel vehicle refueling project' means a project consisting of one or more properties that are part of a single project.

''(C) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2)(A) and (3).

''(ii) A project which satisfies the requirements of paragraphs (2)(A) and (3).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of any qualified alternative fuel vehicle refueling property which is part of such project shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) ELIGIBLE CENSUS TRACTS.—Subsection (c) of section 30C, as amended by subsection (b)(3), is amended by adding at the end the following:

''(3) PROPERTY REQUIRED TO BE LOCATED IN ELIGIBLE CENSUS TRACTS.—

''(A) IN GENERAL.—Property shall not be treated as qualified alternative fuel vehicle refueling property unless such property is placed in service in an eligible census tract.

''(B) ELIGIBLE CENSUS TRACT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'eligible census tract' means any population census tract which—

''(I) is described in section 45D(e), or

''(II) is not an urban area.

''(ii) URBAN AREA.—For purposes of clause (i)(II), the term 'urban area' means a census tract (as defined by the Bureau of the Census) which, according to the most recent decennial census, has been designated as an urban area by the Secretary of Commerce.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

## PART 5—INVESTMENT IN CLEAN ENERGY MANUFACTURING AND ENERGY SECURITY

### SEC. 13501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION OF CREDIT.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL ALLOCATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(2) LIMITATION.—The total amount of credits which may be allocated under the program established under paragraph (1) shall not exceed $10,000,000,000, of which not greater than $6,000,000,000 may be allocated to qualified investments which are not located within a census tract which—

''(A) is described in clause (iii) of section 45(b)(11)(B), and

''(B) prior to the date of enactment of this subsection, had no project which received a certification and allocation of credits under subsection (d).

''(3) CERTIFICATIONS.—

''(A) APPLICATION REQUIREMENT.—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary may require.

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and to notify the Secretary that such project has been so placed in service, and if such project is not placed in service by that time period, then the certification shall no longer be valid. If any certification is revoked under this subparagraph, the amount of the limitation under paragraph (2) shall be increased by the amount of the credit with respect to such revoked certification.

''(D) LOCATION OF PROJECT.—In the case of an applicant which receives a certification, if the Secretary determines that the project has been placed in service at a location which is materially different than the location specified in the application for such project, the certification shall no longer be valid.

''(4) CREDIT RATE CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(A) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting '6 percent' for '30 percent'.

''(B) ALTERNATIVE RATE.—In the case of any project which satisfies the requirements of paragraphs (5)(A) and (6), subparagraph (A) shall not apply.

''(5) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to a project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the re-equipping, expansion, or establishment of a manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(6) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(7) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.''.

(b) MODIFICATION OF QUALIFYING ADVANCED ENERGY PROJECTS.—Section 48C(c)(1)(A) is amended—

(1) by inserting '', any portion of the qualified investment of which is certified by the Secretary under subsection (e) as eligible for a credit under this section'' after ''means a project'',

(2) in clause (i)—

(A) by striking ''a manufacturing facility for the production of'' and inserting ''an industrial or manufacturing facility for the production or recycling of'',

(B) in clause (I), by inserting ''water,'' after ''sun,'',

(C) in clause (II), by striking ''an energy storage system for use with electric or hybrid-electric motor vehicles'' and inserting ''energy storage systems and components'',

(D) in clause (III), by striking ''grids to support the transmission of intermittent sources of renewable energy, including storage of such energy'' and inserting ''grid modernization equipment or components'',

(E) in subclause (IV), by striking ''and sequester carbon dioxide emissions'' and inserting '', remove, use, or sequester carbon oxide emissions'',

(F) by striking subclause (V) and inserting the following:

''(V) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product which is—

''(aa) renewable, or

''(bb) low-carbon and low-emission,'',

(G) by striking subclause (VI),

(H) by redesignating subclause (VII) as subclause (IX),

(I) by inserting after subclause (V) the following new subclauses:

''(VI) property designed to produce energy conservation technologies (including residential, commercial, and industrial applications),

''(VII) light-, medium-, or heavy-duty electric or fuel cell vehicles, as well as—

''(aa) technologies, components, or materials for such vehicles, and

''(bb) associated charging or refueling infrastructure,

''(VIII) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds, as well as technologies, components, or materials for such vehicles, or'', and

(J) in subclause (IX), as so redesignated, by striking ''and'' at the end, and

(3) by striking clause (ii) and inserting the following:

''(ii) which re-equips an industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20 percent through the installation of—

''(I) low- or zero-carbon process heat systems,

''(II) carbon capture, transport, utilization and storage systems,

''(III) energy efficiency and reduction in waste from industrial processes, or

''(IV) any other industrial technology designed to reduce greenhouse gas emissions, as determined by the Secretary, or

''(iii) which re-equips, expands, or establishes an industrial facility for the processing, refining, or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).''.

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 48C(c)(2) is amended to read as follows:

''(A) which is necessary for—

''(i) the production or recycling of property described in clause (i) of paragraph (1)(A),

''(ii) re-equipping an industrial or manufacturing facility described in clause (ii) of such paragraph, or

''(iii) re-equipping, expanding, or establishing an industrial facility described in clause (iii) of such paragraph,''.

(d) DENIAL OF DOUBLE BENEFIT.—48C(f), as redesignated by this section, is amended by striking ''or 48B'' and inserting ''48B, 48E, 45Q, or 45V''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

### SEC. 13502. ADVANCED MANUFACTURING PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

**''SEC. 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 backsheet, 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,

''(iii) in the case of a tower, 3 cents, and

''(iv) in the case of an offshore wind foundation—

''(I) which uses a fixed platform, 2 cents, or

''(II) which uses a floating platform, 4 cents.

''(B) INVERTERS.—For purposes of paragraph (1)(I), the applicable amount with respect to any inverter shall be—

''(i) in the case of a central inverter, 0.25 cents,

''(ii) in the case of a utility inverter, 1.5 cents,

''(iii) in the case of a commercial inverter, 2 cents,

''(iv) in the case of a residential inverter, 6.5 cents, and

''(v) in the case of a microinverter or a distributed wind inverter, 11 cents.

''(3) PHASE OUT.—

''(A) IN GENERAL.—Subject to subparagraph (C), in the case of any eligible component sold after December 31, 2029, the amount determined under this subsection with respect to such component shall be equal to the product of—

''(i) the amount determined under paragraph (1) with respect to such component, as determined without regard to this paragraph, multiplied by

''(ii) the phase out percentage under subparagraph (B).

''(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—

''(i) in the case of an eligible component sold during calendar year 2030, 75 percent,

''(ii) in the case of an eligible component sold during calendar year 2031, 50 percent,

''(iii) in the case of an eligible component sold during calendar year 2032, 25 percent,

''(iv) in the case of an eligible component sold after December 31, 2032, 0 percent.

''(C) EXCEPTION.—For purposes of determining the amount under this subsection with respect to any applicable critical mineral, this paragraph shall not apply.

''(4) LIMITATION ON CAPACITY OF BATTERY CELLS AND BATTERY MODULES.—

''(A) IN GENERAL.—For purposes of subparagraph (K)(ii) or (L)(ii) of paragraph (1), the capacity determined under either subparagraph with respect to a battery cell or battery module shall not exceed a capacity-to-power ratio of 100:1.

''(B) CAPACITY-TO-POWER RATIO.—For purposes of this paragraph, the term 'capacity-to-power ratio' means, with respect to a battery cell or battery module, the ratio of the capacity of such cell or module to the maximum discharge amount of such cell or module.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible component' means—

''(i) any solar energy component,

''(ii) any wind energy component,

''(iii) any inverter described in subparagraphs (B) through (G) of paragraph (2),

''(iv) any qualifying battery component, and

''(v) any applicable critical mineral.

''(B) APPLICATION WITH OTHER CREDITS.—The term 'eligible component' shall not include any property which is produced at a facility if the basis of any property which is part of such facility is taken into account for purposes of the credit allowed under section 48C after the date of the enactment of this section.

''(2) INVERTERS.—

''(A) IN GENERAL.—The term 'inverter' means an end product which is suitable to convert direct current electricity from 1 or more solar modules or certified distributed wind energy systems into alternating current electricity.

''(B) CENTRAL INVERTER.—The term 'central inverter' means an inverter which is suitable for large utility-scale systems and has a capacity which is greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

''(C) COMMERCIAL INVERTER.—The term 'commercial inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale applications,

''(ii) has a rated output of 208, 480, 600, or 800 volt three-phase power, and

''(iii) has a capacity which is not less than 20 kilowatts and not greater than 125 kilowatts (expressed on a per alternating current watt basis).

''(D) DISTRIBUTED WIND INVERTER.—

''(i) IN GENERAL.—The term 'distributed wind inverter' means an inverter which—

''(I) is used in a residential or non-residential system which utilizes 1 or more certified distributed wind energy systems, and

''(II) has a rated output of not greater than 150 kilowatts.

''(ii) CERTIFIED DISTRIBUTED WIND ENERGY SYSTEM.—The term 'certified distributed wind energy system' means a wind energy system which is certified by an accredited certification agency to meet Standard 9.1-2009 of the American Wind Energy Association (including any subsequent revisions to or modifications of such Standard which have been approved by the American National Standards Institute).

''(E) MICROINVERTER.—The term 'microinverter' means an inverter which—

''(i) is suitable to connect with one solar module,

''(ii) has a rated output of—

''(I) 120 or 240 volt single-phase power, or

''(II) 208 or 480 volt three-phase power, and

''(iii) has a capacity which is not greater than 650 watts (expressed on a per alternating current watt basis).

''(F) RESIDENTIAL INVERTER.—The term 'residential inverter' means an inverter which—

''(i) is suitable for a residence,

''(ii) has a rated output of 120 or 240 volt single-phase power, and

''(iii) has a capacity which is not greater than 20 kilowatts (expressed on a per alternating current watt basis).

''(G) UTILITY INVERTER.—The term 'utility inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale systems,

''(ii) has a rated output of not less than 600 volt three-phase power, and

''(iii) has a capacity which is greater than 125 kilowatts and not greater than 1000 kilowatts (expressed on a per alternating current watt basis)

''(3) SOLAR ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'solar energy component' means any of the following:

''(i) Solar modules.

''(ii) Photovoltaic cells.

''(iii) Photovoltaic wafers.

''(iv) Solar grade polysilicon.

''(v) Torque tubes or structural fasteners.

''(vi) Polymeric backsheets.

''(B) ASSOCIATED DEFINITIONS.—

''(i) PHOTOVOLTAIC CELL.—The term 'photovoltaic cell' means the smallest semiconductor element of a solar module which performs the immediate conversion of light into electricity.

''(ii) PHOTOVOLTAIC WAFER.—The term 'photovoltaic wafer' means a thin slice, sheet, or layer of semiconductor material of at least 240 square centimeters—

''(I) produced by a single manufacturer either—

''(aa) directly from molten or evaporated solar grade polysilicon or deposition of solar grade thin film semiconductor photon absorber layer, or

''(bb) through formation of an ingot from molten polysilicon and subsequent slicing, and

''(II) which comprises the substrate or absorber layer of one or more photovoltaic cells.

''(iii) POLYMERIC BACKSHEET.—The term 'polymeric backsheet' means a sheet on the back of a solar module which acts as an electric insulator and protects the inner components of such module from the surrounding environment.

''(iv) SOLAR GRADE POLYSILICON.—The term 'solar grade polysilicon' means silicon which is—

''(I) suitable for use in photovoltaic manufacturing, and

''(II) purified to a minimum purity of 99.999999 percent silicon by mass.

''(v) SOLAR MODULE.—The term 'solar module' means the connection and lamination of photovoltaic cells into an environmentally protected final assembly which is—

''(I) suitable to generate electricity when exposed to sunlight, and

''(II) ready for installation without an additional manufacturing process.

''(vi) SOLAR TRACKER.—The term 'solar tracker' means a mechanical system that moves solar modules according to the position of the sun and to increase energy output.

''(vii) SOLAR TRACKER COMPONENTS.—

''(I) TORQUE TUBE.—The term 'torque tube' means a structural steel support element (including longitudinal purlins) which—

''(aa) is part of a solar tracker,

''(bb) is of any cross-sectional shape,

''(cc) may be assembled from individually manufactured segments,

''(dd) spans longitudinally between foundation posts,

''(ee) supports solar panels and is connected to a mounting attachment for solar panels (with or without separate module interface rails), and

''(ff) is rotated by means of a drive system.

''(II) STRUCTURAL FASTENER.—The term 'structural fastener' means a component which is used—

''(aa) to connect the mechanical and drive system components of a solar tracker to the foundation of such solar tracker,

''(bb) to connect torque tubes to drive assemblies, or

''(cc) to connect segments of torque tubes to one another.

''(4) WIND ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'wind energy component' means any of the following:

''(i) Blades.

''(ii) Nacelles.

''(iii) Towers.

''(iv) Offshore wind foundations.

''(v) Related offshore wind vessels.

''(B) ASSOCIATED DEFINITIONS.—

''(i) BLADE.—The term 'blade' means an airfoil-shaped blade which is responsible for converting wind energy to low-speed rotational energy.

''(ii) OFFSHORE WIND FOUNDATION.—The term 'offshore wind foundation' means the component (including transition piece) which secures an offshore wind tower and any above-water turbine components to the seafloor using—

''(I) fixed platforms, such as offshore wind monopiles, jackets, or gravity-based foundations, or

''(II) floating platforms and associated mooring systems.

''(iii) NACELLE.—The term 'nacelle' means the assembly of the drivetrain and other tower-top components of a wind turbine (with the exception of the blades and the hub) within their cover housing.

''(iv) RELATED OFFSHORE WIND VESSEL.—The term 'related offshore wind vessel' means any vessel which is purpose-built or retrofitted for purposes of the development, transport, installation, operation, or maintenance of offshore wind energy components.

''(v) TOWER.—The term 'tower' means a tubular or lattice structure which supports the nacelle and rotor of a wind turbine.

''(5) QUALIFYING BATTERY COMPONENT.—

''(A) IN GENERAL.—The term 'qualifying battery component' means any of the following:

''(i) Electrode active materials.

''(ii) Battery cells.

''(iii) Battery modules.

''(B) ASSOCIATED DEFINITIONS.—

''(i) ELECTRODE ACTIVE MATERIAL.—The term 'electrode active material' means cathode materials, anode materials, anode foils, and electrochemically active materials, including solvents, additives, and electrolyte salts that contribute to the electrochemical processes necessary for energy storage .

''(ii) BATTERY CELL.—The term 'battery cell' means an electrochemical cell—

''(I) comprised of 1 or more positive electrodes and 1 or more negative electrodes,

''(II) with an energy density of not less than 100 watt-hours per liter, and

''(III) capable of storing at least 12 watt-hours of energy.

''(iii) BATTERY MODULE.—The term 'battery module' means a module—

''(I)(aa) in the case of a module using battery cells, with 2 or more battery cells which are configured electrically, in series or parallel, to create voltage or current, as appropriate, to a specified end use, or

''(bb) with no battery cells, and

''(II) with an aggregate capacity of not less than 7 kilowatt-hours (or, in the case of a module for a hydrogen fuel cell vehicle, not less than 1 kilowatt-hour).

''(6) APPLICABLE CRITICAL MINERALS.—The term 'applicable critical mineral' means any of the following:

''(A) ALUMINUM.—Aluminum which is—

''(i) converted from bauxite to a minimum purity of 99 percent alumina by mass, or

''(ii) purified to a minimum purity of 99.9 percent aluminum by mass.

''(B) ANTIMONY.—Antimony which is—

''(i) converted to antimony trisulfide concentrate with a minimum purity of 90 percent antimony trisulfide by mass, or

''(ii) purified to a minimum purity of 99.65 percent antimony by mass.

''(C) BARITE.—Barite which is barium sulfate purified to a minimum purity of 80 percent barite by mass.

''(D) BERYLLIUM.—Beryllium which is—

''(i) converted to copper-beryllium master alloy, or

''(ii) purified to a minimum purity of 99 percent beryllium by mass.

''(E) CERIUM.—Cerium which is—

''(i) converted to cerium oxide which is purified to a minimum purity of 99.9 percent cerium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent cerium by mass.

''(F) CESIUM.—Cesium which is—

''(i) converted to cesium formate or cesium carbonate, or

''(ii) purified to a minimum purity of 99 percent cesium by mass.

''(G) CHROMIUM.—Chromium which is—

''(i) converted to ferrochromium consisting of not less than 60 percent chromium by mass, or

''(ii) purified to a minimum purity of 99 percent chromium by mass.

''(H) COBALT.—Cobalt which is—

''(i) converted to cobalt sulfate, or

''(ii) purified to a minimum purity of 99.6 percent cobalt by mass.

''(I) DYSPROSIUM.—Dysprosium which is—

''(i) converted to not less than 99 percent pure dysprosium iron alloy by mass, or

''(ii) purified to a minimum purity of 99 percent dysprosium by mass.

''(J) EUROPIUM.—Europium which is—

''(i) converted to europium oxide which is purified to a minimum purity of 99.9 percent europium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent by mass.

''(K) FLUORSPAR.—Fluorspar which is—

''(i) converted to fluorspar which is purified to a minimum purity of 97 percent calcium fluoride by mass, or

''(ii) purified to a minimum purity of 99 percent fluorspar by mass.

''(L) GADOLINIUM.—Gadolinium which is—

''(i) converted to gadolinium oxide which is purified to a minimum purity of 99.9 percent gadolinium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent gadolinium by mass.

''(M) GERMANIUM.—Germanium which is—

''(i) converted to germanium tetrachloride, or

''(ii) purified to a minimum purity of 99.99 percent germanium by mass.

''(N) GRAPHITE.—Graphite which is purified to a minimum purity of 99.9 percent graphitic carbon by mass.

''(O) INDIUM.—Indium which is—

''(i) converted to—

''(I) indium tin oxide, or

''(II) indium oxide which is purified to a minimum purity of 99.9 percent indium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent indium by mass.

''(P) LITHIUM.—Lithium which is—

''(i) converted to lithium carbonate or lithium hydroxide, or

''(ii) purified to a minimum purity of 99.9 percent lithium by mass.

''(Q) MANGANESE.—Manganese which is—

''(i) converted to manganese sulphate, or

''(ii) purified to a minimum purity of 99.7 percent manganese by mass.

''(R) NEODYMIUM.—Neodymium which is—

''(i) converted to neodymium-praseodymium oxide which is purified to a minimum purity of 99 percent neodymium-praseodymium oxide by mass,

''(ii) converted to neodymium oxide which is purified to a minimum purity of 99.5 percent neodymium oxide by mass

''(iii) purified to a minimum purity of 99.9 percent neodymium by mass.

''(S) NICKEL.—Nickel which is—

''(i) converted to nickel sulphate, or

''(ii) purified to a minimum purity of 99 percent nickel by mass.

''(T) NIOBIUM.—Niobium which is—

''(i) converted to ferronibium, or

''(ii) purified to a minimum purity of 99 percent niobium by mass.

''(U) TELLURIUM.—Tellurium which is—

''(i) converted to cadmium telluride, or

''(ii) purified to a minimum purity of 99 percent tellurium by mass.

''(V) TIN.—Tin which is purified to low alpha emitting tin which—

''(i) has a purity of greater than 99.99 percent by mass, and

''(ii) possesses an alpha emission rate of not greater than 0.01 counts per hour per centimeter square.

''(W) TUNGSTEN.—Tungsten which is converted to ammonium paratungstate or ferrotungsten.

''(X) VANADIUM.—Vanadium which is converted to ferrovanadium or vanadium pentoxide.

''(Y) YTTRIUM.—Yttrium which is—

''(i) converted to yttrium oxide which is purified to a minimum purity of 99.999 percent yttrium oxide by mass, or

''(ii) purified to a minimum purity of 99.9 percent yttrium by mass.

''(Z) OTHER MINERALS.—Any of the following minerals, provided that such mineral is purified to a minimum purity of 99 percent by mass:

''(i) Arsenic.

''(ii) Bismuth.

''(iii) Erbium.

''(iv) Gallium.
''(v) Hafnium.
''(vi) Holmium.
''(vii) Iridium.
''(viii) Lanthanum.
''(ix) Lutetium.
''(x) Magnesium.
''(xi) Palladium.
''(xii) Platinum.
''(xiii) Praseodymium.
''(xiv) Rhodium.
''(xv) Rubidium.
''(xvi) Ruthenium.
''(xvii) Samarium.
''(xviii) Scandium.
''(xix) Tantalum.
''(xx) Terbium.
''(xxi) Thulium.
''(xxii) Titanium.
''(xxiii) Ytterbium.
''(xxiv) Zinc.
''(xxv) Zirconium.

''(d) SPECIAL RULES.—In this section—

''(1) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

''(2) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to eligible components the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(4) SALE OF INTEGRATED COMPONENTS.—For purposes of this section, a person shall be treated as having sold an eligible component to an unrelated person if such component is integrated, incorporated, or assembled into another eligible component which is sold to an unrelated person.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (36), by striking ''plus'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(38) the advanced manufacturing production credit determined under section 45X(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45X. Advanced manufacturing production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to components produced and sold after December 31, 2022.

## PART 6—SUPERFUND

### SEC. 13601. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ''9.7 cents'' and inserting ''16.4 cents''.

(B) Section 4611(c) is amended by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a year beginning after 2023, the amount in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.''.

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ''December 31, 1995'' and inserting ''December 31, 2032''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

## PART 7—INCENTIVES FOR CLEAN ELECTRICITY AND CLEAN TRANSPORTATION

### SEC. 13701. CLEAN ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

**''SEC. 45Y. CLEAN ELECTRICITY PRODUCTION CREDIT.**

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean electricity production credit for any taxable year is an amount equal to the product of—

''(A) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified facility, and

''(ii)(I) sold by the taxpayer to an unrelated person during the taxable year, or

''(II) in the case of a qualified facility which is equipped with a metering device which is owned and operated by an unrelated person, sold, consumed, or stored by the taxpayer during the taxable year, multiplied by

''(B) the applicable amount with respect to such qualified facility.

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility which is not described in clause (i) or (ii) of subparagraph (B) and does not satisfy the requirements described in clause (iii) of such subparagraph, the applicable amount shall be 0.3 cents.

''(B) ALTERNATIVE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility—

''(i) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(ii) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (9) and (10) of subsection (g), or

''(iii) which—

''(I) satisfies the requirements under paragraph (9) of subsection (g), and

''(II) with respect to the construction of such facility, satisfies the requirements under paragraph (10) of subsection (g),

the applicable amount shall be 1.5 cents.

''(b) QUALIFIED FACILITY.—

''(1) IN GENERAL.—

''(A) DEFINITION.—Subject to subparagraphs (B), (C), and (D), the term 'qualified facility' means a facility owned by the taxpayer—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the greenhouse gas emissions rate (as determined under paragraph (2)) is not greater than zero.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only be treated as a qualified facility during the 10-year period beginning on the date the facility was originally placed in service.

''(C) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—The term 'qualified facility' shall include either of the following in connection with a facility described in subparagraph (A) (without regard to clause (ii) of such subparagraph) which was placed in service before January 1, 2025, but only to the extent of the increased amount of electricity produced at the facility by reason of the following:

''(i) A new unit which is placed in service after December 31, 2024.

''(ii) Any additions of capacity which are placed in service after December 31, 2024.

''(D) COORDINATION WITH OTHER CREDITS.—The term 'qualified facility' shall not include any facility for which a credit determined under section 45, 45J, 45Q, 45U, 48, 48A, or 48E is allowed under section 38 for the taxable year or any prior taxable year.

''(2) GREENHOUSE GAS EMISSIONS RATE.—

''(A) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' means the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity, expressed as grams of $CO_2e$ per KWh.

''(B) FUEL COMBUSTION AND GASIFICATION.—In the case of a facility which produces electricity through combustion or gasification, the greenhouse gas emissions rate for such facility shall be equal to the net rate of greenhouse gases emitted into the atmosphere by such facility (taking into account lifecycle greenhouse gas emissions, as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H))) in the production of electricity, expressed as grams of $CO_2e$ per KWh.

''(C) ESTABLISHMENT OF EMISSIONS RATES FOR FACILITIES.—

''(i) PUBLISHING EMISSIONS RATES.—The Secretary shall annually publish a table that sets forth the greenhouse gas emissions rates for types or categories of facilities, which a taxpayer shall use for purposes of this section.

''(ii) PROVISIONAL EMISSIONS RATE.—In the case of any facility for which an emissions rate has not been established by the Secretary, a taxpayer which owns such facility may file a petition with the Secretary for determination of the emissions rate with respect to such facility.

''(D) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—For purposes of this subsection, the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity shall not include any qualified carbon dioxide that is captured by the taxpayer and—

''(i) pursuant to any regulations established under paragraph (2) of section 45Q(f), disposed of by the taxpayer in secure geological storage, or

''(ii) utilized by the taxpayer in a manner described in paragraph (5) of such section.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a calendar year beginning after 2024, the 0.3 cent amount in paragraph (2)(A) of subsection (a) and the 1.5 cent amount in paragraph (2)(B) of such subsection shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale, consumption, or storage of the electricity occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 1.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) ANNUAL COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

''(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the

*gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.*

*''(d) CREDIT PHASE-OUT.—*

*''(1) IN GENERAL.—The amount of the clean electricity production credit under subsection (a) for any qualified facility the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—*

*''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by*

*''(B) the phase-out percentage under paragraph (2).*

*''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—*

*''(A) for a facility the construction of which begins during the first calendar year following the applicable year, 100 percent,*

*''(B) for a facility the construction of which begins during the second calendar year following the applicable year, 75 percent,*

*''(C) for a facility the construction of which begins during the third calendar year following the applicable year, 50 percent, and*

*''(D) for a facility the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.*

*''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' means the later of—*

*''(A) the calendar year in which the Secretary determines that the annual greenhouse gas emissions from the production of electricity in the United States are equal to or less than 25 percent of the annual greenhouse gas emissions from the production of electricity in the United States for calendar year 2022, or*

*''(B) 2032.*

*''(e) DEFINITIONS.—For purposes of this section:*

*''(1) $CO_2e$ PER KWH.—The term '$CO_2e$ per KWh' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on global warming potential) per kilowatt hour of electricity produced.*

*''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.*

*''(3) QUALIFIED CARBON DIOXIDE.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—*

*''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas,*

*''(B) is measured at the source of capture and verified at the point of disposal or utilization, and*

*''(C) is captured and disposed or utilized within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2)).*

*''(f) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean electricity production credits under this section.*

*''(g) SPECIAL RULES.—*

*''(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Consumption, sales, or storage shall be taken into account under this section only with respect to electricity the production of which is within—*

*''(A) the United States (within the meaning of section 638(1)), or*

*''(B) a possession of the United States (within the meaning of section 638(2)).*

*''(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—*

*''(A) IN GENERAL.—For purposes of subsection (a)—*

*''(i) the kilowatt hours of electricity produced by a taxpayer at a qualified facility shall include any production in the form of useful thermal energy by any combined heat and power system property within such facility, and*

*''(ii) the amount of greenhouse gases emitted into the atmosphere by such facility in the production of such useful thermal energy shall be included for purposes of determining the greenhouse gas emissions rate for such facility.*

*''(B) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this paragraph, the term 'combined heat and power system property' has the same meaning given such term by section 48(c)(3) (without regard to subparagraphs (A)(iv), (B), and (D) thereof).*

*''(C) CONVERSION FROM BTU TO KWH.—*

*''(i) IN GENERAL.—For purposes of subparagraph (A)(i), the amount of kilowatt hours of electricity produced in the form of useful thermal energy shall be equal to the quotient of—*

*''(I) the total useful thermal energy produced by the combined heat and power system property within the qualified facility, divided by*

*''(II) the heat rate for such facility.*

*''(ii) HEAT RATE.—For purposes of this subparagraph, the term 'heat rate' means the amount of energy used by the qualified facility to generate 1 kilowatt hour of electricity, expressed as British thermal units per net kilowatt hour generated.*

*''(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.*

*''(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.*

*''(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.*

*''(6) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—*

*''(A) ELECTION TO ALLOCATE.—*

*''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.*

*''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).*

*''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—*

*''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and*

*''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.*

*''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—*

*''(i) such reduction, over*

*''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,*

*shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.*

*''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.*

*''(7) INCREASE IN CREDIT IN ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under subsection (a) with respect to any electricity produced by the taxpayer at such facility during the taxable year, the applicable amount under paragraph (2) of such subsection shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such paragraph.*

*''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.*

*''(9) WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7) shall apply.*

*''(10) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.*

*''(11) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—*

*''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B)(i), the amount of the credit determined under subsection (a) shall be increased by an amount equal to 10 percent of the amount so determined (as determined without application of paragraph (7)).*

*''(B) REQUIREMENT.—*

*''(i) IN GENERAL.—The requirement described in this subclause is satisfied with respect to any qualified facility if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) was produced in the United States (as determined under section 661 of title 49, Code of Federal Regulations).*

*''(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5 of title 49, Code of Federal Regulations.*

*''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components) which are mined, produced, or manufactured in the United States.*

*''(C) ADJUSTED PERCENTAGE.—*

*''(i) IN GENERAL.—Subject to subclause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be—*

*''(I) in the case of a facility the construction of which begins before January 1, 2025, 40 percent,*

*''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 45 percent,*

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 50 percent, and

''(IV) in the case of a facility the construction of which begins after December 31, 2026, 55 percent.

''(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins before January 1, 2025, 20 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 27.5 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 35 percent,

''(IV) in the case of a facility the construction of which begins after December 31, 2026, and before January 1, 2028, 45 percent, and

''(V) in the case of a facility the construction of which begins after December 31, 2027, 55 percent.

''(12) PHASEOUT FOR ELECTIVE PAYMENT.—

''(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

''(i) the value of such credit (determined without regard to this paragraph), multiplied by

''(ii) the applicable percentage.

''(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

''(i) which satisfies the requirements under paragraph (11)(B), or

''(ii) with a maximum net output of less than 1 megawatt (as measured in alternating current),

the applicable percentage shall be 100 percent.

''(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

''(i) if construction of such facility began before January 1, 2024, 100 percent,

''(ii) if construction of such facility began in calendar year 2024, 90 percent,

''(iii) if construction of such facility began in calendar year 2025, 85 percent, and

''(iv) if construction of such facility began after December 31, 2025, 0 percent.

''(D) EXCEPTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall provide exceptions to the requirements under this paragraph if—

''(I) the inclusion of steel, iron, or manufactured products which are produced in the United States increases the overall costs of construction of qualified facilities by more than 25 percent, or

''(II) relevant steel, iron, or manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

''(ii) APPLICABLE PERCENTAGE.—In any case in which the Secretary provides an exception pursuant to clause (i), the applicable percentage shall be 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (37), by striking ''plus'' at the end,

(B) in paragraph (38), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(39) the clean electricity production credit determined under section 45Y(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45Y. Clean electricity production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2024.

**SEC. 13702. CLEAN ELECTRICITY INVESTMENT CREDIT.**

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1, as amended by section 107(a) of the CHIPS Act of 2022, is amended by inserting after section 48D the following new section:

**''SEC. 48E. CLEAN ELECTRICITY INVESTMENT CREDIT.**

''(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—

''(1) IN GENERAL.—For purposes of section 46, the clean electricity investment credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to—

''(A) any qualified facility, and

''(B) any energy storage technology.

''(2) APPLICABLE PERCENTAGE.—

''(A) QUALIFIED FACILITIES.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any qualified facility which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any qualified facility—

''(I) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such facility, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(B) ENERGY STORAGE TECHNOLOGY.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any energy storage technology which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any energy storage technology—

''(I) with a capacity of less than 1 megawatt,

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such property, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(3) INCREASE IN CREDIT RATE IN CERTAIN CASES.—

''(A) ENERGY COMMUNITIES.—

''(i) IN GENERAL.—In the case of any qualified investment with respect to a qualified facility or with respect to energy storage technology which is placed in service within an energy community (as defined in section 45(b)(11)(B)), for purposes of applying paragraph (2) with respect to such property or investment, the applicable percentage shall be increased by the applicable credit rate increase.

''(ii) APPLICABLE CREDIT RATE INCREASE.—For purposes of clause (i), the applicable credit rate increase shall be an amount equal to—

''(I) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(i) or with respect to energy storage technology described in paragraph (2)(B)(i), 2 percentage points, and

''(II) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(ii) or with respect to energy storage technology described in paragraph (2)(B)(ii), 10 percentage points.

''(B) DOMESTIC CONTENT.—Rules similar to the rules of section 48(a)(12) shall apply.

''(b) QUALIFIED INVESTMENT WITH RESPECT TO A QUALIFIED FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment with respect to any qualified facility for any taxable year is the sum of—

''(A) the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility, plus

''(B) the amount of any expenditures which are—

''(i) paid or incurred by the taxpayer for qualified interconnection property—

''(I) in connection with a qualified facility which has a maximum net output of not greater than 5 megawatts (as measured in alternating current), and

''(II) placed in service during the taxable year of the taxpayer, and

''(ii) properly chargeable to capital account of the taxpayer.

''(2) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility,

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(C)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

''(3) QUALIFIED FACILITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified facility' means a facility—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the anticipated greenhouse gas emissions rate (as determined under subparagraph (B)(ii)) is not greater than zero.

''(B) ADDITIONAL RULES.—

''(i) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—Rules similar to the rules of section 45Y(b)(1)(C) shall apply for purposes of this paragraph.

''(ii) GREENHOUSE GAS EMISSIONS RATE.—Rules similar to the rules of section 45Y(b)(2) shall apply for purposes of this paragraph.

''(C) EXCLUSION.—The term 'qualified facility' shall not include any facility for which—

''(i) a renewable electricity production credit determined under section 45,

''(ii) an advanced nuclear power facility production credit determined under section 45J,

''(iii) a carbon oxide sequestration credit determined under section 45Q,

''(iv) a zero-emission nuclear power production credit determined under section 45U,

''(v) a clean electricity production credit determined under section 45Y,

''(vi) an energy credit determined under section 48, or

''(vii) a qualifying advanced coal project credit under section 48A,

is allowed under section 38 for the taxable year or any prior taxable year.

''(4) QUALIFIED INTERCONNECTION PROPERTY.—For purposes of this paragraph, the term 'qualified interconnection property' has the meaning given such term in section 48(a)(8)(B).

''(5) COORDINATION WITH REHABILITATION CREDIT.—The qualified investment with respect to any qualified facility for any taxable year shall not include that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(6) DEFINITIONS.—For purposes of this subsection, the terms 'CO2e per KWh' and 'greenhouse gas emissions rate' have the same meaning given such terms under section 45Y.

''(c) QUALIFIED INVESTMENT WITH RESPECT TO ENERGY STORAGE TECHNOLOGY.—

''(1) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment with respect to energy storage technology for any taxable year is the basis of any energy storage technology placed in service by the taxpayer during such taxable year.

''(2) ENERGY STORAGE TECHNOLOGY.—For purposes of this section, the term 'energy storage technology' has the meaning given such term in section 48(c)(6) (except that subparagraph (D) of such section shall not apply).

''(d) SPECIAL RULES.—

''(1) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(2) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR PRIVATE ACTIVITY BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(3) PREVAILING WAGE REQUIREMENTS.—Rules similar to the rules of section 48(a)(10) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) DOMESTIC CONTENT REQUIREMENT FOR ELECTIVE PAYMENT.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, rules similar to the rules of section 45Y(g)(12) shall apply.

''(e) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity investment credit under subsection (a) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' has the same meaning given such term in section 45Y(d)(3).

''(f) GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the same meaning given such term under section 45Y(e)(2).

''(g) RECAPTURE OF CREDIT.—For purposes of section 50, if the Secretary determines that the greenhouse gas emissions rate for a qualified facility is greater than 10 grams of $CO_2e$ per KWh, any property for which a credit was allowed under this section with respect to such facility shall cease to be investment credit property in the taxable year in which the determination is made.

''(h) SPECIAL RULES FOR CERTAIN FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any applicable facility with respect to which the Secretary makes an allocation of environmental justice capacity limitation under paragraph (4)—

''(A) the applicable percentage otherwise determined under subsection (a)(2) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) APPLICABLE FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable facility' means any qualified facility—

''(i) which is not described in section 45Y(b)(2)(B),

''(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line (as defined in section 36B(d)(3)(A)) applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this subsection, the term 'eligible property' means a qualified investment with respect to any applicable facility.

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2025, the Secretary shall establish a program to allocate amounts of environmental justice capacity limitation to applicable facilities. In establishing such program and to carry out the purposes of this subsection, the Secretary shall provide procedures to allow for an efficient allocation process, including, when determined appropriate, consideration of multiple projects in a single application if such projects will be placed in service by a single taxpayer.

''(B) LIMITATION.—The amount of environmental justice capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each calendar year during the period beginning on January 1, 2025, and ending on December 31 of the applicable year (as defined in section 45Y(d)(3)), and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—

''(i) IN GENERAL.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after the third calendar year following the applicable year (as defined in section 45Y(d)(3)).

''(ii) CARRYOVER FROM SECTION 48 FOR CALENDAR YEAR 2025.—If the annual capacity limitation for calendar year 2024 under section 48(e)(4)(D) exceeds the aggregate amount allocated for such year under such section, such excess amount may be carried over and applied to the annual capacity limitation under this subsection for calendar year 2025. The annual capacity limitation for calendar year 2025 shall be increased by the amount of such excess.

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D)(i) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.

''(i) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46, as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) in paragraph (5), by striking ''and'' at the end,

(B) in paragraph (6), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(7) the clean electricity investment credit.''.

(2) Section 49(a)(1)(C), as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) by striking ''and'' at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting a comma, and

(C) by adding at the end the following new clauses:

''(vii) the basis of any qualified property which is part of a qualified facility under section 48E, and

''(viii) the basis of any energy storage technology under section 48E.''.

(3) Section 50(a)(2)(E), as amended by section 107(d) of the CHIPS Act of 2022, is amended by striking ''or 48D(b)(5)'' and inserting ''48D(b)(5), or 48E(e)''.

(4) Section 50(c)(3) is amended by inserting ''or clean electricity investment credit'' after ''In the case of any energy credit''.

(5) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 107(d) of the CHIPS Act of 2022, is amended by inserting after the item relating to section 48D the following new item:

''48E. Clean electricity investment credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2024.

**SEC. 13703. COST RECOVERY FOR QUALIFIED FACILITIES, QUALIFIED PROPERTY, AND ENERGY STORAGE TECHNOLOGY.**

(a) IN GENERAL.—Section 168(e)(3)(B) is amended—

(1) in clause (vi)(III), by striking ''and'' at the end,

(2) in clause (vii), by striking the period at the end and inserting '', and'', and

(3) by inserting after clause (vii) the following:

''(viii) any qualified facility (as defined in section 45Y(b)(1)(A)), any qualified property (as defined in subsection (b)(2) of section 48E) which is a qualified investment (as defined in subsection (b)(1) of such section), or any energy storage technology (as defined in subsection (c)(2) of such section).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities and property placed in service after December 31, 2024.

**SEC. 13704. CLEAN FUEL PRODUCTION CREDIT.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

**''SEC. 45Z. CLEAN FUEL PRODUCTION CREDIT.**

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

''(A) the applicable amount per gallon (or gallon equivalent) with respect to any transportation fuel which is—

''(i) produced by the taxpayer at a qualified facility, and

''(ii) sold by the taxpayer in a manner described in paragraph (4) during the taxable year, and

''(B) the emissions factor for such fuel (as determined under subsection (b)).

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which does not satisfy the requirements described in subparagraph (B), the applicable amount shall be 20 cents.

''(B) ALTERNATIVE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which satisfies the requirements under paragraphs (6) and (7) of subsection (f), the applicable amount shall be $1.00.

''(3) SPECIAL RATE FOR SUSTAINABLE AVIATION FUEL.—

''(A) IN GENERAL.—In the case of a transportation fuel which is sustainable aviation fuel, paragraph (2) shall be applied—

''(i) in the case of fuel produced at a qualified facility described in paragraph (2)(A), by substituting '35 cents' for '20 cents', and

''(ii) in the case of fuel produced at a qualified facility described in paragraph (2)(B), by substituting '$1.75' for '$1.00'.

''(B) SUSTAINABLE AVIATION FUEL.—For purposes of this subparagraph (A), the term 'sustainable aviation fuel' means liquid fuel, the portion of which is not kerosene, which is sold for use in an aircraft and which—

''(i) meets the requirements of—

''(I) ASTM International Standard D7566, or

''(II) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1, and

''(ii) is not derived from palm fatty acid distillates or petroleum.

''(4) SALE.—For purposes of paragraph (1), the transportation fuel is sold in a manner described in this paragraph if such fuel is sold by the taxpayer to an unrelated person—

''(A) for use by such person in the production of a fuel mixture,

''(B) for use by such person in a trade or business, or

''(C) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person.

''(5) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of 1 cent, such amount shall be rounded to the nearest cent.

''(b) EMISSIONS FACTORS.—

''(1) EMISSIONS FACTOR.—

''(A) CALCULATION.—

''(i) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

''(I) an amount equal to—

''(aa) 50 kilograms of $CO_2e$ per mmBTU, minus

''(bb) the emissions rate for such fuel, divided by

''(II) 50 kilograms of $CO_2e$ per mmBTU.

''(B) ESTABLISHMENT OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall annually publish a table which sets forth the emissions rate for similar types and categories of transportation fuels based on the amount of lifecycle greenhouse gas emissions (as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section) for such fuels, expressed as kilograms of $CO_2e$ per mmBTU, which a taxpayer shall use for purposes of this section.

''(ii) NON-AVIATION FUEL.—In the case of any transportation fuel which is not a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(iii) AVIATION FUEL.—In the case of any transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be determined in accordance with—

''(I) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(II) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(C) ROUNDING OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may round the emissions rates under subparagraph (B) to the nearest multiple of 5 kilograms of $CO_2e$ per mmBTU.

''(ii) EXCEPTION.—In the case of an emissions rate that is between 2.5 kilograms of $CO_2e$ per mmBTU and -2.5 kilograms of $CO_2e$ per mmBTU, the Secretary may round such rate to zero.

''(D) PROVISIONAL EMISSIONS RATE.—In the case of any transportation fuel for which an emissions rate has not been established under subparagraph (B), a taxpayer producing such fuel may file a petition with the Secretary for determination of the emissions rate with respect to such fuel.

''(2) ROUNDING.—If any amount determined under paragraph (1)(A) is not a multiple of 0.1, such amount shall be rounded to the nearest multiple of 0.1.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of calendar years beginning after 2024, the 20 cent amount in subsection (a)(2)(A), the $1.00 amount in subsection (a)(2)(B), the 35 cent amount in subsection (a)(3)(A)(i), and the $1.75 amount in subsection (a)(3)(A)(ii) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale of the transportation fuel occurs. If any amount as increased under the preceding sentence is not a multiple of 1 cent, such amount shall be rounded to the nearest multiple of 1 cent.

''(2) INFLATION ADJUSTMENT FACTOR.—For purposes of paragraph (1), the inflation adjustment factor shall be the inflation adjustment factor determined and published by the Secretary pursuant to section 45Y(c), determined by substituting 'calendar year 2022' for 'calendar year 1992' in paragraph (3) thereof.

''(d) DEFINITIONS.—In this section:

''(1) mmBTU.—The term 'mmBTU' means 1,000,000 British thermal units.

''(2) $CO_2e$.—The term '$CO_2e$' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on relative global warming potential).

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given that term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(4) QUALIFIED FACILITY.—The term 'qualified facility'—

''(A) means a facility used for the production of transportation fuels, and

''(B) does not include any facility for which one of the following credits is allowed under section 38 for the taxable year:

''(i) The credit for production of clean hydrogen under section 45V.

''(ii) The credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48 with respect to any specified clean hydrogen production facility for which an election is made under subsection (a)(15) of such section.

''(iii) The credit for carbon oxide sequestration under section 45Q.

''(5) TRANSPORTATION FUEL.—

''(A) IN GENERAL.—The term 'transportation fuel' means a fuel which—

''(i) is suitable for use as a fuel in a highway vehicle or aircraft,

''(ii) has an emissions rate which is not greater than 50 kilograms of $CO_2e$ per mmBTU, and

''(iii) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass.

''(B) DEFINITIONS.—In this paragraph—

''(i) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(I) monoglycerides, diglycerides, and triglycerides,

''(II) free fatty acids, and

''(III) fatty acid esters.

''(ii) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of emissions factors for transportation fuel, the table described in subsection (b)(1)(B)(i), and the determination of clean fuel production credits under this section.

''(f) SPECIAL RULES.—

''(1) ONLY REGISTERED PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—No clean fuel production credit shall be determined under subsection (a) with respect to any transportation fuel unless—

''(i) the taxpayer—

''(I) is registered as a producer of clean fuel under section 4101 at the time of production, and

''(II) in the case of any transportation fuel which is a sustainable aviation fuel, provides—

''(aa) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(AA) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in subclause (I) of subsection (b)(1)(B)(iii), or

''(BB) in the case of any methodology described in subclause (II) of such subsection, requirements similar to the requirements described in subitem (AA), and

''(bb) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section, and

''(ii) such fuel is produced in the United States.

''(B) UNITED STATES.—For purposes of this paragraph, the term 'United States' includes any possession of the United States.

''(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling fuel to an unrelated person if such fuel is sold to such a person by another member of such group.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(5) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—Rules similar to the rules of section 45Y(g)(6) shall apply.

''(6) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), rules similar to the rules of section 45(b)(7) shall apply.

''(B) SPECIAL RULE FOR FACILITIES PLACED IN SERVICE BEFORE JANUARY 1, 2025.—For purposes of subparagraph (A), in the case of any qualified facility placed in service before January 1, 2025—

''(i) clause (i) of section 45(b)(7)(A) shall not apply, and

''(ii) clause (ii) of such section shall be applied by substituting 'with respect to any taxable year beginning after December 31, 2024, for which the credit is allowed under this section' for 'with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2)(A)(ii)'.

''(7) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(g) TERMINATION.—This section shall not apply to transportation fuel sold after December 31, 2027.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 25C(d)(3), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (A), by striking ''and'' at the end,

(B) in subparagraph (B), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(C) transportation fuel (as defined in section 45Z(d)(5)).''.

(2) Section 30C(c)(1)(B), as amended by the preceding provisions of this Act, is amended by adding at the end the following new clause:

''(iv) Any transportation fuel (as defined in section 45Z(d)(5)).''.

(3) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (38), by striking ''plus'' at the end,

(B) in paragraph (39), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(40) the clean fuel production credit determined under section 45Z(a).''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45Z. Clean fuel production credit.''.

(5) Section 4101(a)(1), as amended by the preceding provisions of this Act, is amended by inserting ''every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45Z),'' after ''section 6426(k)(3)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2024.

## PART 8—CREDIT MONETIZATION AND APPROPRIATIONS

### SEC. 13801. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting after section 6416 the following new section:

**''SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.**

''(a) IN GENERAL.—In the case of an applicable entity making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined with respect to such entity, such entity shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

''(b) APPLICABLE CREDIT.—The term 'applicable credit' means each of the following:

''(1) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(2) So much of the renewable electricity production credit determined under section 45(a) as is attributable to qualified facilities which are originally placed in service after December 31, 2022.

''(3) So much of the credit for carbon oxide sequestration determined under section 45Q(a) as is attributable to carbon capture equipment which is originally placed in service after December 31, 2022.

''(4) The zero-emission nuclear power production credit determined under section 45U(a).

''(5) So much of the credit for production of clean hydrogen determined under section 45V(a) as is attributable to qualified clean hydrogen production facilities which are originally placed in service after December 31, 2012.

''(6) In the case of a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A), the credit for qualified commercial vehicles determined under section 45W by reason of subsection (d)(3) thereof.

''(7) The credit for advanced manufacturing production under section 45X(a).

''(8) The clean electricity production credit determined under section 45Y(a).

''(9) The clean fuel production credit determined under section 45Z(a).

''(10) The energy credit determined under section 48.

''(11) The qualifying advanced energy project credit determined under section 48C.

''(12) The clean electricity investment credit determined under section 48E.

''(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(1) IN GENERAL.—In the case of any applicable credit determined with respect to any facility or property held directly by a partnership or S corporation, any election under subsection (a) shall be made by such partnership or S corporation. If such partnership or S corporation makes an election under such subsection (in such manner as the Secretary may provide) with respect to such credit—

''(A) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit,

''(B) subsection (e) shall be applied with respect to such credit before determining any partner's distributive share, or shareholder's pro rata share, of such credit,

''(C) any amount with respect to which the election in subsection (a) is made shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(D) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise applicable credit for each taxable year.

''(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any applicable credit determined with respect to such facility or property.

''(3) TREATMENT OF PAYMENTS TO PARTNERSHIPS AND S CORPORATIONS.—For purposes of section 1324 of title 31, United States Code, the payments under paragraph (1)(A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE ENTITY.—

''(A) IN GENERAL.—The term 'applicable entity' means—

''(i) any organization exempt from the tax imposed by subtitle A,

''(ii) any State or political subdivision thereof,

''(iii) the Tennessee Valley Authority,

''(iv) an Indian tribal government (as defined in section 30D(g)(9)),

''(v) any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), or

''(vi) any corporation operating on a cooperative basis which is engaged in furnishing electric energy to persons in rural areas.

''(B) ELECTION WITH RESPECT TO CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has placed in service a qualified clean hydrogen production facility (as defined in section 45V(c)(3)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(5).

''(C) ELECTION WITH RESPECT TO CREDIT FOR CARBON OXIDE SEQUESTRATION.—If a taxpayer

*other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, placed in service carbon capture equipment at a qualified facility (as defined in section 45Q(d)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(3).*

*''(D) ELECTION WITH RESPECT TO ADVANCED MANUFACTURING PRODUCTION CREDIT.—*

*''(i) IN GENERAL.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, produced eligible components (as defined in section 45X(c)(1)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(7).*

*''(ii) LIMITATION.—*

*''(I) IN GENERAL.—Except as provided in subclause (II), if a taxpayer makes an election under this subparagraph with respect to any taxable year, such taxpayer shall be treated as having made such election for each of the 4 succeeding taxable years ending before January 1, 2033.*

*''(II) EXCEPTION.—A taxpayer may elect to revoke the application of the election made under this subparagraph to any taxable year described in subclause (I). Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in subclause (I). Any election under this subclause may not be subsequently revoked.*

*''(iii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (ii)(I), no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to eligible components for purposes of the credit described in subsection (b)(7).*

*''(E) OTHER RULES.—*

*''(i) IN GENERAL.—An election made under subparagraph (B), (C), or (D) shall be made at such time and in such manner as the Secretary may provide.*

*''(ii) LIMITATION.—No election may be made under subparagraph (B), (C), or (D) with respect to any taxable year beginning after December 31, 2032.*

*''(2) APPLICATION.—In the case of any applicable entity which makes the election described in subsection (a), any applicable credit shall be determined—*

*''(A) without regard to paragraphs (3) and (4)(A)(i) of section 50(b), and*

*''(B) by treating any property with respect to which such credit is determined as used in a trade or business of the applicable entity.*

*''(3) ELECTIONS.—*

*''(A) IN GENERAL.—*

*''(i) DUE DATE.—Any election under subsection (a) shall be made not later than—*

*''(I) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), such date as is determined appropriate by the Secretary, or*

*''(II) in any other case, the due date (including extensions of time) for the return of tax for the taxable year for which the election is made, but in no event earlier than 180 days after the date of the enactment of this section.*

*''(ii) ADDITIONAL RULES.—Any election under subsection (a), once made, shall be irrevocable and shall apply (except as otherwise provided in this paragraph) with respect to any credit for the taxable year for which the election is made.*

*''(B) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(2), any election under subsection (a) shall—*

*''(i) apply separately with respect to each qualified facility,*

*''(ii) be made for the taxable year in which such qualified facility is originally placed in service, and*

*''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (a)(2)(A)(ii) of section 45 with respect to such qualified facility.*

*''(C) CREDIT FOR CARBON OXIDE SEQUESTRATION.—*

*''(i) IN GENERAL.—In the case of the credit described in subsection (b)(3), any election under subsection (a) shall—*

*''(I) apply separately with respect to the carbon capture equipment originally placed in service by the applicable entity during a taxable year, and*

*''(II)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(C), apply to the taxable year in which such equipment is placed in service and the 4 subsequent taxable years with respect to such equipment which end before January 1, 2033, and*

*''(bb) in any other case, apply to such taxable year and to any subsequent taxable year which is within the period described in paragraph (3)(A) or (4)(A) of section 45Q(a) with respect to such equipment.*

*''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(II)(aa) with respect to carbon capture equipment, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).*

*''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may, at any time during the period described in clause (i)(II)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.*

*''(D) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—*

*''(i) IN GENERAL.—In the case of the credit described in subsection (b)(5), any election under subsection (a) shall—*

*''(I) apply separately with respect to each qualified clean hydrogen production facility,*

*''(II) be made for the taxable year in which such facility is placed in service (or within the 1-year period subsequent to the date of enactment of this section in the case of facilities placed in service before December 31, 2022), and*

*''(III)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(B), apply to such taxable year and the 4 subsequent taxable years with respect to such facility which end before January 1, 2033, and*

*''(bb) in any other case, apply to such taxable year and all subsequent taxable years with respect to such facility.*

*''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(III)(aa) with respect to a qualified clean hydrogen production facility, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such facility for purposes of the credit described in subsection (b)(5).*

*''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(B) with respect to a qualified clean hydrogen production facility, such taxpayer may, at any time during the period described in clause (i)(III)(aa), revoke the application of such election with respect to such facility for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.*

*''(E) CLEAN ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(8), any election under subsection (a) shall—*

*''(i) apply separately with respect to each qualified facility,*

*''(ii) be made for the taxable year in which such facility is placed in service, and*

*''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (b)(1)(B) of section 45Y with respect to such facility.*

*''(4) TIMING.—The payment described in subsection (a) shall be treated as made on—*

*''(A) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), the later of the date that a return would be due under section 6033(a) if such government or subdivision were described in that section or the date on which such government or subdivision submits a claim for credit or refund (at such time and in such manner as the Secretary shall provide), and*

*''(B) in any other case, the later of the due date (determined without regard to extensions) of the return of tax for the taxable year or the date on which such return is filed.*

*''(5) ADDITIONAL INFORMATION.—As a condition of, and prior to, any amount being treated as a payment which is made by an applicable entity under subsection (a), the Secretary may require such information or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.*

*''(6) EXCESSIVE PAYMENT.—*

*''(A) IN GENERAL.—In the case of any amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), which the Secretary determines constitutes an excessive payment, the tax imposed on such entity by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—*

*''(i) the amount of such excessive payment, plus*

*''(ii) an amount equal to 20 percent of such excessive payment.*

*''(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the applicable entity demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.*

*''(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term 'excessive payment' means, with respect to a facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—*

*''(i) the amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), with respect to such facility or property for such taxable year, over*

*''(ii) the amount of the credit which, without application of this section, would be otherwise allowable (as determined pursuant to paragraph (2) and without regard to section 38(c)) under this title with respect to such facility or property for such taxable year.*

*''(e) DENIAL OF DOUBLE BENEFIT.—In the case of an applicable entity making an election under this section with respect to an applicable credit, such credit shall be reduced to zero and shall, for any other purposes under this title, be deemed to have been allowed to such entity for such taxable year.*

*''(f) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.*

''(g) BASIS REDUCTION AND RECAPTURE.—Except as otherwise provided in subsection (c)(2)(A), rules similar to the rules of section 50 shall apply for purposes of this section.

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise allowable (determined without regard to section 38(c)).''.

(b) TRANSFER OF CERTAIN CREDITS.—Subchapter B of chapter 65, as amended by subsection (a), is amended by inserting after section 6417 the following new section:

**''SEC. 6418. TRANSFER OF CERTAIN CREDITS.**

''(a) IN GENERAL.—In the case of an eligible taxpayer which elects to transfer all (or any portion specified in the election) of an eligible credit determined with respect to such taxpayer for any taxable year to a taxpayer (referred to in this section as the 'transferee taxpayer') which is not related (within the meaning of section 267(b) or 707(b)(1)) to the eligible taxpayer, the transferee taxpayer specified in such election (and not the eligible taxpayer) shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

''(b) TREATMENT OF PAYMENTS MADE IN CONNECTION WITH TRANSFER.—With respect to any amount paid by a transferee taxpayer to an eligible taxpayer as consideration for a transfer described in subsection (a), such consideration—

''(1) shall be required to be paid in cash,

''(2) shall not be includible in gross income of the eligible taxpayer, and

''(3) with respect to the transferee taxpayer, shall not be deductible under this title.

''(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(1) IN GENERAL.—In the case of any eligible credit determined with respect to any facility or property held directly by a partnership or S corporation, if such partnership or S corporation makes an election under subsection (a) (in such manner as the Secretary may provide) with respect to such credit—

''(A) any amount received as consideration for a transfer described in such subsection shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(B) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise eligible credit for each taxable year.

''(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any eligible credit determined with respect to such facility or property.

''(d) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under subsection (a), such credit shall be taken into account in the first taxable year of the transferee taxpayer ending with, or after, the taxable year of the eligible taxpayer with respect to which the credit was determined.

''(e) LIMITATIONS ON ELECTION.—

''(1) TIME FOR ELECTION.—An election under subsection (a) to transfer any portion of an eligible credit shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the credit is determined, but in no event earlier than 180 days after the date of the enactment of this section. Any such election, once made, shall be irrevocable.

''(2) NO ADDITIONAL TRANSFERS.—No election may be made under subsection (a) by a transferee taxpayer with respect to any portion of an eligible credit which has been previously transferred to such taxpayer pursuant to this section.

''(f) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE CREDIT.—

''(A) IN GENERAL.—The term 'eligible credit' means each of the following:

''(i) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(ii) The renewable electricity production credit determined under section 45(a).

''(iii) The credit for carbon oxide sequestration determined under section 45Q(a).

''(iv) The zero-emission nuclear power production credit determined under section 45U(a).

''(v) The clean hydrogen production credit determined under section 45V(a).

''(vi) The advanced manufacturing production credit determined under section 45X(a).

''(vii) The clean electricity production credit determined under section 45Y(a).

''(viii) The clean fuel production credit determined under section 45Z(a).

''(ix) The energy credit determined under section 48.

''(x) The qualifying advanced energy project credit determined under section 48C.

''(xi) The clean electricity investment credit determined under section 48E.

''(B) ELECTION FOR CERTAIN CREDITS.—In the case of any eligible credit described in clause (ii), (iii), (v), or (vii) of subparagraph (A), an election under subsection (a) shall be made—

''(i) separately with respect to each facility for which such credit is determined, and

''(ii) for each taxable year during the 10-year period beginning on the date such facility was originally placed in service (or, in the case of the credit described in clause (iii), for each year during the 12-year period beginning on the date the carbon capture equipment was originally placed in service at such facility).

''(C) EXCEPTION FOR BUSINESS CREDIT CARRYFORWARDS OR CARRYBACKS.—The term 'eligible credit' shall not include any business credit carryforward or business credit carryback determined under section 39.

''(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer which is not described in section 6417(d)(1)(A).

''(g) SPECIAL RULES.—For purposes of this section—

''(1) ADDITIONAL INFORMATION.—As a condition of, and prior to, any transfer of any portion of an eligible credit pursuant to subsection (a), the Secretary may require such information (including, in such form or manner as is determined appropriate by the Secretary, such information returns) or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(2) EXCESSIVE CREDIT TRANSFER.—

''(A) IN GENERAL.—In the case of any portion of an eligible credit which is transferred to a transferee taxpayer pursuant to subsection (a) which the Secretary determines constitutes an excessive credit transfer, the tax imposed on the transferee taxpayer by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive credit transfer, plus

''(ii) an amount equal to 20 percent of such excessive credit transfer.

''(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the transferee taxpayer demonstrates to the satisfaction of the Secretary that the excessive credit transfer resulted from reasonable cause.

''(C) EXCESSIVE CREDIT TRANSFER DEFINED.—For purposes of this paragraph, the term 'excessive credit transfer' means, with respect to a facility or property for which an election is made under subsection (a) for any taxable year, an amount equal to the excess of—

''(i) the amount of the eligible credit claimed by the transferee taxpayer with respect to such facility or property for such taxable year, over

''(ii) the amount of such credit which, without application of this section, would be otherwise allowable under this title with respect to such facility or property for such taxable year.

''(3) BASIS REDUCTION; NOTIFICATION OF RECAPTURE.—In the case of any election under subsection (a) with respect to any portion of an eligible credit described in clauses (ix) through (xi) of subsection (f)(1)(A)—

''(A) subsection (c) of section 50 shall apply to the applicable investment credit property (as defined in subsection (a)(5) of such section) as if such eligible credit was allowed to the eligible taxpayer, and

''(B) if, during any taxable year, the applicable investment credit property (as defined in subsection (a)(5) of section 50) is disposed of, or otherwise ceases to be investment credit property with respect to the eligible taxpayer, before the close of the recapture period (as described in subsection (a)(1) of such section)—

''(i) such eligible taxpayer shall provide notice of such occurrence to the transferee taxpayer (in such form and manner as the Secretary shall prescribe), and

''(ii) the transferee taxpayer shall provide notice of the recapture amount (as defined in subsection (c)(2) of such section), if any, to the eligible taxpayer (in such form and manner as the Secretary shall prescribe).

''(4) PROHIBITION ON ELECTION OR TRANSFER WITH RESPECT TO PROGRESS EXPENDITURES.—This section shall not apply with respect to any amount of an eligible credit which is allowed pursuant to rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including regulations or other guidance providing rules for determining a partner's distributive share of the tax exempt income described in subsection (c)(1).''.

(c) REAL ESTATE INVESTMENT TRUSTS.—Section 50(d) is amended by adding at the end the following: ''In the case of a real estate investment trust making an election under section 6418, paragraphs (1)(B) and (2)(B) of the section 46(e) referred to in paragraph (1) of this subsection shall not apply to any investment credit property of such real estate investment trust to which such election applies.''.

(d) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Section 39(a) is amended by adding at the end the following:

''(4) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Notwithstanding subsection (d), in the case of any applicable credit (as defined in section 6417(b))—

''(A) this section shall be applied separately from the business credit (other than the applicable credit),

''(B) paragraph (1) shall be applied by substituting 'each of the 3 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '23 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '22 taxable years' for '20 taxable years' in subparagraph (B) thereof.''.

(e) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6416 the following new items:

''Sec. 6417. Elective payment of applicable credits.

''Sec. 6418. Transfer of certain credits.''.

(f) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year

thereafter, the portion of any payment made to a taxpayer pursuant to an election under section 6417 of the Internal Revenue Code of 1986, or any amount treated as a payment which is made by the taxpayer under subsection (a) of such section, that is direct spending shall be increased by 6.0445 percent.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

**SEC. 13802. APPROPRIATIONS.**

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000 to remain available until September 30, 2031, for necessary expenses for the Internal Revenue Service to carry out this subtitle (and the amendments made by this subtitle), which shall supplement and not supplant any other appropriations that may be available for this purpose.

### PART 9—OTHER PROVISIONS

**SEC. 13901. PERMANENT EXTENSION OF TAX RATE TO FUND BLACK LUNG DISABILITY TRUST FUND.**

(a) IN GENERAL.—Section 4121 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date which is 1 day after the date of enactment of this Act.

**SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.**

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

**SEC. 13903. REINSTATEMENT OF LIMITATION RULES FOR DEDUCTION FOR STATE AND LOCAL, ETC., TAXES; EXTENSION OF LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.**

(a) REINSTATEMENT OF LIMITATION RULES FOR DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.—

(1) IN GENERAL.—Section 164(b)(6), as amended by section 13904, is further amended—

(A) in the heading, by striking ''2026'' and inserting ''2025'', and

(B) by striking ''2027'' and inserting ''2026''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

(b) EXTENSION OF LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.—

(1) IN GENERAL.—Section 461(l)(1) is amended by striking ''January 1, 2027'' each place it appears and inserting ''January 1, 2029''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2026.

**SEC. 13904. REMOVAL OF HARMFUL SMALL BUSINESS TAXES; EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.**

(a) REMOVAL OF HARMFUL SMALL BUSINESS TAXES.—Subparagraph (D) of section 59(k)(1), as added by section 10101, is amended to read as follows:

''(D) SPECIAL RULES FOR DETERMINING APPLICABLE CORPORATION STATUS.—Solely for purposes of determining whether a corporation is an applicable corporation under this paragraph, all adjusted financial statement income of persons treated as a single employer with such corporation under subsection (a) or (b) of section 52 shall be treated as adjusted financial statement income of such corporation, and adjusted financial statement income of such corporation shall be determined without regard to paragraphs (2)(D)(i) and (11) of section 56A(c).''.

(b) EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.—

(1) IN GENERAL.—Section 164(b)(6) is amended—

(A) in the heading, by striking ''2025'' and inserting ''2026'', and

(B) by striking ''2026'' and inserting ''2027''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

## TITLE II—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

### Subtitle A—General Provisions

**SEC. 20001. DEFINITION OF SECRETARY.**

In this title, the term ''Secretary'' means the Secretary of Agriculture.

### Subtitle B—Conservation

**SEC. 21001. ADDITIONAL AGRICULTURAL CONSERVATION INVESTMENTS.**

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $1,750,000,000 for fiscal year 2024;

(iii) $3,000,000,000 for fiscal year 2025; and

(iv) $3,450,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1240B(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(f)(1)) shall not apply;

(ii) section 1240H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(c)(2)) shall be applied—

(I) by substituting ''$50,000,000'' for ''$25,000,000''; and

(II) with the Secretary prioritizing proposals that utilize diet and feed management to reduce enteric methane emissions from ruminants; and

(iii) the funds shall be available for 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 3839aa–21 through 3839aa–25)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $500,000,000 for fiscal year 2024;

(iii) $1,000,000,000 for fiscal year 2025; and

(iv) $1,500,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that the funds shall only be available for 1 or more agricultural conservation practices, enhancements, or bundles that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the agricultural conservation easement program under subtitle H of title XII of that Act (16 U.S.C. 3865 through 3865d) for easements or interests in land that will most reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions associated with land eligible for the program—

(A) $100,000,000 for fiscal year 2023;

(B) $200,000,000 for fiscal year 2024;

(C) $500,000,000 for fiscal year 2025; and

(D) $600,000,000 for fiscal year 2026; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle I of title XII of that Act (16 U.S.C. 3871 through 3871f)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $800,000,000 for fiscal year 2024;

(iii) $1,500,000,000 for fiscal year 2025; and

(iv) $2,400,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1271C(d)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)(2)(B)) shall not apply; and

(ii) the Secretary shall prioritize partnership agreements under section 1271C(d) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production.

(b) CONDITIONS.—The funds made available under subsection (a) are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(A) in subsection (a), by striking ''2023'' and inserting ''2031''; and

(B) in subsection (f)(2)(B)—

(i) in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' and inserting ''2031''.

(2) Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking ''2023'' each place it appears and inserting ''2031''.

(3) Section 1240J(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–22(a)) is amended, in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031''.

(4) Section 1240L(h)(2)(A) of the Food Security Act of 1985 (16 U.S.C. 3839aa–24(h)(2)(A)) is amended by striking ''2023'' and inserting ''2031''.

(5) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031'';

(ii) in paragraph (2)(F), by striking ''2023'' and inserting ''2031''; and

(iii) in paragraph (3), by striking ''fiscal year 2023'' each place it appears and inserting ''each of fiscal years 2023 through 2031'';

(B) in subsection (b), by striking ''2023'' and inserting ''2031''; and

(C) in subsection (h)—

(i) in paragraph (1)(B), in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' each place it appears and inserting ''2031''.

(6) Section 1244(n)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3844(n)(3)(A)) is amended by striking ''2023'' and inserting ''2031''.

(7) Section 1271D(a) of the Food Security Act of 1985 (16 U.S.C. 3871d(a)) is amended by striking ''2023'' and inserting ''2031''.

**SEC. 21002. CONSERVATION TECHNICAL ASSISTANCE.**

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) $1,000,000,000 to provide conservation technical assistance through the Natural Resources Conservation Service; and

(2) $300,000,000 to carry out a program to quantify carbon sequestration and carbon dioxide, methane, and nitrous oxide emissions, through which the Natural Resources Conservation Service shall collect field-based data to assess the carbon sequestration and reduction in carbon dioxide, methane, and nitrous oxide emissions outcomes associated with activities carried out pursuant to this section and use the data to monitor and track those carbon sequestration and emissions trends through the Greenhouse Gas Inventory and Assessment Program of the Department of Agriculture.

(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031;

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or

(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2028, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this section.

### Subtitle C—Rural Development and Agricultural Credit

**SEC. 22001. ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.**

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended by adding at the end the following:

''(h) ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.—

''(1) APPROPRIATIONS.—Notwithstanding subsections (a) through (e), and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for the cost of loans under section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g), including for projects that store electricity that support the types of eligible projects under that section, which shall be forgiven in an amount that is not greater than 50 percent of the loan based on how the borrower and the project meets the terms and conditions for loan forgiveness consistent with the purposes of that section established by the Secretary, except as provided in paragraph (3).

''(2) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant this subsection that could result in disbursements after September 30, 2031.

''(3) EXCEPTION.—The Secretary shall establish criteria for waiving the 50 percent limitation described in paragraph (1).''.

**SEC. 22002. RURAL ENERGY FOR AMERICA PROGRAM.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for eligible projects under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), and notwithstanding section 9007(c)(3)(A) of that Act, the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $180,276,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to provide grants and loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) relating to underutilized renewable energy technologies, and to provide technical assistance for applying to the program described in subsection (a), including for underutilized renewable energy technologies, notwithstanding section 9007(c)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a)—

(1) $144,750,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $31,813,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(c) LIMITATION.—The Secretary shall not enter into, pursuant to this section—

(1) any loan agreement that may result in a disbursement after September 30, 2031; or

(2) any grant agreement that may result in any outlay after September 30, 2031.

**SEC. 22003. BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.**

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22001) is amended by adding at the end the following:

''(i) BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and subsection (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, to carry out this subsection.

''(2) USE OF FUNDS.—The Secretary shall use the amounts made available by paragraph (1) to provide grants, for which the Federal share shall be not more than 75 percent of the total cost of carrying out a project for which the grant is provided, on a competitive basis, to increase the sale and use of agricultural commodity-based fuels through infrastructure improvements for blending, storing, supplying, or distributing biofuels, except for transportation infrastructure not on location where such biofuels are blended, stored, supplied, or distributed—

''(A) by installing, retrofitting, or otherwise upgrading fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location related to dispensing certain biofuel blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required in the Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program for Fiscal Year 2020, published in the Federal Register (85 Fed. Reg. 26656), as determined by the Secretary; and

''(B) by building and retrofitting home heating oil distribution centers or equivalent entities and distribution systems for ethanol and biodiesel blends.''.

**SEC. 22004. USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.**

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22003) is amended by adding at the end the following:

''(j) USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,700,000,000, to remain available until September 30, 2031, for the long-term resiliency, reliability, and affordability of rural electric systems by providing to an eligible entity (defined as an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986 and is or has been a Rural Utilities Service electric loan borrower pursuant to the Rural Electrification Act of 1936 or serving a predominantly rural area or a wholly or jointly owned subsidiary of such electric cooperative) loans, modifications of loans, the cost of loans and modifications, and other financial assistance to achieve the greatest reduction in carbon dioxide, methane, and nitrous oxide emissions associated with rural electric systems through the purchase of renewable energy, renewable energy systems, zero-emission systems, and carbon capture and storage systems, to deploy such systems, or to make energy efficiency improvements to electric generation and transmission systems of the eligible entity after the date of enactment of this subsection.

''(2) LIMITATION.—No eligible entity may receive an amount equal to more than 10 percent

*of the total amount made available by this subsection.*

*''(3) REQUIREMENT.—The amount of a grant under this subsection shall be not more than 25 percent of the total project costs of the eligible entity carrying out a project using a grant under this subsection.*

*''(4) PROHIBITION.—Nothing in this subsection shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this subsection if such funds are not expressly authorized or currently expended for such purposes.*

*''(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection—*

*''(A) any loan agreement that may result in a disbursement after September 30, 2031; or*

*''(B) any grant agreement that may result in any outlay after September 30, 2031.''.*

***SEC. 22005. ADDITIONAL USDA RURAL DEVELOPMENT ADMINISTRATIVE FUNDS.***

*In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for administrative costs and salaries and expenses for the Rural Development mission area and administrative costs of the agencies and offices of the Department for costs related to implementing this subtitle.*

***SEC. 22006. FARM LOAN IMMEDIATE RELIEF FOR BORROWERS WITH AT-RISK AGRICULTURAL OPERATIONS.***

*In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $3,100,000,000, to remain available until September 30, 2031, to provide payments to, for the cost of loans or loan modifications for, or to carry out section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)) with respect to distressed borrowers of direct or guaranteed loans administered by the Farm Service Agency under subtitle A, B, or C of that Act (7 U.S.C. 1922 through 1970). In carrying out this section, the Secretary shall provide relief to those borrowers whose agricultural operations are at financial risk as expeditiously as possible, as determined by the Secretary.*

***SEC. 22007. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, AND FORESTERS.***

*Section 1006 of the American Rescue Plan Act of 2021 (7 U.S.C. 2279 note; Public Law 117–2) is amended to read as follows:*

***''SEC. 1006. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, FORESTERS.***

*''(a) TECHNICAL AND OTHER ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $125,000,000 to provide outreach, mediation, financial training, capacity building training, cooperative development and agricultural credit training and support, and other technical assistance on issues concerning food, agriculture, agricultural credit, agricultural extension, rural development, or nutrition to underserved farmers, ranchers, or forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.*

*''(b) LAND LOSS ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $250,000,000 to provide grants and loans to eligible entities, as determined by the Secretary, to improve land access (including heirs' property and fractionated land issues) for underserved farmers, ranchers, and forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.*

*''(c) EQUITY COMMISSIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $10,000,000 to fund the activities of one or more equity commissions that will address racial equity issues within the Department of Agriculture and the programs of the Department of Agriculture.*

*''(d) RESEARCH, EDUCATION, AND EXTENSION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $250,000,000 to support and supplement agricultural research, education, and extension, as well as scholarships and programs that provide internships and pathways to agricultural sector or Federal employment, for 1890 Institutions (as defined in section 2 of the Agricultural, Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)), Alaska Native serving institutions and Native Hawaiian serving institutions eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156), Hispanic-serving institutions eligible to receive grants under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241), and the insular area institutions of higher education located in the territories of the United States, as referred to in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361).*

*''(e) DISCRIMINATION FINANCIAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $2,200,000,000 for a program to provide financial assistance, including the cost of any financial assistance, to farmers, ranchers, or forest landowners determined to have experienced discrimination prior to January 1, 2021, in Department of Agriculture farm lending programs, under which the amount of financial assistance provided to a recipient may be not more than $500,000, as determined to be appropriate based on any consequences experienced from the discrimination, which program shall be administered through 1 or more qualified nongovernmental entities selected by the Secretary subject to standards set and enforced by the Secretary.*

*''(f) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $24,000,000 for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.*

*''(g) LIMITATION.—The funds made available under this section are subject to the condition that the Secretary shall not—*

*''(1) enter into any agreement under which any payment could be outlaid or funds disbursed after September 30, 2031; or*

*''(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.''.*

***SEC. 22008. REPEAL OF FARM LOAN ASSISTANCE.***

*Section 1005 of the American Rescue Plan Act of 2021 (7 U.S.C. 1921 note; Public Law 117–2) is repealed.*

***Subtitle D—Forestry***

***SEC. 23001. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.***

*(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—*

*(1) $1,800,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;*

*(2) $200,000,000 for vegetation management projects on National Forest System land carried out in accordance with a plan developed under section 303(d)(1) or 304(a)(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542(d)(1) or 6543(a)(3));*

*(3) $100,000,000 to provide for environmental reviews by the Chief of the Forest Service in satisfying the obligations of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–12); and*

*(4) $50,000,000 for the protection of old-growth forests on National Forest System land and to complete an inventory of old-growth forests and mature forests within the National Forest System.*

*(b) RESTRICTIONS.—None of the funds made available by paragraph (1) or (2) of subsection (a) may be used for any activity—*

*(1) conducted in a wilderness area or wilderness study area;*

*(2) that includes the construction of a permanent road or motorized trail;*

*(3) that includes the construction of a temporary road, except in the case of a temporary road that is decommissioned by the Secretary not later than 3 years after the earlier of—*

*(A) the date on which the temporary road is no longer needed; and*

*(B) the date on which the project for which the temporary road was constructed is completed;*

*(4) inconsistent with the applicable land management plan;*

*(5) inconsistent with the prohibitions of the rule of the Forest Service entitled ''Special Areas; Roadless Area Conservation'' (66 Fed. Reg. 3244 (January 12, 2001)), as modified by subparts C and D of part 294 of title 36, Code of Federal Regulations; or*

*(6) carried out on any land that is not National Forest System land, including other forested land on Federal, State, Tribal, or private land.*

*(c) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.*

*(d) COST-SHARING WAIVER.—*

*(1) IN GENERAL.—The non-Federal cost-share requirement of a project described in paragraph (2) may be waived at the discretion of the Secretary.*

*(2) PROJECT DESCRIBED.—A project referred to in paragraph (1) is a project that—*

*(A) is carried out using funds made available under this section;*

*(B) requires a partnership agreement, including a cooperative agreement or mutual interest agreement; and*

*(C) is subject to a non-Federal cost-share requirement.*

*(e) DEFINITIONS.—In this section:*

*(1) DECOMMISSION.—The term ''decommission'' means, with respect to a road—*

*(A) reestablishing native vegetation on the road;*

*(B) restoring any natural drainage, watershed function, or other ecological processes that were disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism and reestablishing stable slope contours; and*

*(C) effectively blocking the road to vehicular traffic, where feasible.*

*(2) ECOLOGICAL INTEGRITY.—The term ''ecological integrity'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).*

*(3) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.*

*(4) RESTORATION.—The term ''restoration'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).*

*(5) VEGETATION MANAGEMENT PROJECT.—The term ''vegetation management project'' means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitat, or the decommissioning of an unauthorized, temporary, or system road.*

*(6) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).*

***SEC. 23002. COMPETITIVE GRANTS FOR NON-FEDERAL FOREST LANDOWNERS.***

*(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—*

*(1) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program a cost share to carry out climate mitigation or forest resilience practices in the case of underserved forest landowners, subject to the condition that subsection (h) of that section shall not apply;*

*(2) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;*

*(3) $100,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of forest landowners who own less than 2,500 acres of forest land in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;*

*(4) $50,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to provide grants to states and other eligible entities to provide payments to owners of private forest land for implementation of forestry practices on private forest land, that are determined by the Secretary, based on the best available science, to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land, subject to the conditions that—*

*(A) those payments shall not preclude landowners from participation in other public and private sector financial incentive programs; and*

*(B) subsection (h) of that section shall not apply; and*

*(5) $100,000,000 to provide grants under the wood innovation grant program under section 8643 of the Agriculture Improvement Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program and for the hauling of material removed to reduce hazardous fuels to locations where that material can be utilized, subject to the conditions that—*

*(A) the amount of such a grant shall be not more than $5,000,000; and*

*(B) notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 50 percent of the amount received under the grant, to be derived from non-Federal sources.*

*(b) COST-SHARING REQUIREMENT.—Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.*

*(c) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.*

***SEC. 23003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.***

*(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—*

*(1) $700,000,000 to provide competitive grants to States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) for projects for the acquisition of land and interests in land; and*

*(2) $1,500,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities.*

*(b) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.*

***SEC. 23004. LIMITATION.***

*The funds made available under this subtitle are subject to the condition that the Secretary shall not—*

*(1) enter into any agreement—*

*(A) that is for a term extending beyond September 30, 2031; or*

*(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or*

*(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.*

***SEC. 23005. ADMINISTRATIVE COSTS.***

*In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available until September 30, 2031, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this subtitle.*

## *TITLE III—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS*

***SEC. 30001. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.***

*In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2024, to carry out the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.).*

***SEC. 30002. IMPROVING ENERGY EFFICIENCY OR WATER EFFICIENCY OR CLIMATE RESILIENCE OF AFFORDABLE HOUSING.***

*(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—*

*(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, the costs of modifying such loans, and for grants, as provided for and subject to terms and conditions in subsection (b), including to subsidize gross obligations for the principal amount of such loans, not to exceed $4,000,000,000, to fund projects that improve energy or water efficiency, enhance indoor air quality or sustainability, implement the use of zero-emission electricity generation, low-emission building materials or processes, energy storage, or building electrification strategies, or address climate resilience, of an eligible property;*

*(2) $60,000,000, to remain available until September 30, 2030, for the costs to the Secretary for information technology, research and evaluation, and administering and overseeing the implementation of this section;*

*(3) $60,000,000, to remain available until September 30, 2029, for expenses of contracts or cooperative agreements administered by the Secretary; and*

*(4) $42,500,000, to remain available until September 30, 2028, for energy and water benchmarking of properties eligible to receive grants or loans under this section, regardless of whether they actually received such grants or loans, along with associated data analysis and evaluation at the property and portfolio level, and the development of information technology systems necessary for the collection, evaluation, and analysis of such data.*

*(b) LOAN AND GRANT TERMS AND CONDITIONS.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants to eligible recipients that agree to an extended period of affordability for the property.*

*(c) DEFINITIONS.—As used in this section—*

*(1) the term ''eligible recipient'' means any owner or sponsor of an eligible property; and*

*(2) the term ''eligible property'' means a property assisted pursuant to—*

*(A) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);*

*(B) section 202 of the Housing Act of 1959 (former 12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;*

*(C) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);*

*(D) section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));*

*(E) section 236 of the National Housing Act (12 U.S.C. 1715z–1); or*

*(F) a Housing Assistance Payments contract for Project-Based Rental Assistance in fiscal year 2021.*

*(d) WAIVER.—The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.*

*(e) IMPLEMENTATION.—The Secretary shall have the authority to establish by notice any requirements that the Secretary determines are necessary for timely and effective implementation of the program and expenditure of funds appropriated, which requirements shall take effect upon issuance.*

## TITLE IV—COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

### SEC. 40001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,600,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats, resources, Pacific salmon and other marine fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, marine fishery and marine mammal stock assessments, and for related administrative expenses.

(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

### SEC. 40002. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for the construction of new facilities, facilities in need of replacement, piers, marine operations facilities, and fisheries laboratories.

(b) NATIONAL MARINE SANCTUARIES FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under subsection (c) of section 301 of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)).

### SEC. 40003. NOAA EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to conduct more efficient, accurate, and timely reviews for planning, permitting and approval processes through the hiring and training of personnel, and the purchase of technical and scientific services and new equipment, and to improve agency transparency, accountability, and public engagement.

### SEC. 40004. OCEANIC AND ATMOSPHERIC RESEARCH AND FORECASTING FOR WEATHER AND CLIMATE.

(a) FORECASTING AND RESEARCH.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to accelerate advances and improvements in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, coasts, oceans, and climate, and to carry out section 102(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(a)), and for related administrative expenses.

(b) RESEARCH GRANTS AND SCIENCE INFORMATION, PRODUCTS, AND SERVICES.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $50,000,000 for competitive grants to fund climate research as it relates to weather, ocean, coastal, and atmospheric processes and conditions, and impacts to marine species and coastal habitat, and for related administrative expenses.

### SEC. 40005. COMPUTING CAPACITY AND RESEARCH FOR WEATHER, OCEANS, AND CLIMATE.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $190,000,000, to remain available until September 30, 2026, for the procurement of additional high-performance computing, data processing capacity, data management, and storage assets, to carry out section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)), and for transaction agreements authorized under section 301(d)(1)(A) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(d)(1)(A)), and for related administrative expenses.

### SEC. 40006. ACQUISITION OF HURRICANE FORECASTING AIRCRAFT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the acquisition of hurricane hunter aircraft under section 413(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8549(a)).

### SEC. 40007. ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM.

(a) APPROPRIATION AND ESTABLISHMENT.—For purposes of establishing a competitive grant program for eligible entities to carry out projects located in the United States that produce, transport, blend, or store sustainable aviation fuel, or develop, demonstrate, or apply low-emission aviation technologies, in addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

(1) $244,530,000 for projects relating to the production, transportation, blending, or storage of sustainable aviation fuel;

(2) $46,530,000 for projects relating to low-emission aviation technologies; and

(3) $5,940,000 to fund the award of grants under this section, and oversight of the program, by the Secretary.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall consider, with respect to a proposed project—

(1) the capacity for the eligible entity to increase the domestic production and deployment of sustainable aviation fuel or the use of low-emission aviation technologies among the United States commercial aviation and aerospace industry;

(2) the projected greenhouse gas emissions from such project, including emissions resulting from the development of the project, and the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

(3) the capacity to create new jobs and develop supply chain partnerships in the United States;

(4) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from the proposed project, which shall include feedstock and fuel production and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use); and

(5) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture.

(c) COST SHARE.—The Federal share of the cost of a project carried out using grant funds under subsection (a) shall be 75 percent of the total proposed cost of the project, except that such Federal share shall increase to 90 percent of the total proposed cost of the project if the eligible entity is a small hub airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code.

(d) FUEL EMISSIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (e)(7)(E), the Secretary shall, not later than 2 years after the date of enactment of this section, adopt at least 1 methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or local government, including the District of Columbia, other than an airport sponsor;

(B) an air carrier;

(C) an airport sponsor;

(D) an accredited institution of higher education;

(E) a research institution;

(F) a person or entity engaged in the production, transportation, blending, or storage of sustainable aviation fuel in the United States or feedstocks in the United States that could be used to produce sustainable aviation fuel;

(G) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

(H) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuels, low-emission aviation technologies, or other clean transportation research programs.

(2) FEEDSTOCK.—The term ''feedstock'' means sources of hydrogen and carbon not originating from unrefined or refined petrochemicals.

(3) INDUCED LAND-USE CHANGE VALUES.—The term ''induced land-use change values'' means the greenhouse gas emissions resulting from the conversion of land to the production of feedstocks and from the conversion of other land due to the displacement of crops or animals for which the original land was previously used.

(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means the combined greenhouse gas emissions from feedstock production, collection of feedstock, transportation of feedstock to fuel production facilities, conversion of feedstock to fuel, transportation and distribution of fuel, and fuel combustion in an aircraft engine, as well as from induced land-use change values.

(5) LOW-EMISSION AVIATION TECHNOLOGIES.—The term ''low-emission aviation technologies'' means technologies, produced in the United States, that significantly—

(A) improve aircraft fuel efficiency;

(B) increase utilization of sustainable aviation fuel; or

(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(7) SUSTAINABLE AVIATION FUEL.—The term ''sustainable aviation fuel'' means liquid fuel, produced in the United States, that—

(A) consists of synthesized hydrocarbons;

(B) meets the requirements of—

(i) ASTM International Standard D7566; or

(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

(C) is derived from biomass (in a similar manner as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides;

(D) is not derived from palm fatty acid distillates; and

(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land-use change values under a lifecycle methodology for sustainable aviation fuels similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(II) as stringent as the requirement under clause (i).

## TITLE V—COMMITTEE ON ENERGY AND NATURAL RESOURCES

### Subtitle A—Energy

### PART 1—GENERAL PROVISIONS

**SEC. 50111. DEFINITIONS.**

In this subtitle:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' has the meaning given the term in section 1610(a) of the Energy Policy Act of 1992 (42 U.S.C. 13389(a)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) STATE.—The term ''State'' means a State, the District of Columbia, and a United States Insular Area (as that term is defined in section 50211).

(4) STATE ENERGY OFFICE.—The term ''State energy office'' has the meaning given the term in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)).

(5) STATE ENERGY PROGRAM.—The term ''State Energy Program'' means the State Energy Program established pursuant to part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326).

### PART 2—RESIDENTIAL EFFICIENCY AND ELECTRIFICATION REBATES

**SEC. 50121. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.**

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,300,000,000, to remain available through September 30, 2031, to carry out a program to award grants to State energy offices to develop and implement a HOMES rebate program.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall reserve funds made available under paragraph (1) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a HOMES rebate program using a grant received under this section in proportion to the amount distributed to those State energy offices under subparagraph (A)(ii).

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office seeking a grant under this section shall submit to the Secretary an application that includes a plan to implement a HOMES rebate program, including a plan—

(1) to use procedures, as approved by the Secretary, for determining the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that are calibrated to historical energy usage for a home consistent with BPI 2400, for purposes of modeled performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit, for purposes of measured performance home rebates;

(3) to value savings based on time, location, or greenhouse gas emissions;

(4) for quality monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment and materials installed, and the projected energy savings or energy generation to support accurate valuation of the retrofit;

(5) to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in a disadvantaged community that receives a home energy efficiency retrofit for which a rebate is provided under the program; and

(6) to ensure that a homeowner or aggregator does not receive a rebate for the same upgrade through both a HOMES rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(7).

(c) HOMES REBATE PROGRAM.—

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall provide rebates to homeowners and aggregators for whole-house energy saving retrofits begun on or after the date of enactment of this Act and completed by not later than September 30, 2031.

(2) AMOUNT OF REBATE.—Subject to paragraph (3), under a HOMES rebate program, the amount of a rebate shall not exceed—

(A) for individuals and aggregators carrying out energy efficiency upgrades of single-family homes—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $2,000; and

(II) 50 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $4,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a home or portfolio of homes that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State; or

(II) 50 percent of the project cost;

(B) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, $2,000 per dwelling unit, with a maximum of $200,000 per multifamily building;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, $4,000 per dwelling unit, with a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use per dwelling unit for the average multifamily building in the State; or

(II) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household or a multifamily building not less than 50 percent of the dwelling units of which are occupied by low- or moderate-income households—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $4,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(iii) for measured energy savings, in the case of a single-family home, multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use per single-family home or dwelling unit, as applicable, for the average single-family home or multifamily building in the State; or

(II) 80 percent of the project cost.

(3) REBATES TO LOW- OR MODERATE-INCOME HOUSEHOLDS.—On approval from the Secretary, notwithstanding paragraph (2), a State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section may increase rebate amounts for low- or moderate-income households.

(4) USE OF FUNDS.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) DATA ACCESS GUIDELINES.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data sharing.

(6) EXEMPTION.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(7) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office under a HOMES rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d)), for the same single upgrade.

(d) DEFINITIONS.—In this section:

(1) DISADVANTAGED COMMUNITY.—The term ''disadvantaged community'' means a community that the Secretary determines, based on appropriate data, indices, and screening tools, is economically, socially, or environmentally disadvantaged.

(2) HOMES REBATE PROGRAM.—The term ''HOMES rebate program'' means a Home Owner Managing Energy Savings rebate program established by a State energy office as part of an approved State energy conservation plan under the State Energy Program.

(3) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 80 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

**SEC. 50122. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.**

(a) APPROPRIATIONS.—

(1) FUNDS TO STATE ENERGY OFFICES AND INDIAN TRIBES.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to carry out a program—

(A) to award grants to State energy offices to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $4,275,000,000, to remain available through September 30, 2031; and

(B) to award grants to Indian Tribes to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $225,000,000, to remain available through September 30, 2031.

(2) ALLOCATION OF FUNDS.—

(A) STATE ENERGY OFFICES.—The Secretary shall reserve funds made available under paragraph (1)(A) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) INDIAN TRIBES.—The Secretary shall reserve funds made available under paragraph (1)(B)—

(i) in a manner determined appropriate by the Secretary; and

(ii) to be distributed to an Indian Tribe if the application of the Indian Tribe under subsection (b) is approved.

(C) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under—

(i) subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a high-efficiency electric home rebate program in proportion to the amount distributed to those State energy offices under that clause; and

(ii) subparagraph (B) but not distributed under clause (ii) of that subparagraph shall be redistributed to the Indian Tribes operating a high-efficiency electric home rebate program in proportion to the amount distributed to those Indian Tribes under that clause.

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office or Indian Tribe seeking a grant under the program shall submit to the Secretary an application that includes a plan to implement a high-efficiency electric home rebate program, including—

(1) a plan to verify the income eligibility of eligible entities seeking a rebate for a qualified electrification project;

(2) a plan to allow rebates for qualified electrification projects at the point of sale in a manner that ensures that the income eligibility of an eligible entity seeking a rebate may be verified at the point of sale;

(3) a plan to ensure that an eligible entity does not receive a rebate for the same qualified electrification project through both a high-efficiency electric home rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(8); and

(4) any additional information that the Secretary may require.

(c) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—

(1) IN GENERAL.—Under the program, the Secretary shall award grants to State energy offices and Indian Tribes to establish a high-efficiency electric home rebate program under which rebates shall be provided to eligible entities for qualified electrification projects.

(2) GUIDELINES.—The Secretary shall prescribe guidelines for high-efficiency electric home rebate programs, including guidelines for providing point of sale rebates in a manner consistent with the income eligibility requirements under this section.

(3) AMOUNT OF REBATE.—

(A) APPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of an appliance under a qualified electrification project shall be—

(i) not more than $1,750 for a heat pump water heater;

(ii) not more than $8,000 for a heat pump for space heating or cooling; and

(iii) not more than $840 for—

(I) an electric stove, cooktop, range, or oven; or

(II) an electric heat pump clothes dryer.

(B) NONAPPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of a nonappliance upgrade under a qualified electrification project shall be—

(i) not more than $4,000 for an electric load service center upgrade;

(ii) not more than $1,600 for insulation, air sealing, and ventilation; and

(iii) not more than $2,500 for electric wiring.

(C) MAXIMUM REBATE.—An eligible entity receiving multiple rebates under this section may receive not more than a total of $14,000 in rebates.

(4) LIMITATIONS.—A rebate provided using funding under this section shall not exceed—

(A) in the case of an eligible entity described in subsection (d)(1)(A)—

(i) 50 percent of the cost of the qualified electrification project for a household the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household the annual income of which is less than 80 percent of the area median income;

(B) in the case of an eligible entity described in subsection (d)(1)(B)—

(i) 50 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is less than 80 percent of the area median income; or

(C) in the case of an eligible entity described in subsection (d)(1)(C)—

(i) 50 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is less than 80 percent of the area median income.

(5) AMOUNT FOR INSTALLATION OF UPGRADES.—

(A) IN GENERAL.—In the case of an eligible entity described in subsection (d)(1)(C) that receives a rebate under the program and performs the installation of the applicable qualified electrification project, a State energy office or Indian Tribe shall provide to that eligible entity, in addition to the rebate, an amount that—

(i) does not exceed $500; and

(ii) is commensurate with the scale of the upgrades installed as part of the qualified electrification project, as determined by the Secretary.

(B) TREATMENT.—An amount received under subparagraph (A) by an eligible entity described in that subparagraph shall not be subject to the requirement under paragraph (6).

(6) REQUIREMENT.—An eligible entity described in subparagraph (C) of subsection (d)(1) shall discount the amount of a rebate received for a qualified electrification project from any amount charged by that eligible entity to the eligible entity described in subparagraph (A) or (B) of that subsection on behalf of which the qualified electrification project is carried out.

(7) EXEMPTION.—Activities carried out by a State energy office using a grant provided under the program shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office or Indian Tribe under a high-efficiency electric home rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a HOMES rebate program (as defined in section 50121(d)), for the same qualified electrification project.

(9) ADMINISTRATIVE COSTS.—A State energy office or Indian Tribe that receives a grant under the program shall use not more than 20 percent of the grant amount for planning, administration, or technical assistance relating to a high-efficiency electric home rebate program.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a low- or moderate-income household;

(B) an individual or entity that owns a multifamily building not less than 50 percent of the residents of which are low- or moderate-income households; and

(C) a governmental, commercial, or nonprofit entity, as determined by the Secretary, carrying out a qualified electrification project on behalf of an entity described in subparagraph (A) or (B).

(2) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—The term ''high-efficiency electric home rebate program'' means a rebate program carried out by a State energy office or Indian Tribe pursuant to subsection (c) using a grant received under the program.

(3) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 150 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 150 percent of area median income.

(5) PROGRAM.—The term ''program'' means the program carried out by the Secretary under subsection (a)(1).

(6) QUALIFIED ELECTRIFICATION PROJECT.—

(A) IN GENERAL.—The term ''qualified electrification project'' means a project that—

(i) includes the purchase and installation of—

(I) an electric heat pump water heater;

(II) an electric heat pump for space heating and cooling;

(III) an electric stove, cooktop, range, or oven;

(IV) an electric heat pump clothes dryer;

(V) an electric load service center;

(VI) insulation;

(VII) air sealing and materials to improve ventilation; or

(VIII) electric wiring;

(ii) with respect to any appliance described in clause (i), the purchase of which is carried out—

(I) as part of new construction;

(II) to replace a nonelectric appliance; or

(III) as a first-time purchase with respect to that appliance; and

(iii) is carried out at, or relating to, a single-family home or multifamily building, as applicable and defined by the Secretary.

(B) EXCLUSIONS.—The term ''qualified electrification project'' does not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in subclauses (I) through (VIII) of subparagraph (A)(i) is not certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), if applicable.

**SEC. 50123. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2031, to carry out a program to provide financial assistance to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall provide training and education to contractors involved in the installation of home energy efficiency and electrification improvements, including improvements eligible for rebates under a HOMES rebate program (as defined in section 50121(d)) or a high-efficiency electric home rebate program (as defined in section 50122(d)), as part of an approved State energy conservation plan under the State Energy Program.

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to reduce the cost of training contractor employees;

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

## PART 3—BUILDING EFFICIENCY AND RESILIENCE

**SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $330,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b); and

(2) $670,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (c).

(b) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt—

(A) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(B) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(C) any combination of building energy codes described in subparagraph (A) or (B); and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(2) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this section.

(e) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Secretary shall reserve not more than 5 percent for administrative costs necessary to carry out this section.

## PART 4—DOE LOAN AND GRANT PROGRAMS

**SEC. 50141. FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.**

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), up to a total principal amount of $40,000,000,000, to remain available through September 30, 2026.

(b) APPROPRIATION.—In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available through September 30, 2026, for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), using the loan guarantee authority provided under subsection (a) of this section.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary shall reserve not more than 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act (42 U.S.C. 16512(h)(3)).

(d) LIMITATIONS.—

(1) CERTIFICATION.—None of the amounts made available under this section for loan guarantees shall be available for any project unless the President has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section.

(2) DENIAL OF DOUBLE BENEFIT.—Except as provided in paragraph (3), none of the amounts made available under this section for loan guarantees shall be available for commitments to guarantee loans for any projects under which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements to support the project or to obtain goods or services from the project.

(3) EXCEPTION.—Paragraph (2) shall not preclude the use of the loan guarantee authority provided under this section for commitments to guarantee loans for—

(A) projects benefitting from otherwise allowable Federal tax benefits;

(B) projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is—

(i) paid exclusively in cash;

(ii) deposited in the Treasury as offsetting receipts; and

(iii) equal to the fair market value;

(C) projects benefitting from the Federal insurance program under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); or

(D) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee.

(e) GUARANTEE.—Section 1701(4)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16511(4)(A)) is amended by inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)'' before the period at the end.

(f) SOURCE OF PAYMENTS.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) is amended by adding at the end the following:

''(3) SOURCE OF PAYMENTS.—The source of a payment received from a borrower under subparagraph (A) or (B) of paragraph (2) may not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''.

**SEC. 50142. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available through September 30, 2028, for the costs of providing direct loans under section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)): Provided, That funds appropriated by this section may be used for the costs of providing direct loans for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of, advanced technology vehicles described in subparagraph (C), (D), (E), or (F) of section 136(a)(1) of such Act (42 U.S.C. 17013(a)(1)) only if such advanced technology vehicles emit, under any possible operational mode or condition, low or zero exhaust emissions of greenhouse gases.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $25,000,000 of amounts made available under subsection (a) for administrative costs of providing loans as described in subsection (a).

(c) ELIMINATION OF LOAN PROGRAM CAP.—Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking ''a total of not more than $25,000,000,000 in''.

**SEC. 50143. DOMESTIC MANUFACTURING CONVERSION GRANTS.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2031, to provide grants for domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) COST SHARE.—The Secretary shall require a recipient of a grant provided under subsection (a) to provide not less than 50 percent of the cost of the project carried out using the grant.

(c) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than 3 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

**SEC. 50144. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available through September 30, 2026, to carry out activities under section 1706 of the Energy Policy Act of 2005.

(b) COMMITMENT AUTHORITY.—The Secretary may make, through September 30, 2026, commitments to guarantee loans for projects under section 1706 of the Energy Policy Act of 2005 the total principal amount of which is not greater than $250,000,000,000, subject to the limitations that apply to loan guarantees under section 50141(d).

(c) ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.—Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

**''SEC. 1706. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.**

''(a) IN GENERAL.—Notwithstanding section 1703, the Secretary may make guarantees, including refinancing, under this section only for projects that—

''(1) retool, repower, repurpose, or replace energy infrastructure that has ceased operations; or

''(2) enable operating energy infrastructure to avoid, reduce, utilize, or sequester air pollutants or anthropogenic emissions of greenhouse gases.

''(b) INCLUSION.—A project under subsection (a) may include the remediation of environmental damage associated with energy infrastructure.

''(c) REQUIREMENT.—A project under subsection (a)(1) that involves electricity generation through the use of fossil fuels shall be required to have controls or technologies to avoid, reduce, utilize, or sequester air pollutants and anthropogenic emissions of greenhouse gases.

''(d) APPLICATION.—To apply for a guarantee under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a detailed plan describing the proposed project;

''(2) an analysis of how the proposed project will engage with and affect associated communities; and

''(3) in the case of an applicant that is an electric utility, an assurance that the electric utility shall pass on any financial benefit from the guarantee made under this section to the customers of, or associated communities served by, the electric utility.

''(e) TERM.—Notwithstanding section 1702(f), the term of an obligation shall require full repayment over a period not to exceed 30 years.

''(f) DEFINITION OF ENERGY INFRASTRUCTURE.—In this section, the term 'energy infrastructure' means a facility, and associated equipment, used for—

''(1) the generation or transmission of electric energy; or

''(2) the production, processing, and delivery of fossil fuels, fuels derived from petroleum, or petrochemical feedstocks.''.

(d) CONFORMING AMENDMENT.—Section 1702(o)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16512(o)(3)) is amended by inserting ''and projects described in section 1706(a)'' before the period at the end.

**SEC. 50145. TRIBAL ENERGY LOAN GUARANTEE PROGRAM.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available through September 30, 2028, to carry out section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), subject to the limitations that apply to loan guarantees under section 50141(d).

(b) DEPARTMENT OF ENERGY TRIBAL ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by striking '') for an amount equal to not more than 90 percent of'' and inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)) for''; and

(2) in paragraph (4), by striking ''$2,000,000,000'' and inserting ''$20,000,000,000''.

## PART 5—ELECTRIC TRANSMISSION

**SEC. 50151. TRANSMISSION FACILITY FINANCING.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2030, to carry out this section: Provided, That the Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to carry out a program to pay the costs of direct loans to non-Federal borrowers, subject to the limitations that apply to loan guarantees under section 50141(d) and under such terms and conditions as the Secretary determines to be appropriate, for the construction or modification of electric transmission facilities designated by the Secretary to be necessary in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)).

(c) LOANS.—A direct loan provided under this section—

(1) shall have a term that does not exceed the lesser of—

(A) 90 percent of the projected useful life, in years, of the eligible transmission facility; and

(B) 30 years;

(2) shall not exceed 80 percent of the project costs; and

(3) shall, on first issuance, be subject to the condition that the direct loan is not subordinate to other financing.

(d) INTEREST RATES.—A direct loan provided under this section shall bear interest at a rate determined by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date on which the direct loan is made.

(e) DEFINITION OF DIRECT LOAN.—In this section, the term ''direct loan'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

**SEC. 50152. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $760,000,000, to remain available through September 30, 2029, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary may make a grant under this section to a siting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that is also considering the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(E) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.—The Secretary may make a grant under this section to a siting authority, or other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.—In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission project not later than 2 years after the date on which such grant is provided, unless the Secretary authorizes an extension for good cause.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in subparagraph (C) or (D) of subsection (b)(1) shall not exceed 50 percent.

(3) ECONOMIC DEVELOPMENT.—The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a siting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) COVERED TRANSMISSION PROJECT.—The term ''covered transmission project'' means a high-voltage interstate or offshore electricity transmission line—

(A) that is proposed to be constructed and to operate—

(i) at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; or

(ii) offshore and at a minimum of 200 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity has applied, or informed a siting authority of such entity's intent to apply, for regulatory approval.

(2) SITING AUTHORITY.—The term ''siting authority'' means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity.

**SEC. 50153. INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use amounts made available under subsection (a)—

(1) to pay expenses associated with convening relevant stakeholders to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) to conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

## PART 6—INDUSTRIAL

**SEC. 50161. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.**

(a) OFFICE OF CLEAN ENERGY DEMONSTRATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Clean Energy Demonstrations, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,812,000,000, to remain available through September 30, 2026, to carry out this section.

(b) FINANCIAL ASSISTANCE.—The Secretary shall use funds appropriated by subsection (a) to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).

(c) APPLICATION.—To be eligible to receive financial assistance under subsection (b), an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the expected greenhouse gas emissions reductions to be achieved by carrying out the project.

(d) PRIORITY.—In providing financial assistance under subsection (b), the Secretary shall give priority consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) COST SHARE.—The Secretary shall require an eligible entity to provide not less than 50 percent of the cost of a project carried out pursuant to this section.

(f) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $300,000,000 of amounts made available under subsection (a) for administrative costs of carrying out this section.

(g) DEFINITIONS.—In this section:

(1) ADVANCED INDUSTRIAL TECHNOLOGY.—The term ''advanced industrial technology'' means a technology directly involved in an industrial process, as described in any of paragraphs (1) through (6) of section 454(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(c)), and designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means the owner or operator of an eligible facility.

(3) ELIGIBLE FACILITY.—The term ''eligible facility'' means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, industrial ceramics, chemicals, and other energy intensive industrial processes, as determined by the Secretary.

(4) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means a grant, rebate, direct loan, or cooperative agreement.

## PART 7—OTHER ENERGY MATTERS

**SEC. 50171. DEPARTMENT OF ENERGY OVERSIGHT.**

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available through September 30, 2031, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

**SEC. 50172. NATIONAL LABORATORY INFRASTRUCTURE.**

(a) OFFICE OF SCIENCE.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the Office of Science, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2027—

(1) $133,240,000 to carry out activities for science laboratory infrastructure projects;

(2) $303,656,000 to carry out activities for high energy physics construction and major items of equipment projects;

(3) $280,000,000 to carry out activities for fusion energy science construction and major items of equipment projects;

(4) $217,000,000 to carry out activities for nuclear physics construction and major items of equipment projects;

(5) $163,791,000 to carry out activities for advanced scientific computing research facilities;

(6) $294,500,000 to carry out activities for basic energy sciences projects; and

(7) $157,813,000 to carry out activities for isotope research and development facilities.

(b) OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Fossil Energy and Carbon Management.

(c) OFFICE OF NUCLEAR ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Nuclear Energy.

(d) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Energy Efficiency and Renewable Energy.

**SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.**

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2026—

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2));

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(c) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts

*appropriated by subsection (a) for administrative purposes.*

### *Subtitle B—Natural Resources*

### *PART 1—GENERAL PROVISIONS*

***SEC. 50211. DEFINITIONS.***

*In this subtitle:*

*(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.*

*(2) UNITED STATES INSULAR AREAS.—The term ''United States Insular Areas'' means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the United States Virgin Islands.*

### *PART 2—PUBLIC LANDS*

***SEC. 50221. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.***

*In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out projects for the conservation, protection, and resiliency of lands and resources administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.*

***SEC. 50222. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.***

*In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.*

***SEC. 50223. NATIONAL PARK SERVICE EMPLOYEES.***

*In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2030, to hire employees to serve in units of the National Park System or national historic or national scenic trails administered by the National Park Service.*

***SEC. 50224. NATIONAL PARK SYSTEM DEFERRED MAINTENANCE.***

*In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2026, to carry out priority deferred maintenance projects, through direct expenditures or transfers, within the boundaries of the National Park System.*

### *PART 3—DROUGHT RESPONSE AND PREPAREDNESS*

***SEC. 50231. BUREAU OF RECLAMATION DOMESTIC WATER SUPPLY PROJECTS.***

*In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $550,000,000, to remain available through September 30, 2031, for grants, contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner of Reclamation) in a manner as determined by the Commissioner of Reclamation for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).*

***SEC. 50232. CANAL IMPROVEMENT PROJECTS.***

*In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available through September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover water conveyance facilities with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau of Reclamation projects that increase water efficiency and assist in implementation of clean energy goals.*

***SEC. 50233. DROUGHT MITIGATION IN THE RECLAMATION STATES.***

*(a) DEFINITION OF RECLAMATION STATE.—In this section, the term ''Reclamation State'' means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 391).*

*(b) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary (acting through the Commissioner of Reclamation), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000,000, to remain available through September 30, 2026, for grants, contracts, or financial assistance agreements, in accordance with the reclamation laws, to or with public entities and Indian Tribes, that provide for the conduct of the following activities to mitigate the impacts of drought in the Reclamation States, with priority given to the Colorado River Basin and other basins experiencing comparable levels of long-term drought, to be implemented in compliance with applicable environmental law:*

*(1) Compensation for a temporary or multiyear voluntary reduction in diversion of water or consumptive water use.*

*(2) Voluntary system conservation projects that achieve verifiable reductions in use of or demand for water supplies or provide environmental benefits in the Lower Basin or Upper Basin of the Colorado River.*

*(3) Ecosystem and habitat restoration projects to address issues directly caused by drought in a river basin or inland water body.*

*(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall submit to Congress a report that describes any expenditures under this section.*

### *PART 4—INSULAR AFFAIRS*

***SEC. 50241. OFFICE OF INSULAR AFFAIRS CLIMATE CHANGE TECHNICAL ASSISTANCE.***

*(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2026, to provide technical assistance for climate change planning, mitigation, adaptation, and resilience to United States Insular Areas.*

*(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000, to remain available through September 30, 2026, for necessary administrative expenses associated with carrying out this section.*

### *PART 5—OFFSHORE WIND*

***SEC. 50251. LEASING ON THE OUTER CONTINENTAL SHELF.***

*(a) LEASING AUTHORIZED.—The Secretary may grant leases, easements, and rights-of-way pursuant to section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) in an area withdrawn by—*

*(1) the Presidential memorandum entitled ''Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 8, 2020; or*

*(2) the Presidential memorandum entitled ''Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 25, 2020.*

*(b) OFFSHORE WIND FOR THE TERRITORIES.—*

*(1) APPLICATION OF OUTER CONTINENTAL SHELF LANDS ACT WITH RESPECT TO TERRITORIES OF THE UNITED STATES.—*

*(A) IN GENERAL.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—*

*(i) in subsection (a)—*

*(I) by striking ''means all'' and inserting the following: ''means—*

*''(1) all''; and*

*(II) in paragraph (1) (as so designated), by striking ''control;'' and inserting the following: ''control or within the exclusive economic zone of the United States and adjacent to any territory of the United States; and''; and*

*(III) by adding at the end following:*

*''(2) does not include any area conveyed by Congress to a territorial government for administration;'';*

*(ii) in subsection (p), by striking ''and'' after the semicolon at the end;*

*(iii) in subsection (q), by striking the period at the end and inserting ''; and''; and*

*(iv) by adding at the end the following:*

*''(r) The term 'State' means—*

*''(1) each of the several States;*

*''(2) the Commonwealth of Puerto Rico;*

*''(3) Guam;*

*''(4) American Samoa;*

*''(5) the United States Virgin Islands; and*

*''(6) the Commonwealth of the Northern Mariana Islands.''.*

*(B) EXCLUSIONS.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:*

*''(i) APPLICATION.—This section shall not apply to the scheduling of any lease sale in an area of the outer Continental Shelf that is adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.''.*

*(2) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:*

***''SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.***

*''(a) WIND LEASE SALES OFF COASTS OF TERRITORIES OF THE UNITED STATES.—*

*''(1) CALL FOR INFORMATION AND NOMINATIONS.—*

*''(A) IN GENERAL.—The Secretary shall issue calls for information and nominations for proposed wind lease sales for areas of the outer Continental Shelf described in paragraph (2) that are determined to be feasible.*

*''(B) INITIAL CALL.—Not later than September 30, 2025, the Secretary shall issue an initial call for information and nominations under this paragraph.*

*''(2) CONDITIONAL WIND LEASE SALES.—The Secretary may conduct wind lease sales in each area within the exclusive economic zone of the United States adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands that meets each of the following criteria:*

*''(A) The Secretary has concluded that a wind lease sale in the area is feasible.*

*''(B) The Secretary has determined that there is sufficient interest in leasing the area.*

*''(C) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.''.*

**PART 6—FOSSIL FUEL RESOURCES**

**SEC. 50261. OFFSHORE OIL AND GAS ROYALTY RATE.**

Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)) is amended—

(1) in each of subparagraphs (A) and (C), by striking ''not less than 12½ per centum'' each place it appears and inserting ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'';

(2) in subparagraph (F), by striking ''no less than 12½ per centum'' and inserting ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,''; and

(3) in subparagraph (H), by striking ''no less than 12 and ½ per centum'' and inserting ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,''.

**SEC. 50262. MINERAL LEASING ACT MODERNIZATION.**

(a) ONSHORE OIL AND GAS ROYALTY RATES.—

(1) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)(1)(A), in the fifth sentence—

(i) by striking ''12.5'' and inserting ''16⅔''; and

(ii) by inserting ''or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', 16⅔ percent in amount or value of the production removed or sold from the lease'' before the period at the end; and

(B) by striking ''12½ per centum'' each place it appears and inserting ''16⅔ percent''.

(2) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking ''16⅔'' each place it appears and inserting ''20''.

(b) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ''$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.'' and inserting ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''; and

(2) in paragraph (2)(C), by striking ''$2 per acre'' and inserting ''$10 per acre''.

(c) FOSSIL FUEL RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ''$1.50 per acre'' and all that follows through the period at the end and inserting ''$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', $3 per acre per year during the 2-year period beginning on the date the lease begins, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and $15 per acre per year thereafter.''.

(2) RENTALS IN REINSTATED LEASES.—Section 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ''$10'' and inserting ''$20''.

(d) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) FEE FOR EXPRESSION OF INTEREST.—

''(1) IN GENERAL.—The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

''(2) AMOUNT OF FEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be $5 per acre of the area covered by the applicable expression of interest.

''(B) ADJUSTMENT OF FEE.—The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.''.

(e) ELIMINATION OF NONCOMPETITIVE LEASING.—

(1) IN GENERAL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking ''paragraphs (2) and (3) of this subsection'' and inserting ''paragraph (2)''; and

(II) by striking the last sentence; and

(ii) by striking paragraph (3);

(B) by striking subsection (c) and inserting the following:

''(c) ADDITIONAL ROUNDS OF COMPETITIVE BIDDING.—Land made available for leasing under subsection (b)(1) for which no bid is accepted or received, or the land for which a lease terminates, expires, is cancelled, or is relinquished, may be made available by the Secretary of the Interior for a new round of competitive bidding under that subsection.''; and

(C) by striking subsection (e) and inserting the following:

''(e) TERM OF LEASE.—

''(1) IN GENERAL.—Any lease issued under this section, including a lease for tar sand areas, shall be for a primary term of 10 years.

''(2) CONTINUATION OF LEASE.—A lease described in paragraph (1) shall continue after the primary term of the lease for any period during which oil or gas is produced in paying quantities.

''(3) ADDITIONAL EXTENSIONS.—Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced and diligently prosecuted prior to the end of the primary term of the lease shall be extended for 2 years and for any period thereafter during which oil or gas is produced in paying quantities.''.

(2) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

(A) in subsection (d)(1), in the first sentence, by striking ''or section 17(c) of this Act'';

(B) in subsection (e)—

(i) in paragraph (2)—

(I) by striking ''either''; and

(II) by striking ''or the inclusion'' and all that follows through '', all''; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by adding ''and'' after the semicolon;

(II) by striking subparagraph (B); and

(III) by striking ''(3)(A) payment'' and inserting the following:

''(3) payment'';

(C) in subsection (g)—

(i) in paragraph (1), by striking ''as a competitive'' and all that follows through ''of this Act'' and inserting ''in the same manner as the original lease issued pursuant to section 17'';

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iv) in paragraph (2) (as so redesignated), by striking ''applicable to leases issued under subsection 17(c) of this Act (30 U.S.C. 226(c)) except,'' and inserting ''except'';

(D) in subsection (h), by striking ''subsections (d) and (f) of this section'' and inserting ''subsection (d)'';

(E) in subsection (i), by striking ''(i)(1) In acting'' and all that follows through ''of this section'' in paragraph (2) and inserting the following:

''(i) ROYALTY REDUCTION IN REINSTATED LEASES.—In acting on a petition for reinstatement pursuant to subsection (d)'';

(F) by striking subsection (f); and

(G) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

**SEC. 50263. ROYALTIES ON ALL EXTRACTED METHANE.**

(a) IN GENERAL.—For all leases issued after the date of enactment of this Act, except as provided in subsection (b), royalties paid for gas produced from Federal land and on the outer Continental Shelf shall be assessed on all gas produced, including all gas that is consumed or lost by venting, flaring, or negligent releases through any equipment during upstream operations.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to—

(1) gas vented or flared for not longer than 48 hours in an emergency situation that poses a danger to human health, safety, or the environment;

(2) gas used or consumed within the area of the lease, unit, or communitized area for the benefit of the lease, unit, or communitized area; or

(3) gas that is unavoidably lost.

**SEC. 50264. LEASE SALES UNDER THE 2017–2022 OUTER CONTINENTAL SHELF LEASING PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) LEASE SALE 257.—The term ''Lease Sale 257'' means the lease sale numbered 257 that was approved in the Record of Decision described in the notice of availability of a record of decision issued on August 31, 2021, entitled ''Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 257'' (86 Fed. Reg. 50160 (September 7, 2021)), and is the subject of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(2) LEASE SALE 258.—The term ''Lease Sale 258'' means the lease sale numbered 258 described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)).

(3) LEASE SALE 259.—The term ''Lease Sale 259'' means the lease sale numbered 259 described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)).

(4) LEASE SALE 261.—The term ''Lease Sale 261'' means the lease sale numbered 261 described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved

by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)).

(b) LEASE SALE 257 REINSTATEMENT.—

(1) ACCEPTANCE OF BIDS.—Not later 30 days after the date of enactment of this Act, the Secretary shall, without modification or delay—

(A) accept the highest valid bid for each tract or bidding unit of Lease Sale 257 for which a valid bid was received on November 17, 2021; and

(B) provide the appropriate lease form to the winning bidder to execute and return.

(2) LEASE ISSUANCE.—On receipt of an executed lease form under paragraph (1)(B) and payment of the rental for the first year, the balance of the bonus bid (unless deferred), and any required bond or security from the high bidder, the Secretary shall promptly issue to the high bidder a fully executed lease, in accordance with—

(A) the regulations in effect on the date of Lease Sale 257; and

(B) the terms and conditions of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(c) REQUIREMENT FOR LEASE SALE 258.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than December 31, 2022, the Secretary shall conduct Lease Sale 258 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(d) REQUIREMENT FOR LEASE SALE 259.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than March 31, 2023, the Secretary shall conduct Lease Sale 259 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(e) REQUIREMENT FOR LEASE SALE 261.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than September 30, 2023, the Secretary shall conduct Lease Sale 261 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

**SEC. 50265. ENSURING ENERGY SECURITY.**

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(2) OFFSHORE LEASE SALE.—The term ''offshore lease sale'' means an oil and gas lease sale—

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(B) that, if any acceptable bids have been received for any tract offered in the lease sale, results in the issuance of a lease.

(3) ONSHORE LEASE SALE.—The term ''onshore lease sale'' means a quarterly oil and gas lease sale—

(A) that is held by the Secretary in accordance with section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(B) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(b) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—During the 10-year period beginning on the date of enactment of this Act—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(B) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

(2) the Secretary may not issue a lease for offshore wind development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(A) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(B) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(c) SAVINGS.—Except as expressly provided in paragraphs (1) and (2) of subsection (b), nothing in this section supersedes, amends, or modifies existing law.

### PART 7—UNITED STATES GEOLOGICAL SURVEY

**SEC. 50271. UNITED STATES GEOLOGICAL SURVEY 3D ELEVATION PROGRAM.**

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the United States Geological Survey, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,500,000, to remain available through September 30, 2031, to produce, collect, disseminate, and use 3D elevation data.

### PART 8—OTHER NATURAL RESOURCES MATTERS

**SEC. 50281. DEPARTMENT OF THE INTERIOR OVERSIGHT.**

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available through September 30, 2031, for oversight by the Department of the Interior Office of Inspector General of the Department of the Interior activities for which funding is appropriated in this subtitle.

### Subtitle C—Environmental Reviews

**SEC. 50301. DEPARTMENT OF ENERGY.**

In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $115,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

**SEC. 50302. FEDERAL ENERGY REGULATORY COMMISSION.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Federal Energy Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

(b) FEES AND CHARGES.—Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178(a)) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

**SEC. 50303. DEPARTMENT OF THE INTERIOR.**

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2026, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations by the National Park Service, the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Reclamation, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement.

## TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

### Subtitle A—Air Pollution

**SEC. 60101. CLEAN HEAVY-DUTY VEHICLES.**

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7431) the following:

**''SEC. 132. CLEAN HEAVY-DUTY VEHICLES.**

''(a) APPROPRIATIONS.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2031, to carry out this section.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

''(3) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

''(b) PROGRAM.—Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

''(1) the incremental costs of replacing an eligible vehicle that is not a zero-emission vehicle with a zero-emission vehicle, as determined by the Administrator based on the market value of the vehicles;

''(2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

''(3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and

''(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

''(c) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall prescribe.

''(d) DEFINITIONS.—For purposes of this section:

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a contractor that has the capacity—

''(A) to sell, lease, license, or contract for service zero-emission vehicles, or charging or other equipment needed to charge, fuel, or maintain zero-emission vehicles, to individuals or entities that own, lease, license, or contract for service an eligible vehicle; or

''(B) to arrange financing for such a sale, lease, license, or contract for service.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a municipality;

''(C) an Indian tribe; or

''(D) a nonprofit school transportation association.

''(3) ELIGIBLE VEHICLE.—The term 'eligible vehicle' means a Class 6 or Class 7 heavy-duty vehicle as defined in section 1037.801 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section).

''(4) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

''(5) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.''.

***SEC. 60102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.***

*The Clean Air Act is amended by inserting after section 132 of such Act, as added by section 60101 of this Act, the following:*

***''SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.***

''(a) APPROPRIATIONS.—

''(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,250,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis—

''(A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, one or more ports;

''(B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and

''(C) to develop qualified climate action plans.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients to carry out activities described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 107 as nonattainment for an air pollutant.

''(b) LIMITATION.—Funds awarded under this section shall not be used by any recipient or subrecipient to purchase or install zero-emission port equipment or technology that will not be located at, or directly serve, the one or more ports involved.

''(c) ADMINISTRATION OF FUNDS.—Of the funds made available by this section, the Administrator shall reserve 2 percent for administrative costs necessary to carry out this section.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a port authority;

''(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

''(C) an air pollution control agency; or

''(D) a private entity that—

''(i) applies for a grant under this section in partnership with an entity described in any of subparagraphs (A) through (C); and

''(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

''(3) QUALIFIED CLIMATE ACTION PLAN.—The term 'qualified climate action plan' means a detailed and strategic plan that—

''(A) establishes goals, implementation strategies, and accounting and inventory practices to reduce emissions at one or more ports of—

''(i) greenhouse gases;

''(ii) an air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(iii) hazardous air pollutants;

''(B) includes a strategy to collaborate with, communicate with, and address potential effects on low-income and disadvantaged near-port communities and other stakeholders that may be affected by implementation of the plan; and

''(C) describes how an eligible recipient has implemented or will implement measures to increase the resilience of the one or more ports involved.

''(4) ZERO-EMISSION PORT EQUIPMENT OR TECHNOLOGY.—The term 'zero-emission port equipment or technology' means human-operated equipment or human-maintained technology that—

''(A) produces zero emissions of any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant) and any greenhouse gas other than water vapor; or

''(B) captures 100 percent of the emissions described in subparagraph (A) that are produced by an ocean-going vessel at berth.''.

***SEC. 60103. GREENHOUSE GAS REDUCTION FUND.***

*The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:*

***''SEC. 134. GREENHOUSE GAS REDUCTION FUND.***

''(a) APPROPRIATIONS.—

''(1) ZERO-EMISSION TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, municipalities, Tribal governments, and eligible recipients for the purposes of providing grants, loans, or other forms of financial assistance, as well as technical assistance, to enable low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

''(2) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $11,970,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in accordance with subsection (b).

''(3) LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $8,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

''(4) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2031, for the administrative costs necessary to carry out activities under this section.

''(b) USE OF FUNDS.—An eligible recipient that receives a grant pursuant to subsection (a) shall use the grant in accordance with the following:

''(1) DIRECT INVESTMENT.—The eligible recipient shall—

''(A) provide financial assistance to qualified projects at the national, regional, State, and local levels;

''(B) prioritize investment in qualified projects that would otherwise lack access to financing; and

''(C) retain, manage, recycle, and monetize all repayments and other revenue received from fees, interest, repaid loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability.

''(2) INDIRECT INVESTMENT.—The eligible recipient shall provide funding and technical assistance to establish new or support existing public, quasi-public, not-for-profit, or nonprofit entities that provide financial assistance to qualified projects at the State, local, territorial, or Tribal level or in the District of Columbia, including community- and low-income-focused lenders and capital providers.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a nonprofit organization that—

''(A) is designed to provide capital, leverage private capital, and provide other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

''(B) does not take deposits other than deposits from repayments and other revenue received from financial assistance provided using grant funds under this section;

''(C) is funded by public or charitable contributions; and

''(D) invests in or finances projects alone or in conjunction with other investors.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

''(3) QUALIFIED PROJECT.—The term 'qualified project' includes any project, activity, or technology that—

''(A) reduces or avoids greenhouse gas emissions and other forms of air pollution in partnership with, and by leveraging investment from, the private sector; or

''(B) assists communities in the efforts of those communities to reduce or avoid greenhouse gas emissions and other forms of air pollution.

''(4) ZERO-EMISSION TECHNOLOGY.—The term 'zero-emission technology' means any technology that produces zero emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.''.

**SEC. 60104. DIESEL EMISSIONS REDUCTIONS.**

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

**SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION.**

(a) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(2) to replace, repair, operate, and maintain existing monitors.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(d) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(e) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(f) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(h) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

**SEC. 60106. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce greenhouse gas emissions and other air pollutants at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

**SEC. 60107. LOW EMISSIONS ELECTRICITY PROGRAM.**

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

**''SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.**

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for industry-related outreach, technical assistance, and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $17,000,000 for outreach and technical assistance to, and partnerships with, State, Tribal, and local governments with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(6) $18,000,000 to ensure that reductions in greenhouse gas emissions are achieved through use of the existing authorities of this Act, incorporating the assessment under paragraph (5).

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

''(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

**SEC. 60108. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.**

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis, and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

**SEC. 60109. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.**

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i)

and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

**SEC. 60110. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.**

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

**SEC. 60111. GREENHOUSE GAS CORPORATE REPORTING.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

**SEC. 60112. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, enhanced standardization and transparency, and reporting criteria for environmental product declarations that include measurements of the embodied greenhouse gas emissions of the material or product associated with all relevant stages of production, use, and disposal, and conform with international standards, for construction materials and products by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(2) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

**SEC. 60113. METHANE EMISSIONS REDUCTION PROGRAM.**

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60107 of this Act, the following:

**''SEC. 136. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.**

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, prepare inventories, gather empirical data, and track emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in

*paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—*

*''(A) 0.20 percent of the natural gas sent to sale from such facility; or*

*''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.*

*''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from or through such facility.*

*''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from or through such facility.*

*''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).*

*''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.*

*''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—*

*''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—*

*''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and*

*''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.*

*''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.*

*''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.*

*''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.*

*''(h) REPORTING.—Not later than 2 years after the date of enactment of this section, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.*

*''(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.*

***SEC. 60114. CLIMATE POLLUTION REDUCTION GRANTS.***

*The Clean Air Act is amended by inserting after section 136 of such Act, as added by section 60113 of this Act, the following:*

***''SEC. 137. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.***

*''(a) APPROPRIATIONS.—*

*''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).*

*''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).*

*''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, to provide technical assistance to eligible entities, to develop a plan that could be used as a model by grantees in developing a plan under subsection (b), and to model the effects of plans described in this section.*

*''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.*

*''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—*

*''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).*

*''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding the degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities.*

*''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.*

*''(d) DEFINITIONS.—In this section:*

*''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—*

*''(A) a State;*

*''(B) an air pollution control agency;*

*''(C) a municipality;*

*''(D) an Indian tribe; and*

*''(E) a group of one or more entities listed in subparagraphs (A) through (D).*

*''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.*

***SEC. 60115. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.***

*In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.*

***SEC. 60116. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.***

*(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, based on—*

*(1) environmental product declarations; or*

*(2) determinations by State agencies, as verified by the Administrator of the Environmental Protection Agency.*

*(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.*

***Subtitle B—Hazardous Materials***

***SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.***

*The Clean Air Act is amended by inserting after section 137, as added by subtitle A of this title, the following:*

***''SEC. 138. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.***

*''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—*

*''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and*

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.

''(d) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

### Subtitle C—United States Fish and Wildlife Service

#### SEC. 60301. ENDANGERED SPECIES ACT RECOVERY PLANS.

In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until expended, for the purposes of developing and implementing recovery plans under paragraphs (1), (3), and (4) of subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

#### SEC. 60302. FUNDING FOR THE UNITED STATES FISH AND WILDLIFE SERVICE TO ADDRESS WEATHER EVENTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $121,250,000, to remain available until September 30, 2026, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of rebuilding and restoring units of the National Wildlife Refuge System and State wildlife management areas by—

(1) addressing the threat of invasive species;

(2) increasing the resiliency and capacity of habitats and infrastructure to withstand weather events; and

(3) reducing the amount of damage caused by weather events.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,750,000, to remain available until September 30, 2026, for necessary administrative expenses associated with carrying out this section.

### Subtitle D—Council on Environmental Quality

#### SEC. 60401. ENVIRONMENTAL AND CLIMATE DATA COLLECTION.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $32,500,000, to remain available until September 30, 2026—

(1) to support data collection efforts relating to—

(A) disproportionate negative environmental harms and climate impacts; and

(B) cumulative impacts of pollution and temperature rise;

(2) to establish, expand, and maintain efforts to track disproportionate burdens and cumulative impacts and provide academic and workforce support for analytics and informatics infrastructure and data collection systems; and

(3) to support efforts to ensure that any mapping or screening tool is accessible to community-based organizations and community members.

#### SEC. 60402. COUNCIL ON ENVIRONMENTAL QUALITY EFFICIENT AND EFFECTIVE ENVIRONMENTAL REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2026, to carry out the Council on Environmental Quality's functions and for the purposes of training personnel, developing programmatic environmental documents, and developing tools, guidance, and techniques to improve stakeholder and community engagement.

### Subtitle E—Transportation and Infrastructure

#### SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

#### ''§ 177. Neighborhood access and equity grant program

''(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,893,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

''(1) to improve walkability, safety, and affordable transportation access through projects that are context-sensitive—

''(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

''(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

''(C) to retrofit or cap a facility described in subsection (c)(1);

''(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

''(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

''(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community through—

''(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

''(B) technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution;

''(C) natural infrastructure, pervious, permeable, or porous pavement, or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2);

''(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

''(E) safety improvements for vulnerable road users; and

''(3) for planning and capacity building activities in disadvantaged or underserved communities to—

''(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

''(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

''(C) conduct predevelopment activities for projects eligible under this subsection;

''(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

''(E) administer or obtain technical assistance related to activities described in this subsection.

''(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

''(1) a State;

''(2) a unit of local government;

''(3) a political subdivision of a State;

''(4) an entity described in section 207(m)(1)(E);

''(5) a territory of the United States;

''(6) a special purpose district or public authority with a transportation function;

''(7) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7).

''(c) FACILITY DESCRIBED.—A facility referred to in subsection (a) is—

''(1) a surface transportation facility for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or

''(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.

''(d) INVESTMENT IN ECONOMICALLY DISADVANTAGED COMMUNITIES.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,262,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).

''(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—

''(A) is economically disadvantaged, underserved, or located in an area of persistent poverty;

''(B) has entered or will enter into a community benefits agreement with representatives of the community;

''(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

''(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

''(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

''(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

''(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

''(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

''(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and

''(3) operations and administration of the Federal Highway Administration.

''(h) LIMITATIONS.—Amounts made available under this section shall not—

''(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and

''(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''177. Neighborhood access and equity grant program.''.

**SEC. 60502. ASSISTANCE FOR FEDERAL BUILDINGS.**

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

**SEC. 60503. USE OF LOW-CARBON MATERIALS.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,150,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, to acquire and install materials and products for use in the construction or alteration of buildings under the jurisdiction, custody, and control of the General Services Administration that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

**SEC. 60504. GENERAL SERVICES ADMINISTRATION EMERGING TECHNOLOGIES.**

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $975,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for emerging and sustainable technologies, and related sustainability and environmental programs.

**SEC. 60505. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

***''§ 178. Environmental review implementation funds***

''(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

''(1) the provision of guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section; and

''(2) providing funds made available under this subsection to eligible entities—

''(A) to build capacity of such eligible entities to conduct environmental review processes;

''(B) to facilitate the environmental review process for proposed projects by—

''(i) defining the scope or study areas;

''(ii) identifying impacts, mitigation measures, and reasonable alternatives;

''(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

''(iv) conducting public engagement activities; and

''(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

''(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

''(b) COST SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

''(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203; or

''(G) a metropolitan planning organization (as defined in section 134(b)(2)).

''(3) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a)(5).

''(4) PROPOSED PROJECT.—The term 'proposed project' means a surface transportation project for which an environmental review process is required.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''178. Environmental review implementation funds.''.

**SEC. 60506. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

***''§ 179. Low-carbon transportation materials grants***

''(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operations and administration of the Federal Highway Administration to carry out this section.

''(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

''(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

''(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

''(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

''(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

''(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

''(i) Federal-aid highway;

''(ii) tribal transportation facility;

''(iii) Federal lands transportation facility; or

''(iv) Federal lands access transportation facility.

''(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

''(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

''(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon

*construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—*

*''(A) appropriate for use in projects eligible under this title; and*

*''(B) eligible for reimbursement or incentives under this section.*

*''(c) DEFINITIONS.—In this section:*

*''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.*

*''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—*

*''(A) a State;*

*''(B) a unit of local government;*

*''(C) a political subdivision of a State;*

*''(D) a territory of the United States;*

*''(E) an entity described in section 207(m)(1)(E);*

*''(F) a recipient of funds under section 203;*

*''(G) a metropolitan planning organization (as defined in section 134(b)(2)); or*

*''(H) a special purpose district or public authority with a transportation function.*

*''(3) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.*

*(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:*

*''179. Low-carbon transportation materials grants.''.*

## TITLE VII—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

**SEC. 70001. DHS OFFICE OF CHIEF READINESS SUPPORT OFFICER.**

*In addition to the amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2028, for the Office of the Chief Readiness Support Officer to carry out sustainability and environmental programs.*

**SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.**

*In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code:*

*(1) $1,290,000,000, to remain available through September 30, 2031, for the purchase of zero-emission delivery vehicles.*

*(2) $1,710,000,000, to remain available through September 30, 2031, for the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.*

**SEC. 70003. UNITED STATES POSTAL SERVICE OFFICE OF INSPECTOR GENERAL.**

*In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2031, to support oversight of United States Postal Service activities implemented pursuant to this Act.*

**SEC. 70004. GOVERNMENT ACCOUNTABILITY OFFICE OVERSIGHT.**

*In addition to amounts otherwise available, there is appropriated to the Comptroller General of the United States for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for necessary expenses of the Government Accountability Office to support the oversight of—*

*(1) the distribution and use of funds appropriated under this Act; and*

*(2) whether the economic, social, and environmental impacts of the funds described in paragraph (1) are equitable.*

**SEC. 70005. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.**

*In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2026, for necessary expenses to—*

*(1) oversee the implementation of this Act; and*

*(2) track labor, equity, and environmental standards and performance.*

**SEC. 70006. FEMA BUILDING MATERIALS PROGRAM.**

*Through September 30, 2026, the Administrator of the Federal Emergency Management Agency may provide financial assistance under sections 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(h), 42 U.S.C. 5170c(a), 42 U.S.C. 5172(b)) for—*

*(1) costs associated with low-carbon materials; and*

*(2) incentives that encourage low-carbon and net-zero energy projects.*

**SEC. 70007. FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL ENVIRONMENTAL REVIEW IMPROVEMENT FUND MANDATORY FUNDING.**

*In addition to amounts otherwise available, there is appropriated to the Federal Permitting Improvement Steering Council Environmental Review Improvement Fund, out of any money in the Treasury not otherwise appropriated, $350,000,000 for fiscal year 2023, to remain available through September 30, 2031.*

## TITLE VIII—COMMITTEE ON INDIAN AFFAIRS

**SEC. 80001. TRIBAL CLIMATE RESILIENCE.**

*(a) TRIBAL CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $220,000,000, to remain available until September 30, 2031, for Tribal climate resilience and adaptation programs.*

*(b) BUREAU OF INDIAN AFFAIRS FISH HATCHERIES.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for fish hatchery operations and maintenance programs of the Bureau of Indian Affairs.*

*(c) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.*

*(d) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.*

*(e) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.*

*(f) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—*

*(1) shall be distributed on a 1-time basis;*

*(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and*

*(3) shall only be used for the purposes identified under the applicable subsection.*

**SEC. 80002. NATIVE HAWAIIAN CLIMATE RESILIENCE.**

*(a) NATIVE HAWAIIAN CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,500,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditure, grants, contracts, or cooperative agreements, climate resilience and adaptation activities that serve the Native Hawaiian Community.*

*(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.*

*(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.*

**SEC. 80003. TRIBAL ELECTRIFICATION PROGRAM.**

*(a) TRIBAL ELECTRIFICATION PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $145,500,000, to remain available until September 30, 2031, for—*

*(1) the provision of electricity to unelectrified Tribal homes through zero-emissions energy systems;*

*(2) transitioning electrified Tribal homes to zero-emissions energy systems; and*

*(3) associated home repairs and retrofitting necessary to install the zero-emissions energy systems authorized under paragraphs (1) and (2).*

*(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,500,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.*

*(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.*

*(d) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.*

*(e) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—*

*(1) shall be distributed on a 1-time basis;*

*(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and*

*(3) shall only be used for the purposes identified under the applicable subsection.*

**SEC. 80004. EMERGENCY DROUGHT RELIEF FOR TRIBES.**

*(a) EMERGENCY DROUGHT RELIEF FOR TRIBES.—In addition to amounts otherwise*

*available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.*

*(b) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.*

MOTION TO CONCUR

Mr. YARMUTH. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. YARMUTH moves that the House concur in the Senate amendment to H.R. 5376.

The SPEAKER pro tempore. Pursuant to House Resolution 1316, the motion shall be debatable for 3 hours equally divided among and controlled by the respective chairs and ranking minority members of the Committees on the Budget, Energy and Commerce, and Ways and Means, or their respective designees.

The gentleman from Kentucky (Mr. YARMUTH), the gentleman from Missouri (Mr. SMITH), the gentleman from New Jersey (Mr. PALLONE), the gentlewoman from Washington (Mrs. RODGERS), the gentleman from Massachusetts (Mr. NEAL), and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on the Senate amendment to H.R. 5376.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us today is a big deal for American families and a big deal for our planet.

The Inflation Reduction Act will lower healthcare costs and energy costs for American families. It will allow Medicare to negotiate lower prescription drug prices and cap drug costs for seniors, saving many Medicare beneficiaries hundreds, if not thousands, of dollars each year.

This legislation finally makes the biggest corporations start paying their fair share in taxes, and it ensures that rich tax cheats start paying what they owe.

The Inflation Reduction Act is fiscally responsible, fully paid for, and has been strongly endorsed by top U.S. economists across the political spectrum.

Not one American family making less than $400,000 a year will see their Federal tax bill increased by this legislation, not by a penny.

The Inflation Reduction Act is also the biggest investment the U.S. Government has ever made to combat climate change. It leapfrogs us ahead of nearly every other country in terms of our commitment to tackling this crisis.

Now, we have seen a lot of Republicans spreading misinformation about this legislation, and it is for one reason and one reason only: They are scared. They know the provisions of this bill are overwhelmingly popular, yet because they consider it a Democratic bill, every single one of them will be voting against it. This is a crystal-clear example of Republicans putting party before country.

Just look at the numbers.

Mr. Speaker, 77 percent of Americans support placing caps on prescription drug prices to lower healthcare costs. That is a key component of this bill.

Mr. Speaker, 83 percent of Americans support allowing Medicare to negotiate drug prices to make healthcare more affordable. That is another key component of this bill.

Two-thirds of Americans think the government should do more to combat climate change. This bill takes on climate change with the urgency it deserves.

By opposing this bill, Republicans are making it very clear where they stand: not with the American people, not with their priorities or needs, but with Big Pharma, with corporate lobbyists, with tax cheats.

The American people are on our side. They want this bill. Today, in a huge victory for them, we will send it to the President's desk to be signed into law.

Let me remind my Republican colleagues what they are voting against. They are voting against cutting prescription drug prices for their constituents—in many cases, for lifesaving medication. They are voting against combating inflation and lowering energy costs when American families are desperate for us to take action. They are voting against providing the largest Federal investment ever to combat the climate crisis and its life-threatening consequences.

I could not be more proud that I will not only be voting ''yes'' on this bill but that this historic legislation will bear my name.

With or without Republican support, today, we will make a real difference. We will use the power of the Federal Government to make American lives better and our country and planet safer. In other words, we will do our job.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I begin, I will take a moment to recognize our colleague, Jackie Walorski. We come back to the Capitol with very heavy hearts. Just over a week ago, we lost Jackie and two of her staffers, Emma Thomson and Zachery Potts, while they were in their public service.

I was lucky enough to serve with Jackie on the Ways and Means Committee and worked with her numerous hours. I know that the Ways and Means Committee will miss her dearly. The people of this body will miss her dearly. I know that the people of Indiana will miss her very dearly.

Mr. Speaker, I will say that Jackie was one of the hardest working public servants that I have ever met, and when she gave you her word, it was written and carved in stone. For that, she will always be in our hearts.

Mr. Speaker, as we turn to the legislation before us today, this week, we found out inflation remains at a 40-year high, having risen 13.7 percent since Biden became President. Real wages have decreased by 4.5 percent.

Americans are suffering. Are we here debating how to alleviate that suffering? No. We are debating what Democrats call the Inflation Reduction Act, which everyone from the Congressional Budget Office to 230 different economists—even Senator BERNIE SANDERS—says will not actually reduce inflation.

□ 1200

When you strip away the fake sunset policies, this bill spends $745 billion and adds $146 billion to our debt. It adds $54 billion worth of debt just in the first 5 years, and 80 percent of their ''budget deficits'' don't even begin until after the year 2029.

So lots of spending up front, lots of debt up front, and then maybe savings 8 years from now. How is that going to put out the fire of inflation when the price of groceries is up 13.1 percent over the past year?

Senators MANCHIN and SCHUMER, Secretary Yellen, and former President Obama are all on record saying you don't raise taxes during a recession. But that is exactly what this bill does. It includes $599 billion in new taxes and budget gimmicks. Half of the tax burden falls on taxpayers making less than $400,000 a year.

The choice this bill puts in front of families making less than $200,000 is clear. Put the government at the center of your healthcare decisions or face a $10 billion tax burden. But it gets worse. This bill doubles the size of the IRS. It doubles the size of the IRS, so it can target and audit more middle-class families and snoop into their bank accounts. I am not sure how subjecting Americans to more audits solves the inflation crisis.

Mr. Speaker, in my home State of Missouri, this bill would quadruple the number of audits, 18,000 more audits on hardworking Americans who make less than $200,000 a year. Of course, that is not the only point of this bill. This is about Democrats' Green New Deal agenda.

My colleagues on the other side will come down here today not to talk

about inflation, not to talk about gas prices but to instead talk about the hundreds of billions of dollars that is being spent on radical environmental projects. And you know what, they will be exactly right.

Half of the spending—over $400 billion—goes to things like:

$3.4 billion for tree equity. Tree equity, that surely is going to bring down gas prices;

$7.5 billion for new luxury electric vehicles in tax credits for families who make up to $300,000 a year. That should definitely curtail inflation;

$27 billion for a national climate bank slush fund at the EPA. That should definitely help our supply chain crisis;

A $362 million handout to corporate America to make their office buildings much greener. That will definitely help secure our southern border.

Mr. Speaker, Democrats believe they can spend their way out of inflation and tax their way out of a recession. It will only make the suffering Americans face today that much worse.

This bill is simple. It is welfare for the wealthy environmentalists and big corporations, paid for by increased taxes and audits on middle- and low-income taxpayers. These hardworking Americans are the ones that have been forgotten under the one-party Democrat rule in Washington. The Washington and wealthy elites win again.

Mr. Speaker, I reserve the balance of my time.

Mr. YARMUTH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Ms. CLARK), the Assistant Speaker.

Ms. CLARK of Massachusetts. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, this is exactly what the American people need. It lowers costs, it creates great-paying jobs, and it makes our communities safer by addressing the lethal effects of climate change.

Seniors won't have to choose between putting food on the table and paying for their prescription drugs;

More families are going to be able to afford healthcare;

Homes and cars will be more affordable and efficient;

U.S. companies will be able to create great-paying jobs and lead the clean technology revolution;

Billionaires and corporations will finally have to pay their fair share while working people will have more money in their pockets;

Costs will be lower, water will be cleaner, green jobs will be plentiful, and our future will be brighter.

In every way, this game-changing bill moves America forward. Democrats are lowering costs for everyday Americans. We are standing up to special interests who have blocked cutting the cost of prescription drugs over and over again and America's critical transition to clean energy.

We are rebuilding a stronger, greener economy. We are infusing the tax system with fairness. This is a win for the American public. This is a win for people over politics.

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the gentlewoman from the great State of Iowa (Mrs. HINSON).

Mrs. HINSON. Mr. Speaker, I rise today in opposition to this so-called Inflation Reduction Act.

Last year, we warned that spending trillions of dollars would cause prices to spike but Democrats did it anyway—ramming through a trillion-dollar Washington pork buffet, sticking families with the bill.

Now, Speaker PELOSI is arguing for yet another tax-and-spending spree, wasting hundreds of billions of taxpayer dollars on Green New Deal priorities and raising taxes on middle-class families.

This will worsen inflation. It sics the IRS on hardworking Iowans—adding 87,000 new IRS agents to target taxpayers.

Iowans are begging for us to get prices down, but instead, this bill takes more of their hard-earned paychecks. And for what? So the wealthy can get a discount on their electric vehicles? So we can increase bureaucracy at the EPA to impose new regulations on our farmers?

Mr. Speaker, this bill ignores the pain that Iowans are feeling. It is the worst policy at the worst possible time.

Mr. Speaker, I urge a ''no'' vote on this latest tax-and-spending spree.

Mr. YARMUTH. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES), the Democratic Caucus chair, and a distinguished member of the Budget Committee.

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished chair for yielding and for his leadership.

Mr. Speaker, we are once again getting big things done for everyday Americans.

We passed the American Rescue Plan, saved the economy, put shots in arms, money in pockets, and kids back in school.

We passed the Infrastructure Investment and Jobs Act to fix our crumbling infrastructure and create millions of good-paying jobs.

We passed gun safety legislation for the first time in 30 years that will save lives.

We passed the CHIPS and Science Act that will bring back domestic manufacturing jobs to the United States of America.

Mr. Speaker, I rise today in strong support of the Inflation Reduction Act, another transformative bill brought to you by your friendly neighborhood Democratic Party.

The Inflation Reduction Act will lower energy costs; confront the climate crisis with the fierce urgency of now; set our planet forward on a sustainable trajectory; lower healthcare costs by strengthening the Affordable Healthcare Act, as well as reducing the deficit by $300 billion, and giving Medicare the ability to use its bulk-price purchasing power to drive down the high cost of lifesaving prescription drugs.

It is a big F-ing deal.

The Inflation Reduction Act is going to dramatically improve the lives of everyday Americans. We are putting people over politics. Fighting to lower costs for safer communities and better paying jobs.

My colleagues on the other side of the aisle, Republicans, will oppose this groundbreaking legislation. They would rather defend Donald Trump than defend the American people.

Vote ''yes'' on the Inflation Reduction Act so we can continue to put people over politics.

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CLINE).

Mr. CLINE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we know the real story. We know what happened a year and a half ago when the so-called American Rescue Plan was passed—40-year high inflation rates resulted. We see now what the result is from the Build Back Better plan that had no chance of passage in the Senate. This is the offspring of Build Back Better.

Even BERNIE SANDERS, a socialist who can come up with a million flawed excuses to spend your tax dollars, says he can't find a way to even say this would reduce inflation one iota.

We know that instead of fostering American energy independence, increasing purchasing power for the American family, and reducing inflation, this bill includes:

$16.5 billion in higher taxes for those making less than $200,000 a year;

$38 billion in new taxes on American oil and gas producers, which will be passed along to consumers in the form of even higher costs for heating homes and gas prices, and;

$480 billion in tax hikes that will hit workers through slashed wages.

Half the bill is Green New Deal climate change special interest funding, including taxpayer-funded subsidies on electric vehicle purchases, and;

$80 billion to double the size of the IRS, creating an army of new enforcement agents.

Mr. Speaker, I urge a ''no'' vote on this horrible legislation.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the distinguished chair of the Committee on Oversight and Reform.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, as chair of the Committee on Oversight and Reform, I rise in strong, strong support of the Inflation Reduction Act.

My committee conducted a 3-year investigation of prescription drug prices. Our findings overwhelmingly support the need for this bill's reforms to curb the drug industry's outrageous pricing practices and make prescription drugs more affordable for patients and taxpayers.

These reforms include empowering Medicare to negotiate prices for certain drugs, a step that is long overdue.

My committee's investigation into the fossil fuel industry showed that Big Oil is refusing to take adequate steps to cut emissions, even though burning fossil fuels is a primary driver of the climate crisis. This bill will finally bring down emissions from fossil fuels, helping our environment.

I am proud to have championed other provisions in the bill, including a historic investment of $3 billion to electrify the Postal Service delivery fleet. This will replace tens of thousands of gas-guzzling trucks with clean, electric vehicles, helping our environment.

Mr. Speaker, I am honored to cast my vote for the Inflation Reduction Act today.

Mr. Speaker, as Chairwoman of the Committee on Oversight and Reform, I rise in support of the Inflation Reduction Act.

My Committee conducted a three-year investigation of prescription drug pricing. Our findings overwhelmingly support the need for this bill's reforms to curb the drug industry's outrageous pricing practices and make prescription drugs more affordable for patients and taxpayers.

These reforms include empowering Medicare to negotiate prices for certain drugs, a step that is long overdue.

My Committee's investigation into the fossil fuel industry showed that Big Oil is refusing to take adequate steps to cut emissions, even though burning fossil fuels is a primary driver of the climate crisis.

This bill will finally bring down emissions from fossil fuels.

I'm also proud to have championed other provisions in this bill, including a historic investment of $3 billion to electrify the Postal Service delivery fleet. This will replace tens of thousands of gas-guzzling trucks with clean electric vehicles.

I am honored to cast my vote for the Inflation Reduction Act today.

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. FEENSTRA).

Mr. FEENSTRA. Mr. Speaker, I thank Ranking Member SMITH for yielding.

Mr. Speaker, I would just quickly note that I am highly offended by the use of the foul language by my Democrat colleague. That is completely unacceptable.

Mr. Speaker, I rise today in strong opposition to the Democrats' inflation expansion act. This wasteful bill is full of liberal priorities that will continue to fuel inflation, raise taxes on hardworking families, and create an army of 87,000 IRS agents that will go after our families and small businesses.

Democrats claim that only large corporations will be the target of these IRS agents. That is factually false. Families and small businesses, who don't have the time or the resources, will undergo these invasive audits and will bear the brunt of these IRS agents. This radical bill will also supercharge the Democrats' Green New Deal agenda without making our country energy independent again.

In fact, they would rather import dirty foreign oil from Venezuela than unleash America's energy independence. Sadly, that is the state of today's Democratic Party and their failed liberal agenda.

Mr. Speaker, as a strong fiscal conservative, I urge my colleagues to oppose this bill.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT), the distinguished chairman of the Committee on Education and Labor, and a member of the Budget Committee.

Mr. SCOTT of Virginia. Mr. Speaker, with the passage of this bill, Medicare will finally be able to negotiate for lower drug prices. The bill extends the American Rescue Plan's reduction in the cost of insurance under the Affordable Care Act, which has helped us reach the lowest number of uninsured people ever.

The bill will make the largest ever investment to address climate change. I am especially pleased with the bill's provisions to turbocharge the development of offshore wind.

As chairman of the Committee on Education and Labor, I am encouraged by the permanent extension of the black lung excise tax. The extension will fund future benefits in healthcare for miners in southwest Virginia and across coal country who are suffering from black lung disease. Extending the tax will protect the long-term sustainability of the Black Lung Disability Trust Fund by ensuring that the coal industry does not shift the cost of benefits from coal companies to miners, families, or the taxpayer. All of this while simultaneously reducing the Federal deficit.

Mr. Speaker, I urge my colleagues to support the legislation.

□ 1215

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado.

Mrs. BOEBERT. Mr. Speaker, insanity is doing the same thing repeatedly and expecting a different result. That makes the supporters of this legislation, by definition, insane.

Reckless spending in this town is what causes inflation. We cannot continue to increase taxes on the American people and put a target on American energy production while spending a historic $370 billion on Green New Deal initiatives and expect to lower inflation and improve our economy.

Remember that so-called bipartisan infrastructure bill? We spent $200 billion on Green New Deal initiatives. I guess that was just a downpayment on this never-ending theft of American tax dollars. You are sacrificing American families at the altar of climate change.

Mr. Speaker, isn't it so? Joe Biden himself said the inflation rate is at zero percent. What the heck are we doing here? Why are we passing this so-called Inflation Reduction Act if it is at zero percent?

In fact, it is the inflation enhancement act, and it does the exact opposite of what Americans need right now. This is just another con game by the Democrats calling something one thing and saying another.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SMITH of Missouri. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Colorado.

Mrs. BOEBERT. Mr. Speaker, this bill hires 87,000 new IRS agents, and they are armed. The job description tells them that they need to be required to carry a firearm and expect to use deadly force if necessary.

Excessive taxation is theft. The chairman said that we are using the power of the Federal Government in this bill. You are darn right you are. You are using the power of the Federal Government for armed robbery on the taxpayers. I can see why this was rushed through committee and put on the floor.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

The gentlewoman is no longer recognized.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will say in response to the gentlewoman from Colorado (Mrs. BOEBERT) that this is typical of what the Republicans are doing.

First of all, they are making up numbers. There is nowhere anywhere that shows that 87,000 new IRS agents are going to be hired in this bill. That is a totally fabricated number. The idea that they are armed—I know that Mrs. BOEBERT would like everybody to be armed, as they are in her restaurant, but that is not what IRS agents do.

Mr. Speaker, I would implore my Republican colleagues to cut out the scare tactics, quit making things up, and debate the substance of this bill.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PETERS), a distinguished member of the Budget Committee.

Mr. PETERS. Mr. Speaker, today, we write a bold new chapter in our history by passing the Inflation Reduction Act, which will substantially lower the cost of living for San Diegans and all Americans.

We are turning our climate ambition into climate action by establishing a methane fee to reduce harmful emissions, creating a clean energy technology bank, and funding wildfire resiliency efforts and clean energy infrastructure.

Together, these investments will cut our greenhouse gas emissions by 40 percent by 2030 and create 1.5 million good-paying jobs.

This legislation is also the largest downpayment in deficit reduction since I have served in Congress. Importantly, the drug pricing reform framework I helped author will help seniors at the drug counter and protect private-sector innovation, and it has earned enough votes to pass the Senate.

The Inflation Reduction Act is a historic measure. After months of negotiations and hard work, let's finally get this done. Vote ''yes.''

Mr. SMITH of Missouri. Mr. Speaker, I include in the RECORD notice from the Congressional Budget Office that we received just this morning, as a matter of fact. Yes, the bill in front of us and the numbers it claims does include additional audits on individuals making less than $400,000 a year.

CBO has received a number of questions regarding our estimate of an amendment offered by Senator Crapo during the floor debate on H.R. 5376 last weekend. That amendment, #5404, would limit the use of additional funds for the Internal Revenue Service. If the amendment had been adopted none of the additional funds could have been used to audit taxpayers with taxable incomes below $400,000.

CBO did not complete a formal cost estimate in advance of consideration of the amendment but the agency did provide the following information to the Senate Budget Committee:

CBO estimates that the amendment 5404 would have the following effects:

No effect on outlays in the one or ten year budget windows; would reduce outlays in the five year budget window.

No effect on revenues in the one year budget window; would reduce the ''non-scorable'' revenues resulting from the provisions of section 10301 in the five and ten year budget windows.

No effect on outlays after 2031 but would decrease the ''non-scorable'' revenue resulting from the provisions of section 10301 after 2031.

CBO has not completed a point estimate of this amendment but the preliminary assessment indicates that amendment 5404 would reduce the ''non-scorable'' revenues resulting from the provisions of section 10301 by at least $20 billion over the FY2022–FY2031 period.

Thanks,

LEIGH ANGRES,
*Director of Legislative Affairs*
*Congressional Budget Office.*

Mr. SMITH of Missouri. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, the Democrats printed and spent trillions of dollars we didn't have, and they unleashed the worst inflation in 40 years. They waged war on capitalism and the energy industry and produced an economic recession.

Now, they are doubling down on these foolish policies. The more that some people invest in their mistakes, the less willing they are to admit them.

They are adding 87,000 new IRS agents—that is larger than the entire population of Flint, Michigan—in order to collect $200 billion in new taxes, mostly from middle-class families and shopkeepers who don't have the resources to contest expensive audits.

They are adding $300 billion in new corporate taxes, which will be passed on to families as higher prices, lower wages, and lower returns.

All of this is to give away three-quarters of a trillion dollars more of your earnings to their green energy cronies and other political supporters. That averages about $6,000 per household.

Just as you cannot drink yourself sober, you cannot spend your way out of inflation, or tax yourself out of recession, or borrow your way out of debt. Yet, that is exactly what the Democrats claim they can do. What makes them think socialism will work any better here than everywhere else in the world that it has been tried?

This bill takes our country further into this dismal future, and only more suffering and poverty will come of it.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE), a distinguished member of the Budget Committee.

Mr. KILDEE. Mr. Speaker, I rise in support of the Inflation Reduction Act to help fight inflation and lower costs for the Michigan families and seniors that I represent.

With this bill, we will be able to lower healthcare costs for Michigan families and seniors. This bill will allow Medicare to negotiate the cost of prescription drugs, including capping the cost of insulin for seniors at $35 a month.

With this bill, we will create good-paying jobs to combat the climate crisis. This bill will invest in domestic clean energy production and manufacturing facilities to lower costs. It will support making solar panels at companies like Hemlock Semiconductor and electric vehicles in Michigan, not in China.

With this bill, which is fully paid for, we will ensure the biggest corporations and the wealthiest individuals pay their fair share of taxes. Right now, 55 of the Nation's biggest corporations pay zero in Federal taxes while making billions in profits. A Flint nurse, a Saginaw farmer, or a Bay City teacher should not pay more in taxes than the largest, wealthiest, most profitable corporations.

Mr. Speaker, I support this legislation.

Mr. SMITH of Missouri. Mr. Speaker, I include in the RECORD a letter from the nonpartisan Congressional Budget Office, which confirmed that this bill will raise the cost of new prescription drugs for all Americans.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, August 4, 2022.*

Re Additional Information About Prescription Drug Legislation.

Hon. JASON SMITH,
*Ranking Member, Committee on the Budget,*
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN: This letter provides additional information that you and your colleagues requested about subtitle I of the reconciliation recommendations of the Senate Committee on Finance regarding prescription drug legislation. You asked about how provisions involving inflation rebates and the negotiation of drug prices would affect launch prices for new drugs and the introduction of new generic drugs. You also asked how a provision to stabilize premiums as a part of the redesign of Medicare's benefits would affect the federal budget and premiums.

EFFECT OF THE INFLATION-REBATE AND NEGOTIATION PROVISIONS ON LAUNCH PRICES

The Congressional Budget Office projects that the inflation-rebate and negotiation provisions would increase the launch prices for drugs that are not yet on the market relative to what such prices would be otherwise. That effect would primarily be driven by the inflation-rebate provisions (sections 129101 and 129102), which would begin to apply to prices within 12 months of a given drug's entering the market. Under those provisions, manufacturers would have an incentive to launch new drugs at a higher price to offset slower growth in prices over time. The negotiation provision (section 129001) would have less of an impact on launch prices, CBO expects: Although the ceiling for a drug's negotiated price is based on its price from a prior year, negotiation could not occur until drugs were on the market for a number of years—at least 7 for small-molecule drugs and 11 for biologics.

Higher launch prices would primarily affect spending for drugs in the Medicaid program, CBO projects, because an increase in that program's basic rebate brought about by the higher launch prices would only partly offset those prices. Higher launch prices would also tend to affect spending for drugs covered by Part B of the Medicare program because that program's payments for those drugs are based on the average sales prices. Over time, slower price growth would attenuate the effect of higher launch prices.

In the commercial and Medicare Part D segments of the market, spending would be less affected by higher launch prices, CBO estimates, because manufacturers would have more flexibility to manage rebates to maximize their revenues in those sectors.

EFFECT OF THE NEGOTIATION PROVISION ON THE INTRODUCTION OF NEW GENERIC DRUGS

CBO has not analyzed the effects of the negotiation provision on the introduction of new generic drugs. In projecting the effects of the negotiation provision, CBO estimated the share of spending that would be subject to negotiation each year and the average reduction in prices that would stem from the negotiations. But the agency did not analyze how the provision would affect prices or spending on specific drugs, nor did it quantify any impact on the introduction of new generic drugs.

EFFECTS OF THE PREMIUM-STABILIZATION PROVISION

Under the premium-stabilization provision (section 129201), the federal government would subsidize any growth in beneficiaries' base premiums for Medicare Part D exceeding 6 percent from one year to the next over the 2024–2029 period. The provision subsequently would lower the base premium percentage (the percentage of the average cost of standard Part D coverage that is used to calculate beneficiaries' premiums) to ensure that premiums did not grow by more than 6 percent between 2029 and 2030. That subsidy and subsequent reduction in premiums would increase federal spending by roughly $40 billion over the 2024–2031 period, CBO estimates. Beneficiaries' spending on premiums would be lower under the premium-stabilization provision than it would be without it.

That estimate is an average effect among the possible paths of premiums that CBO considered when modeling the uncertainty of future outcomes. Under some of those paths, premiums would grow by less than 6 percent a year, and the provision would have no cost; under others, premiums would grow faster, and the provision would generate costs.

I hope this information is useful to you and your colleagues. Please contact me if you have further questions.

Sincerely,

PHILLIP L. SWAGEL,
*Director.*

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Mr. Speaker, the Democrats are determined to make inflation worse by continuing their disastrous policies that caused it in the first place. Do they not understand the concept of pouring gas on a fire?

Beyond the reckless spending of nearly another trillion dollars on top of the $30 trillion national debt—there is no climate crisis. It is a hoax. This is the one crisis that even Democrats couldn't create.

They have been crying about the climate sky falling for 40 years now, predicting the world would end in 12 years. It is a lie.

We are the cleanest large energy producer in the world, and fossil fuels are a wonderful thing. They are essential to our economic and national security.

Worse yet, Democrats want to spend $80 billion to hire 87,000 more armed IRS agents to terrorize Americans with 1.2 million more audits of hardworking taxpayers. No one in my district has ever told me that the one thing we need is more IRS agents.

Mr. Speaker, the American people will vote against this bill on November 8.

Mr. YARMUTH. Mr. Speaker, we just heard the big lie a couple more times about 87,000 IRS agents that are going to be armed. It is total bunk. Nonsense. The Republicans should stop it and tell the truth. They are continuing to say it.

I will say one thing. We were informed last week by the Commissioner of the IRS, Mr. Rettig, an appointee of former President Trump, that audits would not increase for anybody making under $400,000 a year.

Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. JAYAPAL), a distinguished member of the Budget Committee.

Ms. JAYAPAL. Mr. Speaker, today, Democrats will take unprecedented and urgent action when we pass the Inflation Reduction Act.

Today, we make good on our promise to take on climate change and climate justice with historic investments in green technologies that will cut carbon emissions by 40 percent by 2030, create over 9 million good jobs, put $60 billion into environmental justice, and cut energy costs for the average American family by almost $1,000 a year.

Also, for the first time, we take on Big Pharma's price gouging, finally allowing Medicare to negotiate lower prescription drug prices, capping the cost of insulin, and continuing to make healthcare more affordable. All of it is paid for with taxes on the largest corporations and the wealthiest.

We have more to do to complete the rest of the President's agenda on childcare, senior care, expanding Medicare, and investing in housing. With a few more Democrats in the Senate, we will get that done, too.

Today, let's celebrate this massive investment for the people. People over politics. Let's pass this bill.

Mr. SMITH of Missouri. Mr. Speaker, I appreciate the gentlewoman from Washington State, and I would just like to point out that by doubling the size of the IRS and adding 87,000 new IRS agents, that will result in more than 20,000 of her families in Washington State who make less than $20,000 a year that will be receiving audits.

Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Mr. Speaker, the 87,000 figure is entirely reasonable, given we have an $80 billion increase. Now, is it exact? It might be 86,500. I don't know. It is a big number.

First of all, it is that many more people monitoring Americans. Anybody that wants a free society should be afraid of that.

Secondly, with 86,500 people poking around small business, it means that much more accountant time that has to be paid for by the small businesses. It means that many more lawyers hired by the small businesses. It is really an accountant and legal makework program. Auditing on this scale will really change the amount of time you have to deal with this.

Other things, you are getting rid of—I am very disappointed—the good provision you had with regard to carried interest. You are finally going after some of the billionaires of this country, and I wish you wouldn't have caved into the Senate and removed that provision. That was a very good thing.

Next, you have way too much corporate welfare in here. $134 billion in tax credits for so-called favored green industries. What is it? It is that many more businesses depending upon government, and their way to make money is not by providing something the American citizen wants. They are making money because of tax credits they have been given by Congress.

Otherwise, the bill is full of other big spending, as well. There is a 22 percent increase in Bureau of Indian Affairs, 22 percent at a time when we are choking on inflation because of excessive government spending. That is one more spending program to put in here.

The SPEAKER pro tempore. Members are reminded to direct their comments to the Chair.

□ 1230

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE), who is a distinguished member of the Budget Committee.

Ms. LEE of California. Mr. Speaker, I rise today to support the Inflation Reduction Act of 2022. I thank the chairman for yielding his time and also for his leadership.

This historic bill puts people over politics by lowering the cost of living for necessities like healthcare, creating good-paying jobs, and ensuring that the wealthy and corporations pay their fair share of taxes.

Now, we know that lower-income communities and communities of color face the brunt of pollution and climate change. This bill makes the single largest investment in combating climate change and works to reduce carbon pollution by 40 percent by 2030. We still have a lot ahead, though, and much more work to do, like fighting for investments that have deep impacts on communities of color, such as housing, the child tax credit, investments in our care economy, universal childcare, and insulin caps beyond Medicare which disproportionately impacts people of color. But make no mistake, this bill will make an impact on families and our planet.

It is a shame and disgrace that Republicans won't vote for this bill. But this bill helps Republican constituents also.

So I am so proud today to vote for this bill for our Republican constituents.

Mr. SMITH of Missouri. Mr. Speaker, I include in the RECORD notice from over 230 economists that this bill before us today would only increase inflation.

[From FOX Business, Aug. 4, 2022]

OVER 230 ECONOMISTS WARN MANCHIN'S SPENDING BILL WILL PERPETUATE INFLATION

(By Kelly Laco)

A letter sent to House and Senate leadership from 230 economists argues that the Inflation Reduction Act is expected to contribute to skyrocketing inflation and will burden the U.S. economy, contrary to President Biden and Democrats' claims.

The economists wrote in the letter first obtained by Fox News Digital that the U.S. economy is at a ''dangerous crossroads'' and the ''inaptly named 'Inflation Reduction Act of 2022' would do nothing of the sort and instead would perpetuate the same fiscal policy errors that have helped precipitate the current troubling economic climate.''

Sen. Joe Manchin, D–W.Va, announced last week he reached an agreement with Senate Majority Leader Chuck Schumer, D–NY, on the $739 billion reconciliation Package after more than a year of negotiations among Democrats.

The economic experts point to the $433 billion in proposed government spending, which they argue ''would create immediate inflationary pressures by boosting demand, while the supply-side tax hikes would constrain supply by discouraging investment and draining the private sector of much-needed resources.''

Sen. Joe Manchin, D–W.Va., announced last week that he reached an agreement with Senate Majority Leader Chuck Schumer, D–NY, on the $739 billion reconciliation package after more that a year of negotiations among Democrats. (F. Carter Smith/Bloomberg via/Getty Images)

They also write that of ''particular concern'' is the corporate minimum tax that they say will undercut efforts to restore functioning supply chains.

In addition, the bill's prescription drug provisions ''would impose price controls that

threaten healthcare innovation, creating a human health toll that would add to the financial woes that Americans are already experiencing.''

A few of the notable signers include Nobel laureate Vernon Smith, former Chair of the Council of Economic Advisers Kevin Hassett, former Director of the Office of Management and Budget Jim Miller and Robert Heller, former president of the Federal Reserve Board 1986–1989.

In addition, professors from the University of Chicago, Princeton University, Duke University, the University of Virginia, Columbia University and the University of Notre Dame, among others, were listed on the letter dated Aug. 3.

The experts conclude that although they agree with an ''urgent'' need to address inflation, Manchin's bill is a ''misleading label'' applied to legislation that would achieve the ''opposite effect''

President Biden urged Congress to pass the bill during a virtual roundtable Thursday. ''My message to Congress is this: Listen to the American people,'' he said. (Jonathan Ernst/File Photo/ Reuters)

The letter was sent to Schumer, Senate Minority Leader Mitch McConnell, R–Ky., House Speaker Nancy Pelosi, D–Calif., and House Minority Leader Kevin McCarthy, R–Calif.

Schumer has touted the Inflation Reduction Act as an immediate solution to inflation, which reached a new 40-year high last month.

''The Inflation Reduction Act will lower inflation, lower the costs of prescription drugs, close loopholes long exploited by big business who pay no or little taxes,'' Schumer said Thursday on the Senate floor.

In addition, Biden urged Congress to pass the bill during a virtual roundtable Thursday. ''My message to Congress is this: Listen to the American people,'' he said.

''This is the strongest bill you can pass to lower inflation, continue to cut the deficit, reduce health care costs, tackle a climate crisis and promote America's energy security and reduce the burdens facing working-class and middle-class families,'' Biden continued.

However, Republicans are less enthusiastic about the more than $700 billion spending and tax package.

Senate Minority Leader Mitch McConnell told Fox News that the bill raises taxes and ''calling it an inflation reduction bill is rather laughable.'' (J. Scott Applewhite) (AP Images)

McCarthy told Fox News on Wednesday that ''Democrats have no plans to solve all the problems they created'' and Manchin's bill is not the solution.

In the Senate, McConnell stated this week that most of his colleagues were ''somewhat shocked'' about Manchin's reversal of previous positions He continued, telling Fox News that the bill raises taxes and ''calling it an inflation reduction bill is rather laughable.''

''Democrats are catastrophically out of touch with what American families actually care about. Their approval ratings show it. And their reckless taxing and spending spree proves it, as well,'' said McConnell in a statement this week.

The Senate is set to convene on Saturday to vote on a procedural motion to move the bill forward. It is still unclear if Sen. Kyrsten Sinema, D–Ariz., will support the legislation, and her vote is necessary for final passage of the bill under reconciliation rules that would allow a majority to pass.

Democrats previously touted a letter from 126 economists supporting Manchin's bill.

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DONALDS).

Mr. DONALDS. Mr. Speaker, I rise in opposition to this terrible bill because this terrible bill will increase the cost of energy on every hardworking American in the United States.

This bill actually calls for a doubling of the excise tax on oil and on gas, doubling of the royalties on oil and on gas.

I was in my district yesterday with Americans for Prosperity at the True Cost of Washington event where they actually brought down the price of gasoline to $2.38, the price it was before Joe Biden took office. I had families in my district crying because they could finally put gas in their cars and food on their dinner table in that day.

The Democrats come here today, and they want to lecture us about putting people over politics?

That is a joke, and it is a lie.

These tax increases on oil and gas will only hurt poor families all across America. I don't care if you are in Seattle, Washington; I don't care if you are in Miami, Florida; you could be in Chicago, Illinois; New York City; or San Francisco, California; those tax increases hurt the very poor among us, and the Democrats are cool with it.

Mr. Speaker, vote ''no'' on this bill.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE), who is a distinguished member of the Budget Committee.

Ms. JACKSON LEE. Mr. Speaker, I want to dispel the myths of the smoke and mirrors that are flaming up across the way with my friends.

Do they not recognize the opportunity that we have for reducing the costs of healthcare with subsidies so that working families can get the Affordable Care Act? Or excitingly, I am so delighted that there is a cap on insulin. Diabetes is raging for those on Medicare, and we are going to get those on private insurance as well.

Let's tell the truth about taxes. No taxes on those making $400,000 or less but getting the $160 billion in the top 1 percent that have refused to pay their fair share.

What is this folder?

These are letters from my county attorneys and communities about concrete batch facilities put in neighborhoods of Hispanics and African Americans by Trinity Gardens in the East End and Aldine. This legislation, $60 billion, will help save these people who have been living in their homes and losing their homes because environmental toxins like a concrete batch facility gets put in their neighborhood and creates respiratory diseases: asthma, bad grass, and parks that you can't play in.

Mr. Speaker, I support this legislation. Why?

Because it is for the working people in America.

Ms. JACKSON LEE. Mr. Speaker, I rise to wholeheartedly and enthusiastically support the Inflation Reduction Act of 2022, H.R. 5376.

I commend our Democratic colleagues in the Senate—whose tireless efforts culminated in this landmark legislation—and our Democratic Caucus in the House, whose commitment to the policies embodied in this legislation kept the prospect for progress alive and ready for action over the past year.

We persevered to extend health care benefits, limit the cost of medication, combat the climate crisis, help impoverished Americans, and reduce inflation for all Americans. We never relinquished our focus and determination to help those who are suffering from the economic aftershocks of COVID–19.

Enactment of the Inflation Reduction Act is crucial at this vital moment, as Americans need the economic relief that this bill will provide. It will boost quality-of-life for American families by reducing costs and inflation, and bolstering our national economy and competitiveness for years to come.

This legislation is truly historic because it will dramatically advance major policies and programs supported by the vast majority of Americans, and it will do so in a fiscally responsible way, applying much of the revenue raised to deficit reduction.

A key message that this legislation sends is that Congress, with Democrats at the helm, is focused on providing aid to working Americans, middle-income families, impoverished Americans, and those who most need a little help during challenging times.

This is a stark contrast from a few years ago, when Republicans in control of Congress passed bills that gave massive tax breaks to the wealthiest people and corporations, and helped the rich get richer, while tossing mere table scraps to the middle class, and barely a few crumbs to Americans suffering in poverty.

So, I'm delighted that the Inflation Reduction Act will provide urgently needed financial relief to Americans in need, reforms to address the climate crisis, and initiatives that will help our nation transition to its next era of success for all Americans.

Among the provisions that will directly benefit family finances across the country are the Inflation Reduction Act's health care reforms, initiatives, assistance, and restraints on cost increases.

For the first time after years of efforts by Democrats, Medicare will be able to negotiate with drug companies to lower the price of medications for Americans receiving Medicare. Maximum prices for 10 drugs will take effect in 2026, 15 more drugs in 2027, another 15 in 2028, and 20 more in 2029 and beyond.

Manufacturers that do not offer a price equal to or less than the maximum fair price will be subject to a civil monetary penalty of 10 times the difference between the offered price and the maximum fair price for all of its drugs sold in violation of that.

The IRA will impose rebates on drug companies that increase prices faster than inflation to limit annual increases in drug prices for people with Medicare. The inflation rebate provision will be implemented beginning in 2023, using 2021 as the base year for determining price changes relative to inflation.

Another major reform is a new $2,000 annual cap on Medicare Part D out-of-pocket spending starting in 2025. Currently, there is no limit on out-of-pocket spending for prescription drugs that seniors need.

This bill ensures that devastating diagnoses, like cancer, will never again mean paying tens of thousands out-of-pocket for just one drug, which forces Medicare recipients into severe financial hardship.

The bill expands the low-income subsidy program in Medicare Part D. Currently, it is fully available to those earning less than 135 percent of the federal poverty level, and partially available to those earning less than 150 percent of that level. The bill eliminates the partial subsidy, giving those earning up to 150% of the poverty level the full low-income subsidy in Medicare Part D.

The bill initiates a major reform to help Medicare patients who need insulin and have been forced to pay exorbitant costs for their life-sustaining supply.

The Inflation Reduction Act caps out-of-pocket costs at $35 per month for insulin copays under Medicare programs. Cost-sharing for Part D plans will be capped at $35 for approved insulin products starting in 2023. After 2025, the price will be the lesser of $35, 25 percent of the maximum fair price, or 25 percent of the negotiated price. From January to March 2023, there will be temporary subsidies for any cost sharing over $35 per month.

While I am delighted that H.R. 5376 imposes a $35 per month cap on the price of insulin for people covered by Medicare, this cap should have extended to Americans with private insurance.

I was very upset that Senate Republicans rejected that policy, as it is immoral to side with drug companies that force people to choose between life-sustaining insulin and other daily needs. Some Americans have died because they couldn't afford their insulin, which is subject to unjustifiable pricing practices.

This bill should have ensured that Americans with private health insurance would benefit from a $35 per month cap on their insulin costs, and I will continue the fight for this reform.

The Inflation Reduction Act lowers health insurance premiums for nearly 13 million low- and middle-income Americans whose coverage is from the Affordable Care Act. The bill allocates $64 billion to extend tax credits for three years, through 2025.

Recipients saved on average $800 in 2021. Monthly premiums were estimated to decrease by $50 per person on average in 2022, and 80 percent of ACA enrollees with the tax credits were able to find a plan that amounted to $10 or less per month.

This is extremely important because extension of these credits subsidizing the cost of health insurance will prevent 3 million people from becoming uninsured due to steep premium hikes, protecting them from financial hardship, and saving the health care system from the perilous costs of uncompensated care.

I was dismayed that Senator Warnock's amendment extending Medicaid expansion to 2.2 million people living in poverty in 12 states was not adopted by the Senate. Impoverished Americans with no access to affordable health care would have been able to see a doctor when they are sick, pregnant, or have other health needs. We must still close the Medicaid coverage gap for Americans who have a need for, and the right to, health care. Although it is not in this bill, I will continue to fight for this.

The bill makes historic investments to combat climate change by putting the United States on a path to reduce emissions by 40% by 2030, investing $369 billion in clean energy and energy efficiency to lower household energy costs, and ensuring that lower-income households can benefit from these programs.

The bill's clean energy and emission reduction programs attack the climate crisis at its source—electric utilities, cars, trucks, and methane emission producers—while ensuring that rural and disadvantaged communities share the benefits.

The IRA provides direct consumer incentives to relieve the high costs of energy and decrease utility bills by encouraging purchases of energy efficient and clean-energy goods, with a significant portion of the funding going to lower-income households and disadvantaged communities.

The bill includes $9 billion in consumer home energy rebate programs, focused on low-income consumers, to electrify home appliances and for energy efficient retrofits.

The IRA provides 10 years of consumer tax credits to make homes energy efficient, using clean energy and making heat pumps, rooftop solar, community solar projects, electric HVAC, and efficient water heaters more affordable.

The bill includes a $4,000 consumer tax credit for lower- and middle-income individuals to buy used clean-energy vehicles, and up to a $7,500 tax credit to buy new clean-energy vehicles. This will bring electric cars—and the fuel costs they save—within the reach of working families.

Additionally, the bill establishes a $1 billion grant program to make affordable housing more energy efficient.

The investments in this bill will reduce emissions in every sector of the economy, substantially reducing emissions from electricity generation, transportation, industrial manufacturing, buildings, and agriculture.

Tax credits are provided for clean sources of electricity and energy storage, and roughly $30 billion in targeted grant and loan programs for states and electric utilities to accelerate the transition to clean electricity.

The legislation includes tax credits and grants for clean fuels and clean commercial vehicles to reduce emissions from all parts of the transportation sector.

The bill provides grants and tax credits to reduce emissions from industrial manufacturing processes, including almost $6 billion for a new Advanced Industrial Facilities Deployment Program to reduce emissions from the largest industrial emitters like chemical, steel and cement plants.

To spur innovation, $27 billion is provided for a clean energy technology accelerator to aid deployment of technologies that reduce emissions, especially in disadvantaged communities.

The IRA has $9 billion for Federal procurement of American-made clean products, including $3 billion for zero-emission Postal Service vehicles, to create a stable market for them.

The Inflation Reduction Act includes over $60 billion for environmental justice priorities to drive investments into disadvantaged communities.

The bill has $3 billion for Environmental and Climate Justice Block Grants that will invest in community-led projects in disadvantaged communities and community capacity building centers to address disproportionate environmental and public health harms related to pollution and climate change.

The IRA creates Neighborhood Access and Equity Grants with $3 billion to aid neighborhood equity, safety, and affordable transportation access. This landmark program addresses a long legacy of ignoring environmental justice concerns in project decision-making. The grants aim to reconnect communities divided by infrastructure barriers, mitigate negative impacts of transit facilities or construction projects on disadvantaged or underserved communities, and support equitable transportation planning and community engagement activities.

The bill provides another $3 billion for Grants to Reduce Air Pollution at Ports to support the purchase and installation of zero-emission equipment and technology at ports.

The IRA also provides $1 billion for clean heavy-duty vehicles, such as school and transit buses and garbage trucks.

There is $60 million for Diesel Emissions Reduction Act grants to address diesel emissions from goods movement facilities like airports and railyards, and from vehicles using those facilities.

The IRA has $236 million for Air Pollution Monitoring that will particularly benefit disadvantaged communities exposed to areas with persistent air pollution.

The bill includes $50 million to address Air Pollution at Schools by monitoring and reducing air pollution at public schools in low-income and disadvantaged communities.

The bill provides $87 million for the Low Emissions Electricity Program to support low-income and disadvantaged communities, and offer technical assistance to industry, as well as state and local governments, as they work to reduce greenhouse gas emissions.

Environmental justice is also central to initiatives that aim to decarbonize the economy, such as the technology accelerator and consumer home energy rebate programs, that focus on disadvantaged and low-income communities. Additionally, many of the clean energy tax credits include either a bonus or set-aside structure to drive investments and economic development in disadvantaged communities.

This bill funds energy reliability, cleaner energy, and historic investments in American clean energy manufacturing.

It includes over $60 billion for clean energy manufacturing in the U.S. across the full supply chain of clean energy and transportation technologies. These manufacturing incentives will help alleviate inflation and reduce the risk of future price shocks by bringing down the cost of clean energy and clean vehicles and relieving supply chain bottlenecks.

The IRA invests roughly $30 billion for production tax credits to accelerate U.S. manufacturing of solar panels, wind turbines, batteries, and critical minerals processing.

The bill has a $10 billion investment tax credit to build clean technology

manufacturing facilities, like facilities that make electric vehicles, wind turbines and solar panels.

The bill also funds $500 million in the Defense Production Act for heat pumps and critical minerals processing.

The bill has $2 billion in grants to retool auto manufacturing facilities to manufacture clean vehicles, ensuring that auto manufacturing jobs stay in the communities that rely on them.

The IRA provides up to $20 billion in loans to build new clean vehicle manufacturing facilities across the country.

To spur the next generation of energy technologies, the bill provides $2 billion for National Labs to accelerate breakthrough energy research.

To afford these investments and reduce the deficit, the Inflation Reduction Act requires the wealthiest people and corporations to pay their fair share of taxes, without raising taxes on anyone making less than $400,000 each year. In fact, the non-partisan Joint Committee on Taxation reported that, in addition to not increasing taxes on any family making $400,000 or less, taxes on those families would actually be reduced by the IRA.

This would correct the longstanding injustice of hardworking American families paying their taxes on time while wealthy millionaires and billionaires avoid paying the taxes they owe to the federal government.

By creating a more equitable tax system, this bill will ease the pressure of inflation and allow more Americans to participate productively in the economy. Americans overwhelmingly agree that corporations have paid too little for too long. Only in Washington would Republicans fight against cutting costs for low- and middle-income workers and their families in defense of wealthy corporations.

To fairly and appropriately raise revenues, the bill includes major reforms, each of which are sound tax policies.

The Inflation Reduction Act imposes a corporate alternative minimum tax on corporations that earn more than $1 billion in annual profit, but do not pay at least a 15 percent tax rate. This would apply to about 150 corporations that average nearly $9 billion in profit, but which paid effective tax rates of just 1.1 percent. The minimum tax will make sure they pay their fair share, and will raise approximately $222 billion.

The bill will levy a 1 percent fee on stock buybacks by publicly-traded corporations to level the playing field. This reform to the tax code, which raises $74 billion, would put an end to favoring buybacks for rich shareholders and executives over investments in workers and innovation.

The legislation will help prevent the wealthiest Americans from sheltering their nonbusiness income and avoiding taxes. By extending the limitation on excess business losses for two years, the bill would raise an additional $52 billion.

This bill also gives the IRS resources to rebuild its antiquated systems to make the wealthy pay their taxes. By investing $80 billion over ten years for tax enforcement and compliance, the Congressional Budget Office estimates the IRS will collect $203 billion. Nearly 75 percent of Americans believe the IRS should conduct more tax audits of large corporations and millionaires. Recently, the IRS Commissioner emphasized that families making under $400,000 per year will not see increased audits.

I was upset that the Senate did not close the carried interest loophole, which lets investment fund managers pay lower taxes on their earnings than wage earners pay. Billionaires scored a win worth billions as others struggle to make ends meet. Yet, I am pleased that the bill levels the playing field with other taxes.

The Inflation Reduction Act is excellent legislation that will be a great leap forward for the American people, including for my constituents in the 18th Congressional District of Texas.

Mr. SMITH of Missouri. Mr. Speaker, I want to point out that by doubling the size of the IRS, working people in America, 85,000 more families in the State of Texas, will face additional audits—these are families who make less than $200,000—because of doubling of the IRS.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Missouri for yielding.

Mr. Speaker, we are hearing that this bill is a tax cut. But that only applies if you sign up for ObamaCare and participate in all the green tax credits. But if you don't, then this bill is a tax increase of over $10.5 billion for those making under $200,000 a year.

Despite what you say, there is $80 billion in this bill for 87,000 new IRS agents, and this will disproportionately increase audits on low- and middle-income earners at a time when even the best CPA firms cannot find qualified employees.

Now, Wednesday in the Rules Committee, I tried to get an amendment by Mr. DAVIDSON of Ohio made in order that would require that all of these new hires at least be CPAs. This was rejected by every Democrat in the Rules Committee.

Mr. Speaker, they are coming after you. They are coming after you with poorly trained technicians, and it is just not right.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who is a distinguished member of the Appropriations Committee.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I proudly rise to support legislation that delivers relief to every kitchen table across the country, cuts healthcare and drug costs, and creates millions of good-paying jobs to save our planet for future generations.

In my home State of Florida, the Inflation Reduction Act hands security and peace of mind to millions of seniors in my State. It caps out-of-pocket prescription costs and monthly insulin costs for Medicare recipients, and finally allows Medicare to negotiate prescription drug prices.

Millions of Floridians will be healthier and more financially secure by lowering premiums for 13 million Americans with expanded financial help for the Affordable Care Act healthcare policies. It will slash energy costs and work to stop our warming planet from stealing their grandchildren's future.

This is our biggest shot ever to tackle climate change by speeding up clean energy transitions and cutting climate pollution 40 percent by 2030.

The Inflation Reduction Act does all this by making corporations pay their fair share, reducing the deficit, and ensuring no one who makes less than $400,000 will pay one penny more.

This is game-changing relief for our seniors, our climate, and anyone demanding tax fairness.

Mr. Speaker, I urge all of my colleagues to pass this lifesaving legislation.

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SMUCKER), who is a great leader on the Budget Committee.

Mr. SMUCKER. Mr. Speaker, what a time to raise taxes and to spend nearly $1 trillion more. The economy is in a recession, food inflation is up 12.9 percent over the past year, gas is up 49 percent, and shelter costs rose by 5.7 percent.

What will families get instead of relief?

They will get $10.6 billion in tax increases, and 50 percent more may get audited by the IRS.

Now, the chairman on the other side has disputed these 87,000 new agents. I would ask him to read page 37 of the bill which provides for $45 billion in new funding to the IRS, specifically for enforcement activities, and ask if he will dispute that as well.

Where does he think $45 billion is going to go?

In fact, we all know the IRS needs a lot of help to provide constituent services. Fourteen times more dollars are going for enforcement than to helping them do their job.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Missouri. Mr. Speaker, I yield the gentleman from Pennsylvania an additional 15 seconds.

Mr. SMUCKER. Our Democrat colleagues are also falsely insisting this bill will not raise taxes on small businesses or households with incomes below $400,000. Yet, during Rules Committee debate on the bill, a Ways and Means Democrat admitted that households making less than $400,000 per year will see a tax increase in this bill. He was citing the nonpartisan analysis from JCT.

Don't be fooled. This bill is not a plan to address inflation.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

I just want to clarify one thing. It seems to me that Republicans just don't want people to pay taxes even if they are owed. We know there are hundreds of billions of dollars of owed-but-not-paid taxes in this country every year. This is an attempt to try and recover some of that money that is owed and is not being paid by taxpayers who are, in many cases, cheating.

To be clear, IRS has made no decisions or no announcements regarding the potential hiring plans under this bill. As I said before, the commissioner of the IRS has said that they are not going to increase audits of people making under $400,000. A lot of this money is designed to go to help service the legitimate and lawful taxpayers of this country by giving them better service, making the IRS more responsive, and to upgrading equipment which is now 50 or 60 years old in many cases.

So they can continue with this claim that we are going to go after taxpayers with armed IRS agents, and I know that Republicans would like to arm every tax agent as they want to arm everybody else in this country, but that is nonsense.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. KHANNA), who is a distinguished member of the Armed Services Committee.

Mr. KHANNA. Mr. Speaker, I thank the chairman for his leadership in passing the most historic climate legislation in the history of this Nation and in the history of the world.

It is appropriate that it would be named after Chairman YARMUTH after his distinguished service in this Congress.

But I also thank all the young people out there and the environmental activists who for so long had no hope that this body would do anything. They marched, they protested, and they organized. They deserve credit for the $369 billion that will build solar, wind, and that will build electric vehicles.

I understand it is only a down payment on what we need for climate. I understand there is more work to be done, so we eliminate fossil fuel subsidies, so we have more of a commitment to environmental justice, and so that we don't have mandates on oil leasing. But I am so proud of the young folks for recognizing that getting something done is better than getting nothing done. This is the first victory in many victories to come, and they deserve credit for our passing this bill today.

Mr. SMITH of Missouri. Mr. Speaker, I want to point out to the chairman of the Budget Committee that—maybe his staff has not presented it to him—the Congressional Budget Office this morning—this morning—confirmed that people making less than $400,000 a year will face more audits.

You keep saying: Let the facts be real, no scare tactics.

The facts from the Congressional Budget Office are that, in fact, your legislation is increasing more audits on people who make less than $400,000 a year. I put it in the RECORD. You can read it there.

Mr. Speaker, I yield 1 minute to the great gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I rise today in opposition to the inflation expansion act which is threatening the same industries that it purports to help.

Washington Democrats who claim to champion electric vehicles are pushing a bill—you are pushing this bill that will threaten an over $5 billion investment Hyundai is making in the First Congressional District of Georgia.

Now, Mr. Speaker, this is serious. This is a $5 billion investment that they are threatening. This will be the automaker's first dedicated electric vehicle manufacturing plant in the United States and will create over 8,000 jobs upon completion.

This bill's new EV tax credit discriminates against and excludes South Korea, a key strategic trading partner and longtime ally of the United States and may actually violate the KORUS Free Trade Agreement.

This burdensome regulation could prevent billions of dollars in investment, thousands of jobs, and affordable electric vehicles from coming to market in the United States.

The answer is clear: We need innovation not regulation. The private sector is leading the charge. You are messing around with a $5 billion investment and 8,000 jobs, Mr. Speaker. I hope that you will let my colleagues know, Mr. Speaker.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN), who is the distinguished member of the Financial Services Committee.

Mr. GREEN of Texas. Mr. Speaker, to my friends across the aisle: Where were you when your twice impeached President was putting billions of dollars in the pockets of the wealthy?

You complain about drug prices being reduced for seniors, complain about them having out-of-pocket costs capped at $2,000?

I refuse to allow a bill that is good to be defeated by a perfect bill that we won't get. I will support this bill, and I ask my colleagues to do so as well. It is time to take care of our seniors.

The SPEAKER pro tempore. Members are again reminded to direct their remarks to the Chair.

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the great gentleman from Mississippi (Mr. GUEST).

Mr. GUEST. Mr. Speaker, I rise today in strong opposition to this destructive piece of legislation.

Every day I hear from fellow Mississippians who struggle to buy gas and groceries because of inflation fueled by the left's reckless spending.

Now, instead of acknowledging the impact their out-of-control spending has had on Americans, my colleagues across the aisle are trying to pass legislation that will increase taxes on Americans, spend hundreds of billions of taxpayer dollars on far-left priorities, and pass legislation that will add an army of IRS agents.

It is time to acknowledge that the American people are suffering because of legislation exactly like this.

The American people are tired of this economic crisis, and they have been clear: Do not raise taxes, do not add to this recession with more wasteful spending, do not weaponize the IRS, and do not vote for this legislation.

This Congress must listen to the American people and vote against this bill.

□ 1245

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. POCAN), a distinguished member of the Appropriations Committee.

Mr. POCAN. Mr. Speaker, global inflation caused by our reopening due to COVID–19 has caused increased prices in everything from gasoline to groceries to healthcare.

Today, we put people over politics as we lessen the impact of global inflation on the American people via the Inflation Reduction Act.

Among the many things it does, it addresses some of the drivers of higher energy costs while also investing in U.S.-based renewable energy that will make us more energy independent and less dirty.

It finally allows us to negotiate lower prescription drug prices through volume purchasing via Medicare while capping out-of-pocket drug expenses for seniors to no more than $2,000 per year.

We make these big investments by ensuring that corporations that have often gamed the system pay a minimal share of taxes and go after wealthy tax cheats who, all too often, have evaded their responsibilities.

I will gladly vote for this bill today. It is time to stand up to Big Pharma and those energy companies making record profits while making our planet less safe, and it is important we make sure that corporations pay their fair share of taxes to reduce the burden on working families.

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. CAMMACK), my good friend.

Mrs. CAMMACK. Mr. Speaker, I rise today in strong opposition to the inflation expansion act.

It feels a little bit like Groundhog Day here on Capitol Hill because it wasn't but about a year ago that we found ourselves debating almost this very same legislation. It was a bad idea then; it is a bad idea now. Even BERNIE SANDERS isn't buying this bill and has said that it won't do much to reduce inflation.

The only difference here really is the price tag from a year ago—$745 billion in new spending. That is not cheap. Do you know what we could do with that?

You could give every single working mom in America a check for $96,000.

You could give hardworking American seniors, who are, many of them,

now retired and having to go back to work, and they are on fixed incomes, you could give them $14,000.

You could give every homeless veteran in America a check for $5.6 million with this bill.

Instead, we are going to double the size of the IRS and target hardworking families who make $400,000 or less. We know it to be a fact. Stop denying it. The Senate Democrats refused and rejected the amendment that would have protected families making $400,000 or less.

Reject this bill. Put Americans first. It is time to vote hell no.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ALLRED), a distinguished member of the Transportation and Infrastructure Committee.

Mr. ALLRED. Mr. Speaker, I rise today in support of the Inflation Reduction Act.

For too long, Congress has refused to act while seniors like my mom, who is a breast cancer survivor, endured price gouging on their medicines while on Medicare.

Today, Democrats in Congress are changing that. We are going to stand up to Big Pharma and let Medicare negotiate lower prices and cap out-of-pocket costs at $2,000, as well as capping the cost of insulin.

For too long, Congress has refused to address the climate crisis and invest in clean energy. Today, Democrats in Congress are changing that. Through the largest-ever investment to fight climate change, this bill will cut emissions by 40 percent by 2030. It unleashes American and, yes, Texas-made clean energy while creating 9 million jobs.

Thanks to President Biden, and Democrats in Congress, this historic legislation will impact our Nation for generations to come, all while reducing the deficit without raising taxes on folks making less than $400,000 a year.

It is a big deal, and I cannot wait to vote ''yes'' for it. I encourage my colleagues to do the same.

Mr. SMITH of Missouri. Mr. Speaker, I yield 1½ minutes to the gentleman from Louisiana (Mr. GRAVES), my good friend.

Mr. GRAVES of Louisiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let's be clear. Everybody in this Chamber supports lowering prescription drug costs, lowering these outrageous costs that all of our constituents are paying across the country. We all support clean, affordable energy and access to those resources. We all support lowering inflation.

The difference is, where the credibility gap exists, is that the very problems, the very crisis that our country is experiencing today, were actually caused by the Biden administration's policies.

We went from, in my hometown, $1.80 a gallon for gasoline to, recently, I paid $4.20. We have seen a tripling of natural gas costs. Their own policies have caused this.

Nearly a quarter of all Americans today can't even afford to pay their electricity bills. The Biden administration policies have caused record inflation, making Americans unable to even afford grocery costs.

The Biden administration policies have resulted in higher emissions, not lower emissions, as compared to the previous administration. Biden administration policies resulted in this President going to countries like Saudi Arabia and asking them for energy while telling Americans that we can't produce.

Mr. Speaker, I can't help but reminisce over Jack Abramoff, a disgraced lobbyist, convicted, who created problems and then charged clients to fix them. The difference between this bill and Jack Abramoff is that Jack Abramoff actually fixed problems for his clients.

This bill is a disaster. There is a credibility gap. They have caused problems, and now we are being asked to trust them to fix them, and we simply can't. Oppose this legislation.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. CARTER), a distinguished member of the Transportation and Infrastructure Committee.

Mr. CARTER of Louisiana. Mr. Speaker, far too many things in life just aren't fair. However, one thing should, frankly, always be fair, and that is taxes.

What should always be fair is access to insulin, access to clean energy, and relief from the raging energy costs that we see across our country.

This historic Inflation Reduction Act is fully paid for by requiring the biggest corporations and the ultrawealthy to pay their fair share. It does so without any new taxes on small businesses or those making under $400,000. I said ''$400,000.''

We can achieve this goal by strengthening IRS enforcement against wealthy tax cheats and closing tax loopholes exploited by the wealthiest few, 150 massive corporations.

In opposing these provisions, my Republican colleagues are, sadly, aligning themselves with megacorporations and the ultrawealthy and turning their backs on the American people.

I am proud that, with this bill, Democrats are once again putting people over politics, fighting for the American people. I urge full support for this measure.

Mr. SMITH of Missouri. Mr. Speaker, I include in the RECORD analysis from the nonpartisan Joint Committee on Taxation, which confirms that the bill increases taxes by $10.6 billion on individuals making under $200,000 in 2023 and increases taxes by $32.6 billion across all incomes.

DISTRIBUTIONAL EFFECTS OF SELECTED PROVISIONS FROM SUBTITLE A AND SUBTITLE D OF TITLE I—COMMITTEE ON FINANCE OF AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5376, ''AN ACT TO PROVIDE FOR RECONCILIATION PURSUANT TO TITLE II OF S. CON. RES. 14,'' AS PASSED BY THE SENATE ON AUGUST 7, 2022 EXCLUDES THE EFFECT OF SUBTITLE C—AFFORDABLE CARE ACT SUBSIDIES

[Calendar Year 2023]

| Income Category[2] | Change in Federal Taxes[3] | | Federal Taxes[3] Under Present Law | | Federal Taxes[3] Under Proposal | | Average Tax Rate[4] Present Law | Proposal |
|---|---|---|---|---|---|---|---|---|
| | Millions | Percent | Billions | Percent | Billions | Percent | Percent | Percent |
| Less than $10,000 | $88 | 2.3 | $3.9 | 0.1 | $4.0 | 0.1 | 7.3 | 7.5 |
| $10,000 to $20,000 | 83 | [5] | −1.3 | [6] | −1.3 | [6] | −0.5 | −0.5 |
| $20,000 to $30,000 | 155 | 0.7 | 21.4 | 0.6 | 21.6 | 0.6 | 4.3 | 4.3 |
| $30,000 to $40,000 | 259 | 0.5 | 48.3 | 1.3 | 48.6 | 1.3 | 7.8 | 7.9 |
| $40,000 to $50,000 | 351 | 0.5 | 70.1 | 1.8 | 70.5 | 1.8 | 10.4 | 10.5 |
| $50,000 to $75,000 | 1,222 | 0.5 | 244.7 | 6.4 | 245.9 | 6.4 | 13.0 | 13.1 |
| $75,000 to $100,000 | 1,577 | 0.6 | 268.0 | 7.0 | 269.6 | 7.0 | 15.8 | 15.9 |
| $100,000 to $200,000 | 6,833 | 0.7 | 957.6 | 25.0 | 964.4 | 25.0 | 19.1 | 19.3 |
| $200,000 to $500,000 | 8,741 | 0.9 | 953.3 | 24.9 | 962.1 | 24.9 | 24.1 | 24.3 |
| $500,000 to $1,000,000 | 3,590 | 1.0 | 352.0 | 9.2 | 355.5 | 9.2 | 28.5 | 28.8 |
| $1,000,000 and over | 9,699 | 1.1 | 908.3 | 23.7 | 918.0 | 23.8 | 30.2 | 30.5 |
| Total, All Taxpayers | 32,598 | 0.9 | 3,826.3 | 100.0 | 3,858.9 | 100.0 | 20.3 | 20.4 |

Source: Joint Committee on Taxation

Detail may not add to total due to rounding.

[1] This table is a distributional analysis of the proposals in revenue table JCX–18–22, except the following: Subtitle A: Part 3; Subtitle B; Subtitle C; and Subtitle D: Part 3 items 1 and 2, Part 4 items 1 and 2. For an explanation of the distribution methodology used in this table, see JCX–15–12 and JCX–14–13.

[2] The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus: [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] workers' compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, [8] individual share of business taxes, and [9] excluded income of U.S. citizens living abroad. Categories are measured at 2021 levels.

[3] Federal taxes are equal to individual income tax (including the outlay portion of refundable credits), employment tax (attributed to employees), excise taxes (attributed to consumers), and corporate income taxes. The estimates of Federal taxes are preliminary and subject to change. Individuals who are dependents of other taxpayers and taxpayers with negative income are excluded from the analysis. Does not include indirect effects.

[4] The average tax rate is equal to Federal taxes described in footnote (3) divided by income described in footnote (2).

[5] For returns in the $10,000 to $20,000 income category, Federal taxes would increase from −$1.336 billion to −$1.253 billion.

[6] Less than 0.05%.

DISTRIBUTIONAL EFFECTS OF SELECTED PROVISIONS FROM SUBTITLE A AND SUBTITLE D OF TITLE I—COMMITTEE ON FINANCE OF AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5376, ''AN ACT TO PROVIDE FOR RECONCILIATION PURSUANT TO TITLE II OF S. CON. RES. 14,'' AS PASSED BY THE SENATE ON AUGUST 7, 2022 EXCLUDES THE EFFECT OF SUBTITLE C—AFFORDABLE CARE ACT SUBSIDIES

[Calendar Year 2025]

| Income Category[2] | Change in Federal Taxes[3] | | Federal Taxes[3] Under Present Law | | Federal Taxes[3] Under Proposal | | Average Tax Rate[4] Present Law | Average Tax Rate[4] Proposal |
|---|---|---|---|---|---|---|---|---|
| | Millions | Percent | Billions | Percent | Billions | Percent | Percent | Percent |
| Less than $10,000 | $51 | 1.4 | $3.6 | 0.1 | $3.7 | 0.1 | 6.5 | 6.6 |
| $10,000 to $20,000 | 41 | [5] | −2.0 | [6] | −2.0 | [6] | −0.8 | −0.7 |
| $20,000 to $30,000 | 86 | 0.4 | 23.7 | 0.6 | 23.7 | 0.6 | 4.5 | 4.5 |
| $30,000 to $40,000 | 120 | 0.2 | 51.5 | 1.3 | 51.6 | 1.3 | 7.7 | 7.8 |
| $40,000 to $50,000 | 146 | 0.2 | 74.9 | 1.8 | 75.1 | 1.8 | 10.4 | 10.4 |
| $50,000 to $75,000 | 457 | 0.2 | 266.7 | 6.5 | 267.1 | 6.5 | 13.0 | 13.1 |
| $75,000 to $100,000 | 523 | 0.2 | 294.6 | 7.2 | 295.1 | 7.2 | 15.8 | 15.8 |
| $100,000 to $200,000 | 2,030 | 0.2 | 1,046.2 | 25.6 | 1,048.3 | 25.6 | 19.1 | 19.2 |
| $200,000 to $500,000 | 2,227 | 0.2 | 1,031.9 | 25.2 | 1,034.2 | 25.2 | 24.1 | 24.2 |
| $500,000 to $1,000,000 | 774 | 0.2 | 379.4 | 9.3 | 380.2 | 9.3 | 28.7 | 28.7 |
| $1,000,000 and over | 1,617 | 0.2 | 924.0 | 22.6 | 925.6 | 22.6 | 30.5 | 30.5 |
| Total, All Taxpayers | 8,073 | 0.2 | 4,094.5 | 100.0 | 4,102.6 | 100.0 | 20.2 | 20.3 |

Source: Joint Committee on Taxation
Detail may not add to total due to rounding.
[1] This table is a distributional analysis of the proposals in revenue table JCX–18–22, except the following: Subtitle A: Part 3; Subtitle B; Subtitle C; and Subtitle D Part 3 items 1 and 2, Part 4 items 1 and 2. For an explanation of the distribution methodology used in this table, see JCX–15–12 and JCX–14–13.
[2] The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] workers' compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, [8] individual share of business taxes, and [9] excluded income of U.S. citizens living abroad. Categories are measured at 2021 levels.
[3] Federal taxes are equal to individual income tax (including the outlay portion of refundable credits), employment tax (attributed to employees), excise taxes (attributed to consumers), and corporate income taxes. The estimates of Federal taxes are preliminary and subject to change. Individuals who are dependents of other taxpayers and taxpayers with negative income are excluded from the analysis. Does not include indirect effects.
[4] The average tax rate is equal to Federal taxes described in footnote (3) divided by income described in footnote (2).
[5] For returns in the $10,000 to $20,000 income category, Federal taxes would decrease from −$1.996 billion to −$1.955 billion.
[6] Less than 0.05%.

DISTRIBUTIONAL EFFECTS OF SELECTED PROVISIONS FROM SUBTITLE A AND SUBTITLE D OF TITLE I—COMMITTEE ON FINANCE OF AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5376, ''AN ACT TO PROVIDE FOR RECONCILIATION PURSUANT TO TITLE II OF S. CON. RES. 14,'' AS PASSED BY THE SENATE ON AUGUST 7, 2022 EXCLUDES THE EFFECT OF SUBTITLE C—AFFORDABLE CARE ACT SUBSIDIES

[Calendar Year 2027]

| Income Category[2] | Change in Federal Taxes[3] | | Federal Taxes[3] Under Present Law | | Federal Taxes[3] Under Proposal | | Average Tax Rate[4] Present Law | Average Tax Rate[4] Proposal |
|---|---|---|---|---|---|---|---|---|
| | Millions | Percent | Millions | Percent | Millions | Percent | Percent | Percent |
| Less than $10,000 | $42 | 1.2 | $3.5 | 0.1 | $3.5 | 0.1 | 5.8 | 5.9 |
| $10,000 to $20,000 | 30 | [5] | −0.2 | [6] | −0.2 | [6] | −0.1 | −0.1 |
| $20,000 to $30,000 | 68 | 0.2 | 31.1 | 0.7 | 31.2 | 0.7 | 5.5 | 5.5 |
| $30,000 to $40,000. | 70 | 0.1 | 62.4 | 1.3 | 62.5 | 1.3 | 8.7 | 8.7 |
| $40,000 to $50,000 | 63 | 0.1 | 86.3 | 1.8 | 86.3 | 1.8 | 11.2 | 11.3 |
| $50,000 to $75,000 | 195 | 0.1 | 311.8 | 6.7 | 312.0 | 6.7 | 14.0 | 14.1 |
| $75,000 to $100,000 | 190 | 0.1 | 344.3 | 7.4 | 344.5 | 7.4 | 16.8 | 16.8 |
| $100,000 to $200,000 | 713 | 0.1 | 1,204.8 | 25.8 | 1,205.5 | 25.7 | 20.2 | 20.2 |
| $200,000 to $500,000 | 674 | 0.1 | 1,193.1 | 25.6 | 1,193.8 | 25.5 | 25.6 | 25.6 |
| $500,000 to $1,000,000 | 580 | 0.1 | 442.2 | 9.5 | 442.8 | 9.5 | 30.7 | 30.7 |
| $1,000,000 and over | 17,603 | 1.8 | 985.4 | 21.1 | 1,003.0 | 21.4 | 32.0 | 32.6 |
| Total, All Taxpayers | 20,228 | 0.4 | 4,664.7 | 100.0 | 4,684.9 | 100.0 | 21.4 | 21.5 |

Source: Joint Committee on Taxation
Detail may not add to total due to rounding.
[1] This table is a distributional analysis of the proposals in revenue table JCX–18–22, except the following: Subtitle A: Part 3; Subtitle B; Subtitle C; and Subtitle D: Part 3 items 1 and 2, Part 4 items 1 and 2. For an explanation of the distribution methodology used in this table, see JCX–15–12 and JCX–14–13.
[2] The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus: [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] workers' compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, [8] individual share of business taxes, and [9] excluded income of U S citizens living abroad. Categories are measured at 2021 levels.
[3] Federal taxes are equal to individual income tax (including the outlay portion of refundable credits), employment tax (attributed to employees), excise taxes (attributed to consumers), and corporate income taxes. The estimates of Federal taxes are preliminary and subject to change. Individuals who are dependents of other taxpayers and taxpayers with negative income are excluded from the analysis. Does not include indirect effects.
[4] The average tax rate is equal to Federal taxes described in footnote (3) divided by income described in footnote (2).
[5] For returns in the $10,000 to $20,000 income category, Federal taxes would increase from −$0.211 billion to −$0.181 billion.
[6] Less than 0.05%.

DISTRIBUTIONAL EFFECTS OF SELECTED PROVISIONS FROM SUBTITLE A AND SUBTITLE D OF TITLE I—COMMITTEE ON FINANCE OF AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R 5376, ''AN ACT TO PROVIDE FOR RECONCILIATION PURSUANT TO TITLE II OF S. CON. RES. 14,'' AS PASSED BY THE SENATE ON AUGUST 7, 2022 EXCLUDES THE EFFECT OF SUBTITLE C—AFFORDABLE CARE ACT SUBSIDIES

[Calendar Year 2029]

| Income Category[2] | Change in Federal Taxes[3] | | Federal Taxes[3] Under Present Law | | Federal Taxes[3] Under Proposal | | Average Tax Rate[3] Present Law | Average Tax Rate[3] Proposal |
|---|---|---|---|---|---|---|---|---|
| | Millions | Percent | Billions | Percent | Billions | Percent | Percent | Percent |
| Less than $10,000 | $29 | 1.4 | $2.1 | [5] | $2.1 | [5] | 2.7 | 2.7 |
| $10,000 to $20,000 | −20 | −1.7 | 1.2 | [5] | 1.1 | [5] | 0.3 | 0.3 |
| $20,000 to $30,000 | 17 | [5] | 44.3 | 0.9 | 44.4 | 0.9 | 6.2 | 6.2 |
| $30,000 to $40,000 | 25 | [5] | 76.6 | 1.5 | 76.6 | 1.5 | 9.1 | 9.2 |
| $40,000 to $50,000 | 28 | [5] | 111.4 | 2.2 | 111.5 | 2.2 | 12.0 | 12.0 |
| $50,000 to $75,000 | 67 | [5] | 376.9 | 7.5 | 376.9 | 7.5 | 14.5 | 14.5 |
| $75,000 to $100,000 | 39 | [5] | 399.7 | 8.0 | 399.7 | 8.0 | 17.2 | 17.2 |
| $100,000 to $200,000 | −7 | [5] | 1,346.1 | 26.9 | 1,346.1 | 26.9 | 20.5 | 20.5 |
| $200,000 to $500,000 | −371 | [5] | 1,225.0 | 24.5 | 1,224.6 | 24.5 | 26.2 | 26.2 |
| $500,000 to $1,000,000 | −435 | −0.1 | 441.7 | 8.8 | 441.2 | 8.8 | 30.7 | 30.7 |
| $1,000,000 and over | −1,908 | −0.2 | 980.6 | 19.6 | 978.7 | 19.6 | 31.8 | 31.8 |
| Total, All Taxpayers | −2,536 | −0.1 | 5,005.5 | 100.0 | 5,003.0 | 100.0 | 21.2 | 21.2 |

Source: Joint Committee on Taxation.
Detail may not add to total due to rounding.
[1] This table is a distributional analysis of the proposals in revenue table JCX–18–22, except the following: Subtitle A: Part 3; Subtitle B; Subtitle C; and Subtitle D Part 3 items 1 and 2, Part 4 items 1 and 2. For an explanation of the distribution methodology used in this table, see JCX–15–12 and JCX–14–13.
[2] The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] workers' compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, [8] individual share of business taxes, and [9] excluded income of U.S. citizens living abroad. Categories are measured at 2021 levels.
[3] Federal taxes are equal to individual income tax (including the outlay portion of refundable credits), employment tax (attributed to employees), excise taxes (attributed to consumers), and corporate income taxes. The estimates of Federal taxes are preliminary and subject to change. Individuals who are dependents of other taxpayers and taxpayers with negative income are excluded from the analysis. Does not include indirect effects.
[4] The average tax rate is equal to Federal taxes described in footnote (3) divided by income described in footnote (2).
[5] Less than 0.05%.

DISTRIBUTIONAL EFFECTS OF SELECTED PROVISIONS FROM SUBTITLE A AND SUBTITLE D OF TITLE I—COMMITTEE ON FINANCE OF AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H R. 5376, ''AN ACT TO PROVIDE FOR RECONCILIATION PURSUANT TO TITLE II OF S. CON RES 14,'' AS PASSED BY THE SENATE ON AUGUST 7, 2022 EXCLUDES THE EFFECT OF SUBTITLE C—AFFORDABLE CARE ACT SUBSIDIES

[Calendar Year 2031]

| Income Category[2] | Change in Federal Taxes[3] | | Federal Taxes[3] Under Present Law | | Federal Taxes[3] Under Proposal | | Average Tax Rate[4] Present Law | Proposal |
|---|---|---|---|---|---|---|---|---|
| | Millions | Percent | Billions | Percent | Billions | Percent | Percent | Percent |
| Less than $10,000 | $23 | 1.0 | $2.4 | (6) | $2.4 | (6) | 3.2 | 3.2 |
| $10,000 to $20,000 | −35 | (5) | −1.3 | (6) | −1.3 | (6) | −0.4 | −0.4 |
| $20,000 to $30,000 | 7 | (6) | 38.3 | 0.7 | 38.3 | 0.7 | 5.7 | 5.7 |
| $30,000 to $40,000 | 16 | (6) | 72.0 | 1.3 | 72.1 | 1.3 | 8.6 | 8.6 |
| $40,000 to $50,000 | 20 | (6) | 99.1 | 1.8 | 99.2 | 1.8 | 11.1 | 11.1 |
| $50,000 to $75,000 | 34 | (6) | 366.2 | 6.8 | 366.2 | 6.8 | 14.0 | 14.0 |
| $75,000 to $100,000 | −7 | (6) | 413.7 | 7.7 | 413.7 | 7.7 | 16.7 | 16.7 |
| $100,000 to $200,000 | −233 | (6) | 1,409.8 | 26.2 | 1,409.6 | 26.3 | 19.9 | 19.9 |
| $200,000 to $500,000 | −723 | −0.1 | 1,399.2 | 26.0 | 1,398.4 | 26.1 | 25.5 | 25.5 |
| $500,000 to $1,000,000 | −644 | −0.1 | 514.1 | 9.6 | 513.5 | 9.6 | 30.5 | 30.5 |
| $1,000,000 and over | −2,493 | −0.2 | 1,058.4 | 19.7 | 1,055.9 | 19.7 | 31.7 | 31.6 |
| Total, All Taxpayers | −4,036 | −0.1 | 5,371.9 | 100.0 | 5,367.9 | 100.0 | 21.1 | 21.1 |

Source: Joint Committee on Taxation.
Detail may not add to total due to rounding.
[1] This table is a distributional analysis of the proposals in revenue table JCX 0918 0922, except the following: Subtitle A: Part 3, Part 4 and Part 5; Subtitle B; and Subtitle D: Part 3 items 1 and 2, Part 4 items 1 and 2. For an explanation of the distribution methodology used in this table, see JCX 0915 0912 and JCX 0914 0913.
[2] The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] workers' compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, [8] individual share of business taxes, and [9] excluded income of U S citizens living abroad Categories are measured at 2021 levels.
[3] Federal taxes are equal to individual income tax (including the outlay portion of refundable credits), employment tax (attributed to employees), excise taxes (attributed to consumers), and corporate income taxes The estimates of Federal taxes are preliminary and subject to change Individuals who are dependents of other taxpayers and taxpayers with negative income are excluded from the analysis. Does not include indirect effects.
[4] The average tax rate is equal to Federal taxes described in footnote (3) divided by income described in footnote (2).
[5] For returns in the $10,000 to $20,000 income category, Federal taxes would decrease from −$1.299 billion to −$1.334 billion.
[6] Less than 0.05%.

PROVISIONS FROM JCX–18–22 INCLUDED IN DISTRIBUTION TABLE #D–16–22

SUBTITLE A—DEFICIT REDUCTION

Part 1—Corporate Tax Reform—Corporate alternative minimum tax

Part 2—Excise Tax on Repurchase of Corporate Stock

SUBTITLE D—ENERGY SECURITY

Part 1—Clean Electricity and Reducing Carbon Emissions

1. Extension and modification of credit for electricity produced from certain renewable resources (sunset 12/31/24)
2. Extension and modification of energy credit (sunset 12/31/24)
3. Increase in energy credit for solar facilities placed in service in connection with low-income communities
4. Extension and modification of credit for carbon oxide sequestration (sunset 12/31/24)
5. Zero-emission nuclear power production credit

Part 2—Clean Fuels

1. Extension of incentives for biodiesel, renewable diesel and alternative fuels (sunset 12/31/24)
2. Extension of second generation biofuel incentives (sunset 12/31/24)
3. Sustainable aviation fuel credit (sunset 12/31/24)
4. Credit for production of clean hydrogen (sunset 12/31/24)

Part 3—Green Energy and Efficiency Incentives for Individuals

3. Energy efficient commercial buildings deduction
4. Extension, increase, and modifications of new energy efficient home credit (sunset 12/31/32)

Part 4—Clean Vehicles

3. Qualified commercial electric vehicles (sunset 12/31/32)
4. Alternative fuel refueling property credit (sunset 12/31/32)

Part 5—Investment in Clean Energy Manufacturing and Energy Security

1. Extension of the advanced energy project credit
2. Advanced manufacturing production credit (sunset 12/31/32)

Part 6—Reinstatement of Superfund

Part 7—Incentives for Clean Electricity and Clean Transportation

1. Clean electricity production credit
2. Clean electricity investment credit
3. Cost recovery for qualified facilities, qualified property, and energy storage technology
4. Clean fuel production credit (sunset 12/31/27)

Part 8—Credit Monetization and Appropriations—Elective Payment for Energy Property and Electricity Produced from Certain Renewable Resources, etc., and Transfer of Credits

Part 9—Other Provisions

1. Permanent extension of tax rate to fund Black Lung Disability Trust Fund
2. Increase in research credit against payroll tax for small businesses
3. Limitation on excess business losses of noncorporate taxpayers extended for two years

[1] The analysis does not include the effects of the policy on employer sponsored health insurance premiums, the employer mandate penalties, or small business health insurance tax credits. Also the analysis does not include the effects of spending under Subtitle C estimated by Congressional Budget Office.

Mr. SMITH of Missouri. Mr. Speaker, I yield 1 minute to the good gentleman from Pennsylvania (Mr. MEUSER).

Mr. MEUSER. Mr. Speaker, the American people are sick and tired of runaway government promises of how excessive spending, tax increases, and Green New Deal special interest investments are somehow going to make their lives better and reduce inflation.

Yet, we are here today in this Chamber to raise taxes on the American people, hire 87,000 new IRS auditors forever more, Mr. Speaker, and pass over a half trillion dollars in new government spending, all in the name of the Inflation Reduction Act.

Mr. Speaker, is this some sort of joke? Do we actually think that the American people believe that? Well, they don't.

By the way, regarding the $400,000 less won't get taxed, if a pass-through business makes $400K and the partners pay themselves $100,000 each, they will fall under the audit initiative by the IRS.

As well, the projections for IRS hiring do not count only taxing those over $400K, so the whole thing was made up to make it sound better than it is.

Mr. Speaker, I urge a ''no'' vote.

Mr. YARMUTH. Mr. Speaker, I yield 1½ minutes to the gentleman from Nevada (Mr. HORSFORD), a distinguished member of the Budget Committee.

Mr. HORSFORD. Mr. Speaker, I will cast my vote today to lower the cost of prescription drugs, tackle the climate crisis, and make big corporations pay their fair share in taxes while putting people over politics.

Mr. Speaker, my colleagues on the other side of the aisle love to rant about fiscal responsibility, but the facts are clear: Every time a Republican President and congressional majority collude for their corporate friends and the rich elite, our deficits soar. So, it is up to Democrats to clean up that mess.

This Inflation Reduction Act is a historic downpayment on deficit reduction of approximately $300 billion to fight inflation.

For years, Nevadans have seen their cost of living rise, while my Republican colleagues across the aisle have focused on giving away tax cuts for the wealthy. Well, today, we vote for seniors, in my district and across America, who want one thing from Congress right now, and that is to lower prescription drug prices.

Today, we will cast our votes to pass the Inflation Reduction Act because it includes an important provision to cap out-of-pocket drug costs at $2,000 per senior and to cap insulin costs at $35 a month for seniors and individuals with disabilities.

Finally, the Inflation Reduction Act includes a historic step to combat the climate crisis, including $4 billion to States like Nevada to combat the effects of the two-decades-long Western drought.

Mr. Speaker, I urge this body to pass this legislation for the people, putting people over politics.

Mr. SMITH of Missouri. Mr. Speaker, I would like to point out to the gentleman from Nevada that since Joe Biden has taken the oath of office, his reckless spending has led to an inflation crisis that has cost his families in Nevada $9,700 per family.

Mr. Speaker, I yield 1 minute to the great gentleman from Ohio (Mr. CAREY).

Mr. CAREY. Mr. Speaker, Americans are in the midst of a recession and the worst inflation in over 40 years, yet my friends across the aisle are set to pass a $745 billion spending bill that will raise taxes, fund the Green New Deal initiatives, and hire 87,000 IRS agents to target Americans—all this while doing nothing to reduce inflation and adding over $146 billion in debt.

Now, they say it won't raise taxes on people making less than $400,000, but the Joint Committee on Taxation has said at least half of all new tax revenue raised will come from those earning under $400,000.

Probably the biggest thing for me is the 87,000 new IRS agents. To folks back in Ohio, I just want to put this in a way that you can understand. That is 10,000 more people than live in the city of Parma. That is 17,000 more people that live in the city of Canton, 23,000 more than in Youngstown.

This is not the Inflation Reduction Act. This is the audit America act.

□ 1300

Mr. YARMUTH. Mr. Speaker, I want to respond one more time to these claims about 87,000 new IRS agents. The IRS has never made any announcement about plans to hire any number of agents. The Washington Post fact-checker has actually given that claim three Pinocchios. Again, these are Republicans making it up to scare the American people.

Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Ms. SPANBERGER), a distinguished member of the Committee on Agriculture.

Ms. SPANBERGER. Mr. Speaker, today, I am so proud to rise in support of the Inflation Reduction Act.

As chair of the Subcommittee on Conservation and Forestry, I am excited that this bill includes dedicated funding to further the role of Virginia's crop and livestock producers in our work to protect our planet.

Farmers are the original conservationists, and their expertise cannot be ignored if we are going to meet our shared climate goals while also bringing greater investments to rural America, strengthening our farmers' bottom lines, and lowering the cost of inputs.

We can make investments in our Nation's producers by investing in existing voluntary conservation programs at USDA, and that is what this legislation does.

I am proud that the conservation provisions in this bill reflect multiple pieces of legislation that I have championed to make possible, including my bipartisan REAP Improvement Act.

These provisions include stronger investments in the Rural Energy for America Program, or REAP, and support our conservation workforce and our Natural Resources Conservation Service. These are smart investments for the bottom lines of our farmers.

Mr. SMITH of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. JONES), a distinguished member of the Committee on the Judiciary.

Mr. JONES. Mr. Speaker, I am so proud to be standing here today in this Chamber as we make history for the American people.

Democrats fought so hard for so long to get to this moment. Even when faced with what many described as insurmountable odds, we kept at it. We never gave up. We never relented in our advocacy. We said we wanted to get back to the negotiating table and that we wanted to start with climate.

Now, we will make the biggest climate investment this Nation has ever seen, while creating millions of good-paying jobs. The stakes of the climate crisis could not be higher, especially for low-income communities and communities of color around the country, who are always the hardest hit.

This legislation is also for my grandmother, Alice Jones, who worked well past the age of retirement just to pay for the high cost of prescription drugs and medical procedures not fully covered by Medicare, as we know. Today, we will also lower prescription drug prices for our seniors.

This is why I ran for Congress. This is government working for the people. This is Democrats delivering on our promises.

Mr. SMITH of Missouri. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. OBERNOLTE).

Mr. OBERNOLTE. Madam Speaker, new data from the Department of Labor released this week indicates that inflation in America remains at a 40-year high.

Numerous studies, including one by the San Francisco branch of our Federal Reserve Bank, indicate that the reason why Americans disproportionately are suffering from this inflation is reckless levels of deficit spending by our Federal Government.

Only the United States Congress could respond to the situation with a bill that increases Federal spending by over $700 billion at the same time it increases taxes on Americans.

To add insult to injury, our own Congressional Budget Office, as well as the University of Pennsylvania Wharton School of Business, and hundreds of economists, tell us that this bill, the so-called Inflation Reduction Act, will not actually reduce inflation at all.

We need to get our fiscal house in order and solve the reckless spending that is causing this inflation instead of taking action that makes the situation even worse. I urge a ''no'' vote.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from North Carolina (Ms. ROSS), a distinguished member of the Committee on the Judiciary.

Ms. ROSS. Madam Speaker, I rise to support the Inflation Reduction Act.

This bill is a monumental achievement that will move America forward, making important advances in everything from healthcare costs to energy prices to tax fairness.

Coming from North Carolina, a State battered with increasing regularity by catastrophic storms, I am especially proud that this act represents the most significant investment to combat climate change in U.S. history.

I am also pleased that this bill includes a measure that I have championed, which will end the prior moratorium on offshore wind. The Trump administration basically banned North Carolina from taking advantage of industrial-scale offshore wind. Our utilities support it, it is good for our economy, and it is good for our environment. This is an important, game-changing bill.

Mr. SMITH of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CLYDE), who definitely has experience with the IRS.

Mr. CLYDE. Madam Speaker, despite the White House's politically motivated propaganda that claims our economy is in a transition with zero percent inflation, the reality is we are facing an economic recession and continue to battle 40-year high inflation.

As millions of Americans struggle to buy groceries, fill up their gas tanks, afford rent, and pay utility bills, Democrats are ramming through their tax-and-spend bill that will only make life worse.

Now, I know the left can't quite grasp the basics of high school biology, but it appears that they also need a lesson on the fundamentals of economics and basic math.

But I don't think they are interested in their much-needed schooling because their actions are intentional. Time and time again, the left proves their priorities lie with Big Government socialism, not the American people. Through increased IRS audits, they are willing to demolish any small business, worker, or family that gets in their way.

Madam Speaker, I urge all my colleagues to reject fueling inflation and reject tax hikes during a recession by voting ''no'' on Democrats' build back broke bill.

Mr. YARMUTH. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. ROY).

Mr. ROY. Madam Speaker, my Democratic colleagues own this bill. Let's be clear:

Tax increases for the average American, check.

$80 billion to the Internal Revenue Service to go after those Americans, to hire agents, jobs already posted, check.

Increased electricity prices, increased gas prices, tilted windmills with your unicorn energy policies, check.

Increased government and corporate control of healthcare, check.

I hear my colleagues talking about, ''Oh, we are going to go after pharma.'' Well, what did the CDC say yesterday?

Don't worry about all of those mandates, don't worry about all of those vaccines, and don't worry about all the quarantines. Sorry, pox on us.

But my colleagues now today are going to dump hundreds of billions of dollars into corporate America, screwing over the American people every single day with tax audits, increased energy prices, and increased taxes.

Congratulations. Take that to the polls.

Mr. YARMUTH. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Missouri. Madam Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore (Ms. UNDERWOOD). The gentleman from Missouri has 1 minute remaining.

Mr. SMITH of Missouri. Madam Speaker, I yield myself such time as I may consume.

The solution to the inflation crisis that the Democrats have set forward is to spend hundreds of billions of more dollars and to tax all hardworking Americans once again.

You cannot spend your way out of inflation, and you cannot tax your way out of recession. But that is the recipe that the one-party, Democrat rule in Washington, D.C., has suggested for the hardworking Americans who are barely surviving to put food on their table, clothes on their backs, and gasoline in their cars.

I will point out to the chairman that his President's budget outlined an additional $80 billion for the IRS. Highlighted in that budget he wanted 87,000 IRS agents. That is where the number is coming from, from your President, who provided a budget.

I know in the Budget Committee, we have never had a hearing on budget for the last 3½ years. That is probably why you didn't know 87,000 auditors were in the President's budget.

Madam Speaker, I yield back the balance of my time.

Mr. YARMUTH. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I want to remind my Republican colleagues and the American people, once again, what Republicans will be voting against today.

They will be voting against cutting prescription drug prices for their constituents. They will be voting against combating inflation and lowering energy costs. They will be voting against the largest Federal investment in dealing with climate crisis in the history of this country.

I cannot believe that I still heard from the other side today the hoax comment, that climate change is a hoax. You would think that as we watch what is going on in the world, while I watch what is going on in my State, when my citizens in eastern Kentucky were devastated by historic floods, when my citizens in western Kentucky were devastated by historic tornadoes, all of which scientists have said were exacerbated by climate change, that there are still people who deny that climate change exists.

But for the first time in this country, we will show true leadership to the world, that we are taking action, and we are going to lead the world in combating climate change.

The gentleman from Texas said Democrats own this bill. Yes, we do. Proud of it. I don't know one member of the Democratic Caucus who is not thrilled to death today that we are doing what we are doing, because the vast majority of the American people support what we are doing. The vast majority of the American people want us to cap out-of-pocket expenses for seniors for their medications at $2,000.

Republicans say no. They are going to vote against that. They are going to vote against a cap of a $35 copay for insulin. Tens of millions of Americans will benefit from that.

We know that five former Secretaries of the Treasury from both Democratic and Republican administrations, 126 of our Nation's top economists, including seven Nobel Laureates, support the Inflation Reduction Act.

On other side, we have Big Pharma, corporate lobbyists, tax cheats, and congressional Republicans.

This debate has made clearer than ever that Democrats are working to make life better for the American people while Republicans just don't care. It is as simple as it is harsh.

This legislation is important, historic, and a significant win for American families and for the planet.

I will be voting ''yes'' on the Inflation Reduction Act, and soon we will be sending it to President Biden's desk to be signed into law. I know he will be proud to do that as well.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. NEAL) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. NEAL. Madam Speaker, I yield myself such time as I may consume.

As we begin the proceeding here on the Ways and Means portion of the legislation, I want to begin by calling attention to the untimely and tragic loss of our colleague, Jackie Walorski, and two members of her staff.

Jackie was a force on the committee, as well as the ranking member of the Subcommittee on Worker and Family Support. She led with deep commitment to children and families and was well regarded as a member of the community, a real humanitarian.

You couldn't miss her bright smile or her booming laugh. She embodied what it meant to serve.

When she called me ''Mr. Chairman,'' as she always did in the hallway, loudly, with a booming voice, I know she meant it.

We were all lucky to have had her as a colleague and even luckier to be able to call her a friend.

The families and loved ones of Congresswoman Walorski, Emma Thomson, and Zachery Potts remain in our thoughts and prayers. May they rest in peace, as valued Members of the Ways and Means family.

Madam Speaker, I rise in full support of the Inflation Reduction Act. I look forward, as I have in the past, to this moment, reciting the wisdom that is often referenced by me, because the words come from another son of Massachusetts, Mr. Webster.

Over the Speaker's rostrum that adorns this marvelous institution, which I love, the quote is simple: ''Let us develop the resources of our land, call forth its powers, build up its institutions, and promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.''

The Inflation Reduction Act is something worthy of being remembered. This is substantive and transformative legislation, a reminder to all that in the legislative life and its rhythms, we generally pursue perfection but accept the possible. Part of that is what we are marking at this moment.

This is a historic win for family pocketbooks, for Americans' health, and for the future of climate security. We fund these gains by ensuring that large, profitable companies pay their fair share, just like all members of the American family are asked to do.

□ 1315

The Inflation Reduction Act will lower costs. For the first time, Medicare will negotiate drug prices, and there will be a cap on what comes out of seniors' pockets for their lifesaving prescriptions. No more rationing or forgoing necessary medicines.

We are lowering healthcare costs for millions of low-income and middle-income Americans by extending the Affordable Care Act's premium tax credit enhancements through 2025.

Let me give you a statistic that is compelling. Madam Speaker, 100 percent of the children in Massachusetts have health insurance, and 97 percent of the adults in Massachusetts have health insurance. It polls extraordinarily well in terms of its success ratios because we decided—labor, business, Democrat, and Republican—to make it work, and we did.

These enhanced premium credits, first enacted by the American Rescue Plan, have made way for record-low uninsured rates that have put hundreds of dollars back into the pockets of low- and middle-income Americans.

This legislation will also make the largest investment in tackling climate

change that our Nation has ever witnessed. The investments in clean energy, energy efficiency, and clean manufacturing will generate 9 million good-paying jobs.

These historic wins are achieved with sensible and responsible multiyear investments in the IRS.

I have been a member of the Ways and Means Committee, Madam Speaker, for 30 years. Let me give our friends an interesting statistic about the American family. We have the highest voluntary compliance rate in the world. Eighty-six percent of the American people pay their taxes. This idea that we are creating 87,000 armed representatives of the Federal Government to go out and harass the American people is nonsensical. Retirements alone are going to require a substantive investment. The IRS has fewer than 20 percent of the employees that it once did.

What is important to remember here is this: We want to make sure with this investment in the IRS that we continue to have a high voluntary compliance rate and also to invest in the necessary technology that will allow the modeling to make sure compliance remains with us, as well.

These are historical investments and achievements, and they also are going to continue our quest on the Democratic side here for an element of tax fairness that will hold people at the very top as responsible as the other side likes to hold people who receive the EITC tax credit in terms of their request for audits. We do this simply by asking the most powerful among us to pay their fair share. This is what a full and fair tax administration is about.

The American people have been through an unthinkable hardship over the last 2½ years, but they entrusted Joe Biden and congressional Democrats to keep them safe and to rebuild our economy.

Here is a fact: On March 11, 2020, Dr. Fauci gave his warning. He warned us of what was coming. In April 2020, America had lost 22 million jobs. Here we are, 2 years later, in the Biden administration, and every job has been returned. There are 10.6 million jobs that go unanswered right now in the American economy.

We have bounced back faster than we imagined. Not only have all these jobs been returned, but for 51 straight days, gasoline prices have fallen.

That is an issue about supply and demand, by the way. It is about international events, including the Russian invasion of Ukraine and supply chains across the world. Those chains that I have just referenced have been shored up, and retailers are starting to realistically address some speculation as it relates to price.

Democrats shouldn't be asked to do this alone, but we are being asked to do it today alone.

We are going to hear a lot of Washington talk from folks on the other side that want to address the politics of the situation rather than cap the cost of insulin for their constituents. They want to protect the pocketbooks of those who would raise prescription drug prices unnecessarily and cut costs for workers and their families, which we intend to do.

You are going to hear a lot of spin on this bill that has received a lot of endorsements, even from bipartisan former Treasury Secretaries, but that is because the opponents are out of options.

The Inflation Reduction Act sets our Nation on a healthier, fairer, and more prosperous path. We have heard the calls of the American people, and with the Inflation Reduction Act, we continue to win this moment for them in its totality.

Madam Speaker, I urge our colleagues to support this legislation, and I reserve the balance of my time.

Mr. BRADY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join Chairman NEAL in expressing our heartbreak and sorrow in losing Congresswoman Jackie Walorski, our colleague, as well as Zachery and Emma. She was so proud of her Team Walorski folks.

The truth of the matter is, Jackie lit up every room she was in with her passion and her brilliance and her friendship and warmness. There is no question she could do everything. She was all in on everything and worked hard to find common ground wherever she could.

Last week was a shocking week and a week to mourn. This week is a time to celebrate Jackie, her legacy, and her life.

Sadly, this massive Senate bill, drawn in secret, stuffed with government checks to the wealthy and favored interests, and rushed through Congress is a hoax on the American people. It fails to reduce inflation, fails to reduce the budget deficit, and fails to reduce the world's temperature.

Who in their right mind raises taxes in a recession? The answer is only President Biden and his supporters in Congress who bungled this economic recovery think that is a good idea. You remember them. They told you they would defeat COVID, that inflation was a rich person's problem, that their $2 trillion spending spree last spring would strengthen the economy.

Instead, what did their promises deliver? The worst inflation in 40 years, a recession, and a crippling worker shortage that continues to hammer Main Street businesses.

Today, we have a shrinking economy, shrinking paychecks, and a shrinking workforce. Families are skipping meals, running up credit card debt to pay for daily essentials, delaying retirement, and struggling to afford gas just to drive to work. Yet, Democrats today insist inflation doesn't even exist. They say it is zero.

The truth is, most Americans have lost confidence in President Biden's failed handling of the economy. By contrast, the majority of the jobs in the COVID recovery came under President Trump, and under Republican leadership, paychecks grew twice as fast as prices. The economy was surging, not shrinking like it is today, and 600,000 more Americans were working than today under this unpopular White House.

Why would you trust the same Democrats responsible for this cruel economy with another of their misguided spending bills?

While other countries are lowering taxes to fight inflation, Democrats imposed over $350 billion in taxes that land on local manufacturers that build right here in America. It will kill jobs, slow the economy, and raise prices even higher.

Small businesses, which hire nearly half of all workers in America, get hammered with $50 billion in new taxes.

Senior citizens and savers will bear the impact of $74 billion in new taxes that punish companies from investing in their stock value.

All these taxes will hurt the economy, drive inflation further, and harm workers' paychecks, according to the independent Tax Foundation.

Democrats promise that no American will ''see a penny'' of tax hikes, yet Congress' own budget office debunks that claim, confirming the largest burden of higher taxes will come from middle-class families starting next year.

President Biden is violating his own pledge not to raise taxes on middle-class Americans. He is denying that truth.

Yesterday, House Democrats insisted there are no new IRS agents funded in this bill. Read their lips: No new IRS agents. They say it is all fearmongering, and they are just hiring replacements.

Unfortunately, the fact is the IRS budget already budgets for those who are leaving through attrition, and the Treasury Department itself outlines the next decade of adding 87,000 new IRS agents. That is what this bill unleashes.

In fact, the Congressional Budget Office reports ''audit rates will increase for every income level,'' that almost 90 percent of unreported tax income comes from who? The middle class.

How will Democrats collect $204 billion in more taxes? With thousands of new agents targeting what I would call Walmart shoppers. You know them. They are real, hardworking American families. They are my constituents. They are my neighbors in my district. They are living paycheck to paycheck, struggling with inflation and higher gas prices. They will be hit with over 700,000 new audits, thanks to a skyrocketing surge in IRS agents.

Maybe that is why Democrats blocked any language in the Senate that protects Walmart shoppers and other value-shopping families against

these new IRS audits. But, man, this bill, they love the wealthy. If the Green New Deal and corporate welfare had a baby, it would look like this. Nearly one-quarter of a trillion dollars in Green New Deal subsidies, government handouts, go to the wealthy and to the biggest, most successful businesses in America.

Look at this: A single working mom will pay higher taxes so they can be sent in a government check to wealthy investors and massive corporations. A yardman will send his taxes in a government check to the very well-to-do family whose lawn he is cutting so they can splurge on an $80,000 luxury electric vehicle.

Incredibly, to fund all these government handouts, every Senate Democrat and the Vice President chose to impose higher taxes on small businesses so that millionaires and billionaires would be protected from higher State and local taxes.

Everyone facing devastating diseases like cancer, Alzheimer's, ALS, and Parkinson's will pay a deadly price.

This crazy bill increases the cost of healthcare and medicines and kills new lifesaving cures while providing ObamaCare subsidies for the wealthy and those choosing not to return to work, making the worker shortage harsher.

Congress' nonpartisan scorekeeper, the Penn Wharton School of Business, and the University of Chicago all confirm the government price-fixing scheme could be a death sentence for patients, raising the costs of new drugs, crushing innovation, and killing hundreds of cures.

Higher taxes, harassing IRS audits on our Walmart shoppers, no relief from inflation, all as America battles a recession.

Let me ask again: Do you really trust the same President and Democrats who drove this economy into recession and drove prices sky high with yet another spending spree?

Madam Speaker, I strongly urge my colleagues to vote ''no'' on this bill, and I reserve the balance of my time.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the very accomplished gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Speaker, I start by echoing the sentiments that both the chairman and the ranking member had about Jackie Walorski and how deeply we all feel for her and her family and the staff members who were lost.

I congratulate Mr. NEAL and also members of this committee, most notably Mr. THOMPSON and Mr. BLUMENAUER, as well, for their work on climate change and for their work throughout this period of putting forward consequential legislation. I say ''consequential'' in the time I am allotted because I want to talk and focus specifically on some of these claims.

I hope the American people are listening. You don't bring about change by appealing to the sum total of the fears of the American people. You bring about change aspirationally and by doing something constructive and putting forward legislation as opposed to putting forward the collective fears of a nation and hoping that you might be able to exploit those fears for political gain.

The myth that there are 87,000 IRS agents, even Trump's former person rejects that. It is nonsense, as Mr. NEAL has pointed out.

What matters to people is when you help them directly, like Rod Yearwood in West Hartford, Connecticut, who is paying $1,400 a month for his insurance, but now, under this bill, is paying $20 a month. The real savings he gets from that allows him to provide for a college education for his children. Aspiration.

□ 1330

Mr. BRADY. Madam Speaker, I include in the RECORD Page 16 of the Department of the Treasury's tax compliance plan, which shows the agency intends to hire 87,000 new IRS employees.

RESTORING IRS RESOURCES

The first step in the President's efforts to restore IRS enforcement capability is a sustained, multi-year commitment to rebuilding the IRS. This involves spending nearly $80 billion on IRS priorities over the course of the decade including hiring new specialized enforcement staff, modernizing antiquated information technology, and investing in meaningful taxpayer service—including the implementation of the newly expanded credits aimed at providing support to American families. Importantly, the additional resources will go toward enforcement against those with the highest incomes, and audit rates will not rise relative to recent years for those earning less than $400,000 in actual income.

The President's proposal includes two components: a dedicated stream of mandatory funds ($72.5 billion over a decade) and a program integrity allocation ($6.7 billion over a decade). These mechanisms provide for a sustained, multi-year commitment to revitalizing the IRS that will give the agency the certainty it needs to rebuild.

The IRS proposal includes year-by-year estimates of the additional resources that will be directed toward the agency as well as the specific activities that these resources would support. The design ensures that the IRS is able to absorb and usefully deploy additional resources over the entire 10-year horizon and keeps budget growth manageable at around 10 percent per year.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. HERN).

Mr. HERN. I rise today in strong opposition to the bill before us today.

Never in our history has the Federal Government responded to a recession by raising taxes on Americans. It is simply unthinkable.

Nearly everything our colleagues across the aisle have said about this bill has been proven false. I have noticed they have stopped calling it the inflation legislation because they know it is not true. They are hailing it as a climate and tax plan. I will give them that because this legislation will raise American taxes and give that money to handpicked socialist green companies. I wouldn't be proud of that if I were them.

What this bill will absolutely do is not reduce inflation. In fact, even liberal economists are warning it will do the exact opposite.

Just today, 56 percent of Democrats and 91 percent of Independents are now gravely concerned with the direction of our economy. I have received thousands of phone calls, text messages, and emails from my constituents over the last week pleading with me to stop this bill from passing. They understand what half of this Chamber does not.

When the Federal Government spends more, American families have less. I find nothing redeemable in this legislation and, therefore, I urge my colleagues to vote a resounding ''no.''

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), who has had a profound influence on the renewable energy part of this legislation.

Mr. BLUMENAUER. Madam Speaker, I thank the chairman, and I appreciate his leadership and his courtesy.

Madam Speaker, this legislative package is something that refuses to die. It will reduce inflation, lower energy costs, and lower the cost of prescription drugs. But it is not just about inflation, it is about addressing the climate crisis and the crisis of confidence in government.

Last week, President Biden met with some of the foremost experts on the Presidency and American democracy to better understand the critical state that we are now in with the future of our democracy and how we avoid its destruction.

We have our moment of making American history now. It is our moment for the future of our planet, for our children and grandchildren, and ourselves.

I am pleased to have worked for over a decade on these provisions dealing with green energy, investment tax credits, energy efficiency in commercial buildings, and legislation to make polluters pay by reinstating the Superfund tax.

Seniors and working families will see significant savings by allowing Medicare to negotiate drug prices and capping the monthly cost of prescriptions, something the Republicans made illegal in 2004.

And critically, it takes steps to restore the ability of the IRS to function, closing the $400 billion tax gap and not making the American public pay for poor customer service because of their mindless attack on this important institution.

Because the Inflation Reduction Act represents more than the sum of these individual provisions, it is proof that our system works and that the United States has the capacity to solve our most pressing challenges in the years ahead just when we need it most.

Mr. BRADY. Madam Speaker, I include in the RECORD a CBO letter,

which confirms the Affordable Care Act subsidies will boost inflation and reduce the incentive for people to work.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, August 4, 2022.*

Re Economic Analysis of Budget Reconciliation Legislation

Hon. LINDSEY GRAHAM,
*Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR SENATOR: Yesterday, the Congressional Budget Office published a cost estimate for H.R. 5376, the Inflation Reduction Act of 2022, which is the latest version of the reconciliation legislation in the Senate.[1] This letter provides answers to four questions you asked related to that bill and broader economic conditions.

IS THE UNITED STATES CURRENTLY IN A RECESSION?

The U.S. economy shows signs of slowing, but whether the economy is currently in a recession is difficult to say. It is possible that, in retrospect, it will become apparent that the economy moved into recession sometime this year. However, that is not clear from data that were available at the beginning of August. Some key metrics indicate a decline in economic activity as the first half of this year progressed, whereas others indicate continued growth, though generally at a slower rate than previously.

Real gross domestic product (that is, GDP adjusted to remove the effects of inflation) and industrial production have both declined. In particular, real GDP declined by an average of 1.25 percent (at an annual rate) in the first two quarters of 2022. Industrial production grew from January to April, was essentially unchanged in May, and then declined in June.

Other key indicators of economic activity have continued to increase in the first half of 2022, though generally at a slower rate than they had previously. For instance, real gross domestic income (GDI) increased at an annual rate of 1.8 percent in the first quarter of 2022 after growing by an average rate of 6.3 percent in the second half of 2021.[2] (Second-quarter data for GDI are not yet available.) Real personal income minus transfer payments to people by federal, state, and local governments grew at an average annual rate of 0.5 percent in the first half of 2022 versus 3.1 percent in the second half of 2021. And real personal consumption expenditures grew at an average annual rate of 1.4 percent in the first half of 2022 (with somewhat slower growth in the second quarter than in the first), compared with 2.2 percent in the second half of 2021. One reason for the deceleration in personal consumption expenditures is higher inflation, which has eroded consumers' purchasing power. Another reason is that real disposable personal income has declined in the first half of 2022. Savings accumulated during the coronavirus pandemic, including from transfer payments, have continued to support consumption.

The labor market remains tight, with low unemployment and elevated job vacancies, but both measures have softened in recent months. Net gains in nonfarm payroll employment averaged 375,000 jobs per month in the second quarter of 2022 compared with 539,000 jobs, on net, added per month in the first quarter and 590,000 jobs, on net, added per month in the second half of 2021. In June 2022, the unemployment rate was 3.6 percent (unchanged since March and near its prepandemic low) and there were about 1.8 job vacancies for every unemployed worker (one of the highest readings in the near 22-year history of this series though down from its highest level of 2.0 in March).

HOW WOULD ENACTING THE BILL AFFECT INFLATION IN 2022 AND 2023?

In calendar year 2022, enacting the bill would have a negligible effect on inflation, in CBO's assessment. In calendar year 2023, inflation would probably be between 0.1 percentage point lower and 0.1 percentage point higher under the bill than it would be under current law, CBO estimates. That range of likely outcomes reflects uncertainty about how various provisions of the bill would affect overall demand and output, the supply of labor, the persistence of disruptions in the supply of goods and services, and how the Federal Reserve would respond to offset any increase in inflationary pressure. Responsiveness to the enhancement of health insurance subsidies established by the Affordable Care Act is the most important factor boosting inflationary pressure, and responsiveness to the new alternative minimum tax on corporations is the most important factor reducing inflationary pressure. The range applies to multiple measures of inflation: the GDP price index, the personal consumption expenditures price index, and the consumer price index for all urban consumers.

In its analysis of the inflationary effects of the bill, CBO used an approach similar to that underlying the agency's estimates of the short-term effects of legislation enacted in 2021.[3] The agency augmented its analysis to account for the effects of supply disruptions and for the amount of tightness or slack in the economy on the inflationary effects of fiscal policy.

Key inputs into the analysis of inflation were the effects of the bill on overall demand for goods and services. In the short term, changes in fiscal policies affect the economy primarily by influencing the demand for goods and services by consumers, businesses, and governments, which leads to changes in output. Factors increasing overall demand push inflation up and those decreasing overall demand push inflation down. To estimate the effects of changes in federal spending and revenues on overall demand and output, CBO considered evidence about the effects of similar policies in the past and used results produced by macroeconomic models.[4]

CBO expects different provisions of the legislation to affect overall demand and output differently.[5] For example, provisions that directly increase government purchases of goods and services would add to overall demand on a dollar-for-dollar basis. Increases in financial support to people, such as through enhanced health insurance subsidies, would boost spending more among lower-income people than among higher-income people, partly because lower-income households typically consume a higher fraction of their additional disposable income than higher-income households do. Thus, financial assistance to lower-income households would boost the overall demand for goods and services more than financial assistance to higher-income households would. Changes to business taxes that affect after-tax profits on past investments—as opposed to the return on new investments—would have relatively small effects on overall demand, in CBO's assessment.

CBO used its estimates of the bill's net effects on the deficit as the starting point for its analysis of overall effects on demand (see Table 1). The enhanced health insurance subsidies and energy-related subsidies were the largest contributors to increases in the deficit. The new alternative minimum tax on corporations was the largest contributor to reductions in the deficit. For each dollar change in the deficit, the increases in subsidies would probably have larger effects on overall demand (boosting it) than the increases in revenues (which would reduce overall demand). Those factors could contribute to the effects on output and inflation being positive even when the overall deficit was reduced.

TABLE 1—NET INCREASES AND DECREASES (-) IN THE DEFICIT FROM THE INFLATION REDUCTION ACT OF 2022

[Billions of Dollars]

| | Fiscal Year 2023 | Fiscal Year 2024 |
|---|---|---|
| Title I. | | |
| A. Tax Provisions | −54 | −46 |
| A. Internal Revenue Service Funding | 5 | 4 |
| B. Prescription Drug Pricing | −3 | −2 |
| C. Affordable Care Act Subsidies | 20 | 22 |
| D. Energy Security | 12 | 14 |
| Titles II.–VIII. | 3 | 10 |
| Total | −18 | 3 |
| Memorandum: Deficit Effects From Higher Revenues Resulting From Increased Funding for the Internal Revenue Service (Not included above) | −3 | −8 |

Data source: Congressional Budget Office.

The estimated budgetary effects are of H.R. 5376, as amended in the nature of a substitute (ERN22335) and posted on the website of the Senate Majority Leader on July 27, 2022. Components may not sum to totals because of rounding.

The budgetary effects in fiscal years 2023 and 2024 informed CBO's analysis of the economic effects in calendar year 2023. The analysis included the effects on the deficit from higher revenues resulting from increased funding for the Internal Revenue Service. Under guidelines agreed to by the legislative and executive branches, those effects are not included in the total line from CBO's cost estimate reporting the net effect on the deficit. Thus, the effects shown in the memorandum are additional. Those revenues constitute a shift in resources from the private sector to the government that would reduce demand and thus reduce inflationary pressure.

Enacting the bill would also reduce some businesses' incentives to invest through changes in the after-tax return on private investment, pushing down output and inflation. (See the answer to the fourth question in this letter for further discussion.) In addition, enacting the bill would reduce the incentives of some people to work, mainly because of the enhanced health insurance subsidies, pushing down output and pushing up inflation.

Enacting the bill would affect economic activity and inflation beyond 2023. CBO has not evaluated those effects.

WHAT IS THE HIGHEST AMOUNT OF INCOME THAT PEOPLE QUALIFYING FOR EXPANDED HEALTH INSURANCE SUBSIDIES WOULD EARN?

The answer to your question depends on people's age and geographic location, and the number of enrollees in the family. On the basis of nationwide average premiums projected for 2023 under the bill, CBO estimates the following:

A 64-year-old would receive a premium tax credit if his or her income did not exceed $163,700 in that year.

A 21-year-old would receive a premium tax credit if his or her income did not exceed $54,600.

A family of four consisting of individuals ages 50, 50, 21, and 21 would receive a premium tax credit if their household income was no greater than $304,100.

A younger family of four, consisting of people ages 24, 24, 5, and 5, would receive a premium tax credit if the household's income was no more than $192,700.

Premium tax credits are used to lower people's out-of-pocket monthly premium contributions for health insurance obtained through the marketplaces established by the Affordable Care Act. The amount of the credit is calculated as the difference between the benchmark premium for health insurance (that is, the premium for the second-lowest-cost silver plan available in a region) for the individual or family and a specified maximum contribution, expressed as a percentage of modified adjusted gross income. Those benchmark premiums are also a function of age, geographic location, and the number of enrollees. For example, the premium for a 64-year-old is three times that for a 21-year-old in most states. The premium tax credit is

thus correspondingly larger for older people than for younger people.

The likelihood that the benchmark premium will exceed a person's maximum contribution—and that the person will therefore receive a premium tax credit—declines at higher income levels. For those whose income is above 400 percent of the federal poverty guideline, or $54,400 for a single person in 2023, their maximum contribution would be 8.5 percent of income through 2025 under the bill.

This analysis is based on nationwide average premiums. For people living in states with premiums that are above or below the average, the income at which they would no longer be eligible for a premium tax credit would be higher or lower.

WHAT EFFECT WOULD A NEW ALTERNATIVE MINIMUM TAX ON CORPORATIONS HAVE ON BUSINESS INVESTMENT AND GDP?

Section 10101 of H.R. 5376 would increase taxes on corporations by imposing a new alternative minimum tax equal to 15 percent of income reported on financial statements by certain large corporations—specifically, those whose adjusted financial statement income exceeds $1 billion. The staff of the Joint Committee on Taxation (JCT) estimates that the provision would increase federal revenues by $313.1 billion over the 2023–2031 period (with $96.6 billion of that amount being generated in fiscal years 2023 and 2024). JCT has projected that approximately 150 corporations would be subject to the new tax each year and that just under half of the revenues would come from the manufacturing sector.[6]

In CBO's assessment, the proposed new corporate minimum tax would reduce the incentive for those large corporations to invest, primarily by limiting the tax benefit of accelerated depreciation and by decreasing the after-tax return on their new investment. According to the generally accepted accounting principles that are used for preparing financial statements, firms must deduct the cost of investments over the full useful life of the asset. In contrast, various provisions of the tax code—including ''bonus'' depreciation—allow firms to deduct investment expenses more quickly, increasing the tax benefit of those deductions and the expected after-tax return on the investments. By setting a new minimum tax, section 10101 would limit the tax benefit of accelerated depreciation for affected corporations and, all else being equal, reduce their business investment.

The provision would also affect private investment by increasing federal revenues and, all else being equal, by reducing the federal deficit and the amount of federal debt. Less government borrowing would increase the amount of funds available for private investment and put downward pressure on interest rates, which would have a positive effect on business investment, in CBO's view.

The net effect on business investment, and hence on GDP, would depend on the relative magnitudes of the direct incentive effect and the indirect effect resulting from the change in the federal budget deficit. Additionally, the net effect would depend on overall economic conditions.

Other provisions of the Inflation Reduction Act would also affect incentives to invest. Thus, the legislation's overall impact on business investment and GDP would differ from that of just this provision considered by itself.

I hope that this information is useful to you.

Sincerely,

PHILLIP L. SWAGEL,
*Director*.

ENDNOTES

1. Congressional Budget Office, cost estimate for H.R. 5376, the Inflation Reduction Act of 2022 (August 3, 2022), www.cbo.gov/publication/58366.

2. The data on GDP and GDI are subject to revision by the Bureau of Economic Analysis.

3. See Congressional Budget Office, *Additional Information About the Updated Budget and Economic Outlook: 2021 to 2031* (July 2021), Appendix B, www.cbo.gov/publication/57263.

4. For further discussion, see Congressional Budget Office, *The Effects of Pandemic-Related Legislation on Output* (September 2020), www.cbo.gov/publication/56537.

5. For additional discussion, see John Seliski and others, *Key Methods That CBO Used to Estimate the Effects of Pandemic-Related Legislation on Output*, Working Paper 2020–07 (Congressional Budget Office, October 2020), www.cbo.gov/publication/56612.

6. See Thomas A. Barthold, Joint Committee on Taxation, letter to the Honorable Ron Wyden, Senate Committee on Finance (August 1, 2022), https://tinyurl.com/4z5wtn7t.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. ARRINGTON).

Mr. ARRINGTON. Madam Speaker, the last time my Democrat colleagues used reconciliation to jam through a massive partisan spending spree, it was under the pretense of COVID recovery. Not only did they ''fail to rescue America,'' they destroyed our recovery efforts and sent us spiraling into recession.

Now, in the aftermath of their self-inflicted economic disaster, my Democrat colleagues' response is to run the same play and expect a different result.

Another false promise under the guise of a grandiose title, the Inflation Reduction Act.

Nobody in America, Madam Speaker, believes that this bill will reduce inflation. In fact, it is going to make inflation worse by imposing massive tax hikes on U.S. job creators, strangling domestic oil and gas production, unleashing an army of tens of thousands of IRS agents to shake down working families and small businesses, handing out hundreds of billions of dollars in Green New Deal giveaways that will jeopardize America's energy security, putting America in the same position of weakness as our European allies.

Mark my words, Madam Speaker, this bill will further fuel inflation, deepen our recession, cripple our competitiveness, and increase costs at the pump.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND), who is retiring but has made many valued contributions to our Nation and committee.

Mr. KIND. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, as a dear friend of Jackie Walorski, I share in the grief of her passing and her staff's passing. It is very tragic.

Madam Speaker, this Inflation Reduction Act is historic legislation. It puts people over politics by lowering families' kitchen-table costs from prescription drugs to their energy expenses, creates millions of good-paying jobs, delivers the most significant action to combat climate change when Mother Nature is screaming at us to take action today, and it substantially reduces the deficit by over $300 billion.

Now, on that last point, Madam Speaker, not once has a Republican-led Congress brought a reconciliation bill to the floor that was paid for, let alone reduces the national deficit.

In fact, as an example, when they passed their prescription drug bill in 2004, not only did they not pay for it, not one nickel of it was offset. Over $400 billion, the largest expansion of entitlement funding since the creation of Social Security and Medicare, but there were no offsets.

When we passed the Affordable Care Act a little over 10 years ago, not only did we pay for it, but we also reduced the deficit. Just this week, it was announced that health uninsured rates is at an all-time historic low for our country, no less due to that Affordable Care Act.

Madam Speaker, they made that prescription drug bill even worse when they passed it by inserting language in it that specifically made it illegal for us to discuss prices or negotiate prices with the drug companies. This bill changes that today by allowing once and for all some price negotiation with the drug companies to deliver real relief for our seniors.

Madam Speaker, I encourage my colleagues to support this legislation.

Mr. BRADY. Madam Speaker, I include in the RECORD the Joint Committee on Taxation analysis that shows that families earning $75,000 or $100,000 are four times more likely to have a tax hike under this bill than a tax cut.

NONPARTISAN TAX SCOREKEEPER: AVERAGE WORKING FAMILY IS MORE LIKELY TO BE WORSE OFF THAN BETTER OFF UNDER DEMOCRATS' TAX PLAN

Working families will be worse off under Democrats' higher taxes, according to a new analysis from the nonpartisan Joint Committee on Taxation. This is another devastating blow for families after the Congressional Budget Office revealed that Democrats' supercharged IRS expects to grab $20 billion from lower- and middle-income earners.

WORKING FAMILIES AT HIGH RISK OF TAX HIKES

Democrats have once again tried to hide the real effects of this bill. New analysis from the nonpartisan Joint Committee on Taxation (JCT) shows that the average working family is more likely to be worse-off than better-off under Democrats' tax plan.

For median-income families earning $50,000–$75,000, households are 33 percent more likely to have a tax hike than a tax cut.

It gets worse for every dollar earned—families earning $75,000–$100,000 are four times more likely to have a tax hike than a tax cut, and families earning $100,000–$200,000 are more than ten times more likely to have a tax hike than a tax cut.

The bill does nothing—or makes things worse—for regular working families. More than 92 percent of households with incomes under $200,000 get no benefit—or a tax hike—under Democrats' bill.

What's more, these tax hikes on working families do not include the bill's superfund or methane taxes on American energy, which disproportionately harm middle- and lower-income households through higher prices at the pump and bigger utility bills.

HIGH-INCOME HOUSEHOLDS ENJOY BIG BENEFITS

The JCT analysis shows the landscaping company owner and his workers pay more, while the wealthy homeowner gets checks from Washington for the solar panels on their roof. That's because the ''winners'' under Democrat's tax plan are the earners at the very top. Democrat's reckless spending plan includes more than $250 billion in Green New Deal subsidies that benefit the wealthy the most.

The percentage of $1 million-plus households getting a tax cut (19.4 percent) is twice as high as any other income group.

The group with the next highest proportion of tax cuts is those earning $500,000–$1 million.

Over the long term, 72.5 percent of households with income over $1 million will receive a tax cut.

MORE BAD NEWS: $10.6 BILLION IN TAX HIKES ON WORKING FAMILIES NEXT YEAR

Separate analysis by JCT isolates the effects of Democrats' tax plan without the Obamacare subsidies that flow to a limited number of households in an attempt to bribe them into one-size-fits-all Obamacare plans. In 2023, Democrats would increase the total tax burden on Americans under $200,000 in income by $10.6 billion.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. KUSTOFF).

Mr. KUSTOFF. Madam Speaker, I thank the ranking member for yielding.

Madam Speaker, I rise today in strong opposition to what the Democrats call the Inflation Reduction Act which is really the inflation expansion act.

Americans are grappling with an economy in recession and the highest inflation that we have seen in 40 years. We are experiencing worker shortages, empty grocery shelves, and higher energy prices. Now Congressional Democrats are doubling down on this out-of-control spending that led to this economic crisis.

This package that we are voting on today will raise taxes on hardworking, middle-class families. It will authorize 87,000 new IRS agents to target individuals and small businesses. It will reduce lifesaving healthcare innovation by allowing the government to impose price controls on drugs. It will hurt energy producers. And it will certainly worsen inflation.

I am voting against this fundamentally flawed and defective package because families, farmers, and small businesses across west Tennessee and across the Nation need real solutions to these problems, not more taxes and not more government spending.

Mr. NEAL. Madam Speaker, the bill we are considering in the House today, the Inflation Reduction Act, started in the House of Representatives as the Build Back Better Act.

Three years ago, all Democratic Members of the Ways and Means Committee introduced the GREEN Act as the Committee's consensus legislation for tax priorities relating to climate, clean energy, and energy efficiency. The GREEN Act was reintroduced, again with all Ways and Means Democrats, in the 117th Congress.

The GREEN Act formed the base of the climate and energy subtitle of the Build Back Better Act, which the Ways and Means Committee marked up in September 2021 and passed out of the House, following significant input from the Senate, in November 2021. Many provisions of Subtitle D of the Inflation Reduction Act remain substantially similar to those that the House developed and passed.

As the Chairman of the Ways and Means Committee, I wish to offer additional detail on the legislative intent behind certain provisions included in this legislation.

This legislation provides long-term extensions of tax credits for renewable technologies such as solar, wind, geothermal, and hydropower by extending section 45 and section 48 and enacting their successor credits under sec. 45Y and section 48E. These provisions were drafted with the goal of unleashing clean energy deployment, in line with President Biden's pledge of a 50–52 percent reduction from 2005 levels in economy-wide net greenhouse gas pollution in 2030. Additionally, this legislation provides enhanced credit amounts for projects additional goals, such as those meeting domestic content requirements or located in energy communities.

Currently, these renewable energy tax credits often remain out of reach for low-income communities, which disproportionately bear the burden of pollution. The Committee believes that our renewable energy deployment should align with President Biden's Justice40 initiative, which aims to deliver 40 percent of the overall benefits of federal investments in climate and clean energy to disadvantaged communities. To achieve these goals, we must bring all resources to bear across all agencies—the Department of the Treasury, the Department of Energy, the Environmental Protection Agency, the White House Council on Environmental Quality, and more. For example, the Council on Environmental Quality has developed a tool to assist federal agencies with best targeting resources towards disadvantaged communities.

This goal is closely aligned with a provision that I am proud to have worked with Rep. DANNY DAVIS to include in this legislation. H.R. 5183, provides an enhanced investment tax credit for projects in connection with low-income communities, and is included in new section 45(e) and section 48E(h) in this legislation. It draws on the success in California of a clean energy program that helps hundreds of thousands of low-income residents in multifamily housing enjoy the cost savings and environmental advantages of solar.

This program provides allocated bonus credits for projects benefiting low-income residents, including multifamily housing, community solar, and individual low-income residential homeowners. The Committee intends that the program prioritize low-income individuals and communities throughout the selection process. Low-income individuals can benefit from this legislation in multiple ways, including in the form of lower electricity bills, reduction in locally harmful air pollution, inclusive economic opportunities through training and employment on such projects, and benefits to the community proven through active engagement and outreach to community members. Thus, in selecting projects for allocation, the Committee intends for the Secretary to take into account which projects demonstrate the greatest health and economic benefits for disadvantaged individuals (including benefits related to the ability to withstand extreme weather events); the greatest employment and wages for such individuals; and the greatest engagement with and outreach to such individuals, including through partnerships with local governments, community-based organizations, and Indian tribal governments.

Additionally, this legislation is designed to provide maximum flexibility to the Secretary in designing an efficient application and allocation process to meet the needs of low-income residents. Specifically, the legislation is intended to allow residential rooftop providers to identify potential customers in qualifying census tracts and submit applications to serve these customers up-front, before these businesses have contractually engaged these customers. My understanding is that these businesses will need to know if they have received a credit allocation before they can offer the benefits of the credit to these customers so that businesses can provide customers accurate pricing information and cost savings to low-income customers.

This legislation also makes several important additions to the property eligible under the section 48 investment tax credit and its successor credit, section 48E.

The first is the addition of energy storage technologies. This provision originated as H.R. 1684, the Energy Storage Tax Incentive and Deployment, as advanced by Representatives MIKE DOYLE and EARL BLUMENAUER, and included in the GREEN Act and the Build Back Better Act. It is the Committee's intent that the technologies included in H.R. 1684, such as pumped hydropower, are considered energy storage technologies for this legislation.

Pumped-storage hydroelectric facilities are sometimes called water batteries. Electricity is used to pump water from a lower to an upper reservoir. When needed, this water is then released and run through turbines to convert the stored energy back into electricity.

The definition of energy storage technologies includes ''property . . . which receives, stores, and delivers energy for conversion to electricity'' under new section 48(c)(6)(A)(i). Thus, it is the Committee's intent such property not only include the two reservoirs as well as the pipe and pump to move the water uphill, but also the turbines and step-up transformer to convert the stored energy back into electricity.

Additionally, relating to the coordination of the credit for energy storage technologies and the section 45 production tax credit, the Committee intends that a credit is allowed for energy storage technology under section 48 regardless of whether it is part of a facility for which a credit under section 45 is or has been allowed.

The second is the addition of electrochromatic glass, also known as dynamic glass, to section 48(a)(3)(A)(ii). It is the Committee's intent that the basis for such property should include the cost of the glass itself including the devices, the wiring and other components necessary for the glass to change its light transmittance properties, as well as the window frame and the capitalized costs for the installation of these and any other related components.

Additionally, this legislation creates new section 45W, the credit for qualified commercial clean vehicles, to incentivize clean vehicles and mobile machinery. In including mobile

machinery, the Committee intends to incentivize cleaner farm equipment, construction equipment, and other equipment. As the Secretary develops regulations or other guidance to carry out the purposes of this section, the Committee believes it is appropriate to consider industry standards when applying rules in the section that reference vehicles. For example, the Secretary may look established methods of determining equipment weight for purposes of determining credit limits based upon gross vehicle weights and may allow, as a substitute, other commonly used identification or serial numbers when administering the vehicle identification number requirements.

This legislation is historic, and I look forward to seeing the impact these, and the many other clean energy incentives contained in this bill, have on our carbon reduction goals in the coming years.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL), who is always pleased to let us know what he is thinking.

Mr. PASCRELL. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, the American people put Democrats in charge to raise our Nation from its knees—unless we have short memories.

We are putting people over powerful interests. We are rebuilding our economy for working families. We are providing historically low healthcare premiums for nearly 12 million Americans, including over 20,000 in my own district of New Jersey.

We are making the single largest investment in clean energy to secure a livable future. Our planet is at the precipice of catastrophe. So we are combating climate change and creating 9 million jobs in the process.

Not bad, Madam Speaker, not bad.

Our bill includes legislation I happen to champion to expand zero-emission nuclear energy and offshore wind, where New Jersey leads the way. I worked on a bipartisan basis on those two issues, and there is nothing said today about that by my friends on the other side.

For years, Republicans sabotaged the IRS. The record is clear. They safeguarded loopholes to help a privileged few pay a pittance in taxes. And that ends today.

Five years ago, Republicans passed a $2 trillion tax scam for the rich and the corporate tycoons. Today, we are closing the tax gap and providing tax fairness.

Democrats are making prescription drugs affordable.

Democrats are lowering healthcare costs.

God bless our great country.

Mr. BRADY. Madam Speaker, I include in the RECORD a letter from the Congressional Budget Office, which confirms this bill will actually increase the cost of new drugs.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, August 4, 2022.*

Re Additional Information About Prescription Drug Legislation

Hon. JASON SMITH,
*Ranking Member, Committee on the Budget, U.S. House of Representatives, Washington, DC.*

DEAR CONGRESSMAN: This letter provides additional information that you and your colleagues requested about subtitle I of the reconciliation recommendations of the Senate Committee on Finance regarding prescription drug legislation. You asked about how provisions involving inflation rebates and the negotiation of drug prices would affect launch prices for new drugs and the introduction of new generic drugs. You also asked how a provision to stabilize premiums as a part of the redesign of Medicare's benefits would affect the federal budget and premiums.

EFFECT OF THE INFLATION-REBATE AND NEGOTIATION PROVISIONS ON LAUNCH PRICES

The Congressional Budget Office projects that the inflation-rebate and negotiation provisions would increase the launch prices for drugs that are not yet on the market relative to what such prices would be otherwise. That effect would primarily be driven by the inflation-rebate provisions (sections 129101 and 129102), which would begin to apply to prices within 12 months of a given drug's entering the market. Under those provisions, manufacturers would have an incentive to launch new drugs at a higher price to offset slower growth in prices over time. The negotiation provision (section 129001) would have less of an impact on launch prices, CBO expects: Although the ceiling for a drug's negotiated price is based on its price from a prior year, negotiation could not occur until drugs were on the market for a number of years—at least 7 for small-molecule drugs and 11 for biologics.

Higher launch prices would primarily affect spending for drugs in the Medicaid program, CBO projects, because an increase in that program's basic rebate brought about by the higher launch prices would only partly offset those prices. Higher launch prices would also tend to affect spending for drugs covered by Part B of the Medicare program because that program's payments for those drugs are based on the average sales prices. Over time, slower price growth would attenuate the effect of higher launch prices.

In the commercial and Medicare Part D segments of the market, spending would be less affected by higher launch prices, CBO estimates, because manufacturers would have more flexibility to manage rebates to maximize their revenues in those sectors.

EFFECT OF THE NEGOTIATION PROVISION ON THE INTRODUCTION OF NEW GENERIC DRUGS

CBO has not analyzed the effects of the negotiation provision on the introduction of new generic drugs. In projecting the effects of the negotiation provision, CBO estimated the share of spending that would be subject to negotiation each year and the average reduction in prices that would stem from the negotiations. But the agency did not analyze how the provision would affect prices or spending on specific drugs, nor did it quantify any impact on the introduction of new generic drugs.

EFFECTS OF THE PREMIUM-STABILIZATION PROVISION

Under the premium-stabilization provision (section 129201), the federal government would subsidize any growth in beneficiaries' base premiums for Medicare Part D exceeding 6 percent from one year to the next over the 2024–2029 period. The provision subsequently would lower the base premium percentage (the percentage of the average cost of standard Part D coverage that is used to calculate beneficiaries' premiums) to ensure that premiums did not grow by more than 6 percent between 2029 and 2030. That subsidy and subsequent reduction in premiums would increase federal spending by roughly $40 billion over the 2024–2031 period, CBO estimates. Beneficiaries' spending on premiums would be lower under the premium-stabilization provision than it would be without it.

That estimate is an average effect among the possible paths of premiums that CBO considered when modeling the uncertainty of future outcomes. Under some of those paths, premiums would grow by less than 6 percent a year, and the provision would have no cost; under others, premiums would grow faster, and the provision would generate costs.

I hope this information is useful to you and your colleagues. Please contact me if you have further questions.

Sincerely,

PHILLIP L. SWAGEL,
*Director.*

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SCHWEIKERT), my colleague on the Committee on Ways and Means.

Mr. SCHWEIKERT. Madam Speaker, for everyone here, this is a subsidy bill. And this is the classic difference between the left and the right. They are functionally subsidizing. We on the right actually want to change the market. We want competition.

So I am going to pull out one very simple example. In here, we have $2.5 billion of subsidies for our ports to get greener and more efficient. But then the Democrats slip in language that says human-operated, meaning you are not going to take on the unions, you are not actually going to make it more efficient, you are not going to actually embrace disruption and technology.

We keep coming to the floor and talking about things that would make our ports greener, faster, more efficient, feed the supply chain—these electric rail cars, except you functionally just made them not happen.

This is a subsidy for those unions, those folks who right checks to the left. You claim you are making the environment better and cleaner, but then you build the very barriers in the language that stop those good things from happening.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. DANNY K. DAVIS), one of the most talented members of the committee.

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, I associate myself with the remarks made by my colleagues relative to our tragic loss of Representative Walorski who was the ranking member of the subcommittee that I chair.

Madam Speaker, I rise in strong support of the Inflation Reduction Act of 2022. This is the most transformative piece of legislation that I have seen. It lowers family healthcare costs, reduces drug and energy costs, makes the largest investment in addressing climate change in the history of this country, and cuts carbon emissions by 40 percent.

This bill would create millions of good-paying, union jobs and stimulate economic growth and development across the Nation. It incentivizes manufacturing and reduces our reliance upon foreign-made products.

This bill does what we have been trying to do for years, and that is, it empowers Medicare to negotiate the price of prescription drugs. Millions of seniors and disabled individuals will benefit from this provision alone, not to mention what the monthly cap on the price of insulin would do for millions of others.

Madam Speaker, this bill would cut the deficit and lower inflation, will not cost the average taxpayer one additional cent, unless they earn $400,000 annually or more. One feature of this bill that I am especially proud of is the enhanced tax credit to bring solar and wind energy to low-income communities. This tax credit will assist these communities.

Madam Speaker, this is a great bill, and I urge its passage.

Mr. BRADY. Madam Speaker, I include in the RECORD a Congressional Budget Office report from this morning, while we were on the House floor, which confirms IRS audits will generate tens of billions of dollars for middle-class families making less than $400,000.

CBO has received a number of questions regarding our estimate of an amendment offered by Senator Crapo during the floor debate on H.R. 5376 last weekend. That amendment, #5404, would limit the use of additional funds for the Internal Revenue Service. If the amendment had been adopted none of the additional funds could have been used to audit taxpayers with taxable incomes below $400,000.

CBO did not complete a formal cost estimate in advance of consideration of the amendment but the agency did provide the following information to the Senate Budget Committee:

CBO estimates that the amendment 5404 would have the following effects:

No effect on outlays in the one or ten year budget windows; would reduce outlays in the five year budget window.

No effect on revenues in the one year budget window; would reduce the ''non-scorable'' revenues resulting from the provisions of section 10301 in the five and ten year budget windows.

No effect on outlays after 2031 but would decrease the ''non-scorable'' revenue resulting from the provisions of section 10301 after 2031.

CBO has not completed a point estimate of this amendment but the preliminary assessment indicates that amendment 5404 would reduce the ''non-scorable'' revenues resulting from the provisions of section 10301 by at least $20 billion over the FY2022–FY2031 period.

Thanks,

LEIGH ANGRES,
*Director of Legislative Affairs,*
*Congressional Budget Office.*

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. KELLY), my colleague from the Committee on Ways and Means.

□ 1345

Mr. KELLY of Pennsylvania. Madam Speaker, I thank my friend from Texas, and I hate to see him leave because he has been so productive.

Madam Speaker, it is interesting. We had the talk and hear it going back and forth about what the IRS is not going to do. I would just tell my fellow citizens—and I am not going to talk to the other side because we shouldn't be doing that anyway.

There is something wrong whenever we look at the money that is being spent to hire agents for enforcement. I would tell my fellow citizens: Be afraid. Be very afraid. If the events of this week don't shake you to the bottom as to what this government can do to you whenever it chooses to do it and however it chooses to do it, understand that this agency, the IRS, is the most feared agency in the United States Government. It is incredible the power that it wields.

It is incredible that it is going to increase the number of enforcement officers. They are not coming in to help with the processing because all of us in Congress, including my friends on the other side, have been doing the work of the IRS for the IRS. They haven't been back to work full time for 2½ years.

Madam Speaker, I urge my friends on both sides of the aisle to vote ''no'' on this monstrosity that does not do anything about inflation but continues to harass hardworking American taxpayers.

Mr. NEAL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is misinformation about the IRS. They need the funding to better serve the American people. The idea that, all of a sudden, there is an army of IRS agents that is coming after the American family doesn't stand up under the magnifying glass of critical analysis.

Madam Speaker, I yield 1½ minutes to the gentleman from New York (Mr. HIGGINS), a really capable member of the Ways and Means Committee.

Mr. HIGGINS of New York. Madam Speaker, the 1970 Clean Air Act was passed by a Democratic-led Congress and a Republican President after millions of Americans demanded change. Five decades later, a new generation of Americans is calling on Congress to act on our Nation's biggest challenges. The Inflation Reduction Act is not just a good climate bill; it is also a major achievement.

To address the climate crisis, it makes a $369 billion investment toward decarbonizing our Nation. The bill addresses environmental justice. Everyone should benefit from a cleaner environment, especially those who are vulnerable to disease because of where they live.

The bill finally helps Medicare negotiate a better deal on drug prices. This provision will save lives and help seniors enjoy their retirement without fear of poverty due to the cost of their medications.

Madam Speaker, I urge my colleagues to support this legislation, which is vital to our Nation's future.

Mr. BRADY. Madam Speaker, I include in the RECORD the following report from 2020 from a group that tracks government spending, which details how the IRS is currently armed with 4,600 guns and 5 million rounds of ammunition. That is not fear-mongering; these are the facts.

IRS HAS 4,600 GUNS AND FIVE MILION ROUNDS OF AMMO: WILL DEM BILL GROW ARSENAL?

The IRS has 4,600 guns and five million rounds of ammunition according to a report from OpenTheBooks published in 2020. With Democrats on the verge of passing $80 billion in additional funding to facilitate the hiring of 87,000 new agents, how much will this arsenal grow?

The Democrats' push to increase the size and power of the IRS has significant criminal justice and basic due process ramifications.

An OpenTheBooks report titled The Militarization of U.S. Executive Agencies shows that, even without the proposed $80 billion increase in funding, the IRS Criminal Investigation Division (IRS-CI) is already heavily armed at the expense of the American taxpayer.

The current 4,600-gun stockpile includes:
3,282 pistols
621 shotguns
539 rifles
15 fully automatic firearms
4 revolvers

According to the Government Accountability Office the ammunition breakdown is as follows:
Pistol and revolver rounds: 3,151,500
Rifle rounds: 1,472,050
Shotgun rounds: 367,750
Fully automatic firearm rounds: 56,000

When OpenTheBooks directly asked the IRS for an accounting of its gun locker, the agency responded, ''We don't have one [an inventory], but could create one for you, if important.''

There are seven reasons to be concerned about the IRS having more power, more money, and more guns:

1. IRS FAILS TO ENSURE ARMED AGENTS RECEIVE REQUIRED FIREARMS TRAINING

In order to carry or use an IRS-owned weapon, agents must: engage in handgun firing training at least once each quarter, shoot at least the minimum of 75 percentage points on the firearms qualifying test using the issued handgun during two nonconsecutive quarters, participate in biannual firearms building entry exercises, participate in an annual briefing on firearms safety and security policies and IRS-CI's directives and procedures regarding the safe handling and storage of firearms, and participate in a briefing each quarter regarding the policy of discharging a firearm at a moving vehicle.

IRS-CI's National Criminal Investigation Training Academy (NCITA) is responsible for implementing the formalized firearms training and qualification program nationwide. This includes developing the firearm qualification requirements they are expected to meet and the training special agents will undergo. Despite these requirements, CI agents have regularly failed to stay up to date on training or report incidents, endangering the taxpayers they are supposed to protect.

According to reports from the Treasury Inspector General for Tax Administration (TIGTA), the IRS has repeatedly failed to ensure that procedures relating to firearms are properly followed:

''there is no national-level review of firearms training records to ensure that all special agents meet the qualification requirements.''

Special agents are required to surrender their weapons when they fail to participate

in this training, however this often does not happen.

As noted by the Inspector General:

''However, there is currently little consequence for special agents who fail to meet the training requirements listed on the checklist.''

The Inspector General noted the IRS failed to secure the firearms of those who did not meet their requirements:

''controls did not ensure that CI personnel properly secured firearms when special agents failed to meet the biannual standard qualification requirement. CI was only able to provide evidence that firearms were surrendered in nine of the 27 instances when special agents did not qualify. The Criminal Investigation Management Information System was only updated to reflect the custody change in four of those nine instances.

The Inspector General noted that the IRS lapses torpedo its ability to effectively try cases:

''Court decisions in the past have held law enforcement entities liable because their law enforcement agents did not have training that reflected the environment that they would likely encounter, such as training involving moving targets and low-light conditions. Other court decisions underscored the importance of properly documenting firearms training. One decision dismissed the claims against a law enforcement entity that maintained thorough records that showed the law enforcement personnel had been trained. Another decision upheld a jury's conclusion that undocumented police training did not constitute adequate training.''

The IRS failure to conduct proper internal oversight of its weapons could have grave consequences for the public. As noted by the Inspector General:

''If there is insufficient oversight, special agents in possession of firearms who are not properly trained and qualified could endanger other special agents and the public.''

2. IRS AGENTS ACCIDENTALLY FIRE THEIR WEAPONS MORE OFTEN THAN THEY INTENTIONALLY FIRE THEM

A TIGTA report found that special agents at the IRS Criminal Investigation Division (IRS-CI) accidentally fired their weapons more often than they intentionally fired them:

''According to documentation provided by all 26 CI field offices, the NCITA, and the TIGTA OI, there were a total of eight firearm discharges classified as intentional use of force incidents and 11 discharges classified as accidental during FYs 2009 through 2011.''

3. IRS CONCEALS DETAILS OF ACCIDENTAL GUN DISCHARGES

The agency's lackadaisical approach to firearm safety has led to easily preventable accidents. The Inspector General cryptically references IRS accidental discharges that caused ''property damage or personal injury'':

''In three of the four accidental discharges that were not reported, the accidental discharges may have resulted in property damage or personal injury.''

The details of these incidents are—for some reason—redacted in the report:

IRS–CI management is required to be notified when a special agent discharges their weapon. CI must report all accidental discharge incidents externally to the TIGTA OI and internally to the NCITA and the Director of Field Operations. Despite these directives, CI did not always properly disclose accidental discharges:

''we found that four accidental discharges were not properly reported. This included two that were not reported to both to the TIGTA OI and the NCITA. one that was not reported to the TIGTA OI, and one that was not reported internally to the NCITA.''

4. IRS AGENTS DO NOT ALWAYS UNDERGO REMEDIAL TRAINING AFTER DISCHARGES DUE TO AGENT NEGLIGENCE

Compounding their mistakes, agents did not always provide remedial training when an accidental discharge occurred. Even when they did undergo training, the standards remained wildly inconsistent. The Inspector General found that:

''two of the four use of force coordinators stated that they may require the special agent to participate in some type of remedial training, one stated that the special agent would be counseled, and one stated that there would be no additional training required.''

5. IRS HAS A HISTORY OF VIOLATING BASIC DUE PROCESS RIGHTS

In a 2017 report, the IRS–CI was shown to have regularly violated taxpayers' rights and skirted or ignored due process requirements when investigating taxpayers for allegedly violating the existing $10,000 currency transaction reporting requirements

TIGTA found that only 8 percent of investigations uncovered violations of tax law. In many cases, IRS–CI had not considered reasonable explanations from those investigated, property owners were not adequately informed of their rights nor informed of seizure of their property, and outcomes in cases lacked consistency, violating the Eighth Amendment to the Constitution.

6. IRS HAS APPALLING EVIDENCE STORAGE HABITS

The IRS Criminal Investigation Division (IRS–CI) was repeatedly found to leave critical evidence sitting around in break rooms, hallways and stacked outside cubicles, according to a report by the Treasury Inspector General for Tax Administration (TIGTA). In addition, the report found that CI offices did not maintain an Evidence Access Control Log to record access to areas where evidence is stored:

During our walkthroughs at the CI offices, we observed that some sites had evidence placed in hallways. stacked outside cubicles, and in break rooms. In addition, seven of the nine offices did not keep grand jury material in a separate, secure area. The grand jury material was intermingled with non-grand jury evidence and other case file information.

The agency's careless approach to evidence storage has grave ramifications, as noted by the Inspector General:

In order for a seized item to be admissible as evidence, it is necessary to prove that the item is in the same condition as when it was seized. If evidence is not stored properly, evidence may have been inappropriately disclosed, lost, tampered with, or stolen. In addition, the chain of custody could be called into question, which could result in the item being deemed inadmissible in court.

The report suggests the IRS is an outlier in terms of its sloppy handling of evidence, compared to other federal law enforcement agencies:

In addition, we interviewed representatives from two other Federal law enforcement agencies to gain an understanding of how they maintained their chain of custody. It was apparent from these interviews that both Federal agencies have an extensive chain of custody process. For example, each agency limits access to the locked evidence room, which is maintained by an evidence custodian. If evidence needs to be removed from the room, an agent must gain access through the evidence custodian and a record of that access is maintained. This process helps ensure that evidence does not become lost or misplaced and helps keep the chain of custody from being broken.

Each IRS–CI special agent has the authority to investigate, inquire, and receive information. Of the investigative techniques available to agents, one of the most frequently used is the authority to conduct searches and issue search and seizure warrants.

The Federal Government is responsible for properly maintaining the chain of custody for any seized items. CI agents must be able to prove it is the same item that was seized and that the item is in the same condition as when it was seized in order for that seized item to be admissible as evidence.

Grand jury-related evidence must be kept separate from other non-grand jury evidence. Despite these clear directives, the CI has routinely ignored protocol, violating the rights of the taxpayers they are supposed to protect.

7. IRS HAS CONDUCTED MANY ARMED RAIDS ON INNOCENT AMERICANS

In the late 1990s, the IRS came under scrutiny for the harsh tactics it used to enforce the tax code. With tens of billion in new funding, it is not hard to see how these abuses could return.

A 1998 article by Washington Post noted many small business owners were harassed by the IRS, only for the agency to find no evidence of wrongdoing.

''An Oklahoma tax-return preparer, a Texas oilman and a Virginia restaurateur told lawmakers how raiding parties of armed agents from the IRS Criminal Investigation Division barged into their homes or offices, frightened their employees and families—and ultimately came up empty-handed.''

''Two of the men said they later found that former employees had precipitated the raids, and that the IRS had done little or no checking on their informants' credibility. The third witness said he never could determine why he was targeted.''

One man described over a dozen armed IRS officials raiding his offices, seizing business documents, and harassing clients and employees:

''Richard Gardner, whose company prepares 4,500 to 6,000 tax returns each year, said that one morning in 1995, he was called out of a meeting. He found 15 IRS agents and a half-dozen U.S. marshals in his lobby, ''all armed and wearing those jackets that say in bright letters IRS' or U.S. Marshal' on the back.''

''They seized his client records, computers, personal papers and other files, he said, and held them for two years while the IRS investigation continued. Gardner was able to buy new computers and continue in business, but the damage to his business was extensive. He said IRS agents went to clients and demanded they wear hidden microphones when meeting with Gardner; they hauled his wife before a grand jury; and his employees were told they would be able to buy his business cheaply because he would be out of business soon.''

These were not isolated cases. A 1998 article by the New York Times described ''military style raids'' by IRS agents against taxpayers who were accused of nonviolent behavior

The Senate Finance Committee held a series of IRS oversight hearings in 1998. Among many witnesses to abuses carried out by armed IRS agents, a Virginia restaurant owner testified the following on April 29, 1998:

''Armed agents, accompanied by drug-sniffing dogs, stormed my restaurants during breakfast, ordered patrons out of the restaurant, and began interrogating my employees.

The IRS impounded my records, my cash registers, and my computers.''

''When the raid occurred at my home, the front door was torn from the hinges, my dogs were impounded, along with my safe and 12 years of my personal income tax returns and supporting documents.''

Giving more money, power and guns to an agency with a terrible firearms safety record and a terrible due process record is alarming to law-abiding Americans.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SMUCKER).

Mr. SMUCKER. Madam Speaker, there are so many things wrong with the policies in this bill. It will certainly punish Americans' pocketbooks through record-high inflation, new taxes, and an army of IRS agents. It can get even worse.

This drug price setting regime in the bill, which I want to speak about briefly, may very well put American lives at risk. The CBO agreed. Fewer drugs will be developed as a result of the policies in this bill.

According to a study from the University of Chicago, government price controls in the bill will block 342 new cures from reaching market over the coming decades. That means that our constituents and family members who are battling diseases like cancer or Alzheimer's may well be left with no hope of finding a cure.

The university estimates that blocking these cures will collectively take 330 million years off of Americans' lives. That is 1 year per American, which, by the way, is a toll 31 times worse than the COVID–19 pandemic.

American innovation and ingenuity got this country out of the COVID–19 pandemic. This bill abandons free enterprise in favor of socialism and will cost the taxpayer too many dollars and cancer patients too many years.

Mr. NEAL. Madam Speaker, a reminder that there are, I believe, almost 600,425 Medicare beneficiaries who have diabetes in Pennsylvania. It is important that the bill that we have caps insulin costs.

Madam Speaker, I yield 1½ minutes to the gentlewoman from Alabama (Ms. SEWELL), a terrific member of the committee.

Ms. SEWELL. Madam Speaker, I rise today in strong support of the Inflation Reduction Act.

This transformational legislation will lower healthcare costs for millions of Americans and thousands of Alabamians by extending ACA tax credits for an additional 3 years and reducing the prescription drug costs for our seniors by allowing HHS, for the first time, to negotiate drug prices with pharmaceutical companies and capping out-of-pocket drug costs to $2,000 per year. This is a big deal for American families and especially the families that I represent in Alabama.

This bill is also the single largest climate investment in America's history. This bill includes my Carbon Capture and Sequestration Expansion Act that will extend the 45 credit eligibilities for carbon capture projects to 2023.

When I think about all the great things that are in this particular bill, it is truly transformational for the people that I represent and for the American people.

Madam Speaker, I urge my colleagues to vote in favor of this bill. Let's put people first over politics.

Mr. BRADY. Madam Speaker, I include in the RECORD the following Joint Committee on Taxation analysis that shows that American manufacturers are hardest hit by the Democrats' made in America tax—$200 billion—and they will pay over half of that tax.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
*Washington, DC, August 11, 2022.*

MEMORANDUM

To: Redacted
From: Thomas A. Barthold
Subject: Revenue Estimate

This memorandum is in response to your request for an estimate of how the burden of the corporate minimum financial statement income tax as contained in section 10101 of an amendment in the nature of a substitute to H.R. 5376. ''An Act to Provide for Reconciliation Pursuant to Title II of S. Con. Res. 14'' as passed by the Senate on August 7, 2022, would fall across different industrial sectors.

Business income tax returns ask taxpayers to report the industry in which they are primarily engaged, identifying the industry by the code numbers established under the North American Industrial Classification System (''NAICS code''). This is self-reported and the Internal Revenue Service does not verify the accuracy of the classification stated by the taxpayer. The NAICS code system allows data to be aggregated at different levels of general categorization. Two-digit codes are the broadest categorization. For example, code 31 encompasses all manufacturing. As we project that only approximately 150 taxpayers annually will be subject to the proposed book minimum tax, in the accompanying table we generally report results by two-digit reporting to protect the privacy of the tax return data on which we base our analysis.

We estimate the corporate minimum financial statement income tax as contained in the amendment in the nature of a substitute to H.R. 5376 as passed by the Senate would have the following effect on Federal fiscal year budget receipts.

FISCAL YEARS
[Billions of Dollars]

| 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2022–31 |
|---|---|---|---|---|---|---|---|---|---|---|
| | 34.7 | 34.3 | 22.0 | 17.7 | 18.7 | 20.8 | 22.8 | 24.7 | 26.7 | 222.2 |

NOTE: Details may not sum to totals due to rounding.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
*Washington, DC.*

To: Redacted
Subject: Revenue Estimate

The following table shows the estimate of the share distribution of additional tax under the corporate minimum financial statement income tax imposed by the amendment in the nature of a substitute to H.R. 5376 as passed by the Senate. Specifically, the table shows the percentage share of the additional tax attributed to NAICS code during the 2022–2031 Federal fiscal year budget period.

PERCENTAGE SHARE OF MINIMUM TAX ON ADJUSTED FINANCIAL STATEMENT INCOME
[By Industrial NAICS Code]

| 2-Digit or 3-Digit NAICS Sector | Share of Additional Tax |
|---|---|
| 31 All Manufacturing | 52.0 percent |
| 325 Chemical Manufacturing | 17.3 percent |
| All Other Manufacturing | 34.7 percent |
| 42 Wholesale Trade | 9.9 percent |
| 44 Retail Trade | 4.6 percent |
| 51 Information | 10.7 percent |
| 55 Management of Companies (Holding Companies) | 10.5 percent |
| All Other Industries | 12.3 percent |
| Total | 100.0 percent |

**Notes:** Details may not sum to totals due to rounding. Industries with fewer than 10 observations are not included on the table.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MURPHY).

Mr. MURPHY of North Carolina. Madam Speaker, I rise in opposition to this reckless bill today. I want to speak specifically to one issue, and that is medicine.

As a practicing physician, I have seen miraculous curative advancements made in medicine over the last 15 years. This partisan package will destroy medical innovation and cripple independent private physicians. Up to 342 new lifesaving drugs will be prevented by this bill.

We all agree that the cost of medicine is way too high in this country, but instead of attacking the real causes, we are now going to be shifting Medicare dollars away from doctors, those who actually take care of patients, and give them to insurance companies and Green New Deal policies.

Some physicians will see, on average, a 40 percent reduction in reimbursement. Given the constant threats of Medicare cuts for physicians, who the hell would want to practice medicine or could afford to practice medicine in this country anymore?

This scheme will have long-lasting negative impacts on patients, physicians, and the solvency of Medicare, and it will set a dangerous precedent for future medicine to use Medicare as a piggy bank to subsidize unrelated policies.

Madam Speaker, I urge my colleagues to vote ''no'' on this bill.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the gentlewoman from Washington (Ms. DELBENE), who is well known for her work in the renewable energy field.

Ms. DELBENE. Madam Speaker, Congresswoman Jackie Walorski was a friend, and I send my deepest condolences to her family and the families of Zackery Potts and Emma Thomson.

Madam Speaker, the Inflation Reduction Act is nothing less than historic and shows our constituents that governance can still work for them.

The bill extends the Affordable Care Act insurance subsidies that have saved 13 million Americans an average of $800 a year on health coverage.

It will enable the U.S. to cut greenhouse gas emissions by 40 percent by 2030 through investments like my clean hydrogen provision and make it more affordable for families to purchase energy and cost-saving products like electric vehicles and solar panels.

These are provisions that the New Democrat Coalition and I have been calling for from the beginning. For our seniors, the bill will lower the costs of prescription drugs by allowing Medicare to negotiate lower prices and will cap out-of-pocket drug spending at $2,000 annually. These are tangible benefits for Americans.

The legislation is fully paid for by ensuring corporations pay their fair share and providing the IRS with the resources it needs after decades of Republican-driven budget cuts.

Madam Speaker, I urge my colleagues to support this bill. I remind my colleagues that there are 533,775 Medicare beneficiaries with diabetes in North Carolina, but the gentleman remains against this bill capping insulin costs and Medicare at $35 per month.

Mr. BRADY. Madam Speaker, I include in the RECORD the following letter of opposition, which represents America's independent natural gas and oil production industry, which says this bill will only exacerbate—make worse—our Nation's energy crisis.

*August 11, 2022.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives, Washington, DC.*
Hon. KEVIN MCCARTHY,
*Republican Leader, House of Representatives, Washington, DC.*

DEAR SPEAKER PELOSI AND LEADER MCCARTHY: The undersigned trade associations, representing thousands of businesses across the United States that collectively employ millions of Americans, write to express our opposition to the Inflation Reduction Act (IRA) as passed by the U.S. Senate. Further, we write to urge you to reconsider policies within the legislation before proceeding.

The United States has experienced its second consecutive quarter of negative GDP growth, and American consumers are facing record high inflation. We share the goal of addressing climate change, as evidenced in the policies we support and in the actions that we take every day. However, the considerable tax increases and new government spending in the IRA amount to the wrong policies at the wrong time.

We are also facing the most significant global energy crisis since the 1970's, and U.S. energy security—and that of our strategic allies abroad—is being put to the test. Further, U.S. energy costs have increased 40 percent over the past twelve months, creating a serious strain on American household incomes.

With these current conditions as the backdrop for this legislation, there are several specific policies included in the IRA which are particularly troubling and deserve reconsideration. We would like to draw your attention to three such provisions:

1. The IRA imposes a new corporate minimum tax, increasing taxes on Americans by more than $300 billion over the next 10 years. As President Obama noted in 2009, ''the last thing you want to do is raise taxes in the middle of a recession.''

2. The IRA imposes an $11.7 billion tax on crude oil and petroleum products. At a time of record-high energy prices, Congress should not add additional costs on American energy companies competing globally.

3. The IRA imposes additional constraints on the ability of companies to develop and produce the energy that Americans need to fuel our economy and strengthen our energy security. This includes increased fees on domestic production and the establishment of a new $6.3 billion natural gas tax.

Finally, the IRA fails to address permitting reform, which is desperately needed and is essential to effectively deliver affordable, reliable energy to consumers in a growing economy.

To date, neither the House nor the Senate have introduced comprehensive permitting reform legislation. We urge Congress to quickly consider and pass permitting reform without delay.

For the above-stated reasons, we express our opposition to the IRA and request that you reconsider passage of this legislation.

Sincerely,

American Petroleum Institute; American Exploration and Production Council; American Fuel & Petrochemical Manufacturers; Independent Petroleum Association of America; Energy Workforce & Technology Council; Plumbing-Heating-Cooling Contractors—National Association; Manufacture Alabama; The Coalbed Methane Association of Alabama; Arkansas Independent Producers and Royalty Owners; Arkansas Oil Marketers Association; California Independent Petroleum Association; Colorado Oil and Gas Association; West Slope Colorado Oil & Gas Association; Colorado Wyoming Petroleum Marketers Association; Associated Industries of Florida; Florida Independent Petroleum Producers Association; Florida Natural Gas Association; Florida Petroleum Marketers Association; Florida Propane Gas Association; Florida State Hispanic Chamber of Commerce.

Florida Transportation Builders Association; Floridians for Better Transportation; The James Madison Institute; Georgia Association of Convenience Stores; Georgia Mining Association; Illinois Fuel Retails Association; Illinois Manufacturers Association; Illinois Retail Merchants Association; Chemistry Industry Council of Illinois; Fuel Iowa; Kansas Independent Oil & Gas Association; Louisiana Association of Business and Industry; Louisiana Oil and Gas Association; Michigan Association of Convenience Stores; Michigan Oil and Gas Association; Michigan Petroleum Association; Minnesota Service Station & Convenience Store Association; Associated Industries of Missouri; New Mexico Business Coalition; New Mexico Oil and Gas Association.

North Carolina Chamber; North Carolina Petroleum & Convenience Marketers Association; North Dakota Petroleum Council; Ohio Energy and Convenience Association; Ohio Manufacturers Association; Ohio Oil and Gas Association; The Petroleum Alliance of Oklahoma; Pennsylvania Chamber of Business & Industry; Pennsylvania Grade Crude Oil Coalition; Pennsylvania Independent Oil & Gas Association; Pennsylvania Independent Petroleum Producers; Pennsylvania Manufacturers Association; South Dakota Petroleum and Propane Marketers Association; Texas Alliance of Energy Producers; Texas Independent Producers & Royalty Owners Association; Permian Basin Petroleum Association; Associated Builders & Contractors West Virginia; Petroleum Association of Wyoming.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CLYDE).

Mr. CLYDE. Madam Speaker, one of the most egregious provisions in this socialist spending bill includes providing $80 billion to the IRS for hiring 87,000 new agents to audit hardworking Americans.

After my small business was wrongfully targeted by the IRS back in 2013, I know a thing or two about how burdensome and costly battles with the IRS can be. I will tell you, it is a grueling fight that most Americans simply cannot endure.

This is precisely why I introduced an amendment to eliminate the IRS enforcement provision in this severely misguided legislation. The Democrats rejected it, confirming their intent to supercharge IRS audits in order to pay for their Big Government socialist agenda.

This week has also proven just how corrupt our Federal agencies are and the length they are willing to go to persecute political opponents.

Think about it: If the left will weaponize the FBI to raid President Trump's personal residence, they will surely weaponize the IRS' new 87,000 agents, many of whom will be trained in the use of deadly force, to go after any American citizen.

Madam Speaker, I urge my colleagues to vote ''no'' on supersizing and weaponizing the IRS against the American people.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. CHU), whose work in the arena of renewable energy is well known.

Ms. CHU. Madam Speaker, I rise today in strong support of the Inflation Reduction Act.

This historic legislation will make real, tangible differences in the lives and livelihoods of people back home in southern California and across the Nation. It is imperative we pass this once-in-a-generation bill today.

The American people are struggling to afford medications, health insurance, and their energy expenses, all while battling the impacts of climate change every day. They are desperate for Congress to take action to address the real challenges they are facing in their everyday lives.

This is exactly what this bill does. It lowers the costs of prescription drugs for seniors to no more than $2,000 yearly. It curbs the rising costs of utilities

and creates good-paying jobs nationwide in the process. It makes healthcare more affordable for millions of Americans by shoring up the Affordable Care Act.

Today, we are going to combat climate change, ensure corporations pay their fair share, and reduce prices for workers and families. In fact, we are making the largest and most ambitious investment in clean and renewable energy in our Nation's history, finally reversing years of underinvestment at the IRS and building a fairer tax system that will invest in workers without raising taxes on families and small businesses.

Today, we are delivering on a promise made to Americans by passing this critical bill. We must commit to putting people over politics. Madam Speaker, I urge a ''yes'' vote on this bill.

Mr. BRADY. Madam Speaker, may I inquire how much time Chairman NEAL and I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 15 minutes remaining. The gentleman from Massachusetts has 9½ minutes remaining.

Mr. BRADY. Madam Speaker, I include in the RECORD this Penn Wharton School of Business analysis that debunks the Inflation Reduction Act, showing how this bill will reduce inflation by less than a tenth of 1 percent in the first 5 years, with zero impact on inflation after that.

[From Penn Wharton]

SENATE-PASSED INFLATION REDUCTION ACT: ESTIMATES OF BUDGETARY AND MACROECONOMIC EFFECTS

KEY POINTS

PWBM estimates that the Senate-Passed Inflation Reduction Act, as written, would reduce cumulative deficits by $264 billion over the 10–year budget window.

The Act would have no meaningful effect on inflation in the near term but would reduce inflation by around 0.1 percentage points by the middle of the first decade. These point estimates, however, are not statistically different from zero, indicating a low level of confidence that the legislation would have any measurable impact on inflation.

Relative to current law, the Act would slightly reduce GDP in the first decade while slightly increasing GDP by 2050. These estimates include the impact of debt reduction, carbon reduction, and tax incentives on investments and working hours.

Most, but not all, of the tax increases fall on higher income households. However, future generations, including higher-income households, gain from the improved economy, including a reduction in carbon emissions.

INTRODUCTION

On Sunday August 7th, the U.S. Senate passed the Inflation Reduction Act of 2022 under FY2022 budget reconciliation instructions. PWBM recently analyzed a previous version of the bill. We also compared our analysis against that of the Joint Tax Committee and Congressional Budget Office who use an older economics baseline from July 2021.

In this brief, PWBM analyzes the budgetary, macroeconomic, and distributional effects of the final Senate passed version. In line with the previously released version of the bill, the Act provides for new spending and tax incentives related to the adoption of clean energy technology, both at the industrial and consumer level. It extends a temporary expansion of Affordable Care Act (ACA) health insurance subsidies for an additional two years. To offset these deficit-increasing initiatives, the bill imposes new taxes on certain businesses, reduces government outlays on prescription drugs through pricing reforms. It also provides for new IRS funding which PWBM estimates would increase revenue collections above new outlays.

PROVISION DESCRIPTIONS AND ESTIMATED BUDGETARY EFFECTS

The final version of the Act makes several key amendments to the version we previously analyzed. First, the new corporate minimum tax no longer restricts the tax benefit of accelerated depreciation, and private equity firms are exempted from the tax. Second, the carried interest provision was removed. Third, new revenue raising provisions (a tax on stock buybacks and a restriction on pass-through loss deductions) were added. Fourth, due to Senate rules, drug price inflation caps for private insurance plans were removed.

More specifically, the Act proposes the following policy changes:

Extension of expanded ACA subsidies. Extends the temporary expansion of Premium Tax Credits through 2025. The expansion, which offers eligibility to households above 400 percent of the poverty line, is scheduled to expire at the end of 2022 under current law.

Climate and energy provisions. Includes tax rebates and credits to lower energy costs for households; tax credits, research, loans, and grants to increase domestic manufacturing capacity for wind turbines, solar panels, batteries, and other essential components of clean energy production and storage; tax credits to reduce carbon emissions; programs to reduce the environmental impact of agriculture; a new fee on methane emissions; and more.

Minimum tax on corporations' book income. Creates a new 15 percent corporate alternative minimum tax based on the financial statement income of corporations with at least $1 billion in such income. Allows for bonus and accelerated depreciation deductions when calculating taxable book income.

Tax on share repurchases. Imposes a new 1 percent tax on corporations' net repurchase of stock.

Extension of excess noncorporate losses limitation. Extends the limitation on the deduction of pass-through losses through tax year 2028, which under current law is scheduled to expire at the end of 2026. The maximum deductible loss, which is indexed to inflation, is $540,000 for married taxpayers in 2022.

Prescription drug price reforms. Allows Medicare to negotiate the price of certain prescription drugs; limits the price growth of certain drugs paid covered under Medicare to inflation; repeals the implementation of a ''rebate rule'' scheduled to increase drug-related Medicare outlays beginning in 2027; redesigns Medicare Part D benefit formula and caps out-of-pocket costs for beneficiaries.

IRS funding. Appropriates approximately $80 billion over the next decade for IRS enforcement activities including the hiring and training of new auditors, IT systems modernization, and taxpayer services.

Table 1 presents PWBM's estimate of conventional budgetary effects over the 10-year budget window defined in the FY2022 reconciliation instructions. We estimate the Act would reduce cumulative noninterest deficits by $264 billion from FY2022 through FY2031.

ESTIMATED EFFECTS ON INFLATION

We estimate that the Inflation Reduction Act as passed by the Senate would have a very modest impact on inflation over the next decade. The Act produces some upward pressure on prices in 2023 and 2024, but its effects are too small to meaningfully affect measured the Personal Consumption Expenditures (PCE) inflation rate as reported by the Bureau of Economic Analysis. The Act would reduce annual inflation by around 0.1 percentage points in about five years, once major deficit-reducing provisions of the legislation are fully implemented, but the Act would have no measurable impact on inflation after 2028. All these point estimates are not statistically different from zero, indicating a low level of confidence that the legislation would have a measurable impact on inflation.

OTHER MACROECONOMIC EFFECTS

Government spending rises because of the climate-related spending and the extension of the ACA subsidies are greater than the savings from prescription drug pricing reforms. However, additional tax revenues are greater than the spending increases, which leads to a decrease in government debt. Government debt goes down by 4.1 percent in 2040 and 8 percent in 2050, which crowds-in investment in productive private capital.

The provisions which increase taxes on business activity lower the after-tax return to investment, which offsets the positive effects on investment from lower government debt. Net of these two effects, private productive capital declines by 0.2 percent in 2031, is unchanged in 2040 and increases by 0.3 percent in 2050. The drop in productive capital in 2031 leads to a 0.1 percent decline in GDP.

Nonetheless, as government debt declines, private capital increases by 0.3 percent by 2050, and workers become more productive. Higher worker productivity is reflected in wages that increase by 0.1 percent in the same year. Moreover, the increase in private capital combined with the accumulated productivity increases from the climate and energy effects, described in a previous brief, leads to an increase in GDP, which grows 0.1 percent in 2050.

DISTRIBUTIONAL TAX EFFECTS: CONVENTIONAL ESTIMATES

The Inflation Reduction Act contains a wide array of subsidies, taxes, and pricing reforms, each with varying impacts on households and businesses. For example, some large businesses would face higher tax bills; individuals buying certain health insurance plans would face lower out-of-pocket costs; some households who evade taxes would be made to pay; and pharmaceutical companies would earn lower revenues. Though not responsible for remitting taxes assessed on business activity, households bear some of the economic burden of such taxes. Shareholders receive lower after-tax returns, and workers earn lower wages with fewer productivity-enhancing investments.

Distributional analysis traditionally focuses on the effects of revenue-raising tax provisions since attempting to allocate all spending—including for roads, education, national defense, some transfer programs, and the bill inherited by future payers for current deficits—is challenging and subjective. Put differently, distributional analysis typically is not intended to be a holistic incidence. Instead, distributional analysis attempts to estimate answers the narrower question: for a given set of spending benefits

and change in debt, who finances the costs under the explicitly stated revenue provisions in the bill? In the case of this Act, the revenue is raised from the corporate minimum tax as well as the tax on share repurchases.

*Conventional* distributional analysis measures the long-run incidence of tax increases imposed at a single point in time. PWBM assumes that 75 percent of corporate income taxes are borne by owners of capital with the remainder borne by labor—magnitudes consistent with empirical research and scorekeeping convention. We apply this incidence assumption when analyzing the corporate minimum tax provision. However, for the stock buyback tax, we assume that shareholders bear 100 percent of the burden because it is assessed on a discretionary balance sheet transaction rather than on income from economic production.

We find that all income groups would bear some of the additional burden of the 2023 revenue-raising business tax changes. Average burden ranges from $5 for the lowest quintile, to $55 for the middle quintile, to $61,520 for the top 0.1 percent of tax units. At lower incomes, the tax incidence largely reflects lower wages over time relative to baseline, whereas at high income the tax incidence mostly reflects more immediate changes in the value of financial assets.

DISTRIBUTIONAL EFFECTS: DYNAMIC ESTIMATES

PWBM's dynamic distribution metric shows how benefits and costs accrue across generations when accounting for macroeconomic effects, including the increase in productivity from lowering carbon emissions relative to baseline. While this analysis is less granular than conventional distributional analysis, the dynamic ''equivalent variation'' measure captures important dynamics like lifetime income trajectories, the ''insurance value'' of means-tested benefits and changes in wages and returns to capital investments.

Table 4 reports the equivalent variation for households at different ages (relative to the year 2022) and incomes. Each value shown in Table 1 corresponds to the *one-time* benefit that the corresponding household receives from the legislation. For example, the value of −$700 for a household age 40 in the bottom income quintile indicates that this household is worse off by $700 under this legislation, including at age 40 and the remainder of his or her lifetime. Put differently, this household is indifferent between the adoption of the Inflation Reduction Act and making a one-time payment of $700 that avoids the adoption of the Act. However, a household in the bottom quintile who is born in 20 years (−20 age in 2022) would be $1,900 better off.

Notice two main effects that vary by both income and generation:

First, current workers and retirees prefer current law over the provisions in the Inflation Reduction Act. People alive today bear the burden of business tax increases in the form of lower investment returns and lower wages in the near term. However, future generations gain from the adoption of the Act, including positive gains to capital formation from reducing the debt as well as the increase in total factor productivity from reducing carbon emissions relative to baseline.

Second, current higher-income households bear a substantially larger share of the tax burden while future higher-income households also gain the most from the improved economy. In the long run, the Inflation Reduction Act leads to lower government debt, higher wages, higher total factor productivity and higher GDP. Although older workers and retirees prefer current law, this growth leads to significant gains for younger households in all income brackets. As lower government debt *crowds* in additional productive private capital, wages increase. In addition, these younger workers begin to benefit from the accumulating productivity benefits from climate investments. Therefore, workers in the future will receive higher wages and income, which is reflected in larger equivalent variations for younger cohorts of workers.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. ROSE).

Mr. ROSE. Madam Speaker, Tennesseans are hurting from the skyrocketing cost of living everywhere they turn. Now, it seems as if the United States has entered into a spending-induced recession caused by the irresponsible fiscal policies of President Biden and congressional Democrats.

Instead of focusing on passing meaningful and impactful legislation to help lower the cost of living, we are voting on a bill that spends hundreds of billions of taxpayer dollars.

The bill will do nothing to help ease the pain my neighbors in Tennessee are experiencing and, in fact, is likely to increase inflation even more and push prices on everything even higher.

It gives a tax break to wealthy Americans who can already afford to purchase expensive electric cars. It also increases taxes amidst a recession, which will only make it worse, and it allows the IRS to hire an army of 87,000 new Federal agents to go after the middle class.

Madam Speaker, I will be voting ''no,'' and I urge my colleagues to do so as well.

□ 1400

Mr. NEAL. Madam Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. CLYBURN), the majority whip of the Democratic Caucus, whose district I have visited.

Mr. CLYBURN. Madam Speaker, I thank the gentleman for yielding the time.

Madam Speaker, I rise today in full support of the Inflation Reduction Act. There are few days during a congressional career that feel truly historic. For me this is one of them. We have passed other historic legislation to help our economy overcome the pandemic, create jobs, repair and invest in our infrastructure, and bolster critical supply chains. Passage of the Inflation Reduction Act, however, will lead to the transformative change Democrats in Congress have been working with President Biden to achieve for the past year and a half.

The Inflation Reduction Act will check inflation by reducing the deficit by $300 billion over the next decade. It achieves that by ensuring tax fairness that requires corporations to pay a minimum tax of 15 percent and protecting families making less than $400,000 a year from paying even one penny more in taxes.

In addition, the Inflation Reduction Act will assist families by extending subsidies for the purchase of health insurance through the Affordable Care Act. Seniors on Medicare will benefit from the government's ability to negotiate prescription drug prices and by capping out-of-pocket drug costs at $2,000 per year.

Having experienced my late wife's 30-year battle with diabetes, I am especially pleased this bill would cap insulin costs at $35 per month for those on Medicare.

This is a giant step forward, but we will continue working to overcome the Republican opposition that blocks extending the same lifesaving measures to those on private insurance.

Finally, this bill will cut climate pollution by 40 percent by 2030. It does so by building a new, clean energy economy that invests in a healthy future for all our citizens, creating more than 9 million new jobs.

This legislation creates a nuclear production tax credit for existing reactors, ensuring that my home State of South Carolina continues to be a leader in clean energy generation while also making electricity affordable and accessible.

It also puts $60 billion toward environmental justice to help communities, especially communities of color, address the legacy of pollution in their neighborhoods.

I believe today we are demonstrating what we Democrats mean when we say we are putting people over politics, while our Republican colleagues continue to put their politics over the people's health and well-being.

Madam Speaker, I am proud to stand with the people of America and help with this bill.

Mr. BRADY. Madam Speaker, I would note that every Democrat in Congress, in the House and Senate, strongly opposed providing prescription drugs for seniors in Medicare part D, and then-Leader PELOSI at the time said, it would end Medicare as we know it to help seniors with these lifesaving medicines.

Madam Speaker, I include in the RECORD the following study from the University of Chicago which shows the Democrats' drug pricing scheme and controls could kill up to 342 cures, many of them lifesaving cures, in the next two decades alone.

[From University of Chicago, Sept. 2021]

THE EVIDENCE BASE ON THE IMPACT OF PRICE CONTROLS ON MEDICAL INNOVATION

(By Tomas J. Philipson and Troy Durie)

EXECUTIVE SUMMARY

This issue brief reviews the evidence on the impact of price controls on biopharmaceutical innovation and calibrates what this evidence implies for recent price control proposals in the US. A large academic literature estimates the effect of future drug revenues on R&D spending with a mid-range effect of a 1 percent reduction in revenue leading to a 1.5 percent reduction in R&D activity. Using the range of such effects found in the literature we find the proposed price controls of US bill HR3, the Lower Drug Costs Now Act, would lead to a 29 to 60 percent reduction in R&D from 2021 to 2039 which translates into 167 to 342 fewer new drug approvals

during that period. The mid-range effect of the evidence implies a 44.6 percent decline in R&D and 254 fewer new drug approvals. As a benchmark on the large size of the adverse health effects this implies, we conservatively find the loss in life from the price controls the next 10 years is 20 times larger than the loss from COVID–19 to date in the US. We argue this is a conservatively low estimate of the impact of such proposals even though it is as much as a ten times larger reduction in new drugs compared to a recent CBO analysis.

SECTION 1: INTRODUCTION

A national debate has emerged again about the effect of price controls on pharmaceutical innovation. Many proponents of price controls for pharmaceutical drugs argue that they do not impact innovation while opponents argue they will lead to fewer new drugs. This issue brief attempts to provide insight into the likely effects of recent price control proposals by analyzing how the debate can be informed by basic economics and the prevailing empirical evidence.

While the United States has less stringent price regulations when compared to other nations, the Biden Administration has recently announced plans to lower drug prices through policies similar to those outlined in a recent bill referred to as the Lower Drug Costs Now Act (H.R. 3) that passed the House of Representatives in December 2019 and was reintroduced in April 2021. This proposal would create price controls for the government's highest expenditure drugs and then apply price controls to firms conducting private sector transactions. This issue brief reviews the evidence on how sensitive innovation is to changes in revenues and applies the evidence to estimate the effect of proposed price controls.

SECTION 2: EVIDENCE BASE ON REVENUE EFFECTS ON INNOVATION

Biopharmaceutical companies routinely project future market size and profits for their products to determine the rate of return on investment (ROI) from R&D. A large body of evidence suggests that these market practices translate into a predictable positive relationship between realized revenues and R&D spending in the economy in general and for biomedical innovation in particular.

A rich academic literature quantifies this relationship between future revenues and pharmaceutical innovation. For assessing evidence related to revenue effects on R&D, it is important to recognize that global profits drive innovation and that revenues from different countries have different effects on those global profits because of different profit margins across countries. Expected earnings, not revenues, drive R&D investments. Therefore, decreases in US revenue will have larger effects on global profits than revenue losses in price controlled markets in Europe due to higher profit margins in the US. Goldman and Lakdawalla (2018) find that pharmaceutical profits in the United States accounts for 64 to 78 percent of global profits, similar to an estimate from the Council of Economic Advisers (CEA) (2018). Consequently, the evidence finds that studies focusing on US revenue losses show larger R&D effects than those studying revenue losses in Europe.

In particular, a set of papers looks at the expansion of the Medicare prescription drug benefit, Medicare Part D, which provides the most relevant evidence for assessing the revenue effects of Medicare policy changes. They find that companies recognized this expansion and increased innovation in drugs treating diseases prevalent in the elderly population more so than innovation in non-elderly diseases (Blume-Kohout and Sood 2013). Quantifying that relationship, a 1 percent increase in market size due to Medicare Part D leads to a 2.8 percent increase in new drug approvals. Another often cited paper finds a 1 percent increase in potential market size leads to a 4–6 percent increase in the entry of new drugs (Acemoglu and Linn 2004) in the US. Though other studies have found lower effects in Europe of the relationship between potential market size and the number of new treatments, a clear strong positive relationship exists (Dubois et al. 2015). Other studies show that a 1 percent increase in price leads to a 0.22–1.33 percent increase in innovation. Another extensive literature illustrates how companies change their investments in lower quality drugs due to price controls and other regulations that decrease how much can be charged for high-quality drugs.

We synthesized the evidence base by computing the average R&D elasticity with respect to revenue estimated from 10 different studies looking at the effect of a price change, expected market, and overall revenue on R&D. Table 1 illustrates the elasticities used from each paper, and the average elasticity across these 10 studies is 1.54.

Note: Acemoglu and Linn (2004) find an elasticity range of 4–6 based on if all approved including generics are included or not. We take the midpoint of this range. Abbott and Vernon (2005) find a price cut of 40 to 50 percent lowers R&D by 30 to 60 percent. Taking the midpoint of these numbers gives a 45 percent price cut leads to a 45 percent decrease in R&D, or an elasticity of 1.

To assess the impact on the number of new drugs from reductions in R&D spending, a common approach is to divide the reduction in R&D spending by an estimate of the costs of bringing a drug to market. This is a useful approach and implies a proportional reduction in new drugs to the reduction in R&D spending regardless of the particular cost per drug. In other words, using this methodology, a 10 percent reduction in R&D spending leads to 10 percent fewer drugs regardless of the cost per drug estimate used. The elasticity of R&D spending with respect to revenue in this case therefore also represents the elasticity of new drugs to revenue.

Despite the evidence, there is some debate among law makers concerning whether revenue or price controls affect innovation at all. However, the evidence is consistent with common market practices of biopharmaceutical innovation—a positive relationship between investment and earnings. Such market practices include the use of net present value (NPV) calculations to determine a new drug's ROI. Biopharmaceutical companies determine the demand for new drug therapies by analyzing the prevalence of disease, insurance coverage of the population affected by the disease, and reimbursement by payers managing patients' care. The pharmaceutical industry spent more than $91 billion on R&D in 2020. In obtaining such R&D funding, companies have relied on venture capital funding, licensing agreements, or mergers and acquisitions as well as their own revenue. All rely on ROI assessments to evaluate R&D investments. Indeed, markets routinely assess the enterprise value of firms by estimating the present value of expected cash flows across all business lines and projects.

SECTION 3: CALIBRATION OF THE IMPACT ON INNOVATION OF PROPOSED US PRICE CONTROLS

This section evaluates what the evidence implies for the innovation effects of proposed US price controls. We calibrate that the price controls implemented in the United States would lead to a 29.2 to 60.0 percent reduction in R&D from 2021 to 2039. This equates to $952.2 billion to $2.0 trillion in lost R&D spending and 167 to 342 fewer new drug approvals during this period. This means annual new drug approvals will be 11.7 to 24.0 percent lower per year from 2021 to 2029 and 45.0 to 92.4 percent lower from 2030 to 2039. We discuss how these findings, as well as findings from other studies, differ from CBO (2019), which finds only 37 fewer new drug approvals over this time period, which is 550.2 to 1,024 percent lower than our estimates. Our estimates are conservative as the entire evidence base is considered and not only the evidence base for the more R&D sensitive US market.

It should be noted, however, that making comparisons to CBO estimates is made more difficult due to the highly non-transparent discussion of their underlying analysis, which makes third-party replication of their results impossible. This ''black-box'' nature of analysis is often the case with government reports and raises larger issues with the difficulty for private parties and taxpayers—who funded the analysis—being able to assess their accuracy. In contrast, we believe the presentation of the evidence discussed above, and the innovation effects they directly imply, is highly transparent as it simply documents the findings of the studies and their implied effects.

*3.1 The Proposed US Price Controls*

The United States has fewer restrictions on price than other countries, but the Biden Administration has announced their goal to lower drug prices through greater price regulation, as set forth in a recent bill referred to as H.R. 3. This proposal would change the way certain single-source brand drugs are priced for Medicare beneficiaries by requiring drug manufacturers to ''negotiate'' drug prices with the Secretary of Health and Human Services. A prohibitive excise tax of 65 to 95 percent will be applied to a company's annual gross sales if they refuse to negotiate, making the requirement largely equivalent to mandatory price controls. Drug prices set by the Secretary may not exceed the prices in specified countries by more than 20 percent and price increases would be capped at the rate of inflation (CBO 2021).

In addition, these price controls would also be extended to private transactions by employer-based plans as stated on August 12, 2021 by President Biden and as implied by the proposed legislation. Private payers can choose the lower prices negotiated by the government, which they presumably will.

*3.2 CBO's Estimated Effects and Alternative Estimated Effects of the Proposed Price Controls*

CBO (2019) previously estimated that a drop in future revenues due to H.R. 3 would lead to 8 fewer drugs from 2020 to 2029, which would then expand to 30 fewer drugs from 2030 to 2039). In August 2021, CBO (2021b) updated its estimated impact of price negotiations to be 2 fewer drugs in the first decade (0.5 percent), 23 fewer in the second decade (5 percent), and 34 fewer drugs in the third decade (8 percent). Since the development process takes about a decade, the long run effects of the bill will be larger than its short-run effects. To align these estimates with our time period of 2021–2039, we lower their estimate to 7 fewer drugs from 2021 to 2029 and keep the estimate of 30 fewer drugs from 2030 to 2039.

Consistent with our analysis, other analysts' assessments of CBO's 2019 analysis of H.R. 3 conclude that CBO (2019) likely underestimates the impact of H.R. 3. Charles River Associates (2021) finds the CBO study underestimates the company revenue impact by assuming companies will be able to set their price at the high end of the allowed price

range, and that companies will be able to increase their non-U.S. price. Both assumptions may not be true due to uncertainty around behavioral responses in negotiations. Further, for the loss-of-revenue impact on R&D, CBO extrapolates price control effects from smaller markets, and they do not account for the larger impact on targeted disease groups most impacted by the policy like rare diseases and oncology. CBO's analysis relies on Dubois et al. (2015) to estimate the effect of H.R. 3 on R&D, but CRA notes that this estimated effect is smaller than most of the other literature, too dependent on specific assumptions, and may not be as relevant to a policy of H.R. 3's magnitude.

Other analysts' estimates of the impact of the price controls introduced in H.R. 3 show a considerably larger impact on global revenues and R&D than assumed by CBO. Stengel et al. (2020) estimate drug manufacturer revenues would fall 34 to 44 percent, which would equate to about $1.3 to $1.7 trillion in total lost global revenues from 2020–2029. Vital Transformation (2021) estimates annual earnings would fall 56 percent, or on average $102 billion a year, starting in the year 2024. This fall in earnings when fitted to past data would have lowered new approved drug therapies in their sample from 68 new drugs to 7 new drugs, an 89.7 percent decline from 2010 to 2019.

*3.3 Effects of the Proposed Price Controls Implied by the Evidence Base*

In light of the reported shortcomings in the CBO (2019) report, we used the broader evidence base discussed in this issue brief to assess the effect H.R. 3's proposed price controls would have on innovation. We create a range of the estimated drop in global drug manufacturer revenues by taking the CBO's lower estimate of 19 percent and the midpoint revenue effect of alternative studies, 39 percent, from Stengel et al. (2020).

As discussed earlier, a conservatively low estimate of the elasticity of revenue on either R&D or the introduction of new drugs is 1.5 based on current evidence. We apply this elasticity to the 19 to 39 percent decline in revenues to derive a percentage reduction in R&D. This percentage reduction is thereafter used to calibrate the reduction in absolute R&D spending or number of approved drugs which is applied to the CBO baseline trend in absolute values. In other words, the reduction in R&D spending and the number of new drug approvals during 2021 to 2039 is obtained by determining how much would be lost in each of those measures with the number of approved drugs being compared to CBOs baseline trends given the percent reduction in R&D. We create our own trend for R&D spending by taking a time series from PhRMA's 2021 Membership Survey showing pharmaceutical R&D spending from 2000–2019 and calculated the compound annual growth rate to get a trend for expected R&D spending through 2039. We then applied the impact on R&D to each year and summed these values to get a total. For new drug approvals, we use the 30 new drug approvals baseline from CBO (2019) and applied the impact on R&D for each year and summed.

Table 2 illustrates our main findings. Using the average elasticity on the 19 to 39 percent drop in global revenues, innovation through R&D is expected to drop 29 to 60 percent. Using the middle of our range, this would equate to lost R&D spending of up to $1.5 trillion. We find that this drop in spending will lead to 167 to 342 fewer new drug approvals.

Our estimates are therefore 550.2 percent to 1024.0 percent larger than CBO (2019)'s estimated 37 fewer new drug approvals, adjusted to our time period. CBO (2019) points out that lower R&D spending will take time to be reflected in new drug approvals due to the long development process, so the reduction in revenue results in 7 fewer new drug approval, 18.9 percent of their total estimate, in the first 9 years and 30 more in the following decade, 81.1 percent of their total estimate. We assume this breakdown as well, so new drug approvals will fall by 32 to 65 approvals from 2021 to 2029 and 135 to 277 approvals from 2030 to 2039. These significant drops in new drug approvals will lead to delays in needed drug therapies, resulting in worse health outcomes for patients.

The failure to discover and get new drug approvals leads to worse health outcomes. CEA (2019) did an early analysis of H.R. 3 finding 375 million to 100 million life years lost due to this policy's impact on R&D spending through 2029. For comparison, using death data through September 22, 2021, SARS–CoV–2 has directly reduced health outcomes by 7.5 million life years. The 7.5 million life years lost is only just over 10 percent as large as the midpoint of CEA (2019)'s estimate due to H.R. 3. We calculate this loss in life years by applying life expectancy estimates conditional on age from CDC to the age distribution of deaths from SARS–CoV–2 from CDC updated through September 22, 2021. Then we multiply the life expectancy at each age grouping by the number of deaths and sum to get 7.5 million life years lost. A prior study shows how every $2,000 spent on pharmaceutical research and development increases population health by one statistical life-year (Lichtenberg 2002). When applied to our R&D spending estimates, this would lead to 159.3 million to 326.9 million life years lost by 2029 which increases to 476.1 million to 977.2 million by 2039. This amounts to the direct negative health effects of SARS–CoV–2 to be only 3.1 percent as large as our midpoint estimate by 2029 and 1.0 percent as large by 2039. Price controls have significant health costs to the U.S. population.

Our analysis likely underestimates true innovation effects, which, if considered fully could make our findings even further away from the CBO estimates. This is because the average R&D elasticity of 1.5 used included studies of non-U.S. markets with lower earnings effects than U.S. markets. Given that the U.S. has higher margins, price controls are expected to have a larger impact on earnings. Thus, only using the larger estimated elasticities from U.S. markets, which would double the elasticity of 1.5, would yield proportionally larger differences between the evidence base and the CBO estimates.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. RUTHERFORD).

Mr. RUTHERFORD. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today in strong opposition to this reckless spending bill, which, contrary to its name, will do absolutely nothing to address inflation. In fact, the bill before us today will further threaten the prosperity of hardworking, middle-class taxpayers.

The same leaders who drove this economy into a recession are back. But this time, it is another failed plan to raise taxes, build more bureaucracy, and create a government slush fund with taxpayer dollars.

We need to call this bill what it is. It is a $700-billion debacle that will drive up costs for everyone, double the size of the IRS, attack medical innovation, as you have already heard, and use $350 billion to implement the Green New Deal all while giving handouts to the wealthy.

Hardworking Americans across the country are facing the reality of rising prices and a nationwide recession. They deserve leaders who are focusing on the lives of everyday Americans, not politicians who pander to the President and his failed policies.

Madam Speaker, I urge a ''no'' vote on this egregious bill.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. Madam Speaker, the word ''historic'' is probably overused at times. Really, it is a day like today when the word ''historic'' is warranted.

For decades, politicians of both parties talked about giving Medicare the ability to negotiate prescription drugs to bring down the costs for seniors. Today, in this bill, we are doing it.

For decades, politicians talked about capping the amount of money seniors paid every year on prescription drugs. Some in my district in Philadelphia pay $5,000 a year, $10,000 a year. This bill caps it at no more than $2,000 a year.

Again, for decades, politicians talked about the need to address climate change and to make a large investment, so that we can finally tackle this existential challenge for America and for the world. Here in this bill we are doing it: the largest single investment to address climate change in our Nation's history.

I know that on social media and on TV, it tends to be the performative politics that get most of the attention, that helps breed cynicism within our constituents. It is legislation like this that makes a difference in people's lives. This is why we are here as lawmakers: to do the people's business.

Mr. BRADY. Madam Speaker, I insert in the RECORD the following analysis which shows the top 10 manufacturing industries hit hardest by the Democrats' made-in-America manufacturing tax. These are predominantly minority communities and working-class Americans.

TOP 10 INDUSTRIES WHERE AVERAGE ANNUAL WAGES ARE LESS THAN 75K PER YEAR:

| Industry | Amount of Workers | Job Example |
|---|---|---|
| 1) Office and Administrative Support. | 18,299,380 | Secretaries, Administrative Assistants |
| 2) Sales and Related ..... | 13,256,290 | Retail Sales Workers, Travel Agents |
| 3) Transportation and Material Moving. | 12,639,920 | Truck Drivers |
| 4) Food Preparation and Serving. | 11,201,480 | Waitress, Hosts and Hostesses, Cooks |
| 5) Production ..... | 8,408,030 | Machine Operators, Laundry and Dry-Cleaning Workers, Tire Builders |
| 6) Educational Instruction and Libraries. | 8,191,930 | Teachers, Librarians |
| 7) Healthcare Support ..... | 6,603,680 | Nursing Assistants, Occupational Therapy Aides |
| 8) Construction and Extraction. | 5,848,950 | Carpet Installers, Insulation Workers |
| 9) Installation, Maintenance, and Repair. | 5,574,410 | Radio, Cellular, and Tower Equipment Installers and Repairers |
| 10) Building and Grounds Cleaning and Maintenance. | 4,108,810 | Janitors and Cleaners, Lawn Service, Groundskeeping Workers |

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. Madam Speaker, this bill will not reduce inflation. It will pull us deeper into the current recession and take America further in the wrong direction. It is simply more government and less freedom.

In the past year, inflation has exceeded 13 percent, and real wages have effectively fallen by 4.5 percent. The Federal Reserve and Big Government combined to fuel inflation, and now people are being crushed by these high prices. You cannot spend your way out of inflation.

But that is exactly what this bill tries to do with $745 billion in new spending. It raises taxes in a recession. And it gives more than six times the agency's current annual budget for the IRS. It is going to more than double audits on families.

Instead of addressing the 32 percent increase in energy prices by increasing domestic production, this bill spends billions on Green New Deal pet projects like a $27 billion EPA-run Climate Bank and a $250-billion federally run Department of Energy loan program.

Madam Speaker, I urge my colleagues, please oppose this bill.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. BEYER), who has had a profound influence on this legislation and knows it inside and out.

Mr. BEYER. Madam Speaker, today we protect the world for future generations.

Madam Speaker, the Inflation Reduction Act will do untold good for the Nation and for the American people. This is our generation's signature contribution to American history, our Social Security Act, or Civil Rights Act, or even the Bill of Rights.

The act will lower healthcare costs, reduce prescription drug prices, and create jobs. We have emphatically put people over politics.

Much like a proposal I introduced with Senators ELIZABETH WARREN and ANGUS KING, it will actually reduce the deficit by preventing tax avoidance for the biggest corporations in this country, requiring them to shoulder their fair burden of the tax responsibility.

Most importantly, Congress is finally taking the sweeping, ambitious action we desperately need to prevent the worst effects of the climate crisis. We are passing the most important environmental bill in history.

I am privileged to serve on Chairman NEAL's brilliant and enlightened Ways and Means Committee. I am proud of the diverse tax credit provisions I partnered with my distinguished Members and friends.

These are the parts of the act which will have enormous climate consequences:

They will accelerate the adoption of zero emission mid-size trucks, vans, and other commercial vehicles.

They will scale up direct air capture technology to remove carbon pollution directly from the atmosphere.

They will incentivize the reduction of emissions from commercial buildings.

These provisions and the bill as a whole will create huge numbers of good-paying jobs.

Then there is the big picture. This bill will put us on a path to reduce our target emissions and actually help save the planet.

Madam Speaker, I thank my colleagues for their support.

Mr. BRADY. Madam Speaker, I include in the RECORD the following editorial from The Wall Street Journal, which shows this bill will only reduce global temperatures by, at best, 0.028 degrees Fahrenheit throughout this century and as little as 0.0009 degrees over the entire century.

[From The Wall Street Journal]

TILTING AT CLIMATE WINDMILLS

Nearly all of Washington—Democrats, the press, lobbyists—is taking a victory lap with Senate passage of the Schumer-Manchin tax, climate and drug price control bill. The climate lobby is especially thrilled, claiming a historic victory that will reduce temperatures, hold back the rising sea, and save the planet.

Or, maybe not. Our contributor Bjorn Lomborg looked at the Rhodium Group estimate for CO2 emissions reductions from Schumer-Manchin policies. He then plugged them into the United Nations climate model to measure the impact on global temperature by 2100. He finds the bill will reduce the estimated global temperature rise at the end of this century by all of 0.028 degrees Fahrenheit in the optimistic case. In the pessimistic case, the temperature difference will be 0.0009 degrees Fahrenheit.

In other words, the climate provisions in this ballyhooed legislation will have no notable impact on the climate.

This isn't surprising. No matter what the U.S. does to reduce greenhouse-gas emissions, it will be dwarfed by what the rest of the world does. China, India and Africa aren't about to stop burning fossil fuels as they develop, and China is sprinting ahead to build huge new coal capacity despite its pledge to start reducing emissions after 2030.

Barring a breakthrough in battery or other technology, carbon emissions will continue to increase. No one knows how much the Earth's temperature will warm, though even the U.N. model has modified its estimates from the apocalyptic predictions of some years ago.

Schumer-Manchin won't reduce inflation, won't reduce the budget deficit, and it won't reduce the world's temperature. What it will do is transfer some $369 billion from taxpayers and drug companies to the pockets of green energy businesses and investors. It will tighten the hold that politicians have on the allocation of capital, as they pick winners and losers with their grants and tax credits. Everyone will get a nice warm feeling as they pretend they are cooling the climate.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Ms. MALLIOTAKIS).

Ms. MALLIOTAKIS. Madam Speaker, at a time when the country is facing a 40-year high rate of inflation, Americans are struggling, the economy is contracting, and we are in a recession, they are jamming through a $750-billion bill with a slush fund that will only further fuel inflation, lead to higher energy costs, and drive up manufacturing costs as a supply chain crisis persists.

What a lousy idea to raise taxes during a recession. This will not just hit businesses, but families earning as little as $50,000, and that is exactly why this bill is doubling the IRS by 87,000 agents.

This is a level that is:

More than the population of Biden's entire hometown of Scranton, Pennsylvania.

More than the fans that can fill the MetLife Stadium where the Giants play.

Three times the staff at the Pentagon.

Four times the Border Patrol agents when we have a border crisis; and

Eight times the drug enforcement agents when fentanyl is taking record lives of young Americans.

This bill does not include one cop as crime is skyrocketing in cities like mine.

This Congress is disconnected with the real problems that Americans face. To call this the Inflation Reduction Act is a lie.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. SCHNEIDER), who is a very valued member of the Ways and Means Committee.

Mr. SCHNEIDER. Madam Speaker, I proudly rise today in support of the Inflation Reduction Act. This historic bill will lower the cost of energy and healthcare for millions of Americans. Just as important, it makes the largest ever investment in tackling the climate crisis, helping us cut carbon emissions by 40 percent by 2030.

These historic investments will improve the lives of hardworking Americans, all while reducing our deficit by $300 billion.

This bill will allow the HHS Secretary to negotiate the prices of some of the most expensive drugs. It caps the price of insulin at $35 for Americans on Medicare. It also includes expanded coverage for low-income Medicare beneficiaries, which I have championed for years.

On climate change, I am particularly proud that this bill includes my legislation, the Sustainable Skies Act, that will help dramatically reduce greenhouse gas emissions from aviation, which today accounts for 2 percent of the world's annual emissions.

The bill also tackles the high energy costs that Americans face with investments in consumer home energy, from rooftop solar panels to electric HVAC systems.

Let me repeat: this bill is entirely and responsibly paid for and then some.

Again, our deficit will be cut by more than $300 billion by the action Congress is taking today.

Madam Speaker, Americans have been hard hit by a once-in-a-century pandemic and then by the consequent effects of global inflation and supply chain crises. And every year the impacts of climate change become more severe and more costly. Americans need relief.

Madam Speaker, I urge my colleagues to vote for the Inflation Reduction Act and give our fellow citizens the relief they deserve.

Mr. BRADY. Madam Speaker, I include in the RECORD the following article by Americans for Tax Reform, which debunks the Inflation Reduction Act by describing the top five budget gimmicks in this bill, showing over $330 billion in fake savings, more than the so-called deficit reduction in the bill.

5 GIMMICKS IN DEMOCRATS' RECONCILIATION BILL

Democrats' reconciliation bill, improperly named the ''Inflation Reduction Act,'' contains numerous gimmicks designed to deceive voters and circumvent congressional rules.

This bill uses several budget gimmicks: a short extension of Obamacare subsidies, a repeal of the ''rebate rule'' that never has nor never will go into effect, and supersizing the Internal Revenue Service (IRS) to ''solve'' an overstated tax gap, This bill attempts to circumvent the Byrd rule by erroneously calling a mandate ''a tax.'' The bill would also violate President Biden's tax pledge to not raise taxes on anyone making less than $400,000 a year.

1. THE OBAMACARE SUBSIDIES IN THIS BILL ARE ONLY EXTENDED UNTIL 2025, DESPITE EXPECTATIONS THAT THEY WILL BE EXTENDED AGAIN.

In the American Rescue Plan (ARP), President Biden and congressional Democrats expanded Obamacare subsidies—specifically the advanced refundable premium tax credit—by increasing benefits for households at every income level and expanding them to households earning more than 400 percent of the federal poverty level. Because these enhanced benefits are set to expire later this year, Democrats are attempting to extend them through 2025 in this legislation.

Once these expanded subsidies have been in place for five years total, it will be extremely difficult to get rid of them. Given the high likelihood—and expectation—that these subsidies will be extended once they're set to expire again, the three-year extension is a clear gimmick.

If the expanded subsidies were extended indefinitely, the 10-year budget deficit reduction falls from $248 billion to $89 billion, according to the Penn Wharton Budget Model.

2. THE BILL REPEALS THE ''REBATE RULE,'' DESPITE THE FACT THAT IT WAS NEVER GOING INTO EFFECT.

Under the Trump administration, the HHS released the rebate rule which sought to lower drug prices by altering payments from drugmakers to pharmacy benefit managers. The Trump administration never went through with this rule nor has the Biden administration taken it back up again (to be clear, they never will).

Even so, Democrats claim the repeal would reduce the deficit by $120 billion. Clearly, it would not.

Already, between the likely extension of Obamacare subsidies and this rebate rule, the bill doesn't actually reduce the deficit at all.

3. THE IRS WOULD BE SUPERSIZED TO SOLVE AN OVERSTATED ''TAX GAP.''

The Joint Committee on Taxation estimates that $80 billion in additional funding to the IRS would increase tax revenue by $125 billion. While increasing tax enforcement would certainly raise more money from unsuspecting small businesses, the Left has assumed that this can and will be done through increased enforcement on the wealthy.

In reality, wealthy individuals and large corporations are almost always tax compliant. The wealthy and large corporations already have armies of lawyers and accountants that ensure they legally take advantage of the plethora of credits and deductions offered by the tax code. Further, the IRS already audits the largest corporations at high rates. It doesn't matter how much more the agency receives in funding—they will not find violations in the law that do not exist.

Thus, the IRS won't find much more revenue from their big targets.

Additional funding will instead be used for invasive, time-consuming, and non-fruitful audits of middle-class Americans and small businesses. The IRS previously announced a goal to increase small business audits by 50 percent.

As previously reported by CNBC, experts say a fattened-up IRS would go after small businesses that necessarily depend on cash transactions.

4. THE BILL IMPLEMENTS PRICE CONTROLS THROUGH A 95 PERCENT TAX,

The bill would give the Health and Human Services Secretary the authority to ''negotiate'' the price of prescription drugs on behalf of Medicare. By ''negotiation,'' Democrats mean drug manufacturers will pay a 95 percent excise tax on prescription drug profits unless they accept price controls set by the Department of Health and Human Services (HHS). In 2023, the Secretary would be able to determine the prices of 10 prescription drugs. The determined price would go into effect in 2026. The number of drugs the HHS Secretary could set prices for would then increase to 15 in 2028 and 20 in 2029.

That tax itself is forecasted to raise zero revenue. Neither the JCT analysis nor any independent analyses estimate that any company would pay this exorbitant tax. A 95 percent ''tax'' on revenue is just a stick to enforce a mandate for government price controls. This is a way to circumvent the Byrd rule, which requires that all the provisions in a reconciliation bill directly change federal spending or revenue. While a tax is obviously protected under this rule, it's not clear that mandates of this kind are.

5. THE RECONCILIATION BILL RAISES TAXES ON THOSE MAKING LESS THAN $400,000, VIOLATING PRESIDENT BIDEN'S TAX PLEDGE.

Throughout the ten-year window, the JCT estimates that nearly every single income group will see their taxes raised. Those Americans making less than $200,000 will see their taxes raised by nearly $17 billion. For those making between $200,000 and $500,000 (as the JCT doesn't cut off brackets at $400,000), their taxes would increase by another $14 billion.

Senate Finance Ranking Member Mike Crapo (R–Idaho) rightly points out that at least half of all new tax revenue raised by this bill would come from those earning under $400,000.

Clearly, this tax hike violates President Biden's pledge not to raise one penny of taxes on any American earning less than $400,000 per year.

If Biden and Harris want to keep their pledge, they must veto the bill or instruct Democrats to change the bill.

Mr. BRADY. I yield 1 minute to the gentleman from Tennessee (Mr. FLEISCHMANN).

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Mr. FLEISCHMANN. Madam Speaker, the dying ember that is the Democratic majority in both Houses once again seeks to burn the American people. $80 billion for the IRS, and they champion it.

I will stand with the hardworking American people of this Nation. Democrats, you can have the IRS.

Raising taxes at a time of recession, at a time of economic gloom, I will stand with the hardworking entrepreneurs of America any time over raising taxes.

Madam Speaker, the American people know better. The American people deserve better. The American people will get better in November. I urge a ''no'' vote on this bill.

Mr. NEAL. Madam Speaker, I yield 1 minute to the very capable gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Madam Speaker, I rise in strong support of this historic legislation.

The climate crisis is the single-most important issue facing our future, the future we will all share, Democrats and Republicans.

I understand this is a down payment on climate action and more needs to be done, but let's focus on what this bill does. It lowers the cost of healthcare and prescription drugs. It lowers energy costs and delivers the largest-ever climate action by investing in domestic energy production and manufacturing while reducing carbon emissions by roughly 40 percent by 2030. It lowers the deficit and helps fight inflation by making a historic payment on deficit reduction of $300 billion. We do this by making the biggest corporations and ultrawealthy pay their fair share in taxes.

Enough with the fear-mongering by the other side. Let's get this done on behalf of hardworking families across America.

Mr. BRADY. Madam Speaker, I include the following polling reality study in the RECORD, which shows that once Americans learn the details of the so-called Medicare negotiation, which is price setting, that their choices and access to lifesaving cures will be limited, public support for negotiation plummets.

ANALYSIS: AMERICANS DON'T SUPPORT SURRENDERING INNOVATION FOR DEMOCRATS' DRUG PRICE CONTROLS

Democrats are selling their socialist drug pricing scheme as a way to lower prices, but Americans oppose it once they learn that this kills cures and life-improving treatments.

What they aren't telling you is this: Their drug price control scheme will kill innovation, mean fewer new treatments and cures, and a loss of jobs in the biopharma industry.

Once Americans learn about these consequences they reject it outright. Furthermore, this isn't a ''negotiation''—Democrats' proposal has Washington dictate prices under threat of exorbitantly higher taxes on medical innovators.

KEY TAKEAWAYS:

*The vast majority of Americans oppose government negotiation if it results in fewer new medicines being developed in the future*

A 50-state Morning Consult/PhRMA poll shows two thirds of Americans oppose price controls if they put the government in

charge and take away power from doctors to prescribe medicines that best meet the needs of patients.

The Kaiser Family Foundation also finds that Democrats' price control scheme drops in popularity the moment respondents see that it could lead to less research and development of new drugs or limit access to newer prescription drugs.

A March 2022 Ipsos/PhRMA poll reveals only 14 percent of Americans support Washington price controls if they limit their access to newer prescription medicines. Even if it ''only'' delays access, only 15 percent support the proposal then.

The same poll shows that seniors are even more skeptical—10 percent support the price controls when they learn of how it delays people's access to new medicines.

*Numerous studies show the proposal would kill new treatments, including a University of Chicago study that shows the number going up to 342*

Democrats' price-fixing scheme would kill up to 342 cures, according to a study by the University of Chicago, yet they claim it's merely a ''negotiating'' approach that would lower the price of drugs.

A new study from Vital Transformation finds that if drug price controls under consideration in the Senate had been enacted during the last decade, only six of 110 currently approved therapies would have made it to patients.

Loss of innovation = a death sentence for patients. Looking at CMS drug utilization data from 2016 to 2020 of the types of drugs expected to be most impacted by Democrats' price fixing, even the most conservative estimates of innovation lost from these policies could have left over 42 million patients without the medicine they needed.

Surrendering in the fight against cancer: The Council of State Bio Associations writes that socialist drug price controls will get in the way of the fight against cancer: ''In oncology alone, the University of Chicago found that price controls would reduce overall annual cancer R&D spending by about $18.1 billion, or 31.8 percent.''

They continue: ''The specter of government price setting threatens to undermine a sector that has created over 1.8 million jobs across all 50 states and that represents a large portion of our nation's Gross Domestic Product (GDP)—generating an economic output of approximately $2.6 trillion annually.''

Limiting patients' access to low-cost medicines: Back in March, medical innovators wrote to Congress that ''The untested approach in the House-passed Build Back Better Act (H.R. 5376) does not address these challenges and could in fact harm future savings from generic and biosimilar medicines. The Build Back Better Act's approach to direct negotiations in Medicare and inflation-based penalties, as passed by the House, would alter the incentive for generic and biosimilar manufacturers to develop new medicines [. . .] and is misguided and would limit patients' access to low-cost medicines.''

*The Bipartisan Solution That Works: The Lower Costs, More Cures Act (H.R. 19) lowers costs for all prescription drugs*

Every provision in H.R. 19 is bipartisan. It will lower health care costs and ensure America leads in health care innovation for more cures and treatments.

It gives patients more drug price transparency and ensures public disclosure of drug costs and discounts.

It increases low-cost options by bringing more generic and biosimilar competition to the marketplace fast.

It caps seniors' out-of-pocket costs for insulin at $50 per month.

It allows high deductible health insurance plans to cover insulin before the deductible kicks in.

A new large-scale survey of 20,000 Americans covering all 50 states and 435 Congressional districts shows a majority of Americans find health care coverage costs unreasonable and a priority health care issue for policymakers to address today. The survey also shows that a majority of voters in every state and district oppose Medicare ''negotiation'' once they learn the policy could harm access and innovation.

Here are the key findings from the survey:

A majority of Americans in every state and the District of Columbia oppose government ''negotiation'' as a way to address health care costs if it could:

Take away power from doctors to prescribe the medicines that best meet the needs of their patients, and instead put the government in charge of those decisions—on average 66% oppose.

Limit people's access to newer prescription drugs—on average 64% oppose.

Reduce access to medicines for seniors and people with disabilities—on average 62% oppose.

Americans concerned with rising health care costs believe Congress should prioritize reducing the overall cost of coverage:

30% of Americans, on average, are concerned with out-of-pocket costs not covered by insurance and 29% are concerned with the cost of health insurance premiums.

66% of Americans, on average, believe Congress should focus on reducing the overall cost of health care coverage, (23% of Americans want them to focus on prescription drug costs, and 13% don't know enough to say).

66% of Americans from all states and Congressional districts, on average, find their out-of-pocket health care costs ''unreasonable.''

Americans are clear in their opposition to so-called Medicare ''negotiation'' policies. They want Congress to focus on patient-centered solutions that address the real health care issues they face, like rising out-of-pocket costs and health insurance premiums, while preserving access, innovation and choice. Learn how at PhRMA.org/BetterWay.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, this is the bill, 728 pages, that we got from the Senate this week. Has anybody read it?

Come on. That is over a billion dollars average per page. That ain't gold; that is fool's gold.

Look, more IRS agents, as Art Laffer said years ago, that is not going to increase the amount of revenue to the government, and, in fact, when you say it is going after the ultrarich, what happens is the ultrarich are the only ones that can avoid paying taxes. They can hire attorneys, accountants. They can move, change their business structure. It comes right back to the middle class every time.

These same policies are the reasons that the average Black household in the 8 years of Obama lost 30 percent of their net worth.

We keep hearing from the other side that there is this runaway inflation, and this ugly bill is going to stop it. Well, our President said it is zero percent inflation. Somebody is lying. We will find out who.

Mr. NEAL. I will be the first to acknowledge that, Madam Speaker. I reserve the balance of my time.

Mr. BRADY. Madam Speaker, on behalf of many diabetes patients, I include the following article in the RECORD, which includes a quote from my fellow Texan, Representative LLOYD DOGGETT, where he accurately states that the insulin caps policy included in this bill ''does not lower the price of insulin by one penny,'' but, rather, shifts costs to others.

INSULIN COPAY CAP PASSES HOUSE HURDLE, BUT SENATE LOOKS FOR A BROADER BILL

(By Michael McAuliff)

The chances of passing election-year legislation to help people afford insulin—which weeks ago seemed mired in political fighting—are looking brighter as a bipartisan effort to tackle the issue takes root in the Senate.

That effort is still in the early stages, but it is moving forward with the support of Senate Majority Leader Chuck Schumer, who tapped Sens. Susan Collins (R-Maine) and Jeanne Shaheen (D-N.H.) to craft a compromise that members of both parties could accept. Adding pressure to the Senate's efforts was a vote by the House on March 31 to pass a different bill that caps out-of-pocket insulin costs for many patients with insurance at $35 a month.

Collins said in an interview March 30 that the two senators had come up with an outline based on a bill they worked on three years ago that goes beyond capping what diabetes patients pay and aims to bring down the prices drugmakers charge.

''It tackles the broader issue of the high list price for insulin, and the conflicts of interests that occur in the chain from manufacturer to the consumer buying it at the pharmacy counter,'' Collins said.

The idea of reducing patients' out-of-pocket insulin costs is immensely popular, and more than half of the public sees it as a ''top priority'' for Congress, according to a KFF poll out last week.

It had been a key selling point of President Joe Biden's Build Back Better plan, but when that legislation stalled, Biden and Schumer gave Sen. Raphael Warnock (D-Ga.) an open lane to promote a stand-alone measure identical to the House bill that caps insulin costs at $35 a month for people with private insurance and Medicare coverage.

The political climate, however, presented roadblocks. The odds that a bill sponsored by a Democrat facing a tough reelection in the fall could get enough Republicans in the Senate on board seemed slim, and even some Democrats were nervous about stripping the insulin provisions from a possible revised version of the Build Back Better bill. So Schumer embraced a different option from Collins and Shaheen that would include a cap on out-of-pocket costs and possibly draw more votes.

Insulin prices have spiked dramatically since the early 2000s, with Americans paying 10 times what people in other developed countries pay.

Although Collins said details are still being worked out, her legislation would be based on the pair's earlier bill, the Insulin Price Reduction Act of 2019, which aimed to roll insulin costs back to what they were in 2006. It would have done that by barring rebate payments for insulin to pharmacy benefit managers—those intermediaries who negotiate price breaks for insurance companies and determine which drugs the insurance plans cover.

Collins and other critics of PBMs believe they inflate prices because they favor higher-priced drugs from which they can extract a larger rebate and therefore more profit, which gives drugmakers extra incentive to raise list prices.

Under that 2019 plan, drug manufacturers who agreed to return to 2006 costs could then raise prices each year only at the rate of medical inflation. The senators estimated the plan would lead to a 75 percent cut in prices from those listed in 2020.

''There's a very complex system which essentially encourages high list prices, because the pharmacy benefit managers frequently receive a percentage of the list price,'' Collins said. ''So their incentive is to choose one that is higher-cost. And so we are trying to address that broader issue, as well as looking at the out-of-pocket costs.''

Warnock's proposal to cap the cost of insulin is silent on list prices and benefit managers, an omission some Democrats complained about even as they voted for the similar bill in the House. They noted that since insurers would likely be forced to absorb the costs no longer paid by patients, the companies would likely raise premiums.

''This bill does not lower the price of insulin by one penny,'' said Rep. Lloyd Doggett (D-Texas). ''It just shifts the burden of paying for the insulin off of the shoulders of insured insulin users, and shifts it on to the rest of all of us who are paying insurance premiums.''

Collins also noted that the uninsured would not benefit from the House cap, which applies to Medicare and insurance companies but doesn't affect drugmakers' prices.

''It doesn't help someone who's uninsured,'' Collins said. ''When you address the high list price, then it's going to help more people.''

Collins warned that much could change as lawmakers keep working with various stakeholders on a final bill, including diabetes advocacy groups, the Centers for Medicare & Medicaid Services, and the Congressional Budget Office. And as caps on out-of-pocket expenses and list-price changes start interacting, things get complicated, indeed.

''We're talking to CBO, which says it's so complex that they need a new model,'' Collins said.

The politics also remains tricky. Collins and Shaheen never got their measure close to the Senate floor in 2019 and 2020 when Senate Minority Leader Mitch McConnell was majority leader. They did attract some praise from both sides of the aisle, and conservative North Dakota Republican Sen. Kevin Cramer was a co-sponsor.

While that opens the door to GOP support, Collins said she was still only at the stage of circulating among her colleagues what she called a discussion draft.

Republicans in the House who voted against the $35-cap bill panned it as a political stunt, saying Democrats should have advanced ideas that had been worked on with Republicans.

Such objections could not block the bill in the House. But in the Senate, Democrats command only 50 votes, and it would take 60 to pass the legislation.

Although GOP members of the upper chamber might also be opposed to Warnock's bill, one of the House sponsors argued that having the House advance a dramatic cut in insulin costs—with the support of only a dozen Republicans—would raise the stakes for the Senate.

''If 10 Republicans stand between Americans being able to get access to insulin or not, that's a good question for 10 Republican [senators] to have to answer when they go back home,'' Rep. Dan Kildee (D-Mich.) said ahead of the House vote. ''So we're gonna pass this bill, and this will put the pressure on the Senate to act.''

He and his fellow Democratic co-sponsors also signaled their willingness to take a measure that included the Shaheen and Collins additions.

''Any train that's leaving the station that gets folks affordable insulin—I'm open to any vehicle,'' Kildee said. ''We think this is a solution that would work. How it gets to the president's desk, I'm agnostic on that question. Any way we can get it there.''

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. Madam Speaker, who are they going to harass? Who are these thousands of IRS bureaucrats, leftwing bureaucrats, Lois Lerners at the IRS, who are they going to harass? Middle-class families.

We know who it is going to be. It is that assistant football coach at the local high school who teaches history and who has this side business. He mows lawns in the summer. He paints houses in the summer. He pays his taxes, but he is going to get harassed.

We know how this works. We have seen it before.

This bill raises taxes. It creates a whole new bureaucracy to go after taxpayers. Such a deal, using your tax money to come after you, the taxpayer. Such a deal for the taxpayer.

My guess is they will all be working remotely. They won't have to pay the $5 to drive to work like people in our districts do. They will be working remotely, drinking their fancy coffee, going after the guy who is helping kids and has this side business in the summer. That is who this is going to come after, and we all know it. Everyone knows it. The country knows it.

This is disgusting. I hope y'all vote ''no.''

Mr. NEAL. Madam Speaker, I continue to reserve the balance of my time.

Mr. BRADY. Madam Speaker, on behalf of seniors who rely on generic drugs, I include in the RECORD the following letter from generic and biosimilar manufacturers, which explains the price controls in this Democrat bill will reduce competition from lower-cost generic and biosimilar medicines. That means fewer options for patients and worsening drug shortages.

THE BIOSIMILARS COUNCIL,
*Washington, DC, July 11, 2022.*

Hon. CHARLES E. SCHUMER,
*Majority Leader, U.S. Senate,*
*Washington, DC.*

DEAR LEADER SCHUMER: The Association for Accessible Medicines (AAM) and its Biosimilars Council share in the goal of lowering prescription drug costs for America's patients and seniors. However, in an effort to target high prices on brand-name drugs, the proposed prescription drugs reforms—in particular the Medicare negotiations framework—being considered as part of a revised reconciliation package will reduce patient savings from lower-cost generic and biosimilar medicines. Even though competition from generic and biosimilar medicines is the only proven solution to consistently lower the cost of prescription drugs, the proposed price setting scheme will reduce competition, harm future savings from generic and biosimilar medicines, and increase costs for employers and patients with private insurance. We thus urge all U.S. Senators to oppose the prescription drug reforms under consideration as part of a revised Build Back Better reconciliation package.

America's patients rightfully expect Congress to address the ever-increasing prices of brandname prescription drugs. High launch prices on new brand biologics, combined with an increasing trend of anti-competitive patent and rebate ploys designed to delay or prevent competition from more affordable biosimilars and generics, are keeping access to medicines out of reach for too many patients. These dynamics are compounded by flawed policies that reward health plans and pharmacy benefit managers (PBMs) for the use of high-cost, high-rebate brand drugs and that allow plans and PBMs to raise out-of-pocket costs for generics, even as the prices for those same generics are falling. As a result, patients, including Medicare's seniors, are missing out on billions of dollars in savings from biosimilars and generic drugs each year. However, the proposed price setting approach fails to adequately address these challenges, while dampening future competition and reducing savings from generic and biosimilar medicines.

NEGOTIATIONS FRAMEWORK INCREASES UNCERTAINTY FOR GENERIC AND BIOSIMILAR DEVELOPERS

The proposal increases the risks associated with developing generic and biosimilars without addressing the fundamental barriers to competition from lower-cost medicines, such as abuses of the patent system and brand rebate traps. The proposed timelines for when the Secretary can initiate the price setting process will significantly increase the risk to develop new lower-cost generics and biosimilars. Although the proposal exempts drugs with generic or biosimilar competition from the price setting process, the bill only does so through unrealistic timelines for that competition to enter the market. For many complex generics and biosimilars, it can take 8–10 years to develop new, more affordable medicines. And it can take many more years to conclude patent litigation and then launch a complex generic or biosimilar medicine. But the new price setting process would not begin until years after a developer commits to developing a lower-cost generic or biosimilar. This means that generic and biosimilar manufacturers will have no way to know whether a brandname drug will be selected for negotiation or what the negotiated price may be. This dynamic fundamentally changes the ability of generic and biosimilar manufacturers to plan and make investment decisions that can be up to and exceed $250 million per drug.

While the revised bill includes a provision that could allow for a temporary delay of the negotiated price if the Secretary determines a biosimilar launch was imminent, there are a number of limitations on the provision make it difficult to utilize. By way of example, a biosimilar developer would need to show a ''high likelihood'' of biosimilar competition by a ''clear and convincing'' evidentiary standard. Moreover, the narrow two-year window to launch does not appropriately account for how long it takes developers to challenge brand-name patents. Large patent estates and time-consuming patent litigation are currently and will continue to prevent biosimilars from being able to launch within two years of receiving FDA approval. These dynamics will likely deter manufacturers from making investments in biosimilar and generic medicines in some instances—and will result in less competition and ultimately higher costs for patients.

GENERIC AND BIOSIMILAR MEDICINES SAVINGS EXCEEDS POTENTIAL FROM NEGOTIATIONS FRAMEWORK

After years of high-risk investment, biosimilar developers are poised to deliver tremendous savings to the U.S. health care system, improving access for patients and lowering prescription drug costs. New

biosimilars are expected to launch for a range of treatments for patients with diabetes, arthritis, macular degeneration, oncology and more. In the next few years, 42 biosimilars are on track to launch. Gold-standard data firm IQVIA estimates biosimilar savings of $30 billion annually as a result. In comparison, the Congressional Budget Office estimates the negotiations framework saves $18–24 billion per year from 2028 to 2031. Thus, more savings is projected from market-based competition than from the Build Back Better proposal and it starts now. In addition, as more complex generics, biosimilars, and interchangeable biologics become available, there is the potential for even greater savings to the U.S. health care system as providers and payers take advantage of the opportunities to increase access and reduce costs for patients.

NEGOTIATIONS FRAMEWORK INCREASES COSTS ON EMPLOYERS AND PATIENTS WITH PRIVATE COVERAGE

Reduced competition from generic and biosimilar medicines impacts all patients, not only Medicare beneficiaries. The dampening effect this legislation would have on competition would cause employers and patients with private insurance to lose savings these populations have historically enjoyed from robust generic competition and growing biosimilar competition. Instead, there may be fewer new, more affordable generic and biosimilar medicines, leaving the commercial and employer markets captive to the high cost of brand-name drugs.

When reviewing a nearly identical proposal in the House-passed Build Back Better Act, AAM's Biosimilars Council assessed the potential lost savings to the commercial market for medicines used to treat asthma (Xolair) and rheumatoid arthritis (Orencia), as examples. For just two products, lost savings would be between $4-$7 billion between 2027–2030. This is lost savings that would otherwise be used to lower patient out of pocket costs and reduce insurance premiums for employers and employees.

For these reasons, we must oppose the Medicare negotiations framework and its impact on patient access to lower-cost medicines. There are other bipartisan steps to address patent abuse and brand rebate traps that are already under discussion in Congress that can meaningfully reduce drugs costs without harming generic and biosimilar savings. We strongly encourage Congress to reconsider its approach.

Sincerely,

DAN LEONARD,
*President and CEO.*

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. BURCHETT).

Mr. BURCHETT. Madam Speaker, following JIM JORDAN is like why nobody wanted to follow Jimi Hendrix at Woodstock. It is going to be tough.

But you never reduce burdens or inflation by increasing taxes $740 billion. It is estimated that there is a $4,500 increase on the average family under this proposal. Instead, you simply create more government that never goes away.

This is not an inflation reduction act. It is a woke climate bill that will increase inflation, Madam Speaker.

Madam Speaker, my Democrat friends seem to have forgotten that capitalism is not the enemy; we are.

I would also remind my colleagues across the aisle that, in Tennessee, we reduced taxes and regulations, and now we have record surpluses. Individuals and businesses are moving from your district to mine as fast as they can get there.

Madam Speaker, the ranking member, who I call chairman, will be incredibly missed here in these Halls, but also more so out on the baseball field.

Mr. NEAL. Madam Speaker, I am prepared to close. I reserve the balance of my time.

Mr. BRADY. Madam Speaker, I yield myself the balance of my time.

I include in the RECORD the following list of 586 credible voices of opposition to this bill. They include business leaders, taxpayer advocates, economists, and thought leaders who all say this bill will hurt Americans if passed today.

BBB2.0/ IRA GROUPS OPPOSED

Alvere; American Action Forum; American Benefits Council; American Coalition for Taxpayer Rights; American Enterprise Institute; American Experiment; American Exploration & Production Council (AXPC); America First Policy Institute (AFPI); Americans for Prosperity KEY VOTE; American Petroleum Institute; Americans for Prosperity; Americans for Tax Reform KEY VOTE; Americans for Tax Reform KEY VOTE; Amgen; Arizona Chamber; Associated Builders & Contractors (ABC); Associated General Contractors of America; Association for Accessible Medicines (AAM); Association for Accessible Medicines (AAM); Association of Mature American Citizens (AMAC).

AstraZeneca Pharmaceuticals LP; Beer Institute; Biocom California; Biotechnology Innovation Organization (BIO); Biotech Leaders (RA Capital Management, Viscient Biosciences, No Patient Left Behind, Bay City Capital); Boehringer Ingelheim; Business Roundtable; Bristol Myers Squibb; California Biotech CEOs; California Life Sciences; Can Manufacturers Institute; Catholic Vote KEY VOTE; Center for a Free Economy; Center for Individual Freedom 2021; Center for Urban Renewal and Education; Coalition of Minority Owned Businesses (2021); Coalition of 14 Real Estate Organizations (2021); Competitive Enterprise Institute (2021); Concerned Women for America KEY VOTE.

Council for Affordable Health Coverage; Council for Citizens Against Government Waste; Council of State Bioscience Associations; Club for Growth; CTIA; CURE: Center for Urban Renewal and Education; Domestic Energy Producers Alliance; Eli Lilly & Company; Exelon; Family Research Council KEY VOTE; FDA Law Blog; Freedomworks KEY VOTE; Gilead; Genentech; Heritage Action KEY VOTE; Heritage Foundation (2021); Independent Electrical Contractors; Independent Petroleum Association of America (IPAA); Independent Women's Forum; Job Creators Network.

Juneau Oil and Gas; Koch Network; The Libre Initiative; Main Street Employers; AAHOA; AICC, The Independent Packaging Association Air Conditioning Contractors of America; American Building Materials Alliance (ABMA); American Hotel and Lodging Association; American Pipeline Contractors Association; American Supply Association; Associated Builders and Contractors; Associated Equipment Distributors; Associated General Contractors of America; Brick Industry Association; Ceramic Tile Distributors Association; Construction Industry Round Table; Convenience Distribution Association; Distribution Contractors Association; Education Market Association; Family Business Coalition.

Financial Executives International (FEI); Foodservice Equipment Distributors Association; Forest Resources Association; Heating, Air-conditioning, & Refrigeration Distributors; International Illinois Farm Bureau; Independent Bakers Association; Independent Electrical Contractors; Independent Insurance Agents & Brokers of America; Independent Office Products & Furniture Dealers Association; International Association of Plastics Distribution (IAPD); International Foodservice Distributors Association International Housewares Association; Main Street Employers Coalition Manufactured Housing Institute; Material Handling Equipment Distributors Association; Metals Service Center Institute; National Association of Electrical Distributors; National Association of Home Builders; National Association of Professional Insurance Agents; National Association of Sporting Goods Wholesalers; National Association of Wholesaler-Distributors; National Cattlemen's Beef Association; National Community Pharmacists Association.

National Federation of Independent Business (NFIB); National Grocers Association; National Independent Automobile Dealers Association (NIADA); National Lumber & Building Material Dealers Association; National Marine Distributors Association; National Onion Association; National Restaurant Association; National Roofing Contractors Association; National Stone Sand and Gravel Association; National Wooden Pallet & Container Association Nebraska Cattlemen; North American Association of Food Equipment Manufacturers (NAFEM); North American Equipment Dealers Association (NAEDA); Oregon Cattlemen's Association; Outdoor Power Equipment and Engine Service Association Plumbing-Heating-Cooling Contractors—; National Association Power and Communication Contractors Association; Reserve Organization of America (ROA) Retail Bakers of America; S Corporation Association; Small Business & Entrepreneurship Council Society of Collision Repair Specialists (SCRS); Spray Polyurethane Foam Alliance.

Subchapter S Bank Association; Textile Care Allied Trades Association; The Hardwood Federation; Tile Roofing Industry Alliance; Truck Renting and Leasing Association; WASDA—Water and Sewer Distributors of America Western States; Roofing Contractors Association; Wisconsin Grocers Association; Wisconsin Small Businesses United Wyoming Farm Bureau Federation; Wyoming Farm Bureau Federation; Managed Funds Association; March for Life Action KEY VOTE; Merck; National Association of Home Builders; National Association or Manufacturers (NAM); National Association of Small Trucking Companies; National Association of Wholesaler-Distributors; National Black Chamber or Commerce (2021); Nebraska Farm Bureau; NFIB.

National Multifamily Housing Council (2021); National Restaurant Association; National Right to Life KEY VOTE; National Taxpayers Union KEY VOTE; National Taxpayers Union KEY VOTE; National Taxpayers Union KEY VOTE; National Venture Capital Association; Nebraska Farm Bureau; Novartis; Novo Nordisk; Pacific Research Institute; Paragon Health Institute; 31 Pharmaceutical CEOs (CA); PhRMA; Pfizer; Pink Sheet: Informa Pharma Intelligence; Rapport: Biotech; Real Estate Roundtable; R Street Institute; Sanofi.

Small Business and Entrepreneurship Council; States Trust; Susan B. Anthony Pro-Life America KEY VOTE; Taxpayers Protection Alliance (2021); Taxpayers Protection Alliance; USA Retirement; U.S. Chamber of Commerce; U.S. Natural Gas and Oil Industry Trade Groups; American Exploration and Production Council (AXPC);

American Fuel & Petrochemical Manufacturers (AFPM); American Petroleum Institute (API); Arkansas Independent Producers and Royalty Owners; Arkansas Oil Marketers Association; Associated Builders & Contractors West Virginia; Associated Industries of Florida; Associated Industries of Missouri; California Independent Petroleum Association (CIPA); Chemistry Industry Council of Illinois; Colorado Oil and Gas Association; Colorado Wyoming Petroleum Marketers Association.

Energy Workforce & Technology Council; Florida Independent Petroleum Producers Association; Florida Natural Gas Association; Florida Petroleum Marketers Association; Florida Propane Gas Association; Florida State Hispanic Chamber of Commerce; Florida Transportation Builders Association; Floridians for Better Transportation; Fuel Iowa; Georgia Association of Convenience Stores; Georgia Mining Association; Illinois Fuel Retails Association; Illinois Manufacturers Association; Illinois Retail Merchants Association; Independent Petroleum Association of America; Kansas Independent Oil & Gas Association (KIOGA); Louisiana Association of Business and Industry; Louisiana Oil and Gas Association; Manufacture Alabama; Michigan Association of Convenience Stores.

Michigan Oil and Gas Association; Michigan Petroleum Association; Minnesota Service Station & Convenience Store Association; New Mexico Business Coalition; New Mexico Oil and Gas Association; North Carolina Chamber; North Carolina Petroleum & Convenience Marketers Association; North Dakota Petroleum Council; Ohio Energy and Convenience Association; Ohio Manufacturers Association; Ohio Oil and Gas Association; Pennsylvania Chamber of Business & Industry; Pennsylvania Grade Crude Oil Coalition; Pennsylvania Independent Oil & Gas Association (PIOGA); Pennsylvania Independent Petroleum Producers; Pennsylvania Manufacturers Association; Permian Basin Petroleum Association; Petroleum Association of Wyoming (PAW); Plumbing-Heating-Cooling Contractors—National Association; South Dakota Petroleum and Propane Marketers Association; Texas Alliance of Energy Producers; Texas Independent Producers & Royalty Owners Association (TIPRO); The Coalbed Methane Association of Alabama; The James Madison Institute; The Petroleum Alliance of Oklahoma; West Slope Colorado Oil & Gas Association; WSJ Editorial Board.

Mr. BRADY. I include in the RECORD the following letter from dozens of Main Street businesses opposing the Democrats' bill because of the IRS' targeting of their business under the bill and tax hikes on small businesses.

*August 11, 2022.*

Hon. NANCY PELOSI,
*Speaker of the House,*
*House of Representatives,*
*Washington, DC.*
Hon. KEVIN MCCARTHY,
*House Minority Leader, House of Representatives,*
*Washington, DC.*
Hon. CHARLES SCHUMER,
*Senate Majority Leader, U.S. Senate,*
*Washington, DC.*
Hon. MITCH MCCONNELL,
*Senate Minority Leader, U.S. Senate,*
*Washington, DC.*

DEAR SPEAKER PELOSI, LEADER MCCARTHY, LEADER SCHUMER, AND LEADER MCCONNELL: The undersigned organizations represent millions of Main Street businesses and employ tens of millions of workers and we oppose the Senate-passed Inflation Reduction Act.

Inflation is at 40-year highs, we have had two consecutive quarters of negative economic growth, and we are witnessing a shrinking small business sector, yet the Inflation Reduction Act does nothing to address these immediate issues even as it increases the burden of the tax code shouldered by America's small and family-owned businesses.

The Biden Administration claims the savings in the IRA are ''front-loaded'' and will reduce the deficit in the short-term, helping to ease inflationary pressures. That is simply not the case. Recent analysis by the Congressional Budget Office, Penn-Wharton, and others shows the Inflation Reduction Act would increase prices in the short term and do little to bring them down in the long run.

At the same time, the bill would give the IRS an additional $80 billion in funding, more than half of which would pay for thousands of additional IRS agents to conduct millions of additional audits. We support addressing the tax gap and oppose illegal tax evasion, but as former National Taxpayer Advocate Nina Olson observed recently, it is wrong and counterproductive to characterize the entire tax gap as willful tax evasion. From experience, we know many, if not most, of these additional audits will be conducted on the owners of family businesses who have fully complied with the tax code.

Finally, the Warner Amendment adopted at the last minute presented the Senate with a clear choice between Wall Street and Main Street, and the Senate chose Wall Street. The amendment extends for two years the Section 461(l) cap on losses a business owner is permitted to claim. This $52 billion tax hike on pass-through businesses was adopted with almost no consideration, and the revenues it raises were used to offset the cost of exempting private equity investors from the fifteen-percent corporate minimum tax. The cap on active pass-through less deductions is bad policy at any time, but it is particularly harmful when the economy is weak and an increasing number of businesses are suffering losses. The timing of this amendment's adoption could not have been worse.

The Inflation Reduction Act would fail to reduce price pressures even as it raises the cost of the tax code to small and family-owned businesses at a time of economic weakness. We ask that you reject the IRA's Main Street tax hike when it is considered by the full House.

Sincerely,

AAHOA; AICC, The Independent Packaging Association; Air Conditioning Contractors of America; American Building Materials Alliance (ABMA); American Hotel and Lodging Association; American Pipeline Contractors Association; American Supply Association; Associated Builders and Contractors; Associated Equipment Distributors; Associated General Contractors of America; Brick Industry Association; Ceramic Tile Distributors Association; Construction Industry Round Table; Convenience Distribution Association; Distribution Contractors Association; Education Market Association; Family Business Coalition; Financial Executives International (FEI); Foodservice Equipment Distributors Association.

Forest Resources Association; Heating, Air-conditioning, & Refrigeration Distributors International; Illinois Farm Bureau; Independent Bakers Association; Independent Electrical Contractors; Independent Insurance Agents & Brokers of America; Independent Office Products & Furniture Dealers Association; International Association of Plastics Distribution (IAPD); International Foodservice Distributors Association; International Housewares Association; Main Street Employers Coalition; Manufactured Housing Institute; Material Handling Equipment Distributors Association; Metals Service Center Institute; National Association of Electrical Distributors; National Association of Home Builders; National Association of Professional Insurance Agents; National Association of Sporting Goods Wholesalers; National Association of Wholesaler-Distributors.

National Cattlemen's Beef Association; National Community Pharmacists Association; National Federation of Independent Business (NHB); National Grocers Association; National Independent Automobile Dealers Association (NIADA); National Lumber & Building Material Dealers Association; National Marine Distributors Association; National Onion Association; National Restaurant Association; National Roofing Contractors Association; National Stone Sand and Gravel Association; National Wooden Pallet & Container Association; Nebraska Cattlemen; North American Association of Food Equipment Manufacturers (NAFEM); North American Equipment Dealers Association (NAEDA); Oregon Cattlemen's Association; Outdoor Power Equipment and Engine Service Association; Plumbing-Heating-Cooling Contractors—National Association; Power and Communication Contractors Association.

Reserve Organization of America (ROA); Retail Bakers of America; S Corporation Association; Small Business & Entrepreneurship Council; Society of Collision Repair Specialists (SCRS); Spray Polyurethane Foam Alliance; Subchapter S Bank Association; Textile Care Allied Trades Association; The Hardwood Federation; Tile Roofing Industry Alliance; Truck Renting and Leasing Association; WASDA—Water and Sewer Distributors of America; Western States Roofing Contractors Association; Wisconsin Grocers Association; Wisconsin Small Businesses United; Wyoming Farm Bureau Federation.

Mr. BRADY. Madam Speaker, a year ago, we met to consider another disastrous version of this bill. Since then, American families and Main Street businesses have been facing and continue to face historic inflation and, now, a recession.

This bill is a hoax on the American people. Americans who are suffering the most in President Biden's cruel economy will soon know this firsthand. They will know it because inflation will get worse, according to the Penn Wharton School of Business analysis.

Parents sitting up at night will notice higher taxes, fewer jobs, and lower wages as they pay for the vast majority of any new revenue collected under this bill, according to Congress' own nonpartisan scorekeeper.

A middle-income single mom with two kids who runs her own business will know it when she comes home from Walmart and finds a letter from the IRS telling her she is under audit.

Seniors and loved ones with life-threatening illnesses will arrive at the pharmacy counter and break into a sweat when they see they cannot afford their medicine.

Families with loved ones newly diagnosed with Alzheimer's, or cancer, or ALS, and desperately seeking treatment will wonder whether the cure for their disease will ever come.

The wealthiest and the biggest foreign-owned corporations will do just

fine. They are getting hundreds of billions of dollars of government handouts under this bill. After all, they get the government checks paid for by the middle-class taxpayers who are getting squeezed.

This is a sad day for struggling American families and Main Street businesses. This economy is cruel enough, but by voting to turn this hoax into law, Congress is inflicting one more act of cruelty.

Madam Speaker, I urge opposition to this bill, and I yield back the balance of my time.

Mr. NEAL. Madam Speaker, I yield myself the balance of my time.

This is a big day, and this is a big deal. We are putting people out front and making good on the promises we have made, lowering drug prices and investing in our climate.

A mountain-high pile of legislative achievements have we: the American Rescue Plan, the CHIPS and Science Act, and now this achievement for the American people.

Lyndon Johnson was right: ''Yesterday is not ours to recover, but tomorrow is ours to win or lose.''

With the Inflation Reduction Act headed to the President's desk—and give Joe Biden credit—we stand here assured that tomorrow is ours to win.

We have had bold dreams in this Congress, and we have delivered big on those dreams. None of this would have been possible without the dedication and expertise of the staff of the Ways and Means Committee, the best in the business. They have worked nonstop for 2 years for the American people, and today, their hard work is on display for the world to witness and await the President's signature.

The Inflation Reduction Act sets our Nation on a healthier, fairer, and more prosperous path.

Madam Speaker, I urge our colleagues to support this critical legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. GUTHRIE) will each control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in strong support of H.R. 5376, the Inflation Reduction Act. This is landmark legislation that is going to help reduce costs for American families while finally aggressively tackling the climate crisis.

Madam Speaker, we simply cannot wait any longer to confront the climate crisis. Extreme weather events are becoming more frequent and more extreme. There are record-high temperatures across the Nation this summer. These extreme weather events cost families their loved ones, their homes, and their livelihoods.

This bill is the single largest investment in climate action in American history. We heard from the Ways and Means Committee about the tax credits, the investment production tax credits for renewables, for electric vehicles. I want to talk about the provisions from the Energy and Commerce Committee.

The bill makes unparalleled investments in climate, clean energy, and environmental justice so that we can slash climate pollution and meet our aggressive climate goals.

I want to highlight some of the things: a methane emissions reduction program, a greenhouse gas reduction fund to promote new green technology, investing in manufacturing that is green, reducing industrial emissions; a program for States and government entities to reduce climate pollution, a program for clean heavy-duty vehicles for trucks and school buses to make them less polluting, an appliance and building efficiency rebate to try to deal with emissions from buildings and appliances, an industrial emissions reduction program; environmental and climate justice block grants, and also provisions to deal with ports that are a major source of pollution.

All of these are designed, basically, to try to create clean jobs and to reduce energy costs for the average family. We estimate it at about $1,800 a year. It is estimated that this bill will actually reduce the pollution of greenhouse gases into the climate by 40 percent, in terms of what the U.S. has emitted since 2005.

It goes very far toward achieving our goals as a Nation, toward reducing the problem of greenhouse gas emissions.

□ 1430

In addition to that, the Inflation Reduction Act is also one of the most significant pieces of healthcare legislation moved through Congress in over a decade. I want to stress this: It breaks Big Pharma's monopoly on prescription drug prices.

The bill will lower prescription drug costs for seniors by finally empowering Medicare to negotiate the cost of prescription drugs. It also caps the amount that seniors pay at $2,000 annually, caps the cost of insulin at $35 a month, and penalizes companies that unfairly hike prices by forcing them to pay a rebate to the Federal Government if their prices rise more than inflation.

This legislation is necessary because, nearly 20 years ago, Republicans prevented the Federal Government from negotiating prices for seniors. So, today, we are finally leveling the playing field to ensure seniors are no longer forced to choose between putting food on their tables and their life savings.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. Madam Speaker, I yield myself an additional 30 seconds.

Finally, I want to say that this legislation will also dramatically lower the cost of healthcare for millions of Americans by extending enhanced Affordable Care Act marketplace premium subsidies.

These enhanced subsidies are making a real difference for families, delivering an average savings of $2,400 a year for a family of four. They are set to expire at the end of the year, but this bill extends them through the end of 2025.

Madam Speaker, this legislation lays the foundation for a cleaner, more prosperous future for all Americans. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. GUTHRIE. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I rise today in strong opposition to H.R. 5376, the mislabeled Inflation Reduction Act.

This is another reckless tax and spending spree that is not being accurately portrayed to the American people by Democrats.

Washington Democrats are trying to convince Americans that adding more reckless government spending and raising taxes during a recession will combat inflation. Even nonpartisan organizations say this bill will have virtually no impact on inflation and at least half of the expected tax revenue for next year is estimated to come from Americans making less than $400,000 a year.

Americans will see more IRS audits because this bill gives the IRS the ability to hire an army of new IRS agents. People should pay the taxes they owe, but instead of an army of IRS agents focusing on auditing low- to middle-income Americans, we need to put our resources into hiring more Border Patrol officers to protect the border and stop the flow of illicit drugs such as fentanyl.

More troubling parts of this bill are the healthcare provisions. I strongly disagree with using Medicare money to pay for ObamaCare subsidies for the wealthy. I introduced an amendment to keep Medicare savings in Medicare, which is already at risk of insolvency in the very near future. Unfortunately, House Democrats didn't even give this amendment a chance to be considered.

While Democrats praise government price setting, or, as they call it, negotiation, they fail to mention that such policies would lead to at least 15 fewer drugs coming to market, according to the nonpartisan Congressional Budget Office.

What are the 15 cures? Could it be the cure for Alzheimer's? Could it be the cure for diabetes? It could be.

They also won't mention that the nonpartisan CBO said this bill will lead to higher prices on new drugs.

Finally, Democrats are voting to give Secretary Becerra a $3 billion slush fund to set drug prices, despite HHS botching the response to the COVID–19 pandemic, including politicizing guidance that kept schools closed and young children masked in Head Start programs.

How can anyone support giving billions of dollars in more unrestricted authority to HHS that we know will lead to fewer cures for our loved ones?

Let me be clear: We absolutely need to address the cost of prescription

medication. In the Energy and Commerce Committee, there is a bipartisan bill ready to go, H.R. 19, that could achieve this, but the Democrats have repeatedly refused to bring the bill to the floor for a vote.

Our country is also facing an energy crisis created by President Biden and Washington Democrats' war on American energy. Despite this, the Democrats' solution is to double down on the nearly $400 billion to be spent on far-left Green New Deal policies and impose billions of dollars of tax increases on energy that will be passed to consumers.

Unbelievably, even as energy prices are at historically high levels, they have included a new tax on natural gas and revived a tax on petroleum products that will cost consumers tens of billions of dollars.

I filed an amendment to exempt our defense bases from this natural gas tax, but again, Democrats refused even to consider it.

Democrats want to create a $27 billion slush fund at the EPA for a national climate bank to subsidize the solar energy that is heavily dominated by the Chinese Communist Party and even spend $9 billion in rebates for wealthy Americans to green up their homes with new appliances and electric vehicles.

To conclude, this legislation not only crushes hope for patients and their families living with devastating diseases that currently lack a treatment or a cure, but it also significantly undermines our economic and national security.

I cannot vote for the more appropriately named inflation expansion act. Madam Speaker, I urge my colleagues to join me in opposing it, and I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentlewoman from Delaware (Ms. BLUNT ROCHESTER), my neighbor from the State of Delaware and a member of the Committee on Energy and Commerce.

Ms. BLUNT ROCHESTER. Madam Speaker, today, I rise in support of the Inflation Reduction Act.

Oh, what a day in America. From lowering prescription drug prices for seniors, to closing tax loopholes on the wealthiest corporations, to making the largest investment in clean energy in history to tackle the climate crisis, the Inflation Reduction Act will help improve the lives of every single American. It will do it all while paying down the deficit.

I am particularly proud that the bill includes my climate smart ports provisions with my colleague, Ms. BARRAGÁN, which invests in ports across the Nation, like the Port of Wilmington, allowing them to upgrade their facilities, lower their carbon footprint, and create more good-paying union jobs.

Madam Speaker, in a session of Congress that has already seen remarkable landmark legislation passed, the Inflation Reduction Act is the capstone of our efforts to deliver. With this bill, we continue to put people over politics.

Mr. GUTHRIE. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), the chair emeritus of the Committee on Energy and Commerce, who is retiring. We are going to miss him.

Mr. UPTON. Madam Speaker, does anyone actually believe this bill is going to reduce inflation?

I didn't think so.

Those of you that know me know that I am not afraid to work across the aisle on important legislation that helps Americans, whether it was the 21st Century Cures Act, the CHIPS Act, the veterans' PACT Act, or the infrastructure bill. Unfortunately, the bill that we are debating right now was not created in that same bipartisan manner.

Our economy is in a fragile state as we emerge from this pandemic. We have seen decades-high inflation that is crushing Main Street and squeezing the middle class. Now is not the time to raise taxes to the tune of over $16 billion on middle-income folks around the country.

The Inflation Reduction Act does nothing to fix the insidious problems at the IRS. Instead, they are going to throw more than $80 billion to hire more agents who are going to be tasked with hounding taxpayers who report passthrough business income through Schedule C and Schedule E. These folks are, by and large, middle-income, family-owned small business owners who busted their butts to keep their doors open through the pandemic, and now we are sending the cavalry after them, leading to higher compliance costs and time wasted that will increase costs for all Americans.

The IRS needs to be focused on clearing the backlog of millions of personal and business returns. I have literally helped hundreds of constituents who have been waiting 1 to 2 years for their tax refunds.

With respect to inflation, a number of nonpartisan sources, including some previously touted by supporters of this bill, have said that this bill will cause inflation to increase over the first couple of years.

The energy sector has seen the brunt of this increase, with gas prices climbing more than $2.30 a gallon and natural gas prices going up close to double.

On Wednesday, I offered an amendment at the Committee on Rules that would direct the bill not to go into effect until the Secretary of Energy can certify that energy prices are below the costs of 2021.

Madam Speaker, I ask my colleagues to vote ''no.''

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CASTEN).

Mr. CASTEN. Madam Speaker, last November, our House delegation went to Glasgow for the COP26 conference. We told the world that we were back, that we had rejoined the Paris climate accord, and that we were committed to building back better and committed to putting science over politics. It felt pretty good.

But to be blunt, the world didn't believe us. As we sat at that press conference, all of these reporters from Europe said: What about the Senate? What about the filibuster? What if Republicans take over in the midterms?

They had heard this song before. They admired our enthusiasm, but as you know, Madam Speaker, they really didn't share it.

Today, we are going to prove them wrong. We are going to remind them what the United States is capable of. We are about to pass the most impactful climate bill ever. You all should be proud of that. You were here to share this moment with us. We are on the path to reducing $CO_2$ emissions by 40 percent by 2030. That is a really big deal.

But it is only a start because 40 percent ain't enough. We have reestablished U.S. credibility today, but we still have to establish U.S. leadership. The measure of our success is not what we pass today; it is whether the planet is cooler tomorrow.

Today, we remind the world and ourselves what we are capable of. I hope we celebrate. But tomorrow, let's get back to work.

Mr. GUTHRIE. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentleman from California (Mr. RUIZ), a member of the Committee on Energy and Commerce.

Mr. RUIZ. Madam Speaker, as a doctor, I have taken care of many patients who put their lives and health at risk because they couldn't afford their medication, patients who either ration their medicine or didn't get a prescription filled at all.

I will never forget one woman who was so proud to tell me that she was able to make her insulin last longer because she would only take half a dose at a time in order to make it last. This is unacceptable.

No one should have to choose between whether to take their medicine and put food on their table or between their health and not being able to pay their bills.

That is why I support the Inflation Reduction Act, which will give seniors the relief that they need from skyrocketing drug costs. It ensures that people on Medicare with diabetes won't have to pay more than $35 a month for their insulin. It requires the Secretary of HHS to negotiate drug prices for expensive Medicare drugs, lowering costs for seniors and people with disabilities, and it caps out-of-pocket spending at $2,000 per year for Medicare part D.

These important steps will help ensure that all seniors have access to lifesaving and health-saving medications, regardless of how much money they have.

That is not all this bill does. This bill will make transformational investments to combat climate change and reduce our carbon emissions. It will push automakers to make their electric vehicle batteries with domestic materials, like the lithium we are extracting at the southern end of the Salton Sea in Imperial County.

With this bill and the lithium in my district, we can power our clean energy future here in America with American materials.

Mr. GUTHRIE. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS), my good friend on the Committee on Energy and Commerce.

Mr. BURGESS. Madam Speaker, I thank the gentleman from Kentucky for yielding.

Madam Speaker, I include in the RECORD a letter submitted by the members of the House GOP Doctors Caucus.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, August 6, 2022.*

Hon. CHUCK SCHUMER,
*Majority Leader, U.S. Senate,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Speaker of the House, House of Representatives,*
*Washington, DC.*

DEAR LEADER SCHUMER AND SPEAKER PELOSI: We write to express our strong opposition to the government drug price control policies in your reconciliation package. As medical providers and Members of Congress, we are deeply concerned with the harm these provisions will cause to patients across the country.

The GOP Doctors Caucus has continuously worked to ensure that physician practices can stay open to continue treating patients. We have heard directly from providers that the cuts proposed in this bill will jeopardize patient access to care. According to Avalere, changes to the Medicare Part B physician-administered drug reimbursement would lead to an average cut of 39.8 percent for health care providers. The confluence of these cuts, including the 0 percent payment update, the reduction of the 4.5 percent Medicare conversion factor, and the adoption of several changes to the Evaluation and Management (E/M) Current Procedural Terminology codes, threatens the sustainability of medical practices and will lead to physicians closing their doors.

It is irresponsible to divert seniors' Medicare dollars to pay subsidies to non-Medicare insurance companies, yet this plan would do just that. The proposal will take ''savings'' from the drug price controls in the Medicare program to pay for expanded health insurance subsidies under the Affordable Care Act (ACA). This is money going to insurance companies and their bottom line; this is not money going directly towards care in any way. These expanded subsidies were originally part of the inflation-creating American Rescue Plan Act (ARPA). ARPA removed the income cap restricting access to premium tax credits, opening the door to taxpayer-funded subsidies for some of the wealthiest Americans. Some families making more than $500,000 annually now have access to expanded ACA subsidies, and they will continue to if this proposal goes through. Robbing Medicare to enhance the profit for insurance company shareholders and executives does nothing to improve anyone's health. To us, this is unconscionable.

If this plan is passed into law, millions of patients could die waiting for new drugs and cures that will no longer be developed in their lifetime. Government price controls have consequences. The Congressional Budget Office has conservatively estimated that 15 fewer drugs will be developed over the next 30 years under this bill, Another study found that only six out of 11 currently approved therapies would have been brought to the market if this framework were in place.

Any cure lost is one too many. As Members of Congress who have been involved in patient care, we understand the real-world impact that this will have on patients. Many of us have treated patients with chronic and life-threatening diseases. We've seen expensive surgeries and intensive inpatient care be eliminated by the development of new therapies. This development and innovation will all but go away, leaving patients without hope for improved quality of life and long-term savings.

We remain concerned that this proposal will also put the government in control of Americans' medical decisions. This is another clear example of a policy crafted by politicians who have never seen a patient. The bill calls for a 95 percent excise tax if drug companies do not accept the price government bureaucrats put in place. Top down, ''take it or leave it'' government price negotiation isn't a negotiation at all—it's government price fixing.

This reconciliation package under consideration applies upward pressure on drug pricing. The bill subjects a company to negotiation once its seven-year exclusivity expires. As a result, companies could introduce drugs into the marketplace with high list prices, causing premium increases for healthier individuals enrolled in employer-sponsored plans.

In summary, this reconciliation package will have grave consequences for patients and patient care:

This price setting scheme put forth in this bill will endanger patient access to care by cutting provider reimbursement on impacted Part B drugs by an average of forty percent.

The bill does nothing to address other ongoing Medicare provider payment cuts set to begin in 2023.

If this plan is passed into law, millions of patients could die waiting for new drugs and cures that will no longer be developed in their lifetime.

Government price controls have consequences, and one lost cure is one too many.

This plan robs Medicare to pay subsidies to insurance companies and other non-health related expenditures.

As medical providers in Congress, we urge you to recognize the danger this proposal will have on patients. We can and should work on a bipartisan basis to lower drug costs without sacrificing the cures and treatments that will provide for a healthier future.

Sincerely,

Brad R. Wenstrup, D.P.M., Member of Congress; Andy Harris, M.D., Member of Congress; Roger W. Marshall, M.D., United States Senator; Rand Paul, M.D., United States Senator; Larry Bucshon, M.D., Member of Congress; Neal P. Dunn, M.D., Member of Congress; Michael C. Burgess, M.D., Member of Congress; Bill Cassidy, M.D., United States Senator; John Barrasso, M.D., United States Senator; John Boozman, M.D., United States Senator; Earl L. ''Buddy'' Carter, R.Ph., Member of Congress; Brian Babin, D.D.S., Member of Congress.

A. Drew Ferguson, IV, D.M.D, Member of Congress; Scott DesJarlais, M.D., Member of Congress; Ronny L. Jackson, M.D., Member of Congress; Gregory F. Murphy, M.D., Member of Congress; Mark E. Green, M.D., Member of Congress; John Joyce, M.D., Member of Congress; Jefferson Van Drew, D.M.D., Member of Congress; Mariannette J. Miller-Meeks, M.D., Member of Congress; Diana Harshbarger, Pharm. D., Member of Congress.

Mr. BURGESS. Madam Speaker, this is a letter that explains how healthcare policies included in the Inflation Reduction Act would affect American patients. There are 21 healthcare professionals who signed this letter.

It is remarkable that none of our concerns were considered—all were ignored—not only as Members of the House and Senate but as healthcare professionals, as well.

The point of the letter is that this legislation will do the exact opposite of what the Democrats intend. Unfortunately, the legislation will kill research and development, reduce quality of care, and threaten patient access to lifesaving drugs.

Under this legislation, we are going to see changes to part B drug reimbursements that will lead to an average of a 40 percent cut for healthcare providers, doctors who provide care to Medicare patients in their offices.

Currently, part B reimbursements for administering drugs in a physician's office are a calculation based on the average sales price plus 6 percent. Under this new system, part B payments to physicians are going to be calculated off of the maximum fair price. It is an attractive term, but no one knows what it means. It is yet to be determined by whom? The Secretary of Health and Human Services. We have all seen how trustworthy they have been over the past 2 years.

The current 6 percent average sales price add-on payments to physicians, which is what doctors have come to rely on now to run their practices, will be based on a significantly lower government-set price versus the traditional market-priced ASP. This results in significantly lower payments to physicians.

Now, Wednesday afternoon late, at the Committee on Rules, I offered an amendment with Dr. MURPHY to fix this problem. Unfortunately, that was rejected on a party-line vote.

These payment cuts threaten the sustainability of medical practices and will lead—let me say that again—will lead to physicians closing their doors. When practices close, the patient need does not disappear. Care will then shift to hospitals.

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This will ultimately lead to an increase in healthcare costs and a decrease in the quality of care provided, and it will limit access to treatments for patients across the country.

From experience working in private practice, I can attest that there are significant consequences of consolidation. Here is the bottom line: Democrats are using Medicare as a piggy bank to pay for other things. What

other things? Oh, like subsidies to insurance companies. They want to reward insurance companies and punish doctors. It makes no sense.

This legislation will do the exact opposite of what Democrats intend. It is going to kill research and development. It is going to reduce the quality of care. It is going to threaten patient access to lifesaving drugs.

As the most senior doctor in Congress and someone who deeply cares about the well-being of American patients, this bill is antidoctor and antipatient. We will live to see the consequences of this after final passage, I promise you that.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. SOTO), another member of the Energy and Commerce Committee.

Mr. SOTO. Madam Speaker, we have been elected to Congress to solve the greatest challenges of our time, and today, we are doing just that.

We are taking action to combat climate change.

We are taking action to lower drug prices for seniors with a $2,000 cap on out-of-pocket expenses.

We are taking action to keep ObamaCare affordable for millions of Floridians.

We are taking action by increasing vaccine access with our HAPPY Act.

We are doing it all while reducing the deficit by over $300 billion over the next 10 years.

We are lowering costs; we are fighting inflation; and we are saving the planet. This is the largest investment to resolve the climate crisis in our Nation's history. It will reduce carbon emissions by 40 percent by 2030.

When generations look back years from now, they will read that this was a turning point. How many more category 5 hurricanes, how many more massive wildfires, deadly floods, dried-up rivers, and record heat waves do you need?

How many more seniors have to get sick or die because they can't afford their medication?

How many more families have to be kicked off their health insurance?

How much longer before you all get it?

We are not waiting any longer. The Republicans' plan is to do nothing. In contrast, we in the Democratic majority will lead. Today, we will act. Today, we will do what is necessary to protect this generation and the next.

Mr. GUTHRIE. Madam Speaker, I include in the RECORD an editorial from The Wall Street Journal titled, ''Tilting at Climate Windmills,'' which notes that the massive spending bill reduces global temperatures at the most by 0.28 degrees.

[From the Wall Street Journal]

TILTING AT CLIMATE WINDMILLS

SHUMER-MANCHIN WILL HAVE LITTLE EFFECT ON THE WORLD'S TEMPERATURE

(By Editorial Board)

Nearly all of Washington—Democrats, the press, lobbyists—is taking a victory lap with Senate passage of the Schumer-Manchin tax, climate and drug price control bill. The climate lobby is especially thrilled, claiming a historic victory that will reduce temperatures, hold back the rising sea, and save the planet.

Or, maybe not. Our contributor Bjorn Lomborg looked at the Rhodium Group estimate for CO2 emissions reductions from Schumer-Manchin policies. He then plugged them into the United Nations climate model to measure the impact on global temperature by 2100. He finds the bill will reduce the estimated global temperature rise at the end of this century by all of 0.028 degrees Fahrenheit in the optimistic case. In the pessimistic case, the temperature difference will be 0.0009 degrees Fahrenheit.

In other words, the climate provisions in this ballyhooed legislation will have no notable impact on the climate.

This isn't surprising. No matter what the U.S. does to reduce greenhouse-gas emissions, it will be dwarfed by what the rest of the world does. China, India and Africa aren't about to stop burning fossil fuels as they develop, and China is sprinting ahead to build huge new coal capacity despite its pledge to start reducing emissions after 2030.

Barring a breakthrough in battery or other technology, carbon emissions will continue to increase. No one knows how much the Earth's temperature will warm, though even the U.N. model has modified its estimates from the apocalyptic predictions of some years ago.

Schumer-Manchin won't reduce inflation, won't reduce the budget deficit, and it won't reduce the world's temperature. What it will do is transfer some $369 billion from taxpayers and drug companies to the pockets of green energy businesses and investors. It will tighten the hold that politicians have on the allocation of capital, as they pick winners and losers with their grants and tax credits. Everyone will get a nice warm feeling as they pretend they are cooling the climate.

Mr. GUTHRIE. This bill will not do what those on the floor today have said it will do.

Madam Speaker, I yield 2 minutes to the gentlewoman from Iowa (Mrs. MILLER-MEEKS).

Mrs. MILLER-MEEKS. Madam Speaker, I thank Representative GUTHRIE for yielding me time.

I rise today in opposition to H.R. 5376, the Inflation Reduction Act.

As a physician and former director of the Iowa Department of Public Health, I am uniquely positioned to understand the true implications of this bill and how this bill will affect both doctors and patients, and rural Iowans are no exception.

Interestingly, I just heard my colleague talk about how families may be kicked off their healthcare, and it doesn't seem to me that my colleagues on the other side of the aisle cared about that when they passed the Affordable Care Act and premiums rose dramatically.

Allowing the Federal Government to set limits on drug pricing will limit competition and drastically reduce innovation within the pharmaceutical industry. Innovation also comes even after FDA approval to determine if drugs can be used for more than just their initial purpose.

Additionally, narrowing the drug formulary by drug pricing through Medicare and negotiations will end up taking medications that you may already be prescribed and taking successfully, taking them off of the formulary and not being covered.

Let me also illustrate, when Medicare part D went into effect, the fact that there was not a negotiation by Medicare allowed generic drugs as low as $4 a medication. That was tremendously helpful to millions of seniors and continues to this day.

The United States is the leading developer of new drugs, but without market competition, American companies will lose the incentive to undergo cutting-edge research.

What does that mean to the average person? It means fewer cures for rare diseases or debilitating diseases. Fewer cures, less treatment for debilitating diseases.

Inevitably, the United States will become dependent on countries like China for pharmaceutical research and development, and patients will be limited in their options. Didn't we already see that through the pandemic?

Additionally, this bill will extend ObamaCare subsidies enacted in the American Rescue Plan, which do not have income restrictions. Rather than helping those who are most in need, the wealthiest Americans will continue to receive the largest average benefit.

This enormous spending package is bad for Iowans, bad for the economy, bad for hardworking Americans, and bad for the future of American innovation.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), who is the chair of our Health Subcommittee.

Ms. ESHOO. Madam Speaker, I first thank the chairman of the Energy and Commerce Committee, Mr. PALLONE, for his leadership and all of my colleagues on the committee who have worked so hard.

I think today is a hallelujah day, and I say this because two of the greatest challenges facing our country are the following.

The climate crisis: This is the single largest investment to take on the climate crisis head-on. I hear from children as young as first graders in my district caring about this issue. Two years ago this time, I had 77,000 evacuees from the wildfires in my congressional district. Taking on the climate crisis is absolutely essential.

Seniors, the Medicare beneficiaries, we are changing their prescription drug prices today because Medicare will be able to directly negotiate and bring the prices down.

Cap insulin at $35 a month—Senate Republicans sabotaged that cap on insulin for all Americans. I don't know how any politician can go home and brag about that.

The out-of-pocket costs for Medicare beneficiaries will not exceed $2,000 a year.

We are investing in the IRS. My constituents have been waiting for too

long for their refunds. Added staff is going to expedite the services that the IRS and the American people need from the IRS.

Finally, deficit reduction—yes, America, this is paid for.

This is truly a hallelujah day. This is a red, white, and blue bill. It is good for all Americans, and it will advance our collective future of America.

Ms. ESHOO. Madam Speaker, our Nation has major challenges that have kept me awake at night.

The clarion call from young climate activists concerned they won't have a planet to grow old on. I've heard seniors describe their inability to afford their prescription drugs.

Today, we change all this by the largest and boldest effort to address climate change in American history. It honors our commitments under the Paris Agreement by investing $369 billion in tax credits, loans, and grants to reduce greenhouse gas emissions by 40 percent by 2030.

For seniors, the Inflation Reduction Act reduces prescription drug costs through policies developed by the Health Subcommittee I chair. Over the past three years, we held six hearings focused on this challenge.

The hearings brought forward the fact that our Nation has been held back for 20 years by a law that prohibits Medicare from negotiating directly with drug companies. Not anymore.

The bill also ensures Medicare beneficiaries won't pay more than $2,000 annually for prescription drugs, and no more than $35 for insulin every month.

This legislation also lowers health care premiums by strengthening the Affordable Care Act to save an average of $800 per year for 13 million people.

Finally, the entire legislation is paid for by making billion-dollar companies pay their fair share and lowers the federal deficit by more than $300 billion.

Throughout my service in Congress, my top priorities have been to grow our economy, make health care more affordable, and address climate change. Today's transformative legislation meets these challenges, and I urge my colleagues to vote for it.

Mr. GUTHRIE. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. CASTOR), who chairs the Select Committee on the Climate Crisis.

Ms. CASTOR of Florida. Madam Speaker, as chair of the Select Committee on the Climate Crisis and as a mom, I am proud to say the Inflation Reduction Act is a big climate deal.

This is the largest investment in clean energy and climate solutions ever in U.S. history, and it comes at a crucial time.

We must urgently slash climate pollution to avoid the worst impacts and to lower costs, create good-paying jobs, and build safer, more resilient communities.

Today, I am optimistic that America will lead the world in solving the climate crisis, and I thank the young people all across this country who pushed us to take this historic step.

The Inflation Reduction Act is also good news for Floridians, as Democrats will lower the costs of prescription drugs, empower Medicare to negotiate drug prices, institute a $2,000 cap, and much more.

It is a big deal for the 2.8 million Floridians who purchase high-quality health coverage under the Affordable Care Act. With these tax credits, those policies will be more affordable.

Yes, this is good news indeed, a true people over politics moment for all of our neighbors, their health, their pocketbooks, and the obligation we have to our kids to provide a livable planet.

I thank Speaker PELOSI for her vision for the Select Committee on the Climate Crisis, and I also thank Chairman FRANK PALLONE and my colleagues for their inspiring work.

Madam Speaker, I urge a ''yes'' vote.

Mr. GUTHRIE. Madam Speaker, I yield myself such time as I may consume.

This bill drives a massive build-out of unreliable wind and solar power, not nuclear, not natural gas, and not baseload power.

I include in the RECORD a report from the North American Electric Reliability Corporation, the authority on electric reliability, which underscores the risk of blackouts from the oversupply of weather-dependent energy.

[From North American Electric Reliability Corporation, May 2022]

2022 SUMMER RELIABILITY ASSESSMENT

KEY FINDINGS

NERC's annual SRA covers the upcoming four-month (June-September) summer period. This assessment provides an evaluation of generation resource and transmission system adequacy and energy sufficiency to meet projected summer peak demands and operating reserves This assessment identifies potential reliability issues of interest and regional topics of concern. While the scope of this seasonal assessment is focused on the upcoming summer, the key findings are consistent with risks and issues that NERC has highlighted in the 2021 Long-Term Reliability Assessment and other earlier reliability assessments and reports.

The following findings are NERC and the ERO Enterprise's independent evaluation of electricity generation and transmission capacity and potential operational concerns that may need to be addressed for the 2022 summer.

*Summer Resource Adequacy Assessment and Energy Risk Analysis*

Midcontinent ISO (MISO) faces a capacity shortfall in its North and Central areas, resulting in high risk of energy emergencies during peak summer conditions. Capacity shortfall projections reported in the 2021 LTRA and as far back as the 2018 LTRA have continued Load serving entities in 4 of 11 zones entered the annual planning resource auction (PRA) in April 2022 without enough owned or contracted capacity to cover their requirements. Across MISO, peak demand projections have increased by 1.7 percent since last summer due in part to a return to normal demand patterns that have been altered in prior years by the pandemic. However, more impactful is the drop in capacity in the most recent PRA: MISO will have 3,200 MW (2.3 percent) less generation capacity than in the summer of 2021. System operators in MISO are more likely to need operating mitigations, such as load modifying resources or non-firm imports, to meet reserve requirements under normal peak summer conditions. More extreme temperatures, higher generation outages, or low wind conditions expose the MISO North and Central areas to higher risk of temporary operator-initiated load shedding to maintain system reliability.

At the start of the summer, a key transmission line connecting MISO's northern and southern areas will be out of service. Restoration continues on a 4–mile section of 500 kV transmission line that was damaged by a tornado during severe storms on December 10, 2021. The transmission outage affects 1,000 MW of firm transfers between the Midwestern and Southern MISO system that includes parts of Arkansas, Louisiana, and Mississippi. The transmission line is expected to be restored at the end of June 2022.

Anticipated resource capacity in Saskatchewan will be strained to meet peak demand projections, which have risen by over 7.5 percent since 2021. SaskPower is projected to remain above their planning reserve margin threshold and have sufficient operating reserves for normal peak conditions. However, external assistance is expected to be needed in extreme conditions that cause above-normal generator outages or demand.

Drought conditions create heightened reliability risk for the summer. Drought exists or threatens wide areas of North America, resulting in unique challenges to area electricity supplies and potential impacts on demand:

Energy output from hydro generators throughout most of the Western United States is being affected by widespread drought and below-normal snowpack. Dry hydrological conditions threaten the availability of hydroelectricity for transfers throughout the Western Interconnection. Some assessment areas, including WECC's California-Mexico (CA/MX) and Southwest Reserve Sharing Group (SRSG), depend on substantial electricity imports to meet demand on hot summer evenings and other times when variable energy resource (e.g., wind, solar) output is diminishing. In the event of wide-area extreme heat event, all U.S. assessment areas in the Western Interconnection are at risk of energy emergencies due to the limited supply of electricity available for transfer.

Extreme drought across much of Texas can produce weather conditions that are favorable to prolonged, wide-area heat events and extreme peak electricity demand. Resource additions to the ERCOT system in recent years-predominantly solar and some wind—have raised Anticipated Reserve Margins above Reference Margin Levels and ease concerns of capacity shortfalls for normal peak demand. However, extreme heat increases peak demand and can be accompanied by weather patterns that lead to increased forced outages or reduced energy output from resources of all types. A combination of extreme peak demand, low wind, and high outage rates from thermal generators could require system operators to use emergency procedures, up to and including temporary manual load shedding.

As drought conditions continue over the Missouri River Basin, output from thermal generators that use the Missouri River for cooling in Southwest Power Pool (SPP) may be affected in summer months. Low water levels in the river can impact generators with once-through cooling and lead to reduced output capacity. Energy output from hydro generators on the river can also be affected by drought conservation measures implemented in the reservoir system. Outages and reduced output from thermal and hydro generation could lead to energy shortfalls at peak demand. Periods of above normal wind

generator output may give some relief, however, this energy is not assured. System operators could require emergency procedures to meet peak demand during periods of high generator unavailability.

All other areas have sufficient resources to manage normal summer peak demand and are at low risk of energy shortfalls from more extreme demand or generation outage conditions. Anticipated Reserve Margins meet or surpass the Reference Margin Level, indicating that planned resources in these areas are adequate to manage the risk of a capacity deficiency under normal conditions. Furthermore, based on risk scenario analysis in these areas, resources and energy appear adequate.

*Other Reliability Issues for Summer*

Supply chain issues and commissioning challenges on new resource and transmission projects are a concern in areas where completion is needed for reliability during summer peak periods. Assessment areas report that some generation and transmission projects are being impacted by product unavailability, shipping delays, and labor shortages. At the time of this assessment publication, WECC-CA/MX, and WECC-SRSG have sizeable amounts of generation capacity in development and included in their resource projections for summer. In Texas (ERCOT), transmission expansion projects are underway to alleviate transmission constraints and maintain system stability as the BPS is adapted to rapid growth in new generation; delays or cancellations of transmission projects can cause transmission system congestion during peak conditions and affect the ability to serve load in localized areas. Should project delays emerge, affected Generator Owners (GOs) and Transmission Owners must communicate changes to Balancing Authorities (BAs), Transmission Operators, and Reliability Coordinators, so that impacts are understood and steps are taken to reduce risks of capacity deficiencies or energy shortfalls.

Coal-fired GOs are having difficulty obtaining fuel and non-fuel consumables as supply chains are stressed. No specific BPS reliability impacts are currently foreseen; however, coal stockpiles at power plants are relatively low compared to historical levels. Some owners and operators report challenges in arranging replenishment due to mine closures, rail shipping limitations, and increased coal exports. Some GOs have implemented controls to maintain sufficient stocks for peak months while BAs and Reliability Coordinators are continuing to conduct fuel surveys and monitoring the situation.

The electricity and other critical infrastructure sectors face cyber security threats from Russia and other potential actors amid heightened geopolitical tensions in addition to ongoing cyber risks. Russian attackers may be planning or attempting malicious cyber activity to gain access and disrupt the electric grid in North America in retaliation for support to Ukraine. The Electricity Infrastructure Sharing and Analysis Center (E-ISAC) continues to exchange information with its members and has posted communications and guidance from government partners and other advisories on its Portal. E-ISAC members are encouraged to check in regularly to receive updates and to actively share information regarding threats and other malicious activities with the E-ISAC to enable broader communication with other sector participants and government partners.

Unexpected tripping of solar photovoltaic (PV) resources during grid disturbances continues to be a reliability concern. In May and June 2021, the Texas Interconnection experienced widespread solar PV loss events like those previously observed in the California area. Similarly, four additional solar PV loss events occurred between June and August 2021 in California.

Mr. GUTHRIE. This bill does not do what Democrats say it will do.

Madam Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. SCALISE), the Republican whip.

Mr. SCALISE. Madam Speaker, I thank my friend from Kentucky (Mr. GUTHRIE) for yielding.

I rise in strong opposition to this bill that will absolutely increase the deficit. It will absolutely increase inflation, and this bill will absolutely increase energy costs. In fact, they have a multibillion-dollar new tax on energy.

I haven't heard one person in America saying they want to pay more money for gasoline, yet they are putting billions in new taxes on energy, so you will not only be paying more for gasoline, but you will be paying more for utility bills for your household, which are already skyrocketing because of President Biden and Speaker PELOSI's radical, far-left spending they have already done the last year and a half.

But it doesn't end there.

$250 billion in cuts to Medicare drugs—that is right. For seniors, this bill cuts $250 billion out of Medicare drug spending to help people in higher income brackets be eligible for more ObamaCare subsidies, so a massive wealth transfer away from seniors to higher-income people to get subsidies for ObamaCare.

Then let's talk about these 87,000 IRS agents. You think of just about any NFL stadium in America filled completely with new IRS agents. That is right, more than doubling the size of the IRS to go after lower-income people. They love saying on the other side: Don't worry. It is not going to touch them.

There is only one problem: It doesn't stand up to the facts.

There was an amendment in the Senate, right here, very simple, a one-page amendment to protect people making under $400,000 from new audits by the IRS. This amendment was voted down on a party-line vote because they want that army of 87,000 IRS agents going after lower-income people.

In fact, the smoking gun came out this morning. They don't have a full CBO report on this bill. You heard the old adage that you have to pass the bill to find out what is in it. That is what they are doing today. That is why they are rushing this bill through today. It doesn't even have a review from the Congressional Budget Office.

But just a few hours ago, we got this. It was a confirmation that the IRS agents will be getting about $20 billion in new taxes from people making less than $400,000. That is right. The CBO just confirmed it a few hours ago.

President Biden made that promise multiple times: If you make under $400,000, don't worry; your taxes don't go up. This bill breaks President Biden's promise. It is confirmed by the CBO.

There was an amendment to stop it from happening, and every Democrat voted against it. They wouldn't allow us to bring that amendment here on the floor because they are ramming it through because they don't want people to know what is inside of this bill.

$700-plus billion in new taxes—budget gimmicks that say, for the new taxes over 10 years, they are only going to account for 3 years of spending, which means if you account for the full 10 years, it increases the deficit. Of course, during inflation times and this crisis we are facing economically, this bill will increase inflation and gas prices.

Let's reject the bill and go back to the drawing board.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. CLARKE), a member of the Energy and Commerce Committee.

Ms. CLARKE of New York. Madam Speaker, I thank the chairman for yielding. I rise today in support of H.R. 5376, the Inflation Reduction Act of 2022.

This monumental generational investment in our Nation's future will lower prescription drug prices and energy costs, extend healthcare coverage for millions of Americans, and deliver a vital down payment of resources in our stand against the climate crisis, all while creating millions of well-paying jobs across America.

Moreover, it makes good on our promise to always fight for this country's most vulnerable communities, now and forever.

The journey to today has been challenging, to say the least, but I am at long last elated to know that the change Americans need and demand is finally here.

Thanks to the hard work and ceaseless resolve of President Joe Biden, my Democratic colleagues on the Senate side, and every individual who took seriously their duty to fight tooth and nail to better the lives of every American in our care, our pursuit of progress has never been stronger.

For communities of color, our seniors, pregnant and postpartum people, individuals and families living on low wages, and everyone else who has long borne the brunt of too many hardships to list, this legislation represents the initial steps they have long and desperately awaited.

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The Inflation Reduction Act will prevent thousands of premature deaths by improving air quality in densely populated communities with high environmental justice needs.

Mr. GUTHRIE. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATTA), a member of the Committee on Energy and Commerce.

Mr. LATTA. Madam Speaker, I rise in opposition to H.R. 5367, a bill the Democrats claim will reduce inflation when, in reality, it will do the exact opposite.

American families are struggling to keep the lights on at home. Far too many people in this country are worrying about the costs associated with putting food on their table and gas in their tanks. And yet, the majority has decided now is the time to double down on their tax-and-spend policies with American taxpayers footing the bill.

It is also concerning that this bill promotes anti-American energy policies. It will put aside $250 billion at the Department of Energy to subsidize the rush to green energy. This is picking winners and losers in the energy market and will scare away investments in baseload power sources.

American small businesses need access to more reliable energy, not less. If the grid becomes too reliant on intermittent green energy sources, we will begin to see manufacturers shutter their operations.

Although it is hard to see how this bill could be salvaged, I did offer an amendment to try to prevent this outcome. My amendment would have required the Secretary of Energy to certify that the bill would not negatively impact electric grid reliability before funding could be used.

Considering the devastating consequences that would result for American families and businesses, it makes perfect sense that the government should do its due diligence in examining all possible outcomes.

Unfortunately, the majority chose not to consider my amendment on the House floor today.

Madam Speaker, I urge my colleagues to vote ''no'' on this legislation because it will increase taxes on American families, institute price controls that will block innovation and medical cures, promote irresponsible spending on Green New Deal carve-outs and provide significant risks to the electric grid.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. SCHRADER), a member of the Committee on Energy and Commerce.

Mr. SCHRADER. Madam Speaker, I rise today in complete support of H.R. 5376, the Inflation Reduction Act.

During my time in Congress, I have dedicated my service to improving our healthcare system and working to lower the cost of prescription drugs. I am ecstatic that the bill before us today includes my and Representative PETERS drug price reduction framework that will finally rein in the cost of prescription drugs for our seniors and protect pharmaceutical innovation, contrary to what the other side will tell you.

The Medicare drug cost reductions will be transformative. The bill will allow Medicare to finally negotiate drug prices and the practice of raising prices in the Medicare program beyond the rising inflation and provide lasting financial relief to our most vulnerable seniors by establishing a $2,000 out-of-pocket maximum for spending on prescription drugs.

The prescription drug cost portions of this bill will also preserve scientific creativity and the innovation ecosystem that has been essential to the domestic job-preserving development of life changing and lifesaving treatments and cures.

And the close to $300 billion in deficit reduction from this portion of the bill will be huge for the overall viability of our troubled Medicare system going forward. This will be the biggest improvement to Medicare since the inception of part D almost 20 years ago. I am proud to have been a leading advocate to deliver relief on the high cost of prescription drugs.

Madam Speaker, I thank my colleagues in both Chambers who worked with me directly to get this across the finish line.

Mr. GUTHRIE. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), my good friend.

Mr. BILIRAKIS. Madam Speaker, I thank my good friend from the great State of Kentucky as well.

Madam Speaker, I rise today in strong opposition to the inflation, recession, IRS army act.

As the American people struggle to put food on their tables and gas in their cars, Democrats bring us here today to raise Americans' taxes and destabilize our prescription drug market.

My colleagues across the aisle want everyone to believe that this bill will drive down the cost of drugs, but they fail to mention that this policy will severely stifle innovation, unfortunately.

As a proud advocate for individuals suffering with cancer, rare diseases, and neurodegenerative diseases, such as ALS, Alzheimer's, and Parkinson's, I am committed to seeing cures come to market. But policies like this one will heartlessly jeopardize the likelihood of these breakthroughs.

I would like to see my Democratic colleagues work with us on the productive policy solutions found in the Lower Costs, More Cures Act, which would drive down the cost of drugs for the American people but would not destroy the innovative research and development that is uniquely American.

Sadly, it seems more thought was put into targeting average Americans with an IRS army and over 1 million new audits than in helping them find cures for their life-threatening ailments, unfortunately.

Floridians deserve better. And the American people deserve better than this bogus piece of legislation that will raise taxes and reduce the number of cures and treatments coming to market.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentlewoman from Michigan (Mrs. DINGELL), a member from the Committee on Energy and Commerce.

Mrs. DINGELL. Madam Speaker, I rise in strong support of the Inflation Reduction Act. This landmark package is finally on the House floor after over a year of hard work and rolling up our sleeves.

This bill will serve all Americans by bringing down energy and health costs, reversing inflation, reducing the deficit, cleaning up our environment, and sparking a new, clean energy economy. It is responsibly paid for, and middle-class families will not see any increased taxes.

This is a defining moment for tackling the climate crisis. This bold legislation represents the single largest investment in clean energy, environmental justice, and climate actions in American history, including the Greenhouse Gas Reduction Fund and increased investments in both the ATVM loan program, and the Domestic Manufacturing Conversion Grant program, based on legislation I helped write.

The automotive industry is fully committed to going electric. While this legislation may pose some challenges in the short term, it will strengthen the long-term trajectory of the automotive industry, our domestic supply chains, and American manufacturing.

It is bringing jobs home, strengthening our supply chain, and reducing our dependency on foreign manufacturing.

Madam Speaker, I urge my colleagues to support this legislation.

Mr. GUTHRIE. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. JOHNSON), my good friend,

Mr. JOHNSON of Ohio. Madam Speaker, I rise today to highlight my amendment that the minority refuses to even bring to a vote. My amendment is simple. It would amend this so-called Inflation Reduction Act by striking from the bill the Methane Emissions Reduction Program, which is a fancy term for what could be more accurately described as attacks on American natural gas.

In my district in eastern and southeastern Ohio, oil and gas workers get up every day to produce our valuable natural resources that are used to generate electricity, power manufacturing, heat and cool our homes, cook our food, and more recently, to use our American natural gas to rescue our European allies who now find themselves under Vladimir Putin's tyrannical thumb.

This methane tax jeopardizes all of this, and it represents yet another attack by the majority on American fossil fuels that have brought more people out of poverty around the world than any other energy source around the planet.

When I talk to producers in my district, I give them a lot of credit. These companies, without being asked, are quite literally innovating every day. They use state-of-the-art technology to capture as much of their methane

emissions as possible, and they are proud to do it.

And what is their reward? Well, they get a new tax anyway. It is also worth noting that the EPA is already working on rulemaking for regulating methane emissions, and the authors of this bill knew that—all to appease the radical environmentalist left.

Madam Speaker, I want to be clear that this isn't, ''a methane reduction program.'' It is a massive tax on American producers, American businesses, and American workers. It is a tax on job creators in Ohio. It is a tax on hardworking Americans trying to heat and cool our homes, and a tax on feeding our families, and a tax on the American way of life.

We should strike this provision from the bill.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentlewoman from Minnesota (Ms. CRAIG), a member of the Committee on Energy and Commerce.

Ms. CRAIG. Madam Speaker, today is the day that we deliver on many of our promises to the American people. We are going to lower the cost of healthcare for millions of Americans. We are going to invest in American energy independence and reduce carbon emissions. We are going to do this in a responsible way, as we reduce the deficit in the process.

The Inflation Reduction Act takes historic strides to make healthcare more affordable by capping the cost of insulin at $35 a month for those on Medicare. Capping out-of-pocket drug costs for our Nation's seniors at $2,000 a year, and empowering Medicare to negotiate drug prices for our seniors.

We also extend the ACA tax credit, ensuring that we continue along the path of these historic rates of uninsured in our Nation. We are going to make the largest investment in clean energy in our Nation's history, reduce carbon emissions by 40 percent this decade, and invest in biofuels infrastructure for Minnesota's family farmers.

Madam Speaker, I say to my colleagues, today, the will of our constituents will prevail over special interests—at least on this side of the aisle.

Madam Speaker, this legislation will make a real difference in reducing costs for working families. I am proud to support it, and I encourage my colleagues to do the same.

Mr. GUTHRIE. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentlewoman from Washington State (Ms. SCHRIER).

Ms. SCHRIER. Madam Speaker, I am so excited to vote today for this climate and healthcare bill, and here is why: This bill is the answer to the questions that my constituents have been asking since day one.

Here is what I am hearing:

Dr. Schrier, you have diabetes, too. I can't afford my insulin. I am having to ration at the end of the month. Won't you do something about it?

Well, here is the answer: $35-a-month insulin.

Dr. Schrier, I am a senior. I have a fixed income. I can't afford these high drug prices. Why can't Medicare negotiate them?

Well, here is your answer: Medicare getting the power to negotiate the cost of prescription drugs.

Also: Dr. Schrier, I am a senior. There are too many out-of-pocket costs for me.

This caps them at $2,000.

And finally, right now, we have fires burning in Washington State. And I have farmers who have seen reduced crop yields because of extreme heat.

They say: Dr. Schrier, can't you do something about climate?

And here is the answer: The biggest investment in climate solutions that we have ever had.

This bill brings relief. It brings financial relief to families who are feeling the high inflation in gas prices.

And you know how it does it? By finally making sure that the wealthiest corporations pay their fair share of taxes, and it does it without raising tax on middle-class families.

Madam Speaker, I am so excited about this bill because it answers the requests of the people I represent, and that is why I am so excited to vote for it today.

□ 1515

Mr. GUTHRIE. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PFLUGER).

Mr. PFLUGER. Madam Speaker, I rise to speak against this so-called Inflation Reduction Act, a piece of legislation that weakens America, weakens our businesses, increases the cost of energy for all Americans and our families, and funds a new 87,000-person army of IRS agents that are coming after low- and middle-income families.

Here is a pretty good rule of thumb for this legislation. If you are one of Biden's chosen Green New Deal companies, you are probably going to get a handout from American taxpayers. But for small, independent American energy producers in districts like mine, the Permian Basin, your reward for keeping the lights on is a new, poorly conceived natural gas tax that will raise the cost of everything and give China an edge on our American manufacturers.

In fact, I offered an amendment to strike this provision, but Democrats voted it down in the Rules Committee, voting against U.S. energy and voting for foreign energy.

The Democrat response is tax credits for the rich, a slush fund for loans to their favorite green companies, and more regulatory red tape to drive up energy costs for all of us.

Families have to decide whether to fill up their tanks or to pay for everyday essentials at grocery stores because of high gas prices due to President Biden's policies.

The crowning achievement of this legislation won't be inflation reduction. It will be making America more dependent on our adversaries, more dependent on our adversaries for energy, dependent on China for medical manufacturing and supply chain issues, and dependent on China for critical minerals.

If the Democrats' goal is to reduce baseload, reliable power sources and increase our dependency on foreign nations, they are succeeding. If their goal is to create regulatory red tape to drive up energy costs for Main Street businesses and families, once again, they are succeeding. If their goal is to help American families and small businesses, this piece of legislation is a fail.

America asked for relief, and instead, Democrats will deliver new and higher taxes that will be enforced by an 87,000-person IRS army.

Madam Speaker, I urge my colleagues to vote for America and against this bill.

Mr. PALLONE. Madam Speaker, I yield 1½ minutes to the gentlewoman from Texas (Mrs. FLETCHER), a member of the Energy and Commerce Committee.

Mrs. FLETCHER. Madam Speaker, today is a historic day. Today, we will vote on the question of whether to allow Medicare to negotiate the price of prescription drugs and cap out-of-pocket costs for seniors; lower the cost of healthcare; implement smart energy policy to reduce emissions, fight climate change, and spur energy innovation; invest in American manufacturing; and reduce our deficit spending by $300 billion.

We answer these questions ''yes'' by voting for the Inflation Reduction Act.

As the representative of the energy capital of the world, where we lead in energy technology and investment, I want to respond to some of the things that we have just heard.

I am particularly proud of the work that we have done here to ensure that the historic methane emissions reduction program will actually reduce greenhouse gas emissions, make it possible for energy companies of all sizes to reduce their emissions through a grant program, and ensure that the United States remains the global leader in energy production and in energy innovation and technology.

We do this by voting together for this historic bill today.

Mr. GUTHRIE. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, the historic Inflation Reduction Act lowers everyday costs Americans are struggling to afford by cutting the price of prescription drugs, by making the largest-ever investment in climate action, and by reducing inflation—all of this without raising taxes on middle-class Americans and also paying down the national debt.

For too long, the price of lifesaving prescription drugs has bankrupted

American families. No more. This bill caps out-of-pocket drug costs at $2,000 and allows Medicare finally to directly negotiate the price of drugs.

Similarly, we must address the increasing costs Americans are bearing at the hands of climate change. This bill's $369 billion investment in climate action will unleash a renaissance in clean energy technology, creating millions of new, high-paying manufacturing jobs, and build the next generation of American energy and transportation.

Madam Speaker, I support this legislation, and I call upon my colleagues, Democrats and Republicans, to pass this legislation.

Mr. GUTHRIE. Madam Speaker, I include in the RECORD a Bloomberg News story reporting how power costs are already forcing U.S. factories to shut down, featuring an aluminum mill in my district, in Hawesville, Kentucky.

This underscores the risk to our Nation's competitiveness that these policies bring about, and this bill will not do what those on the floor say that it will do.

[From Bloomberg News, July 7, 2022]

THE US INDUSTRIAL COMPLEX IS STARTING TO BUCKLE FROM HIGH POWER COSTS

(By Joe Deaux and Naureen S Malik)

It was only a matter of time, really.

Europe's fertilizer plants, steel mills, and chemical manufacturers were the first to succumb. Massive paper mills, soybean processors, and electronics factories in Asia went dark.

Now soaring natural gas and electricity prices are starting to hit the US industrial complex.

On June 22, 600 workers at the second-largest aluminum mill in America, accounting for 20 percent of US supply, learned they were losing their jobs because the plant can't afford an electricity tab that's tripled in a matter of months. Century Aluminum Co. says it'll idle the Hawesville, Kentucky, mill for as long as a year, taking out the biggest of its three US sites. A shutdown like this can take a month as workers carefully swirl the molten metal into storage so it doesn't solidify in pipes and vessels and turn the entire facility into a useless brick. Restarting takes another six to nine months. For this reason, owners don't halt operations unless they've exhausted all other options.

It's the most poignant signal yet of what's to come-but not the only one.

At least two steel mills have begun suspending some operations to cut energy costs, according to one industry executive, who asked not to be identified because the information isn't public. In May, a group of factories across the US Midwest warned federal energy regulators that some were on the verge of closing for the summer or longer because of what they described as ''unjust and unreasonable'' electricity costs. They asked to be wholly absolved of some power fees-a request that, if granted, would be unprecedented.

It's no wonder. By the beginning of June, natural gas prices had tripled what they were a year earlier, threatening households and businesses alike with some of the biggest utility bills they've ever seen. This summer, electricity rates for industrial customers are set to hit their highest levels ever, based on US government forecasts. Because US plants and factories depend on both electricity and gas, this could very well be the moment the rug's pulled out from under American industry.

Manufacturing overtime hours have already declined for three straight months, the longest downward stretch since 2015, and a measure of US manufacturing activity weakened in June to a two-year low as new orders contracted. A week after Century's announcement, the nation's largest aluminum producer Alcoa Corp. said it's closing a third of its production at a mill in Indiana because of ''operational challenges.''

These headwinds could eventually threaten what some see as a longer-term boom in US manufacturing as corporations look to reduce their dependence on China. Executives are highlighting plans to relocate production at a greater clip this year than they even did in the first six months of the pandemic, but energy and labor costs will pose challenges for any company looking to build a new operation in the US.

Manufacturing isn't the bellwether of the US economy it once was. The plants that 70 years ago employed more than a third of the nation's labor force now account for about 8 percent of nonfarm workers. An industrial downturn on its own won't tip us into a recession, but it could if combined with weakness in other sectors. While the might of American industry has significantly weakened over the years, it still accounts for more than a tenth of US gross domestic product-and for that reason holds an outsize place in the hearts of politicians whose factory visits are a perennial staple of campaigns.

Plants will try to operate more efficiently to lower their utility bills, but there are limits to how much they can save. In a lot of regions, industrial users aren't just paying for the power they use; they're also paying for what's known as capacity, essentially an insurance policy that keeps enough power on the grid for the most extreme of demand days. (Think hot summer days when everyone's air conditioners are blasting.) And with wholesale energy prices near the highest levels since 2008 and aging power plants shutting, those insurance premiums are growing exponentially, particularly in the middle of the country where much of the country's industrial operations lie.

One potential bright spot, or an indication of how desperate industrial companies are becoming: Some are partnering with startups to explore alternative energy sources: Nature Energy says it expects to start building facilities this year to collect and convert cow dung and crop waste into renewable natural gas. Power Edison, which is proposing to stack massive batteries on barges that can be shipped around to customers in need, is attracting more attention.

As Katie Coleman, an attorney for Texas Association of Manufacturers, puts it, her members have three big cost drivers: taxes, electricity, and labor. Those three vary in proportion over time, she says, ''but right now, electricity is an even larger factor than normal.'' Some companies with multiple factories are trying to decide which plants to keep running this summer based on how cheap they can get their electricity, she says, and some may decide which to permanently close. Such is the case for Century, which will keep operations running in Iceland where power is incredibly cheap because of local renewable energy resources.

There is a lot to blame for this year's surge in US energy prices: Russia's invasion of Ukraine; the ensuing surge in US natural gas exports to markets overseas; extreme weather brought on by climate change; aging fossil-fuel-fired power plants retiring at a record pace. They're all coinciding with a sharp rebound in post-pandemic demand.

One group of manufacturers will say they told us so. The Industrial Energy Consumers of America has been calling on the Biden administration for months to limit the amount of gas US energy suppliers send overseas, warning that exports would eventually lead to supply shortages at home. But a measure like that would set a dangerous precedent and threaten the billions of dollar of investments in liquefied natural gas terminals along US shores. Shipments overseas have so far remained unfettered.

How severe of an industrial downturn we're heading into depends on a lot of variables -chief among them being how long energy prices remain high. Milder weather, fewer power plant disruptions, and more solar and wind farm deployments could shift the natural gas market back into an era of lower prices and improve the fortunes of manufacturers. Today, we are far from that.

Michael Harris, whose firm Unified Energy Services LLC buys fuel for industrial clients, says costs have risen so high that some are having to put millions of dollars of credit on the line to secure power and gas contracts. ''That can be devastating for a corporation,'' he says. ''I don't see any scenario, absent explosions at US LNG facilities'' that trap supplies at home, in which gas prices are headed lower in the long term.

Mr. GUTHRIE. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Madam Speaker, I rise today in strong opposition to the inflation expansion act, which includes deeply troubling proposals that will kneecap medical innovation and harm patients' access to cures.

Madam Speaker, for 40 years, I was behind the counter. I was the one who had to tell the patient how much their prescription was going to be. I was the one who witnessed the senior citizens trying to make a decision between buying their medication or buying their groceries. I was the one who had to tell the mother how much the antibiotic was going to be and see her in tears trying to find the money to pay for that antibiotic. I know all too well about prescription drug prices.

Today, I am behind the podium as my Democratic colleagues decide whether to mortgage those same patients' health and well-being for a political win. This is immoral, and it must be stopped.

The United States leads the world in medical innovation. I have watched it, and I have seen it as terminal illnesses became treatable with a simple pill. I have seen the relief on a patient's face when they heard that a new treatment is available for their once incurable disease. This bill eradicates hope.

Madam Speaker, we need to help lower drug prices and costs for patients, but this legislation goes about it in all the wrong ways. Pharmaceutical companies are the drivers of innovation that deliver lifesaving cures to patients. However, this legislation will result in dozens, possibly hundreds, of fewer cures over the next decade.

I tried to fix this self-imposed problem in the Rules Committee on Wednesday, but it was rejected. I also introduced an amendment to block the

Federal Government from funding radical green lobbying groups, but that was rejected.

There is no excuse for the Federal Government to steal billions of dollars from taxpayers, including $1.5 billion in funding for tree equity, while inflation sits at a 40-year high.

Medical professionals are sworn to do no harm. It is time Congress took the same oath and quit our assault on taxpayers and mostly on patients.

Madam Speaker, I urge a ''no'' vote.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. MFUME).

Mr. MFUME. Madam Speaker, this is really about people over politics today, and I am glad that people all over the country are watching and listening to this debate.

It is not about the wealthy, the well-connected, and the well-off. It is about people who believe, like many of us, that we have gone too far without lowering the cost of medicine for everyday people by reducing and capping costs where they are—the $35 cap on insulin—and finding a way to close the real gap that exists in terms of affordable care and extension of the subsidies and making sure that we are really tackling the climate crisis by providing the things that will allow consumers and homeowners to do what they need to find a way to take advantage of the tax subsidies.

Most of all, it says to everyone else that this is completely paid for. This is not a tax bill. It is paid for. It is paid for by making sure that the wealthiest and corporations that really get out of paying taxes don't get out of paying taxes anymore.

It is not about the wealthy, the well-connected, and the well-off. It is about people all over this country, in Baltimore and elsewhere, who want and need this legislation.

Mr. GUTHRIE. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. MRVAN).

Mr. MRVAN. Madam Speaker, I rise today in support of the Inflation Reduction Act, the historic measure that takes action to lower costs for individuals and families in northwest Indiana and throughout our Nation.

Of particular importance to me are the provisions that finally address the unfair disadvantage our seniors face when deciding between missing a meal or missing a prescription drug.

As a local elected official, I sat at the table with individuals making those choices, and we were able to find solutions. I appreciate more than anything that, under this legislation, Medicare will negotiate certain prescription drug prices, limit out-of-pocket costs for insulin at $35 per month, and, for the first time ever, cap Medicare part D out-of-pocket drug costs at $2,000. It is to the seniors' advantage to have this passed.

This is real progress that provides real relief to seniors, and I urge my colleagues to join me in supporting this critical legislation.

Mr. GUTHRIE. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BALDERSON).

Mr. BALDERSON. Madam Speaker, I rise in opposition to H.R. 5376. Today, we are voting on a bill that achieves the exact opposite of what its name implies.

Here is what is in their $745 billion inflation reduction plan.

It raises taxes on businesses in the midst of a recession. It forces us into a socialist drug-pricing scheme, leading to fewer lifesaving cures, higher costs, and less hope. It hires 87,000 more IRS agents to spy on you. It makes it more expensive to heat your home with a new tax on American natural gas. It wastes $27 billion on the EPA climate bank charged with handing out all of your tax dollars to woke energy corporations.

They are throwing your hard-earned money at their Green New Deal dreams while carrying out their misguided threats to eliminate fossil fuels. Just look at Europe's energy crisis to see the true cost of the rush-to-green agenda.

Rather than unleashing America's abundant energy resources, this legislation raises taxes on energy production and imposes restrictions on local producers in my district and in Ohio. Instead of helping bring down prices at the pump for hardworking Americans, this bill gives away $7,500 tax credits for the wealthy to buy and upgrade their electric vehicles.

What does all of this mean for Ohioans? Higher prices, energy insecurity, and tax hikes.

Madam Speaker, this bill only makes matters worse. I urge a ''no'' vote on H.R. 5376.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. KIM).

Mr. KIM of New Jersey. Madam Speaker, in 2018, I was at a home in a retirement community along the Jersey Shore. A gentleman pulled me aside and, in a whispered voice, shared with me that he pays over $500 a month for prescription drugs and couldn't keep up. He resorted to halving his pills.

He told me he was a proud man, but I could hear a quiver in his voice because he felt bad that he couldn't provide for himself and his wife. He said he worked hard for his entire life, but he can't do this on his own.

I told him that it was not his fault, that prices had been skyrocketing, that Medicare had not been able to negotiate prices, and that here in the richest, most powerful Nation in the world, those who worked hard over the course of their lives are left to fend for themselves, halving their medication. How sad is that?

I come to the floor of the House today to say that this stops here.

Medicare will be able to negotiate, and because of that gentleman and many others I heard from, I decided to help author the provision to cap the out-of-pocket costs for seniors at $2,000 a year, which is about $166 a month. Seniors have been waiting too long, and it is time now to get this done.

Mr. GUTHRIE. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore (Ms. HOULAHAN). The gentleman from New Jersey has 5 minutes remaining. The gentleman from Kentucky has 4 minutes remaining.

□ 1530

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN. Madam Speaker, this is an American bill—apple pie; mom; baseball; and red, white, and blue. This is for the exhausted majority of the people in this country: Democrats, Republicans, and Independents versus the extremists.

Madam Speaker, if you think that this town has been spending too much money and we need to reduce the deficit, we do that by hundreds of billions of dollars. If you think seniors are taking it on the chin, we help them with prescription drugs and $35 insulin payments. If you think we need to increase the production of natural gas, that is in this bill to create jobs here, lower costs here, and export to Europe and the rest of the world to knock Putin's knees out from under him.

The most exciting thing in this bill is we double down on finally having an industrial policy in this country to out-compete China. We are going to build things. On top of the infrastructure bill and the CHIPS Act, we are going to build electric vehicles, electric cars, and electric tractors. With batteries, solar, and wind, we are going to rebuild the middle class.

While the other side wants to defund the FBI, we want to fund our kids' future here in the United States.

Mr. GUTHRIE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, there is nothing in the bill that increases our production of natural gas. The Methane Emissions Reduction Program is a natural gas tax that will impact the entire economy. The natural gas tax will make everything more expensive for American families. The natural gas tax will increase the price of fuel, fertilizer, and food.

Madam Speaker, 180 million Americans use natural gas to heat homes and run appliances. About 5½ million businesses use it to run their workplaces and manufacturing facilities.

This bill will give EPA sweeping authority to expand the natural gas tax to other sectors, including agriculture. There are no guardrails to prevent the EPA from ratcheting up the natural gas tax in years ahead.

Madam Speaker, I yield 2½ minutes to the gentlewoman from the State of Tennessee (Mrs. HARSHBARGER).

Mrs. HARSHBARGER. Madam Speaker, I rise today in opposition to the far-left inflation expansion act.

This bill is detrimental to Americans' wallets and their ability just to keep their heads above water. This bill is littered with economy-crushing measures that cater to climate extremists and Socialists. This tax will impact every single part of our lives. It will be more expensive to heat our homes, to buy basic necessities, and it will even de-incentivize manufacturing of thousands upon thousands of goods that we use every day.

This bill is chock-full of Green New Deal slush funds with no accountability and no transparency. We cannot afford to pour billions that we don't have into programs that cut our gas and oil industry off at the knees—an industry that is already suffering greatly under the Biden administration.

This attack on our refineries could lead to even higher gas prices. I know that is hard to believe, but it is true. It leaves us exposed and more reliant on our enemies.

This bill is problematic from start to finish, but as a licensed pharmacist for over 30 years, the most concerning part of this Socialist scheme is that the government will now have authority to set pricing on lifesaving medication. And when they set the price, it is going to be out of the reach of the Americans who need it the most. The tip of the day is you never want the government in control of pricing anything.

This act will directly take away hope from seniors and as many as 100-plus cures will be in jeopardy. There will be no incentive for companies to develop cures for rare and ultra-rare diseases. This bill encourages drug companies to spend less on research and development and more on navigating the politics of it all.

Americans are already being forced to choose between purchasing groceries or purchasing their prescriptions, and the last thing anyone needs is higher prices for prescriptions and rising insurance premiums.

Members on the other side of the aisle continue to push an agenda that America does not want. This bill is horrendous. It is an abomination that Democrats would go to such lengths—as far as risking the health and the safety of the people they swore an oath to represent—just to push their radical liberal agenda.

Madam Speaker, I urge my colleagues to consider the lives that will be negatively impacted by this radical bill and hope to see all the Members of the House of Representatives make the right decision for America with a ''no'' vote on this far-left inflation expansion act.

Mr. PALLONE. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I just want to take this opportunity to thank my committee staff who worked so hard on this legislation for so many years. This day would not be possible if it wasn't for their dedication and constant perseverance: Tiffany Guarascio, Waverly Gordon, Rick Kessler, Una Lee, Jacquelyn Bolen, Saha Khaterzai, Rick Van Buren, Tuley Wright, Caitlin Haberman, Adam Fischer, Anthony Gutierrez, Tyler O'Connor, Medha Surampudy, Jacqueline Cohen, Dustin Maghamfar, Timia Crisp, and Brendan Larkin.

Let me just say, Madam Speaker, I am still waiting for a couple more speakers. I just want to say that I cannot emphasize enough the significance of this legislation in terms of reducing costs for seniors through negotiated prices for Medicare, extending the Affordable Care Act, which has made so many people have health insurance who didn't have it before, and also addressing climate change, which is really the greatest crisis of our time. There is nothing that could be more significant in this legislation.

Madam Speaker, I would inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from New Jersey has 3 minutes remaining. The gentleman from Kentucky has 1 minute remaining.

Mr. PALLONE. Madam Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), who is one of my good friends here in Congress, a great leader, and the Republican leader in the House of Representatives.

Mr. MCCARTHY. Madam Speaker, today feels like a little deja vu.

It feels like we are sitting back—was it February of last year?

America is on a brink. The world is warning the majority party if they follow through with more of their spending they could create inflation in America.

It wasn't just on our side of the aisle that warned you. No. The former Secretary of the Treasury warned you that if you went through with that $2 trillion that inflation would rise and America would be harmed. But nobody listened on the other side.

They were proud. They were going to cheer. They were going to get elected. They were going to win based upon this. They went ahead and they passed that bill with one-party control in the House and in the Senate, and the President signed it.

If you listened to Steve Rattner, a Democratic adviser to Obama, he called it the original sin of inflation.

Listen to the American public.

Madam Speaker, I hope every single Member asks their constituents: Could they give 1 month's salary up?

Could they afford to give a month's salary up?

I would love it, Madam Speaker, if the Members would come back and tell me anyone who says ''yes'' to that.

But the sad part about it, Madam Speaker, is everybody in America who is paid on a salary just lost more than 1 month because it was deja vu all over again. It was exactly that vote that took more than 1 month's salary from every American that is paid monthly.

We have got a President, Madam Speaker, who thinks that inflation is zero. I guess that is why we are back to where we are again.

Today the people's House should be working to answer our country's call to address the rising prices of gas, groceries, and just about anything else that Americans buy. I haven't heard one debate on this floor today about how we are going to lower the gasoline price. I am not sure, but I guess, Madam Speaker, on the Democratic side they think if they raise taxes then somehow that will make the price go down and not up. They have been proven to be wrong.

Instead, Madam Speaker, moments from now we will take up this misguided, tone-deaf bill. I believe it is the largest tone-deaf bill I have ever seen in this Chamber in 232 years.

Democrats more than any other majority in history are addicted to spending other people's money regardless of what we as a country can afford.

Madam Speaker, I almost see glee in their eyes. I know there are not a lot of them here because they can vote by proxy. It is the only Chamber in the history of America that has ever allowed that—not even on the Senate side, not even during war, and not even during plague, but this body has, and this body continued it. They just extended it. This bill wasn't debated here. It wasn't talked about. But a lot of people are going to phone it in.

They started this Congress with trillions in wasteful spending that caused runaway inflation.

Their answer was to blame everybody else.

Now, their answer is just to deny there is inflation and just say it is zero. But today, now they are choosing to end the session by spending half a trillion dollars more of your money, raising taxes on the middle class, and giving hand-outs to their liberal allies.

Madam Speaker, unlike most of the Democrats, I have read this bill past the title. The facts about this bill are just astonishing. It sends $27 billion to a fraudulent national climate bank. Put that in perspective: that is triple the size of the EPA's current annual budget.

Madam Speaker, as I go across the country I look to the gas stations and see people cry about how much it is costing them.

You chose to raise it higher but not to give relief to the American public by lowering the gas price.

Along with that slush fund, it hands out tax credits like candy with no accountability. But when it comes to natural gas, which heats our homes and cooks our food, it raises taxes to fund their Socialist scams.

Madam Speaker, your energy prices will now go through the roof.

Madam Speaker, I look forward to hearing how every Democrat who votes for this bill—be it in person or how they phone it in by proxy—explain it to their constituents this winter when they are making a choice about whether they pay the energy to heat their homes or they cut back on the gas to fill their tank or they no longer even buy the food at the grocery store because it just comes too high, they have to change.

Madam Speaker, as they continue to raise trillions after trillions, when everybody warns them what they do is wrong, they don't care. They just want to double down on the mistakes they have already made.

Don't expect drug prices to come down either. This bill would cut treatments and hinder new cures by giving bureaucrats the power to decide what drugs seniors can access. It reduces your options and raises your costs.

That is okay because that is their philosophy. They know best. Just like they knew best when they thought $2 trillion would help. They called it the American Rescue Plan.

You now have time to see what you have done.

Explain to me in the American Rescue Plan when it raised inflation and that took 1 month's salary from the American public, what did it rescue?

□ 1545

Who did it help?

Answer me this question: Is America better off today than they were 2 years ago? Is the price of gasoline lower? It is?

The price of gasoline is lower today than it was 2 years ago? I guess you believe inflation is zero, too. I am not quite sure about your math.

Is grocery lower than it was 2 years ago? Are the car prices lower than it was 2 years ago? Are your food prices?

I would love a natural debate right here. Why don't we have that? Because the American people are having a challenge.

You know, one of the most successful businesses in America is Walmart. When Walmart wants to look at where the economy is in America, they don't go hire economists. You know what they do? They just check the data of Americans and what they buy. And for those who answered yes, you ought to study it, too.

You know what? They just look at four products. They look at hamburger buns, hotdog buns, whole wheat, and white bread. And you know what? If the hamburger buns sales go down and the hot dog buns sales go down and the whole wheat sales go down, but the white bread sales go up, you are in an economic crisis. You know why? Because people no longer can make the decision to have hamburgers with hamburger buns. They have to put the white bread there.

For all of you who said yes, why don't you get out of Washington for a moment and go ask your constituents if they are better off today than they were 2 years ago; because no, gas is not lower. Gas is higher. And no, the car prices are higher, and their food prices are higher, and they are going up each and every day.

I can't believe you would say yes. You probably believe the American Rescue Plan was a good bill. You probably believe it is Putin's fault, too.

Passing this bill today means more expensive bills for Americans tomorrow, and everyone who says otherwise isn't telling the truth.

But of all the bad parts of this 700-page bill, the massive expansion of the IRS is the most chilling.

Madam Speaker, I wonder if we could ask the same question and, oh, boy, I imagine America will ask that in just roughly 87 more days. They won't just ask it, they will answer the question, even if it is not asked; if they are better off than they were 2 years ago.

But they will probably ask the question: Is America better off with 87,000 more IRS agents?

Currently, the IRS has almost 80,000 employees. So you are going to smile; you are going to vote for it. A lot of you are going to mail it in because you are just going to vote by proxy. You are going to pass a bill you never debated by people voting by proxy.

You are going to double the size of the IRS. They have 80,000 employees. You know what the IRS also has? 4,600 guns, 5 million rounds of ammunition. Why?

Democrats want to double its already massive size. You are going to spend $80 billion of hard-earned American taxpayer money to hire an army of 87,000 new IRS agents.

Why would you even propose that? Because you say, oh, it pays for the bill.

Madam Speaker, I have got plenty of time.

I think I will. I appreciate the encouragement because I think America needs the encouragement, because you know what? America actually needs a plan that works.

Why, if you passed an American Rescue Plan that caused inflation that we haven't seen in 41 years—why, if you went after the fossil fuel of America that raised the price of gasoline that Americans haven't seen before—why do you keep harming the American public? And you think doing the exact same thing is your answer to save it?

But while this bill doubles the number of IRS personnel, it does not expand due process protections for the American people. Worse, it includes no income floor for who can be audited.

Some of the same people on the other side of the aisle, Madam Speaker, who say we are better off than we were 2 years ago, that somehow—I don't know where they get their gas, but they said their gas price is lower. Let me know, because I need to fill my tank up.

So when you say that you are not going to go after every American to audit, you are not being honest, just like you are not being honest about what you did to cause the pain to this country. And you have no plan to solve it. You simply double down to the exact same thing you did before.

Based upon the past numbers, we know this would mean 710,000 new audits for people who make under $75,000. So someone who makes under $75,000, you think they need to pay for this. So what you are going to do is not trust them.

Madam Speaker, you say you don't trust the American public, but you are not going to hire all these people for the IRS so they could be there to help people fill out their tax returns. No, these people are going to audit them. We are going to double the size, and they are going to go after you.

You see, there is a philosophy here, Madam Speaker. One side of this aisle believes in the American people. One side thinks they know best. Even when the gas prices have risen, you think it is lower.

I am sorry to tell you, Madam Speaker, the President even admitted the gas price is higher, but he thought it was a good thing. It was a good thing. Because you think everybody can go out and buy a new car.

Well, we are going to audit you because we need to go after you because we think you are not fair, you are not honest, and we are going to make you pay for something else. Just pay for the things we care most about.

It costs individuals thousands of dollars in attorneys' fees and compliance costs just to be audited by the IRS.

Imagine what you would do with an extra $10,000 a year. Imagine how much better you could have used it than the Federal Government.

And somehow you think it is best. You think it is best.

That is how Democrats pay for their pet projects. Your pocketbook is their plan to fund more inflationary spending.

This is just a train wreck just waiting to happen. And with this new power, the IRS will snoop around in your bank account, in your Venmo, your small business, and then the government will shake you down for every last cent.

You know, in light of this week's events, let me ask: Do you really trust this administration, the IRS, to be fair, to not abuse their power?

I hope that I am wrong, but history doesn't lie.

Madam Speaker, as I travel the country, a lot of people know different names of people who work at the IRS, Lois Lerner, and others. And even when it comes to light, government is powerful, government is big, government can take, as you have proven. You have taken so much from the American public. But now you want to intimidate them.

I have watched Democrats weaponize the government before, and I don't trust them now.

Madam Speaker, mark my words. Long after the headlines of this week

fade, we will look back on this very day and on this bill as the one that broke the camel's back.

I am sure, Madam Speaker, as the months progress, there will be new blame, there will be new problems. It will be those who own the gas station. You will probably blame the small families that had to buy the natural gas for their price going higher.

Somehow you will blame Putin again, and somehow you will tell the American public, no, your price isn't higher; you are actually better off, there is zero inflation, even though you take home less and everything costs more.

Let me tell you about the future the Democrats want for America, the future that we can expect if this bill passes, much like the one before.

When wealthy Americans are getting tax breaks to buy luxury cars but you can't afford to even fill up your tank, blame this bill, blame the Democrats.

When store shelves are empty because more American manufacturers have gone under, blame this bill, blame the Democrats.

When government agents are knocking at your door and threatening your business, blame this bill, blame the Democrats.

And when your loved ones are left without the cures they need to fight a rare disease, blame this bill, and blame the Democrats.

My friends, that is the exact choice for us today. Now, I know a few Democrats showed up. And, hopefully, all those who are voting by proxy are watching on TV, because they must be home sick, because that is what they said. I hope they spent the time to read it.

I don't know if they read the American Rescue Plan, but they know the damage they have done. America feels it each and every day.

Madam Speaker, I guess the next question would be—it will be interesting to hear the answer from the other side. If you think gas is cheaper than it was 2 years ago, if you think the prices at the grocery store are lower than it was 2 years ago, do you think the border is more secure than it was 2 years ago?

Someone said yes.

Madam Speaker, I am going to introduce a bill to rename this place fantasyland. I hope when you go home, I hope you take the smirks off, and I hope you actually read your obituaries because fentanyl has now become the number one killer of Americans between the ages of 18 and 45. It is not something to smirk about.

I am sure you got power; you are in the majority. But you abuse the power, Madam Speaker. When you abuse power like that, people die. Every walk of life, we are seeing it day in and day out.

I remember the headline of six college kids down in Florida this summer. They weren't in a fraternity. They weren't in a sorority. They were in the military academy. Six of them OD'd. Four of them took the drug; two did not. Two simply gave them mouth to mouth.

You think it is important to double the size of the IRS, but you are not going to do one thing for the border?

I remember right after you took the power, you took over the House, the Senate, and the White House, and you decided to change the policies. We watched what has come across the border. I took a trip down there.

I remember going, talking to the agents. They were telling me they have never seen anything like this before. I said: What do you mean?

They said: We are catching people on the terrorist watch list. I said: What? On the terrorist watch list? Really? I didn't know there was that many people on the terrorist watch list just from the triangle of Central America.

No, no, no, no, no. We are catching them from Yemen. People come from 160 different countries across this border now. They bring their fentanyl from China.

I went and did a press conference, and I talked about that.

Madam Speaker, I thought people from both sides of the aisle would be very concerned about hearing people on the terrorist watch list are coming into America, knowing what has happened in this country before, and we would want to keep it safe.

I was shocked. They didn't ask me for more information. They just simply called me a liar.

□ 1600

We provided the proof. Nobody apologized. That is okay. You don't need to apologize, but I wish you would do something about it. They continued to stay silent. Then they fought to even get more information.

But I fear to tell you that that is happening each and every day. There is not one new piece of money in here to secure that any more. That will stop as colleges open back up and as college students on the weekend go to their Snapchat, think they are buying a Xanax, and they don't wake up the next morning. But that is okay because you just gave a break to one of your big donors who makes a lot of money and is going to buy an electric car. It is okay because you feel good about what you are going to do. I guess that is why you don't show up to vote; you just vote by proxy.

A vote for this bill is a vote to help the well-connected get further and further ahead while leaving needs of hard-working American families behind. Yet, you could be forgiven for not understanding the gravity of today's vote. For such a supposedly historic occasion, few Democrats even bothered to show up.

Look around this Chamber, Madam Speaker. The floor is nearly empty.

If Democrats really, truthfully want to raise taxes on Americans during a recession, that is their choice. That is the power they have. They have proven it time and again, and they will do it.

The very least you can do, Madam Speaker, is show up in person if you are going to vote ''yes.'' Show up in person to the American public. For those who chant: ''Yes, gasoline is lower than it was 2 years ago; yes, the border is safer than it was 2 years ago,'' don't say it when the cameras are off. Don't say it when people can't see who is saying it. Go to the mikes. If you believe it, go to the mikes and say it.

Better yet, tell your district about it because they know differently. America knows differently.

But if you want to vote ''yes,'' you should have the courage and the decency to show up and do that in person. Yet, Madam Speaker, Speaker PELOSI extended proxy voting again on Wednesday, allowing Democrats to hide their faces and vote to take your money from the comfort of their summer vacations.

''Absolute power corrupts absolutely,'' Madam Speaker. That is a famous quote.

There are lots of lessons people learn. Normally, the lesson you learn the most is when you cause the most pain. I guess creating inflation you haven't had in 41 years, creating shortages where there is no baby formula, gas prices that we haven't seen since Jimmy Carter was in office, a border that is wide open, a government, Madam Speaker, that had an Attorney General call parents terrorists because—what did they do?

They went to a school board meeting.

Why would they go?

Why would parents go to a school board meeting?

Because they wanted to know what was happening in their kids' education, the lost learning of the years of the pandemic.

If you question authority, you are going to be called a terrorist.

How far would we go to be able to have the rights to do that?

We are going to find an organization, a union, that will send us a letter so we can do it. But when the public finds out why, the union pulls their letter back. But the AG doesn't pull back their power because they have power, they should use it.

Is that why you want to double the size of the IRS?

Is that why you want to double the size of the IRS, to go after Americans, to use it?

Earlier today, we had 80 Democrats use a proxy vote. As we approach this final vote on this bill, depending on how long I speak, I expect that number might increase.

If you think about it, that is the story of this Democrat majority. They will destroy our economy and mortgage your future but can't be personally bothered to show up, to make the trip to D.C. to do their jobs.

What a disgrace. What a disgrace.

I will promise the American public that that will all change. If you run for

office, if you are going to ask them to lend their vote and to lend their voice to go to Washington for 2 years to represent them, you are going to show up.

And do you know what? The bills are going to be in committee. The bills are going to be read. They are going to be debated on the floor, and you are not going to hide in your vacation home and raise taxes on the American public.

I will even go further. We will lower your gas prices. We will make America energy independent. We won't punish natural gas. If you care about the environment, American natural gas is 41 percent cleaner than Russian natural gas. We will make an abundance of it.

So those people who are living on a $75,000 income who have watched it get dwindled under your leadership, under your American Rescue Plan that simply took a whole month's salary away from them, and where they had no say, you celebrated it, you cheered it, and then you blamed everybody else for what you created. We will tell you it will cost less.

For the parent that wakes up that morning—maybe it is a phone call or maybe their kid is home, who doesn't wake up because they went out and purchased something that wasn't fentanyl but it was laced with fentanyl, we will make sure that stops.

It is August. Right now is normally the time people have barbecues, but now the price is high. Now people question whether to even get the hotdog buns.

They are going to turn on the TV, they are going to watch an empty Chamber, and they are going to read online that 80 Democrats took that vacation and voted to raise more taxes, voted to spend more of their money, and looked into the camera and smiled and said:

> We know best. We want to take more of your money because we have got to hire and double the size of the IRS because we want them to knock on your door because we think you are not honest and because we think you can pay more.
>
> And if you don't, we have got an AG that will come after you. If you go to that school board meeting, we will look in your eyes, we will take your name down, and we will wonder why you care about your kids' education.

Madam Speaker, that will end, too, because we are going to provide the American public with a parents' bill of rights. We think that parents should have a say in their kids' education. We think that parents should know what is being taught at their children's schools.

Madam Speaker, I even watched, under this leadership, a Democrat who voted by proxy who wasn't even in America.

So I wondered: Were they in another country to get healthcare? Were they sick?

No, no, no. They were in France at a wedding when they phoned that vote in. I wasn't quite sure.

Do you think at the wedding the Member was reading the bill on the phone so that Member knew how to vote?

I am not sure it came through committee. I don't know how much debate they had on this because the Senate did this bill. What a disgrace.

Madam Speaker, I urge all my colleagues to reject this out-of-touch bill, reject the crushing new taxes, reject the ballooning of government, and reject the spending on things that we don't need with money we don't have.

Madam Speaker, I can wait, if you need to continue.

But most of all, I urge my colleagues to remember this day. Remember this day because it will be the last time the House will operate so recklessly and irresponsibly.

A new day is coming with a new plan to put America back on the right track. It will be a commitment to America that there will be fiscal responsibility and there will be energy independence where your gasoline price will be lower and plentiful, that your home heating costs will lower and not rise; and that we won't pick one energy over the other. It will be all of the above so America can be stronger. Your border will be secure because fentanyl and terrorists will not be coming across. This border is a national security issue.

We will focus on bringing the supply chain from China back to America, which is not what this bill does. This bill takes American taxpayer money and sends it to China. You triple the size of the EPA. I imagine China is cheering, because they see their economy is going to rise. Their government doesn't have to vote for a stimulus, because that is exactly what you are doing here.

What is even greater, China will look and say: Well, can we make sure America can send all that money here?

Don't worry, the Democrats doubled the size of the IRS. They will get that money and make sure it comes.

In the commitment to America, we believe people show up to go to work and that you earn your paycheck. You don't phone it in.

Madam Speaker, when I handed the gavel to Speaker PELOSI last year, I said that a House distracted could not govern. Today, as this majority jams through yet another partisan spending spree, it is clear to me that an absent House cannot lead.

I trust the American people. I know it is the people who will render the ultimate verdict on today's actions. When they do 87 days from now, my Democratic colleagues will have only themselves to blame.

Madam Speaker, I am not sure what is happening on your side of the aisle that Members actually believe gasoline is less than it was 2 years ago.

Madam Speaker, I am not sure what is happening on your side of the aisle that your colleagues believe the border is more secure than it was 2 years ago.

Madam Speaker, I am not sure what is happening on your side of the aisle that your colleagues believe the price of groceries is less than it was 2 years ago.

Madam Speaker, I am not sure what is happening on the other side of the aisle that your colleagues believe doubling the size of the IRS is a positive thing.

□ 1615

Yes, I come from a different party, and yes, I have a different philosophy, but we are all Americans. Madam Speaker, you are going inflict this pain on every single American.

Madam Speaker, I am not sure if your side of the aisle thinks this is going to do anything to lower the price of inflation. I do know, Madam Speaker, one person on the other side of the aisle in the other Chamber, BERNIE SANDERS, spoke the truth and said it won't.

I know on your side of the aisle, Madam Speaker, not everybody believes the same. The former Secretary of the Treasury warned you before you did the American Rescue Plan that it would bring inflation, and he was right. Even the current Secretary of the Treasury finally apologized and said they were wrong.

The President said it was going to be transitory. He said it had peaked. He said it was everybody else's fault, but now he says it is zero.

Madam Speaker, I guess I do understand why your side of the aisle now believes all that. I just know America doesn't. Because every day America goes to the grocery store, the price has increased. Every week when they fill up their gas tank, the price is higher. Every month when they cash their check, it doesn't go as far.

Madam Speaker, if the border was really more secure than it was 2 years ago, why is the D.C. mayor now asking for the National Guard when she wouldn't even ask for it when there were riots in the streets?

Madam Speaker, my colleagues on the other side can lie to me, but they can't lie to America. Eighty-seven days from now it doesn't matter how you try to answer those questions. The American people will.

I remember when we were at this stage once before. We had somebody in the White House that put a sweater on and told us to turn the heater down, that the best days were behind us as Americans.

I watched another person walk to the podium and say no pastels, fly the bold colors, and go to that shining city on the hill.

We know what America is. And we are more than a country. We are an idea, an idea so powerful that we can overcome all the pain that you have caused.

It won't be easy. And I will offer this invitation. For all the bad votes you have taken, when the change comes, we will welcome you to correct the mistakes you have made. Because you will be in committee. Maybe you will learn that gas prices are higher. Maybe you will learn that groceries cost more. You will be here to vote so you will

hear the debate. Maybe I can't blame you for thinking that if you don't have to show up.

Madam Speaker, there are a lot of days on this floor that change the course of history. In the last 2 years, that history has not been bright. Inflation, a 41-year-history high. Do you understand what that does to the American public? Do you understand the pain that it causes? Do you understand the choices that people have to make?

I heard the story of a young family, their daughter has cancer. For her treatment they have to drive a long way. She was crying one day because she heard her parents talking about making the decision to take out loans they cannot afford to pay for the gasoline that your side of the aisle thinks costs them less but costs them more, the choices they had to make because you titled a bill ''American Rescue Plan'' that only inflicts pain, and you just doubled down.

Madam Speaker, I would respect the other side of the aisle much greater if they would at least do exactly what Secretary Yellen did, apologize for your mistake and change course.

Don't double down. Don't make the same mistake three, four times like you are going to do today. At the very least—at the very least, if you are going to vote ''yes,'' do it in person. Do it in person. Read the bill. Put it through committee.

Madam Speaker, I have watched this body take on big issues. We have got some of the biggest issues before us today. You continue to make it just a partisan action, one that even your side of the aisle has warned you against. But somehow you want to celebrate it.

Madam Speaker, in my office in a conference room, I have this painting of Washington crossing the Delaware. You all know the famous painting. It sits 8 feet by 16 feet. If you study history, you will know that it happened Christmas 1776. The artist who painted that famous painting wasn't even American. He wasn't there. He had no iPhone that day to take a photo. The person who painted the painting is a German immigrant who lived in America but went back to Germany. His name is Emanuel Leutze.

Do you know why he painted that painting? Because he understood America was more than a country, that America was an idea. He wanted Germany to have a revolution based upon the values of America, of freedom, of individual rights, of a stand against tyranny, that government would be of the people, by the people, for the people.

His talent was art, so he thought he would paint this painting to inspire the Germans to have this revolution. Now, historians will tell you he gets it incorrect. He puts 13 people in a rowboat. Why would he pick the number 13? Thirteen colonies. But he only shows you 12 faces.

If you look at the painting, he puts Washington in a rowboat, but historians will tell you Washington probably crossed in a Durham boat. If you look at the Delaware, it kind of looks like the Rhine. But he is German. We will give him a break for that. He puts Washington in a ceremonial uniform with his hand on his chest standing up in a rowboat crossing the Delaware in the middle of winter. He looks so stoic.

If you look at Washington in that painting, you would almost say you would follow this man anywhere. You would think he had never lost a battle or a fight. But for the students of history, they understand at that moment in time, Washington had never won a battle. We had never won one fight as a country. But that was our first victory, as we surprised the Hessians.

But what I would like you to see next time is who is in the boat. The second person is wearing a beret. He is Scottish. The person directly across from him in the green jacket, he is African American. You come down the boat, and in the middle of the boat, the person who almost looks the strongest, rowing in the red, is a woman. In the very back, the very last person, is a Native American.

I cannot tell you from a historical point of view if they were in the boat that night. But to this young immigrant who had lived in America, that is who he believed would be in the boat.

Now, the second to last person in the boat, he has a hand across his face. It is the hand of the 13th person nobody sees. What this artist was saying—Emanuel, I believe—Here we are, not a country but an idea, having lost every battle before but willing to create a Nation. Why? To go against the tyranny of a government that will tax you with no say, a government that became so big it can inflict pain upon you, tell you what to do, that we would risk it on our holiest of night.

Here is a hand. Would you get in and join us?

That is as true today as it was then. The challenge that we face right now is you are making that government big. You are doubling the size of the IRS. You are going against every single reason people were in that boat willing to risk their lives for a government of the people, by the people, for the people, a government that was created in a country that was conceived in liberty and dedicated to the proposition that we are all equal, because you think you know what is best.

I can only imagine what those individuals would think today, that you would put a bill on the floor that didn't go through committee. You put a bill on the floor that would double the size of the IRS, that could go after the American public, that has no set on an income, that 710,000 people under the income of $75,000 are now going to be audited because you want them to pay for what you think is best, that you're going to tax, with no limit on income, some family that already lost a month's salary based upon your past actions because of inflation.

You are going to make them choose how cold. You are going back to Jimmy Carter. You are simply telling the American public to put that sweater on, turn that heater down. But to your elite donors, you are going to give them the tax credit from those IRS agents so they can go buy a new Tesla. That is what you are doing in this bill.

But 4 to 6 months from now, you will blame somebody else for it. The good news is, there will be a new Congress with a new ability to change all that, that will provide the American public a commitment to America, a new plan to put this country back in the right direction.

Madam Speaker, with whatever happens today—and I can only guess, if you have all the votes in your pocket that people don't have to show up, one or two people can determine the outcome. But, Madam Speaker, I implore upon you—I don't know what happens in your conference—please allow the American public to come in to simply tell you and explain to you that, no, gas is not lower, groceries do not cost less, and the money does not go as far as it did before.

Maybe that is why I can only understand, if you truly believe that, that you would vote ''yes.'' For everybody else that is living in the real America, they will vote ''no.'' And 87 days from now, I believe most of America will have the answer to that question, too, with a new Congress and a new plan.

Mr. PALLONE. Madam Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Ms. JACOBS of California). The gentleman from New Jersey has 3 minutes remaining. The time of the gentleman from Kentucky has expired.

Mr. PALLONE. Madam Speaker, I yield myself 1 minute.

I will speak briefly before I introduce our two leaders who have done so much on the Democratic side to make this bill a possibility today. The Republican leader said that we should listen to our constituents. Well, we have.

Yesterday, I was at a senior center in Woodbridge, and a woman came up to me and said: You know, Congressman PALLONE, I spend $1,500 a month on prescription drugs. And I was able to say to her: I am going to be in Washington tomorrow. I am going to vote on a bill that is going to cap your expenditures at $2,000 a year.

Then I had another woman in a telehealth meeting earlier in the week who told me that she was so hot, because in New Jersey we have had the worst drought and the highest temperatures that we know in years, and she said: I have to go to a cooling center because of the heat, because of my health and the impact on my health.

□ 1630

I was able to say to her: Look, it is going to take a while, but tomorrow—this Friday—I am going to vote on a bill that is going to address the climate change and the heating and the warming of this planet.

Madam Speaker, I want to thank our two leaders for what they have done to bring this about today.

Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding.

Today will be the culmination of the meeting of promises that President Biden made to the American people resulting in some 7 to 8 million more people voting for President Biden than the incumbent President.

My colleagues, we have just heard from the leader of the party of: You are on your own.

The leader who just spoke voted against the American Rescue Plan that put money in the pockets of American families, put American children back to school, and resulted in our not wearing masks today by—with some exceptions—putting vaccine in arms.

The leader who just spoke voted ''no,'' as did every one of his colleagues. They said ''no'' to money to help families not fall through the cracks, to help them afford their groceries, to help them afford to pay their mortgage, and to send their kids to school.

They voted ''no'' to make sure those vaccines were in arms.

They voted ''no'' to help small businesses, restaurants, and others be lifted up. The party of: You are on your own, America.

And yes, when they came to office, what did they try to do in 2017?

Repeal healthcare support for the American people.

We are doing the opposite. We plead guilty.

The leader of the Republican Party who just spoke voted ''no'' on the infrastructure bill to respond to building roads and bridges and to making sure they are maintained and safe; to respond to broadband to make sure that rural areas are connected, and with airports to make sure we had a grid that made us competitive.

The gentleman who just spoke voted ''no.''

As far as the CHIPS bill, the gentleman talked about China. China was lobbying against the CHIPS bill. The minority leader voted ''no'' on the CHIPS bill, which was a bill to make America competitive and create hundreds of thousands of jobs. That was bipartisan in the House by a small degree and in the Senate, as well. But the minority leader voted ''no.''

So I must say that I am not shocked that he is voting ''no'' on this bill, which is aimed at helping Americans with their healthcare, which is one of the greatest reasons for inflation.

I am not surprised that he mischaracterized the reaction on this side of the aisle when he said gas prices were high and haven't come down. In fact, in the last 40 days, they have come down 20 percent.

The gentleman is shaking his head, no, no, they haven't. I don't know where he is buying gas, but they have come down from $5 to $4, and in some cases less than $4.

Is that too high?

Yes, it is.

Should we be concerned about that?

Yes, we should be.

We passed two bills. One was a bill to make sure that we didn't have price gouging. No American wants to see price gouging.

The minority leader voted ''no'' on that bill.

We offered another bill that dealt with food and fuel prices and to try to make sure that we have delivery systems and supply chains that worked.

The minority leader and his colleagues voted ''no''—not everyone.

We had a bill on this floor that tried to help and is going to help millions of veterans who had been exposed to toxic burn pits—cancer, heart disease, and lung disease. The minority leader, it will not shock you, voted ''no'' to help veterans.

We had another bill on the floor to make sure that we could preclude and try to help women who had violent acts committed against them. It may not surprise you that the leader of the party of: You are on your own voted ''no'' on the Violence Against Women Act.

It is time to say ''yes,'' yes to the people, to focus on people and not on the politics of 87 days from now.

That is what this is about: politics pure—well, impure—and simple.

It is time for us to say ''yes'' to bringing prices down.

Now, I want to add just a couple of things, and I want to talk about the four pieces of legislation that are changing America for the better.

He wrings his hands about the awful situation that America is in.

In January of 2021, before Joe Biden became President of the United States, unemployment was 6.4 percent. During the course of the Trump administration, we had lost 2.8 million jobs; a net loss after 4 years—net loss.

Over the last 18 months, we have created 9.5 million jobs. That is almost a 12 million-job turnaround, to the best, to the good, to the appreciation of ability of Americans to get jobs.

And he mentioned something about gas prices.

Are they high?

They are.

Let me tell you when they were higher. In July of 2008 they were higher.

Hear me. Go check the records. $4.14, which in real dollars today would be $5.62 under George Bush.

Are prices too high?

They are.

Do we want to bring them down?

Yes, we do. That is why we fought price gouging on food and fuel, both of which the minority leader voted against.

As I said, unemployment in January was 6.4 percent. It is now 3.5 percent; halved.

Is inflation too high?

It is.

We passed a bill. Some people said, Well, that is going to cause inflation.

What it caused was people didn't fall through the cracks. They were able to pay their bills. They were able to send their kids back to school. That is what it did. That is what the American people are going to remember, that the Democratic Party was there for them and the Republican Party was not.

Then we talk about this money that we are going to give to IRS, which has been reduced 20 percent under the Republican leadership when they were in charge.

What did they reduce?

Enforcement.

Why?

Because they didn't want their big, fat cat people to be caught not paying their fair share.

Yes, Mr. and Mrs. America, you are paying a higher price because some people pay nothing. You don't think that is fair, and we don't think it is fair. And, yes, we want to make sure the rules are followed.

In order to have the rules followed, you need referees. And when you have 100-some-odd million taxpayers, you need a number of people to find that out and make sure that you obey the law.

Yes, we support that. We believe in facts, and we believe in truth.

There is a Republican leader—no longer a leader—who believed in facts and truth, and LIZ CHENEY was fired from her position because she told the truth and confronted a former President who promotes lying.

Madam Speaker, when President Biden took office with a Democratic Congress, we promised the American people results. We are delivering. We promised we would make progress on the issues where progress has been stalled for far too long. We promised, in short, responsible government that gets things done ''for the people.'' People, not politics. We promised responsible government that puts the needs of our people over politics.

Over the past 18 months, many have questioned whether that would even be possible. Our country is too divided, they said, to achieve big goals and enact really consequential legislation that benefits the American people and our economy.

Madam Speaker, 9.5 million new jobs in 18 months.

Over these same 18 months, however, our Democratic majorities and the Biden-Harris administration have proven those doubters wrong.

The legislation we will pass today and send to the President's desk is the fourth leg of a table of support and opportunity Democrats have built for the American people.

The first leg was the American Rescue Plan. That law put more than 200 million shots in arms and made it safe again for workers to go back to their jobs, for students and teachers to go back to school, and for entrepreneurs

to take risks and invest in their businesses. It worked.

Since then, we have seen record job growth. As I have said, 9.5 million jobs have been created since last January. That is the largest number of jobs created in 18 months in the history of our country and the lowest rate of employment in half a century. Only Republicans could call that failure, because it wasn't their success.

More Americans are working today than at any point in our history. We also cut child poverty in half. Perhaps that is not seen as a success by the other side of the aisle.

Next, we brought Democrats and Republicans together in a historic effort to enact the bipartisan infrastructure plan, which is already rebuilding roads, bridges, transit systems, seaports, and airports in every corner of our country, after President Trump said in 2016 that he was going to do a trillion dollars.

In 2017 it didn't happen. In 2018 it didn't happen. In 2019 it didn't happen.

The Republicans were in charge of the House, Senate, and the Presidency of the United States.

Inattention and disrepair. For years, we heard people talking about ''infrastructure weeks.''

Do you remember that?

The minority leader and others: We are going to have an infrastructure week.

It never happened.

Last November, we put people over politics and got it done. That decision was so successful that even many of the Republicans who voted against it are cutting ribbons that will facilitate commerce and improve the lives of their constituents, even though they didn't support the bill.

One side effect of the pandemic was to magnify the cracks in our economic system and our reliance on the unreliable in our supply chains.

Any family trying to buy a new car or trying to budget for a new appliance in the last year or two understands what that means.

And by the way, on inflation, Europe didn't have the rescue plan. Asia didn't have the rescue plan. Other nations didn't have the rescue plan.

Guess what, Madam Speaker?

All of them are experiencing inflation, half of them greater inflation than is present in the United States of America.

Does that mean we have to stop our efforts to reduce it?

Of course not.

Is it hurting our people?

It is.

Are empty shelves on grocery stores troubling?

They are.

□ 1645

Rather than blame one another, perhaps we ought to look at the real villain, and that was the pandemic.

Earlier this week, President Biden signed the CHIPS and Science Act, the third leg of our table of support and opportunity, into law.

That bipartisan legislation will ease inflation by bringing manufacturing and sources of critical components and products back to the United States so that we make them in America, and our workers make it in America.

It means that we won't cede the next century of innovation to China or anybody else. China—let me repeat—lobbied against that bill, and almost every Republican voted against that bill, just like China wanted.

Instead, American labor and American innovation will continue to lead the world in research, innovation, and advanced manufacturing and continue to draw the brightest minds from around the world. That also will mean lower costs for American families.

The CHIPS and Science Act was another significant piece of legislation under the Make It In America agenda. It is hard to think that somebody would vote against all four of these bills—a promise made to America and a promise that they relied on and they voted for in an election—not a poll, not a survey, and not a focus group—in an election.

That is because it gets to the heart of what government is supposed to do: help provide our workers, businesses, and people with the tools and confidence to make it in America.

Today, we are going to send to President Biden the legislation that represents the fourth leg of our table of support and opportunity: the Inflation Reduction Act. As its name suggests, it will further help lower costs for Americans.

First, it will lower healthcare costs by extending the cost-saving premium tax credits under the Affordable Care Act that we included in the American Rescue Plan, which has gotten us to 92 percent coverage in America. And, very frankly, it would be higher if there weren't States who had refused to provide the Medicaid opportunity for citizens who fell in the middle of the income spectrum.

We included that, of course, but our Republican friends in the United States Senate would not agree to it. This bill will provide for quality, affordable healthcare to almost every person in the United States, irrespective of their income.

The national uninsured rate has fallen, as I said, to an all-time low of 8 percent, with 5.2 million Americans gaining coverage since the start of the Biden-Harris administration—in large part due to having made those cost-saving premium tax credits more widely available.

My understanding is our Republican friends are going to vote against this bill. Millions of people will be unable to afford their insurance. That is extended by 3 years.

Next, it brings down the cost of prescription drugs by allowing Medicare for the first time ever—but not uniquely because the Veterans Affairs does that, and it makes sense—to negotiate lower prices from manufacturers.

Democrats have been working for decades to achieve this goal. As I mentioned at the outset of my remarks, our majority is delivering on that promise.

The bill also caps the cost of insulin at $35 a month. It would have been extended to everybody, but our Republican friends refuse to support that alternative, so it is only going to apply to Medicare at the beginning. We are not going to stop. We also capped the cost at $2,000 a year for seniors on Medicare. We want to extend that to the private market as well, and we will work on that.

Madam Speaker, this is a historic achievement that will save lives and allow more seniors to access life-saving and life-sustaining medications.

Additionally, the Inflation Reduction Act is the largest single investment addressing the climate crisis that any nation has ever made. I don't know how it was at your place, but with temperatures of 95, 96, 97, and 98 degrees and high humidity, we have a climate crisis. The deniers have undermined our ability to respond. This bill responds. It responds consistent with the desires of the American people.

It will bring down the cost of energy for Americans by investing in developing and deploying cleaner, more sustainable energy technologies like electric vehicles and solar panels.

At the same time, we are doing it without raising the deficit. In fact, the legislation reduces the deficit by closing loopholes so the largest corporations with profits over a billion dollars will pay a minimum tax rate of just 15 percent. The rate is 21 percent on corporations, but if they get over a billion dollars, they are going to pay at least 15 percent. Why? Because we protect their shipping lanes with our Navy. We protect their roads that they transport goods across. They get a lot from their taxes, just as we all do. Maybe that is why the Republicans don't like this bill.

That is well below the regular 21 percent tax, as I said. We do it all while ensuring that individuals and families earning less than $400,000 a year won't see a single tax increase. Let me repeat that. Nobody making less than $400,000 a year will see a tax increase.

Those four legs: the rescue plan, the infrastructure bill, the CHIPS bill, and now this reduction in inflation act will provide for growth, opportunity, and competitiveness for our economy and for our people.

There is, however, another critical piece of legislation that helps keep that table sturdy. Let us recap this list of major enactments:

Getting Americans back to work from the pandemic. That is what we did.

Securing long-overdue infrastructure investments. That is what we did.

Easing the inflation by helping American companies build more chips, semiconductors, and other critical components here instead of importing

them from unreliable countries. Over 100,000 new jobs. That is what we did.

Reducing inflation by lowering healthcare prescription drug and energy costs while combating the climate crisis. That is what we did. We will keep on doing it for the American people in the next Congress.

In addition to all these, the Democrat-led House has passed many, many more important bills that have yet to be considered in the Senate—blocked by Republicans.

Today, with the Inflation Reduction Act, we will answer any who still doubt whether we can deliver on our promises.

Today, Democrats and this administration are showing that we can and will continue to put people over politics and ensure that our people can make it in America. Vote for America. Vote for the American people. Vote for this bill.

Mr. PALLONE. Madam Speaker, to close the debate, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House, who has done so much to bring this bill to final passage today.

Ms. PELOSI. Madam Speaker, I thank you for your tremendous leadership and the other chairs for bringing this legislation to the floor.

The hour is growing late, and as a courtesy to my colleagues, I intend to shorten my remarks. For those that I shorten the remarks, I promise to put them in the RECORD if you promise to read them.

Let me also begin by saying that I associate myself with the remarks of all of my Democratic colleagues, and that covers a lot of territory.

Madam Speaker, under the visionary leadership of President Biden, Democrats have forged historic progress for America's families.

First, we enacted our life-saving American Rescue Plan: to propel us out of the pandemic by putting money in pockets, vaccines in arms, children safely in school, and people back to work.

Next, we secured the transformative bipartisan infrastructure package to create good-paying union jobs rebuilding our Nation.

This week, President Biden signed the CHIPS and Science Act, which declares our economic independence, strengthens our national security, and enhances our families' financial future. We also honored the valiant service of our men and women in uniform with the PACT Act.

Today, Madam Speaker, is a day of celebration, a day we take another giant step in our momentous agenda. Our Inflation Reduction Act is a robust, cost-cutting package that meets the moment: ensuring that our families thrive and that our planet survives.

This is landmark legislation which we send to the President's desk, and it is a resounding victory for America's families starting at their kitchen table. What it means to you—to our constituents, to people out there whom we serve in terms of healthcare—if you are one of Medicare's 64 million enrollees, this bill brings down the out-of-pocket costs in prescription drugs.

We do this by empowering the Secretary of HHS to negotiate lower prices, at long last. We have been fighting for this for years. We do so by capping out-of-pocket prescription drug costs. And you, our constituents, will not pay one more cent for life-saving medication. This includes a $35 cap on insulin copays.

We do this by banning drug manufacturers from raising prices faster than inflation, protecting you against predatory price hikes. Make no mistake: these measures are a big blow to Big Pharma, which has had a stranglehold for decades, preventing us from making this move. Now we have relaxed that stranglehold a bit—there is more to be done—but we give more leverage and more breathing room to America's families.

At the same time, this bill locks in lower premiums that Democrats secured first in the rescue package. Together, lowering the cost of prescription drugs and healthcare premiums are vital strides in our fight for economic justice. This is particularly important to low-income communities, underserved communities, and communities of color.

In doing so, we honor the call of Dr. King, who said: ''Of all the forms of inequality, injustice in health is the most shocking and the most inhumane because it often results in physical death.''

The inflation bill is a plan divided into three parts: Prescription drugs and healthcare; second, the most consequential climate action in the history of our Congress of our country. Doing these two things will reduce the deficit. At the same time, this legislation advances President Biden's and Democrats' relentless commitment to putting justice first.

All of these crucial investments are fully paid for by making sure the ultra-rich and biggest corporations pay their fair share.

The climate provisions will make a meaningful difference for America's working families. I am going to put that in the RECORD, if you promise to read it, but it is about clean air and clean water for our children. It is about 9 million good-paying union jobs. It is about preventing conflict over resources and habitat. It is about values—values espoused by Pope Francis when he said earlier this summer that our planet has reached a ''breaking point'' in the fight against climate crisis. Extreme weather continues to wreak havoc across the country and around the world, and it is clear the costs of inaction far outweigh the costs of action.

The bill saves the planet while keeping more money in your pockets. For working families, you will save an average of $1,000 a year and lower energy bills. For underserved communities, this bill invests $60 billion in environmental justice initiatives to ensure that everyone enjoys the benefits of a cleaner, green economy.

□ 1700

Again, the bill pays down the deficit by $300 billion in the first decade.

Here is what it means to you: it lowers the deficit and drives down inflation in the long term.

These monumental investments for families and healthcare are fully paid for ensuring the biggest corporations and wealthiest pay their fair share. That is an estimate of about $160 billion a year of taxes that are unlawfully not paid. Right now families are being harmed by corporate profiteering.

But let me just say that I don't want you to take it from me. I want you to take it from a large number of economists—126—including seven Nobel Prize winners and three former chairs of the Council of Economic Advisers in a letter urging passage of this bill.

I want you to hear this, my Republican friends, because clearly you don't know this. But now that you do, perhaps you will change your comments.

These investments will fight inflation and lower costs for American families while setting the stage for strong, stable, and broadly-shared, long-term economic growth.

Madam Speaker, I include in the RECORD their letter.

AUGUST 2, 2022.

Hon. CHARLES SCHUMER,
*Majority Leader, U.S. Senate,*
*Washington, DC.*
Hon. MITCH MCCONNELL,
*Majority Leader, U.S. Senate,*
*Washington, DC.*
Hon. NANCY PELOSI, Speaker,
*House of Representatives,*
*Washington, DC.*
Hon. KEVIN MCCARTHY, Minority Leader,
*House of Representatives,*
*Washington, DC.*

DEAR SENATE MAJORITY LEADER SCHUMER, SENATE MINORITY LEADER MCCONNELL, SPEAKER PELOSI, AND HOUSE MINORITY LEADER MCCARTHY: We write to strongly urge you and your colleagues in Congress to swiftly pass the Inflation Reduction Act of 2022. This historic legislation makes crucial investments in energy, health care, and in shoring up the nation's tax system. These investments will fight inflation and lower costs for American families while setting the stage for strong, stable, and broadly-shared long-term economic growth.

This legislation represents the single biggest step to date in tackling the climate crisis. It makes key investments to incentivize the transition to cleaner energy sources and greater efficiency. It also invests in the current energy distribution system to make it more resilient, lowers energy costs for families, and helps protect U.S. family budgets against future shocks.

This legislation will quickly and noticeably bring down health care costs for families. It allows Medicare to negotiate lower prices with pharmaceutical companies, reduces Medicare out-of-pocket costs for drugs, and reduces insurance costs for 13 million Americans by building on provisions in the Affordable Care Act.

These investments would be more than fully paid for. The revenue raised to finance them would come exclusively from wealthy individuals and corporations. Further, the revenue stems from enhanced tax enforcement and closing some of the most distortionary loopholes in the tax code.

This proposal addresses some of the country's biggest challenges at a significant scale. And because it is deficit-reducing, it does so while putting downward pressure on inflation. We strongly recommend Congress act decisively to build a stronger economy by passing the Inflation Reduction Act as soon as possible.

Sincerely,

Joseph Stiglitz, Columbia University; Robert Solow, Massachusetts Institute of Technology; Peter Diamond, Massachusetts Institute of Technology; Oliver Hart, Harvard University; Eric Maskin, Harvard University; Edmund Phelps, Columbia University; Robert Rubin, Council on Foreign Relations; Jacob Lew, Columbia University; Jason Furman, Harvard University; Martin Neil Baily, Brookings Institution; Doug Elmendorf, Harvard Kennedy School; Roger Ferguson, TIAA (formerly); Alan Blinder, Princeton University; Louise Sheiner, Brookings Institution; Tara Watson, Brookings Institution; Mark Paul, Bloustein School of Planning and Public Policy; Matthew Rabin, Harvard Economics Department and Business School; Katharine Abraham, University of Maryland; Byron Auguste, Opportunity@Work; Brad Delong, University of California-Berkeley.

Jesse Rothstein, University of California-Berkeley; Heidi Shierholz, Economic Policy Institute; Betsey Stevenson, University of Michigan; Dean Baker, Center for Economic and Policy Research; Mark Zandi, Moody's Analytics; Josh Gotbaum, Brookings Institution; David Johnson, University of Michigan; Hilary Haynes, University of California-Berkeley; Larry Katz, Harvard University; Karen Dynan, Harvard University; Richard Schmalensee, Massachusetts Institute of Technology; Maurice Obstfeld, University of California-Berkeley; Carl Shapiro, University of California-Berkeley; William Spriggs, AFL-CIO & Howard University; Prasannan Parthasarathi, Boston College; Robert Blecker, American University; Anna Stansbury, MIT Sloan; Robert B. Williams, Guilford College; Paula Voes, Rutgers University; Emily Hoffman, Western Michigan University.

Michael Reich, University of California, Berkeley; Rob Wassmer, California State University, Sacramento; Yana Rodgers, Rutgers University; Barry Bluestone, Northeastern University; Josh Bivens, Economic Policy Institute; John Schmitt, Economic Policy Institute; Juliet Schor, Boston College; Eileen Appelbaum, Center for Economic and Policy Research; Robert G. Williams, Guilford College; Barry Bosworth, Brookings Institution; Douglas Kruse, Rutgers Professor; Michael Ash, University of Massachusetts Amherst; Richard Murnane, Harvard University; Ben Zipperer, Economic Policy Institute; Janet Knoedler, Bucknell University; Daron Acemoglu, MIT; Robert Murphy, Boston College; Michael Garvey, Washington Center of Equitable Growth; David Cutler, Harvard University.

Lisa Lynch, Brandeis University; Robert Pollin, University of Massachusetts Amherst; Ebru Kongar, Dickinson College; Sheldon Danziger, University of Michigan; Teresa Ghilarducci, The New School; Bernard E. Anderson, University of Pennsylvania; Peter Matthews, Middlebury College; Adam Hersh, Economic Policy Institute; Alan Aja, Brooklyn College (City University of New York); Clair Brown, University of California-Berkeley; Younghwan Song, Union College; Aaron Sojourner, Upjohn Institute for Employment Research; Krishna Dasaratha, Boston University; Larry Chimerine, Chase Econometrics and the Wefa Group (formerly); Arindrajit Dube, UMass Amherst; Valerie Wilson, Economic Policy Institute; Carolyn Craven, Middlebury College; Chris Tilly, UCLA; John Shea, University of Maryland at College Park; Sarah Wilhelm, Western Governors University.

Xavier Jaravel, London School of Economics; Jacob Robbins, University of Illinois at Chicago; Gernot Wagner, Columbia Business School; Jonathan Colmer, University of Virginia; Christopher Ruhm, University of Virginia; Joya Misra, University of Massachusetts, Amherst; Peter Schaeffer, West Virginia University; Nina Banks, Bucknell University; David Weil, Brandeis University; Gail Blattenberger, University of Utah; Dania Francis, University of Massachusetts Boston; Jeannette Wicks-Lim, University of Massachusetts, Amherst; Emmanuel Saez, University of California; Manuel Pastor, University of Southern California; Kate Bahn, Washington Center for Equitable Growth; Sean Reardon, Stanford University; Randy Albelda, University of Massachusetts Boston; Tim Smeeding, University of Wisconsin; Kenneth Peres, Communications Workers of America (retired); David Alexander, Illinois Action for Children.

Monique Morrissey, Economic Policy Institute; Trevon Logan, The Ohio State University; Geoffrey Schneider, Bucknell University; Kimberly Clausing, UCLA School of Law; Paulette Olson, Wright State University; Henry Levin, Emeritus Professor at Stanford and Columbia; Frank Stricker, CSU Dominguez Hills; Laura Giuliano, UC Santa Cruz; Christopher Magee, Bucknell University; Gabriel Mathy, American University; Laura Tyson, UC Berkeley; Robert M. Anderson, UC Berkeley; James Stewart, New School; Siavash Radpour, The New School for Social Research, Schwartz Center for Economic Policy Analysis.

Ignacio Gonzalez, American University; Esteban J. Quiñones, Mathematica; Sylvia Allegretto, Economic Policy Institute; Rene Rosenbaum; Roger Myerson, University of Chicago; Paul Leigh, UC Davis; Lawrence Mishel, Economic Policy Institute Robert Scott Economic Policy Institute; Peter Eaton, UMKC; Candace Howes, Connecticut College; Gerald Epstein, University of Massachusetts Amherst; William Darity Jr., Duke University; Eva Paus, Mount Holyoke College.

Ms. PELOSI. Another point I want to make is I hear them saying that this is going to be such a thing about the audits. Despite the Republicans' desperate falsehoods, this bill does not increase IRS audits on America's working families. The IRS commissioner himself, a Republican appointed by Donald Trump, said these resources are absolutely not about increasing audit scrutiny on small businesses or middle-income Americans.

So there you have it.

So I would just say at the end of all of this, I ask these questions:

When you hear about what this means to America's working families, how can you vote against lowering healthcare costs and prescription drugs costs for seniors and underserved communities as we continue to fight inflation?

How can you vote with pharma at the cost of America's seniors and America's working families?

How can you vote against protecting future generations from rising sea levels, raging wildfires, and crippling drought?

How can you vote against reducing the deficit and asking billionaires, companies, and wealthy avoiders of taxes to pay their fair share?

I am not talking about people who work the system. I am talking about people who illegally do not pay their taxes.

So, Madam Speaker, every Member of this body is confronted with a choice. We either put people over politics or politics over people. For centuries, Members of Congress have stood exactly where we stand facing the exact same decision as they constructed the pillars of America's economy and safety: Social Security, Medicare, Medicaid, and the Affordable Care Act, things that the Republicans opposed all along the way.

This bill, the Inflation Reduction Act, a package for the people, increases the leverage of the public interest over special interests and expands the promise of health and financial security now and for generations to come.

Madam Speaker, I urge every Member to put aside their misunderstanding of this and vote for the Inflation Reduction Act as we send this historic legislation to President Biden's desk for signature this evening for him to sign into law.

Madam Speaker, under the visionary leadership of President Biden, Democrats have forged historic progress for America's families.

First, we enacted our life-saving American Rescue Plan: to propel us out of the pandemic by putting money in pockets, vaccines in arms, children safely back to school and people safely back to work.

Next, we secured a transformative Infrastructure package: to create good-paying union jobs rebuilding our nation—in a way that strengthens our middle class, advances justice and protects the environment.

This week, President Biden signed the CHIPS and Science Act, which declares our economic independence, strengthens our national security and enhances our families' financial future. We also honored the valiant service of our heroic veterans with the PACT Act.

And today, we proudly take another giant step in our momentous agenda.

Our Inflation Reduction Act is a robust cost-cutting package that meets this moment: ensuring that our families thrive and that our planet survives.

HEALTH CARE: PRESCRIPTION DRUGS

This landmark legislation, which we send to the President's desk today, is a resounding victory for America's families—starting at the kitchen table.

Here's what the Inflation Reduction Act means to you in terms of health care.

If you are one of Medicare's 64 million enrollees, this bill will bring down your out-of-pocket costs for prescription drugs.

We do so by empowering the HHS Secretary to negotiate for lower drug prices—a long-standing House Democratic priority.

We do so by capping your out-of-pocket prescription drug costs at $2,000, so you will not pay one cent more for life-saving medication. This includes a $35 per month cap on insulin co-pays.

And we do so by banning drug manufactures from raising prices faster than inflation, protecting you against predatory price hikes.

Make no mistake: these provisions will strike a big blow to Big Pharma, while giving families more breathing room in their budgets.

HEALTH CARE: ACA SUBSIDIES

At the same time, the Inflation Reduction Act also locks in lower premiums that Democrats secured in our Rescue package.

If you are one of 13 million working Americans who has affordable coverage under the ACA: you'll be able to keep your insurance—and you'll continue to save $800 per year on your premium.

Together, lowering the costs of prescription drugs and health premiums are vital strides in the fight for economic justice.

Indeed, these benefits will flow heavily to those most in need: vulnerable seniors, underserved communities and communities of color.

And in doing so, we honor the call of Dr. King, who said: ''Of all the forms of inequality, injustice in health is the most shocking and inhuman because it often results in physical death.''

IRA OVERVIEW

The Inflation Reduction Act is a plan divided into three parts:

first—as I just discussed—lowering the cost of prescription drugs and health care premiums

second, delivering the most consequential climate action in history

and third, dramatically reducing the deficit.

At the same time, this legislation advances President Biden and Democrats' relentless commitment to putting justice first.

And all of these crucial investments are fully paid-for by making sure the ultra-rich and biggest corporations pay their fair share.

To my House Democratic colleagues, make no mistake: this important progress rests on the foundation that we built—with the Build Back Better Act last fall and in the last Congress.

So let us salute the tenacious and tireless leadership of our Chairs, Members and staff, who helped make this joyous day possible.

CLIMATE ACTION

The climate provisions in the Inflation Reduction Act will also make a meaningful difference for America's working families.

Our bill cuts carbon pollution by 40 percent by 2030—and powers our nation toward a clean energy future.

It's about health: clean air and clean water for our children

It's about jobs: 9 million good-paying union jobs

It's about security: preventing conflict over resources and habitat

And it's about values: passing on a healthy planet to future generations

As Pope Francis said earlier this summer, our planet has reached a ''breaking point'' in the fight against the climate crisis. As extreme weather continues to wreak havoc across our country and around the world, it is clear the costs of inaction far outweigh the costs of action.

This bill saves the planet, while keeping more money in your pockets.

For working families: you'll save an average of $1000 per year on your energy bills by the end of the decade.

For our farmers: this bill supports you in cultivating a diverse, climate-friendly agriculture system—which will help address food inflation.

For underserved communities: this bill invests $60 billion in environmental justice initiatives to ensure everyone will share in the benefits of our transition to a cleaner, greener economy.

In doing so, we ensure we not only mitigate a far more catastrophic future—but build a safe, sustainable planet for our children and grandchildren.

DEFICIT REDUCTION

America's working families will also greatly benefit from the Inflation Reduction Act's historic investment to get our fiscal house in order.

This bill pays down the deficit by $300 billion over the first decade.

And nonpartisan analysis shows that it will reduce the deficit by nearly $2 trillion over two decades decade.

Here's what that means to you: slashing the deficit will drive down inflation in the long-term.

This builds on the progress Democrats have already forged: with our nation on track to slash the deficit by a record $1.5 trillion this year alone.

Meanwhile, Democrats' record of fiscal responsibility stands in sharp contrast to the Trump Tax Scam, which ballooned the deficit by nearly $2 trillion and left working families behind.

PAYING THEIR FAIR SHARE

These monumental investments for our families—in health care, climate action and deficit reduction—are fully paid for by ensuring the biggest corporations and the wealthiest few pay their fair share.

Right now, families are being harmed by corporate profiteering with impunity: billion-dollar companies paying little-to-no taxes, while jacking up prices and refusing to fairly pay their workers.

That's why we're closing loopholes by implementing: a 15 percent corporate minimum tax only on billiondolar companies; and a 1 percent tax on stock buybacks, which enrich executives and shareholders.

We're also taking on ultra-rich tax cheats, ensuring they can't continue to dodge what they owe to our nation: an estimated $160 billion each year.

Let me be clear: this bill does not raise taxes on anyone making less than $400,000 a year, honoring the President's promise to America's families.

And despite Republicans' desperate falsehoods, this bill does not increase IRS audits on America's working families.

Treasury Secretary Yellen has directed the IRS Commissioner not to increase the audit rate for households making under $400,000 a year.

And the IRS Commissioner himself—a Republican appointed by Trump—said: ''These resources are absolutely not about increasing audit scrutiny on small businesses or middle-income Americans.''

FIGHTING INFLATION

The provisions in this legislation are a powerful force to fight inflation.

It is encouraging that prices at the pump have fallen for nearly sixty days straight—and that the latest data shows 0 percent inflation in July.

But Democrats know that higher prices still weigh heavy on America's families. And now, we take another strong step to further drive down kitchen table costs.

OUTSIDE SUPPORT

But don't take my word for it.

Take the word of 126 economists—including seven Nobel Prize winners, three former chairs of the Council of Economic Advisers and two farmer Treasury Secretaries.

In a letter urging passage of this bill, they wrote: ''These investments will fight inflation and lower costs for American families—while setting the stage for strong, stable, and broadly-shared long-term economic growth.''

PUBLIC SUPPORT

And proudly, the American people are with us:

Three-quarters support our action to lower prescription drug costs,

Two-thirds support our clean energy provisions,

60 percent support billion-dollar companies paying their fair share.

GOP OPPOSITION

But sadly, our colleagues across the aisle clearly prefer to keep costs for families sky-high.

Senate Republicans unanimously voted against this bill. And now, House Republican Leaders are whipping against it.

Their opposition is unconscionable.

How could anyone vote against lowering health care costs on seniors and underserved communities as we continue to fight inflation?

How could anyone vote against protecting future generations from rising sea levels, raging wildfires and crippling droughts?

How could anyone vote against reducing the deficit or asking billiondollar companies and wealthy tax cheats to pay their fair share?

CLOSE: PEOPLE OVER POLITICS

Madam Speaker, today, every Member of this body will be confronted with a basic choice. Will you put People Over Politics—or Politics Over People?

For centuries, Members of Congress have stood exactly where we stand now, facing this exact same decision, as they constructed the pillars of the American economy and society. Social

Security. Medicare and Medicaid. The Affordable Care Act.

Today, the Congress carries forward this all-American tradition.

The Inflation Reduction Act is a package For The People:

Increasing the leverage of the public interest over the special interest,

And expanding the promise of health and financial security, now and for generations to come.

So I urge every Member to put aside partisan difference—put People Over Politics—and vote YES on the Inflation Reduction Act, as we send this historic legislation to President Biden's desk for his signature.

Mr. NADLER. Madam Speaker, today, I rise in strong support of the Inflation Reduction Act—landmark legislation that will have a lasting impact on our planet and help lower costs for Americans in New York City and across our country. From lowering prescription drug prices and health care costs for working families to including the most significant climate investment in our nation's history, the Inflation Reduction Act includes policies I have long fought for.

With this legislation, our nation can finally rise to the seriousness of the moment in our fight against climate change by making the large-scale investments needed to reduce greenhouse gas emissions by 40 percent by 2030, lower energy costs for families, and create millions of good-paying clean energy jobs across our country.

I am thrilled that with this legislation, our government will finally be able to negotiate the prices of some of our nation's costliest prescription drugs—drugs that have been on the market for years and reap billions of dollars in sales from Medicare alone. I am proud that the Inflation Reduction Act will bring down health care costs for over 3.7 million New Yorkers and will result in enormous savings for taxpayers.

With the passage of this bill, Democrats are showing American families that our federal government can deliver for the people, not just special corporate interests.

I look forward to voting to pass this historic legislation.

Mr. DAVID SCOTT of Georgia. Madam Speaker, the Inflation Reduction Act of 2022 before us today makes historic investments in climate change mitigation, our critical forestry and conservation programs, rural communities, and energy and biofuels infrastructure.

This package makes important investments in our oversubscribed farm bill conservation programs. By expanding participation in these programs and providing increased technical assistance funding, farmers will more readily be able to employ proven conservation practices on their land, reduce greenhouse gas emissions, and sequester carbon. I have always believed that agriculture should be the tip of the spear in addressing the harmful effects of climate change. This legislation helps make that a reality.

My colleagues may complain about the steps we had to take to ensure this additional funding for our farm bill conservation programs, I would note that our colleagues on the other side have similarly extended the authorization of farm bill authorizations, but in those cases, it was to cut funding from them. In this exercise, we are including additional funding, which will be beneficial as we look to writing the 2023 Farm Bill.

Major investments in forestry will also help to combat climate change, reduce risk of catastrophic wildfire, and ensure that our public and private lands have the tools they need to continue to serve as our largest carbon sinks. In addition to the carbon benefits, this bill helps restore forest ecosystems, improve watershed health, and enhance wildlife habitat by providing much needed funding. Additionally, the forestry provisions of the bill will help bring rural prosperity to many parts of our Nation by ensuring that we are developing new, innovative, wood products, and by making sure that underserved communities can benefit from emerging climate mitigation markets. This bill makes sure that urban communities have access to forestry programs by providing needed funding for Urban and Community Forestry. Expanding the tree canopy in urban areas is one of the cheapest and most effective ways to address temperature impacts and air quality issues, and I'm sorry some of my colleagues don't recognize that.

The Inflation Reduction Act's investments in rural communities, energy, and biofuels will help lower energy bills, increase the efficiency of energy systems, and provide opportunities for farmers and small business owners to employ emission reducing technology in their operations. Increasing energy efficiency is good for their bottom lines and good for the climate. This legislation also provides significant support for rural electric cooperatives as they transition to renewable and zero emission energy systems, and it also increases access to clean biofuels across the nation.

This bill provides expedited relief to direct and guaranteed farm loan borrowers at risk of losing their farming operations. It also allows USDA to help farmers and ranchers who have suffered discrimination in Farm Service Agency farm loan programs. It requires USDA to use one or more nongovernmental entities to help provide this assistance.

Lastly, it builds upon the American Rescue Plan efforts to increase access to capital and land for our beginning and underserved producers by expanding access to technical assistance, financial training, cooperative development, and assistance to address heirs' property issues. And part of this effort includes bolstering the capacity at our 1890 and 1994 Land Grant, Insular Area, and other Minority-Serving Institutions in the areas of research, education and extension.

I want to thank the Members of the Agriculture Committee for their hard work on this legislation. And I also want to thank the Agriculture Committee staff who have dedicated many hours over the last year to helping see this legislation through to its passage today.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I want to highlight the long-overdue reforms contained in this legislation to make lifesaving medicine affordable for the millions of Medicare beneficiaries in this country.

First, it will cap copayments for insulin products at $35 per month. My Committee's investigation found that, since the 1990s, insulin manufacturers have been raising the price of this life-saving medicine, despite no improvements to the drug, while making record profits. This price gouging has harmed Americans, and capping out-of-pocket costs is an important step to reducing insulin costs for seniors and people with disabilities.

The Inflation Reduction Act is also an incredible step forward in our efforts to protect Americans from being overburdened with high out-of-pocket costs and healthcare-related expenses. For the first time, it would limit a beneficiary's out-of-pocket costs for prescription drugs covered by Medicare Part D to $2,000 a year. My Committee's investigation found that drug companies' price increases have imposed thousands of dollars in annual out-of-pocket costs on patients, especially for drugs that treat cancer or chronic conditions. This annual cap will provide much-needed financial protection, especially for the millions of beneficiaries who take high price drugs for cancer, rare diseases, or chronic conditions.

Additionally, the Inflation Reduction Act will make health insurance coverage more affordable for millions of Americans by extending key Affordable Care Act (ACA) tax credits through 2025, building on the important progress made by the American Rescue Plan signed into law last March. By providing tax credits for millions of consumers purchasing coverage through an ACA marketplace, the American Rescue Plan expanded access to health insurance and made it significantly more affordable.

Since passage of the American Rescue Plan, four out of five consumers were able to find an ACA marketplace plan for $10 or less per month. These savings allowed nearly 6 million new consumers to sign up for marketplace coverage during the first year of the Biden-Harris Administration. This year, a record 14.5 million consumers have signed up for marketplace coverage, and the national uninsured rate recently reached a record low of 8.0 percent. The Inflation Reduction Act extends these critical benefits for millions of Americans, and continues our work to ensure that all people in this country have access to health insurance coverage.

As Chairwoman, I was also proud to include $50 million dollars in the Inflation Reduction Act to ensure that the economic and environmental benefits of funding across the Inflation Reduction Act are spread equitably. For decades, low-income communities and communities of color have suffered from chronic underinvestment while being forced to suffer the most severe health and economic impacts of pollution and climate change.

We won't stand for that any longer. The Inflation Reduction Act will lower costs, create better-paying jobs, and build healthier, more sustainable communities. With my Committee's oversight funding included, we can make sure these benefits are being spread fairly and that clean energy investments support environmental justice communities that need them the most.

Finally, my Committee worked to include almost a billion dollars to support for the deployment of emerging sustainable technologies to reduce emissions while also saving taxpayer dollars. This good government provision will support innovation to drive down the cost of clean energy solutions, which is better for consumers and better for our children's future.

This is all accomplished alongside inflation-fighting measures that will cut the nation's deficit by a historic $300 billion without raising taxes on small businesses or on a single person or family in the middle class. The Inflation Reduction Act closes loopholes that have allowed billionaire corporations to avoid paying their minimum fair share of income tax.

Thanks to this transformative legislation and today's historic vote, those days are behind us, and better days of a more fair and prosperous nation are ahead. It is an honor to send this legislation to the President's desk.

Ms. DeLAURO. Madam Speaker, I rise today in strong support of H.R. 5376, the Inflation Reduction Act. For years, Americans have faced rising costs at grocery stores, pharmacies, and in recent months, at the gas pump. Today, we will send this legislation to the President's desk to be signed into law so we can provide necessary relief to hard-working people across the country.

The Inflation Reduction Act takes historic steps to reduce the deficit and fight inflation, invest in domestic energy production and manufacturing, and tackle the climate crisis by reducing carbon emissions by roughly 40 percent by 2030. The bill will also lower prescription drug and health care costs by finally allowing Medicare to negotiate prescription drug prices and extending the expanded Affordable Care Act program for three years.

Notably, this legislation makes sure that the biggest corporations and billionaires pay taxes. It establishes a 15 percent corporate minimum tax and invests in Internal Revenue Service tax enforcement to ensure that the biggest corporations, the ultra-wealthy, and rich tax cheats pay their fair share. Large corporations have been using inflation as an excuse to abuse their market power, jacking up prices for American consumers at the grocery store, the pharmacy, and at the gas pump. This law puts taxpayer dollars back into the pockets of working families.

My vote today comes with a promise to my constituents in Connecticut and to the American people—I will continue the fight for common sense, proven solutions like the Child Tax Credit in the days and weeks to come. As I have said before, as American families face rising costs, the expanded Child Tax Credit is one of our best tools to help them face these challenges. We still have so much work to do to address the problems being faced today by working families.

Today is an important step forward, and I am proud to cast my vote in support of this critical legislation.

Mr. HILL. Madam Speaker, I rise today in opposition of what I call the Inflation ''Production'' Act.

There are obvious problems of increasing taxes in a recession, expanding Obamacare, innovation killing price controls on drugs, and its attacks on American energy.

Hard working families, farmers, and small business owners in central Arkansas are going to bear the brunt of citizens being audited at the highest rates due to more than doubling the size of the IRS and it's increase in funding.

What do we think the IRS is going to do with this increase in staff and $45 billion in new enforcement funding?

No agency needs six times its current funding to answer phone calls and improve customer service.

I have seen claims that as long as you don't cheat on your taxes then you have nothing to worry about.

Clearly, they have never faced the harassment and excruciating process of an IRS audit.

We must defeat this legislation.

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, I ran for Congress to help people in Chicago, in Illinois, and across the country. The Inflation Reduction Act represents a transformative investment in families, workers, businesses, and the planet that will improve health and well-being, advance economic and environmental justice, meaningfully address climate change, and grow our economy while asking the wealthiest and most secure to pay their fair share.

As a member of the Ways and Means Committee, I am deeply honored to have played an active role in advancing these policies that improve the health of Americans, workers, our economy, and the environment. The pandemic has harmed tens of millions of Americans—disproportionately hurting African Americans and other communities of color, women, seniors, and children. This bill meets immediate needs for lower costs for health care, medications, and energy as well as long-term needs for good-paying jobs, a healthy environment, a fairer tax system, and deficit and inflation reduction.

As a former health care professional, I am proud to vote for this bill that would achieve several important goals in healthcare. The Secretary of Health and Human Services (HHS) would have the power to negotiate certain high-cost prescription drugs for seniors and people with disabilities that are Medicare beneficiaries. It would enhance premium tax credits, subsidies for people who buy insurance on the Affordable Care Act marketplaces, for three additional years. This is to extend the enacted legislative measure by Congress and President Biden last year to help people during the COVID–19 pandemic. Medicare recipients would not have to pay more than $35 per month of their out-of-pocket costs for insulin. Drug companies will have to pay a rebate to Medicare if their prices increase faster than inflation, and place caps on Medicare Part D out-of-pocket drug purchases at $2,000 yearly. There will be no copayments for vaccines in Medicare Part D, Medicaid and the Children's Health Insurance Program (CHIP). Each of these health provisions directly helps people spend less of their money on healthcare costs and slows the price increases of medicines, giving Chicagoans, Illinoisans, and Americans extra money to meet their needs and improve their well-being.

As the representative of communities harmed by high energy costs and pollution, I am proud to vote for this bill that will save the average American household hundreds in energy bills, reduce emissions by 40 percent by 2030, generate enormous public health benefits via reduced air pollution, and grow our clean energy economy by spurring 9 million jobs.

I am pleased that this legislation includes my bill, the Low-Income Housing Renewable Energy Credit Act (LIHREC) of 2021, to provide a larger tax credit for those businesses investing in new wind and solar projects in low-to-moderate income (LMI) communities. I am confident that this provision will help the tax code advance environmental and economic justice by bringing the economic and environmental benefits of solar energy to low-income individuals and communities, spreading the benefits of clean and affordable energy to households like those that I represent that have far too often been neglected by clean energy providers. Current renewable tax benefits typically remain out of reach for low-income communities, which also experience greater power-generated pollution. The new provision would provide an enhanced Investment Tax Credit to solar projects benefiting low-income residents, including multifamily housing, community solar homes, and individual low-income residential homeowners.

Some of the leading companies in this sector have raised the need for additional guidance related to the use of the credit for projects benefiting low-income homeowners to ensure that the program within the reconciliation bill will provide environmental justice allocations in a manner that provide businesses sufficient certainty to make the necessary investments in LMI communities. The central concern is clarity that businesses offering rooftop solar to LMI homeowners will receive the credit allocation prior to engaging with potential customers so that businesses can honestly convey the expected energy costs. Critical to the success of this new program will be participation by those businesses providing residential rooftop solar.

My intent in drafting the LIHREC Act, the basis for the provision included in the reconciliation bill, was to ensure that residential rooftop solar businesses would be in a position to leap into service of LMI communities when the bill is signed into law. As such, the legislation is designed to provide maximum flexibility to Treasury in designing the application and allocation process for the bonus 10 percent credit. Specifically, the legislation is intended to allow residential rooftop providers to identify potential customers in qualifying census tracts and submit applications to serve these customers up-front, before these businesses have engaged these potential customers. My understanding is that these businesses will need to know if they have received a credit allocation before they can offer the benefits of rooftop solar to new customers in LMI areas to provide accurate pricing information to low-income customers. Without certainty in the availability of the credit allocation, low-income homeowners are at risk of entering deals with shifting costs or of not having the opportunities at all given the uncertainty for businesses. So today, I make clear my understanding that the negotiated text gives Treasury the necessary flexibility to award allocations up-front so that businesses can make new investments in LMI communities knowing that they will be in a position to claim the bonus credit.

I also received questions from an insurance company in Illinois about whether companies that only prepare what is known as statutory accounting statements would be required to produce GAAP statements or a hybrid of GAAP. It is my understanding that the legislation provides that applicable financial statements required to be filed with state insurance regulators will be recognized as applicable financial statements for purposes of the new book minimum tax. State insurance regulators already are subject to a robust regulatory financial statement requirement to ensure the continued protection of insurance consumers. After enactment, I will work to convey this understanding to the executive branch.

I am honored to vote for this once-in-a-generation legislation. I came to Congress to make this type of momentous change. I urge my colleagues to pass it.

Mr. CUELLAR. Madam Speaker, I would like to clarify for any of my colleagues who might be concerned that these three offshore

lease sales provided through the Inflation Reduction Act are somehow being rushed through or will be conducted with insufficient administrative process. That is simply not the case.

These sales were scheduled under the Obama Administration under the 2017–2022 five-year plan. That Interior department subjected the plan to a large programmatic environmental impact statement. They then underwent a multi-sale EIS. These sales then also went through a supplemental EIS. Thus, the idea that any further process should be required is just not credible and that is why the bill requires them to occur by a date certain.

It is in our national interest to do so as quickly as possible so that the energy crisis does not become even worse and so that the fuel and revenue these sales will generate can find their way into our economy sooner than later.

Mrs. DINGELL. Madam Speaker, I rise in strong support of the Inflation Reduction Act we are considering today and would like to speak specifically to the inclusion of the Greenhouse Gas Reduction Fund, which is based on important legislation I authored to address the climate crisis.

The Inflation Reduction Act appropriates $27 billion to the Environmental Protection Agency (EPA) to finance climate specific projects that will reduce carbon emissions, which will be dispensed through the Greenhouse Gas (GHG) Reduction Fund. The GHG Reduction Fund is the product of more than 13 years of legislative effort by numerous members of the House and Senate and provides resources to fulfill the vision and mission of this legislative effort to capitalize a national climate bank that will support a swift transition to an equitable, clean-energy economy,

In the House, the GHG Reduction Fund is based on H.R. 806, the Clean Energy and Sustainability Accelerator Act. I introduced this important legislation to provide the maximum funding possible to and capitalize a single independent, non-profit national financing institution (''NNFI'')—the first ever national green bank—that would in turn make its financial and technical resources available to communities across the country. It is our hope, as the administration implements the GHG Reduction Fund, it will consider the benefits and structure of the Clean Energy and Sustainability Accelerator Act.

It is our hope the Environmental Protection Agency would make awards through the GHG Reduction Fund to capitalize a single NNFI, as intended under the Clean Energy and Sustainability Accelerator Act, and for that NNFI to use that capitalization funding to leverage private investment in amounts several times greater than the initial public investment. Once capitalized, the bill requires the entity to make direct investments into qualified projects at the national, regional, state, and local levels and, importantly, to make indirect investments into such projects by providing financial and technical assistance to an open, inclusive, and ever-expanding network of state and local nonprofit financial institutions—including existing and newly established green banks and community development finance institutions—that are committed to making investments in the products that will compose the clean power platform on which the economy must run.

The GHG Reduction Fund makes an historic investment into low income and disadvantaged communities as well, mandating that at least 40 percent of the over $20 billion be used to benefit qualified projects and the financing entities that support qualified projects within these communities, but we expect that the full investment in these communities will be far larger through leverage and investments from the remainder of the Fund.

The GHG Reduction Fund, and the American people, would benefit most and achieve its purpose most effectively through the capitalization of a single independent NNFI, as originally intended in the Clean Energy and Sustainability Accelerator Act. A single independent NNFI will not be limited by any jurisdictional boundary—no community is beyond its reach. Therefore, the NNFI approach could directly invest in qualified projects anywhere in the United States that would otherwise lack funding. In addition, the NNFI approach can indirectly invest in any community by providing the funding and technical assistance necessary to establish new financial institutions and further capitalize and strengthen existing ones. The NNFI would grow a diverse, open, and inclusive network of state and local green banks and other mission driven financing entities.

Capitalizing a single independent NNFI at scale, through the GHG Reduction Fund, would also enable public investment to be leveraged more efficiently which, in turn, drives much greater private capital investment in qualified projects, whether at the national, regional, state, or local level. And the Inflation Reduction Act requires the entity to ''retain, manage, recycle, and monetize all repayments and other revenue'' generated using the capitalization grant. We count on EPA to assure that the NNFI will be subject to the appropriate regulations and requirements that would apply to similar non-profit institutions that have been capitalized with federal or nonfederal dollars. At the same time, the relationship between EPA and the single independent nonprofit national financing institution should be designed to preserve its operational flexibility and ability to respond quickly to market conditions to execute with the speed that the climate crisis demands.

Finally, the Inflation Reduction Act sets a 180-day period for EPA to complete all these steps: establish the GHG Reduction Fund, issue a grant solicitation, award capitalization grants, and disburse the funds. These aggressive deadlines were established because the GHG Reduction Fund cannot achieve its purpose unless the full amount of funds appropriated to this program are put into use through a NNFI approach immediately. Disbursing all the funds within 180 days though a single independent NNFI, as originally intended under the Clean Energy and Sustainability Accelerator Act will ensure that we can expeditiously address the urgent threat of catastrophic climate change, in an equitable manner, on day 181. A swift disbursement of the maximum funding amount possible will allow the climate bank to leverage more private financing—thereby ensuring our public investment has a far reaching impact.

The impacts of climate change have created an emergency situation that poses a substantial danger to the health and safety of the American public, and the award and disbursement of the maximum amount of funds appropriated to the GHG Reduction Fund cannot be delayed. We recognize that the timeline will require EPA, at every step in the grant process, to evaluate approaches that can reduce the amount of time that it would otherwise take to complete that step—and it is our intention that EPA will utilize all legally-authorized strategies that are necessary to ensure the full amount of the funding is disbursed on time.

Mr. THOMPSON of California. Madam Speaker, I strongly support H.R. 5376, the Inflation Reduction Act of 2022.

I am particularly pleased that the legislation before the House includes major provisions of my GREEN Act, including incentives for a vast array of clean and renewable energy sources.

This legislation represents the most sweeping and ambitious climate policy ever to pass the Congress.

It reduces our dependence on fossil fuels while accelerating the development of solar, wind, and other renewable energy sources.

And it incentivizes individuals to limit greenhouse gas emissions from their homes, their businesses, and their vehicles.

I am also extremely supportive of the health care provisions in this bill.

Allowing Medicare to negotiate the price of prescription drugs has been a priority for Democrats in Congress for decades—and this bill not only ensures that seniors don't go broke paying for their medicines, but also saves taxpayers hundreds of billions of dollars.

Given the negotiations of the past 18 months, this bill could not accommodate every single priority or proposal.

And I am hopeful that my colleagues will work with me moving forward to ensure that the corporate minimum tax—a policy I support—does not inadvertently burden companies, like some in my district, who suffered severe net operating losses in previous years due to natural disaster.

This bill is a tremendous step forward for our country. It pays down our deficit, reduces the cost of prescription drugs, extends health insurance subsidies for low-income Americans and invests hundreds of billions of dollars in clean and renewable energy.

I am proud to have helped author this legislation, and I strongly support its passage.

Mr. WELCH. Madam Speaker, as many of my colleagues know, I have worked for years to protect patient access to pharmacies across this nation. It is the intent of the United States House that this legislation, and in particular, Section 1860D–14C(c). MANUFACTURER DISCOUNT PROGRAM shall operate in the same manner as the Medicare Part D Coverage Gap Discount Program found under 42 USC 1395w–114a. CMS shall implement this provision to operate in the same manner with respect to a pharmacy. In that way, this section shall not result in any reduction in pharmacy reimbursement or require or permit price concessions or other remuneration from the pharmacy. We will convey this intent to the Centers for Medicare & Medicaid Services as they develop the rules that will govern this discount program. I will continue to look for additional ways to help patients and to preserve and protect our pharmacies that are so essential to communities across Vermont and our country.

Ms. BONAMICI. Madam Speaker, I rise today in support of a transformational piece of legislation, the Inflation Reduction Act.

The Inflation Reduction Act's historic investments will reduce costs for families and individuals, expand access to affordable health

care, strengthen domestic energy production and manufacturing, and reduce the federal deficit. This plan will also reduce carbon emissions to address the climate crisis and move us toward a better, healthier, and more secure future for Oregonians and people across the country.

The coronavirus (COVID–19) pandemic exacerbated longstanding economic inequities, and working families have been facing the consequences. Economic inflation caused by increased consumer demand, global supply chain disruptions, and Russia's unprovoked invasion of Ukraine have shifted global markets, affecting everyday costs. Higher prices are straining household budgets and depriving workers of the full benefits of our growing economy. The Inflation Reduction Act will lower costs for health care, prescription drugs, and consumer energy, and make robust investments in energy security and climate solutions, including for disadvantaged and rural communities.

In the Pacific Northwest, climate change is not a distant threat; it's our current reality. The Inflation Reduction Act acknowledges the scale of the climate crisis by investing nearly $375 billion in a clean energy future. It will lower consumer energy costs with clean energy tax credits, and decarbonize every sector of the economy to reduce 40 percent of U.S. carbon emissions by 2030. Importantly, the Inflation Reduction Act will invest $60 billion in environmental justice and climate resilient solutions through sustainable agriculture, coastal, home energy, and transportation priorities to bolster rural communities and individuals disproportionately affected by climate change. Through economy-wide investments in agriculture, coastal restoration, energy, manufacturing, and transportation, this pivotal legislation will help the U.S. combat climate change while creating new, good paying jobs and mitigating climate inequities.

Everyone in the United States should have access to quality, affordable health care. To make health care more affordable, the Inflation Reduction Act will extend important health policies passed in the American Rescue Plan for an additional three years. These policies include eliminating the cap on subsidies for health insurance coverage under the Affordable Care Act, which will benefit up to four million Americans. Additionally, rising prescription drug costs are a burden for many Americans, particularly seniors. Too often, excessive drug prices force families to choose between their health and other necessities, like food and housing. That's unacceptable. The Inflation Reduction Act will reduce the price of prescription drugs by allowing Medicare to negotiate drug prices for certain medications, and will cap seniors' out-of-pocket costs to $2,000 a year. The bill also caps insulin costs at $35 per month for Medicare beneficiaries. The Inflation Reduction Act will stabilize Medicare Part D by holding annual premium growth to current levels, which will incentivize drug manufacturers and insurers to keep drug prices low.

These historic investments will be paid for by making our tax code more progressive, rather than regressive. With the tax provisions in this bill, the very largest corporations, currently contributing as little as one percent in taxes, will pay a minimum rate rather than take advantage of loopholes. After the Republicans' 2017 tax bill was signed into law, corporations spent more than $1 trillion on stock buybacks in 2018. The Inflation Reduction Act will help correct the missed opportunities of the so-called Tax Cuts and Jobs Act by establishing a tax on stock buybacks. It will also strengthen the Internal Revenue Service to enforce existing tax laws, improve customer service, speed access to tax refunds, and reduce abuse of the tax code. Improving tax fairness will bolster domestic investments in our economy while also reducing the deficit.

The Inflation Reduction Act makes tremendous progress, but it does not address all of the important priorities of the people of NW Oregon and across the country, including needed investments in workforce development and child care. I will continue working on those important priorities, but in the meantime, I look forward to making significant progress by working with my colleagues in Congress and partners in the Biden-Harris Administration to pass the Inflation Reduction Act.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1316, the previous question is ordered.

The question is on the motion by the gentleman from Kentucky (Mr. YARMUTH).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GUTHRIE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 207, not voting 4, as follows:

[Roll No. 420]

YEAS—220

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Pelosi
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—207

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Conway
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Flood
Flores
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Perry
Pfluger
Posey
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Waltz
Weber (TX)
Webster (FL)
Wenstrup

Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Zeldin

NOT VOTING—4

Carl
Gallagher
Pence
Rogers (AL)

□ 1738

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CARL. Madam Speaker, had I been present, I would have voted "nay" on rollcall No. 420.

Mr. ROGERS of Alabama. Madam Speaker, had I been present, I would have voted "nay" on rollcall No. 420.

PERSONAL EXPLANATION

Mr. GALLAGHER. Madam Speaker, I am back home in Green Bay, Wisconsin, awaiting the birth of my second child and was unable to participate in rollcall numbers 418, 419, and 420. Had I been present, I would have voted "nay" on rollcall No. 418, "nay" on rollcall No. 419, and "nay" on rollcall No. 420.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Amodei (Keller)
Axne (Wexton)
Babin (Tenney)
Bacon (Stauber)
Baird (Mooney)
Barr (Guthrie)
Barragán (Blunt Rochester)
Bass (Kuster)
Bentz (Fitzgerald)
Bera (Beyer)
Bonamici (Beyer)
Bost (Mooney)
Brooks (Moore (AL))
Brownley (Kuster)
Buchanan (Franklin, C. Scott)
Bucshon (Banks)
Budd (Donalds)
Bush (Bowman)
Calvert (Valadao)
Cárdenas (Correa)
Carter (TX) (Weber (TX))
Cawthorn (Donalds)
Cherfilus-McCormick (Takano)
Cicilline (Foster)
Cohen (Beyer)
Comer (Guthrie)
Connolly (Beyer)
Conway (Valadao)
Cooper (Blunt Rochester)
Crawford (Fleischmann)
Crist (Soto)
Curtis (Stewart)
DeFazio (Pallone)
DeGette (Perlmutter)
DeLauro (Courtney)
DeSaulnier (Perlmutter)
DesJarlais (Fleischmann)
Deutch (Rice (NY))
Diaz-Balart (Salazar)
Doggett (Takano)
Doyle, Michael F. (Bowman)
Duncan (Johnson (LA))
Dunn (Cammack)
Escobar (Garcia (TX))
Fallon (Johnson (LA))
Flores (Pfluger)
Frankel, Lois (Kuster)
Gaetz (Johnson (LA))
Garbarino (Fleischmann)
Gibbs (Balderson)
Gomez (Correa)
Gonzales, Tony (Gimenez)
Good (Donalds)
Gooden (Weber (TX))
Gosar (Reschenthaler)
Gottheimer (Neguse)
Granger (Weber (TX))
Graves (MO) (Guthrie)
Green (TN) (Fleischmann)
Harder (CA) (Beyer)
Harris (Mooney)
Hartzler (Tenney)
Herrell (Donalds)
Herrera Beutler (Stewart)
Huffman (Beyer)
Jackson (Burgess)
Jacobs (NY) (Fleischmann)
Johnson (GA) (Pallone)
Johnson (SD) (Reschenthaler)
Johnson (TX) (Jeffries)
Joyce (PA) (Keller)
Kahele (Correa)
Keating (Pappas)
Kelly (IL) (Blunt Rochester)
Kilmer (Strickland)
Kim (CA) (Mooney)
Kinzinger (Gonzalez (OH))
Kirkpatrick (Pallone)
Krishnamoorthi (Neguse)
LaHood (Reschenthaler)
LaMalfa (Fleischmann)
Lamborn (Fleischmann)
Langevin (Lynch)
Lawrence (Stevens)
Lawson (FL) (Soto)
Leger Fernandez (Correa)
Lesko (Fleischmann)
Letlow (Tenney)
Levin (MI) (Correa)
Lieu (Takano)
Lucas (Cammack)
Luetkemeyer (Weber (TX))
Mace (Mooney)
Manning (Wexton)
Matsui (Eshoo)
McBath (Blunt Rochester)
McEachin (Beyer)
McHenry (Cammack)
McNerney (Correa)
Meijer (Stauber)
Meng (Kuster)
Meuser (Weber (TX))
Miller (WV) (Mooney)
Miller-Meeks (Mooney)
Moore (UT) (Stewart)
Moore (WI) (Beyer)
Moulton (Correa)
Napolitano (Correa)
Nehls (Reschenthaler)
Norman (Donalds)
Ocasio-Cortez (Bowman)
Omar (Bowman)
Owens (Donalds)
Palazzo (Fleischmann)
Panetta (Correa)
Payne (Pallone)
Phillips (Pappas)
Pingree (Kuster)
Porter (Wexton)
Pressley (Bowman)
Price (NC) (Butterfield)
Rice (SC) (Gonzalez (OH))
Rodgers (WA) (Bilirakis)
Rogers (KY) (Reschenthaler)
Roybal-Allard (Correa)
Rush (Blunt Rochester)
Sánchez (Perlmutter)
Sarbanes (Ruppersberger)
Schakowsky (Bowman)
Sherman (Beyer)
Sires (Pallone)
Smith (NJ) (Kelly (PA))
Smith (WA) (Courtney)
Steel (Mooney)
Steube (Franklin, C. Scott)
Suozzi (Perlmutter)
Swalwell (Stevens)
Taylor (Burgess)
Thompson (PA) (Keller)
Thompson (CA) (Eshoo)
Timmons (Donalds)
Titus (Pallone)
Tlaib (Dingell)
Tonko (Pallone)
Torres (NY) (Strickland)
Trahan (Lynch)
Trone (Beyer)
Van Drew (Tenney)
Van Duyne (Tenney)
Vargas (Takano)
Wagner (Guthrie)
Walberg (Bergman)
Waltz (Franklin, C. Scott)
Watson Coleman (Bowman)
Welch (Pallone)
Wenstrup (Guthrie)
Wilson (FL) (Soto)
Wilson (SC) (Johnson (LA))

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1642

Ms. MALLIOTAKIS. Madam Speaker, I ask unanimous consent to remove the gentlewoman from New York (Miss RICE) and the gentleman from New Jersey (Mr. SMITH) as cosponsors of H.R. 1642.

The SPEAKER pro tempore (Ms. JACOBS of California). Is there objection to the request of the gentlewoman from New York?

There was no objection.

## ENSURING THE BEST SCHOOLS FOR VETERANS ACT OF 2022

Mr. TAKANO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4458) to amend title 38, United States Code, to improve the process by which the Secretary of Veterans Affairs determines whether an educational institution meets requirements relating to the percentage of students who receive educational assistance furnished by the Secretary, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

S. 4458

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Ensuring the Best Schools for Veterans Act of 2022''.

**SEC. 2. DETERMINATIONS RELATING TO PERCENTAGE OF STUDENTS OF EDUCATIONAL INSTITUTION WHO RECEIVE EDUCATIONAL ASSISTANCE BY DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Subsection (d) of section 3680A of title 38, United States Code, is amended to read as follows:

''(d)(1) The Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 1606 of title 10, except with respect to tuition, fees, or other charges that are paid under a payment plan at an educational institution that the Secretary determines has a history of offering payment plans that are completed not later than 180 days after the end of the applicable term, quarter, or semester.

''(2) The Secretary may waive the requirements of paragraph (1), in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, it to be in the interest of the eligible veteran and the Federal Government.

''(3)(A) The Secretary shall establish a process by which an educational institution may request a review of a determination that the educational institution does not meet the requirements of paragraph (1).

''(B) An educational institution that requests a review under subparagraph (A)—

''(i) shall request the review not later than 30 days after the start of the term, quarter, or semester for which the determination described in subparagraph (A) applies; and

''(ii) may include any information that the educational institution believes the Department should have taken into account when making the determination, including with respect to any mitigating circumstances.

''(C) The Under Secretary of Benefits shall issue an initial decision for each review requested under subparagraph (A) by not later than 30 days after the date of the request, to the extent feasible.

''(D) An educational institution may request the Secretary to review the decision by the Under Secretary under subparagraph (C). The Secretary shall review each decision so requested and, pursuant to such review, shall issue a final decision sustaining, modifying, or overturning the decision by the Under Secretary.

''(E) The Secretary shall carry out this paragraph without regard to any review process carried out by the Secretary under chapter 51 of this title.

''(4) Paragraph (1) shall not apply to any course offered by an educational institution if—

''(A) the majority of courses offered by the educational institution are approved under section 3672 or 3675 of this title; and

''(B) the total number of veterans and persons receiving assistance under this title or under chapter 1606 of title 10 who are enrolled in such institution equals 35 percent or less of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution).

''(5)(A) Paragraph (1) shall not apply to any course offered by an educational institution if—

''(i) the majority of courses offered by the educational institution are approved under section 3676 of this title; and

''(ii) the total number of veterans and persons receiving assistance under this title or under chapter 1606 of title 10 who are enrolled in such institution equals 35 percent or less of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution).

''(B) Notwithstanding subparagraph (A), on a case by case basis, the Secretary may apply paragraph (1) with respect to any course otherwise covered by such subparagraph if the Secretary has reason to believe that the enrollment of veterans and persons