

Congress of the United States
Washington, DC 20515

June 6, 2025

The Honorable John Thune
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mike Crapo
Chairman
Committee on Finance
Washington, D.C. 20510

Dear Majority Leader Thune and Chairman Crapo,

As Members of the House Republican Conference, we write to express our continued support for common-sense energy policy, and to urge the Senate to substantively and strategically improve clean energy tax credit provisions included in the House-passed reconciliation bill, H.R. 1, the *One Big Beautiful Bill Act*.

While we were proud to have worked to ensure that the bill did not include a full repeal of the clean energy tax credits, we remain deeply concerned by several provisions, including those which would abruptly terminate several credits just 60 days after enactment for projects that have not yet begun construction, a highly restrictive and onerous FEOC regime, and restrictions to transferability. This approach jeopardizes ongoing development, discourages long-term investment, and could significantly delay or cancel energy infrastructure projects across the country.

Since January, over \$14 billion in energy projects have been cancelled or delayed, with \$4.5 billion scrapped in April alone.ⁱ Without a clear signal from Congress encouraging continued investments and offering business certainty as these provisions are phased out, project cancellations will continue to snowball.

We respectfully urge the Senate to adopt the following refinements:

First, the Foreign Entity of Concern (FEOC) provisions are overly prescriptive and risk undermining U.S. competitiveness, particularly against China, by restricting advanced manufacturing and domestic energy production. These provisions should be revised with clear and streamlined requirements that also allow companies additional time to reorganize their supply chains, ensuring a strategic and successful transition. Specifically, the Senate should work with impacted industries to ensure that these requirements are mechanically workable, thoughtfully designed, and offer certainty to critical sectors.

Second, the House-passed bill includes a phase out schedule for credits that would cause significant disruption to projects under development and stop investments needed to win the global energy race. To mitigate this issue, the current “placed in service” standard should be replaced with a “commence construction” requirement to support the energy development needed to meet growing power demand and protect thousands of high-quality American jobs in communities across the country. Due to ongoing permitting delays and factors often outside of their control, businesses rarely can pinpoint exactly when their projects will be placed in service. The “commence construction” definition included in H.R. 3291, the *Certainty for Our Energy Future Act*, aims to give businesses flexibility when determining eligibility for the tax credits, providing the investment clarity and lead time required for energy projects to succeed.

Finally, the transferability of energy tax credits should remain available throughout the lifetime of the credit. Transferability ensures affordable electricity for American families and provides certainty for developers, enabling projects in nuclear, manufacturing, biofuels, and critical minerals to move forward. Utilizing transferability allows small and medium energy developers to harness private sector investment capital much more effectively, enabling companies across the economy to invest in a broad spectrum of generation technologies and domestic manufacturing facilities.

Our position has always been that the energy tax code should be modernized in a way that promotes fiscal responsibility and business certainty. Fully realizing that balance requires improvements to the House-passed version of H.R. 1, the *One Big Beautiful Bill Act*. We believe the Senate now has a critical opportunity to restore common sense and deliver a truly pro-energy growth final bill that protects taxpayers while also unleashing the potential of U.S. energy producers, manufacturers, and workers.

We appreciate your leadership and respectfully request your consideration of these necessary improvements to ensure America’s energy future remains competitive, reliable, and secure.

Sincerely,



Jen A. Kiggans
Member of Congress



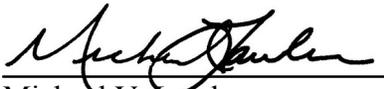
Brian K. Fitzpatrick
Member of Congress



Juan Ciscomani
Member of Congress



Nick LaLota
Member of Congress



Michael V. Lawler
Member of Congress



Andrew R. Garbarino
Member of Congress



Don Bacon
Member of Congress



Mark E. Amodei
Member of Congress



Gabe Evans
Member of Congress



Young Kim
Member of Congress



David G. Valadao
Member of Congress



Rob Bresnahan, Jr.
Member of Congress