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# Instructions for Form 4255

(Rev. December 2024)



Department of the Treasury  
Internal Revenue Service

## Certain Credit Recapture, Excessive Payments, and Penalties

Section references are to the Internal Revenue Code unless otherwise noted.

### Future Developments

For the latest information about developments related to Form 4255 and its instructions, such as legislation enacted after they were published, go to [IRS.gov/Form4255](https://www.irs.gov/Form4255).

### What's New

**Part I.** General and specific instructions are added for new Part I for reporting of elective payment election (EPE) (both gross EPE amounts and net EPE amounts), recapture, and excessive payment (EP) and penalties. See [Part I. Summary](#), later.

## General Instructions

### Purpose of Form

Use Form 4255 to figure the increase in the amount due for certain credit recaptures, excessive payments, and penalties.

### Credit Recapture Requirements and Special Rules

Generally, you must refigure the investment credit and may have to recapture all or part of it if any of the following apply.

- You disposed of investment credit property before the end of 5 full years after the property was placed in service (the recapture period).
- You changed the use of the property before the end of the recapture period so that it no longer qualifies as investment credit property.
- The business use of the property decreased before the end of the recapture period so that it no longer qualifies (in whole or in part) as investment credit property.
- Any building to which section 47(d) applies will no longer be a qualified rehabilitated building when placed in service.
- Any property to which section 48(b), 48A(b)(3), 48B(b)(3), 48C(b)(2), 48D(b)(5), or 48E applies will no longer qualify as investment credit property when placed in service.
- Before the end of the recapture period, your proportionate interest was reduced by more than one-third in a partnership, S corporation, estate, or trust that allocated the cost or other basis of property to you for which you claimed a credit.
- You returned leased property (on which you claimed a credit) to the lessor before the end of the recapture period.
- In the case of a project under the Phase II or Phase III gasification program, failure at any time during the applicable recovery period (as defined in section 168(c)) to attain and maintain the separation and sequestration requirements in section 48B(d)(1)(B). For more information, see Notice 2009-23, 2009-16 I.R.B. 802, available at [IRS.gov/irb/2009-16\\_IRB#NOT-2009-23](https://www.irs.gov/irb/2009-16_IRB#NOT-2009-23), as modified by Notice 2011-24, 2011-14 I.R.B. 603, available at [IRS.gov/irb/2011-14\\_IRB#NOT-2011-24](https://www.irs.gov/irb/2011-14_IRB#NOT-2011-24); and amplified by Notice 2014-81, 2014-53 I.R.B. 1001, available at [IRS.gov/irb/2014-53\\_IRB#NOT-2014-81](https://www.irs.gov/irb/2014-53_IRB#NOT-2014-81).
- In the case of a project under the Phase II or Phase III qualifying advanced coal project program, failure during the applicable recovery period (as defined in section 168(c)) to

attain and maintain the separation and sequestration requirements in section 48A(e)(1)(G). For more information, see Notice 2009-24, 2009-16 I.R.B. 817, available at [IRS.gov/irb/2009-16\\_IRB#NOT-2009-24](https://www.irs.gov/irb/2009-16_IRB#NOT-2009-24), as modified by Notice 2011-24, and amplified by Notice 2012-51, 2012-33 I.R.B. 150, available at [IRS.gov/irb/2012-33\\_IRB#NOT-2012-51](https://www.irs.gov/irb/2012-33_IRB#NOT-2012-51); and Notice 2015-14, 2015-10 I.R.B. 722, available at [IRS.gov/irb/2015-10\\_IRB#NOT-2015-14](https://www.irs.gov/irb/2015-10_IRB#NOT-2015-14); and Notice 2020-88, 2020-53 I.R.B. 1795, available at [IRS.gov/irb/2020-53\\_IRB#NOT-2020-88](https://www.irs.gov/irb/2020-53_IRB#NOT-2020-88).

- You engaged in an applicable transaction, as defined in section 50(a)(6)(D).
- A net increase in the amount of nonqualified nonrecourse financing occurred for any property to which section 49(a)(1) applied. For more details, see [Section C—Recapture From Increase in Nonqualified Nonrecourse Financing](#), later.

**Exceptions to recapture.** Recapture of the investment credit doesn't apply to the following.

- A transfer because of the death of the taxpayer.
- A transfer between spouses or incident to divorce under section 1041. However, a later disposition by the transferee is subject to recapture to the same extent as if the transferor had disposed of the property at the later date.
- A transaction to which section 381(a) applies (relating to certain acquisitions of the assets of one corporation by another corporation).
- A mere change in the form of conducting a trade or business if:
  1. The property is retained as investment credit property in that trade or business, **and**
  2. The taxpayer retains a substantial interest in that trade or business.

A mere change in the form of conducting a trade or business includes a corporation that elects to be an S corporation and a corporation whose S election is revoked or terminated.

For more details on the recapture rules, see section 50(a).



*See section 46(g)(4) (as in effect on November 4, 1990) to figure the recapture tax if you made a withdrawal from a capital construction fund set up under the Merchant Marine Act of 1936 to pay the principal of any debt incurred in connection with a vessel on which you claimed investment credit.*

### Carryover Adjustment on Recapture

For property subject to investment credit recapture, reduce any remaining carryforwards and carrybacks from the property by the recapture percentage used for the property on Part II, line 15.

### Basis Adjustment on Recapture

For property subject to investment credit, increase the property's basis as follows.

- For rehabilitation credit property, qualifying advanced coal project property, qualifying gasification project property, qualifying advanced energy project property, or advanced manufacturing investment property, increase the basis by 100% of the amount, attributable to each such property, of the recapture tax, adjustments to carrybacks and carryforwards under section 39, or adjustments to disallowed passive activity credits.

- For energy property or clean electricity investment property, increase the basis by 50% of the amount, attributable to each such property, of the recapture tax, adjustments to carrybacks and carryforwards under section 39, or adjustments to disallowed passive activity credits.

If you are a partner or S corporation shareholder, adjust the basis of your interest in the partnership or stock in the S corporation to take into account the adjustment made to the basis of property held by the partnership or S corporation.

For more information, see section 50(c) and Regulations section 1.469-3(f).

## Partnerships, S Corporations, Estates, and Trusts

A partnership, S corporation, estate, or trust that allocated any or all of a qualified investment to its partners, shareholders, or beneficiaries must provide the information they need to refigure the credit. See Regulations sections 1.46-3(f), 1.47-4(a) and (c), 1.47-5, and 1.47-6.

## Partners, Shareholders, and Beneficiaries

If you are a partner, shareholder, or beneficiary and your Schedule K-1 shows recapture of investment credit claimed in an earlier year, you will need your copy of the original Form 3468, Investment Credit, to complete this form.

## Excessive Payment

In the case of any elective payment amount that the IRS determines constitutes an excessive payment, the tax imposed on such entity by chapter 1, regardless of whether such entity or you would otherwise be subject to chapter 1 tax, for the tax year in which such determination is made will be increased by an amount equal to the sum of the amount of such excessive payment plus an amount equal to 20% of such excessive payment. See Regulations section 1.6417-6(a)(1) for details.

## Resolving a Failure to Satisfy the Prevailing Wage Requirements

If you fail to ensure that all laborers and mechanics employed by you or any contractor or subcontractor in the construction, alteration, or repair of a qualified facility are paid wages at rates not less than those set forth in the applicable wage determination(s), you will be deemed to have met the prevailing wage requirements with respect to such facility for any year if you make the correction and penalty payments provided in Regulations sections 1.45-7(c)(1)(i) and (ii). See Regulations section 1.45-7(c) for details.

## Exceptions to the Apprenticeship Requirements

If you fail to fulfill the apprenticeship requirements in Regulations section 1.45-8(a) with respect to the construction, alteration, or repair of any qualified facility prior to the facility being placed in service, you will be deemed to have complied with the apprenticeship requirements if you have made a good faith effort to meet the apprenticeship requirements, as described in Regulations section 1.45-8(f)(1) (good faith effort exception) or made the penalty payment provided in Regulations section 1.45-8(f)(2) (apprenticeship cure provision) for any failures to which the good faith effort exception does not apply. See Regulations section 1.45-8(f) for details.

# Specific Instructions

## Part I. Summary

Complete Part II as applicable before completing Part I.

**Lines 1 and 2.** Enter credit information from form(s) listed on each credit line and Form 3800, General Business Credit, Part III (Parts V and VI, if applicable).

**Line 1h, column (o).** Use column (n) to report EP amount for Form 8936, Part V, that should have been included in the shaded entry space for column (o). If completing line 1h, column (s), don't include any amount that would have been reported in line 1h, column (o).

**Lines 1z and 2z, columns (i) and (j).** Attach a statement indicating the amount for each such shaded entry space, and complete subsequent columns as if those amounts were reported in those entry spaces.

**Line 3, column (q).** Generally, enter the amount from Part I, line 3, column (q) (which is the amount that can be reduced by nonrefundable credits) on the appropriate line of your tax return. For example, if completing Form 1120, U.S. Corporation Income Tax Return, enter the amount from Part I, line 3, column (q) on Form 1120, Schedule J, line 1g.

**Partnerships and S corporations.** Generally, partnerships and S corporations that allocated all or any of a qualified investment to partners or shareholders must provide to the partners and shareholders they need to refigure their credit. However, certain amounts from Form 4255 get reported directly on the partnership or S corporation return.

If you are filing Form 1065, report the column (o) amount that was included in column (q) on line 27, Other taxes.

If you are filing Form 1120-S, report the column (o) amount that was included in column (q) on line 23c.

**Line 3, column (r).** Enter the amount from Part I, line 3, column (r) (which is the amount that cannot be reduced by refundable credits) on the appropriate line of your tax return. For example, if completing Form 1120, U.S. Corporation Income Tax Return, enter the amount from Part I, line 3, column (r) on Form 1120, Schedule J, line 9a.

## Amounts From Prior Year(s) Returns

**Column (a).** Enter credit claimed in prior year(s) (as adjusted, if applicable). See the Instructions for Form 3800.

**Column (b).** Enter gross elective payment election (EPE) amount included in column (a). See section 6417 for details.

**Column (c).** Enter gross EPE amount in column (b) applied against regular tax.

**Column (d).** Enter net EPE amount. Subtract column (c) from column (b).

**Column (e).** Enter non-EPE credit that was applied against regular tax.

**Column (f).** Enter carryover. Subtract the sum of columns (b) and (e) from column (a).

## Recapture

**Column (g).** Enter recapture percentage. See [Line 15](#), later. Enter "N/A" if more than one recapture event on one line.

**Column (h).** Enter amount of column (a) recaptured, including reduction of carryover. See [Basis Adjustment on Recapture](#), earlier.

**Column (i).** Enter portion of column (h) reducing credit carryover in column (f).

**Column (j).** Enter portion of column (h) recapturing non-EPE credit applied against regular tax in column (e).

**Column (k).** Enter portion of column (h) recapturing EPE applied against regular tax from column (c).



**Column (l).** Enter portion of column (h) recapturing net EPE credit from column (d).

## Excessive Payments (EPs) and Penalties

**Column (m).** Enter excessive credit transfer or recapture amount. See sections 6418(g)(2) and 6418(g)(3) for details.

**Column (n).** Enter the net EPE portion if you owe an EP related to a gross EPE in column (b).

**Column (o).** Enter the portion of the EP not in column (n), plus any 20% EP you owe, if you owe an EP.

**Column (p).** Enter prevailing wage and/or apprenticeship penalty amounts assessed by the IRS. For self-determined penalties, see Regulations section 1.45-7(c)(1) for prevailing wage correction and penalty payment, and Regulations section 1.45-8(f)(2) for apprenticeship cure provision.

## Total by Type

**Column (q).** Enter amount that can be reduced by nonrefundable credits. Add lines 1a through 2z in columns (n) and (o); lines 2a through 2z in columns (j), (k), and (l); and section 6418(g)(2) amounts on lines 1a through 2z in column (m).

**Column (r).** Enter amount that cannot be reduced by nonrefundable credits. Add amounts on lines 1a through 1z in columns (j), (k), and (l); lines 1a through 2z in column (p); and section 6418(g)(3) amounts on lines 1b, 1g, and 1j in column (m).

**Column (s).** Enter net EPE repaid. Add columns (l) and (n).

**Column (t).** Enter any 20% EP in column (o) plus any amounts from column (p) related to a column (b) Gross EPE.

## Part II. Recapture Calculation

### Section A—Properties

**Lines A through D.** Use lines A through D to describe the property(ies) for which you must refigure the credit. If you need to list additional properties, complete and attach additional Forms 4255 to list all the properties for which you must refigure the credit.

### Section B—Original Credit

Use Section B to refigure the original credit.

**Line 1.** Enter the rate you used to figure the original credit from the Form 3468 that you filed. For combined heat and power system property, enter the effective rate used to figure the original credit, taking into account the limit under section 48(c)(3)(B).

**Line 2.** Enter the credit base (cost or other basis) that you used to figure the original credit.

If section 49(a)(1) applied to the property and there was a net increase in nonqualified nonrecourse financing with respect to the property in previous tax years, enter the credit base you used to figure the original credit, reduced by the amount of that net increase. If there was a net decrease in nonqualified nonrecourse financing with respect to the property in previous tax years, enter the credit base you used to figure the original credit, increased by the amount of that net decrease. For more details, see the instructions for Section C.

**Line 3.** If section 49(a)(1) didn't apply to the property, enter -0-. If section 49(a)(1) applied to the property, enter the net change in nonqualified nonrecourse financing related to the property during the tax year. Enter a net increase in nonqualified nonrecourse financing as a positive number. Enter a net

decrease in nonqualified nonrecourse financing as a negative number. For more information about section 49, see the instructions for Section C.

**Line 4.** Subtract line 3 from line 2.



*If line 3 is negative, then the entry on line 4 will be larger than the entry on line 2.*

**Line 5.** Multiply line 1 by line 4. If the credit for the property for which you must refigure the credit was limited to a dollar amount (for example, by the kilowatt limit in section 48(c)(1)(B)), don't enter more than the amount of the applicable limit on line 5.

**Line 6.** Enter the total of all credits taken for the property on Form 3800, General Business Credit, in prior years. But don't include the amount of any credit previously recaptured due to an increase in nonqualified nonrecourse financing.

### Section C—Recapture From Increase in Nonqualified Nonrecourse Financing

Use Section C to figure any increase in tax for the recapture of an investment tax credit under section 49.

Generally, section 49(a)(1) applies to property:

- Placed in service by individuals or certain closely held corporations during a tax year in which they were engaged in activities described in section 465, and
- Used in connection with an activity subject to the at-risk limitations under section 465.

The credit base of this property for investment credit purposes may be limited if you borrowed against the property and are protected against loss, or if you borrowed money from a person who is related or who has an interest (other than as a creditor) in the business activity. The credit base must be reduced by the amount of any nonqualified nonrecourse financing related to the property at the end of the tax year.

If, at the close of a tax year following the year property described in section 49(a)(1) was placed in service, the nonqualified nonrecourse financing for the property has increased or decreased, then the credit base for the property changes accordingly. The changes may result in an increased credit or a recapture of the credit in the year of the change. See sections 49 and 465 for details.

**Line 8.** If the original credit had been figured using the current-year tax base in the year the property was first placed in service, you may have been able to use other general business credits instead. Use [Worksheet 1](#) to calculate the amount of unused general business credits that would have been allowed under section 38.



*When making this calculation, include any general business credits that could have been carried forward or carried back to a year affected by the recapture of the original credit. Don't include any credits that were previously recaptured. If you previously used the credit to offset the recapture of a credit on another property, treat it as a credit allowed in a previous tax year.*


**Multiple recapture properties.** If you are recapturing investment credits from multiple properties in Section C, complete Form 4255, Part II, Section C, line 7, for each property before using Worksheet 1. Then fill out Worksheet 1, reapplying any allowable investment credits as if no credit had been allowed for any of the properties in excess of the refigured credit for that property on line 5. As you complete the worksheet, separately identify the amount of unused general business credits that could have been used instead of the excess credit from each property. If an unused general business credit could have been used instead of the excess credit from more than one property

**Worksheet 1**

Use Worksheet 1 to calculate the amount of unused general business credits that would have been allowed instead of the credit from the recapture property. If you need to account for more than 5 years, complete Steps 4 through 6 for those years on additional copies of the worksheet. Include the total for all years on Step 7.

Steps	First Year	Year	Year	Year	Year	Total
<b>Step 1.</b> Identify the first year that the aggregate amount of credit allowed for the property was more than the amount on line 5. Enter the excess as a positive number . . . . .	_____					
<b>Step 2.</b> Figure the amount of other general business credits that could have been used in that year had the amount in Step 1 not been allowed. Enter the result as a positive number . . . . .	_____					
<b>Step 3.</b> Subtract any general business credits that were actually allowed in any previous tax year from the result of Step 2 . . . . .	_____					
<b>Step 4.</b> For the following year, figure the reduction in general business credits that would have been allowed for that year if: 1. No amount on line 7 had been allowed as a credit, and 2. Any other credits were used as calculated in Step 2 above . . . . .		_____	_____	_____	_____	
<b>Step 5.</b> Figure the amount of other general business credits that would have been allowed to offset the reduction figured in Step 4 . . . . .		_____	_____	_____	_____	
<b>Step 6.</b> Subtract any general business credits that were actually allowed in any previous tax year from the result of Step 5 . . . . .		_____	_____	_____	_____	
<b>Step 7.</b> Repeat Steps 4 through 6 above for each of the following tax years. Then add the amount from Step 3 to the amount from each iteration of Step 6. Enter the result on line 8 . . . . .		_____	_____	_____	_____	_____

(for example, the amount figured in Step 1 or Step 3 for a single year is attributable to more than one property), apply the unused credit to the property with the highest original credit rate on line 1. When completing Step 7, add the amounts from Steps 3 and 6 separately by property and enter the results in the corresponding property column of line 8.

 *Disallowed passive activity credits (as defined in section 469(d)(2)) can be used in the calculation of line 8 only to the extent that credits from passive activities are included in the credits subject to recapture.*

*Unused credits other than “specified credits” (as defined in section 38(c)(4)(B)) and eligible small business credits (ESBCs) can be used in the calculation of line 8 taking into account the limitation under section 38(c)(1)(A).*

**Line 9.** This is the recapture tax as a result of a net increase in nonqualified nonrecourse financing. Add recapture tax for properties A through D and include amounts in the total for Part I, column (h). See [Basis Adjustment on Recapture](#), earlier.

**Section D—Recapture From Disposition of Property or Cessation of Use as Qualified Credit Property**

Use Section D to figure any increase in tax for the recapture of an investment tax credit under section 50.


**Line 10.** Enter the date (month/day/year) on which the property was placed in service, using the first day of the month in which the property was placed in service. For example, if the property was placed in service on February 20, 2022, enter 02/01/2022 on line 10. See Regulations section 1.47-1(c) for more information.

**Line 11.** Generally, this will be the date you disposed of the property. For more details, see Regulations section 1.47-1(c).

**Line 12.** Do not enter partial years. If the property was held less than 12 months, enter -0-. In case of failure to attain or maintain

the separation and sequestration requirements applicable to a Phase II or III gasification program or a Phase II or III advanced coal program, enter -0-. In case of an applicable transaction by an applicable taxpayer before the close of the 10-year period beginning on the date such taxpayer placed in service investment credit property that is eligible for the advanced manufacturing investment credit, enter -0-.

**Line 13.** If you had never taken the recaptured credit, you may have been able to use other general business credits instead. Use [Worksheet 2](#) to calculate the amount of unused general business credits that would have been allowed under section 38.


 *When making this calculation, include any general business credits that could have been carried forward or carried back to a year affected by the recapture of the original credit. Don't include any credits that were previously recaptured. If you previously used the credit to offset the recapture of a credit on another property, treat it as a credit allowed in a previous tax year.*

**Multiple recapture properties.** If you are recapturing investment credits from multiple properties in Section D, complete Form 4255, Section B, line 6, for each property before using Worksheet 2. Then fill out Worksheet 2, reapplying any allowable investment credits as if no credit had been allowed for any of the properties. As you complete the worksheet, separately identify the amount of unused general business credits that could have been used instead of the recaptured credit from each property. If an unused general business credit could have been used instead of a recaptured credit from more than one property (for example, the amount figured in Step 1 or Step 3 for a single year is attributable to more than one property), apply the unused credit first to the property with the highest recapture percentage on line 15. When completing Step 7, add the amounts from Steps 3 and 6 separately by property and enter the results in the corresponding property column of line 13.

**Worksheet 2**

Use Worksheet 2 to calculate the amount of unused general business credits that would have been allowed under section 38 had there been no credit from the recapture property. If you need to account for more than 5 years, complete Steps 4 through 6 for those years on additional copies of the worksheet. Include the total for all years on Step 7.

Steps	First Year	Year	Year	Year	Year	Total
<b>Step 1.</b> Identify the first year that an amount from line 6 was allowed as a credit. Enter that amount as a positive number . . .	_____					
<b>Step 2.</b> Figure the amount of other general business credits that could have been used in that year had the amount in Step 1 not been allowed. Enter the result as a positive number . . . . .	_____					
<b>Step 3.</b> Subtract any general business credits that were actually allowed in any previous tax year from the result of Step 2 . . . . .	_____					
<b>Step 4.</b> For the following year, figure the reduction in general business credits that would have been allowed for that year if: 1. No amount on line 6 had been allowed as a credit, and 2. Any other credits were used as calculated in Step 2 above . . . . .		_____	_____	_____	_____	
<b>Step 5.</b> Figure the amount of other general business credits that would have been allowed to offset the reduction figured in Step 4 . . . . .		_____	_____	_____	_____	
<b>Step 6.</b> Subtract any general business credits that were actually allowed in any previous tax year from the result of Step 5 . . . . .		_____	_____	_____	_____	
<b>Step 7.</b> Repeat Steps 4 through 6 above for each of the following tax years. Then add the amount from Step 3 to the amount from each iteration of Step 6. Enter the result on line 13 . . . . .		_____	_____	_____	_____	_____

 **Disallowed passive activity credits** (as defined in section 469(d)(2)) can be used in the calculation of line 13 only to the extent that credits from passive activities are included in the credits subject to recapture.

Unused credits other than “specified credits” (as defined in section 38(c)(4)(B)) and eligible small business credits (ESBCs) can be used in the calculation of line 13 taking into account the limitation under section 38(c)(1)(A).

**Line 14.** Subtract line 13 from line 6 to calculate the aggregate decrease in general business credits that would have been allowed under section 38 had there been no credit from this property.

**Line 15.** Enter the recapture percentage from the following table. Enter 100 for certain expansions in connection with advanced manufacturing facilities. See section 50(a)(3)(A).

IF the number of full years on line 12 of Form 4255 is . . .	THEN the recapture percentage is . . .
0	100
1	80
2	60
3	40
4	20
5 or more	0

**Line 16.** Multiply the amount on line 14 by the percentage on line 15 to calculate the recapture tax due to disposition or cessation of use as an investment credit property. Include amount on the applicable line(s) in Part I, column (h). For example, enter section 47 rehabilitation credit recapture in Part I, line 1z, column (h). For basis increase, see [Line 9](#), earlier.

**Line 17.** If applicable, enter the IRS-issued registration number for your facility with an EPE or transfer election.

**Example 1. Investment credit recapture.** In January of 2022, you earned an energy credit of \$100,000 on property A. You used \$20,000 of the credit to offset tax in 2022 and used \$16,000 as a carryforward to offset tax in 2023. You had \$64,000 remaining carryforward for property A at the end of 2023. You have no other tax credits for other properties for any other years.

You disposed of the property in June of 2024. Your recapture percentage is 60%. Because you have no other credits for properties for other years, you enter -0- on line 13. You enter \$36,000 on line 6 (the credit from property A used in 2022 and 2023). Your total increase in tax for 2024 is \$21,600 (60% of \$36,000). Your remaining credit carryforward for property A is also reduced by the recapture percentage of 60%. Your remaining carryforward is \$25,600 (40% of \$64,000). You increase your basis for property A by \$60,000 (\$21,600 + \$38,400).

**Example 2. Investment credit recapture.** The facts are the same as in *Example 1*, except that you also earned an energy credit on property B in 2022 of \$12,000, which you didn't use to offset your tax. As before, you disposed of property A in June of 2024. You enter \$36,000 on line 6 (the credit from property A used in 2022 and 2023). However, you could have used your \$12,000 of unused credit from property B for 2022 against your 2022 tax had no credit been available from property A. Therefore, you enter \$12,000 on line 13 and \$24,000 (\$36,000 - \$12,000) on line 14. Your total increase in tax for 2024 is \$14,400 (60% of \$24,000). Your remaining credit carryforward for property A is also reduced by the recapture percentage of 60%. Your remaining carryforward is \$25,600 (40% of \$64,000). You increase your basis for property A by \$52,800 (\$14,400 + \$38,400).

**Example 3. Investment credit recapture.** In January of 2022, you earned an energy credit of \$100,000 from property A. You used all of the credit to offset \$100,000 of tax in 2022. In 2023, you earned an energy credit of \$75,000 from property B and used none of the credit to offset tax. In June of 2024, property A ceased to be investment credit property and you must refigure the credit from property A. Your recapture percentage is



60%. You enter \$100,000 on line 6. However, you could have carried the energy credit of \$75,000 from property B back to 2022 had no credit been available from property A. Therefore, you enter \$75,000 on line 13 and \$25,000 (\$100,000 - \$75,000) on line 14. Your total increase in tax for 2024 is \$15,000 (60% of \$25,000). You increase your basis in property A by \$15,000.

**Example 4. Investment credit recapture.** In July of 2022, you earned an energy credit of \$100,000 from property A. You used \$1,000 of the credit to offset tax in 2022 and used \$99,000 as a carryforward to offset tax in 2023. In 2024, you earned an energy credit of \$75,000 from property B and used none of the credit to offset tax.

On February 1, 2024, property A ceased to be investment credit property and you must refigure the credit from property A. Your recapture percentage is 80%. You enter \$100,000 on line 6. No carryback or carryforward credits are available for 2022 to offset the \$1,000 credit used for property A. However, you could have carried the energy credit of \$75,000 from property B back to 2023 had no credit been available from property A that year. Therefore, you enter \$75,000 on line 13 and \$25,000 (\$100,000 - \$75,000) on line 14. Your total increase in tax for 2024 is \$20,000 (80% of \$25,000). You increase your basis in property A by \$20,000.

**Example 5. Transfer of eligible credits and recapture to a transferor partnership.** A and B each contributed \$150,000 of cash to AB partnership for the purpose of investing in energy property. The partnership agreement provides that A and B share equally in all items of income, gain, loss, deduction, and credit of AB partnership. AB partnership invests \$300,000 in an energy property in accordance with section 48 and places the energy property in service on January 1, 2024. As of the end of 2024, AB partnership has \$90,000 of eligible credits under section 48 for the energy property. Before the due date for AB partnership's 2024 tax return (with extension), AB partnership transfers the \$90,000 of eligible credits to an unrelated transferee taxpayer X for \$80,000.

In 2025, A reduces its proportionate interest in the general profits of AB partnership by 50%, causing a recapture event to A under Regulations section 1.47-6(a)(2). The energy property is not disposed of by the transferor partnership and continues to be energy property with respect to such transferor partnership. AB partnership should not provide notice of recapture to transferee taxpayer X as a result of the recapture event under Regulations section 1.47-6(a)(2) for A's sale and transferee taxpayer X is not liable for any recapture amount. A, however, is subject to recapture as provided in Regulations section 1.47-6(a)(2) and based on its share of the basis (or cost) of the energy property to which the eligible credits were determined under Regulations section 1.46-3(f)(2).

**Example 6. Basis reduction and recapture for EPE.** In December 2023, G, a government entity, places in service P, which is energy property eligible for the energy credit determined under section 48 (section 48 credit). G properly completes the pre-filing registration in accordance with Regulations section 1.6417-5 as an applicable entity to make an election under section 6417 for 2023. G timely files its 2023 Form 990-T in 2024, properly making the EPE in accordance with Regulations section 1.6417-2 for a section 48 energy credit determined with respect to P. On its Form 990-T, G properly determines that the amount of section 48 credit determined with respect to P is \$100,000 and that its net elective payment amount is \$100,000. The IRS sends G a \$100,000 refund. Pursuant to section 50(c), G reduces its basis in P by \$50,000.

In July 2025, P ceases to be investment credit property with respect to G. Because this occurs before the close of the recapture period set forth in section 50, section 50(a)(1)(A) provides that the tax under chapter 1 for 2025 is increased by the recapture percentage of the aggregate decrease in the

credits allowed under section 38 for all prior tax years that would have resulted solely from reducing to zero any credit determined under subpart E of part IV of subchapter A of chapter 1 with respect to such property. Because P ceased to be investment credit property within 2 full years after P was placed in service, section 50(a)(1)(B) provides that the recapture percentage is 80%. G must properly report the recapture event in 2025, paying an \$80,000 tax. Because G is a government entity, G reports the recapture event on a Form 990-T or any Form provided in further guidance, along with supplemental forms such as Form 4255, Certain Credit Recapture, EPs, and Penalties. G's basis in P is increased by \$40,000.

**Example 7. Prevailing wage requirement penalty.** Taxpayer A starts construction of a qualified facility on February 3, 2023. The facility is placed in service on October 10, 2023, and Taxpayer A claims the increased credit amount under section 45(b)(6)(B)(iii) on its 2023 tax return. Laborer X was employed in the construction, alteration, or repair of the facility in calendar year 2023 for 20 weeks and was paid on a weekly basis. Laborer X was paid wages below the prevailing wage rate for all pay periods in calendar year 2023. All other laborers and mechanics were paid wages at the prevailing wage rate. The aggregate difference between the amount of wages Laborer X was paid and the amount required to be paid under Regulations section 1.45-7(a) is \$400 (that is, Laborer X worked 20 weeks during the year and was underpaid by \$20 in each of those weeks). The amount of the correction payment Taxpayer A must make to Laborer X is equal to \$400 plus interest from the date of each underpayment at the rate as determined under section 6621 but substituting "6 percentage points" for "3 percentage points" in section 6621(a)(2). The total number of laborers underpaid for any period in 2023 was one, so the total amount of the penalty payment that Taxpayer A must pay to the IRS to retain the increased credit amount is \$5,000.

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated burden for individual and business taxpayers filing this form is approved under OMB control number 1545-0074 and 1545-0123 and is included in the estimates shown in the instructions for their individual and business income tax returns. The estimated burden for all other taxpayers who file this form is shown below.

<b>Recordkeeping</b> . . . . .	6 hr., 27 min.
<b>Learning about the law or the form</b> . . . . .	1 hr., 35 min.
<b>Preparing and sending the form to the IRS</b> . . . . .	1 hr., 46 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would

be happy to hear from you. See the instructions for the tax return with which this form is filed.

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