

112TH CONGRESS
2D SESSION

H. R. 6384

To amend the Internal Revenue Code of 1986 to increase, expand, and extend the credit for hydrogen-related alternative fuel vehicle refueling property and to increase the investment credit for more efficient fuel cells.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2012

Mr. LARSON of Connecticut (for himself and Mr. TONKO) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to increase, expand, and extend the credit for hydrogen-related alternative fuel vehicle refueling property and to increase the investment credit for more efficient fuel cells.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fuel Cell and Hydro-
5 gen Infrastructure for America Act of 2012”.

1 **SEC. 2. EXPANSION OF CREDIT FOR HYDROGEN-RELATED**
2 **ALTERNATIVE FUEL VEHICLE REFUELING**
3 **PROPERTY.**

4 (a) INCREASE IN CREDIT PERCENTAGE.—Subsection
5 (a) of section 30C of the Internal Revenue Code of 1986
6 (relating to alternative fuel vehicle refueling property cred-
7 it) is amended by inserting “(50 percent in the case of
8 property relating to hydrogen)” after “30 percent”.

9 (b) NO DOLLAR LIMITATION.—Subsection (b) of sec-
10 tion 30C of such Code is amended by adding at the end
11 the following flush sentence:

12 “The preceding sentence shall not apply in the case of
13 property related to hydrogen.”.

14 (c) CREDIT ALLOWABLE FOR REFUELING PROPERTY
15 FOR CERTAIN MOTOR VEHICLES DESIGNED FOR CAR-
16 RYING OR TOWING LOADS.—

17 (1) IN GENERAL.—Subsection (c) of section
18 30C of such Code is amended by striking “and” at
19 the end of paragraph (1), by striking the period at
20 the end of paragraph (2) and inserting “, and”, and
21 by adding at the end the following new paragraph:

22 “(3) with respect to property described in sec-
23 tion 179A(d)(3)(A) for the storage or dispensing of
24 fuel at least 85 percent of the volume of which con-
25 sists of hydrogen, the reference to motor vehicles in

1 section 179A(d)(3)(A) included specified off-highway
2 vehicles.”.

3 (2) SPECIFIED OFF-HIGHWAY VEHICLES DE-
4 FINED.—Subsection (e) of section 30C of such Code
5 is amended by adding at the end the following new
6 paragraph:

7 “(7) SPECIFIED OFF-HIGHWAY VEHICLES.—For
8 purposes of subsection (c)(3)—

9 “(A) IN GENERAL.—The term ‘specified
10 off-highway vehicles’ means all types of vehicles
11 propelled by motor that are designed for car-
12 rying or towing loads from one place to an-
13 other, regardless of the type of load or material
14 carried or towed and whether or not the vehicle
15 is registered or required to be registered for
16 highway use, including fork lift trucks used to
17 carry loads at railroad stations, industrial
18 plants, and warehouses.

19 “(B) EXCEPTIONS.—Such term does not
20 include—

21 “(i) farm tractors, trench diggers,
22 power shovels, bulldozers, road graders or
23 rollers, and similar equipment which does
24 not carry or tow a load, and

1 “(ii) any vehicle that operates exclu-
 2 sively on a rail or rails.”.

3 (d) CREDIT FOR HYDROGEN PROPERTY EXTENDED
 4 THROUGH 2016.—Paragraph (1) of section 30C(g) of
 5 such Code is amended by striking “December 31, 2014”
 6 and inserting “December 31, 2016”.

7 (e) EFFECTIVE DATE.—

8 (1) IN GENERAL.—The amendments made by
 9 subsections (a) and (c) shall apply to property
 10 placed in service after the date of the enactment of
 11 this Act in taxable years ending after such date.

12 (2) REPEAL OF LIMITATION.—The amendment
 13 made by subsection (b) shall apply to taxable years
 14 beginning after the date of the enactment of this
 15 Act.

16 (3) HYDROGEN REFUELING PROPERTY.—The
 17 amendment made by subsection (d) shall apply to
 18 property placed in service after December 31, 2014.

19 **SEC. 3. INCREASED INVESTMENT CREDIT FOR MORE EFFI-**
 20 **CIENT FUEL CELLS.**

21 (a) INCREASED PERCENTAGE.—

22 (1) IN GENERAL.—Subparagraph (A) of section
 23 48(a)(2) of the Internal Revenue Code of 1986 (re-
 24 lating to energy percentage) is amended by redesign-
 25 nating clauses (i) and (ii) as clauses (iii) and (iv),

1 respectively, and by inserting before clause (iii), as
2 so redesignated, the following new clauses:

3 “(i) 50 percent in the case of qualified
4 fuel cell property used in a combined heat
5 and power system having an energy effi-
6 ciency percentage (as defined in section
7 48(c)(3)(C)) of 70 percent or more,

8 “(ii) 40 percent in the case of quali-
9 fied fuel cell property used in such a sys-
10 tem having an energy efficiency percentage
11 (as so defined) of at least 60 percent but
12 less than 70 percent,”.

13 (2) CONFORMING AMENDMENTS.—

14 (A) Subclause (I) of section
15 48(a)(2)(A)(iii) of such Code, as redesignated
16 by paragraph (1), is amended by inserting “not
17 described in clause (i) or (ii)” before the
18 comma.

19 (B) Clause (iv) of section 48(a)(2)(A) of
20 such Code, as so redesignated, is amended by
21 striking “to which clause (i) does not apply”
22 and inserting “to which none of the preceding
23 clauses apply”.

1 (b) INCREASED MAXIMUM CREDIT.—Subparagraph
 2 (B) of section 48(c)(1) of such Code is amended to read
 3 as follows:

4 “(B) LIMITATION.—In the case of quali-
 5 fied fuel cell property placed in service during
 6 the taxable year, the credit otherwise deter-
 7 mined under subsection (a) for such year with
 8 respect to such property shall not exceed an
 9 amount equal to—

10 “(i) in the case of property described
 11 in subsection (a)(2)(A)(i), \$2,500 for each
 12 0.5 kilowatt of capacity of such property,

13 “(ii) in the case of property described
 14 in subsection (a)(2)(A)(ii), \$2,000 for each
 15 0.5 kilowatt of capacity of such property,
 16 and

17 “(iii) in the case of property described
 18 in subsection (a)(2)(A)(iii)(I), \$1,500 for
 19 each 0.5 kilowatt of capacity of such prop-
 20 erty.”.

21 (c) EFFECTIVE DATE.—The amendments made by
 22 this section shall apply to taxable years beginning after
 23 the date of the enactment of this Act.

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