

117TH CONGRESS
1ST SESSION

S. 1791

To amend the Internal Revenue Code of 1986 to expand existing tax credits to include non-passenger electric-powered vehicles, associated recharging and refueling infrastructure, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2021

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to expand existing tax credits to include non-passenger electric-powered vehicles, associated recharging and refueling infrastructure, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fueling America’s Se-
5 curity and Transportation with Electricity Act of 2021”
6 or the “FAST Electricity Act”.

1 **SEC. 2. CREDIT FOR QUALIFIED ELECTRIC TRANSPOR-**
 2 **TATION OPTIONS.**

3 (a) IN GENERAL.—Section 30D of the Internal Rev-
 4 enue Code of 1986 is amended—

5 (1) in the heading, by striking “**PLUG-IN**
 6 **ELECTRIC DRIVE MOTOR**” and inserting “**ELEC-**
 7 **TRIC**”,

8 (2) by adding at the end the following new sub-
 9 section:

10 “(h) CREDIT ALLOWED FOR QUALIFIED ELECTRIC
 11 TRANSPORTATION OPTIONS.—

12 “(1) IN GENERAL.—In the case of a qualified
 13 electric transportation option—

14 “(A) there shall be allowed as a credit
 15 against the tax imposed by this chapter for the
 16 taxable year an amount equal to the applicable
 17 percentage of the cost of the qualified electric
 18 transportation option placed in service by the
 19 taxpayer during the taxable year,

20 “(B) the amount of the credit allowed
 21 under subparagraph (A) shall be treated as a
 22 credit allowed under subsection (a), and

23 “(C) the requirements described in sub-
 24 section (f)(7) shall not apply.

1 “(2) APPLICABLE PERCENTAGE.—For purposes
 2 of paragraph (1)(A), the applicable percentage shall
 3 be—

4 “(A) in the case of a qualified electric
 5 transportation option placed in service after De-
 6 cember 31, 2021, and before January 1, 2028,
 7 30 percent,

8 “(B) in the case of a qualified electric
 9 transportation option placed in service during a
 10 calendar year after 2027 and before 2033, the
 11 applicable percentage determined under this
 12 paragraph for the preceding calendar year, re-
 13 duced by 5 percentage points, and

14 “(C) in the case of a qualified electric
 15 transportation option placed in service after cal-
 16 endar year 2032, 0 percent.

17 “(3) QUALIFIED ELECTRIC TRANSPORTATION
 18 OPTION.—

19 “(A) IN GENERAL.—For purposes of this
 20 subsection, the term ‘qualified electric transpor-
 21 tation option’ means any vehicle used in any
 22 manner of transportation which—

23 “(i) the original use of which com-
 24 mences with the taxpayer,

1 “(ii) is acquired for use or lease by
2 the taxpayer and not for resale,

3 “(iii) is capable of moving passengers,
4 cargo, or property,

5 “(iv) is powered by an integrated, on-
6 board electric propulsion system that—

7 “(I) is the primary source of pro-
8 pulsion,

9 “(II) is capable of powering the
10 vehicle (including any of its compo-
11 nents and accessories) for not less
12 than $\frac{2}{3}$ of the maximum operating
13 period between recharging or refueling
14 of such vehicle, and

15 “(III) in the case of a vehicle
16 which derives any of its power from
17 the on-board combustion of a fuel,
18 uses a renewable fuel,

19 “(v) was manufactured for sale in
20 commercial quantities with a reasonable
21 expectation of profit,

22 “(vi) is in compliance with any appli-
23 cable safety or air quality standards, as de-
24 termined by the Secretary in coordination
25 with the Secretary of Transportation, the

1 Secretary of Homeland Security, and the
2 Administrator of the Environmental Pro-
3 tection Agency, and

4 “(vii) is not a new qualified plug-in
5 electric drive motor vehicle (as defined in
6 subsection (d)(1)), unless the vehicle—

7 “(I) has a gross vehicle weight
8 rating of not less than 3,000 pounds
9 and not more than 14,000 pounds,

10 “(II) has no more than 2 seats,
11 including the driver’s seat,

12 “(III) uses the majority of its in-
13 terior space to carry cargo,

14 “(IV) is primarily used for deliv-
15 ering commercial cargo, and

16 “(V) does not use any energy
17 which is derived from the on-board
18 combustion of a fuel.

19 “(B) ON-BOARD ELECTRIC PROPULSION
20 SYSTEM.—For purposes of this subsection, the
21 term ‘on-board electric propulsion system’
22 means—

23 “(i) 1 or more on-board traction bat-
24 teries which—

1 “(I) are integrated or swappable,
2 and

3 “(II) have an aggregate capacity
4 (as defined in subsection (d)(4)) of
5 not less than 8 kilowatt hours, or

6 “(ii) an on-board power source other
7 than a battery with an electrical output ca-
8 pacity equivalent of not less than 8 kilo-
9 watt hours, as determined by the Sec-
10 retary.

11 “(C) RENEWABLE FUEL.—For purposes of
12 this paragraph, the term ‘renewable fuel’ means
13 any fuel at least 85 percent of the volume of
14 which consists of one or more of the following:

15 “(i) Ethanol.

16 “(ii) Biodiesel (as defined in section
17 40A(d)(1)).

18 “(iii) Advanced biofuel (as defined in
19 section 211(o)(1)(B) of the Clean Air Act
20 (42 U.S.C. 7545(o)(1)(B))).

21 “(iv) Renewable natural gas.

22 “(v) Hydrogen.

23 “(4) EXCLUSION.—For purposes of paragraph
24 (1)(A), the cost of the qualified electric transpor-

1 tation option shall not include any cost relating to
2 any component or feature which—

3 “(A) is not integral to the qualified electric
4 transportation option, or

5 “(B) does not contribute to improving the
6 efficiency or range of the electric propulsion of
7 the qualified electric transportation option.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 38(b)(30) of the Internal Revenue
10 Code of 1986 is amended by striking “plug-in elec-
11 tric drive motor” and inserting “electric”.

12 (2) Section 48C(c)(1)(A)(i)(VI) of such Code is
13 amended by inserting “or qualified electric transpor-
14 tation options” after “new qualified plug-in electric
15 drive motor vehicles”.

16 (3) The item relating to section 30D in the
17 table of sections for subpart B of part IV of sub-
18 chapter A of chapter 1 of such Code is amended to
19 read as follows:

“Sec. 30D. New Qualified Electric Vehicles.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to property placed in service after
22 December 31, 2021.

1 **SEC. 3. CREDIT FOR QUALIFIED ELECTRIC VEHICLE RE-**
 2 **CHARGING PROPERTY.**

3 (a) IN GENERAL.—Section 30C of the Internal Rev-
 4 enue Code of 1986 is amended—

5 (1) in subsection (a)—

6 (A) by inserting “the sum of” after “equal
 7 to”, and

8 (B) by inserting “and the applicable per-
 9 centage of the cost of any qualified electric ve-
 10 hicle recharging property” before “placed in
 11 service”,

12 (2) in subsection (c)(2), by striking subpara-
 13 graph (C),

14 (3) in subsection (e)(2), by inserting “or quali-
 15 fied electric vehicle recharging property” after
 16 “qualified alternative fuel vehicle refueling prop-
 17 erty”,

18 (4) by redesignating subsections (f) and (g) as
 19 subsections (g) and (h), respectively,

20 (5) by inserting after subsection (e) the fol-
 21 lowing:

22 “(f) QUALIFIED ELECTRIC VEHICLE RECHARGING
 23 PROPERTY.—

24 “(1) IN GENERAL.—For purposes of this sec-
 25 tion, the term ‘qualified electric vehicle recharging
 26 property’ means any property, including any onsite

1 component, device, or software integral to its per-
 2 formance (with the exception of a building or its
 3 structural components or any associated offsite in-
 4 frastructure), which satisfies applicable industry
 5 safety standards and provides non-proprietary—

6 “(A) recharging or repowering of any
 7 qualified electric transportation option or new
 8 qualified plug-in electric drive motor vehicle (as
 9 defined in section 30D), or

10 “(B) storage and dispensing of hydrogen
 11 fuel into the fuel tank of a vehicle with an on-
 12 board electric propulsion system (as defined in
 13 section 30D(h)(3)(B)), but only if the storage
 14 and dispensing of the fuel is at the point where
 15 such fuel is delivered to the vehicle.

16 “(2) APPLICABLE PERCENTAGE.—For purposes
 17 of subsection (a), in the case of any qualified electric
 18 vehicle recharging property, the applicable percent-
 19 age shall be—

20 “(A) in the case of any property placed in
 21 service after December 31, 2021, and before
 22 January 1, 2028, 30 percent,

23 “(B) in the case of any property placed in
 24 service during a calendar year after 2028 and
 25 before 2033, the applicable percentage deter-

1 mined under this paragraph for the preceding
 2 calendar year, reduced by 5 percentage points,
 3 and

4 “(C) in the case of any property placed in
 5 service after calendar year 2032, 0 percent.

6 “(3) TERMINATION.—For purposes of any
 7 qualified electric vehicle recharging property, this
 8 section shall not apply to any property placed in
 9 service after December 31, 2032.”, and

10 (6) in subsection (h), as redesignated by para-
 11 graph (4)—

12 (A) in the heading, by inserting “FOR
 13 QUALIFIED ALTERNATIVE FUEL VEHICLE RE-
 14 FUELING PROPERTY” after “TERMINATION”,
 15 and

16 (B) by striking “property” and inserting
 17 “qualified alternative fuel vehicle refueling
 18 property”.

19 (b) EFFECTIVE DATE.—The amendments made by
 20 this section shall apply to property placed in service after
 21 December 31, 2021.

1 **SEC. 4. LOAN GUARANTEES FOR TRANSPORTATION ELEC-**
2 **TRIFICATION DOMESTIC MANUFACTURING**
3 **CAPACITY.**

4 Section 136 of the Energy Independence and Security
5 Act of 2007 (42 U.S.C. 17013) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (C), by striking
9 the period at the end and inserting “;
10 and”;

11 (ii) by redesignating subparagraphs
12 (A) through (C) as clauses (i) through
13 (iii), respectively, and indenting appro-
14 priately;

15 (iii) in the matter preceding clause (i)
16 (as so redesignated), by striking “means
17 an ultra” and inserting the following:
18 “means—

19 “(A) an ultra”; and

20 (iv) by adding at the end the fol-
21 lowing:

22 “(B) a medium-duty vehicle or a heavy-
23 duty vehicle that exceeds 125 percent of the
24 greenhouse gas emissions and fuel efficiency
25 standards established by the final rule entitled
26 ‘Greenhouse Gas Emissions and Fuel Efficiency

Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2’ (81 Fed. Reg. 73478 (October 25, 2016)).”;

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting “, qualified electric transportation options, or qualified electric vehicle recharging properties” after “advanced technology vehicles”; and

(ii) in subparagraph (B), by striking “or advanced technology vehicles” and inserting “, advanced technology vehicles, qualified electric transportation options, or qualified electric vehicle recharging properties”;

(C) in paragraph (4), by inserting “, qualified electric transportation options, or qualified electric vehicle recharging properties” after “advanced technology vehicles” each place it appears;

(D) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively; and

(E) by inserting after paragraph (3) the following:

1 “(4) QUALIFIED ELECTRIC TRANSPORTATION
2 OPTION.—The term ‘qualified electric transportation
3 option’ has the meaning given the term in section
4 30D(h)(3)(A) of the Internal Revenue Code of 1986.

5 “(5) QUALIFIED ELECTRIC VEHICLE RE-
6 CHARGING PROPERTY.—The term ‘qualified electric
7 vehicle recharging property’ has the meaning given
8 the term in section 30C(f) of the Internal Revenue
9 Code of 1986.”;

10 (2) in subsection (b)—

11 (A) in the matter preceding paragraph (1),
12 by inserting “qualified electric transportation
13 option manufacturers, qualified electric vehicle
14 recharging property manufacturers,” before
15 “and component suppliers”;

16 (B) in paragraph (1)—

17 (i) in subparagraph (B), by striking
18 “or” at the end;

19 (ii) in subsection (C), by striking
20 “and” at the end; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(D) qualified electric transportation op-
24 tions; or

1 “(E) qualified electric vehicle recharging
2 properties; and”; and

3 (C) in paragraph (2), by inserting “quali-
4 fied electric transportation options, qualified
5 electric vehicle recharging properties,” before
6 “and qualifying components”;

7 (3) in subsection (c), by striking “December 30,
8 2020” each place it appears and inserting “Decem-
9 ber 31, 2030”;

10 (4) in subsection (g), in the first sentence, by
11 inserting “, qualified electric transportation options,
12 or qualified electric vehicle recharging properties”
13 before the period at the end;

14 (5) in subsection (h)(1), by striking subpara-
15 graph (B) and inserting the following:

16 “(B) manufactures—

17 “(i) ultra efficient vehicles;

18 “(ii) automobiles or components of
19 automobiles;

20 “(iii) qualified electric transportation
21 options or components of qualified electric
22 transportation options; or

23 “(iv) qualified electric vehicle re-
24 charging properties or components of

1 qualified electric vehicle recharging prop-
2 erties.”; and
3 (6) in subsection (i), by striking “fiscal years
4 2008 through 2012” and inserting “fiscal years
5 2021 through 2032”.

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