

117TH CONGRESS
1ST SESSION

H. R. 2308

To revise the advanced technology vehicles manufacturing incentive program,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2021

Mrs. DINGELL (for herself and Ms. BROWNLEY) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To revise the advanced technology vehicles manufacturing
incentive program, 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 “Advanced Technology
5 Vehicles Manufacturing Future Act of 2021” or the
6 “ATVM Future Act”.

7 **SEC. 2. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**
8 **TURING INCENTIVE PROGRAM.**

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

1 (1) in subsection (a)—

2 (A) by amending paragraph (1) to read as
3 follows:

4 “(1) ADVANCED TECHNOLOGY VEHICLE.—The
5 term ‘advanced technology vehicle’ means—

6 “(A) an ultra efficient vehicle;

7 “(B) a light-duty vehicle or medium-duty
8 passenger vehicle that—

9 “(i) meets the Bin 160 Tier III emis-
10 sion standard established in regulations
11 issued by the Administrator of the Envi-
12 ronmental Protection Agency under section
13 202(i) of the Clean Air Act (42 U.S.C.
14 7521(i)), or a lower-numbered Bin emis-
15 sion standard;

16 “(ii) meets any new emission standard
17 in effect for fine particulate matter pre-
18 scribed by the Administrator under that
19 Act (42 U.S.C. 7401 et seq.); and

20 “(iii) either—

21 “(I) complies with the applicable
22 regulatory standard for emissions of
23 greenhouse gases for model year 2027
24 or later; or

1 “(II) emits zero emissions of
2 greenhouse gases; or

3 “(C) a heavy-duty vehicle (excluding a me-
4 dium-duty passenger vehicle) that—

5 “(i) demonstrates achievement below
6 the applicable regulatory standards for
7 emissions of greenhouse gases for model
8 year 2027 vehicles promulgated by the Ad-
9 ministrators on October 25, 2016 (81 Fed.
10 Reg. 73478);

11 “(ii) complies with the applicable reg-
12 ulatory standard for emissions of green-
13 house gases for model year 2030 or later;
14 or

15 “(iii) emits zero emissions of green-
16 house gases.”;

17 (B) by striking paragraph (2) and redesign-
18 ating paragraph (3) as paragraph (2);

19 (C) by striking paragraph (4) and insert-
20 ing the following:

21 “(3) QUALIFYING COMPONENT.—The term
22 ‘qualifying component’ means a material, technology,
23 component, system, or subsystem in an advanced
24 technology vehicle, including an ultra-efficient com-
25 ponent.

1 “(4) ULTRA-EFFICIENT COMPONENT.—The
2 term ‘ultra-efficient component’ means—

3 “(A) a component of an ultra efficient ve-
4 hicle;

5 “(B) fuel cell technology;

6 “(C) battery technology, including a bat-
7 tery cell, battery, battery management system,
8 or thermal control system;

9 “(D) an automotive semiconductor or com-
10 puter;

11 “(E) an electric motor, axle, or component;
12 and

13 “(F) an advanced lightweight, high-
14 strength, or high-performance material.”; and

15 (D) in paragraph (5)—

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

18 (ii) in subparagraph (C), by striking
19 the period at the end and inserting “; or”;
20 and

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

23 “(D) at least 75 miles per gallon equiva-
24 lent while operating as a hydrogen fuel cell elec-
25 tric vehicle.”;

1 (2) by amending subsection (b) to read as fol-
2 lows:

3 “(b) ADVANCED VEHICLES MANUFACTURING FACIL-
4 ITY.—

5 “(1) IN GENERAL.—The Secretary shall provide
6 facility funding awards under this section to ad-
7 vanced technology vehicle manufacturers and compo-
8 nent suppliers to pay not more than 50 percent of
9 the cost of—

10 “(A) reequipping, expanding, or estab-
11 lishing a manufacturing facility in the United
12 States to produce—

13 “(i) advanced technology vehicles; or

14 “(ii) qualifying components; and

15 “(B) engineering integration performed in
16 the United States of advanced technology vehi-
17 cles and qualifying components.

18 “(2) ULTRA-EFFICIENT COMPONENTS COST
19 SHARE.—Notwithstanding paragraph (1), a facility
20 funding award under such paragraph may pay not
21 more than 80 percent of the cost of a project to
22 reequip, expand, or establish a manufacturing facil-
23 ity in the United States to produce ultra-efficient
24 components.”;

1 (3) in subsection (c), by striking “2020” and
2 inserting “2031” each place it appears;

3 (4) in subsection (d)—

4 (A) by amending paragraph (2) to read as
5 follows:

6 “(2) APPLICATION.—An applicant for a loan
7 under this subsection shall submit to the Secretary
8 an application at such time, in such manner, and
9 containing such information as the Secretary may
10 require, including—

11 “(A) a written assurance that all laborers
12 and mechanics employed by contractors or sub-
13 contractors during construction, alteration, or
14 repair, or at any manufacturing operation, that
15 is financed, in whole or in part, by a loan under
16 this section shall be paid wages at rates not less
17 than those prevailing in a similar firm or on
18 similar construction in the locality, as deter-
19 mined by the Secretary of Labor in accordance
20 with subchapter IV of chapter 31 of title 40,
21 United States Code;

22 “(B) a disclosure of whether there has
23 been any administrative merits determination,
24 arbitral award or decision, or civil judgment, as
25 defined in guidance issued by the Secretary of

1 Labor, rendered against the applicant in the
2 preceding 3 years for violations of applicable
3 labor, employment, civil rights, or health and
4 safety laws;

5 “(C) specific information regarding the ac-
6 tions the applicant will take to demonstrate
7 compliance with, and where possible exceedance
8 of, requirements under applicable labor, employ-
9 ment, civil rights, and health and safety laws,
10 and actions the applicant will take to ensure
11 that its direct suppliers demonstrate compliance
12 with applicable labor, employment, civil rights,
13 and health and safety laws; and

14 “(D) an estimate and description of the
15 jobs and types of jobs to be retained or created
16 by the project and the specific actions the appli-
17 cant will take to increase employment and re-
18 tention of dislocated workers, veterans, individ-
19 uals from low-income communities, women, mi-
20 norities, and other groups underrepresented in
21 manufacturing, and individuals with a barrier
22 to employment.”;

23 (B) by amending paragraph (3) to read as
24 follows:

25 “(3) SELECTION OF ELIGIBLE PROJECTS.—

1 “(A) IN GENERAL.—The Secretary shall
2 select eligible projects to receive loans under
3 this subsection in cases in which the Secretary
4 determines—

5 “(i) the loan recipient—

6 “(I) has a reasonable prospect of
7 repaying the principal and interest on
8 the loan;

9 “(II) will provide sufficient infor-
10 mation to the Secretary for the Sec-
11 retary to ensure that the qualified in-
12 vestment is expended efficiently and
13 effectively; and

14 “(III) has met such other criteria
15 as may be established and published
16 by the Secretary; and

17 “(ii) the amount of the loan (when
18 combined with amounts available to the
19 loan recipient from other sources) will be
20 sufficient to carry out the project.

21 “(B) REASONABLE PROSPECT OF REPAY-
22 MENT.—The Secretary shall base a determina-
23 tion of whether there is a reasonable prospect
24 of repayment of the principal and interest on a
25 loan under subparagraph (A) on a comprehen-

1 sive evaluation of whether the loan recipient has
2 a reasonable prospect of repaying the principal
3 and interest, including evaluation of—

4 “(i) the strength of an eligible
5 project’s contractual terms (if commer-
6 cially reasonably available);

7 “(ii) the forecast of noncontractual
8 cash flows supported by market projections
9 from reputable sources, as determined by
10 the Secretary;

11 “(iii) cash sweeps and other structure
12 enhancements;

13 “(iv) the projected financial strength
14 of the loan recipient at the time of loan
15 close and projected throughout the loan
16 term after the project is completed;

17 “(v) the financial strength of the loan
18 recipient’s investors and strategic partners,
19 if applicable; and

20 “(vi) other financial metrics and anal-
21 yses that are relied upon by the private
22 lending community and nationally recog-
23 nized credit rating agencies, as determined
24 appropriate by the Secretary.”; and

25 (C) in paragraph (4)—

1 (i) in subparagraph (B)(i), by striking
2 “; and” and inserting “; or”;

3 (ii) in subparagraph (C), by striking
4 “; and” and inserting a semicolon;

5 (iii) in subparagraph (D), by striking
6 the period at the end and inserting “;
7 and”; and

8 (iv) by adding at the end the fol-
9 lowing:

10 “(E) shall be subject to the condition that
11 the loan is not subordinate to other financing.”;

12 (5) by amending subsection (e) to read as fol-
13 lows:

14 “(e) REGULATIONS.—Not later than 6 months after
15 the date of enactment of the Advanced Technology Vehi-
16 cles Manufacturing Future Act of 2021, the Secretary
17 shall issue a final rule establishing regulations to carry
18 out this section.”;

19 (6) by amending subsection (f) to read as fol-
20 lows:

21 “(f) FEES.—The Secretary shall charge and collect
22 fees for loans under this section in amounts the Secretary
23 determines are sufficient to cover applicable administra-
24 tive expenses (including any costs associated with third-
25 party consultants engaged by the Secretary), which may

1 not exceed \$100,000 or 10 basis points of the loan and
2 may not be collected prior to financial closing.”;

3 (7) by amending subsection (g) to read as fol-
4 lows:

5 “(g) PRIORITY.—The Secretary shall, in making
6 awards or loans to those manufacturers that have existing
7 facilities (which may be idle), give priority to those facili-
8 ties that are or would be—

9 “(1) oldest or in existence for at least 20 years;

10 “(2) recently closed, or at risk of closure;

11 “(3) utilized primarily for the manufacture of
12 medium-duty passenger vehicles or other heavy-duty
13 vehicles that emit zero greenhouse gas emissions; or

14 “(4) utilized primarily for the manufacture of
15 ultra-efficient components.”;

16 (8) in subsection (h)—

17 (A) in the header, by striking “AUTO-
18 MOBILE” and inserting “ADVANCED TECH-
19 NOLOGY VEHICLE”; and

20 (B) in paragraph (1)(B), by striking
21 “automobiles, or components of automobiles”
22 and inserting “advanced technology vehicles, or
23 components of advanced technology vehicles”;

24 (9) by striking subsection (i) and redesignating
25 subsection (j) as subsection (i); and

1 (10) by adding at the end the following:

2 “(j) COORDINATION.—In carrying out this section,
3 the Secretary shall coordinate with relevant vehicle, bio-
4 energy, and hydrogen and fuel cell demonstration project
5 activities supported by the Department.

6 “(k) OUTREACH.—In carrying out this section, the
7 Secretary shall—

8 “(1) provide assistance with the completion of
9 applications for awards or loans under this section;
10 and

11 “(2) conduct outreach, including through con-
12 ferences and online programs, to disseminate infor-
13 mation on awards and loans under this section to
14 potential applicants.

15 “(l) REPORT.—Not later than 2 years after the date
16 of the enactment of this subsection, and every 3 years
17 thereafter, the Secretary shall submit to Congress a report
18 on the status of projects supported by a loan under this
19 section, including—

20 “(1) a list of projects receiving a loan under
21 this section, including the loan amount and con-
22 struction status of each such project;

23 “(2) the status of each project’s loan repay-
24 ment, including future repayment projections;

1 “(3) data regarding the number of direct and
2 indirect jobs retained, restored, or created by fi-
3 nanced projects;

4 “(4) the number of new projects projected to
5 receive a loan under this section in the next 2 years
6 and the aggregate loan amount;

7 “(5) evaluation of ongoing compliance with the
8 assurances and commitments and of the predictions
9 made by applicants pursuant to subsection (d)(2);
10 and

11 “(6) any other metrics the Secretary finds ap-
12 propriate.

13 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$10,000,000 for each of fiscal years 2022 through 2031.”.

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