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

Mrs. Dingell introduced the following bill; which was referred to the Committee on ____________

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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Advanced Technology 
6 Vehicles Manufacturing Future Act of 2021” or the 
7 “ATVM Future Act”.

(Original Signature of Member)

Debbie Dingell
SEC. 2. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

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

(1) in subsection (a)—

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

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

“(A) an ultra efficient vehicle;

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

“(i) meets the Bin 160 Tier III emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

“(ii) meets any new emission standard in effect for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

“(iii) either—

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

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

“(C) a heavy-duty vehicle (excluding a medium-duty passenger vehicle) that—

“(i) demonstrates achievement below the applicable regulatory standards for emissions of greenhouse gases for model year 2027 vehicles promulgated by the Administrator on October 25, 2016 (81 Fed. Reg. 73478);

“(ii) complies with the applicable regulatory standard for emissions of greenhouse gases for model year 2030 or later; or

“(iii) emits zero emissions of greenhouse gases.”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(C) by striking paragraph (4) and inserting the following:

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

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

“(A) a component of an ultra efficient vehicle;

“(B) fuel cell technology;

“(C) battery technology, including a battery cell, battery, battery management system, or thermal control system;

“(D) an automotive semiconductor or computer;

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

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

(D) in paragraph (5)—

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

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

(iii) by adding at the end the following:
“(D) at least 75 miles per gallon equivalent while operating as a hydrogen fuel cell electric vehicle.”;

(2) by amending subsection (b) to read as follows:

“(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—

“(1) IN GENERAL.—The Secretary shall provide facility funding awards under this section to advanced technology vehicle manufacturers and component suppliers to pay not more than 50 percent of the cost of—

“(A) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

“(i) advanced technology vehicles; or

“(ii) qualifying components; and

“(B) engineering integration performed in the United States of advanced technology vehicles and qualifying components.

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

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

(4) in subsection (d)—

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

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

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

“(B) a disclosure of whether there has
been any administrative merits determination,
arbitral award or decision, or civil judgment, as
defined in guidance issued by the Secretary of
Labor, rendered against the applicant in the
preceding 3 years for violations of applicable
labor, employment, civil rights, or health and
safety laws;

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

“(D) an estimate and description of the
jobs and types of jobs to be retained or created
by the project and the specific actions the appli-
cant will take to increase employment and re-
tention of dislocated workers, veterans, individ-
uals from low-income communities, women, mi-
norities, and other groups underrepresented in
manufacturing, and individuals with a barrier
to employment.”;
(B) by amending paragraph (3) to read as follows:

“(3) SELECTION OF ELIGIBLE PROJECTS.—

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

“(i) the loan recipient—

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

“(II) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

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

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

“(B) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determina-
tion of whether there is a reasonable prospect of repayment of the principal and interest on a loan under subparagraph (A) on a comprehensive evaluation of whether the loan recipient has a reasonable prospect of repaying the principal and interest, including evaluation of—

“(i) the strength of an eligible project’s contractual terms (if commercially reasonably available);

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

“(iii) cash sweeps and other structure enhancements;

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

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

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

(C) in paragraph (4)—

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

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

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

(iv) by adding at the end the following:

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

(5) by amending subsection (e) to read as follows:

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

(6) by amending subsection (f) to read as follows:

“(f) FEES.—The Secretary shall charge and collect fees for loans under this section in amounts the Secretary
determines are sufficient to cover applicable administra-
tive expenses (including any costs associated with third-
party consultants engaged by the Secretary), which may
not exceed $100,000 or 10 basis points of the loan and
may not be collected prior to financial closing.”;
(7) by amending subsection (g) to read as fol-

``(g) PRIORITY.—The Secretary shall, in making
awards or loans to those manufacturers that have existing
facilities (which may be idle), give priority to those facili-
ties that are or would be—
``(1) oldest or in existence for at least 20 years;
``(2) recently closed, or at risk of closure;
``(3) utilized primarily for the manufacture of
medium-duty passenger vehicles or other heavy-duty
vehicles that emit zero greenhouse gas emissions; or
``(4) utilized primarily for the manufacture of
ultra-efficient components.”;
(8) in subsection (h)—
(A) in the header, by striking “AUTO-
MOBILE” and inserting “ADVANCED TECH-
NOLOGY VEHICLE”; and
(B) in paragraph (1)(B), by striking
“automobiles, or components of automobiles”
and inserting “advanced technology vehicles, or components of advanced technology vehicles”; 

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

(10) by adding at the end the following:

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

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

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

“(2) conduct outreach, including through conferences and online programs, to disseminate information on awards and loans under this section to potential applicants.

“(l) REPORT.—Not later than 2 years after the date of the enactment of this subsection, and every 3 years thereafter, the Secretary shall submit to Congress a report on the status of projects supported by a loan under this section, including—
“(1) a list of projects receiving a loan under this section, including the loan amount and construction status of each such project;

“(2) the status of each project’s loan repayment, including future repayment projections;

“(3) data regarding the number of direct and indirect jobs retained, restored, or created by financed projects;

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

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

“(6) any other metrics the Secretary finds appropriate.

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