



(Original Signature of Member)

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 **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”.

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

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

5 (1) in subsection (a)—

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

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

10 “(A) an ultra efficient vehicle;

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

13 “(i) meets the Bin 160 Tier III emis-
14 sion standard established in regulations
15 issued by the Administrator of the Envi-
16 ronmental Protection Agency under section
17 202(i) of the Clean Air Act (42 U.S.C.
18 7521(i)), or a lower-numbered Bin emis-
19 sion standard;

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

24 “(iii) either—

25 “(I) complies with the applicable
26 regulatory standard for emissions of

1 greenhouse gases for model year 2027
2 or later; or

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

5 “(C) a heavy-duty vehicle (excluding a me-
6 dium-duty passenger vehicle) that—

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

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

17 “(iii) emits zero emissions of green-
18 house gases.”;

19 (B) by striking paragraph (2) and redesi-
20 gnating paragraph (3) as paragraph (2);

21 (C) by striking paragraph (4) and insert-
22 ing the following:

23 “(3) QUALIFYING COMPONENT.—The term
24 ‘qualifying component’ means a material, technology,
25 component, system, or subsystem in an advanced

1 technology vehicle, including an ultra-efficient com-
2 ponent.

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

5 “(A) a component of an ultra efficient ve-
6 hicle;

7 “(B) fuel cell technology;

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

11 “(D) an automotive semiconductor or com-
12 puter;

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

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

17 (D) in paragraph (5)—

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

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

23 (iii) by adding at the end the fol-
24 lowing:

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

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

6 “(b) **ADVANCED VEHICLES MANUFACTURING FACIL-**
7 **ITY.—**

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

13 “(A) reequipping, expanding, or estab-
14 lishing a manufacturing facility in the United
15 States to produce—

16 “(i) advanced technology vehicles; or

17 “(ii) qualifying components; and

18 “(B) engineering integration performed in
19 the United States of advanced technology vehi-
20 cles and qualifying components.

21 “(2) **ULTRA-EFFICIENT COMPONENTS COST**
22 **SHARE.—**Notwithstanding paragraph (1), a facility
23 funding award under such paragraph may pay not
24 more than 80 percent of the cost of a project to
25 reequip, expand, or establish a manufacturing facil-

1 ity in the United States to produce ultra-efficient
2 components.”;

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

5 (4) in subsection (d)—

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

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

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

24 “(B) a disclosure of whether there has
25 been any administrative merits determination,

1 arbitral award or decision, or civil judgment, as
2 defined in guidance issued by the Secretary of
3 Labor, rendered against the applicant in the
4 preceding 3 years for violations of applicable
5 labor, employment, civil rights, or health and
6 safety laws;

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

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

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

3 “(3) SELECTION OF ELIGIBLE PROJECTS.—

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

8 “(i) the loan recipient—

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

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

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

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

24 “(B) REASONABLE PROSPECT OF REPAY-
25 MENT.—The Secretary shall base a determina-

1 tion of whether there is a reasonable prospect
2 of repayment of the principal and interest on a
3 loan under subparagraph (A) on a comprehen-
4 sive evaluation of whether the loan recipient has
5 a reasonable prospect of repaying the principal
6 and interest, including evaluation of—

7 “(i) the strength of an eligible
8 project’s contractual terms (if commer-
9 cially reasonably available);

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

14 “(iii) cash sweeps and other structure
15 enhancements;

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

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

23 “(vi) other financial metrics and anal-
24 yses that are relied upon by the private
25 lending community and nationally recog-

1 nized credit rating agencies, as determined
2 appropriate by the Secretary.”; and

3 (C) in paragraph (4)—

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

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

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

11 (iv) by adding at the end the fol-
12 lowing:

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

15 (5) by amending subsection (e) to read as fol-
16 lows:

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

22 (6) by amending subsection (f) to read as fol-
23 lows:

24 “(f) FEES.—The Secretary shall charge and collect
25 fees for loans under this section in amounts the Secretary

1 determines are sufficient to cover applicable administra-
2 tive expenses (including any costs associated with third-
3 party consultants engaged by the Secretary), which may
4 not exceed \$100,000 or 10 basis points of the loan and
5 may not be collected prior to financial closing.”;

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

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

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

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

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

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

19 (8) in subsection (h)—

20 (A) in the header, by striking “AUTO-
21 MOBILE” and inserting “ADVANCED TECH-
22 NOLOGY VEHICLE”; and

23 (B) in paragraph (1)(B), by striking
24 “automobiles, or components of automobiles”

1 and inserting “advanced technology vehicles, or
2 components of advanced technology vehicles”;

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

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

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

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

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

15 “(2) conduct outreach, including through con-
16 ferences and online programs, to disseminate infor-
17 mation on awards and loans under this section to
18 potential applicants.

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

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

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

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

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

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

16 “(6) any other metrics the Secretary finds ap-
17 propriate.

18 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 \$10,000,000 for each of fiscal years 2022 through 2031.”.