

**AMENDMENT TO RULES COMMITTEE**  
**PRINT 117-8**  
**OFFERED BY MRS. DINGELL OF MICHIGAN**

Page 705, after line 3, insert the following:

1 **SEC. 1640. 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;

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

5           “(iii) either—

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

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

12           “(C) a heavy-duty vehicle (excluding a me-  
13           dium-duty passenger vehicle) that—

14                   “(i) demonstrates achievement below  
15                   the applicable regulatory standards for  
16                   emissions of greenhouse gases for model  
17                   year 2027 vehicles promulgated by the Ad-  
18                   ministrator on October 25, 2016 (81 Fed.  
19                   Reg. 73478);

20                   “(ii) complies with the applicable reg-  
21                   ulatory standard for emissions of green-  
22                   house gases for model year 2030 or later;  
23                   or

24                   “(iii) emits zero emissions of green-  
25                   house gases.”;

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

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

5 “(3) QUALIFYING COMPONENT.—The term  
6 ‘qualifying component’ means a material, technology,  
7 component, system, or subsystem in an advanced  
8 technology vehicle, including an ultra-efficient component.  
9

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

12 “(A) a component of an ultra efficient vehicle;  
13

14 “(B) fuel cell technology;

15 “(C) battery technology, including a battery cell, battery, battery management system,  
16 or thermal control system;  
17

18 “(D) an automotive semiconductor or computer;  
19

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

22 “(F) an advanced lightweight, high-strength, or high-performance material.”; and  
23

24 (D) in paragraph (5)—

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

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

6 (iii) by adding at the end the fol-  
7 lowing:

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

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

13 “(b) **ADVANCED VEHICLES MANUFACTURING FACIL-  
14 ITY.**—

15 “(1) **IN GENERAL.**—The Secretary shall provide  
16 facility funding awards under this section to ad-  
17 vanced technology vehicle manufacturers and compo-  
18 nent suppliers to pay not more than 50 percent of  
19 the cost of—

20 “(A) reequipping, expanding, or estab-  
21 lishing a manufacturing facility in the United  
22 States to produce—

23 “(i) advanced technology vehicles; or

24 “(ii) qualifying components; and

1           “(B) engineering integration performed in  
2           the United States of advanced technology vehi-  
3           cles and qualifying components.

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

11          (3) in subsection (c), by striking “2020” and  
12          inserting “2026” each place it appears;

13          (4) in subsection (d)—

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

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

21                         “(A) a written assurance that—

22                                 “(i) all laborers and mechanics em-  
23                                 ployed by contractors or subcontractors  
24                                 during construction, alteration, or repair,  
25                                 or at any manufacturing operation, that is

1           financed, in whole or in part, by a loan  
2           under this section shall be paid wages at  
3           rates not less than those prevailing in a  
4           similar firm or on similar construction in  
5           the locality, as determined by the Sec-  
6           retary of Labor in accordance with sub-  
7           chapter IV of chapter 31 of title 40,  
8           United States Code; and

9                   “(ii) the Secretary of Labor shall,  
10           with respect to labor standards described  
11           in this paragraph, have the authority and  
12           functions set forth in Reorganization Plan  
13           Numbered 14 of 1950 (5 U.S.C. App.) and  
14           section 3145 of title 40, United States  
15           Code;

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

24                   “(C) specific information regarding the ac-  
25           tions the applicant will take to demonstrate

1 compliance with, and where possible exceedance  
2 of, requirements under applicable labor, employ-  
3 ment, civil rights, and health and safety laws,  
4 and actions the applicant will take to ensure  
5 that its direct suppliers demonstrate compliance  
6 with applicable labor, employment, civil rights,  
7 and health and safety laws; and

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

17 (B) by amending paragraph (3) to read as  
18 follows:

19 “(3) SELECTION OF ELIGIBLE PROJECTS.—

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

24 “(i) the loan recipient—

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

4                   “(II) will provide sufficient infor-  
5                   mation to the Secretary for the Sec-  
6                   retary to ensure that the qualified in-  
7                   vestment is expended efficiently and  
8                   effectively; and

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

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

16                  “(B) REASONABLE PROSPECT OF REPAY-  
17                  MENT.—The Secretary shall base a determina-  
18                  tion of whether there is a reasonable prospect  
19                  of repayment of the principal and interest on a  
20                  loan under subparagraph (A) on a comprehen-  
21                  sive evaluation of whether the loan recipient has  
22                  a reasonable prospect of repaying the principal  
23                  and interest, including evaluation of—



1 “(i) the strength of an eligible  
2 project’s contractual terms (if commer-  
3 cially reasonably available);

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

8 “(iii) cash sweeps and other structure  
9 enhancements;

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

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

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

22 (C) in paragraph (4)—

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

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

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

6 (iv) by adding at the end the fol-  
7 lowing:

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

10 (5) by amending subsection (e) to read as fol-  
11 lows:

12 “(e) REGULATIONS.—Not later than 6 months after  
13 the date of enactment of the INVEST in America Act,  
14 the Secretary shall issue a final rule establishing regula-  
15 tions to carry out this section.”;

16 (6) by amending subsection (f) to read as fol-  
17 lows:

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

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

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

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

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

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

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

14       (8) in subsection (h)—

15           (A) in the header, by striking “Auto-  
16       mobile” and inserting “Advanced Technology  
17       Vehicle”; and

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

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

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

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

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

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

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

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

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

22           “(2) the status of each project’s loan repay-  
23 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 2026.”.

