

H.R. 13

IN THE HOUSE OF REPRESENTATIVES

July 20th, 2024

Mr. Wilber de Silveira (for himself, on behalf of the Sun
Administration) introduced the following bill;

A BILL

To establish the Hydrogen Fuel Cell Electric Vehicle (FCEV) Development Fund

*Be it enacted by the Senate and the House of Representatives of the United
States of America in Congress Assembled,*

SEC. 1. SHORT TITLE.

This Act may be cited as the “American Hydrogen FCEV Development and
Protection Act of 2024”.

SEC. 2. FINDINGS.

Congress finds that—

- (a) It is the policy of the United States to aim to lead in the development and deployment of advanced vehicle technologies, strengthen its economy, as well as to preserve the environment, and to move away from fossil fuels;
- (b) Hydrogen Fuel Cell Electric Vehicles (Hydrogen FCEVs) represent a promising advanced vehicle technology for the purpose of reducing greenhouse gas emissions and dependence on fossil fuels, to satisfy the first, third, and fourth policies listed in Section 2(a);
- (c) When industry and business is conducted within the borders of the United States, the United States experiences economic growth;
- (d) It is therefore in the interest of American policy to ensure the development, design, and manufacturing of FCEVs occurs within the United States.

SEC. 3. DEFINITIONS.

In this Act—

(a) American Automobile Manufacturer:

The term “American Automobile Manufacturer” refers to a company or corporation that:

- (i) Is incorporated in the United States;
- (ii) Is majority-owned by entities or individuals who are citizens or legal residents of the United States; or
- (iii) Has its principal place of business within the United States.

(b) Hydrogen Fuel Cell Electric Vehicle (FCEV)

The term “Hydrogen Fuel Cell Electric Vehicle (FCEV)” means a vehicle that

- (i) Utilizes a hydrogen fuel cell to generate electricity that powers one or more electric motors;
- (ii) Operates solely on electricity produced from hydrogen stored in onboard tanks; and
- (iii) Emits only water vapor and heat as by-products during operation

(c) Majority-Owned:

The term “majority-owned” refers to a situation where more than 50% of a company’s voting shares are held by entities or individuals who are citizens or legal residents of the United States.

(d) American Made:

The term “American Made” refers to products, components, or parts that are:

- (i) Manufactured or produced in the United States
- (ii) Made from materials sourced from within the United States.

(e) Intellectual Property (IP):

The term “Intellectual Property (IP)” includes patents, copyrights, trademarks, and trade secrets related to the technology and innovations developed through the funding provided under this Act.

(f) Vehicle Platform:

The term “vehicle platform” refers to the shared base structure and components used for multiple models of vehicles produced by the

manufacturer. This includes any vehicle model that shares the same fundamental design and engineering elements.

(g) Development:

The term “development” refers to the process of researching, designing, and engineering new technologies or vehicle models, including prototyping and testing.

(h) Manufacturing:

The term “Manufacturing” refers to the process of producing, assembling, and producing final products, including vehicles and vehicle components.

SEC. 4. Establishment of the Hydrogen FCEV Development Fund

(a) Establishment:

There is established, in the Treasury of the United States, a trust fund to be known as the Hydrogen FCEV Development Fund (hereafter referred to as “the Fund”), consisting of amounts appropriated to the Fund under this Act or otherwise credited or transferred to it by law.

(b) Funding:

The Fund shall provide financial subsidies and grants to American automobile manufacturers to support the development, design, and production of Hydrogen FCEVs, by

- (i) discretion of the Board of Review as established in Section 6 of this act; or
- (ii) discretion of the Secretary responsible for the Department of Energy, (“the Secretary”) or the President.

(c) Duration:

Funding shall be allotted for a period of four (4) years from the date of enactment of this Act, with a possible extension after four (4) years based on a review process mentioned in section 6(b)(4) of this act.

SEC. 5. Eligibility and Requirements

(a) Eligibility:

To be eligible for funding, an automobile manufacturer must:

- (i) be committed to the development, design, and manufacture of FCEVs and any subsequent model within the borders of the United States;

- (ii) Ensure that 100% of the parts used in the FCEVs are American Made.
- (iii) in their application, include a comprehensive plan detailing the use of the funding requested, adherence to American manufacturing requirements, and projected outcomes.

(b) Moratorium:

Manufacturers receiving funds under this Act shall not move any aspect of production, design, or development outside of the borders of the United States for a period of twenty (20) years from the date of receiving funds.

(c) Intellectual Property:

Any intellectual property resulting from the development of FCEVs funded by this Act must be registered in the United States.

SEC. 6. Administration and Oversight

(a) Board of Review:

A Board (“Board of Review”) shall be established to perform the duties listed in Section 6(b) of this act, consisting of representatives from the following agencies and institutes, as appointed by their principal officers;

1. The Department of Energy;
2. The Department of Commerce;
3. The Department of Transportation;
4. The Federal Trade Commission;
5. The Office of Science and Technology Policy;
6. The National Institute of Standards and Technology; and
7. The Environmental Protection Agency.

(b) Duties of the Board:

The Board Shall –

1. Establish criteria for the evaluation of funding requests;
2. Review and approve or deny all funding requests based on said criteria, unless any request should be granted or denied by the Secretary or the President as detailed in Section 4(b)(i) of this act;
3. Conduct annual reviews of fund usage by recipient manufacturers; and
4. Review requests for an extension of funding after four (4) years and make recommendations.

(c) Reporting:

The Board shall submit an annual report to the President and to Congress detailing the Fund’s expenditures, progress made by funded projects, and compliance with the requirements of this Act.

SEC. 7. Authorization of Appropriations

There are authorized to be appropriated to the Fund, by the discretion of the Secretary responsible for the Treasury Department or by direction of the President, both through explicit proclamation, such sums as may be necessary to carry out the purposes of this Act for each of fiscal years 2024 through 2028.

SEC. 8. ENACTMENT.

EFFECTIVE DATE.— The provisions of this Act shall come into force immediately upon passage.
