

117TH CONGRESS
1ST SESSION

H. R. 2852

To promote the domestic manufacture and use of advanced, fuel-efficient vehicles and zero-emission vehicles, encourage electrification of the transportation sector, create jobs, and improve air quality, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2021

Mr. RUSH introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Reform, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the domestic manufacture and use of advanced, fuel-efficient vehicles and zero-emission vehicles, encourage electrification of the transportation sector, create jobs, and improve air quality, 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 “New Opportunities to
5 Expand Healthy Air Using Sustainable Transportation
6 Act of 2021” or the “NO EXHAUST Act of 2021”.

TITLE I—ELECTRIC VEHICLE INFRASTRUCTURE

SEC. 101. DEFINITIONS.

In this title:

(1) ELECTRIC VEHICLE SUPPLY EQUIPMENT.—

The term “electric vehicle supply equipment” means any conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle.

(2) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(3) UNDERSERVED OR DISADVANTAGED COMMUNITY.—The term “underserved or disadvantaged community” means—

(A) a community located in a ZIP code that includes a census tract that is identified as—

(i) a low-income community; or

(ii) a community of color;

(B) a community in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, envi-

ronmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, or youth; or

(C) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.

SEC. 102. ELECTRIC VEHICLE SUPPLY EQUIPMENT REBATE PROGRAM.

(a) REBATE PROGRAM.—Not later than January 1, 2022, the Secretary shall establish a rebate program to provide rebates for covered expenses associated with publicly accessible electric vehicle supply equipment (in this section referred to as the “rebate program”).

(b) REBATE PROGRAM REQUIREMENTS.—

(1) ELIGIBLE ENTITIES.—A rebate under the rebate program may be made to an individual, a State, local, Tribal, or Territorial government, a private entity, a not-for-profit entity, a nonprofit entity, or a metropolitan planning organization.

1 (2) ELIGIBLE EQUIPMENT.—

2 (A) IN GENERAL.—Not later than 180
3 days after the date of the enactment of this
4 Act, the Secretary shall publish and maintain
5 on the Department of Energy internet website
6 a list of electric vehicle supply equipment that
7 is eligible for the rebate program.

8 (B) UPDATES.—The Secretary may, by
9 regulation, add to, or otherwise revise, the list
10 of electric vehicle supply equipment under sub-
11 paragraph (A) if the Secretary determines that
12 such addition or revision will likely lead to—

13 (i) greater usage of electric vehicle
14 supply equipment;

15 (ii) greater access to electric vehicle
16 supply equipment by users; or

17 (iii) an improved experience for users
18 of electric vehicle supply equipment, in-
19 cluding accessibility in compliance with the
20 Americans with Disabilities Act of 1990
21 (42 U.S.C. 12101 et seq.).

22 (C) LOCATION REQUIREMENT.—To be eli-
23 gible for the rebate program, the electric vehicle
24 supply equipment described in subparagraph
25 (A) shall be installed—

1 (i) in the United States;

2 (ii) on property—

3 (I) owned by the eligible entity
4 under paragraph (1); or

5 (II) on which the eligible entity
6 under paragraph (1) has authority to
7 install electric vehicle supply equip-
8 ment; and

9 (iii) at a location that is—

10 (I) a multi-unit housing struc-
11 ture;

12 (II) a workplace;

13 (III) a commercial location; or

14 (IV) open to the public for a
15 minimum of 12 hours per day.

16 (3) APPLICATION.—

17 (A) IN GENERAL.—An eligible entity under
18 paragraph (1) may submit to the Secretary an
19 application for a rebate under the rebate pro-
20 gram. Such application shall include—

21 (i) the estimated cost of covered ex-
22 penses to be expended on the electric vehi-
23 cle supply equipment that is eligible under
24 paragraph (2);

1 (ii) the estimated installation cost of
2 the electric vehicle supply equipment that
3 is eligible under paragraph (2);

4 (iii) the global positioning system lo-
5 cation, including the integer number of de-
6 grees, minutes, and seconds, where such
7 electric vehicle supply equipment is to be
8 installed, and identification of whether
9 such location is—

10 (I) a multi-unit housing struc-
11 ture;

12 (II) a workplace;

13 (III) a commercial location; or

14 (IV) open to the public for a
15 minimum of 12 hours per day;

16 (iv) the technical specifications of
17 such electric vehicle supply equipment, in-
18 cluding the maximum power voltage and
19 amperage of such equipment;

20 (v) an identification of any existing
21 electric vehicle supply equipment that—

22 (I) is available to the public for a
23 minimum of 12 hours per day; and

24 (II) is not further than 50 miles
25 from the global positioning system lo-

1 cation identified under clause (iii);
2 and
3 (vi) any other information determined
4 by the Secretary to be necessary for a com-
5 plete application.

6 (B) REVIEW PROCESS.—The Secretary
7 shall review an application for a rebate under
8 the rebate program and approve an eligible en-
9 tity under paragraph (1) to receive such rebate
10 if the application meets the requirements of the
11 rebate program under this subsection.

12 (C) NOTIFICATION TO ELIGIBLE ENTITY.—
13 Not later than 1 year after the date on which
14 the eligible entity under paragraph (1) applies
15 for a rebate under the rebate program, the Sec-
16 retary shall notify the eligible entity whether
17 the eligible entity will be awarded a rebate
18 under the rebate program following the submis-
19 sion of additional materials required under
20 paragraph (5).

21 (4) REBATE AMOUNT.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), the amount of a rebate made
24 under the rebate program for each charging
25 unit shall be the lesser of—

1 (i) 75 percent of the applicable cov-
2 ered expenses;

3 (ii) \$2,000 for covered expenses asso-
4 ciated with the purchase and installation of
5 non-networked level 2 charging equipment;

6 (iii) \$4,000 for covered expenses asso-
7 ciated with the purchase and installation of
8 networked level 2 charging equipment; or

9 (iv) \$100,000 for covered expenses as-
10 sociated with the purchase and installation
11 of networked direct current fast charging
12 equipment.

13 (B) REBATE AMOUNT FOR REPLACEMENT
14 EQUIPMENT.—A rebate made under the rebate
15 program for replacement of pre-existing electric
16 vehicle supply equipment at a single location
17 shall be the lesser of—

18 (i) 75 percent of the applicable cov-
19 ered expenses;

20 (ii) \$1,000 for covered expenses asso-
21 ciated with the purchase and installation of
22 non-networked level 2 charging equipment;

23 (iii) \$2,000 for covered expenses asso-
24 ciated with the purchase and installation of
25 networked level 2 charging equipment; or

(iv) \$25,000 for covered expenses associated with the purchase and installation of networked direct current fast charging equipment.

(5) DISBURSEMENT OF REBATE.—

(A) IN GENERAL.—The Secretary shall disburse a rebate under the rebate program to an eligible entity under paragraph (1), following approval of an application under paragraph (3), if such entity submits the materials required under subparagraph (B).

(B) MATERIALS REQUIRED FOR DISBURSEMENT OF REBATE.—Not later than one year after the date on which the eligible entity under paragraph (1) receives notice under paragraph (3)(C) that the eligible entity has been approved for a rebate, such eligible entity shall submit to the Secretary the following—

(i) a record of payment for covered expenses expended on the installation of the electric vehicle supply equipment that is eligible under paragraph (2);

(ii) a record of payment for the electric vehicle supply equipment that is eligible under paragraph (2);

1 (iii) the global positioning system lo-
2 cation of where such electric vehicle supply
3 equipment was installed and identification
4 of whether such location is—

5 (I) a multi-unit housing struc-
6 ture;

7 (II) a workplace;

8 (III) a commercial location; or

9 (IV) open to the public for a
10 minimum of 12 hours per day;

11 (iv) the technical specifications of the
12 electric vehicle supply equipment that is el-
13 igible under paragraph (2), including the
14 maximum power voltage and amperage of
15 such equipment; and

16 (v) any other information determined
17 by the Secretary to be necessary.

18 (C) AGREEMENT TO MAINTAIN.—To be eli-
19 gible for a rebate under the rebate program, an
20 eligible entity under paragraph (1) shall enter
21 into an agreement with the Secretary to main-
22 tain the electric vehicle supply equipment that
23 is eligible under paragraph (2) in a satisfactory
24 manner for not less than 5 years after the date

1 on which the eligible entity under paragraph (1)
2 receives the rebate under the rebate program.

3 (D) EXCEPTION.—The Secretary shall not
4 disburse a rebate under the rebate program if
5 materials submitted under subparagraph (B) do
6 not meet the same global positioning system lo-
7 cation and technical specifications for the elec-
8 tric vehicle supply equipment that is eligible
9 under paragraph (2) provided in an application
10 under paragraph (3).

11 (6) MULTI-PORT CHARGERS.—An eligible entity
12 under paragraph (1) shall be awarded a rebate
13 under the rebate program for covered expenses relat-
14 ing to the purchase and installation of a multi-port
15 charger based on the number of publicly accessible
16 charging ports, with each subsequent port after the
17 first port being eligible for 50 percent of the full re-
18 bate amount.

19 (7) NETWORKED DIRECT CURRENT FAST
20 CHARGING.—Of amounts appropriated to carry out
21 the rebate program, not more than 40 percent may
22 be used for rebates of networked direct current fast
23 charging equipment.

24 (8) HYDROGEN FUEL CELL REFUELING INFRA-
25 STRUCTURE.—Hydrogen refueling equipment shall

1 be eligible for a rebate under the rebate program as
2 though it were networked direct current fast charg-
3 ing equipment. All requirements related to public ac-
4 cessibility of installed locations shall apply.

5 (9) REPORT.—Not later than 3 years after the
6 first date on which the Secretary awards a rebate
7 under the rebate program, the Secretary shall sub-
8 mit to the Committee on Energy and Commerce of
9 the House of Representatives and the Committee on
10 Energy and Natural Resources of the Senate a re-
11 port of the number of rebates awarded for electric
12 vehicle supply equipment and hydrogen fuel cell re-
13 fueling equipment in each of the location categories
14 described in paragraph (2)(C)(iii).

15 (c) DEFINITIONS.—In this section:

16 (1) COVERED EXPENSES.—The term “covered
17 expenses” means an expense that is associated with
18 the purchase and installation of electric vehicle sup-
19 ply equipment, including—

20 (A) the cost of electric vehicle supply
21 equipment;

22 (B) labor costs associated with the installa-
23 tion of such electric vehicle supply equipment,
24 only if wages for such labor are paid at rates
25 not less than those prevailing on similar labor

1 in the locality of installation, as determined by
2 the Secretary of Labor under subchapter IV of
3 chapter 31 of title 40, United States Code
4 (commonly referred to as the “Davis-Bacon
5 Act”);

6 (C) material costs associated with the in-
7 stallation of such electric vehicle supply equip-
8 ment, including expenses involving electrical
9 equipment and necessary upgrades or modifica-
10 tions to the electrical grid and associated infra-
11 structure required for the installation of such
12 electric vehicle supply equipment;

13 (D) permit costs associated with the instal-
14 lation of such electric vehicle supply equipment;
15 and

16 (E) the cost of an on-site energy storage
17 system.

18 (2) ELECTRIC VEHICLE.—The term “electric
19 vehicle” means a vehicle that derives all or part of
20 its power from electricity.

21 (3) MULTI-PORT CHARGER.—The term “multi-
22 port charger” means electric vehicle supply equip-
23 ment capable of charging more than one electric ve-
24 hicle.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 2022 through 2031.

18 (a) REVIEW.—The Secretary shall review proposed or
19 final model building codes for—

(2) integrating onsite renewable power equip-
ment and electric storage equipment (including elec-

1 tric vehicle batteries to be used for electric storage)
2 into residential and commercial buildings.

3 (b) **TECHNICAL ASSISTANCE.**—The Secretary shall
4 provide technical assistance to stakeholders representing
5 the building construction industry, manufacturers of elec-
6 tric vehicles and electric vehicle supply equipment, State
7 and local governments, and any other persons with rel-
8 evant expertise or interests to facilitate understanding of
9 the model code and best practices for adoption by jurisdic-
10 tions.

11 **SEC. 104. ELECTRIC VEHICLE SUPPLY EQUIPMENT COORDI-**
12 **NATION.**

13 (a) **IN GENERAL.**—Not later than 90 days after the
14 date of enactment of this Act, the Secretary, acting
15 through the Assistant Secretary of the Office of Electricity
16 Delivery and Energy Reliability (including the Smart Grid
17 Task Force), shall convene a group to assess progress in
18 the development of standards necessary to—

19 (1) support the expanded deployment of electric
20 vehicle supply equipment;

21 (2) develop an electric vehicle charging network
22 to provide reliable charging for electric vehicles na-
23 tionwide, taking into consideration range anxiety
24 and the location of charging infrastructure to ensure

1 an electric vehicle can travel throughout the United
2 States without losing a charge; and

3 (3) ensure the development of such network will
4 not compromise the stability and reliability of the
5 electric grid.

6 (b) REPORT TO CONGRESS.—Not later than 1 year
7 after the date of enactment of this Act, the Secretary shall
8 provide to the Committee on Energy and Commerce of the
9 House of Representatives and to the Committee on En-
10 ergy and Natural Resources of the Senate a report con-
11 taining the results of the assessment carried out under
12 subsection (a) and recommendations to overcome any bar-
13 riers to standards development or adoption identified by
14 the group convened under such subsection.

15 **SEC. 105. STATE CONSIDERATION OF ELECTRIC VEHICLE**
16 **CHARGING.**

17 (a) CONSIDERATION AND DETERMINATION RESPECT-
18 ING CERTAIN RATEMAKING STANDARDS.—Section 111(d)
19 of the Public Utility Regulatory Policies Act of 1978 (16
20 U.S.C. 2621(d)) is further amended by adding at the end
21 the following:

22 “(22) ELECTRIC VEHICLE CHARGING PRO-
23 GRAMS.—

1 “(A) IN GENERAL.—Each State shall con-
2 sider measures to promote greater electrifica-
3 tion of the transportation sector, including—

4 “(i) authorizing measures to stimulate
5 investment in and deployment of electric
6 vehicle supply equipment and to foster the
7 market for electric vehicle charging;

8 “(ii) authorizing each electric utility
9 of the State to recover from ratepayers any
10 capital, operating expenditure, or other
11 costs of the electric utility relating to load
12 management, programs, or investments as-
13 sociated with the integration of electric ve-
14 hicle supply equipment into the grid; and

15 “(iii) allowing a person or agency that
16 owns and operates an electric vehicle
17 charging facility for the sole purpose of re-
18 charging an electric vehicle battery to be
19 excluded from regulation as an electric
20 utility pursuant to section 3(4) when mak-
21 ing electricity sales from the use of the
22 electric vehicle charging facility, if such
23 sales are the only sales of electricity made
24 by the person or agency.

1 “(B) DEFINITION.—For purposes of this
 2 paragraph, the term ‘electric vehicle supply
 3 equipment’ means conductors, including
 4 ungrounded, grounded, and equipment ground-
 5 ing conductors, electric vehicle connectors, at-
 6 tachment plugs, and all other fittings, devices,
 7 power outlets, or apparatuses installed specifi-
 8 cally for the purpose of delivering energy to an
 9 electric vehicle.”.

10 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

11 (1) TIME LIMITATIONS.—Section 112(b) of the
 12 Public Utility Regulatory Policies Act of 1978 (16
 13 U.S.C. 2622(b)) is amended by adding at the end
 14 the following:

15 “(9)(A) Not later than 1 year after the date of
 16 enactment of this paragraph, each State regulatory
 17 authority (with respect to each electric utility for
 18 which it has ratemaking authority) and each non-
 19 regulated electric utility shall commence the consid-
 20 eration referred to in section 111, or set a hearing
 21 date for consideration, with respect to the standards
 22 established by paragraph (22) of section 111(d).

23 “(B) Not later than 2 years after the date of
 24 the enactment of this paragraph, each State regu-
 25 latory authority (with respect to each electric utility

1 for which it has ratemaking authority), and each
 2 nonregulated electric utility, shall complete the con-
 3 sideration, and shall make the determination, re-
 4 ferred to in section 111 with respect to each stand-
 5 ard established by paragraph (22) of section
 6 111(d).”.

7 (2) FAILURE TO COMPLY.—Section 112(c) of
 8 the Public Utility Regulatory Policies Act of 1978
 9 (16 U.S.C. 2622(c)) is amended by adding at the
 10 end the following: “In the case of the standard es-
 11 tablished by paragraph (22) of section 111(d), the
 12 reference contained in this subsection to the date of
 13 enactment of this Act shall be deemed to be a ref-
 14 erence to the date of enactment of that paragraph.”.

15 (3) PRIOR STATE ACTIONS.—Section 112 of the
 16 Public Utility Regulatory Policies Act of 1978 (16
 17 U.S.C. 2622) is amended by adding at the end the
 18 following:

19 “(i) PRIOR STATE ACTIONS.—Subsections (b) and
 20 (c) of this section shall not apply to the standard estab-
 21 lished by paragraph (22) of section 111(d) in the case of
 22 any electric utility in a State if, before the enactment of
 23 this subsection—

24 “(1) the State has implemented for such utility
 25 the standard concerned (or a comparable standard);

1 “(2) the State regulatory authority for such
 2 State or relevant nonregulated electric utility has
 3 conducted a proceeding to consider implementation
 4 of the standard concerned (or a comparable stand-
 5 ard) for such utility;

6 “(3) the State legislature has voted on the im-
 7 plementation of such standard (or a comparable
 8 standard) for such utility; or

9 “(4) the State has taken action to implement
 10 incentives or other steps to strongly encourage the
 11 deployment of electric vehicles.”.

12 (4) PRIOR AND PENDING PROCEEDINGS.—Sec-
 13 tion 124 of the Public Utility Regulatory Policies
 14 Act of 1978 (16 U.S.C. 2634) is amended by adding
 15 at the end the following: “In the case of the stand-
 16 ard established by paragraph (22) of section 111(d),
 17 the reference contained in this section to the date of
 18 the enactment of this Act shall be deemed to be a
 19 reference to the date of enactment of such para-
 20 graph (22).”.

21 **SEC. 106. STATE ENERGY PLANS.**

22 (a) STATE ENERGY CONSERVATION PLANS.—Section
 23 362(d) of the Energy Policy and Conservation Act (42
 24 U.S.C. 6322(d)) is amended—

1 (1) in paragraph (16), by striking “; and” and
2 inserting a semicolon;

3 (2) by redesignating paragraph (17) as para-
4 graph (18); and

5 (3) by inserting after paragraph (16) the fol-
6 lowing:

7 “(17) a State energy transportation plan devel-
8 oped in accordance with section 368; and”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
10 365(f) of the Energy Policy and Conservation Act (42
11 U.S.C. 6325(f)) is amended to read as follows:

12 “(f) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) STATE ENERGY CONSERVATION PLANS.—
14 For the purpose of carrying out this part, there are
15 authorized to be appropriated \$100,000,000 for each
16 of fiscal years 2022 through 2031.

17 “(2) STATE ENERGY TRANSPORTATION
18 PLANS.—In addition to the amounts authorized
19 under paragraph (1), for the purpose of carrying out
20 section 368, there are authorized to be appropriated
21 \$25,000,000 for each of fiscal years 2022 through
22 2031.”.

23 (c) STATE ENERGY TRANSPORTATION PLANS.—

24 (1) IN GENERAL.—Part D of title III of the
25 Energy Policy and Conservation Act (42 U.S.C.

1 6321 et seq.) is further amended by adding at the
2 end the following:

3 **“SEC. 368. STATE ENERGY TRANSPORTATION PLANS.**

4 “(a) IN GENERAL.—The Secretary may provide fi-
5 nancial assistance to a State to develop a State energy
6 transportation plan, for inclusion in a State energy con-
7 servation plan under section 362(d), to promote the elec-
8 trification of the transportation system, reduced consump-
9 tion of fossil fuels, and improved air quality.

10 “(b) DEVELOPMENT.—A State developing a State en-
11 ergy transportation plan under this section shall carry out
12 this activity through the State energy office that is respon-
13 sible for developing the State energy conservation plan
14 under section 362.

15 “(c) CONTENTS.—A State developing a State energy
16 transportation plan under this section shall include in such
17 plan a plan to—

18 “(1) deploy a network of electric vehicle supply
19 equipment to ensure access to electricity for electric
20 vehicles, including commercial vehicles, to an extent
21 that such electric vehicles can travel throughout the
22 State without running out of a charge; and

23 “(2) promote modernization of the electric grid,
24 including through the use of renewable energy
25 sources to power the electric grid, to accommodate

1 demand for power to operate electric vehicle supply
2 equipment and to utilize energy storage capacity
3 provided by electric vehicles, including commercial
4 vehicles.

5 “(d) COORDINATION.—In developing a State energy
6 transportation plan under this section, a State shall co-
7 ordinate, as appropriate, with—

8 “(1) State regulatory authorities (as defined in
9 section 3 of the Public Utility Regulatory Policies
10 Act of 1978 (16 U.S.C. 2602));

11 “(2) electric utilities;

12 “(3) regional transmission organizations or
13 independent system operators;

14 “(4) private entities that provide electric vehicle
15 charging services;

16 “(5) State transportation agencies, metropoli-
17 tan planning organizations, and local governments;

18 “(6) electric vehicle manufacturers;

19 “(7) public and private entities that manage ve-
20 hicle fleets; and

21 “(8) public and private entities that manage
22 ports, airports, or other transportation hubs.

23 “(e) TECHNICAL ASSISTANCE.—Upon request of the
24 Governor of a State, the Secretary shall provide informa-
25 tion and technical assistance in the development, imple-

1 mentation, or revision of a State energy transportation
2 plan.

3 “(f) ELECTRIC VEHICLE SUPPLY EQUIPMENT DE-
4 FINED.—For purposes of this section, the term ‘electric
5 vehicle supply equipment’ means conductors, including
6 ungrounded, grounded, and equipment grounding conduc-
7 tors, electric vehicle connectors, attachment plugs, and all
8 other fittings, devices, power outlets, or apparatuses in-
9 stalled specifically for the purpose of delivering energy to
10 an electric vehicle.”.

11 (2) CONFORMING AMENDMENT.—The table of
12 sections for part D of title III of the Energy Policy
13 and Conservation Act is further amended by adding
14 at the end the following:

“Sec. 368. State energy transportation plans.”.

15 **SEC. 107. TRANSPORTATION ELECTRIFICATION.**

16 Section 131 of the Energy Independence and Security
17 Act of 2007 (42 U.S.C. 17011) is amended—

18 (1) in subsection (a)(6)—

19 (A) in subparagraph (A), by inserting “,
20 including ground support equipment at ports”
21 before the semicolon;

22 (B) in subparagraph (E), by inserting
23 “and vehicles” before the semicolon;

24 (C) in subparagraph (H), by striking
25 “and” at the end;

1 (D) in subparagraph (I)—

2 (i) by striking “battery chargers,”;

3 and

4 (ii) by striking the period at the end

5 and inserting a semicolon; and

6 (E) by adding at the end the following:

7 “(J) installation of electric vehicle supply
8 equipment for recharging plug-in electric drive
9 vehicles, including such equipment that is acces-
10 sible in rural and urban areas and in under-
11 served or disadvantaged communities and such
12 equipment for medium- and heavy-duty vehicles,
13 including at depots and in-route locations;

14 “(K) multi-use charging hubs used for
15 multiple forms of transportation;

16 “(L) medium- and heavy-duty vehicle
17 smart charging management and refueling;

18 “(M) battery recycling and secondary use,
19 including for medium- and heavy-duty vehicles;
20 and

21 “(N) sharing of best practices, and tech-
22 nical assistance provided by the Department to
23 public utilities commissions and utilities, for
24 medium- and heavy-duty vehicle electrifica-
25 tion.”;

1 (2) in subsection (b)—

2 (A) in paragraph (3)(A)(ii), by inserting “,
3 components for such vehicles, and charging
4 equipment for such vehicles” after “vehicles”;
5 and

6 (B) in paragraph (6), by striking
7 “\$90,000,000 for each of fiscal years 2008
8 through 2012” and inserting “\$2,000,000,000
9 for each of fiscal years 2022 through 2031”;
10 (3) in subsection (c)—

11 (A) in the header, by striking “NEAR-
12 TERM” and inserting “LARGE-SCALE”; and

13 (B) in paragraph (4), by striking
14 “\$95,000,000 for each of fiscal years 2008
15 through 2013” and inserting “\$2,500,000,000
16 for each of fiscal years 2022 through 2031”;
17 and

18 (4) by redesignating subsection (d) as sub-
19 section (e) and inserting after subsection (c) the fol-
20 lowing:

21 “(d) PRIORITY.—In providing grants under sub-
22 sections (b) and (c), the Secretary shall give priority con-
23 sideration to applications that contain a written assurance
24 that all laborers and mechanics employed by contractors
25 or subcontractors during construction, alteration, or re-

1 pair that is financed, in whole or in part, by a grant pro-
2 vided under this section shall be paid wages at rates not
3 less than those prevailing on similar construction in the
4 locality, as determined by the Secretary of Labor in ac-
5 cordance with sections 3141 through 3144, 3146, and
6 3147 of title 40, United States Code (and the Secretary
7 of Labor shall, with respect to the labor standards de-
8 scribed in this clause, have the authority and functions
9 set forth in Reorganization Plan Numbered 14 of 1950
10 (5 U.S.C. App.) and section 3145 of title 40, United
11 States Code).”.

12 **SEC. 108. FEDERAL FLEETS.**

13 (a) MINIMUM FEDERAL FLEET REQUIREMENT.—
14 Section 303 of the Energy Policy Act of 1992 (42 U.S.C.
15 13212) is amended—

16 (1) in subsection (a), by adding at the end the
17 following:

18 “(3) The Secretary, in consultation with the Adminis-
19 trator of General Services, shall ensure that in acquiring
20 medium- and heavy-duty vehicles for a Federal fleet, a
21 Federal entity shall acquire zero-emission vehicles to the
22 maximum extent feasible.”;

23 (2) by striking subsection (b) and inserting the
24 following:

25 “(b) PERCENTAGE REQUIREMENTS.—

1 “(1) IN GENERAL.—

2 “(A) LIGHT-DUTY VEHICLES.—Beginning
3 in fiscal year 2025, 100 percent of the total
4 number of light-duty vehicles acquired by a
5 Federal entity for a Federal fleet shall be alter-
6 native fueled vehicles, of which—

7 “(i) at least 50 percent shall be zero-
8 emission vehicles or plug-in hybrids in fis-
9 cal years 2025 through 2034;

10 “(ii) at least 75 percent shall be zero-
11 emission vehicles or plug-in hybrids in fis-
12 cal years 2035 through 2049; and

13 “(iii) 100 percent shall be zero-emis-
14 sion vehicles in fiscal year 2050 and there-
15 after.

16 “(B) MEDIUM- AND HEAVY-DUTY VEHI-
17 CLES.—The following percentages of the total
18 number of medium- and heavy-duty vehicles ac-
19 quired by a Federal entity for a Federal fleet
20 shall be alternative fueled vehicles:

21 “(i) At least 20 percent in fiscal years
22 2025 through 2029.

23 “(ii) At least 30 percent in fiscal
24 years 2030 through 2039.

1 “(iii) At least 40 percent in fiscal
2 years 2040 through 2049.

3 “(iv) At least 50 percent in fiscal year
4 2050 and thereafter.

5 “(2) EXCEPTION.—The Secretary, in consulta-
6 tion with the Administrator of General Services
7 where appropriate, may permit a Federal entity to
8 acquire for a Federal fleet a smaller percentage than
9 is required in paragraph (1) for a fiscal year, so long
10 as the aggregate percentage acquired for each class
11 of vehicle for all Federal fleets in the fiscal year is
12 at least equal to the required percentage.

13 “(3) DEFINITIONS.—In this subsection:

14 “(A) FEDERAL FLEET.—The term ‘Fed-
15 eral fleet’ means a fleet of vehicles that are cen-
16 trally fueled or capable of being centrally fueled
17 and are owned, operated, leased, or otherwise
18 controlled by or assigned to any Federal execu-
19 tive department, military department, Govern-
20 ment corporation, independent establishment,
21 or executive agency, the United States Postal
22 Service, the Congress, the courts of the United
23 States, or the Executive Office of the President.
24 Such term does not include—

1 “(i) motor vehicles held for lease or
2 rental to the general public;

3 “(ii) motor vehicles used for motor ve-
4 hicle manufacturer product evaluations or
5 tests;

6 “(iii) law enforcement vehicles;

7 “(iv) emergency vehicles; or

8 “(v) motor vehicles acquired and used
9 for military purposes that the Secretary of
10 Defense has certified to the Secretary must
11 be exempt for national security reasons.

12 “(B) FLEET.—The term ‘fleet’ means—

13 “(i) 20 or more light-duty vehicles, lo-
14 cated in a metropolitan statistical area or
15 consolidated metropolitan statistical area,
16 as established by the Bureau of the Cen-
17 sus, with a 1980 population of more than
18 250,000; or

19 “(ii) 10 or more medium- or heavy-
20 duty vehicles, located at a Federal facility
21 or located in a metropolitan statistical area
22 or consolidated metropolitan statistical
23 area, as established by the Bureau of the
24 Census, with a 1980 population of more
25 than 250,000.”; and

1 (3) in subsection (f)(2)(B)—

2 (A) by striking “, either”; and

3 (B) in clause (i), by striking “or” and in-
4 serting “and”.

5 (b) FEDERAL FLEET CONSERVATION REQUIRE-
6 MENTS.—Section 400FF(a) of the Energy Policy and
7 Conservation Act (42 U.S.C. 6374e) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “18 months after the date
10 of enactment of this section” and inserting “12
11 months after the date of enactment of the NO
12 EXHAUST Act of 2021”;

13 (B) by striking “2010” and inserting
14 “2022”; and

15 (C) by striking “and increase alternative
16 fuel consumption” and inserting “, increase al-
17 ternative fuel consumption, and reduce vehicle
18 greenhouse gas emissions”; and

19 (2) by striking paragraph (2) and inserting the
20 following:

21 “(2) GOALS.—The goals of the requirements
22 under paragraph (1) are that each Federal agency
23 shall—

1 “(A) reduce fleet-wide per-mile greenhouse
2 gas emissions from agency fleet vehicles, rel-
3 ative to a baseline of emissions in 2015, by—

4 “(i) not less than 30 percent by the
5 end of fiscal year 2025;

6 “(ii) not less than 50 percent by the
7 end of fiscal year 2030; and

8 “(iii) 100 percent by the end of fiscal
9 year 2050; and

10 “(B) increase the annual percentage of al-
11 ternative fuel consumption by agency fleet vehi-
12 cles as a proportion of total annual fuel con-
13 sumption by Federal fleet vehicles, to achieve—

14 “(i) 25 percent of total annual fuel
15 consumption that is alternative fuel by the
16 end of fiscal year 2025;

17 “(ii) 50 percent of total annual fuel
18 consumption that is alternative fuel by the
19 end of fiscal year 2035; and

20 “(iii) at least 85 percent of total an-
21 nual fuel consumption that is alternative
22 fuel by the end of fiscal year 2050.”.

1 **TITLE II—ELECTRIC VEHICLES**
2 **FOR UNDERSERVED COMMU-**
3 **NITIES**

4 **SEC. 201. EXPANDING ACCESS TO ELECTRIC VEHICLES IN**
5 **UNDERSERVED AND DISADVANTAGED COM-**
6 **MUNITIES.**

7 (a) IN GENERAL.—

8 (1) ASSESSMENT.—The Secretary shall conduct
9 an assessment of the state of, challenges to, and op-
10 portunities for the deployment of electric vehicle
11 charging infrastructure in underserved or disadvan-
12 taged communities located throughout the United
13 States.

14 (2) REPORT.—Not later than 1 year after the
15 date of the enactment of this Act, the Secretary
16 shall submit to the Committee on Energy and Com-
17 merce of the House of Representatives and the Com-
18 mittee on Energy and Natural Resources of the Sen-
19 ate a report on the results of the assessment con-
20 ducted under paragraph (1), which shall—

21 (A) describe the state of deployment of
22 electric vehicle charging infrastructure in un-
23 derserved or disadvantaged communities located
24 in urban, suburban, and rural areas, including
25 description of—

1 (i) the state of deployment of electric
2 vehicle charging infrastructure that is—

3 (I) publicly accessible;

4 (II) installed in or available to
5 occupants of public and affordable
6 housing;

7 (III) installed in or available to
8 occupants of multi-unit dwellings;

9 (IV) available to public sector
10 and commercial fleets;

11 (V) installed in or available at
12 places of work;

13 (ii) policies, plans, and programs that
14 cities, States, utilities, and private entities
15 are using to encourage greater deployment
16 and usage of electric vehicles and the asso-
17 ciated electric vehicle charging infrastruc-
18 ture, including programs to encourage de-
19 ployment of publicly accessible electric ve-
20 hicle charging stations and electric vehicle
21 charging stations available to residents in
22 publicly owned and privately owned multi-
23 unit dwellings;

24 (iii) ownership models for Level 2
25 charging stations and DC FAST charging

1 stations located in residential multi-unit
2 dwellings, commercial buildings, and pub-
3 licly accessible areas;

4 (iv) mechanisms for financing electric
5 vehicle charging stations; and

6 (v) rates charged for the use of Level
7 2 charging stations and DC FAST charg-
8 ing stations;

9 (B) identify current barriers to expanding
10 deployment of electric vehicle charging infra-
11 structure in underserved or disadvantaged com-
12 munities in urban, suburban, and rural areas,
13 including barriers to expanding deployment of
14 publicly accessible electric vehicle charging in-
15 frastructure;

16 (C) identify the potential for, and barriers
17 to, recruiting and entering into contracts with
18 locally owned small and disadvantaged busi-
19 nesses, including women and minority-owned
20 businesses, to deploy electric vehicle charging
21 infrastructure in underserved or disadvantaged
22 communities in urban, suburban, and rural
23 areas;

24 (D) compile and provide an analysis of
25 best practices and policies used by State and

1 local governments, nonprofit organizations, and
2 private entities to increase deployment of elec-
3 tric vehicle charging infrastructure in under-
4 served or disadvantaged communities in urban,
5 suburban, and rural areas, including best prac-
6 tices and policies relating to—

7 (i) public outreach and engagement;

8 (ii) increasing deployment of publicly
9 accessible electric vehicle charging infra-
10 structure; and

11 (iii) increasing deployment of electric
12 vehicle charging infrastructure in publicly
13 owned and privately owned multi-unit
14 dwellings;

15 (E) to the extent practicable, enumerate
16 and identify in urban, suburban, and rural
17 areas within each State with detail at the level
18 of ZIP Codes and census tracts—

19 (i) the number of existing and
20 planned publicly accessible Level 2 charg-
21 ing stations and DC FAST charging sta-
22 tions for individually owned light-duty and
23 medium-duty electric vehicles;

24 (ii) the number of existing and
25 planned Level 2 charging stations and DC

1 FAST charging stations for public sector
2 and commercial fleet electric vehicles and
3 medium- and heavy-duty electric vehicles;
4 and

5 (iii) the number and type of electric
6 vehicle charging stations installed in or
7 available to occupants of public and afford-
8 able housing; and

9 (F) describe the methodology used to ob-
10 tain the information provided in the report.

11 (b) FIVE-YEAR UPDATE ASSESSMENT.—Not later
12 than 5 years after the date of the enactment of this Act,
13 the Secretary shall—

14 (1) update the assessment conducted under
15 subsection (a)(1); and

16 (2) make public and submit to the Committee
17 on Energy and Commerce of the House of Rep-
18 resentatives and the Committee on Energy and Nat-
19 ural Resources of the Senate a report, which shall—

20 (A) update the information required by
21 subsection (a)(2); and

22 (B) include a description of case studies
23 and key lessons learned after the date on which
24 the report under subsection (a)(2) was sub-
25 mitted with respect to expanding the deploy-

1 ment of electric vehicle charging infrastructure
2 in underserved or disadvantaged communities in
3 urban, suburban, and rural areas.

4 **SEC. 202. ELECTRIC VEHICLE CHARGING EQUITY PRO-**
5 **GRAM.**

6 (a) PROGRAM.—Not later than 90 days after the date
7 of the enactment of this Act, the Secretary shall establish
8 a program, to be known as the EV Charging Equity Pro-
9 gram, to increase deployment and accessibility of electric
10 vehicle charging infrastructure in underserved or dis-
11 advantaged communities by—

12 (1) providing technical assistance to eligible en-
13 tities described in subsection (e); and

14 (2) awarding grants on a competitive basis to
15 eligible entities described in subsection (e) for
16 projects that increase such deployment and accessi-
17 bility of electric vehicle charging infrastructure, in-
18 cluding projects that are—

19 (A) publicly accessible;

20 (B) located within or are easily accessible
21 to residents of—

22 (i) public or affordable housing;

23 (ii) multi-unit dwellings; or

24 (iii) single-family homes; and

1 (C) located within or easily accessible to
2 places of work, provided that such electric vehi-
3 cle charging infrastructure is accessible no
4 fewer than 5 days per week.

5 (b) COST SHARE.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the amount of a grant awarded under
8 this section for a project shall not exceed 80 percent
9 of project costs.

10 (2) SINGLE-FAMILY HOMES.—The amount of a
11 grant awarded under this section for a project that
12 involves, as a primary focus, single-family homes
13 shall not exceed 60 percent of project costs.

14 (c) LIMITATION.—Not more than 15 percent of the
15 amount awarded for grants under this section in a fiscal
16 year shall be awarded for projects that involve, as a pri-
17 mary focus, single-family homes.

18 (d) PRIORITY.—In awarding grants and providing
19 technical assistance under this section, the Secretary shall
20 give priority to projects that—

21 (1) provide the greatest benefit to the greatest
22 number of people within an underserved or dis-
23 advantaged community;

24 (2) incorporate renewable energy resources;

1 (3) maximize local job creation, particularly
2 among low-income, women, and minority workers; or

3 (4) utilize or involve locally owned small and
4 disadvantaged businesses, including women and mi-
5 nority-owned businesses.

6 (e) ELIGIBLE ENTITIES.—

7 (1) IN GENERAL.—To be eligible for a grant or
8 technical assistance under the EV Charging Equity
9 Program, an entity shall be—

10 (A) an individual or household that is the
11 owner of where a project will be carried out;

12 (B) a State, local, Tribal, or Territorial
13 government, or an agency or department there-
14 of;

15 (C) an electric utility, including—

16 (i) a municipally owned electric utility;

17 (ii) a publicly owned electric utility;

18 (iii) an investor-owned utility; and

19 (iv) a rural electric cooperative;

20 (D) a nonprofit organization or institution;

21 (E) a public housing authority;

22 (F) an institution of higher education (as
23 defined in section 101 of the Higher Education
24 Act of 1965 (20 U.S.C. 1001);

1 (G) a local small or disadvantaged busi-
2 ness; or

3 (H) a partnership between any number of
4 eligible entities described in subparagraphs (A)
5 through (G).

6 (2) UPDATES.—The Secretary may add to or
7 otherwise revise the list of eligible entities under
8 paragraph (1) if the Secretary determines that such
9 an addition or revision would be beneficial to in-
10 creasing deployment and accessibility of electric ve-
11 hicle charging infrastructure in underserved or dis-
12 advantaged communities.

13 (f) PUBLIC NOTICE AND REQUEST FOR APPLICA-
14 TIONS.—The Secretary shall publish in the Federal Reg-
15 ister, and such other publications as the Secretary con-
16 siders to be appropriate, a notice and request for applica-
17 tions to carry out projects under the EV Charging Equity
18 Program.

19 (g) EDUCATION AND OUTREACH.—

20 (1) IN GENERAL.—In carrying out the EV
21 Charging Equity Program, the Secretary shall estab-
22 lish an education and outreach component of such
23 Program to ensure that information regarding such
24 Program and the benefits and opportunities for elec-
25 tric vehicle charging is made available to individuals

1 and relevant entities that live within or serve under-
2 served or disadvantaged communities.

3 (2) REQUIREMENTS.—At a minimum, the edu-
4 cation and outreach component of the EV Charging
5 Equity Program established under this subsection
6 shall include—

7 (A) the development and dissemination of
8 an electric vehicle charging resource guide that
9 is—

10 (i) maintained electronically on a
11 website;

12 (ii) available to the public, free of
13 charge; and

14 (iii) directed specifically towards indi-
15 viduals and relevant entities that live with-
16 in or serve underserved or disadvantaged
17 communities;

18 (B) targeted outreach towards, and coordi-
19 nated public outreach with, relevant local,
20 State, and Tribal entities, nonprofit organiza-
21 tions, and institutions of higher education, that
22 are located within or serve underserved or dis-
23 advantaged communities; and

24 (C) any other such forms of education or
25 outreach as the Secretary determines appro-

1 priate to increase awareness of and access to
2 the EV Charging Equity Program.

3 (h) REPORTS TO CONGRESS.—Not later than 1 year
4 after the EV Charging Equity Program is established
5 under this section, and not less frequently than once every
6 2 years after that, the Secretary shall submit to the Com-
7 mittee on Energy and Commerce of the House of Rep-
8 resentatives and the Committee on Energy and Natural
9 Resources of the Senate, and make publicly available, a
10 report on the status of the EV Charging Equity Program,
11 including a list and description of projects that have re-
12 ceived grant awards or technical assistance, and of the
13 funding or assistance provided to such projects.

14 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$96,000,000 for each of fiscal years 2022 through 2031.

17 **SEC. 203. ENSURING PROGRAM BENEFITS FOR UNDER-**
18 **SERVED AND DISADVANTAGED COMMU-**
19 **NITIES.**

20 In administering a relevant program, the Secretary
21 shall, to the extent practicable, invest or direct available
22 and relevant programmatic resources so that such pro-
23 gram—

24 (1) promotes electric vehicle charging infra-
25 structure;

- 1 (2) supports clean and multi-modal transpor-
2 tation;
3 (3) provides improved air quality and emissions
4 reductions; and
5 (4) prioritizes the needs of underserved or dis-
6 advantaged communities.

7 **SEC. 204. DEFINITIONS.**

8 In this title:

9 (1) **ELECTRIC VEHICLE CHARGING INFRA-**
10 **STRUCTURE.**—The term “electric vehicle charging
11 infrastructure” means electric vehicle supply equip-
12 ment, including any conductors, electric vehicle con-
13 nectors, attachment plugs, and all other fittings, de-
14 vices, power outlets, or apparatuses installed specifi-
15 cally for the purposes of delivering energy to an elec-
16 tric vehicle.

17 (2) **PUBLICLY ACCESSIBLE.**—The term “pub-
18 licly accessible” means, with respect to electric vehi-
19 cle charging infrastructure, electric vehicle charging
20 infrastructure that is available, at zero or reasonable
21 cost, to members of the public for the purpose of
22 charging a privately owned or leased electric vehicle,
23 or electric vehicle that is available for use by mem-
24 bers of the general public as part of a ride service

1 or vehicle sharing service or program, including
2 within or around—

3 (A) public sidewalks and streets;

4 (B) public parks;

5 (C) public buildings, including—

6 (i) libraries;

7 (ii) schools; and

8 (iii) government offices;

9 (D) public parking;

10 (E) shopping centers; and

11 (F) commuter transit hubs.

12 (3) RELEVANT PROGRAM.—The term “relevant
13 program” means a program of the Department of
14 Energy, including—

15 (A) the State energy program under part
16 D of title III the Energy Policy and Conserva-
17 tion Act (42 U.S.C. 6321 et seq.);

18 (B) the Clean Cities program;

19 (C) the Energy Efficiency and Conserva-
20 tion Block Grant Program established under
21 section 542 of the Energy Independence and
22 Security Act of 2007 (42 U.S.C. 17152);

23 (D) loan guarantees made pursuant to title
24 XVII of the Energy Policy Act of 2005 (42
25 U.S.C. 16511 et seq.); and

1 (E) such other programs as the Secretary
2 determines appropriate.

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Energy.

5 (5) UNDERSERVED OR DISADVANTAGED COM-
6 MUNITY.—The term “underserved or disadvantaged
7 community” means a community located within a
8 ZIP Code or census tract that is identified as—

9 (A) a low-income community;

10 (B) a community of color;

11 (C) a Tribal community;

12 (D) having a disproportionately low num-
13 ber of electric vehicle charging stations per cap-
14 ita, compared to similar areas; or

15 (E) any other community that the Sec-
16 retary determines is disproportionately vulner-
17 able to, or bears a disproportionate burden of,
18 any combination of economic, social, environ-
19 mental, and climate stressors.

1 **TITLE III—PROMOTING DOMES-**
2 **TIC ADVANCED VEHICLE**
3 **MANUFACTURING**

4 **SEC. 301. DOMESTIC MANUFACTURING CONVERSION**
5 **GRANT PROGRAM.**

6 (a) HYBRID VEHICLES, ADVANCED VEHICLES, AND
7 FUEL CELL BUSES.—Subtitle B of title VII of the Energy
8 Policy Act of 2005 (42 U.S.C. 16061 et seq.) is amend-
9 ed—

10 (1) in the subtitle header, by inserting “**Plug-**
11 **In Electric Vehicles,**” before “**Hybrid Vehi-**
12 **cles**”; and

13 (2) in part 1, in the part header, by striking
14 “**HYBRID**” and inserting “**PLUG-IN ELECTRIC**”.

15 (b) PLUG-IN ELECTRIC VEHICLES.—Section 711 of
16 the Energy Policy Act of 2005 (42 U.S.C. 16061) is
17 amended to read as follows:

18 **“SEC. 711. PLUG-IN ELECTRIC VEHICLES.**

19 “The Secretary shall accelerate efforts, related to do-
20 mestic manufacturing, that are directed toward the im-
21 provement of batteries, power electronics, and other tech-
22 nologies for use in plug-in electric vehicles.”.

23 (c) EFFICIENT HYBRID AND ADVANCED DIESEL VE-
24 HICLES.—Section 712 of the Energy Policy Act of 2005
25 (42 U.S.C. 16062) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by inserting “, plug-
3 in electric,” after “efficient hybrid”; and

4 (B) by amending paragraph (3) to read as
5 follows:

6 “(3) PRIORITY.—Priority shall be given to—

7 “(A) the refurbishment or retooling of
8 manufacturing facilities that have recently
9 ceased operation or would otherwise cease oper-
10 ation in the near future; and

11 “(B) applications containing—

12 “(i) a written assurance that—

13 “(I) all laborers and mechanics
14 employed by contractors or sub-
15 contractors during construction, alter-
16 ation, or repair, or at any manufac-
17 turing operation, that is financed, in
18 whole or in part, by a loan under this
19 section shall be paid wages at rates
20 not less than those prevailing in a
21 similar firm or on similar construction
22 in the locality, as determined by the
23 Secretary of Labor in accordance with
24 subchapter IV of chapter 31 of title
25 40, United States Code; and

1 “(II) the Secretary of Labor
2 shall, with respect to the labor stand-
3 ards described in this paragraph, have
4 the authority and functions set forth
5 in Reorganization Plan Numbered 14
6 of 1950 (64 Stat. 1267; 5 U.S.C.
7 App.) and section 3145 of title 40,
8 United States Code;

9 “(ii) a disclosure of whether there has
10 been any administrative merits determina-
11 tion, arbitral award or decision, or civil
12 judgment, as defined in guidance issued by
13 the Secretary of Labor, rendered against
14 the applicant in the preceding 3 years for
15 violations of applicable labor, employment,
16 civil rights, or health and safety laws;

17 “(iii) specific information regarding
18 the actions the applicant will take to dem-
19 onstrate compliance with, and where pos-
20 sible exceedance of, requirements under
21 applicable labor, employment, civil rights,
22 and health and safety laws, and actions the
23 applicant will take to ensure that its direct
24 suppliers demonstrate compliance with ap-

1 plicable labor, employment, civil rights,
 2 and health and safety laws; and

3 “(iv) an estimate and description of
 4 the jobs and types of jobs to be retained or
 5 created by the project and the specific ac-
 6 tions the applicant will take to increase
 7 employment and retention of dislocated
 8 workers, veterans, individuals from low-in-
 9 come communities, women, minorities, and
 10 other groups underrepresented in manufac-
 11 turing, and individuals with a barrier to
 12 employment.”; and

13 (2) by striking subsection (c) and inserting the
 14 following:

15 “(c) COST SHARE AND GUARANTEE OF OPER-
 16 ATION.—

17 “(1) CONDITION.—A recipient of a grant under
 18 this section shall pay the Secretary the full amount
 19 of the grant if the facility financed in whole or in
 20 part under this subsection fails to manufacture
 21 goods for a period of at least 10 years after the com-
 22 pletion of construction.

23 “(2) COST SHARE.—Section 988(c) shall apply
 24 to a grant made under this subsection.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to the Secretary to carry
 3 out this section \$2,500,000,000 for each of fiscal years
 4 2022 through 2031.

5 “(e) PERIOD OF AVAILABILITY.—An award made
 6 under this section after the date of enactment of this sub-
 7 section shall only be available with respect to facilities and
 8 equipment placed in service before December 30, 2035.”.

9 (d) CONFORMING AMENDMENT.—The table of con-
 10 tents of the Energy Policy Act of 2005 is amended—

11 (1) in the item relating to subtitle B of title
 12 VII, by inserting “Plug-In Electric Vehicles,” before
 13 “Hybrid Vehicles”;

14 (2) in the item relating to part 1 of such sub-
 15 title, by striking “Hybrid” and inserting “Plug-In
 16 Electric”; and

17 (3) in the item relating to section 711, by strik-
 18 ing “Hybrid” and inserting “Plug-in electric”.

19 **SEC. 302. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**
 20 **TURING INCENTIVE PROGRAM.**

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

23 (1) in subsection (a)—

24 (A) by amending paragraph to read as fol-
 25 lows:

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

3 “(A) an ultra efficient vehicle;

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

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

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

17 “(iii) either—

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

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

24 “(C) a heavy-duty vehicle (excluding a me-
25 dium-duty passenger vehicle) that—

1 “(i) demonstrates achievement below
2 the applicable regulatory standards for
3 emissions of greenhouse gases for model
4 year 2027 vehicles promulgated by the Ad-
5 ministrator on October 25, 2016 (81 Fed.
6 Reg. 73478);

7 “(ii) complies with the applicable reg-
8 ulatory standard for emissions of green-
9 house gases for model year 2030 or later;
10 or

11 “(iii) emits zero emissions of green-
12 house gases.”;

13 (B) by striking paragraph (2) and redesign-
14 ating paragraph (3) as paragraph (2);

15 (C) by striking paragraph (4) and insert-
16 ing the following:

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

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

24 “(A) a component of an ultra efficient ve-
25 hicle;

1 “(B) fuel cell technology;

2 “(C) battery technology, including a bat-
3 tery cell, battery, battery management system,
4 or thermal control system;

5 “(D) an automotive semiconductor or com-
6 puter;

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

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

11 (D) in paragraph (5)—

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

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

17 (iii) by adding at the end the fol-
18 lowing:

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

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

24 “(b) ADVANCED VEHICLES MANUFACTURING FACIL-
25 ITY.—

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

6 “(A) reequipping, expanding, or estab-
 7 lishing a manufacturing facility in the United
 8 States to produce—

9 “(i) advanced technology vehicles; or

10 “(ii) qualifying components; and

11 “(B) engineering integration performed in
 12 the United States of advanced technology vehi-
 13 cles and qualifying components.

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

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

23 (4) in subsection (d)—

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

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

6 “(A) a written assurance that—

7 “(i) all laborers and mechanics em-
8 ployed by contractors or subcontractors
9 during construction, alteration, or repair,
10 or at any manufacturing operation, that is
11 financed, in whole or in part, by a loan
12 under this section shall be paid wages at
13 rates not less than those prevailing in a
14 similar firm or on similar construction in
15 the locality, as determined by the Sec-
16 retary of Labor in accordance with sub-
17 chapter IV of chapter 31 of title 40,
18 United States Code; and

19 “(ii) the Secretary of Labor shall,
20 with respect to the labor standards de-
21 scribed in this paragraph, have the author-
22 ity and functions set forth in Reorganiza-
23 tion Plan Numbered 14 of 1950 (64 Stat.
24 1267; 5 U.S.C. App.) and section 3145 of
25 title 40, United States Code;

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

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

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

1 manufacturing, and individuals with a barrier
2 to employment.”;

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

5 “(3) SELECTION OF ELIGIBLE PROJECTS.—

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

10 “(i) the loan recipient—

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

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

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

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

1 “(B) REASONABLE PROSPECT OF REPAY-
2 MENT.—The Secretary shall base a determina-
3 tion of whether there is a reasonable prospect
4 of repayment of the principal and interest on a
5 loan under subparagraph (A) on a comprehen-
6 sive evaluation of whether the loan recipient has
7 a reasonable prospect of repaying the principal
8 and interest, including evaluation of—

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

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

16 “(iii) cash sweeps and other structure
17 enhancements;

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

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

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

6 (C) in paragraph (4)—

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

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

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

14 (iv) by adding at the end the fol-
 15 lowing:

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

18 (5) by amending subsection (e) to read as fol-
 19 lows:

20 “(e) REGULATIONS.—Not later than 6 months after
 21 the date of enactment of the NO EXHAUST Act of 2021,
 22 the Secretary shall issue a final rule establishing regula-
 23 tions to carry out this section.”;

24 (6) by amending subsection (f) to read as fol-
 25 lows:

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

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

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

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

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

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

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

21 (8) in subsection (h)—

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

1 (B) in paragraph (1)(B), by striking
2 “automobiles, or components of automobiles”
3 and inserting “advanced technology vehicles, or
4 components of advanced technology vehicles”;

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

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

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

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

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

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

21 “(l) REPORT.—Not later than 2 years after the date
22 of the enactment of this subsection, and every 3 years
23 thereafter, the Secretary shall submit to Congress a report
24 on the status of projects supported by a loan under this
25 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.”.

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