H. R. 7379

To transition the nontactical vehicle fleet of the Department of Defense to electric or other zero emission vehicles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2022

Mr. GARAMENDI (for himself, Mr. GOMEZ, and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To transition the nontactical vehicle fleet of the Department of Defense to electric or other zero emission vehicles, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Military Vehicle Fleet Electrification Act”.

SEC. 2. PROCUREMENT OF ELECTRIC OR ZERO EMISSION VEHICLES FOR THE DEPARTMENT OF DE-
FENSE.

(a) PROCUREMENT REQUIREMENT.—
(1) IN GENERAL.—Section 2922g of title 10, United States Code, is amended to read as follows:

"§ 2922g. Procurement of electric or zero emission vehicles

(a) REQUIREMENT TO PROCURE ELECTRIC OR ZERO EMISSION VEHICLES.—Not less than 75 percent of the total number of covered nontactical vehicles purchased or leased by or for the use of the Department of Defense shall—

“(1) be electric or zero emission vehicles; and

“(2) use a charging connector type (or other means to transmit electricity to the vehicle) that meets applicable industry accepted standards for interoperability and safety.

(b) COVERED NONTACTICAL VEHICLE DEFINED.—In this section, the term ‘covered nontactical vehicle’ means any vehicle—

“(1) that is not a tactical vehicle designed for use in combat; and

“(2) that is purchased or leased by the Department of Defense, or by another department or agency of the Federal Government for the use of the Department of Defense, pursuant to a contract entered into, renewed, modified, or amended on or after October 1, 2022.
“(c) Relation to Other Vehicle Technologies That Reduce Consumption of Fossil Fuels.—The head of the Federal department or agency concerned may authorize the purchase or lease of covered nontactical vehicles that use a technology other than electric or zero emission technology only if the head of such department or agency determines, on a case by case basis, that—

“(1) the technology used in the vehicles to be purchased or leased reduces the consumption of fossil fuels compared to any vehicles being replaced by the newly purchased or leased vehicles (regardless of the engine technology used in the vehicles being replaced);

“(2) the purchase or lease of such vehicles is consistent with the energy performance goals and plan of the Department of Defense required by section 2911 of this title;

“(3) the purchase or lease of such vehicles will not result in a total number of non-electric or non-zero emission vehicles in excess of the threshold specified in subsection (a); and

“(4) the purchase or lease of electric or zero emission vehicles is impracticable under the circumstances.

“(d) Domestic Sourcing Requirements.—
“(1) IN GENERAL.—The following provisions of
law shall apply to the purchase or lease of covered
nontactical vehicles under this section:

“(A) Chapter 83 of title 41 (commonly re-
ferred to as the ‘Buy American Act’).

“(B) Section 4862 of this title (commonly
ferred to as the ‘Berry Amendment’).

“(C) Section 4863 of this title (commonly
ferred to as the ‘Specialty Metal Clause’).

“(2) DOMESTIC SOURCING OF BATTERIES.—
Any vehicle battery included in a covered nontactical
vehicle shall be sourced from a manufacturer—

“(A) within the national technology and in-
dustrial base (as defined in section 4801 of this
title); or

“(B) from a qualifying country (as defined
in section 225.003 of title 48, Code of Federal
Regulations).

“(3) APPLICABILITY TO LEASED VEHICLES.—
The requirements of paragraphs (1) and (2) shall
apply to leased vehicles in the same manner that
such requirements apply to purchased vehicles.

“(4) PROHIBITION ON WAIVER.—No provision
of a memorandum of understanding or related
agreement referred to in section 4851 of this title
(commonly referred to as a ‘Reciprocal Defense Procurement Agreement’) may waive or supercede the requirements of paragraphs (1) and (2).

“(e) PROHIBITION ON COMPONENT SOURCING FROM NON-ALLIED FOREIGN NATIONS.—A covered nontactical vehicle that is an electric or zero emission vehicle purchased or leased by or for the use of the Department of Defense may not include an automotive item, including a vehicle battery, battery pack, or battery cell, sourced from a covered nation (as defined in section 4871(d) of title 10, United States Code).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 173 of title 10, United States Code, is amended by striking the item relating to section 2922g and inserting the following new item:

“2922g. Procurement of electric or zero emission vehicles.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2022.

SEC. 3. ELECTRIC VEHICLE CHARGING STATIONS AT MILITARY INSTALLATIONS.

(a) CHARGING STATIONS AT COMMISSARY STORES AND MILITARY EXCHANGES.—

(1) IN GENERAL.—Subchapter I of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:
“§ 2486. Electric vehicle charging stations at commissary stores and military exchanges

“(a) AUTHORITY.—The Secretary of Defense may furnish electric vehicle charging stations at a commissary store or military exchange for commercial use by individuals authorized to access such facilities.

“(b) RATES AND PROCEDURES.—If the Secretary of Defense furnishes electric vehicle charging stations pursuant to subsection (a)—

“(1) the Secretary shall establish rates and procedures that the Secretary determines appropriate for the purchase of electric power from the charging stations; and

“(2) such charging stations may be installed and operated by a contractor on a for-profit basis.

“(c) INTEROPERABILITY.—Any vehicle charging station provided under this section shall use a charging connector type (or other means to transmit electricity to the vehicle) that—

“(1) meets applicable industry accepted standards for interoperability and safety; and

“(2) is compatible with—

“(A) electric vehicles commonly available for purchase by a member of the general public; and
“(B) covered nontactical vehicles (as defined in section 2922g(b) of this title) for which charging is required.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2486. Electric vehicle charging stations at commissary stores and military exchanges.”.

(b) ADDITIONAL REQUIREMENTS AND AUTHORITY.—

(1) IN GENERAL.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2922j. Requirements and authorities relating to electric vehicle charging stations

“(a) USE OF QUALIFIED ELECTRICIANS.—Any electrical work (including installation, maintenance, repair, rehabilitation, or replacement) required for an electric vehicle charging station located at a military installation shall be carried out by a qualified electrician who—

“(1) is licensed to perform such work in the State in which the work is performed;

“(2) is paid wages not less than those prevailing for similar work in the locality, as determined by the Secretary of Labor under subchapter IV of
chapter 31 of title 40 (commonly referred to as the ‘Davis-Bacon Act’); and

“(3) holds a valid certification from the nongovernmental Electric Vehicle Infrastructure Training Program.

“(b) AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—The Secretary of Defense may use the authority provided under section 2805 of this title for the installation, maintenance, repair, rehabilitation, or replacement of an electric vehicle charging station on a military installation.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘military installation’ has the meaning given that term in section 2801 of this title.

“(2) The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2922j. Requirements and authorities relating to electric vehicle charging stations.”.