

VETO—S. J. RES. 38
(PM 35)

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT MY APPROVAL S. J. RES. 38, A JOINT RESOLUTION THAT WOULD DISAPPROVE UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, AN ACTION BY THE FEDERAL HIGHWAY ADMINISTRATION RELATING TO “WAIVER OF BUY AMERICA REQUIREMENTS FOR ELECTRIC VEHICLE CHARGERS”



JANUARY 24, 2024.—Ordered to be printed

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To the Senate of the United States:

I am returning herewith without my approval S. J. Res. 38, a resolution that would disapprove under chapter 8 of title 5, United States Code, an action by the Federal Highway Administration (FHWA) relating to “Waiver of Buy America Requirements for Electric Vehicle Chargers.”

This resolution would eliminate the domestic manufacturing standards for electric vehicle (EV) chargers funded by the FHWA, thereby harming domestic manufacturing and American jobs. If enacted, it would weaken Buy America requirements by reverting to FHWA’s general waiver for manufactured products, allowing Federal dollars—including \$7.5 billion from the Bipartisan Infrastructure Law—to be spent on chargers made in competitor nations like the People’s Republic of China. Additionally, if enacted, this resolution would undermine the hundreds of millions of dollars that the private sector has already invested in domestic EV charging manufacturing, and chill further domestic investment in this critical market.

Finally, if enacted, this resolution would undermine efforts to ensure that the national network of EV chargers, being funded with Federal dollars, must be manufactured in the United States. Specifically, in 2023, my Administration issued a new policy for EV chargers that restores Buy America protections that are consistent with the Build America, Buy America Act (BABA) standards included in the Bipartisan Infrastructure Law. This policy immediately required that EV chargers purchased through FHWA grants be manufactured in the United States and that EV charger housing comprised of iron and steel must use iron and steel produced in the United States. Based on information gathered through public outreach, the policy phases in full Buy America coverage by requiring full BABA compliance starting on July 1 of this year. These actions ensure that Federal dollars for EV chargers are used to purchase American-made products, while allowing newly announced manufacturing capacity for EV charger components the necessary time to ramp up production.

If enacted, this resolution would harm my Administration’s efforts to encourage investment in critical industries and bring high-quality jobs back to the United States. It would not only thwart the collective goal of the Congress and the Administration to establish a domestic EV charger manufacturing industry, but it would also delay the significant progress being made by my Administration and the States in establishing the EV charging network. Establishing resilient supply chains is critical to our national economic and energy security, and my Administration will not support policies that would undermine efforts to bring this critical manufacturing back to the United States.

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Therefore, I am vetoing this resolution.

JOSEPH R. BIDEN, Jr.

THE WHITE HOUSE, *January 24, 2024.*

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