

116TH CONGRESS
2D SESSION

H. R. 5558

To promote American leadership in vehicle manufacturing, job creation, improved air quality, and climate protection through domestic manufacturing of low- and zero-emission vehicles and development of electric vehicle charging networks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2020

Mrs. DINGELL introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To promote American leadership in vehicle manufacturing, job creation, improved air quality, and climate protection through domestic manufacturing of low- and zero-emission vehicles and development of electric vehicle charging networks, 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 “USA Electrify For-
5 ward Act”.

1 **SEC. 2. DOMESTIC MANUFACTURING CONVERSION GRANT**
 2 **PROGRAM.**

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

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

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

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

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

16 “The Secretary shall accelerate domestic manufac-
 17 turing efforts directed toward the improvement of bat-
 18 teries, power electronics, and other technologies for use
 19 in plug-in electric vehicles.”.

20 (c) EFFICIENT HYBRID AND ADVANCED DIESEL VE-
 21 HICLES.—Section 712 of the Energy Policy Act of 2005
 22 (42 U.S.C. 16062) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1), by inserting “, plug-
 25 in electric vehicles,” after “efficient hybrid”;
 26 and

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

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

4 “(A) the refurbishment or retooling of
5 manufacturing facilities that have recently
6 ceased operation or will cease operation in the
7 near future; and

8 “(B) applications containing a written as-
9 surance that—

10 “(i) all laborers and mechanics em-
11 ployed by contractors or subcontractors
12 during construction, alteration, retooling,
13 or repair that is financed, in whole or in
14 part, by a grant under this subsection shall
15 be paid wages at rates not less than those
16 prevailing on similar construction in the lo-
17 cality, as determined by the Secretary of
18 Labor in accordance with sections 3141
19 through 3144, 3146, and 3147 of title 40,
20 United States Code;

21 “(ii) all laborers and mechanics em-
22 ployed by the owner or operator of a man-
23 ufacturing facility that is financed, in
24 whole or in part, by a grant under this
25 subsection shall be paid wages at rates not

1 less than those prevailing on similar con-
2 struction in the locality, as determined by
3 the Secretary of Labor in accordance with
4 sections 3141 through 3144, 3146, and
5 3147 of title 40, United States Code; and
6 “(iii) the Secretary of Labor shall,
7 with respect to the labor standards de-
8 scribed in this paragraph, have the author-
9 ity and functions set forth in Reorganiza-
10 tion Plan Numbered 14 of 1950 (5 U.S.C.
11 App.) and section 3145 of title 40, United
12 States Code.”; 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 \$2.5 bil-
3 lion for each of fiscal years 2021 through 2030.

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

8 **SEC. 3. TRANSPORTATION ELECTRIFICATION.**

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

11 (1) in subsection (a)(6)—

12 (A) in the matter preceding subparagraph
13 (A), by striking “and petroleum,” and inserting
14 “petroleum, expand use of electric vehicles, and
15 facilitate electrification of the transportation
16 sector,”;

17 (B) in subparagraph (A), by inserting
18 “and ground support equipment at ports” be-
19 fore the semicolon;

20 (C) in subparagraph (E), by inserting
21 “and vehicles” before the semicolon;

22 (D) in subparagraph (H), by striking
23 “and” at the end;

24 (E) in subparagraph (I)—

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

2 and

3 (ii) by striking the period at the end

4 and inserting a semicolon; and

5 (F) by adding at the end the following:

6 “(J) plug-in electric vehicle charging infra-
7 structure, including publicly accessible charging
8 infrastructure, including infrastructure acces-
9 sible to rural, urban, and low-income commu-
10 nities or infrastructure on commercial property;
11 and

12 “(K) multi-use charging hubs used for
13 multiple forms of transportation.”; and

14 (2) in subsection (b)—

15 (A) in paragraph (3)(A)—

16 (i) in clause (i), by striking “and” at
17 the end;

18 (ii) in clause (ii), by inserting “, vehi-
19 cle components, and plug-in electric vehicle
20 charging equipment” after “vehicles”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(iii) contain a written assurance that
24 all laborers and mechanics employed by
25 contractors or subcontractors during con-

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

16 (B) in paragraph (6), by striking
17 “\$90,000,000 for each of fiscal years 2008
18 through 2012” and inserting “\$2,000,000,000
19 for each of fiscal years 2021 through 2030”;
20 and

21 (3) in subsection (c)—

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

24 (B) in paragraph (4), by striking
25 “\$95,000,000 for each of fiscal years 2008

1 through 2013” and inserting “\$2,500,000,000
2 for each of fiscal years 2021 through 2030”.

3 **SEC. 4. MODEL BUILDING CODE FOR ELECTRIC VEHICLE**
4 **SUPPLY EQUIPMENT.**

5 (a) DEVELOPMENT.—The Secretary shall develop a
6 proposal to establish or update, as appropriate, model
7 building codes for—

8 (1) integrating electric vehicle supply equipment
9 into residential and commercial buildings that in-
10 clude space for individual vehicle or fleet vehicle
11 parking; and

12 (2) integrating onsite renewable power equip-
13 ment and electric storage equipment (including elec-
14 tric vehicle batteries to be used for electric storage)
15 into residential and commercial buildings.

16 (b) CONSULTATION.—In developing the proposal
17 under subsection (a), the Secretary shall consult with
18 stakeholders representing the building construction indus-
19 try, manufacturers of electric vehicles and electric vehicle
20 supply equipment, State and local governments, and any
21 other persons with relevant expertise or interests.

22 (c) DEADLINE.—Not later than 1 year after the date
23 of enactment of this Act, the Secretary shall submit the
24 proposal developed under subsection (a) to the American
25 Society of Heating, Refrigerating, and Air Conditioning

1 Engineers, the International Code Council, and the States
2 for consideration.

3 **SEC. 5. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**
4 **TURING INCENTIVE PROGRAM.**

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

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by redesignating subparagraphs
10 (A) through (C) as clauses (i) through
11 (iii), respectively, and indenting appro-
12 priately;

13 (ii) by striking “(1) ADVANCED TECH-
14 NOLOGY VEHICLE.—” and all that follows
15 through “meets—” and inserting the fol-
16 lowing:

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

19 “(A) an ultra efficient vehicle;

20 “(B) a light duty vehicle that meets—”;

21 (iii) by amending subparagraph
22 (B)(iii) (as so redesignated) to read as fol-
23 lows:

24 “(iii) the applicable regulatory stand-
25 ards for emissions of greenhouse gases for

1 model year 2021 through 2025 vehicles
2 promulgated by the Administrator of the
3 Environmental Protection Agency on Octo-
4 ber 15, 2012 (77 Fed. Reg. 62624); or”;
5 and

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

8 “(C) a heavy-duty vehicle (including a me-
9 dium-duty passenger vehicle), as defined in sec-
10 tion 86.1803–01 of title 40, Code of Federal
11 Regulations (or successor regulations), that—

12 “(i) complies early with the applicable
13 regulatory standards for emissions of
14 greenhouse gases for model year 2024 ve-
15 hicles promulgated by the Administrator
16 on October 25, 2016 (81 Fed. Reg.
17 73478);

18 “(ii) complies early with, or dem-
19 onstrates achievement below, the applicable
20 regulatory standards for emissions of
21 greenhouse gases for model year 2027 ve-
22 hicles promulgated by the Administrator
23 on October 25, 2016 (81 Fed. Reg.
24 73478); or

1 “(iii) emits zero emissions of green-
2 house gases.”;

3 (B) by striking paragraph (2) and redesign-
4 nating paragraphs (3) through (5) as para-
5 graphs (2) through (4), respectively; and

6 (C) by amending paragraph (3) (as so re-
7 designated) to read as follows:

8 “(4) QUALIFYING COMPONENTS.—The term
9 ‘qualifying components’ means components, systems,
10 or groups of subsystems that the Secretary deter-
11 mines to be designed to reduce emissions of green-
12 house gases or oxides of nitrogen.”;

13 (2) in subsection (b)—

14 (A) in the matter preceding paragraph

15 (1)—

16 (i) by striking “automobile manufac-
17 turers, ultra efficient vehicle manufactur-
18 ers,” and inserting “advanced technology
19 vehicle manufacturers”; and

20 (ii) by striking “30 percent” and in-
21 serting “50 percent”;

22 (B) in paragraph (1)—

23 (i) in subparagraph (A), by striking
24 “qualifying advanced technology vehicles;”

1 and inserting “advanced technology vehi-
2 cles; or”;

3 (ii) in subparagraph (B), by striking
4 “; or” and inserting “; and”; and

5 (iii) by striking subparagraph (C);
6 and

7 (C) in paragraph (2), by striking “quali-
8 fying vehicles, ultra efficient vehicles,” and in-
9 serting “advanced technology vehicles”;

10 (3) in subsection (e), by striking “2020” and
11 inserting “2030” each place it appears;

12 (4) in subsection (g), by inserting “or medium-
13 duty or heavy-duty vehicles that emit zero green-
14 house gas emissions” after “ultra efficient vehicles”;

15 (5) in subsection (h)—

16 (A) in the header, by striking “AUTO-
17 MOBILE” and inserting “ADVANCED TECH-
18 NOLOGY VEHICLE”; and

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

24 (6) in subsection (i), by striking “2008 through
25 2012” and inserting “2021 through 2030”.

1 **SEC. 6. STATE CONSIDERATION OF ELECTRIC VEHICLE**
2 **CHARGING.**

3 (a) CONSIDERATION AND DETERMINATION RESPECT-
4 ING CERTAIN RATEMAKING STANDARDS.—Section 111(d)
5 of the Public Utility Regulatory Policies Act of 1978 (16
6 U.S.C. 2621(d)) is amended by adding at the end the fol-
7 lowing:

8 “(20) ELECTRIC VEHICLE CHARGING PRO-
9 GRAMS.—

10 “(A) IN GENERAL.—Each State shall con-
11 sider—

12 “(i) authorizing measures to stimulate
13 investment in and deployment of electric
14 vehicle supply equipment and to foster the
15 market for vehicle charging;

16 “(ii) authorizing each electric utility
17 of the State to recover from ratepayers any
18 capital, operating expenditure, or other
19 costs of the electric utility relating to load
20 management, programs, or investments as-
21 sociated with the integration of electric ve-
22 hicle supply equipment onto the grid and
23 promoting greater electrification of the
24 transportation sector; and

25 “(iii) allowing a person or agency that
26 owns and operates an electric vehicle

1 charging facility for the sole purpose of re-
2 charging an electric vehicle battery to be
3 excluded from regulation as an electric
4 utility pursuant to section 3(4) when mak-
5 ing electricity sales from the use of the
6 electric vehicle charging facility, if such
7 sales are the only sales of electricity made
8 by the person or agency.

9 “(B) DEFINITION.—For purposes of this
10 paragraph, the term ‘electric vehicle supply
11 equipment’ means conductors, including
12 ungrounded, grounded, and equipment ground-
13 ing conductors, electric vehicle connectors, at-
14 tachment plugs, and all other fittings, devices,
15 power outlets, or apparatuses installed specifi-
16 cally for the purpose of delivering energy to an
17 electric vehicle.”.

18 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

19 (1) TIME LIMITATIONS.—Section 112(b) of the
20 Public Utility Regulatory Policies Act of 1978 (16
21 U.S.C. 2622(b)) is amended by adding at the end
22 the following:

23 “(7)(A) Not later than 1 year after the enact-
24 ment of this paragraph, each State regulatory au-
25 thority (with respect to each electric utility for which

1 it has ratemaking authority) and each nonregulated
2 utility shall commence the consideration referred to
3 in section 111, or set a hearing date for consider-
4 ation, with respect to the standards established by
5 paragraph (20) of section 111(d).

6 “(B) Not later than 2 years after the date of
7 the enactment of this paragraph, each State regu-
8 latory authority (with respect to each electric utility
9 for which it has ratemaking authority), and each
10 nonregulated electric utility, shall complete the con-
11 sideration, and shall make the determination, re-
12 ferred to in section 111 with respect to each stand-
13 ard established by paragraph (20) of section
14 111(d).”.

15 (2) FAILURE TO COMPLY.—Section 112(c) of
16 the Public Utility Regulatory Policies Act of 1978
17 (16 U.S.C. 2622(c)) is amended by striking “(19)”
18 and inserting “(20)”.

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

23 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
24 (c) of this section shall not apply to the standard estab-
25 lished by paragraph (20) of section 111(d) in the case of

1 any electric utility in a State if, before the enactment of
2 this subsection—

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

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

10 “(3) the State legislature has voted on the im-
11 plementation of such standard (or a comparable
12 standard) for such utility; or

13 “(4) the State has taken action to implement
14 incentives or other steps to strongly encourage the
15 deployment of electric vehicles.”.

○