

117TH CONGRESS
2D SESSION

S. 4380

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

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2022

Ms. WARREN (for herself, Ms. HIRONO, Mr. DURBIN, Mr. MARKEY, Mr. WHITEHOUSE, and Mr. KING) introduced the following bill; which was read twice and 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.

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 “Military Vehicle Fleet
5 Electrification Act”.

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

9 (a) **PROCUREMENT REQUIREMENT.**—

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

3 **“§ 2922g. Procurement of electric or zero emission ve-**
4 **hicles**

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

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

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

15 “(b) RELATION TO OTHER VEHICLE TECHNOLOGIES
16 THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—The
17 head of the department or agency of the Federal Govern-
18 ment concerned may authorize the purchase or lease of
19 covered nontactical vehicles that use a technology other
20 than electric or zero emission technology only if the head
21 of such department or agency determines, on a case by
22 case basis, that—

23 “(1) the technology used in the vehicles to be
24 purchased or leased reduces the consumption of fos-
25 sil fuels compared to any vehicles being replaced by

1 the newly purchased or leased vehicles (regardless of
2 the engine technology used in the vehicles being re-
3 placed);

4 “(2) the purchase or lease of such vehicles is
5 consistent with the energy performance goals and
6 master plan of the Department of Defense required
7 by subsections (c) and (d) of section 2911 of this
8 title;

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

13 “(4) the purchase or lease of electric or zero
14 emission vehicles is impracticable under the cir-
15 cumstances.

16 “(c) DOMESTIC SOURCING REQUIREMENTS.—

17 “(1) IN GENERAL.—The following provisions of
18 law shall apply to the purchase or lease of covered
19 nontactical vehicles under this section:

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

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

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

1 “(2) DOMESTIC SOURCING OF BATTERIES.—

2 Any vehicle battery included in a covered nontactical
3 vehicle shall be sourced from a manufacturer—

4 “(A) within the national technology and in-
5 dustrial base; or

6 “(B) from a qualifying country (as defined
7 in section 225.003 of title 48, Code of Federal
8 Regulations, or successor regulations).

9 “(3) APPLICABILITY TO LEASED VEHICLES.—

10 The requirements of paragraphs (1) and (2) shall
11 apply to leased vehicles in the same manner that
12 such requirements apply to purchased vehicles.

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

19 “(d) PROHIBITION ON SOURCING FROM NON-ALLIED
20 FOREIGN NATIONS.—A covered nontactical vehicle that is
21 an electric or zero emission vehicle purchased or leased
22 by or for the use of the Department of Defense may not—

23 “(1) include an automotive item, including a ve-
24 hicle battery, battery pack, or battery cell, sourced
25 from a covered nation; or

1 “(2) be sourced, including final assembly,
2 from—

3 “(A) a covered nation;

4 “(B) a country that is not part of the na-
5 tional technology and industrial base; or

6 “(C) a country that does not have a memo-
7 randum of understanding or related agreement
8 referred to in section 4851 of this title with the
9 United States (commonly referred to as a ‘re-
10 ciprocal defense procurement agreement’).

11 “(e) DEFINITIONS.—In this section:

12 “(1) COVERED NATION.—The term ‘covered na-
13 tion’ has the meaning given that term in section
14 4872(d) of this title.

15 “(2) COVERED NONTACTICAL VEHICLE.—The
16 term ‘covered nontactical vehicle’ means any vehi-
17 cle—

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

20 “(B) that is purchased or leased by the
21 Department of Defense, or by another depart-
22 ment or agency of the Federal Government for
23 the use of the Department of Defense, pursuant
24 to a contract entered into, renewed, modified,
25 or amended on or after October 1, 2022.

(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:

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

12 SEC. 3. ELECTRIC VEHICLE CHARGING STATIONS AT MILI-
13 TARY INSTALLATIONS.

14 (a) CHARGING STATIONS AT COMMISSARY STORES
15 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:

19 **“§ 2486. Electric vehicle charging stations at com-**
20 **missary stores and military exchanges**

21 “(a) AUTHORITY.—The Secretary of Defense may
22 furnish electric vehicle charging stations at a commissary
23 store or MWR retail facility for commercial use by individ-
24 uals authorized to access such facilities.

1 “(b) RATES AND PROCEDURES.—If the Secretary of
 2 Defense furnishes electric vehicle charging stations pursu-
 3 ant to subsection (a)—

4 “(1) the Secretary shall establish rates and pro-
 5 cedures that the Secretary determines appropriate
 6 for the purchase of electric power from the charging
 7 stations; and

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

10 “(c) INTEROPERABILITY.—Any vehicle charging sta-
 11 tion provided under this section shall use a charging con-
 12 nector type (or other means to transmit electricity to the
 13 vehicle) that—

14 “(1) meets applicable industry accepted stand-
 15 ards for interoperability and safety; and

16 “(2) is compatible with—

17 “(A) electric vehicles commonly available
 18 for purchase by a member of the general public;
 19 and

20 “(B) covered nontactical vehicles (as de-
 21 fined in section 2922g(e) of this title) for which
 22 charging is required.

23 “(d) MWR RETAIL FACILITY DEFINED.—In this sec-
 24 tion, the term ‘MWR retail facility’ has the meaning given

1 the term ‘MWR retail facilities’ in section 1063(e) of this
2 title.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such subchapter is amend-
5 ed by adding at the end the following new item:

“2486. Electric vehicle charging stations at commissary stores and military ex-
changes.”.

6 (b) ADDITIONAL REQUIREMENTS AND AUTHORI-
7 TIES.—

8 (1) IN GENERAL.—Subchapter II of chapter
9 173 of title 10, United States Code, is amended by
10 adding at the end the following new section:

11 **“§ 2922j. Requirements and authorities relating to**
12 **electric vehicle charging stations**

13 “(a) USE OF QUALIFIED ELECTRICIANS.—Any elec-
14 trical work (including installation, maintenance, repair, re-
15 habilitation, or replacement) required for an electric vehi-
16 cle charging station located at a military installation shall
17 be carried out by a qualified electrician who—

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

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

1 “(3) holds a valid certification from the non-
 2 governmental Electric Vehicle Infrastructure Train-
 3 ing Program.

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

10 “(c) DEFINITIONS.—In this section:

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

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

19 (2) CLERICAL AMENDMENT.—The table of sec-
 20 tions at the beginning of such subchapter is amend-
 21 ed by adding at the end the following new item:

“2922j. Requirements and authorities relating to electric vehicle charging sta-
 tions.”.

