

117TH CONGRESS
1ST SESSION

S. 2347

To require the Administrator of the Environmental Protection Agency to establish a rebate program to promote the purchase and installation of electric vehicle supply equipment for medium- and heavy-duty vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2021

Mr. MERKLEY (for himself, Mr. PADILLA, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Administrator of the Environmental Protection Agency to establish a rebate program to promote the purchase and installation of electric vehicle supply equipment for medium- and heavy-duty 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 “Medium- and Heavy-
5 Duty Electric Vehicle Infrastructure Act of 2021”.

6 **SEC. 2. FLEET CHARGING REBATE PROGRAM.**

7 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) CHARGING EQUIPMENT CEILING AMOUNT.—
5 The term “charging equipment ceiling amount”
6 means, with respect to eligible equipment that is—

7 (A) networked level 2 charging equipment,
8 \$4,000; and

9 (B) networked direct current fast charging
10 equipment, \$100,000.

11 (3) COVERED EXPENSE.—The term “covered
12 expense” means an expense that is associated with
13 the purchase and installation of eligible electric vehi-
14 cle supply equipment for a medium-duty electric ve-
15 hicle or heavy-duty electric vehicle, including—

16 (A) the cost of electric vehicle supply
17 equipment hardware;

18 (B) labor costs associated with the installa-
19 tion of that hardware, if wages for that labor
20 are paid at rates not less than those prevailing
21 on labor of a character similar in the locality of
22 installation, as determined by the Secretary of
23 Labor in accordance with subchapter IV of
24 chapter 31 of part A of subtitle II of title 40,

1 United States Code (commonly referred to as
2 the “Davis-Bacon Act”);

3 (C) material costs associated with the in-
4 stallation of that hardware, including expenses
5 involving electrical equipment and necessary up-
6 grades or modifications to the electric grid and
7 associated infrastructure that are required for
8 the installation of that hardware; and

9 (D) permit costs associated with the instal-
10 lation of that hardware.

11 (4) ELIGIBLE ELECTRIC VEHICLE SUPPLY
12 EQUIPMENT.—The term “eligible electric vehicle
13 supply equipment” means a charger that—

14 (A) is connected to the electric grid; and

15 (B) supplies electricity to—

16 (i) a medium-duty electric vehicle; or

17 (ii) a heavy-duty electric vehicle.

18 (5) ELIGIBLE EQUIPMENT.—The term “eligible
19 equipment” means any eligible electric vehicle supply
20 equipment or associated hardware or software that
21 is included on the list of eligible equipment published
22 by the Administrator under subsection (c)(2).

23 (6) ELIGIBLE FLEET OPERATOR.—The term
24 “eligible fleet operator” means an individual, a
25 State, local, Tribal, or territorial government, a spe-

1 cial tax district, a rural electric cooperative, a port
 2 authority, an airport authority, or a private entity
 3 that—

4 (A) operates a centrally fueled non-transit
 5 fleet of medium-duty electric vehicles or heavy-
 6 duty electric vehicles;

7 (B) presents a purchase order of eligible
 8 medium-duty electric vehicles or heavy-duty
 9 electric vehicles at the time of application; or

10 (C) provides such documentation of the op-
 11 eration or intent to operate a centrally fueled
 12 non-transit fleet of medium-duty electric vehi-
 13 cles or heavy-duty electric vehicles as the Ad-
 14 ministrator determines to be necessary.

15 (7) HEAVY-DUTY ELECTRIC VEHICLE.—The
 16 term “heavy-duty electric vehicle” means a non-tran-
 17 sit vehicle that—

18 (A) derives all of the power of the vehicle
 19 from electricity; and

20 (B) has a gross vehicle weight rating of
 21 not less than 26,000 pounds.

22 (8) MEDIUM-DUTY ELECTRIC VEHICLE.—The
 23 term “medium-duty electric vehicle” means a vehicle
 24 that—

1 (A) derives all of the power of the vehicle
2 from electricity; and

3 (B)(i) has a gross vehicle weight rating
4 of—

5 (I) less than 26,000 pounds; but

6 (II) not less than 10,000 pounds; or

7 (ii) is an off-road vehicle with a gross vehi-
8 cle weight rating of more than 4,200 pounds.

9 (9) MULTI-PORT LEVEL 2 CHARGER.—The term
10 “multi-port level 2 charger” means networked level
11 2 charging equipment that is capable of charging
12 more than 1 medium-duty electric vehicle or heavy-
13 duty electric vehicle simultaneously.

14 (10) NETWORKED DIRECT CURRENT FAST
15 CHARGING EQUIPMENT.—The term “networked di-
16 rect current fast charging equipment” means electric
17 vehicle supply equipment that—

18 (A) provides a direct current power source;

19 and

20 (B) is able to connect to a network to fa-
21 cilitate—

22 (i) data collection; and

23 (ii) access to the data collected.

24 (11) NETWORKED LEVEL 2 CHARGING EQUIP-
25 MENT.—The term “networked level 2 charging

1 equipment” means electric vehicle supply equipment
 2 that—

3 (A) provides an alternating current power
 4 source at a minimum of 208 volts; and

5 (B) is able to connect to a network to fa-
 6 cilitate—

7 (i) data collection; and

8 (ii) access to the data collected.

9 (12) REBATE PROGRAM.—The term “rebate
 10 program” means the rebate program established
 11 under subsection (b).

12 (b) ESTABLISHMENT.—Not later than January 1,
 13 2022, and subject to the availability of appropriations, the
 14 Administrator shall establish a rebate program to promote
 15 the purchase and installation of electric vehicle supply
 16 equipment for medium-duty electric vehicles and heavy-
 17 duty electric vehicles.

18 (c) REQUIREMENTS.—

19 (1) IN GENERAL.—The Administrator may pro-
 20 vide a rebate under the rebate program to an eligible
 21 fleet operator for the installation of eligible equip-
 22 ment at an eligible site described in paragraph (3).

23 (2) LIST OF ELIGIBLE EQUIPMENT.—

24 (A) IN GENERAL.—Not later than 90 days
 25 after the date of enactment of this Act, the Ad-

1 administrator shall publish on the website of the
2 Environmental Protection Agency a list of eligi-
3 ble equipment for which an eligible fleet oper-
4 ator may receive a rebate under the rebate pro-
5 gram.

6 (B) MAINTENANCE AND UPDATES.—After
7 the date on which the list under subparagraph
8 (A) is published, the Administrator—

9 (i) shall maintain the list, including
10 through periodic review and updates; and

11 (ii) may add additional hardware or
12 software to the list, if the Administrator
13 determines that the additional hardware or
14 software is likely—

15 (I) to lead to greater usage of eli-
16 gible electric vehicle supply equipment
17 for medium-duty electric vehicles and
18 heavy-duty electric vehicles; or

19 (II) to improve the experience of
20 users of eligible electric vehicle supply
21 equipment.

22 (3) ELIGIBLE SITES.—An eligible fleet operator
23 may receive a rebate under the rebate program for
24 the installation of eligible equipment only if the eligi-
25 ble equipment is installed at a site that—

1 (A) is in the United States;

2 (B) is located on property—

3 (i) owned by the eligible fleet oper-
4 ator; or

5 (ii) on which the eligible fleet operator
6 has authority to install eligible equipment;
7 and

8 (C) serves not fewer than the minimum
9 number of medium-duty electric vehicles or
10 heavy-duty electric vehicles that the Adminis-
11 trator determines is required to be served by a
12 site.

13 (4) APPLICATIONS.—

14 (A) IN GENERAL.—An eligible fleet oper-
15 ator may submit to the Administrator an appli-
16 cation for a rebate under the rebate program at
17 such time and in such manner as the Adminis-
18 trator may require.

19 (B) REQUIREMENTS.—An application
20 under subparagraph (A) shall include—

21 (i) the estimated cost of covered ex-
22 penses to be incurred with respect to the
23 purchase or installation of eligible equip-
24 ment for which the eligible fleet operator
25 seeks a rebate;

1 (ii) the portion of those covered ex-
2 penses that represents the estimated in-
3 stallation cost of the eligible equipment;

4 (iii) the address of the location where
5 the eligible equipment will be installed,
6 which shall be considered by the Adminis-
7 trator to be confidential business informa-
8 tion;

9 (iv) the technical specifications of the
10 eligible equipment, including the maximum
11 power and amperage of the eligible equip-
12 ment;

13 (v) if the eligible fleet operator is
14 seeking a community benefit bonus under
15 paragraph (5)(B) or a rural bonus under
16 paragraph (5)(C), documentation dem-
17 onstrating that the eligible fleet operator is
18 eligible for the bonus; and

19 (vi) any other information determined
20 by the Administrator to be necessary for a
21 complete application.

22 (C) REVIEW PROCESS.—The Administrator
23 shall, within 90 days of the date on which the
24 Administrator receives an application under
25 subparagraph (A)—

1 (i) review the application; and

2 (ii) approve the eligible fleet operator
3 submitting the application for a rebate
4 under the rebate program if the Adminis-
5 trator determines that—

6 (I) the application meets the re-
7 quirements described in subparagraph
8 (B);

9 (II) the rebate would be for the
10 installation of eligible equipment at an
11 eligible site;

12 (III) sufficient amounts will be
13 made available under this section to
14 provide the rebate;

15 (IV) providing the rebate would
16 not cause the eligible fleet operator to
17 exceed the limitation described in
18 paragraph (5)(D)(iii)(I); and

19 (V) the eligible fleet operator has
20 complied with all other applicable re-
21 quirements of the rebate program.

22 (5) REBATE AMOUNT.—

23 (A) IN GENERAL.—The amount of a rebate
24 under the rebate program shall be, with respect
25 to a project for which the rebate is sought—

1 (i) for an eligible fleet operator that is
2 a public sector or nonprofit entity, equal to
3 the lesser of—

4 (I) 80 percent of the covered ex-
5 penses; and

6 (II) the charging equipment ceil-
7 ing amount; and

8 (ii) for an eligible fleet operator that
9 is a private sector entity that is not a non-
10 profit entity, equal to the lesser of—

11 (I) 50 percent of the covered ex-
12 penses; and

13 (II) the charging equipment ceil-
14 ing amount.

15 (B) COMMUNITY BENEFIT BONUS.—

16 (i) IN GENERAL.—Subject to subpara-
17 graph (D)(i), the Administrator shall
18 award an additional amount, to be known
19 as a “community benefit bonus”, to an eli-
20 gible fleet operator receiving a rebate
21 under the rebate program if the majority
22 of the vehicle miles traveled by the me-
23 dium-duty electric vehicles and heavy-duty
24 electric vehicles in the fleet of the eligible
25 fleet operator are traveled in a county that,

1 as of the date of enactment of this Act, is
2 designated as a nonattainment area for
3 ozone or carbon monoxide under the Clean
4 Air Act (42 U.S.C. 7401 et seq.).

5 (ii) AMOUNT OF BONUS.—With re-
6 spect to the rebate received by the eligible
7 fleet operator, the amount of a community
8 benefit bonus under clause (i) shall be
9 equal to the lesser of—

10 (I) 20 percent of the covered ex-
11 penses received under the rebate; and

12 (II) 25 percent of the charging
13 equipment ceiling amount received
14 under the rebate.

15 (C) RURAL BONUS.—

16 (i) IN GENERAL.—Subject to subpara-
17 graph (D)(i), the Administrator shall
18 award an additional amount, to be known
19 as a “rural bonus”, to an eligible fleet op-
20 erator receiving a rebate under the rebate
21 program if—

22 (I) the eligible fleet operator uses
23 the rebate to install electric vehicle
24 supply equipment in a rural area (as

1 defined in section 101(a) of title 23,
 2 United States Code); and

3 (II) the majority of the vehicle
 4 miles traveled by the medium-duty
 5 electric vehicles and heavy-duty elec-
 6 tric vehicles in the fleet of the eligible
 7 fleet operator are traveled in a rural
 8 area (as so defined).

9 (ii) AMOUNT OF BONUS.—With re-
 10 spect to the rebate received by the eligible
 11 fleet operator, the amount of a rural bonus
 12 under clause (i) shall be equal to the lesser
 13 of—

14 (I) 20 percent of the covered ex-
 15 penses received under the rebate; and

16 (II) 25 percent of the charging
 17 equipment ceiling amount received
 18 under the rebate.

19 (D) LIMITATIONS.—

20 (i) LIMITATION ON BONUSES.—An eli-
 21 gible fleet operator may not receive both a
 22 community benefit bonus under subpara-
 23 graph (B) and a rural bonus under sub-
 24 paragraph (C) with respect to the same re-
 25 bate under the rebate program.

(ii) MULTI-PORT LEVEL 2 CHARGERS.—The Administrator shall consider each charging port on a multi-port level 2 charger to be a separate unit of electric vehicle supply equipment for purposes of determining the amount of a rebate or bonus under this section.

(iii) MAXIMUM AMOUNT FOR ACTIVE PROJECTS.—An eligible fleet operator may—

(I) separately or simultaneously apply for, and be awarded, rebates totaling up to \$1,000,000, including any bonuses received under subparagraphs (B) and (C), for projects that, as determined by the Administrator, are active projects; and

(II) apply for additional rebates on completion of active projects.

(iv) FOR-PROFIT ENTITIES.—Of the amounts made available to carry out the rebate program, not more than 50 percent may be awarded to eligible fleet operators that are private sector entities that are not nonprofit entities.

1 (v) ALTERNATIVE FUEL VEHICLE RE-
2 FUELING PROPERTY CREDIT.—No credit
3 shall be allowed under section 30C of the
4 Internal Revenue Code of 1986 for any
5 property with respect to which a rebate is
6 received under the rebate program.

7 (6) AGREEMENT TO MAINTAIN.—To be eligible
8 for a rebate under the rebate program, an eligible
9 fleet operator shall enter into an agreement with the
10 Administrator to maintain the eligible equipment
11 covered by the rebate in a satisfactory manner for
12 not less than 5 years after the date on which the eli-
13 gible fleet operator receives the rebate.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Administrator to
16 carry out the rebate program \$250,000,000 for each of
17 fiscal years 2022 through 2025, to remain available until
18 expended.

○