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118TH CONGRESS
1ST SESSION

H. R. 6871

To require the Secretary of Transportation, in consultation with the Secretary of Energy, to establish a grant program to demonstrate the performance and reliability of heavy-duty fuel cell vehicles that use hydrogen as a fuel source, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2023

Ms. PORTER (for herself and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

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A BILL

To require the Secretary of Transportation, in consultation with the Secretary of Energy, to establish a grant program to demonstrate the performance and reliability of heavy-duty fuel cell vehicles that use hydrogen as a fuel source, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Hydrogen for Trucks Act’’.

SEC. 2. HEAVY-DUTY FUEL CELL VEHICLE DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' means a self-propelled vehicle used on highways in commerce principally to transport passengers or cargo, if the vehicle has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or is designed to transport more than 10 passengers, including the driver.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity described in subsection (b)(2).

(3) FLEET.—The term ''fleet'' means the number of commercial motor vehicles owned and operated by an entity.

(4) HEAVY-DUTY FUEL CELL VEHICLE.—

(A) IN GENERAL.—The term ''heavy-duty fuel cell vehicle'' means a vehicle that—

(i) has a manufacturer gross vehicle weight rating of more than 26,000 pounds, as determined by the Federal Highway Administration;

(ii) is not powered or charged by an internal combustion engine; and

(iii) is propelled solely by an electric motor that draws electricity from—

(I) a fuel cell; or

(II) a combination of a fuel cell and a battery.

(B) INCLUSION.—The term ''heavy-duty fuel cell vehicle'' includes any off-road vehicle, such as a yard truck, that meets the requirements of subparagraph (A).

(5) PROGRAM.—The term ''program'' means the program established under subsection (b)(1).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a program under which the Secretary shall provide grants to eligible entities to assist the eligible entities in funding capital projects to purchase heavy-duty fuel cell vehicles and related equipment, including hydrogen fueling stations.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under the program, an entity shall be—

(A) a private heavy-duty truck fleet owner with high duty cycle or long-haul operations;

(B) an operator with a "return to base" mode that requires refueling primarily at a single station, including an airport, a delivery warehouse, and a shipping port;

(C) a leasing firm;

(D) an independent owner-operator;

(E) a public hydrogen fueling station developer or operator;

(F) a Federal, State, or local agency that owns, operates, leases, or otherwise controls a fleet of public vehicles; or

(G) a partnership of 1 or more entities described in subparagraphs (A) through (E).

(3) APPLICATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity desiring a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary, in consultation with the Secretary of Energy, may require.

(B) REQUIREMENT.—If an eligible entity desiring a grant under the program intends to use the grant for only 1 of the uses described in subparagraphs (A) and (B) of subsection (d)(1), the eligible entity shall include in the application under subparagraph (A) a description of—

(i) if the grant is to be used only for the use described in subparagraph (A) of subsection (d)(1), the availability of not fewer than 1 hydrogen fueling station that can be used by heavy-duty fuel cell vehicles;

(ii) if the grant is to be used only for the use described in subparagraph (B) of subsection (d)(1), the availability of not fewer than 7 heavy-duty fuel cell vehicles that—

(I) use hydrogen as a fuel source; and

(II) will use 1 or more hydrogen fueling stations demonstrated using the grant; and

(iii) the means by which the project of the eligible entity will expand the demand for and use of any existing infrastructure.

(4) CRITERIA.—In selecting eligible entities to receive grants under the program, the Secretary, in consultation with the Secretary of Energy, shall—

(A) take into account whether the eligible entity has the potential to expand the use of hydrogen demonstrated by the eligible entity using the grant to other applications within the region in which the eligible entity operates; and

(B) to the maximum extent practicable—

(i) select eligible entities operating in different regions of the United States—

(I) to demonstrate different types of fleet operations, such as fleet operations with differing local hydrogen supplies, climate conditions, route lengths and geographies, and sizes of vehicles; and

(II) to identify any differences in performance demonstrated by the heavy-duty fuel cell vehicles used by the eligible entity that are due to regional characteristics;

(ii) select eligible entities that intend to use the grant for both of the uses described in subparagraphs (A) and (B) of subsection (d)(1); and

(iii) select projects that will generate the greatest benefit to low-income or disadvantaged communities (including cities, towns, counties, and reasonably isolated and divisible segments of a larger municipality) with an annual median household income that is less than 100 percent of the statewide annual median household income for the State in which the community is located, according to the most recent decennial census.

(5) PRIORITY.—In applying the criteria described in paragraph (4), the Secretary, in consultation with the Secretary of Energy, shall prioritize selecting—

(A) projects that will provide greater net impact in avoiding or reducing emissions of greenhouse gases;

(B) projects for which each applicable hydrogen fueling station is open to the public; and

(C) eligible entities that provide greater than 20 percent cost share.

(c) GOALS.—The goals of the program shall be—

(1) to demonstrate the performance and reliability of heavy-duty fuel cell vehicles in different regions of the United States;

(2) to provide a basis for relevant cost evaluations and cost reductions; and

(3) to accelerate the market deployment of heavy-duty fuel cell vehicles.

(d) USE OF GRANT FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a grant under the program shall use the grant to demonstrate the performance of—

(A) not fewer than 7 heavy-duty fuel cell vehicles that use hydrogen as fuel source; or

(B) 1 or more hydrogen fueling stations for use by heavy-duty fuel cell vehicles.

(2) ELIGIBLE COSTS.—An eligible entity that receives a grant under the program may use the grant for the following costs:

(A) The capital costs of—

(i) the heavy-duty fuel cell vehicles described in paragraph (1)(A), subject to paragraph (4); or

(ii) constructing a station described in paragraph (1)(B).

(B) The costs, such as costs associated with the cost of labor, complying with maintenance requirements, and administration of the program, of operating—

(i) the heavy-duty fuel cell vehicles described in paragraph (1)(A); or

(ii) a station described in paragraph (1)(B).

(C) Overhead expenses.

(D) The costs of training personnel to ensure safety and best practices during construction, fueling and refueling, maintenance, and upkeep, as applicable, of—

(i) the heavy-duty fuel cell vehicles described in paragraph (1)(A); or

(ii) a station described in paragraph (1)(B).

(E) The costs of complying with—

(i) the requirements of subsection (g); and

(ii) any reporting requirements under subsection (h).

(3) PROJECT LOCATIONS.—A project carried out with a grant provided under the program may be carried out on any public road or in other pub-

licly accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.

(4) OPERATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible entity that receives a grant under the program for a use described in subparagraph (A) or (B) of paragraph (1) may determine whether each applicable hydrogen fueling station shall—

(i) allow only private access; or

(ii) be open to the public.

(B) PUBLIC HYDROGEN FUELING STATION DEVELOPERS AND OPERATORS.—An eligible entity described in subsection (b)(2)(E) that receives a grant under the program to be used only for the use described in paragraph (1)(B) shall make each applicable hydrogen fueling station described in that paragraph open to the public.

(5) CAPITAL COSTS OF VEHICLES.—With respect to the capital costs described in paragraph (2)(A)(i), the amount of grant funds used for those capital costs shall not exceed, with respect to each

heavy-duty fuel cell vehicle purchased by the eligible entity and used for the applicable project, the lesser of—

(A) an amount equal to the difference between—

(i) the cost of the heavy-duty fuel cell vehicle; and

(ii) the product obtained by multiplying—

(I) the cost of a comparable gasoline- or diesel-fueled vehicle; and

(II) 0.5; and

(B) $500,000.

(e) AMOUNT OF GRANT.—The amount of a grant provided by the Secretary under the program shall be not more than $20,000,000.

(f) COST SHARING.—The non-Federal share of the cost of a project carried out using a grant under the program shall be not less than 20 percent.

(g) LEAK DETECTION.—Each eligible entity that receives a grant under the program shall conduct—

(1) a hydrogen leakage monitoring, reporting, and verification (also known as ''MRV'') program; and

(2) a hydrogen leak detection and repair (also known as "LDAR") program.

(h) REPORTING.—

(1) IN GENERAL.—An eligible entity that receives a grant under the program shall submit to the Secretary such operational data relating to eligible costs described in subsection (d)(2) as the Secretary, in consultation with the Secretary of Energy, may require to accelerate market deployment of heavy-duty fuel cell vehicles that use hydrogen as a fuel source.

(2) REQUIREMENT.—The operational data required by the Secretary under paragraph (1) shall include, at a minimum, data relating to—

(A) operational expenses;

(B) fuel use; and

(C) reliability.

(3) SYSTEM.—The Secretary, in consultation with the Secretary of Energy, shall develop a system for data reporting and data sharing that allows similar fleet and fueling station operators to evaluate the performance of the program.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $200,000,000 for fiscal years 2024 through 2028.

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