AMENDMENT TO RULES COMMITTEE PRINT 117–54

OFFERED BY MR. GARAMENDI OF CALIFORNIA

At the end of subtitle D of title I, add the following new section:

SEC. 1. PROCUREMENT OF ELECTRIC OR ZERO EMISSION VEHICLES FOR THE DEPARTMENT OF DEFENSE.

(a) PROCUREMENT REQUIREMENT.—

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

“§ 2922g. Procurement of electric or zero emission vehicles

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

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

“(2) use a charging connector type (or other means to transmit electricity to the vehicle) that meets applicable industry accepted standards for interoperability and safety.”
(b) COVERED NONTACTICAL VEHICLE DEFINED.—
In this section, the term ‘covered nontactical vehicle’
means any vehicle—

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

“(2) that is purchased or leased by the Depart-
ment of Defense, or by another department or agen-
cy of the Federal Government for the use of the De-
partment of Defense, pursuant to a contract entered
into, renewed, modified, or amended on or after Oc-
tober 1, 2022.

(c) RELATION TO OTHER VEHICLE TECHNOLOGIES
THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—The
head of the Federal department or agency concerned may
authorize the purchase or lease of covered nontactical vehi-
cles that use a technology other than electric or zero emis-
sion technology only if the head of such department or
agency determines, on a case by case basis, that—

“(1) the technology used in the vehicles to be
purchased or leased reduces the consumption of foss-
il fuels compared to any vehicles being replaced by
the newly purchased or leased vehicles (regardless of
the engine technology used in the vehicles being re-
placed);
“(2) the purchase or lease of such vehicles is consistent with the energy performance goals and plan of the Department of Defense required by section 2911 of this title;

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

“(4) the purchase or lease of electric or zero emission vehicles is impracticable under the circumstances.

“(d) DOMESTIC SOURCING REQUIREMENTS.—

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

“(A) Chapter 83 of title 41 (commonly referred to as the ‘Buy American Act’).

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

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

“(2) DOMESTIC SOURCING OF BATTERIES.—Any vehicle battery included in a covered nontactical vehicle shall be sourced from a manufacturer—
“(A) within the national technology and industrial base (as defined in section 4801 of this title); or

“(B) from a qualifying country (as defined in section 225.003 of title 48, Code of Federal Regulations).

“(3) APPLICABILITY TO LEASED VEHICLES.—The requirements of paragraphs (1) and (2) shall apply to leased vehicles in the same manner that such requirements apply to purchased vehicles.

“(4) PROHIBITION ON WAIVER.—No provision of a memorandum of understanding or related agreement referred to in section 4851 of this title (commonly referred to as a ‘Reciprocal Defense Procurement Agreement’) may waive or supersede the requirements of paragraphs (1) and (2).

“(e) PROHIBITION ON COMPONENT SOURCING FROM NON-ALLIED FOREIGN NATIONS.—A covered nontactical vehicle that is an electric or zero emission vehicle purchased or leased by or for the use of the Department of Defense may not include an automotive item, including a vehicle battery, battery pack, or battery cell, sourced from a covered nation (as defined in section 4871(d) of title 10, United States Code).”.
(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:

“2922g. Procurement of electric or zero emission vehicles.”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on October 1, 2022.

(b) ADDITIONAL REQUIREMENTS AND AUTHORITY.—

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

§ 2922j. Requirements and authorities relating to electric vehicle charging stations

“(a) USE OF QUALIFIED ELECTRICIANS.—Any electrical work (including installation, maintenance, repair, rehabilitation, or replacement) required for an electric vehicle charging station located at a military installation shall be carried out by a qualified electrician who—

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

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

“(3) holds a valid certification from the non-
governmental Electric Vehicle Infrastructure Training Program.

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

“(c) DEFINITIONS.—In this section:

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

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

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

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