

117TH CONGRESS
1ST SESSION

H. R. 2948

To direct the Secretary of Energy to establish a rebate program to promote the purchase and installation of electric vehicle supply equipment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2021

Mr. TONKO introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Energy to establish a rebate program to promote the purchase and installation of electric vehicle supply equipment, 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 “Electric Vehicle Infra-
5 structure Rebate Act of 2021”.

6 **SEC. 2. ELECTRIC VEHICLE SUPPLY EQUIPMENT REBATE**
7 **PROGRAM.**

8 (a) REBATE PROGRAM.—Not later than January 1,
9 2022, the Secretary shall establish a rebate program to

1 provide rebates for covered expenses associated with elec-
2 tric vehicle supply equipment located at workplaces, multi-
3 unit housing structures, and publicly accessible locations.

4 (b) REBATE PROGRAM REQUIREMENTS.—

5 (1) ELIGIBLE ENTITIES.—A rebate under the
6 rebate program may be made to an individual, a
7 State, local, Tribal, or Territorial government, a pri-
8 vate entity, a not-for-profit entity, a nonprofit entity,
9 or a metropolitan planning organization.

10 (2) ELIGIBLE EQUIPMENT AND LOCATIONS.—

11 (A) IN GENERAL.—Not later than 180
12 days after the date of the enactment of this
13 Act, the Secretary shall publish and maintain
14 on the Department of Energy internet website
15 a list of electric vehicle supply equipment that
16 is eligible for the rebate program.

17 (B) SPECIFICATIONS.—The Secretary may
18 determine technical specifications and require-
19 ments for electric vehicle supply equipment to
20 be included on the list published under subpara-
21 graph (A), to enhance safety, cybersecurity,
22 performance, accessibility, and alignment with
23 relevant codes and standards, as determined ap-
24 propriate by the Secretary.

1 (C) UPDATES.—The Secretary may add to,
2 or otherwise revise, the list of electric vehicle
3 supply equipment published under subpara-
4 graph (A) if the Secretary determines that such
5 addition or revision will likely lead to—

6 (i) greater usage of electric vehicle
7 supply equipment;

8 (ii) greater access to electric vehicle
9 supply equipment by users; or

10 (iii) an improved experience for users
11 or owners of electric vehicle supply equip-
12 ment, including accessibility in compliance
13 with the Americans with Disabilities Act of
14 1990 (42 U.S.C. 12101 et seq.).

15 (D) LOCATION REQUIREMENT.—An eligi-
16 ble entity may receive a rebate under the rebate
17 program only if the electric vehicle supply
18 equipment included on the list published under
19 subparagraph (A) is installed—

20 (i) in the United States;

21 (ii) on property—

22 (I) owned by the eligible entity
23 under paragraph (1); or

24 (II) on which the eligible entity
25 under paragraph (1) has authority to

1 install electric vehicle supply equip-
2 ment; and

3 (iii) at a location that is—

4 (I) a multi-unit housing struc-
5 ture;

6 (II) a workplace, and available to
7 employees of such workplace or em-
8 ployees of a nearby workplace; or

9 (III) publicly accessible, including
10 a publicly accessible commercial loca-
11 tion.

12 (E) PUBLIC ACCESSIBILITY.—For electric
13 vehicle supply equipment not located at a multi-
14 unit housing structure or a workplace, an eligi-
15 ble entity may receive a rebate under the rebate
16 program only if the installed electric vehicle
17 supply equipment is—

18 (i) publicly accessible for a minimum
19 of 12 hours per day at least 5 days per
20 week; and

21 (ii) networked or otherwise capable of
22 being monitored remotely.

23 (3) APPLICATION.—

24 (A) IN GENERAL.—An eligible entity under
25 paragraph (1) may submit to the Secretary an

1 application for a rebate under the rebate pro-
2 gram. Such application shall include—

3 (i) the estimated cost of covered ex-
4 penses to be expended on the electric vehi-
5 cle supply equipment that is eligible under
6 paragraph (2);

7 (ii) the estimated installation cost of
8 the electric vehicle supply equipment that
9 is eligible under paragraph (2);

10 (iii) the global positioning system lo-
11 cation, including the integer number of de-
12 grees, minutes, and seconds, where such
13 electric vehicle supply equipment is to be
14 installed, and identification of whether
15 such location is—

16 (I) a multi-unit housing struc-
17 ture;

18 (II) a workplace; or

19 (III) publicly accessible, including
20 a publicly accessible commercial loca-
21 tion, in accordance with paragraph
22 (2)(E);

23 (iv) the technical specifications of
24 such electric vehicle supply equipment, in-

cluding the maximum power voltage and
amperage of such equipment;

(v) an assessment of the electrical capacity at the location where such electric vehicle supply equipment is to be installed, and, as necessary, proof of communication with the electric utility that will serve the electric vehicle supply equipment to be installed; and

(vi) any other information determined by the Secretary to be necessary for a complete application.

(B) REVIEW PROCESS.—The Secretary shall review an application for a rebate under the rebate program and approve an eligible entity under paragraph (1) to receive such rebate if the application meets the requirements of the rebate program under this subsection.

(C) NOTIFICATION TO ELIGIBLE ENTITY.—Not later than 180 days after the date on which the eligible entity under paragraph (1) applies for a rebate under the rebate program, the Secretary shall notify the eligible entity whether the eligible entity will be awarded a rebate under the rebate program following the submis-

1 sion of additional materials required under
2 paragraph (6).

3 (D) TIMING.—The Secretary may award a
4 rebate under the rebate program if the eligible
5 entity under paragraph (1) begins installation
6 of the applicable electric vehicle supply equip-
7 ment after submitting an application for the re-
8 bate but before the Secretary approves the ap-
9 plication.

10 (4) FUNDING SET-ASIDES.—Each fiscal year,
11 the Secretary may set aside an amount of funding
12 under the rebate program to ensure, to the extent
13 possible given the applications meeting the require-
14 ments of the rebate program submitted, rebates are
15 distributed—

16 (A) to individuals and small businesses, as
17 determined by the Secretary; and

18 (B) for electric vehicle supply equipment—

19 (i) located in rural communities, as
20 determined by the Secretary; and

21 (ii) located in low-income and dis-
22 advantaged communities, as determined by
23 the Secretary.

24 (5) REBATE AMOUNT.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the amount of a rebate made
3 under the rebate program for each new charg-
4 ing unit at a location shall be the lesser of—

5 (i) 75 percent of the applicable cov-
6 ered expenses;

7 (ii) \$1,000 for covered expenses asso-
8 ciated with the purchase and installation of
9 non-networked level 2 charging equipment;

10 (iii) \$4,000 for covered expenses asso-
11 ciated with the purchase and installation of
12 networked level 2 charging equipment; or

13 (iv) \$100,000 for covered expenses as-
14 sociated with the purchase and installation
15 of networked direct current fast charging
16 equipment.

17 (B) REBATE AMOUNT FOR REPLACEMENT
18 EQUIPMENT.—A rebate made under the rebate
19 program for replacement of pre-existing electric
20 vehicle supply equipment of similar specifica-
21 tions at a location shall be the lesser of—

22 (i) 75 percent of the applicable cov-
23 ered expenses;

1 (ii) \$500 for covered expenses associ-
2 ated with the purchase and installation of
3 non-networked level 2 charging equipment;

4 (iii) \$2,000 for covered expenses asso-
5 ciated with the purchase and installation of
6 networked level 2 charging equipment; or

7 (iv) \$35,000 for covered expenses as-
8 sociated with the purchase and installation
9 of networked direct current fast charging
10 equipment.

11 (6) DISBURSEMENT OF REBATE.—

12 (A) IN GENERAL.—The Secretary shall
13 disburse a rebate under the rebate program to
14 an eligible entity under paragraph (1) as quick-
15 ly as feasible following approval of an applica-
16 tion under paragraph (3) and submission of the
17 materials required under subparagraph (B).

18 (B) MATERIALS REQUIRED FOR DISBURSE-
19 MENT OF REBATE.—Not later than one year
20 after the date on which the eligible entity under
21 paragraph (1) receives notice under paragraph
22 (3)(C) that the eligible entity has been ap-
23 proved for a rebate, such eligible entity shall
24 submit to the Secretary the following—

1 (i) a record of payment for covered
2 expenses expended on the installation of
3 the electric vehicle supply equipment that
4 is eligible under paragraph (2);

5 (ii) a record of payment for the elec-
6 tric vehicle supply equipment that is eligi-
7 ble under paragraph (2);

8 (iii) the global positioning system lo-
9 cation of where such electric vehicle supply
10 equipment was installed and identification
11 of whether such location is—

12 (I) a multi-unit housing struc-
13 ture;

14 (II) a workplace; or

15 (III) publicly accessible, including
16 a publicly accessible commercial loca-
17 tion, in accordance with paragraph
18 (2)(E);

19 (iv) the technical specifications of the
20 electric vehicle supply equipment that is el-
21 igible under paragraph (2), including the
22 maximum power voltage and amperage of
23 such equipment; and

24 (v) any other information determined
25 by the Secretary to be necessary.

1 (C) AGREEMENT TO MAINTAIN.—To be eli-
2 gible for a rebate under the rebate program, an
3 eligible entity under paragraph (1) shall enter
4 into an agreement with the Secretary to main-
5 tain the electric vehicle supply equipment that
6 is eligible under paragraph (2) in a satisfactory
7 manner for not fewer than 5 years after the
8 date on which the eligible entity under para-
9 graph (1) receives the rebate under the rebate
10 program.

11 (D) AGREEMENT TO PUBLISH OPERATING
12 STATUS.—To be eligible for a rebate under the
13 rebate program for electric vehicle supply equip-
14 ment located at a publicly accessible location,
15 an eligible entity under paragraph (1) shall
16 enter into an agreement with the Secretary to
17 make the operating status, geographic location,
18 hours of operation, and technical specifications
19 of the electric vehicle supply equipment avail-
20 able on the internet and updated on a regular
21 basis, as determined appropriate by the Sec-
22 retary.

23 (E) EXCEPTION.—The Secretary may de-
24 cline to disburse a rebate under the rebate pro-
25 gram if materials submitted under subpara-

graph (B) vary significantly, as determined by the Secretary, from the global positioning system location and technical specifications for the electric vehicle supply equipment that is eligible under paragraph (2) provided in an application under paragraph (3).

(7) MULTI-PORT CHARGERS.—An eligible entity under paragraph (1) shall be awarded a rebate under the rebate program for covered expenses relating to the purchase and installation of a multi-port charger based on the number of publicly accessible charging ports, with each subsequent port after the first port being eligible for 75 percent of the full rebate amount.

(8) HYDROGEN FUEL CELL REFUELING EQUIPMENT.—Hydrogen refueling equipment shall be eligible for a rebate under the rebate program as though it were networked direct current fast charging equipment, and all applicable requirements related to such equipment shall apply.

(9) NETWORKED DIRECT CURRENT FAST CHARGING.—Of amounts appropriated to carry out the rebate program through fiscal year 2025, not more than 40 percent may be used for rebates of networked direct current fast charging equipment or

1 hydrogen refueling equipment. Beginning after fiscal
2 year 2025, the Secretary, after providing public no-
3 tice and an opportunity for public comment, may ad-
4 just the percentage of amounts appropriated to be
5 used for networked direct current fast charging
6 equipment or hydrogen refueling equipment to ac-
7 count for—

8 (A) changes in consumer charging habits
9 and other market trends;

10 (B) technology development and cost re-
11 ductions;

12 (C) the need for such equipment in a di-
13 verse distribution of workplaces, multi-unit
14 housing structures, and publicly accessible loca-
15 tions to meet consumers' needs;

16 (D) an equitable distribution of such
17 equipment in rural communities and low-income
18 and disadvantaged communities; and

19 (E) other factors determined appropriate
20 by the Secretary.

21 (10) REPORT.—Not later than 3 years after the
22 first date on which the Secretary awards a rebate
23 under the rebate program, the Secretary shall sub-
24 mit to the Committee on Energy and Commerce of
25 the House of Representatives and the Committee on

1 Energy and Natural Resources of the Senate a re-
2 port of the number of rebates awarded for electric
3 vehicle supply equipment and hydrogen fuel cell re-
4 fueling equipment in each of the location categories
5 described in paragraph (2)(D)(iii).

6 (c) DEFINITIONS.—In this section:

7 (1) COVERED EXPENSES.—The term “covered
8 expenses” means an expense that is associated with
9 the purchase and installation of electric vehicle sup-
10 ply equipment, including—

11 (A) the cost of electric vehicle supply
12 equipment;

13 (B) labor costs associated with the installa-
14 tion of such electric vehicle supply equipment,
15 only if wages for such labor are paid at rates
16 not less than those prevailing on similar labor
17 in the locality of installation, as determined by
18 the Secretary of Labor under subchapter IV of
19 chapter 31 of title 40, United States Code
20 (commonly referred to as the “Davis-Bacon
21 Act”);

22 (C) material costs associated with the in-
23 stallation of such electric vehicle supply equip-
24 ment, including expenses borne by rebate recipi-
25 ents for electrical equipment and necessary up-

1 grades or modifications to the electrical grid
2 and associated infrastructure required for the
3 installation of such electric vehicle supply equip-
4 ment;

5 (D) permit costs associated with the instal-
6 lation of such electric vehicle supply equipment;
7 and

8 (E) the cost of an on-site energy storage
9 system that supports electrical load balancing
10 or otherwise improves the performance of such
11 electric vehicle supply equipment.

12 (2) ELECTRIC VEHICLE.—The term “electric
13 vehicle” means a vehicle that derives all or part of
14 its power from electricity.

15 (3) ELECTRIC VEHICLE SUPPLY EQUIPMENT.—
16 The term “electric vehicle supply equipment” means
17 any conductors, including ungrounded, grounded,
18 and equipment grounding conductors, electric vehicle
19 connectors, attachment plugs, and all other fittings,
20 devices, power outlets, electrical equipment, or
21 apparatuses installed specifically for the purpose of
22 delivering energy to an electric vehicle or to a bat-
23 tery intended to be used in an electric vehicle.

24 (4) LEVEL 2 CHARGING EQUIPMENT.—The
25 term “level 2 charging equipment” means electric

1 vehicle supply equipment that provides an alter-
2 nating current power source at a minimum of 208
3 volts.

4 (5) MULTI-PORT CHARGER.—The term “multi-
5 port charger” means electric vehicle charging unit
6 capable of charging more than one electric vehicle si-
7 multaneously.

8 (6) NETWORKED DIRECT CURRENT FAST
9 CHARGING EQUIPMENT.—The term “networked di-
10 rect current fast charging equipment” means electric
11 vehicle supply equipment that is capable of providing
12 a direct current power source at a minimum of 50
13 kilowatts and is enabled to connect to a network to
14 facilitate data collection and access.

15 (7) REBATE PROGRAM.—The term “rebate pro-
16 gram” means the rebate program established under
17 subsection (a).

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of Energy.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section—

22 (1) \$75,000,000 for each of fiscal years 2022
23 and 2023;

24 (2) \$100,000,000 for fiscal year 2024; and

- 1 (3) \$125,000,000 for each of fiscal years 2025
- 2 and 2026.

