

117TH CONGRESS  
2D SESSION

# H. R. 9182

To establish a national network of electric vehicle charging stations, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2022

Mr. LEVIN of Michigan (for himself, Mr. SUOZZI, Mr. KHANNA, Ms. BLUNT ROCHESTER, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a national network of electric vehicle charging  
stations, 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 Free-  
5 dom Act” or the “EV Freedom Act”.

6 **SEC. 2. FINDINGS; PURPOSE; DEFINITIONS.**

7 (a) FINDINGS.—Congress finds the following:

1           (1) Electric vehicles will play an important role  
2           in transitioning to a cleaner transportation system  
3           that protects Americans’ health and our planet. Ac-  
4           cording to the United States Department of Energy,  
5           electric vehicles “produce fewer emissions that con-  
6           tribute to climate change and smog than conven-  
7           tional vehicles.”.

8           (2) Electric vehicles are becoming more popular  
9           among American consumers. United States sales of  
10          electric vehicles increased 27 percent between 2016  
11          and 2017, and 81 percent between 2017 and 2018,  
12          achieving a record sales volume of 361,307 units.

13          (3) Access to electric vehicle charging stations  
14          is currently insufficient to meet consumer demand.  
15          According to the National Renewable Energy Lab-  
16          oratory, “two key areas of needed improvement in  
17          actual vehicle charging are speed (reducing battery  
18          charging times) and coverage (having adequate and  
19          accessible charging stations)”.

20          (4) Demand for publicly accessible electric vehi-  
21          cle chargers is projected to grow. There are an esti-  
22          mated 41,878 publicly available electric vehicle di-  
23          rect current fast charging stations (DC Fast and  
24          Level 2) with 101,296 charging outlets available in  
25          the United States. A report released in April 2021

1 by Lawrence Berkeley Labs at the University of  
2 California-Berkley, estimated that the number of EV  
3 chargers required to support the accelerated transi-  
4 tion necessary to meet GHG was 8.1 million public  
5 EV charge points by 2050.

6 (5) In August 2020, cumulative U.S. plug-in  
7 electric vehicle sales reached 1.6 million units. In  
8 February 2021, 53,247 electric vehicles were sold in  
9 the United States, a 64.8-percent increase from the  
10 electric vehicle sales in February 2020.

11 (6) However, China and the European Union  
12 are exceeding the United States in the EV manufac-  
13 turing sector. China is the world leader in total EV  
14 production and total EV sales; 45 percent of global  
15 electric vehicles were built and sold in China. China  
16 also already produces the global majority of pas-  
17 senger EVs (60 percent) and is expected to produce  
18 65 percent of global lithium-ion batteries by 2021.  
19 Currently, China has 7 of the 10 largest lithium-ion  
20 mega-factories by production capacity, while the  
21 United States only has one. Europe accounted for  
22 24 percent of the global EV fleet in 2018. In order  
23 for the United States to remain a competitor in auto  
24 manufacturing, the U.S. must greatly increase in-

1 vestment in the infrastructure necessary for wide  
2 adoption of EVs.

3 (7) Americans demand the freedom to roam  
4 with their electric vehicle and convenient charging  
5 opportunities. However, failure to expand access to  
6 publicly accessible electric vehicle chargers will pre-  
7 vent the wider adoption of electric vehicles and,  
8 therefore, hinder progress towards a more sustain-  
9 able transportation system. According to a study  
10 produced by the Michigan Energy Office and Michi-  
11 gan State University, “limited charging infrastruc-  
12 ture for electric vehicles has been one of the main  
13 barriers in adopting these vehicles”.

14 (8) Expediting the wider adoption of electric ve-  
15 hicles will require considerable changes to consumer  
16 behavior, which will not be possible without the cre-  
17 ation of necessary infrastructure. According to a  
18 study produced by the Transportation Research  
19 Board and National Research Council, “adoption  
20 and diffusion of new innovations can be a long-term,  
21 complicated process that is especially slow for prod-  
22 ucts that cost tens of thousands of dollars and where  
23 consumers have questions about infrastructure avail-  
24 ability, resale value, and other variables”, and “a  
25 perception of a lack of public charging infrastructure

1 might hinder [plug-in electric vehicle] deployment.”.

2 Thus, greatly expanding access to publicly accessible  
3 electric vehicle chargers will be essential to changing  
4 consumer behavior radically and, accordingly, accel-  
5 erating the wider adoption of electric vehicles.

6 (b) PURPOSE.—The purpose of this Act is to estab-  
7 lish a network of electric vehicle charging stations along  
8 eligible roads so that the United States may lead the world  
9 in protecting the environment while improving consumer  
10 experiences. The implementation of this Act will encourage  
11 the widespread adoption of light-, medium-, and heavy-  
12 duty electric vehicles by—

13 (1) establishing a convenient system of charging  
14 networks;

15 (2) allowing drivers to charge vehicles more  
16 quickly; and

17 (3) ensuring that vehicle charging is equitably  
18 accessible and reasonably priced, enabling long-dis-  
19 tance travel along eligible roads.

20 (c) DEFINITIONS.—In this Act:

21 (1) CONTRACTOR.—The term “contractor”  
22 means a general contractor or other lead or prime  
23 contractor on a project described in subsection  
24 (e)(1).

1           (2) ELIGIBLE ROAD.—The term “eligible road”  
2       means a road that—

3           (A) is part of the National Highway Sys-  
4       tem (as such term is defined in section 101 of  
5       title 23, United States Code); and

6           (B) is a public road (as such term is de-  
7       fined in section 101 of title 23, United States  
8       Code).

9           (3) FRONTLINE AND VULNERABLE COMMU-  
10      NITY.—The term “frontline and vulnerable commu-  
11      nity” means a community—

12           (A) in an area described in section 301(a)  
13      of the Public Works and Economic Develop-  
14      ment Act of 1965 (42 U.S.C. 3161(a)); and

15           (B) in which climate change, pollution, or  
16      environmental destruction have exacerbated sys-  
17      temic racial, regional, social, environmental,  
18      gender, and economic injustices by dispropor-  
19      tionately affecting Black, Brown, and Indige-  
20      nous peoples, other communities of color, mi-  
21      grant communities, deindustrialized commu-  
22      nities, depopulated rural communities, the poor,  
23      low-income workers, women, the elderly, the  
24      unhoused, people with disability, or youth.

25           (4) PUBLICLY AVAILABLE EVSE.—

1 (A) IN GENERAL.—The term “publicly  
2 available EVSE” means electric vehicle supply  
3 equipment and any associated parking spaces  
4 designated by the property owner or lessee to be  
5 available to, and accessible by, the public for  
6 any period of time, including electric vehicle  
7 supply equipment and associated parking spaces  
8 if any member of the public can obtain vehi-  
9 cular access to the facility for free or through  
10 payment of a fee.

11 (B) EXCLUSION.—The term “publicly  
12 available EVSE” does not include—

13 (i) electric vehicle supply equipment  
14 and any associated parking spaces in a  
15 workplace if the electric vehicle supply  
16 equipment and associated parking spaces  
17 are clearly marked and operated as avail-  
18 able exclusively to employees or contracted  
19 drivers; and

20 (ii) electric vehicle supply equipment  
21 and any associated parking spaces that are  
22 locked behind gates, walls or obstructed in  
23 any manner to prevent a driver from  
24 charging their vehicle at a reasonable cost.

1           (5) QUALIFIED ELECTRICIAN.—The term  
2           “qualified electrician” means an electrician who has  
3           completed training under the Electric Vehicle Infra-  
4           structure Training Program and holds a current and  
5           valid Electric Vehicle Infrastructure Training Pro-  
6           gram certification.

7           (6) RENEWABLE ENERGY SOURCE.—The term  
8           “renewable energy source” means a renewable  
9           source of generated energy, including the following:

10                   (A) Solar, including electricity.

11                   (B) Wind.

12                   (C) Ocean, including tidal, wave, current,  
13           and thermal.

14                   (D) Geothermal, including electricity and  
15           heat pumps.

16                   (E) New hydroelectric generation capacity  
17           achieved from increased efficiency or additions  
18           of new capacity—

19                           (i) at an existing hydroelectric project;

20                           and

21                           (ii) that was placed in service on or  
22           after January 1, 1999.

23                   (F) Hydrogen used in fuel cells or other  
24           non-combustion technologies.



1 (G) Thermal energy generated by any of  
2 the sources described in subparagraphs (A)  
3 through (F).

4 (7) SUBCONTRACTOR.—The term “subcon-  
5 tractor” means any person or company, at any tier,  
6 that performs some or all of the obligations of the  
7 contractor on a project described in subsection  
8 (e)(1).

9 **SEC. 3. NATIONAL NETWORK OF ELECTRIC VEHICLE**  
10 **CHARGING STATIONS ALONG ELIGIBLE**  
11 **ROADS.**

12 (a) PLAN.—The Secretary of Transportation, in co-  
13 ordination with the Secretary of Energy, shall devise a  
14 plan to create a network of publicly available EVSE along  
15 eligible roads.

16 (b) SUBMISSION.—Not later than 1 year after the  
17 date of enactment of this Act, the Secretary of Transpor-  
18 tation, in coordination with the Secretary of Energy, shall  
19 submit the plan to the Speaker of the House of Represent-  
20 atives, the minority leader of the House of Representa-  
21 tives, the majority leader of the Senate, the minority lead-  
22 er of the Senate, and the chairs and ranking members  
23 of—

24 (1) the Committee on Transportation and In-  
25 frastructure of the House of Representatives;

1           (2) the Committee on Environment and Public  
2 Works of the Senate;

3           (3) the Subcommittee on Transportation, Hous-  
4 ing and Urban Development, and Related Agencies  
5 of the Committee on Appropriations of the House of  
6 Representatives; and

7           (4) the Subcommittee on Transportation, Hous-  
8 ing and Urban Development, and Related Agencies  
9 of the Committee on Appropriations of the Senate.

10       (c) CONSIDERATIONS.—The Secretary of Transpor-  
11 tation, in coordination with the Secretary of Energy, shall  
12 consider the following in developing the plan:

13           (1) The distance between publicly available  
14 EVSE locations.

15           (2) Connections to the electric grid, including  
16 electric distribution upgrades that account for charg-  
17 ing during peaking periods, alignment with electric  
18 distribution interconnection processes, and plans for  
19 the use of renewable energy sources to power charg-  
20 ing and energy storage.

21           (3) The ability to incorporate technologies not  
22 yet invented or technically feasible, or infrastructure  
23 that can allow the addition of new capabilities and  
24 functionalities as they become available.

1           (4) The number of publicly available EVSE lo-  
2           cations needed in the network and the number of  
3           charging stations at each publicly available EVSE  
4           location, accounting for dense corridors where mul-  
5           tiple stations or a greater number of charging ports  
6           at the location are necessary and for rural corridors  
7           where special considerations will need to be made for  
8           less dense corridors that will still require publicly  
9           available EVSE placement.

10          (5) The placement of publicly available EVSE  
11          within parking facilities and other locations, includ-  
12          ing recommendations for promoting efficient dwell  
13          times based on best practices.

14          (6) The availability of onsite amenities for vehi-  
15          cle operators, including restrooms or food facilities.

16          (7) The long-term operation and maintenance  
17          of publicly available EVSE, including consideration  
18          of the need for expanded capacity resulting from in-  
19          creasing demand into the future, to avoid stranded  
20          assets and protect the investment of public funds in  
21          that infrastructure.

22          (8) A maximum distance for publicly available  
23          EVSE placement off of eligible roads.

24          (9) Existing private as well as national, State,  
25          local, Tribal, and territorial government electric

1 charging infrastructure incentives and programs, in-  
2 cluding alternative fueling corridor networks.

3 (10) Existing labor or labor-management orga-  
4 nizations that promote a skilled workforce to install  
5 publicly available EVSE with high standards for  
6 quality and safety.

7 (11) Pricing transparency and payment options  
8 that encourages a consistent, reliable, secure, con-  
9 venient and equal access consumer charging and  
10 payment experience to all members of the public.

11 (12) Publicly available EVSE placement and  
12 construction in or near frontline and vulnerable com-  
13 munities, provided such placements benefit such  
14 communities and does not harm or displace commu-  
15 nity members.

16 (13) Adequate signage for users to identify  
17 publicly available EVSE that ensures uniformity in  
18 providing road users direction to publicly available  
19 EVSE locations.

20 (14) Existing EVSE investments, proposal or  
21 projects that are complementary towards the deploy-  
22 ment of publicly available EVSE under this Act are  
23 not precluded by plan development.

24 (d) CONSULTATIONS.—In developing the plan, the  
25 Secretary of Transportation, in coordination with the Sec-

1   retary of Energy, shall consult with stakeholders, includ-  
2   ing the following:

3           (1) Federal partners, including the Secretary of  
4           the Interior and the Administrator of the Environ-  
5           mental Protection Agency.

6           (2) State, local, Tribal, and territorial govern-  
7           ments, including State air quality and utility regu-  
8           lators.

9           (3) Metropolitan planning organizations.

10          (4) Unionized labor groups.

11          (5) Environmental and environmental justice  
12          organizations.

13          (6) Automobile and truck manufacturers.

14          (7) Electric utilities.

15          (8) Infrastructure providers.

16          (9) Technology providers.

17          (10) Software and network services providers.

18          (11) Infrastructure construction and component  
19          parts suppliers.

20          (12) Multi-State and regional entities.

21          (13) Fuel station owners and operators.

22          (14) Fleet owners.

23          (15) Fleet managers.

24          (16) Other relevant stakeholders as identified  
25          by the Secretary of Transportation.

1 **SEC. 4. TRANSPORTATION RESEARCH BOARD REPORT ON**  
2 **FINANCING THE PLACEMENT OF ELECTRIC**  
3 **VEHICLE CHARGERS.**

4 (a) IN GENERAL.—The Secretary of Transportation  
5 shall commission the Transportation Research Board of  
6 the National Academy of Sciences to conduct a study on  
7 options for financing the placement of publicly available  
8 EVSE along eligible roads that includes consideration of  
9 financial instruments, such as a revolving loan fund.

10 (b) DEADLINE.—The Secretary shall submit to Con-  
11 gress the study commissioned under subsection (a) not  
12 later than 2 years after the date of enactment of this Act.

13 **SEC. 5. ESTABLISHMENT OF NETWORK OF ELECTRIC VEHI-**  
14 **CLE CHARGERS ALONG ELIGIBLE ROADS.**

15 (a) PLAN IMPLEMENTATION.—Not later than 5 years  
16 after the date of enactment of this Act, using the plan  
17 developed pursuant to section 3 and the recommendations  
18 in the report described in section 4, the Secretary of  
19 Transportation and the Secretary of Energy shall com-  
20 plete the establishment of a national network of publicly  
21 available EVSE.

22 (b) CONSULTATIONS.—In implementing the plan, the  
23 Secretary of Transportation, in coordination with the Sec-  
24 retary of Energy, shall consult with stakeholders, includ-  
25 ing the following:

1           (1) Federal partners, including the Secretary of  
2           the Interior and the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) State, local, Tribal, and territorial govern-  
5           ments, including state air quality and utility regu-  
6           lators.

7           (3) Metropolitan planning organizations.

8           (4) Unionized labor groups.

9           (5) Environmental and environmental justice  
10          organizations.

11          (6) Automobile and truck manufacturers.

12          (7) Electric utilities.

13          (8) Infrastructure providers.

14          (9) Technology providers.

15          (10) Software and network services providers.

16          (11) Infrastructure construction and component  
17          parts suppliers.

18          (12) Multi-State and regional entities.

19          (13) Fuel station owners and operators.

20          (14) Fleet owners.

21          (15) Fleet managers.

22          (16) Other relevant stakeholders as identified  
23          by the Secretary of Energy and Secretary of Trans-  
24          portation.

25          (c) GRANT PROGRAM.—

1           (1) ESTABLISHMENT.—Not later than 1 year  
2       after the date of enactment of this Act, the Sec-  
3       retary of Transportation shall establish a competi-  
4       tive grant program to award grants to eligible enti-  
5       ties to implement the plan developed in section 3 of  
6       this Act.

7           (2) APPLICATIONS.—To be eligible to receive a  
8       grant under this subsection, an eligible entity shall  
9       submit to the Secretary of Transportation an appli-  
10      cation at such time, in such manner, and containing  
11      such information as the Secretary of Transportation  
12      shall require.

13          (3) PRIORITY.—In selecting grant recipients,  
14      the Secretary of Transportation shall give priority  
15      to—

16              (A) applications consistent with the plan  
17      developed pursuant to section 3 of this Act;

18              (B) applications located in or near—

19                  (i) a frontline and vulnerable commu-  
20      nity; or

21                  (ii) an area identified as having dis-  
22      proportionately high adverse human health  
23      and environmental impacts on minority  
24      populations and low-income populations;  
25      and



1 (C) applications that specify priority em-  
2 ployment of workforce trained and certified by  
3 labor or joint labor-management organizations  
4 that promote a skilled workforce to install pub-  
5 licly available EVSE with high standards for  
6 quality and safety.

7 (4) USE OF FUNDS.—An entity receiving a  
8 grant under this subsection shall only use the funds  
9 in accordance with this paragraph to contract with  
10 a private entity for acquisition and installation of  
11 publicly available EVSE that is directly related to  
12 the charging of light-, medium-, and heavy-duty ve-  
13 hicles.

14 (5) FRONTLINE, VULNERABLE, AND DISADVAN-  
15 TAGED COMMUNITIES.—Of the total amounts made  
16 available to carry out the program for each fiscal  
17 year under this subsection, not less than 50 percent  
18 shall be used for eligible projects located in frontline,  
19 vulnerable, and disadvantaged communities.

20 (6) ELIGIBLE ENTITY DEFINED.—In this sub-  
21 section, the term “eligible entity” means—

- 22 (A) a State;
- 23 (B) a unit of local government;
- 24 (C) a transit agency;
- 25 (D) a port authority;

1 (E) an Indian tribe (as such term is de-  
2 fined in section 4 of the Indian Self-Determina-  
3 tion and Education Assistance Act (25 U.S.C.  
4 5304));

5 (F) a for-profit business enterprise or non-  
6 profit organization; and

7 (G) a group of entities described in sub-  
8 paragraphs (A) through (F).

9 (d) REQUIREMENTS.—The following requirements  
10 apply with respect to the construction of new publicly  
11 available EVSE along eligible roads:

12 (1) CHARGING INFRASTRUCTURE PLACE-  
13 MENT.—The distance between publicly available  
14 EVSE shall be such that—

15 (A) a light-, medium-, and heavy-duty elec-  
16 tric vehicle driver starting at any point along an  
17 eligible road in the continental United States  
18 can drive to any other point along an eligible  
19 road within the continental United States with-  
20 out running out of charging power; and

21 (B) a light-, medium-, and heavy-duty elec-  
22 tric vehicle driver starting at any point along an  
23 eligible road within Hawaii, Alaska, or Puerto  
24 Rico can drive to any other point along an eligi-

1 ble within that same State or territory without  
2 running out of charging power.

3 (2) CHARGING SPEED.—

4 (A) IN GENERAL.—Charging speed min-  
5 imum standards maybe set by the Secretary of  
6 Transportation and evaluated every 2 years  
7 until the feasible speed of charging standard  
8 meets or exceeds the equivalency of average in-  
9 ternal combustion vehicle refueling times.

10 (B) UPDATE.—The Secretary of Transpor-  
11 tation may update the minimum standards set  
12 under paragraph (1) after an evaluation de-  
13 scribed in such subparagraph. In evaluating  
14 and developing updates to the minimum stand-  
15 ards set under paragraph (1), the Secretary of  
16 Transportation and the Secretary of Energy  
17 shall also consider how updated minimum  
18 standards—

19 (i) impact the electric grid;

20 (ii) impact the cost to operate a  
21 charging station; and

22 (iii) other criteria as determined by  
23 the Secretary of Transportation and Sec-  
24 retary of Energy.

1           (3) INTEROPERABILITY.—Federal funds pro-  
2       vided by this Act may not be used to construct any  
3       publicly available EVSE that has the ability to serve  
4       vehicle produced by only one vehicle manufacturer.

5           (4) AGREEMENT TO MAINTAIN.—Each recipient  
6       of support under this section shall enter into an  
7       agreement with the Secretary to maintain the pub-  
8       licly available EVSE for not less than 5 years after  
9       the date on which the eligible entity receive support.

10          (5) PAYMENT METHODS.—Payment methods  
11       are implemented that ensure secure, convenient, fair,  
12       and equal access, such as with credit card readers  
13       and the display of toll-free calling information for  
14       credit card payment or support, as well as the pro-  
15       tection of personal privacy and cybersecurity.

16          (6) PROVISION OF INFORMATION.—Information  
17       on publicly available EVSE location, station operator  
18       contact information, number of simultaneous refuel-  
19       ing positions, pricing, and real-time availability shall  
20       be made publicly available and easily accessible, in-  
21       cluding through applicable mapping applications.

22          (7) ADA.—Publicly available EVSE shall be ac-  
23       cessible in compliance with the Americans with Dis-  
24       abilities Act of 1990 (42 U.S.C. 12101 et seq.).

1           (8) BUY AMERICA AND WAGE REQUIRE-  
2       MENTS.—

3           (A) BUY AMERICA.—The construction of  
4       publicly available EVSE shall prioritize the  
5       need for high domestic content by observing the  
6       following Buy America provisions:

7           (i) None of the funds appropriated or  
8       otherwise made available by this Act may  
9       be used for a project for the construction,  
10      alteration, maintenance, or repair of pub-  
11      licly available EVSE unless all of the iron,  
12      steel, and manufactured goods used in the  
13      project are produced in the United States.

14          (ii) Clause (i) shall not apply in any  
15      case or category of cases in which the head  
16      of the Federal department or agency in-  
17      volved finds that—

18           (I) applying clause (i) would be  
19      inconsistent with the public interest;

20           (II) iron, steel, and the relevant  
21      manufactured goods are not produced  
22      in the United States in sufficient and  
23      reasonably available quantities and of  
24      a satisfactory quality; or

1 (III) inclusion of iron, steel, and  
2 manufactured goods produced in the  
3 United States will increase the cost of  
4 an overall project by more than 25  
5 percent.

6 (iii) If the head of a Federal depart-  
7 ment or agency determines that it is nec-  
8 essary to waive the application of this sub-  
9 paragraph based on a finding under sub-  
10 paragraph (B), the head of the department  
11 or agency shall publish in the Federal Reg-  
12 ister a detailed written justification as to  
13 why the provision is being waived.

14 (iv) This paragraph shall be applied in  
15 a manner consistent with United States  
16 obligations under international agreements.

17 (B) WAGE RATE REQUIREMENT.—The  
18 Secretary of Transportation and the Secretary  
19 of Energy shall require that each recipient of  
20 support under this section provide reasonable  
21 assurance that all laborers and mechanics em-  
22 ployed in the performance of the project for  
23 which the assistance is provided, including  
24 those employed by contractors, subcontractors,  
25 or manufacturers of publicly available EVSE,

1 will be paid wages at rates not less than those  
2 prevailing on similar work in the locality as de-  
3 termined by the Secretary of Labor in accord-  
4 ance with subchapter IV of chapter 31 of part  
5 A of subtitle II of title 40, United States Code  
6 (commonly referred to as the “Davis-Bacon  
7 Act”).

8 (C) NEUTRALITY TOWARD ORGANIZED  
9 LABOR.—All contractors and subcontractors in  
10 the performance of a project receiving support  
11 under this Act shall have—

12 (i) an explicit policy of neutrality with  
13 regard to—

14 (I) labor organizing for the em-  
15 ployees of the entity, contractor or  
16 subcontractor employed in the per-  
17 formance of the eligible project; and

18 (II) such employees’ choice to  
19 form and join labor organizations; and

20 (ii) policies that require—

21 (I) the posting and maintenance  
22 of notices in the workplace to such  
23 employees of their rights under the  
24 National Labor Relations Act (29  
25 U.S.C. 151 et seq.); and

1 (II) that such employees are, at  
2 the beginning of their employment in  
3 the performance of the eligible  
4 project, provided notice and informa-  
5 tion regarding the employees' rights  
6 under such Act.

7 (D) PREFERENCE FOR LOCAL HIRING.—  
8 The contractor or subcontractor shall have ex-  
9 plicit policies that provide a preference for local  
10 hiring, consistent with applicable Federal law  
11 and subject to rules issued by the Secretary of  
12 Labor.

13 (E) EMPLOYEE CLASSIFICATION.—All con-  
14 tractors and subcontractors in the performance  
15 of a project receiving support under this Act,  
16 shall consider an individual performing any  
17 service in such performance as an employee  
18 (and not an independent contractor) of the enti-  
19 ty, contractor, or subcontractor, respectively,  
20 unless—

21 (i) the individual is free from control  
22 and direction in connection with the per-  
23 formance of the service, both under the  
24 contract for the performance of the service  
25 and in fact;



1 (ii) the service is performed outside  
2 the usual course of the business of the en-  
3 tity, contractor, or subcontractor, respec-  
4 tively; and

5 (iii) the individual is customarily en-  
6 gaged in an independently established  
7 trade, occupation, profession, or business  
8 of the same nature as that involved in such  
9 service.

10 (e) UTILIZATION OF QUALIFIED ELECTRICIANS ON  
11 ELECTRIC CHARGING INFRASTRUCTURE.—

12 (1) REQUIREMENT.—All construction and  
13 placement work of publicly available EVSE assisted,  
14 in whole or in part, under this Act shall be per-  
15 formed entirely by qualified electricians.

16 (2) REPORTING.—

17 (A) IN GENERAL.—Prior to commencing  
18 work on a publicly available EVSE project de-  
19 scribed in subsection (e)(1), the contractor shall  
20 certify to the recipient of assistance that the  
21 contractor and all its subcontractors shall com-  
22 ply with the requirements of this subsection.

23 (B) PERIODIC REPORTING.—While the  
24 project is ongoing, the contractor shall submit  
25 to the recipient of assistance periodic reports

1 listing the location of the project, name of each  
2 qualified electrician on the project and the elec-  
3 trician's Electric Vehicle Infrastructure Train-  
4 ing Program certification number.

5 (C) MAINTENANCE OF RECORDS.—The  
6 contractor and subcontractors shall maintain all  
7 personnel records relating to the requirements  
8 of this paragraph for a period of at least 3  
9 years after final completion of the work.

10 (D) SUBMISSION TO SECRETARY.—The  
11 contractor shall immediately submit, upon re-  
12 quest by the Secretary of Transportation or  
13 Secretary of Energy, the documents described  
14 in this paragraph.

15 (E) FALSE OR MISLEADING INFORMA-  
16 TION.—If a recipient of assistance, Secretary of  
17 Transportation, or Secretary of Energy deter-  
18 mines that any of the information described in  
19 this paragraph contains false or misleading in-  
20 formation that was provided knowingly or with  
21 reckless disregard for the truth, or omits infor-  
22 mation that was omitted knowingly or with  
23 reckless disregard of the truth, the contractor  
24 or subcontractor for which the information was  
25 submitted shall be prohibited from performing

1 work on projects described in subsection (e)(1)  
2 for a period of five years, and shall be further  
3 subject to penalties and sanctions, including  
4 contract termination.

5 (F) MISREPRESENTATION OR OMISSION.—

6 Any misrepresentation or omission included in  
7 the reporting required by this paragraph shall  
8 constitute a false record or statement material  
9 to a false or fraudulent claim for purposes of  
10 subchapter III of chapter 37 of title 31, U.S.  
11 Code.

12 (3) ENFORCEMENT.—

13 (A) IN GENERAL.—If a recipient of assist-  
14 ance determines, upon receipt of a complaint or  
15 its own initiative, that a project described in  
16 subsection (e)(1) is not being carried out in ac-  
17 cordance with the requirements of this sub-  
18 section, the recipient shall withhold from or re-  
19 quire the payment by the contractor of a pen-  
20 alty, in the amount of not less than \$5,000 but  
21 not more than \$10,000, depending on the sever-  
22 ity of the violation and the compliance history  
23 of the contractor. Such violations shall be  
24 grounds for contract termination.

1           (B) LIABILITY.—Contractors shall be  
2 jointly and severally liable for any violation  
3 committed by a subcontractor under this sub-  
4 section.

5           (C) PROHIBITION.—Contractors and sub-  
6 contractors that violate this subsection shall be  
7 prohibited from performing work on projects  
8 described in subsection (e)(1) for a period of 5  
9 years.

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11       There is authorized to be appropriated—

12           (1) for carrying out section 3, such sums as  
13 may be necessary, to be available until expended;

14           (2) for carrying out section 4, such sums as  
15 may be necessary, to be available until expended;  
16 and

17           (3) for carrying out section 5, such sums as  
18 may be necessary, to be available until expended.

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