

116TH CONGRESS  
2D SESSION

# H. R. 5770

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2020

Mr. LEVIN of Michigan (for himself and Ms. OCASIO-CORTEZ) 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.**

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

19          (4) Demand for publicly accessible electric vehi-  
20          cle chargers is projected to grow. At the end of  
21          2017, there were an estimated 17,000 electric vehi-  
22          cle direct current fast charging stations with 55,000  
23          electric vehicle direct current fast charging plugs  
24          available in the United States. Estimates by the Na-  
25          tional Renewable Energy Laboratory suggest that,

1 by 2050, between 106,000 and 138,000 stations  
2 with 343,000 and 447,000 plugs could be needed to  
3 meet consumer demand.

4 (5) Failure to expand access to publicly acces-  
5 sible electric vehicle chargers will prevent the wider  
6 adoption of electric vehicles and, therefore, hinder  
7 progress towards a more sustainable transportation  
8 system. According to a study produced by the Michi-  
9 gan Energy Office and Michigan State University,  
10 “limited charging infrastructure for electric vehicles  
11 has been one of the main barriers in adopting these  
12 vehicles”.

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

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

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

12           (1) eliminating “range anxiety”;

13           (2) allowing drivers to charge vehicles more  
14      quickly; and

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

18      (c) DEFINITIONS.—In this Act:

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

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

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

4 (2) PUBLICLY AVAILABLE EVSE.—

5 (A) IN GENERAL.—The term “publicly  
6 available EVSE” means electric vehicle supply  
7 equipment and any associated parking spaces  
8 designated by the property owner or lessee to be  
9 available to, and accessible by, the public for  
10 any period of time, including electric vehicle  
11 supply equipment and associated parking spaces  
12 located in garages or gated facilities if any  
13 member of the public can obtain vehicular ac-  
14 cess to the facility for free or through payment  
15 of a fee.

16 (B) EXCLUSION.—The term “publicly  
17 available EVSE” does not include electric vehi-  
18 cle supply equipment and any associated park-  
19 ing spaces in a workplace if the electric vehicle  
20 supply equipment and associated parking spaces  
21 are clearly marked and operated as available ex-  
22 clusively to employees or contracted drivers.

23 (3) RENEWABLE ENERGY SOURCE.—The term  
24 “renewable energy source” means a renewable  
25 source of generated energy, including the following:

1 (A) Solar, including electricity.

2 (B) Wind.

3 (C) Ocean, including tidal, wave, current,  
4 and thermal.

5 (D) Geothermal, including electricity and  
6 heat pumps.

7 (E) New hydroelectric generation capacity  
8 achieved from increased efficiency or additions  
9 of new capacity at an existing hydroelectric  
10 project after January 1, 1999.

11 **SEC. 3. NATIONAL NETWORK OF ELECTRIC VEHICLE**  
12 **CHARGING STATIONS ALONG ELIGIBLE**  
13 **ROADS.**

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

18 (b) SUBMISSION.—Not later than 3 years after the  
19 date of enactment of this Act, the Secretary of Transpor-  
20 tation and the Secretary of Energy shall submit the plan  
21 to the Speaker of the House of Representatives, the Mi-  
22 nority Leader of the House of Representatives, the Major-  
23 ity Leader of the Senate, the Minority Leader of the Sen-  
24 ate, and the Chairs and Ranking Members of—

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

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

5           (3) the Committee on Energy and Commerce of  
6           the House of Representatives;

7           (4) the Committee on Energy and Natural Re-  
8           sources of the Senate;

9           (5) the Subcommittee on Transportation, Hous-  
10          ing and Urban Development, and Related Agencies  
11          of the Committee on Appropriations of the House of  
12          Representatives;

13          (6) the Subcommittee on Transportation, Hous-  
14          ing and Urban Development, and Related Agencies  
15          of the Committee on Appropriations of the Senate;

16          (7) the Subcommittee on Energy and Water  
17          Development, and Related Agencies of the Com-  
18          mittee on Appropriations of the House of Represent-  
19          atives; and

20          (8) the Subcommittee on Energy and Water  
21          Development of the Committee on Appropriations of  
22          the Senate.

23          (c) CONSIDERATIONS.—The Secretary of Transpor-  
24          tation and the Secretary of Energy shall consider the fol-  
25          lowing in developing the plan:

1           (1) The distance between publicly available  
2 EVSE locations.

3           (2) Connections to the electric grid, including  
4 electric distribution upgrades that account for charg-  
5 ing during peaking periods, and plans for the use of  
6 renewable energy sources to power charging and en-  
7 ergy storage.

8           (3) The ability to incorporate technologies not  
9 yet invented or technically feasible, or infrastructure  
10 that can allow the addition of new capabilities and  
11 functionalities as they become available.

12           (4) The number of charging stations at each  
13 publicly available EVSE location, accounting for  
14 dense corridors where multiple stations or a greater  
15 number of charging ports at the location are nec-  
16 essary and for rural corridors where special consid-  
17 erations will need to be made for less dense corridors  
18 that will still require publicly available EVSE place-  
19 ment.

20           (5) The placement of publicly available EVSE  
21 within parking facilities and other locations, includ-  
22 ing recommendations for promoting efficient dwell  
23 times based on best practices.

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



1           (7) The long-term operation and maintenance  
2 of publicly available EVSE, including consideration  
3 of the need for expanded capacity resulting from in-  
4 creasing demand into the future, to avoid stranded  
5 assets and protect the investment of public funds in  
6 that infrastructure.

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

9           (9) Existing private as well as national, State,  
10 local, Tribal, and territorial government electric  
11 charging infrastructure incentives and programs, in-  
12 cluding alternative fueling corridor networks.

13           (10) Pricing guidelines that enable operators of  
14 publicly available EVSE to allow free charging or  
15 impose a fee for charging, promoting a consistent,  
16 reliable consumer charging and payment experience.

17           (11) Publicly available EVSE placement and  
18 construction in communities in which climate  
19 change, pollution, or environmental destruction have  
20 exacerbated systemic racial, regional, social, environ-  
21 mental, and economic injustices by disproportion-  
22 ately affecting indigenous peoples, communities of  
23 color, migrant communities, deindustrialized commu-  
24 nities, depopulated rural communities, the poor, low-

1 income workers, women, the elderly, the unhoused,  
2 people with disabilities, or youth.

3 (d) CONSULTATIONS.—In developing the plan, the  
4 Secretary of Transportation and the Secretary of Energy  
5 shall consult with stakeholders, including the following:

6 (1) Federal partners, including the Secretary of  
7 the Interior and the Administrator of the Environ-  
8 mental Protection Agency.

9 (2) State, local, Tribal, and territorial govern-  
10 ments, including State air quality and utility regu-  
11 lators.

12 (3) Metropolitan planning organizations.

13 (4) Unionized labor groups.

14 (5) Environmental and environmental justice  
15 organizations.

16 (6) Automobile and truck manufacturers.

17 (7) Electric utilities.

18 (8) Infrastructure providers.

19 (9) Technology providers.

20 (10) Software and network services providers.

21 (11) Infrastructure construction and component  
22 parts suppliers.

23 (12) Multi-State and regional entities.

24 (13) Fuel station owners and operators.

25 (14) Fleet owners.

1 (15) Fleet managers.

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

5 (a) IN GENERAL.—The Secretary of Transportation  
6 shall commission the Transportation Research Board of  
7 the National Academy of Sciences to conduct a study on  
8 options for financing the placement of publicly available  
9 EVSE along eligible roads that includes consideration of  
10 financial instruments and optimization of public-private  
11 partnerships.

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

15 **SEC. 5. ESTABLISHMENT OF NETWORK OF ELECTRIC VEHI-**  
16 **CLE CHARGERS ALONG ELIGIBLE ROADS.**

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

24 (b) GRANT PROGRAM.—

1           (1) ESTABLISHMENT.—Not later than 3 years  
2 after the date of enactment of this Act, the Sec-  
3 retary of Transportation in coordination with the  
4 Secretary of Energy shall establish a competitive  
5 grant program to award grants to eligible entities to  
6 implement the plan developed in section 3 of this  
7 Act.

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

15           (3) PRIORITY.—In selecting grant recipients,  
16 the Secretary of Transportation and the Secretary of  
17 Energy shall give priority to applications consistent  
18 with the plan developed pursuant to section 3 of this  
19 Act.

20           (4) USE OF FUNDS.—An entity receiving a  
21 grant under this subsection shall only use the funds  
22 in accordance with this paragraph to contract with  
23 a private entity for acquisition and installation of  
24 publicly available EVSE that is directly related to

1 the charging of light-, medium-, and heavy-duty ve-  
2 hicles.

3 (5) ELIGIBLE ENTITY DEFINED.—In this sub-  
4 section, the term “eligible entity” means—

5 (A) a State;

6 (B) a unit of local government;

7 (C) a transit agency;

8 (D) a port authority;

9 (E) an Indian tribe (as such term is de-  
10 fined in section 4 of the Indian Self-Determina-  
11 tion and Education Assistance Act (25 U.S.C.  
12 5304));

13 (F) a for-profit business enterprise or non-  
14 profit organization; and

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

17 (c) REQUIREMENTS.—The following requirements  
18 apply with respect to the construction of new publicly  
19 available EVSE along eligible roads:

20 (1) CHARGING INFRASTRUCTURE PLACE-  
21 MENT.—The distance between publicly available  
22 EVSE shall be such that—

23 (A) a driver starting at any point along an  
24 eligible road in the continental United States  
25 can drive to any other point along an eligible

1 road within the continental United States with-  
2 out running out of charging power; and

3 (B) a driver starting at any point along an  
4 eligible road within Hawaii, Alaska, or Puerto  
5 Rico can drive to any other point along an eligi-  
6 ble within that same State or territory without  
7 running out of charging power.

8 (2) CHARGING SPEED.—

9 (A) IN GENERAL.—Charging speed min-  
10 imum standards shall be set by the Secretary of  
11 Transportation and the Secretary of Energy  
12 and evaluated every 2 years until the feasible  
13 speed of charging standard meets or exceeds  
14 the equivalency of average internal combustion  
15 vehicle refueling times.

16 (B) UPDATE.—The Secretary of Transpor-  
17 tation and the Secretary of Energy may update  
18 the minimum standards set under subpara-  
19 graph (1) after an evaluation described in such  
20 subparagraph.

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

1           (4) PAYMENT METHODS.—Payment methods  
2           are implemented that ensure secure, convenient, fair,  
3           and equal access, including with credit card readers  
4           and the display of toll-free calling information for  
5           credit card payment or support, as well as the pro-  
6           tection of personal privacy and cybersecurity.

7           (5) PROVISION OF INFORMATION.—Information  
8           on publicly available EVSE location, station operator  
9           contact information, number of simultaneous refuel-  
10          ing positions, and real-time availability shall be  
11          made publicly available and easily accessible.

12          (6) ADA.—Publicly available EVSE shall be ac-  
13          cessible in compliance with the Americans with Dis-  
14          abilities Act of 1990 (42 U.S.C. 12101 et seq.).

15          (7) BUY AMERICA AND WAGE REQUIRE-  
16          MENTS.—

17                 (A) BUY AMERICA.—The construction of  
18                 publicly available EVSE shall prioritize the  
19                 need for high domestic content by observing the  
20                 following Buy America provisions:

21                         (i) None of the funds appropriated or  
22                         otherwise made available by this Act may  
23                         be used for a project for the construction,  
24                         alteration, maintenance, or repair of pub-  
25                         licly available EVSE unless all of the iron,

1 steel, and manufactured goods used in the  
2 project are produced in the United States.

3 (ii) Clause (i) shall not apply in any  
4 case or category of cases in which the head  
5 of the Federal department or agency in-  
6 volved finds that—

7 (I) applying clause (i) would be  
8 inconsistent with the public interest;

9 (II) iron, steel, and the relevant  
10 manufactured goods are not produced  
11 in the United States in sufficient and  
12 reasonably available quantities and of  
13 a satisfactory quality; or

14 (III) inclusion of iron, steel, and  
15 manufactured goods produced in the  
16 United States will increase the cost of  
17 an overall project by more than 25  
18 percent.

19 (iii) If the head of a Federal depart-  
20 ment or agency determines that it is nec-  
21 essary to waive the application of this sub-  
22 paragraph based on a finding under sub-  
23 paragraph (B), the head of the department  
24 or agency shall publish in the Federal Reg-



1           ister a detailed written justification as to  
2           why the provision is being waived.

3           (iv) This paragraph shall be applied in  
4           a manner consistent with United States  
5           obligations under international agreements.

6           (B) WAGE RATE REQUIREMENT.—The  
7           Secretary of Transportation and the Secretary  
8           of Energy shall require that each recipient of  
9           support under this section provide reasonable  
10          assurance that all laborers and mechanics em-  
11          ployed in the performance of the project for  
12          which the assistance is provided, including  
13          those employed by contractors or subcontractors,  
14          will be paid wages at rates not less than  
15          those prevailing on similar work in the locality  
16          as determined by the Secretary of Labor in ac-  
17          cordance with subchapter IV of chapter 31 of  
18          part A of subtitle II of title 40, United States  
19          Code (commonly referred to as the “Davis-  
20          Bacon Act”).

21 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

22          There is authorized to be appropriated—

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

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

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

○