



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

November 8, 2023  
(Senate)

## **STATEMENT OF ADMINISTRATION POLICY**

**S.J. Res. 38 - A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Highway Administration relating to “Waiver of Buy America Requirements for Electric Vehicle Chargers”**

(Sen. Rubio, R-FL, and six cosponsors)

The Administration strongly opposes passage of S.J. Res. 38, which disapproves of the Department of Transportation’s Federal Highway Administration (FHWA) action relating to “Waiver of Buy America Requirements for Electric Vehicle Chargers.” This resolution would eliminate the domestic manufacturing requirement for electric vehicle (EV) chargers funded by the FHWA, thereby harming domestic manufacturing and American jobs. If enacted, S.J. Res. 38 would weaken Buy America requirements by reverting to FHWA’s general waiver for manufactured products, allowing federal dollars – including \$7.5 billion from the Bipartisan Infrastructure Law – to be spent on chargers made in competitor nations like the People’s Republic of China. Additionally, if enacted, S.J. Res. 38 would undermine the hundreds of millions of dollars that the private sector has already invested in domestic EV charging manufacturing, and chill further domestic investment in this critical market.

In 1983, the Reagan Administration exempted manufactured products from Buy America requirements. Currently, all manufactured products are covered by this “waiver” of Buy America requirements, which until recently included EV chargers. Last year, to ensure that the national network of EV chargers is Made in America, the Biden Administration issued a new policy that restores Buy America protections for EV chargers. The Administration’s policy immediately requires that EV chargers purchased through FHWA grants be manufactured in the United States, using domestically produced iron and steel for charger housing. The policy is also phasing in additional Buy America domestic content requirements for EV chargers over the next year to align with the thresholds set forth by Congress as part of the Build America, Buy America Act included in the Bipartisan Infrastructure Law. These actions ensure that federal dollars for EV chargers are used to purchase American-made products, while allowing newly announced manufacturing capacity for EV charger components the necessary time to ramp up production.

If the President were presented with S.J. Res. 38, he would veto it.

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