

Congress of the United States
Washington, DC 20515

June 5, 2025

The Honorable Sean Duffy
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Gloria M. Shepherd
Executive Director
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Duffy and Director Shepherd,

We write to express our continued alarm and opposition to the Trump Administration's illegal impoundment of formula funds under the National Electric Vehicle Infrastructure Formula Program (NEVI). The nonpartisan Government Accountability Office (GAO) has confirmed in a recent legal opinion¹ that the Trump Administration's actions withholding NEVI funding from expenditure violate the Impoundment Control Act, reaffirming what 52 Members of Congress have previously stated: this funding pause is not only harmful but illegal. Contrary to views expressed by the Office of Management and Budget,² the Administration's actions clearly do not align with Congressional intent. The Trump Administration must immediately rescind the February 06, 2025, memorandum issued by the Federal Highway Administration (FHWA), which suspended state electric vehicle infrastructure deployment plans and rescinded related guidance. States must be allowed to spend the funds to which they are legally entitled.

Congress authorized \$5 billion for FY22 through FY26 in the Bipartisan Infrastructure Law for states to deploy EV charging infrastructure. Every state, Washington D.C., and Puerto Rico submitted plans in accordance with the statute, and many have awarded contracts and deployed active charging stations. According to the GAO opinion, the \$3,270,000,000 made available to states from FY22-FY25 constitutes an obligation and states are entitled to proceed with their programs. Congress did not give the Executive Branch the authority to withhold or rescind NEVI funding that has been made available to the states, and Congress clearly did not intend for the Administration to retroactively disapprove or suspend approval of state plans. The Trump Administration's actions are therefore plainly counter to Congressional intent and illegal under the Impoundment Control Act.

NEVI is a critical investment in American infrastructure and innovation and is key to the long-term competitiveness of the American automobile industry. It is designed to increase accessibility and address range anxiety for Americans who choose to drive EVs. The program has already catalyzed significant private investment, and over 13,000 potential jobs could be at risk if the Administration does not release the NEVI funding.³ Continued delay could lead to

¹ "U.S. Department of Transportation, Federal Highway Administration— Application of the Impoundment Control Act to Memorandum Suspending Approval of State Electric Vehicle Infrastructure Deployment Plans." *GAO*. www.gao.gov/assets/880/877916.pdf.

² Paoletta, Mark. "Letter provided in response to the recently published U.S. Government Accountability Office (GAO) opinion concerning the Department of Transportation's (DOT) administration of the National Electric Vehicle Infrastructure Formula Program (NEVI program)." *OMB*. subscriber.politicopro.com/f?id=00000197-3813-d063-a7b7-3b5311980000

³ Pierce, Logan and Jen Callahan. "Electric vehicles could create hundreds of thousands of new American jobs—if policies hold." *ICCT*. theicct.org/evs-could-create-hundreds-of-thousands-of-jobs-in-the-us-if-policies-hold-mar25/.

stranded assets and wasted expenditures. Importantly, a 2024 study by the National Renewable Energy Laboratory projected that the U.S. would need 182,000 publicly accessible direct current fast chargers (DCFC) to accommodate the growing EV market, nearly triple the current capacity of around 55,000 charging ports.^{4,5}

The Trump Administration's continued attacks on the U.S. automobile industry are not only unamerican but also illegal. As such, we request that FHWA immediately rescind the memo issued on February 6th and enable states to begin spending NEVI funds without delay. Inaction on this request may very well be unconstitutional.

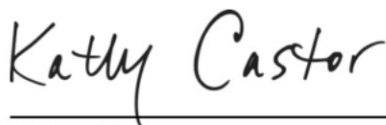
Sincerely,



Doris Matsui
Member of Congress



Darren Soto
Member of Congress



Kathy Castor
Member of Congress



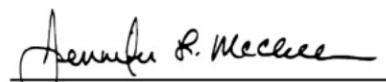
Paul D. Tonko
Member of Congress



Eleanor Holmes Norton
Member of Congress



Debbie Wasserman Schultz
Member of Congress



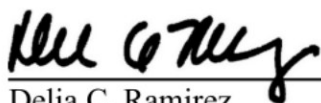
Jennifer L. McClellan
Member of Congress



Rashida Tlaib
Member of Congress

⁴ Wood, Eric, et al. "The 2030 National Charging Network: Estimating U.S. Light-Duty Demand for Electric Vehicle Charging Infrastructure." *National Renewable Energy Laboratory*. www.nrel.gov/docs/fy23osti/85654.pdf.

⁵ "Paren Launches Inaugural State of the Industry Report on U.S. EV Fast Charging, Declares Start of 'Charging 2.0' Era." *Paren*. www.paren.app/blog/paren-launches-inaugural-state-of-the-industry-report-on-us-ev-fast-charging-declares-start-of-charging-2-0-era.



Delia C. Ramirez
Member of Congress



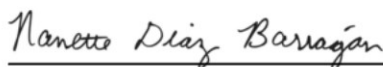
Emanuel Cleaver, II
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Mark DeSaulnier
Member of Congress



Kevin Mullin
Member of Congress



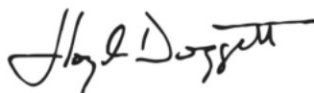
Nanette Diaz Barragán
Member of Congress



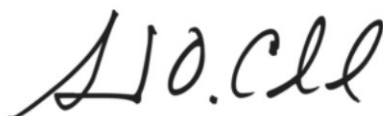
Seth Magaziner
Member of Congress



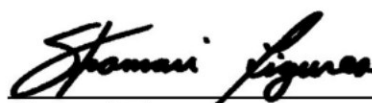
John Garamendi
Member of Congress



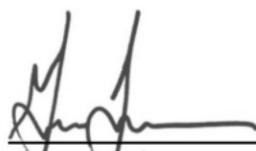
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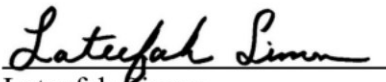
Valerie P. Foushee
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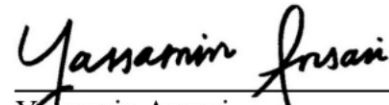
Val Hoyle
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