



March 16, 2026

Via Electronic Filing – www.regulations.gov

The Honorable Sean P. Duffy
Secretary
United States Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

The Honorable Sean McMaster
Administrator
Federal Highway Administration
United States Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

RE: Notice of Proposed Modification of the Waiver of Buy America Requirements for Electric Vehicle Chargers (FHWA-2025-0070)

Dear Secretary Duffy and Administrator McMaster:

The National Association of Convenience Stores (“NACS”), NATSO, Representing America’s Travel Plazas and Truck Stops, and SIGMA: America’s Leading Fuel Marketers (together, the “Associations”)¹ submit these comments in response to the Federal Highway Administration’s (“FHWA’s” or the “Agency’s”) proposal to increase the domestic content threshold for electric vehicle (“EV”) chargers used in Federal-aid highway projects from 55 percent to as high as 100 percent of the cost of all components (the “Proposed Modification”).²

A majority of NEVI awards made thus far have gone to charging installations at existing fuel retailers’ sites. We support that outcome. Many of our members who have participated in NEVI are in the process of applying for, receiving, and effectuating awards that were made based on financial commitments assuming the 55 percent domestic content threshold would be in place. Changes to that threshold should be sufficiently prospective such that these ongoing projects are not materially disrupted. To that end, the Associations encourage the Agency to ensure that any changes to the domestic content threshold not take effect before 2028.

The Associations share the Agency’s commitment to American manufacturing and domestic energy dominance. Sourcing and installing as much American-made charging infrastructure as the market can accommodate has been a priority for our industry’s interaction with the NEVI Program. Standards that far exceed what the domestic supply chain can currently

¹ NACS is an international trade association representing the convenience store industry with more than 1,300 retail and 1,600 supplier companies as members, the majority of whom are based in the United States. NATSO currently represents approximately 5,000 travel centers and truck stops nationwide, comprising both national chains and small, independent locations. SIGMA represents a diverse membership of approximately 260 independent chain retailers and marketers of motor fuel. Collectively, the Associations represent approximately 90 percent of retail sales of motor fuel in the United States.

² Federal Highway Administration, Department of Transportation, “Notice of Proposed Modification of the Waiver of Buy America Requirements for Electric Vehicle Chargers,” 91 Fed. Reg. 6721 (February 12, 2026) [hereinafter referred to as “Proposed Modification”]; available at <https://www.govinfo.gov/content/pkg/FR-2026-02-12/pdf/2026-02825.pdf>.

support will jeopardize many of the Associations' members investments if they take effect too expeditiously. A measured approach to the domestic content threshold will avoid injecting uncertainty into private infrastructure investments made by our industry.

Rapidly escalating the domestic content threshold also threatens to stifle the domestic supply chain rather than enhance it. The NEVI Program represents an opportunity to establish and scale a national network of fast, reliable refueling infrastructure built with predominantly American equipment and American labor. The Associations' members are eager to incorporate a diverse array of energy sources into their suite of refueling options when their customers demand it. Their retail sites offer the services, amenities, and security that drivers have come to expect while refueling.³

The Associations acknowledge and applaud the significant steps the Agency has already taken to improve and streamline the administration of the NEVI Program. The Agency's August 2025 Guidance (the "Trump Administration's Guidance") represented a meaningful course correction after years of delays that left the vast majority of NEVI funds unobligated.⁴ The Trump Administration's Guidance dispensed with unnecessary requirements and rightfully encouraged the selection of locations where the charging stations are located alongside consumer-friendly amenities (such as foodservice, restrooms, and security), and where the charging station operator is also the site host. The Associations commend the Agency for those critical reforms. They have the potential to more favorably align the EV charging industry with the refueling experience that consumers have come to expect within the existing fuel retail network. This should benefit all parties. This progress could be inadvertently undermined through an exceedingly stringent Buy America threshold the market cannot meet.

The existing Buy America framework requires final assembly in the United States and a 55 percent domestic content threshold for EV chargers manufactured on or after July 1, 2024. This was intended to push the domestic supply chain forward while keeping NEVI deployments on track.⁵ The Associations' members worked with charging station manufacturers in good faith to

³ Fuel retailers are already conveniently located alongside food and convenience vendors that drivers have come to expect while refueling. The prospect of pulling into a fast charger for 30 minutes to charge a vehicle without any ability to buy food or drinks is inconsistent with the existing consumer experience and will discourage consumers from purchasing EVs.

Similarly, EV chargers should be located at facilities that have on-site employees whose job function includes calling law enforcement in the event of an emergency. Having close-by on-site amenities that are open 24/7 also enhances a location's security by ensuring at least one person (an employee) is on-site in the event of an emergency. Such amenities that attract other travelers also minimize the chances of desolation (and thus vulnerability) for EV drivers while they recharge. Co-locating charging stations with 24/7 amenities means that EV drivers will invariably be more comfortable purchasing an EV without concern of exposing themselves to undue safety risk during on-the-go refueling events.

⁴ Federal Highway Administration, Department of Transportation, "National Electric Vehicle Infrastructure Formula Program Guidance," 90 Fed. Reg. 39025 (August 13, 2025) [hereinafter "Trump Administration Guidance"]; available at <https://www.federalregister.gov/documents/2025/08/13/2025-15370/national-electric-vehicle-infrastructure-formula-program-guidance>.

⁵ Federal Highway Administration, Department of Transportation, "Waiver of Buy America Requirements for Electric Vehicle Chargers," 88 Fed. Reg. 10619 (February 21, 2023); available at <https://www.federalregister.gov/documents/>

meet those requirements, altering procurement relationships and redesigning supply chains to maintain compliance.

Today, however, there is no competitive market of fully (*i.e.*, 100 percent) domestic high-speed EV charger components available at anything approaching the scale needed to meet NEVI Program timelines. Mandating a threshold the market cannot meet will not conjure a domestic supply chain into existence; if anything, it could be counterproductive if companies abandon domestic production facilities, many of which were pursued in the hopes of contributing to an achievable domestic content threshold.⁶

Thank you for the opportunity to provide these comments. The Associations look forward to working with FHWA to deliver wins for American motorists through investments in American-made energy infrastructure.

Sincerely,

National Association of Convenience Stores (NACS)
NATSO, Representing America's Travel Centers and Truck Stops
SIGMA: America's Leading Fuel Marketers

[2023/02/21/2023-03498/waiver-of-buy-america-requirements-for-electric-vehicle-chargers](https://www.fhwa.gov/2023/02/21/2023-03498/waiver-of-buy-america-requirements-for-electric-vehicle-chargers).

⁶ Critically, it would also jeopardize the important market reforms that the Trump Administration Guidance established. If no chargers can be sourced for the NEVI Program, the Trump Administration's market-based, pro-consumer reforms to EV charging would go unrealized.