(Mr. BOND) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3232

At the request of Mr. BURR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3232, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. ROBERTS), the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. ROBERTS), the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3528

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3528, a bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes.

S. 3578

At the request of Mr. JOHANNS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3640

At the request of Mr. UDALL of Colorado, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3640, a bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.

S. 3647

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3647, a bill to amend the Public Health Service Act to provide for the participation of particular specialists determined by the Secretary of Health and Human Services to be directly related to the health needs stemming from environmental health hazards that have led to its declaration as a Public Health Emergency to be eligible under the National Health Service Corps in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 3653

At the request of Mr. CORNYN, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3653, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 579

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

AMENDMENT NO. 4527

At the request of Mr. JOHANNS, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 4527 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4531

At the request of Mr. JOHANNS, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 4531 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 3663. A bill to promote clean energy jobs and oil company accountability, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Energy Jobs and Oil Company Accountability Act of 2010''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 6 divisions as follows:

(1) Division A—Oil Spill Response and Accountability.

(2) Division B—Reducing Oil Consumption and Improving Energy Security.

(3) Division C—Clean Energy Jobs and Consumer Savings.

(4) Division D—Protecting the Environment.

(5) Division E—Fiscal Responsibility.

(5) Division F—Miscellaneous.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

DIVISION A—OIL SPILL RESPONSE AND ACCOUNTABILITY

TITLE I—REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES

SEC. 101. SHORT TITLE.

This title may be cited as the ''Big Oil Bailout Prevention Unlimited Liability Act of 2010''.

SEC. 102. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking ''plus $75,000,000'' and inserting ''and the liability of the responsible party under section 1002''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to all claims or actions brought within the limitations period applicable to the claims or action, including any claims or actions pending on the date of enactment of this Act and any

claims arising from events occurring prior to the date of enactment of this Act.

SEC. 103. CLAIMS PROCEDURE.

(a) WAITING PERIOD.—Section 1013(c)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2713(c)(2)) is amended by striking ''settled by any person by payment within 90 days'' and inserting ''settled in whole by any person by payment within 30 days''.

(b) PROCESSING OF CLAIMS.—Section 1012(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by inserting before the semicolon at the end the following: ''and, in the event of a spill of national significance, administrative and personnel costs to process claims (including the costs of commercial claims processing, expert services, training, and technical services)''.

SEC. 104. OIL AND HAZARDOUS SUBSTANCE RESPONSE PLANNING.

(a) AREA COMMITTEES.—Section 311(j)(4)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(A)) is amended—

(1) by striking ''from qualified'' and inserting ''from—

''(i) qualified'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(ii) individuals representing industry, conservation, and the general public.''.

(b) NATIONAL RESPONSE SYSTEM.—Section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)) is amended—

(1) in subparagraph (A), by adding at the end the following:

''(iii) The President shall ensure that the regulations promulgated pursuant to this paragraph are designed to prevent, to the maximum extent practicable, injury to the economy, jobs, and the environment, including to prevent—

''(I) loss of, destruction of, or injury to, real or personal property;

''(II) loss of subsistence use of natural resources;

''(III) loss of revenue;

''(IV) loss of profits or earning capacity;

''(V) an increase in the cost of providing public services to remove a discharge; and

''(VI) loss of, destruction of, or injury to, natural resources.

''(iv) The President shall promulgate regulations that clarify the requirements of a response plan in accordance with subparagraph (D).'';

(2) by striking subparagraph (D) and inserting the following:

''(D) A response plan required under this paragraph shall—

''(i) be consistent with the requirements of the National Contingency Plan and Area Contingency Plans;

''(ii) identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause (iii);

''(iii) identify, and ensure by contract or other means approved by the President the availability of, private personnel and equipment in the quantities necessary, staged and available in the appropriate region to respond immediately to and sustain the response effort for as long as necessary—

''(I) to remove, to the maximum extent practicable, a worst-case discharge (including a discharge resulting from fire or an explosion);

''(II) to mitigate damage from a discharge; and

''(III) to prevent or reduce a substantial threat of such a discharge;

''(iv) demonstrate, to the maximum extent practicable, the financial capability to pay for removal costs and damages;

''(v) describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or facility and to meet the requirements of this subparagraph;

''(vi) describe the environmental effects of the response plan methodologies and equipment;

''(vii) describe the process for communication and coordination with Federal, State, and local agencies before, during, and after a response to a discharge;

''(viii) identify the effective daily recovery capacity for the quantity of oil or hazardous substance that will be removed under the response plan immediately following the discharge and at regular, identified periods;

''(ix) in the case of oil production, drilling, and workover facilities, describe the specific measures to be used in response to a blowout or other event involving loss of well control;

''(x) identify provisions for the owner or operator of a tank vessel, nontank vessel, or facility to report the actual quantity of oil or a hazardous substance removed at regular, identified periods following the discharge;

''(xi) identify potential economic and ecological impacts of a worst-case discharge and response activities to prevent or mitigate, to the maximum extent practicable, those impacts in the event of a discharge;

''(xii) be updated periodically; and

''(xiii) be resubmitted for approval of each significant change.'';

(3) in subparagraph (E), by striking clauses (i) through (v) and inserting the following:

''(i) require notice of a new proposed response plan or significant modification to an existing response plan for an offshore facility to be published in the Federal Register and provide for a public comment period for the plan of at least 30 days, taking into appropriate consideration security concerns and any proprietary issues otherwise provided by law;

''(ii) promptly review the response plan;

''(iii) require amendments to any plan that does not meet the requirements of this paragraph;

''(iv) approve any plan only after finding, based on evidence in the record, that—

''(I) the response plan meets the requirements of subparagraph (D);

''(II) the methods and equipment proposed to be used under the response plan are demonstrated to be technologically feasible in the area and under the conditions in which the tank vessel, nontank vessel, or facility is proposed to operate;

''(III) the available scientific information about the area allows for identification of potential impacts to ecological areas and protection of those areas in the event of a discharge, including adequate surveys of wildlife; and

''(IV) the response plan describes the quantity of oil likely to be removed in the event of a worst-case discharge;

''(v) obtain the written concurrence of such other agencies as the President determines have a significant responsibility to remove, mitigate damage from, or prevent or reduce a substantial threat of the worst-case discharge of oil or a hazardous substance;

''(vi) review each plan periodically thereafter and require each plan to be updated not less often than once every 5 years, with each update considered a significant change requiring approval by the President;

''(vii) require an update of a plan pursuant to clause (vi) to include the best available technology and methods to contain and remove, to the maximum extent practicable, a worst-case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge; and

''(viii) in the case of a plan for a nontank vessel, consider any applicable State-mandated response plan in effect on August 9, 2004, and ensure consistency to the maximum extent practicable.''; and

(4) by adding at the end the following:

''(J) TECHNOLOGY STANDARDS.—The President may establish requirements and guidance for using the best available technology and methods in response plans, which shall be based on performance metrics and standards whenever practicable.

''(K) APPROVAL OF EXISTING PLANS.—

''(i) IN GENERAL.—The President shall—

''(I) implement an expedited review process of all response plans that were valid and approved on the day before the date of enactment of this subparagraph to identify those response plans that do not meet the requirements of this section; and

''(II) require those response plans to be amended to conform to the requirements of this section as soon as practicable after the date of enactment of this subparagraph.

''(ii) EXISTING PLANS.—Notwithstanding any other provision of this section, a response plan that was valid and approved on the day before the date of enactment of this subparagraph—

''(I) shall remain valid and approved until required to be updated pursuant to clause (i); and

''(II) shall not be found not to be valid and approved as a result of the enactment of this subparagraph.

''(iii) PUBLIC NOTICE.—The President shall provide public notice of the process for updating response plans required by clause (i).''.

(c) DEFINITIONS.—Section 311(a)(24)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(24)(B)) is amended by inserting '', including from an unanticipated and uncontrolled blowout or other loss of well control,'' after ''foreseeable discharge''.

SEC. 105. REPORTS.

Not later than 180 days after the date of enactment of this Act and every 90 days thereafter until all claims resulting from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred April 20, 2010, and resulting hydrocarbon releases into the environment, have been paid, the administrator of the fund described in paragraph (1) shall submit to Congress a report that describes—

(1) the status of the compensation fund established by British Petroleum Company to pay claims resulting from the blowout and explosion; and

(2) each claim that has been paid from that fund.

SEC. 106. TRUST FUND ADVANCE AUTHORITY.

Section 6002(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)(2)) is amended by striking ''the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon,'' and inserting ''a spill of national significance,''.

TITLE II—FEDERAL RESEARCH AND TECHNOLOGIES FOR OIL SPILL PREVENTION AND RESPONSE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Research and Technologies for Oil Spill Prevention and Response Act of 2010''.

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to maintain and enhance the world-class research and facilities of the Federal Government; and

(2) to ensure that there are adequate knowledge, practices, and technologies to detect, respond to, contain, and clean up oil

spills, whether onshore or on the outer Continental Shelf.

SEC. 203. INTERAGENCY COMMITTEE.

Section 7001(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(b)) is amended by striking paragraph (4) and inserting the following:

''(4) CHAIRMAN.—

''(A) IN GENERAL.—A representative of the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, Coast Guard, or the Department of the Interior shall serve as Chairman of the Interagency Committee (referred to in this section as the 'Chairman').

''(B) ROTATION.—The responsibility to chair the Interagency Committee shall rotate between representatives of each of the agencies described in subparagraph (A) every 2 years.''.

SEC. 204. SCIENCE AND TECHNOLOGY ADVICE AND GUIDANCE.

Section 7001(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(b)) is amended by striking paragraph (2) and inserting the following:

''(2) SCIENCE AND TECHNOLOGY ADVISORY BOARD.—

''(A) IN GENERAL.—The Chairman shall enter into appropriate arrangements with the National Academy of Sciences to establish an independent committee, to be known as the 'Science and Technology Advisory Board', to provide scientific and technical advice to the Interagency Committee relating to research carried out pursuant to the program established under subsection (c), including—

''(i) the identification of knowledge gaps that the program should address;

''(ii) the establishment of scientific and technical priorities;

''(iii) the provision of advice and guidance in the preparation of—

''(I) the report required under paragraph (3);

''(II) the update required under paragraph (4); and

''(III) the plan required under subsection (c)(14); and

''(iv) an annual review of the results and effectiveness of the program, including successful technology development.

''(B) REPORTS.—Reports and recommendations of the Board shall promptly be made available to Congress and the public.

''(C) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The National Institute of Standards and Technology shall provide the Interagency Committee with advice and guidance on issues relating to quality assurance and standards measurements relating to activities of the Interagency Committee under this section.

''(3) REPORTS ON CURRENT STATE OF OIL SPILL PREVENTION AND RESPONSE CAPABILITIES.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this paragraph, the Interagency Committee shall submit to Congress a report on the current state of oil spill prevention and response capabilities that—

''(i) identifies current research programs conducted by governments, institutions of higher education, and corporate entities;

''(ii) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

''(iii) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with State and local governments and Indian tribes;

''(iv) assesses the current state of spill response equipment, and determines areas in need of improvement, including the quantity, age, quality, and effectiveness of the equipment and necessary technological improvements;

''(v) assesses the current state of real-time data available to mariners, including water level, currents, weather information, and predictions, and assesses whether lack of timely information increases the risk of discharges of oil;

''(vi) assesses the capacity of the National Oceanic and Atmospheric Administration to respond, restore, and rehabilitate marine sanctuaries, monuments, sea turtles, and other protected species;

''(vii) establishes goals for improved oil discharge prevention and response on which to target research for the following 5-year period before the next report is submitted under subparagraph (B); and

''(viii) includes such recommendations as the Committee considers appropriate.

''(B) QUINQUENNIAL UPDATES.—The Interagency Committee shall submit a report every fifth year after the first report of the Interagency Committee submitted under subparagraph (A) that updates the information contained in the previous report of the Interagency Committee under this paragraph.

''(4) IMPLEMENTATION PLAN UPDATE.—Not later than 1 year after the date of enactment of this paragraph, the Interagency Committee shall update the implementation plan required under paragraph (1) to reflect the findings of the report required under paragraph (3) and the requirements of this title.

''(5) ADDITIONAL ADVICE AND GUIDANCE.—In carrying out the duties of the Interagency Committee under this title, the Interagency Committee shall accept comments and input from State and local governments, Indian tribes, industry representatives, and other stakeholders.''.

SEC. 205. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 7001(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking ''and bioremediation'' and inserting ''bioremediation, containment vessels, booms, and skimmers, particularly under worst-case release scenarios'';

(B) by striking subparagraph (H) and inserting the following:

''(H) research and development of methods to respond to, restore, and rehabilitate natural resources and ecosystem health and services damaged by oil discharges;'';

(C) in subparagraph (I), by striking ''and'' at the end;

(D) by redesignating subparagraph (J) as subparagraph (L); and

(E) by inserting after subparagraph (I) the following:

''(J) research, development, and demonstration of new or improved technologies and systems to contain, respond to, and clean up a discharge of oil in extreme or harsh conditions on the outer Continental Shelf;

''(K) research to evaluate the relative effectiveness and environmental impacts (including human and environmental toxicity) of dispersants; and'';

(2) by striking paragraphs (8) and (9);

(3) by redesignating paragraphs (3) through (7) and (10) and (11) as paragraphs (4) through (8) and (11) and (12), respectively;

(4) by inserting after paragraph (2) the following:

''(3) AUTHORIZATION OF AGENCY OIL DISCHARGE RESEARCH AND DEVELOPMENT PROGRAMS.—

''(A) IN GENERAL.—The Secretary of the Interior, in coordination with the program established under this subsection, the Interagency Committee, and such other agencies as the President may designate, shall carry out a program of research, development, technology demonstration, and risk assessment to address issues associated with the detection of, response to, and mitigation and cleanup of discharges of oil occurring on Federal land managed by the Department of the Interior, whether onshore or on the outer Continental Shelf.

''(B) SPECIFIC AREAS OF FOCUS.—The program established under this paragraph shall provide for research, development, demonstration, validation, personnel training, and other activities relating to new and improved technologies that are effective at preventing or mitigating oil discharges and that protect the environment, including technologies, materials, methods, and practices—

''(i) to detect the release of hydrocarbons from leaking exploration or production equipment;

''(ii) to characterize the rates of flow from leaking exploration and production equipment in locations that are remote or difficult to access;

''(iii) to protect the safety of workers addressing hydrocarbon releases from exploration and production equipment;

''(iv) to control or contain the release of hydrocarbons from a blowout or other loss of well control; and

''(v) in coordination with the Administrator and the Secretary of Commerce, for environmental assessment, restoration, and long-term monitoring.'';

(5) in paragraph (5) (as redesignated by paragraph (3))—

(A) by striking subparagraphs (B) and (C);

(B) in the matter preceding clause (i), by striking ''(A) The Committee'' and inserting ''The Department of Commerce, in coordination with the Environmental Protection Agency and the Department of the Interior,'';

(C) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(D) in subparagraph (A) (as redesignated by subparagraphs (C)), by striking the period at the end and inserting the following: '', including—

''(i) fundamental scientific characterization of the behavior of oil and natural gas in and on soil and water, including miscibility, plume behavior, emulsification, physical separation, and chemical and biological degradation;

''(ii) behavior and effects of emulsified, dispersed, and submerged oil in water; and

''(iii) modeling, simulation, and prediction of oil flows from releases and the trajectories of releases on the surface, the subsurface, and in water.''; and

(E) by adding at the end the following:

''(E) The evaluation of direct and indirect environmental effects of acute and chronic oil discharges on natural resources, including impacts on marine sanctuaries and monuments, protected areas, and protected species.

''(F) The monitoring, modeling, and evaluation of the near- and long-term effects of major spills and long-term cumulative effects of smaller endemic spills.'';

(6) in paragraph (6) (as redesignated by paragraph (3))—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) by striking ''The United States Coast Guard'' and inserting the following:

''(A) IN GENERAL.—The Coast Guard''; and

(C) by adding at the end the following:

''(B) EXTREME ENVIRONMENTAL CONDITION DEMONSTRATION PROJECTS.—

''(i) IN GENERAL.—The Secretary of the Interior, in conjunction with the heads of such other agencies as the President may designate, shall conduct deepwater, ultra deepwater, and other extreme environment oil

discharge response demonstration projects for the purpose of developing and demonstrating new integrated deepwater oil discharge mitigation and response systems that use the information and implement the improved practices and technologies developed through the program under this subsection.

''(ii) REQUIREMENTS.—The mitigation and response systems developed under clause (i) shall use technologies and management practices for improving the response capabilities to deepwater oil discharges, including—

''(I) improved oil flow monitoring and calculation;

''(II) improved oil discharge response capability;

''(III) improved subsurface mitigation technologies;

''(IV) improved capability to track and predict the flow and effects of oil discharges in both subsurface and surface areas for the purposes of making oil mitigation and response decisions; and

''(V) any other activities necessary to achieve the purposes of the program.'';

(7) by inserting after paragraph (8) (as redesignated by paragraph (3)) the following:

''(9) RESEARCH CENTERS OF EXCELLENCE.—

''(A) RESPONSE TECHNOLOGIES FOR DEEPWATER, ULTRA DEEPWATER, AND OTHER EXTREME ENVIRONMENT OIL DISCHARGES.—

''(i) ESTABLISHMENT.—The Secretary of the Interior shall establish at 1 or more institutions of higher education a research center of excellence for the research, development, and demonstration of technologies necessary to respond to, contain, mitigate, and clean up deepwater, ultra deepwater, and other extreme-environment discharges of oil.

''(ii) GRANTS.—The Secretary shall provide grants to the research center of excellence established under clause (i) to conduct and oversee basic and applied research in the technologies described in that clause.

''(B) OIL DISCHARGE RESPONSE AND RESTORATION.—

''(i) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in coordination with the Administrator and the Secretary of the Interior, shall establish at 1 or more institutions of higher education a research center of excellence for research and innovation in the fate of, behavior and effects of, and damage assessment and restoration relating to discharges of oil.

''(ii) GRANTS.—The Undersecretary of Commerce for Oceans and Atmosphere shall provide grants to the research center of excellence established under clause (i) to conduct and oversee basic and applied research in the areas described in that clause.

''(C) OTHER RESEARCH CENTERS OF EXCELLENCE.—Any agency that is a member of the Interagency Committee may establish such other research centers of excellence as the agency determines to be necessary for the research, development, and demonstration of technologies necessary to carry out the program established under this subsection.

''(10) PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary of the Interior, the Commandant of the Coast Guard, and the Administrator shall jointly conduct a pilot program to conduct field tests, in the waters of the United States, of new oil discharge response, mitigation, and cleanup technologies developed under the program established under this subsection.

''(B) RESULTS.—The results of the field tests conducted under subparagraph (A) shall be used—

''(i) to refine oil discharge technology research and development; and

''(ii) to assist the Secretary of the Interior, the Commandant of the Coast Guard, and the Administrator in the development of safety and environmental regulations under this Act and other applicable laws.'';

(8) by striking paragraph (11) (as redesignated by paragraph (3)) and inserting the following:

''(11) GRANTS.—

''(A) IN GENERAL.—In carrying out the research and development program established under this subsection, the Department of the Interior, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Coast Guard shall each establish a program to enter into contracts and cooperative agreements and make competitive grants to institutions of higher education, National Laboratories, research institutions, other persons, or groups of institutions of higher education, research institutions, and other persons, for the purposes of conducting the program established under this subsection.

''(B) APPLICATIONS AND CONDITIONS.—In carrying out this paragraph, each agency—

''(i) shall establish a notification and application procedure;

''(ii) may establish such conditions and require such assurances as may be appropriate to ensure the efficiency and integrity of the grant program; and

''(iii) may make grants under the program on a matching or nonmatching basis.

''(C) PRIORITIES.—Contracts, cooperative agreements, and grants provided under this subparagraph shall address research and technology priorities described in the research and technology plan required under paragraph (13).''; and

(9) by adding at the end the following:

''(13) RESEARCH AND TECHNOLOGY PLAN.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, and every 2 years thereafter, the Interagency Committee shall develop and publish a research and technology plan for the program established under this subsection.

''(B) CONTENTS.—The plan under this paragraph shall—

''(i) identify research needs and opportunities;

''(ii) propose areas of focus for the program;

''(iii) establish program priorities, including priorities for—

''(I) demonstration projects under paragraph (7);

''(II) the research centers of excellence under paragraph (9); and

''(III) research funding provided under paragraph (11); and

''(iv) estimate—

''(I) the extent of resources needed to conduct the program; and

''(II) timetables for completing research tasks under the program.

''(C) PUBLICATION.—The Interagency Committee shall timely publish—

''(i) the plan under this paragraph; and

''(ii) a review of the plan by the Board.

''(14) PEER REVIEW OF PROPOSALS AND RESEARCH.—

''(A) IN GENERAL.—Any provision of funds under the program established under this subsection shall be made only after the agency providing the funding has carried out an impartial peer review of the scientific and technical merit of the proposals for the funding.

''(B) REQUIREMENTS.—The agency providing funding shall ensure that any research conducted under the program shall be peer-reviewed, transparent, and made available to the public.

''(15) FUNDING.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), of amounts in the Oil Spill Liability Trust Fund, $25,000,000 for each of fiscal years 2010 through 2020 shall be available, without further appropriation and without fiscal year limitation, to carry out the program under this section.

''(B) ANNUAL EXPENDITURE PLAN.—

''(i) IN GENERAL.—The President shall transmit, as part of the annual budget proposal, a plan for the expenditure of funds under this paragraph.

''(ii) RESEARCH AND TECHNOLOGY PLAN.—The plan developed pursuant to clause (i) shall be consistent with the research and technology plan developed under paragraph (13).

''(C) AVAILABILITY OF AMOUNTS.—On the date that is 15 days after the date on which the Congress adjourns sine die for each year, amounts shall be made available from the Oil Spill Liability Trust Fund, without further appropriation, for the programs and projects in the expenditure plan of the President, unless prior to that date, a law is enacted establishing a different expenditure plan.

''(D) ALTERNATE EXPENDITURE PLAN.—If Congress enacts a law establishing an alternate expenditure plan and the expenditure plan provides for less than the annual funding amount under subparagraph (A), the difference between the annual funding amount and the alternate expenditure plan shall be available for expenditure, without further appropriation, in accordance with the expenditure plan submitted by the President.

''(E) ROLE OF INTERAGENCY COMMITTEE.—In developing the annual expenditure plan under subparagraph (B), the President shall consider the recommendations of the Interagency Committee.''.

(b) FUNDING.—Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended by striking subsection (f) and inserting the following:

''(f) FUNDING.—

''(1) IN GENERAL.—In addition to amounts made available subsection (c)(15), not to exceed $20,000,000 of the amounts in the Fund shall be available each fiscal year to each of the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior to carry out this section.

''(2) APPROPRIATIONS.—Funding authorized under paragraph (1) shall be subject to appropriations.''.

(c) USES OF OIL SPILL LIABILITY TRUST FUND.—Section 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)(A)) is amended—

(1) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(2) by inserting before the semicolon at the end the following: '', of which not less than 40 percent shall be used each fiscal year to conduct research, development, and evaluation of oil spill response and removal technologies and methods consistent with the research and technology plan developed under section 7001(c)(13)''.

TITLE III—OUTER CONTINENTAL SHELF REFORM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Outer Continental Shelf Reform Act of 2010''.

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to rationalize and reform the responsibilities of the Secretary of the Interior with respect to the management of the outer Continental Shelf in order to improve the management, oversight, accountability, safety, and environmental protection of all the resources on the outer Continental Shelf;

(2) to provide independent development and enforcement of safety and environmental laws (including regulations) governing—

(A) energy development and mineral extraction activities on the outer Continental Shelf; and

(B) related offshore activities; and

(3) to ensure a fair return to the taxpayer from, and independent management of, royalty and revenue collection and disbursement activities from mineral and energy resources.

SEC. 303. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(2) OUTER CONTINENTAL SHELF.—The term ''outer Continental Shelf'' has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 304. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be managed in a manner that—

''(A) recognizes the need of the United States for domestic sources of energy, food, minerals, and other resources;

''(B) minimizes the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

''(C) acknowledges the long-term economic value to the United States of the balanced and orderly management of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf;'';

(2) in paragraph (4)(C), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

(5) by inserting after paragraph (5) the following:

''(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that provides reasonable assurance of adequate protection against harm to life, health, the environment, property, or other users of the waters, seabed, or subsoil; and''; and

(6) in paragraph (7) (as so redesignated)—

(A) by striking ''should be'' and inserting ''shall be''; and

(B) by adding ''best available'' after ''using''.

SEC. 305. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding to the end the following:

''SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

''(a) LEASING, PERMITTING, AND REGULATION BUREAUS.—

''(1) ESTABLISHMENT OF BUREAUS.—

''(A) IN GENERAL.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior not more than 2 bureaus to carry out the leasing, permitting, and safety and environmental regulatory functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) related to the outer Continental Shelf.

''(B) CONFLICTS OF INTEREST.—In establishing the bureaus under subparagraph (A), the Secretary shall ensure, to the maximum extent practicable, that any potential organizational conflicts of interest related to leasing, revenue creation, environmental protection, and safety are eliminated.

''(2) DIRECTOR.—Each bureau shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) COMPENSATION.—Each Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(4) QUALIFICATIONS.—Each Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

''(b) ROYALTY AND REVENUE OFFICE.—

''(1) ESTABLISHMENT OF OFFICE.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior an office to carry out the royalty and revenue management functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

''(2) DIRECTOR.—The office established under paragraph (1) shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(4) QUALIFICATIONS.—The Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

''(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY BOARD.—

''(1) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act (5 U.S.C. App.), an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this subsection as the 'Board'), to provide the Secretary and the Directors of the bureaus established under this section with independent peer-reviewed scientific and technical advice on safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

''(2) MEMBERSHIP.—

''(A) SIZE.—

''(i) IN GENERAL.—The Board shall consist of not more than 12 members, chosen to reflect a range of expertise in scientific, engineering, management, and other disciplines related to safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

''(ii) CONSULTATION.—The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for membership on the Board.

''(B) TERM.—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

''(C) CHAIR.—The Secretary shall appoint the Chair for the Board.

''(3) MEETINGS.—The Board shall—

''(A) meet not less than 3 times per year; and

''(B) at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of outer Continental Shelf energy and mineral resource activities.

''(4) REPORTS.—Reports of the Board shall—

''(A) be submitted to Congress; and

''(B) made available to the public in an electronically accessible form.

''(5) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal Government, while attending a meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

''(d) SPECIAL PERSONNEL AUTHORITIES.—

''(1) DIRECT HIRING AUTHORITY FOR CRITICAL PERSONNEL.—

''(A) IN GENERAL.—Notwithstanding sections 3104, 3304, and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified accountants, scientists, engineers, or critical technical personnel into the competitive service, as officers or employees of any of the organizational units established under this section.

''(B) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Secretary shall ensure that any action taken by the Secretary—

''(i) is consistent with the merit principles of chapter 23 of title 5, United States Code; and

''(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

''(2) CRITICAL PAY AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of any of the organizational units established under this section, if the Secretary certifies that—

''(i) the positions—

''(I) require expertise of an extremely high level in a scientific or technical field; and

''(II) any of the organizational units established in this section would not successfully accomplish an important mission without such an individual; and

''(ii) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

''(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

''(i) The number of critical positions authorized by subparagraph (A) may not exceed 40 at any 1 time in either of the bureaus established under this section.

''(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

''(iii) An individual appointed under subparagraph (A) may not have been an employee of the Department of the Interior during the 2-year period prior to the date of appointment.

''(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

''(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

''(C) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this paragraph.

''(3) REEMPLOYMENT OF CIVILIAN RETIREES.—

''(A) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of any of the organizational units established under this section for which suitably qualified candidates do not exist.

''(B) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subparagraph (A)—

''(i) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

''(ii) may not elect to have retirement contributions withheld from the pay of the annuitant;

''(iii) may not use any employment under this paragraph as a basis for a supplemental or recomputed annuity; and

''(iv) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

''(C) LIMITATION ON TERM.—The term of employment of any individual hired under subparagraph (A) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

''(e) CONTINUITY OF AUTHORITY.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to the date of enactment of this section—

''(1) to the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the appropriate bureaus and offices established under this section;

''(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the Director of the bureau or office under this section to whom the Secretary has assigned the respective duty or authority; and

''(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to that same or equivalent position in the appropriate bureau or office established under this section.''.

(b) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by striking ''Director, Bureau of Mines, Department of the Interior'' and inserting the following:

'' ''Bureau Directors, Department of the Interior (2).

'' ''Director, Royalty and Revenue Office, Department of the Interior.''.

SEC. 306. SAFETY, ENVIRONMENTAL, AND FINANCIAL REFORM OF THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

''(r) SAFETY CASE.—The term 'safety case' means a complete set of safety documentation that provides a basis for determining whether a system is adequately safe for a given application in a given environment.''.

(b) ADMINISTRATION OF LEASING.—Section 5(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)) is amended in the second sentence—

(1) by striking ''The Secretary may at any time'' and inserting ''The Secretary shall''; and

(2) by inserting after ''provide for'' the following: ''operational safety, the protection of the marine and coastal environment,''.

(c) MAINTENANCE OF LEASES.—Section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335) is amended by adding at the end the following:

''(f) REVIEW OF BOND AND SURETY AMOUNTS.—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall—

''(1) review the minimum financial responsibility requirements for mineral leases under subsection (a)(11); and

''(2) adjust for inflation based on the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, and recommend to Congress any further changes to existing financial responsibility requirements necessary to permit lessees to fulfill all obligations under this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

''(g) PERIODIC FISCAL REVIEWS AND REPORTS.—

''(1) ROYALTY RATES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary shall carry out a review of, and prepare a report that describes—

''(i) the royalty and rental rates included in new offshore oil and gas leases and the rationale for the rates;

''(ii) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) would yield a fair return to the public while promoting the production of oil and gas resources in a timely manner; and

''(iii) whether, based on the review, the Secretary intends to modify the royalty or rental rates.

''(B) PUBLIC PARTICIPATION.—In carrying out a review and preparing a report under subparagraph (A), the Secretary shall provide to the public an opportunity to participate.

''(2) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary in consultation with the Secretary of the Treasury, shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements for bonus bids, rental rates, royalties, oil and gas taxes, income taxes and other significant financial elements, and oil and gas fees.

''(B) INCLUSIONS.—The review shall include—

''(i) information and analyses comparing the offshore bonus bids, rents, royalties, taxes, and fees of the Federal Government to the offshore bonus bids, rents, royalties, taxes, and fees of other resource owners (including States and foreign countries); and

''(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

''(C) INDEPENDENT ADVISORY COMMITTEE.—In carrying out a review under this paragraph, the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate nongovernmental organizations.

''(D) REPORT.—The Secretary shall prepare a report that contains—

''(i) the contents and results of the review carried out under this paragraph for the period covered by the report; and

''(ii) any recommendations of the Secretary and the Secretary of the Treasury based on the contents and results of the review.

''(E) COMBINED REPORT.—The Secretary may combine the reports required by paragraphs (1) and (2)(D) into 1 report.

''(3) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes each report under this subsection, the Secretary shall submit copies of the report to—

''(A) the Committee on Energy and Natural Resources of the Senate;

''(B) the Committee on Finance of the Senate;

''(C) the Committee on Natural Resources of the House of Representatives; and

''(D) the Committee on Ways and Means of the House of Representatives.''.

(d) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

''(d) DISQUALIFICATION FROM BIDDING.—No bid for a lease may be submitted by any entity that the Secretary finds, after prior public notice and opportunity for a hearing—

''(1) is not meeting due diligence, safety, or environmental requirements on other leases; or

''(2)(A) is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702); and

''(B) has failed to meet the obligations of the responsible party under that Act to provide compensation for covered removal costs and damages.''.

(e) EXPLORATION PLANS.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended—

(1) in subsection (c)—

(A) in the fourth sentence of paragraph (1), by striking ''within thirty days of its submission'' and inserting ''by the deadline described in paragraph (5)'';

(B) by striking paragraph (3) and inserting the following:

''(3) MINIMUM REQUIREMENTS.—

''(A) IN GENERAL.—An exploration plan submitted under this subsection shall include, in such degree of detail as the Secretary by regulation may require—

''(i) a complete description and schedule of the exploration activities to be undertaken;

''(ii) a description of the equipment to be used for the exploration activities, including—

''(I) a description of the drilling unit;

''(II) a statement of the design and condition of major safety-related pieces of equipment;

''(III) a description of any new technology to be used; and

''(IV) a statement demonstrating that the equipment to be used meets the best available technology requirements under section 21(b);

''(iii) a map showing the location of each well to be drilled;

''(iv)(I) a scenario for the potential blowout of the well involving the highest expected volume of liquid hydrocarbons; and

''(II) a complete description of a response plan to control the blowout and manage the accompanying discharge of hydrocarbons, including—

''(aa) the technology and timeline for regaining control of the well; and

''(bb) the strategy, organization, and resources to be used to avoid harm to the environment and human health from hydrocarbons; and

''(v) any other information determined to be relevant by the Secretary.

''(B) DEEPWATER WELLS.—

''(i) IN GENERAL.—Before conducting exploration activities in water depths greater than 500 feet, the holder of a lease shall submit to the Secretary for approval a deepwater operations plan prepared by the lessee in accordance with this subparagraph.

''(ii) TECHNOLOGY REQUIREMENTS.—A deepwater operations plan under this subparagraph shall be based on the best available technology to ensure safety in carrying out the exploration activity and the blowout response plan.

''(iii) SYSTEMS ANALYSIS REQUIRED.—The Secretary shall not approve a deepwater operations plan under this subparagraph unless the plan includes a technical systems analysis of—

''(I) the safety of the proposed exploration activity;

''(II) the blowout prevention technology; and

''(III) the blowout and spill response plans.''; and

(C) by adding at the end the following:

''(5) DEADLINE FOR APPROVAL.—

''(A) IN GENERAL.—In the case of a lease issued under a sale held after March 17, 2010, the deadline for approval of an exploration plan referred to in the fourth sentence of paragraph (1) is—

''(i) the date that is 90 days after the date on which the plan or the modifications to the plan are submitted; or

''(ii) the date that is not later than an additional 180 days after the deadline described in clause (i), if the Secretary makes a finding that additional time is necessary to complete any environmental, safety, or other reviews.

''(B) EXISTING LEASES.—In the case of a lease issued under a sale held on or before March 17, 2010, the Secretary, with the consent of the holder of the lease, may extend the deadline applicable to the lease for such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews.'';

(2) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(3) by striking subsection (d) and inserting the following:

''(d) DRILLING PERMITS.—

''(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit—

''(A) before the lessee drills a well in accordance with the plan; and

''(B) before the lessee significantly modifies the well design originally approved by the Secretary.

''(2) ENGINEERING REVIEW REQUIRED.—The Secretary may not grant any drilling permit until the date of completion of a full review of the well system by not less than 2 agency engineers, including a written determination that—

''(A) critical safety systems (including blowout prevention) will use best available technology; and

''(B) blowout prevention systems will include redundancy and remote triggering capability.

''(3) MODIFICATION REVIEW REQUIRED.—The Secretary may not approve any modification of a permit without a determination, after an additional engineering review, that the modification will not compromise the safety of the well system previously approved.

''(4) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit until the date of completion and approval of a safety and environmental management plan that—

''(A) is to be used by the operator during all well operations; and

''(B) includes—

''(i) a description of the expertise and experience level of crew members who will be present on the rig; and

''(ii) designation of at least 2 environmental and safety managers that—

''(I) are employees of the operator;

''(II) would be present on the rig at all times; and

''(III) have overall responsibility for the safety and environmental management of the well system and spill response plan; and

''(C) not later than May 1, 2012, requires that all employees on the rig meet the training and experience requirements under section 21(b)(4).

''(e) DISAPPROVAL OF EXPLORATION PLAN.—

''(1) IN GENERAL.—The Secretary shall disapprove an exploration plan submitted under this section if the Secretary determines that, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

''(A) implementation of the exploration plan would probably cause serious harm or damage to life (including fish and other aquatic life), property, mineral deposits, national security or defense, or the marine, coastal or human environments;

''(B) the threat of harm or damage would not disappear or decrease to an acceptable extent within a reasonable period of time; and

''(C) the advantages of disapproving the exploration plan outweigh the advantages of exploration.

''(2) COMPENSATION.—If an exploration plan is disapproved under this subsection, the provisions of subparagraphs (B) and (C) of section 25(h)(2) shall apply to the lease and the plan or any modified plan, except that the reference in section 25(h)(2)(C) to a development and production plan shall be considered to be a reference to an exploration plan.''.

(f) OUTER CONTINENTAL SHELF LEASING PROGRAM.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting after ''national energy needs'' the following: ''and the need for the protection of the marine and coastal environment and resources'';

(B) in paragraph (1), by striking ''considers'' and inserting ''gives equal consideration to''; and

(C) in paragraph (3), by striking '', to the maximum extent practicable,'';

(2) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) provide technical review and oversight of the exploration plan and a systems review of the safety of the well design and other operational decisions;

''(6) conduct regular and thorough safety reviews and inspections, and;

''(7) enforce all applicable laws (including regulations).'';

(3) in the second sentence of subsection (d)(2), by inserting '', the head of an interested Federal agency,'' after ''Attorney General'';

(4) in the first sentence of subsection (g), by inserting before the period at the end the following: '', including existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf''; and

(5) by adding at the end the following:

''(i) RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner.

''(2) INCLUSIONS.—Research and development activities carried out under paragraph (1) may include activities to provide accurate estimates of energy and mineral reserves and potential on the outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.

''(3) LEASING ACTIVITIES.—Research and development activities carried out under paragraph (1) shall not be considered to be leasing or pre-leasing activities for purposes of this Act.''.

(g) ENVIRONMENTAL STUDIES.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) COMPREHENSIVE AND INDEPENDENT STUDIES.—

''(1) IN GENERAL.—The Secretary shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of environmental and other resource data that are relevant to carrying out the purposes of this Act, including assessments under subsection (g) .

''(2) SCOPE OF RESEARCH.—The programs under this subsection shall include—

''(A) the gathering of baseline data in areas before energy or mineral resource development activities occur;

''(B) ecosystem research and monitoring studies to support integrated resource management decisions; and

''(C) the improvement of scientific understanding of the fate, transport, and effects of discharges and spilled materials, including deep water hydrocarbon spills, in the marine environment.

''(3) USE OF DATA.—The Secretary shall ensure that information from the studies carried out under this section—

''(A) informs the management of energy and mineral resources on the outer Continental Shelf including any areas under consideration for oil and gas leasing; and

''(B) contributes to a broader coordination of energy and mineral resource development activities within the context of best available science.

''(4) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

''(A) be programmatically separate and distinct from the leasing program;

''(B) carry out the environmental studies under this section;

''(C) conduct additional environmental studies relevant to the sound management of energy and mineral resources on the outer Continental Shelf;

''(D) provide for external scientific review of studies under this section, including

through appropriate arrangements with the National Academy of Sciences; and

''(E) subject to the restrictions of subsections (g) and (h) of section 18, make available to the public studies conducted and data gathered under this section.''; and

(3) in the first sentence of subsection (b)(1) (as so redesignated), by inserting ''every 3 years'' after ''shall conduct''.

(h) SAFETY RESEARCH AND REGULATIONS.—Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in the first sentence of subsection (a), by striking ''Upon the date of enactment of this section,'' and inserting ''Not later than May 1, 2011, and every 3 years thereafter,'';

(2) by striking subsection (b) and inserting the following:

''(b) BEST AVAILABLE TECHNOLOGIES AND PRACTICES.—

''(1) IN GENERAL.—In exercising respective responsibilities under this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, to the maximum extent practicable, on existing operations, the use of the best available and safest technologies and practices, if the failure of equipment would have a significant effect on safety, health, or the environment.

''(2) IDENTIFICATION OF BEST AVAILABLE TECHNOLOGIES.—Not later than May 1, 2011, and not later than every 3 years thereafter, the Secretary shall identify and publish an updated list of best available technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response.

''(3) SAFETY CASE.—Not later than May 1, 2011, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf.

''(4) EMPLOYEE TRAINING.—

''(A) IN GENERAL.—Not later than May 1, 2011, the Secretary shall promulgate regulations setting standards for training for all workers on offshore facilities (including mobile offshore drilling units) conducting energy and mineral resource exploration, development, and production operations on the outer Continental Shelf.

''(B) REQUIREMENTS.—The training standards under this paragraph shall require that employers of workers described in subparagraph (A)—

''(i) establish training programs approved by the Secretary; and

''(ii) demonstrate that employees involved in the offshore operations meet standards that demonstrate the aptitude of the employees in critical technical skills.

''(C) EXPERIENCE.—The training standards under this section shall require that any offshore worker with less than 5 years of applied experience in offshore facilities operations pass a certification requirement after receiving the appropriate training.

''(D) MONITORING TRAINING COURSES.—The Secretary shall ensure that Department employees responsible for inspecting offshore facilities monitor, observe, and report on training courses established under this paragraph, including attending a representative number of the training sessions, as determined by the Secretary.''; and

(3) by adding at the end the following:

''(g) TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with outer Continental Shelf energy and mineral resource activities, with the primary purpose of informing the role of research, development, and risk assessment relating to safety, environmental protection, and spill response.

''(2) SPECIFIC AREAS OF FOCUS.—The program under this subsection shall include research, development, and other activities related to—

''(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

''(B) analysis of industry trends in technology, investment, and interest in frontier areas;

''(C) analysis of incidents investigated under section 22;

''(D) reviews of best available technologies, including technologies associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

''(E) oil spill response and mitigation;

''(F) risks associated with human factors; and

''(G) renewable energy operations.

''(3) INFORMATION SHARING ACTIVITIES.—

''(A) DOMESTIC ACTIVITIES.—The Secretary shall carry out programs to facilitate the exchange and dissemination of scientific and technical information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

''(B) INTERNATIONAL COOPERATION.—The Secretary shall carry out programs to cooperate with international organizations and foreign governments to share information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

''(4) REPORTS.—The program under this subsection shall provide to the Secretary, each Bureau Director under section 32, and the public quarterly reports that address—

''(A) developments in each of the areas under paragraph (2); and

''(B)(i) any accidents that have occurred in the past quarter; and

''(ii) appropriate responses to the accidents.

''(5) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

''(A) be programmatically separate and distinct from the leasing program;

''(B) carry out the studies, analyses, and other activities under this subsection;

''(C) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

''(D) make available to the public studies conducted and data gathered under this section.

''(6) USE OF DATA.—The Secretary shall ensure that the information from the studies and research carried out under this section inform the development of safety practices and regulations as required by this Act and other applicable laws.''.

(i) ENFORCEMENT.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting '', each loss of well control, blowout, activation of the blowout preventer, and other accident that presented a serious risk to human or environmental safety,'' after ''fire''; and

(ii) in the last sentence, by inserting ''as a condition of the lease'' before the period at the end;

(B) in the last sentence of paragraph (2), by inserting ''as a condition of lease'' before the period at the end;

(2) in subsection (e)—

(A) by striking ''(e) The'' and inserting the following:

''(e) REVIEW OF ALLEGED SAFETY VIOLATIONS.—

''(1) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(2) INVESTIGATION.—The Secretary shall investigate any allegation from any employee of the lessee or any subcontractor of the lessee made under paragraph (1).''; and

(3) by adding at the end of the section the following:

''(g) INDEPENDENT INVESTIGATION.—

''(1) IN GENERAL.—At the request of the Secretary, the National Transportation Safety Board may conduct an independent investigation of any accident, occurring in the outer Continental Shelf and involving activities under this Act, that does not otherwise fall within the definition of an accident or major marine casualty, as those terms are used in chapter 11 of title 49, United States Code.

''(2) TRANSPORTATION ACCIDENT.—For purposes of an investigation under this subsection, the accident that is the subject of the request by the Secretary shall be determined to be a transportation accident within the meaning of that term in chapter 11 of title 49, United States Code.

''(h) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—

''(1) IN GENERAL.—For each incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken.

''(2) PUBLIC DATABASE.—All data and reports related to an incident described in paragraph (1) shall be maintained in a database that is available to the public.

''(i) INSPECTION FEE.—

''(1) IN GENERAL.—To the extent necessary to fund the inspections described in this paragraph, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the Ocean Energy Enforcement Fund established under paragraph (3), from the designated operator for facilities subject to inspection under subsection (c).

''(2) ESTABLISHMENT.—The Secretary shall establish, by rule, inspection fees—

''(A) at an aggregate level equal to the amount necessary to offset the annual expenses of inspections of outer Continental Shelf facilities (including mobile offshore drilling units) by the Department of the Interior; and

''(B) using a schedule that reflects the differences in complexity among the classes of facilities to be inspected.

''(3) OCEAN ENERGY ENFORCEMENT FUND.—There is established in the Treasury a fund, to be known as the 'Ocean Energy Enforcement Fund' (referred to in this subsection as the 'Fund'), into which shall be deposited amounts collected under paragraph (1) and which shall be available as provided under paragraph (4).

''(4) AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, all amounts collected by the Secretary under this section—

''(A) shall be credited as offsetting collections;

''(B) shall be available for expenditure only for purposes of carrying out inspections of outer Continental Shelf facilities (including mobile offshore drilling units) and the administration of the inspection program;

''(C) shall be available only to the extent provided for in advance in an appropriations Act; and

''(D) shall remain available until expended.

''(5) ANNUAL REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning

with fiscal year 2011, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

''(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

''(i) A statement of the amounts deposited into the Fund.

''(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

''(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

''(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.''.

(j) REMEDIES AND PENALTIES.—Section 24 of the Outer Continental Shelf Lands Act (43 U.S.C. 1350) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) CIVIL PENALTY.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (3), if any person fails to comply with this Act, any term of a lease or permit issued under this Act, or any regulation or order issued under this Act, the person shall be liable for a civil administrative penalty of not more than $75,000 for each day of continuance of each failure.

''(2) ADMINISTRATION.—The Secretary may assess, collect, and compromise any penalty under paragraph (1).

''(3) HEARING.—No penalty shall be assessed under this subsection until the person charged with a violation has been given the opportunity for a hearing.

''(4) ADJUSTMENT.—The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.'';

(2) in subsection (c)—

(A) in the first sentence, by striking ''$100,000'' and inserting ''$10,000,000''; and

(B) by adding at the end the following: ''The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''; and

(3) in subsection (d), by inserting '', or with reckless disregard,'' after ''knowingly and willfully''.

(k) OIL AND GAS DEVELOPMENT AND PRODUCTION.—Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended by striking '', other than the Gulf of Mexico,'' each place it appears in subsections (a)(1), (b), and (e)(1).

(l) CONFLICTS OF INTEREST.—Section 29 of the Outer Continental Shelf Lands Act (43 U.S.C. 1355) is amended to read as follows:

''SEC. 29. CONFLICTS OF INTEREST.

''(a) RESTRICTIONS ON EMPLOYMENT.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall—

''(1) within 2 years after his employment with the Department has ceased—

''(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

''(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

''(C) knowingly aid, advise, or assist in—

''(i) representing any other person (except the United States in any formal or informal appearance before; or

''(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

any department, agency, or court of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, regulation, order lease, permit, rulemaking, inspection, enforcement action, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility or in which he participated personally and substantially as an officer or employee;

''(2) within 1 year after his employment with the Department has ceased—

''(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

''(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

''(C) knowingly aid , advise, or assist in —

''(i) representing any other person (except the United States in any formal or informal appearance before, or

''(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

the Department of the Interior, or any officer or employee thereof, in connection with any judicial, rulemaking, regulation, order, lease, permit, regulation, inspection, enforcement action, or other particular matter which is pending before the Department of the Interior or in which the Department has a direct and substantial interest; or

''(3) accept employment or compensation, during the 1-year period beginning on the date on which employment with the Department has ceased, from any person (other than the United States) that has a direct and substantial interest—

''(A) that was pending under the official responsibility of the employee as an officer or employee of the Department during the 1-year period preceding the termination of the responsibility; or

''(B) in which the employee participated personally and substantially as an officer or employee.

''(b) PRIOR EMPLOYMENT RELATIONSHIPS.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall participate personally and substantially as a Federal officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, inspection, enforcement action, or other particular matter in which, to the knowledge of the officer or employee—

''(1) the officer or employee or the spouse, minor child, or general partner of the officer or employee has a financial interest;

''(2) any organization in which the officer or employee is serving as an officer, director, trustee, general partner, or employee has a financial interest;

''(3) any person or organization with whom the officer or employee is negotiating or has any arrangement concerning prospective employment has a financial interest; or

''(4) any person or organization in which the officer or employee has, within the preceding 1-year period, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee has a financial interest.

''(c) GIFTS FROM OUTSIDE SOURCES.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall, directly or indirectly, solicit or accept any gift in violation of subpart B of part 2635 of title V, Code of Federal Regulations (or successor regulations).

''(d) EXEMPTIONS.—The Secretary may, by rule, exempt from this section clerical and support personnel who do not conduct inspections, perform audits, or otherwise exercise regulatory or policy making authority under this Act.

''(e) PENALTIES.—

''(1) CRIMINAL PENALTIES.—Any person who violates paragraph (1) or (2) of subsection (a) or subsection (b) shall be punished in accordance with section 216 of title 18, United States Code.

''(2) CIVIL PENALTIES.—Any person who violates subsection (a)(3) or (c) shall be punished in accordance with subsection (b) of section 216 of title 18, United States Code.''.

SEC. 307. STUDY ON THE EFFECT OF THE MORATORIA ON NEW DEEPWATER DRILLING IN THE GULF OF MEXICO ON EMPLOYMENT AND SMALL BUSINESSES.

(a) IN GENERAL.—The Department of Energy, acting through the Energy Information Administration, shall publish a monthly study evaluating the effect of the moratoria resulting from the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment, on employment and small businesses.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act and at the beginning of each month thereafter during the effective period of the moratoria described in subsection (a), the Secretary of Energy, acting through the Energy Information Administration, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the results of the study conducted under subsection (a), including—

(1) a survey of the effect of the moratoria on deepwater drilling on employment in the industries directly involved in oil and natural gas exploration in the outer Continental Shelf;

(2) a survey of the effect of the moratoria on employment in the industries indirectly involved in oil and natural gas exploration in the outer Continental Shelf, including suppliers of supplies or services and customers of industries directly involved in oil and natural gas exploration;

(3) an estimate of the effect of the moratoria on the revenues of small business located near the Gulf of Mexico and, to the maximum extent practicable, throughout the United States; and

(4) any recommendations to mitigate possible negative effects on small business concerns resulting from the moratoria.

SEC. 308. REFORM OF OTHER LAW.

Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58) is amended by adding at the end the following:

''(4) FEDERAL AGENCIES.—Any head of a Federal department or agency shall, on request of the Secretary, provide to the Secretary all data and information that the Secretary determines to be necessary for the purpose of including the data and information in the mapping initiative, except that no Federal department or agency shall be required to provide any data or information that is privileged or proprietary.''.

SEC. 309. SAFER OIL AND GAS PRODUCTION.

(a) PROGRAM AUTHORITY.—Section 999A of the Energy Policy Act of 2005 (42 U.S.C. 16371) is amended—

(1) in subsection (a)—

(A) by striking ''ultra-deepwater'' and inserting ''deepwater''; and

(B) by inserting ''well control and accident prevention,'' after ''safe operations,'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) Deepwater architecture, well control and accident prevention, and deepwater technology, including drilling to deep formations in waters greater than 500 feet.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) Safety technology research and development for drilling activities aimed at well control and accident prevention performed by the Office of Fossil Energy of the Department.''; and

(3) in subsection (d)—

(A) in the subsection heading, by striking ''NATIONAL ENERGY TECHNOLOGY LABORATORY'' and inserting ''OFFICE OF FOSSIL ENERGY OF THE DEPARTMENT''; and

(B) by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department''.

(b) DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.—Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in the section heading, by striking ''**ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM**'' and inserting ''**SAFE OIL AND GAS PRODUCTION AND ACCIDENT PREVENTION**'';

(2) in subsection (a), by striking '', by increasing'' and all that follows through the period at the end and inserting ''and the safe and environmentally responsible exploration, development, and production of hydrocarbon resources.'';

(3) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) projects will be selected on a competitive, peer-reviewed basis.''; and

(4) in subsection (d)—

(A) in paragraph (6), by striking ''ultra-deepwater'' and inserting ''deepwater'';

(B) in paragraph (7)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''ULTRA-DEEPWATER'' and inserting ''DEEPWATER'';

(II) by striking ''development and'' and inserting ''research, development, and''; and

(III) by striking ''as well as'' and all that follows through the period at the end and inserting ''aimed at improving operational safety of drilling activities, including well integrity systems, well control, blowout prevention, the use of non-toxic materials, and integrated systems approach-based management for exploration and production in deepwater.'';

(ii) in subparagraph (B), by striking ''and environmental mitigation'' and inserting ''use of non-toxic materials, drilling safety, and environmental mitigation and accident prevention'';

(iii) in subparagraph (C), by inserting ''safety and accident prevention, well control and systems integrity,'' after ''including''; and

(iv) by adding at the end the following:

''(D) SAFETY AND ACCIDENT PREVENTION TECHNOLOGY RESEARCH AND DEVELOPMENT.—Awards from allocations under section 999H(d)(4) shall be expended on areas including—

''(i) development of improved cementing and casing technologies;

''(ii) best management practices for cementing, casing, and other well control activities and technologies;

''(iii) development of integrity and stewardship guidelines for—

''(I) well-plugging and abandonment;

''(II) development of wellbore sealant technologies; and

''(III) improvement and standardization of blowout prevention devices.''; and

(C) by adding at the end the following:

''(8) STUDY; REPORT.—

''(A) STUDY.—As soon as practicable after the date of enactment of this paragraph, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to determine—

''(i) whether the benefits provided through each award under this subsection during calendar year 2011 have been maximized; and

''(ii) the new areas of research that could be carried out to meet the overall objectives of the program.

''(B) REPORT.—Not later than January 1, 2012, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under subparagraph (A).

''(C) OPTIONAL UPDATES.—The Secretary may update the report described in subparagraph (B) for the 5-year period beginning on the date described in that subparagraph and each 5-year period thereafter.'';

(5) in subsection (e)—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by inserting ''to the Secretary for review'' after ''submit''; and

(ii) in the first sentence of subparagraph (B), by striking ''Ultra-Deepwater'' and all that follows through ''and such Advisory Committees'' and inserting ''Program Advisory Committee established under section 999D(a), and the Advisory Committee''; and

(B) by adding at the end the following:

''(6) RESEARCH FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTATION.—The Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register an annual report on the research findings of the program carried out under this section and any recommendations for implementation that the Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, determines to be necessary.'';

(6) in subsection (i)—

(A) in the subsection heading, by striking ''UNITED STATES GEOLOGICAL SURVEY'' and inserting ''DEPARTMENT OF THE INTERIOR''; and

(B) by striking '', through the United States Geological Survey,''; and

(7) in the first sentence of subsection (j), by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department''.

(c) ADDITIONAL REQUIREMENTS FOR AWARDS.—Section 999C(b) of the Energy Policy Act of 2005 (42 U.S.C. 16373(b)) is amended by striking ''an ultra-deepwater technology or an ultra-deepwater architecture'' and inserting ''a deepwater technology''.

(d) PROGRAM ADVISORY COMMITTEE.—Section 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374) is amended to read as follows:

''SEC. 999D. PROGRAM ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of the Outer Continental Shelf Reform Act of 2010, the Secretary shall establish an advisory committee to be known as the 'Program Advisory Committee' (referred to in this section as the 'Advisory Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Committee shall be composed of members appointed by the Secretary, including—

''(A) individuals with extensive research experience or operational knowledge of hydrocarbon exploration and production;

''(B) individuals broadly representative of the affected interests in hydrocarbon production, including interests in environmental protection and safety operations;

''(C) representatives of Federal agencies, including the Environmental Protection Agency and the Department of the Interior;

''(D) State regulatory agency representatives; and

''(E) other individuals, as determined by the Secretary.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—The Advisory Committee shall not include individuals who are board members, officers, or employees of the program consortium.

''(B) CATEGORICAL REPRESENTATION.—In appointing members of the Advisory Committee, the Secretary shall ensure that no class of individuals described in any of subparagraphs (A), (B), (D), or (E) of paragraph (1) comprises more than ⅓ of the membership of the Advisory Committee.

''(c) SUBCOMMITTEES.—The Advisory Committee may establish subcommittees for separate research programs carried out under this subtitle.

''(d) DUTIES.—The Advisory Committee shall—

''(1) advise the Secretary on the development and implementation of programs under this subtitle; and

''(2) carry out section 999B(e)(2)(B).

''(e) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but shall be entitled to receive travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

''(f) PROHIBITION.—The Advisory Committee shall not make recommendations on funding awards to particular consortia or other entities, or for specific projects.''.

(e) DEFINITIONS.—Section 999G of the Energy Policy Act of 2005 (42 U.S.C. 16377) is amended—

(1) in paragraph (1), by striking ''200 but less than 1,500 meters'' and inserting ''500 feet'';

(2) by striking paragraphs (8), (9), and (10);

(3) by redesignating paragraphs (2) through (7) and (11) as paragraphs (4) through (9) and (10), respectively;

(4) by inserting after paragraph (1) the following:

''(2) DEEPWATER ARCHITECTURE.—The term 'deepwater architecture' means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.

''(3) DEEPWATER TECHNOLOGY.—The term 'deepwater technology' means a discrete technology that is specially suited to address 1 or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.''; and

(5) in paragraph (10) (as redesignated by paragraph (3)), by striking ''in an economically inaccessible geological formation, including resources of small producers''.

(f) FUNDING.—Section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) in the first sentence of subsection (a) by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safe and Responsible Energy Production Research Fund'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''35 percent'' and inserting ''21.5 percent'';

(B) in paragraph (2), by striking ''32.5 percent'' and inserting ''21 percent'';

(C) in paragraph (4)—

(i) by striking ''25 percent'' and inserting ''30 percent'';

(ii) by striking ''complementary research'' and inserting ''safety technology research and development''; and

(iii) by striking ''contract management,'' and all that follows through the period at the end and inserting ''and contract management.''; and

(D) by adding at the end the following:

''(5) 20 percent shall be used for research activities required under sections 20 and 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346, 1347).''.

(3) in subsection (f), by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safer Oil and Gas Production and Accident Prevention Research Fund''.

(g) CONFORMING AMENDMENT.—Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is amended in the subtitle heading by striking ''**Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources**'' and inserting ''**Safer Oil and Gas Production and Accident Prevention**''.

SEC. 310. NATIONAL COMMISSION ON OUTER CONTINENTAL SHELF OIL SPILL PREVENTION.

(a) ESTABLISHMENT.—There is established in the Legislative branch the National Commission on Outer Continental Shelf Oil Spill Prevention (referred to in this section as the ''Commission'').

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine and report on the facts and causes relating to the Deepwater Horizon explosion and oil spill of 2010;

(2) to ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the incident;

(3) to build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate;

(B) the Committee on Natural Resources and the Subcommittee on Oversight and Investigations of the House of Representatives; and

(C) other Executive branch, congressional, or independent commission investigations into the Deepwater Horizon incident of 2010, other fatal oil platform accidents and major spills, and major oil spills generally;

(4) to make a full and complete accounting of the circumstances surrounding the incident, and the extent of the preparedness of the United States for, and immediate response of the United States to, the incident; and

(5) to investigate and report to the President and Congress findings, conclusions, and recommendations for corrective measures that may be taken to prevent similar incidents.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 1 member shall be appointed by the President, who shall serve as Chairperson of the Commission;

(B) 1 member shall be appointed by the majority or minority (as the case may be) leader of the Senate from the Republican Party and the majority or minority (as the case may be) leader of the House of Representatives from the Republican Party, who shall serve as Vice Chairperson of the Commission;

(C) 2 members shall be appointed by the senior member of the leadership of the Senate from the Democratic Party;

(D) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Republican Party;

(E) 2 members shall be appointed by the senior member of the leadership of the Senate from the Republican Party; and

(F) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Democratic Party.

(2) QUALIFICATIONS; INITIAL MEETING.—

(A) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(B) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be a current officer or employee of the Federal Government or any State or local government.

(C) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience and expertise in such areas as—

(i) engineering;

(ii) environmental compliance;

(iii) health and safety law (particularly oil spill legislation);

(iv) oil spill insurance policies;

(v) public administration;

(vi) oil and gas exploration and production;

(vii) environmental cleanup; and

(viii) fisheries and wildlife management.

(D) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before September 15, 2010.

(E) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(3) QUORUM; VACANCIES.—

(A) IN GENERAL.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of the members of the Commission.

(B) QUORUM.—6 members of the Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made.

(d) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The functions of the Commission are—

(A) to conduct an investigation that—

(i) investigates relevant facts and circumstances relating to the Deepwater Horizon incident of April 20, 2010, and the associated oil spill thereafter, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(ii) may include relevant facts and circumstances relating to—

(I) permitting agencies;

(II) environmental and worker safety law enforcement agencies;

(III) national energy requirements;

(IV) deepwater and ultradeepwater oil and gas exploration and development;

(V) regulatory specifications, testing, and requirements for offshore oil and gas well explosion prevention;

(VI) regulatory specifications, testing, and requirements offshore oil and gas well casing and cementing regulation;

(VII) the role of congressional oversight and resource allocation; and

(VIII) other areas of the public and private sectors determined to be relevant to the Deepwater Horizon incident by the Commission;

(B) to identify, review, and evaluate the lessons learned from the Deepwater Horizon incident of April 20, 2010, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, and the private sector, relative to detecting, preventing, and responding to those incidents; and

(C) to submit to the President and Congress such reports as are required under this section containing such findings, conclusions, and recommendations as the Commission determines to be appropriate, including proposals for organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(2) RELATIONSHIP TO INQUIRY BY CONGRESSIONAL COMMITTEES.—In investigating facts and circumstances relating to energy policy, the Commission shall—

(A) first review the information compiled by, and any findings, conclusions, and recommendations of, the committees identified in subparagraphs (A) and (B) of subsection (b)(3); and

(B) after completion of that review, pursue any appropriate area of inquiry, if the Commission determines that—

(i) those committees have not investigated that area;

(ii) the investigation of that area by those committees has not been completed; or

(iii) new information not reviewed by the committees has become available with respect to that area.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or such subcommittee or member considers to be advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this paragraph only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph—

(I) shall bear the signature of the Chairperson or any member designated by a majority of the Commission;

(II) and may be served by any person or class of persons designated by the Chairperson or by a member designated by a majority of the Commission for that purpose.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district

court for the district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(ii) JUDICIAL ACTION FOR NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) COOPERATION.—Each Federal department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the Chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall be received, handled, stored, and disseminated only by members of the Commission and the staff of the Commission in accordance with all applicable laws (including regulations and Executive orders).

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as are determined to be advisable and authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property, including travel, for the direct advancement of the functions of the Commission.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) PUBLIC MEETINGS AND HEARINGS.—

(1) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(A) hold public hearings and meetings, to the extent appropriate; and

(B) release public versions of the reports required under paragraphs (1) and (2) of subsection (j).

(2) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of proprietary or sensitive information provided to or developed for or by the Commission as required by any applicable law (including a regulation or Executive order).

(g) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—

(i) IN GENERAL.—The Chairperson, in consultation with the Vice Chairperson and in accordance with rules agreed upon by the Commission, may, without regard to the civil service laws (including regulations), appoint and fix the compensation of a staff director and such other personnel as are necessary to enable the Commission to carry out the functions of the Commission.

(ii) MAXIMUM RATE OF PAY.—No rate of pay fixed under this subparagraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not apply to members of the Commission.

(2) DETAILEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(i) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances, to the maximum extent practicable, pursuant to existing procedures and requirements.

(2) PROPRIETARY INFORMATION.—No person shall be provided with access to proprietary information under this section without the appropriate security clearances.

(j) REPORTS OF COMMISSION; ADJOURNMENT.—

(1) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(2) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(3) TEMPORARY ADJOURNMENT.—

(A) IN GENERAL.—The Commission, and all the authority provided under this section, shall adjourn and be suspended, respectively, on the date that is 60 days after the date on which the final report is submitted under paragraph (2).

(B) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subparagraph (A) for the purpose of concluding activities of the Commission, including—

(i) providing testimony to committees of Congress concerning reports of the Commission; and

(ii) disseminating the final report submitted under paragraph (2).

(C) RECONVENING OF COMMISSION.—The Commission shall stand adjourned until such time as the President or the Secretary of Homeland Security declares an oil spill of national significance to have occurred, at which time—

(i) the Commission shall reconvene in accordance with subsection (c)(3); and

(ii) the authority of the Commission under this section shall be of full force and effect.

(k) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $10,000,000 for the first fiscal year in which the Commission convenes; and

(B) $3,000,000 for each fiscal year thereafter in which the Commission convenes.

(2) AVAILABILITY.—Amounts made available to carry out this section shall be available—

(A) for transfer to the Commission for use in carrying out the functions and activities of the Commission under this section; and

(B) until the date on which the Commission adjourns for the fiscal year under subsection (j)(3).

(l) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 311. SAVINGS PROVISIONS.

(a) EXISTING LAW.—All regulations, rules, standards, determinations, contracts and agreements, memoranda of understanding, certifications, authorizations, appointments, delegations, results and findings of investigations, or any other actions issued, made, or taken by, or pursuant to or under, the authority of any law (including regulations) that resulted in the assignment of functions or activities to the Secretary, the Director of the Minerals Management Service (including by delegation from the Secretary), or the Department (as related to the implementation of the purposes referenced in this title) that were in effect on the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act

unless previously scheduled to expire or until otherwise modified or rescinded by this title or any other Act.

(b) EFFECT ON OTHER AUTHORITIES.—This title does not amend or alter the provisions of other applicable laws, unless otherwise noted.

TITLE IV—ENVIRONMENTAL CRIMES ENFORCEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Environmental Crimes Enforcement Act of 2010''.

SEC. 402. ENVIRONMENTAL CRIMES.

(a) SENTENCING GUIDELINES.—

(1) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), in order to reflect the intent of Congress that penalties for the offenses be increased in comparison to those provided on the date of enactment of this Act under the guidelines and policy statements, and appropriately account for the actual harm to the public and the environment from the offenses.

(2) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (1), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2Q1.2 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in paragraph (1);

(ii) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider the extent to which the guidelines appropriately account for the actual harm to public and the environment resulting from the offenses;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to guidelines; and

(E) ensure that the guidelines relating to offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(b) RESTITUTION.—Section 3663A(c)(1) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(iv) an offense under section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)); and''.

TITLE V—FAIRNESS IN ADMIRALTY AND MARITIME LAW

SEC. 501. SHORT TITLE.

This title may be cited as the ''Fairness in Admiralty and Maritime Law Act''.

SEC. 502. REPEAL OF LIMITATION OF SHIPOWNERS' LIABILITY ACT OF 1851.

(a) IN GENERAL.—Chapter 305 of title 46, United States Code, is amended as follows:

(1) Subsection (a) of section 30505 is amended to read as follows:

''(a) IN GENERAL.—Except as provided in section 30506 of this title, the liability of the owner of a vessel for any claim, debt, or liability described in subsection (b) shall not exceed three times the value of the vessel and pending freight. If the vessel has more than one owner, the proportionate share of the liability of any one owner shall not exceed that owner's proportionate interest in the vessel and pending freight.''.

(2) Subsection (c) of section 30505 is amended to read as follows:

''(c) CLAIMS NOT SUBJECT TO LIMITATION.—Subsection (a) does not apply—

''(1) to a claim for wages; or

''(2) to a claim resulting from a discharge of oil from a vessel or offshore facility, as those terms are defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).''.

(3) Subsection (c) of section 30511 is amended to read as follows:

''(c) CESSATION OF OTHER ACTIONS.—At the time that an action is brought under this section and the owner has complied with subsection (b), all claims and proceedings against the owner related to the matter in question which are subject to limitation under section 30505 shall cease.''.

SEC. 503. ASSESSMENT OF PUNITIVE DAMAGES IN MARITIME LAW.

(a) IN GENERAL.—Chapter 301 of title 46, United States Code, is amended by adding at the end the following:

''§ 30107. Punitive damages

''In a civil action for damages arising out of a maritime tort, punitive damages may be assessed without regard to the amount of compensatory damages assessed in the action.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 301 of title 46, United States Code, is amended by adding at the end the following:

''30107. Punitive damages.''.

SEC. 504. AMENDMENTS TO THE DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Chapter 303 of title 46, United States Code, is amended—

(1) by inserting ''or law'' after ''admiralty'' in section 30302;

(2) by inserting ''and nonpecuniary loss'' after ''pecuniary loss'' in section 30303;

(3) by striking ''sustained by'' and all that follows in section 30303 and inserting ''sustained, plus a fair compensation for the decedent's pain and suffering. In this section, the term 'nonpecuniary loss' means the loss of care, comfort, and companionship.'';

(4) by inserting ''or law'' after ''admiralty'' in section 30305; and

(5) by inserting ''or law'' after ''admiralty'' in section 30306.

(b) AVIATION ACCIDENTS.—

(1) IN GENERAL.—Section 30307 of title 46, United States Code, is amended—

(A) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—

''(1) COMMERCIAL AVIATION; GENERAL AVIATION.—The terms 'commercial aviation' and 'general aviation' have the same meaning as those terms, respectively, as used in subtitle VII of title 49, United States Code.

''(2) NONPECUNIARY DAMAGES.—The term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.'';

(B) by inserting ''or general aviation'' after ''commercial aviation'' in subsections (b) and (c); and

(C) by adding at the end thereof the following:

''(d) PROCEDURE.—Notwithstanding sections 30302, 30305, and 30306, an action to which this section applies may be brought in admiralty and may not be brought in law.''.

(2) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—Section 30307 of title 46, United States Code, is amended by striking the section heading and inserting ''**Aviation accidents**''.

(B) CLERICAL AMENDMENT.—The table of contents for chapter 303 of title 46, United States Code, is amended by striking the item relating to section 30307 and inserting the following:

''30307. Aviation accidents.''.

(c) APPLICATION TO FISHING VESSELS.—

(1) IN GENERAL.—None of the amendments made by this section shall apply with respect to a fishing vessel.

(2) FISHING VESSEL DEFINED.—In this subsection, the term ''fishing vessel'' means—

(A) a vessel, boat, ship, or other watercraft that is used for, equipped to be used for, or of a type normally used for—

(i) charter fishing (as defined in section 3(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(3)));

(ii) commercial fishing (as defined in section 3(4) of such Act (16 U.S.C. 1802(4))); or

(iii) aiding or assisting one or more vessels at sea in the performance of any activity relating to commercial fishing (as so defined), including preparation, supply, storage, refrigeration, transportation, or processing; but

(B) does not include a passenger vessel (as defined in section 2101(22) of title 46, United States Code).

SEC. 505. EFFECTIVE DATE.

This title and the amendments made by this title shall apply to—

(1) causes of action and claims arising after April 19, 2010; and

(2) actions commenced before the date of enactment of this Act that have not been finally adjudicated, including appellate review, as of that date.

TITLE VI—SECURING HEALTH FOR OCEAN RESOURCES AND ENVIRONMENT (SHORE)

SEC. 601. SHORT TITLE.

This title may be cited as the ''Securing Health for Ocean Resources and Environment Act'' or the ''SHORE Act''.

Subtitle A—National Oceanic and Atmospheric Administration Oil Spill Response, Containment, and Prevention

SEC. 611. IMPROVEMENTS TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OIL SPILL RESPONSE, CONTAINMENT, AND PREVENTION.

(a) REVIEW OF ABILITY OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO RESPOND TO OIL SPILLS.—

(1) COMPREHENSIVE REVIEW REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall conduct a comprehensive review of the current capacity of the National Oceanic and Atmospheric Administration to respond to oil spills.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include the following:

(A) A comparison of oil spill modeling requirements with the state-of-the-art oil spill modeling with respect to near shore and offshore areas.

(B) Development of recommendations on priorities for improving forecasting of oil spill, trajectories, and impacts.

(C) An inventory of the products and tools of the National Oceanic and Atmospheric Administration that can aid in assessment of the potential risk and impacts of oil spills. Such products and tools may include environmental sensitivity index maps, the United States Integrated Ocean Observing System, and regional information coordinating entities established as part of such System, and oil spill trajectory models.

(D) An identification of the baseline oceanographic and climate data required to support state of the art modeling.

(E) An assessment of the Administration's ability to respond to the effects of an oil spill on its trust resources, including—

(i) marine sanctuaries, monuments, and other protected areas;

(ii) marine mammals, sea turtles, and other protected species, and efforts to rehabilitate such species.

(3) REPORT.—Upon completion of the review required by paragraph (1), the Under Secretary shall submit to Congress a report on such review, including the findings of the Under Secretary with respect to such review.

(b) OIL SPILL TRAJECTORY MODELING.—

(1) IN GENERAL.—The Under Secretary for Oceans and Atmosphere and the Secretary of the Interior shall be responsible for developing and maintaining oil spill trajectory modeling capabilities to aid oil spill response and natural resource damage assessment, including taking such actions as may be required by subsections (c) through (g).

(2) REAL-TIME TRAJECTORY MODELING.—The Under Secretary shall have primary responsibility for real-time trajectory modeling.

(3) LONG-TERM TRAJECTORY MODELING.—The Secretary of the Interior shall have primary responsibility for long-term trajectory modeling.

(4) COORDINATION WITH NATIONAL LABORATORIES.—In carrying out this subsection, the Under Secretary and the Secretary of the Interior shall coordinate with National Laboratories with established oil spill modeling expertise.

(c) ENVIRONMENTAL SENSITIVITY INDEX.—

(1) UPDATE.—Beginning not later than 180 days after the date of the enactment of this Act and not less frequently than once every 7 years thereafter, the Under Secretary shall update the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the United States and for each offshore area of the United States that is leased or under consideration for leasing for offshore energy production.

(2) EXPANDED COVERAGE.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall, to the maximum extent practicable, create an environmental sensitivity index product for each area described in paragraph (1) for which the National Oceanic and Atmospheric Administration did not have an environmental sensitivity index product on the day before the date of the enactment of this Act.

(3) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this subsection, the term ''environmental sensitivity index product'' means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(4) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed to alter or limit the authority or responsibility of the Secretary of the Interior provided by this or any other Act.

(d) SUBSEA HYDROCARBON REVIEW AND PROGRAM.—

(1) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of the Interior, conduct a comprehensive review of the current state of the National Oceanic and Atmospheric Administration to observe, monitor, map, and track subsea hydrocarbons, including a review of the effect of subsea hydrocarbons and dispersants at varying concentrations on living marine resources.

(2) ELEMENTS OF REVIEW.—The review conducted under paragraph (1) shall include the following:

(A) A review of protocol for the application of dispersants that contemplates the variables of temperature, pressure, and depth of the site of release of hydrocarbons.

(B) A review of technological capabilities to detect the presence of subsea hydrocarbons at various concentrations and at various depths within a water column resulting from releases of oil and natural gas after a spill.

(C) A review of technological capabilities for expeditiously identifying the source (''fingerprinting'') of subsea hydrocarbons.

(D) A review of coastal and ocean current modeling as it relates to predicting the trajectory of oil and natural gas.

(E) A review of the effect of varying concentrations of hydrocarbons on all levels of the food web, including evaluations of seafood safety, toxicity to individuals, negative impacts to reproduction, bioaccumulation, growth, and such other matters as the Under Secretary and the Administrator think appropriate.

(F) Development of recommendations on priorities for improving forecasting of movement of subsea hydrocarbon.

(G) Development of recommendations for implementation of a Subsea Hydrocarbon Monitoring and Assessment program within the Office of Response and Restoration.

(3) PROGRAM REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Interior, establish a hydrocarbon monitoring and assessment program that is based on the recommendations developed under the comprehensive review required by paragraph (1).

(e) NATIONAL INFORMATION CENTER ON OIL SPILLS.—The Under Secretary shall, in cooperation with the Interagency Coordinating Committee on Oil Pollution Research, establish a national information center on oil spills that—

(1) includes scientific information and research on oil spill preparedness, response, and restoration;

(2) serves as a single access point for emergency responders for such scientific data;

(3) provides outreach and utilizes communication mechanisms to inform partners, the public, and local communities about the availability of oil spill preparedness, prevention, response, and restoration information and services and otherwise improves public understanding and minimizes impacts of oil spills; and

(4) applies the data interoperability standards developed by the Integrated Coastal Ocean Observation System [to all for free and open access to all relevant Federal and non-Federal data using, to the extent practicable, the existing infrastructure of the regional information coordinating entities developed as part of the Integrated Coastal Ocean Observing System as a portal for accessing non-federal data].

(f) INITIATIVE ON OIL SPILLS FROM AGING AND ABANDONED OIL INFRASTRUCTURE.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall establish an initiative—

(1) to determine the significance, response, frequency, size, potential fate, and potential effects, including those on sensitive habitats, of oil spills resulting from aging and abandoned oil infrastructure; and

(2) to formulate recommendations on how best to address such spills.

(g) INVENTORY OF OFFSHORE ABANDONED OR SUNKEN VESSELS.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall, in consultation with the Secretary of the Interior, develop an inventory of offshore abandoned or sunken vessels in the exclusive economic zone of the United States and identify priorities (based on amount of oil, feasibility of oil recovery, fate and effects of oil if released, and cost-benefit of preemptive action) for potential preemptive removal of oil or other actions that may be effective to mitigate the risk of oil spills from offshore abandoned or sunken vessels.

(h) QUINQUENNIAL REPORT ON ECOLOGICAL BASELINES, IMPORTANT ECOLOGICAL AREAS, AND ECONOMIC RISKS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, and not less frequently than once every 5 years thereafter, the Under Secretary shall submit to Congress a report that, with respect to regions that are leased or are under consideration for leasing for offshore energy production—

(A) characterizes ecological baselines;

(B) identifies important ecological areas, critical habitats, and migratory behaviors; and

(C) identifies potential risks posed by hydrocarbon development to these resources.

(2) IMPORTANT ECOLOGICAL AREA DEFINED.—In this subsection, the term ''important ecological area'' means an area that contributes significantly to marine ecosystem health.

(3) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed to alter or limit the authority and responsibility of the Secretary of the Interior provided by this or any other Act.

SEC. 612. USE OF OIL SPILL LIABILITY TRUST FUND FOR PREPAREDNESS, RESPONSE, DAMAGE ASSESSMENT, AND RESTORATION.

Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B)(i) not more than $5,000,000 in each fiscal year shall be available to the Under Secretary for Oceans and Atmosphere and the Assistant Secretary of the Interior for Fish and Wildlife and Parks without further appropriation for expenses incurred by, and activities related to, preparedness, response, restoration, and damage assessment capabilities of the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and other relevant agencies; and

''(ii) in a fiscal year in which an oil spill of national significance occurs, not more than $25 million shall be available to Federal trustees designated by the President pursuant to section 1006 (b)(2);''.

SEC. 613. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND IN INTEREST-BEARING OBLIGATIONS.

The Secretary of the Treasury shall invest such a portion of the amounts in the Damage Assessment and Restoration Revolving Fund described in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1991 (33 U.S.C. 2706 note) as is not required to meet current withdrawals, as determined by the Secretary, in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

SEC. 614. STRENGTHENING COASTAL STATE OIL SPILL PLANNING AND RESPONSE.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended adding at the end the following new section:

''SEC. 320. STRENGTHENING COASTAL STATE OIL SPILL RESPONSE AND PLANNING.

''(a) GRANTS TO STATES.—The Secretary may make grants to eligible coastal states—

''(1) to revise management programs approved under section 306 and National Estuarine Research Reserves approved under section 315 to identify and implement new enforceable policies and procedures to ensure sufficient response capabilities at the State level to address the environmental, economic and social impacts of oil spills or other accidents resulting from Outer Continental Shelf energy activities with the potential to affect and land or water use or natural resource of the coastal zone;

''(2) to undertake regionally based coastal and marine spatial planning that would assist in data collection, oil spill preparedness activities, and energy facility siting; and

''(3) to review and revise where necessary applicable enforceable policies within approved coastal State management programs affecting coastal energy activities and energy to ensure that these policies are consistent with—

''(A) other emergency response plans and policies developed under Federal or State law; and

''(B) new policies and procedures developed under paragraph (1).

''(b) ELEMENTS.—New enforceable policies and procedures developed by coastal states with grants awarded under this section shall be coordinated with Area Contingency Plans developed pursuant to section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) and shall consider, but not be limited to—

''(1) other existing emergency response plans, procedures and enforceable policies developed under other Federal or State law that affect the coastal zone;

''(2) identification of critical infrastructure essential to facilitate spill or accident response activities;

''(3) identification of coordination, logistics and communication networks between Federal and State government agencies, and between State agencies and affected local communities, to ensure the efficient and timely dissemination of data and other information;

''(4) inventories of shore locations and infrastructure and equipment necessary to respond to oil spills or other accidents resulting from Outer Continental Shelf energy activities;

''(5) identification and characterization of significant or sensitive marine ecosystems or other areas possessing important conservation, recreational, ecological, historic, or aesthetic values;

''(6) inventories and surveys of shore locations and infrastructure capable of supporting alternative energy development;

''(7) observing capabilities necessary to assess ocean conditions before, during, and after an oil spill; and

''(8) other information or actions as may be necessary.

''(c) GUIDELINES.—The Secretary shall, within 180 days after the date of enactment of this section and after consultation with the Administrator of the Environmental Protection Agency, the Commandant of the Coast Guard, and the coastal states, publish guidelines for the application for and use of grants under this section.

''(d) PARTICIPATION.—Coastal states shall provide opportunity for public participation in developing new enforceable policies and procedures under this section pursuant to subsections (d)(1) of (e) of section 306, especially by relevant Federal agencies, relevant Area Committees established pursuant to section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)), other coastal state agencies, local governments, regional organizations, port authorities, and other interested parties and stakeholders, public and private, that are related to, or affected by Outer Continental Shelf energy activities.

''(e) ANNUAL GRANTS.—

''(1) IN GENERAL.—For each of fiscal years 2011 through 2015, the Secretary may make a grant to a coastal state to develop new enforceable policies and procedures as required under this section.

''(2) GRANT AMOUNTS AND LIMIT ON AWARDS.—The amount of any grant to any one coastal state under this section shall not exceed $750,000 for any fiscal year.

''(3) NO STATE MATCHING CONTRIBUTION REQUIRED.—A coastal state shall not be required to contribute any portion of the cost of a grant awarded under this section.

''(4) SECRETARIAL REVIEW AND LIMIT ON AWARDS.—After an initial grant is made to a coastal state under this section, no subsequent grant may be made to that coastal state under this section unless the Secretary finds that the coastal state is satisfactorily developing revisions to address offshore energy impacts. No coastal state is eligible to receive grants under this section for more than 2 fiscal years.

''(f) APPLICABILITY.—The requirements of this section shall only apply if appropriations are provided to the Secretary to make grants under this section to enable States to develop new or revised enforceable policies and procedures. Further, this section shall not be construed to convey any new authority to any coastal state, or repeal or supersede any existing authority of any coastal state, to regulate the siting, licensing, leasing, or permitting of alternative energy facilities in areas of the Outer Continental Shelf under the administration of the Federal Government. Nothing in this section repeals or supersedes any existing coastal state authority.

''(g) ASSISTANCE BY THE SECRETARY.—The Secretary shall, as authorized under section 310(a) and to the extent practicable, make available to coastal states the resources and capabilities of the National Oceanic and Atmospheric Administration to provide technical assistance to the coastal states to prepare revisions to approved management programs to meet the requirements under this section.''.

SEC. 615. GULF OF MEXICO LONG-TERM MARINE ENVIRONMENTAL MONITORING AND RESEARCH PROGRAM.

(a) ENVIRONMENTAL MONITORING AND RESEARCH PROGRAM REQUIRED.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act and subject to the availability of appropriations or other sources of funding, the Secretaries and the Administrator shall jointly establish and carry out a long-term marine environmental monitoring and research program for the marine and coastal environment of the Gulf of Mexico to ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess long-term direct and indirect impacts on trust resources located in the Gulf of Mexico and Southeast region resulting from the oil spill caused by the mobile offshore drilling unit Deepwater Horizon.

(2) PERIOD OF PROGRAM.—The Secretaries and the Administrator shall carry out the program required by paragraph (1) during the 10-year period beginning on the date of the commencement of the program. The Secretaries and the Administrator may extend such period upon a determination by the Secretaries and the Administrator that additional monitoring and research is warranted.

(b) SCOPE OF PROGRAM.—The program established under subsection (a) shall include the following:

(1) Monitoring and research of the physical, chemical, and biological characteristics of the affected marine, coastal, and estuarine areas of the Gulf of Mexico and other regions of the exclusive economic zone of the United States and adjacent regions affected by the oil spill caused by the mobile offshore drilling unit Deepwater Horizon.

(2) The fate, transport, and persistence of oil released during the spill and spatial distribution throughout the water column, including in-situ burn residues.

(3) The fate, transport, and persistence of chemical dispersants applied in-situ or on surface waters.

(4) Identification of lethal and sub-lethal impacts to shellfish, fish, and wildlife resources that utilize habitats located within the affected region.

(5) Impacts to regional, State, and local economies that depend on the natural resources of the affected area, including commercial and recreational fisheries, tourism, and other wildlife-dependent recreation.

(6) The development of criteria for the protection of marine aquatic life.

(7) Other elements considered necessary by the Secretaries and the Administrator to ensure a comprehensive marine research and monitoring program to comprehend and understand the implications to trust resources caused by the oil spill from the mobile offshore drilling unit *Deepwater Horizon*.

(c) COOPERATION AND CONSULTATION.—In developing the research and monitoring program established under subsection (a), the Secretaries and the Administrator shall consult with—

(1) the National Ocean Research Leadership Council established under section 7902 of title 10, United States Code;

(2) such representatives from the Gulf coast States and affected countries as the Secretary considers appropriate;

(3) academic institutions and other research organizations;

(4) regional information coordination entities; and

(5) such other experts with expertise in long-term environmental monitoring and research of the marine environment as the Secretary considers appropriate.

(d) AVAILABILITY OF DATA.—Upon review by and approval of the Attorney General regarding impacts on legal claims or litigation involving the United States, data and information generated through the program established under subsection (a) shall be managed and archived according to the standards developed under section 12304 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603) to ensure that it is accessible and available to governmental and non-governmental personnel and to the general public for their use and information.

(e) REPORT.—Not later than 1 year after the date of the commencement of the program under subsection (a) and biennially thereafter, the Secretaries and the Administrator shall jointly submit to Congress a comprehensive report—

(1) summarizing the activities and findings of the program; and

(2) detailing areas and issues requiring future monitoring and research.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) GULF COAST STATE.—The term ''Gulf coast State'' means each of the States of Texas, Louisiana, Mississippi, Alabama, and Florida.

(3) SECRETARIES.—The term ''Secretaries'' means the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, and the Secretary of the Interior.

(4) TRUST RESOURCES.—The term ''trust resources'' means the living and non-living natural resources belonging to, managed by,

held in trust by, appertaining to, or otherwise controlled by the United States, any State, an Indian Tribe, or a local government.

SEC. 616. ARCTIC RESEARCH AND ACTION TO CONDUCT OIL SPILL PREVENTION.

(a) IN GENERAL.—The Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere and in collaboration with the heads of other agencies or departments of the United States with appropriate Arctic science expertise, direct research and take action to improve the ability of the United States to conduct oil spill prevention, response, and recovery in Arctic waters.

(b) INCLUSIONS.—Research and action under this section shall include the prioritization of resources—

(1) to address—

(A) ecological baselines and environmental sensitivity indexes, including stock assessments of marine mammals and other protected species in the Arctic;

(B) identification of ecological important areas, sensitive habitats, and migratory behaviors;

(C) the development of oil spill trajectory models in Arctic marine conditions;

(D) the collection of observational data essential for response strategies in the event of an oil spill during both open water and ice-covered seasons, including data relating to oil spill trajectory models that include data on—

(i) currents;

(ii) winds;

(iii) weather;

(iv) waves; and

(v) ice forecasting;

(E) the development of a robust operational monitoring program during the open water and ice-covered seasons;

(F) improvements in technologies and understanding of cold water oil recovery planning and restoration implementation; and

(G) the integration of local and traditional knowledge into oil recovery research studies; and

(2) to establish a robust geospatial framework for safe navigation and oil spill response through increased—

(A) hydrographic and bathymetric surveying, mapping, and navigational charting;

(B) geodetic positioning; and

(C) monitoring of tides, sea levels, and currents in the Arctic.

Subtitle B—Improving Coast Guard Response and Inspection Capacity

SEC. 621. SECRETARY DEFINED.

In this subtitle, except as otherwise specifically provided, the term ''Secretary'' means the Secretary of the Secretary of the Department in which the Coast Guard is operating.

SEC. 622. ARCTIC MARITIME READINESS AND OIL SPILL PREVENTION.

(a) IN GENERAL.—The Commandant of the Coast Guard shall assess and take action to reduce the risk and improve the capability of the United States to respond to a maritime disaster in the United States Beaufort and Chukchi Seas.

(b) MATTERS TO BE ADDRESSED.—The assessment and actions referred to in subsection (a) shall include the prioritization of resources to address the following:

(1) Oil spill prevention and response capabilities and infrastructure.

(2) The coordination of contingency plans and agreements with other agencies and departments of the United States, industry, and foreign governments to respond to an Arctic oil spill.

(3) The expansion of search and rescue capabilities, infrastructure, and logistics, including improvements of the Search and Rescue Optimal Planning System.

(4) The provisional designation of places of refuge.

(5) The evaluation and enhancement of navigational infrastructure.

(6) The evaluation and enhancement of vessel monitoring, tracking, and automated identification systems and navigational aids and communications infrastructure for safe navigation and marine accident prevention in the Arctic.

(7) Shipping traffic risk assessments for the Bering Strait and the Chukchi and Beaufort Seas.

(8) The integration of local and traditional knowledge and concerns into prevention and response strategies.

SEC. 623. ADVANCE PLANNING AND PROMPT DECISION MAKING IN CLOSING AND REOPENING FISHING GROUNDS.

(a) REQUIREMENT THAT AREA CONTINGENCY PLANS CONTAIN AREA-SPECIFIC PROTOCOLS AND STANDARDS.—

(1) COOPERATION WITH STATE AND LOCAL OFFICIALS.—Section 311(j)(4)(B)(ii) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(B)(ii)) is amended by striking the semicolon after ''wildlife'' and inserting a comma and ''including advance planning with respect to the closing and reopening of fishing grounds following an oil spill;''.

(2) FRAMEWORK.—Section 311(j)(4)(C) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(C)) is amended—

(A) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(B) by inserting after clause (vi) the following:

''(vii) develop a framework for advance planning and decision making with respect to the closing and reopening of fishing grounds following an oil spill, including protocols and standards for the closing and reopening of fishing areas;''.

(b) NATIONAL GUIDANCE.—Section 311(j)(4)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(D)) is amended—

(1) in clause (i) by striking ''and'' at the end;

(2) in clause (ii) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) acting through the Commandant of the Coast Guard and in consultation with the Under Secretary for Oceans and Atmosphere and any other government entities deemed appropriate, issue guidance for Area Committees to use in developing a framework for advance planning and decision making with respect to the closing and reopening of fishing grounds following an oil spill, which guidance shall include model protocols and standards for the closing and reopening of fishing areas.''.

(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed as changing or affecting in any way the authorities or responsibilities of the Under Secretary for Oceans and Atmosphere under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 624. OIL SPILL TECHNOLOGY EVALUATION.

(a) IN GENERAL.—The Secretary and the Secretary of the Interior (in this section referred to as the ''Secretaries'') and the Administrator of the Environmental Protection Agency (in this section referred to as the ''Administrator'') shall establish a program for the formal evaluation and validation of oil pollution containment and removal methods and technologies.

(b) APPROVAL.—The program required by subsection (a) shall establish a process for new methods and technologies to be submitted, evaluated, and gain validation for use in spill responses and inclusion in response plans. Following each validation, the Secretaries and the Administrator shall consider whether the method or technology meets a performance capability warranting designation of a new standard for best available technology or methods. Any such new standard shall be incorporated into each update of a response plan submitted pursuant to section 311(j)(5)(E)(vii) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)), as amended by section 104(b)(3) of this Act.

(c) TECHNOLOGY CLEARINGHOUSE.—All technologies and methods validated under this section shall be included in the comprehensive list of spill removal resources maintained by the Coast Guard through the National Response Unit.

(d) CONSULTATION.—The Secretaries and the Administrator shall consult with the Under Secretary for Oceans and Atmosphere and the Secretary of Transportation in carrying out this section.

SEC. 625. COAST GUARD INSPECTIONS.

(a) IN GENERAL.—The Secretary shall increase the frequency and comprehensiveness of safety inspections of all United States and foreign-flag tank vessels that enter a United States port or place, including increasing the frequency and comprehensiveness of inspections of vessel age, hull configuration, and past violations of any applicable discharge and safety regulations under United States and international law that may indicate that the class societies inspecting such vessels may be substandard, and other factors relevant to the potential risk of an oil spill.

(b) ENHANCED VERIFICATION OF STRUCTURAL CONDITION.—The Secretary shall adopt, as part of the Secretary's inspection requirements for tank vessels, additional procedures for enhancing the verification of the reported structural condition of such vessels, taking into account the Condition Assessment Scheme adopted by the International Maritime Organization by Resolution 94(46) on April 27, 2001.

SEC. 626. CERTIFICATE OF INSPECTION REQUIREMENTS.

(a) IN GENERAL.—Chapter 33 of title 46, United States Code, is amended—

(1) in section 3301, by adding at the end the following:

''(16) vessels and other structures, fixed or floating, including those which dynamically hold position or are attached to the seabed or subsoil, which are capable of exploring for, drilling for, developing, or producing oil or gas.''; and

(2) in section 3305(a)(1)—

(A) by amending subparagraph (E) to read as follows:

''(E) is in a condition to be operated with safety to life and property, including, for the entities described in paragraph (16) of section 3301, those systems specified in regulations required by paragraph (3);'';

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding the following:

''(G) for vessels and other structures described in paragraph (16) of section 3301, complies with the highest relevant classification, certification, rating, and inspection standards for vessels or structures of the same age and type imposed by—

''(i) the American Bureau of Shipping; or

''(ii) another classification society approved by the Secretary and the Secretary of the Interior as meeting acceptable standards for such a society, except that the classification of vessels or structures under this section by a foreign classification society may be accepted by the Secretary and the Secretary of the Interior only—

''(I) to the extent that the government of the foreign country in which the society is headquartered accepts classification by the

American Bureau of Shipping of vessels and structures used in the offshore exploration, development, and production of oil and gas in that country; and

''(II) if the foreign classification society has offices and maintains records in the United States.''.

(b) REGULATIONS.—

(1) REQUIREMENT FOR REGULATIONS.—Notwithstanding section 3306 of title 46, United States Code, in implementing section 3305 of such title, as amended by subsection (a), the Secretary and the Secretary of the Interior shall jointly issue regulations specifying which systems of the vessels or structures described in paragraph (16) of section 3301 of such title, as added by subsection (a)(1), shall be subject to such requirements. At a minimum, such systems shall include—

(A) mobile offshore drilling units;

(B) fixed and floating drilling facilities; and

(C) risers and blowout preventers.

(2) EXCEPTIONS.—The Secretary and the Secretary of the Interior may waive the standards established by the regulations required by paragraph (1) for a system of an existing vessel or structure if—

(A) such system is of an age or type for which meeting such requirements is impractical; and

(B) such system poses an acceptably low level of risk to the environment and to human safety.

(3) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to alter or limit the authority and responsibility of the Secretary or the Secretary of the Interior provided by this or any other Act. The regulations required by paragraph (1) shall be supplemental to any other regulation issued by the Secretary or the Secretary of the Interior under any other provisions of law.

SEC. 627. NAVIGATIONAL MEASURES FOR PROTECTION OF NATURAL RESOURCES.

(a) DESIGNATION OF AT-RISK AREAS.—The Commandant of the Coast Guard, in consultation the Under Secretary for Oceans and Atmosphere, shall identify areas in waters subject to the jurisdiction of the United States in which routing or other navigational measures are warranted to reduce the risk of oil spills and potential damage to natural resources. In identifying such areas, the Commandant shall give priority consideration to natural resources of particular ecological importance or economic importance, including—

(1) commercial fisheries;

(2) aquaculture facilities;

(3) marine sanctuaries designated by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.);

(4) estuaries of national significance designated under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(5) critical habitat, as defined in section 3(5) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5));

(6) estuarine research reserves within the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461); and

(7) national parks and national seashores administered by the National Park Service under the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) FACTORS CONSIDERED.—In determining whether navigational measures are warranted for an area under subsection (a), the Commandant and the Under Secretary for Oceans and Atmosphere shall consider, at a minimum—

(1) the frequency of transits of vessels which are required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(2) the type and quantity of oil transported as cargo or fuel;

(3) the expected benefits of routing measures in reducing risks of spills;

(4) the costs of such measures;

(5) the safety implications of such measures; and

(6) the nature and value of the resources to be protected by such measures.

(c) ESTABLISHMENT OF ROUTING AND OTHER NAVIGATIONAL MEASURES.—The Commandant shall establish such routing or other navigational measures for areas identified under subsection (a).

(d) ESTABLISHMENT OF AREAS TO BE AVOIDED.—To the extent that the Commandant and the Under Secretary for Oceans and Atmosphere identify areas in which navigational measures are warranted for an area under subsection (a), the Secretary and the Under Secretary shall seek to establish such areas through the International Maritime Organization or establish comparable areas pursuant to regulations and in a manner that is consistent with international law.

(e) OIL SHIPMENT DATA AND REPORT.—

(1) DATA COLLECTION.—The Commandant of the Coast Guard, in consultation with the Chief of Engineers, shall analyze data on oil transported as cargo on vessels in the navigable waters of the United States, including information on—

(A) the quantity and type of oil being transported;

(B) the vessels used for such transportation;

(C) the frequency with which each type of oil is being transported; and

(D) the point of origin, transit route, and destination of each such shipment of oil.

(2) QUARTERLY REPORT.—

(A) REQUIREMENT FOR QUARTERLY REPORT.—The Secretary shall, not less frequently than once each calendar quarter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the data collected and analyzed under paragraph (1).

(B) FORMAT.—Each report submitted under subparagraph (A) shall be submitted in a format that does not disclose information exempted from disclosure.

SEC. 628. NOTICE TO STATES OF BULK OIL TRANSFERS.

(a) IN GENERAL.—A State may, by law, require a person to provide notice of 24 hours or more to the State and to the Coast Guard prior to transferring oil in bulk as cargo in an amount equivalent to 250 barrels or more to, from, or within a vessel in State waters.

(b) COAST GUARD ASSISTANCE.—The Commandant of the Coast Guard may assist a State in developing appropriate methodologies for joint Federal and State notification of an oil transfer described in subsection (a) to minimize any potential burden to vessels.

SEC. 629. GULF OF MEXICO REGIONAL CITIZENS' ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act, the President shall establish a Gulf of Mexico Regional Citizens' Advisory Council (hereinafter in this section referred to as the ''Council'').

(b) GOAL.—The goal of the Council shall be to foster more effective engagement by interested stakeholders and local communities in providing relevant Federal agencies and the energy industry with advice on energy, safety, health, maritime, national defense, and environmental aspects of offshore energy and minerals production in the Gulf of Mexico.

(c) PARTICIPATION.—In establishing the Council, the President shall provide for the appropriate participation by relevant stakeholders located in the coastal areas of the Gulf of Mexico, including—

(1) the commercial fin, shellfish, and charter fishing industries;

(2) the tourism, hotel, and restaurant industries;

(3) socially vulnerable communities, including both indigenous and non-indigenous communities;

(4) marine and coastal conservation entities;

(5) incorporated and unincorporated municipalities; and

(6) other appropriate entities.

(d) CONSIDERATION.—In establishing the Council, the President shall take into account the experience of Federal government and industry in working with the Prince William Sound Regional Citizens' Advisory Council to promote the environmentally safe operation of the Alyeska Pipeline marine terminal in Valdez, Alaska, and the oil tankers that use it.

(e) REPORT TO CONGRESS PRIOR TO ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a plan for the appointment and operation of the Council. The report shall include a description of—

(1) the legal form proposed for the Council;

(2) the duties proposed for the Council;

(3) the manner in which the work of the Council would relate to—

(A) the execution by relevant Federal agencies of their respective statutory authorities; and

(B) the activities of the energy industry;

(4) the manner in which the appointments would be made to the Council to ensure balanced representation of all relevant stakeholders with respect to the goal of the Council;

(5) the manner in which advice and recommendations from the Council would be treated by the relevant Federal agencies and the energy industry;

(6) provisions relating to conflict of interest and protection of sensitive or confidential information that may be shared with the Council; and

(7) the manner in which the activities of the Council would be financially supported.

(f) ANNUAL REPORTS.—The President shall require that an annual report be submitted to Congress on the activities of the Council.

SEC. 630. VESSEL LIABILITY.

(a) IN GENERAL.—Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended by striking paragraph (1) and inserting the following:

''(1) for a vessel that is—

''(A) a tank ship that is a single-hull vessel, including a single hull vessel fitted with double sides only or a double bottom only, $3,300 per gross ton or $93,600,000, whichever is greater;

''(B) a tank ship that is a double-hull vessel, $1,900 per gross ton or $16,000,000, whichever is greater;

''(C) a tank barge that is a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only, $7,000 per gross ton or $29,100,000, whichever is greater; or

''(D) a tank barge that is a double-hull vessel, $7,000 per gross ton or $10,000,000, whichever is greater;''.

(b) DEFINITIONS.—Section 1001(34) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(34)) is amended—

(1) by redesignating subparagraphs (A),(B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking '' 'tank vessel' means'' and inserting ''(A) 'tank vessel' means''; and

(3) by inserting at the end the following:

''(B) 'tank barge' means a non-self-propelled tank vessel; and

''(C) 'tank ship' means a self-propelled tank vessel;''.

SEC. 631. PROMPT INTERGOVERNMENTAL NOTICE OF MARINE CASUALTIES.

Section 6101 of title 46, United States Code, is amended by adding at the end the following:

''(j) NOTICE TO STATES AND TRIBAL GOVERNMENTS.—

''(1) REQUIREMENT TO NOTIFY.—Not later than 1 hour after receiving a report of a marine casualty under this section, the Secretary shall forward the report to each appropriate State agency and tribal government of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) that has jurisdiction concurrent with the United States or adjacent to waters in which the marine casualty occurred.

''(2) APPROPRIATE STATE AGENCY.—Each State shall identify for the Secretary the appropriate State agency to receive a report under paragraph (1). Such agency shall be responsible for forwarding appropriate information related to such report to local and tribal governments within the State.''.

SEC. 632. PROMPT PUBLICATION OF OIL SPILL INFORMATION.

(a) IN GENERAL.—In any response to an oil spill in which the Commandant of the Coast Guard serves as the Federal On-Scene Coordinator leading a Unified Command, the Commandant, on a publicly accessible website, shall publish all written Incident Action Plans prepared and approved as a part of the response to such oil spill.

(b) TIMELINESS AND DURATION.—The Commandant shall—

(1) publish each Incident Action Plan pursuant to subsection (a) promptly after such Plan is approved for implementation by the Unified Command, and in no event later than 12 hours into the operational period for which such Plan is prepared; and

(2) ensure that such plan remains remain publicly accessible by website for the duration of the response to oil spill.

(c) REDACTION OF PERSONAL INFORMATION.—The Commandant may redact information from an Incident Action Plans published pursuant to subsection (a) to the extent necessary to comply with applicable privacy laws and other requirements regarding personal information.

SEC. 633. LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

''§ 426. Emergency leave retention authority

''(a) IN GENERAL.—A duty assignment for an active duty member of the Coast Guard in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or in response to a spill of national significance shall be treated, for the purpose of section 701(f)(2) of title 10, as a duty assignment in support of a contingency operation.

''(b) DEFINITIONS.—In this section:

''(1) DISCHARGE.—The term 'discharge' has the meaning given that term in section 1001(7) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(7)).

''(2) SPILL OF NATIONAL SIGNIFICANCE.—The term 'spill of national significance' means a discharge of oil or a hazardous substance that is declared by the Commandant to be a spill of national significance.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following:

''426. Emergency leave retention authority.''.

TITLE VII—CATASTROPHIC INCIDENT PLANNING

SEC. 701. CATASTROPHIC INCIDENT PLANNING.

(a) CATASTROPHIC INCIDENT PLANNING INITIATIVE.—Chapter 1 of subtitle C of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741 et seq.) is amended by adding at the end the following:

''SEC. 655. CATASTROPHIC INCIDENT PLANNING.

''(a) DEFINITIONS.—In this section—

''(1) the term 'catastrophic incident plan' means a plan to prevent, prepare for, protect against, respond to, and recover from catastrophic incidents;

''(2) the term 'critical infrastructure' has the meaning given that term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)); and

''(3) the term 'National Response Framework' means the successor document to the National Response Plan issued in January 2008, or any other successor plan prepared under section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(6)).

''(b) COORDINATED PLANNING.—

''(1) IN GENERAL.—The President shall ensure that there is a coordinated system of catastrophic incident plans throughout the Federal Government.

''(2) IMPLEMENTATION.—In carrying out paragraph (1), the President shall—

''(A) identify risks of catastrophic incidents, including across all critical infrastructure sectors;

''(B) prioritize risks of catastrophic incidents to determine for which risks the development of catastrophic incident plans is most necessary or likely to be most beneficial;

''(C) ensure that Federal agencies coordinate to develop comprehensive and effective catastrophic incident plans to address prioritized catastrophic risks; and

''(D) review catastrophic incident plans developed by Federal agencies to ensure the effectiveness of the plans, including assessing whether—

''(i) the assumptions underlying the catastrophic incident plans are realistic;

''(ii) the resources identified to implement the catastrophic incident plans are adequate, including that the catastrophic incident plans address the need for surge capacity;

''(iii) exercises designed to evaluate the catastrophic incident plans are adequate;

''(iv) the catastrophic incident plans incorporate lessons learned from other catastrophic incidents, include those in other countries, where appropriate;

''(v) the catastrophic incident plans appropriately account for new events and situations;

''(vi) the catastrophic incident plans adequately address the need for situational awareness and information sharing;

''(vii) the number, skills, and training of the available workforce is sufficient to implement the catastrophic incident plans;

''(viii) the catastrophic incident plans reflect coordination with governmental and nongovernmental entities that would play a significant role in the response to the catastrophic incident; and

''(ix) the catastrophic incident plans set forth a clear command structure and allocation of responsibilities consistent with the National Response Framework and the National Incident Management System.

''(c) REPORT.—Not later than 1 year after the date of enactment of the Clean Energy Jobs and Oil Company Accountability Act of 2010, and annually thereafter until December 31, 2020, the President shall submit a report to the appropriate committees of Congress that includes—

''(1) a discussion of the status of catastrophic incident planning efforts required under this section, including a list of all catastrophic incident plans in progress or completed; and

''(2) a report on planning efforts by Federal agencies required under section 653, including any certification under subsection 653(d).''.

(b) OFFICE OF CATASTROPHIC PLANNING.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

''SEC. 525. CATASTROPHIC INCIDENT PLANNING.

''(a) DEFINITION.—In this section, the term 'catastrophic incident plan' means a plan to prevent, prepare for, protect against, respond to, and recover from a catastrophic incident.

''(b) ESTABLISHMENT.—The Secretary shall establish an Office of Catastrophic Planning in the Agency, which shall be headed by a Director of Catastrophic Planning.

''(c) MISSION.—The mission of the Office of Catastrophic Planning shall be to lead efforts within the Department, and to support, promote, and coordinate efforts throughout the Federal Government, by State, local and tribal governments, and by the private sector, to plan effectively to prevent, prepare for, protect against, respond to, and recover from catastrophic incidents, whether natural disasters, acts of terrorism, or other man-made disasters.

''(d) RESPONSIBILITIES.—The responsibilities of the Director of Catastrophic Planning shall include—

''(1) assisting the President and Federal agencies in identifying risks of catastrophic incidents for which planning is likely to be most needed or beneficial, including risks across all critical infrastructure sectors;

''(2) leading the efforts of the Department to prepare catastrophic incident plans to address risks in the areas of responsibility of the Department;

''(3) providing support to other Federal agencies by—

''(A) providing guidelines, standards, training, and technical assistance to assist the agencies in developing effective catastrophic incident plans in the areas of responsibility of the agencies;

''(B) assisting the agencies in the assessment of the catastrophic incident plans of the agencies, including through assistance with the design and evaluation of exercises; and

''(C) assisting the agencies in developing tools to meaningfully evaluate catastrophic incident plans submitted to the agency by private sector entities;

''(4) ensuring coordination with State, local, and tribal governments in the development of Federal catastrophic incident plans;

''(5) providing assistance to State, local, and tribal governments in developing catastrophic incident plans, including supporting the development of catastrophic incident annexes under section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b);

''(6) promoting and supporting appropriate catastrophic incident planning by private sector entities, including private sector entities that own or manage critical infrastructure;

''(7) promoting the training and education of additional emergency planners;

''(8) assisting the Administrator in the preparation of the catastrophic resource report required under section 652(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(b));

''(9) assisting the President in ensuring consistency and coordination across Federal catastrophic incident plans; and

''(10) otherwise assisting the President in implementing section 655 of the Post-Katrina Emergency Management Reform Act of 2006.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section, for each of fiscal years 2011 through 2020.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 524 the following:

''Sec. 525. Catastrophic incident planning.''.

SEC. 702. ALIGNMENT OF RESPONSE FRAMEWORKS.

(a) DEFINITIONS.—In this section—

(1) the term ''National Response Framework'' means the successor document to the National Response Plan issued in January 2008, or any other successor plan prepared under section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(6));

(2) the term ''National Contingency Plan'' means the National Contingency Plan prepared under section 311(d) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)) or revised under section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9605); and

(3) the term ''plans'' means the National Response Framework, the National Contingency Plan, and any other plan the Secretary of Homeland Security and the Administrator of the Environmental Protection Agency jointly determine plays a significant role in guiding the response by the Federal Government to the discharge of oil or other hazardous substances.

(b) ALIGNMENT OF PLANS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security (in coordination with the Administrator of the Federal Emergency Management Agency and the Commandant of the Coast Guard) and the Administrator of the Environmental Protection Agency, in conjunction with the head of any other Federal agency determined appropriate by the President, shall review the plans and submit to Congress a report regarding—

(1) the coordination and consistency between the plans, including with respect to—

(A) unified command and reporting structures;

(B) relationships with State, local, and tribal governments; and

(C) assignment of support responsibilities among Federal agencies;

(2) lessons learned from an initial post-incident analysis of the implementation of the plans during the response by the Federal Government to the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit *Deepwater Horizon*;

(3) recommendations for modifications to the plans to ensure coordination and, where appropriate, consistency between the plans and to maximize the purpose of each plan, consistent with statutory authorities;

(4) planned actions to address any modifications recommended under paragraph (3); and

(5) how the plans will be integrated in the event of a disaster occurring after the date of the report involving a discharge of oil or other hazardous material.

(c) SAVINGS CLAUSE.—Nothing in this section requires a modification to the National Contingency Plan or the National Response Framework or affects the authority of the Administrator of the Environmental Protection Agency or the Secretary of Homeland Security to modify or carry out the National Contingency Plan or the National Response Framework.

TITLE VIII—SUBPOENA POWER FOR NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING

SEC. 801. SUBPOENA POWER FOR NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING.

(a) SUBPOENA POWER.—The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by Executive Order No. 13543 of May 21, 2010 (referred to in this section as the ''Commission''), may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, and other documents.

(b) ISSUANCE.—

(1) AUTHORIZATION.—A subpoena may be issued under this section only by—

(A) agreement of the Co-Chairs of the Commission; or

(B) the affirmative vote of a majority of the members of the Commission.

(2) JUSTICE DEPARTMENT COORDINATION.—

(A) NOTIFICATION.—

(i) IN GENERAL.—The Commission shall notify the Attorney General or designee of the intent of the Commission to issue a subpoena under this section, the identity of the witness, and the nature of the testimony sought before issuing such a subpoena.

(ii) FORM AND CONTENT.—The form and content of the notice shall be set forth in the guidelines to be issued under subparagraph (D).

(B) CONDITIONS FOR OBJECTION TO ISSUANCE.—The Commission may not issue a subpoena under authority of this section if the Attorney General objects to the issuance of the subpoena on the basis that the taking of the testimony is likely to interfere with any—

(i) Federal or State criminal investigation or prosecution; or

(ii) pending investigation under sections 3729 through 3732 of title 31, United States Code (commonly known as the ''Civil False Claims Act'') or other Federal law providing for civil remedies, or any civil litigation to which the United States or any Federal agencies is or is likely to be a party.

(C) NOTIFICATION OF OBJECTION.—The Attorney General or relevant United States Attorney shall notify the Commission of an objection raised under this paragraph without unnecessary delay and as set forth in the guidelines to be issued under subparagraph (D).

(D) GUIDELINES.—As soon as practicable, but no later than 30 days after the date of the enactment of this Act, the Attorney General, after consultation with the Commission, shall issue guidelines to carry out this subsection.

(3) SIGNATURE AND SERVICE.—A subpoena issued under this section may be—

(A) issued under the signature of either Co-Chair or any member designated by a majority of the Commission; and

(B) served by any person designated by the Co-Chairs or a member designated by a majority of the Commission.

(c) ENFORCEMENT.—

(1) REQUIRED PROCEDURES.—

(A) IN GENERAL.—In the case of contumacy of any person issued a subpoena under this section or refusal by the person to comply with the subpoena, the Commission shall request the Attorney General to seek enforcement of the subpoena.

(B) ENFORCEMENT.—On such request, the Attorney General shall seek enforcement of the subpoena in a court described in paragraph (2).

(C) ORDER.—The court in which the Attorney General seeks enforcement of the subpoena—

(i) shall issue an order requiring the subpoenaed person to appear at any designated place to testify or to produce documentary or other evidence; and

(ii) may punish any failure to obey the order as a contempt of that court.

(2) JURISDICTION FOR ENFORCEMENT.—Any United States district court for a judicial district in which a person issued a subpoena under this section resides, is served, or may be found, or in which the subpoena is returnable, shall have jurisdiction to enforce the subpoena as provided in paragraph (1).

TITLE IX—CORAL REEF CONSERVATION ACT AMENDMENTS

SEC. 901. SHORT TITLE.

This title may be cited as the ''Coral Reef Conservation Amendments Act of 2010''.

SEC. 902. AMENDMENT OF CORAL REEF CONSERVATION ACT OF 2000.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

SEC. 903. AGREEMENTS; REDESIGNATIONS.

The Act (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating section 208 (16 U.S.C. 6407) as section 213;

(2) by redesignating section 209 (16 U.S.C. 6408) as section 214; and

(3) by redesignating section 210 (16 U.S.C. 6409) as section 215.

SEC. 904. EMERGENCY ASSISTANCE.

Section 206 (16 U.S.C. 6405) is amended to read as follows:

''SEC. 206. EMERGENCY ASSISTANCE.

''The Secretary, in cooperation with the Administrator of the Federal Emergency Management Agency, as appropriate, may provide assistance to any State, local, or territorial government agency with jurisdiction over coral reef ecosystems to address any unforeseen or disaster-related circumstance pertaining to coral reef ecosystems.''.

SEC. 905. EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.

Section 207 (16 U.S.C. 6406) is amended to read as follows:

''SEC. 207. EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.

''(a) ESTABLISHMENT OF ACCOUNT.—The Secretary shall establish an account (to be called the 'Emergency Response, Stabilization, and Restoration Account') in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (Public Law 101–515; 33 U.S.C. 2706 note), for implementation of this title for emergency actions.

''(b) DEPOSITS.—

''(1) DEPOSITS.—There shall be deposited in the Emergency Response, Stabilization, and Restoration Account amounts as follows:

''(A) Amounts appropriated for the Account.

''(B) Amounts received by the United States pursuant to this title.

''(C) Amounts otherwise authorized for deposit in the Account by this title.

''(2) AVAILABILITY OF DEPOSITS.—Amounts deposited in the Account shall be available for use by the Secretary for emergency response, stabilization, and restoration activities under this title.''.

SEC. 906. PROHIBITED ACTIVITIES.

(a) IN GENERAL.—The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 207 the following:

''SEC. 208. PROHIBITED ACTIVITIES AND SCOPE OF PROHIBITIONS.

''(a) PROVISIONS AS COMPLEMENTARY.—The provisions of this section are in addition to,

and shall not affect the operation of, other Federal, State, or local laws or regulations providing protection to coral reef ecosystems.

''(b) DESTRUCTION, LOSS, TAKING, OR INJURY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to destroy, take, cause the loss of, or injure any coral reef or any component thereof.

''(2) EXCEPTIONS.—The destruction, loss, taking, or injury of a coral reef or any component thereof is not unlawful if it—

''(A) was caused by the use of fishing gear used in a manner permitted under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) or other Federal or State law;

''(B) was caused by an activity that is authorized or allowed by Federal or State law (including lawful discharges from vessels, such as graywater, cooling water, engine exhaust, ballast water, or sewage from marine sanitation devices), unless the destruction, loss, or injury resulted from actions such as vessel groundings, vessel scrapings, anchor damage, excavation not authorized by Federal or State permit, or other similar activities;

''(C) was the necessary result of bona fide marine scientific research (including marine scientific research activities approved by Federal, State, or local permits), other than excessive sampling or collecting, or actions such as vessel groundings, vessel scrapings, anchor damage, excavation, or other similar activities;

''(D)(i) was caused by a Federal Government agency during—

''(I) an emergency that posed an unacceptable threat to human health or safety or to the marine environment;

''(II) an emergency that posed a threat to national security; or

''(III) an activity necessary for law enforcement or search and rescue; and

''(ii) could not reasonably be avoided; or

''(E) was caused by an action taken by the master of the vessel in an emergency situation to ensure the safety of the vessel or to save a life at sea.

''(c) INTERFERENCE WITH ENFORCEMENT.—It is unlawful for any person to interfere with the enforcement of this title by—

''(1) refusing to permit any officer authorized to enforce this title to board a vessel (other than a vessel operated by the Department of Defense or United States Coast Guard) subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

''(2) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

''(3) submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title.

''(d) VIOLATIONS OF TITLE, PERMIT, OR REGULATION.—It is unlawful for any person to violate any provision of this title, any permit issued pursuant to this title, or any regulation promulgated pursuant to this title.

''(e) POSSESSION AND DISTRIBUTION.—It is unlawful for any person to possess, sell, deliver, carry, transport, or ship by any means any coral taken in violation of this title.''.

(b) EMERGENCY ACTION REGULATIONS.—The Secretary of Commerce shall initiate a rulemaking proceeding to prescribe the circumstances and conditions under which the exception in section 208(b)(2)(E) of the Coral Reef Conservation Act of 2000, as added by subsection (a), applies and shall issue a final rule pursuant to that rulemaking as soon as practicable but not later than 1 year after the date of the enactment of this Act. Nothing in this subsection shall be construed to require the issuance of such regulations before the exception provided by that section is in effect.

SEC. 907. DESTRUCTION OF CORAL REEFS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 208, as added by section 906 of this title, the following:

''SEC. 209. DESTRUCTION, LOSS, OR TAKING OF, OR INJURY TO, CORAL REEFS.

''(a) LIABILITY.—

''(1) LIABILITY TO THE UNITED STATES.—Except as provided in subsection (f), all persons who engage in an activity that is prohibited under subsections (b) or (d) of section 208, or create an imminent risk thereof, are liable, jointly and severally, to the United States for an amount equal to the sum of—

''(A) response costs and damages resulting from the destruction, loss, taking, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(B) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(C) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

''(2) LIABILITY IN REM.—

''(A) IN GENERAL.—Any vessel used in an activity that is prohibited under subsection (b) or (d) of section 208, or creates an imminent risk thereof, shall be liable in rem to the United States for an amount equal to the sum of—

''(i) response costs and damages resulting from such destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(ii) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(iii) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

''(B) MARITIME LIENS.—The amount of liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

''(3) DEFENSES.—A person or vessel is not liable under this subsection if that person or vessel establishes that the destruction, loss, taking, or injury was caused solely by an act of God, an act of war, or an act or omission of a third party (other than an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly with the defendant), and the person or master of the vessel acted with due care.

''(4) NO LIMIT TO LIABILITY.—Nothing in chapter 305 or section 30706 of title 46, United States Code, shall limit liability to any person under this title.

''(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

''(1) RESPONSE ACTIONS.—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction, loss, or taking of, or injury to, coral reefs, or components thereof, or to minimize the risk or imminent risk of such destruction, loss, or injury.

''(2) DAMAGE ASSESSMENT.—

''(A) IN GENERAL.—The Secretary shall assess damages to coral reefs and shall consult with State officials regarding response and damage assessment actions undertaken for coral reefs within State waters.

''(B) PROHIBITION ON DOUBLE RECOVERY.—There shall be no double recovery under this title for coral reef damages, including the cost of damage assessment, for the same incident.

''(c) COMMENCEMENT OF CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—

''(1) COMMENCEMENT.—The Attorney General, upon the request of the Secretary, may commence a civil action against any person or vessel that may be liable under subsection (a) of this section for response costs, seizure, forfeiture, storage, or disposal costs, and damages, and interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705). The Secretary, acting as trustee for coral reefs for the United States, shall submit a request for such an action to the Attorney General whenever a person or vessel may be liable for such costs or damages.

''(2) VENUE IN CIVIL ACTIONS.—A civil action under this title may be brought in the United States district court for any district in which—

''(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(B) the vessel is located, in the case of an action against a vessel;

''(C) the destruction, loss, or taking of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

''(D) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

''(d) USE OF RECOVERED AMOUNTS.—

''(1) IN GENERAL.—Any costs, including response costs and damages recovered by the Secretary under this section shall—

''(A) be deposited into an account or accounts in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (33 U.S.C. 2706 note), or the Natural Resource Damage Assessment and Restoration Fund established by the Department of the Interior and Related Agencies Appropriations Act, 1992 (43 U.S.C. 1474b), as appropriate given the location of the violation;

''(B) be available for use by the Secretary without further appropriation and remain available until expended; and

''(C) be for use, as the Secretary considers appropriate—

''(i) to reimburse the Secretary or any other Federal or State agency that conducted activities under subsection (a) or (b) of this section for costs incurred in conducting the activity;

''(ii) to be transferred to the Emergency Response, Stabilization, and Restoration Account established under section 208(d) to reimburse that account for amounts used for authorized emergency actions; and

''(iii) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any coral reefs, or components thereof, including the reasonable costs of monitoring, or to minimize or prevent threats of equivalent injury to, or destruction of coral reefs, or components thereof.

''(2) RESTORATION CONSIDERATIONS.—In development of restoration alternatives under paragraph (1)(C), the Secretary shall consider State and territorial preferences and, if appropriate, shall prioritize restoration projects with geographic and ecological linkages to the injured resources.

''(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed not later than 3 years after the

date on which the Secretary completes a damage assessment and restoration plan for the coral reefs, or components thereof, to which the action relates.

''(f) FEDERAL GOVERNMENT ACTIVITIES.—In the event of threatened or actual destruction of, loss of, or injury to a coral reef or component thereof resulting from an incident caused by a component of any Department or agency of the United States Government, the cognizant Department or agency shall satisfy its obligations under this section by promptly, in coordination with the Secretary, taking appropriate actions to respond to and mitigate the harm and restoring or replacing the coral reef or components thereof and reimbursing the Secretary for all assessment costs.''.

SEC. 908. ENFORCEMENT.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 209, as added by section 907 of this title, the following:

''SEC. 210. ENFORCEMENT.

''(a) IN GENERAL.—The Secretary shall conduct enforcement activities to carry out this title.

''(b) POWERS OF AUTHORIZED OFFICERS.—

''(1) IN GENERAL.—Any person who is authorized to enforce this title may—

''(A) board, search, inspect, and seize any vessel or other conveyance suspected of being used to violate this title, any regulation promulgated under this title, or any permit issued under this title, and any equipment, stores, and cargo of such vessel, except that such authority shall not exist with respect to vessels owned or time chartered by a uniformed service (as defined in section 101 of title 10, United States Code) as warships or naval auxiliaries;

''(B) seize wherever found any component of coral reef taken or retained in violation of this title, any regulation promulgated under this title, or any permit issued under this title;

''(C) seize any evidence of a violation of this title, any regulation promulgated under this title, or any permit issued under this title;

''(D) execute any warrant or other process issued by any court of competent jurisdiction;

''(E) exercise any other lawful authority; and

''(F) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 208.

''(2) NAVAL AUXILIARY DEFINED.—In this subsection, the term 'naval auxiliary' means a vessel, other than a warship, that is owned by or under the exclusive control of a uniformed service and used at the time of the destruction, take, loss, or injury for government, non-commercial service, including combat logistics force vessels, pre-positioned vessels, special mission vessels, or vessels exclusively used to transport military supplies and materials.

''(c) CIVIL ENFORCEMENT AND PERMIT SANCTIONS.—

''(1) CIVIL ADMINISTRATIVE PENALTY.—

''(A) IN GENERAL.—Any person subject to the jurisdiction of the United States who violates this title or any regulation promulgated or permit issued hereunder, shall be liable to the United States for a civil administrative penalty of not more than $200,000 for each such violation, to be assessed by the Secretary.

''(B) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

''(C) DETERMINATION OF AMOUNT.—In determining the amount of civil administrative penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, and any history of prior violations, and such other matters as justice may require.

''(D) CONSIDERATION OF ABILITY TO PAY.—In assessing such penalty, the Secretary may also consider information related to the ability of the violator to pay.

''(2) PERMIT SANCTIONS.—For any person subject to the jurisdiction of the United States who has been issued or has applied for a permit under this title, and who violates this title or any regulation or permit issued under this title, the Secretary may deny, suspend, amend, or revoke in whole or in part any such permit. For any person who has failed to pay or defaulted on a payment agreement of any civil penalty or criminal fine or liability assessed pursuant to any natural resource law administered by the Secretary, the Secretary may deny, suspend, amend or revoke in whole or in part any permit issued or applied for under this title.

''(3) IMPOSITION OF CIVIL JUDICIAL PENALTIES.—

''(A) IN GENERAL.—Any person who violates any provision of this title, any regulation promulgated or permit issued thereunder, shall be subject to a civil judicial penalty not to exceed $250,000 for each such violation.

''(B) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

''(C) CIVIL ACTIONS.—The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require.

''(D) AMOUNTS OF CIVIL PENALTIES.—In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

''(E) CONSIDERATION OF ABILITY TO PAY.—In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

''(4) NOTICE.—No penalty or permit sanction shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

''(5) IN REM JURISDICTION.—A vessel used in violating this title, any regulation promulgated under this title, or any permit issued under this title, shall be liable in rem for any civil penalty assessed for such violation. Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

''(6) COLLECTION OF PENALTIES.—

''(A) IN GENERAL.—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States (plus interest at current prevailing rates from the date of the final order).

''(B) NOT SUBJECT TO REVIEW.—In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

''(C) ATTORNEY'S FEES, COSTS, AND NONPAYMENT PENALTY.—

''(i) IN GENERAL.—Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists.

''(ii) AMOUNT OF NONPAYMENT PENALTY.—Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

''(7) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty or permit sanction which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

''(8) JURISDICTION.—

''(A) IN GENERAL.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this section.

''(B) AMERICAN SAMOA.—For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

''(C) TREATMENT OF VIOLATIONS.—Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law.

''(d) FORFEITURE.—

''(1) CRIMINAL FORFEITURE.—

''(A) IN GENERAL.—A person who is convicted of an offense in violation of this title shall forfeit to the United States—

''(i) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the offense, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

''(ii) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of the offense, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

''(B) APPLICATION OF CERTAIN PROVISIONS OF CONTROLLED SUBSTANCES ACT.—Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) other than subsection (d) thereof shall apply to criminal forfeitures under this section.

''(2) CIVIL FORFEITURE.—The property set forth below shall be subject to forfeiture to the United States in accordance with the provisions of chapter 46 of title 18, United States Code, and no property right shall exist in it:

''(A) Any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of a violation of this title, including, without limitation, any coral reef or coral reef component (or the fair market value thereof).

''(B) Any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of a violation of this title, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

''(3) APPLICATION OF CUSTOMS LAWS.—

''(A) IN GENERAL.—All provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the

compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof.

''(B) AUTHORITY FOR ACTIONS BY SECRETARY.—For seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

''(4) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all coral reefs, or components thereof, found on board a vessel that is used or seized in connection with a violation of this title or of any regulation promulgated under this title were taken, obtained, or retained in violation of this title or of a regulation promulgated under this title.

''(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for a violation of this title or of any regulation promulgated under this title and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

''(f) EXPENDITURES.—

''(1) DEPOSIT AND AVAILABILITY.—Notwithstanding section 3302 of title 31, United States Code, or section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861), amounts received by the United States as civil penalties under subsection (c) of this section, forfeitures of property under subsection (d) of this section, and costs imposed under subsection (e) of this section, shall—

''(A) be placed into an account;

''(B) be available for use by the Secretary without further appropriation; and

''(C) remain available until expended.

''(2) USE OF FORFEITURES AND COSTS.—Amounts received under this section for forfeitures under subsection (d) and costs imposed under subsection (e) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any property seized in connection with a violation of this title or any regulation promulgated under this title.

''(3) USE OF CIVIL PENALTIES.—Amounts received under this section as civil penalties under subsection (c) of this section and any amounts remaining after the operation of paragraph (2) of this subsection shall—

''(A) be used to stabilize, restore, or otherwise manage the coral reef with respect to which the violation occurred that resulted in the penalty or forfeiture;

''(B) be transferred to the Emergency Response, Stabilization, and Restoration Account established under section 207(a) or an account described in section 209(d)(1), to reimburse such account for amounts used for authorized emergency actions;

''(C) be used to conduct monitoring and enforcement activities;

''(D) be used to conduct research on techniques to stabilize and restore coral reefs;

''(E) be used to conduct activities that prevent or reduce the likelihood of future damage to coral reefs;

''(F) be used to stabilize, restore or otherwise manage any other coral reef; or

''(G) be used to pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation promulgated under this title.

''(g) CRIMINAL ENFORCEMENT.—

''(1) INTERFERENCE WITH ENFORCEMENT.—Any person (other than a foreign government or any entity of such government) who knowingly commits any act prohibited by section 208(c) of this title shall be imprisoned for not more than 5 years and shall be fined not more than $500,000 for individuals or $1,000,000 for an organization; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this title, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

''(2) OTHER KNOWING VIOLATIONS .—Any person (other than a foreign government or any entity of such government) who knowingly violates subsection (b), (d), or (e) of section 208 shall be fined under title 18, United States Code, or imprisoned not more than 5 years or both.

''(3) OTHER UNKNOWING VIOLATIONS.—Any person (other than a foreign government or any entity of such government) who violates subsection (b), (d), or (e) of section 208, and who, in the exercise of due care should know that such person's conduct violates subsection (b), (d), or (e) of section 208, shall be fined under title 18, United States Code, or imprisoned not more than 1 year, or both.

''(4) JURISDICTION.—

''(A) IN GENERAL.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this subsection.

''(B) AMERICAN SAMOA.—For the purpose of this subsection, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

''(C) TREATMENT OF VIOLATIONS.—Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code.

''(h) SUBPOENAS.—In the case of any investigation or hearing under this section or any other natural resource statute administered by the Under Secretary for Oceans and Atmosphere which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

''(i) COAST GUARD AUTHORITY NOT LIMITED.—Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

''(j) INJUNCTIVE RELIEF.—

''(1) INJUNCTIVE RELIEF BY SECRETARY.—

''(A) IN GENERAL.—If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a coral reef, or that there has been actual destruction or loss of, or injury to, a coral reef which may give rise to liability under section 209 of this title, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the coral reef, or both.

''(B) JURISDICTION.—The district courts of the Unites States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

''(2) INJUNCTIVE RELIEF BY ATTORNEY GENERAL.—Upon the request of the Secretary, the Attorney General may seek to enjoin any person who is alleged to be in violation of any provision of this title, or any regulation or permit issued under this title, and the district courts shall have jurisdiction to grant such relief.

''(k) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this title includes the internal waters of the United States, the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, the Exclusive Economic Zone of the United States as described in Presidential Proclamation 5030 of March 10, 1983, and the continental shelf, consistent with international law.

''(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with rule 4 of the Federal Rules of Civil Procedure.

''(m) VENUE IN CIVIL ACTIONS.—A civil action under this title may be brought in the United States district court for any district in which—

''(1) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(2) the vessel is located, in the case of an action against a vessel;

''(3) the destruction of, loss of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

''(4) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

''(n) UNIFORMED SERVICE OFFICERS AND EMPLOYEES.—No officer or employee of a uniformed service (as defined in section 101 of title 10, United States Code) shall be held liable under this section, either in such officer's or employee's personal or official capacity, for any violation of section 208 occurring during the performance of the officer's or employee's official governmental duties.

''(o) CONTRACT EMPLOYEES.—No contract employee of a uniformed service (as so defined), serving as vessel master or crew member, shall be liable under this section for any violation of section 208 if that contract employee—

''(1) is acting as a contract employee of a uniformed service under the terms of an operating contract for a vessel owned by a uniformed service, or a time charter for pre-positioned vessels, special mission vessels, or vessels exclusively transporting military supplies and materials; and

''(2) is engaged in an action or actions over which such employee has been given no discretion (e.g., anchoring or mooring at one or more designated anchorages or buoys, or executing specific operational elements of a special mission activity), as determined by the uniformed service controlling the contract.''.

SEC. 909. REGULATIONS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 210, as added by section 908 of this title, the following:

"SEC. 211. REGULATIONS.

''(a) IN GENERAL.—The Secretary may issue such regulations as are necessary and appropriate to carry out the purposes of this title.

''(b) APPLICATION IN ACCORDANCE WITH INTERNATIONAL LAW.—This title and any regulations promulgated under this title shall be applied in accordance with international law.

''(c) LIMITATIONS WITH RESPECT TO CITIZENSHIP STATUS.—No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.''.

SEC. 910. JUDICIAL REVIEW.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 211, as added by section 909 of this title, the following:

"SEC. 212. JUDICIAL REVIEW.

''(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is not applicable to any action taken by the Secretary under this title, except that—

''(1) review of any final agency action of the Secretary taken pursuant to sections 210(c)(1) and 210(c)(2) may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within 30 days of the date such final agency action is taken; and

''(2) review of any final agency action of the Secretary taken pursuant to other provisions of this title may be had by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the federal judicial district in which such person resides or transact business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final agency action is taken.

''(b) NO REVIEW IN ENFORCEMENT PROCEEDINGS.—Final agency action with respect to which review could have been obtained under subsection (a)(2) shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

''(c) COST OF LITIGATION.—In any judicial proceeding under subsection (a), the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.''.

DIVISION B—REDUCING OIL CONSUMPTION AND IMPROVING ENERGY SECURITY

TITLE XX—NATURAL GAS VEHICLE AND INFRASTRUCTURE DEVELOPMENT

SEC. 2001. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INCREMENTAL COST.—The term ''incremental cost'' means the difference between—

(A) the suggested retail price of a manufacturer for a qualified alternative fuel vehicle; and

(B) the suggested retail price of a manufacturer for a vehicle that is—

(i) powered solely by a gasoline or diesel internal combustion engine; and

(ii) comparable in weight, size, and use to the vehicle.

(3) MIXED-FUEL VEHICLE.—The term ''mixed-fuel vehicle'' means a mixed-fuel vehicle (as defined in section 30B(e)(5)(B) of the Internal Revenue Code of 1986) (including vehicles with a gross vehicle weight rating of 14,000 pounds or less) that uses a fuel mix that is comprised of at least 75 percent compressed natural gas or liquefied natural gas.

(4) NATURAL GAS REFUELING PROPERTY.—The term ''natural gas refueling property'' means units that dispense at least 85 percent by volume of natural gas, compressed natural gas, or liquefied natural gas as a transportation fuel.

(5) QUALIFIED ALTERNATIVE FUEL VEHICLE.—The term ''qualified alternative fuel vehicle'' means a vehicle manufactured for use in the United States that is—

(A) a new compressed natural gas- or liquefied natural gas-fueled vehicle that is only capable of operating on natural gas;

(B) a vehicle that is capable of operating for more than 175 miles on 1 fueling of compressed or liquefied natural gas and is capable of operating on gasoline or diesel fuel, including vehicles with a gross vehicle weight rating of 14,000 pounds or less.

(6) QUALIFIED MANUFACTURER.—The term ''qualified manufacturer'' means a manufacturer of qualified alternative fuel vehicles or any component designed specifically for use in a qualified alternative fuel vehicle.

(7) QUALIFIED OWNER.—The term ''qualified owner'' means an individual that purchases a qualified alternative fuel vehicle for use or lease in the United States but not for resale.

(8) QUALIFIED REFUELER.—The term ''qualified refueler'' means the owner or operator of natural gas refueling property.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 2002. PROGRAM ESTABLISHMENT.

(a) IN GENERAL.—There is established within the Department a Natural Gas Vehicle and Infrastructure Development Program for the purpose of facilitating the use of natural gas in the United States as an alternative transportation fuel, in order to achieve the maximum feasible reduction in domestic oil use.

(b) CONVERSION OR REPOWERING OF VEHICLES.—The Secretary shall establish a rebate program under this title for qualified owners who convert or repower a conventionally fueled vehicle to operate on compressed natural gas or liquefied natural gas, or to a mixed-fuel vehicle or a bi-fuel vehicle.

SEC. 2003. REBATES.

(a) INTERIM FINAL RULE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing regulations that the Secretary considers necessary to administer the rebates required under this section.

(2) ADMINISTRATION.—The interim final rule shall establish a program that provides—

(A) rebates to qualified owners for the purchase of qualified alternative fuel vehicles; and

(B) priority to those vehicles that the Secretary determines are most likely to achieve the shortest payback time on investment and the greatest market penetration for natural gas vehicles.

(3) ALLOCATION.—Of the amount allocated for rebates under this section, not more than 25 percent shall be used to provide rebates to qualified owners for the purchase of qualified alternative fuel vehicles that have a gross vehicle rating of not more than 8,500 pounds.

(b) REBATES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide rebates for 90 percent of the incremental cost of a qualified alternative fuel vehicle to a qualified owner for the purchase of a qualified alternative fuel vehicles.

(2) MAXIMUM VALUES.—

(A) NATURAL GAS VEHICLES.—The maximum value of a rebate under this section provided to a qualified owner who places a qualified alternative fuel vehicle into service by 2013 shall be—

(i) $8,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of not more than 8,500 pounds;

(ii) $16,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds;

(iii) $40,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 14,000 but not more than 26,000 pounds; and

(iv) $64,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 26,000 pounds.

(B) MIXED–FUEL VEHICLES.—The maximum value of a rebate under this section provided to a qualified owner who places a qualified alternative fuel vehicle that is a mixed-fuel vehicle into service by 2015 shall be 75 percent of the amount provided for rebates under this section for vehicles that are only capable of operating on natural gas.

(C) BI-FUEL VEHICLES.—The maximum value of a rebate under this section provided to a qualified owner of a vehicle described in section 2001(5)(B) shall be 50 percent of the amount provided for rebates under this section for vehicles that are only capable of operating on natural gas.

(c) TREATMENT OF REBATES.—For purposes of the Internal Revenue Code of 1986, rebates received for qualified alternative fuel vehicles under this section—

(1) shall not be considered taxable income to a qualified owner;

(2) shall prohibit the qualified owner from applying for any tax credit allowed under that Code for the same qualified alternative fuel vehicle; and

(3) shall be considered a credit described in paragraph (2) for purposes of any limitation on the amount of the credit.

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $3,800,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 2004. INFRASTRUCTURE AND DEVELOPMENT GRANTS.

(a) INTERIM FINAL RULE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing an infrastructure deployment program and a manufacturing development program, and any implementing regulations that the Secretary considers necessary, to achieve the maximum practicable cost-effective program to provide grants under this section.

(b) GRANTS.—The Secretary shall provide—

(1) grants of up to $50,000 per unit to qualified refuelers for the installation of natural gas refueling property placed in service between 2011 and 2015; and

(2) grants in amounts determined to be appropriate by the Secretary to qualified manufacturers for research, development, and demonstration projects on engines with reduced emissions, improved performance, and lower cost.

(c) COST SHARING.—Grants under this section shall be subject to the cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) MONITORING.—The Secretary shall—

(1) require regular reporting of such information as the Secretary considers necessary to effectively administer the program from grant recipients under this section; and

(2) conduct on-site and off-site monitoring to ensure compliance with grant terms.

(e) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury

shall transfer to the Secretary to carry out this section $500,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 2005. LOAN PROGRAM TO ENHANCE DOMESTIC MANUFACTURING.

(a) INTERIM FINAL RULE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing a direct loan program to provide loans to qualified manufacturers to pay not more than 80 percent of the cost of reequipping, expanding, or establishing a facility in the United States that will be used for the purpose of producing any new qualified alternative fuel motor vehicle or any eligible component.

(b) OVERALL COMMITMENT LIMIT.—Commitments for direct loans under this section shall not exceed $2,000,000,000 in total loan principal.

(c) COST OF DIRECT LOANS.—The cost of direct loans under this section (including the cost of modifying the loans) shall be determined in accordance with section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(d) ADDITIONAL FINANCIAL AND TECHNICAL PERSONNEL.—Section 621(d) of the Department of Energy Organization Act (42 U.S.C. 7231(d)) is amended by striking ''two hundred'' and inserting ''250''.

(e) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, on October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the cost of loans to carry out this section $200,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

TITLE XXI—PROMOTING ELECTRIC VEHICLES

SEC. 2101. SHORT TITLE.

This title may be cited as the ''Promoting Electric Vehicles Act of 2010''.

SEC. 2102. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(2) CHARGING INFRASTRUCTURE.—The term ''charging infrastructure'' means any property (not including a building) if the property is used for the recharging of plug-in electric drive vehicles, including electrical panel upgrades, wiring, conduit, trenching, pedestals, and related equipment.

(3) COMMITTEE.—The term ''Committee'' means the Plug-in Electric Drive Vehicle Technical Advisory Committee established by section 2134.

(4) DEPLOYMENT COMMUNITY.—The term ''deployment community'' means a community selected by the Secretary to be part of the targeted plug-in electric drive vehicles deployment communities program under section 2116.

(5) ELECTRIC UTILITY.—The term ''electric utility'' has the meaning given the term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

(6) FEDERAL-AID SYSTEM OF HIGHWAYS.—The term ''Federal-aid system of highways'' means a highway system described in section 103 of title 23, United States Code.

(7) PLUG-IN ELECTRIC DRIVE VEHICLE.—

(A) IN GENERAL.—The term ''plug-in electric drive vehicle'' has the meaning given the term in section 131(a)(5) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)(5)).

(B) INCLUSIONS.—The term ''plug-in electric drive vehicle'' includes—

(i) low speed plug-in electric drive vehicles that meet the Federal Motor Vehicle Safety Standards described in section 571.500 of title 49, Code of Federal Regulations (or successor regulations); and

(ii) any other electric drive motor vehicle that can be recharged from an external source of motive power and that is authorized to travel on the Federal-aid system of highways.

(8) PRIZE.—The term ''Prize'' means the Advanced Batteries for Tomorrow Prize established by section 2122.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) TASK FORCE.—The term ''Task Force'' means the Plug-in Electric Drive Vehicle Interagency Task Force established by section 2135.

Subtitle A—National Plug-in Electric Drive Vehicle Deployment Program.

SEC. 2111. NATIONAL PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT PROGRAM.

(a) IN GENERAL.—There is established within the Department of Energy a national plug-in electric drive vehicle deployment program for the purpose of assisting in the deployment of plug-in electric drive vehicles.

(b) GOALS.—The goals of the national program described in subsection (a) include—

(1) the reduction and displacement of petroleum use by accelerating the deployment of plug-in electric drive vehicles in the United States;

(2) the reduction of greenhouse gas emissions by accelerating the deployment of plug-in electric drive vehicles in the United States;

(3) the facilitation of the rapid deployment of plug-in electric drive vehicles;

(4) the achievement of significant market penetrations by plug-in electric drive vehicles nationally;

(5) the establishment of models for the rapid deployment of plug-in electric drive vehicles nationally, including models for the deployment of residential, private, and publicly available charging infrastructure;

(6) the increase of consumer knowledge and acceptance of plug-in electric drive vehicles;

(7) the encouragement of the innovation and investment necessary to achieve mass market deployment of plug-in electric drive vehicles;

(8) the facilitation of the integration of plug-in electric drive vehicles into electricity distribution systems and the larger electric grid while maintaining grid system performance and reliability;

(9) the provision of technical assistance to communities across the United States to prepare for plug-in electric drive vehicles; and

(10) the support of workforce training across the United States relating to plug-in electric drive vehicles.

(c) DUTIES.—In carrying out this subtitle, the Secretary shall—

(1) provide technical assistance to State, local, and tribal governments that want to create deployment programs for plug-in electric drive vehicles in the communities over which the governments have jurisdiction;

(2) perform national assessments of the potential deployment of plug-in electric drive vehicles under section 2112;

(3) synthesize and disseminate data from the deployment of plug-in electric drive vehicles;

(4) develop best practices for the successful deployment of plug-in electric drive vehicles;

(5) carry out workforce training under section 2114;

(6) establish the targeted plug-in electric drive vehicle deployment communities program under section 2116; and

(7) in conjunction with the Task Force, make recommendations to Congress and the President on methods to reduce the barriers to plug-in electric drive vehicle deployment.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the progress made in implementing the national program described in subsection (a) that includes—

(1) a description of the progress made by—

(A) the technical assistance program under section 2113; and

(B) the workforce training program under section 2114; and

(2) any updated recommendations of the Secretary for changes in Federal programs to promote the purposes of this subtitle.

(e) NATIONAL INFORMATION CLEARINGHOUSE.—The Secretary shall make available to the public, in a timely manner, information regarding—

(1) the cost, performance, usage data, and technical data regarding plug-in electric drive vehicles and associated infrastructure, including information from the deployment communities established under section 2116; and

(2) any other educational information that the Secretary determines to be appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out sections 2111 through 2113 $100,000,000 for the period of fiscal years 2011 through 2016.

SEC. 2112. NATIONAL ASSESSMENT AND PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall carry out a national assessment and develop a national plan for plug-in electric drive vehicle deployment that includes—

(1) an assessment of the maximum feasible deployment of plug-in electric drive vehicles by 2020 and 2030;

(2) the establishment of national goals for market penetration of plug-in electric drive vehicles by 2020 and 2030;

(3) a plan for integrating the successes and barriers to deployment identified by the deployment communities program established under section 2116 to prepare communities across the Nation for the rapid deployment of plug-in electric drive vehicles;

(4) a plan for providing technical assistance to communities across the United States to prepare for plug-in electric drive vehicle deployment;

(5) a plan for quantifying the reduction in petroleum consumption and the net impact on greenhouse gas emissions due to the deployment of plug-in electric drive vehicles; and

(6) in consultation with the Task Force, any recommendations to the President and to Congress for changes in Federal programs (including laws, regulations, and guidelines)—

(A) to better promote the deployment of plug-in electric drive vehicles; and

(B) to reduce barriers to the deployment of plug-in electric drive vehicles.

(b) UPDATES.—Not later than 2 years after the date of development of the plan described in subsection (a), and not less frequently than once every 2 years thereafter, the Secretary shall use market data and information from the targeted plug-in electric drive vehicle deployment communities program established under section 2116 and other relevant data to update the plan to reflect real world market conditions.

SEC. 2113. TECHNICAL ASSISTANCE.

(a) TECHNICAL ASSISTANCE TO STATE, LOCAL, AND TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—In carrying out this subtitle, the Secretary shall provide, at the request of the Governor, Mayor, county executive, or the designee of such an official, technical assistance to State, local, and tribal governments to assist with the deployment of plug-in electric drive vehicles.

(2) REQUIREMENTS.—The technical assistance described in paragraph (1) shall include—

(A) training on codes and standards for building and safety inspectors;

(B) training on best practices for expediting permits and inspections;

(C) education and outreach on frequently asked questions relating to the various types of plug-in electric drive vehicles and associated infrastructure, battery technology, and disposal; and

(D) the dissemination of information regarding best practices for the deployment of plug-in electric drive vehicles.

(3) PRIORITY.—In providing technical assistance under this subsection, the Secretary shall give priority to—

(A) communities that have established public and private partnerships, including partnerships comprised of—

(i) elected and appointed officials from each of the participating State, local, and tribal governments;

(ii) relevant generators and distributors of electricity;

(iii) public utility commissions;

(iv) departments of public works and transportation;

(v) owners and operators of property that will be essential to the deployment of a sufficient level of publicly available charging infrastructure (including privately owned parking lots or structures and commercial entities with public access locations);

(vi) plug-in electric drive vehicle manufacturers or retailers;

(vii) third-party providers of charging infrastructure or services;

(viii) owners of any major fleet that will participate in the program;

(ix) as appropriate, owners and operators of regional electric power distribution and transmission facilities; and

(x) other existing community coalitions recognized by the Department of Energy;

(B) communities that, as determined by the Secretary, have best demonstrated that the public is likely to embrace plug-in electric drive vehicles, giving particular consideration to communities that—

(i) have documented waiting lists to purchase plug-in electric drive vehicles;

(ii) have developed projections of the quantity of plug-in electric drive vehicles supplied to dealers; and

(iii) have assessed the quantity of charging infrastructure installed or for which permits have been issued;

(C) communities that have shown a commitment to serving diverse consumer charging infrastructure needs, including the charging infrastructure needs for single- and multi-family housing and public and privately owned commercial infrastructure; and

(D) communities that have established regulatory and educational efforts to facilitate consumer acceptance of plug-in electric drive vehicles, including by—

(i) adopting (or being in the process of adopting) streamlined permitting and inspections processes for residential charging infrastructure; and

(ii) providing customer informational resources, including providing plug-in electric drive information on community or other websites.

(4) BEST PRACTICES.—The Secretary shall collect and disseminate information to State, local, and tribal governments creating plans to deploy plug-in electric drive vehicles on best practices (including codes and standards) that uses data from—

(A) the program established by section 2116;

(B) the activities carried out by the Task Force; and

(C) existing academic and industry studies of the factors that contribute to the successful deployment of new technologies, particularly studies relating to alternative fueled vehicles.

(5) GRANTS.—

(A) IN GENERAL.—The Secretary shall establish a program to provide grants to State, local, and tribal governments or to partnerships of government and private entities to assist the governments and partnerships—

(i) in preparing a community deployment plan under section 2116; and

(ii) in preparing and implementing programs that support the deployment of plug-in electric drive vehicles.

(B) APPLICATION.—A State, local, or tribal government that seeks to receive a grant under this paragraph shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

(C) USE OF FUNDS.—A State, local, or tribal government receiving a grant under this paragraph shall use the funds—

(i) to develop a community deployment plan that shall be submitted to the next available competition under section 2116; and

(ii) to carry out activities that encourage the deployment of plug-in electric drive vehicles including—

(I) planning for and installing charging infrastructure, particularly to develop and demonstrate diverse and cost-effective planning, installation, and operations options for deployment of single family and multifamily residential, workplace, and publicly available charging infrastructure;

(II) updating building, zoning, or parking codes and permitting or inspection processes;

(III) workforce training, including the training of permitting officials;

(IV) public education described in the proposed marketing plan;

(V) shifting State, local, or tribal government fleets to plug-in electric drive vehicles, at a rate in excess of the existing alternative fueled fleet vehicles acquisition requirements for Federal fleets under section 303(b)(1)(D) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)(D)); and

(VI) any other activities, as determined to be necessary by the Secretary.

(D) CRITERIA.—The Secretary shall develop and publish criteria for the selection of technical assistance grants, including requirements for the submission of applications under this paragraph.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph.

(b) UPDATING MODEL BUILDING CODES, PERMITTING AND INSPECTION PROCESSES, AND ZONING OR PARKING RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the American Society of Heating, Refrigerating and Air-Conditioning Engineers, the International Code Council, and any other organizations that the Secretary determines to be appropriate, shall develop and publish guidance for—

(A) model building codes for the inclusion of separate circuits for charging infrastructure, as appropriate, in new construction and major renovations of private residences, buildings, or other structures that could provide publicly available charging infrastructure;

(B) model construction permitting or inspection processes that allow for the expedited installation of charging infrastructure for purchasers of plug-in electric drive vehicles (including a permitting process that allows a vehicle purchaser to have charging infrastructure installed not later than 1 week after a request); and

(C) model zoning, parking rules, or other local ordinances that—

(i) facilitate the installation of publicly available charging infrastructure, including commercial entities that provide public access to infrastructure; and

(ii) allow for access to publicly available charging infrastructure.

(2) OPTIONAL ADOPTION.—An applicant for selection for technical assistance under this section or as a deployment community under section 2116 shall not be required to use the model building codes, permitting and inspection processes, or zoning, parking rules, or other ordinances included in the report under paragraph (1).

(3) SMART GRID INTEGRATION.—In developing the model codes or ordinances described in paragraph (1), the Secretary shall consider smart grid integration.

SEC. 2114. WORKFORCE TRAINING.

(a) MAINTENANCE AND SUPPORT.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee and the Task Force, shall award grants to institutions of higher education and other qualified training and education institutions for the establishment of programs to provide training and education for vocational workforce development through centers of excellence.

(2) PURPOSE.—Training funded under this subsection shall be intended to ensure that the workforce has the necessary skills needed to work on and maintain plug-in electric drive vehicles and the infrastructure required to support plug-in electric drive vehicles.

(3) SCOPE.—Training funded under this subsection shall include training for—

(A) first responders;

(B) electricians and contractors who will be installing infrastructure;

(C) engineers;

(D) code inspection officials; and

(E) dealers and mechanics.

(b) DESIGN.—The Secretary shall award grants to institutions of higher education and other qualified training and education institutions for the establishment of programs to provide training and education in designing plug-in electric drive vehicles and associated components and infrastructure to ensure that the United States can lead the world in this field.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000.

SEC. 2115. FEDERAL FLEETS.

(a) IN GENERAL.—Electricity consumed by Federal agencies to fuel plug-in electric drive vehicles—

(1) is an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13218)); and

(2) shall be accounted for under Federal fleet management reporting requirements, not under Federal building management reporting requirements.

(b) ASSESSMENT AND REPORT.—Not later than 180 days after the date of enactment of this Act and every 3 years thereafter, the Federal Energy Management Program and the General Services Administration, in consultation with the Task Force, shall complete an assessment of Federal Government fleets, including the Postal Service and the

Department of Defense, and submit a report to Congress that describes—

(1) for each Federal agency, which types of vehicles the agency uses that would or would not be suitable for near-term and medium-term conversion to plug-in electric drive vehicles, taking into account the types of vehicles for which plug-in electric drive vehicles could provide comparable functionality and lifecycle costs;

(2) how many plug-in electric drive vehicles could be deployed by the Federal Government in 5 years and in 10 years, assuming that plug-in electric drive vehicles are available and are purchased when new vehicles are needed or existing vehicles are replaced;

(3) the estimated cost to the Federal Government for vehicle purchases under paragraph (2); and

(4) a description of any updates to the assessment based on new market data.

(c) INVENTORY AND DATA COLLECTION.—

(1) IN GENERAL.—In carrying out the assessment and report under subsection (b), the Federal Energy Management Program, in consultation with the General Services Administration, shall—

(A) develop an information request for each agency that operates a fleet of at least 20 motor vehicles; and

(B) establish guidelines for each agency to use in developing a plan to deploy plug-in electric drive vehicles.

(2) AGENCY RESPONSES.—Each agency that operates a fleet of at least 20 motor vehicles shall—

(A) collect information on the vehicle fleet of the agency in response to the information request described in paragraph (1); and

(B) develop a plan to deploy plug-in electric drive vehicles.

(3) ANALYSIS OF RESPONSES.—The Federal Energy Management Program shall—

(A) analyze the information submitted by each agency under paragraph (2);

(B) approve or suggest amendments to the plan of each agency to ensure that the plan is consistent with the goals and requirements of this title; and

(C) submit a plan to Congress and the General Services Administration to be used in developing the pilot program described in subsection (e).

(d) BUDGET REQUEST.—Each agency of the Federal Government shall include plug-in electric drive vehicle purchases identified in the report under subsection (b) in the budget of the agency to be included in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.

(e) PILOT PROGRAM TO DEPLOY PLUG-IN ELECTRIC DRIVE VEHICLES IN THE FEDERAL FLEET.—

(1) PROGRAM.—

(A) IN GENERAL.—The Administrator of General Services shall acquire plug-in electric drive vehicles and the requisite charging infrastructure to be deployed in a range of locations in Federal Government fleets, which may include the United States Postal Service and the Department of Defense, during the 5-year period beginning on the date of enactment of this Act.

(B) EXPENDITURES.—To the maximum extent practicable, expenditures under this paragraph should make a contribution to the advancement of manufacturing of electric drive components and vehicles in the United States.

(2) DATA COLLECTION.—The Administrator of General Services shall collect data regarding—

(A) the cost, performance, and use of plug-in electric drive vehicles in the Federal fleet;

(B) the deployment and integration of plug-in electric drive vehicles in the Federal fleet; and

(C) the contribution of plug-in electric drive vehicles in the Federal fleet toward reducing the use of fossil fuels and greenhouse gas emissions.

(3) REPORT.—Not later than 6 years after the date of enactment of this Act, the Administrator of General Services shall submit to the appropriate committees of Congress a report that—

(A) describes the status of plug-in electric drive vehicles in the Federal fleet; and

(B) includes an analysis of the data collected under this subsection.

(4) PUBLIC WEB SITE.—The Federal Energy Management Program shall maintain and regularly update a publicly available Web site that provides information on the status of plug-in electric drive vehicles in the Federal fleet.

(f) ACQUISITION PRIORITY.—Section 507(g) of the Energy Policy Act of 1992 (42 U.S.C. 13257(g)) is amended by adding at the end the following:

''(5) PRIORITY.—The Secretary shall, to the maximum extent practicable, prioritize the acquisition of plug-in electric drive vehicles (as defined in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)) over nonelectric alternative fueled vehicles.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for use by the Federal Government in paying incremental costs to purchase or lease plug-in electric drive vehicles and the requisite charging infrastructure for Federal fleets $25,000,000.

SEC. 2116. TARGETED PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT COMMUNITIES PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the national plug-in electric drive deployment program established under section 2111 a targeted plug-in electric drive vehicle deployment communities program (referred to in this section as the ''Program'').

(2) EXISTING ACTIVITIES.—In carrying out the Program, the Secretary shall coordinate and supplement, not supplant, any ongoing plug-in electric drive deployment activities under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011).

(3) PHASE 1.—

(A) IN GENERAL.—The Secretary shall establish a competitive process to select phase 1 deployment communities for the Program.

(B) ELIGIBLE ENTITIES.—In selecting participants for the Program under paragraph (1), the Secretary shall only consider applications submitted by State, tribal, or local government entities (or groups of State, tribal, or local government entities).

(C) SELECTION.—Not later than 1 year after the date of enactment of this Act and not later than 1 year after the date on which any subsequent amounts are appropriated for the Program, the Secretary shall select the phase 1 deployment communities under this paragraph.

(D) TERMINATION.—Phase 1 of the Program shall be carried out for a 3-year period beginning on the date funding under this title is first provided to the deployment community.

(4) PHASE 2.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that analyzes the lessons learned in phase I and, if, based on the phase I analysis, the Secretary determines that a phase II program is warranted, makes recommendations and describes a plan for phase II, including—

(A) recommendations regarding—

(i) options for the number of additional deployment communities that should be selected;

(ii) the manner in which criteria for selection should be updated;

(iii) the manner in which incentive structures for phase 2 deployment should be changed; and

(iv) whether other forms of onboard energy storage for electric drive vehicles, such as fuel cells, should be included in phase 2; and

(B) a request for appropriations to implement phase 2 of the Program.

(b) GOALS.—The goals of the Program are—

(1) to facilitate the rapid deployment of plug-in electric drive vehicles, including—

(A) the deployment of 400,000 plug-in electric drive vehicles in phase 1 in the deployment communities selected under paragraph (2);

(B) the near-term achievement of significant market penetration in deployment communities; and

(C) supporting the achievement of significant market penetration nationally;

(2) to establish models for the rapid deployment of plug-in electric drive vehicles nationally, including for the deployment of single-family and multifamily residential, workplace, and publicly available charging infrastructure;

(3) to increase consumer knowledge and acceptance of, and exposure to, plug-in electric drive vehicles;

(4) to encourage the innovation and investment necessary to achieve mass market deployment of plug-in electric drive vehicles;

(5) to demonstrate the integration of plug-in electric drive vehicles into electricity distribution systems and the larger electric grid while maintaining or improving grid system performance and reliability;

(6) to demonstrate protocols and communication standards that facilitate vehicle integration into the grid and provide seamless charging for consumers traveling through multiple utility distribution systems;

(7) to investigate differences among deployment communities and to develop best practices for implementing vehicle electrification in various communities, including best practices for planning for and facilitating the construction of residential, workplace, and publicly available infrastructure to support plug-in electric drive vehicles;

(8) to collect comprehensive data on the purchase and use of plug-in electric drive vehicles, including charging profile data at unit and aggregate levels, to inform best practices for rapidly deploying plug-in electric drive vehicles in other locations, including for the installation of charging infrastructure;

(9) to reduce and displace petroleum use and reduce greenhouse gas emissions by accelerating the deployment of plug-in electric drive vehicles in the United States; and

(10) to increase domestic manufacturing capacity and commercialization in a manner that will establish the United States as a world leader in plug-in electric drive vehicle technologies.

(c) PHASE 1 DEPLOYMENT COMMUNITY SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall ensure, to the maximum extent practicable, that selected deployment communities in phase 1 serve as models of deployment for various communities across the United States.

(2) SELECTION.—In selecting communities under this section, the Secretary—

(A) shall ensure, to the maximum extent practicable, that—

(i) the combination of selected communities is diverse in population density, demographics, urban and suburban composition, typical commuting patterns, climate, and type of utility (including investor-owned, publicly-owned, cooperatively-owned, distribution-only, and vertically integrated utilities);

(ii) the combination of selected communities is diverse in geographic distribution, and at least 1 deployment community is located in each Petroleum Administration for Defense District;

(iii) at least 1 community selected has a population of less than 125,000;

(iv) grants are of a sufficient amount such that each deployment community will achieve significant market penetration; and

(v) the deployment communities are representative of other communities across the United States;

(B) is encouraged to select a combination of deployment communities that includes multiple models or approaches for deploying plug-in electric drive vehicles that the Secretary believes are reasonably likely to be effective, including multiple approaches to the deployment of charging infrastructure;

(C) in addition to the criteria described in subparagraph (A), may give preference to applicants proposing a greater non-Federal cost share; and

(D) when considering deployment community plans, shall take into account previous Department of Energy and other Federal investments to ensure that the maximum domestic benefit from Federal investments is realized.

(3) CRITERIA.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and not later than 90 days after the date on which any subsequent amounts are appropriated for the Program, the Secretary shall publish criteria for the selection of deployment communities that include requirements that applications be submitted by a State, tribal, or local government entity (or groups of State, tribal, or local government entities).

(B) APPLICATION REQUIREMENTS.—The criteria published by the Secretary under subparagraph (A) shall include application requirements that, at a minimum, include—

(i) goals for—

(I) the number of plug-in electric drive vehicles to be deployed in the community;

(II) the expected percentage of light-duty vehicle sales that would be sales of plug-in electric drive vehicles; and

(III) the adoption of plug-in electric drive vehicles (including medium- or heavy-duty vehicles) in private and public fleets during the 3-year duration of the Program;

(ii) data that demonstrate that—

(I) the public is likely to embrace plug-in electric drive vehicles, which may include—

(aa) the quantity of plug-in electric drive vehicles purchased;

(bb) the number of individuals on a waiting list to purchase a plug-in electric drive vehicle;

(cc) projections of the quantity of plug-in electric drive vehicles supplied to dealers; and

(dd) any assessment of the quantity of charging infrastructure installed or for which permits have been issued; and

(II) automobile manufacturers and dealers will be able to provide and service the targeted number of plug-in electric drive vehicles in the community for the duration of the program;

(iii) clearly defined geographic boundaries of the proposed deployment area;

(iv) a community deployment plan for the deployment of plug-in electric drive vehicles, charging infrastructure, and services in the deployment community;

(v) assurances that a majority of the vehicle deployments anticipated in the plan will be personal vehicles authorized to travel on the United States Federal-aid system of highways, and secondarily, private or public sector plug-in electric drive fleet vehicles, but may also include—

(I) medium- and heavy-duty plug-in hybrid vehicles;

(II) low speed plug-in electric drive vehicles that meet Federal Motor Vehicle Safety Standards described in section 571.500 of title 49, Code of Federal Regulations; and

(III) any other plug-in electric drive vehicle authorized to travel on the United States Federal-aid system of highways; and

(vi) any other merit-based criteria, as determined by the Secretary.

(4) COMMUNITY DEPLOYMENT PLANS.—Plans for the deployment of plug-in electric drive vehicles shall include—

(A) a proposed level of cost sharing in accordance with subsection (d)(2)(C);

(B) documentation demonstrating a substantial partnership with relevant stakeholders, including—

(i) a list of stakeholders that includes—

(I) elected and appointed officials from each of the participating State, local, and tribal governments;

(II) all relevant generators and distributors of electricity;

(III) State utility regulatory authorities;

(IV) departments of public works and transportation;

(V) owners and operators of property that will be essential to the deployment of a sufficient level of publicly available charging infrastructure (including privately owned parking lots or structures and commercial entities with public access locations);

(VI) plug-in electric drive vehicle manufacturers or retailers;

(VII) third-party providers of residential, workplace, private, and publicly available charging infrastructure or services;

(VIII) owners of any major fleet that will participate in the program;

(IX) as appropriate, owners and operators of regional electric power distribution and transmission facilities; and

(X) as appropriate, other existing community coalitions recognized by the Department of Energy;

(ii) evidence of the commitment of the stakeholders to participate in the partnership;

(iii) a clear description of the role and responsibilities of each stakeholder; and

(iv) a plan for continuing the engagement and participation of the stakeholders, as appropriate, throughout the implementation of the deployment plan;

(C) a description of the number of plug-in electric drive vehicles anticipated to be plug-in electric drive personal vehicles and the number of plug-in electric drive vehicles anticipated to be privately owned fleet or public fleet vehicles;

(D) a plan for deploying residential, workplace, private, and publicly available charging infrastructure, including—

(i) an assessment of the number of consumers who will have access to private residential charging infrastructure in single-family or multifamily residences;

(ii) options for accommodating plug-in electric drive vehicle owners who are not able to charge vehicles at their place of residence;

(iii) an assessment of the number of consumers who will have access to workplace charging infrastructure;

(iv) a plan for ensuring that the charging infrastructure or plug-in electric drive vehicle be able to send and receive the information needed to interact with the grid and be compatible with smart grid technologies to the extent feasible;

(v) an estimate of the number and dispersion of publicly and privately owned charging stations that will be publicly or commercially available;

(vi) an estimate of the quantity of charging infrastructure that will be privately funded or located on private property; and

(vii) a description of equipment to be deployed, including assurances that, to the maximum extent practicable, equipment to be deployed will meet open, nonproprietary standards for connecting to plug-in electric drive vehicles that are either—

(I) commonly accepted by industry at the time the equipment is being acquired; or

(II) meet the standards developed by the Director of the National Institute of Standards and Technology under section 1305 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17385);

(E) a plan for effective marketing of and consumer education relating to plug-in electric drive vehicles, charging services, and infrastructure;

(F) descriptions of updated building codes (or a plan to update building codes before or during the grant period) to include charging infrastructure or dedicated circuits for charging infrastructure, as appropriate, in new construction and major renovations;

(G) descriptions of updated construction permitting or inspection processes (or a plan to update construction permitting or inspection processes) to allow for expedited installation of charging infrastructure for purchasers of plug-in electric drive vehicles, including a permitting process that allows a vehicle purchaser to have charging infrastructure installed in a timely manner;

(H) descriptions of updated zoning, parking rules, or other local ordinances as are necessary to facilitate the installation of publicly available charging infrastructure and to allow for access to publicly available charging infrastructure, as appropriate;

(I) a plan to ensure that each resident in a deployment community who purchases and registers a new plug-in electric drive vehicle throughout the duration of the deployment community receives, in addition to any Federal incentives, consumer benefits that may include—

(i) a rebate of part of the purchase price of the vehicle;

(ii) reductions in sales taxes or registration fees;

(iii) rebates or reductions in the costs of permitting, purchasing, or installing home plug-in electric drive vehicle charging infrastructure; and

(iv) rebates or reductions in State or local toll road access charges;

(J) additional consumer benefits, such as preferred parking spaces or single-rider access to high-occupancy vehicle lanes for plug-in electric drive vehicles;

(K) a proposed plan for making necessary utility and grid upgrades, including economically sound and cybersecure information technology upgrades and employee training, and a plan for recovering the cost of the upgrades;

(L) a description of utility, grid operator, or third-party charging service provider, policies and plans for accommodating the deployment of plug-in electric drive vehicles, including—

(i) rate structures or provisions and billing protocols for the charging of plug-in electric drive vehicles;

(ii) analysis of potential impacts to the grid;

(iii) plans for using information technology or third-party aggregators—

(I) to minimize the effects of charging on peak loads;

(II) to enhance reliability; and

(III) to provide other grid benefits;

(iv) plans for working with smart grid technologies or third-party aggregators for the purposes of smart charging and for allowing 2-way communication;

(M) a deployment timeline;

(N) a plan for monitoring and evaluating the implementation of the plan, including metrics for assessing the success of the deployment and an approach to updating the plan, as appropriate; and

(O) a description of the manner in which any grant funds applied for under subsection (d) will be used and the proposed local cost share for the funds.

(d) PHASE 1 APPLICATIONS AND GRANTS.—

(1) APPLICATIONS.—

(A) IN GENERAL.—Not later than 150 days after the date of publication by the Secretary of selection criteria described in subsection (c)(3), any State, tribal, or local government, or group of State, tribal, or local governments may apply to the Secretary to become a deployment community.

(B) JOINT SPONSORSHIP.—

(i) IN GENERAL.—An application submitted under subparagraph (A) may be jointly sponsored by electric utilities, automobile manufacturers, technology providers, carsharing companies or organizations, third-party plug-in electric drive vehicle service providers, or other appropriated entities.

(ii) DISBURSEMENT OF GRANTS.—A grant provided under this subsection shall only be disbursed to a State, tribal, or local government, or group of State, tribal, or local governments, regardless of whether the application is jointly sponsored under clause (i).

(2) GRANTS.—

(A) IN GENERAL.—In each application, the applicant may request up to $100,000,000 in financial assistance from the Secretary to fund projects in the deployment community.

(B) USE OF FUNDS.—Funds provided through a grant under this paragraph may be used to help implement the plan for the deployment of plug-in electric drive vehicles included in the application, including—

(i) planning for and installing charging infrastructure, including offering additional incentives as described in subsection (c)(4)(I);

(ii) updating building codes, zoning or parking rules, or permitting or inspection processes as described in subparagraphs (F), (G), and (H) of subsection (c)(4);

(iii) reducing the cost and increasing the consumer adoption of plug-in electric drive vehicles through incentives as described in subsection (c)(4)(I);

(iv) workforce training, including training of permitting officials;

(v) public education and marketing described in the proposed marketing plan;

(vi) shifting State, tribal, or local government fleets to plug-in electric drive vehicles, at a rate in excess of the existing alternative fueled fleet vehicle acquisition requirements for Federal fleets under section 303(b)(1)(D) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)(D)); and

(vii) necessary utility and grid upgrades as described in subsection (c)(4)(K).

(C) COST-SHARING.—

(i) IN GENERAL.—A grant provided under this paragraph shall be subject to a minimum non-Federal cost-sharing requirement of 20 percent.

(ii) NON-FEDERAL SOURCES.—The Secretary shall—

(I) determine the appropriate cost share for each selected applicant; and

(II) require that the Federal contribution to total expenditures on activities described in clauses (ii), (iv), (v), and (vi) of subparagraph (B) not exceed 30 percent.

(iii) REDUCTION.—The Secretary may reduce or eliminate the cost-sharing requirement described in clause (i), as the Secretary determines to be necessary.

(iv) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal share under this section, the Secretary—

(I) may include allowable costs in accordance with the applicable cost principles, including—

(aa) cash;

(bb) personnel costs;

(cc) the value of a service, other resource, or third party in-kind contribution determined in accordance with the applicable circular of the Office of Management and Budget;

(dd) indirect costs or facilities and administrative costs; or

(ee) any funds received under the power program of the Tennessee Valley Authority or any Power Marketing Administration (except to the extent that such funds are made available under an annual appropriation Act);

(II) shall include contributions made by State, tribal, or local government entities and private entities; and

(III) shall not include—

(aa) revenues or royalties from the prospective operation of an activity beyond the time considered in the grant;

(bb) proceeds from the prospective sale of an asset of an activity; or

(cc) other appropriated Federal funds.

(v) REPAYMENT OF FEDERAL SHARE.—The Secretary shall not require repayment of the Federal share of a cost-shared activity under this section as a condition of providing a grant.

(vi) TITLE TO PROPERTY.—The Secretary may vest title or other property interests acquired under projects funded under this title in any entity, including the United States.

(3) SELECTION.—Not later than 120 days after an application deadline has been established under paragraph (1), the Secretary shall announce the names of the deployment communities selected under this subsection.

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall—

(A) determine what data will be required to be collected by participants in deployment communities and submitted to the Department to allow for analysis of the deployment communities;

(B) provide for the protection of consumer privacy, as appropriate; and

(C) develop metrics to evaluate the performance of the deployment communities.

(2) PROVISION OF DATA.—As a condition of participation in the Program, a deployment community shall provide any data identified by the Secretary under paragraph (1).

(3) REPORTS.—Not later than 3 years after the date of enactment of this Act and again after the completion of the Program, the Secretary shall submit to Congress a report that contains—

(A) a description of the status of—

(i) the deployment communities and the implementation of the deployment plan of each deployment community;

(ii) the rate of vehicle deployment and market penetration of plug-in electric drive vehicles; and

(iii) the deployment of residential and publicly available infrastructure;

(B) a description of the challenges experienced and lessons learned from the program to date, including the activities described in subparagraph (A); and

(C) an analysis of the data collected under this subsection.

(f) PROPRIETARY INFORMATION.—The Secretary shall, as appropriate, provide for the protection of proprietary information and intellectual property rights.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000,000.

(h) CONFORMING AMENDMENT.—Section 166(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''Before September 30, 2009, the State'' and inserting ''The State''; and

(2) in subparagraph (B), by striking ''Before September 30, 2009, the State'' and inserting ''The State''.

SEC. 2117. FUNDING.

(a) TARGETED PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT COMMUNITIES PROGRAM.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out section 2116 $400,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out section 2116 the funds transferred under paragraph (1), without further appropriation.

(b) OTHER PROVISIONS.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subtitle (other than section 2116) $100,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subtitle (other than section 2116) the funds transferred under paragraph (1), without further appropriation.

Subtitle B—Research and Development

SEC. 2121. RESEARCH AND DEVELOPMENT PROGRAM.

(a) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish a program to fund research and development in advanced batteries, plug-in electric drive vehicle components, plug-in electric drive infrastructure, and other technologies supporting the development, manufacture, and deployment of plug-in electric drive vehicles and charging infrastructure.

(2) USE OF FUNDS.—The program may include funding for—

(A) the development of low-cost, smart-charging and vehicle-to-grid connectivity technology;

(B) the benchmarking and assessment of open software systems using nationally established evaluation criteria; and

(C) new technologies in electricity storage or electric drive components for vehicles.

(3) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of the program described in paragraph (1).

(b) SECONDARY USE APPLICATIONS PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall carry out a research, development, and demonstration program that builds upon any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195) and—

(A) identifies possible uses of a vehicle battery after the useful life of the battery in a vehicle has been exhausted;

(B) assesses the potential for markets for uses described in subparagraph (A) to develop, as well as any barriers to the development of the markets;

(C) identifies the infrastructure, technology, and equipment needed to manage the charging activity of the batteries used in stationary sources; and

(D) identifies the potential uses of a vehicle battery—

(i) with the most promise for market development; and

(ii) for which market development would be aided by a demonstration project.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in paragraph (1), including recommendations for stationary energy storage and other potential applications for batteries used in plug-in electric drive vehicles.

(c) SECONDARY USE DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Based on the results of the program described in subsection (b), the Secretary, in consultation with the Committee, shall develop guidelines for projects that demonstrate the secondary uses of vehicle batteries.

(2) PUBLICATION OF GUIDELINES.—Not later than 30 months after the date of enactment of this Act, the Secretary shall—

(A) publish the guidelines described in paragraph (1); and

(B) solicit applications for funding for demonstration projects.

(3) GRANT PROGRAM.—Not later than 38 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this section, based on an assessment of which proposals are mostly likely to contribute to the development of a secondary market for batteries.

(d) MATERIALS RECYCLING STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall carry out a study on the recycling of materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the study described in paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,535,000,000, including—

(1) $1,500,000,000 for use in conducting the program described in subsection (a) for fiscal years 2011 through 2020;

(2) $5,000,000 for use in conducting the program described in subsection (b) for fiscal years 2011 through 2016;

(3) $25,000,000 for use in providing grants described in subsection (c) for fiscal years 2011 through 2020; and

(4) $5,000,000 for use in conducting the study described in subsection (d) for fiscal years 2011 through 2013.

SEC. 2122. ADVANCED BATTERIES FOR TOMORROW PRIZE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, as part of the program described in section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish the Advanced Batteries for Tomorrow Prize to competitively award cash prizes in accordance with this section to advance the research, development, demonstration, and commercial application of a 500-mile vehicle battery.

(b) BATTERY SPECIFICATIONS.—

(1) IN GENERAL.—To be eligible for the Prize, a battery submitted by an entrant shall be—

(A) able to power a plug-in electric drive vehicle authorized to travel on the United States Federal-aid system of highways for at least 500 miles before recharging;

(B) of a size that would not be cost-prohibitive or create space constraints, if mass-produced; and

(C) cost-effective (measured in cost per kilowatt hour), if mass-produced.

(2) ADDITIONAL REQUIREMENTS.—The Secretary, in consultation with the Committee, shall establish any additional battery specifications that the Secretary and the Committee determine to be necessary.

(c) PRIVATE FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(2) RESTRICTION ON PARTICIPATION.—An entity providing private funds for the Prize may not participate in the competition for the Prize.

(d) TECHNICAL REVIEW.—The Secretary, in consultation with the Committee, shall establish a technical review committee composed of non-Federal officers to review data submitted by Prize entrants under this section and determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may select, on a competitive basis, a third party to administer awards provided under this section.

(f) ELIGIBILITY.—To be eligible for an award under this section—

(1) in the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States; and

(2) in the case of an individual (whether participating as a single individual or in a group), the individual shall be a citizen or lawful permanent resident of the United States.

(g) AWARD AMOUNTS.—

(1) IN GENERAL.—Subject to the availability of funds to carry out this section, the amount of the Prize shall be $10,000,000.

(2) BREAKTHROUGH ACHIEVEMENT AWARDS.—In addition to the award described in paragraph (1), the Secretary, in consultation with the technical review committee established under subsection (d), may award cash prizes, in amounts determined by the Secretary, in recognition of breakthrough achievements in research, development, demonstration, and commercial application of—

(A) activities described in subsection (b); or

(B) advances in battery durability, energy density, and power density.

(h) 500-MILE BATTERY AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''500-mile Battery Fund'' (referred to in this section as the ''Fund''), to be administered by the Secretary, to be available without fiscal year limitation and subject to appropriation, to award amounts under this section.

(2) TRANSFERS TO FUND.—The Fund shall consist of—

(A) such amounts as are appropriated to the Fund under subsection (i); and

(B) such amounts as are described in subsection (c) and that are provided for the Fund.

(3) PROHIBITION.—Amounts in the Fund may not be made available for any purpose other than a purposes described in subsection (a).

(4) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2012, the Secretary shall submit a report on the operation of the Fund during the fiscal year to—

(i) the Committees on Appropriations of the House of Representatives and of the Senate;

(ii) the Committee on Energy and Natural Resources of the Senate; and

(iii) the Committee on Energy and Commerce of the House of Representatives.

(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

(i) A statement of the amounts deposited into the Fund.

(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.

(5) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended—

(A) by redesignating paragraphs (35) and (36) as paragraphs (36) and (37), respectively;

(B) by redesignating the second paragraph (33) (relating to obligational authority and outlays requested for homeland security) as paragraph (35); and

(C) by adding at the end the following:

''(38) a separate statement for the 500-mile Battery Fund established under section 8(h) of the 'Promoting Electric Vehicles Act of 2010', which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.''.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) $10,000,000 to carry out subsection (g)(1); and

(2) $1,000,000 to carry out subsection (g)(2).

SEC. 2123. STUDY ON THE SUPPLY OF RAW MATERIALS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary and the Task Force, shall conduct a study that—

(1) identifies the raw materials needed for the manufacture of plug-in electric drive vehicles, batteries, and other components for plug-in electric drive vehicles, and for the infrastructure needed to support plug-in electric drive vehicles;

(2) describes the primary or original sources and known reserves and resources of those raw materials;

(3) assesses, in consultation with the National Academy of Sciences, the degree of risk to the manufacture, maintenance, deployment, and use of plug-in electric drive vehicles associated with the supply of those raw materials; and

(4) identifies pathways to securing reliable and resilient supplies of those raw materials.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report that describes the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,500,000.

SEC. 2124. STUDY ON THE COLLECTION AND PRESERVATION OF DATA COLLECTED FROM PLUG-IN ELECTRIC DRIVE VEHICLES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Committee, shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study that—

(1) identifies—

(A) the data that may be collected from plug-in electric drive vehicles, including data on the location, charging patterns, and usage of plug-in electric drive vehicles;

(B) the scientific, economic, commercial, security, and historic potential of the data described in subparagraph (A); and

(C) any laws or regulations that relate to the data described in subparagraph (A); and

(2) analyzes and provides recommendations on matters that include procedures, technologies, and rules relating to the collection, storage, and preservation of the data described in paragraph (1)(A).

(b) REPORT.—Not later than 15 months after the date of an agreement between the Secretary and the Academy under subsection (a), the National Academy of Sciences shall submit to the appropriate committees of Congress a report that describes the results of the study under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

Subtitle C—Miscellaneous

SEC. 2131. UTILITY PLANNING FOR PLUG-IN ELECTRIC DRIVE VEHICLES.

(a) IN GENERAL.—The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended—

(1) in section 111(d) (16 U.S.C. 2621(d)), by adding at the end the following:

''(20) PLUG-IN ELECTRIC DRIVE VEHICLE PLANNING.—

''(A) UTILITY PLAN FOR PLUG-IN ELECTRIC DRIVE VEHICLES.—

''(i) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, each electric utility shall develop a plan to support the use of plug-in electric drive vehicles, including medium- and heavy-duty hybrid electric vehicles in the service area of the electric utility.

''(ii) REQUIREMENTS.—A plan under clause (i) shall investigate—

''(I) various levels of potential penetration of plug-in electric drive vehicles in the utility service area;

''(II) the potential impacts that the various levels of penetration and charging scenarios (including charging rates and daily hours of charging) would have on generation, distribution infrastructure, and the operation of the transmission grid; and

''(III) the role of third parties in providing reliable and economical charging services.

''(iii) WAIVER.—

''(I) IN GENERAL.—An electric utility that determines that the electric utility will not be impacted by plug-in electric drive vehicles during the 5-year period beginning on the date of enactment of this paragraph may petition the Secretary to waive clause (i) for 5 years.

''(II) APPROVAL.—Approval of a waiver under subclause (I) shall be in the sole discretion of the Secretary.

''(iv) UPDATES.—

''(I) IN GENERAL.—Each electric utility shall update the plan of the electric utility every 5 years.

''(II) RESUBMISSION OF WAIVER.—An electric utility that received a waiver under clause (iii) and wants the waiver to continue after the expiration of the waiver shall be required to resubmit the waiver.

''(v) EXEMPTION.—If the Secretary determines that a plan required by a State regulatory authority meets the requirements of this paragraph, the Secretary may accept that plan and exempt the electric utility submitting the plan from the requirements of clause (i).

''(B) SUPPORT REQUIREMENTS.—Each State regulatory authority (in the case of each electric utility for which the authority has ratemaking authority) and each municipal and cooperative utility shall—

''(i) participate in any local plan for the deployment of recharging infrastructure in communities located in the footprint of the authority or utility;

''(ii) require that charging infrastructure deployed is interoperable with products of all auto manufacturers to the maximum extent practicable; and

''(iii) consider adopting minimum requirements for deployment of electrical charging infrastructure and other appropriate requirements necessary to support the use of plug-in electric drive vehicles.

''(C) COST RECOVERY.—Each State regulatory authority (in the case of each electric utility for which the authority has ratemaking authority) and each municipal and cooperative utility may consider whether, and to what extent, to allow cost recovery for plans and implementation of plans.

''(D) DETERMINATION.—Not later than 3 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority), and each municipal and cooperative electric utility, shall complete the consideration, and shall make the determination, referred to in subsection (a) with respect to the standard established by this paragraph.'';

(2) in section 112(c) (16 U.S.C. 2622(c))—

(A) in the first sentence, by striking ''Each State'' and inserting the following:

''(1) IN GENERAL.—Each State'';

(B) in the second sentence, by striking ''In the case'' and inserting the following:

''(2) SPECIFIC STANDARDS.—

''(A) NET METERING AND FOSSIL FUEL GENERATION EFFICIENCY.—In the case'';

(C) in the third sentence, by striking ''In the case'' and inserting the following:

''(B) TIME-BASED METERING AND COMMUNICATIONS.—In the case'';

(D) in the fourth sentence—

(i) by striking ''In the case'' and inserting the following:

''(C) INTERCONNECTION.—In the case''; and

(ii) by striking ''paragraph (15)'' and inserting ''paragraph (15) of section 111(d)'';

(E) in the fifth sentence, by striking ''In the case'' and inserting the following:

''(D) INTEGRATED RESOURCE PLANNING, RATE DESIGN MODIFICATIONS, SMART GRID INVESTMENTS, SMART GRID INFORMATION.—In the case''; and

(F) by adding at the end the following:

''(E) PLUG-IN ELECTRIC DRIVE VEHICLE PLANNING.—In the case of the standards established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph.''; and

(3) in section 112(d) (16 U.S.C. 2622(d)), in the matter preceding paragraph (1), by striking ''(19)'' and inserting ''(20)''.

(b) REPORT.—

(1) IN GENERAL.—The Secretary, in consultation with the Technical Advisory Committee, shall convene a group of utility stakeholders, charging infrastructure providers, third party aggregators, and others, as appropriate, to discuss and determine the potential models for the technically and logistically challenging issues involved in using electricity as a fuel for vehicles, including—

(A) accommodation for billing for charging a plug-in electric drive vehicle, both at home and at publicly available charging infrastructure;

(B) plans for anticipating vehicle to grid applications that will allow batteries in cars as well as banks of batteries to be used for grid storage, ancillary services provision, and backup power;

(C) integration of plug-in electric drive vehicles with smart grid, including protocols and standards, necessary equipment, and information technology systems; and

(D) any other barriers to installing sufficient and appropriate charging infrastructure.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) the issues and model solutions described in paragraph (1); and

(B) any other issues that the Task Force and Secretary determine to be appropriate.

SEC. 2132. LOAN GUARANTEES.

(a) LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES FOR USE IN STATIONARY APPLICATIONS.—Subtitle B of title I of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

''SEC. 137. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.

''(a) DEFINITIONS.—In this section:

''(1) QUALIFIED AUTOMOTIVE BATTERY.—The term 'qualified automotive battery' means a battery that—

''(A) has at least 4 kilowatt hours of battery capacity; and

''(B) is designed for use in qualified plug-in electric drive motor vehicles but is purchased for nonautomotive applications.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an original equipment manufacturer;

''(B) an electric utility;

''(C) any provider of range extension infrastructure; or

''(D) any other qualified entity, as determined by the Secretary.

''(b) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary shall guarantee loans made to eligible entities for the aggregate purchase of not less than 200 qualified automotive batteries in a calendar year that have a total minimum power rating of 1 megawatt and use advanced battery technology.

''(2) RESTRICTION.—As a condition of receiving a loan guarantee under this section, an entity purchasing qualified automotive batteries with loan funds guaranteed under this section shall comply with the provisions of the Buy American Act (41 U.S.C. 10a et seq.).

''(c) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000.''.

(b) LOAN GUARANTEES FOR CHARGING INFRASTRUCTURE.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Charging infrastructure and networks of charging infrastructure for plug-in drive electric vehicles, if the charging infrastructure will be operational prior to December 31, 2016.''.

SEC. 2133. PROHIBITION ON DISPOSING OF ADVANCED BATTERIES IN LANDFILLS.

(a) DEFINITION OF ADVANCED BATTERY.—

(1) IN GENERAL.—In this section, the term ''advanced battery'' means a battery that is a secondary (rechargeable) electrochemical energy storage device that has enhanced energy capacity.

(2) EXCLUSIONS.—The term ''advanced battery'' does not include—

(A) a primary (nonrechargeable) battery; or

(B) a lead-acid battery that is used to start or serve as the principal electrical power source for a plug-in electric drive vehicle.

(b) REQUIREMENT.—An advanced battery from a plug-in electric drive vehicle shall be disposed of in accordance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976'').

SEC. 2134. PLUG-IN ELECTRIC DRIVE VEHICLE TECHNICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—There is established the Plug-in Electric Drive Vehicle Technical Advisory Committee to advise the Secretary on the programs and activities under this title.

(b) MISSION.—The mission of the Committee shall be to advise the Secretary on technical matters, including—

(1) the priorities for research and development;

(2) means of accelerating the deployment of safe, economical, and efficient plug-in electric drive vehicles for mass market adoption;

(3) the development and deployment of charging infrastructure;

(4) the development of uniform codes, standards, and safety protocols for plug-in electric drive vehicles and charging infrastructure; and

(5) reporting on the competitiveness of the United States in plug-in electric drive vehicle and infrastructure research, manufacturing, and deployment.

(c) MEMBERSHIP.—

(1) MEMBERS.—

(A) IN GENERAL.—The Committee shall consist of not less than 12, but not more than 25, members.

(B) REPRESENTATION.—The Secretary shall appoint the members to Committee from among representatives of—

(i) domestic industry;

(ii) institutions of higher education;

(iii) professional societies;

(iv) Federal, State, and local governmental agencies (including the National Laboratories); and

(v) financial, transportation, labor, environmental, electric utility, or other appropriate organizations or individuals with direct experience in deploying and marketing plug-in electric drive vehicles, as the Secretary determines to be necessary.

(2) TERMS.—

(A) IN GENERAL.—The term of a Committee member shall not be longer than 3 years.

(B) STAGGERED TERMS.—The Secretary may appoint members to the Committee for differing term lengths to ensure continuity in the functioning of the Committee.

(C) REAPPOINTMENTS.—A member of the Committee whose term is expiring may be reappointed.

(3) CHAIRPERSON.—The Committee shall have a chairperson, who shall be elected by and from the members.

(d) REVIEW.—The Committee shall review and make recommendations to the Secretary on the implementation of programs and activities under this title.

(e) RESPONSE.—

(1) IN GENERAL.—The Secretary shall consider and may adopt any recommendation of the Committee under subsection (c).

(2) BIENNIAL REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report describing any new recommendations of the Committee.

(B) CONTENTS.—The report shall include—

(i) a description of the manner in which the Secretary has implemented or plans to implement the recommendations of the Committee; or

(ii) an explanation of the reason that a recommendation of the Committee has not been implemented.

(C) TIMING.—The report described in this paragraph shall be submitted by the Secretary at the same time the President submits the budget proposal for the Department of Energy to Congress.

(f) COORDINATION.—The Committee shall—

(1) hold joint annual meetings with the Hydrogen and Fuel Cell Technical Advisory Committee established by section 807 of the Energy Policy Act of 2005 (42 U.S.C. 16156) to help coordinate the work and recommendations of the Committees; and

(2) coordinate efforts, to the maximum extent practicable, with all existing independent, departmental, and other advisory Committees, as determined to be appropriate by the Secretary.

(g) SUPPORT.—The Secretary shall provide to the Committee the resources necessary to carry out this section, as determined to be necessary by the Secretary.

SEC. 2135. PLUG-IN ELECTRIC DRIVE VEHICLE INTERAGENCY TASK FORCE.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall establish the Plug-in Electric Drive Vehicle Interagency Task Force, to be chaired by the Secretary and which shall consist of at least 1 representative from each of—

(1) the Office of Science and Technology Policy;

(2) the Council on Environmental Quality;

(3) the Department of Energy;

(4) the Department of Transportation;

(5) the Department of Defense;

(6) the Department of Commerce (including the National Institute of Standards and Technology);

(7) the Environmental Protection Agency;

(8) the General Services Administration; and

(9) any other Federal agencies that the President determines to be appropriate.

(b) MISSION.—The mission of the Task Force shall be to ensure awareness, coordination, and integration of the activities of the Federal Government relating to plug-in electric drive vehicles, including—

(1) plug-in electric drive vehicle research and development (including necessary components);

(2) the development of widely accepted smart-grid standards and protocols for charging infrastructure;

(3) the relationship of plug-in electric drive vehicle charging practices to electric utility regulation;

(4) the relationship of plug-in electric drive vehicle deployment to system reliability and security;

(5) the general deployment of plug-in electric drive vehicles in the Federal, State, and local governments and for private use;

(6) the development of uniform codes, standards, and safety protocols for plug-in electric drive vehicles and charging infrastructure; and

(7) the alignment of international plug-in electric drive vehicle standards.

(c) ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section, the Task Force may—

(A) organize workshops and conferences;

(B) issue publications; and

(C) create databases.

(2) MANDATORY ACTIVITIES.—In carrying out this section, the Task Force shall—

(A) foster the exchange of generic, nonproprietary information and technology among industry, academia, and the Federal Government;

(B) integrate and disseminate technical and other information made available as a result of the programs and activities under this title;

(C) support education about plug-in electric drive vehicles;

(D) monitor, analyze, and report on the effects of plug-in electric drive vehicle deployment on the environment and public health, including air emissions from vehicles and electricity generating units; and

(E) review and report on—

(i) opportunities to use Federal programs (including laws, regulations, and guidelines) to promote the deployment of plug-in electric drive vehicles; and

(ii) any barriers to the deployment of plug-in electric drive vehicles, including barriers that are attributable to Federal programs (including laws, regulations, and guidelines).

(d) AGENCY COOPERATION.—A Federal agency—

(1) shall cooperate with the Task Force; and

(2) provide, on request of the Task Force, appropriate assistance in carrying out this section, in accordance with applicable Federal laws (including regulations).

DIVISION C—CLEAN ENERGY JOBS AND CONSUMER SAVINGS

TITLE XXX—HOME STAR RETROFIT REBATE PROGRAM

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Home Star Retrofit Act of 2010''.

SEC. 3002. DEFINITIONS.

In this title:

(1) ACCREDITED CONTRACTOR.—The term ''accredited contractor'' means a residential energy efficiency contractor that meets the minimum applicable requirements established under subsections (a) and (b) of section 3004.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) BPI.—The term ''BPI'' means the Building Performance Institute.

(4) CERTIFIED WORKFORCE.—The term ''certified workforce'' means a residential efficiency construction workforce in which all persons performing installation work in the areas of building envelope retrofits, duct sealing, or any other additional skill category designated by the Secretary of Labor, in consultation with stakeholders and the Secretary of Energy, are certified through an existing certification that covers the appropriate job skills under—

(A) an applicable third party skills standard established—

(i) by the BPI;

(ii) by the North American Technician Excellence;

(iii) by the Laborers' International Union of North America;

(B) an applicable third party skills standard established in the State in which the work is to be performed, pursuant to a program operated by the Home Builders Institute in connection with Ferris State University, to be effective beginning on the date that is 30 days after the date notice is provided by those organizations to the Secretary that the program has been established in the State unless the Secretary determines, not later than 30 days after the date of the notice, that the standard or certification does not equal in quality the standards and certifications described in subparagraph (A); or

(C) other standards that the Secretary shall approve not later than 30 days after the date of submission, in consultation with the Secretary of Labor and the Administrator.

(5) CONDITIONED SPACE.—The term ''conditioned space'' means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) CONTRACTOR.—The term ''contractor'' means a residential efficiency contracting business entity.

(7) DOE.—The term ''DOE'' means the Department of Energy.

(8) ELECTRIC UTILITY.—The term ''electric utility'' means any person or State agency that delivers or sells electric energy at retail, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(9) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(10) FEDERAL REBATE PROCESSING SYSTEM.—The term ''Federal Rebate Processing System'' means the Federal Rebate Processing System established under section 3003(b).

(11) GOLD STAR HOME RETROFIT PROGRAM.—The term ''Gold Star Home Retrofit Program'' means the Gold Star Home Retrofit Program established under section 3008.

(12) HOME.—The term ''home'' means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(13) HOMEOWNER.—The term ''homeowner'' means the resident or non-resident owner of record of a home.

(14) HOME STAR LOAN PROGRAM.—The term ''Home Star loan program'' means the Home Star efficiency loan program established under section 3015(a).

(15) HOME STAR RETROFIT REBATE PROGRAM.—The term ''Home Star Retrofit Rebate Program'' means the Home Star Retrofit Rebate Program established under section 3003(a).

(16) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(17) NATURAL GAS UTILITY.—The term ''natural gas utility'' means any person or State agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(18) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a contractor that meets minimum applicable requirements established under section 3004(a).

(19) QUALITY ASSURANCE FRAMEWORK.—The term ''quality assurance framework'' means a policy adopted by a State to develop high standards for ensuring quality in ongoing efficiency retrofit activities in which the State has a role, including operation of the quality assurance program and creating significant employment opportunities, in particular for targeted workers.

(20) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term ''quality assurance program'' means a program established under this title or recognized by the Secretary under this title, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this title.

(B) INCLUSIONS.—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(21) QUALITY ASSURANCE PROVIDER.—The term ''quality assurance provider'' means any entity that meets the minimum applicable requirements established under section 3006.

(22) REBATE AGGREGATOR.—The term ''rebate aggregator'' means an entity that meets the requirements of section 3005.

(23) RESNET.—The term ''RESNET'' means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

(24) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(25) SILVER STAR HOME RETROFIT PROGRAM.—The term ''Silver Star Home Retrofit Program'' means the Silver Star Home Retrofit Program established under section 3007.

(26) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) any other territory or possession of the United States.

(27) TARGETED WORKER.—The term ''targeted worker'' means—

(A) an individual who (as determined by the Secretary of Labor, in consultation with the Secretary of Energy)—

(i) is old enough to be employed under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and State law;

(ii) resides in an area with high or chronic unemployment and low median household incomes; and

(iii) is unemployed or underemployed; or

(B) a veteran of Operation Iraqi Freedom or Operation Enduring Freedom.

(28) VENDOR.—The term ''vendor'' means any retailer that sells directly to homeowners and contractors the materials used for the savings measures under section 3007.

(29) WATERSENSE PRODUCT OR SERVICE.—The term ''WaterSense product or service'' means a water-efficient product or service that meets specifications established by the Administrator under the WaterSense Program of the Environmental Protection Agency.

SEC. 3003. HOME STAR RETROFIT REBATE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) FEDERAL REBATE PROCESSING SYSTEM.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

(i) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(ii) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(I) how to determine whether particular efficiency measures are eligible for rebates; and

(II) how to participate in the program;

(iii) make available, on a designated website, model forms for compliance with all applicable requirements of this title, to be submitted by—

(I) each qualified contractor on completion of an eligible home retrofit;

(II) each quality assurance provider on completion of field verification; and

(III) each purchaser of a WaterSense product or service; and

(iv) subject to section 3016, provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(B) DISTRIBUTION OF FUNDS.—Not later than 10 days after the date of receipt of bundled rebate applications from a rebate aggregator, the Secretary shall distribute funds to the rebate aggregator on approved claims for reimbursement made to the Federal Rebate Processing System.

(C) FUNDING AVAILABILITY.—The Secretary shall post, on a weekly basis, on the national retrofit website established under subparagraph (A)(ii) information on—

(i) the total number of rebate claims approved for reimbursement; and

(ii) the total amount of funds disbursed for rebates.

(D) PROGRAM ADJUSTMENT OR TERMINATION.—Based on the information described in subparagraph (C), the Secretary shall announce a termination date and reserve funding to process the rebate applications that are in the Federal Rebate Processing System prior to the termination date to ensure that all valid applications made to the program for rebate reimbursement are paid.

(2) MODEL FORMS.—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) ADMINISTRATIVE AND TECHNICAL SUPPORT.—Effective beginning not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(d) PUBLIC INFORMATION CAMPAIGN.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy and water-saving retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

(e) LIMITATION.—Silver Star rebates provided under section 3007 and Gold Star rebates provided under section 3008 may be provided for the same home only if—

(1) Silver Star rebates are awarded prior to Gold Star rebates;

(2) savings obtained from measures under the Silver Star Home Retrofit Program are not counted towards the simulated savings that determine the value of a rebate under the Gold Star Home Retrofit Program; and

(3) the combined Silver Star and Gold Star rebates provided to the individual homeowner do not exceed $8,000.

(f) AVAILABILITY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall ensure that Home Star retrofit rebates are available to all homeowners in the United States to the maximum extent practicable.

SEC. 3004. CONTRACTORS.

(a) CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME RETROFIT PROGRAM.—A contractor may perform retrofit work under the Silver Star Home Retrofit Program only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the applicable State or, if none exist at the State level, the Secretary;

(2) insurance coverage of at least $1,000,000 for general liability, and for such other purposes and in such other amounts as required by the State;

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) an agreement to provide the owner of a home, through a discount, the full economic value of all rebates received under this title with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of —

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this title; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME RETROFIT PROGRAM.—

(1) IN GENERAL.—A contractor may perform retrofit work under the Gold Star Home Retrofit Program only if the contractor—

(A) meets the requirements for qualified contractors under subsection (a);

(B) is accredited—

(i) by the BPI; or

(ii) under other standards that the Secretary shall approve not later than 30 days after the date of submission, in consultation with the Administrator, under an equivalent accreditation approved by the Secretary under which the contractor, at a minimum—

(I) educates the consumer on the value of comprehensive energy retrofit work;

(II) meets whole house contracting standards in conducting home performance work relating to home energy auditing, health and safety testing, heating, air-conditioning, and heat pumps;

(III) employs sufficient levels of staff who are certified to the standards covering the appropriate whole house energy audits and retrofit upgrades;

(IV) maintains calibrated diagnostic equipment for use in conducting energy retrofitting, assessment, and health and safety testing on the house;

(V) records and maintains all project information for review during the quality assurance inspection;

(VI) maintains quality assurance records of internal reviews of the operation and performance of the business;

(VII) adopts a customer dispute resolution policy that establishes a specific time line in resolving any disputes with the consumer; and

(VIII) meets such other standards as are required by the Secretary;

(C) except as provided in paragraph (2), effective 1 year after the date on which funds are provided under this title, employs a certified workforce; and

(D) effective beginning 1 year after the date of enactment of this Act, meets all requirements of an applicable State quality assurance framework.

(2) EXCEPTION.—A contractor described in paragraph (1)(C) may employ a person who is not certified to perform installation work covered under section 3002(4) if the employee—

(A) has not worked for the contractor or on Home Star projects for a period of more than 180 days;

(B) is supervised on each project by a fellow employee who is certified under section 3002(4) to perform the applicable covered work;

(C) is the only person who performs covered installation work on a project and has not been certified under section 3002(4); and

(D) is directly employed by the contractor or the subcontractor of the contractor, and not self employed, or employed through a temporary employment agency, staffing service, or other intermediary.

(c) HEALTH AND SAFETY REQUIREMENTS.—Nothing in this title relieves any contractor from the obligation to comply with applicable Federal, State, and local health and safety code requirements.

SEC. 3005. REBATE AGGREGATORS.

(a) IN GENERAL.—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors and vendors for discounts provided to homeowners for efficiency retrofit work.

(b) RESPONSIBILITIES.—Rebate aggregators shall—

(1) review the proposed rebate application for completeness and accuracy;

(2) review measures under the Silver Star Home Retrofit Program and savings under the Gold Star Home Retrofit Program for eligibility in accordance with this title;

(3) provide data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) distribute funds received from DOE to contractors, vendors, or other persons.

(c) PROCESSING REBATE APPLICATIONS.—A rebate aggregator shall—

(1) submit the rebate application to the Federal Rebate Processing Center not later than 14 days after the date of receipt of a rebate application from a contractor; and

(2) distribute funds to the contractor not later than 6 days after the date of receipt from the Federal Rebate Processing System.

(d) ELIGIBILITY.—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

(2) an entity administering a residential efficiency retrofit program established or approved by a State;

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of an rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State office regarding participation in the existing efficiency programs that will be delivering the Home Star Program.

(e) APPLICATION TO BECOME A REBATE AGGREGATOR.—Not later than 30 days after the date of receipt of an application of an entity seeking to become a rebate aggregator, the Secretary shall approve or deny the application on the basis of the eligibility criteria under subsection (d).

(f) APPLICATION PRIORITY.—In reviewing applications from entities seeking to become rebate aggregators, the Secretary shall give priority to entities that commit—

(1) to reviewing applications for participation in the program from all qualified contractors within a defined geographic region; and

(2) to processing rebate applications more rapidly than the minimum requirements established under the program.

(g) PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the savings from the participation of the utilities toward State-level savings targets; and

(2) work with States to assist in the adoption of the guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 3006. QUALITY ASSURANCE PROVIDERS.

(a) IN GENERAL.—An entity shall be considered a quality assurance provider under this title if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home efficiency retrofits;

(3) confirms compliance with the requirements of a ''certified workforce''; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the use of software simulation savings under the Gold Star program, based on the requirements of this title.

(b) INCLUSIONS.—An entity shall be considered a quality assurance provider under this title if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 3007. SILVER STAR HOME RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy-efficiency or water-saving retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy or water savings retrofit of a home for the installation of savings measures—

(1) selected from the list of energy and water savings measures described in subsection (b);

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

(b) ENERGY AND WATER SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under this section for the installation of the following energy or water savings measures for a home energy or water retrofit that meet technical standards established under this section:

(1) Whole house air-sealing measures (including interior and exterior measures and using sealants, caulks, insulating foams, gaskets, weather-stripping, mastics, and other building materials), in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R–19 insulation to existing insulation;

(C) result in at least R–38 insulation in DOE climate zones 1 through 4 and at least R–49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of the total conditioned footprint of the house.

(3) Duct seal or replacement that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement, replaces and seals at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R–19 of cavity insulation or R–15 of continuous insulation to existing crawl space insulation; or

(ii) R–13 of cavity insulation or R–10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R–10 of new continuous or R–13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows, or 75 percent of the exterior windows in a home, whichever is less, with windows that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under the 2010 Energy Star specification for doors.

(8) Skylight replacement that replaces at least 1 skylight with skylights that comply with criteria applicable to skylights under the 2010 Energy Star specification for skylights.

(9)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 95 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

(iii) an oil furnace with an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or wood pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home; and

(bb) in the case of a wood stove, replaces an existing wood stove with a stove that is EPA-certified, if a voucher is provided by the installer or other responsible party certifying that the old stove has been removed and made inoperable;

(II) the home has a distribution system (such as ducts, vents, blowers, or affixed fans) that allows heat from the wood stove, furnace, or boiler to reach all or most parts of the home; and

(III) an independent test laboratory approved by the Secretary or the Administrator certifies that the new system—

(aa) has thermal efficiency (with a lower heating value) of at least 75 percent for stoves and 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 3.0 grams per hour for wood stoves or pellet stoves, and less than 0.32 lbs per million BTU for outdoor boilers and furnaces.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI – 2007.

(10) Automatic water temperature controllers that vary boiler water temperature in response to changes in outdoor temperature or the demand for heat, if the retrofit is to an existing boiler and not in conjunction with a new boiler.

(11) Air-conditioner or heat-pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI–2007; and

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5; and

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(12) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a condensing storage water heater or tankless water heater with a thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R–16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (7);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) a water heater with a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation under specification SRCC-OG-300; or

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (11) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(13) Storm windows that—

(A) are installed on a least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(14) Roof replacement that replaces at least 75 percent of the roof area with energy-saving roof products certified under the Energy Star program.

(15) Window films that are installed on at least 8 exterior windows, doors, or skylights, or 75 percent of the total exterior square footage of glass, whichever is more, in a home with window films that—

(A) are certified by the National Fenestration Rating Council;

(B) have a Solar Heat Gain Coefficient of 0.43 or less with a visible light-to-solar heat gain ratio of at least 1.1 in 2009 International Energy Conservation Code climate zones 1 through 8; and

(C) are certified to reduce the U-factor of the National Fenestration Rating Council dual pane reference window by 0.05 or greater and are only applied to nonmetal frame dual pane windows in 2009 International Energy Conservation Code climate zones 4 through 8.

(16) WaterSense products or services.

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (16) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) AMOUNT OF REBATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be $1,000 per measure for the installation of savings measures described in subsection (b)

(2) HIGHER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be $1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) a heating system described in subsection (b)(9); and

(D) an air-conditioner or heat-pump replacement described in subsection (b)(11).

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) $125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) $125 per skylight for the installation of up to a maximum of 2 Energy Star skylights described in subsection (b)(8) for each home;

(C) $750 for a maximum of 1 natural gas or propane tankless water heater described in subsection (b)(12)(B) for each home;

(D) $450 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(12)(C) for each home;

(E) $250 for rim joist insulation described in subsection (b)(5)(B);

(F) $50 for each storm window described in subsection (b)(13);

(G) $500 for a desuperheater described in subsection (b)(12)(G)(ii);

(H) $500 for a wood or pellet stove that has a heating capacity of at least 28,000 BTU per hour (using the upper end of the range listed in the EPA list of Certified Wood Stoves) and meets all of the requirements of subsection (b)(9)(A)(v) other than the requirements in items (aa) and (bb) of subsection (b)(9)(A)(v)(I);

(I) $250 for an automatic water temperature controller described in subsection (b)(10);

(J) $500 for a roof described in subsection (b)(14);

(K) $500 for window films described in subsection (b)(15); and

(L) $150 for any combination of WaterSense products or services described in subsection (b)(16), if the total cost of all WaterSense products or services is at least $300.

(4) MAXIMUM AMOUNT.—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) $3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) if the Secretary finds that the net value to the homeowner of the rebates is less than the amount of the rebates, the actual net value to the homeowner.

(e) INSULATION PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—

(1) IN GENERAL.—A rebate shall be awarded under this section if—

(A) the measure—

(i) is—

(I) a whole house air-sealing measure described in subsection (b)(1);

(II) an attic insulation measure described in subsection (b)(2);

(III) a duct seal or replacement measure described in subsection (b)(3);

(IV) a wall insulation measure described in subsection (b)(4); or

(V) a crawl space insulation measure or basement wall and rim joist insulation measure described in subsection (b)(5);

(ii) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(iii) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator;

(iv) is not part of—

(I) a savings measure described in paragraphs (6) through (11) of subsection (b); and

(II) a retrofit for which a rebate is provided under the Gold Star Home Retrofit Program; and

(v) is not part of a savings measure described in paragraphs (1) through (5) in subsection (b) for which the homeowner received or will receive contracting services; or

(B) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(2) AMOUNT.—A rebate under this subsection shall be awarded in an amount equal to 50 percent of the total cost of the products described in paragraph (1), but not to exceed $250 per home.

(f) QUALIFICATION FOR REBATE UNDER SILVER STAR HOME RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 3005, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 3008. GOLD STAR HOME RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency or water savings retrofit of a home is carried out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy or water savings.

(b) AMOUNT OF REBATE.—

(1) ENERGY SAVINGS.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner for energy savings under this section shall be—

(A) $3,000 for a 20-percent reduction in whole home energy consumption; and

(B) an additional $1,000 for each additional 5-percent reduction up to the lower of—

(i) $8,000; or

(ii) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(2) WATER SAVINGS.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner for a reduction in water consumption under this section shall be—

(A) $500 for measures that achieve a 20-percent reduction in water consumption; and

(B) an additional $100 for each additional 5-percent reduction in water consumption up to the lower of—

(i) $1,200; or

(ii) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) ENERGY AND WATER SAVINGS.—

(1) IN GENERAL.—Reductions in whole home energy or water consumption under this section shall be determined by a comparison of the simulated energy or water consumption of the home before and after the retrofit of the home.

(2) DOCUMENTATION.—The percent improvement in energy or water consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008–35; or

(iv) a HERS rating system required by State law.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy or water savings.

(4) ASSUMPTIONS AND TESTING.—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy or water consumption;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy or water usage to be bounded by metered pre-retrofit energy or water usage.

(5) RECOMMENDED MEASURES.—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Retrofit Program.

(6) QUANTIFICATION OF WATER SAVINGS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall make public an approved methodology for use in quantifying reductions in water consumption for the purpose of carrying out this section.

(d) QUALIFICATION FOR REBATE UNDER GOLD STAR HOME RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 3005, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) VERIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), all work installed in a home receiving a whole-home retrofit by an accredited contractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

(B) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(2) VERIFICATION NOT REQUIRED.—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy or water rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) a State-certified equivalent rating network, as specified in IRS Notice 2008–35; or

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06–001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 3009. GRANTS TO STATES AND INDIAN TRIBES.

(a) IN GENERAL.—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance programs;

(3) development and implementation of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this title;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program;

(6) assisting in the delivery of services to rental units; and

(7) the costs of carrying out the responsibilities of the State or Indian tribe under the Silver Star Home Retrofit Program and the Gold Star Home Retrofit Program.

(b) INITIAL GRANTS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) INDIAN TRIBES.—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) STATE ALLOTMENTS.—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 3016.

(e) QUALITY ASSURANCE PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

(A) operated as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) NONCOMPLIANCE.—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this title, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) IMPLEMENTATION.—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

(1) an energy or water service company;

(2) an electric utility;

(3) a natural gas utility;

(4) a third-party administrator designated by the State or Indian tribe;

(5) a unit of local government; or

(6) a public or private water utility.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing a program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Retrofit Program and the Gold Star Home Retrofit Program, including installation of qualified retrofit measures; and

(4) to assist in implementing quality assurance programs.

(h) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this title with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this title to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

SEC. 3010. QUALITY ASSURANCE FRAMEWORK.

(a) IN GENERAL.—Not later than 180 days after the date that the Secretary initially provides funds to a State under this title, the State shall submit to the Secretary a plan to implement a quality assurance framework.

(b) MODEL STATE PLANS.—The Secretary shall—

(1) as soon as practicable after the date of enactment of this Act, solicit the submission of model State quality assurance framework plans that are consistent with this section; and

(2) not later than 60 days after the date of enactment or the receipt of funding to carry out this title (whichever is later), approve 1 or more such model plans that incorporate nationally consistent high standards for optional use by States.

(c) IMPLEMENTATION.—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(d) COMPONENTS.—The quality assurance framework established under this section shall include—

(1) a requirement that contractors performing covered retrofits meet—

(A) the accreditation, workforce certification, and all other requirements established under section 3004(b); and

(B) minimum standards for accredited contractors, including—

(i) compliance with applicable Federal, State, and local laws;

(ii) maintenance of records needed to verify compliance; and

(iii) use of independent contractors only when appropriately classified as such pursuant to Revenue Ruling 87–41 and section 530 of the Revenue Act of 1978 and relevant State law;

(2) maintenance of a list of accredited contractors;

(3) requirements for maintenance and delivery to the Federal Rebate Processing System of information needed to verify compliance and ensure appropriate compensation for quality assurance providers;

(4) targets and realistic plans for—

(A) the recruitment of minority- and women-owned small business enterprises;

(B) the employment of graduates of training programs that primarily serve targeted workers;

(C) the employment of targeted workers; and

(D) the availability of financial assistance under the Home Star loan program to—

(i) public use microdata areas that have a poverty rate of 12 percent or more; and

(ii) homeowners served by units of local government in jurisdictions that have an unemployment rate that is 2 percent higher than the national unemployment rate;

(5) a plan to link workforce training for efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries;

(6) quarterly reports to the Secretary on the progress of implementation of the quality assurance framework and any success in meeting the targets and plans; and

(7) maintenance of a list of qualified quality assurance providers and minimum standards for the quality assurance providers.

(e) NONCOMPLIANCE.—If the Secretary determines that a State that has elected to implement a quality assurance program, but has failed to plan, develop, or implement a

quality assurance framework in accordance with this section, the Secretary shall suspend further grants for State administration pursuant to section 3016(b)(1).

(f) COORDINATION.—The Secretary shall take reasonable steps consistent with the existing authority of the Secretary to promote coordination between State quality assurance frameworks and any residential retrofit program funded in whole or in part by the Secretary, which may include the adoption of standards established under the quality assurance frameworks and the use of participating accredited contractors.

(g) EXCLUSIONS.—The quality assurance frameworks shall not apply to any measures or activities under the Silver Star Home Retrofit Program.

SEC. 3011. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this title.

(b) CONTENTS.—The report shall include a description of—

(1) the savings produced as a result of this title;

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this title;

(3) the specific entities implementing the efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this title were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this title; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 3012. ADMINISTRATION.

(a) IN GENERAL.—Subject to section 3016(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this title.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this title.

(c) RATE OF PAY.—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS–15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) CONSULTANTS.—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this title.

(e) CONTRACTING.—In carrying out this title, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98–369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a determination that circumstances make compliance with the provisions contrary to the public interest.

(f) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) DEADLINE.—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(3) LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall not use the authority provided under this subsection—

(i) to develop, adopt, or implement a public labeling system that rates and compares the energy or water performance of 1 home with another home; or

(ii) to require the public disclosure of an energy or water performance evaluation or rating developed for any specific home.

(B) ADMINISTRATION.—Nothing in this paragraph precludes—

(i) the computation, collection, or use by the Secretary, rebate aggregators, quality assurance providers, or States, for the purposes of carrying out sections 3007 and 3008, of information on the rating and comparison of the energy and water performance of homes with and without energy or water efficiency features or an energy or water performance evaluation or rating;

(ii) the use and publication of aggregate data (without identifying individual homes or participants) based on information referred to in clause (i) to determine or demonstrate the performance of the Home Star program; or

(iii) the provision of information referred to in clause (i) with respect to a specific home—

(I) to the State, homeowner, quality assurance provider, rebate aggregator, or contractor performing retrofit work on that home, or an entity providing Home Star services, as necessary to enable carrying out this title; or

(II) for purposes of prosecuting fraud or abuse.

(4) WATERSENSE PRODUCTS OR SERVICES.—In issuing regulations under this subsection, the Secretary shall coordinate with the Administrator to carry out the provisions of the Home Star Retrofit Rebate Program relating to WaterSense products or services.

(g) INFORMATION COLLECTION.—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(h) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may, after not less than 30 days public notice, prospectively adjust the rebate amounts provided in this section based on—

(1) the use of the Silver Star Home Retrofit Program and the Gold Star Home Retrofit Program; and

(2) other program data.

SEC. 3013. TREATMENT OF REBATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this title—

(1) shall not be considered taxable income to a homeowner;

(2) shall prohibit the consumer from applying for a tax credit allowed under section 25C or 25D of that Code for the same eligible measures performed in the home of the homeowner; and

(3) shall be considered a credit allowed under section 25C or 25D of that Code for purposes of any limitation on the amount of the credit under that section.

(b) NOTICE.—

(1) IN GENERAL.—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) NOTICE IN REBATE FORM.—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) AVAILABILITY OF REBATE FORM.—A participating contractor shall obtain the rebate form on a designated website in accordance with section 3003(b)(1)(A)(iii).

SEC. 3014. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to violate this title (including any regulation issued under this title), other than a violation as the result of a clerical error.

(b) CIVIL PENALTY.—Any person who commits a violation of this title shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

(1) $15,000 for each violation; or

(2) 3 times the value of any associated rebate under this title.

(c) ADMINISTRATION.—The Secretary may—

(1) assess and compromise a penalty imposed under subsection (b); and

(2) require from any entity the records and inspections necessary to enforce this title.

(d) EXCLUSION.—A State may bar a contractor from receiving receive rebates under this title if the contractor has committed repeated violations of this title.

(e) FRAUD.—In addition to any civil penalty, any person who commits a fraudulent violation of this title shall be subject to criminal prosecution.

SEC. 3015. HOME STAR EFFICIENCY LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner who receives financial assistance from a qualified financing entity to carry out energy or water efficiency or renewable energy improvements to an existing home or other residential building of the homeowner in accordance with the Gold Star Home Retrofit Program or the Silver Star Home Retrofit Program.

(2) PROGRAM.—The term ''program'' means the Home Star Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term ''qualified financing entity'' means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, public water system, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State or local government; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) ESTABLISHMENT.—The Secretary shall establish a Home Star Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, efficiency improvements that qualify under the Gold Star Home Retrofit Program or the Silver Star Home Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 3007 and 3008; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy or water savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy, water, or energy or water efficiency services contracts;

(v) efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of efficiency finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy and water efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy and water savings, homeowner energy and water bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) CREDIT SUPPORT FOR FINANCING PROGRAMS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) (as amended by section 2132(b)) is amended—

(1) in subsection (a), by adding at the end the following:

''(5) Energy and water efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.''.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) CREDIT SUPPORT FOR FINANCING PROGRAMS.—

''(1) IN GENERAL.—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

''(A) offer loan guarantees for portfolios of debt obligations; and

''(B) purchase or make commitments to purchase portfolios of debt obligations.

''(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; and

''(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

''(3) UNDERWRITING.—The Secretary may—

''(A) delegate underwriting responsibility for portfolios of debt obligations under this subsection to financial institutions that meet qualifications determined by the Secretary; and

''(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

''(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.''.

(j) TERMINATION OF EFFECTIVENESS.—The authority provided by this section and the amendments made by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

SEC. 3016. FUNDING.

(a) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this title $5,000,000,000, to remain available until September 30, 2012.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation.

(3) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), $380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 3009.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

(i) ALLOCATION FORMULA.—Funds described in subparagraph (A)(i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii) designed to support the objectives of achieving efficiency gains, employment of underemployed workers, and implementing quality assurance programs and frameworks in participating States.

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this title.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this title.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Retrofit Program or the Gold Star Home Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

(A)(i) in the case of the Silver Star Home Retrofit Program—

(I) $25 per rebate review and submission provided under the program; and

(II) $150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Retrofit Program—

(I) $35 for each rebate review and submission provided under the program; and

(II) $300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this title.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than $150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this title and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than $10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall reserve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME RETROFIT PROGRAM.—

(1) IN GENERAL.—In the case of the Silver Star Home Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (f), ⅔ of the remaining funds for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Retrofit Program.

(2) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—Of the amounts made available for the Silver Star Home Retrofit Program under this section, not more than $250,000,000 shall be made available for rebates under section 3007(e).

(h) GOLD STAR HOME RETROFIT PROGRAM.—

(1) IN GENERAL.—In the case of the Gold Star Home Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (g), ⅓ of the remaining funds for the 2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Retrofit Program.

(2) WATER EFFICIENCY RETROFITS.—Of the amounts made available for the Gold Star Home Retrofit Program under this section, $70,000,000 shall be made available for rebates for water efficiency retrofits under section 3008.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) REVIEW AND ANALYSIS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this title.

(B) RENTAL UNITS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall perform a review and analysis, with input and review from the Secretary of Housing and Urban Development, of the procedures for delivery of services to rental units.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that, as determined by the Secretary—

(A) have not sufficiently benefitted from the Home Star Retrofit Rebate Program; or

(B) in which rental units have not been adequately served.

(j) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Retrofit Program.

(2) GOLD STAR HOME RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than $200,000,000 shall be used to carry out the financing provisions of this title in accordance with section 3015.

DIVISION D—PROTECTING THE ENVIRONMENT

TITLE XL—LAND AND WATER CONSERVATION AUTHORIZATION AND FUNDING

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Land and Water Conservation Authorization and Funding Act of 2010''.

SEC. 4002. PERMANENT AUTHORIZATION; FULL FUNDING.

(a) PURPOSES.—The purposes of the amendments made by subsection (b) are—

(1) to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5); and

(2) to maximize the effectiveness of the fund for future generations.

(b) AMENDMENTS.—

(1) PERMANENT AUTHORIZATION.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5) is amended—

(A) in the matter preceding subsection (a), by striking ''During the period ending September 30, 2015, there'' and inserting ''There''; and

(B) in subsection (c)—

(i) in paragraph (1), by striking ''through September 30, 2015''; and

(ii) in paragraph (2), by striking '': *Provided*,'' and all that follows through the end of the sentence and inserting a period..

(2) FULL FUNDING.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6) is amended to read as follows:

''SEC. 3. AVAILABILITY OF FUNDS.

''(a) IN GENERAL.—

''(1) FISCAL YEARS 2011 THROUGH 2015.—For each of fiscal years 2011 through 2015, $900,000,000 of amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act, without further appropriation.

''(2) FISCAL YEAR 2016.—For fiscal year 2016—

''(A) $425,000,000 of amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act, without further appropriation; and

''(B) the remainder of amounts covered into the fund shall be available subject to appropriations, which may be made without fiscal year limitation.

''(3) FISCAL YEARS 2017 THROUGH 2020.—For each of fiscal years 2017 through 2020, amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act subject to appropriations, which may be made without fiscal year limitation.

''(4) FISCAL YEAR 2021 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2021 and each fiscal year thereafter—

''(A) $500,000,000 of amounts covered into the fund under section 2 shall be available to carry out the purposes of this Act, without further appropriation; and

''(B) the remainder of amounts covered into the fund shall be available subject to appropriations, which may be made without fiscal year limitation.

''(b) USES.—Amounts made available for obligation or expenditure from the fund may be obligated or expended only as provided in this Act.''.

(c) ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES.—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–7) is amended—

(1) in the first sentence, by inserting ''or expenditures'' after ''appropriations'';

(2) in the second sentence—

(A) by inserting ''or expenditures'' after ''appropriations''; and

(B) by inserting before the period at the end the following: '', including the amounts to be allocated from the fund for Federal and State purposes''; and

(3) by striking ''Those appropriations from'' and all that follows through the end of the section.

(d) CONFORMING AMENDMENTS.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)) is amended —

(1) in the matter preceding paragraph (1), by inserting ''or expended'' after ''appropriated'';

(2) in paragraph (1)—

(A) by inserting ''or expenditures'' after ''appropriations''; and

(B) by striking ''; and'' and inserting a period; and

(3) in the first sentence of paragraph (2), by inserting ''or expenditure'' after ''appropriation''.

(e) FEDERAL LAND ACQUISITION PROJECTS.—Section 7(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(2) in the matter preceding paragraph (2) (as redesignated by paragraph (1), by striking ''Moneys appropriated'' and all that follows through ''subpurposes'' and inserting the following:

''(1) PRIORITY LIST.—

''(A) IN GENERAL.—The President shall transmit, as part of the annual budget proposal, a priority list for Federal land acquisition projects.

''(B) AVAILABILITY OF AMOUNTS.—

''(i) IN GENERAL.—Amounts shall be made available from the fund, without further appropriation, on the date that is 15 days after the date on which the Congress adjourns sine die for each year, for the projects on the priority list of the President, unless prior to that date, legislation is enacted establishing an alternate priority list, in which case amounts from the fund shall be made available, without further appropriation, for expenditure on the projects on the alternate priority list.

''(ii) ALTERNATE PRIORITY LIST.—If Congress enacts legislation establishing an alternate priority list and the priority list provides for less than the amount made available for that fiscal year under this subsection, the difference between that amount and the amount required to fund projects on

the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the President.

''(C) DUTIES OF SECRETARIES.—

''(i) IN GENERAL.—In developing the annual land acquisition priority list required under subparagraph (A), the President shall require the Secretary of the Interior and the Secretary of Agriculture to develop the priority list for the sites under the jurisdiction of that Secretary.

''(ii) CONSULTATION.—The Secretary of the Interior and the Secretary of Agriculture shall prepare the priority list described in subparagraph (A) in consultation with the head of each affected Federal agency.

''(iii) RECREATIONAL ACCESS.—

''(I) IN GENERAL.—In preparing the priority list under subparagraph (A), the Secretary of the Interior and the Secretary of Agriculture shall ensure that not less than 1.5 percent of the annual authorized funding amount is made available each year for projects that secure recreational public access to existing Federal public land for hunting, fishing, and other recreational purposes through easements, rights-of-way, or fee title acquisitions.

''(II) ACQUISITION OF LAND.—For each recreational access project carried out under subclause (I), the land or interest in land shall be acquired by the Federal Government only from willing sellers.''; and

(3) in paragraph (2) (as redesignated by paragraph (1)), by striking ''For the acquisition of land'' and all that follows through ''as follows:'' and inserting the following:

''(3) USE OF FUNDS.—Amounts from the fund for the acquisition of land, waters, or interests in land or waters under this Act shall be used as follows:''.

(f) CONFORMING AMENDMENT.—Section 9 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–10a) is amended in the first sentence by striking ''section 7(a)(1) of this Act'' and inserting ''section 7(a)(2)''.

TITLE XLI—NATIONAL WILDLIFE REFUGE SYSTEM RESOURCE PROTECTION

SEC. 4101. SHORT TITLE.

This title may be cited as the ''National Wildlife Refuge System Resource Protection Act of 2010''.

SEC. 4102. DEFINITIONS.

In this title:

(1) DAMAGES.—The term ''damages'' includes, when used in connection with compensation—

(A) compensation for—

(i)(I) the cost of replacing, restoring, rehabilitating, or acquiring the equivalent of a refuge system resource; and

(II) the value of any significant loss of use of a refuge system resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(ii) the value of the refuge system resource if the resource cannot be replaced or restored; and

(B) the cost of damage assessments under this section.

(2) FISH AND WILDLIFE SERVICE SYSTEM RESOURCE.—

(A) IN GENERAL.—The term ''Fish and Wildlife Service system resource'' means any living or nonliving resource that is located within the boundaries of a unit of—

(i) the National Wildlife Refuge System;

(ii) the National Fish Hatchery System; or

(iii) other land managed by the United States Fish and Wildlife Service.

(B) EXCLUSION.—The term ''Fish and Wildlife Service system resource'' does not include a resource owned by a non-Federal entity.

(3) MARINE OR AQUATIC REFUGE SYSTEM RESOURCE.—

(A) IN GENERAL.—The term ''marine or aquatic refuge system resource'' means any living or nonliving part of a marine or aquatic regimen that is located within the boundaries of a unit of—

(i) the National Wildlife Refuge System; or

(ii) the National Fish Hatchery System.

(B) EXCLUSION.—The term ''marine or aquatic refuge system resource'' does not include a resource owned by a non-Federal entity.

(4) REFUGE SYSTEM RESOURCE.—The term ''refuge system resource'' means—

(A) a Fish and Wildlife Service system resource; and

(B) a marine or aquatic refuge system resource.

(5) REGIMEN.—The term ''regimen'' means a water column and submerged land, up to the high-tide or high-water line.

(6) RESPONSE COSTS.—The term ''response costs'' means the costs of actions taken by the Secretary—

(A) to prevent or minimize destruction or loss of or injury to refuge system resources;

(B) to abate or minimize the imminent risk of such destruction, loss, or injury; or

(C) to monitor ongoing effects of incidents causing such destruction, loss, or injury.

SEC. 4103. LIABILITY.

(a) IN GENERAL.—Subject to subsection (c), any person that destroys, damages, causes the loss of, or injures any refuge system resource is liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

(b) LIABILITY IN REM.—Any instrumentality (including a vessel, vehicle, aircraft, or other equipment) that destroys, causes the loss of, or injures any refuge system resource shall be liable in rem to the United States for response costs and damages resulting from the destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) DEFENSES.—A person shall not be liable under this section if the person establishes that—

(1) the destruction, loss of, or injury to the refuge system resource was caused solely by an act of God or act of war, if the person exercised due care to employ safety precautions and best management practices to minimize potential destruction, loss, or injury in advance of an act of God or act of war;

(2) the person acted with due care, and the destruction, loss of, or injury to the refuge system resource was caused solely by an act or omission of a third party, other than an employee or agent of the person; or

(3) the destruction, loss, or injury to the refuge system resource was caused by an activity authorized by Federal or State law, if the activity was conducted in accordance with Federal and State law.

(d) SCOPE.—Liability under this section shall be in addition to any other liability that may arise under Federal or State law.

SEC. 4104. ACTIONS.

(a) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—

(1) IN GENERAL.—If the Secretary makes a finding of damage to a refuge system resource or makes a finding that, absent response costs, damage to a refuge system resource will occur and the Secretary requests the Attorney General to initiate action, the Attorney General may commence a civil action in the United States district court for the appropriate district against any person that may be liable under section 4103 for response costs and damages.

(2) REQUESTS FOR ACTION.—The Secretary shall submit a request for an action described in paragraph (1) to the Attorney General if a person may be liable or an instrumentality may be liable in rem for response costs and damages under section 4103.

(b) RESPONSE ACTIONS AND ASSESSMENT OF DAMAGES.—

(1) IN GENERAL.—The Secretary shall take all necessary actions—

(A) to prevent or minimize the destruction, loss of, or injury to a refuge system resource; or

(B) to minimize the imminent risk of such destruction, loss, or injury.

(2) MONITORING.—The Secretary shall assess and monitor damages to refuge system resources.

SEC. 4105. USE OF RECOVERED AMOUNTS.

(a) IN GENERAL.—Subject to subsections (b) and (c), response costs and damages recovered by the Secretary under this title or amounts recovered by the Federal Government under any Federal, State, or local law (including regulations) or otherwise as a result of damage to any living or nonliving resource located within a unit managed by the United States Fish and Wildlife Service (other than resources owned by a non-Federal entity) shall be available to the Secretary, without further appropriation—

(1) to reimburse response costs and damage assessments incurred by the Secretary or other Federal agencies as the Secretary considers appropriate; or

(2) to restore, replace, or acquire the equivalent of resources that were the subject of an action and to monitor and study the resources.

(b) ACQUISITION.—No funds may be used under subsection (a) to acquire any land, water, or interest or right in land or water unless the acquisition is—

(1) specifically approved in advance in an appropriations Act; and

(2) consistent with any limitations contained in the organic law authorizing the refuge unit.

(c) EXCESS FUNDS.—Any amounts remaining after expenditures pursuant to subsection (a) shall be deposited into the general fund of the Treasury.

SEC. 4106. DONATIONS.

(a) IN GENERAL.—The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs.

(b) AVAILABILITY.—The donations may be expended or employed at any time after the acceptance of the donation, without further appropriation.

TITLE XLII—GULF COAST ECOSYSTEM RESTORATION

SEC. 4201. GULF COAST ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) COMPREHENSIVE PLAN.—The term ''comprehensive plan'' means the comprehensive plan required by subsection (c).

(2) GOVERNORS.—The term ''Governors'' means the Governors of each of the States of Alabama, Florida, Louisiana, and Mississippi.

(3) GULF COAST ECOSYSTEM.—The term ''Gulf Coast ecosystem'' means the coastal zones (as determined pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)) of the States of Alabama, Florida, Louisiana, and Mississippi and adjacent State waters and areas of the outer Continental Shelf, adversely impacted by the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TASK FORCE.—The term ''Task Force'' means the Gulf Coast Ecosystem Restoration Task Force established by subsection (g).

(b) GULF COAST ECOSYSTEM RESTORATION.—

(1) IN GENERAL.—The Chair of the Task Force shall undertake restoration activities in the Gulf Coast ecosystem in accordance with this section.

(2) FUNDING.—Subject to appropriations, of amounts in the Oil Spill Liability Trust Fund, there shall be available to the Chair of the Task Force to carry out this section $2,500,000,000 for the period of fiscal years 2012 through 2021.

(3) AUTHORIZED USES.—Amounts under paragraph (2) shall be available to the Chair of the Task Force for the conservation, protection, and restoration of the Gulf Coast ecosystem in accordance with the comprehensive plan.

(c) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and after notice and opportunity for public comment, the Chair of the Task Force shall develop a proposed comprehensive plan for the purpose of long-term conservation, protection, and restoration of biological integrity, productivity, and ecosystem functions in the Gulf Coast ecosystem.

(2) EXISTING PLANS.—The Chair of the Task Force shall incorporate, to the maximum extent practicable, any applicable plans developed by local, State and Federal agencies for the restoration of coastal wetland and other areas of the Gulf Coast ecosystem.

(d) CRITICAL AND EMERGENCY RESTORATION PROJECTS AND ACTIVITIES.—If the Chair of the Task Force, in cooperation with the Governors, determines that a restoration project or activity will produce independent, immediate, and substantial conservation, protection, or restoration benefits, and will be consistent with overall restoration goals, the Chair of the Task Force shall proceed expeditiously with the implementation of the project or activity in accordance with laws (including regulations) in existence on the date of enactment of this Act.

(e) PRIORITY PROJECTS.—

(1) LIST.—

(A) IN GENERAL.—The comprehensive plan shall include a list of specific projects to be funded and carried out during the subsequent 3-year period.

(B) PREREQUISITES.—Each project listed in the comprehensive plan shall be—

(i) consistent with the strategies identified in the comprehensive plan; and

(ii) cost-effective.

(C) UPDATES.—The Task Force shall update annually the list of projects in the comprehensive plan.

(2) SELECTION.—The Task Force shall select projects and activities to carry out under this section—

(A) based on the best available science;

(B) without regard to geographic location; and

(C) with the highest priority to projects and activities that will achieve the greatest contribution in restoring—

(i) the ability of Gulf Coast ecosystems to become self-sustaining;

(ii) biological productivity; and

(iii) ecosystem function in the Gulf of Mexico.

(f) COST SHARING.—The Federal share of projects and activities conducted under this section shall not exceed 65 percent, as determined by the Task Force.

(g) GULF COAST ECOSYSTEM RESTORATION TASK FORCE.—

(1) IN GENERAL.—There is established the Gulf Coast Ecosystem Restoration Task Force.

(2) MEMBERSHIP.—The Task Force shall consist of the following members or, in the case of a Federal agency, a designee at the level of Assistant Secretary or the equivalent:

(A) The Secretary of the Interior.

(B) The Secretary of Commerce.

(C) The Secretary of the Army.

(D) The Attorney General.

(E) The Secretary of Homeland Security.

(F) The Administrator of the Environmental Protection Agency.

(G) The Commandant of the Coast Guard.

(H) The Secretary of Transportation.

(I) The Secretary of Agriculture.

(J) A representative of each affected Indian tribe, appointed by the Secretary based on the recommendations of the tribal chairman.

(K) 2 representatives of each of the States of Alabama, Florida, Louisiana, and Mississippi, appointed by the Governor of each State, respectively.

(L) 2 representatives of local government within each of the States of Alabama, Florida, Louisiana, and Mississippi, appointed by the Governor of each State, respectively.

(3) CHAIR.—The chair of the Task Force shall be a Federal official appointed by the President.

(4) DUTIES.—The Task Force shall—

(A) consult with, and provide recommendations to, the Chair of the Task Force during development of the comprehensive plan;

(B) coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the restoration of the Gulf Coast ecosystem;

(C) establish a Gulf Coast-based working group composed of representatives of members of the Task Force and other local agencies and representatives as appropriate for purposes of recommending, coordinating, and implementing policies, programs, activities, and projects to accomplish Gulf Coast ecosystem restoration;

(D) coordinate scientific and other research associated with restoration of the Gulf Coast ecosystem;

(E) prepare an integrated financial plan and coordinated budget requests for the funds proposed to be expended by the agencies represented on the Task Force; and

(F) submit an annual report to Congress that summarizes the activities of the Task Force and the policies, plans, activities, and projects for restoration of the Gulf Coast ecosystem.

(5) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Task Force and the working group established under paragraph (4)(C) shall not be considered to be advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.).

(h) RELATIONSHIP TO OTHER LAW AND AUTHORITY.—Nothing in this section preempts or otherwise affects any Federal law or limits the authority of any Federal agency.

TITLE XLIII—HYDRAULIC FRACTURING CHEMICALS

SEC. 4301. DISCLOSURE OF HYDRAULIC FRACTURING CHEMICALS.

(a) DISCLOSURE.—Title III of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11041 et seq.) is amended by adding at the end the following:

"SEC. 331. DISCLOSURE OF HYDRAULIC FRACTURING CHEMICALS.

''(a) IN GENERAL.—

''(1) STATE AUTHORITY.—A State that permits oil and natural gas drilling—

''(A) may require any person using hydraulic fracturing for an oil or natural gas well in the State to disclose to the State, not later than 30 days after completion of drilling the well, the list of chemicals used in each hydraulic fracturing process (identified by well location and number), including the chemical constituents of mixtures, Chemical Abstracts Service registry numbers, and material safety data sheets; and

''(B) shall make any such disclosure available to the public, including a posting of the information online.

''(2) DISCLOSURE IF NO STATE IMPLEMENTATION.—If a State that permits oil and natural gas drilling does not require and make available disclosures in accordance with paragraph (1) by December 31, 2011, or ceases to require and make available disclosures in accordance with paragraph (1) after that date, the operator of the oil or natural gas well in the State shall make available to the public online, not later than 30 days after completion of drilling the well, the list of chemicals used in each hydraulic fracturing process (identified by well location and number), including the chemical constituents of mixtures, Chemical Abstracts Service registry numbers, and material safety data sheets.

''(b) PROPRIETARY CHEMICAL FORMULAS; MEDICAL EMERGENCIES.—

''(1) IN GENERAL.—Except as provided in this subsection, this section does not require the disclosure of proprietary chemical formulas used in hydraulic fracturing.

''(2) DISCLOSURE IN MEDICAL EMERGENCIES.—

''(A) IN GENERAL.—If the State or the Administrator, or a treating physician or nurse, determines that a medical emergency exists and the proprietary chemical formulas, or the identity, of 1 or more chemical constituents used in hydraulic fracturing is necessary for medical treatment, the person using hydraulic fracturing shall immediately disclose the proprietary chemical formulas or the identity of the chemical constituents to the State, the Administrator, or that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement.

''(B) STATEMENT OF NEED.—The person using hydraulic fracturing may require a written statement of need and a confidentiality agreement as soon thereafter as circumstances permit.

''(c) THRESHOLDS INAPPLICABLE.—Threshold limitations under this Act shall not apply to disclosures made under this section.''.

(b) ENFORCEMENT.—Section 325(c)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11045(c)(2)) is amended by striking ''section 311 or 323(b)'' and inserting ''section 311, 323(b), 331(a)(2), or 331(b)''.

TITLE XLIV—WATERSHED RESTORATION

SEC. 4401. WATERSHED RESTORATION.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a program of watershed restoration and job stabilization for the purposes of—

(1) performing landscape scale restoration, reducing hazardous fuels, increasing employment, and maintaining infrastructure in timber communities; or

(2) making biomass available for sustainable economic development.

(b) ELIGIBLE PROJECTS.—The program conducted under this section may include projects and activities for—

(1) preparing and implementing riparian corridor improvements;

(2) fish and wildlife habitat improvements;

(3) invasive species eradications;

(4) nonsystem road decommissioning;

(5) appropriate road density achievement;

(6) forest health improvements; and

(7) sustainable timber harvest and fuels treatments, specifically for reducing the potential effects that fires pose to water quality and communities.

(c) FUNDING.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture $75,000,000, to remain available until expended, for use in carrying out this section.

(d) TERMINATION OF PROGRAM.—The program conducted under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

(e) NO EFFECT ON COMPLIANCE WITH LAWS.—Nothing in this section affects or limits the application of, or obligation to comply with, any law, including any public health or environmental law.

DIVISION E—FISCAL RESPONSIBILITY

SEC. 5001. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Paragraph (2) of section 4611(f) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

(b) INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Subparagraph (B) of section 4611(c)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) the Oil Spill Liability Trust Fund financing rate is 45 cents a barrel.''.

(c) INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.—Subparagraph (A) of section 9509(c)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$1,000,000,000'' in clause (i) and inserting ''$5,000,000,000'';

(2) by striking ''$500,000,000'' in clause (ii) and inserting ''$2,500,000,000''; and

(3) by striking ''$1,000,000,000 PER INCIDENT, ETC'' in the heading and inserting ''PER INCIDENT LIMITATIONS''.

(d) EFFECTIVE DATE.—

(1) EXTENSION OF FINANCING RATE.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INCREASE IN FINANCING RATE.—The amendment made by subsection (b) shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

DIVISION F—MISCELLANEOUS

SEC. 6001. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN (for herself, Mr. CRAPO, Mr. UDALL of Colorado, Mr. BENNET, and Mrs. BOXER):

S. 3664. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senators CRAPO, UDALL of Colorado, BENNET of Colorado, and BOXER, to introduce legislation that will help preserve the great tradition of the American family farm.

Our legislation is called the Family Farm Estate Tax Deferral Act.

It is designed to prevent the unintended consequences of the estate tax's disproportionate impact on family farms, by providing relief to families who want to continue their family farming and ranching operations.

This is especially important in California, where high unemployment has devastated many of our state's agricultural communities.

Specifically, this legislation would allow qualifying family operated farms and ranches to defer estate taxes if the farm-related income of the decedent in the three years prior to death does not exceed $750,000 annually, and the non-farm related income does not exceed $500,000 per year; the farm is passed down to a family member who has been materially engaged in its management and operations for at least 5 years; the farm generated more than 50 percent of the farm owner's income, or comprised more than 50 percent of the farm owner's estate at the time of death; the farm was owned by the decedent for at least 5 years and is located within the United States.

The family member inheriting the estate continues to use the land for farming purposes; and, at the time of his or her death, the decedent associated with the estate was a U.S. citizen or legal resident of the United States.

The bill also includes a ''recapture'' provision, to ensure that farm heirs are subject to strict oversight and must pay taxes if at any time they sell the land or cease to use the property for farming.

The bill would also encourage the preservation of land and protect millions of acres of open space and wildlife habitat. It does so by incorporating legislation introduced in the House by Representative EARL BLUMENAUER to increase the limitation on the estate tax exclusion for conservation easements to $5 million, up from $500,000.

Farm and ranch estates are estimated to be up to 20 times more likely to face an estate tax burden than other estates.

Roughly one in 10 family farms and ranches confronted estate tax bills last year, according to data from the U.S. Department of Agriculture Economic Research Service.

Let me explain why this is cause for concern, and why our legislation is so important.

Most of the financial value of a family farm or ranch operation lies in its land. Assets such as specialized equipment and production tools have limited resale value and are not likely to quickly generate sufficient liquidity.

It is land—not securities or other more-liquid assets—that comprises the lion's share of many farmers' assets. So, many farmers are quite literally land rich, and cash poor.

The property value of fertile farmland can appreciate greatly over time.

For example, in 1997 the average farm real estate value was $926 per acre; today it is $2160 per acre, according to the Land Trust Alliance. This represents a 133 percent increase in the value of farmland in just over a decade.

As this farmland appreciates, the potential estate tax bill grows.

When a farm estate is passed on to an heir, portions of the land are sometimes fragmented, or even sold to developers in order to manage the tax consequences.

The result is that some farms are rendered inoperable, and heirs face difficult choices in these tough economic times.

Let me share the story of a constituent, Hannah Tangeman-Cheney, whose story illustrates the problem.

Hannah's ranch in Susanville, California, has been owned by her family since 1862, and run by women since 1914.

After her mother passed away, Hannah had to deal with the IRS, attorneys, and appraisers, during this difficult period in her life. Her mother had a will and a trust, but there was still a significant tax burden that Hannah and her sister had to deal with.

It took 2 years for Hannah and the IRS to reach agreement on the value of her ranch since their appraisers came up with different numbers.

Eventually, she reached agreement with the IRS to pay the taxes off over a ten-year period.

Facing these difficult circumstances, Hannah and her sister made the painful decision to harvest thousands of trees.

In all, 13,157 trees were cut—far more than they would have ever dreamed of harvesting under any other circumstances.

Some of the trees took more than 100 years to grow, and the property had not been harvested since the 1950's.

Eventually, she was able to pay off the taxes, but this was a very emotional experience for Hannah and her sister.

They are both environmentally conscious, and their ranch was even certified as part of the ''Green Building'' program with the Forest Stewardship Council.

Our legislation is designed to prevent these unintended consequences, and provide relief to families wishing to keep their farms in operation.

By mandating a $750,000 cap on income in order to qualify, we can ensure that this relief goes to those farmers who need it most, not to major agribusinesses.

To be clear, many Americans have suffered tremendously during this very difficult economic downturn.

But, some agricultural communities have been hit especially hard.

Family farms in many of California's most productive agricultural areas are currently struggling just to make ends meet.

I come from the largest agricultural state in the country.

California has suffered a crippling three-year drought, and many growers have had to fallow their fields to cut their losses.

Many have had to lay off employees, and some have left the business entirely.

These hardships can be seen, and I have witnessed them firsthand, in Fresno County where the unemployment rate is 16 percent.

In Kings County unemployment is 15.9 percent. Tulare County unemployment is 15.8 percent.

Imperial County is suffering under unemployment which has reached 27.6

percent. Within these counties, unemployment in some agricultural communities has touched 40 percent.

Farms and ranches are an important source of jobs in these communities.

This legislation aims to protect family farms that intend to hire, while providing more certainty to thousands of workers across the State.

In 2006, I warned that difficult decisions would be required before the estate tax expired in 2010.

Well, 2010 is here and the picture of our nation's fiscal health is not a pretty one.

We are facing a record $1.3 trillion budget deficit.

The national debt has reached a new high at roughly $13 trillion.

The parameters of the estate tax debate have shifted for most, by necessity.

Full estate tax repeal is out of the question, and our number one priority for allocating federal resources has rightly been shifted to job creation and economic recovery.

But, absent Congressional action, the estate tax will return with ferocity next year at a 55 percent rate with an exemption level of $1 million.

I don't think this is something that many in this body would like to see.

So, any estate tax reform must be well-targeted and balanced to ensure it is fiscally responsible.

As we work to develop comprehensive, permanent, and fiscally-responsible estate tax reform this year, I urge my colleagues to remember that the estate tax was never intended to prevent family farms from being passed from generation to generation.

Our legislation resolves this issue for once and for all, and by safeguarding against loopholes for rich farming conglomerates and agribusinesses, it does so at minimal cost.

Moreover, we take steps forward to protect our precious environment and preserve open space and agricultural lands.

There is no doubt that many family farmers are under financial pressure during these difficult times.

We must take steps to bring relief to the very family farmers and ranchers who have devoted their lives to helping feed and sustain this great nation.

This legislation is a fiscally responsible and targeted effort to ensure that we preserve this tradition for legitimate working farms.

Estate tax reform must be addressed soon, and this issue can no longer be delayed.

I urge my colleagues to support this effort and to enact this legislation as quickly as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 596—TO DESIGNATE SEPTEMBER 25, 2010, AS ''NATIONAL ESTUARIES DAY''

Mr. WHITEHOUSE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. CASEY, Mr. REED, Mrs. MURRAY, Mr. KERRY, Mr. WYDEN, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. WARNER, Mr. MERKLEY, Mr. MENENDEZ, Ms. LANDRIEU, Mr. SCHUMER, Mr. NELSON of Florida, Mr. KAUFMAN, Ms. COLLINS, Mr. GREGG, Mr. WEBB, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 596

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of the employment, and 49 percent of the economic output of the United States located in the estuary regions of the United States;

Whereas coasts and estuaries contribute more than $800,000,000,000 annually in trade and commerce to the United States economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating $8,000,000,000 to $12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported by commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and the protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed during the 100 years preceding the date of agreement to this resolution;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, harmful algae, and marine debris;

Whereas sea level rise is accelerating the degradation of estuaries by—

(1) submerging low-lying land;

(2) eroding beaches;

(3) converting wetland to open water;

(4) exacerbating coastal flooding; and

(5) increasing the salinity of estuaries and freshwater aquifers;

Whereas the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) declares that it is the national policy to preserve, protect, develop, and if possible, to restore or enhance, the resources of the coastal zone of the United States, including estuaries, for current and future generations;

Whereas scientific study leads to better understanding of the benefits of estuaries to human and ecological communities;

Whereas Federal, State, local, and tribal governments, national and community organizations, and individuals work together to effectively manage the estuaries of the United States;

Whereas estuary restoration efforts restore natural infrastructure in local communities in a cost effective manner, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 25, 2010, has been designated as ''National Estuaries Day'' to increase awareness among all people of the United States, including Federal, State and local government officials, about the importance of healthy estuaries and the need to protect and restore estuaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 25, 2010, as ''National Estuaries Day'';

(2) supports the goals and ideals of National Estuaries Day;

(3) acknowledges the importance of estuaries to the economic well-being and productivity of the United States;

(4) recognizes that persistent threats undermine the health of the estuaries of the United States;

(5) applauds the work of national and community organizations and public partners that promote public awareness, understanding, protection, and restoration of estuaries;

(6) reaffirms the support of the Senate for estuaries, including the scientific study, preservation, protection, and restoration of estuaries; and

(7) expresses the intent of the Senate to continue working to understand, protect, and restore the estuaries of the United States.

SENATE RESOLUTION 597—DESIGNATING SEPTEMBER 2010 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BURR, Mr. BURRIS, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. INHOFE, Mr. JOHNSON, Mr. JOHANNS, Mr. KERRY, Ms. LANDRIEU, Mr. LUGAR, Mr. SCHUMER, Mr. SHELBY, Mr. SPECTER, Mr. TESTER, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 597

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas in 2010, 217,730 males in the United States will be diagnosed with prostate cancer, and 32,050 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer incidence rate that is up to 65 percent higher than White males and have double the prostate cancer mortality rate of White males;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 1 in 3 chance of being diagnosed with the disease; males with 2 family members diagnosed have an 83 percent chance; and males with 3 family members diagnosed have a 97 percent chance;