human embryonic stem cell research, and for other purposes.

S. 3774

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3774, a bill to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

S. 3786

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3804

At the request of Mr. LEAHY, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Maryland (Mr. CARDIN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3804, a bill to combat online infringement, and for other purposes.

S. RES. 593

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 593, a resolution expressing support for designation of October 7, 2010, as ''Jumpstart's Read for the Record Day''.

S. RES. 603

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 603, a resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as ''Citizen Diplomacy Day''.

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 3815. A bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, 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. 3815

*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 ''Promoting Natural Gas and Electric Vehicles Act of 2010''.

**TITLE I—NATURAL GAS VEHICLE AND INFRASTRUCTURE DEVELOPMENT**

**SEC. 1001. 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. 1002. 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. 1003. 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. 1004. 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. 1005. 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 II—PROMOTING ELECTRIC VEHICLES

**SEC. 2001. 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 2034.

(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 2016.

(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 2022.

(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 2035.

### Subtitle A—National Plug-in Electric Drive Vehicle Deployment Program.

**SEC. 2011. 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 2012;

(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 2014;

(6) establish the targeted plug-in electric drive vehicle deployment communities program under section 2016; 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 2013; and

(B) the workforce training program under section 2014; 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 2016; 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 2011 through 2013 $100,000,000 for the period of fiscal years 2011 through 2016.

**SEC. 2012. 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 2016 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 2016 and other relevant data to update the plan to reflect real world market conditions.

**SEC. 2013. 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 2016;

(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 2016; 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 2016; 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 2016 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. 2014. 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. 2015. 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. 2016. 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 2011 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. 2017. 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 2016 $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 2016 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 2016) $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 2016) the funds transferred under paragraph (1), without further appropriation.

**Subtitle B—Research and Development**

**SEC. 2021. 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. 2022. 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 2022(h) of the Promoting Natural Gas and 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. 2023. 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. 2024. 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. 2031. 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. 2032. 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. 2033. 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. 2034. 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. 2035. 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).

## TITLE III—OIL SPILL LIABILITY TRUST FUND

**SEC. 3001. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.**

(a) 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 21 cents a barrel.''.

(b) EFFECTIVE DATE.—The amendment made by this section 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.

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By Mr. DURBIN (for himself, Mr. REID, Mr. SCHUMER, and Mr. DORGAN):

S. 3816. A bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas; read the first time.

Mr. DURBIN. 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. 3816

*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 ''Creating American Jobs and Ending Offshoring Act''.

**TITLE I—INCENTIVES TO CREATE AMERICAN JOBS**

**SEC. 101. PAYROLL TAX HOLIDAY FOR EMPLOYERS MOVING JOBS TO THE UNITED STATES FROM OVERSEAS.**

(a) IN GENERAL.—Section 3111 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) SPECIAL EXEMPTION FOR CERTAIN INDIVIDUALS HIRED TO REPLACE EMPLOYEES WHOSE JOBS WERE OVERSEAS.—

''(1) IN GENERAL.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the applicable 24-month period with respect to any qualified replacement individual for services performed—

''(A) in a trade or business of such qualified employer, or

''(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

''(2) QUALIFIED EMPLOYER.—For purposes of this subsection, the term 'qualified employer' has the meaning given such term by subsection (d)(2).

''(3) QUALIFIED REPLACEMENT INDIVIDUAL.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified replacement individual' means any individual—

''(i) who begins employment with a qualified employer after September 21, 2010, and before September 22, 2013,

''(ii) with respect to whom the qualified employer certifies that such individual has been employed by the qualified employer to replace another employee—

''(I) who was not a citizen or lawfully present resident of the United States, and

''(II) substantially all of whose services for the employer were performed outside of the United States,

''(iii) with respect to whom the qualified employer certifies that substantially all of the services the individual will perform for the employer will be performed within the United States, and

''(iv) who is not an individual described in section 51(i)(1) (applied by substituting qualified employer for taxpayer each place it appears).

For purposes of this paragraph, only 1 individual may be treated as a qualified replacement individual with respect to any employee described in clause (ii) being replaced by the qualified employer. Any certification under clause (ii) or (iii) shall be made by signed affidavit, under penalties of perjury.

''(B) EMPLOYER.—All employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single employer for purposes of subparagraph (A)(ii), except that section 1563(b)(2)(C) shall be disregarded in applying section 1563 for purposes of such section.

''(4) APPLICABLE 24-MONTH PERIOD.—For purposes of this subsection, the term 'applicable 24-month period' means, with respect to any qualified replacement individual of a qualified employer, the 24-month period beginning on the hiring date of such individual by the employer.

''(5) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.

''(6) SPECIAL RULE FOR THIRD CALENDAR QUARTER OF 2010.—

''(A) NONAPPLICATION OF EXEMPTION DURING THIRD QUARTER.—Paragraph (1) shall not apply with respect to wages paid during the third calendar quarter of 2010.

''(B) CREDITING OF FIRST QUARTER EXEMPTION DURING FOURTH QUARTER.—The amount by which the tax imposed under subsection (a) would (but for subparagraph (A)) have been reduced with respect to wages paid by a qualified employer during the third calendar quarter of 2010 shall be treated as a payment against the tax imposed under subsection (a) with respect to the qualified employer for the fourth calendar quarter of 2010 which is made on the date that such tax is due.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations necessary to prevent the avoidance of such purposes through the transfer and retransfer of employees within and without the United States or otherwise.''.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) COORDINATION WITH PAYROLL TAX FORGIVENESS OF QUALIFIED REPLACEMENT INDIVIDUALS.—The term 'wages' shall not include any amount paid or incurred to a qualified replacement individual (as defined in section 3111(e)(3)) during the 2-year period beginning on the hiring date of such individual by an employer unless such employer makes an election not to have section 3111(e) apply.''.

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after September 21, 2010.

**TITLE II—DISINCENTIVES TO MOVING AMERICAN JOBS OVERSEAS**

**SEC. 201. DISALLOWANCE OF DEDUCTION, LOSS, OR CREDIT FOR CERTAIN ITEMS INCURRED IN MOVING AMERICAN JOBS OFFSHORE.**

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 280I. EXPENDITURES INCURRED IN MOVING AMERICAN JOBS OFFSHORE.**

''(a) DISALLOWANCE.—No deduction, loss, or credit shall be allowed under this title for any taxable year for any disallowed amount.

''(b) DISALLOWED AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'disallowed amount' means any amount which is paid or incurred during the taxable year which is properly allocable to an American jobs offshoring transaction.

''(2) LOSSES.—Such term shall include any loss from any sale, exchange, abandonment, or other disposition of property in connection with an American jobs offshoring transaction.

''(3) EXCEPTION FOR COSTS RELATED TO DISPLACED WORKERS.—Such term shall not include any amount paid or incurred for assistance to employees within the United States whose jobs are being lost as part of an American jobs offshoring transaction, including any severance pay, outplacement services, or employee retraining.

''(c) AMERICAN JOBS OFFSHORING TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'American jobs offshoring transaction' means any transaction (or series of transactions) in which the taxpayer reduces or eliminates the operation of a trade or business (or line of business) within the United States in connection with the start up or expansion of such trade or business (or such line of business) by the taxpayer outside of the United States.

''(2) EXCEPTION.—A transaction (or series of transactions) shall not be treated as an American jobs offshoring transaction if the taxpayer establishes to the satisfaction of the Secretary that such transaction (or series of transactions) will not result in the loss of employment for employees of the taxpayer within the United States.

''(d) AGGREGATION RULE.—All employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single taxpayer for purposes of this section, except that section 1563(b)(2)(C) shall be disregarded in applying section 1563 for purposes of section 52.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations necessary to prevent the avoidance of such purposes and the application of this section in the case of mergers, acquisitions, and dispositions and in the case of contract employees.''.

(b) CONFORMING AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 280I. Expenditures incurred in moving American jobs offshore.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) EXCEPTION FOR EXISTING TRANSACTIONS.—The amendments made by this section shall not apply to transactions occurring after the date of the enactment of this Act if the taxpayer establishes to the satisfaction of the Secretary of the Treasury or the Secretary's delegate that on or before such date the taxpayer publicly identified the transaction in sufficient detail that the nature and scope of the transaction could be identified.

**SEC. 202. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY PRODUCED BY EMPLOYEES IN AMERICAN JOBS MOVED OFFSHORE.**

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 (defining foreign base company income) is amended by striking the period at the end of paragraph (5) and inserting '', and'', by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

''(5) imported property offshored income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).''.

(b) DEFINITION OF IMPORTED PROPERTY OFFSHORED INCOME.—Section 954 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) IMPORTED PROPERTY OFFSHORED INCOME.—

''(1) IN GENERAL.—For purposes of subsection (a)(5), the term 'imported property offshored income' means offshored income (whether in the form of profits, commissions, fees, or otherwise) received from a controlled foreign corporation and derived in connection with—

''(A) manufacturing, producing, growing, or extracting imported property;

''(B) the sale, exchange, or other disposition of imported property; or

''(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

''(2) IMPORTED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the offshored controlled foreign corporation or a related person.

''(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

''(i) such property would be imported into the United States; or

''(ii) such property would be used as a component in other property which would be imported into the United States.

''(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

''(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

''(ii) is used by the offshored controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

''(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term 'imported property' does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

''(3) OFFSHORED INCOME.—For purposes of this section, the term 'offshored income' means income described in paragraph (1) that is directly or indirectly derived from the operation of a trade or business (or line of business) which was started or expanded outside the United States as part of an American jobs offshoring transaction (as defined in section 280I(c)) to which the provisions of section 280I apply.

''(4) DEFINITIONS AND SPECIAL RULES.—

''(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

''(B) UNITED STATES.—For purposes of this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(C) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

''(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income.''.

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY OFFSHORED INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 (relating to separate application of section with respect to certain categories of income) is amended by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) imported property offshored income, and''.

(2) IMPORTED PROPERTY OFFSHORED INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) IMPORTED PROPERTY OFFSHORED INCOME.—The term 'imported property offshored income' means any income received or accrued by any person which is of a kind which would be imported property offshored income (as defined in section 954(j)).''.

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) of such Code is amended by inserting ''or imported property offshored income'' after ''passive category income''.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of the Internal Revenue Code of 1986 (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

''(II) imported property offshored income,''.

(2) The last sentence of paragraph (4) of section 954(b) of such Code (relating to exception for certain income subject to high foreign taxes) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(3) Paragraph (5) of section 954(b) of such Code (relating to deductions to be taken into account) is amended by striking ''and the foreign base company oil related income'' and inserting ''the foreign base company oil related income, and the imported property offshored income''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 631—DESIGNATING THE WEEK BEGINNING ON NOVEMBER 8, 2010, AS NATIONAL SCHOOL PSYCHOLOGY WEEK

Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. BROWN of Ohio, Mr. BEGICH, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 631

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decision making, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools;

Whereas the National Association of School Psychologists has a Model for Comprehensive and Integrated School Psychological Services that promotes standards for the consistent delivery of school psychological services to all students in need; and

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of children in the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week beginning on November 8, 2010, as National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote