

112TH CONGRESS
1ST SESSION

H. R. 1685

To establish programs to accelerate, provide incentives for, and examine the challenges and opportunities associated with the deployment of electric drive vehicles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2011

Mrs. BIGGERT (for herself, Mr. MARKEY, Mr. MCNERNEY, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Oversight and Government Reform, Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish programs to accelerate, provide incentives for, and examine the challenges and opportunities associated with the deployment of electric drive vehicles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Electric Drive Vehicle
5 Deployment Act of 2011”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) DEPLOYMENT COMMUNITY.—The term “de-
7 ployment community” means an area selected by the
8 Secretary under the program established under sec-
9 tion 3(a). Such term may include 1 or more munici-
10 palities, transportation corridors that connect mu-
11 nicipalities, or other geographic areas that the Sec-
12 retary determines appropriate.

13 (3) ELECTRIC DRIVE VEHICLE.—The term
14 “electric drive vehicle” means a vehicle that—

15 (A)(i) is—

16 (I) a light-duty vehicle (as that term
17 is defined in section 86.1803–01 of title
18 40, Code of Federal Regulations, as in ef-
19 fect as of the date of enactment of this
20 Act) that draws motive power from a bat-
21 tery with a capacity of at least 4 kilowatt-
22 hours;

23 (II) a heavy-duty vehicle (as that term
24 is defined in section 86.1803–01 of title
25 40, Code of Federal Regulations, as in ef-
26 fect as of the date of enactment of this

1 Act) with a gross vehicle weight rating
2 greater than 8,500 pounds and less than
3 14,000 pounds that draws motive power
4 from a battery with a capacity of at least
5 10 kilowatt-hours;

6 (III) a heavy-duty vehicle (as that
7 term is defined in section 86.1803–01 of
8 title 40, Code of Federal Regulations, as in
9 effect as of the date of enactment of this
10 Act) with a gross vehicle weight rating
11 greater than 14,000 pounds but less than
12 33,000 pounds that draws motive power
13 from a battery with a capacity of at least
14 15 kilowatt-hours; or

15 (IV) a heavy-duty vehicle (as that
16 term is defined in section 86.1803–01 of
17 title 40, Code of Federal Regulations, as in
18 effect as of the date of enactment of this
19 Act) with a gross vehicle weight rating
20 greater than 33,000 pounds that draws
21 motive power from a battery with a capac-
22 ity of at least 20 kilowatt-hours; and

23 (ii) can be recharged from an external
24 source of electricity for motive power; or

1 (B) is a motor vehicle (as that term is de-
2 fined in section 216 of the Clean Air Act (42
3 U.S.C. 7550)) that draws its motive power from
4 a fuel cell (as defined in section 803 of the
5 Spark M. Matsunaga Hydrogen Act of 2005
6 (42 U.S.C. 16152)).

7 (4) ELECTRIC UTILITY.—The term “electric
8 utility” has the meaning given such term in section
9 3(4) of the Public Utility Regulatory Policies Act of
10 1978 (16 U.S.C. 2602(3)).

11 (5) GROSS VEHICLE WEIGHT RATING.—The
12 term “gross vehicle weight rating” has the meaning
13 given such term in section 216(7) of the Clean Air
14 Act (42 U.S.C. 7550(7)).

15 (6) MUNICIPALITY.—The term “municipality”
16 has the meaning given such term in section 302(f)
17 of the Clean Air Act (42 U.S.C. 7602(f)).

18 (7) QUALIFIED ELECTRIC DRIVE VEHICLE COM-
19 PONENTS.—The term “qualified electric drive vehicle
20 components” means components the Secretary deter-
21 mines are uniquely needed to produce electric drive
22 vehicles.

23 (8) QUALIFIED ELECTRIC DRIVE VEHICLE IN-
24 FRASTRUCTURE.—The term “qualified electric drive

1 vehicle infrastructure” means equipment and serv-
2 ices that—

3 (A) support the electric refueling needs of
4 electric drive vehicles and may be located in
5 public or private locations, including street
6 parking, parking garages, parking lots, homes,
7 gas stations, and highway rest stops; and

8 (B) serve smart grid functions, as defined
9 in section 1306(d) the Energy Independence
10 and Security Act of 2007 (42 U.S.C. 17386),
11 that will optimize the integration of electric
12 drive vehicles into the electric grid.

13 (9) SECRETARY.—The term “Secretary” means
14 the Secretary of Energy.

15 **SEC. 3. TARGETED ELECTRIC DRIVE VEHICLES DEPLOY-**
16 **MENT COMMUNITIES PROGRAM.**

17 (a) IN GENERAL.—

18 (1) ESTABLISHMENT.—The Secretary shall es-
19 tablish a competitive program to provide financial
20 assistance to be used as described under subsection
21 (d), consistent with the goals under subsection (b),
22 for purposes of deploying electric drive vehicles in
23 deployment communities.

24 (2) PHASE 1.—The Secretary shall, not later
25 than 12 months after the date of enactment of this

1 Act, based upon applications for financial assistance
2 received pursuant to subsection (c), select 10 deploy-
3 ment communities for the first phase of the program
4 established under paragraph (1).

5 (b) GOALS.—The goals of the program established
6 under subsection (a)(1) shall be—

7 (1) to facilitate the rapid near-term deployment
8 of electric drive vehicles in deployment communities;

9 (2) to demonstrate the viability of a vehicle-
10 based transportation system that reduces depend-
11 ence on petroleum-based fuel and contributes to re-
12 ducing emissions of carbon dioxide;

13 (3) to facilitate the integration of advanced ve-
14 hicle technologies into deployment communities while
15 optimizing electric grid system performance and reli-
16 ability;

17 (4) to demonstrate the potential—

18 (A) benefits of coordinated investments in
19 vehicle electrification and infrastructure on per-
20 sonal mobility; and

21 (B) reduction of emissions of greenhouse
22 gases and criteria air pollutants from vehicle
23 electrification and infrastructure;

24 (5) to demonstrate protocols and standards that
25 facilitate vehicle integration into the electric grid, in-

1 including demonstration of the use of qualified electric
2 drive vehicle infrastructure;

3 (6) to increase understanding of the primary re-
4 gional differences and varying regulatory environ-
5 ments that impact electric drive vehicle market pene-
6 tration and establish best practices for addressing
7 deployment barriers to electric drive vehicles; and

8 (7) to increase understanding of consumers' ve-
9 hicle charging and other electric drive vehicle infra-
10 structure needs and establish best practices to meet
11 such needs.

12 (c) APPLICATIONS.—Any State, Indian tribe, or local
13 government (or group of State, Indian tribe, or local gov-
14 ernments) may apply to the Secretary for financial assist-
15 ance to be used as described in subsection (d) in deploy-
16 ment communities. Such applications may be jointly spon-
17 sored by electric utilities, automobile manufacturers, tech-
18 nology providers, car sharing companies or organizations,
19 third-party electric drive vehicle service providers, or other
20 persons or entities.

21 (d) USE OF FUNDS.—Pursuant to applications re-
22 ceived under subsection (c), the Secretary may make fi-
23 nancial assistance under the program established under
24 subsection (a) available to any applicant or joint sponsor
25 of the application to be used for any of the following:

1 (1) Assisting persons located in the deployment
2 community, consistent with subsections (g) and (h).

3 (2) Supporting the use of electric drive vehicles
4 by funding projects for any of the following:

5 (A) Planning and deployment of qualified
6 electric drive vehicle infrastructure.

7 (B) Updating building codes, inspections
8 related to the installation of electric drive vehi-
9 cle charging infrastructure, and updating zon-
10 ing for such infrastructure.

11 (C) Converting government fleets to elec-
12 tric drive vehicles.

13 (e) PROGRAM REQUIREMENTS.—The Secretary, in
14 consultation with the Administrator and the Secretary of
15 Transportation, shall, not later than 6 months after the
16 date of enactment of this Act, determine the requirements
17 for the program established under subsection (a), includ-
18 ing the following:

19 (1) Criteria for evaluating applications sub-
20 mitted under subsection (e), consistent with sub-
21 section (f), including the anticipated ability of appli-
22 cants to promote deployment and market penetra-
23 tion of electric drive vehicles.

24 (2) Data regarding deployment communities,
25 and the electric drive vehicles and qualified electric

1 drive vehicle infrastructure in such deployment com-
2 munities, required for collection, analysis, and eval-
3 uation of the challenges and opportunities associated
4 with the widespread deployment of electric drive ve-
5 hicles.

6 (3) Metrics of success for deployment commu-
7 nities.

8 (4) Reporting requirements for entities that re-
9 ceive financial assistance under this section, includ-
10 ing a comprehensive set of performance data charac-
11 terizing the results of the program in the deploy-
12 ment community.

13 (f) CRITERIA FOR EVALUATING APPLICATIONS.—The
14 Secretary shall require that applications under subsection
15 (c) include the following:

16 (1) A plan to promote, market, and support the
17 deployment of electric drive vehicles in a deployment
18 community, through the deployment of consumer ve-
19 hicles, and, as appropriate, private or public fleets.

20 (2) The role of each stakeholder participating
21 in the deployment of electric drive vehicles in the de-
22 ployment community, and an indication of how the
23 financial assistance applied for will be used in the
24 deployment community.

1 (3) The number of electric drive vehicles pro-
2 jected to be deployed in the deployment community
3 during the first phase of the program established
4 under subsection (a).

5 (4) A strategy for developing program partici-
6 pation among residents of the deployment commu-
7 nity and a plan that demonstrates high likelihood
8 that the deployment community will procure and de-
9 ploy the projected number of electric drive vehicles.

10 (5) A deployment and financing plan for pub-
11 licly available electric drive vehicle charging infra-
12 structure that includes a policy on cost sharing,
13 methodology for determining the number and place-
14 ment of such infrastructure, and ensures use of
15 open, nonproprietary standards that maximize inter-
16 operability with Smart Grid technologies.

17 (6) Verification that building codes within the
18 proposed deployment community appropriately ac-
19 commodate electric drive vehicle charging infrastruc-
20 ture for new construction and major upgrades or
21 evidence of a clear plan to update such codes before
22 or during the period of financial assistance.

23 (7) Verification that zoning, parking rules, or
24 other local ordinances have been updated or will be
25 updated as necessary to facilitate the installation of

1 publicly available electric drive vehicle charging in-
2 frastructure, where appropriate.

3 (8) Mechanisms to increase individual consumer
4 benefits consistent with subsection (h).

5 (9) A description of the extent to which electric
6 utilities in the deployment community have or plan
7 to update policies—

8 (A) that—

9 (i) reflect rate structures that benefit
10 consumers who charge electric drive vehi-
11 cles off-peak; or

12 (ii) with respect to any deployment
13 community with a competitive retail regu-
14 latory regime, will make electric drive vehi-
15 cle charging services available to con-
16 sumers;

17 (B) that take into account potential im-
18 pacts to the local electric distribution system or
19 the electric grid from the incremental electric
20 energy used to charge electric drive vehicles;

21 (C) that utilize information technologies to
22 minimize effects of charging electric drive vehi-
23 cles on the local electric distribution system or
24 electric grid;

1 (D) that relate to Smart Grid technologies
2 for electric drive vehicle charging purposes, in-
3 cluding those that allow 2-way communication
4 of electric energy movement (to prepare for ve-
5 hicle-to-grid applications); and

6 (E) that encourage electric energy con-
7 servation and reduction in peak demand by
8 making consumer electric energy or charging
9 service price and usage information available to
10 consumers.

11 (g) PRIORITY.—The Secretary shall give preference
12 to applications for financial assistance under subsection
13 (c) that—

14 (1) are jointly sponsored by entities that share
15 interest in the deployment of electric drive vehicles;

16 (2) project the greatest reduction in dependency
17 on petroleum as fuel and carbon dioxide emissions,
18 in proportion to the amount of petroleum used as
19 fuel and carbon dioxide emitted by the proposed de-
20 ployment community;

21 (3) for at least 1 deployment community, in-
22 clude a demonstration of the deployment of heavy-
23 duty electric drive vehicles;

1 (4) include a plan to provide additional State,
2 Indian tribe, local governmental, or private incen-
3 tives for the deployment of electric drive vehicles;

4 (5) best demonstrate the ability of the deploy-
5 ment community to deploy the targeted number of
6 electric drive vehicles;

7 (6) are most likely to yield information that in-
8 forms and assists with the large-scale deployment of
9 electric drive vehicles in different regions and regu-
10 latory regimes of the United States, including, as
11 appropriate, information regarding the utilization of
12 emerging technologies or practices; and

13 (7) are submitted for deployment communities
14 that are located in proximity to other areas to which
15 electric drive vehicle deployment could be expanded.

16 (h) CONSUMER BENEFITS.—As part of the amounts
17 authorized under subsection (k), the Secretary shall en-
18 sure that each recipient of financial assistance for a de-
19 ployment community provides a minimum of \$2,000 in
20 benefits to each of the first 50,000 consumers who reside
21 in the deployment community who purchase electric drive
22 vehicles. Such benefits may not be used to offset the costs
23 of any other benefit in effect in the deployment community
24 as of the date of enactment of this Act, and may include—

1 (1) rebates of portions of the costs of pur-
2 chasing electric drive vehicles;

3 (2) rebates of portions of the costs of permit-
4 ting, purchasing, or installing home electric drive ve-
5 hicle charging stations;

6 (3) rebates of State or local sales taxes for pur-
7 chasing electric drive vehicles;

8 (4) rebates of the incremental electric energy
9 costs associated with charging electric drive vehicles;

10 (5) rebates of the costs of State or local toll
11 road access charges;

12 (6) rebates of the costs of parking electric drive
13 vehicles; and

14 (7) any other benefit that the Secretary deter-
15 mines is appropriate and likely to incentivize the
16 purchase of electric drive vehicles.

17 (i) INFORMATION CLEARINGHOUSE.—The Secretary
18 shall, as part of the program established pursuant to sub-
19 section (a)(1), collect and, as promptly as practicable,
20 make available to the public information regarding the
21 cost, performance, and other technical data regarding the
22 deployment and integration of electric drive vehicles.

23 (j) REPORTS.—

24 (1) PHASE 1 UPDATE AND PHASE 2 PLAN.—Not
25 later than 4 years after the date of enactment of

1 this Act, the Secretary shall submit to Congress a
2 report—

3 (A) describing the status of the deployment
4 communities for which financial assistance is
5 provided under the program established under
6 subsection (a)(1);

7 (B) describing, analyzing, and evaluating
8 the data collected under the first phase of the
9 program established under subsection (a)(1);

10 (C) assessing the first phase of the pro-
11 gram established under subsection (a)(1); and

12 (D) describing a plan for the second phase
13 of the program established under subsection
14 (a)(1), including—

15 (i) how many additional deployment
16 communities should be selected for further
17 deployment activities and incentives;

18 (ii) how criteria for selection of de-
19 ployment communities should be updated;

20 (iii) how incentive structures for the
21 deployment of electric drive vehicles should
22 be changed; and

23 (iv) a request for funding to imple-
24 ment such second phase.

1 (2) PHASE 1 RESULTS.—Not later than 6 years
2 after the date of enactment of this Act, the Sec-
3 retary shall submit to Congress a report assessing
4 the first phase of the program established under
5 subsection (a)(1).

6 (k) AUTHORIZATION.—There are authorized to be ap-
7 propriated to carry out this section \$300,000,000 for each
8 recipient of financial assistance for a deployment commu-
9 nity, to be expended within 5 years of the date of the re-
10 ceipt of funds.

11 **SEC. 4. TECHNICAL ASSISTANCE.**

12 (a) IN GENERAL.—The Secretary shall establish a
13 competitive program to provide financial assistance to mu-
14 nicipalities that have not been selected to receive financial
15 assistance under the program established under section
16 3(a)(1) for purposes of assisting with the deployment of
17 electric drive vehicles, including the evaluation of the feasi-
18 bility of large-scale deployment of electric drive vehicles
19 and the installation of publicly available electric drive vehi-
20 cle charging infrastructure in the municipality.

21 (b) AUTHORIZATION.—There are authorized to be ap-
22 propriated to carry out this section \$120,000,000 for each
23 of the 5 fiscal years after the date of enactment of this
24 Act, to provide up to \$10,000,000 for each recipient of

1 financial assistance for a municipality to be expended
2 within 2 years of the date of the receipt of funds.

3 **SEC. 5. MODIFICATION OF CREDIT FOR ALTERNATIVE**
4 **FUEL VEHICLE REFUELING PROPERTY FOR**
5 **VEHICLES POWERED BY ELECTRICITY.**

6 (a) SPECIAL RULES FOR PROPERTY PLACED IN
7 SERVICE BEFORE JANUARY 1, 2017.—Subsection (e) of
8 section 30C of the Internal Revenue Code of 1986 is
9 amended by adding at the end the following new para-
10 graph:

11 “(7) PROPERTY FOR RECHARGING VEHICLES
12 POWERED BY ELECTRICITY.—In the case of property
13 placed in service after December 31, 2011, and be-
14 fore January 1, 2017, which relates to electricity—

15 “(A) subsection (a) shall be applied by
16 substituting ‘50 percent’ for ‘30 percent’,

17 “(B) subsection (b)(1) shall be applied by
18 substituting ‘\$50,000’ for ‘\$30,000’, and

19 “(C) subsection (b)(2) shall be applied by
20 substituting ‘\$2,000’ for ‘\$1,000’.”.

21 (b) INSTALLATION COSTS.—Subsection (e) of section
22 30C of such Code, as amended by subsection (a), is
23 amended by adding at the end the following:

24 “(8) INSTALLATION COSTS.—The cost of any
25 qualified alternative fuel vehicle refueling property

1 which relates to electricity shall include the cost of
2 the original installation of such property.”.

3 (c) **TERMINATION OF CREDIT.**—Subsection (g) of
4 section 30C of such Code is amended by striking “and”
5 at the end of paragraph (1), by redesignating paragraph
6 (2) as paragraph (3), and by inserting after paragraph
7 (1) the following new paragraph:

8 “(2) in the case of property relating to elec-
9 tricity, after December 31, 2014, and”.

10 (d) **EFFECTIVE DATE.**—The amendments made by
11 this section shall apply to property placed in service after
12 December 31, 2011.

13 **SEC. 6. ELECTRIC VEHICLE REFUELING PROPERTY TAX**
14 **CREDIT BONDS.**

15 (a) **IN GENERAL.**—Paragraph (1) of section 54A(d)
16 of the Internal Revenue Code of 1986 is amended by strik-
17 ing “or” at the end of subparagraph (D), by inserting
18 “or” at the end of subparagraph (E), and by inserting
19 after subparagraph (E) the following new subparagraph:

20 “(F) a qualified electric vehicle refueling
21 property bond,”.

22 (b) **QUALIFIED PURPOSE.**—Subparagraph (C) of sec-
23 tion 54A(d)(2) of the Internal Revenue Code of 1986 is
24 amended—

25 (1) by striking “and” at the end of clause (iv),

1 (2) by striking the period at the end of clause
2 (v) and inserting “, and”, and

3 (3) by adding at the end the following new
4 clause:

5 “(vi) in the case of a qualified electric
6 vehicle refueling property bond, a purpose
7 specified in section 54G(a)(1).”.

8 (c) BONDS ALLOWED.—Subpart I of part IV of sub-
9 chapter A of chapter 1 of the Internal Revenue Code of
10 1986 is amended by adding at the end the following new
11 section:

12 **“SEC. 54G. QUALIFIED ELECTRIC VEHICLE REFUELING**
13 **PROPERTY BONDS.**

14 “(a) QUALIFIED ELECTRIC VEHICLE REFUELING
15 PROPERTY BOND.—For purposes of this subpart, the
16 term ‘qualified electric vehicle refueling property bond’
17 means any bond issued as part of an issue if—

18 “(1) 100 percent of the available project pro-
19 ceeds of such issue are to be used for capital expend-
20 itures incurred by a qualified issuer for 1 or more
21 qualified electric vehicle refueling properties,

22 “(2) the bond is issued by a qualified issuer,
23 and

24 “(3) the issuer designates such bond for pur-
25 poses of this section.

1 “(b) REDUCED CREDIT AMOUNT.—Notwithstanding
2 paragraph (2) of section 54A(b), the annual credit deter-
3 mined with respect to any qualified electric vehicle refuel-
4 ing property bond is 70 percent of the amount which
5 would (but for this subsection) otherwise be determined
6 under such paragraph with respect to such bond.

7 “(c) LIMITATION ON AMOUNT OF BONDS DES-
8 IGNATED.—The maximum aggregate face amount of
9 bonds which may be designated under subsection (a) by
10 any issuer shall not exceed the limitation amount allocated
11 to such issuer under subsection (e).

12 “(d) NATIONAL LIMITATION ON AMOUNT OF BONDS
13 DESIGNATED.—There is a national qualified electric vehi-
14 cle refueling property bond limitation of \$100,000,000.

15 “(e) ALLOCATIONS.—The Secretary shall make allo-
16 cations of the amount of the national qualified electric ve-
17 hicle refueling property bond limitation described in sub-
18 section (d) among purposes described in subsection (a)(1)
19 in such manner as the Secretary determines appropriate.

20 “(f) DEFINITIONS.—For purposes of this section—

21 “(1) QUALIFIED ELECTRIC VEHICLE REFUEL-
22 ING PROPERTY.—The term ‘qualified electric vehicle
23 refueling property’ means any qualified alternative
24 fuel vehicle refueling property (within the meaning
25 of section 30C) which relates to electricity.

1 “(2) QUALIFIED ISSUER.—

2 “(A) IN GENERAL.—The term ‘qualified
3 issuer’ means a public power provider, a cooper-
4 ative electric company, or a governmental body.

5 “(B) GOVERNMENTAL BODY.—The term
6 ‘governmental body’ means any State or Indian
7 tribal government, or any political subdivision
8 thereof.

9 “(C) PUBLIC POWER PROVIDER.—The
10 term ‘public power provider’ means a State util-
11 ity that has a service obligation to end-users or
12 to a distribution utility (within the meaning of
13 section 217 of the Federal Power Act, as in ef-
14 fect on the date of the enactment of this sec-
15 tion).

16 “(D) COOPERATIVE ELECTRIC COMPANY.—
17 The term ‘cooperative electric company’ means
18 a mutual or cooperative electric company de-
19 scribed in section 501(c)(12) or an organization
20 described in section 1381(a)(2)(C).”.

21 (d) CLERICAL AMENDMENT.—The table of sections
22 for subpart I of part IV of subchapter A of chapter 1 of
23 the Internal Revenue Code of 1986 is amended by adding
24 at the end the following new item:

“Sec. 54G. Qualified electric vehicle refueling property bonds.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to obligations issued after the date
3 of the enactment of this Act.

4 **SEC. 7. ELECTRIC DRIVE VEHICLE INFRASTRUCTURE**
5 **PLANNING.**

6 (a) AMENDMENT OF PURPA.—Section 111(d) of the
7 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.
8 2621(d)) is amended by adding at the end the following:

9 “(20) ELECTRIC DRIVE VEHICLE INFRASTRUC-
10 TURE.—

11 “(A) UTILITY PLAN FOR INFRASTRUC-
12 TURE.—Each electric utility shall develop a
13 plan to support the use of electric drive vehi-
14 cles, including heavy-duty electric drive vehicles.
15 Each such plan shall provide for the deploy-
16 ment of the charging infrastructure or other in-
17 frastructure necessary to adequately support
18 the use of electric drive vehicles, and shall pro-
19 vide for, as appropriate, the support needed to
20 enable the competitive installation, operation, or
21 provision of electric drive vehicle charging serv-
22 ices. The plan may provide for deployment of
23 electric drive vehicle charging stations in public
24 or private locations, including street parking,
25 parking garages, parking lots, homes, gas sta-

1 tions, and highway rest stops. Any such plan
2 may also include—

3 “(i) rapid charging infrastructure, in-
4 cluding fast charging and battery ex-
5 change, and other services;

6 “(ii) triggers for charging infrastruc-
7 ture deployment based upon market pene-
8 tration of electric drive vehicles;

9 “(iii) distribution system upgrades to
10 accommodate requirements of electric drive
11 vehicle charging; and

12 “(iv) such other elements as the State
13 regulatory authority (in the case of each
14 electric utility for which it has ratemaking
15 authority) or utility (in the case of a non-
16 regulated utility) determines necessary to
17 support electric drive vehicles.

18 “(B) SUPPORT REQUIREMENTS.—Each
19 State regulatory authority (in the case of each
20 electric utility for which it has ratemaking au-
21 thority) and each utility (in the case of a non-
22 regulated utility) shall—

23 “(i) require that electric drive vehicle
24 charging infrastructure deployed complies
25 with any applicable Federal standard and

1 is interoperable with the applicable prod-
2 ucts of all auto manufacturers, to the ex-
3 tent possible;

4 “(ii) consider adopting minimum re-
5 quirements for deployment of electric drive
6 vehicle charging infrastructure and other
7 appropriate requirements necessary to sup-
8 port the use of electric drive vehicles; and

9 “(iii) assess the system benefits of
10 widespread deployment of electric drive ve-
11 hicles associated with predominantly off-
12 peak electric drive vehicle charging.

13 “(C) COST RECOVERY.—Each State regu-
14 latory authority (in the case of each electric
15 utility for which it has ratemaking authority)
16 and each utility (in the case of a nonregulated
17 utility) shall consider whether, and to what ex-
18 tent, to allow cost recovery for plans under sub-
19 paragraph (A) and implementation of such
20 plans.

21 “(D) SMART GRID INTEGRATION.—Each
22 State regulatory authority (in the case of each
23 electric utility for which it has ratemaking au-
24 thority) and each utility (in the case of a non-
25 regulated utility) shall, in accordance with ac-

1 tions taken by the Commission pursuant to sec-
2 tion 1305(d) of the Energy Independence and
3 Security Act of 2007—

4 “(i) establish any appropriate proto-
5 cols and standards for integrating electric
6 drive vehicles into an electric distribution
7 system, including smart grid systems and
8 devices as described in title XIII of the
9 Energy Independence and Security Act of
10 2007;

11 “(ii) provide for, to the extent fea-
12 sible, the ability for each electric drive ve-
13 hicle to be identified individually and to be
14 associated with its owner’s electric utility
15 account, regardless of the location that the
16 vehicle is plugged in, for purposes of ap-
17 propriate billing for any electric energy re-
18 quired to charge the vehicle’s batteries as
19 well as any crediting for electric energy
20 provided to the electric utility from the ve-
21 hicle’s batteries; and

22 “(iii) review the determination made
23 in response to paragraph (14) of this sub-
24 section in light of this paragraph, including
25 whether time-of-use pricing should be em-

1 ployed to enable the use of electric drive
2 vehicles to contribute to meeting peak-load
3 and ancillary service power needs.

4 “(E) DEFINITION OF ELECTRIC DRIVE VE-
5 HICLE.—For purposes of this paragraph, the
6 term ‘electric drive vehicle’ has the meaning
7 given such term in section 2(3) of the Electric
8 Drive Vehicle Deployment Act of 2011.”.

9 (b) COMPLIANCE.—

10 (1) TIME LIMITATIONS.—Section 112(b) of the
11 Public Utility Regulatory Policies Act of 1978 (16
12 U.S.C. 2622(b)) is amended by adding the following
13 at the end thereof:

14 “(7)(A) Not later than 3 years after the date
15 of enactment of this paragraph, each State regu-
16 latory authority (with respect to each electric utility
17 for which it has ratemaking authority) and each
18 nonregulated utility shall commence the consider-
19 ation referred to in section 111, or set a hearing
20 date for consideration, with respect to the standards
21 established by paragraph (20) of section 111(d).

22 “(B) Not later than 4 years after the date of
23 enactment of the this paragraph, each State regu-
24 latory authority (with respect to each electric utility
25 for which it has ratemaking authority), and each

1 nonregulated electric utility, shall complete the con-
2 sideration, and shall make the determination, re-
3 ferred to in section 111 with respect to each stand-
4 ard established by paragraph (20) of section
5 111(d).”.

6 (2) FAILURE TO COMPLY.—Section 112(c) of
7 the Public Utility Regulatory Policies Act of 1978
8 (16 U.S.C. 2622(c)) is amended by adding the fol-
9 lowing at the end: “In the case of the standards es-
10 tablished by paragraph (20) of section 111(d), the
11 reference contained in this subsection to the date of
12 enactment of this Act shall be deemed to be a ref-
13 erence to the date of enactment of such paragraph.”.

14 (3) PRIOR STATE ACTIONS.—Section 112(d) of
15 the Public Utility Regulatory Policies Act of 1978
16 (16 U.S.C. 2622(d)) is amended by striking “(19)”
17 and inserting “(20)” before “of section 111(d)”.

18 **SEC. 8. ELECTRIC DRIVE COMPONENT AND INFRASTRUC-**
19 **TURE MANUFACTURING LOAN PROGRAM.**

20 (a) DIRECT LOAN PROGRAM.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this Act, and subject to the
23 availability of appropriated funds, the Secretary
24 shall carry out a program to provide a total of not
25 more than \$1,000,000,000 in loans to eligible indi-

1 viduals and entities (as determined by the Secretary
2 and including qualified electric drive vehicle compo-
3 nent suppliers and qualified electric drive vehicle in-
4 frastructure suppliers) for the costs of activities de-
5 scribed in subsection (b). The loans shall be made
6 through the Federal Financing Bank, with the full
7 faith and credit of the United States Government on
8 the principal and interest. The full credit subsidy
9 shall be paid by the Secretary using appropriated
10 funds.

11 (2) APPLICATION.—An applicant for a loan
12 under this subsection shall submit to the Secretary
13 an application at such time, in such manner, and
14 containing such information as the Secretary may
15 require, including a written assurance that—

16 (A) all laborers and mechanics employed
17 by contractors or subcontractors during con-
18 struction, alteration, or repair that is financed,
19 in whole or in part, by a loan under this section
20 shall be paid wages at rates not less than those
21 prevailing on similar construction in the local-
22 ity, as determined by the Secretary of Labor in
23 accordance with sections 3141 through 3144,
24 3146, and 3147 of title 40, United States Code;
25 and

1 (B) the Secretary of Labor shall, with re-
2 spect to the labor standards described in this
3 paragraph, have the authority and functions set
4 forth in Reorganization Plan Numbered 14 of
5 1950 (5 U.S.C. App.) and section 3145 of title
6 40, United States Code.

7 (3) SELECTION OF ELIGIBLE PROJECTS.—The
8 Secretary shall select eligible projects to receive
9 loans under this subsection in cases in which, as de-
10 termined by the Secretary, the loan recipient—

11 (A) is financially viable without the receipt
12 of additional Federal funding associated with
13 the proposed project;

14 (B) will provide sufficient information to
15 the Secretary for the Secretary to ensure that
16 the funds are expended efficiently and effec-
17 tively; and

18 (C) has met such other criteria as may be
19 established and published by the Secretary.

20 (4) RATES, TERMS, AND REPAYMENT OF
21 LOANS.—A loan provided under this subsection—

22 (A) shall have an interest rate that, as of
23 the date on which the loan is made, is equal to
24 the cost of funds to the Department of the

1 Treasury for obligations of comparable matu-
2 rity;

3 (B) shall have a term equal to the lesser
4 of—

5 (i) the projected life, in years, of the
6 eligible project to be carried out using
7 funds from the loan, as determined by the
8 Secretary; or

9 (ii) 25 years;

10 (C) may be subject to a deferral in repay-
11 ment for not more than 5 years after the date
12 on which the eligible project carried out using
13 funds from the loan first begins operations, as
14 determined by the Secretary; and

15 (D) shall be made by the Federal Financ-
16 ing Bank.

17 (b) USE OF FUNDS.—A loan provided under sub-
18 section (a) may be used by the loan recipient to pay the
19 costs of—

20 (1) reequipping, expanding, or establishing a
21 manufacturing facility in the United States to
22 produce—

23 (A) qualified electric drive vehicle infra-
24 structure; or

1 (B) qualified electric drive vehicle compo-
2 nents; and

3 (2) engineering integration performed in the
4 United States of qualified electric drive vehicle com-
5 ponents.

6 (c) FEES.—Administrative costs shall be no more
7 than \$100,000 or 10 basis points of the loan.

8 (d) PRIORITY.—

9 (1) CRITERIA.—In selecting loan recipients
10 from among eligible applicants, the Secretary shall
11 give preference to proposals that—

12 (A) are most likely to be successful; and

13 (B) are located in local markets that have
14 the greatest need for the manufacturing facility.

15 (2) EXISTING FACILITIES.—The Secretary
16 shall, in making loans to manufacturers that have
17 existing facilities, give priority to those facilities that
18 are oldest or have been in existence for at least 20
19 years. Such facilities may currently be sitting idle.

20 (e) SET ASIDE FOR SMALL MANUFACTURERS AND
21 COMPONENT SUPPLIERS.—

22 (1) DEFINITION OF COVERED FIRM.—In this
23 subsection, the term “covered firm” means a firm
24 that—

25 (A) employs less than 500 individuals; and

1 (B) manufactures qualified electric drive
2 vehicle infrastructure or qualified electric drive
3 vehicle components.

4 (2) SET ASIDE.—Of the amount of funds that
5 are used to make loans for each fiscal year under
6 subsection (a), the Secretary shall use not less than
7 25 percent to make loans to covered firms or con-
8 sortia led by a covered firm.

9 (f) APPOINTMENT AND PAY OF PERSONNEL.—

10 (1) The Secretary may use direct hiring author-
11 ity pursuant to section 3304(a)(3) of title 5, United
12 States Code, to appoint such professional and ad-
13 ministrative personnel as the Secretary determines
14 necessary to the discharge of the Secretary's func-
15 tions under this section.

16 (2) The rate of pay for a person appointed pur-
17 suant to paragraph (1) shall not exceed the max-
18 imum rate payable for GS-15 of the General Sched-
19 ule under chapter 53 of such title.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as are nec-
22 essary to carry out this section for each of fiscal years
23 2012 through 2017.

1 **SEC. 9. LOAN GUARANTEES FOR ADVANCED BATTERY PUR-**
2 **CHASES FOR USE IN STATIONARY APPLICA-**
3 **TIONS.**

4 Subtitle B of title I of the Energy Independence and
5 Security Act of 2007 (42 U.S.C. 17011 et seq.) is amend-
6 ed by adding at the end the following:

7 **“SEC. 137. LOAN GUARANTEES FOR ADVANCED BATTERY**
8 **PURCHASES.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) QUALIFIED AUTOMOTIVE BATTERY.—The
11 term ‘qualified automotive battery’ means a battery
12 that—

13 “(A) has at least 5 kilowatt-hours of trac-
14 tion battery capacity; and

15 “(B) is designed for use in electric drive
16 vehicles but is purchased for nonautomotive and
17 dual-purpose applications.

18 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) an original equipment manufacturer;

21 “(B) an electric utility;

22 “(C) any provider of qualified electric drive
23 vehicle infrastructure (as such term is defined
24 in section 2(8) of the Electric Drive Vehicle De-
25 ployment Act of 2011); or

1 “(D) any other qualified entity, as deter-
2 mined by the Secretary.

3 “(b) LOAN GUARANTEES.—The Secretary shall es-
4 tablish a program to provide guarantees of loans made to
5 eligible entities by private institutions for the purchase,
6 by such an eligible entity, of at least 500 qualified auto-
7 motive batteries in a calendar year that use advanced bat-
8 tery technology.

9 “(c) REQUIREMENTS.—The Secretary may provide a
10 loan guarantee under subsection (b) to an applicant if—

11 “(1) without a loan guarantee, credit is not
12 available to the applicant under reasonable terms or
13 conditions sufficient to finance the purchase of
14 qualified automotive batteries described in sub-
15 section (b);

16 “(2) the prospective earning power of the appli-
17 cant and the character and value of the security
18 pledged provide a reasonable assurance of repayment
19 of the loan to be guaranteed in accordance with the
20 terms of the loan; and

21 “(3) the loan bears interest at a rate deter-
22 mined by the Secretary to be reasonable, taking into
23 account the current average yield on outstanding ob-
24 ligations of the United States with remaining peri-

1 ods of maturity comparable to the maturity of the
2 loan.

3 “(d) MATURITY.—A loan guaranteed under sub-
4 section (b) shall have a maturity of not more than 20
5 years.

6 “(e) TERMS AND CONDITIONS.—The loan agreement
7 for a loan guaranteed under subsection (b) shall provide
8 that no provision of the loan agreement may be amended
9 or waived without the consent of the Secretary.

10 “(f) ASSURANCE OF REPAYMENT.—The Secretary
11 shall require that an applicant for a loan guarantee under
12 subsection (b) provide an assurance of repayment in the
13 form of a performance bond, insurance, collateral, or other
14 means acceptable to the Secretary in an amount equal to
15 not less than 20 percent of the amount of the loan.

16 “(g) GUARANTEE FEE.—The recipient of a loan
17 guarantee under subsection (b) shall pay the Secretary an
18 amount determined by the Secretary to be sufficient to
19 cover the administrative costs of the Secretary relating to
20 the loan guarantee.

21 “(h) FULL FAITH AND CREDIT.—The full faith and
22 credit of the United States is pledged to the payment of
23 all guarantees made under this section. Any such guar-
24 antee made by the Secretary shall be conclusive evidence
25 of the eligibility of the loan for the guarantee with respect

1 to principal and interest. The validity of the guarantee
2 shall be incontestable in the hands of a holder of the guar-
3 anteed loan.

4 “(i) REGULATIONS.—The Secretary shall promulgate
5 such regulations as are necessary to carry out this section.

6 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$300,000,000 for fiscal years 2012 through 2016.”.

9 **SEC. 10. FEDERAL FLEETS.**

10 (a) ELECTRIC ENERGY.—For purposes of Federal
11 agency reporting requirements, electric energy consumed
12 by Federal agencies to fuel electric drive vehicles—

13 (1) is alternative fuel (as defined in section 301
14 of the Energy Policy Act of 1992 (42 U.S.C.
15 13211)); and

16 (2) shall be accounted for under Federal fleet
17 management reporting requirements, not under Fed-
18 eral building management reporting requirements.

19 (b) ASSESSMENT AND REPORT.—

20 (1) IN GENERAL.—The Administrator of Gen-
21 eral Services, in consultation with the Secretary of
22 Energy, shall complete an assessment of motor vehi-
23 cle fleets operated by Federal agencies and submit
24 a report to Congress that includes each of the fol-
25 lowing:

1 (A) For each Federal agency, the types of
2 vehicles the agency uses that may or may not
3 be suitable for near-term and medium-term re-
4 placement with commercially available electric
5 drive vehicles, taking into account the types of
6 vehicles for which electric drive vehicles could
7 provide comparable functionality and lifecycle
8 costs.

9 (B) The number of electric drive vehicles
10 that could be deployed by each Federal agency
11 in 5 years and in 10 years, assuming that elec-
12 tric drive vehicles are available and are pur-
13 chased when new vehicles are needed or existing
14 vehicles are replaced.

15 (C) The estimated cost to the Federal Gov-
16 ernment for vehicle purchases described under
17 paragraph (2) for each fiscal year.

18 (2) SUBMISSION OF REPORT.—

19 (A) FIRST REPORT.—The first report de-
20 scribed under paragraph (1) shall be submitted
21 not later than 180 days after the date of enact-
22 ment of this Act.

23 (B) SECOND REPORT.—The second report
24 described under paragraph (1) shall be sub-
25 mitted at the completion of phase 1 of the pro-

1 gram established under section 3(a)(1) and
2 shall include each of the following:

3 (i) A description of the status of elec-
4 tric drive vehicles in the motor vehicle pool.

5 (ii) An analysis of the data collected,
6 if any, pursuant to subsection (d)(3).

7 (c) BUDGET CONTENTS.—Subsection (a) of section
8 1105 of title 31, United States Code—

9 (1) is amended by redesignating the second
10 paragraph 37 as paragraph 39; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(40) Information about electric drive vehicle
14 purchases, including a separate statement, by agen-
15 cy, of the number of vehicles to be acquired and the
16 amounts proposed in the budget for acquisition of
17 electric drive vehicles and qualified electric drive ve-
18 hicle infrastructure (as such term is defined in the
19 Electric Drive Vehicle Deployment Act of 2011).”.

20 (d) PILOT PROGRAM TO DEPLOY ELECTRIC DRIVE
21 VEHICLES IN THE FEDERAL MOTOR VEHICLE FLEET.—

22 (1) AUTHORIZATION.—There is authorized to
23 be appropriated to the Acquisition Services Fund,
24 established under section 321 of title 40, United
25 States Code, \$45,000,000, to remain available until

1 expended for purposes of a pilot program whereby,
2 not later than 3 years after the date of enactment
3 of this Act, and notwithstanding section 1343(c) of
4 title 31, United States Code, the Administrator of
5 General Services shall acquire, to the maximum ex-
6 tent practicable, 1,000 commercially available elec-
7 tric drive vehicles and the necessary qualified electric
8 drive vehicle infrastructure.

9 (2) SETTING PRICES TO RECOVER COSTS.—The
10 Administrator of General Services shall set prices for
11 furnishing electric drive vehicles, necessary qualified
12 electric drive vehicle infrastructure, and related serv-
13 ices under section 602 of title 40, United States
14 Code, to recover, so far as practicable, all costs of
15 carrying out this subsection consistent with section
16 605 of title 40, United States Code.

17 (3) DATA COLLECTION.—The Administrator of
18 General Services shall, upon the acquisition of elec-
19 tric drive vehicles and necessary qualified electric
20 drive vehicle infrastructure described under para-
21 graph (1), collect data on each of the following:

22 (A) The cost, performance, and use of elec-
23 tric drive vehicles in the motor vehicle pool.

24 (B) The deployment and integration of
25 electric drive vehicles in the motor vehicle pool.

1 (C) The contribution of electric drive vehi-
2 cles in the motor vehicle pool toward reducing
3 the use of fossil fuels and greenhouse gas emis-
4 sions.

5 (e) DEFINITIONS.—In this section:

6 (1) FEDERAL AGENCY.—The term “Federal
7 agency” has the meaning given that term under sec-
8 tion 102 of title 40, United States Code.

9 (2) MOTOR VEHICLE POOL.—The term “motor
10 vehicle pool” means the motor vehicle pool estab-
11 lished under subchapter VI of chapter 5 of subtitle
12 I of title 40, United States Code, and operated by
13 the Administrator of General Services.

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