

Calendar No. 718111TH CONGRESS
2^D SESSION**S. 3973**

To amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2010

Mr. VOINOVICH (for himself, Mr. CARPER, Mr. INHOFE, Mrs. BOXER, Ms. COLLINS, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. LUGAR, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. TESTER, Mrs. FEINSTEIN, Mr. KERRY, Mr. BAUCUS, Mr. HARKIN, Mr. MERKLEY, Mr. LIEBERMAN, Mr. BROWN of Ohio, Mr. WHITEHOUSE, Mr. WYDEN, Ms. LANDRIEU, Mrs. HAGAN, Mr. WARNER, Mr. LAUTENBERG, Mr. CARDIN, Mr. FRANKEN, Mr. BURRIS, Mr. SCHUMER, Mr. DURBIN, Mr. REED, Ms. MURKOWSKI, Mr. WEBB, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

DECEMBER 20, 2010

Reported by Mrs. BOXER, without amendment

A BILL

To amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Diesel Emissions Re-
3 duction Act of 2010”.

4 **SEC. 2. DIESEL EMISSIONS REDUCTION PROGRAM.**

5 (a) DEFINITIONS.—Section 791 of the Energy Policy
6 Act of 2005 (42 U.S.C. 16131) is amended—

7 (1) in paragraph (3)—

8 (A) in subparagraph (A), by striking
9 “and” at the end;

10 (B) in subparagraph (B), by striking the
11 period at the end and inserting a semicolon;
12 and

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

14 “(C) a for-profit or nonprofit entity that
15 has the capacity—

16 “(i) to sell diesel vehicles or equip-
17 ment to, and arrange financing for, indi-
18 viduals or entities that own or operate die-
19 sel fleets; or

20 “(ii) to upgrade diesel vehicles or
21 equipment with verified or Environmental
22 Protection Agency-certified engines or
23 technologies; and

24 “(D) any private individual or entity
25 that—

1 “(i) is the owner of record of a diesel
2 vehicle or fleet; and

3 “(ii) acts—

4 “(I) pursuant to a contract, li-
5 cense, or lease with—

6 “(aa) a Federal department
7 or agency; or

8 “(bb) an entity described in
9 subparagraph (A); and

10 “(II) in accordance with such
11 timely and appropriate requirements
12 for notice and approval as the Admin-
13 istrator may establish for the use of
14 vehicles to be purchased or retrofit
15 using a grant, rebate, or loan under
16 this subtitle.”;

17 (2) in paragraph (4), by inserting “currently or
18 previously,” after “that is not”;

19 (3) by striking paragraph (9);

20 (4) by redesignating paragraph (8) as para-
21 graph (9);

22 (5) in paragraph (9) (as so redesignated), in
23 the matter preceding subparagraph (A), by striking
24 “, advanced truckstop electrification system,”; and

1 (6) by inserting after paragraph (7) the fol-
 2 lowing:

3 “(8) STATE.—The term ‘State’ includes—

4 “(A) the District of Columbia; and

5 “(B) the Commonwealth of Puerto Rico.”.

6 (b) NATIONAL GRANT, REBATE, AND LOAN PRO-
 7 GRAMS.—Section 792 of the Energy Policy Act of 2005
 8 (42 U.S.C. 16132) is amended—

9 (1) in the section heading, by inserting “, **RE-**
 10 **BATE,**” after “**GRANT**”;

11 (2) in subsection (a)—

12 (A) in the matter preceding paragraph (1),
 13 by striking “to provide grants and low-cost re-
 14 volving loans, as determined by the Adminis-
 15 trator, on a competitive basis, to eligible enti-
 16 ties” and inserting “to provide grants, con-
 17 tracts, rebates, or low-cost revolving loans, as
 18 determined by the Administrator, on a competi-
 19 tive basis, to eligible entities described in sub-
 20 paragraph (A), (B), or (D) of section 791(3), or
 21 to enter into contracts with eligible entities de-
 22 scribed in subparagraph (C) of that section,”;
 23 and

24 (B) in paragraph (1), by striking “tons
 25 of”;

1 (3) in subsection (b)—

2 (A) by striking paragraph (2);

3 (B) by redesignating paragraph (3) as
4 paragraph (2); and

5 (C) in paragraph (2) (as so redesign-
6 nated)—

7 (i) in subparagraph (A), in the matter
8 preceding clause (i), by striking “90” and
9 inserting “95”; and

10 (ii) in subparagraph (B)(ii), by strik-
11 ing “application under subsection (c)” and
12 inserting “verification application”;

13 (4) in subsection (c)—

14 (A) by redesignating paragraphs (2) and
15 (3) as paragraphs (3) and (4), respectively;

16 (B) by striking paragraph (1) and insert-
17 ing the following:

18 “(1) EXPEDITED PROCESS.—

19 “(A) IN GENERAL.—The Administrator
20 shall develop a simplified application process for
21 all applicants under this section to expedite the
22 provision of funds.

23 “(B) REQUIREMENTS.—In developing the
24 expedited process under subparagraph (A), the
25 Administrator—

1 “(i) shall take into consideration the
2 special circumstances affecting small fleet
3 owners; and

4 “(ii) to avoid duplicative procedures,
5 may require applicants to include in an ap-
6 plication under this section competitive
7 bids for equipment and installation.

8 “(2) ELIGIBILITY.—

9 “(A) GRANTS.—To be eligible to receive a
10 grant under this section, an eligible entity de-
11 scribed in subparagraph (A), (B), or (D) of sec-
12 tion 791(3) shall submit to the Administrator
13 an application at such time, in such manner,
14 and containing such information as the Admin-
15 istrator may require.

16 “(B) REBATES.—To be eligible to receive a
17 rebate under this section, an eligible entity de-
18 scribed in subparagraph (A), (B), or (D) of sec-
19 tion 791(3) shall submit to the Administrator
20 an application in accordance with such guidance
21 as the Administrator may establish.

22 “(C) LOW-COST LOANS.—To be eligible to
23 receive a loan under this section, an eligible en-
24 tity described in subparagraph (A), (B), or (D)

1 of section 791(3) shall submit an application
2 to—

3 “(i) the Administrator; or

4 “(ii) an eligible entity described in
5 section 791(3)(C) with which the Adminis-
6 trator has entered into a contract for the
7 purpose of administering loans under this
8 subtitle.”; and

9 (C) in paragraph (4) (as redesignated by
10 subparagraph (A))—

11 (i) in the matter preceding subpara-
12 graph (A)—

13 (I) by inserting “, rebate,” after
14 “grant”; and

15 (II) by inserting “highest” after
16 “shall give”;

17 (ii) in subparagraph (C)(iii)—

18 (I) by striking “a diesel fleets”
19 and inserting “diesel fleets”; and

20 (II) by inserting “construction
21 sites, schools,” after “terminals,”;

22 (iii) in subparagraph (D), by adding
23 “and” at the end;

1 (iv) in subparagraph (E), by striking
2 the semicolon at the end and inserting a
3 period; and

4 (v) by striking subparagraphs (F) and
5 (G);

6 (5) in subsection (d)—

7 (A) in paragraph (1), in the matter pre-
8 ceding subparagraph (A), by inserting “, re-
9 bate,” after “grant”; and

10 (B) in paragraph (2)(A)—

11 (i) by inserting “, rebate,” after
12 “grant”; and

13 (ii) by striking “, State or local”; and

14 (6) by adding at the end the following:

15 “(e) PUBLIC NOTIFICATION.—The Administrator
16 shall publish on the website of the Environmental Protec-
17 tion Agency a description of each application for which
18 a grant or loan is provided under this section by not later
19 than 60 days after the date of award of the grant or
20 loan.”.

21 (c) STATE GRANT, REBATE, AND LOAN PRO-
22 GRAMS.—Section 793 of the Energy Policy Act of 2005
23 (42 U.S.C. 16133) is amended—

24 (1) in the section heading, by inserting “, **RE-**
25 **BATE,**” after “**GRANT**”;

1 (2) in subsection (a), by inserting “, rebate,”
2 after “grant”;

3 (3) in subsection (b)(1), by inserting “, rebate,”
4 after “grant”;

5 (4) subsection (c)(2)(B), in the matter pre-
6 ceding clause (i), by striking “qualifies” and insert-
7 ing “qualify”; and

8 (5) in subsection (d)—

9 (A) in paragraph (1), by inserting “, re-
10 bate,” after “grant”;

11 (B) in paragraph (2), by inserting “, re-
12 bates,” after “grants”;

13 (C) in paragraph (3), in the matter pre-
14 ceding subparagraph (A), by striking “grant or
15 loan provided under this section may be used”
16 and inserting “grant, rebate, or loan provided
17 under this section shall be used”; and

18 (D) by adding at the end the following:

19 “(4) PRIORITY.—In providing grants, rebates,
20 and loans under this section, a State shall give pri-
21 ority to projects that meet the criteria described in
22 section 792(c)(4).

23 “(5) PUBLIC NOTIFICATION.—Each State shall
24 publish on the website of the State a description of
25 each application for which a grant, rebate, or loan

1 is provided under this section by not later than 60
2 days after the date of award of the grant, rebate, or
3 loan.”.

4 (d) EVALUATION AND REPORT.—Section 794(b) of
5 the Energy Policy Act of 2005 (42 U.S.C. 16134(b)) is
6 amended in each of paragraphs (2) through (5) by insert-
7 ing “, rebate,” after “grant” each place it appears.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
9 797 of the Energy Policy Act of 2005 (42 U.S.C. 16137)
10 is amended to read as follows:

11 **“SEC. 797. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) IN GENERAL.—There is authorized to be appro-
13 priated to carry out this subtitle \$200,000,000 for each
14 of fiscal years 2012 through 2016, to remain available
15 until expended.

16 “(b) MANAGEMENT AND OVERSIGHT.—The Adminis-
17 trator may use not more than 1 percent of the amounts
18 made available under subsection (a) for each fiscal year
19 for management and oversight purposes.”.

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