

111TH CONGRESS  
2D SESSION

# S. 3973

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

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## 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, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## 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,*

### 3   **SECTION 1. SHORT TITLE.**

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

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

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

4 (1) in paragraph (3)—

5 (A) in subparagraph (A), by striking  
6 “and” at the end;

7 (B) in subparagraph (B), by striking the  
8 period at the end and inserting a semicolon;  
9 and

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

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

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

17 “(ii) to upgrade diesel vehicles or  
18 equipment with verified or Environmental  
19 Protection Agency-certified engines or  
20 technologies; and

21 “(D) any private individual or entity  
22 that—

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

25 “(ii) acts—

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

3 “(aa) a Federal department  
4 or agency; or

5 “(bb) an entity described in  
6 subparagraph (A); and

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

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

16 (3) by striking paragraph (9);

17 (4) by redesignating paragraph (8) as para-  
18 graph (9);

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

22 (6) by inserting after paragraph (7) the fol-  
23 lowing:

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

25 “(A) the District of Columbia; and

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

2 (b) NATIONAL GRANT, REBATE, AND LOAN PRO-  
 3 GRAMS.—Section 792 of the Energy Policy Act of 2005  
 4 (42 U.S.C. 16132) is amended—

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

7 (2) in subsection (a)—

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

20 (B) in paragraph (1), by striking “tons  
 21 of”;

22 (3) in subsection (b)—

23 (A) by striking paragraph (2);

24 (B) by redesignating paragraph (3) as  
 25 paragraph (2); and

1 (C) in paragraph (2) (as so redesignated)—  
 2

3 (i) in subparagraph (A), in the matter  
 4 preceding clause (i), by striking “90” and  
 5 inserting “95”; and

6 (ii) in subparagraph (B)(ii), by striking  
 7 “application under subsection (c)” and  
 8 inserting “verification application”;

9 (4) in subsection (c)—

10 (A) by redesignating paragraphs (2) and  
 11 (3) as paragraphs (3) and (4), respectively;

12 (B) by striking paragraph (1) and insert-  
 13 ing the following:

14 “(1) EXPEDITED PROCESS.—

15 “(A) IN GENERAL.—The Administrator  
 16 shall develop a simplified application process for  
 17 all applicants under this section to expedite the  
 18 provision of funds.

19 “(B) REQUIREMENTS.—In developing the  
 20 expedited process under subparagraph (A), the  
 21 Administrator—

22 “(i) shall take into consideration the  
 23 special circumstances affecting small fleet  
 24 owners; and

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

5 “(2) ELIGIBILITY.—

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

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

19 “(C) LOW-COST LOANS.—To be eligible to  
20 receive a loan under this section, an eligible en-  
21 tity described in subparagraph (A), (B), or (D)  
22 of section 791(3) shall submit an application  
23 to—

24 “(i) the Administrator; or

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

6 (C) in paragraph (4) (as redesignated by  
 7 subparagraph (A))—

8 (i) in the matter preceding subpara-  
 9 graph (A)—

10 (I) by inserting “, rebate,” after  
 11 “grant”; and

12 (II) by inserting “highest” after  
 13 “shall give”;

14 (ii) in subparagraph (C)(iii)—

15 (I) by striking “a diesel fleets”  
 16 and inserting “diesel fleets”; and

17 (II) by inserting “construction  
 18 sites, schools,” after “terminals,”;

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

21 (iv) in subparagraph (E), by striking  
 22 the semicolon at the end and inserting a  
 23 period; and

24 (v) by striking subparagraphs (F) and  
 25 (G);

1 (5) in subsection (d)—

2 (A) in paragraph (1), in the matter pre-  
 3 ceding subparagraph (A), by inserting “, re-  
 4 bate,” after “grant”; and

5 (B) in paragraph (2)(A)—

6 (i) by inserting “, rebate,” after  
 7 “grant”; and

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

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

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

16 (c) STATE GRANT, REBATE, AND LOAN PRO-  
 17 GRAMS.—Section 793 of the Energy Policy Act of 2005  
 18 (42 U.S.C. 16133) is amended—

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

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

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



(4) subsection (c)(2)(B), in the matter preceding clause (i), by striking “qualifies” and inserting “qualify”; and

(5) in subsection (d)—

(A) in paragraph (1), by inserting “, rebate,” after “grant”;

(B) in paragraph (2), by inserting “, rebates,” after “grants”;

(C) in paragraph (3), in the matter preceding subparagraph (A), by striking “grant or loan provided under this section may be used” and inserting “grant, rebate, or loan provided under this section shall be used”; and

(D) by adding at the end the following:

“(4) PRIORITY.—In providing grants, rebates, and loans under this section, a State shall give priority to projects that meet the criteria described in section 792(c)(4).

“(5) PUBLIC NOTIFICATION.—Each State shall publish on the website of the State a description of each application for which a grant, rebate, or loan is provided under this section by not later than 60 days after the date of award of the grant, rebate, or loan.”.

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

5       (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
6 797 of the Energy Policy Act of 2005 (42 U.S.C. 16137)  
7 is amended to read as follows:

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

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

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

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