

**Calendar No. 718**111<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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, 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

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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,*

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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