

111TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Energy Policy Act of 2005 to 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 “_____ Act of
5 _____”.

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

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

9 (1) in paragraph (3)—

1 (A) in subparagraph (A), by striking
2 “and” at the end;

3 (B) in subparagraph (B), by striking the
4 period at the end and inserting a semicolon;
5 and

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

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

9 “(i) to sell diesel vehicles or equip-
10 ment to, and arrange financing for, indi-
11 viduals or entities that own or operate die-
12 sel fleets; or

13 “(ii) to upgrade diesel vehicles or
14 equipment with verified or Environmental
15 Protection Agency-certified engines or
16 technologies; and

17 “(D) any private individual or entity
18 that—

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

21 “(ii) acts—

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

24 “(aa) a Federal department
25 or agency; or

1 “(bb) an entity described in
2 subparagraph (A); and

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

10 (2) in paragraph (4), by inserting “currently,
11 and has not been previously,” after “that is not”;

12 (3) by striking paragraph (9);

13 (4) by redesignating paragraph (8) as para-
14 graph (9);

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

18 (6) by inserting after paragraph (7) the fol-
19 lowing:

20 “(8) STATE.—The term ‘State’ includes the
21 District of Columbia.”.

22 (b) NATIONAL GRANT, REBATE, AND LOAN PRO-
23 GRAMS.—Section 792 of the Energy Policy Act of 2005
24 (42 U.S.C. 16132) is amended—

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

3 (2) in subsection (a)—

4 (A) in the matter preceding paragraph (1),
5 by striking “to provide grants and low-cost re-
6 volving loans, as determined by the Adminis-
7 trator, on a competitive basis, to eligible enti-
8 ties” and inserting “to provide grants, rebates,
9 or low-cost revolving loans, as determined by
10 the Administrator, on a competitive basis, to el-
11 igible entities described in subparagraph (A),
12 (B), or (D) of section 791(3), or to enter into
13 contracts with eligible entities described in sub-
14 paragraph (C) of that section,”; and

15 (B) in paragraph (1), by striking “tons
16 of”;

17 (3) in subsection (b)—

18 (A) by striking paragraph (2);

19 (B) by redesignating paragraph (3) as
20 paragraph (2); and

21 (C) in paragraph (2) (as so redesign-
22 ated)—

23 (i) in subparagraph (A), in the matter
24 preceding clause (i), by striking “90” and
25 inserting “95”; and

1 (ii) in subparagraph (B)(ii), by strik-
2 ing “application under subsection (c)” and
3 inserting “verification application”;

4 (4) in subsection (c)—

5 (A) by redesignating paragraphs (2) and
6 (3) as paragraphs (3) and (4), respectively;

7 (B) by striking paragraph (1) and insert-
8 ing the following:

9 “(1) EXPEDITED PROCESS.—

10 “(A) IN GENERAL.—The Administrator
11 shall develop a simplified application process for
12 all applicants under this section to expedite the
13 provision of funds.

14 “(B) REQUIREMENTS.—In developing the
15 expedited process under subparagraph (A), the
16 Administrator—

17 “(i) shall take into consideration the
18 special circumstances affecting small fleet
19 owners; and

20 “(ii) to avoid duplicative procedures,
21 may require applicants to include in an ap-
22 plication under this section competitive
23 bids for equipment and installation.

24 “(2) ELIGIBILITY.—

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

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

14 “(C) LOW-COST LOANS.—To be eligible to
15 receive a loan under this section, an eligible en-
16 tity described in subparagraph (A), (B), or (D)
17 of section 791(3) shall submit an application
18 to—

19 “(i) the Administrator; or

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

1 (C) in paragraph (4) (as redesignated by
2 subparagraph (A))—

3 (i) in the matter preceding subpara-
4 graph (A)—

5 (I) by inserting “, rebate,” after
6 “grant”; and

7 (II) by inserting “highest” after
8 “shall give”;

9 (ii) in subparagraph (C)(iii)—

10 (I) by striking “a diesel fleets”
11 and inserting “diesel fleets”; and

12 (II) by inserting “construction
13 sites, schools,” after “terminals,”;

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

16 (iv) in subparagraph (E), by striking
17 the semicolon at the end and inserting a
18 period; and

19 (v) by striking subparagraphs (F) and
20 (G);

21 (5) in subsection (d)—

22 (A) in paragraph (1), in the matter pre-
23 ceeding subparagraph (A), by inserting “, re-
24 bate,” after “grant”; and

25 (B) in paragraph (2)(A)—

1 (i) by inserting “, rebate,” after
2 “grant”; and

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

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

5 “(e) PUBLIC NOTIFICATION.—The Administrator
6 shall publish on the website of the Environmental Protec-
7 tion Agency a description of each application for which
8 a grant, rebate, or loan is provided under this section by
9 not later than 60 days after the date of award of the
10 grant, rebate, or loan.”.

11 (c) STATE GRANT, REBATE, AND LOAN PRO-
12 GRAMS.—Section 793 of the Energy Policy Act of 2005
13 (42 U.S.C. 16133) is amended—

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

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

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

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

23 (5) in subsection (d)—

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

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

3 (C) in paragraph (3), in the matter pre-
4 ceeding subparagraph (A), by striking “grant or
5 loan provided under this section may be used”
6 and inserting “grant, rebate, or loan provided
7 under this section shall be used”; and

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

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

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

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

23 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
24 797 of the Energy Policy Act of 2005 (42 U.S.C. 16137)
25 is amended to read as follows:

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

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

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