

***In the Senate of the United States,***

*December 16, 2010.*

*Resolved*, That the bill from the House of Representatives (H.R. 5809) entitled “An Act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.”, do pass with the following

**AMENDMENTS:**

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Diesel Emissions Reduc-*  
3 *tion 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 “and”*

9 *at the end;*

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

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

4           “(C) any private individual or entity  
5           that—

6                   “(i) is the owner of record of a diesel  
7                   vehicle or fleet operated pursuant to a con-  
8                   tract, license, or lease with a Federal de-  
9                   partment or agency or an entity described  
10                  in subparagraph (A); and

11                   “(ii) meets such timely and appro-  
12                   priate requirements as the Administrator  
13                   may establish for vehicle use and for notice  
14                   to and approval by the Federal department  
15                   or agency or entity described in subpara-  
16                   graph (A) with respect to which the owner  
17                   has entered into a contract, license, or lease  
18                   as described in clause (i).”;

19           (2) in paragraph (4), by inserting “currently, or  
20           has not been previously,” after “that is not”;

21           (3) by striking paragraph (9);

22           (4) by redesignating paragraph (8) as para-  
23           graph (9);

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

4           (6) by inserting after paragraph (7) the fol-  
5 lowing:

6           “(8) *STATE*.—The term ‘State’ means the several  
7 States, the District of Columbia, the Commonwealth  
8 of Puerto Rico, Guam, the United States Virgin Is-  
9 lands, American Samoa, and the Commonwealth of  
10 the Northern Mariana Islands.”.

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

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

16           (2) in subsection (a)—

17           (A) in the matter preceding paragraph (1),  
18 by striking “to provide grants and low-cost re-  
19 volving loans, as determined by the Adminis-  
20 trator, on a competitive basis, to eligible enti-  
21 ties” and inserting “to provide grants, rebates,  
22 or low-cost revolving loans, as determined by the  
23 Administrator, on a competitive basis, to eligible  
24 entities, including through contracts entered into  
25 under subsection (e) of this section,”; and

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

2           (3) in subsection (b)—

3           (A) by striking paragraph (2);

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

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

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

10           (ii) in subparagraph (B)(i), by strik-  
11 ing “10 percent” and inserting “5 percent”;  
12 and

13           (iii) in subparagraph (B)(ii), by strik-  
14 ing “the application under subsection (c)”  
15 and inserting “a verification application”;

16           (4) in subsection (c)—

17           (A) by redesignating paragraphs (2) and  
18 (3) as paragraphs (3) and (4), respectively;

19           (B) by striking paragraph (1) and inserting  
20 the following:

21           “(1) *EXPEDITED PROCESS.*—

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

1           “(B) *REQUIREMENTS.*—*In developing the*  
2 *expedited process under subparagraph (A), the*  
3 *Administrator—*

4                   “(i) *shall take into consideration the*  
5 *special circumstances affecting small fleet*  
6 *owners; and*

7                   “(ii) *to avoid duplicative procedures,*  
8 *may require applicants to include in an ap-*  
9 *plication under this section the results of a*  
10 *competitive bidding process for equipment*  
11 *and installation.*

12           “(2) *ELIGIBILITY.*—

13                   “(A) *GRANTS.*—*To be eligible to receive a*  
14 *grant under this section, an eligible entity shall*  
15 *submit to the Administrator an application at*  
16 *such time, in such manner, and containing such*  
17 *information as the Administrator may require.*

18                   “(B) *REBATES AND LOW-COST LOANS.*—*To*  
19 *be eligible to receive a rebate or a low-cost loan*  
20 *under this section, an eligible entity shall submit*  
21 *an application in accordance with such guidance*  
22 *as the Administrator may establish—*

23                           “(i) *to the Administrator; or*

24                           “(ii) *to an entity that has entered into*  
25 *a contract under subsection (e).”;*

1           (C) in paragraph (3)(G) (as redesignated  
2 by subparagraph (A)), by inserting “in the case  
3 of an application relating to nonroad engines or  
4 vehicles,” before “a description of the diesel”; and

5           (D) in paragraph (4) (as redesignated by  
6 subparagraph (A))—

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

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

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

13           (ii) in subparagraph (C)(iii)—

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

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

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

20           (iv) in subparagraph (F), by striking  
21 “; and” and inserting a period; and

22           (v) by striking subparagraph (G);

23           (5) in subsection (d)—

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

4           (B) in paragraph (2)(A)—

5           (i) by striking “grant or loan pro-  
6           vided” and inserting “grant, rebate, or loan  
7           provided, or contract entered into,”; and

8           (ii) by striking “Federal, State or local  
9           law” and inserting “any Federal law, ex-  
10          cept that this subparagraph shall not apply  
11          to a mandate in a State implementation  
12          plan approved by the Administrator under  
13          the Clean Air Act”; and

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

15          “(e) *CONTRACT PROGRAMS.*—

16                 “(1) *AUTHORITY.*—In addition to the use of con-  
17                 tracting authority otherwise available to the Adminis-  
18                 trator, the Administrator may enter into contracts  
19                 with eligible contractors described in paragraph (2)  
20                 for the administration of programs for providing re-  
21                 bates or loans, subject to the requirements of this sub-  
22                 title.

23                 “(2) *ELIGIBLE CONTRACTORS.*—The Adminis-  
24                 trator may enter into a contract under this subsection

1 *with a for-profit or nonprofit entity that has the ca-*  
2 *capacity—*

3 *“(A) to sell diesel vehicles or equipment to,*  
4 *or to arrange financing for, individuals or enti-*  
5 *ties that own a diesel vehicle or fleet; or*

6 *“(B) to upgrade diesel vehicles or equipment*  
7 *with verified or Environmental Protection Agen-*  
8 *cy-certified engines or technologies, or to arrange*  
9 *financing for such upgrades.*

10 *“(f) PUBLIC NOTIFICATION.—Not later than 60 days*  
11 *after the date of the award of a grant, rebate, or loan, the*  
12 *Administrator shall publish on the website of the Environ-*  
13 *mental Protection Agency—*

14 *“(1) for rebates and loans provided to the owner*  
15 *of a diesel vehicle or fleet, the total number and dollar*  
16 *amount of rebates or loans provided, as well as a*  
17 *breakdown of the technologies funded through the re-*  
18 *bates or loans; and*

19 *“(2) for other rebates and loans, and for grants,*  
20 *a description of each application for which the grant,*  
21 *rebate, or loan is provided.”.*

22 *(c) STATE GRANT, REBATE, AND LOAN PROGRAMS.—*  
23 *Section 793 of the Energy Policy Act of 2005 (42 U.S.C.*  
24 *16133) is amended—*

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

3           (2) *in subsection (a), by inserting “, rebate,”*  
4 *after “grant”;*

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

7           (4) *by amending subsection (c)(2) to read as fol-*  
8 *lows:*

9           “(2) *ALLOCATION.—*

10           “(A) *IN GENERAL.—Except as provided in*  
11 *subparagraphs (B) and (C), using not more than*  
12 *20 percent of the funds made available to carry*  
13 *out this subtitle for a fiscal year, the Adminis-*  
14 *trator shall provide to each State qualified for*  
15 *an allocation for the fiscal year an allocation*  
16 *equal to  $\frac{1}{53}$  of the funds made available for that*  
17 *fiscal year for distribution to States under this*  
18 *paragraph.*

19           “(B) *CERTAIN TERRITORIES.—*

20           “(i) *IN GENERAL.—Except as provided*  
21 *in clause (ii), Guam, the United States Vir-*  
22 *gin Islands, American Samoa, and the*  
23 *Commonwealth of the Northern Mariana Is-*  
24 *lands shall collectively receive an allocation*  
25 *equal to  $\frac{1}{53}$  of the funds made available for*

1           that fiscal year for distribution to States  
2           under this subsection, divided equally  
3           among those 4 States.

4           “(i) *EXCEPTION.*—If any State de-  
5           scribed in clause (i) does not qualify for an  
6           allocation under this paragraph, the share  
7           of funds otherwise allocated for that State  
8           under clause (i) shall be reallocated pursu-  
9           ant to subparagraph (C).

10          “(C) *REALLOCATION.*—If any State does  
11          not qualify for an allocation under this para-  
12          graph, the share of funds otherwise allocated for  
13          that State under this paragraph shall be reallo-  
14          cated to each remaining qualified State in an  
15          amount equal to the product obtained by multi-  
16          plying—

17                  “(i) the proportion that the population  
18                  of the State bears to the population of all  
19                  States described in paragraph (1); by

20                  “(ii) the amount otherwise allocatable  
21                  to the nonqualifying State under this para-  
22                  graph.”;

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           ceding 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 use the  
11          priorities in section 792(c)(4).

12          “(5) *PUBLIC NOTIFICATION*.—Not later than 60  
13          days after the date of the award of a grant, rebate,  
14          or loan by a State, the State shall publish on the Web  
15          site of the State—

16                 “(A) for rebates, grants, and loans provided  
17                 to the owner of a diesel vehicle or fleet, the total  
18                 number and dollar amount of rebates, grants, or  
19                 loans provided, as well as a breakdown of the  
20                 technologies funded through the rebates, grants,  
21                 or loans; and

22                 “(B) for other rebates, grants, and loans, a  
23                 description of each application for which the  
24                 grant, rebate, or loan is provided.”.

1       (d) *EVALUATION AND REPORT.*—Section 794(b) of the  
2 *Energy Policy Act of 2005 (42 U.S.C. 16134(b))* is amend-  
3 *ed—*

4           (1) *in each of paragraphs (2) through (5) by in-*  
5 *serting “, rebate,” after “grant” each place it ap-*  
6 *pears;*

7           (2) *in paragraph (5), by striking “and” at the*  
8 *end;*

9           (3) *in paragraph (6), by striking the period at*  
10 *the end and inserting “; and”; and*

11           (4) *by adding at the end the following new para-*  
12 *graph:*

13           “(7) *in the last report sent to Congress before*  
14 *January 1, 2016, an analysis of the need to continue*  
15 *the program, including an assessment of the size of*  
16 *the vehicle and engine fleet that could provide benefits*  
17 *from being retrofit under this program and a descrip-*  
18 *tion of the number and types of applications that*  
19 *were not granted in the preceding year.”.*

20       (e) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
21 *797 of the Energy Policy Act of 2005 (42 U.S.C. 16137)*  
22 *is amended to read as follows:*

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

24       “(a) *IN GENERAL.*—*There is authorized to be appro-*  
25 *priated to carry out this subtitle \$100,000,000 for each of*

1 *fiscal years 2012 through 2016, to remain available until*  
2 *expended.*

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

7 **SEC. 3. AUDIT.**

8 (a) *IN GENERAL.*—*Not later than 360 days after the*  
9 *date of enactment of this Act, the Comptroller General of*  
10 *the United States shall carry out an audit to identify—*

11 (1) *all Federal mobile source clean air grant, re-*  
12 *bate, or low cost revolving loan programs under the*  
13 *authority of the Administrator of the Environmental*  
14 *Protection Agency, the Secretary of Transportation,*  
15 *or other relevant Federal agency heads that are de-*  
16 *signed to address diesel emissions from, or reduce die-*  
17 *sel fuel usage by, diesel engines and vehicles; and*

18 (2) *whether, and to what extent, duplication or*  
19 *overlap among, or gaps between, these Federal mobile*  
20 *source clean air programs exists.*

21 (b) *REPORT.*—*The Comptroller General of the United*  
22 *States shall—*

23 (1) *submit to the Committee on Environment*  
24 *and Public Works of the Senate and the Committee on*

1       *Energy and Commerce of the House of Representa-*  
2       *tives a copy of the audit under subsection (a); and*

3               *(2) make a copy of the audit under subsection*  
4       *(a) available on a publicly accessible Internet site.*

5       *(c) OFFSET.—All unobligated amounts provided to*  
6       *carry out the pilot program under title I of division G of*  
7       *the Omnibus Appropriations Act, 2009 (Public Law 111–*  
8       *8; 123 Stat. 814) under the heading “MISCELLANEOUS*  
9       *ITEMS” are rescinded.*

10   **SEC. 4. EFFECTIVE DATE.**

11       *(a) GENERAL RULE.—Except as provided in sub-*  
12       *section (b), the amendments made by section 2 shall take*  
13       *effect on October 1, 2011.*

14       *(b) EXCEPTION.—The amendments made by sub-*  
15       *sections (a)(4) and (6) and (c)(4) of section 2 shall take*  
16       *effect on the date of enactment of this Act.*

Amend the title so as to read: “An Act to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.”.

Attest:

*Secretary.*



11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 5809**

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**AMENDMENTS**