

111TH CONGRESS  
2D SESSION

# H. R. 6482

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 HOUSE OF REPRESENTATIVES

DECEMBER 2, 2010

Ms. RICHARDSON (for herself and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Energy and Commerce

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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”.

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 “; and”; and

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

6 “(C) any private individual or entity  
7 that—

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

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

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

23 (3) by striking paragraph (9);

24 (4) by redesignating paragraph (8) as para-  
25 graph (9);

1           (5) in paragraph (9) (as so redesignated), in  
2           the 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 sev-  
7           eral States, the District of Columbia, the Common-  
8           wealth of Puerto Rico, Guam, the United States Vir-  
9           gin Islands, American Samoa, and the Common-  
10          wealth of the Northern Mariana Islands.”.

11          (b) NATIONAL GRANT, REBATE, AND LOAN PRO-  
12          GRAMS.—Section 792 of the Energy Policy Act of 2005  
13          (42 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  
23                       the Administrator, on a competitive basis, to el-  
24                       igible entities, including through contracts en-

1           tered into under subsection (e) of this section,”;  
2           and

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

5           (3) in subsection (b)—

6                 (A) by striking paragraph (2);

7                 (B) by redesignating paragraph (3) as  
8           paragraph (2); and

9                 (C) in paragraph (2) (as so redesign-  
10          nated)—

11                     (i) in subparagraph (A), in the matter  
12           preceding clause (i), by striking “90” and  
13           inserting “95”;

14                     (ii) in subparagraph (B)(i), by strik-  
15           ing “10 percent” and inserting “5 per-  
16           cent”; and

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

20          (4) in subsection (c)—

21                 (A) by redesignating paragraphs (2) and  
22           (3) as paragraphs (3) and (4), respectively;

23                 (B) by striking paragraph (1) and insert-  
24           ing the following:

25           “(1) EXPEDITED PROCESS.—

1           “(A) IN GENERAL.—The Administrator  
2 shall develop a simplified application process for  
3 all applicants under this section to expedite the  
4 provision of funds.

5           “(B) REQUIREMENTS.—In developing the  
6 expedited process under subparagraph (A), the  
7 Administrator—

8                   “(i) shall take into consideration the  
9 special circumstances affecting small fleet  
10 owners; and

11                   “(ii) to avoid duplicative procedures,  
12 may require applicants to include in an ap-  
13 plication under this section the results of a  
14 competitive bidding process for equipment  
15 and installation.

16           “(2) ELIGIBILITY.—

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

22                   “(B) REBATES AND LOW-COST LOANS.—  
23 To be eligible to receive a rebate or a low-cost  
24 loan under this section, an eligible entity shall

1 submit an application in accordance with such  
2 guidance as the Administrator may establish—

3 “(i) to the Administrator; or

4 “(ii) to an entity that has entered into  
5 a contract under subsection (e).”;

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

11 (D) in paragraph (4) (as redesignated by  
12 subparagraph (A))—

13 (i) in the matter preceding subpara-  
14 graph (A)—

15 (I) by inserting “, rebate,” after  
16 “grant”; and

17 (II) by inserting “highest” after  
18 “shall give”;

19 (ii) in subparagraph (C)(iii)—

20 (I) by striking “a diesel fleets”  
21 and inserting “diesel fleets”; and

22 (II) by inserting “construction  
23 sites, schools,” after “terminals,”;

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

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

3 (v) by striking subparagraph (G);

4 (5) in subsection (d)—

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

8 (B) in paragraph (2)(A)—

9 (i) by striking “grant or loan pro-  
10 vided” and inserting “grant, rebate, or  
11 loan provided, or contract entered into,”;  
12 and

13 (ii) by striking “Federal, State or  
14 local law” and inserting “any Federal law,  
15 except that this subparagraph shall not  
16 apply to a mandate in a State implementa-  
17 tion plan approved by the Administrator  
18 under the Clean Air Act”; and

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

20 “(e) CONTRACT PROGRAMS.—

21 “(1) AUTHORITY.—In addition to the use of  
22 contracting authority otherwise available to the Ad-  
23 ministrator, the Administrator may enter into con-  
24 tracts with eligible contractors described in para-  
25 graph (2) for the administration of programs for

1 providing rebates or loans, subject to the require-  
2 ments of this subtitle.

3 “(2) ELIGIBLE CONTRACTORS.—The Adminis-  
4 trator may enter into a contract under this sub-  
5 section with a for-profit or nonprofit entity that has  
6 the capacity—

7 “(A) to sell diesel vehicles or equipment to,  
8 or to arrange financing for, individuals or enti-  
9 ties that own a diesel vehicle or fleet; or

10 “(B) to upgrade diesel vehicles or equip-  
11 ment with verified or Environmental Protection  
12 Agency-certified engines or technologies, or to  
13 arrange financing for such upgrades.

14 “(f) PUBLIC NOTIFICATION.—Not later than 60 days  
15 after the date of the award of a grant, rebate, or loan,  
16 the Administrator shall publish on the website of the Envi-  
17 ronmental Protection Agency—

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

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

1 (c) STATE GRANT, REBATE, AND LOAN PRO-  
2 GRAMS.—Section 793 of the Energy Policy Act of 2005  
3 (42 U.S.C. 16133) is amended—

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

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

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

10 (4) by amending subsection (c)(2) to read as  
11 follows:

12 “(2) ALLOCATION.—

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

22 “(B) CERTAIN TERRITORIES.—

23 “(i) IN GENERAL.—Except as pro-  
24 vided in clause (ii), Guam, the United  
25 States Virgin Islands, American Samoa,

1 and the Commonwealth of the Northern  
2 Mariana Islands shall collectively receive  
3 an allocation equal to  $\frac{1}{53}$  of the funds  
4 made available for that fiscal year for dis-  
5 tribution to States under this subsection,  
6 divided equally among those 4 States.

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

13 “(C) REALLOCATION.—If any State does  
14 not qualify for an allocation under this para-  
15 graph, the share of funds otherwise allocated  
16 for that State under this paragraph shall be re-  
17 allocated to each remaining qualified State in  
18 an amount equal to the product obtained by  
19 multiplying—

20 “(i) the proportion that the population  
21 of the State bears to the population of all  
22 States described in paragraph (1); by

23 “(ii) the amount otherwise allocatable  
24 to the nonqualifying State under this para-  
25 graph.”;

1 (5) in subsection (d)—

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

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

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

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

12 “(4) PRIORITY.—In providing grants, rebates,  
13 and loans under this section, a State shall use the  
14 priorities in section 792(c)(4).

15 “(5) PUBLIC NOTIFICATION.—Not later than  
16 60 days after the date of the award of a grant, re-  
17 bate, or loan by a State, the State shall publish on  
18 the Web site of the State—

19 “(A) for rebates, grants, and loans pro-  
20 vided to the owner of a diesel vehicle or fleet,  
21 the total number and dollar amount of rebates,  
22 grants, or loans provided, as well as a break-  
23 down of the technologies funded through the re-  
24 bates, grants, or loans; and

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

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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