

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

**S.** \_\_\_\_\_

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

Mr. VOINOVICH (for himself and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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 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 or  
11 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—

21 “(A) the District of Columbia; and

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

23 (b) NATIONAL GRANT, REBATE, AND LOAN PRO-  
24 GRAMS.—Section 792 of the Energy Policy Act of 2005  
25 (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, con-  
9 tracts, rebates, or low-cost revolving loans, as  
10 determined by the Administrator, on a competi-  
11 tive basis, to eligible entities described in sub-  
12 paragraph (A), (B), or (D) of section 791(3), or  
13 to enter into contracts with eligible entities de-  
14 scribed in subparagraph (C) of that section,”;  
15 and

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

18 (3) in subsection (b)—

19 (A) by striking paragraph (2);

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

22 (C) in paragraph (2) (as so redesign-  
23 nated)—

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

4 (ii) in subparagraph (B)(ii), by strik-  
5 ing “application under subsection (c)” and  
6 inserting “verification application”;

7 (4) in subsection (c)—

8 (A) by redesignating paragraphs (2) and  
9 (3) as paragraphs (3) and (4), respectively;

10 (B) by striking paragraph (1) and insert-  
11 ing the following:

12 “(1) EXPEDITED PROCESS.—

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

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

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

23 “(ii) to avoid duplicative procedures,  
24 may require applicants to include in an ap-

1           plication under this section competitive  
2           bids for equipment and installation.

3           “(2) ELIGIBILITY.—

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

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

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

22                  “(i) the Administrator; or

23                  “(ii) an eligible entity described in  
24                  section 791(3)(C) with which the Adminis-  
25                  trator has entered into a contract for the

1 purpose of administering loans under this  
2 subtitle.”; and

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

5 (i) in the matter preceding subpara-  
6 graph (A)—

7 (I) by inserting “, rebate,” after  
8 “grant”; and

9 (II) by inserting “highest” after  
10 “shall give”;

11 (ii) in subparagraph (C)(iii)—

12 (I) by striking “a diesel fleets”  
13 and inserting “diesel fleets”; and

14 (II) by inserting “construction  
15 sites, schools,” after “terminals,”;

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

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

21 (v) by striking subparagraphs (F) and  
22 (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 inserting “, rebate,” after  
6 “grant”; and

7 (ii) by striking “, State or local”; and  
8 (6) by adding at the end the following:

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

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

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

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

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

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

4           (5) in subsection (d)—

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

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

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

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

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

19           “(5) PUBLIC NOTIFICATION.—Each State shall  
20           publish on the website of the State a description of  
21           each application for which a grant, rebate, or loan  
22           is provided under this section by not later than 60  
23           days after the date of award of the grant, rebate, or  
24           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.”.