

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide additional flexibility to covered fleets and persons under title V of the Energy Policy Act of 1992.

IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.

(no.) _____

(title) _____

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WYDEN

Viz:

1 After section 705, insert the following:

2 **SEC. 706. CREDIT FOR HYBRID VEHICLES, DEDICATED AL-**
3 **TERNATIVE FUEL VEHICLES, AND INFRA-**
4 **STRUCTURE.**

5 Section 507 of the Energy Policy Act of 1992 (42
6 U.S.C. 13258) (as amended by section 705) is amended
7 by adding at the end the following:

1 “(r) CREDITS FOR NEW QUALIFIED HYBRID MOTOR
2 VEHICLES.—

3 “(1) DEFINITIONS.—In this subsection:

4 “(A) 2000 MODEL YEAR CITY FUEL EFFI-
5 CIENCY.—The term ‘2000 model year city fuel
6 efficiency’, with respect to a motor vehicle,
7 means fuel efficiency determined in accordance
8 with the following tables:

9 “(i) In the case of a passenger auto-
10 mobile:

“If vehicle inertia weight class is:	The 2000 model year city fuel efficiency is:
1,500 or 1,750 lbs	43.7 mpg
2,000 lbs	38.3 mpg
2,250 lbs	34.1 mpg
2,500 lbs	30.7 mpg
2,750 lbs	27.9 mpg
3,000 lbs	25.6 mpg
3,500 lbs	22.0 mpg
4,000 lbs	19.3 mpg
4,500 lbs	17.2 mpg
5,000 lbs	15.5 mpg
5,500 lbs	14.1 mpg
6,000 lbs	12.9 mpg
6,500 lbs	11.9 mpg
7,000 to 8,500 lbs	11.1 mpg.

11 “(ii) In the case of a light truck:

“If vehicle inertia weight class is:	The 2000 model year city fuel efficiency is:
1,500 or 1,750 lbs	37.6 mpg
2,000 lbs	33.7 mpg
2,250 lbs	30.6 mpg
2,500 lbs	28.0 mpg
2,750 lbs	25.9 mpg
3,000 lbs	24.1 mpg
3,500 lbs	21.3 mpg
4,000 lbs	19.0 mpg
4,500 lbs	17.3 mpg
5,000 lbs	15.8 mpg
5,500 lbs	14.6 mpg
6,000 lbs	13.6 mpg

“If vehicle inertia weight class is:	The 2000 model year city fuel efficiency is:
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.0 mpg.

1 “(B) ADMINISTRATOR.—The term ‘Admin-
2 istrator’ means the Administrator of the Envi-
3 ronmental Protection Agency.

4 “(C) ENERGY STORAGE DEVICE.—The
5 term ‘energy storage device’ means an onboard
6 rechargeable energy storage system or similar
7 storage device.

8 “(D) FUEL EFFICIENCY.—The term ‘fuel
9 efficiency’ means the percentage increased fuel
10 efficiency specified in table 1 in paragraph
11 (2)(C) over the average 2000 model year city
12 fuel efficiency of vehicles in the same weight
13 class.

14 “(E) MAXIMUM AVAILABLE POWER.—The
15 term ‘maximum available power’, with respect
16 to a new qualified hybrid motor vehicle that is
17 a passenger vehicle or light truck, means the
18 quotient obtained by dividing—

19 “(i) the maximum power available
20 from the electrical storage device of the
21 new qualified hybrid motor vehicle, during
22 a standard 10-second pulse power or equiv-
23 alent test; by

1 “(ii) the sum of—

2 “(I) the maximum power de-
3 scribed in clause (i); and

4 “(II) the net power of the inter-
5 nal combustion or heat engine, as de-
6 termined in accordance with stand-
7 ards established by the Society of
8 Automobile Engineers.

9 “(F) MOTOR VEHICLE.—The term ‘motor
10 vehicle’ has the meaning given the term in sec-
11 tion 216 of the Clean Air Act (42 U.S.C.
12 7550).

13 “(G) NEW QUALIFIED HYBRID MOTOR VE-
14 HICLE.—The term ‘new qualified hybrid motor
15 vehicle’ means a motor vehicle that—

16 “(i) draws propulsion energy from
17 both—

18 “(I) an internal combustion en-
19 gine (or heat engine that uses com-
20 bustible fuel); and

21 “(II) an energy storage device;

22 “(ii) in the case of a passenger auto-
23 mobile or light truck—

24 “(I) in the case of a 2001 or
25 later model vehicle, receives a certifi-

1 cate of conformity under the Clean
2 Air Act (42 U.S.C. 7401 et seq.) and
3 produces emissions at a level that is
4 at or below the standard established
5 by a qualifying California standard
6 described in section 243(e)(2) of the
7 Clean Air Act (42 U.S.C. 7583(e)(2))
8 for that make and model year; and

9 “(II) in the case of a 2004 or
10 later model vehicle, is certified by the
11 Administrator as producing emissions
12 at a level that is at or below the level
13 established for Bin 5 vehicles in the
14 Tier 2 regulations promulgated by the
15 Administrator under section 202(i) of
16 the Clean Air Act (42 U.S.C. 7521(i))
17 for that make and model year vehicle;
18 and

19 “(iii) employs a vehicle braking sys-
20 tem that recovers waste energy to charge
21 an energy storage device.

22 “(H) VEHICLE INERTIA WEIGHT CLASS.—
23 The term ‘vehicle inertia weight class’ has the
24 meaning given the term in regulations promul-
25 gated by the Administrator for purposes of the

1 administration of title II of the Clean Air Act
2 (42 U.S.C. 7521 et seq.).

3 “(2) ALLOCATION.—

4 “(A) IN GENERAL.—The Secretary shall
5 allocate a partial credit to a fleet or covered
6 person under this title if the fleet or person ac-
7 quires a new qualified hybrid motor vehicle that
8 is eligible to receive a credit under each of the
9 tables in subparagraph (C).

10 “(B) AMOUNT.—The amount of a partial
11 credit allocated under subparagraph (A) for a
12 vehicle described in that subparagraph shall be
13 equal to the sum of—

14 “(i) the partial credits determined
15 under table 1 in subparagraph (C); and

16 “(ii) the partial credits determined
17 under table 2 in subparagraph (C).

18 “(C) TABLES.—The tables referred to in
19 subparagraphs (A) and (B) are as follows:

“Table 1	Amount of credit:
“Partial credit for increased fuel efficiency:	
At least 125% but less than 150% of 2000 model year city fuel efficiency	0.14
At least 150% but less than 175% of 2000 model year city fuel efficiency	0.21
At least 175% but less than 200% of 2000 model year city fuel efficiency	0.28
At least 200% but less than 225% of 2000 model year city fuel efficiency	0.35
At least 225% but less than 250% of 2000 model year city fuel efficiency	0.50.

“Table 2

“Partial credit for ‘Maximum Available Power’:	Amount of credit:
At least 5% but less than 10%	0.125
At least 10% but less than 20%	0.250
At least 20% but less than 30%	0.375
At least 30% or more	0.500.

1 “(D) USE OF CREDITS.—At the request of
2 a fleet or covered person allocated a credit
3 under this subsection, the Secretary shall, for
4 the year in which the acquisition of the quali-
5 fied hybrid motor vehicle is made, treat that
6 credit as the acquisition of 1 alternative fueled
7 vehicle that the fleet or covered person is re-
8 quired to acquire under this title.

9 “(3) REGULATIONS.—The Secretary shall pro-
10 mulgate regulations under which any Federal fleet
11 that acquires a new qualified hybrid motor vehicle
12 will receive partial credits determined under the ta-
13 bles contained in paragraph (2)(C) for purposes of
14 meeting the requirements of section 303.

15 “(s) CREDIT FOR SUBSTANTIAL CONTRIBUTION TO-
16 WARDS USE OF DEDICATED VEHICLES IN NONCOVERED
17 FLEETS.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) DEDICATED VEHICLE.—The term
20 ‘dedicated vehicle’ includes—

21 “(i) a light, medium, or heavy duty
22 vehicle; and

1 “(ii) a neighborhood electric vehicle.

2 “(B) MEDIUM OR HEAVY DUTY VEHI-
3 CLE.—The term ‘medium or heavy duty vehicle’
4 includes a vehicle that—

5 “(i) operates solely on alternative fuel;
6 and

7 “(ii)(I) in the case of a medium duty
8 vehicle, has a gross vehicle weight rating of
9 more than 8,500 pounds but not more
10 than 14,000 pounds; or

11 “(II) in the case of a heavy duty vehi-
12 cle, has a gross vehicle weight rating of
13 more than 14,000 pounds.

14 “(C) SUBSTANTIAL CONTRIBUTION.—The
15 term ‘substantial contribution’ (equal to 1 full
16 credit) means not less than \$15,000 in cash or
17 in kind services, as determined by the Sec-
18 retary.

19 “(2) ISSUANCE OF CREDITS.—The Secretary
20 shall issue a credit to a fleet or covered person under
21 this title if the fleet or person makes a substantial
22 contribution toward the acquisition and use of dedi-
23 cated vehicles by a person that owns, operates,
24 leases, or otherwise controls a fleet that is not cov-
25 ered by this title.

1 “(3) MULTIPLE CREDITS FOR MEDIUM AND
2 HEAVY DUTY DEDICATED VEHICLES.—The Secretary
3 shall issue 2 full credits to a fleet or covered person
4 under this title if the fleet or person acquires a me-
5 dium or heavy duty dedicated vehicle.

6 “(4) USE OF CREDITS.—At the request of a
7 fleet or covered person allocated a credit under this
8 subsection, the Secretary shall, for the year in which
9 the acquisition of the dedicated vehicle is made,
10 treat that credit as the acquisition of 1 alternative
11 fueled vehicle that the fleet or covered person is re-
12 quired to acquire under this title.

13 “(5) LIMITATION.—Per vehicle credits acquired
14 under this subsection shall not exceed the per vehicle
15 credits allowed under this section to a fleet for quali-
16 fying vehicles in each of the weight categories (light,
17 medium, or heavy duty).

18 “(t) CREDIT FOR SUBSTANTIAL INVESTMENT IN AL-
19 TERNATIVE FUEL INFRASTRUCTURE.—

20 “(1) DEFINITIONS.—In this section, the term
21 ‘qualifying infrastructure’ means—

22 “(A) equipment required to refuel or re-
23 charge alternative fueled vehicles;

1 “(B) facilities or equipment required to
2 maintain, repair, or operate alternative fueled
3 vehicles;

4 “(C) training programs, educational mate-
5 rials, or other activities necessary to provide in-
6 formation regarding the operation, mainte-
7 nance, or benefits associated with alternative
8 fueled vehicles; and

9 “(D) such other activities the Secretary
10 considers to constitute an appropriate expendi-
11 ture in support of the operation, maintenance,
12 or further widespread adoption of or utilization
13 of alternative fueled vehicles.

14 “(2) ISSUANCE OF CREDITS.—The Secretary
15 shall issue a credit to a fleet or covered person under
16 this title for investment in qualifying infrastructure
17 if the qualifying infrastructure is open to the general
18 public during regular business hours.

19 “(3) AMOUNT.—For the purposes of credits
20 under this subsection—

21 “(A) 1 credit shall be equal to a minimum
22 investment of \$25,000 in cash or in kind serv-
23 ices, as determined by the Secretary; and

1 “(B) except in the case of a Federal or
2 State fleet, no part of the investment may be
3 provided by Federal or State funds.

4 “(4) USE OF CREDITS.—At the request of a
5 fleet or covered person allocated a credit under this
6 subsection, the Secretary shall, for the year in which
7 the investment is made, treat that credit as the ac-
8 quisition of 1 alternative fueled vehicle that the fleet
9 or covered person is required to acquire under this
10 title.”.