

AMENDMENT NO. 45

Calendar No. _____

Purpose: To increase the allowable credit for fuel use under
the alternatively fueled vehicle purchase requirement.

IN THE SENATE OF THE UNITED STATES – 108TH Cong., 1st Sess.

S. _____

**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 _____

to _____

Viz:

1 On page _____, between lines _____ and _____, strike Section 702 and

2 insert the following:

3 **SEC. 702. FUEL USE CREDITS.**

4 (a) IN GENERAL.— Section 312 of the Energy Policy Act of 1992 (42

5 U.S.C. 19 13220) is amended to read as follows:

6 **“SEC. 312. FUEL USE CREDITS.**

7 **“(a) ALLOCATION.—**

8 **“(1) The Secretary shall allocate one credit under this**

9 **section to a fleet or covered person for each qualifying volume**

10 **of alternative fuel or biodiesel purchased for use in a vehicle**

11 **operated by the fleet.**

1 “(2) No credits shall be allocated under this section for
2 purchase of an alternative fuel or biodiesel that is required by
3 Federal or State law.

4 “(3) A fleet or covered person seeking a credit under
5 this section shall provide written documentation to the
6 Secretary supporting the allocation of a credit to such fleet or
7 covered person under this section.

8 “(b) USE.—At the request of a fleet or covered person
9 allocated a credit under subsection (a), the Secretary shall, for
10 the year in which the purchase of a qualifying volume is made,
11 treat that purchase as the acquisition of one alternative fueled
12 vehicle the fleet or covered person is required to acquire under
13 this title, title IV, or title V.

14 “(c) TREATMENT.—A credit provided to a fleet or covered
15 person under this section shall be considered a credit under
16 section 508.

17 “(d) ISSUANCE OF RULE.—Not later than 6 months after
18 the date of enactment of this section, the Secretary shall issue
19 a rule establishing procedures for the implementation of this
20 section.

21 “(e) DEFINITIONS.—For the purposes of this section—

1 “(1) the term “biodiesel” means a diesel fuel substitute
2 produced from non-petroleum renewable resources that meets
3 the registration requirements for fuels and fuel additives
4 established by the Environmental Protection Agency under
5 section 211 of the Clean Air Act; and

6 “(2) the term “qualifying volume” means—

7 “(A) in the case of biodiesel, when used as a
8 component of fuel containing at least 20 percent
9 biodiesel by volume, 450 gallons, or if the Secretary
10 determines by rule that the average annual alternative
11 fuel use in light duty vehicles by fleets and covered
12 persons exceeds 450 gallons or gallon equivalents, the
13 amount of such average annual alternative fuel use; or

14 “(B) in the case of an alternative fuel, the
15 amount of such fuel determined by the Secretary to
16 have an equivalent energy content to the amount of
17 biodiesel defined as a qualifying volume pursuant to
18 subparagraph (A).”

19 (b) TABLE OF CONTENTS AMENDMENT.—The table of
20 contents of the Energy Policy Act of 1992 is amended by adding at the end of
21 the items relating to title III the following new item:

1 **“Sec. 312. Fuel use credits.”**