

Jim Talent
S.L.C.

AMENDMENT NO. _____

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—109th Cong., 1st Sess.

AMENDMENT No. 0819

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By *Talent*To: *H.R. 6*

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Page(s)

GPO: 2004 97-290(Mac)

(Ordered to lie on the table and to be printed)

AMENDMENT intended to be proposed by Mr. TALENT & *Mr. Johnson*

Viz:

1 On page 420, strike lines 5 through 16 and insert

2 the following:

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

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

5 Act of 1992 (42 U.S.C. 13220) is amended to read as

6 follows:

7 **"SEC. 312. FUEL USE CREDITS.**

8 (a) DEFINITIONS.—In this section:

9 "(1) BIODIESEL.—The term 'biodiesel' means a

10 diesel fuel substitute produced from nonpetroleum

1 renewable resources that meets the registration re-
2 quirements for fuels and fuel additives established
3 by the Environmental Protection Agency under sec-
4 tion 211 of the Clean Air Act (42 U.S.C. 7545).

5 “(2) QUALIFYING VOLUME.—The term ‘quali-
6 fying volume’ means—

7 “(A) in the case of biodiesel, when used as
8 a component of fuel containing at least 20 per-
9 cent biodiesel by volume—

10 “(i) 450 gallons; or

11 “(ii) if the Secretary determines by
12 rule that the average annual alternative
13 fuel use in light duty vehicles by fleets and
14 covered persons exceeds 450 gallons or gal-
15 lon equivalents, the amount of the average
16 annual alternative fuel use; and

17 “(B) in the case of an alternative fuel, the
18 amount of the fuel determined by the Secretary
19 to have an equivalent energy content to the
20 amount of biodiesel defined as a qualifying vol-
21 ume under subparagraph (A).

22 “(b) ALLOCATION.—

23 “(1) IN GENERAL.—The Secretary shall allo-
24 cate 1 credit under this section to a fleet or covered
25 person for each qualifying volume of alternative fuel

1 or biodiesel purchased for use in a vehicle operated
2 by the fleet.

3 “(2) LIMITATION.—The Secretary may not allo-
4 cate a credit under this section for the purchase of
5 an alternative fuel or biodiesel that is required by
6 Federal or State law.

7 “(3) DOCUMENTATION.—A fleet or covered per-
8 son seeking a credit under paragraph (1) shall pro-
9 vide written documentation to the Secretary sup-
10 porting the allocation of the credit to the fleet or
11 covered person.

12 “(c) USE.—At the request of a fleet or covered per-
13 son allocated a credit under subsection (b), the Secretary
14 shall, for the year in which the purchase of a qualifying
15 volume is made, consider the purchase to be the acquisi-
16 tion of 1 alternative fueled vehicle that the fleet or covered
17 person is required to acquire under this title, title IV, or
18 title V.

19 “(d) TREATMENT.—A credit provided to a fleet or
20 covered person under this section shall be considered to
21 be a credit under section 508.

22 “(e) ISSUANCE OF RULE.—Not later than 180 days
23 after the date of enactment of the Energy Policy Act of
24 2005, the Secretary shall issue a rule establishing proce-
25 dures for the implementation of this section.”.

1 (b) TABLE OF CONTENTS AMENDMENT.—The table
2 of contents of the Energy Policy Act of 1992 is amended
3 by striking the item relating to section 312 and inserting
4 the following:

“Sec. 312 Fuel use credits.”.