

111TH CONGRESS
1ST SESSION

S. 1093

To amend the Internal Revenue Code of 1986 to provide tax incentives for increasing motor vehicle fuel efficiency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to provide tax incentives for increasing motor vehicle fuel efficiency, and for other purposes.

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; AMENDMENT OF 1986 CODE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Oil Independence, Limiting Subsidies, and Accelerating
6 Vehicle Efficiency Act” or the “OILSAVE Act”.

7 (b) AMENDMENT OF 1986 CODE.—Except as other-
8 wise expressly provided, whenever in this Act an amend-
9 ment or repeal is expressed in terms of an amendment
10 to, or repeal of, a section or other provision, the reference

1 shall be considered to be made to a section or other provi-
 2 sion of the Internal Revenue Code of 1986.

3 **SEC. 2. TAX CREDIT FOR FUEL-EFFICIENT MOTOR VEHI-**
 4 **CLES.**

5 (a) IN GENERAL.—Subpart B of part IV of sub-
 6 chapter A of chapter 1 (relating to other credits) is
 7 amended by inserting after section 30D the following new
 8 section:

9 **“SEC. 30E. FUEL-EFFICIENT MOTOR VEHICLE CREDIT.**

10 “(a) ALLOWANCE OF CREDIT.—

11 “(1) IN GENERAL.—There shall be allowed as a
 12 credit against the tax imposed by this chapter for
 13 the taxable year an amount equal to the amount de-
 14 termined under paragraph (2) with respect to any
 15 new qualified fuel-efficient motor vehicle placed in
 16 service by the taxpayer during the taxable year.

17 “(2) CREDIT AMOUNT.—With respect to each
 18 new qualified fuel-efficient motor vehicle, the amount
 19 determined under this paragraph shall be equal to—

20 “(A) in the case of any vehicle manufac-
 21 tured in model year 2011, the applicable
 22 amount determined in accordance with the table
 23 contained in paragraph (3), and

24 “(B) in the case of any passenger auto-
 25 mobile or non-passenger automobile manufac-

1 tured in a model year after 2011, the lesser
2 of—

3 “(i) the sum of—

4 “(I) \$900, plus

5 “(II) \$100 for each whole mile

6 per gallon in excess of 110 percent of

7 the respective industry-wide average

8 fuel economy standard for such model

9 year for all passenger automobiles and

10 all non-passenger automobiles, or

11 “(ii) \$2,500.

12 “(3) APPLICABLE AMOUNT.—For purposes of

13 paragraph (2)(A), the applicable amount shall be de-

14 termined as follows:

15 “(A) In the case of a passenger automobile

16 which achieves:

“The fuel economy of:	The applicable amount is:
At least 33.2 but less than 34.2	\$900
At least 34.2 but less than 35.2	\$1,000
At least 35.2 but less than 36.2	\$1,100
At least 36.2 but less than 37.2	\$1,200
At least 37.2 but less than 38.2	\$1,300
At least 38.2 but less than 39.2	\$1,400
At least 39.2 but less than 40.2	\$1,500
At least 40.2 but less than 41.2	\$1,600
At least 41.2 but less than 42.2	\$1,700
At least 42.2 but less than 43.2	\$1,800
At least 43.2 but less than 44.2	\$1,900
At least 44.2 but less than 45.2	\$2,000
At least 45.2 but less than 46.2	\$2,100
At least 46.2 but less than 47.2	\$2,200
At least 47.2 but less than 48.2	\$2,300
At least 48.2 but less than 49.2	\$2,400

“The fuel economy of:	The applicable amount is:
At least 49.2	\$2,500.

1 “(B) In the case of a non-passenger auto-
2 mobile which achieves:

“The fuel economy of:	The applicable amount is:
At least 26.5 but less than 27.5	\$900
At least 27.5 but less than 28.5	\$1,000
At least 28.5 but less than 29.5	\$1,100
At least 29.5 but less than 30.5	\$1,200
At least 30.5 but less than 31.5	\$1,300
At least 31.5 but less than 32.5	\$1,400
At least 32.5 but less than 33.5	\$1,500
At least 33.5 but less than 34.5	\$1,600
At least 34.5 but less than 35.5	\$1,700
At least 35.5 but less than 36.5	\$1,800
At least 36.5 but less than 37.5	\$1,900
At least 37.5 but less than 38.5	\$2,000
At least 38.5 but less than 39.5	\$2,100
At least 39.5 but less than 40.5	\$2,200
At least 40.5 but less than 41.5	\$2,300
At least 41.5 but less than 42.5	\$2,400
At least 42.5	\$2,500.

3 “(b) NEW QUALIFIED FUEL-EFFICIENT MOTOR VE-
4 HICLE.—For purposes of this section, the term ‘new quali-
5 fied fuel-efficient motor vehicle’ means a passenger auto-
6 mobile or non-passenger automobile—

7 “(1) which is treated as a motor vehicle for
8 purposes of title II of the Clean Air Act,

9 “(2) which—

10 “(A) in the case of a passenger automobile,
11 achieves a fuel economy of not less than 110
12 percent of the industry-wide average fuel econ-

1 omy standard for the model year for all pas-
 2 senger automobiles, and

3 “(B) in the case of a non-passenger auto-
 4 mobile, achieves a fuel economy of not less than
 5 110 percent of the industry-wide average fuel
 6 economy standard for the model year for all
 7 non-passenger automobiles,

8 “(3) which has a gross vehicle weight rating of
 9 less than 14,000 pounds,

10 “(4) the original use of which commences with
 11 the taxpayer,

12 “(5) which is acquired for use or lease by the
 13 taxpayer and not for resale, and

14 “(6) which is made by a manufacturer during
 15 the period beginning with model year 2011 and end-
 16 ing with model year 2020.

17 “(c) APPLICATION WITH OTHER CREDITS.—

18 “(1) BUSINESS CREDIT TREATED AS PART OF
 19 GENERAL BUSINESS CREDIT.—So much of the credit
 20 which would be allowed under subsection (a) for any
 21 taxable year (determined without regard to this sub-
 22 section) that is attributable to property of a char-
 23 acter subject to an allowance for depreciation shall
 24 be treated as a credit listed in section 38(b) for such
 25 taxable year (and not allowed under subsection (a)).

1 “(2) PERSONAL CREDIT.—

2 “(A) IN GENERAL.—For purposes of this
3 title, the credit allowed under subsection (a) for
4 any taxable year (determined after application
5 of paragraph (1)) shall be treated as a credit
6 allowable under subpart A for such taxable
7 year.

8 “(B) LIMITATION BASED ON AMOUNT OF
9 TAX.—In the case of a taxable year to which
10 section 26(a)(2) does not apply, the credit al-
11 lowed under subsection (a) for any taxable year
12 (determined after application of paragraph (1))
13 shall not exceed the excess of—

14 “(i) the sum of the regular tax liabil-
15 ity (as defined in section 26(b)) plus the
16 tax imposed by section 55, over

17 “(ii) the sum of the credits allowable
18 under subpart A (other than this section
19 and sections 23, 25D, 30, and 30D) and
20 section 27 for the taxable year.

21 “(d) OTHER DEFINITIONS.—For purposes of this
22 section—

23 “(1) MANUFACTURER.—The term ‘manufac-
24 turer’ has the meaning given such term in regula-
25 tions prescribed by the Administrator of the Envi-

1 ronmental Protection Agency for purposes of the ad-
 2 ministration of title II of the Clean Air Act (42
 3 U.S.C. 7521 et seq.).

4 “(2) MODEL YEAR.—The term ‘model year’ has
 5 the meaning given such term under section 32901(a)
 6 of such title 49.

7 “(3) MOTOR VEHICLE.—The term ‘motor vehi-
 8 cle’ means any vehicle which is manufactured pri-
 9 marily for use on public streets, roads, and highways
 10 (not including a vehicle operated exclusively on a rail
 11 or rails) and which has at least 4 wheels.

12 “(4) FUEL ECONOMY; AVERAGE FUEL ECONOMY
 13 STANDARD.—The terms ‘fuel economy’ and ‘average
 14 fuel economy standard’ have the meanings given
 15 such terms under section 32901 of such title 49.

16 “(e) SPECIAL RULES.—

17 “(1) BASIS REDUCTION.—For purposes of this
 18 subtitle, the basis of any property for which a credit
 19 is allowable under subsection (a) shall be reduced by
 20 the amount of such credit so allowed.

21 “(2) NO DOUBLE BENEFIT.—The amount of
 22 any deduction or other credit allowable under this
 23 chapter for a new qualified fuel-efficient motor vehi-
 24 cle shall be reduced by the amount of credit allowed
 25 under subsection (a) for such vehicle.

1 “(3) CREDIT MAY BE TRANSFERRED.—

2 “(A) IN GENERAL.—A taxpayer may, in
 3 connection with the purchase of a new qualified
 4 fuel-efficient motor vehicle, transfer any credit
 5 allowable under subsection (a) to any person
 6 who is in the trade or business of selling new
 7 qualified fuel-efficient motor vehicles, but only
 8 if such person clearly discloses to such tax-
 9 payer, through the use of a window sticker at-
 10 tached to the new qualified fuel-efficient vehi-
 11 cle—

12 “(i) the amount of any credit allow-
 13 able under subsection (a) with respect to
 14 such vehicle (determined without regard to
 15 subsection (c)), and

16 “(ii) a notification that the taxpayer
 17 will not be eligible for any credit under
 18 section 30, 30B, or 30D with respect to
 19 such vehicle unless the taxpayer elects not
 20 to have this section apply with respect to
 21 such vehicle.

22 “(B) CONSENT REQUIRED FOR REVOCATION.—Any transfer under subparagraph (A)
 23 may be revoked only with the consent of the
 24 Secretary.
 25

1 “(C) REGULATIONS.—The Secretary may
 2 prescribe such regulations as necessary to en-
 3 sure that any credit described in subparagraph
 4 (A) is claimed once and not retransferred by a
 5 transferee.

6 “(4) PROPERTY USED OUTSIDE UNITED STATES
 7 NOT QUALIFIED.—No credit shall be allowable under
 8 subsection (a) with respect to any property referred
 9 to in section 50(b)(1).

10 “(5) RECAPTURE.—The Secretary shall, by reg-
 11 ulations, provide for recapturing the benefit of any
 12 credit allowable under subsection (a) with respect to
 13 any property which ceases to be property eligible for
 14 such credit.

15 “(6) ELECTION NOT TO TAKE CREDIT.—No
 16 credit shall be allowed under subsection (a) for any
 17 vehicle if the taxpayer elects to not have this section
 18 apply to such vehicle.

19 “(7) INTERACTION WITH AIR QUALITY AND
 20 MOTOR VEHICLE SAFETY STANDARDS.—A motor ve-
 21 hicle shall not be considered eligible for a credit
 22 under this section unless such vehicle is in compli-
 23 ance with—

24 “(A) the applicable provisions of the Clean
 25 Air Act for the applicable make and model year

1 of the vehicle (or applicable air quality provi-
 2 sions of State law in the case of a State which
 3 has adopted such provision under a waiver
 4 under section 209(b) of the Clean Air Act), and

5 “(B) the motor vehicle safety provisions of
 6 sections 30101 through 30169 of title 49,
 7 United States Code.

8 “(f) TERMINATION.—This section shall not apply to
 9 property placed in service after December 31, 2020.”.

10 (b) CREDIT ALLOWED AGAINST ALTERNATIVE MIN-
 11 IMUM TAX.—

12 (1) BUSINESS CREDIT.—Section 38(c)(4)(B) is
 13 amended by redesignating clauses (i) through (viii)
 14 as clauses (ii) through (ix), respectively, and by in-
 15 serting before clause (ii) (as so redesignated) the fol-
 16 lowing new clause:

17 “(i) the credit determined under sec-
 18 tion 30E,”.

19 (2) PERSONAL CREDIT.—

20 (A) Section 24(b)(3)(B) is amended by
 21 striking “and 30D” and inserting “30D, and
 22 30E”.

23 (B) Section 25(e)(1)(C)(ii) is amended by
 24 inserting “30E,” after “30D,”.

1 (C) Section 25B(g)(2) is amended by strik-
2 ing “and 30D” and inserting “30D, and 30E”.

3 (D) Section 26(a)(1) is amended by strik-
4 ing “ and 30D” and inserting “30D, and 30E”.

5 (E) Section 904(i) is amended by striking
6 “and 30D” and inserting “30D, and 30E”.

7 (c) CONFORMING AMENDMENTS.—

8 (1) Section 38(a) is amended by striking “plus”
9 at the end of paragraph (34), by striking the period
10 at the end of paragraph (35) and inserting “, plus”,
11 and by adding at the end the following new para-
12 graph:

13 “(36) the portion of the new qualified fuel-effi-
14 cient motor vehicle credit to which section 30E(c)(1)
15 applies.”.

16 (2) Section 1016(a) is amended by striking
17 “and” at the end of paragraph (36), by striking the
18 period at the end of paragraph (37) and inserting “,
19 and”, and by adding at the end the following new
20 paragraph:

21 “(38) to the extent provided in section
22 30E(e)(1).”.

23 (3) Section 6501(m) is amended by inserting
24 “30E(e)(6),” after “30D(e)(4),”.

1 (4) The table of section for subpart C of part
 2 IV of subchapter A of chapter 1 is amended by in-
 3 serting after the item relating to section 30D the
 4 following new item:

“Sec. 30E. Fuel-efficient motor vehicle credit.”.

5 (d) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to property placed in service after
 7 December 31, 2009.

8 **SEC. 3. CREDIT FOR FUEL SAVINGS COMPONENTS FOR**
 9 **CERTAIN VEHICLES.**

10 (a) IN GENERAL.—Subpart D of part IV of sub-
 11 chapter A of chapter 1 (relating to business-related cred-
 12 its) is amended by adding at the end the following new
 13 section:

14 **“SEC. 45R. CREDIT FOR FUEL SAVINGS COMPONENTS FOR**
 15 **CERTAIN VEHICLES.**

16 “(a) GENERAL RULE.—For purposes of section 38,
 17 the fuel savings tax credit determined under this section
 18 for the taxable year is an amount equal to the applicable
 19 percentage of the amount paid or incurred for 1 or more
 20 qualifying fuel savings components placed in service on a
 21 qualifying vehicle by the taxpayer during the taxable year.

22 “(b) APPLICABLE PERCENTAGE.—For purposes of
 23 subsection (a), the applicable percentage is equal to the
 24 sum of—

25 “(1) 5 percent, plus

“(2) 5 percentage points (not to exceed 45 percentage points), for each percent in excess of 2 percent by which the fuel economy achieved by the qualifying vehicle with 1 or more qualifying fuel savings components exceeds such qualifying vehicle without such component or components.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFYING FUEL SAVINGS COMPONENT.—The term ‘qualifying fuel savings component’ means any device or system of devices that—

“(A) is installed on a qualifying vehicle,

“(B) is designed to increase the fuel economy of such vehicle by at least 2 percent, the amount of such increase to be verified by the Administrator of the Environmental Protection Agency under the SmartWay Transport Partnership,

“(C) the original use of which commences with the taxpayer,

“(D) is acquired for use by the taxpayer and not for resale, and

“(E) has not been taken into account for purposes of determining the credit under this section for any preceding taxable year with respect to such qualifying vehicle.

1 “(2) QUALIFYING VEHICLE.—The term ‘quali-
 2 fying vehicle’ means any vehicle subject to transpor-
 3 tation fuels regulations under the Clean Air Act.

4 “(3) FUEL ECONOMY.—The term ‘fuel econ-
 5 omy’ has the meaning given such term under section
 6 32901 of such title 49.

7 “(d) SPECIAL RULES.—

8 “(1) NO DOUBLE BENEFIT.—

9 “(A) REDUCTION IN BASIS.—If a credit is
 10 determined under this section with respect to
 11 any property by reason of expenditures de-
 12 scribed in subsection (a), the basis of such
 13 property shall be reduced by the amount of the
 14 credit so determined.

15 “(B) OTHER DEDUCTIONS AND CRED-
 16 ITS.—The amount of any deduction or other
 17 credit allowable under this chapter for a quali-
 18 fying vehicle shall be reduced by the amount of
 19 credit allowed under subsection (a) with respect
 20 to such vehicle.

21 “(2) CREDIT MAY BE TRANSFERRED.—

22 “(A) IN GENERAL.—A taxpayer may, in
 23 connection with the purchase of a qualifying
 24 fuel savings component, transfer any credit al-
 25 lowable under subsection (a) to any person who

1 is in the trade or business of selling such com-
 2 ponents, but only if such person clearly dis-
 3 closes to such taxpayer, through the use of a
 4 sticker attached to the qualifying fuel savings
 5 component, the amount of any credit allowable
 6 under subsection (a) with respect to such com-
 7 ponent.

8 “(B) CONSENT REQUIRED FOR REVOCATION.—Any transfer under subparagraph (A)
 9 may be revoked only with the consent of the
 10 Secretary.
 11

12 “(C) REGULATIONS.—The Secretary may
 13 prescribe such regulations as necessary to en-
 14 sure that any credit described in subparagraph
 15 (A) is claimed once and not retransferred by a
 16 transferee.

17 “(3) ELECTION NOT TO CLAIM CREDIT.—No
 18 credit shall be allowed under subsection (a) for any
 19 component if the taxpayer elects to not have this
 20 section apply to such component.

21 “(e) TERMINATION.—This section shall not apply to
 22 property placed in service after December 31, 2020.”.

23 (b) CREDIT TO BE PART OF GENERAL BUSINESS
 24 CREDIT.—Subsection (b) of section 38 (relating to general
 25 business credit), as amended by this Act, is amended by

1 striking “plus” at the end of paragraph (35), by striking
 2 the period at the end of paragraph (36) and inserting “,
 3 plus” , and by adding at the end the following new para-
 4 graph:

5 “(37) the fuel savings tax credit determined
 6 under section 45R(a).”.

7 (c) CONFORMING AMENDMENTS.—

8 (1) The table of sections for subpart D of part
 9 IV of subchapter A of chapter 1 is amended by in-
 10 serting after the item relating to section 45Q the fol-
 11 lowing new item:

“Sec. 45R. Credit for fuel savings components for certain vehicles and en-
 gines.”.

12 (2) Section 1016(a), as amended by this Act, is
 13 amended by striking “and” at the end of paragraph
 14 (37), by striking the period at the end of paragraph
 15 (38) and inserting “, and”, and by adding at the
 16 end the following:

17 “(39) in the case of a component with respect
 18 to which a credit was allowed under section 45R, to
 19 the extent provided in section 45R(d)(1)(A).”.

20 (3) Section 6501(m), as amended by this Act,
 21 is amended by inserting “45R(d)(3)” after
 22 “45H(g)”.

23 (d) EFFECTIVE DATE.—The amendments made by
 24 this section shall apply to property placed in service after

1 December 31, 2009, in taxable years ending after such
2 date.

3 **SEC. 4. INCREASE IN GAS GUZZLER TAX.**

4 (a) IN GENERAL.—Subsection (a) of section 4064
5 (relating to gas guzzler tax) is amended to read as follows:

6 “(a) IMPOSITION OF TAX.—

7 “(1) IN GENERAL.—There is hereby imposed on
8 the sale by the manufacturer of each automobile a
9 tax equal to—

10 “(A) in the case of any automobile manu-
11 factured in model year 2011, the applicable tax
12 amount determined in accordance with the table
13 contained in paragraph (2), and

14 “(B) in the case of any automobile manu-
15 factured in a model year after 2011, if the fuel
16 economy of the model type in which such auto-
17 mobile falls is less than 80 percent of the indus-
18 try-wide average fuel economy standard for
19 such model year for all automobiles, an amount
20 equal to the lesser of—

21 “(i) an amount based on each mile
22 per gallon reduction below such 80 percent
23 equal to—

24 “(I) \$1,000 for the first mile per
25 gallon reduction, or

1 “(II) an aggregate amount equal
 2 to 125 percent of the previous dollar
 3 amount for each additional mile per
 4 gallon reduction, or
 5 “(ii) \$22,737.

6 For purposes of subparagraph (B), any fraction
 7 of a mile per gallon shall be rounded to the
 8 nearest mile per gallon and any fraction of a
 9 dollar shall be rounded to the nearest dollar.
 10 “(2) APPLICABLE TAX AMOUNT.—For purposes
 11 of paragraph (1)(A), the applicable tax amount shall
 12 be determined as follows:

“If the fuel economy of the model type in which the automobile falls is:	The applicable tax amount is:
At least 24.2	\$0
At least 23.2 but less than 24.2	\$1,000
At least 22.2 but less than 23.2	\$1,250
At least 21.2 but less than 22.2	\$1,563
At least 20.2 but less than 21.2	\$1,953
At least 19.2 but less than 20.2	\$2,441
At least 18.2 but less than 19.2	\$3,052
At least 17.2 but less than 18.2	\$3,815
At least 16.2 but less than 17.2	\$4,768
At least 15.2 but less than 16.2	\$5,960
At least 14.2 but less than 15.2	\$7,451
At least 13.2 but less than 14.2	\$9,313
At least 12.2 but less than 13.2	\$11,642
At least 11.2 but less than 12.2	\$14,552
At least 10.2 but less than 11.2	\$18,190
Less than 10.2	\$22,737.”.

13 (b) DEFINITION.—Section 4064(b) (relating to defi-
 14 nitions) is amended by adding at the end the following
 15 new paragraph:

1 “(8) AVERAGE FUEL ECONOMY STANDARD.—
 2 The term ‘average fuel economy standard’ has the
 3 meaning given such term under section 32901 of
 4 title 49, United States Code.”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to sales after December 31, 2009.

7 **SEC. 5. INCREASE IN MANUFACTURER CAFE PENALTIES.**

8 (a) IN GENERAL.—Section 32912 of title 49, United
 9 States Code, is amended—

10 (1) by striking “\$5” in subsection (b) and in-
 11 serting “\$50”, and

12 (2) by striking “\$10” in subsection (c)(1)(B)
 13 and inserting “\$100”.

14 (b) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply to model years beginning after the
 16 date of the enactment of this Act.

17 **SEC. 6. DEPLOYMENT OF LOW-GREENHOUSE GAS AND**
 18 **FUEL-SAVING TECHNOLOGIES.**

19 Section 756 of the Energy Policy Act of 2005 (42
 20 U.S.C. 16104) is amended—

21 (1) by striking the section heading and all that
 22 follows through the end of subsection (b) and insert-
 23 ing the following:

1 **“SEC. 756. DEPLOYMENT OF LOW-GREENHOUSE GAS AND**
2 **FUEL-SAVING TECHNOLOGIES.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ADMINISTRATOR.—The term ‘Adminis-
5 trator’ means the Administrator of the Environ-
6 mental Protection Agency.

7 “(2) ADVANCED TRUCK STOP ELECTRIFICATION
8 SYSTEM.—The term ‘advanced truck stop electrifica-
9 tion system’ means a stationary system that delivers
10 heat, air conditioning, electricity, or communica-
11 tions, and is capable of providing verifiable and
12 auditable evidence of use of those services, to a
13 heavy-duty vehicle and any occupants of the heavy-
14 duty vehicle with, or for delivery, of those services.

15 “(3) AUXILIARY POWER UNIT.—The term ‘aux-
16 iliary power unit’ means an integrated system that—

17 “(A) provides heat, air conditioning, engine
18 warming, or electricity to components on a
19 heavy-duty vehicle; and

20 “(B) is certified by the Administrator
21 under part 89 of title 40, Code of Federal Reg-
22 ulations (or any successor regulation), as meet-
23 ing applicable emission standards.

24 “(4) HEAVY-DUTY VEHICLE.—The term ‘heavy-
25 duty vehicle’ means a vehicle that has a gross vehicle
26 weight rating greater than 8,500 pounds.

1 “(5) IDLE REDUCTION TECHNOLOGY.—The
 2 term ‘idle reduction technology’ means an advanced
 3 truck stop electrification system, auxiliary power
 4 unit, or other technology that—

5 “(A) is used to reduce idling; and

6 “(B) allows for the main drive engine or
 7 auxiliary refrigeration engine to be shut down.

8 “(6) LONG-DURATION IDLING.—

9 “(A) IN GENERAL.—The term ‘long-dura-
 10 tion idling’ means the operation of a main drive
 11 engine or auxiliary refrigeration engine, for a
 12 period greater than 15 consecutive minutes, at
 13 a time at which the main drive engine is not en-
 14 gaged in gear.

15 “(B) EXCLUSIONS.—The term ‘long-dura-
 16 tion idling’ does not include the operation of a
 17 main drive engine or auxiliary refrigeration en-
 18 gine during a routine stoppage associated with
 19 traffic movement or congestion.

20 “(7) LOW-GREENHOUSE GAS AND FUEL-SAVING
 21 TECHNOLOGY.—The term ‘low-greenhouse gas and
 22 fuel-saving technology’ means any device, system of
 23 devices, strategies, or equipment that—

24 “(A) reduces greenhouse gas emissions; or

25 “(B) improves fuel efficiency.

1 “(b) LOW-GREENHOUSE GAS AND FUEL-SAVING
2 TECHNOLOGY DEPLOYMENT PROGRAM.—

3 “(1) ESTABLISHMENT.—

4 “(A) IN GENERAL.—Not later than 90
5 days after the date of enactment of the
6 OILSAVE Act, the Administrator, in consulta-
7 tion with the Secretary of Energy, shall imple-
8 ment, through the SmartWay Transport Part-
9 nership of the Environmental Protection Agen-
10 cy, a program to support deployment of low-
11 greenhouse gas and fuel-saving technologies.

12 “(B) PRIORITY.—The Administrator shall
13 give priority to the deployment of low-green-
14 house gas and fuel-saving technologies that
15 meet SmartWay performance thresholds devel-
16 oped under paragraph (2)(B).

17 “(2) TECHNOLOGY DESIGNATION AND DEPLOY-
18 MENT.—The Administrator shall—

19 “(A) develop measurement protocols to
20 evaluate the fuel consumption and greenhouse
21 gas performance of transportation technologies,
22 including technologies for passenger transport
23 and goods movement;

24 “(B) develop SmartWay performance
25 thresholds that can be used to certify, verify, or

1 designate low-greenhouse gas and fuel-saving
 2 technologies that provide superior environ-
 3 mental performance for each mode of passenger
 4 transportation and goods movement; and

5 “(C)(i) publish a list of low-greenhouse gas
 6 and fuel-saving technologies;

7 “(ii) identify the greenhouse gas and fuel
 8 efficiency performance of each technology; and

9 “(iii) identify those technologies that meet
 10 the SmartWay performance thresholds devel-
 11 oped under subparagraph (B).

12 “(3) PROMOTION AND DEPLOYMENT OF TECH-
 13 NOLOGIES.—The Administrator shall—

14 “(A) implement partnership and recogni-
 15 tion programs to promote best practices and
 16 drive demand for fuel-efficient, low-greenhouse
 17 gas transportation performance;

18 “(B) promote the availability of and en-
 19 courage the adoption of technologies that meet
 20 the SmartWay performance thresholds devel-
 21 oped under paragraph (2)(B);

22 “(C) publicize the availability of financial
 23 incentives (such as Federal tax incentives,
 24 grants, and low-cost loans) for the deployment

1 of low-greenhouse gas and fuel-saving tech-
2 nologies; and

3 “(D) deploy low-greenhouse gas and fuel-
4 saving technologies through grant and loan pro-
5 grams.

6 “(4) STAKEHOLDER CONSULTATION.—

7 “(A) IN GENERAL.—The Administrator
8 shall solicit the comments of interested parties
9 prior to establishing a new or revising an exist-
10 ing SmartWay technology category, measure-
11 ment protocol, or performance threshold.

12 “(B) NOTICE.—On adoption of a new or
13 revised technology category, measurement pro-
14 tocol, or performance threshold, the Adminis-
15 trator shall publish a notice and explanation of
16 any changes and, if appropriate, responses to
17 comments submitted by interested parties.

18 “(5) FREIGHT PARTNERSHIP.—

19 “(A) IN GENERAL.—The Administrator
20 shall implement, through the SmartWay Trans-
21 port Partnership, a program with shippers and
22 carriers of goods to promote fuel-efficient, low-
23 greenhouse gas transportation.

24 “(B) ADMINISTRATION.—The Adminis-
25 trator shall—

1 “(i) verify the greenhouse gas per-
2 formance and fuel efficiency of partici-
3 pating freight carriers, including carriers
4 involved in rail, trucking, marine, and
5 other goods movement operations;

6 “(ii) publish a comprehensive green-
7 house gas and fuel efficiency performance
8 index of freight modes (including rail,
9 trucking, marine, and other modes of
10 transporting goods) and individual freight
11 companies so that shippers can choose to
12 deliver the goods of the shippers most effi-
13 ciently with minimum greenhouse gas
14 emissions;

15 “(iii) develop tools for—

16 “(I) freight carriers to calculate
17 and improve the fuel efficiency and
18 greenhouse gas performance of the
19 carriers; and

20 “(II) shippers—

21 “(aa) to calculate the fuel
22 and greenhouse gas impacts of
23 moving the products of the ship-
24 pers; and

1 “(bb) to evaluate the relative
 2 impacts from transporting the
 3 goods of the shippers by different
 4 modes and carriers; and

5 “(iv) recognize participating shipper
 6 and carrier companies that demonstrate
 7 advanced practices and achieve superior
 8 levels of fuel efficiency and greenhouse gas
 9 performance.

10 “(6) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to the Ad-
 12 ministrator to carry out this subsection \$19,500,000
 13 for each of fiscal years 2010 through 2020.”; and

14 (2) by striking subsection (d) and inserting the
 15 following:

16 “(d) IMPROVING FREIGHT GREENHOUSE GAS PER-
 17 FORMANCE DATABASES.—The Secretary of Commerce, in
 18 consultation with the Administrator, shall—

19 “(1)(A) define and collect data on the physical
 20 and operational characteristics of the truck fleet of
 21 the United States, with special emphasis on data re-
 22 lating to fuel efficiency and greenhouse gas perform-
 23 ance to provide data for the performance index pub-
 24 lished under subsection (b)(5)(B)(ii); and

1 “(B) publish the data described in subpara-
 2 graph (A) through the Vehicle Inventory and Use
 3 Survey as soon as practicable after the date of en-
 4 actment of the OILSAVE Act, and at least every 5
 5 years thereafter, as part of the economic census re-
 6 quired under title 13, United States Code; and

7 “(2) define, collect, and publish data for other
 8 modes of goods transport (including rail and ma-
 9 rine), as necessary.

10 “(e) REPORT.—Not later than 18 months after the
 11 date on which funds are initially awarded under this sec-
 12 tion and on a biennial basis thereafter, the Administrator
 13 shall submit to Congress a report containing a description
 14 of—

15 “(1) actions taken to implement the low-green-
 16 house gas and fuel-saving technology deployment
 17 program established under subsection (b), includ-
 18 ing—

19 “(A) the measurement protocols;

20 “(B) the SmartWay performance thresh-
 21 olds; and

22 “(C) a list of low-greenhouse gas and fuel-
 23 saving technologies; and

- 1 “(2) estimated greenhouse gas emissions and
- 2 fuel savings from the program.”.

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