

number and dollar amount of rebates or loans provided, as well as a breakdown of the technologies funded through the rebates or loans; and

(2) for other rebates and loans, and for grants, a description of each application for which the grant, rebate, or loan is provided.

(Pub. L. 109–58, title VII, §792, Aug. 8, 2005, 119 Stat. 839; Pub. L. 111–364, §2(b), Jan. 4, 2011, 124 Stat. 4056.)

Editorial Notes

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (d)(2)(A), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of this title and Tables.

AMENDMENTS

2011—Pub. L. 111–364, §2(b)(1), inserted “, rebate,” after “grant” in section catchline.

Subsec. (a). Pub. L. 111–364, §2(b)(2)(A), substituted “to provide grants, rebates, or low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities, including through contracts entered into under subsection (e) of this section,” for “to provide grants and low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities” in introductory provisions.

Subsec. (a)(1). Pub. L. 111–364, §2(b)(2)(B), struck out “tons of” before “pollution produced”.

Subsec. (b)(2). Pub. L. 111–364, §2(b)(3)(A), (B), redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text read as follows: “The Administrator shall provide not less than 50 percent of funds available for a fiscal year under this section to eligible entities for the benefit of public fleets.”

Subsec. (b)(2)(A). Pub. L. 111–364, §2(b)(3)(C)(i), substituted “95” for “90” in introductory provisions.

Subsec. (b)(2)(B)(i). Pub. L. 111–364, §2(b)(3)(C)(ii), substituted “5 percent” for “10 percent”.

Subsec. (b)(2)(B)(ii). Pub. L. 111–364, §2(b)(3)(C)(iii), substituted “a verification application” for “the application under subsection (c)”.

Subsec. (b)(3). Pub. L. 111–364, §2(b)(3)(B), redesignated par. (3) as (2).

Subsec. (c). Pub. L. 111–364, §2(b)(4)(A), (B), added pars. (1) and (2), redesignated former pars. (2) and (3) as (3) and (4), respectively, and struck out former par. (1). Prior to amendment, text of par. (1) read as follows: “To receive a grant or loan under this section, an eligible entity shall submit to the Administrator an application at a time, in a manner, and including such information as the Administrator may require.”

Subsec. (c)(3)(G). Pub. L. 111–364, §2(b)(4)(C), inserted “in the case of an application relating to nonroad engines or vehicles,” before “a description of the diesel”.

Subsec. (c)(4). Pub. L. 111–364, §2(b)(4)(D)(i), inserted “, rebate,” after “grant” and “highest” before “priority” in introductory provisions.

Subsec. (c)(4)(C)(iii). Pub. L. 111–364, §2(b)(4)(D)(ii), substituted “diesel fleets” for “a diesel fleets” and inserted “construction sites, schools,” after “terminals,”.

Subsec. (c)(4)(E) to (G). Pub. L. 111–364, §2(b)(4)(D)(iii)–(v), inserted “and” at end of subpar. (E), substituted a period for “; and” in subpar. (F), and struck out subpar. (G) which read as follows: “use diesel fuel with a sulfur content of less than or equal to 15 parts per million, as the Administrator determines to be appropriate.”

Subsec. (d)(1). Pub. L. 111–364, §2(b)(5)(A), inserted “, rebate,” after “grant” in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 111–364, §2(b)(5)(B), substituted “grant, rebate, or loan provided, or contract

entered into,” for “grant or loan provided” and “any Federal law, except that this subparagraph shall not apply to a mandate in a State implementation plan approved by the Administrator under the Clean Air Act” for “Federal, State or local law”.

Subsecs. (e), (f). Pub. L. 111–364, §2(b)(6), added subsecs. (e) and (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111–364 effective Oct. 1, 2011, except as otherwise provided, see section 4 of Pub. L. 111–364, set out as a note under section 16131 of this title.

§ 16133. State grant, rebate, and loan programs

(a) In general

Subject to the availability of adequate appropriations, the Administrator shall use 30 percent of the funds made available for a fiscal year under this part to support grant, rebate, and loan programs administered by States that are designed to achieve significant reductions in diesel emissions.

(b) Applications

The Administrator shall—

(1) provide to States guidance for use in applying for grant, rebate, or loan funds under this section, including information regarding—

- (A) the process and forms for applications;
- (B) permissible uses of funds received; and
- (C) the cost-effectiveness of various emission reduction technologies eligible to be carried out using funds provided under this section; and

(2) establish, for applications described in paragraph (1)—

- (A) an annual deadline for submission of the applications;
- (B) a process by which the Administrator shall approve or disapprove each application; and
- (C) a streamlined process by which a State may renew an application described in paragraph (1) for subsequent fiscal years.

(c) Allocation of funds

(1) In general

For each fiscal year, the Administrator shall allocate among States for which applications are approved by the Administrator under subsection (b)(2)(B) funds made available to carry out this section for the fiscal year.

(2) Allocation

(A) In general

Except as provided in subparagraphs (B) and (C), using not more than 20 percent of the funds made available to carry out this part for a fiscal year, the Administrator shall provide to each State qualified for an allocation for the fiscal year an allocation equal to $\frac{1}{3}$ of the funds made available for that fiscal year for distribution to States under this paragraph.

(B) Certain territories

(i) In general

Except as provided in clause (ii), Guam, the United States Virgin Islands, Amer-

ican Samoa, and the Commonwealth of the Northern Mariana Islands shall collectively receive an allocation equal to $\frac{1}{3}$ of the funds made available for that fiscal year for distribution to States under this subsection, divided equally among those 4 States.

(ii) Exception

If any State described in clause (i) does not qualify for an allocation under this paragraph, the share of funds otherwise allocated for that State under clause (i) shall be reallocated pursuant to subparagraph (C).

(C) Reallocation

If any State does not qualify for an allocation under this paragraph, the share of funds otherwise allocated for that State under this paragraph shall be reallocated to each remaining qualified State in an amount equal to the product obtained by multiplying—

(i) the proportion that the population of the State bears to the population of all States described in paragraph (1); by

(ii) the amount otherwise allocatable to the nonqualifying State under this paragraph.

(3) State matching incentive

(A) In general

If a State agrees to match the allocation provided to the State under paragraph (2) for a fiscal year, the Administrator shall provide to the State for the fiscal year an additional amount equal to 50 percent of the allocation of the State under paragraph (2).

(B) Requirements

A State—

(i) may not use funds received under this part to pay a matching share required under this subsection; and

(ii) shall not be required to provide a matching share for any additional amount received under subparagraph (A).

(4) Unclaimed funds

Any funds that are not claimed by a State for a fiscal year under this subsection shall be used to carry out section 16132 of this title.

(d) Administration

(1) In general

Subject to paragraphs (2) and (3) and, to the extent practicable, the priority areas listed in section 16132(c)(3) of this title, a State shall use any funds provided under this section to develop and implement such grant, rebate, and low-cost revolving loan programs in the State as are appropriate to meet State needs and goals relating to the reduction of diesel emissions.

(2) Apportionment of funds

The chief executive of a State that receives funding under this section may determine the portion of funds to be provided as grants, rebates, or loans.

(3) Use of funds

A grant, rebate, or loan provided under this section shall be used for a project relating to—

- (A) a certified engine configuration; or
- (B) a verified technology.

(4) Priority

In providing grants, rebates, and loans under this section, a State shall use the priorities in section 16132(c)(4) of this title.

(5) Public notification

Not later than 60 days after the date of the award of a grant, rebate, or loan by a State, the State shall publish on the Web site of the State—

(A) for rebates, grants, and loans provided to the owner of a diesel vehicle or fleet, the total number and dollar amount of rebates, grants, or loans provided, as well as a breakdown of the technologies funded through the rebates, grants, or loans; and

(B) for other rebates, grants, and loans, a description of each application for which the grant, rebate, or loan is provided.

(Pub. L. 109–58, title VII, §793, Aug. 8, 2005, 119 Stat. 841; Pub. L. 110–255, §3(b), June 30, 2008, 122 Stat. 2424; Pub. L. 111–364, §2(c), Jan. 4, 2011, 124 Stat. 4059.)

Editorial Notes

AMENDMENTS

2011—Pub. L. 111–364, §2(c)(1), inserted “, rebate,” after “grant” in section catchline.

Subsec. (a). Pub. L. 111–364, §2(c)(2), inserted “, rebate,” after “grant”.

Subsec. (b)(1). Pub. L. 111–364, §2(c)(3), inserted “, rebate,” after “grant” in introductory provisions.

Subsec. (c)(2). Pub. L. 111–364, §2(c)(4), amended par. (2) generally. Prior to amendment, par. (2) related to allocation of funds.

Subsec. (d)(1). Pub. L. 111–364, §2(c)(5)(A), inserted “, rebate,” after “grant”.

Subsec. (d)(2). Pub. L. 111–364, §2(c)(5)(B), inserted “, rebates,” after “grants”.

Subsec. (d)(3). Pub. L. 111–364, §2(c)(5)(C), substituted “grant, rebate, or loan provided under this section shall be used” for “grant or loan provided under this section may be used” in introductory provisions.

Subsec. (d)(4), (5). Pub. L. 111–364, §2(c)(5)(D), added pars. (4) and (5).

2008—Subsec. (c)(2)(A). Pub. L. 110–255, §3(b)(2), substituted “51” for “50” and “1.96 percent” for “2 percent”.

Subsec. (c)(2)(B). Pub. L. 110–255, §3(b)(2), substituted “51” for “50” in introductory provisions.

Subsec. (c)(2)(B)(ii). Pub. L. 110–255, §3(b)(2), which directed substitution of “1.96 percent” for “2 percent”, was executed by making the substitution for “2-percent”, to reflect the probable intent of Congress.

Subsec. (d)(2). Pub. L. 110–255, §3(b)(1), substituted “chief executive” for “Governor”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111–364 effective Oct. 1, 2011, except that amendment by section 2(c)(4) of Pub. L. 111–364 effective Jan. 4, 2011, see section 4 of Pub. L. 111–364, set out as a note under section 16131 of this title.

§ 16134. Evaluation and report

(a) In general

Not later than 1 year after the date on which funds are made available under this part, and bi-