

114TH CONGRESS
2D SESSION

H. R. 4630

To deny corporate average fuel economy credits obtained through a violation of law, establish an Air Quality Restoration Trust Fund within the Department of the Treasury, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2016

Mr. RUSH (for himself and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To deny corporate average fuel economy credits obtained through a violation of law, establish an Air Quality Restoration Trust Fund within the Department of the Treasury, 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.**

4 This Act may be cited as the “Compensating Losses
5 to the Environment from Automobiles with Noxious Un-
6 disclosed Pollution Act of 2016” or the “CLEANUP Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (2) ELECTRIC DRIVE VEHICLE.—The term
7 “electric drive vehicle” means a vehicle that—

8 (A)(i) is—

9 (I) a light-duty vehicle (as defined in
10 section 86.1803–01 of title 40, Code of
11 Federal Regulations (as in effect on the
12 date of enactment of this Act)) that draws
13 motive power from a battery with a capac-
14 ity of at least 4 kilowatt-hours; or

15 (II) a heavy-duty vehicle (as defined
16 in section 86.1803–01 of title 40, Code of
17 Federal Regulations (as in effect on the
18 date of enactment of this Act)) with a
19 gross vehicle weight rating—

20 (aa) greater than 8,500 pounds
21 and less than 14,000 pounds that
22 draws motive power from a battery
23 with a capacity of at least 10 kilo-
24 watt-hours;

25 (bb) greater than 14,000 pounds
26 but less than 33,000 pounds that

1 draws motive power from a battery
2 with a capacity of at least 15 kilo-
3 watt-hours; or

4 (cc) greater than 33,000 pounds
5 that draws motive power from a bat-
6 tery with a capacity of at least 20 kil-
7 owatt-hours; and

8 (ii) can be recharged from an external
9 source of electricity for motive power; or

10 (B) is a motor vehicle (as defined in sec-
11 tion 216 of the Clean Air Act (42 U.S.C.
12 7550)) that draws motive power from a fuel cell
13 (as defined in section 803 of the Spark M. Mat-
14 sunaga Hydrogen Act of 2005 (42 U.S.C.
15 16152)).

16 (3) ELIGIBLE APPLICANT.—The term “eligible
17 applicant” means—

18 (A) a State;

19 (B) an Indian tribe (as defined in section
20 4 of the Indian Self-Determination and Edu-
21 cation Assistance Act (25 U.S.C. 450b));

22 (C) a unit of local government; or

23 (D) a group composed of not fewer than

24 2—

25 (i) States;

1 (ii) Indian tribes; or

2 (iii) units of local government.

3 (4) QUALIFIED ELECTRIC DRIVE VEHICLE IN-
4 FRASTRUCTURE.—

5 (A) IN GENERAL.—The term “qualified
6 electric drive vehicle infrastructure” means any
7 equipment or service that—

8 (i) supports the electric refueling
9 needs of electric drive vehicles; and

10 (ii) serves smart grid functions (as de-
11 fined in section 1306(d) the Energy Inde-
12 pendence and Security Act of 2007 (42
13 U.S.C. 17386)) that optimize the integra-
14 tion of electric drive vehicles into the elec-
15 tric grid.

16 (B) INCLUSIONS.—The term “qualified
17 electric drive vehicle infrastructure” includes
18 any equipment or services described in subpara-
19 graph (A) that is located in a public or private
20 location, including—

21 (i) a street parking location;

22 (ii) a parking garage;

23 (iii) a parking lot;

24 (iv) a home;

25 (v) a gas station; and

1 (vi) a highway rest stop.

2 (5) SECRETARY.—The term “Secretary” means
3 the Secretary of the Treasury.

4 **SEC. 3. AVERAGE FUEL ECONOMY CREDITS OBTAINED BY**
5 **REASON OF VIOLATION OF LAW.**

6 (a) DENIAL OF CREDITS.—Section 32903 of title 49,
7 United States Code, is amended by adding at the end the
8 following:

9 “(i) DENIAL OF CREDITS OBTAINED BY REASON OF
10 VIOLATION OF LAW.—If the Secretary determines that a
11 manufacturer has obtained credits under this section by
12 reason of a practice that violates this title or title II of
13 the Clean Air Act (42 U.S.C. 7521 et seq.), such credits
14 shall not be available to the manufacturer.”.

15 (b) ADDITIONAL CIVIL PENALTY.—Section 32912 of
16 title 49, United States Code, is amended—

17 (1) in subsection (c)(1)—

18 (A) in subparagraph (A), by striking “of
19 this section” and inserting “or for each credit
20 to be used in calculating a civil penalty under
21 subsection (f)”; and

22 (B) in subparagraph (B), by inserting “or
23 each credit, as the case may be” before the pe-
24 riod at the end; and

25 (2) by adding at the end the following:

1 “(f) CIVIL PENALTY WITH RESPECT TO AVERAGE
2 FUEL ECONOMY CREDITS OBTAINED BY REASON OF VIO-
3 LATION OF LAW.—In addition to any other penalty under
4 this title and except as provided under subsection (c), a
5 manufacturer that obtains credits under section 32903 by
6 reason of a practice that violates this title or title II of
7 the Clean Air Act (42 U.S.C. 7521 et seq.) is liable to
8 the Government for a civil penalty in an amount equal
9 to \$5 multiplied by the number of such credits.”.

10 **SEC. 4. AIR QUALITY RESTORATION TRUST FUND.**

11 (a) ESTABLISHMENT.—There is established in the
12 Treasury of the United States a trust fund to be known
13 as the “Air Quality Restoration Trust Fund” (referred to
14 in this section as the “Trust Fund”), consisting of—

15 (1) such amounts as are deposited in the Trust
16 Fund under subsection (b); and

17 (2) any interest on, and proceeds from, any in-
18 vestment made under subsection (d).

19 (b) TRANSFERS.—The Secretary shall deposit in the
20 Trust Fund an amount equal to all administrative and
21 civil penalties or other payments paid to the Federal Gov-
22 ernment after the date of enactment of this Act in connec-
23 tion with any violation or alleged violation of title II of
24 the Clean Air Act (42 U.S.C. 7521 et seq.).

1 (c) AVAILABILITY.—Amounts in the Trust Fund
2 shall—

3 (1) be available for expenditure to the extent
4 and in the amounts provided in advance by appro-
5 priation Acts solely for making expenditures under
6 subsection (f); and

7 (2) remain available until expended, without fis-
8 cal year limitation.

9 (d) INVESTMENT.—Amounts in the Trust Fund shall
10 be invested in accordance with section 9702 of title 31,
11 United States Code.

12 (e) ADMINISTRATION.—Not later than 180 days after
13 the date of enactment of this Act, after providing notice
14 and an opportunity for public comment, the Secretary, in
15 consultation with the Administrator and the heads of any
16 other relevant Federal agency, shall establish such proce-
17 dures as the Secretary determines to be necessary to de-
18 posit amounts in, and expend amounts from, the Trust
19 Fund pursuant to this section, including—

20 (1) procedures to assess whether a project car-
21 ried out under subsection (f) achieves compliance
22 with applicable requirements, including procedures
23 by which the Secretary may determine whether an
24 expenditure pursuant to the project achieves compli-
25 ance;

1 (2) auditing requirements to ensure that
2 amounts in the Trust Fund are expended as in-
3 tended; and

4 (3) procedures for identification and allocation
5 of funds available to the Secretary under other pro-
6 visions of law that may be necessary to pay the ad-
7 ministrative expenses directly attributable to the
8 management of the Trust Fund.

9 (f) USE OF FUNDS.—Amounts from the Trust Fund
10 shall be available solely for making grants to eligible appli-
11 cants to support projects that—

12 (1) increase qualified electric drive vehicle infra-
13 structure;

14 (2) retrofit school buses or heavy-duty fleets to
15 reduce air emissions significantly;

16 (3) purchase hybrid or zero emissions school
17 buses or heavy-duty vehicles;

18 (4) purchase electric drive vehicles for munic-
19 ipal fleets;

20 (5) provide public health grants to help track,
21 treat, and reduce the number of air emissions-re-
22 lated illnesses, such as asthma, cardiovascular dis-
23 ease, and lung cancer; or

- 1 (6) provide grants for projects to improve air
- 2 quality in low-income communities.

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