

Energy Policy Act of 1992 (EPACT) Title III, Federal Requirements

The actual name of Title III in the legislation is "Alternative Fuels-General", but it primarily deals with the Federal alternative fuel vehicle requirements.

Section 301. DEFINITIONS.

For purposes of this title, title IV, and title V (unless otherwise specified)--

- (1) the term "Administrator" means the Administrator of the Environmental Protection Agency;
- (2) the term "alternative fuel" means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary (of Energy), by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits;
- (3) the term "alternative fueled vehicle" means a dedicated vehicle or a dual fueled vehicle;
- (4) the term "comparable conventionally fueled motor vehicle" means a motor vehicle which is, as determined by the Secretary--
 - (A) commercially available at the time the comparability of the vehicle is being assessed;
 - (B) powered by an internal combustion engine that utilizes gasoline or diesel fuel as its fuel source; and
 - (C) provides passenger capacity or payload capacity the same or similar to the alternative fueled vehicle to which it is being compared;
- (5) "covered person" means a person that owns, operates, leases, or otherwise controls--
 - (A) a fleet that contains at least 20 motor vehicles that are centrally fueled or capable of being centrally fueled, and are used primarily within a metropolitan statistical area, as established by the Bureau of the Census, with a 1980 population of 250,000 or more; and
 - (B) at least 50 motor vehicles within the United States;
- (6) the term "dedicated vehicle" means--
 - (A) a dedicated automobile, as such term is defined in section 513(h)(1)(C) of the Motor Vehicle Information and Cost Savings Act; or
 - (B) a motor vehicle, other than an automobile, that operates solely on alternative fuel;
- (7) the term "domestic" means derived from resources within the several States, the District of Columbia,

the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other Commonwealth, territory, or possession of the United States, including the outer Continental Shelf, as such term is defined in the Outer Continental Shelf Lands Act, or from resources within a Nation with which there is in effect a free trade agreement requiring national treatment for trade;

(8) the term "dual fueled vehicle" means--

(A) dual fueled automobile, as such term is defined in section 513(h)(1)(D) of the Motor Vehicle Information and Cost Savings Act; or

(B) a motor vehicle, other than an automobile, that is capable of operating on alternative fuel and is capable of operating on gasoline or diesel fuel;

(9) the term "fleet" means a group of 20 or more light duty motor vehicles, used primarily in a metropolitan statistical area or consolidated metropolitan statistical area, as established by the Bureau of the Census, with a 1980 population of more than 250,000, that are centrally fueled or capable of being centrally fueled and are owned, operated, leased, or otherwise controlled by a governmental entity or other person who owns, operates, leases, or otherwise controls 50 or more such vehicles, by any person who controls such person, by any person controlled by such person, and by any person under common control with such person, except that such term does not include--

(A) motor vehicles held for lease or rental to the general public;

(B) motor vehicles held for sale by motor vehicle dealers, including demonstration motor vehicles;

(C) motor vehicles used for motor vehicle manufacturer product evaluations or tests;

(D) law enforcement motor vehicles;

(E) emergency motor vehicles;

(F) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons;

(G) nonroad vehicles, including farm and construction motor vehicles; or

(H) motor vehicles which under normal operations are garaged at personal residences at night;

(10) the term "fuel supplier" means--

(A) any person engaged in the importing, refining, or processing of crude oil to produce motor fuel;

(B) any person engaged in the importation, production, storage, transportation, distribution, or sale of motor fuel; and

(C) any person engaged in generating, transmitting, importing, or selling at wholesale or retail electricity;

(11) the term "light duty motor vehicle" means a light duty truck or light duty vehicle, as such terms are defined under section 216(7) of the Clean Air Act (42 U.S.C. 7550(7)), of less than or equal to 8,500 pounds gross vehicle weight rating;

(12) the term "motor fuel" means any substance suitable as a fuel for a motor vehicle;

(13) the term "motor vehicle" has the meaning given such term under section 216(2) of the Clean Air Act (42 U.S.C. 7550(2)); and

(14) the term "replacement fuel" means the portion of any motor fuel that is methanol, ethanol, or other alcohols, natural gas, liquefied petroleum gas, hydrogen, coal derived liquid fuels, fuels (other than alcohol) derived from biological materials, electricity (including electricity from solar energy), ethers, or any fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial

energy security benefits and substantial environmental benefits.

Section 302, AMENDMENTS TO THE ENERGY POLICY AND CONSERVATION ACT.

(a) AMENDMENTS-- Section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended--

(1) in subsection (a)(1)--

(A) by striking "passenger automobiles and light duty trucks" and inserting in lieu thereof "vehicles"; and
 (B) by striking "alcohol powered vehicles, dual energy vehicles, natural gas powered vehicles, or natural gas dual energy vehicles." and inserting in lieu thereof "alternative fueled vehicles. In no event shall the number of such vehicles acquired be less than the number required under section 303 of the Energy Policy Act of 1992.";

(2) by amending subsection (a)(3) to read as follows: "(3)(A) To the extent practicable, the Secretary shall acquire both dedicated and dual fueled vehicles, and shall ensure that each type of alternative fueled vehicle is used by the Federal Government.

"(B) Vehicles acquired under this section shall be acquired from original equipment manufacturers. If such vehicles are not available from original equipment manufacturers, vehicles converted to use alternative fuels may be acquired if, after conversion, the original equipment manufacturer's warranty continues to apply to such vehicles, pursuant to an agreement between the original equipment manufacturer and the person performing the conversion. This subparagraph shall not apply to vehicles acquired by the United States Postal Service pursuant to a contract entered into by the United States Postal Service before the date of enactment of this subparagraph and which terminates on or before December 31, 1997.

"(C) Alternative fueled vehicles, other than those described in subparagraph (B), may be acquired solely for the purposes of studies under subsection (b), whether or not original equipment manufacturer warranties still apply.

"(D) In deciding which types of alternative fueled vehicles to acquire in implementing this part, the Secretary shall consider as a factor--

which types of vehicles yield the greatest reduction in pollutants emitted per dollar spent; and the source of the fuel to supply the vehicles, giving preference to vehicle that operate on alternative fuels derived from domestic sources.

"(E) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels unless the Secretary determines that operation on such alternative fuels is not feasible.

"(F) At least 50 percent of the alternative fuels used in vehicles acquired pursuant to this section shall be derived from domestic feedstocks, except to the extent inconsistent with the General Agreement on Tariffs and Trade. The Secretary shall issue regulations to implement this requirement. For purposes of this subparagraph, the term "domestic" has the meaning given such term in section 301(7) of the Energy Policy Act of 1992.(br) "(G) Except to the extent inconsistent with the General Agreement on Tariffs and Trade, vehicles acquired under this section shall be motor vehicles manufactured in the United States or Canada.";

(3) by adding at the end of subsection (a) the following new paragraph:

"(4) Acquisitions of vehicles under this section shall, to the extent practicable, be coordinated with acquisitions of alternative fueled vehicles by State and local governments.";

(4) in subsection (b), by inserting after paragraph (2) the following new paragraphs:

"(3)(A) The Secretary, in cooperation with the Environmental Protection Agency and the Department of Transportation, shall collect data and conduct a study of heavy duty vehicles acquired under subsection (a), which shall at a minimum address--

the performance of such vehicles, including reliability, durability, and performance in cold weather and at high altitude;

the fuel economy, safety, and emissions of such vehicles; and

a comparison of the operation and maintenance costs of such vehicles to the operation and maintenance costs of conventionally fueled heavy duty vehicles.

"(B) The Secretary shall provide a report on the results of the study conducted under subparagraph (A) to the Committees of Commerce, Science, and Transportation, Governmental Affairs, and Energy and Natural Resources of the Senate, and the Committees on Energy and Commerce and Government Operations of the House of Representatives, within one year after the first such vehicles are acquired, and annually thereafter.

"(4)(A) The Secretary and the Administrator of the General Services Administration shall conduct a study of the advisability, feasibility, and timing of the disposal of heavy duty vehicles acquired under subsection (a) and any problems with such disposal. Such study shall take into account existing laws governing the sale of Government vehicles and shall specifically focus on when to sell such vehicles and what price to charge.

"(B) The Secretary and the Administrator of General Services Administration shall report the results of the study conducted under subparagraph (A) to the Committees of Commerce, Science, and Transportation, Governmental Affairs, and Energy and Natural Resources of the Senate, and the Committees on Energy and Commerce and Government Operations of the House of Representatives, within one year after funds are appropriated for carrying out this paragraph.

"(5) Studies undertaken under this subsection shall be coordinated with relevant testing activities of the Environmental Protection Agency and the Department of Transportation.";

(5) in subsection (C)---

(A) by striking "alcohol or natural gas, alcohol or natural gas" and inserting in lieu thereof "alternative fuels, such fuels"; and

(B) by striking "alcohol or natural gas" and inserting in lieu thereof "alternative fuel" in paragraph (1);

(6) in subsection (d)(2)(B), by striking "The Secretary" and inserting in lieu thereof "To the extent that appropriations are available for such purposes, the Secretary";

(7) in subsection (g), by striking paragraphs (2) through (6) and inserting in lieu thereof the following:--

"(2) the term 'alternative fuel' means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits;

"(3) the term 'alternative fueled vehicle' means a dedicated vehicle or dual fueled vehicle;

"(4) the term 'dedicated vehicle' means--

- "(A) a dedicated automobile, as such term is defined in section 513(h)(1)(C) of the Motor Vehicle Information and Cost Savings Act; or
- "(B) a motor vehicle, other than an automobile, that operates solely on alternative fuel;
- "(5) the term 'dual fueled vehicle' means--
- "(A) dual fueled automobile, as such term is defined in section 513(h)(1)(D) of the Motor Vehicle Information and Cost Savings Act; or
- "(B) a motor vehicle, other than an automobile, that is capable of operating on alternative fuel and is capable of operating on gasoline or diesel fuel; and
- "(6) the term 'heavy duty vehicle' means a vehicle of greater than 8,500 pounds gross vehicle weight rating."; and

(8) by amending subsection (i)(1) to read as follows: "(1) For the purposes of this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 1993 through 1998, to remain available until expended."

(b) REPEAL OF TERMINATION DATE.---Section 4(b) of the Alternative Motor Fuels Act of 1988 is repealed.

Section 303, MINIMUM FEDERAL FLEET REQUIREMENTS.

(a) General Requirements--

(1) The Federal Government shall acquire at least--

- (A) 5,000 light duty alternative fueled vehicles in fiscal year 1993;
- (B) 7,500 light duty alternative fueled vehicles in fiscal year 1994; and
- (C) 10,000 light duty alternative fueled vehicles in fiscal year 1995.

(2) The Secretary shall allocate the acquisitions necessary to meet the requirements under paragraph (1).

(b) Percentage Requirements--

(1) Of the total number of vehicles acquired by a Federal fleet, at least--

- (A) 25 percent in fiscal year 1996;
- (B) 33 percent in fiscal year 1997;
- (C) 50 percent in fiscal year 1998; and
- (D) 75 percent in fiscal year 1999 and thereafter, shall be alternative fueled vehicles.

(2) The Secretary, in consultation with the Administrator of General Services where appropriate, may permit a Federal fleet to acquire a smaller percentage than is required in paragraph (1), so long as the aggregate percentage acquired by all Federal fleets is at least equal to the required percentage.

(3) for purposes of this subsection, the term "Federal fleet" means 20 or more light duty motor vehicles, located in a metropolitan statistical area or consolidated metropolitan statistical area, as established by the Bureau of the Census, with a 1980 population of more than 250,000, that are centrally fueled or capable of being centrally fueled and are owned, operated, leased, or otherwise controlled by or assigned to any Federal executive department, military department, Government corporation, independent establishment, or executive agency, the United States Postal Service, the Congress, the courts of the United States, or the Executive Office of the President. Such term does not include--

- (A) motor vehicles held for lease or rental to the general public;
 - (B) motor vehicles used for motor vehicle manufacturer product evaluations or tests;
 - (C) law enforcement vehicles;
 - (D) emergency vehicles;
 - (E) motor vehicles acquired and used for military purposes that the Secretary of the Defense has certified to the Secretary must be exempt for national security reasons; or
 - (F) nonroad vehicles, including farm and construction vehicles.
- (c) Allocation of Incremental Costs.-- The General Services Administration and any other Federal agency that procures motor vehicles for distribution to other Federal agencies may allocate the incremental cost of alternative fueled vehicles over the cost of comparable gasoline vehicles across the entire fleet of motor vehicles distributed by such agency.
- (d) Application Of Requirements.-- The provisions of section 400AA of the Energy Policy and Conservation Act relating to the Federal acquisition of alternative fueled vehicles shall apply to the acquisition of vehicles pursuant to this section.
- (e) Resale.-- The Administrator of General Services shall take all feasible steps to ensure that all alternative fueled vehicles sold by the Federal Government shall remain alternative fueled vehicles at the time of sale.
- (f) Authorization Of Appropriations.-- There are authorized to be appropriated for carrying out this section, such sums as may be necessary for fiscal years 1993 through 1998, to remain available until expended.
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Section 304, REFUELING.

(a) In General--

Federal agencies shall, to the maximum extent practicable, arrange for the fueling of alternative fueled vehicles acquired under section 303 at commercial fueling facilities that offer alternative fuels for sale to the public. If publicly available fueling facilities are not convenient or accessible to the location of Federal alternative fueled vehicles purchased under section 303, Federal agencies are authorized to enter into commercial arrangements for the purposes of fueling Federal alternative fueled vehicles, including, as appropriate, purchase, lease, contract, construction, or other arrangements in which the Federal Government is a participant.

(b) Authorization Of Appropriations--

There are authorized to be appropriated to the Secretary for carrying out this section such sums as may be necessary for fiscal years 1993 through 1998, to remain available until expended.

Section 305, FEDERAL AGENCY PROMOTION, EDUCATION, AND COORDINATION.

(a) Promotion And Education--

The Secretary, in cooperation with the Administrator of General Services, shall promote programs and educate officials and employees of Federal agencies on the merits of alternative fueled vehicles. The

Secretary, in cooperation with the Administrator of General Services, shall provide and disseminate information to Federal agencies on:

- (1) the location of refueling and maintenance facilities available to alternative fueled vehicles in the Federal fleet;
 - (2) the range and performance capabilities of alternative fueled vehicles;
 - (3) State and local government and commercial alternative fueled vehicle programs;
 - (4) Federal alternative fueled vehicle purchases and placements;
 - (5) the operation and maintenance of alternative fueled vehicles in accordance with the manufacturer's standards and recommendations; and
 - (6) incentive programs established pursuant to sections 306 and 307 of this Act.
- (b) Assistance In Procurement And Placement--

The Secretary, in cooperation with the Administrator of General Services, shall provide guidance, coordination and technical assistance to Federal agencies in the procurement and geographic location of alternative fueled vehicles purchased through the Administrator of General Services. The procurement and geographic location of such vehicles shall comply with the purchase requirements under section 303 of this Act.

Section 306, AGENCY INCENTIVES PROGRAM.

(a) Reduction In Rates--

To encourage and promote use of alternative fueled vehicles in Federal agencies, the Administrator of General Services may offer a reduction in fees charged to agencies for the lease of alternative fueled vehicles below those fees charged for the lease of comparable conventionally fueled motor vehicles.

(b) Sunset Provision--

This section shall cease to be effective 3 years after the date of the enactment of this Act.

Section 307, RECOGNITION AND INCENTIVE AWARDS PROGRAM.

(a) Awards Program--

The Administrator of General Services shall establish annual awards program to recognize those Federal employees who demonstrate the strongest commitment to the use of alternative fuels and fuel conservation in Federal motor vehicles.

(b) Criteria--

The Administrator of General Services shall provide annual awards to Federal employees who best demonstrate a commitment--

- (1) to the success of the Federal alternative fueled vehicle program through--
 - (A) exemplary promotion of alternative fueled vehicle use within Federal agencies;
 - (B) proper alternative fueled vehicle care and maintenance;

- (C) coordination with Federal, State, and local efforts;
 - (D) innovative alternative fueled vehicle procurement, refueling, and maintenance arrangements with commercial entities;
 - (E) making regular requests for alternative fueled vehicles for agency use; and
 - (F) maintaining a high number of alternative fueled vehicles used relative to comparable conventionally fueled motor vehicles used; and
- (2) to fuel efficiency in Federal motor vehicle use through the promotion of such measures as increased use of fuel-efficient vehicles, carpooling, ride-sharing, regular maintenance, and other conservation and awareness measures.

(c) Authorization Of Appropriations--

There are authorized to be appropriated for the purpose of carrying out this section not more than \$35,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996.

Section 308, MEASUREMENT OF ALTERNATIVE FUEL USE.

The Administrator of General Services shall use such means as may be necessary to measure the percentage of alternative fuel use in dual-fueled vehicles procured by the Administrator of General Services. Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of General Services, shall issue guidelines to Federal agencies for use in measuring the aggregate percentage of alternative fuel use in dual-fuel vehicles in their fleets.

Section 309, INFORMATION COLLECTION.

Section 400AA(b)(1)(A) of the Energy Policy and Conservation Act is amended by striking "the vehicles acquired under subsection (a)" and inserting in lieu thereof "a representative sample of alternative fueled vehicles in Federal fleets".

Section 310, GENERAL SERVICES ADMINISTRATION REPORT.

Not later than one year after the date of the enactment of this Act, and biennially thereafter, the Administrator of General Services shall report to the Congress on the General Services Administration's alternative fueled vehicle program under this Act. The report shall contain information on--

- the number and type of alternative fueled vehicles procured;
- the location of alternative fueled vehicles by standard Federal region;
- the total number of alternative fueled vehicles used by each Federal agency;
- arrangements with commercial entities for refueling and maintenance of alternative fueled vehicles;
- future alternative fueled vehicle procurement and placement strategy;
- the difference in cost between the purchase, maintenance, and operation of alternative fueled vehicles and the purchase, maintenance, and operation of comparable conventionally fueled motor vehicles;
- coordination among Federal, State, and local governments for alternative fueled vehicle procurement and

placement;

the percentage of alternative fuel use in dual-fueled vehicles procured by the Administrator of General Services as measured under section 308;

a description of the representative sample of alternative fueled vehicles as determined under section 400AA(b)(1)(A) of the Energy Policy and Conservation Act; and
award recipients under this title.

Section 311, UNITED STATES POSTAL SERVICE.

(a) REPORT.-- Not later than one year after the date of the enactment of this Act, and biennially thereafter, the Postmaster General shall submit a report to Congress on the Postal Service's alternative fueled vehicle program. The report shall contain information on--

the total number and type of alternative fueled vehicles procured prior to the date of the enactment of this Act (first report only);

the number and type of alternative fueled vehicles procured in the preceding year;

the location of alternative fueled vehicles by region;

arrangements with commercial entities for purposes of refueling and maintenance;

future alternative fueled procurement and placement strategy;

the difference in cost between the purchase, maintenance, and operation of alternative fueled vehicles and the purchase, maintenance, and operation of comparable conventionally fueled motor vehicles;

the percentage of alternative fuel use in dual-fueled vehicles procured by the Postmaster General;

promotions and incentives to encourage the use of alternative fuels in dual-fueled vehicles; and

as assessment of the program's relative success and policy recommendations for strengthening the program.

(b) COORDINATION.-- To the maximum extent practicable, the Postmaster General shall coordinate the Postal Service's alternative fueled vehicle procurement, placement, refueling, and maintenance programs with those at the Federal, State, and local level. The Postmaster General shall communicate, share, and disseminate, on a regular basis, information on such programs with the Secretary, the Administrator of General Services, and heads of appropriate Federal agencies.

(c) PROGRAM CRITERIA.-- The Postmaster General shall consider the following criteria in the procurement and placement of alternative fueled vehicles:

The procurement plans of State and local governments and other public and private institutions.

The current and future availability of refueling and repair facilities.

The reduction in emissions of the Postal fleet.

Whether the vehicle is to be used in a nonattainment area as specified in the Clean Air Act Amendments of 1990.

The operational requirements of the Postal fleet.

The contribution to the reduction in the consumption of oil in the transportation sector.
