

108TH CONGRESS
1ST SESSION

S. 794

To amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2003

Mr. DURBIN (for himself, Mr. NELSON of Florida, Mr. JEFFORDS, Mr. CORZINE, Mr. REED, Mr. KENNEDY, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to improve the system for enhancing automobile 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.**

4 This Act may be cited as the “Automobile Fuel Effi-
5 ciency Improvements Act of 2003”.

6 **SEC. 2. PHASED INCREASES IN FUEL ECONOMY STAND-**
7 **ARDS.**

8 (a) PASSENGER AUTOMOBILES.—

1 (1) MINIMUM STANDARDS.—Subsection (b) of
 2 section 32902 of title 49, United States Code, is
 3 amended to read as follows:

4 “(b) PASSENGER AUTOMOBILES.—Except as other-
 5 wise provided under this section, the average fuel economy
 6 standard for passenger automobiles manufactured by a
 7 manufacturer in a model year—

8 “(1) after model year 1984 and before model
 9 year 2006 shall be 25 miles per gallon;

10 “(2) after model year 2005 and before model
 11 year 2009 shall be 28 miles per gallon;

12 “(3) after model year 2008 and before model
 13 year 2012 shall be 32 miles per gallon;

14 “(4) after model year 2011 and before model
 15 year 2015 shall be 36 miles per gallon; and

16 “(5) after model year 2014 shall be 40 miles
 17 per gallon.”.

18 (2) HIGHER STANDARDS SET BY REGULA-
 19 TION.—Subsection (c) of such section is amended—

20 (A) in the first sentence of paragraph

21 (1)—

22 (i) by striking “Subject to paragraph

23 (2) of this subsection, the” and inserting

24 “The”; and

1 (ii) by striking “amending the stand-
2 ard” and inserting “increasing the stand-
3 ard otherwise applicable”;

4 (B) by striking paragraph (2); and

5 (C) by designating the text composed of
6 the second and third sentences of paragraph (1)
7 as paragraph (2) and realigning such para-
8 graph, as so designated, flush with the left mar-
9 gin.

10 (b) NON-PASSENGER AUTOMOBILES.—Subsection
11 (a) of such section is amended—

12 (1) by striking “At least 18 months before each
13 model year,” and inserting the following:

14 “(1) The average fuel economy standard applicable
15 for automobiles (except passenger automobiles) manufac-
16 tured by a manufacturer in a model year—

17 “(A) after model year 1984 and before model
18 year 2006 shall be 17 miles per gallon;

19 “(B) after model year 2005 and before model
20 year 2009 shall be 19 miles per gallon;

21 “(C) after model year 2008 and before model
22 year 2012 shall be 21.5 miles per gallon;

23 “(D) after model year 2011 and before model
24 year 2015 shall be 24.5 miles per gallon; and

1 “(E) after model year 2014 shall be 27.5 miles
2 per gallon, except as provided under paragraph (2).

3 “(2) At least 18 months before the beginning of each
4 model year after model year 2015,”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(3) If the Secretary does not increase the average
8 fuel economy standard applicable under paragraph (1)(E)
9 or (2), or applicable to any class under paragraph (2),
10 within 24 months after the latest increase in the standard
11 applicable under paragraph (1)(E) or (2), the Secretary
12 shall submit to Congress a report containing an expla-
13 nation of the reasons for not increasing the standard. The
14 report shall be submitted not later than 90 days after the
15 expiration of the 24-month period.”.

16 **SEC. 3. INCREASED INCLUSIVENESS OF DEFINITIONS OF**
17 **AUTOMOBILE AND PASSENGER AUTOMOBILE.**

18 (a) AUTOMOBILE.—

19 (1) IN GENERAL.—Paragraph (3) of section
20 32901(a) of title 49, United States Code, is amend-
21 ed—

22 (A) by striking “6,000 pounds” each place
23 it appears in subparagraphs (A) and (B) and
24 inserting “12,000 pounds”; and

25 (B) in subparagraph (B)—

1 (i) by striking “10,000 pounds” and
2 inserting “14,000 pounds”; and

3 (ii) in clause (ii), by striking “an av-
4 erage fuel economy standard” and all that
5 follows through “conservation or”.

6 (2) SPECIAL RULE.—Section 32908(a)(1) of
7 such title is amended by striking “8,500 pounds”
8 and inserting “14,000 pounds”.

9 (b) PASSENGER AUTOMOBILE.—Paragraph (16) of
10 section 32901(a) of such title is amended to read as fol-
11 lows:

12 “(16) ‘passenger automobile’—

13 “(A) means, except as provided in sub-
14 paragraph (B), an automobile having a gross
15 vehicle weight of 12,000 pounds or less that is
16 designed to be used principally for the transpor-
17 tation of persons; but

18 “(B) does not include—

19 “(i) a vehicle that has a primary load
20 carrying device or container attached;

21 “(ii) a vehicle that has a seating ca-
22 pacity of more than 12 persons;

23 “(iii) a vehicle that has a seating ca-
24 pacity of more than 9 persons behind the
25 driver’s seat; or

1 “(iv) a vehicle that is equipped with a
2 cargo area of at least 6 feet in interior
3 length that does not extend beyond the
4 frame of the vehicle and is an open area or
5 is designed for use as an open area but is
6 enclosed by a cap and is not readily acces-
7 sible directly from the passenger compart-
8 ment.”.

9 (c) APPLICABILITY.—The amendments made by this
10 section shall apply with respect to automobiles manufac-
11 tured for model years after the automobile model year in
12 which this Act is enacted.

13 **SEC. 4. CIVIL PENALTIES.**

14 (a) INCREASED PENALTY FOR VIOLATIONS OF FUEL
15 ECONOMY STANDARDS.—Subsection (b) of section 32912
16 of title 49, United States Code, is amended—

17 (1) by inserting “(1)” after “STANDARDS.—”;

18 (2) by striking “\$5” and inserting “the dollar
19 amount applicable under paragraph (2)”;

20 (3) by redesignating paragraphs (1), (2), and
21 (3) as subparagraphs (A), (B), and (C), respectively;

22 and

23 (4) by adding at the end the following new
24 paragraph:

1 “(2)(A) The dollar amount referred to in paragraph
2 (1) is \$10, as increased from time to time under subpara-
3 graph (B).

4 “(B) Effective on October 1 of each year, the dollar
5 amount applicable under subparagraph (A) shall be in-
6 creased by the percentage (rounded to the nearest one-
7 tenth of one percent) by which the price index for July
8 of such year exceeds the price index for July of the pre-
9 ceding year. The amount calculated under the preceding
10 sentence shall be rounded to the nearest \$0.10.

11 “(C) In this paragraph, the term ‘price index’ means
12 the Consumer Price Index for all-urban consumers pub-
13 lished monthly by the Department of Labor.”.

14 (b) CONFORMING AMENDMENT.—Subsection (e)(1)
15 of such section is amended—

16 (1) by striking subparagraph (B); and

17 (2) by redesignating subparagraphs (C) and
18 (D) as subparagraphs (B) and (C), respectively.

19 (c) APPLICABILITY.—The amendments made by sub-
20 section (a) shall apply with respect to automobiles manu-
21 factured for model years after the automobile model year
22 in which this Act is enacted.

23 **SEC. 5. ACCURATE FUEL ECONOMY TESTING.**

24 (a) BIENNIAL REPORT ON TESTING QUALITY.—

25 (1) REQUIREMENT FOR REPORT.—

1 (A) IN GENERAL.—Chapter 329 of title
2 49, United States Code, is amended by adding
3 at the end the following new section:

4 **“§ 32920. Biennial report on testing quality**

5 “(a) REQUIREMENT FOR REPORT.—Not later than
6 October 1 of each odd-numbered year, the Secretary of
7 Transportation shall submit to Congress a report on the
8 quality of the testing for determining automobile fuel
9 economy under this chapter for all currently available
10 technologies for automobiles.

11 “(b) CONTENT OF REPORT.—The report shall in-
12 clude the following information:

13 “(1) An assessment of the accuracy of the fuel
14 economy determined for automobiles in relation to
15 actual highway and road vehicle fuel economy.

16 “(2) A discussion of changes in testing method-
17 ology that are planned to be made, together with an
18 assessment of the effects that such changes are ex-
19 pected to have on the accuracy of the measures of
20 automobile fuel economy resulting from the use of
21 the testing methodology as changed.

22 “(c) CONSULTATION REQUIREMENT.—The Secretary
23 of Transportation and the Administrator of the Environ-
24 mental Protection Agency shall consult on the preparation
25 of the biennial report under this section.”.

1 (B) CLERICAL AMENDMENT.—The table of
 2 sections at the beginning of such chapter is
 3 amended by adding at the end the following
 4 new item:

“32920. Biennial report on testing quality.”.

5 (2) FIRST REPORT.—The first report under sec-
 6 tion 32920 of title 49, United States Code, as added
 7 by paragraph (1), shall be submitted to Congress in
 8 2005.

9 (b) IMPROVEMENT OF PROCESS FOR MEASURING
 10 FUEL ECONOMY.—

11 (1) STUDY.—

12 (A) REQUIREMENT FOR STUDY.—The Sec-
 13 retary of Transportation shall provide for the
 14 John A. Volpe National Transportation Sys-
 15 tems Center to carry out a study—

16 (i) to determine what practicable
 17 automobile fuel economy testing process
 18 provides the most accurate measures of ac-
 19 tual automobile fuel economy in highway
 20 use, in urban use, and in combined high-
 21 way and in urban use; and

22 (ii) to compare the average automobile
 23 fuel economy ratings calculated under the
 24 testing process determined under clause (i)
 25 for each category of automobile use de-

1 scribed in that clause with the cor-
2 responding automobile fuel economy rat-
3 ings calculated under the testing process in
4 use under chapter 329 of title 49, United
5 States Code, on the date of the enactment
6 of this Act.

7 (B) REPORT.—Not later than two years
8 after the date of the enactment of this Act, the
9 Secretary shall submit to Congress a report on
10 the results of the study under subparagraph
11 (A). The report shall include the following:

12 (i) DETERMINATIONS.—The deter-
13 mination and comparisons made under
14 clauses (i) and (ii) of subparagraph (A).

15 (ii) ESTIMATE OF EQUIVALENT FUEL
16 ECONOMY.—An estimate of the average ad-
17 justment to automobile fuel economy rat-
18 ings calculated under the testing process
19 used for the purposes of chapter 329 of
20 title 49, United States Code, as of the date
21 of enactment of this Act that is needed to
22 conform those ratings closely to the auto-
23 mobile fuel economy ratings calculated
24 under the testing process determined most
25 accurate under subparagraph (A)(i).

1 (2) TESTING PROCEDURE REVISION.—

2 (A) REQUIREMENT FOR REVISED PROCE-
3 DURE.—Not later than 180 days after the re-
4 port required under paragraph (1)(B) is sub-
5 mitted to Congress, the Secretary of Transpor-
6 tation shall prescribe in regulations—

7 (i) a revised testing procedure for ac-
8 curately measuring the actual automobile
9 fuel economy of each model of automobile;
10 and

11 (ii) a requirement that the revised
12 testing procedure be applied for the pur-
13 poses of chapter 329 of title 49, United
14 States Code, to determine the average fuel
15 economy of the automobiles manufactured
16 in model years after model year 2006.

17 (B) MODEL FOR REVISED PROCEDURE.—

18 The testing procedure prescribed under sub-
19 paragraph (A) shall be based on the testing
20 process identified in the report required under
21 paragraph (1)(B) as providing the most accu-
22 rate measures of actual automobile fuel econ-
23 omy.

24 (3) COMPARABLE ADJUSTMENT IN AVERAGE
25 FUEL ECONOMY STANDARDS.—

1 (A) REQUIREMENT FOR ADJUSTMENT.—
2 For automobiles manufactured in model years
3 after model year 2006, the Secretary of Trans-
4 portation shall amend each average fuel econ-
5 omy standard prescribed under section 32902
6 of title 49, United States Code, to take into ac-
7 count improved accuracy in the calculation of
8 automobile fuel economy that results from use
9 of the revised testing procedure applied as re-
10 quired under paragraph (2).

11 (B) CONDITION.—The Secretary shall en-
12 sure that each average fuel economy standard
13 applied as amended under subparagraph (A) is
14 at least as stringent as the corresponding aver-
15 age fuel economy standard that the Secretary
16 would have applied under section 32902 of title
17 49, United States Code, if the fuel economy
18 testing procedure had not been revised as re-
19 quired under paragraph (2).

20 **SEC. 6. STANDARDS FOR EXECUTIVE AGENCY AUTO-**
21 **MOBILES.**

22 Section 32917 of title 49, United States Code, is
23 amended—

24 (1) in paragraph (1) of subsection (b)—

1 (A) in the matter preceding subparagraph

2 (A)—

3 (i) by striking “passenger”; and

4 (ii) by striking “to achieve” and all
5 that follows and inserting “to achieve—”;

6 and

7 (B) by striking subparagraphs (A) and (B)
8 and inserting the following:

9 “(A) in the case of non-passenger automobiles,
10 a fleet average fuel economy for that year of at least
11 the average fuel economy standard applicable under
12 subsection (a) of section 32902 of this title for the
13 model year that includes January 1 of that fiscal
14 year; and

15 “(B) in the case of passenger automobiles, a
16 fleet average fuel economy for that year of at least
17 the average fuel economy standard applicable under
18 subsection (b) or (c) of such section for such model
19 year.”;

20 (2) in paragraph (2) of subsection (b)—

21 (A) by striking “Fleet average fuel econ-
22 omy is—” and inserting “For the purposes of
23 paragraph (1), the fleet average fuel economy of
24 non-passenger or passenger automobiles in a
25 fiscal year is—”;

1 (B) in subparagraph (A)—

2 (i) by striking “passenger auto-
3 mobiles” and inserting “the non-passenger
4 automobiles or passenger automobiles, re-
5 spectively, that are”; and

6 (ii) by striking “in a fiscal year” and
7 inserting “in such fiscal year”; and

8 (C) in subparagraph (B), by inserting
9 “such” after “the number of”; and

10 (3) by adding at the end the following new sub-
11 section:

12 “(c) MINIMUM NUMBER OF EXCEPTIONALLY FUEL-
13 EFFICIENT VEHICLES.—The President shall prescribe
14 regulations that require that—

15 “(1) at least 20 percent of the passenger auto-
16 mobiles leased for at least 60 consecutive days or
17 bought by executive agencies in a fiscal year have a
18 vehicle fuel economy rating that is at least 5 miles
19 per gallon higher than the average fuel economy
20 standard applicable to the automobile under sub-
21 section (b) or (c) of section 32902 of this title for
22 the model year that includes January 1 of that fiscal
23 year; and

24 “(2) beginning in fiscal year 2009, at least
25 10,000 vehicles in the fleet of automobiles used by

1 executive agencies in a fiscal year have a vehicle fuel
2 economy at least 5 miles per gallon higher than the
3 average fuel economy standards applicable to such
4 automobiles under section 32902 of this title for the
5 model year that includes January 1 of that fiscal
6 year.”.

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