

109TH CONGRESS
1ST SESSION

S. 1648

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

SEPTEMBER 9, 2005

Mr. DURBIN 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 2005”.

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

8 (a) PASSENGER AUTOMOBILES.—

1 (1) MINIMUM STANDARDS.—Section 32902(b)
 2 of title 49, United States Code, is amended to read
 3 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 2008 shall be 25 miles per gallon;

10 “(2) after model year 2007 and before model
 11 year 2011 shall be 28 miles per gallon;

12 “(3) after model year 2010 and before model
 13 year 2014 shall be 32 miles per gallon;

14 “(4) after model year 2013 and before model
 15 year 2017 shall be 36 miles per gallon; and

16 “(5) after model year 2016 shall be 40 miles
 17 per gallon.”.

18 (2) HIGHER STANDARDS SET BY REGULA-
 19 TION.—Section 32902(c) of title 49, United States
 20 Code, is amended—

21 (A) by striking paragraph (2); and

22 (B) in paragraph (1)—

23 (i) by striking “Subject to paragraph
 24 (2) of this subsection, the” and inserting
 25 “The”;

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

4 (iii) by striking “Section 553” and in-
 5 serting the following:

6 “(2) Section 553”.

7 (b) NON-PASSENGER AUTOMOBILES.—Section
 8 32902(a) of title 49, United States Code, is amended—
 9 (1) by striking “At least 18 months before each
 10 model year,” and inserting the following:

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

14 “(A) after model year 1984 and before model
 15 year 2008 shall be 17 miles per gallon;

16 “(B) after model year 2007 and before model
 17 year 2011 shall be 19 miles per gallon;

18 “(C) after model year 2010 and before model
 19 year 2014 shall be 21.5 miles per gallon;

20 “(D) after model year 2013 and before model
 21 year 2017 shall be 24.5 miles per gallon; and

22 “(E) after model year 2016 shall be 27.5 miles
 23 per gallon, except as provided under paragraph (2).

24 “(2) At least 18 months before the beginning of each
 25 model year after model year 2017,”; and

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

2 “(3) If the Secretary does not increase the average
3 fuel economy standard applicable under paragraph (1)(E)
4 or (2), or applicable to any class under paragraph (2),
5 within 24 months after the latest increase in the standard
6 applicable under paragraph (1)(E) or (2), the Secretary,
7 not later than 90 days after the expiration of the 24-
8 month period, shall submit to Congress a report con-
9 taining an explanation of the reasons for not increasing
10 the standard.”.

11 **SEC. 3. INCREASED INCLUSIVENESS OF DEFINITIONS OF**
12 **AUTOMOBILE AND PASSENGER AUTOMOBILE.**

13 (a) AUTOMOBILE.—

14 (1) IN GENERAL.—Section 32901(a)(3) of title
15 49, United States Code, is amended—

16 (A) by striking “6,000 pounds” each place
17 it appears and inserting “12,000 pounds”; and

18 (B) in subparagraph (B)—

19 (i) by striking “10,000 pounds” and
20 inserting “14,000 pounds”; and

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

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

4 (b) PASSENGER AUTOMOBILE.—Section
 5 32901(a)(16) of title 49, United States Code, is amended
 6 to read as follows:

7 “(16) ‘passenger automobile’—

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

13 “(B) does not include—

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

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

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

21 “(iv) a vehicle that is equipped with a
 22 cargo area of at least 6 feet in interior
 23 length that does not extend beyond the
 24 frame of the vehicle and is an open area or
 25 is designed for use as an open area but is

1 enclosed by a cap and is not readily acces-
 2 sible directly from the passenger compart-
 3 ment.”.

4 (c) APPLICABILITY.—The amendments made by this
 5 section shall apply with respect to automobiles manufac-
 6 tured for model years beginning after the date of enact-
 7 ment of this Act.

8 **SEC. 4. CIVIL PENALTIES.**

9 (a) INCREASED PENALTY FOR VIOLATIONS OF FUEL
 10 ECONOMY STANDARDS.—Section 32912(b) of title 49,
 11 United States Code, is amended—

12 (1) by inserting “(1)” before “Except as pro-
 13 vided”;

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

16 (3) by redesignating paragraphs (1), (2), and
 17 (3) as subparagraphs (A), (B), and (C), respectively;
 18 and

19 (4) by adding at the end the following:

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

23 “(B) Effective on October 1 of each year, the dollar
 24 amount applicable under subparagraph (A) shall be in-
 25 creased by the percentage (rounded to the nearest one-

1 tenth of one percent) by which the price index for July
 2 of such year exceeds the price index for July of the pre-
 3 ceding year. The amount calculated under the preceding
 4 sentence shall be rounded to the nearest \$0.10.

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

8 (b) CONFORMING AMENDMENT.—Section
 9 32912(c)(1) of title 49, United States Code, is amended—
 10 (1) by striking subparagraph (B); and
 11 (2) by redesignating subparagraphs (C) and
 12 (D) as subparagraphs (B) and (C), respectively.

13 (c) APPLICABILITY.—The amendments made by sub-
 14 section (a) shall apply with respect to automobiles manu-
 15 factured for model years beginning after the date of enact-
 16 ment of this Act.

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

18 (a) BIENNIAL REPORT ON TESTING QUALITY.—

19 (1) REQUIREMENT FOR REPORT.—

20 (A) IN GENERAL.—Chapter 329 of title
 21 49, United States Code, is amended by adding
 22 at the end the following:

23 **“§ 32920. Biennial report on testing quality**

24 “(a) REQUIREMENT FOR REPORT.—Not later than
 25 October 1 of each odd-numbered year, the Secretary of

1 Transportation shall submit to Congress a report on the
 2 quality of the testing for determining automobile fuel
 3 economy under this chapter for all currently available
 4 technologies for automobiles.

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

7 “(1) An assessment of the accuracy of the fuel
 8 economy determined for automobiles in relation to
 9 actual highway and road vehicle fuel economy.

10 “(2) A discussion of changes in testing method-
 11 ology that are planned to be made, together with an
 12 assessment of the effects that such changes are ex-
 13 pected to have on the accuracy of the measures of
 14 automobile fuel economy resulting from the use of
 15 the testing methodology as changed.

16 “(c) CONSULTATION REQUIREMENT.—The Secretary
 17 of Transportation and the Administrator of the Environ-
 18 mental Protection Agency shall consult on the preparation
 19 of the biennial report under this section.”.

20 (B) CLERICAL AMENDMENT.—The table of
 21 sections at the beginning of chapter 329 of title
 22 49, United States Code, is amended by adding
 23 at the end the following new item:

“32920. Biennial report on testing quality.”.

24 (2) FIRST REPORT.—The first report under sec-
 25 tion 32920 of title 49, United States Code, as added

1 by paragraph (1), shall be submitted to Congress in
2 2007.

3 (b) IMPROVEMENT OF PROCESS FOR MEASURING
4 FUEL ECONOMY.—

5 (1) STUDY.—

6 (A) REQUIREMENT FOR STUDY.—The Sec-
7 retary of Transportation shall provide for the
8 John A. Volpe National Transportation Sys-
9 tems Center to carry out a study—

10 (i) to determine what practicable
11 automobile fuel economy testing process
12 provides the most accurate measures of ac-
13 tual automobile fuel economy in highway
14 use, in urban use, and in combined high-
15 way and in urban use; and

16 (ii) to compare the average automobile
17 fuel economy ratings calculated under the
18 testing process determined under clause (i)
19 for each category of automobile use de-
20 scribed in that clause with the cor-
21 responding automobile fuel economy rat-
22 ings calculated under the testing process in
23 use under chapter 329 of title 49, United
24 States Code, on the date of enactment of
25 this Act.

1 (B) REPORT.—Not later than 2 years after
 2 the date of enactment of this Act, the Secretary
 3 shall submit to Congress a report on the results
 4 of the study under subparagraph (A), which
 5 shall include—

6 (i) the determination and comparisons
 7 made under subparagraph (A); and

8 (ii) an estimate of the average adjust-
 9 ment to automobile fuel economy ratings
 10 calculated under the testing process used
 11 for the purposes of chapter 329 of title 49,
 12 United States Code, as of the date of en-
 13 actment of this Act that is needed to con-
 14 form those ratings closely to the auto-
 15 mobile fuel economy ratings calculated
 16 under the testing process determined most
 17 accurate under subparagraph (A)(i).

18 (2) TESTING PROCEDURE REVISION.—

19 (A) REQUIREMENT FOR REVISED PROCE-
 20 DURE.—Not later than 180 days after the date
 21 on which the report required under paragraph
 22 (1)(B) is submitted to Congress, the Secretary
 23 of Transportation shall prescribe, by regula-
 24 tion—

1 (i) a revised testing procedure for ac-
2 curately measuring the actual automobile
3 fuel economy of each model of automobile;
4 and

5 (ii) a requirement that the revised
6 testing procedure be applied for the pur-
7 poses of chapter 329 of title 49, United
8 States Code, to determine the average fuel
9 economy of the automobiles manufactured
10 in model years after model year 2008.

11 (B) MODEL FOR REVISED PROCEDURE.—

12 The testing procedure prescribed under sub-
13 paragraph (A) shall be based on the testing
14 process identified in the report required under
15 paragraph (1)(B) as providing the most accu-
16 rate measures of actual automobile fuel econ-
17 omy.

18 (3) COMPARABLE ADJUSTMENT IN AVERAGE
19 FUEL ECONOMY STANDARDS.—

20 (A) REQUIREMENT FOR ADJUSTMENT.—

21 For automobiles manufactured in model years
22 after model year 2008, the Secretary of Trans-
23 portation shall amend each average fuel econ-
24 omy standard prescribed under section 32902
25 of title 49, United States Code, to take into ac-

count improved accuracy in the calculation of automobile fuel economy that results from use of the revised testing procedure applied as required under paragraph (2).

(B) CONDITION.—The Secretary shall ensure that each average fuel economy standard applied as amended under subparagraph (A) is at least as stringent as the corresponding average fuel economy standard that the Secretary would have applied under section 32902 of title 49, United States Code, if the fuel economy testing procedure had not been revised as required under paragraph (2).

SEC. 6. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

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

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) The President shall prescribe regulations that require automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year to achieve—

1 “(A) in the case of non-passenger automobiles,
 2 a fleet average fuel economy for that year of at least
 3 the average fuel economy standard applicable under
 4 section 32902(a) of this title for the model year that
 5 includes January 1 of that fiscal year; and

6 “(B) in the case of passenger automobiles, a
 7 fleet average fuel economy for that year of at least
 8 the average fuel economy standard applicable under
 9 subsection (b) or (c) of section 32902 of this title for
 10 such model year.”;

11 (B) in paragraph (2)—

12 (i) by striking “Fleet average fuel
 13 economy is—” and inserting “For the pur-
 14 poses of paragraph (1), the fleet average
 15 fuel economy of non-passenger or pas-
 16 senger automobiles in a fiscal year is—”;

17 (ii) in subparagraph (A), by striking
 18 “passenger automobiles leased for at least
 19 60 consecutive days or bought by executive
 20 agencies in a” and inserting “the non-pas-
 21 senger automobiles or passenger auto-
 22 mobiles, respectively, that are leased for at
 23 least 60 consecutive days or bought by ex-
 24 ecutive agencies in such”; and

1 (iii) in subparagraph (B), by inserting
2 “such” after “the number of”; and

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

4 “(c) MINIMUM NUMBER OF EXCEPTIONALLY FUEL-
5 EFFICIENT VEHICLES.—The President shall prescribe
6 regulations that require that—

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

16 “(2) beginning in fiscal year 2011, at least
17 10,000 vehicles in the fleet of automobiles used by
18 executive agencies in a fiscal year have a vehicle fuel
19 economy that is at least 5 miles per gallon higher
20 than the average fuel economy standards applicable
21 to such automobiles under section 32902 of this title
22 for the model year that includes January 1 of that
23 fiscal year.”.

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