

110TH CONGRESS
1ST SESSION

S. 357

To improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2007

Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. INOUE, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. NELSON of Florida, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MENENDEZ, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Ten-in-Ten Fuel Economy Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Average fuel economy standards for passenger automobiles and light trucks.
- Sec. 3. Passenger car program reform.
- Sec. 4. Definition of work truck.
- Sec. 5. Definition of light truck.
- Sec. 6. Ensuring safety of passenger automobiles and light trucks.
- Sec. 7. Onboard fuel economy indicators and devices.
- Sec. 8. Secretary of Transportation to certify benefits.
- Sec. 9. Credit trading program.
- Sec. 10. Report to Congress.
- Sec. 11. Labels for fuel economy and greenhouse gas emissions.

1 **SEC. 2. AVERAGE FUEL ECONOMY STANDARDS FOR PAS-**
 2 **SENGER AUTOMOBILES AND LIGHT TRUCKS.**

3 (a) INCREASED STANDARDS.—Section 32902 of title
 4 49, United States Code, is amended—

5 (1) in subsection (a)—

6 (A) by striking “NON-PASSENGER AUTO-
 7 MOBILES.—” and inserting “PRESCRIPTION OF
 8 STANDARDS BY REGULATION.—”; and

9 (B) by striking “(except passenger auto-
 10 mobiles)” and inserting “(except passenger
 11 automobiles and light trucks)”; and

12 (2) by amending subsection (b) to read as fol-
 13 lows:

14 “(b) STANDARDS FOR PASSENGER AUTOMOBILES
 15 AND LIGHT TRUCKS.—

16 “(1) IN GENERAL.—The Secretary of Transpor-
 17 tation, after consultation with the Administrator of
 18 the Environmental Protection Agency, shall pre-
 19 scribe average fuel economy standards for passenger
 20 automobiles and light trucks manufactured by a

1 manufacturer in each model year beginning with
2 model year 2010 in order to achieve a combined av-
3 erage fuel economy standard for passenger auto-
4 mobiles and light trucks for model year 2019 of at
5 least 35 miles per gallon (or such other number of
6 miles per gallon as the Secretary may prescribe
7 under subsection (c)).

8 “(2) ELIMINATION OF SUV LOOPHOLE.—Begin-
9 ning not later than model year 2013, the regulations
10 prescribed under this section may not make any dis-
11 tinction between passenger automobiles and light
12 trucks.

13 “(3) PROGRESS TOWARD STANDARD RE-
14 QUIRED.—In prescribing average fuel economy
15 standards under paragraph (1), the Secretary shall
16 prescribe appropriate annual fuel economy standard
17 increases for passenger automobiles and light trucks
18 that—

19 “(A) increase the applicable average fuel
20 economy standard ratably beginning with model
21 year 2010 and ending with model year 2019;

22 “(B) require that each manufacturer
23 achieve—

24 “(i) a fuel economy standard for pas-
25 senger automobiles manufactured by that

1 manufacturer of at least 29.5 miles per
2 gallon not later than model year 2010; and

3 “(ii) a fuel economy standard for light
4 trucks manufactured by that manufacturer
5 of at least 23.5 miles per gallon not later
6 than model year 2010.

7 “(4) FUEL ECONOMY BASELINE FOR PAS-
8 SENER AUTOMOBILES.—Notwithstanding the max-
9 imum feasible average fuel economy level established
10 by regulations prescribed under subsection (c), the
11 minimum fleetwide average fuel economy standard
12 for passenger automobiles manufactured by a manu-
13 facturer in a model year for that manufacturer’s do-
14 mestic fleet and foreign fleet, as calculated under
15 section 32904 as in effect before the date of the en-
16 actment of the Ten-in-Ten Fuel Economy Act, shall
17 be the greater of—

18 “(A) 27.5 miles per gallon; or

19 “(B) 92 percent of the average fuel econ-
20 omy projected by the Secretary for the com-
21 bined domestic and foreign fleets manufactured
22 by all manufacturers in that model year.

23 “(5) DEADLINE FOR REGULATIONS.—The Sec-
24 retary shall promulgate the regulations required by
25 paragraphs (1) and (2) in final form not later than

1 18 months after the date of the enactment of the
2 Ten-in-Ten Fuel Economy Act.”.

3 **SEC. 3. PASSENGER CAR PROGRAM REFORM.**

4 Section 32902(c) of title 49, United States Code, is
5 amended to read as follows:

6 “(c) AMENDING PASSENGER AUTOMOBILE STAND-
7 ARDS.—Not later than 18 months before the beginning of
8 each model year, the Secretary of Transportation may pre-
9 scribe regulations amending a standard prescribed under
10 subsection (b) for a model year to a level that the Sec-
11 retary determines to be the maximum feasible average fuel
12 economy level for that model year. Section 553 of title 5
13 applies to a proceeding to amend any standard prescribed
14 under subsection (b). Any interested person may make an
15 oral presentation and a transcript shall be taken of that
16 presentation. The Secretary may prescribe separate stand-
17 ards for different classes of passenger automobiles.”.

18 **SEC. 4. DEFINITION OF WORK TRUCK.**

19 (a) DEFINITION OF WORK TRUCK.—Section
20 32901(a) of title 49 is amended by adding at the end the
21 following:

22 “(17) ‘work truck’ means an automobile that
23 the Secretary determines by regulation—

24 “(A) is rated at between 8,500 and 10,000
25 pounds gross vehicle weight; and

1 “(B) is not a medium-duty passenger vehi-
2 cle (as defined in section 86.1803–01 of title
3 40, Code of Federal Regulations).”.

4 (b) DEADLINE FOR REGULATIONS.—The Secretary
5 of Transportation—

6 (1) shall issue proposed regulations imple-
7 menting the amendment made by subsection (a) not
8 later than 1 year after the date of the enactment of
9 this Act; and

10 (2) shall issue final regulations implementing
11 the amendment not later than 18 months after the
12 date of the enactment of this Act.

13 (c) FUEL ECONOMY STANDARDS FOR WORK
14 TRUCKS.—The Secretary of Transportation, in consulta-
15 tion with the Administrator of the Environmental Protec-
16 tion Agency, shall prescribe standards to achieve the max-
17 imum feasible fuel economy for work trucks (as defined
18 in section 32901(a)(17) of title 49, United States Code)
19 manufactured by a manufacturer in each model year be-
20 ginning with model year 2013.

21 **SEC. 5. DEFINITION OF LIGHT TRUCK.**

22 (a) DEFINITION OF LIGHT TRUCK.—

23 (1) IN GENERAL.—Section 32901(a) of title 49,
24 United States Code, is amended by inserting after
25 paragraph (11) the following:

1 “(11) ‘light truck’ means an automobile that
2 the Secretary determines by regulation—

3 “(A) is manufactured primarily for trans-
4 porting not more than 10 individuals;

5 “(B) is rated at not more than 10,000
6 pounds gross vehicle weight;

7 “(C) is not a passenger automobile; and

8 “(D) is not a work truck.”.

9 (2) DEADLINE FOR REGULATIONS.—The Sec-
10 retary of Transportation—

11 (A) shall issue proposed regulations imple-
12 menting the amendment made by paragraph (1)
13 not later than 1 year after the date of the en-
14 actment of this Act; and

15 (B) shall issue final regulations imple-
16 menting the amendment not later than 18
17 months after the date of the enactment of this
18 Act.

19 (3) EFFECTIVE DATE.—Regulations prescribed
20 under paragraph (1) shall apply beginning with
21 model year 2010.

22 (b) APPLICABILITY OF EXISTING STANDARDS.—This
23 section does not affect the application of section 32902
24 of title 49, United States Code, to passenger automobiles

1 or non-passenger automobiles manufactured before model
2 year 2010.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary of
5 Transportation \$25,000,000 for each of fiscal years 2009
6 through 2021 to carry out the provisions of chapter 329
7 of title 49, United States Code.

8 **SEC. 6. ENSURING SAFETY OF PASSENGER AUTOMOBILES**
9 **AND LIGHT TRUCKS.**

10 (a) IN GENERAL.—The Secretary of Transportation
11 shall exercise such authority under Federal law as the Sec-
12 retary may have to ensure that—

13 (1) passenger automobiles and light trucks (as
14 such terms are defined in section 32901 of title 49,
15 United States Code) are safe;

16 (2) progress is made in improving the overall
17 safety of passenger automobiles and light trucks;
18 and

19 (3) progress is made in maximizing United
20 States employment.

21 (b) VEHICLE SAFETY.—Subchapter II of chapter 301
22 of title 49, United States Code, is amended by adding at
23 the end the following:

1 **“§ 30129. Vehicle compatibility and aggressivity re-**
2 **duction standard**

3 “(a) STANDARDS.—The Secretary of Transportation
4 shall issue a motor vehicle safety standard to reduce vehi-
5 cle incompatibility and aggressivity between passenger ve-
6 hicles and non-passenger vehicles. The standard shall ad-
7 dress characteristics necessary to ensure better manage-
8 ment of crash forces in multiple vehicle frontal and side
9 impact crashes between different types, sizes, and weights
10 of vehicles with a gross vehicle weight of 10,000 pounds
11 or less in order to decrease occupant deaths and injuries.

12 “(b) CONSUMER INFORMATION.—The Secretary shall
13 develop and implement a public information side and fron-
14 tal compatibility crash test program with vehicle ratings
15 based on risks to occupants, risks to other motorists, and
16 combined risks by vehicle make and model.”.

17 (c) RULEMAKING DEADLINES.—

18 (1) RULEMAKING.—The Secretary of Transpor-
19 tation shall issue—

20 (A) a notice of a proposed rulemaking
21 under section 30129 of title 49, United States
22 Code, not later than January 1, 2010; and

23 (B) a final rule under such section not
24 later than December 31, 2011.

25 (2) EFFECTIVE DATE OF REQUIREMENTS.—

26 Any requirement imposed under the final rule issued

1 under paragraph (1) shall become fully effective not
2 later than September 1, 2013.

3 (d) CONFORMING AMENDMENT.—The chapter anal-
4 ysis for chapter 301 is amended by inserting after the item
5 relating to section 30128 the following:

“30129. Vehicle compatibility and aggressivity reduction standard.”.

6 **SEC. 7. ONBOARD FUEL ECONOMY INDICATORS AND DE-**
7 **VICES.**

8 (a) IN GENERAL.—Chapter 329 of title 49, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 32920. Fuel economy indicators and devices**

12 “(a) IN GENERAL.—The Secretary of Transpor-
13 tation, in consultation with the Administrator of the Envi-
14 ronmental Protection Agency, shall prescribe a fuel econ-
15 omy standard for passenger automobiles and light trucks
16 manufactured by a manufacturer in each model year be-
17 ginning with model year 2014 that requires each such
18 automobile and light truck to be equipped with—

19 “(1) an onboard electronic instrument that pro-
20 vides real-time and cumulative fuel economy data;

21 “(2) an onboard electronic instrument that sig-
22 nals a driver when inadequate tire pressure may be
23 affecting fuel economy; and

1 “(3) a device that will allow drivers to place the
2 automobile or light truck in a mode that will auto-
3 matically produce greater fuel economy.

4 “(b) EXCEPTION.—Subsection (a) shall not apply to
5 any vehicle that is not subject to an average fuel economy
6 standard under section 32902(b).

7 “(c) ENFORCEMENT.—Subchapter IV of chapter 301
8 of this title shall apply to a fuel economy standard pre-
9 scribed under subsection (a) to the same extent and in
10 the same manner as if that standard were a motor vehicle
11 safety standard under chapter 301.”.

12 (b) CONFORMING AMENDMENT.—The chapter anal-
13 ysis for chapter 329 of title 49, United States Code, is
14 amended by inserting after the item relating to section
15 32919 the following:

“32920. Fuel economy indicators and devices.”.

16 **SEC. 8. SECRETARY OF TRANSPORTATION TO CERTIFY**
17 **BENEFITS.**

18 Beginning with model year 2010, the Secretary of
19 Transportation, in consultation with the Administrator of
20 the Environmental Protection Agency, shall annually de-
21 termine and certify to Congress the reduction in United
22 States consumption of gasoline and petroleum distillates
23 used for vehicle fuel and the reduction in greenhouse gas
24 emissions during the most recent year that are properly
25 attributable to the implementation of the average fuel

1 economy standards imposed under section 32902 of title
2 49, United States Code, as a result of the amendments
3 made by this Act.

4 **SEC. 9. CREDIT TRADING PROGRAM.**

5 Section 32903 of title 49, United States Code, is
6 amended—

7 (1) by striking “passenger” each place it ap-
8 pears;

9 (2) by striking “section 32902(b)–(d) of this
10 title” each place it appears and inserting “sub-
11 section (a), (c), or (d) of section 32902”;

12 (3) in subsection (a)(2), by striking “clause (1)
13 of this subsection” and inserting “paragraph (1)”;
14 and

15 (4) by amending subsection (e) to read as fol-
16 lows:

17 “(e) CREDIT TRADING AMONG MANUFACTURERS.—
18 The Secretary of Transportation may establish, by regula-
19 tion, a corporate average fuel economy credit trading pro-
20 gram to allow manufacturers whose automobiles exceed
21 the average fuel economy standards prescribed under sec-
22 tion 32902 to earn credits to be sold to manufacturers
23 whose automobiles fail to achieve the prescribed stand-
24 ards.”.

1 **SEC. 10. REPORT TO CONGRESS.**

2 Not later than December 31, 2014, the Secretary of
3 Transportation shall submit to Congress a report on the
4 progress made by the automobile manufacturing industry
5 towards meeting the 35 miles per gallon average fuel econ-
6 omy standard required under section 32902(b)(1) of title
7 49, United States Code.

8 **SEC. 11. LABELS FOR FUEL ECONOMY AND GREENHOUSE**
9 **GAS EMISSIONS.**

10 Section 32908 of title 49, United States Code, is
11 amended—

12 (1) in subsection (a)(1), by striking “of this
13 title” and inserting “and a light truck manufactured
14 by a manufacturer in a model year after model year
15 2010; and”;

16 (2) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) by redesignating subparagraph (F)
19 as subparagraph (H); and

20 (ii) by inserting after subparagraph
21 (E) the following:

22 “(F) a label (or a logo imprinted on a label re-
23 quired by this paragraph) that—

24 “(i) reflects an automobile’s performance
25 on the basis of criteria developed by the Admin-
26 istrator to reflect the fuel economy and green-

1 house gas and other emissions consequences of
2 operating the automobile over its likely useful
3 life;

4 “(ii) permits consumers to compare per-
5 formance results under clause (i) among all
6 passenger automobiles and light duty trucks;
7 and

8 “(iii) is designed to encourage the manu-
9 facture and sale of passenger automobiles and
10 light trucks that meet or exceed applicable fuel
11 economy standards under section 32902.

12 “(G) a fuelstar under paragraph (5).”; and

13 (B) by adding at the end the following:

14 “(4) GREEN LABEL PROGRAM.—

15 “(A) MARKETING ANALYSIS.—Not later than 2
16 years after the date of the enactment of the Ten-in-
17 Ten Fuel Economy Act, the Administrator shall
18 complete a study of social marketing strategies with
19 the goal of maximizing consumer understanding of
20 point-of-sale labels or logos described in paragraph
21 (1)(F).

22 “(B) ELIGIBILITY.—Not later than 3 years
23 after the date described in subparagraph (A), the
24 Administrator shall issue requirements for the label
25 or logo required under paragraph (1)(F) to ensure

1 that a passenger automobile or light truck is not eli-
2 gible for the label or logo unless it—

3 “(i) meets or exceeds the applicable fuel
4 economy standard; or

5 “(ii) will have the lowest greenhouse gas
6 emissions over the useful life of the vehicle of
7 all vehicles in the vehicle class to which it be-
8 longs in that model year.

9 “(C) CRITERIA.—In developing criteria for the
10 label or logo, the Administrator shall also consider,
11 among others as appropriate, the following factors:

12 “(i) The recyclability of the automobile.

13 “(ii) Any other pollutants or harmful by-
14 products related to the automobile, which may
15 include those generated during manufacture of
16 the automobile, those issued during use of the
17 automobile, or those generated after the auto-
18 mobile ceases to be operated.

19 “(5) FUELSTAR PROGRAM.—

20 “(A) IN GENERAL.—The Secretary shall estab-
21 lish a program, to be known as the ‘Fuelstar Pro-
22 gram’, under which stars shall be imprinted on or
23 attached to the label required by paragraph (1).

1 “(B) GREEN STARS.—Under the Fuelstar Pro-
2 gram, a manufacturer may include on the label
3 maintained on an automobile under paragraph (1)—

4 “(i) 1 green star for any automobile that
5 meets the average fuel economy standard for
6 the model year under section 32902; and

7 “(ii) 1 additional green star for each 2
8 miles per gallon by which the automobile ex-
9 ceeds such standard.

10 “(C) GOLD STARS.—Under the Fuelstar Pro-
11 gram, a manufacturer may include a gold star on
12 the label maintained on an automobile under para-
13 graph (1) if—

14 “(i) in the case of a passenger automobile,
15 the automobile attains a fuel economy of at
16 least 50 miles per gallon; and

17 “(ii) in the case of a light truck, the truck
18 attains a fuel economy of at least 37 miles per
19 gallon.”.

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