

111TH CONGRESS  
1ST SESSION

# H. CON. RES. 106

Expressing the sense of Congress in support of a single national fuel economy standard.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2009

Mr. BRIGHT (for himself and Mr. TERRY) submitted the following concurrent resolution; which was referred to the Committee on Energy and Commerce

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## CONCURRENT RESOLUTION

Expressing the sense of Congress in support of a single national fuel economy standard.

Whereas Congress mandated a new, higher single national fuel economy standard as part the Energy Independence and Security Act of 2007 (EISA), which was enacted into law on December 19, 2007;

Whereas EISA will raise the fuel economy of passenger cars and light trucks by at least 40 percent and will decrease the carbon dioxide tailpipe emissions of passenger cars and light trucks by at least 30 percent by 2020;

Whereas the single national fuel economy standard promulgated, pursuant to the EISA, will provide the regulatory stability and certainty that is required to produce the fuel efficient cars of tomorrow;

Whereas the Energy Policy and Conservation Act of 1975 explicitly states that “a State or a political subdivision of a State may not adopt or enforce a law or regulation related to fuel economy standards”;

Whereas the California Air Resources Board (CARB) has promulgated a regulation implementing a 2002 California law (AB 1493) that would have the direct effect of regulating fuel economy;

Whereas if a waiver of preemption under the Clean Air Act is granted to CARB by the Environmental Protection Agency for its regulation implementing AB 1493, California, 13 other States, and the District of Columbia that have adopted the CARB regulation will seek to enforce it;

Whereas CARB petitioned the Environmental Protection Agency on January 21, 2009, seeking, among other things, retroactive enforcement of its regulation, which would include the regulation of vehicles already sold;

Whereas the granting of such a waiver would result in a patchwork of State fuel economy regulatory regimes in the States and District of Columbia (except Pennsylvania) that have adopted CARB’s regulation, as each automaker must separately conform the fleet each automaker delivers for sale in that State to each State’s rule;

Whereas CARB’s regulation conflicts with the restructured Corporate Average Fuel Economy (CAFE) program because CARB adopted a “flat” standard of regulation, an approach Congress rejected in favor of an “attribute-based” standard under EISA;

Whereas Congress rejected the “flat standard” method of regulation CARB adopted because of its negative impact

on passenger safety, it limits consumer choice, and its inherent bias against full-line manufacturers;

Whereas the attribute-based system of regulation Congress mandated in EISA will, by design, always save more fuel and reduce more greenhouse gases than a comparable flat standard;

Whereas the National Academy of Sciences stated in a 2002 study on fuel economy that “if an increase in fuel economy is effected by a system that encourages either downweighting or the production and sale of more small cars, some additional traffic fatalities would be expected.”;

Whereas CARB’s method of regulation encourages downweighting and the production and sale of more small cars in “California” States, thereby negatively impacting passenger safety;

Whereas CARB did not consider job loss, consumer choice, consumer affordability, passenger safety, or the health of the United States auto industry outside of California when promulgating its regulation;

Whereas the design of CARB’s regulation will distort the retail auto market by forcing automakers to deliver for sale certain vehicles in the States which have adopted its regulation, irrespective of whether consumer demand exists for such vehicles;

Whereas CARB’s regulation will create a “cross border sales loophole” and a “SUV loophole” that will conflict with the goals of EISA and distort the auto market;

Whereas CARB’s regulation will exempt over a dozen global automakers from regulation, which will further distort

the retail auto market and reduce the competitiveness of the automakers that are subject to CARB's regulation;

Whereas CARB's regulation potentially exempts vehicles sold by Chinese and Indian automakers from its regulation, which will give a regulatory advantage to Chinese and Indian automakers at the expense of the automakers that are subject to CARB's regulation;

Whereas domestic and international automakers are experiencing the worst economic downturn in a generation;

Whereas it makes no economic sense to burden consumers, dealers, and automakers, in the midst of a recession with a State-based fuel economy regime that is redundant to the goals of CAFE, but contrary to its structure;

Whereas CARB's regulation will affect 34 percent of the Nation's fleet, yet the cost to consumers nationally in 2009 is unknown, as well as the passenger safety impact, environmental impact, and cost to automakers; and

Whereas it is the responsibility of Congress, and not of a State agency, to set national energy and environmental policy: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*

2 *concurring)*, That it is the sense of the Congress that—

3            (1) a single national fuel economy standard is

4            necessary to achieve the national policy goals of re-

5            ducing fuel consumption and greenhouse gas emis-

6            sions while not further exacerbating unemployment;

7            and

8            (2) the California Air Resources Board's regu-

9            lation to implement AB 1493 undermines and con-

1        flicts with the national policy established by Con-  
2        gress in the Energy Policy Conservation Act of 1975  
3        and its subsequent amendments.

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