

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 4, 2007

Purpose: To modify the bill to include medium-duty and heavy-duty trucks, and for other purposes.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.**

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. INOUE (for himself and Mr. STEVENS)

Viz: Strike out all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Average fuel economy standards for automobiles, medium-duty trucks, and heavy duty trucks.
- Sec. 3. Amending fuel economy standards.
- Sec. 4. Definitions.
- Sec. 5. Ensuring safety of automobiles.
- Sec. 6. Elimination of dual fuel credit after model year 2008.
- Sec. 7. Credit trading program.
- Sec. 8. Labels for fuel economy and greenhouse gas emissions.
- Sec. 9. Continued applicability of existing standards.
- Sec. 10. National Academy of Sciences studies.
- Sec. 11. Authorization of appropriations.

1 **SEC. 2. AVERAGE FUEL ECONOMY STANDARDS FOR AUTO-**
2 **MOBILES, MEDIUM-DUTY TRUCKS, AND**
3 **HEAVY DUTY TRUCKS.**

4 (a) INCREASED STANDARDS.—Section 32902 of title
5 49, United States Code, is amended—

6 (1) by striking “NON-PASSENGER AUTO-
7 MOBILES.—” in subsection (a) and inserting “PRE-
8 SCRIPTION OF STANDARDS BY REGULATION.—”;

9 (2) by striking “automobiles (except passenger
10 automobiles)” in subsection (a) and inserting “auto-
11 mobiles, medium-duty trucks, and heavy-duty
12 trucks”; and

13 (3) by striking subsection (b) and inserting the
14 following:

15 “(b) STANDARDS FOR AUTOMOBILES, MEDIUM-DUTY
16 TRUCKS, AND HEAVY-DUTY TRUCKS.—

17 “(1) IN GENERAL.—The Secretary of Transpor-
18 tation, after consultation with the Administrator of
19 the Environmental Protection Agency, shall pre-
20 scribe average fuel economy standards for auto-
21 mobiles, medium-duty trucks, and heavy-duty trucks
22 manufactured by a manufacturer in each model year
23 beginning with model year 2011 in accordance with
24 subsection (c).

25 “(2) ANNUAL INCREASES IN FUEL ECONOMY
26 STANDARDS.—

1 “(A) BASELINE AVERAGE FUEL ECONOMY
2 STANDARDS FOR MEDIUM- AND HEAVY-DUTY
3 TRUCKS.—For model year 2010, the average
4 fuel economy standard for each attribute class
5 of medium-duty trucks and heavy-duty trucks
6 shall be the average combined highway and city
7 miles-per-gallon performance of all vehicles
8 within that class in 2009 (rounded to the near-
9 est $\frac{1}{10}$ mile per gallon).

10 “(B) MEDIUM- AND HEAVY-DUTY TRUCK
11 FUEL ECONOMY AVERAGE AFTER MODEL YEAR
12 2010.—For each model year beginning after
13 model year 2010, the average fuel economy at-
14 tained by the fleet of medium-duty trucks and
15 heavy-duty trucks manufactured or sold in the
16 United States shall be at least 4 percent great-
17 er than the average fuel economy standard for
18 the fleet in the previous model year (rounded to
19 the nearest $\frac{1}{10}$ mile per gallon).

20 “(3) FUEL ECONOMY TARGET FOR AUTO-
21 MOBILES.—

22 “(A) BASELINE AVERAGE FUEL ECONOMY
23 STANDARDS FOR AUTOMOBILES.—The Sec-
24 retary, in consultation with the Administrator
25 of the Environmental Protection Agency, shall

1 prescribe average fuel economy standards for
2 automobiles in each model year beginning with
3 model year 2011 to achieve a combined fuel
4 economy standard for model year 2020 of at
5 least 35 miles per gallon for the fleet of auto-
6 mobiles manufactured or sold in the United
7 States.

8 “(B) MIDPOINT STANDARD.—The average
9 fuel economy of the fleet of automobiles manu-
10 factured or sold in the United States shall be
11 at least 28.5 miles per gallon for model year
12 2015.

13 “(C) AUTOMOBILE FUEL ECONOMY AVER-
14 AGE AFTER MODEL YEAR 2020.—For each
15 model year beginning after model year 2020,
16 the average fuel economy attained by the fleet
17 of automobiles manufactured or sold in the
18 United States shall be at least 4 percent great-
19 er than the average fuel economy standard for
20 the fleet in the previous model year (rounded to
21 the nearest $\frac{1}{10}$ mile per gallon).”.

22 (b) AUTHORITY OF SECRETARY.—Section 32902 of
23 title 49, United States Code, is amended by adding at the
24 end thereof the following:

25 “(k) AUTHORITY OF THE SECRETARY.—

1 “(1) VEHICLE ATTRIBUTES.—The authority of
2 the Secretary to prescribe by regulation average fuel
3 economy standards for automobiles, medium-duty
4 trucks, and heavy-duty trucks under this section in-
5 cludes the authority—

6 “(A) to prescribe standards based on vehi-
7 cle attributes and to express the standards in
8 the form of a mathematical function; and

9 “(B) to issue regulations under this Act
10 prescribing average fuel economy standards for
11 1 or more model years.

12 “(2) PROHIBITION OF UNIFORM PERCENTAGE
13 INCREASE.—When the Secretary prescribes a stand-
14 ard, or prescribes an amendment under this section
15 that changes a standard, the standard may not be
16 expressed as a uniform percentage increase from the
17 fuel-economy performance of attribute classes or cat-
18 egories already achieved in a model year by a manu-
19 facturer.”.

20 **SEC. 3. AMENDING FUEL ECONOMY STANDARDS.**

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

23 “(c) AMENDING FUEL ECONOMY STANDARDS.—

1 “(1) IN GENERAL.—Notwithstanding sub-
2 sections (a) and (b), the Secretary of Transpor-
3 tation—

4 “(A) may prescribe a standard higher than
5 that required under subsection (b); or

6 “(B) may prescribe an average fuel econ-
7 omy standard for a class of automobiles, me-
8 dium-duty trucks, or heavy-duty trucks that is
9 the maximum feasible level for the model year,
10 despite being lower than the standard required
11 under subsection (b), if the Secretary, in con-
12 sultation with the Administrator of the Envi-
13 ronmental Protection Agency and the Secretary
14 of Energy, determines, based on clear and con-
15 vincing evidence, that the average fuel economy
16 standard prescribed in accordance with sub-
17 sections (a) and (b) for that class of vehicles in
18 that model year is shown not to be cost-effec-
19 tive.

20 “(2) REQUIREMENTS FOR LOWER STANDARD.—

21 Before proposing an average fuel economy standard
22 for a class of automobiles, medium-duty trucks, or
23 heavy-duty trucks in a model year under paragraph
24 (1)(B), the Secretary of Transportation shall do the
25 following:

1 “(A) NOTICE OF PROPOSED RULE.—Ex-
2 cept for standards to be promulgated by 2012,
3 at least 5 years before the model year for which
4 the standard is to apply, the Secretary shall
5 post a notice of proposed rulemaking for the
6 proposed standard. The notice shall include a
7 detailed analysis of the basis for the Secretary’s
8 determination under paragraph (1)(B).

9 “(B) FINAL RULE.—At least 3 years be-
10 fore the model year for which the standard is
11 to apply, the Secretary shall promulgate a final
12 rule establishing the standard.

13 “(3) MAXIMUM STANDARD.—An average fuel
14 economy standard prescribed for a class of auto-
15 mobiles, medium-duty trucks, or heavy-duty trucks
16 in a model year under paragraph (1) shall be the
17 maximum standard that—

18 “(A) is technologically achievable;

19 “(B) can be achieved without materially
20 reducing the overall safety of automobiles, me-
21 dium-duty trucks, and heavy-duty trucks manu-
22 factured or sold in the United States;

23 “(C) is not less than the standard for that
24 class of vehicles from any prior year; and

25 “(D) is cost-effective.

1 “(4) DETERMINING COST-EFFECTIVENESS.—

2 “(A) IN GENERAL.—In determining cost-
3 effectiveness under paragraph (3)(D), the Sec-
4 retary shall take into account the total value to
5 the United States of reduced fuel use, including
6 the monetary value of the reduced fuel use over
7 the life of the vehicle.

8 “(B) ADDITIONAL FACTORS FOR CONSID-
9 ERATION BY SECRETARY.—The Secretary shall
10 include in the analysis the following consider-
11 ations:

12 “(i) Economic security.

13 “(ii) The impact of the oil or energy
14 intensity of the United States economy on
15 the sensitivity of the economy to oil and
16 other fuel price changes, including the
17 magnitude of gross domestic product losses
18 in response to short term price shocks or
19 long term price increases.

20 “(iii) National security, including the
21 impact of United States payments for oil
22 and other fuel imports on political, eco-
23 nomic, and military developments in unsta-
24 ble or unfriendly oil-exporting countries.

1 “(iv) The uninternalized costs of pipe-
2 line and storage oil seepage, and for risk
3 of oil spills from production, handling, and
4 transport, and related landscape damage.

5 “(v) The emissions of pollutants in-
6 cluding greenhouse gases over the lifecycle
7 of the fuel and the resulting costs to
8 human health, the economy, and the envi-
9 ronment.

10 “(vi) Such additional factors as the
11 Secretary deems relevant.

12 “(5) MINIMUM VALUATION.—When considering
13 the value to consumers of a gallon of gasoline saved,
14 the Secretary of Transportation shall use the value
15 of the gasoline prices projected by the Energy Infor-
16 mation Administration for the period covered by the
17 standard beginning in the year following the year in
18 which the standards are established.

19 “(6) COST-EFFECTIVE DEFINED.—In this sub-
20 section, the term ‘cost-effective’ means that the total
21 value to the United States of reduced petroleum use
22 from a proposed fuel economy standard is greater
23 than or equal to the total cost to the United States
24 of such standard.”.

1 **SEC. 4. DEFINITIONS.**

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

4 (1) by striking paragraph (3) and inserting the
5 following:

6 “(3) except as provided in section 32908 of this
7 title, ‘automobile’ means a 4-wheeled vehicle that is
8 propelled by fuel, or by alternative fuel, manufac-
9 tured primarily for use on public streets, roads, and
10 highways (except a vehicle operated only on a rail
11 line), and rated at not more than 10,000 pounds
12 gross vehicle weight.”;

13 (2) by inserting after paragraph (10) the fol-
14 lowing:

15 “(10A) ‘heavy-duty truck’ means a truck (as
16 defined in section 30127) with a gross vehicle weight
17 in excess of 26,000 pounds.”;

18 (3) by inserting after paragraph (13) the fol-
19 lowing:

20 “(13A) ‘medium-duty truck’ means a truck (as
21 defined in section 30127) with a gross vehicle weight
22 of at least 10,000 pounds but not more than 26,000
23 pounds.”; and

24 (4) by striking paragraph (16).

25 (b) DEADLINE FOR REGULATIONS.—The Secretary
26 of Transportation—

1 (1) shall issue proposed regulations imple-
2 menting the amendments made by subsection (a)(1)
3 and (2) not later than 1 year after the date of the
4 enactment of this Act; and

5 (2) shall issue final regulations implementing
6 the amendments not later than 18 months after the
7 date of the enactment of this Act.

8 (c) EFFECTIVE DATE.—Regulations prescribed
9 under subsection (b) shall apply beginning with model year
10 2010.

11 **SEC. 5. ENSURING SAFETY OF AUTOMOBILES.**

12 (a) IN GENERAL.—The Secretary of Transportation
13 shall exercise such authority under Federal law as the Sec-
14 retary may have to ensure that automobiles (as defined
15 in section 32901 of title 49, United States Code) are safe.

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

19 **“§ 30129. Vehicle compatibility and aggressivity re-**
20 **duction standard**

21 “(a) STANDARDS.—The Secretary of Transportation
22 shall issue a motor vehicle safety standard to reduce auto-
23 mobile incompatibility and aggressivity. The standard
24 shall address characteristics necessary to ensure better
25 management of crash forces in multiple vehicle frontal and

1 side impact crashes between different types, sizes, and
2 weights of automobiles with a gross vehicle weight of
3 10,000 pounds or less in order to decrease occupant
4 deaths and injuries.

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

10 (c) RULEMAKING DEADLINES.—

11 (1) RULEMAKING.—The Secretary of Transpor-
12 tation shall issue—

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

16 (B) a final rule under such section not
17 later than December 31, 2012.

18 (2) EFFECTIVE DATE OF REQUIREMENTS.—

19 Any requirement imposed under the final rule issued
20 under paragraph (1) shall become fully effective not
21 later than September 1, 2013.

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

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

1 **SEC. 6. ELIMINATION OF DUAL FUEL CREDIT AFTER**
2 **MODEL YEAR 2008.**

3 (a) IN GENERAL.—Section 32905 of title 49, United
4 States Code, is amended—

5 (1) by striking “1993–2010” in subsection (b)
6 and inserting “1993 through 2009”;

7 (2) by striking “1993–2010” in subsection (d)
8 and inserting “1993 through 2009”; and

9 (3) by striking subsections (f) and (g) and re-
10 designating subsection (h) as subsection (f).

11 (b) CONFORMING AMENDMENTS.—Section
12 32906(a)(1) of title 49, United States Code, is amended—

13 (1) by striking “1993–2010” in subparagraph
14 (A) and inserting “1993 through 2009”;

15 (2) by striking subparagraph (B); and

16 (3) by striking ““(A)”” in subparagraph (A).

17 (c) REGULATORY EXTENSION.—Any extension of the
18 application of subsections (b) and (d) of section 32905 of
19 title 49, United States Code, pursuant to section 32905(f)
20 of that title is null and void to the extent that it applies
21 to a model year after model year 2009.

22 **SEC. 7. CREDIT TRADING PROGRAM.**

23 Section 32903 of title 49, United States Code, is
24 amended—

25 (1) by striking “passenger” each place it ap-
26 pears;

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

4 (3) by striking “3 consecutive model years” in
5 subsections (a)(1) and (a)(2) and inserting “5 con-
6 secutive model years”;

7 (4) in subsection (a)(2), by striking “clause (1)
8 of this subsection,” and inserting “paragraph (1)”;
9 and

10 (5) by striking “3 model years” in subsection
11 (b)(2) and inserting “5 model years”; and

12 (6) by striking subsection (e) and inserting the
13 following:

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

22 **SEC. 8. LABELS FOR FUEL ECONOMY AND GREENHOUSE**
23 **GAS EMISSIONS.**

24 Section 32908 of title 49, United States Code, is
25 amended—

1 (1) by redesignating subparagraph (F) of sub-
2 section (b)(1) as subparagraph (H) and inserting
3 after subparagraph (E) the following:

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

6 “(i) reflects an automobile’s performance
7 on the basis of criteria developed by the Admin-
8 istrator to reflect the fuel economy and green-
9 house gas and other emissions consequences of
10 operating the automobile over its likely useful
11 life;

12 “(ii) permits consumers to compare per-
13 formance results under clause (i) among all
14 automobiles and medium-duty trucks; and

15 “(iii) is designed to encourage the manu-
16 facture and sale of automobiles, medium-duty
17 trucks, and heavy duty trucks that meet or ex-
18 ceed applicable fuel economy standards under
19 section 32902.

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

21 (2) by adding at the end of subsection (b) the
22 following:

23 “(4) GREEN LABEL PROGRAM.—

24 “(A) MARKETING ANALYSIS.—Not later than 2
25 years after the date of the enactment of the Ten-in-

1 Ten Fuel Economy Act, the Administrator shall im-
2 plement a consumer education program and execute
3 marketing strategies to improve consumer under-
4 standing of automobile performance described in
5 paragraph (1)(F).

6 “(B) ELIGIBILITY.—Not later than 3 years
7 after the date described in subparagraph (A), the
8 Administrator shall issue requirements for the label
9 or logo required under paragraph (1)(F) to ensure
10 that a passenger automobile or medium-duty truck
11 is not eligible for the label or logo unless it—

12 “(i) meets or exceeds the applicable fuel
13 economy standard; or

14 “(ii) will have the lowest greenhouse gas
15 emissions over the useful life of the vehicle of
16 all vehicles in the vehicle attribute class to
17 which it belongs in that model year.

18 “(5) FUELSTAR PROGRAM.—

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

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

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

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

7 “(C) GOLD STARS.—Under the Fuelstar Pro-
8 gram, a manufacturer may include a gold star on
9 the label maintained on an automobile under para-
10 graph (1) if the automobile attains a fuel economy
11 of at least 50 miles per gallon.”.

12 **SEC. 9. CONTINUED APPLICABILITY OF EXISTING STAND-**
13 **ARDS.**

14 Nothing in this Act, or the amendments made by this
15 Act, shall be construed to affect the application of section
16 32902 of title 49, United States Code, to passenger auto-
17 mobiles or non-passenger automobiles manufactured be-
18 fore model year 2011.

19 **SEC. 10. NATIONAL ACADEMY OF SCIENCES STUDIES.**

20 (a) IN GENERAL.—As soon as practicable after the
21 date of enactment of this Act, the Secretary of Transpor-
22 tation shall execute an agreement with the National Acad-
23 emy of Sciences to develop a report evaluating vehicle fuel
24 economy standards, including—

1 (1) an assessment of automotive technologies
2 and costs to reflect developments since the Acad-
3 emy's 2002 report evaluating the corporate average
4 fuel economy standards was conducted;

5 (2) an analysis of existing and potential tech-
6 nologies that may be used practically to improve
7 automotive, medium-duty truck, or heavy-duty truck
8 fuel economy;

9 (3) an analysis of how such technologies may be
10 practically integrated into the automotive, medium-
11 duty truck, or heavy-duty truck manufacturing proc-
12 ess; and

13 (4) an assessment of how such technologies may
14 be used to meet the new fuel economy standards
15 under chapter 329 of title 49, United States Code,
16 as amended by this Act.

17 (b) **QUINQUENNIAL UPDATES.**—After submitting the
18 initial report, the Academy shall update the report at 5
19 year intervals thereafter through 2025.

20 (c) **REPORT.**—The Academy shall submit the report
21 to the Secretary, the Senate Committee on Commerce,
22 Science, and Transportation and the House of Represent-
23 atives Committee on Energy and Commerce, with its find-
24 ings and recommendations no later than 18-months after

1 the date on which the Secretary executes the agreement
2 with the Academy.

3 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Sec-
5 retary of Transportation \$25,000,000 for each of fiscal
6 years 2009 through 2021 to carry out the provisions of
7 chapter 329 of title 49, United States Code.

○