

AMENDMENT TO H.R. 3221

OFFERED BY MR. MARKEY OF MASSACHUSETTS

At the end of title IX, insert the following:

1 Subtitle G—Average Fuel Economy
2 Standards for Automobiles

3 SEC. 9601. AVERAGE FUEL ECONOMY STANDARDS.

4 (a) STANDARDS THROUGH MODEL YEAR 2012.—
5 Section 32902 of title 49, United States Code, is amend-
6 ed—

7 (1) in subsection (a)—

8 (A) in the subsection heading, by inserting
9 “MANUFACTURED BEFORE MODEL YEAR
10 2013” after “NON-PASSENGER AUTOMOBILES”;
11 and

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

13 “The Secretary shall by regulation establish a
14 fuel economy standard for model year 2012
15 that projects a 2.5 percent fleet-wide increase
16 over the fuel economy level projected for model
17 year 2011. This subsection shall not apply to
18 automobiles manufactured after model year
19 2012”

20 (2) in subsection (b)—

1 (A) in the subsection heading, by inserting
2 “MANUFACTURED BEFORE MODEL YEAR
3 2013” after “PASSENGER AUTOMOBILES”;

4 (B) by inserting “and before model year
5 2009” after “1984”; and

6 (C) by adding at the end the following:
7 “Such standard shall be increased by at least
8 2.5 percent per year for model years 2010
9 through 2012 (rounded to the nearest $\frac{1}{10}$ mile
10 per gallon).””.

11 (b) STANDARDS AFTER MODEL YEAR 2012.—Sec-
12 tion 32902(c) of title 49, United States Code, is amended
13 to read as follows:

14 “(c) STANDARDS FOR AUTOMOBILES AND WORK
15 TRUCKS MANUFACTURED AFTER MODEL YEAR 2012.—

16 (1)(A) Not later than April 1, 2011, the Secretary of
17 Transportation shall prescribe by regulation average fuel
18 economy standards for all automobiles manufactured by
19 all manufacturers for model years 2013-2019 based on ve-
20 hicle attributes that most closely relate to fuel economy
21 and expressed in the form of a mathematical function.
22 Such standards shall attain a projected level of average
23 fleet-wide fuel economy of at least—

1 “(i) 27.5 miles per gallon for all auto-
2 mobiles manufactured by all manufacturers for
3 model year 2013;

4 “(ii) 30.9 miles per gallon for all auto-
5 mobiles manufactured by all manufacturers for
6 model year 2016; and

7 “(iii) 35 miles per gallon for all auto-
8 mobiles manufactured by all manufacturers for
9 model year 2019.

10 “(B) Not later than 18 months before the beginning
11 of each model year beginning with model year 2020, the
12 Secretary shall prescribe by regulation average fuel econ-
13 omy standards for all automobiles manufactured by all
14 manufacturers which shall be the maximum feasible stand-
15 ard applicable for each such model year.

16 “(C) Not later than 18 months before the beginning
17 of each model year beginning with model year 2013, the
18 Secretary shall prescribe by regulation an average fuel
19 economy standard applicable to all work trucks manufac-
20 tured by all manufacturers which shall be the maximum
21 feasible standard applicable for each such model year.

22 “(D) When the Secretary prescribes a standard, or
23 prescribes an amendment under this subsection that
24 changes a standard, the standard may not be expressed
25 as a uniform percentage increase from the fuel economy

1 performance already achieved in a model year by a manu-
2 facturer.

3 “(2)(A) In prescribing average fuel economy stand-
4 ards under this subsection, the Secretary shall prescribe
5 the maximum feasible standard applicable to each model
6 year. In determining maximum feasibility, the Secretary
7 of Transportation shall ensure, in consultation with the
8 Administrator of the Environmental Protection Agency
9 and after considering the effect of other motor vehicle
10 standards of the Government on fuel economy, that the
11 projected level of average fuel economy for all automobiles
12 manufactured by all manufacturers is the highest that—

13 “(i) is technologically achievable; and

14 “(ii) is shown to be cost effective (as deter-
15 mined under subparagraph (B)); and

16 “(iii) for model years between 2013 and 2019,
17 will not result in a failure to attain the projected lev-
18 els of average fleet-wide fuel economy required under
19 paragraph (1).

20 “(B) As used in this paragraph, the term ‘cost-effec-
21 tive’ means that the value to the United States of reduced
22 fuel use from a proposed fuel economy standard is greater
23 than or equal to the cost to the United States of such
24 standard. In determining cost-effectiveness, the Secretary
25 shall give priority to those technologies and packages of

1 technologies that offer the largest reduction in fuel use
2 relative to their costs. In considering a benefit or cost, the
3 Secretary shall prescribe to such benefit or cost a value
4 that is other than zero and shall explain the basis for such
5 value. In determining cost-effectiveness, the Secretary
6 shall also take into account the value to the Nation of re-
7 duced petroleum use, including the value of reducing ex-
8 ternal costs of petroleum use, using the greater of—

9 “(i) a value for such external costs equal to 50
10 percent of the value of a gallon of gasoline saved; or

11 “(ii) the amount determined in an analysis of
12 the external costs of petroleum use that considers—

13 “(I) economic security, including the im-
14 pact of long- or short-term increases in oil
15 prices or oil supply disruptions on gross domes-
16 tic product, trade, inflation and other economic
17 factors;

18 “(II) national security, including the im-
19 pact of oil use on military, intelligence and
20 homeland security activities;

21 “(III) relevant foreign policy consider-
22 ations, including the impact of oil use on deci-
23 sions of the Organization of the Petroleum Ex-
24 porting Countries, on diplomatic and foreign
25 policy flexibility, on connections to terrorism,

1 and on the impact of the United States pay-
2 ments for oil imports on political, economic, and
3 military developments in unstable or unfriendly
4 oil exporting countries;

5 “(IV) energy security policies, including
6 the cost of managing the Strategic Petroleum
7 Reserve, and on the uninternalized costs of
8 pipeline and storage oil seepage, and for risk of
9 oil spills from production, handling, and trans-
10 port, and related landscape damage; and

11 “(V) the emissions of pollutants, including
12 greenhouse gases, over the life-cycle of the fuel
13 and the resulting costs to human health, the
14 economy, and the environment.

15 “(C) When considering the value to consumers of a
16 gallon of gasoline saved, the Secretary may not use a value
17 less than the greatest of—

18 “(i) the inflation-adjusted average national cost
19 of a gallon of gasoline sold in the United States dur-
20 ing the 12-month period ending on the date on
21 which the new fuel economy standard is proposed; or

22 “(ii) the gasoline prices projected by the Energy
23 Information Administration for the 20-year period
24 beginning in the year following the year in which the
25 standards are established.

1 “(3) In prescribing standards under this subsection,
2 the Secretary may prescribe standards for 1 or more
3 model years.”.

4 (c) DEFINITIONS AND CONFORMING AMEND-
5 MENTS.—

6 (1) DEFINITIONS.—Section 32901(a) of title
7 49, United States Code, is amended—

8 (A) by amending paragraph (3) to read as
9 follows:

10 “(3) except as provided in section 32908 of this
11 title, ‘automobile’ means a 4-wheeled vehicle that is
12 propelled by fuel, or by alternative fuel, manufac-
13 tured primarily for use on public streets, roads, and
14 highways and rated at not more than 10,000 pounds
15 gross vehicle weight, except—

16 “(A) a vehicle operated only on a rail line;
17 or

18 “(B) a work truck”; and

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

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

22 “(A) is rated at between 8,500 and 10,000
23 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 (2) CONFORMING AMENDMENTS.—Chapter 329
5 of title 49, United States Code, is amended—

6 (A) in section 32902—

7 (i) in subsection (d), by striking “pas-
8 senger” each place it appears;

9 (ii) in subsection (g)—

10 (I) in paragraph (1), by striking
11 “subsection (a) or (d)” each place it
12 appears and inserting “subsection (b),
13 (c), or (d)”; and

14 (II) in paragraph (2), by striking
15 “(and submit the amendment to Con-
16 gress when required under subsection
17 (c)(2) of this section)” ;

18 (B) in section 32903—

19 (i) by striking “passenger” each place
20 it appears;

21 (ii) by striking “under section
22 32902(b)-(d)” each place it appears;

23 (iii) in subsection (a)(2), by striking
24 “clause (1) of this subsection”; and insert-
25 ing “paragraph (1)”;

1 (iv) by striking subsection (e) and re-
2 designating subsection (f) as subsection
3 (e);
4 (C) in section 32904—

5 (i) in subsection (a)(1), by striking
6 “subject to” and all that follows, and in-
7 serting “by dividing—
8 “(A) the number of automobiles manufac-
9 tured by the manufacturer in a model year; by
10 “(B) the sum of the fractions obtained by
11 dividing the number of automobiles of each
12 model manufactured by the manufacturer in
13 that model year by the fuel economy measured
14 for that model.”; and

15 (ii) by striking subsection (b) and re-
16 designating subsections (c), (d), and (e) as
17 subsections (b), (c), and (d), respectively;
18 and

19 (D) in section 32908(a), by striking “sec-
20 tion 32901(a)(3)(B)” and inserting “section
21 32901(a)(3)”.

22 (3) EFFECTIVE DATE AND RULE OF CONSTRUC-
23 TION FOR DEFINITIONS.—The amendments made by
24 this subsection shall apply to model year 2013 and
25 each subsequent model year. Nothing in this sub-

1 section, or the amendments made by this subsection,
2 shall be construed to affect the application of section
3 32902 of title 49, United States Code (as amended
4 by this section), to passenger automobiles or non-
5 passenger automobiles manufactured before model
6 year 2013.

7 **SEC. 9602. STUDY AND REPORT ON GLOBAL AUTOMOTIVE**
8 **EFFICIENCY TECHNOLOGY DEVELOPMENT.**

9 (a) **STUDY.**—The Secretary of Transportation shall
10 enter into appropriate arrangements with the National
11 Academy of Sciences to conduct a comprehensive study of
12 the technological opportunities to enhance fuel economy
13 and an analysis and assessment of the accuracy of fuel
14 economy tests used by the Administrator of the Environ-
15 mental Protection Agency to measure fuel economy for
16 each model under section 32904(a) of title 49, United
17 States Code. Such analysis and assessment shall identify
18 any additional factors or methods that should be included
19 in tests to measure fuel economy for each model to more
20 accurately reflect fuel economy of automobiles. The Sec-
21 retary and the Administrator of the Environmental Pro-
22 tection Agency shall furnish, at the request of the Acad-
23 emy, any information which the Academy determines to
24 be necessary to conduct the study, analysis, and assess-
25 ment.

1 (b) REPORT.—Not later than December 31, 2009,
2 the Secretary of Transportation, the Secretary of Energy,
3 and the Administrator of the Environmental Protection
4 Agency shall submit a joint report to Congress on the
5 study and assessment required under subsection (a). The
6 report shall—

7 (1) include an assessment of technological op-
8 portunities to enhance fuel economy and opportuni-
9 ties to increase overall fleet safety;

10 (2) identify and examine additional opportuni-
11 ties to reform the regulatory structure under chapter
12 329 of title 49, United States Code, including ap-
13 proaches that seek to merge vehicle and fuel require-
14 ments into a single system that achieves equal or
15 greater reduction in petroleum use and environ-
16 mental benefits;

17 (3) include conclusions reached by the Adminis-
18 trator of the Environmental Protection Agency, as a
19 result of detailed analysis and public comment, on
20 the accuracy of current fuel economy tests;

21 (4) identify any additional factors that the Ad-
22 ministrator determines should be included in tests to
23 measure fuel economy for each model to more accu-
24 rately reflect actual fuel economy of automobiles;
25 and

1 (5) include a description of options, formulated
2 by the Secretary of Transportation and the Adminis-
3 trator, to incorporate such additional factors in fuel
4 economy tests in a manner that will not advantage
5 or disadvantage any automobile manufacturer.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary of Trans-
8 portation such amounts as are required to carry out the
9 study, analysis, and assessment required by this section.

10 **SEC. 9603. RULE OF CONSTRUCTION REGARDING AUTO-**
11 **MOBILE SAFETY.**

12 Nothing in this subtitle shall be construed to limit,
13 constrain, supercede, or expand the authority of the Sec-
14 retary of Transportation to prescribe motor vehicle safety
15 standards to reduce traffic accidents and deaths and inju-
16 ries resulting form traffic accidents conferred by chapter
17 301 of title 49, United States Code.

18 **SEC. 9604. NON-APPLICATION TO CLEAN AIR ACT.**

19 Nothing in this subtitle shall be construed to conflict
20 with the authority provided by sections 202 and 209 of
21 the Clean Air Act (42 U.S.C. 7521 and 7543, respec-
22 tively).

 Amend the table of contents by adding at the end
the following item:

 Subtitle G—Average Fuel Economy Standards for Automobiles

Sec. 9601. Average fuel economy standards.

Sec. 9602. Study and report on global automotive efficiency technology development.

Sec. 9603. Rule of construction regarding automobile safety.

Sec. 9604. Non-application to Clean Air Act.