

12-4
JTBond

AMENDMENT NO. _____

Calendar No. _____

Purpose: To impose additional requirements for improving
automobile fuel economy and reducing vehicle emissions.

IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.

H.R. 6To **AMENDMENT No. 0925** andBy BondTo: H.R. 6

Refe _____

17

Page(s)

AMENDMENT INTRODUCED BY MR. LEVIN, MS. STABENOW, AND MR. VOINOVICH
GPO: 2004 97-290(Mac) (for
himself, Mr. LEVIN, Ms. STABENOW, and Mr.
VOINOVICH)

Viz:

- 1 Strike subtitle B of title VII, and insert the following:
- 2 **Subtitle B—Automobile Efficiency**
- 3 **CHAPTER 1—MAXIMUM AVERAGE FUEL**
- 4 **ECONOMY**

1 **SEC. 711. REVISED CONSIDERATIONS FOR DECISIONS ON**
2 **MAXIMUM FEASIBLE AVERAGE FUEL ECON-**
3 **OMY.**

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

6 “(f) CONSIDERATIONS FOR DECISIONS ON MAXIMUM
7 FEASIBLE AVERAGE FUEL ECONOMY.—When deciding
8 maximum feasible average fuel economy under this sec-
9 tion, the Secretary of Transportation shall consider the
10 following matters:

11 “(1) Technological feasibility.

12 “(2) Economic practicability.

13 “(3) The effect of other motor vehicle standards
14 of the Government on fuel economy.

15 “(4) The need of the United States to conserve
16 energy.

17 “(5) The desirability of reducing United States
18 dependence on imported oil.

19 “(6) The effects of the average fuel economy
20 standards on motor vehicle and passenger safety.

21 “(7) The effects of increased fuel economy on
22 air quality.

23 “(8) The adverse effects of average fuel econ-
24 omy standards on the relative competitiveness of
25 manufacturers.

1 “(9) The effects of compliance with average fuel
2 economy standards on levels of employment in the
3 United States.

4 “(10) The cost and lead time necessary for the
5 introduction of the necessary new technologies.

6 “(11) The potential for advanced technology ve-
7 hicles, such as hybrid and fuel cell vehicles, to con-
8 tribute to the achievement of significant reductions
9 in fuel consumption.

10 “(12) The extent to which the necessity for ve-
11 hicle manufacturers to incur near-term costs to com-
12 ply with the average fuel economy standards ad-
13 versely affects the availability of resources for the
14 development of advanced technology for the propul-
15 sion of motor vehicles.

16 “(13) The report of the National Research
17 Council that is entitled ‘Effectiveness and Impact of
18 Corporate Average Fuel Economy Standards’, issued
19 in January 2002.”.

20 **SEC. 712. INCREASED FUEL ECONOMY STANDARDS.**

21 (a) NEW REGULATIONS REQUIRED.—

22 (1) NON-PASSENGER AUTOMOBILES.—

23 (A) REQUIREMENT FOR NEW REGULA-
24 TIONS.—The Secretary of Transportation shall
25 issue, under section 32902 of title 49, United

1 States Code, new regulations setting forth in-
2 creased average fuel economy standards for
3 non-passenger automobiles. The regulations
4 shall be determined on the basis of the max-
5 imum feasible average fuel economy levels for
6 the non-passenger automobiles, taking into con-
7 sideration the matters set forth in subsection
8 (f) of such section. The new regulations under
9 this paragraph shall apply for model years after
10 the 2007 model year, subject to subsection (b).

11 (B) TIME FOR ISSUING REGULATIONS.—

12 The Secretary of Transportation shall issue the
13 final regulations under subparagraph (A) not
14 later than April 1, 2006.

15 (2) PASSENGER AUTOMOBILES.—

16 (A) REQUIREMENT FOR NEW REGULA-
17 TIONS.—The Secretary of Transportation shall
18 issue, under section 32902 of title 49, United
19 States Code, new regulations setting forth in-
20 creased average fuel economy standards for
21 passenger automobiles. The regulations shall be
22 determined on the basis of the maximum fea-
23 sible average fuel economy levels for the pas-
24 senger automobiles, taking into consideration

1 the matters set forth in subsection (f) of such
2 section.

3 (B) TIME FOR ISSUING REGULATIONS.—

4 The Secretary of Transportation shall issue the
5 final regulations under subparagraph (A) not
6 later than 2½ years after the date of the enact-
7 ment of this Act.

8 (b) PHASED INCREASES.—The regulations issued
9 pursuant to subsection (a) shall specify standards that
10 take effect successively over several vehicle model years
11 not exceeding 15 vehicle model years.

12 (c) CLARIFICATION OF AUTHORITY TO AMEND PAS-
13 Senger Automobile Standard.—Section 32902(b) of
14 title 49, United States Code, is amended by inserting be-
15 fore the period at the end the following: “or such other
16 number as the Secretary prescribes under subsection (c)”.

17 (d) ENVIRONMENTAL ASSESSMENT.—When issuing
18 final regulations setting forth increased average fuel econ-
19 omy standards under section 32902(a) or section 32902(c)
20 of title 49, United States Code, the Secretary of Transpor-
21 tation shall also issue an environmental assessment of the
22 effects of the increased standards on the environment
23 under the National Environmental Policy Act of 1969 (42
24 U.S.C. 4321 et seq.).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary of
3 Transportation \$5,000,000 for each of fiscal years 2006
4 through 2010 for carrying out this section and for admin-
5 istering the regulations issued pursuant to this section.

6 **SEC. 713. EXPEDITED PROCEDURES FOR CONGRESSIONAL**
7 **INCREASE IN FUEL ECONOMY STANDARDS.**

8 (a) CONDITION FOR APPLICABILITY.—If the Sec-
9 retary of Transportation fails to issue final regulations
10 with respect to non-passenger automobiles under section
11 712, or fails to issue final regulations with respect to pas-
12 senger automobiles under such section, on or before the
13 date by which such final regulations are required by such
14 section to be issued, respectively, then this section shall
15 apply with respect to a bill described in subsection (b).

16 (b) BILL.—A bill referred to in this subsection is a
17 bill that satisfies the following requirements:

18 (1) INTRODUCTION.—The bill is introduced by
19 one or more Members of Congress not later than 60
20 days after the date referred to in subsection (a).

21 (2) TITLE.—The title of the bill is as follows:
22 “A bill to establish new average fuel economy stand-
23 ards for certain motor vehicles.”.

24 (3) TEXT.—The bill provides after the enacting
25 clause only the text specified in subparagraph (A) or

1 (B) or any provision described in subparagraph (C),
2 as follows:

3 (A) NON-PASSENGER AUTOMOBILES.—In
4 the case of a bill relating to a failure timely to
5 issue final regulations relating to non-passenger
6 automobiles, the following text:

7 “That, section 32902 of title 49, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 ““() NON-PASSENGER AUTOMOBILES.—The aver-
11 age fuel economy standard for non-passenger automobiles
12 manufactured by a manufacturer in a model year after
13 model year ____ shall be ____ miles per gallon.’”, the
14 first blank space being filled in with a subsection designa-
15 tion, the second blank space being filled in with the num-
16 ber of a year, and the third blank space being filled in
17 with a number.

18 (B) PASSENGER AUTOMOBILES.—In the
19 case of a bill relating to a failure timely to issue
20 final regulations relating to passenger auto-
21 mobiles, the following text:

22 “That, section 32902(b) of title 49, United States Code,
23 is amended to read as follows:

24 ““(b) PASSENGER AUTOMOBILES.—Except as pro-
25 vided in this section, the average fuel economy standard

1 for passenger automobiles manufactured by a manufac-
2 turer in a model year after model year ____ shall be ____
3 miles per gallon.'", the first blank space being filled in
4 with the number of a year and the second blank space
5 being filled in with a number.

6 (C) SUBSTITUTE TEXT.—Any text sub-
7 stituted by an amendment that is in order
8 under subsection (c)(3).

9 (c) EXPEDITED PROCEDURES.—A bill described in
10 subsection (b) shall be considered in a House of Congress
11 in accordance with the procedures provided for the consid-
12 eration of joint resolutions in paragraphs (3) through (8)
13 of section 8066(c) of the Department of Defense Appro-
14 priations Act, 1985 (as contained in section 101(h) of
15 Public Law 98-473; 98 Stat. 1936), with the following
16 exceptions:

17 (1) REFERENCES TO RESOLUTION.—The ref-
18 erences in such paragraphs to a resolution shall be
19 deemed to refer to the bill described in subsection
20 (b).

21 (2) COMMITTEES OF JURISDICTION.—The com-
22 mittees to which the bill is referred under this sub-
23 section shall—

24 (A) in the Senate, be the Committee on
25 Commerce, Science, and Transportation; and

1 (B) in the House of Representatives, be
2 the Committee on Energy and Commerce.

3 (3) AMENDMENTS.—

4 (A) AMENDMENTS IN ORDER.—Only four
5 amendments to the bill are in order in each
6 House, as follows:

7 (i) Two amendments proposed by the
8 majority leader of that House.

9 (ii) Two amendments proposed by the
10 minority leader of that House.

11 (B) FORM AND CONTENT.—To be in order
12 under subparagraph (A), an amendment shall
13 propose to strike all after the enacting clause
14 and substitute text that only includes the same
15 text as is proposed to be stricken except for one
16 or more different numbers in the text.

17 (C) DEBATE, ET CETERA.—Subparagraph
18 (B) of section 8066(c)(5) of the Department of
19 Defense Appropriations Act, 1985 (98 Stat.
20 1936) shall apply to the consideration of each
21 amendment proposed under this paragraph in
22 the same manner as such subparagraph (B) ap-
23 plies to debatable motions.

1 **SEC. 714. EXTENSION OF MAXIMUM FUEL ECONOMY IN-**
2 **CREASE FOR ALTERNATIVE FUELED VEHI-**
3 **CLES.**

4 (a) **MANUFACTURING INCENTIVES.**—Section 32905
5 of title 49, United States Code, is amended—

6 (1) in subsections (b) and (d), by striking
7 “1993–2004” and inserting “1993–2008”;

8 (2) in subsection (f), by striking “2001” and
9 inserting “2007”; and

10 (3) in subsection (f)(1), by striking “2004” and
11 inserting “2008”.

12 (b) **EXTENSION OF MAXIMUM FUEL ECONOMY IN-**
13 **CREASE.**—Section 32906(a)(1) of title 49, United States
14 Code, is amended—

15 (1) in subparagraph (A), by striking “1993–
16 2004” and inserting “1993 through 2008”; and

17 (2) in subparagraph (B), by striking “2005–
18 2008” and inserting “2009 through 2012”.

19 **CHAPTER 2—ADVANCED CLEAN VEHICLES**

20 **SEC. 721. HYBRID VEHICLES RESEARCH AND DEVELOP-**
21 **MENT.**

22 (a) **RECHARGEABLE ENERGY STORAGE SYSTEMS**
23 **AND OTHER TECHNOLOGIES.**—The Secretary of Energy
24 shall accelerate research and development directed toward
25 the improvement of batteries and other rechargeable en-
26 ergy storage systems, power electronics, hybrid systems in-

1 tegration, and other technologies for use in hybrid vehi-
2 cles.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for each of fiscal
5 years 2006, 2007, and 2008 in the amount \$50,000,000
6 for research and development activities under this section.

7 **SEC. 722. DIESEL FUELED VEHICLES RESEARCH AND DE-**
8 **VELOPMENT.**

9 (a) DIESEL COMBUSTION AND AFTER TREATMENT
10 TECHNOLOGIES.—The Secretary of Energy shall accel-
11 erate research and development directed toward the im-
12 provement of diesel combustion and after treatment tech-
13 nologies for use in diesel fueled motor vehicles.

14 (b) GOALS.—The Secretary shall carry out subsection
15 (a) with a view to achieving the following goals:

16 (1) COMPLIANCE WITH CERTAIN EMISSION
17 STANDARDS BY 2010.—Developing and dem-
18 onstrating diesel technologies that, not later than
19 2010, meet the following standards:

20 (A) TIER-2 EMISSION STANDARDS.—The
21 tier 2 emission standards.

22 (B) HEAVY-DUTY EMISSION STANDARDS
23 OF 2007.—The heavy-duty emission standards
24 of 2007.

1 (2) POST-2010 HIGHLY EFFICIENT TECH-
2 NOLOGIES.—Developing the next generation of low
3 emissions, high efficiency diesel engine technologies,
4 including homogeneous charge compression ignition
5 technology.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized to be appropriated for each of fiscal
8 years 2006, 2007, and 2008 in the amount of
9 \$75,000,000 for research and development of advanced
10 combustion engines and advanced fuels.

11 **SEC. 723. PROCUREMENT OF ALTERNATIVE FUELED PAS-**
12 **SENGER AUTOMOBILES.**

13 (a) VEHICLE FLEETS NOT COVERED BY REQUIRE-
14 MENT IN ENERGY POLICY ACT OF 1992.—The head of
15 each agency of the executive branch shall coordinate with
16 the Administrator of General Services to ensure that only
17 alternative fueled vehicles are procured by or for each
18 agency fleet of passenger automobiles that is not in a fleet
19 of vehicles to which section 303 of the Energy Policy Act
20 of 1992 (42 U.S.C. 13212) applies.

21 (b) WAIVER AUTHORITY.—The head of an agency, in
22 consultation with the Administrator, may waive the appli-
23 cability of the policy regarding the procurement of alter-
24 native fueled vehicles in subsection (a) to—

1 (1) the procurement for such agency of any ve-
2 hicles described in subparagraphs (A) through (F) of
3 section 303(b)(3) of the Energy Policy Act of 1992
4 (42 U.S.C. 13212(b)(3)); or

5 (2) a procurement of vehicles for such agency
6 if the procurement of alternative fueled vehicles can-
7 not meet the requirements of the agency for vehicles
8 due to insufficient availability of the alternative fuel
9 used to power such vehicles.

10 (c) **APPLICABILITY TO PROCUREMENTS AFTER FIS-**
11 **CAL YEAR 2005.**—This subsection applies with respect to
12 procurements of alternative fueled vehicles in fiscal year
13 2006 and subsequent fiscal years.

14 **SEC. 724. PROCUREMENT OF HYBRID LIGHT DUTY TRUCKS.**

15 (a) **VEHICLE FLEETS NOT COVERED BY REQUIRE-**
16 **MENT IN ENERGY POLICY ACT OF 1992.**—

17 (1) **HYBRID VEHICLES.**—The head of each
18 agency of the executive branch shall coordinate with
19 the Administrator of General Services to ensure that
20 only hybrid vehicles are procured by or for each
21 agency fleet of light duty trucks that is not in a fleet
22 of vehicles to which section 303 of the Energy Policy
23 Act of 1992 (42 U.S.C. 13212) applies.

24 (2) **WAIVER AUTHORITY.**—The head of an
25 agency, in consultation with the Administrator, may

1 waive the applicability of the policy regarding the
2 procurement of hybrid vehicles in paragraph (1) to
3 that agency to the extent that the head of that agen-
4 cy determines necessary—

5 (A) to meet specific requirements of the
6 agency for capabilities of light duty trucks;

7 (B) to procure vehicles consistent with the
8 standards applicable to the procurement of fleet
9 vehicles for the Federal Government;

10 (C) to adjust to limitations on the commer-
11 cial availability of light duty trucks that are hy-
12 brid vehicles; or

13 (D) to avoid the necessity of procuring a
14 hybrid vehicle for the agency when each of the
15 hybrid vehicles available for meeting the re-
16 quirements of the agency has a cost to the
17 United States that exceeds the costs of com-
18 parable nonhybrid vehicles by a factor that is
19 significantly higher than the difference
20 between—

21 (i) the real cost of the hybrid vehicle
22 to retail purchasers, taking into account
23 the benefit of any tax incentives available
24 to retail purchasers for the purchase of the
25 hybrid vehicle; and

1 (ii) the costs of the comparable non-
2 hybrid vehicles to retail purchasers.

3 (3) APPLICABILITY TO PROCUREMENTS AFTER
4 FISCAL YEAR 2005.—This subsection applies with re-
5 spect to procurements of light duty trucks in fiscal
6 year 2006 and subsequent fiscal years.

7 (b) INAPPLICABILITY TO DEPARTMENT OF DE-
8 FENSE.—This section does not apply to the Department
9 of Defense, which is subject to comparable requirements
10 under section 318 of the National Defense Authorization
11 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.
12 1055; 10 U.S.C. 2302 note).

13 **SEC. 725. DEFINITIONS.**

14 In this chapter:

15 (1) ALTERNATIVE FUELED VEHICLE.—The
16 term “alternative fueled vehicle” means—

17 (A) an alternative fueled vehicle, as defined
18 in section 301(3) of the Energy Policy Act of
19 1992 (42 U.S.C. 13211(3));

20 (B) a motor vehicle that operates on a
21 blend of fuel that is at least 20 percent (by vol-
22 ume) biodiesel, as defined in section 312(f) of
23 the Energy Policy Act of 1992 (42 U.S.C.
24 13220(f)); and

1 (C) a motor vehicle that operates on a
2 blend of fuel that is at least 20 percent (by vol-
3 ume) bioderived hydrocarbons (including ali-
4 phatic compounds) produced from agricultural
5 and animal waste.

6 (2) HEAVY-DUTY EMISSION STANDARDS OF
7 2007.—The term “heavy-duty emission standards of
8 2007” means the motor vehicle emission standards
9 promulgated by the Administrator of the Environ-
10 mental Protection Agency on January 18, 2001,
11 under section 202 of the Clean Air Act to apply to
12 heavy-duty vehicles of model years beginning with
13 the 2007 vehicle model year.

14 (3) HYBRID VEHICLE.—The term “hybrid vehi-
15 cle” means—

16 (A) a motor vehicle that draws propulsion
17 energy from on board sources of stored energy
18 that are both—

19 (i) an internal combustion or heat en-
20 gine using combustible fuel; and

21 (ii) a rechargeable energy storage sys-
22 tem; and

23 (B) any other vehicle that is defined as a
24 hybrid vehicle in regulations prescribed by the

1 Secretary of Energy for the administration of
2 title III of the Energy Policy Act of 1992.

3 (4) MOTOR VEHICLE.—The term “motor vehi-
4 cle” means any vehicle that is manufactured pri-
5 marily for use on public streets, roads, and highways
6 (not including a vehicle operated exclusively on a rail
7 or rails) and that has at least four wheels.

8 (5) TIER 2 EMISSION STANDARDS DEFINED.—
9 The term “tier 2 emission standards” means the
10 motor vehicle emission standards promulgated by the
11 Administrator of the Environmental Protection
12 Agency on February 10, 2000, under section 202 of
13 the Clean Air Act (42 U.S.C. 7521) to apply to pas-
14 senger automobiles, light trucks, and larger pas-
15 senger vehicles of model years after the 2003 vehicle
16 model year.

17 (6) TERMS DEFINED IN EPA REGULATIONS.—
18 The terms “passenger automobile” and “light
19 truck” have the meanings given such terms in regu-
20 lations prescribed by the Administrator of the Envi-
21 ronmental Protection Agency for purposes of the ad-
22 ministration of title II of the Clean Air Act (42
23 U.S.C. 7521 et seq.).