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AMENDMENT NO. _____

Calendar No. _____

Purpose: To amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes.

IN THE SENATE OF THE UNITED STATES—109th Cong., 1st Sess.

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To ei **AMENDMENT No. 0902** id

By Durbin

To: H. R. 6

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Page(s)

GPO: 2004 97-290(Mac)

AMENDMENT intended to be proposed by Mr. DURBIN

Viz:

1 On page 424, line 9, strike “SEC. 711” and insert
2 the following:

3 **SEC. 711. SHORT TITLE.**

4 This subtitle may be cited as the “Automobile Fuel
5 Efficiency Improvements Act of 2005”.

6 **SEC. 712. PHASED INCREASES IN FUEL ECONOMY STAND-**

7 **ARDS.**

8 (a) PASSENGER AUTOMOBILES.—

1 (1) MINIMUM STANDARDS.—Section 32902(b)
2 of title 49, United States Code, is amended to read
3 as follows:

4 “(b) PASSENGER AUTOMOBILES.—Except as other-
5 wise provided under this section, the average fuel economy
6 standard for passenger automobiles manufactured by a
7 manufacturer in a model year—

8 “(1) after model year 1984 and before model
9 year 2008 shall be 25 miles per gallon;

10 “(2) after model year 2007 and before model
11 year 2011 shall be 28 miles per gallon;

12 “(3) after model year 2010 and before model
13 year 2014 shall be 32 miles per gallon;

14 “(4) after model year 2013 and before model
15 year 2017 shall be 36 miles per gallon; and

16 “(5) after model year 2016 shall be 40 miles
17 per gallon.”.

18 (2) HIGHER STANDARDS SET BY REGULA-
19 TION.—Section 32902(c) of title 49, United States
20 Code, is amended—

21 (A) by striking paragraph (2); and

22 (B) in paragraph (1)—

23 (i) by striking “Subject to paragraph
24 (2) of this subsection, the” and inserting
25 “The”;

1 (ii) by striking “amending the stand-
2 ard” and inserting “increasing the stand-
3 ard otherwise applicable”; and

4 (iii) by striking “Section 553” and in-
5 serting the following:

6 “(2) Section 553”.

7 (b) NON-PASSENGER AUTOMOBILES.—Section
8 32902(a) of title 49, United States Code, is amended—
9 (1) by striking “At least 18 months before each
10 model year,” and inserting the following:

11 “(1) The average fuel economy standard applicable
12 for automobiles (except passenger automobiles) manufac-
13 tured by a manufacturer in a model year—

14 “(A) after model year 1984 and before model
15 year 2008 shall be 17 miles per gallon;

16 “(B) after model year 2007 and before model
17 year 2011 shall be 19 miles per gallon;

18 “(C) after model year 2010 and before model
19 year 2014 shall be 21.5 miles per gallon;

20 “(D) after model year 2013 and before model
21 year 2017 shall be 24.5 miles per gallon; and

22 “(E) after model year 2016 shall be 27.5 miles
23 per gallon, except as provided under paragraph (2).

24 “(2) At least 18 months before the beginning of each
25 model year after model year 2017,”; and

1 (2) by adding at the end the following:

2 “(3) If the Secretary does not increase the average
3 fuel economy standard applicable under paragraph (1)(E)
4 or (2), or applicable to any class under paragraph (2),
5 within 24 months after the latest increase in the standard
6 applicable under paragraph (1)(E) or (2), the Secretary,
7 not later than 90 days after the expiration of the 24-
8 month period, shall submit to Congress a report con-
9 taining an explanation of the reasons for not increasing
10 the standard.”.

11 **SEC. 713. INCREASED INCLUSIVENESS OF DEFINITIONS OF**
12 **AUTOMOBILE AND PASSENGER AUTOMOBILE.**

13 (a) AUTOMOBILE.—

14 (1) IN GENERAL.—Section 32901(a)(3) of title
15 49, United States Code, is amended—

16 (A) by striking “6,000 pounds” each place
17 it appears and inserting “12,000 pounds”; and

18 (B) in subparagraph (B)—

19 (i) by striking “10,000 pounds” and
20 inserting “14,000 pounds”; and

21 (ii) in clause (ii), by striking “an av-
22 erage fuel economy standard” and all that
23 follows through “conservation or”.

1 (2) SPECIAL RULE.—Section 32908(a)(1) of
2 such title is amended by striking “8,500 pounds”
3 and inserting “14,000 pounds”.

4 (b) PASSENGER AUTOMOBILE.—Section
5 32901(a)(16) of such title is amended to read as follows:

6 “(16) ‘passenger automobile’—

7 “(A) means, except as provided in sub-
8 paragraph (B), an automobile having a gross
9 vehicle weight of 12,000 pounds or less that is
10 designed to be used principally for the transpor-
11 tation of persons; but

12 “(B) does not include—

13 “(i) a vehicle that has a primary load
14 carrying device or container attached;

15 “(ii) a vehicle that has a seating ca-
16 pacity of more than 12 persons;

17 “(iii) a vehicle that has a seating ca-
18 pacity of more than 9 persons behind the
19 driver’s seat; or

20 “(iv) a vehicle that is equipped with a
21 cargo area of at least 6 feet in interior
22 length that does not extend beyond the
23 frame of the vehicle and is an open area or
24 is designed for use as an open area but is
25 enclosed by a cap and is not readily acces-

1 sible directly from the passenger compart-
2 ment.”.

3 (c) **APPLICABILITY.**—The amendments made by this
4 section shall apply with respect to automobiles manufac-
5 tured for model years beginning after the date of enact-
6 ment of this Act.

7 **SEC. 714. CIVIL PENALTIES.**

8 (a) **INCREASED PENALTY FOR VIOLATIONS OF FUEL**
9 **ECONOMY STANDARDS.**—Section 32912(b) of title 49,
10 United States Code, is amended—

11 (1) by inserting “(1)” before “Except as pro-
12 vided”;

13 (2) by striking “\$5” and inserting “the dollar
14 amount applicable under paragraph (2)”;

15 (3) by redesignating paragraphs (1), (2), and
16 (3) as subparagraphs (A), (B), and (C), respectively;
17 and

18 (4) by adding at the end the following:

19 “(2)(A) The dollar amount referred to in paragraph
20 (1) is \$10, as increased from time to time under subpara-
21 graph (B).

22 “(B) Effective on October 1 of each year, the dollar
23 amount applicable under subparagraph (A) shall be in-
24 creased by the percentage (rounded to the nearest one-
25 tenth of one percent) by which the price index for July

1 of such year exceeds the price index for July of the pre-
2 ceding year. The amount calculated under the preceding
3 sentence shall be rounded to the nearest \$0.10.

4 “(C) In this paragraph, the term ‘price index’ means
5 the Consumer Price Index for all-urban consumers pub-
6 lished monthly by the Department of Labor.”.

7 (b) CONFORMING AMENDMENT.—Section
8 32912(c)(1) of title 49, United States Code, is amended—

9 (1) by striking subparagraph (B); and

10 (2) by redesignating subparagraphs (C) and
11 (D) as subparagraphs (B) and (C), respectively.

12 (c) APPLICABILITY.—The amendments made by sub-
13 section (a) shall apply with respect to automobiles manu-
14 factured for model years beginning after the date of enact-
15 ment of this Act.

16 **SEC. 715. STANDARDS FOR EXECUTIVE AGENCY AUTO-**
17 **MOBILES.**

18 Section 32917 of title 49, United States Code, is
19 amended—

20 (1) in subsection (b)—

21 (A) by amending paragraph (1) to read as
22 follows:

23 “(1) The President shall prescribe regulations that
24 require automobiles leased for at least 60 consecutive days

1 or bought by executive agencies in a fiscal year to
2 achieve—

3 “(A) in the case of non-passenger automobiles,
4 a fleet average fuel economy for that year of at least
5 the average fuel economy standard applicable under
6 section 32902(a) of this title for the model year that
7 includes January 1 of that fiscal year; and

8 “(B) in the case of passenger automobiles, a
9 fleet average fuel economy for that year of at least
10 the average fuel economy standard applicable under
11 subsection (b) or (c) of section 32902 of this title for
12 such model year.”;

13 (B) in paragraph (2)—

14 (i) by striking “Fleet average
15 fuel economy is—” and inserting
16 “For the purposes of paragraph (1),
17 the fleet average fuel economy of non-
18 passenger or passenger automobiles in
19 a fiscal year is—”;

20 (ii) in subparagraph (A), by
21 striking “passenger automobiles
22 leased for at least 60 consecutive days
23 or bought by executive agencies in a”
24 and inserting “the non-passenger
25 automobiles or passenger automobiles,

1 respectively, that are leased for at
2 least 60 consecutive days or bought by
3 executive agencies in such”; and

4 (iii) in subparagraph (B), by in-
5 serting “such” after “the number of”;
6 and

7 (2) by adding at the end the following:

8 “(c) MINIMUM NUMBER OF EXCEPTIONALLY FUEL-
9 EFFICIENT VEHICLES.—The President shall prescribe
10 regulations that require that—

11 “(1) at least 20 percent of the passenger auto-
12 mobiles leased for at least 60 consecutive days or
13 bought by executive agencies in a fiscal year have a
14 vehicle fuel economy rating that is at least 5 miles
15 per gallon higher than the average fuel economy
16 standard applicable to the automobile under sub-
17 section (b) or (c) of section 32902 of this title for
18 the model year that includes January 1 of that fiscal
19 year; and

20 “(2) beginning in fiscal year 2011, at least
21 10,000 vehicles in the fleet of automobiles used by
22 executive agencies in a fiscal year have a vehicle fuel
23 economy that is at least 5 miles per gallon higher
24 than the average fuel economy standards applicable
25 to such automobiles under section 32902 of this title

1 for the model year that includes January 1 of that
2 fiscal year.”.

3 **SEC. 716.**