

25

AMENDMENT TO H.R. 3221
OFFERED BY MR. HILL OF INDIANA

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 FOR**
4 **AUTOMOBILES.**

5 (a) INCREASED STANDARDS.—Section 32902 of title
6 49, United States Code, is amended—

7 (1) by amending subsection (a) to read as fol-
8 lows:

9 “(a) NON-PASSENGER AUTOMOBILES.—(1) Not later
10 than 18 months before the beginning of each model year,
11 the Secretary of Transportation shall prescribe by regula-
12 tion average fuel economy standards for non-passenger
13 automobiles manufactured by a manufacturer in that
14 model year. Each standard prescribed under this para-
15 graph shall be the maximum feasible average fuel economy
16 level that the Secretary determines the manufacturers can
17 achieve in that model year.

18 “(2) The Secretary may prescribe separate standards
19 for different classes of automobiles under this subsection
20 based on vehicle attributes pursuant to subsection (k).”;

1 (2) by amending subsection (b) to read as fol-
2 lows:

3 “(b) PASSENGER AUTOMOBILES.—(1) Not later than
4 18 months before the beginning of each model year, the
5 Secretary of Transportation shall prescribe by regulation
6 average fuel economy standards for passenger automobiles
7 manufactured by a manufacturer in that model year. Each
8 standard prescribed under this paragraph shall be the
9 maximum feasible average fuel economy level that the Sec-
10 retary determines the manufacturers can achieve in that
11 model year.

12 “(2) The Secretary may prescribe separate standards
13 for different classes of passenger automobiles based on ve-
14 hicle attributes pursuant to subsection (k).

15 “(3)(A) Notwithstanding any other provision of this
16 section, for any model year in which the Secretary pre-
17 scribes average fuel economy standards for passenger
18 automobiles on the basis of vehicle attributes pursuant to
19 subsection (k), the average fuel economy standard for pas-
20 senger automobiles manufactured by a manufacturer in
21 that model year shall also provide for an alternative min-
22 imum standard that shall apply only to a manufacturer’s
23 domestically manufactured passenger automobiles, as cal-
24 culated under section 32904 as in effect on June 24,
25 2007.

1 “(B) The alternative minimum standard referred to
2 in subparagraph (A) shall be the greater of—

3 “(i) 27.5 miles per gallon; or

4 “(ii) 92 percent of the average fuel economy
5 projected by the Secretary for the combined domes-
6 tic and foreign fleets manufactured for sale in the
7 United States by all manufacturers in that model
8 year, which projection shall be published in the Fed-
9 eral Register when the standard for that model year
10 is promulgated in accordance with this section.

11 “(C) The alternative minimum standard under this
12 paragraph shall apply to a manufacturer’s domestically
13 manufactured passenger automobiles only if the passenger
14 automobile standard established on the basis of vehicle at-
15 tributes pursuant to this subsection, excluding any credits
16 transferred by the manufacturer pursuant to section
17 32903(g) from other categories of automobiles described
18 in such section, would allow that manufacturer to comply
19 with a less stringent passenger automobile standard than
20 the alternative minimum standard.”; and

21 (3) by amending subsection (c) to read as fol-
22 lows:

23 “(c) AVERAGE FUEL ECONOMY FOR AUTOMOBILES
24 AFTER 2021.—In prescribing standards under sub-
25 sections (a) and (b), the Secretary shall prescribe separate

1 average fuel economy standards for passenger automobiles
2 and non-passenger automobiles such that—

3 “(1) the projected combined fuel economy aver-
4 age for model year 2022 shall not be greater than
5 35 miles per gallon; and

6 “(2) the projected combined fuel economy aver-
7 age for model year 2022 and subsequent model
8 years shall be not less than 32 miles per gallon,
9 for the total fleet of automobiles manufactured for sale
10 in the United States.”.

11 (b) AUTHORITY OF THE SECRETARY TO PRESCRIBE
12 STANDARDS BASED ON VEHICLE ATTRIBUTES.—Section
13 32902 of title 49, United States Code, is further amended
14 by adding at the end the following:

15 “(k) AUTHORITY OF THE SECRETARY TO PRESCRIBE
16 STANDARDS BASED ON VEHICLE ATTRIBUTES.—(1) In
17 prescribing average fuel economy standards under this
18 section, the Secretary may by regulation prescribe sepa-
19 rate average fuel economy standards for passenger auto-
20 mobiles and non-passenger automobiles based on vehicle
21 attributes related to fuel economy and express the stand-
22 ards in the form of a mathematical function.

23 “(2) If the Secretary prescribes standards for pas-
24 senger automobiles on the basis of vehicle attributes, the
25 Secretary shall provide a transition period during the first

1 3 model years in which an attribute-based standard would
2 apply during which each manufacturer may elect whether
3 to comply with the attribute-based standard or with the
4 single corporate average fuel economy level prescribed
5 under subsection (b).

6 “(1) The Secretary may prescribe regulations under
7 this section establishing average fuel economy standards
8 for automobiles for 1 or more consecutive model years, up
9 to a maximum of 5 consecutive model years at one time.”

10 (c) CREDIT TRANSFERRING WITHIN A MANUFAC-
11 TURER’S FLEET.—Section 32903 of title 49, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 “(g) CREDIT TRANSFERRING WITHIN A MANUFAC-
15 TURER’S FLEET.—(1) The Secretary of Transportation
16 shall establish by regulation a corporate average fuel econ-
17 omy credit transferring program to allow any manufac-
18 turer whose automobiles exceed any of the average fuel
19 economy standards prescribed under section 32902 to
20 transfer the credits earned under this section and to apply
21 such credits within that manufacturer’s fleet to a compli-
22 ance category of automobiles that fails to achieve the pre-
23 scribed standards.

24 “(2) Credits transferred under this subsection are
25 available to be used in the same model years that the man-

1 ufacturer could have applied such credits under sub-
2 sections (a), (b), (d), and (e), as well as for the model
3 year in which the manufacturer earned such credits. The
4 maximum increase in any compliance category attributable
5 to transferred credits is 1.0 mile per gallon in any single
6 model year.

7 “(3) In the case of transfers of credits to the category
8 of automobiles described in paragraph (5)(B)(i), the
9 transfer is limited to the extent that the fuel economy level
10 of the manufacturer’s fleet of passenger automobiles man-
11 ufactured domestically shall comply with the provisions es-
12 tablished under section 32902(b)(4), excluding any trans-
13 fers from other categories of automobiles described in
14 paragraph (5)(B).

15 “(4) A credit transferred in conformance with this
16 subsection may only be so transferred if such credit is
17 earned in model year 2010 or any subsequent model year.

18 “(5) As used in this subsection—

19 “(A) the term ‘fleet’ means all automobiles
20 manufactured by a manufacturer in a particular
21 model year; and

22 “(B) the term ‘compliance category of auto-
23 mobiles’ means any of the 3 categories of auto-
24 mobiles for which compliance is separately calculated
25 under this chapter, namely—

1 “(i) passenger automobiles manufactured
2 domestically;

3 “(ii) passenger automobiles not manufac-
4 tured domestically; and

5 “(iii) non-passenger automobiles.”

6 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

7 Chapter 329 of title 49, United States Code, is amended—

8 (1) in section 32901(a)—

9 (A) by redesignating paragraph (16) as
10 paragraph (17); and

11 (B) by inserting after paragraph (15) the
12 following:

13 “(16) ‘non-passenger automobile’ means an
14 automobile that is not a passenger automobile; and”;

15 (2) in section 32902—

16 (A) in subsection (d)(1), by striking “or
17 (c)”;

18 (B) in subsection (g)—

19 (i) in paragraph (1), by striking “sub-
20 section (a) or (d)” both places it appears
21 and inserting “subsection (a), (b), (c), or
22 (d)”;

23 (ii) in paragraph (2), by striking
24 “(and submit the amendment to Congress

1 when required under subsection (c)(2) of
2 this section); and

3 (C) in subsection (h), by inserting “(a),
4 (b),” after “subsections”;

5 (D) in subsection (j), by striking “sub-
6 section (a),” and inserting “subsection (a),
7 (b),”;

8 (3) in section 32903—

9 (A) by striking “section 32902(b)–(d) of
10 this title” each place it appears and inserting
11 “subsection (a) through (d) of section 32902”;

12 (B) in subsection (a)—

13 (i) by striking “3 consecutive model
14 years” each place it appears and inserting
15 “5 consecutive model years”;

16 (ii) in paragraph (2), by striking
17 “clause (1) of this subsection” and insert-
18 ing “paragraph (1)”; and

19 (C) in subsection (b)—

20 (i) in paragraph (1), by striking
21 “paragraph (2) of this subsection” and in-
22 serting “paragraph (2) and subsection
23 (g)”; and

1 (ii) in paragraph (2), by striking “3
2 model years” and inserting “5 model
3 years”; and

4 (D) in subsection (e), by striking “auto-
5 mobiles that are not passenger automobiles”
6 and inserting “non-passenger automobiles”;

7 (4) in section 32904(a)(1)(B), by striking “sec-
8 tion 32902(b)–(d)” and inserting “subsections (b)
9 and (d) of section 32902”;

10 (5) in section 32909(b), by striking “, except
11 that a petition for review” and all that follows
12 through “referred to in section 32902(c)(2)”;

13 (6) in section 32917(b)(1)(B), by striking “or
14 (c)”.

15 (e) EFFECTIVE DATE AND TRANSITION FROM EX-
16 ISTING STANDARDS.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the amendments made by this section
19 shall take effect on the date of the enactment of this
20 Act.

21 (2) TRANSITION FOR PASSENGER AUTO-
22 MOBILES.—The standard or standards for passenger
23 automobiles under the authority of section 32902(b)
24 of title 49, United States Code, in effect on the day
25 before the date of the enactment of this Act, shall

1 remain in effect until a standard for passenger auto-
2 mobiles is prescribed pursuant to such section, as
3 amended by this section.

4 (3) AVERAGE FUEL ECONOMY STANDARD FOR
5 NON-PASSENGER AUTOMOBILES IN MODEL YEARS
6 THROUGH 2011.—The average fuel economy standard
7 for non-passenger automobiles, under the authority
8 of section 32902(a) of title 49, United States Code,
9 for model years through 2011, shall be the standard
10 described in the final rule issued by the National
11 Highway Traffic Safety Administration entitled “Av-
12 erage Fuel Economy Standards for Light Trucks
13 Model Years 2008–2011” (71 Fed. Reg. 17566), as
14 amended in a notice published by the National High-
15 way Traffic Safety Administration on April 14, 2006
16 (71 Fed. Reg. 19449).

17 (f) CIVIL PENALTIES.—Section 32912 of title 49,
18 United States Code, is amended by adding at the end the
19 following:

20 “(e) FUND FOR DOMESTIC COMMERCIALIZATION
21 AND PRODUCTION OF ADVANCED TECHNOLOGY VEHI-
22 CLES AND COMPONENTS.—(1) There shall be established
23 in the Treasury of the United States a separate account
24 to fund domestic commercialization and production of ad-
25 vanced technology vehicles and vehicle components. Civil

1 penalties obtained under this section from any manufac-
2 turer that violates a standard prescribed for a model year
3 under section 32902 of this chapter shall be credited to
4 the separate account.

5 “(2) Amounts in the separate account shall be avail-
6 able, subject to annual appropriation, without regard to
7 fiscal year limitation. Additional amounts may be appro-
8 priated to the account.

9 “(3) The Secretary is authorized to make grants from
10 the separate account to automobile manufacturers and
11 component suppliers to pay a portion of the cost to reequip
12 or expand an existing manufacturing facility in the United
13 States to produce advanced technology vehicles or compo-
14 nents.

15 “(4) The Secretary shall deposit at the end of each
16 fiscal year, in the United States Treasury as miscellaneous
17 receipts, amounts in the separate account that the Sec-
18 retary decides are in excess of the needs of the account.
19 The Secretary may carry over funds to the following fiscal
20 year, if the Secretary decides that the continued avail-
21 ability of the funds will be necessary to carry out the pur-
22 poses of this subsection.

23 “(5) The Secretary shall promulgate regulations im-
24 plementing this subsection in consultation with the Sec-

1 retary of Energy and the Administrator of the Environ-
2 mental Protection Agency.”.

3 **SEC. 9602. TIRE FUEL EFFICIENCY CONSUMER INFORMA-**
4 **TION.**

5 (a) IN GENERAL.—Chapter 323 of title 49, United
6 States Code, is amended by inserting after section 32304
7 the following new section:

8 **“§ 32304A. Tire Fuel Efficiency Consumer Informa-**
9 **tion**

10 “(a) RULEMAKING.—(1) Not later than 18 months
11 after the date of enactment of this section, the Secretary
12 of Transportation shall, after notice and opportunity for
13 comment, promulgate rules establishing a national tire
14 fuel efficiency consumer information program for replace-
15 ment tires designed for use on motor vehicles to educate
16 consumers about the effect of replacement tires on auto-
17 mobile fuel efficiency.

18 “(2) ITEMS INCLUDED IN RULE.—The rulemaking
19 shall include each of the following:

20 “(A) A national tire fuel efficiency rating sys-
21 tem for motor vehicle replacement tires to assist
22 consumers in making more educated tire purchasing
23 decisions.

24 “(B) Requirements for providing information to
25 consumers, including information at the point of sale

1 of replacement tires and other potential information
2 dissemination methods, including the internet.

3 “(C) Specifications for test methods for tire
4 manufacturers to use in assessing and rating re-
5 placement tires to avoid variation among test equip-
6 ment and manufacturers.

7 “(D) A national tire maintenance consumer
8 education program including, information on tire in-
9 flation pressure, alignment, rotation, and tread wear
10 to maximize fuel efficiency.

11 “(3) APPLICABILITY.—This section shall not apply to
12 tires excluded from coverage under section 575.104(c)(2)
13 of title 49, Code of Federal Regulations, as in effect on
14 date of enactment of this section.

15 “(b) CONSULTATION.—The Secretary shall consult
16 with the Secretary of Energy and the Administrator of
17 the Environmental Protection Agency on the means of
18 conveying tire fuel efficiency consumer information.

19 “(c) REPORT TO CONGRESS.—The Secretary shall
20 conduct periodic assessments of the rules promulgated
21 under this section to determine the utility of such rules
22 to consumers, the level of cooperation by industry, and the
23 contribution to national goals pertaining to energy con-
24 sumption. The Secretary shall transmit periodic reports
25 detailing the findings of such assessments to the Com-

1 mittee on Energy and Commerce of the House of Rep-
2 resentatives and the Committee on Commerce, Science,
3 and Transportation of the Senate.

4 “(d) PREEMPTION.—Nothing in this section shall
5 prohibit a State or political subdivision of a State from
6 enforcing a law or regulation on tire fuel efficiency con-
7 sumer information in effect on January 1, 2006. When
8 a requirement under this section is in effect, a State or
9 political subdivision of a State may adopt or enforce a law
10 or regulation on tire fuel efficiency consumer information
11 enacted after January 1, 2006, only if the law or regula-
12 tion is identical to that requirement. Nothing in this sec-
13 tion shall be construed to preempt a State or political sub-
14 division of a State from regulating the fuel efficiency of
15 tires not otherwise preempted under this chapter.”

16 (b) ENFORCEMENT.—Section 32308 of such chapter
17 is amended by adding at the end the following:

18 “(e) SECTION 32304A.—Any person who fails to
19 comply with the national tire fuel efficiency consumer in-
20 formation program under section 32304A is liable to the
21 United States Government for a civil penalty of not more
22 than \$50,000 for each violation.”

23 (c) TABLE OF CONTENTS.—The table of contents for
24 chapter 301 of title 49 is amended by adding the following
25 new item after the item relating to section 32304:

“32304A. Tire fuel efficiency consumer information.”

1 **SEC. 9603. FUEL CONSERVATION EDUCATION PROGRAM.**

2 (a) PARTNERSHIP.—The Secretary of Transportation
3 shall enter into a partnership with interested industry
4 groups, including groups from the automotive, gasoline re-
5 fining, and oil industries, and groups representing the
6 public interest and consumers to establish a public edu-
7 cation campaign that provides information to United
8 States drivers about immediate measures that may be
9 taken to conserve transportation fuel.

10 (b) ACCESSIBILITY.—The public information cam-
11 paign under this section shall be targeted to reach the
12 widest audience possible. The education campaign may in-
13 clude television, print, Internet website, or any other
14 method designed to maximize the dissemination of trans-
15 portation fuel savings information to drivers.

16 (c) COST SHARING.—The Secretary shall provide no
17 more than 50 percent of the cost of the campaign created
18 under this section. The Secretary is authorized to accept
19 private funds to augment funds made available under this
20 subsection.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Secretary of
23 Transportation such sums as may be necessary to carry
24 out this section.

1 **SEC. 9604. EXTENSION OF MANUFACTURING CREDIT FOR**
2 **ALTERNATIVE FUELED AUTOMOBILES.**

3 (a) **EXTENSION OF ALTERNATIVE FUELED AUTO-**
4 **MOBILES MANUFACTURING INCENTIVE.**—Section 32905
5 of title 49, United States Code, is amended—

6 (1) by striking “1993–2010” each place it ap-
7 pears and inserting “1993 through 2020”;

8 (2) by striking subsections (f) and (g); and re-
9 designating subsection (h) as subsection (f); and

10 (3) by inserting after subsection (f) (as so re-
11 designated) the following:

12 “(g) **DEFINITION.**—For purposes of this section—

13 “(1) the term ‘dedicated automobile’ includes
14 an automobile that operates on diesel fuel blends
15 containing not less than 20 percent non-petroleum-
16 based fuel alternatives; and

17 “(2) the term ‘dual fueled automobile’ includes
18 an automobile warranted by the manufacturer of the
19 vehicle to operate on any combination of gasoline or
20 diesel fuel and on diesel fuel blends containing not
21 less than 20 percent non-petroleum based fuel alter-
22 natives.”.

23 (b) **EXTENSION OF MAXIMUM INCREASE PERIOD.**—
24 Section 32906(a) of title 49, United States Code, is
25 amended—

- 1 (1) by striking “1993–2010” and inserting
2 “1993 through 2020”;
- 3 (2) in paragraph (1)—
- 4 (A) in subparagraph (A), by striking
5 “(A)”; and
- 6 (B) by striking subparagraph (B); and
- 7 (3) in paragraph (2), by striking “described—
8 ” and all that follows and inserting “is more than
9 1.2 miles per gallon, the limitation in paragraph (1)
10 applies”.

11 **SEC. 9605. RULE OF CONSTRUCTION.**

12 Nothing in the amendments made by this subtitle
13 shall be construed to affect authorities under the Clean
14 Air Act or any other law in effect on the date of enactment
15 of this Act.

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

 Subtitle G—Average Fuel Economy Standards for Automobiles

- Sec. 9601. Average fuel economy standards for automobiles.
- Sec. 9602. Tire fuel efficiency consumer information.
- Sec. 9603. Fuel conservation education program.
- Sec. 9604. Extension of manufacturing credit for alternative fueled automobiles.
- Sec. 9605. Rule of construction.