

Christopher Bond
S.L.C.

PENDING HC

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.

S. 14

T. **AMENDMENT No. 1386** and

By *Bond - Otters*

To: *S. 14*

Ref *17*
Page(s)

GPO: 2002 83-247(Mac)

Ordered to be on the same

AMENDMENT intended to be proposed by Mr. BOND (for himself, Mr. LEVIN, and Mr. DOMENICI) *Mr. Stabenow*
(Stabenow)

Viz:

1 On page 264, after line 21, add the following:

1 **SEC. 716. PROVISION NOT TO TAKE EFFECT.**

2 Section 711 shall not take effect.

3 **SEC. 717. REVISED CONSIDERATIONS FOR DECISIONS ON**
4 **MAXIMUM FEASIBLE AVERAGE FUEL ECON-**
5 **OMY.**

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

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

13 “(1) Technological feasibility.

14 “(2) Economic practicability.

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

17 “(4) The need of the United States to conserve
18 energy.

19 “(5) The desirability of reducing United States
20 dependence on imported oil.

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

23 “(7) The effects of increased fuel economy on
24 air quality.

1 “(8) The adverse effects of average fuel econ-
2 omy standards on the relative competitiveness of
3 manufacturers.

4 “(9) The effects of compliance with average fuel
5 economy standards on levels of employment in the
6 United States.

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

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

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

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

Sec. 718. Increased fuel economy standards^{S.L.C.}
(a) New Regulations Required.—

1 (1) NON-PASSENGER AUTOMOBILES.—

2 (A) REQUIREMENT FOR NEW REGULA-
3 TIONS.—The Secretary of Transportation shall
4 issue, under section 32902 of title 49, United
5 States Code, new regulations setting forth in-
6 creased average fuel economy standards for
7 non-passenger automobiles. The regulations
8 shall be determined on the basis of the max-
9 imum feasible average fuel economy levels for
10 the non-passenger automobiles, taking into con-
11 sideration the matters set forth in subsection
12 (f) of such section. The new regulations under
13 this paragraph shall apply for model years after
14 the 2007 model year, subject to subsection (b).

15 (B) TIME FOR ISSUING REGULATIONS.—
16 The Secretary of Transportation shall issue the
17 final regulations under subparagraph (A) not
18 later than April 1, 2006.

19 (2) PASSENGER AUTOMOBILES.—

20 (A) REQUIREMENT FOR NEW REGULA-
21 TIONS.—The Secretary of Transportation shall
22 issue, under section 32902 of title 49, United
23 States Code, new regulations setting forth in-
24 creased average fuel economy standards for
25 passenger automobiles, taking into consider-

5

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

¶ 6

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 2004
4 through 2008 for carrying out this section and for admin-
5 istering the regulations issued pursuant to this section.

6 SEC. ~~30~~⁷¹⁹. 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
11 719, 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

7

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(e) 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(e)(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 **Subtitle C—Advanced Clean**
2 **Vehicles**

3 **SEC. 731. HYBRID VEHICLES RESEARCH AND DEVELOP-**
4 **MENT.**

5 (a) RECHARGEABLE ENERGY STORAGE SYSTEMS
6 AND OTHER TECHNOLOGIES.—The Secretary of Energy
7 shall accelerate research and development directed toward
8 the improvement of batteries and other rechargeable en-
9 ergy storage systems, power electronics, hybrid systems in-
10 tegration, and other technologies for use in hybrid vehi-
11 cles

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated for each of fiscal
14 years 2004, 2005, and 2006 in the amount \$50,000,000
15 for research and development activities under this section.

16 **SEC. 732. DIESEL FUELED VEHICLES RESEARCH AND DE-**
17 **VELOPMENT.**

18 (a) DIESEL COMBUSTION AND AFTER TREATMENT
19 TECHNOLOGIES.—The Secretary of Energy shall accel-
20 erate research and development directed toward the im-
21 provement of diesel combustion and after treatment tech-
22 nologies for use in diesel fueled motor vehicles.

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

~~11~~ 11

1 (1) COMPLIANCE WITH CERTAIN EMISSION
2 STANDARDS BY 2010.—Developing and dem-
3 onstrating diesel technologies that, not later than
4 2010, meet the following standards:

5 (A) TIER-2 EMISSION STANDARDS.—The
6 tier 2 emission standards.

7 (B) HEAVY-DUTY EMISSION STANDARDS
8 OF 2007.—The heavy-duty emission standards
9 of 2007.

10 (2) POST-2010 HIGHLY EFFICIENT TECH-
11 NOLOGIES.—Developing the next generation of low
12 emissions, high efficiency diesel engine technologies,
13 including homogeneous charge compression ignition
14 technology.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are hereby authorized to be appropriated for each of fiscal
17 years 2004, 2005, and 2006 in the amount of
18 \$75,000,000 for research and development of advanced
19 combustion engines and advanced fuels.

20 **SEC. 733. PROCUREMENT OF ALTERNATIVE FUELED PAS-**
21 **SENGER AUTOMOBILES.**

22 (a) VEHICLE FLEETS NOT COVERED BY REQUIRE-
23 MENT IN ENERGY POLICY ACT OF 1992.—The head of
24 each agency of the executive branch shall coordinate with
25 the Administrator of General Services to ensure that only

12

1 alternative fueled vehicles are procured by or for each
2 agency fleet of passenger automobiles that is not in a fleet
3 of vehicles to which section 303 of the Energy Policy Act
4 of 1992 (42 U.S.C. 13212) applies.

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

9 (1) the procurement for such agency of any ve-
10 hicles described in subparagraphs (A) through (F) of
11 section 303(b)(3) of the Energy Policy Act of 1992
12 (42 U.S.C. 13212(b)(3)); or

13 (2) a procurement of vehicles for such agency
14 if the procurement of alternative fueled vehicles can-
15 not meet the requirements of the agency for vehicles
16 due to insufficient availability of the alternative fuel
17 used to power such vehicles.

18 (c) APPLICABILITY TO PROCUREMENTS AFTER FIS-
19 CAL YEAR 2004.—This subsection applies with respect to
20 procurements of alternative fueled vehicles in fiscal year
21 2005 and subsequent fiscal years.

22 **SEC. 734. PROCUREMENT OF HYBRID LIGHT DUTY TRUCKS.**

23 (a) VEHICLE FLEETS NOT COVERED BY REQUIRE-
24 MENT IN ENERGY POLICY ACT OF 1992.—

13

1 (1) HYBRID VEHICLES.—The head of each
2 agency of the executive branch shall coordinate with
3 the Administrator of General Services to ensure that
4 only hybrid vehicles are procured by or for each
5 agency fleet of light duty trucks that is not in a fleet
6 of vehicles to which section 303 of the Energy Policy
7 Act of 1992 (42 U.S.C. 13212) applies.

8 (2) WAIVER AUTHORITY.—The head of an
9 agency, in consultation with the Administrator, may
10 waive the applicability of the policy regarding the
11 procurement of hybrid vehicles in paragraph (1) to
12 that agency to the extent that the head of that agen-
13 cy determines necessary—

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

16 (B) to procure vehicles consistent with the
17 standards applicable to the procurement of fleet
18 vehicles for the Federal Government;

19 (C) to adjust to limitations on the commer-
20 cial availability of light duty trucks that are hy-
21 brid vehicles; or

22 (D) to avoid the necessity of procuring a
23 hybrid vehicle for the agency when each of the
24 hybrid vehicles available for meeting the re-
25 quirements of the agency has a cost to the

1 United States that exceeds the costs of com-
2 parable nonhybrid vehicles by a factor that is
3 significantly higher than the difference
4 between—

5 (i) the real cost of the hybrid vehicle
6 to retail purchasers, taking into account
7 the benefit of any tax incentives available
8 to retail purchasers for the purchase of the
9 hybrid vehicle; and

10 (ii) the costs of the comparable non-
11 hybrid vehicles to retail purchasers.

12 (3) **APPLICABILITY TO PROCUREMENTS AFTER**
13 **FISCAL YEAR 2004.**—This subsection applies with re-
14 spect to procurements of light duty trucks in fiscal
15 year 2005 and subsequent fiscal years.

16 (b) **INAPPLICABILITY TO DEPARTMENT OF DE-**
17 **FENSE.**—This section does not apply to the Department
18 of Defense, which is subject to comparable requirements
19 under section 318 of the National Defense Authorization
20 Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat.
21 1055; 10 U.S.C. 2302 note).

22 **SEC. 735. DEFINITIONS.**

23 In this subtitle:

24 (1) **ALTERNATIVE FUELED VEHICLE.**—The
25 term “alternative fueled vehicle” means—

15

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

4 (B) a motor vehicle that operates on a
5 blend of fuel that is at least 20 percent (by vol-
6 ume) biodiesel, as defined in section 312(f) of
7 the Energy Policy Act of 1992 (42 U.S.C.
8 13220(f)); and

9 (C) a motor vehicle that operates on a
10 blend of fuel that is at least 20 percent (by vol-
11 ume) bioderived hydrocarbons (including ali-
12 phatic compounds) produced from agricultural
13 and animal waste.

14 (2) HEAVY-DUTY EMISSION STANDARDS OF
15 2007.—The term “heavy-duty emission standards of
16 2007” means the motor vehicle emission standards
17 promulgated by the Administrator of the Environ-
18 mental Protection Agency on January 18, 2001,
19 under section 202 of the Clean Air Act to apply to
20 heavy-duty vehicles of model years beginning with
21 the 2007 vehicle model year.

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

1 (A) a motor vehicle that draws propulsion
2 energy from on board sources of stored energy
3 that are both—

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

6 (ii) a rechargeable energy storage sys-
7 tem; and

8 (B) any other vehicle that is defined as a
9 hybrid vehicle in regulations prescribed by the
10 Secretary of Energy for the administration of
11 title III of the Energy Policy Act of 1992.

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

17 (5) TIER 2 EMISSION STANDARDS DEFINED.—
18 The term “tier 2 emission standards” means the
19 motor vehicle emission standards promulgated by the
20 Administrator of the Environmental Protection
21 Agency on February 10, 2000, under section 202 of
22 the Clean Air Act (42 U.S.C. 7521) to apply to pas-
23 senger automobiles, light trucks, and larger pas-
24 senger vehicles of model years after the 2003 vehicle
25 model year.

~~16~~ 17

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