

109TH CONGRESS
2D SESSION

S. 3543

To improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2006

Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUE, Ms. CANTWELL, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LIEBERMAN, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ten-in-Ten Fuel Econ-
5 omy Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

- Sec. 3. Average fuel economy standards for passenger automobiles and light trucks.
- Sec. 4. Passenger car program reform.
- Sec. 5. Definition of work truck.
- Sec. 6. Definition of light truck.
- Sec. 7. Ensuring safety of passenger automobiles and light trucks.
- Sec. 8. Truth in fuel economy testing.
- Sec. 9. Onboard fuel economy indicators and devices.
- Sec. 10. Secretary of Transportation to certify benefits.
- Sec. 11. Credit trading program.
- Sec. 12. Report to Congress.
- Sec. 13. Labels for fuel economy and greenhouse gas emissions.

1 **SEC. 3. AVERAGE FUEL ECONOMY STANDARDS FOR PAS-**
 2 **SENGER AUTOMOBILES AND LIGHT TRUCKS.**

3 (a) INCREASED STANDARDS.—Section 32902 of title
 4 49, United States Code, is amended—

5 (1) by striking “NON-PASSENGER AUTO-
 6 MOBILES.—” in subsection (a) and inserting “PRE-
 7 SCRIPTION OF STANDARDS BY REGULATION.—”;
 8 and

9 (2) by striking “(except passenger auto-
 10 mobiles)” in subsection (a) and inserting “(except
 11 passenger automobiles and light trucks)”;

12 (3) by striking subsection (b) and inserting the
 13 following:

14 “(b) STANDARDS FOR PASSENGER AUTOMOBILES
 15 AND LIGHT TRUCKS.—

16 “(1) IN GENERAL.—The Secretary of Transpor-
 17 tation, after consultation with the Administrator of
 18 the Environmental Protection Agency, shall pre-
 19 scribe average fuel economy standards for passenger
 20 automobiles and light trucks manufactured by a

1 manufacturer in each model year beginning with
2 model year 2009 in order to achieve a combined av-
3 erage fuel economy standard for passenger auto-
4 mobiles and light trucks for model year 2017 of at
5 least 35 miles per gallon.

6 “(2) ELIMINATION OF SUV LOOPHOLE.—Begin-
7 ning no later than with model year 2011, the regula-
8 tions prescribed under this section may not make
9 any distinction between passenger automobiles and
10 light trucks.

11 “(3) PROGRESS TOWARD STANDARD RE-
12 QUIRED.—In prescribing average fuel economy
13 standards under paragraph (1), the Secretary shall
14 prescribe appropriate annual fuel economy standard
15 increases for passenger automobiles and light trucks
16 that—

17 “(A) increase the applicable average fuel
18 economy standard ratably beginning with model
19 year 2009 and ending with model year 2017;

20 “(B) require that each manufacturer
21 achieve—

22 “(i) a fuel economy standard for pas-
23 senger automobiles manufactured by that
24 manufacturer of at least 31.1 miles per
25 gallon no later than model year 2009; and

1 “(ii) a fuel economy standard for light
2 trucks manufactured by that manufacturer
3 of at least 23.6 miles per gallon no later
4 than model year 2009.

5 “(4) FUEL ECONOMY BASELINE FOR PAS-
6 SENGER AUTOMOBILES.—Notwithstanding the max-
7 imum feasible average fuel economy level established
8 by regulations prescribed under subsection (c), the
9 minimum fleetwide average fuel economy standard
10 for passenger automobiles manufactured by a manu-
11 facturer in a model year for that manufacturer’s do-
12 mestic fleet and foreign fleet, as calculated under
13 section 32904 of this chapter as in effect before the
14 date of enactment of the Ten-in-Ten Fuel Economy
15 Act, shall be the greater of—

16 “(i) 27.5 miles per gallon; or

17 “(ii) 92 percent of the average fuel
18 economy projected by the Secretary for the
19 combined domestic and foreign fleets man-
20 ufactured by all manufacturers in that
21 model year.

22 “(5) DEADLINE FOR REGULATIONS.—The Sec-
23 retary shall promulgate the regulations required by
24 paragraphs (1) and (2) in final form no later than

1 18 months after the date of enactment of the Ten-
2 in-Ten Fuel Economy Act.”.

3 **SEC. 4. PASSENGER CAR PROGRAM REFORM.**

4 Section 32902 of title 49, United States Code, is
5 amended—

6 (1) by striking “gallon.” in subsection (b)(1),
7 as amended by section 3, and inserting “gallon or
8 such other number (or numbers) of miles per gallon
9 as the Secretary may prescribe under subsection
10 (c).”;

11 (2) by striking “the standard” in the first sen-
12 tence of subsection (c)(1) and inserting “a stand-
13 ard”;

14 (3) by striking “the standard.” in the second
15 sentence of subsection (c)(1) and inserting “any
16 standard prescribed under subsection (b).”;

17 (4) by inserting “The Secretary may prescribe
18 separate standards for different classes of passenger
19 automobiles.” after “presentation.” in subsection
20 (c)(1);

21 (5) by striking “(1) Subject to paragraph (2) of
22 this subsection, the” in subsection (c)(1) and insert-
23 ing “At least 18 months before the beginning of
24 each model year, the”; and

25 (6) by striking paragraph (2) of subsection (c).

1 **SEC. 5. DEFINITION OF WORK TRUCK.**

2 (a) DEFINITION OF WORK TRUCK.—Section
3 32901(a) of title 49 is amended by inserting after para-
4 graph 11 the following:

5 “(11A) ‘work truck’ means an automobile that
6 the Secretary determines by regulation—

7 “(A) is rated at between 8,500 and 10,000
8 pounds gross vehicle weight; and

9 “(B) is not a medium duty passenger vehi-
10 cle as defined in 40 CFR 86.1803–01.”.

11 (b) DEADLINE FOR REGULATIONS.—The Secretary
12 of Transportation—

13 (1) shall issue proposed regulations imple-
14 menting the amendment made by subsection (a) not
15 later than 1 year after the date of enactment of this
16 Act; and

17 (2) shall issue final regulations implementing
18 the amendment not later than 18 months after the
19 date of enactment of this Act.

20 (c) FUEL ECONOMY STANDARDS FOR WORK
21 TRUCKS.—The Secretary of Transportation, in consulta-
22 tion with the Administrator of the Environmental Protec-
23 tion Agency, shall prescribe standards to achieve the max-
24 imum feasible fuel economy for work trucks (as defined
25 in section 32901(a)(11A) of title 49, United States Code)

1 manufactured by a manufacturer in each model year be-
2 ginning in model year 2011.

3 **SEC. 6. DEFINITION OF LIGHT TRUCK.**

4 (a) DEFINITION OF LIGHT TRUCK.—

5 (1) IN GENERAL.—Section 32901(a) of title 49,
6 United States Code, is amended by inserting after
7 paragraph (11) the following:

8 “(11B) ‘light truck’ means an automobile that
9 the Secretary determines by regulation—

10 “(A) is manufactured primarily for trans-
11 porting not more than 10 individuals;

12 “(B) is rated at not more than 10,000
13 pounds gross vehicle weight;

14 “(C) is not a passenger automobile; and

15 “(D) is not a work truck.”.

16 (2) DEADLINE FOR REGULATIONS.—The Sec-
17 retary of Transportation—

18 (A) shall issue proposed regulations imple-
19 menting the amendment made by paragraph (1)
20 not later than 1 year after the date of the en-
21 actment of this Act; and

22 (B) shall issue final regulations imple-
23 menting the amendment not later than 18
24 months after the date of the enactment of this
25 Act.

1 (3) EFFECTIVE DATE.—Regulations prescribed
2 under paragraph (1) shall apply beginning with
3 model year 2009.

4 (b) APPLICABILITY OF EXISTING STANDARDS.—This
5 section does not affect the application of section 32902
6 of title 49, United States Code, to passenger automobiles
7 or non-passenger automobiles manufactured before model
8 year 2009.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Secretary of
11 Transportation to carry out the provisions of chapter 329
12 of title 49, United States Code, \$25,000,000 for each of
13 fiscal years 2007 through 2019.

14 **SEC. 7. ENSURING SAFETY OF PASSENGER AUTOMOBILES**
15 **AND LIGHT TRUCKS.**

16 (a) IN GENERAL.—The Secretary of Transportation
17 shall exercise such authority under Federal law as the Sec-
18 retary may have to ensure that—

19 (1) passenger automobiles and light trucks (as
20 those terms are defined in section 32901 of title 49,
21 United States Code) are safe;

22 (2) progress is made in improving the overall
23 safety of passenger automobiles and light trucks;
24 and

1 (A) a notice of a proposed rulemaking
 2 under section 30129 of title 49, United States
 3 Code, not later than January 1, 2008; and

4 (B) a final rule under that section not
 5 later than December 31, 2009.

6 (2) EFFECTIVE DATE OF REQUIREMENTS.—
 7 Any requirement imposed under the final rule issued
 8 under paragraph (1) shall become fully effective no
 9 later than September 1, 2012.

10 (d) CONFORMING AMENDMENT.—The chapter anal-
 11 ysis for chapter 301 is amended by inserting after the item
 12 relating to section 30128 the following:

“30129. Vehicle compatibility and aggressivity reduction standard.”.

13 **SEC. 8. TRUTH IN FUEL ECONOMY TESTING.**

14 (a) IN GENERAL.—The Administrator of the Envi-
 15 ronmental Protection Agency, in consultation with the
 16 Secretary of Transportation, shall, as appropriate, use ex-
 17 isting emission test cycles and updated adjustment factors
 18 to update and revise the process used to determine fuel
 19 economy values for labeling purposes as described in sec-
 20 tions 600.209–85 and 600.209–95 of title 40, Code of
 21 Federal Regulations, (or successor regulations) to take
 22 into consideration current factors, such as—

23 (1) speed limits;

24 (2) acceleration rates;

25 (3) braking;

1 (4) variations in weather and temperature;

2 (5) vehicle load;

3 (6) use of air conditioning;

4 (7) driving patterns; and

5 (8) the use of other fuel-consuming features.

6 (b) LABELS FOR FUEL ECONOMY MODE DEVICES.—

7 The Administrator of the Environmental Protection Agen-
8 cy shall include fuel economy label information for all fuel
9 economy modes provided by devices described in section
10 9(a)(3) of this Act.

11 (c) DEADLINE.—In carrying out subsection (a), the
12 Administrator shall—

13 (1) issue a notice of proposed rulemaking, or
14 amend the notice of proposed rulemaking for Docket
15 Id. No. OAR–2003–0214, not later than 90 days
16 after the date of enactment of this Act; and

17 (2) promulgate a final rule not later than 180
18 days after the date on which the notice under para-
19 graph (1) is issued.

20 (d) USE OF COMMON MEASUREMENTS FOR LABEL-
21 LING AND COMPLIANCE TESTING.—Section 32904(c) of
22 title 49, United States Code, is amended to read as fol-
23 lows:

24 “(c) TESTING AND CALCULATION PROCEDURES.—

25 The Administrator shall measure fuel economy for each

1 model and calculate average fuel economy for a manufac-
2 turer using the same procedures and factors used by the
3 Administrator for labeling purposes under section 32908
4 by model year 2015.”.

5 (e) REEVALUATION AND REPORT.—Not later than 3
6 years after the date of promulgation of the final rule under
7 subsection (b)(2), and triennially thereafter, the Adminis-
8 trator shall—

9 (1) reevaluate the fuel economy labeling proce-
10 dures described in subsections (a) and (c) to deter-
11 mine whether changes in the factors used to estab-
12 lish the labeling procedures warrant a revision of
13 that process; and

14 (2) submit a report to the Senate Committee on
15 Commerce, Science, and Transportation and the
16 House of Representatives Committee on Energy and
17 Commerce that describes the results of the reevalua-
18 tion process.

19 **SEC. 9. ONBOARD FUEL ECONOMY INDICATORS AND DE-**
20 **VICES.**

21 (a) IN GENERAL.—Chapter 329 of title 49, United
22 States Code, as amended by section 8, is further amended
23 by adding at the end the following:

1 **“§ 32921. Fuel economy indicators and devices**

2 “(a) IN GENERAL.—The Secretary of Transpor-
3 tation, in consultation with the Administrator of the Envi-
4 ronmental Protection Agency, shall prescribe a fuel econ-
5 omy standard for passenger automobiles and light trucks
6 manufactured by a manufacturer in each model year be-
7 ginning with model year 2013 that requires each such
8 automobile and light truck to be equipped with—

9 “(1) an onboard electronic instrument that pro-
10 vides real-time and cumulative fuel economy data;

11 “(2) an onboard electronic instrument that sig-
12 nals a driver when inadequate tire pressure may be
13 affecting fuel economy; and

14 “(3) a device that will allow drivers to place the
15 automobile or light truck in a mode that will auto-
16 matically produce greater fuel economy.

17 “(b) EXCEPTION.—Subsection (a) does not apply to
18 any vehicle that is not subject to an average fuel economy
19 standard under section 32902(b).

20 “(c) ENFORCEMENT.—Subchapter IV of chapter 301
21 of this title shall apply to a fuel economy standard pre-
22 scribed under subsection (a) to the same extent and in
23 the same manner as if that standard were a motor vehicle
24 safety standard under chapter 301.”.

25 (b) CONFORMING AMENDMENT.—The chapter anal-
26 ysis for chapter 329 of title 49, United States Code, as

1 amended by section 8, is further amended by inserting
2 after the item relating to section 32920 the following:

“32921. Fuel economy indicators and devices.”.

3 **SEC. 10. SECRETARY OF TRANSPORTATION TO CERTIFY**
4 **BENEFITS.**

5 Beginning with model year 2009, the Secretary of
6 Transportation, in consultation with the Administrator of
7 the Environmental Protection Agency, shall determine and
8 certify annually to the Congress—

9 (1) the annual reduction in United States con-
10 sumption of gasoline or petroleum distillates used
11 for vehicle fuel, and

12 (2) the annual reduction in greenhouse gas
13 emissions,

14 properly attributable to the implementation of the average
15 fuel economy standards imposed under section 32902 of
16 title 49, United States Code, as a result of the amend-
17 ments made by this Act.

18 **SEC. 11. CREDIT TRADING PROGRAM.**

19 Section 32903 of title 49, United States Code, is
20 amended—

21 (1) by striking “passenger” each place it ap-
22 pears;

23 (2) by striking “section 32902(b)–(d) of this
24 title” each place it appears and inserting “sub-
25 section (a), (c), or (d) of section 32902”;

1 (3) by striking “clause (1) of this subsection”
2 in subsection (a)(2) and inserting “paragraph (1)”;
3 and

4 (4) by striking subsection (e) and inserting the
5 following:

6 “(e) CREDIT TRADING AMONG MANUFACTURERS.—
7 The Secretary of Transportation may establish, by regula-
8 tion, a corporate average fuel economy credit trading pro-
9 gram to allow manufacturers whose automobiles exceed
10 the average fuel economy standards prescribed under sec-
11 tion 32902 to earn credits to be sold to manufacturers
12 whose automobiles fail to achieve the prescribed stand-
13 ards.”.

14 **SEC. 12. REPORT TO CONGRESS.**

15 Not later than December 31, 2012, the Secretary of
16 Transportation shall submit to Congress a report on the
17 progress made by the automobile manufacturing industry
18 towards meeting the 35 miles per gallon average fuel econ-
19 omy standard required under section 32902(b)(4) of title
20 49, United States Code.

21 **SEC. 13. LABELS FOR FUEL ECONOMY AND GREENHOUSE**
22 **GAS EMISSIONS.**

23 Section 32908 of title 49, United States Code, is
24 amended—

1 (1) by striking “title.” in subsection (a)(1) and
2 inserting “title, and a light truck (as defined in sec-
3 tion 32901(a)(11A)) manufactured by a manufac-
4 turer in a model year after model year 2009; and”;

5 (2) by redesignating subparagraph (F) of sub-
6 section (b)(1) as subparagraph (H), and inserting
7 after subparagraph (E) the following:

8 “(F) a label (or a logo imprinted on a label
9 required by this paragraph) that—

10 “(i) reflects an automobile’s perform-
11 ance on the basis of criteria developed by
12 the Administrator to reflect the fuel econ-
13 omy and greenhouse gas and other emis-
14 sions consequences of operating the auto-
15 mobile over its likely useful life;

16 “(ii) permits consumers to compare
17 performance results under clause (i)
18 among all passenger automobiles and light
19 duty trucks (as defined in section 32901);
20 and

21 “(ii) is designed to encourage the
22 manufacture and sale of passenger auto-
23 mobiles and light trucks that meet or ex-
24 ceed applicable fuel economy standards
25 under section 32902.

1 “(G) a fuelstar under paragraph (5).”; and
2 (3) by adding at the end of subsection (b) the
3 following:

4 “(4) GREEN LABEL PROGRAM.—

5 “(A) MARKETING ANALYSIS.—Within 2
6 years after the date of enactment of the Ten-
7 in-Ten Fuel Economy Act, the Administrator
8 shall complete a study of social marketing strat-
9 egies with the goal of maximizing consumer un-
10 derstanding of point-of-sale labels or logos de-
11 scribed in paragraph (1)(F).

12 “(B) ELIGIBILITY.—Within 3 years after
13 that date, the Administrator shall issue require-
14 ments for the label or logo required by para-
15 graph (1)(F) to ensure that a passenger auto-
16 mobile or light truck is not eligible for the label
17 or logo unless it—

18 “(i) meets or exceeds the applicable
19 fuel economy standard; or

20 “(ii) will have the lowest greenhouse
21 gas emissions over the useful life of the ve-
22 hicle of all vehicles in the vehicle class to
23 which it belongs in that model year.

24 “(C) CRITERIA.—In developing criteria for
25 the label or logo, the Administrator shall also

1 consider, among others as appropriate, the fol-
2 lowing factors:

3 “(i) The recyclability of the auto-
4 mobile.

5 “(ii) Any other pollutants or harmful
6 byproducts related to the automobile,
7 which may include those generated during
8 manufacture of the automobile, those
9 issued during use of the automobile, or
10 those generated after the automobile
11 ceases to be operated.

12 “(5) FUELSTAR PROGRAM.—

13 “(A) IN GENERAL.—The Secretary shall
14 establish a program, to be known as the
15 ‘fuelstar’ program, under which stars shall be
16 imprinted on or attached to the label required
17 by paragraph (1).

18 “(B) GREEN STARS.—Under the program
19 a manufacturer may place green stars on the
20 label maintained on an automobile under para-
21 graph (1) as follows:

22 “(i) 1 green star for any automobile
23 that meets the average fuel economy stand-
24 ard for the model year under section
25 32902.

1 “(ii) 1 additional green star for each
2 2 miles per gallon by which the automobile
3 exceeds that standard.

4 “(C) GOLD STARS.—Under the program a
5 manufacturer may place a gold star on the label
6 maintained on an automobile under paragraph
7 (1) if—

8 “(i) in the case of a passenger auto-
9 mobile, it obtains a fuel economy of 50
10 miles per gallon or more; and

11 “(ii) in the case of a light truck, it ob-
12 tains a fuel economy of 37 miles per gallon
13 or more.”.

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