

119TH CONGRESS
2D SESSION

S. _____

To amend title 49, United States Code, to eliminate corporate average fuel economy standards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CRAPO introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 49, United States Code, to eliminate corporate average fuel economy standards, 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 “Restoring Affordability
5 in Automobile Manufacturing Act” or the “RAAM Act”.

6 **SEC. 2. ELIMINATION OF CAFE STANDARDS.**

7 (a) REPEAL.—

8 (1) IN GENERAL.—Chapter 329 of subtitle VI
9 of title 49, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The analysis for part C of subtitle VI of title 49, United States Code, is amended by striking the items relating to chapter 329.

(b) APPLICABILITY.—The amendment made by sub-
section (a)(1) shall apply to model year 2029, and each
model year thereafter, of a manufacturer.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Section 321 of the Energy Policy and Con-
10 servation Act (42 U.S.C. 6291) is amended—

11 (A) in paragraph (1)—

(i) in the matter preceding subpara-
graph (A), by striking “, as defined in sec-
tion 32901(a)(3) of title 49, United States
Code”;

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

(iii) in the matter preceding clause (i)
(as so redesignated), by striking “(1) The
term” and inserting the following:

22 “(1) CONSUMER PRODUCT.—

23 “(A) IN GENERAL.—The term”; and

24 (B) by adding at the end the following:

“(B) RELATED DEFINITION.—For purposes of subparagraph (A), the term ‘automobile’ means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except—

“(i) a vehicle operated only on a rail line;

“(ii) a vehicle manufactured in different stages by 2 or more manufacturers, if no intermediate or final-stage manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or

“(iii) a work truck.”.

(2) Section 400AA(g) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)) is amended—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (7), and (8), respectively;

(B) by inserting after paragraph (3) the following:

“(4) the term ‘dedicated automobile’ means an automobile that operates only on alternative fuel;”;

1 (C) in subparagraph (A) of paragraph (5)
2 (as so redesignated), by striking “, as such
3 term is defined in section 513(h)(1)(C) of the
4 Motor Vehicle Information and Cost Savings
5 Act”;

6 (D) by inserting after paragraph (5) (as so
7 redesignated) the following:

8 “(6) the term ‘dual fueled automobile’ means
9 an automobile that—

10 “(A) is capable of operating on alternative
11 fuel or a mixture of biodiesel and diesel fuel
12 meeting the standard established by the Amer-
13 ican Society for Testing and Materials or under
14 section 211(u) of the Clean Air Act (42 U.S.C.
15 7545(u)) for fuel containing 20 percent bio-
16 diesel (commonly known as ‘B20’) and on gaso-
17 line or diesel fuel; and

18 “(B) provides equal or superior energy ef-
19 ficiency, as calculated for the applicable model
20 year during fuel economy testing for the United
21 States Government, when operating on alter-
22 native fuel as when operating on gasoline or
23 diesel fuel;” and

24 (E) in subparagraph (A) of paragraph (7)
25 (as so redesignated), by striking “, as such

1 term is defined in section 513(h)(1)(D) of the
2 Motor Vehicle Information and Cost Savings
3 Act”.

4 (3) Section 301 of the Energy Policy Act of
5 1992 (42 U.S.C. 13211) is amended—

6 (A) by redesignating paragraphs (6), (7),
7 (8), and (9) through (14) as paragraphs (7),
8 (8), (10), and (11) through (16), respectively;

9 (B) by inserting after paragraph (5) the
10 following:

11 “(6) the term ‘dedicated automobile’ means an
12 automobile that operates only on alternative fuel;”;

13 (C) in subparagraph (A) of paragraph (7)
14 (as so redesignated), by striking “, as such
15 term is defined in section 513(h)(1)(C) of the
16 Motor Vehicle Information and Cost Savings
17 Act”;

18 (D) by inserting after paragraph (8) (as so
19 redesignated) the following:

20 “(9) the term ‘dual fueled automobile’ means
21 an automobile that—

22 “(A) is capable of operating on alternative
23 fuel or a mixture of biodiesel and diesel fuel
24 meeting the standard established by the Amer-
25 ican Society for Testing and Materials or under

1 section 211(u) of the Clean Air Act (42 U.S.C.
2 7545(u)) for fuel containing 20 percent bio-
3 diesel (commonly known as ‘B20’) and on gaso-
4 line or diesel fuel; and

5 “(B) provides equal or superior energy ef-
6 ficiency, as calculated for the applicable model
7 year during fuel economy testing for the United
8 States Government, when operating on alter-
9 native fuel as when operating on gasoline or
10 diesel fuel;”; and

11 (E) in subparagraph (A) of paragraph (10)
12 (as so redesignated), by striking “, as such
13 term is defined in section 513(h)(1)(D) of the
14 Motor Vehicle Information and Cost Savings
15 Act”.

16 (4) Section 30501(1) of title 49, United States
17 Code, is amended by striking “has the same mean-
18 ing given that term in section 32901(a) of this title”
19 and inserting the following: “means a 4-wheeled ve-
20 hicle that is propelled by fuel, or by alternative fuel,
21 manufactured primarily for use on public streets,
22 roads, and highways and rated at less than 10,000
23 pounds gross vehicle weight, except—

24 “(A) a vehicle operated only on a rail line;

1 “(B) a vehicle manufactured in different
2 stages by 2 or more manufacturers, if no inter-
3 mediate or final-stage manufacturer of that ve-
4 hicle manufactures more than 10,000 multi-
5 stage vehicles per year; or

6 “(C) a work truck.”.

7 (5) Section 33101(8) of title 49, United States
8 Code, is amended by striking “has the same mean-
9 ing given that term in section 32901(a) of this title”
10 and inserting the following: “, with respect to a spe-
11 cific calendar year, means—

12 “(A) the annual production period of a
13 manufacturer, as determined by the Adminis-
14 trator of the Environmental Protection Agency,
15 that includes January 1 of that calendar year;
16 or

17 “(B) that calendar year if the manufac-
18 turer does not have an annual production pe-
19 riod.”.

20 (6) Section 30114(b)(4) of title 49, United
21 States Code, is amended by striking “sections
22 32304, 32502, and 32902” and inserting “sections
23 32304 and 32502”.

1 (7) Section 166(e)(2) of title 23, United States
2 Code, is amended by striking “, in accordance with
3 section 32908(b) of title 49”.

4 (8) Section 32304(g) of title 49, United States
5 Code, is amended, in the second sentence, by strik-
6 ing “, on the label required by section 32908 of this
7 title,”.

8 (9) Section 33117 of title 49, United States
9 Code, is amended to read as follows:

10 **“§ 33117. Judicial review**

11 “(a) FILING AND VENUE.—A person that may be ad-
12 versely affected by a regulation promulgated under this
13 chapter may apply for review of the regulation by filing
14 a petition for review in the United States Court of Appeals
15 for the District of Columbia Circuit or in the court of ap-
16 peals of the United States for the circuit in which the per-
17 son resides or has its principal place of business.

18 “(b) TIME FOR FILING AND JUDICIAL PROCE-
19 DURES.—

20 “(1) IN GENERAL.—A petition filed under sub-
21 section (a) shall be filed not later than 59 days after
22 the regulation is promulgated.

23 “(2) CLERK OF COURT.—The clerk of the court
24 shall send immediately a copy of a petition filed

1 under subsection (a) to the Secretary of Transpor-
2 tation.

3 “(3) RECORD OF PROCEEDING.—The Secretary
4 of Transportation shall file with the court a record
5 of the proceeding in which the applicable regulation
6 was promulgated.

7 “(c) ADDITIONAL PROCEEDINGS.—

8 “(1) IN GENERAL.—When reviewing a regula-
9 tion under subsection (a), the court, on request of
10 the petitioner, may order the Secretary of Transpor-
11 tation to receive additional submissions if the court
12 is satisfied the additional submissions are material
13 and there were reasonable grounds for not pre-
14 senting the submissions in the proceeding before the
15 Secretary of Transportation.

16 “(2) AMEND OR SET ASIDE.—The Secretary of
17 Transportation may amend or set aside the regula-
18 tion, or promulgate a new regulation, based on the
19 additional submissions presented under paragraph
20 (1), which shall be filed with and reviewed by the
21 court.

22 “(d) SUPREME COURT REVIEW AND ADDITIONAL
23 REMEDIES.—A judgment of a court under this section
24 may be reviewed only by the Supreme Court under section
25 1254 of title 28.

1 “(e) CLARIFICATION.—A remedy under subsections
2 (a) and (c) is in addition to any other remedies provided
3 by law.”.

4 (10) Section 513 of the Energy Policy Act of
5 1992 (42 U.S.C. 13263) is amended by striking
6 “under section 505(b)(1) of the Motor Vehicle Infor-
7 mation and Cost Savings Act (15 U.S.C.
8 2005(b)(1))” and inserting “under subchapter II of
9 chapter 5, and chapter 7, of title 5, United States
10 Code (commonly known as the ‘Administrative Pro-
11 cedure Act’)”

12 **SEC. 3. NATIONAL FUEL ECONOMY POLICY.**

13 (a) FEDERAL AUTHORITY AND EXCLUSIVITY.—It is
14 the sense of Congress that, pursuant to the Commerce
15 Clause of section 8 of article I of the Constitution of the
16 United States, the regulation of fuel economy standards
17 for motor vehicles manufactured for sale in interstate com-
18 merce is exclusively reserved to the Federal Government.

19 (b) PREEMPTION.—A State or a political subdivision
20 thereof may not adopt or enforce a law or regulation re-
21 quiring compliance with fuel economy standards or aver-
22 age fuel economy standards for automobiles.

23 (c) RULE OF CONSTRUCTION.—This section shall be
24 construed as providing that a person involved in the pur-
25 chase, manufacture, or sale of a motor vehicle for use in

1 interstate commerce, including consumers, manufacturers,
2 distributors, and sellers of motor vehicles, has a right to
3 be free from the adoption or enforcement of State laws
4 or regulations inconsistent with this section.