

AMENDING THE CLEAN AIR ACT TO REMOVE THE RE-
 QUIREMENT FOR DEALER CERTIFICATION OF NEW
 LIGHT-DUTY MOTOR VEHICLES

JANUARY 7, 2014.—Committed to the Committee of the Whole House on the State
 of the Union and ordered to be printed

Mr. UPTON, from the Committee on Energy and Commerce,
 submitted the following

R E P O R T

[To accompany H.R. 724]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred
 the bill (H.R. 724) to amend the Clean Air Act to remove the re-
 quirement for dealer certification of new light-duty motor vehicles,
 having considered the same, report favorably thereon without
 amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 724 strikes section 207(h)(1) of the Clean Air Act (42 U.S.C. 7541(h)), which requires auto dealers, upon sale of each new light-duty motor vehicle, to furnish to the purchaser a certificate that such motor vehicle conforms to the emissions standards issued pursuant to section 202 (42 U.S.C. 7521) and notice of the purchaser's right to have the manufacturer remedy any nonconformity to section 202 emissions standards at the cost of the manufacturer during the warranty period.

BACKGROUND AND NEED FOR LEGISLATION

The Clean Air Act measures ensuring that all new vehicles offered for sale comply with the Act have made the section 207(h)(1) dealer certificate unnecessary. In addition, the warranty information on the certificate is now outdated, and current warranty information is available to consumers elsewhere. Further, the Environmental Protection Agency no longer enforces this requirement. No other provisions of the Clean Air Act are changed by H.R. 724.

HEARINGS

The Committee on Energy and Commerce has not held hearings on the legislation.

COMMITTEE CONSIDERATION

On December 10 and 11, 2013, the Committee on Energy and Commerce met in open markup session and ordered H.R. 724 reported to the House, without amendment, was agreed to by a voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no roll-call votes taken in connection with ordering H.R. 724 reported. A motion by Mr. Upton to order H.R. 724 reported to the House, without amendment, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has not held hearings on this legislation.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal of the legislation is to remove an unnecessary and outdated paperwork requirement applicable to new motor vehicle purchases.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 724,

would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives, the Committee finds that H.R. 724 contains no earmarks, limited tax benefits, or limited tariff benefits.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

H.R. 724—A bill to amend the Clean Air Act to remove the requirement for dealer certification of new light-duty motor vehicles

H.R. 724 would repeal a requirement under the Clean Air Act (CAA) that automobile dealers provide purchasers of new light-duty motor vehicles with a certificate that indicates the vehicle conforms to federal emissions standards. The certificate also indicates the purchaser's right to have the manufacturer fix the vehicle if it does not comply with emission standards.

According to the Environmental Protection Agency, other provisions under the CAA ensure that all new vehicles offered for sale comply with the Act. Thus, CBO estimates that repealing this requirement would have no impact on the federal budget. Enacting H.R. 724 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 724 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Susanne S. Mehlman. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 724 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting H.R. 724 specifically directs to be completed no specific rule makings within the meaning of 5 U.S.C. 551.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1 strikes paragraph 1 of section 207(h) of the Clean Air Act (42 U.S.C. 7541(h)), which provides that “[u]pon the sale of each new light-duty motor vehicle by a dealer, the dealer shall furnish to the purchaser a certificate that such motor vehicle conforms to the applicable regulations under section 7521 of this title, including notice of the purchaser’s rights under [this subsection].”

The section also includes a technical correction, re-designating current paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

CLEAN AIR ACT

* * * * *

TITLE II—EMISSION STANDARDS FOR MOVING SOURCES

* * * * *

PART A—MOTOR VEHICLE EMISSION AND FUEL STANDARDS

* * * * *

COMPLIANCE BY VEHICLES AND ENGINES IN ACTUAL USE

SEC. 207. (a) * * *

* * * * *

(h) **[(1) Upon the sale of each new light-duty motor vehicle by a dealer, the dealer shall furnish to the purchaser a certificate that such motor vehicle conforms to the applicable regulations under section 202, including notice of the purchaser’s rights under paragraph (2).]**

[(2)] (1) If at any time during the period for which the warranty applies under subsection (b), a motor vehicle fails to conform to the applicable regulations under section 202 as determined under subsection (b) of this section such nonconformity shall be remedied by the manufacturer at the cost of the manufacturer pursuant to such warranty as provided in section 207(b)(2) (without regard to subparagraph (C) thereof).

[(3)] (2) Nothing in section 209(a) shall be construed to prohibit a State from testing, or requiring testing of, a motor vehicle after the date of sale of such vehicle to the ultimate purchaser (except that no new motor vehicle manufacturer or dealer may be required to conduct testing under this paragraph).

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