

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1476

To require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2009

Mr. ENGEL (for himself, Mr. INGLIS, Mr. ISRAEL, and Mr. BARTLETT) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel.

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 “Open Fuel Standard  
5 Act of 2009” or the “OFS Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) The status of oil as a strategic commodity,  
5 which derives from its domination of the transpor-  
6 tation sector, presents a clear and present danger to  
7 the United States;

8 (2) in a prior era, when salt was a strategic  
9 commodity, salt mines conferred national power and  
10 wars were fought over the control of such mines;

11 (3) technology, in the form of electricity and re-  
12 frigeration, decisively ended salt's monopoly of meat  
13 preservation and greatly reduced its strategic impor-  
14 tance;

15 (4) fuel competition and consumer choice would  
16 similarly serve to end oil's monopoly in the transpor-  
17 tation sector and strip oil of its strategic status;

18 (5) the current closed fuel market has allowed  
19 a cartel of petroleum exporting countries to inflate  
20 fuel prices, effectively imposing a harmful tax on the  
21 economy of the United States;

22 (6) much of the inflated petroleum revenues the  
23 oil cartel earns at the expense of the people of the  
24 United States are used for purposes antithetical to  
25 the interests of the United States and its allies;

1           (7) alcohol fuels, including ethanol and meth-  
2           anol, could potentially provide significant supplies of  
3           additional fuels that could be produced in the United  
4           States and in many other countries in the Western  
5           Hemisphere that are friendly to the United States;

6           (8) alcohol fuels can only play a major role in  
7           securing the energy independence of the United  
8           States if a substantial portion of vehicles in the  
9           United States are capable of operating on such fuels;

10          (9) it is not in the best interest of United  
11          States consumers or the United States Government  
12          to be constrained to depend solely upon petroleum  
13          resources for vehicle fuels if alcohol fuels are poten-  
14          tially available;

15          (10) existing technology, in the form of flexible  
16          fuel vehicles, allows internal combustion engine cars  
17          and trucks to be produced at little or no additional  
18          cost, which are capable of operating on conventional  
19          gasoline, alcohol fuels, or any combination of such  
20          fuels, as availability or cost advantage dictates, pro-  
21          viding a platform on which fuels can compete;

22          (11) the necessary distribution system for such  
23          alcohol fuels will not be developed in the United  
24          States until a substantial fraction of the vehicles in

1 the United States are capable of operating on such  
2 fuels;

3 (12) the establishment of such a vehicle fleet  
4 and distribution system would provide a large mar-  
5 ket that would mobilize private resources to substan-  
6 tially advance the technology and expand the pro-  
7 duction of alcohol fuels in the United States and  
8 abroad;

9 (13) the United States has an urgent national  
10 security interest to develop alcohol fuels technology,  
11 production, and distribution systems as rapidly as  
12 possible;

13 (14) new cars sold in the United States that  
14 are equipped with an internal combustion engine  
15 should allow for fuel competition by being flexible  
16 fuel vehicles, and new diesel cars should be capable  
17 of operating on biodiesel; and

18 (15) such an open fuel standard would help to  
19 protect the United States economy from high and  
20 volatile oil prices and from the threats caused by  
21 global instability, terrorism, and natural disaster.

22 **SEC. 3. OPEN FUEL STANDARD FOR TRANSPORTATION.**

23 Chapter 329 of title 49, United States Code, is  
24 amended by adding at the end the following:

1 **“SEC. 32920. OPEN FUEL STANDARD FOR TRANSPOR-**  
2 **TATION.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) E85.—The term ‘E85’ means a fuel mix-  
5 ture containing 85 percent ethanol and 15 percent  
6 gasoline by volume.

7 “(2) FLEXIBLE FUEL AUTOMOBILE.—The term  
8 ‘flexible fuel automobile’ means an automobile that  
9 has been warranted by its manufacturer to operate  
10 on gasoline, E85, and M85.

11 “(3) FUEL CHOICE-ENABLING AUTOMOBILE.—  
12 The term ‘fuel choice-enabling automobile’ means—

13 “(A) a flexible fuel automobile; or

14 “(B) an automobile that has been war-  
15 ranted by its manufacturer to operate on bio-  
16 diesel.

17 “(4) LIGHT-DUTY AUTOMOBILE.—The term  
18 ‘light-duty automobile’ means—

19 “(A) a passenger automobile; or

20 “(B) a non-passenger automobile.

21 “(5) LIGHT-DUTY AUTOMOBILE MANUFAC-  
22 Turer’s ANNUAL COVERED INVENTORY.—The term  
23 ‘light-duty automobile manufacturer’s annual cov-  
24 ered inventory’ means the number of light-duty  
25 automobiles powered by an internal combustion en-  
26 gine that a manufacturer, during a given calendar

1 year, manufactures in the United States or imports  
2 from outside of the United States for sale in the  
3 United States.

4 “(6) M85.—The term ‘M85’ means a fuel mix-  
5 ture containing 85 percent methanol and 15 percent  
6 gasoline by volume.

7 “(b) OPEN FUEL STANDARD FOR TRANSPOR-  
8 TATION.—

9 “(1) IN GENERAL.—Except as provided in para-  
10 graph (2), each light-duty automobile manufactur-  
11 er’s annual covered inventory shall be comprised  
12 of—

13 “(A) not less than 50 percent fuel choice-  
14 enabling automobiles in 2012, 2013, and 2014;  
15 and

16 “(B) not less than 80 percent fuel choice-  
17 enabling automobiles in 2015, and in each sub-  
18 sequent year.

19 “(2) TEMPORARY EXEMPTION FROM REQUIRE-  
20 MENTS.—

21 “(A) APPLICATION.—A manufacturer may  
22 request an exemption from the requirement de-  
23 scribed in paragraph (1) by submitting an ap-  
24 plication to the Secretary, at such time, in such  
25 manner, and containing such information as the

1 Secretary may require by regulation. Each such  
2 application shall specify the models, lines, and  
3 types of automobiles affected.

4 “(B) EVALUATION.—After evaluating an  
5 application received from a manufacturer, the  
6 Secretary may at any time, under such terms  
7 and conditions, and to such extent as the Sec-  
8 retary considers appropriate, temporarily ex-  
9 empt, or renew the exemption of, a light-duty  
10 automobile from the requirement described in  
11 paragraph (1) if the Secretary determines that  
12 unavoidable events not under the control of the  
13 manufacturer prevent the manufacturer of such  
14 automobile from meeting its required produc-  
15 tion volume of fuel choice-enabling automobiles,  
16 including—

17 “(i) a disruption in the supply of any  
18 component required for compliance with  
19 the regulations;

20 “(ii) a disruption in the use and in-  
21 stallation by the manufacturer of such  
22 component; or

23 “(iii) application to plug-in electric ve-  
24 hicles causing such vehicles to fail to meet  
25 State air quality requirements.

1           “(C) CONSOLIDATION.—The Secretary  
2 may consolidate applications received from mul-  
3 tiple manufacturers under subparagraph (A) if  
4 they are of a similar nature.

5           “(D) CONDITIONS.—Any exemption grant-  
6 ed under subparagraph (B) shall be conditioned  
7 upon the manufacturer’s commitment to recall  
8 the exempted automobiles for installation of the  
9 omitted components within a reasonable time  
10 proposed by the manufacturer and approved by  
11 the Secretary after such components become  
12 available in sufficient quantities to satisfy both  
13 anticipated production and recall volume re-  
14 quirements.

15           “(E) NOTICE.—The Secretary shall pub-  
16 lish in the Federal Register—

17                   “(i) notice of each application received  
18 from a manufacturer;

19                   “(ii) notice of each decision to grant  
20 or deny a temporary exemption; and

21                   “(iii) the reasons for granting or de-  
22 nying such exemptions.

23           “(3) RULEMAKING.—Not later than 1 year  
24 after the date of enactment of this Act, the Sec-



1       retary of Transportation shall promulgate regula-  
2       tions to carry out this section.”.

○