

fuels

111TH CONGRESS
1ST SESSION

S. _____

To improve choices for consumers for vehicles and fuels, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HARKIN (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve choices for consumers for vehicles and fuels, 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 “Consumer Fuels and
5 Vehicles Choice Act of 2009”.

6 **SEC. 2. ENSURING THE AVAILABILITY OF DUAL FUELED**
7 **AUTOMOBILES AND LIGHT DUTY TRUCKS.**

8 (a) IN GENERAL.—Chapter 329 of title 49, United
9 States Code, is amended by inserting after section 32902
10 the following:

1 **“§ 32902A. Requirement to manufacture dual fueled**
 2 **automobiles and light duty trucks**

3 “(a) IN GENERAL.—For each model year listed in the
 4 following table, each manufacturer shall ensure that the
 5 percentage of automobiles and light duty trucks manufac-
 6 tured by the manufacturer for sale in the United States
 7 that are dual fueled automobiles and light duty trucks is
 8 not less than the percentage set forth for that model year
 9 in the following table:

“Model Year	Percentage
Model years 2011 and 2012	50 percent
Model year 2013 and each subsequent model year.	90 percent

10 “(b) EXCEPTION.—Subsection (a) shall not apply to
 11 automobiles or light duty trucks that operate only on elec-
 12 tricity.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 for chapter 329 of title 49, United States Code, is amend-
 15 ed by inserting after the item relating to section 32902
 16 the following:

“32902A. Requirement to manufacture dual fueled automobiles and light duty
trucks.”.

17 (c) RULEMAKING.—Not later than 1 year after the
 18 date of the enactment of this Act, the Secretary of Trans-
 19 portation shall prescribe regulations to carry out the
 20 amendments made by this Act.

1 **SEC. 3. BLENDER PUMP PROMOTION.**

2 (a) BLENDER PUMP GRANT PROGRAM.—

3 (1) DEFINITIONS.—In this subsection:

4 (A) BLENDER PUMP.—The term “blender
5 pump” means an automotive fuel dispensing
6 pump capable of dispensing at least 3 different
7 blends of gasoline and ethanol, as selected by
8 the pump operator, including blends ranging
9 from 0 percent ethanol to 85 percent denatured
10 ethanol, as determined by the Secretary.

11 (B) E-85 FUEL.—The term “E-85 fuel”
12 means a blend of gasoline approximately 85
13 percent of the content of which is ethanol.

14 (C) ETHANOL FUEL BLEND.—The term
15 “ethanol fuel blend” means a blend of gasoline
16 and ethanol, with a minimum of 0 percent and
17 maximum of 85 percent of the content of which
18 is denatured ethanol.

19 (D) SECRETARY.—The term “Secretary”
20 means the Secretary of Energy.

21 (2) GRANTS.—The Secretary shall make grants
22 under this subsection to eligible facilities (as deter-
23 mined by the Secretary) to pay the Federal share
24 of—

25 (A) installing blender pump fuel infra-
26 structure, including infrastructure necessary—

1 (i) for the direct retail sale of ethanol
2 fuel blends (including E-85 fuel), includ-
3 ing blender pumps and storage tanks; and

4 (ii) to directly market ethanol fuel
5 blends (including E-85 fuel) to gas retail-
6 ers, including inline blending equipment,
7 pumps, storage tanks, and loadout equip-
8 ment; and

9 (B) providing subgrants to direct retailers
10 of ethanol fuel blends (including E-85 fuel) for
11 the purpose of installing fuel infrastructure for
12 the direct retail sale of ethanol fuel blends (in-
13 cluding E-85 fuel), including blender pumps
14 and storage tanks.

15 (3) FEDERAL SHARE.—The Federal share of
16 the cost of a project carried out under this sub-
17 section shall be 50 percent of the total cost of the
18 project.

19 (4) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to the Sec-
21 retary to carry out this subsection, to remain avail-
22 able until expended—

23 (A) \$50,000,000 for fiscal year 2010;

24 (B) \$100,000,000 for fiscal year 2011;

25 (C) \$200,000,000 for fiscal year 2012;

1 (D) \$300,000,000 for fiscal year 2013;

2 and

3 (E) \$350,000,000 for fiscal year 2014.

4 (b) INSTALLATION OF BLENDER PUMPS BY MAJOR
5 FUEL DISTRIBUTORS AT OWNED STATIONS AND BRAND-
6 ED STATIONS.—Section 211(o) of the Clean Air Act (42
7 U.S.C. 7545(o)) is amended by adding at the end the fol-
8 lowing:

9 “(13) INSTALLATION OF BLENDER PUMPS BY
10 MAJOR FUEL DISTRIBUTORS AT OWNED STATIONS
11 AND BRANDED STATIONS.—

12 “(A) DEFINITIONS.—In this paragraph:

13 “(i) E-85 FUEL.—The term ‘E-85
14 fuel’ means a blend of gasoline approxi-
15 mately 85 percent of the content of which
16 is ethanol.

17 “(ii) ETHANOL FUEL BLEND.—The
18 term ‘ethanol fuel blend’ means a blend of
19 gasoline and ethanol, with a minimum of 0
20 percent and maximum of 85 percent of the
21 content of which is denatured ethanol.

22 “(iii) MAJOR FUEL DISTRIBUTOR.—
23 The term ‘major fuel distributor’ means
24 any person that owns a refinery or directly
25 markets the output of a refinery.

1 “(iv) SECRETARY.—The term ‘Sec-
2 retary’ means the Secretary of Energy,
3 acting in consultation with the Adminis-
4 trator of the Environmental Protection
5 Agency and the Secretary of Agriculture.

6 “(B) REGULATIONS.—The Secretary shall
7 promulgate regulations to ensure that each
8 major fuel distributor that sells or introduces
9 gasoline into commerce in the United States
10 through majority-owned stations or branded
11 stations installs or otherwise makes available 1
12 or more blender pumps that dispense E-85 fuel
13 and ethanol fuel blends (including any other
14 equipment necessary, such as tanks, to ensure
15 that the pumps function properly) for a period
16 of not less than 5 years at not less than the ap-
17 plicable percentage of the majority-owned sta-
18 tions and the branded stations of the major fuel
19 distributor specified in subparagraph (C).

20 “(C) APPLICABLE PERCENTAGE.—For the
21 purpose of subparagraph (B), the applicable
22 percentage of the majority-owned stations and
23 the branded stations shall be determined in ac-
24 cordance with the following table:

“Applicable percentage of majority-owned stations and branded stations

Calendar year:	Percent:
2011	10
2013	20
2015	35
2017 and each calendar year thereafter	50.

1 “(D) GEOGRAPHIC DISTRIBUTION.—

2 “ (i) IN GENERAL.—Subject to clause
 3 (ii), in promulgating regulations under
 4 subparagraph (B), the Secretary shall en-
 5 sure that each major fuel distributor de-
 6 scribed in that subparagraph installs or
 7 otherwise makes available 1 or more blend-
 8 er pumps that dispense E–85 fuel and eth-
 9 anol fuel blends at not less than a min-
 10 imum percentage (specified in the regula-
 11 tions) of the majority-owned stations and
 12 the branded stations of the major fuel dis-
 13 tributors in each State.

14 “(ii) REQUIREMENT.—In specifying
 15 the minimum percentage under clause (i),
 16 the Secretary shall ensure that each major
 17 fuel distributor installs or otherwise makes
 18 available 1 or more blender pumps de-
 19 scribed in that clause in each State in
 20 which the major fuel distributor operates.

1 “(E) FINANCIAL RESPONSIBILITY.—In
2 promulgating regulations under subparagraph
3 (B), the Secretary shall ensure that each major
4 fuel distributor described in that subparagraph
5 assumes full financial responsibility for the
6 costs of installing or otherwise making available
7 the blender pumps described in that subpara-
8 graph and any other equipment necessary (in-
9 cluding tanks) to ensure that the pumps func-
10 tion properly.

11 “(F) PRODUCTION CREDITS FOR EXCEED-
12 ING BLENDER PUMPS INSTALLATION REQUIRE-
13 MENT.—

14 “(i) EARNING AND PERIOD FOR AP-
15 PLYING CREDITS.—If the percentage of the
16 majority-owned stations and the branded
17 stations of a major fuel distributor at
18 which the major fuel distributor installs
19 blender pumps in a particular calendar
20 year exceeds the percentage required under
21 subparagraph (C), the major fuel dis-
22 tributor shall earn credits under this para-
23 graph, which may be applied to any of the
24 3 consecutive calendar years immediately

1 after the calendar year for which the cred-
2 its are earned.

3 “(ii) TRADING CREDITS.—Subject to
4 clause (iii), a major fuel distributor that
5 has earned credits under clause (i) may
6 sell the credits to another major fuel dis-
7 tributor to enable the purchaser to meet
8 the requirement under subparagraph (C).

9 “(iii) EXCEPTION.—A major fuel dis-
10 tributor may not use credits purchased
11 under clause (ii) to fulfill the geographic
12 distribution requirement in subparagraph
13 (D).”.