

111TH CONGRESS  
1ST SESSION

# S. 1627

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

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IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2009

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To improve choices for consumers for vehicles and fuel, 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 Vehicle 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<br>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 “(I) IN GENERAL.—The term  
24 ‘major fuel distributor’ means any  
25 person that owns a refinery and di-

1                   rectly markets the output of a refin-  
2                   ery.

3                   “(II) EXCLUSION.—The term  
4                   ‘major fuel distributor’ does not in-  
5                   clude any person that owns less than  
6                   50 retail fueling stations.

7                   “(iv) SECRETARY.—The term ‘Sec-  
8                   retary’ means the Secretary of Energy,  
9                   acting in consultation with the Adminis-  
10                  trator of the Environmental Protection  
11                  Agency and the Secretary of Agriculture.

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

1                   “(C) APPLICABLE PERCENTAGE.—For the  
 2                   purpose of subparagraph (B), the applicable  
 3                   percentage of the majority-owned stations and  
 4                   the branded stations shall be determined in ac-  
 5                   cordance with the following table:

**“Applicable percentage of major-  
 ity-owned stations and branded  
 stations**

| <b>Calendar year:</b>                        | <b>Percent:</b> |
|--|-----------------|
| 2011 .....                                   | 10              |
| 2013 .....                                   | 20              |
| 2015 .....                                   | 35              |
| 2017 and each calendar year thereafter ..... | 50.             |

6                   “(D) GEOGRAPHIC DISTRIBUTION.—

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

19                  “(ii) REQUIREMENT.—In specifying  
 20                  the minimum percentage under clause (i),  
 21                  the Secretary shall ensure that each major

1 fuel distributor installs or otherwise makes  
2 available 1 or more blender pumps de-  
3 scribed in that clause in each State in  
4 which the major fuel distributor operates.

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

15 “(F) PRODUCTION CREDITS FOR EXCEED-  
16 ING BLENDER PUMPS INSTALLATION REQUIRE-  
17 MENT.—

18 “(i) EARNING AND PERIOD FOR AP-  
19 PLYING CREDITS.—If the percentage of the  
20 majority-owned stations and the branded  
21 stations of a major fuel distributor at  
22 which the major fuel distributor installs  
23 blender pumps in a particular calendar  
24 year exceeds the percentage required under  
25 subparagraph (C), the major fuel dis-



1 tributor shall earn credits under this para-  
2 graph, which may be applied to any of the  
3 consecutive calendar years immediately  
4 after the calendar year for which the cred-  
5 its are earned.

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

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

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