

115TH CONGRESS
1ST SESSION

H. R. 2892

To amend chapter 329 of title 49, United States Code, to ensure that new vehicles enable fuel competition so as to reduce the strategic importance of oil to the United States.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2017

Mr. ENGEL (for himself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend chapter 329 of title 49, United States Code, to ensure that new vehicles enable fuel competition so as to reduce the strategic importance of oil to the United States.

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 Act of
5 2017”.

1 **SEC. 2. OPEN FUEL REQUIREMENT FOR MOTOR VEHICLES.**

2 Chapter 329 of title 49, United States Code, is
3 amended by inserting after section 32905 the following
4 new section:

5 **“§ 32905A. Open fuel requirement for motor vehicles.**

6 “(a) REQUIREMENTS.—Except as provided in sub-
7 section (c), each manufacturer’s fleet of covered vehicles
8 for a particular model year shall be comprised of—

9 “(1) not less than 50 percent qualified vehicles
10 beginning in model year 2020; and

11 “(2) not less than 80 percent qualified vehicles
12 beginning in model year 2021 and each subsequent
13 year.

14 “(b) ADDITIONAL DEFINITIONS.—As used in this
15 section—

16 “(1) the term ‘covered vehicle’ means a pas-
17 senger automobile, and includes a light-duty motor
18 vehicle;

19 “(2) the term ‘qualified vehicle’ means covered
20 vehicle that—

21 “(A) has been warranted by its manufac-
22 turer to operate on natural gas, hydrogen, or
23 biodiesel;

24 “(B) is a flexible fuel vehicle;

25 “(C) is a plug-in electric drive vehicle;

1 “(D) is propelled solely by a fuel cell that
2 produces power without the use of petroleum or
3 a petroleum-based fuel; or

4 “(E) is propelled solely by something other
5 than an internal combustion engine, and pro-
6 duces power without the use of petroleum or a
7 petroleum-based fuel;

8 “(3) the term ‘flexible fuel vehicle’ means a ve-
9 hicle that has been warranted by its manufacturer to
10 operate on gasoline, E85, and M85;

11 “(4) the term ‘E85’ means a fuel mixture con-
12 taining up to 85 percent ethanol and meets the
13 standards of ASTM D5798;

14 “(5) the term ‘M85’ means a fuel mixture con-
15 taining up to 85 percent methanol and meets the
16 standards of ASTM D5797;

17 “(6) the term ‘biodiesel’ means diesel fuel which
18 has been produced from a non-petroleum feedstock
19 and which meets the standards of ASTM D6751–03;

20 “(7) the term ‘plug-in electric drive vehicle’ has
21 the meaning given such term in section 508(a)(5) of
22 the Energy Policy Act of 1992 (42 U.S.C.
23 13258(a)(5)); and

24 “(8) the term ‘light-duty motor vehicle’ means
25 a light-duty truck or light-duty vehicle as such terms

1 are defined in section 216(7) of the Clean Air Act
2 (42 U.S.C. 7550(7)) of less than or equal to 8,500
3 pounds gross vehicle weight rating.

4 “(c) TEMPORARY EXEMPTION FROM REQUIRE-
5 MENTS.—

6 “(1) APPLICATION.—A manufacturer may re-
7 quest an exemption from the requirement described
8 in subsection (a) by submitting an application to the
9 Secretary, at such time, in such manner, and con-
10 taining such information as the Secretary may re-
11 quire by regulation. Each such application shall
12 specify the models, lines, and types of automobiles
13 affected.

14 “(2) EVALUATION.—After evaluating an appli-
15 cation received from a manufacturer, the Secretary
16 may at any time, under such terms and conditions,
17 and to such extent as the Secretary considers appro-
18 priate, temporarily exempt, or renew the exemption
19 of, a light-duty motor vehicle from the requirement
20 described in subsection (a) if the Secretary deter-
21 mines that unavoidable events not under the control
22 of the manufacturer prevent the manufacturer of
23 such automobile from meeting its required produc-
24 tion volume of qualified automobiles, including—

1 “(A) a disruption in the supply of any
2 component required for compliance with the
3 regulations; or

4 “(B) a disruption in the use and installa-
5 tion by the manufacturer of such component.

6 “(3) CONSOLIDATION.—The Secretary may
7 consolidate applications received from multiple man-
8 ufacturers under subparagraph (A) if they are of a
9 similar nature.

10 “(4) CONDITIONS.—Any exemption granted
11 under paragraph (2) shall be conditioned upon the
12 manufacturer’s commitment to recall the exempted
13 automobiles for installation of the omitted compo-
14 nents within a reasonable time proposed by the man-
15 ufacturer and approved by the Secretary after such
16 components become available in sufficient quantities
17 to satisfy both anticipated production and recall vol-
18 ume requirements.

19 “(5) NOTICE.—The Secretary shall publish in
20 the Federal Register—

21 “(A) notice of each application received
22 from a manufacturer;

23 “(B) notice of each decision to grant or
24 deny a temporary exemption; and

1 “(C) the reasons for granting or denying
2 such exemptions.

3 “(d) RULEMAKING.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary shall promul-
5 gate regulations as necessary to carry out this section.”.

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