

112TH CONGRESS  
1ST SESSION

# H. R. 1687

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2011

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

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## 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 Standard  
5       Act of 2011”.

1 **SEC. 2. OPEN FUEL STANDARD 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 standard 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 2014;

11 “(2) not less than 80 percent qualified vehicles  
12 beginning in model year 2016; and

13 “(3) not less than 95 percent qualified vehicles  
14 beginning in model year 2017 and each subsequent  
15 year.

16 “(b) ADDITIONAL DEFINITIONS.—As used in this  
17 section—

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

21 “(2) the term ‘qualified vehicle ’ means covered  
22 vehicle that—

23 “(A) has been warranted by its manufac-  
24 turer to operate solely on natural gas, hydro-  
25 gen, or biodiesel;

26 “(B) is a flexible fuel vehicle;

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

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

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

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

12           “(4) the term ‘E85’ means a fuel mixture con-  
13 taining 85 percent ethanol and 15 percent gasoline  
14 by volume;

15           “(5) the term ‘M85’ means a fuel mixture con-  
16 taining 85 percent methanol and 15 percent gasoline  
17 by volume;

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

21           “(7) the term ‘plug-in electric drive vehicle’ has  
22 the meaning given such term in section 508(a)(5) of  
23 the Energy Policy Act of 1992 (42 U.S.C.  
24 13258(a)(5)); and

1           “(8) the term ‘light-duty motor vehicle’ means  
2 a light-duty truck or light-duty vehicle as such terms  
3 are defined in section 216(7) of the Clean Air Act  
4 (42 U.S.C. 7550(7)) of less than or equal to 8,500  
5 pounds gross vehicle weight rating.

6           “(c) TEMPORARY EXEMPTION FROM REQUIRE-  
7 MENTS.—

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

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

1 such automobile from meeting its required produc-  
2 tion volume of qualified automobiles, including—

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

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

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

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

21 “(5) NOTICE.—The Secretary shall publish in  
22 the Federal Register—

23 “(A) notice of each application received  
24 from a manufacturer;

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

3                   “(C) the reasons for granting or denying  
4                   such exemptions.

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

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