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(Original Signature of Member)

109TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To require that an increasing percentage of new automobiles be dual fueled automobiles, to revise the method for calculating corporate average fuel economy for such vehicles, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. MARKEY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To require that an increasing percentage of new automobiles be dual fueled automobiles, to revise the method for calculating corporate average fuel economy for such vehicles, 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 “Fuel Security and Con-  
5 sumer Choice Act”.



1 **SEC. 2. REQUIREMENT TO MANUFACTURER DUAL FUELED**  
2 **AUTOMOBILES.**

3 (a) REQUIREMENT.—

4 (1) IN GENERAL.—Chapter 329 of title 49,  
5 United States Code, is amended by inserting after  
6 section 32902 the following:

7 **“§ 32902A. Requirement to manufacture dual fueled**  
8 **automobiles**

9 “(a) REQUIREMENT.—

10 “(1) IN GENERAL.—Each manufacturer of new  
11 automobiles that are capable of operating on gaso-  
12 line or diesel fuel shall ensure that the percentage of  
13 such automobiles, manufactured in any model year  
14 beginning not less than 18 months after the date of  
15 enactment of this section and distributed in com-  
16 merce for sale in the United States, which are dual  
17 fueled automobiles is equal to not less than the ap-  
18 plicable percentage set forth in the following table:

<b>“For each of the following model years:</b>	<b>The percentage of dual fueled auto- mobiles manufactured shall be not less than:</b>
year 1 .....	10
year 2 .....	20
year 3 .....	30
year 4 .....	40
year 5 .....	50
year 6 .....	60
year 7 .....	70
year 8 .....	80
year 9 .....	90



year 10 and beyond ..... 100.

1 “(2) MODEL YEARS.—For purposes of the table  
2 under paragraph (1)—

3 “(A) the term ‘year 1’ means the first  
4 model year beginning not less than 18 months  
5 after the date of enactment of this section;

6 “(B) the term ‘year 2’ means the model  
7 year immediately following the model year de-  
8 scribed in subparagraph (A);

9 “(C) the term ‘year 3’ means the model  
10 year immediately following the model year de-  
11 scribed in subparagraph (B);

12 “(D) the term ‘year 4’ means the model  
13 year immediately following the model year de-  
14 scribed in subparagraph (C);

15 “(E) the term ‘year 5’ means the model  
16 year immediately following the model year de-  
17 scribed in subparagraph (D);

18 “(F) the term ‘year 6’ means the model  
19 year immediately following the model year de-  
20 scribed in subparagraph (E);

21 “(G) the term ‘year 7’ means the model  
22 year immediately following the model year de-  
23 scribed in subparagraph (F);



1           “(H) the term ‘year 8’ means the model  
2           year immediately following the model year de-  
3           scribed in subparagraph (G);

4           “(I) the term ‘year 9’ means the model  
5           year immediately following the model year de-  
6           scribed in subparagraph (H); and

7           “(J) the term ‘year 10’ means the model  
8           year immediately following the model year de-  
9           scribed in subparagraph (I).

10          “(b) PRODUCTION CREDITS FOR EXCEEDING FLEXI-  
11          BLE FUEL AUTOMOBILE PRODUCTION REQUIREMENT.—

12           “(1) EARNING AND PERIOD FOR APPLYING  
13          CREDITS.—If the number of dual fueled automobiles  
14          manufactured by a manufacturer in a particular  
15          model year exceeds the number required under sub-  
16          section (a), the manufacturer earns credits under  
17          this section, which may be applied to any of the 3  
18          consecutive model years immediately after the model  
19          year for which the credits are earned.

20           “(2) TRADING CREDITS.—A manufacturer that  
21          has earned credits under paragraph (1) may sell  
22          credits to another manufacturer to enable the pur-  
23          chaser to meet the requirement under subsection  
24          (a).”.



1           (2) **TECHNICAL AMENDMENT.**—The table of  
2 sections for chapter 329 of title 49, United States  
3 Code, is amended by inserting after the item relating  
4 to section 32902 the following:

“32902A. Requirement to manufacture dual fueled automobiles”.

5           (b) **ACTIVITIES TO PROMOTE THE USE OF CERTAIN**  
6 **ALTERNATIVE FUELS.**—The Secretary of Transportation  
7 shall carry out activities to promote the use of fuel mix-  
8 tures containing gasoline or diesel fuel and 1 or more al-  
9 ternative fuels, including a mixture containing at least 85  
10 percent of methanol, denatured ethanol, and other alcohols  
11 by volume with gasoline or other fuels, to power auto-  
12 mobiles in the United States.

13 **SEC. 3. MANUFACTURING INCENTIVES FOR DUAL FUELED**  
14 **AUTOMOBILES.**

15           Section 32905(b) of title 49, United States Code, is  
16 amended—

17           (1) by redesignating paragraphs (1) and (2) as  
18 subparagraphs (A) and (B), respectively;

19           (2) by inserting “(1)” before “Except”;

20           (3) by striking “model years 1993–2010” and  
21 inserting “model year 1993 through the first model  
22 year beginning not less than 18 months after the  
23 date of enactment of the Fuel Security and Con-  
24 sumer Choice Act”; and

25           (4) by adding at the end the following:



1           “(2) Except as provided in paragraph (5) of  
2 this subsection, subsection (d) of this section, or sec-  
3 tion 32904(a)(2) of this title, the Administrator  
4 shall measure the fuel economy for each model of  
5 dual fueled automobiles manufactured by a manufac-  
6 turer in the first model year beginning not less than  
7 30 months after the date of enactment of the Fuel  
8 Security and Consumer Choice Act by dividing 1.0  
9 by the sum of—

10           “(A) 0.7 divided by the fuel economy  
11 measured under section 32904(c) of this title  
12 when operating the model on gasoline or diesel  
13 fuel; and

14           “(B) 0.3 divided by the fuel economy  
15 measured under subsection (a) when operating  
16 the model on alternative fuel.

17           “(3) Except as provided in paragraph (5) of  
18 this subsection, subsection (d) of this section, or sec-  
19 tion 32904(a)(2) of this title, the Administrator  
20 shall measure the fuel economy for each model of  
21 dual fueled automobiles manufactured by a manufac-  
22 turer in the first model year beginning not less than  
23 42 months after the date of enactment of the Fuel  
24 Security and Consumer Choice Act by dividing 1.0  
25 by the sum of—



1           “(A) 0.9 divided by the fuel economy  
2           measured under section 32904(c) of this title  
3           when operating the model on gasoline or diesel  
4           fuel; and

5           “(B) 0.1 divided by the fuel economy  
6           measured under subsection (a) when operating  
7           the model on alternative fuel.

8           “(4) Except as provided in subsection (d) of  
9           this section, or section 32904(a)(2) of this title, the  
10          Administrator shall measure the fuel economy for  
11          each model of dual fueled automobiles manufactured  
12          by a manufacturer in each model year beginning not  
13          less than 54 months after the date of enactment of  
14          the Fuel Security and Consumer Choice Act in ac-  
15          cordance with section 32904(c) of this title.

16          “(5) Notwithstanding paragraphs (2) through  
17          (4) of this subsection, the fuel economy for all dual  
18          fueled automobiles manufactured to comply with the  
19          requirements under section 32902A(a) of this title,  
20          including automobiles for which dual fueled auto-  
21          mobile credits have been used or traded under sec-  
22          tion 32902A(b) of this title, shall be measured in ac-  
23          cordance with section 32904(c) of this title.”.

