

**AMENDMENT**

**OFFERED BY MR. MELANCON OF LOUISIANA**

At the end of subtitle C of title I, add the following:

1) **SEC. 128. INTRODUCTION OF HIGHER ETHANOL BLENDS**  
2 **INTO COMMERCE.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **MID-LEVEL ETHANOL BLEND.**—The term  
5 “mid-level ethanol blend” means an ethanol-gasoline  
6 blend containing greater than 10 percent ethanol by  
7 volume that is intended to be used in any conven-  
8 tional gasoline-powered onroad or nonroad vehicle or  
9 engine.

10 (2) **WIDESPREAD USE.**—The term “widespread  
11 use”, with respect to the use of a particular fuel,  
12 system, or component in an onroad or nonroad vehi-  
13 cle or nonroad engine, has such meaning as is given  
14 the term by the Administrator in accordance with  
15 the determination of the Administrator under section  
16 202(a)(6) of the Clean Air Act (42 U.S.C.  
17 7521(a)(6)) .

18 (b) **INTRODUCTION OF HIGHER ETHANOL BLENDS**  
19 **INTO COMMERCE.**—Notwithstanding any other provision  
20 of law, the Administrator may permit or authorize the in-

1 troduction into commerce of a mid-level ethanol blend for  
2 use in conventional gasoline-powered onroad and nonroad  
3 vehicles and nonroad engines only if—

4 (1) not later than 1 year after the date of en-  
5 actment of this Act, the Science Advisory Board of  
6 the Environmental Protection Agency, after oppor-  
7 tunity for public comment and an analysis of avail-  
8 able independent scientific evidence, submits to the  
9 Administrator, and the Administrator provides for  
10 notice and a public comment for a period of not less  
11 than 30 days on, a report that describes—

12 (A)(i) the impact of the mid-level ethanol  
13 blend on engine performance of conventional  
14 gasoline-powered onroad and nonroad vehicles  
15 and nonroad engines;

16 (ii) emissions from the use of the blend;  
17 and

18 (iii) materials compatibility and consumer  
19 safety issues associated with the use of those  
20 blends (including the identification of insuffi-  
21 cient data or information for some or all of  
22 those vehicles and engines with respect to each  
23 of issues described in this clause and clauses (i)  
24 and (ii));

1 (B) the ability of wholesale and retail gaso-  
2 line distribution infrastructure, including bulk  
3 storage, retail storage configurations, and retail  
4 equipment (including certification of equipment  
5 compatibility by independent organizations), to  
6 introduce the mid-level ethanol blend into com-  
7 merce without consumer confusion or  
8 misfueling; and

9 (C) the estimated ability of consumers, de-  
10 termined through separate reviews of popu-  
11 lations in rural areas and of areas with popu-  
12 lations greater than 50,000 individuals, to pur-  
13 chase gasoline other than that mid-level ethanol  
14 blend—

15 (i) in metropolitan areas having popu-  
16 lations greater than 50,000 individuals  
17 throughout the United States; and

18 (ii) in all areas of the United States,  
19 by the date that is 5 years after the mid-  
20 level ethanol blend is introduced into com-  
21 merce;

22 (2)(A) the permit or authorization is granted  
23 through the fuels and fuel additives waiver process  
24 under section 211(f)(4) of the Clean Air Act (42  
25 U.S.C. 7545(f)(4)) after the close of the public com-

1       ment period on the report required under paragraph  
2       (1); and

3               (B) the Administrator formally responds to the  
4       recommendations of the Science Advisory Board in  
5       the waiver announcement; and

6               (3)(A) the mid-level ethanol blend is introduced  
7       into commerce for general use in all conventional  
8       gasoline-powered onroad and nonroad vehicles and  
9       nonroad engines in widespread use as of the date on  
10      which the Administrator authorizes that introduc-  
11      tion; or

12              (B) the Administrator can certify that—

13                      (i) as of that date, there is no reasonable  
14                      likelihood that sufficient quantities of gasoline  
15                      containing not more than 10 percent ethanol by  
16                      volume will be unavailable to all consumers with  
17                      conventional gasoline-powered onroad and  
18                      nonroad vehicles and nonroad engines in wide-  
19                      spread use as during the useful life of the vehi-  
20                      cles and engines; and

21                      (ii) there is no reasonable likelihood of con-  
22                      sumer misfueling as a result of authorizing the  
23                      introduction of mid-level ethanol into commerce.

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