

109TH CONGRESS
1ST SESSION

S. 1609

To increase the production and use of biofuels and diversify biofuel feedstock as key elements to achieving energy independence for the United States.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2005

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To increase the production and use of biofuels and diversify biofuel feedstock as key elements to achieving energy independence for 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 “20/20 Biofuels Chal-
5 lenge Act of 2005”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

1 (2) ALTERNATIVE FUEL.—The term “alter-
2 native fuel” has the meaning given the term in sec-
3 tion 301 of the Energy Policy Act of 1992 (42
4 U.S.C. 13211).

5 (3) CELLULOSIC BIOMASS ETHANOL.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), the term “cellulosic biomass eth-
8 anol” means alternative fuels and blending
9 components for alternative fuels that are de-
10 rived from cellulosic biomass feedstocks and re-
11 main substantially in the liquid phase at room
12 temperature and atmospheric pressure.

13 (B) EXCEPTION.—If a liquid alternative
14 fuel contains components that are not derived
15 from cellulosic biomass feedstocks, only the por-
16 tion of any such fuels or fuel blending compo-
17 nents that is derived from cellulosic biomass
18 feedstocks shall be considered applicable.

19 (4) CELLULOSIC BIOMASS FEEDSTOCK.—The
20 term “cellulosic biomass feedstock” means fuel de-
21 rived from—

22 (A) any lignocellulosic or hemicellulosic
23 matter that is derived from organic material of
24 a plant that is planted for the purpose of pro-
25 ducing energy (except a plant produced on land

1 enrolled in the conservation reserve program es-
2 tablished under subchapter B of chapter 1 of
3 subtitle D of title XII of the Food Security Act
4 of 1985 (16 U.S.C. 3831 et seq.), if harvesting
5 the plant would be inconsistent with the pur-
6 poses of the program); or

7 (B) nonhazardous lignocellulosic or
8 hemicellulosic matter that is segregated from
9 other waste materials and is derived from—

10 (i) trees and other plant matter re-
11 moved from the immediate vicinity of
12 homes, other occupied structures, or essen-
13 tial community infrastructure;

14 (ii) precommercial thinning, slash, or
15 brush (except thinning, slash, or brush
16 from old growth forests or publicly-owned
17 roadless areas);

18 (iii) an agricultural crop, a crop by-
19 product, or a residue resource (except a
20 plant produced on land enrolled in the con-
21 servation reserve program, if harvesting
22 the plant would be inconsistent with the
23 purposes of the program); or

1 (iv) miscellaneous waste (such as
2 landscape or right-of-way tree trimmings),
3 not including—

4 (I) recyclable postconsumer waste
5 paper, including such paper in munic-
6 ipal solid waste;

7 (II) painted, treated, or pressur-
8 ized wood; or

9 (III) wood that is contaminated
10 by plastic or metal.

11 (5) RENEWABLE FUEL.—

12 (A) IN GENERAL.—The term “renewable
13 fuel” means motor vehicle fuel that—

14 (i)(I) is produced from grain, starch,
15 oilseeds, or other biomass; or

16 (II) is natural gas produced from a
17 biogas source, including a landfill, sewage
18 waste treatment plant, feedlot, or other
19 place where decaying organic material is
20 found; and

21 (ii) is used to replace or reduce the
22 quantity of fossil fuel present in a fuel
23 mixture used to operate a motor vehicle.

24 (B) INCLUSION.—The term “renewable
25 fuel” includes—

- 1 (i) biodiesel, as defined in section
2 312(f) of the Energy Policy Act of 1992
3 (42 U.S.C. 13220(f));
4 (ii) cellulosic biomass ethanol;
5 (iii) waste derived ethanol; and
6 (iv) any blending components derived
7 from renewable fuel, except that only the
8 renewable fuel portion of any such blend-
9 ing component shall be considered part of
10 the applicable volume under the renewable
11 fuel program established by this Act.

12 (6) WASTE DERIVED ETHANOL.—The term
13 “waste derived ethanol” means ethanol derived
14 from—

- 15 (A) animal wastes, including poultry fats
16 and poultry wastes, and other waste materials;
17 or
18 (B) municipal solid waste.

19 **SEC. 3. RENEWABLE FUEL STANDARD.**

20 (a) RENEWABLE FUEL PROGRAM.—

21 (1) IN GENERAL.—

22 (A) REGULATIONS.—Not later than 1 year
23 after the date of enactment of this Act, the Ad-
24 ministrator shall promulgate regulations ensur-
25 ing that motor vehicle fuel sold or dispensed to

1 consumers in the contiguous United States, on
 2 an annual average basis, contains the applicable
 3 volume of renewable fuel specified in subsection
 4 (b).

5 (B) COMPLIANCE.—Regardless of the date
 6 of promulgation, the regulations shall contain
 7 compliance provisions for refiners, blenders, and
 8 importers, as appropriate, to ensure that the re-
 9 quirements of this subsection are met, unless
 10 the Administrator determines compliance will
 11 violate the Clean Air Act (42 U.S.C. 7401 et
 12 seq.).

13 (b) APPLICABLE VOLUME.—

14 (1) CALENDAR YEARS 2006 THROUGH 2020.—
 15 For the purpose of subsection (a), the applicable vol-
 16 ume for each of calendar years 2006 through 2020
 17 shall be determined in accordance with the following
 18 table:

Calendar year:	(In billions of gal- lons):
2006	4
2008	5
2010	7
2010	9
2014	12
2016	15
2018	18
2020	20.

1 “(A) any mixture of ethanol with gasoline
2 for a gasoline powered vehicle; or

3 “(B) any mixture of biodiesel by volume
4 with fossil-based diesel fuel for a diesel powered
5 vehicle.

6 “(2) VEHICLE.—The term ‘vehicle’ includes—

7 “(A) a passenger automobile;

8 “(B) an automobile capable of off-highway
9 operation as defined in section 523.5 of title 49,
10 Code of Federal Regulations (or any successor
11 regulation);

12 “(C) a light truck, as defined in section
13 523.5 of title 49, Code of Federal Regulations
14 (or any successor regulation);

15 “(D) a heavy vehicle, including trucks used
16 for shipping; and

17 “(E) a large farm implement that operates
18 on either gasoline or diesel fuels.

19 “(3) WATER TRANSPORTATION.—

20 “(A) IN GENERAL.—The term ‘water
21 transportation’ includes those vehicles used pri-
22 marily in the transportation of people, goods,
23 and services over significant distances and in-
24 cludes—

1 “(i) public and commercial waterborne
2 ferrys; and

3 “(ii) barges whose primary use is the
4 transport of goods and services related to
5 interstate and international commerce.

6 “(B) EXCLUSION.—The term ‘water trans-
7 portation’ does not include watercraft the pri-
8 mary use of which is for personal recreational
9 benefit.

10 “(b) REQUIREMENT.—Personal and commercial land
11 and water transportation and shipping vehicles and vessels
12 and large farm equipment manufactured after model year
13 2010 and capable of operating on either gasoline or diesel
14 fuel shall also be capable of operating on a flexible fuel
15 mixture.

16 “(c) CONSUMER INFORMATION.—The Secretary of
17 Transportation shall prescribe regulations that require the
18 vehicle or vessel manufacturer—

19 “(1) to prominently display a permanent badge
20 or emblem on the vehicle indicating the vehicle is ca-
21 pable of operating on a flexible fuel mixture; and

22 “(2) to include in the owner’s manual of each
23 vehicle information describing—

24 “(A) the capability of the engine to operate
25 using a flexible fuel mixture; and

1 “(B) the benefits of using a flexible fuel
2 mixture, including the renewable nature, the in-
3 creased fuel efficiency, and the environmental
4 benefits of using flexible fuels.”.

5 (b) CONFORMING AMENDMENT.—The chapter anal-
6 ysis for chapter 329 of title 49, United States Code, is
7 amended by inserting after the item relating to section
8 32902 the following:

 “32902A. Requirement to equip gasoline and diesel powered vehicles to use al-
 ternative biofuels.”.

9 **SEC. 6. FEEDSTOCK DIVERSIFICATION.**

10 (a) CROP DIVERSIFICATION.—

11 (1) IN GENERAL.—The Secretary of Agriculture
12 shall support development of cellulosic feedstock by
13 directing that erosion preventing, renewable fuel pro-
14 ducing crops (including switchgrass and short rota-
15 tion woody crops) be grown, where possible, on the
16 35,000,000 acres of arable land in the conservation
17 reserve program established under subchapter B of
18 chapter 1 of subtitle D of title XII of the Food Se-
19 curity Act of 1985 (16 U.S.C. 3831 et seq.).

20 (2) STUDY.—The Secretary of Agriculture shall
21 conduct a study to determine the impact of pro-
22 ducing crops necessary for annual biofuel production
23 levels of 20,000,000,000 gallons on land and on the

1 cost and production of food, forest products, and
2 livestock feed.

3 (b) RESEARCH AND DEVELOPMENT.—

4 (1) DEPARTMENT OF AGRICULTURE.—

5 (A) CELLULOSIC-BASED ETHANOL FEED-
6 STOCK.—

7 (i) IN GENERAL.—The Secretary of
8 Agriculture (referred to in this paragraph
9 as the “Secretary”) shall carry out an inte-
10 grated 10-year research program to im-
11 prove crop productivity and cost for cel-
12 lulosic-based ethanol feedstock.

13 (ii) PLAN.—Not later than September
14 30, 2006, the Secretary shall submit to
15 Congress a 10-year technology roadmap
16 and comprehensive 5-year research and de-
17 velopment plan that includes—

18 (I) a description of ongoing work
19 within the Department of Agriculture
20 and other Federal agencies;

21 (II) recommendations for accel-
22 eration of current work considered to
23 support the plan; and

1 (III) a description of new work
2 necessary to accomplish plan goals
3 and objectives.

4 (iii) ANNUAL REPORT.—Beginning on
5 September 30, 2008, and not later than
6 September 30 of each subsequent year, the
7 Secretary shall submit to Congress a re-
8 port that—

9 (I) summarizes accomplishments
10 and progress made in the 5-year plan;
11 and

12 (II) describes any revisions to the
13 plan or the technology roadmap.

14 (B) BIODIESEL FEEDSTOCK.—

15 (i) IN GENERAL.—The Secretary shall
16 carry out an integrated 10-year research
17 program to improve crop diversity, produc-
18 tivity, and cost for biodiesel feedstock.

19 (ii) PLAN.—Not later than September
20 30, 2006, the Secretary shall submit to
21 Congress a 10-year technology roadmap
22 and comprehensive 5-year research and de-
23 velopment plan that includes—

1 (I) a description of regional feed-
2 stocks enabling near market produc-
3 tion of biodiesel;

4 (II) a description of ongoing
5 work within the Department of Agri-
6 culture and other Federal agencies;

7 (III) recommendations for accel-
8 eration of current work considered to
9 support the plan; and

10 (IV) a description of new work
11 necessary to accomplish plan goals
12 and objectives.

13 (iii) ANNUAL REPORT.—Beginning on
14 September 30, 2008, and not later than
15 September 30 of each subsequent year, the
16 Secretary shall submit to Congress a re-
17 port that—

18 (I) summarizes accomplishments
19 and progress made in the 5-year plan;
20 and

21 (II) describes any revisions to the
22 plan or the technology roadmap.

23 (2) DEPARTMENT OF ENERGY.—

24 (A) CELLULOSIC FEEDSTOCK.—

1 (i) IN GENERAL.—The Secretary of
2 Energy (referred to in this paragraph as
3 the “Secretary”) shall carry out an 8-year
4 research and development plan to signifi-
5 cantly improve processes for converting cel-
6 lulosic feedstock into ethanol production.

7 (ii) PLAN.—Not later than September
8 30, 2006, the Secretary shall submit to
9 Congress a report describing the plan.

10 (iii) ANNUAL REPORT.—Beginning on
11 September 30, 2008, and not later than
12 September 30 of each subsequent year, the
13 Secretary shall submit to Congress a re-
14 port that—

15 (I) summarizes accomplishments
16 and progress made in the 8-year plan;
17 and

18 (II) describes any revisions to the
19 plan or the technology roadmap.

20 (B) BIODIESEL FEEDSTOCK.—

21 (i) IN GENERAL.—The Secretary shall
22 carry out an 8-year research and develop-
23 ment plan to significantly improve proc-
24 esses for converting biodiesel feedstock into
25 biodiesel fuel.

1 (ii) PLAN.—Not later than September
2 30, 2006, the Secretary shall submit to
3 Congress a report describing the plan.

4 (iii) ANNUAL REPORT.—Beginning on
5 September 30, 2008, and not later than
6 September 30 of each subsequent year, the
7 Secretary shall submit to Congress a re-
8 port that—

9 (I) summarizes accomplishments
10 and progress made in the 8-year plan;
11 and

12 (II) describes any revisions to the
13 plan or the technology roadmap.

14 (3) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to carry out
16 each of subparagraphs (A) and (B) of paragraph (1)
17 and each of subparagraphs (A) and (B) of para-
18 graph (2) \$50,000,000 for each of fiscal years 2006
19 through 2010.

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