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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R.

To amend the Clean Air Act to eliminate certain requirements under the renewable fuel program, to prohibit the Administrator of the Environmental Protection Agency from approving the introduction into commerce of gasoline that contains greater than 10-volume-percent ethanol, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GOODLATTE introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Clean Air Act to eliminate certain requirements under the renewable fuel program, to prohibit the Administrator of the Environmental Protection Agency from approving the introduction into commerce of gasoline that contains greater than 10-volume-percent ethanol, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “RFS Reform Act of
3 2015”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—RENEWABLE FUEL STANDARD AMENDMENTS

- Sec. 101. Amendments to the Clean Air Act.
- Sec. 102. Cellulosic biofuel requirement based on actual production.
- Sec. 103. Applicability and regulations.

TITLE II—GASOLINE CONTAINING GREATER THAN 10-VOLUME-
PERCENT ETHANOL

- Sec. 201. Prohibition of gasoline blends with greater than 10-volume-percent ethanol.
- Sec. 202. Prohibition of waivers.
- Sec. 203. Misfueling rule.

6 **TITLE I—RENEWABLE FUEL**
7 **STANDARD AMENDMENTS**

8 **SEC. 101. AMENDMENTS TO THE CLEAN AIR ACT.**

9 (a) REVISED DEFINITION OF RENEWABLE FUEL.—

10 (1) IN GENERAL.—Section 211(o)(1)(J) of the
11 Clean Air Act (42 U.S.C. 7545(o)(1)(J)) is amended
12 to read as follows:

13 “(J) RENEWABLE FUEL.—The term ‘re-
14 newable fuel’ means fuel that—

15 “(i) is produced from renewable bio-
16 mass;

1 “(ii) is used to replace or reduce the
2 quantity of fossil fuel present in a trans-
3 portation fuel; and

4 “(iii) beginning on January 1, 2015,
5 is advanced biofuel.”.

6 (2) CONFORMING AMENDMENT.—Section
7 211(o)(1)(B)(i) of the Clean Air Act (42 U.S.C.
8 7545(o)(1)(B)(i)) is amended by striking “renewable
9 fuel” and inserting “fuel described in clauses (i) and
10 (ii) of subparagraph (J)”.

11 (b) APPLICABLE VOLUMES.—Section 211(o)(2)(B)(i)
12 of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)(i)) is
13 amended—

14 (1) in the table in subclause (I)—

15 (A) by striking “20.5” and inserting
16 “5.5”;

17 (B) by striking “22.25” and inserting
18 “7.25”;

19 (C) by striking “24.0” and inserting
20 “9.0”;

21 (D) by striking “26.0” and inserting
22 “11.0”;

23 (E) by striking “28.0” and inserting
24 “13.0”;

1 (F) by striking “30.0” and inserting
2 “15.0”;

3 (G) by striking “33.0” and inserting
4 “18.0”; and

5 (H) by striking “36.0” and inserting
6 “21.0”;

7 (2) in subclause (II)—

8 (A) in the matter preceding the table, by
9 striking “2022” and inserting “2014”; and

10 (B) in the table, by striking the items re-
11 lating to calendars years 2015 through 2022;

12 (3) in subclause (III), by striking “of the vol-
13 ume of advanced biofuel required under subclause
14 (II)” and inserting “of the volume of advanced
15 biofuel required for calendar years 2010 through
16 2014 under subclause (II), as in effect on the day
17 before the date of enactment of the Renewable Fuel
18 Standard Amendments Act, and of the volume of re-
19 newable fuel required for calendar years 2015
20 through 2022 under the subclause (I)”; and

21 (4) in subclause (IV), by inserting “, as in ef-
22 fect on the day before the date of enactment of the
23 Renewable Fuel Standard Amendments Act” after
24 “of the volume of advanced biofuel required under
25 subclause (II)”.

1 (c) CONFORMING AMENDMENTS.—

2 (1) OTHER CALENDAR YEARS.—Section
3 211(o)(2)(B) of the Clean Air Act (42 U.S.C.
4 7545(o)(2)(B)) is amended—

5 (A) in clause (ii)(III), by striking “ad-
6 vanced biofuels in each category (cellulosic
7 biofuel and biomass-based diesel)” and insert-
8 ing “cellulosic biofuel and biomass-based die-
9 sel”;

10 (B) by striking clause (iii); and

11 (C) by redesignating clauses (iv) and (v) as
12 clauses (iii) and (iv), respectively.

13 (2) APPLICABLE PERCENT REDUCTION
14 LEVEL.—Section 211(o)(4) of the Clean Air Act (42
15 U.S.C. 7545(o)(4)) is amended—

16 (A) in subparagraph (E), by striking “20,
17 50, or 60 percent reduction levels” and insert-
18 ing “applicable percent reduction level”; and

19 (B) in subparagraph (F), by inserting “(if
20 applicable)” after “(2)(A)(i)”.

21 (3) WAIVERS.—Section 211(o)(7) of the Clean
22 Air Act (42 U.S.C. 7545(o)(7)) is amended—

23 (A) in subparagraph (D)(i), by inserting “,
24 if such year is before 2015,” before “advanced
25 biofuels”; and

1 (B) in subparagraph (E)(ii), by inserting
2 “, if such year is before 2015,” before “ad-
3 vanced biofuels”.

4 **SEC. 102. CELLULOSIC BIOFUEL REQUIREMENT BASED ON**
5 **ACTUAL PRODUCTION.**

6 (a) PROVISION OF ESTIMATE OF VOLUMES OF CEL-
7 LULOSIC BIOFUEL.—Section 211(o)(3)(A) of the Clean
8 Air Act (42 U.S.C. 7545(o)(3)(A)) is amended—

9 (1) by inserting “(i)” before “Not later than”;
10 and

11 (2) by adding at the end the following new
12 clause:

13 “(ii)(I) In determining any estimate under
14 clause (i), with respect to the following calendar
15 year, of the projected volume of cellulosic
16 biofuel production (as described in paragraph
17 (7)(D)(i)), the Administrator of the Energy In-
18 formation Administration shall—

19 “(aa) for each cellulosic biofuel
20 production facility that is producing
21 (and continues to produce) cellulosic
22 biofuel during the period of January 1
23 through October 31 of the calendar
24 year in which the estimate is made (in

1 this clause referred to as the ‘current
2 calendar year’)—

3 “(AA) determine the average
4 monthly volume of cellulosic
5 biofuel produced by such facility,
6 based on the actual volume pro-
7 duced by such facility during
8 such period; and

9 “(BB) based on such aver-
10 age monthly volume of produc-
11 tion, determine the estimated
12 annualized volume of cellulosic
13 biofuel production for such facil-
14 ity for the current calendar year;
15 and

16 “(bb) for each cellulosic biofuel
17 production facility that begins initial
18 production of (and continues to
19 produce) cellulosic biofuel after Janu-
20 ary 1 of the current calendar year—

21 “(AA) determine the average
22 monthly volume of cellulosic
23 biofuel produced by such facility,
24 based on the actual volume pro-
25 duced by such facility during the

1 period beginning on the date of
2 initial production of cellulosic
3 biofuel by the facility and ending
4 on October 31 of the current cal-
5 endar year; and

6 “(BB) based on such aver-
7 age monthly volume of produc-
8 tion, determine the estimated
9 annualized volume of cellulosic
10 biofuel production for such facil-
11 ity for the current calendar year.

12 “(II) An estimate under clause (i)
13 with respect to the following calendar year
14 of the projected volume of cellulosic biofuel
15 production (as described in paragraph
16 (7)(D)(i)), shall be equal to the total of the
17 estimated annual volumes of cellulosic
18 biofuel production for all cellulosic biofuel
19 production facilities described in subclause
20 (I) for the current calendar year.”.

21 (b) REDUCTION IN APPLICABLE VOLUME.—Section
22 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C.
23 7545(o)(7)(D)(i)), as amended by section 101(c)(3)(A), is
24 further amended by—

1 (1) striking “based on the” and inserting
2 “using the exact”;

3 (2) striking “may also reduce” and inserting
4 “shall also reduce”; and

5 (3) striking “by the same or a lesser volume”
6 and inserting “by the same volume”.

7 **SEC. 103. APPLICABILITY AND REGULATIONS.**

8 The amendments made by this title to section 211(o)
9 of the Clean Air Act (42 U.S.C. 7545(o)) shall apply only
10 with respect to calendar years 2015 and after, except that
11 the Administrator of the Environmental Protection Agen-
12 cy shall promulgate regulations to carry out such amend-
13 ments not later than 1 year after the date of enactment
14 of this Act, and take any steps necessary to ensure such
15 amendments may be carried out for calendar years 2015
16 and after.

17 **TITLE II—GASOLINE CON-**
18 **TAINING GREATER THAN 10-**
19 **VOLUME-PERCENT ETHANOL**

20 **SEC. 201. PROHIBITION OF GASOLINE BLENDS WITH**
21 **GREATER THAN 10-VOLUME-PERCENT ETH-**
22 **ANOL.**

23 Notwithstanding any other provision of law, the Ad-
24 ministrator of the Environmental Protection Agency may
25 not, including by granting a waiver under section

1 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)), au-
2 thorize or otherwise allow the introduction into commerce
3 of gasoline containing greater than 10-volume-percent eth-
4 anol.

5 **SEC. 202. PROHIBITION OF WAIVERS.**

6 (a) IN GENERAL.—Any waiver granted under section
7 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) be-
8 fore the date of enactment of this Act that allows the in-
9 troduction into commerce of gasoline containing greater
10 than 10-volume-percent ethanol for use in motor vehicles
11 shall have no force or effect.

12 (b) CERTAIN WAIVERS.—The waivers described in
13 subsection (a) include the following:

14 (1) The waiver entitled, “Partial Grant and
15 Partial Denial of Clean Air Act Waiver Application
16 Submitted by Growth Energy To Increase the Allow-
17 able Ethanol Content of Gasoline to 15 Percent; De-
18 cision of the Administrator”, 75 Fed. Reg. 68094
19 (November 4, 2010).

20 (2) The waiver entitled, “Partial Grant of
21 Clean Air Act Waiver Application Submitted by
22 Growth Energy To Increase the Allowable Ethanol
23 Content of Gasoline to 15 Percent; Decision of the
24 Administrator”, 76 Fed. Reg. 4662 (January 26,
25 2011).

1 **SEC. 203. MISFUELING RULE.**

2 The portions of the rule entitled, “Regulation to Miti-
3 gate the Misfueling of Vehicles and Engines with Gasoline
4 Containing Greater Than Ten Volume Percent Ethanol
5 and Modifications to the Reformulated and Conventional
6 Gasoline Programs”, 76 Fed. Reg. 44406 (July 25, 2011)
7 to mitigate misfueling shall have no force and effect 60
8 days after the date of enactment of this Act.