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,
SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

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. 203. Misfueling rule.

TITLE I—RENEWABLE FUEL STANDARD AMENDMENTS

SEC. 101. AMENDMENTS TO THE CLEAN AIR ACT.

(a) Revised Definition of Renewable Fuel.—

(1) In General.—Section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) is amended to read as follows:

“(J) Renewable fuel.—The term ‘renewable fuel’ means fuel that—

“(i) is produced from renewable biomass;
“(ii) is used to replace or reduce the quantity of fossil fuel present in a trans-
portation fuel; and

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

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

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

(1) in the table in subclause (I)—

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

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

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

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

(E) by striking “28.0” and inserting “13.0”;
(F) by striking “30.0” and inserting “15.0”; (G) by striking “33.0” and inserting “18.0”; and (H) by striking “36.0” and inserting “21.0”; (2) in subclause (II)— (A) in the matter preceding the table, by striking “2022” and inserting “2014”; and (B) in the table, by striking the items relating to calendars years 2015 through 2022; (3) in subclause (III), by striking “of the volume of advanced biofuel required under subclause (II)” and inserting “of the volume of advanced biofuel required for calendar years 2010 through 2014 under subclause (II), as in effect on the day before the date of enactment of the Renewable Fuel Standard Amendments Act, and of the volume of renewable fuel required for calendar years 2015 through 2022 under the subclause (I)”; and (4) in subclause (IV), by inserting “, as in effect on the day before the date of enactment of the Renewable Fuel Standard Amendments Act” after “of the volume of advanced biofuel required under subclause (II)”.
(c) **CONFORMING AMENDMENTS.**—

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

(A) in clause (ii)(III), by striking “advanced biofuels in each category (cellulosic biofuel and biomass-based diesel)” and inserting “cellulosic biofuel and biomass-based diesel”;

(B) by striking clause (iii); and

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

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

(A) in subparagraph (E), by striking “20, 50, or 60 percent reduction levels” and inserting “applicable percent reduction level”; and

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

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

(A) in subparagraph (D)(i), by inserting “, if such year is before 2015,” before “advanced biofuels”; and
(B) in subparagraph (E)(ii), by inserting “, if such year is before 2015,” before “advanced biofuels”.

SEC. 102. CELLULOSIC BIOFUEL REQUIREMENT BASED ON ACTUAL PRODUCTION.

(a) Provision of Estimate of Volumes of Cellulosic Biofuel.—Section 211(o)(3)(A) of the Clean Air Act (42 U.S.C. 7545(o)(3)(A)) is amended—

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

and

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

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

“(aa) for each cellulosic biofuel production facility that is producing (and continues to produce) cellulosic biofuel during the period of January 1 through October 31 of the calendar year in which the estimate is made (in
this clause referred to as the ‘current calendar year’)—

“(AA) determine the average monthly volume of cellulosic biofuel produced by such facility, based on the actual volume produced by such facility during such period; and

“(BB) based on such average monthly volume of production, determine the estimated annualized volume of cellulosic biofuel production for such facility for the current calendar year; and

“(bb) for each cellulosic biofuel production facility that begins initial production of (and continues to produce) cellulosic biofuel after January 1 of the current calendar year—

“(AA) determine the average monthly volume of cellulosic biofuel produced by such facility, based on the actual volume produced by such facility during the
period beginning on the date of initial production of cellulosic biofuel by the facility and ending on October 31 of the current calendar year; and

“(BB) based on such average monthly volume of production, determine the estimated annualized volume of cellulosic biofuel production for such facility for the current calendar year.

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

(b) REDUCTION IN APPLICABLE VOLUME.—Section 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C. 7545(o)(7)(D)(i)), as amended by section 101(e)(3)(A), is further amended by—
(1) striking “based on the” and inserting “using the exact”;

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

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

SEC. 103. APPLICABILITY AND REGULATIONS.

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

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

SEC. 201. PROHIBITION OF GASOLINE BLENDS WITH GREATER THAN 10-VOLUME-PERCENT ETHANOL.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency may not, including by granting a waiver under section
211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)), authorize or otherwise allow the introduction into commerce of gasoline containing greater than 10-volume-percent ethanol.

SEC. 202. PROHIBITION OF WAIVERS.

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

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

(1) The waiver entitled, “Partial Grant and Partial Denial of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent; Decision of the Administrator”, 75 Fed. Reg. 68094 (November 4, 2010).

(2) The waiver entitled, “Partial Grant of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent; Decision of the Administrator”, 76 Fed. Reg. 4662 (January 26, 2011).
SEC. 203. MISFUELING RULE.

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