

115TH CONGRESS
1ST SESSION

H. R. 1315

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

MARCH 2, 2017

Mr. GOODLATTE (for himself, Mr. WELCH, Mr. WOMACK, Mr. COSTA, Mr. FRANKS of Arizona, Mr. LAMALFA, Mr. BRIDENSTINE, Mr. BROOKS of Alabama, Mr. POSEY, Mr. DENT, Mr. PITTENGER, Mr. MEADOWS, Mr. DEFazio, Mr. ROTHFUS, Mrs. COMSTOCK, Mr. GOSAR, Mr. CHAFFETZ, Mr. HARRIS, Mr. ROE of Tennessee, Mr. SENSENBRENNER, Mr. COLE, Mr. POE of Texas, Mr. LOUDERMILK, Mr. ZELDIN, Mr. PEARCE, Mr. WESTERMAN, Mr. CRAWFORD, Mr. COOPER, Mr. McCAUL, Mr. ALLEN, Mr. BISHOP of Utah, Mr. RICHMOND, Mr. SCHWEIKERT, Mr. AMODEI, Mr. FARENTHOLD, Mr. SESSIONS, Mr. FLEISCHMANN, Mr. BABIN, Mr. GAETZ, Mr. JONES, Mr. WILLIAMS, Mr. BILIRAKIS, and Mr. AUSTIN SCOTT of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “RFS Reform Act of
 5 2017”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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.

8 **TITLE I—RENEWABLE FUEL**
 9 **STANDARD AMENDMENTS**

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

11 (a) REVISED DEFINITION OF RENEWABLE FUEL.—

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

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

17 “(i) is produced from renewable bio-
 18 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, 2017,
 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 “24.0” and inserting
 16 “9.0”;

17 (B) by striking “26.0” and inserting
 18 “11.0”;

19 (C) by striking “28.0” and inserting
 20 “13.0”;

21 (D) by striking “30.0” and inserting
 22 “15.0”;

23 (E) by striking “33.0” and inserting
 24 “18.0”; and

1 (F) by striking “36.0” and inserting
2 “21.0”;

3 (2) in subclause (II)—

4 (A) in the matter preceding the table, by
5 striking “2022” and inserting “2016”; and

6 (B) in the table, by striking the items re-
7 lating to calendar years 2017 through 2022;

8 (3) in subclause (III), by striking “of the vol-
9 ume of advanced biofuel required under subclause
10 (II)” and inserting “of the volume of advanced
11 biofuel required for calendar years 2010 through
12 2016 under subclause (II), as in effect on the day
13 before the date of enactment of the RFS Reform Act
14 of 2017, and of the volume of renewable fuel re-
15 quired for calendar years 2017 through 2022 under
16 subclause (I)”;

17 (4) in subclause (IV), by inserting “, as in ef-
18 fect on the day before the date of enactment of the
19 RFS Reform Act of 2017” after “of the volume of
20 advanced biofuel required under subclause (II)”.

21 (c) CONFORMING AMENDMENTS.—

22 (1) OTHER CALENDAR YEARS.—Section
23 211(o)(2)(B) of the Clean Air Act (42 U.S.C.
24 7545(o)(2)(B)) is amended—

1 (A) in clause (ii)(III), by striking “ad-
 2 vanced biofuels in each category (cellulosic
 3 biofuel and biomass-based diesel)” and insert-
 4 ing “cellulosic biofuel and biomass-based die-
 5 sel”;

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

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

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

12 (A) in subparagraph (E), by striking “20,
 13 50, or 60 percent reduction levels” and insert-
 14 ing “applicable percent reduction level”; and

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

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

19 (A) in subparagraph (D)(i), by inserting “,
 20 if such year is before 2017,” before “advanced
 21 biofuels”; and

22 (B) in subparagraph (E)(ii), by inserting
 23 “, if such year is before 2017,” before “ad-
 24 vanced biofuels”.

1 **SEC. 102. CELLULOSIC BIOFUEL REQUIREMENT BASED ON**
2 **ACTUAL PRODUCTION.**

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

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

7 and

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

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

16 “(aa) for each cellulosic biofuel pro-
17 duction facility that is producing (and con-
18 tinues to produce) cellulosic biofuel during
19 the period of January 1 through October
20 31 of the calendar year in which the esti-
21 mate is made (in this clause referred to as
22 the ‘current calendar year’)—

23 “(AA) determine the average
24 monthly volume of cellulosic biofuel
25 produced by such facility, based on

1 the actual volume produced by such
2 facility during such period; and

3 “(BB) based on such average
4 monthly volume of production, deter-
5 mine the estimated annualized volume
6 of cellulosic biofuel production for
7 such facility for the current calendar
8 year; and

9 “(bb) for each cellulosic biofuel pro-
10 duction facility that begins initial produc-
11 tion of (and continues to produce) cellu-
12 losic biofuel after January 1 of the current
13 calendar year—

14 “(AA) determine the average
15 monthly volume of cellulosic biofuel
16 produced by such facility, based on
17 the actual volume produced by such
18 facility during the period beginning on
19 the date of initial production of cellu-
20 losic biofuel by the facility and ending
21 on October 31 of the current calendar
22 year; and

23 “(BB) based on such average
24 monthly volume of production, deter-
25 mine the estimated annualized volume

1 of cellulosic biofuel production for
2 such facility for the current calendar
3 year.

4 “(II) An estimate under clause (i) with re-
5 spect to the following calendar year of the pro-
6 jected volume of cellulosic biofuel production (as
7 described in paragraph (7)(D)(i)), shall be
8 equal to the total of the estimated annual vol-
9 umes of cellulosic biofuel production for all cel-
10 lulosic biofuel production facilities described in
11 subclause (I) for the current calendar year.”.

12 (b) REDUCTION IN APPLICABLE VOLUME.—Section
13 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C.
14 7545(o)(7)(D)(i)), as amended by section 101(c)(3)(A), is
15 further amended by—

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

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

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

22 **SEC. 103. APPLICABILITY AND REGULATIONS.**

23 The amendments made by this title to section 211(o)
24 of the Clean Air Act (42 U.S.C. 7545(o)) shall apply only
25 with respect to calendar years 2017 and after, except that

1 the Administrator of the Environmental Protection Agen-
 2 cy shall promulgate regulations to carry out such amend-
 3 ments not later than 1 year after the date of enactment
 4 of this Act, and take any steps necessary to ensure such
 5 amendments may be carried out for calendar years 2017
 6 and after.

7 **TITLE II—GASOLINE CON-**
 8 **TAINING GREATER THAN 10-**
 9 **VOLUME-PERCENT ETHANOL**

10 **SEC. 201. PROHIBITION OF GASOLINE BLENDS WITH**
 11 **GREATER THAN 10-VOLUME-PERCENT ETH-**
 12 **ANOL.**

13 Notwithstanding any other provision of law, the Ad-
 14 ministrator of the Environmental Protection Agency may
 15 not, including by granting a waiver under section
 16 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)), au-
 17 thorize or otherwise allow the introduction into commerce
 18 of gasoline containing greater than 10-volume-percent eth-
 19 anol.

20 **SEC. 202. PROHIBITION OF WAIVERS.**

21 (a) IN GENERAL.—Any waiver granted under section
 22 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) be-
 23 fore the date of enactment of this Act that allows the in-
 24 troduction into commerce of gasoline containing greater

1 than 10-volume-percent ethanol for use in motor vehicles
2 shall have no force or effect.

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

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

11 (2) The waiver entitled, “Partial Grant of
12 Clean Air Act Waiver Application Submitted by
13 Growth Energy To Increase the Allowable Ethanol
14 Content of Gasoline to 15 Percent; Decision of the
15 Administrator”, 76 Fed. Reg. 4662 (January 26,
16 2011).

17 **SEC. 203. MISFUELING RULE.**

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

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