

112TH CONGRESS  
1ST SESSION

# H. R. 2009

To amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, or environmental goals.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. BILBRAY (for himself, Mr. ISSA, Mr. MORAN, Mr. BOREN, and Mr. HUNTER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, or environmental goals.

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 “Fuel Feedstock Free-  
5 dom Act”.

1 **SEC. 2. NEXT GENERATION BIOFUEL.**

2 (a) DEFINITIONS.—Section 211(o)(1) of the Clean  
3 Air Act (42 U.S.C. 7545(o)(1)) is amended—

4 (1) by redesignating subparagraphs (E), (F),  
5 (G), and (H) as subparagraphs (H), (E), (F), and  
6 (G), respectively, and moving subparagraph (H) (as  
7 so redesignated) to appear before subparagraph (I);  
8 and

9 (2) in subparagraph (H) (as redesignated by  
10 paragraph (1)), by striking “CELLULOSIC  
11 BIOFUEL.—” and all that follows through “biomass”  
12 and inserting “NEXT GENERATION BIOFUEL.—The  
13 term ‘next generation biofuel’ means renewable fuel  
14 that is derived from any cellulose, hemicellulose,  
15 lignin, or algae that is derived from renewable bio-  
16 mass or nonethanol renewable fuel that is derived  
17 from renewable biomass”.

18 (b) STANDARD.—Section 211(o) of the Clean Air Act  
19 (42 U.S.C. 7545(o)) is amended—

20 (1) in paragraph (2)—

21 (A) in subparagraph (A)(i), in the second  
22 sentence, by striking “cellulosic” and inserting  
23 “next generation”; and

24 (B) in subparagraph (B)—

25 (i) in clause (i)(III)—

1 (I) in the subclause heading, by  
2 striking “CELLULOSIC” and inserting  
3 “NEXT GENERATION”;

4 (II) by striking “cellulosic” and  
5 inserting “next generation”; and

6 (III) in the heading of the right  
7 column, by striking “**cellulosic**”  
8 and inserting “**next generation**”;

9 (ii) in clause (ii)(III), by striking “cel-  
10 lulosic” and inserting “next generation”;  
11 and

12 (iii) in clause (iv)—

13 (I) in the clause heading, by  
14 striking “CELLULOSIC” and inserting  
15 “NEXT GENERATION”; and

16 (II) by striking “cellulosic” and  
17 inserting “next generation”;

18 (2) in paragraphs (3)(A), (4)(A), and (4)(B),  
19 by striking “cellulosic” each place it appears and in-  
20 sserting “next generation”; and

21 (3) in paragraph (7)(D)—

22 (A) in the subparagraph heading, by strik-  
23 ing “CELLULOSIC” and inserting “NEXT GEN-  
24 ERATION”; and

1 (B) by striking “cellulosic” each place it  
2 appears and inserting “next generation”.

3 **SEC. 3. STATE OPTION OF NON-PARTICIPATION IN RENEW-**  
4 **ABLE FUEL STANDARD.**

5 Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C.  
6 7545(o)(2)(B)) is amended by adding at the end the fol-  
7 lowing:

8 “(vi) ELECTION OF NON-PARTICIPA-  
9 TION BY STATE GOVERNMENT.—

10 “(I) IN GENERAL.—For purposes  
11 of subparagraph (A), the applicable  
12 volume of renewable fuel as deter-  
13 mined under this subparagraph shall  
14 be adjusted in accordance with this  
15 clause.

16 “(II) REQUIREMENTS.—On pas-  
17 sage by a State legislature and signa-  
18 ture by the Governor of the State of  
19 a law that elects to not participate in  
20 the applicable volume of renewable  
21 fuel in accordance with this clause,  
22 the Administrator shall allow a State  
23 to not participate in the applicable  
24 volume of renewable fuel determined  
25 under subclause (I) of clause (i), other

1 than the applicable volumes of renew-  
2 able fuel required under subclauses  
3 (II), (III), and (IV) of that clause.

4 “(III) REDUCTION.—On the elec-  
5 tion of a State under subclause (II),  
6 the Administrator shall reduce the ap-  
7 plicable volume of renewable fuel de-  
8 termined under clause (i)(I) by the  
9 percentage that reflects the national  
10 gasoline consumption of the non-par-  
11 ticipating State that is attributable to  
12 that State.

13 “(IV) CREDITS TO HOLD FUEL  
14 SALES HARMLESS.—On the election of  
15 a State under subclause (II), the Ad-  
16 ministrator shall provide for the gen-  
17 eration of credits for all gasoline (re-  
18 gardless of whether the gasoline is  
19 blended) provided through a fuel ter-  
20 minal in the State to be calculated as  
21 though the gasoline were blended with  
22 the maximum allowable ethanol con-  
23 tent of gasoline allowed in that State  
24 to apply toward the applicable volume

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1 of renewable fuel determined under  
2 clause (i)(I).”.

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