

116TH CONGRESS
1ST SESSION

H. R. 2540

To alleviate the ethanol blend wall under the renewable fuel program, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2019

Mr. FLORES (for himself, Mr. WELCH, Mr. WOMACK, and Mr. COSTA) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To alleviate the ethanol blend wall under the renewable fuel
program, 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 “Food and Fuel Con-
5 sumer Protection Act of 2019”.

6 **SEC. 2. ALLEVIATING ETHANOL BLEND WALL.**

7 Section 211(o)(3)(B) of the Clean Air Act (42 U.S.C.
8 7545(o)(3)(B)) is amended by inserting at the end the fol-
9 lowing:

10 “(iii) LIMITATION.—

1 “(I) IN GENERAL.—Notwith-
2 standing the volumes specified in
3 paragraph (2)(B), the Administrator
4 shall not determine any renewable fuel
5 obligation for a calendar year under
6 this subsection that would result, di-
7 rectly or indirectly, in the introduction
8 into commerce in the United States of
9 a total volume of ethanol contained in
10 transportation fuel that is greater
11 than 9.70 percent of the total volume
12 of gasoline projected to be sold or in-
13 troduced into commerce in the United
14 States for such calendar year.

15 “(II) ESTIMATE.—In imple-
16 menting subclause (I), the Adminis-
17 trator shall request from the Adminis-
18 trator of the Energy Information Ad-
19 ministration, and use without alter-
20 ation, an estimate, with respect to the
21 following calendar year, of the total
22 volume of gasoline projected to be sold
23 or introduced into commerce in the
24 United States. The Administrator of
25 the Energy Information Administra-

1 tion shall provide such estimate to the
2 Administrator by October 31st each
3 year.

4 “(III) APPLICABILITY.—The lim-
5 itation established in subclause (I)
6 shall apply without regard to the
7 available supply of credits generated
8 in a prior year pursuant to paragraph
9 (5).

10 “(IV) PRESUMPTION.—In imple-
11 menting subclause (I) for a calendar
12 year, the Administrator shall not ex-
13 clude commercially available ethanol
14 that is cellulosic biofuel or advanced
15 biofuel.”.

16 **SEC. 3. FAILURE TO MEET DEADLINES.**

17 Section 211(o)(3)(B) of the Clean Air Act (42 U.S.C.
18 7545(o)(3)(B)), as amended by section 2, is further
19 amended by adding at the end the following:

20 “(iv) FAILURE TO MEET DEAD-
21 LINES.—If the Administrator fails to de-
22 termine and publish the renewable fuel ob-
23 ligation with respect to the following cal-
24 endar year in accordance with clauses (i),

1 (ii), and (iii), then the renewable fuel obli-
2 gation for such year shall be—

3 “(I) the renewable fuel obligation
4 established for the most recent year
5 for which such obligation was deter-
6 mined and published in the Federal
7 Register in accordance with clause
8 (iii); or

9 “(II) if no such obligation has
10 been determined and published in ac-
11 cordance with clause (iii), the renew-
12 able fuel obligation established for the
13 most recent year which otherwise
14 meets the 9.70 percent limitation in
15 clause (iii).”.

○