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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

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 2016”.

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

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

5 “(iii) LIMITATION.—

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

20 “(II) ESTIMATE.—In imple-
21 menting subclause (I), the Adminis-
22 trator shall request from the Adminis-
23 trator of the Energy Information Ad-
24 ministration, and use without alter-
25 ation, an estimate, with respect to the
26 following calendar year, of the total

1 volume of gasoline projected to be sold
2 or introduced into commerce in the
3 United States. The Administrator of
4 the Energy Information Administra-
5 tion shall provide such estimate to the
6 Administrator by October 31st each
7 year.

8 “(III) APPLICABILITY.—The lim-
9 itation established in subclause (I)
10 shall apply without regard to the
11 available supply of credits generated
12 in a prior year pursuant to paragraph
13 (5).

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

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

21 Section 211(o)(3)(B) of the Clean Air Act (42 U.S.C.
22 7545(o)(3)(B)), as amended by section 2, is further
23 amended by adding at the end the following:

24 “(iv) FAILURE TO MEET DEAD-
25 LINES.—If the Administrator fails to de-

1 termine and publish the renewable fuel ob-
2 ligation with respect to the following cal-
3 endar year in accordance with clauses (i),
4 (ii), and (iii), then the renewable fuel obli-
5 gation for such year shall be—

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

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