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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Food and Fuel Consumer Protection Act of 2016”.

May 10, 2016 (9:00 a.m.)
SEC. 2. ALLEVIATING ETHANOL BLEND WALL.

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

“(iii) LIMITATION.—

“(I) IN GENERAL.—Notwithstanding the volumes specified in paragraph (2)(B), the Administrator shall not determine any renewable fuel obligation for a calendar year under this subsection that would result, directly or indirectly, in the introduction into commerce in the United States of a total volume of ethanol contained in transportation fuel that is greater than 9.70 percent of the total volume of gasoline projected to be sold or introduced into commerce in the United States for such calendar year.

“(II) ESTIMATE.—In implementing subclause (I), the Administrator shall request from the Administrator of the Energy Information Administration, and use without alteration, an estimate, with respect to the following calendar year, of the total
volume of gasoline projected to be sold or introduced into commerce in the United States. The Administrator of the Energy Information Administration shall provide such estimate to the Administrator by October 31st each year.

“(III) APPLICABILITY.—The limitation established in subclause (I) shall apply without regard to the available supply of credits generated in a prior year pursuant to paragraph (5).

“(IV) PRESUMPTION.—In implementing subclause (I) for a calendar year, the Administrator shall not exclude commercially available ethanol that is cellulosic biofuel or advanced biofuel.”.

SEC. 3. FAILURE TO MEET DEADLINES.

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

“(iv) FAILURE TO MEET DEADLINES.—If the Administrator fails to de-
termine and publish the renewable fuel obligation with respect to the following calendar year in accordance with clauses (i), (ii), and (iii), then the renewable fuel obligation for such year shall be—

“(I) the renewable fuel obligation established for the most recent year for which such obligation was determined and published in the Federal Register in accordance with clause (iii); or

“(II) if no such obligation has been determined and published in accordance with clause (iii), the renewable fuel obligation established for the most recent year which otherwise meets the 9.70 percent limitation in clause (iii).”.