

112TH CONGRESS
1ST SESSION

S. 1085

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.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2011

Mr. INHOFE (for himself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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. NEXT GENERATION BIOFUEL.**

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

6 (1) by redesignating subparagraphs (E), (F),
7 (G), and (H) as subparagraphs (H), (E), (F), (G),

1 respectively, and moving subparagraph (H) (as so
2 redesignated) to appear before subparagraph (I);
3 and

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

13 (b) STANDARD.—Section 211(o) of the Clean Air Act
14 (42 U.S.C. 7545(o)) is amended—

15 (1) in paragraph (2)—

16 (A) in subparagraph (A)(i), in the second
17 sentence, by striking “cellulosic” and inserting
18 “next generation”; and

19 (B) in subparagraph (B)—

20 (i) in clause (i)(III)—

21 (I) in the subclause heading, by
22 striking “CELLULOSIC” and inserting
23 “NEXT GENERATION”;

24 (II) by striking “cellulosic” and
25 inserting “next generation”; and

- 1 (III) in the heading of the right
- 2 column, by striking “**cellulosic**”
- 3 and inserting “**next generation**”;
- 4 (ii) in clause (ii)(III), by striking “cel-
- 5 lulosic” and inserting “next generation”;
- 6 and
- 7 (iii) in clause (iv)—
- 8 (I) in the clause heading, by
- 9 striking “CELLULOSIC” and inserting
- 10 “NEXT GENERATION”; and
- 11 (II) by striking “cellulosic” and
- 12 inserting “next generation”;
- 13 (2) in paragraphs (3)(A), (4)(A), and (4)(B),
- 14 by striking “cellulosic” each place it appears and in-
- 15 serting “next generation”; and
- 16 (3) in paragraph (7)(D)—
- 17 (A) in the subparagraph heading, by strik-
- 18 ing “CELLULOSIC” and inserting “NEXT GEN-
- 19 ERATION”; and
- 20 (B) by striking “cellulosic” each place it
- 21 appears and inserting “next generation”.

1 **SEC. 2. STATE OPTION OF NON-PARTICIPATION IN RENEW-**
 2 **ABLE FUEL STANDARD.**

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

6 “(vi) ELECTION OF NON-PARTICIPA-
 7 TION BY STATE GOVERNMENT.—

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

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

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

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

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