

112TH CONGRESS
1ST SESSION

H. R. 3097

To partially waive the renewable fuel standard when corn inventories are low.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2011

Mr. GOODLATTE (for himself, Mr. COSTA, Mr. CARDOZA, Mr. MATHESON, Mr. WOMACK, Mr. HARRIS, Mr. MORAN, Mr. CRAWFORD, Mr. WITTMAN, Mrs. ELLMERS, Mr. CUELLAR, Mr. MCINTYRE, Mr. HURT, Mr. ROONEY, Mr. MCCLINTOCK, Mr. WELCH, Mr. GRAVES of Georgia, Mr. GRIFFIN of Arkansas, Mr. SIMPSON, Mr. BOREN, Mr. NUNNELEE, Mr. ROSS of Arkansas, Mr. BACA, Mr. PITTS, Mr. BUTTERFIELD, Mr. BARROW, and Mr. GRIFFITH of Virginia) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To partially waive the renewable fuel standard when corn inventories are low.

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 “Renewable Fuel Stand-
5 ard Flexibility Act”.

1 **SEC. 2. PARTIAL WAIVER.**

2 Paragraph (7) of section 211(o) of the Clean Air Act
3 (42 U.S.C. 7545(o)(7)) is amended by adding the fol-
4 lowing at the end thereof:

5 “(G) CONSIDERATION OF CORN INVEN-
6 TORIES.—

7 “(i) DETERMINATIONS REGARDING
8 CORN STOCKS-TO-USE RATIO.—Not later
9 than August 1 and the end of November
10 each year, the Administrator shall deter-
11 mine and publish the United States corn
12 stocks-to-use ratio for the current crop
13 year—

14 “(I) in consultation with the Sec-
15 retary of Agriculture; and

16 “(II) based on the most recent
17 publication of the World Agricultural
18 Supply and Demand Estimate or
19 other similar authoritative estimate
20 issued by the Secretary of Agriculture.

21 “(ii) WAIVER.—Based on the Admin-
22 istrator’s most recent determination under
23 clause (i), the Administrator shall waive
24 the requirements of paragraph (2) by re-
25 ducing the national quantity of renewable

1 fuel otherwise required for a period in ac-
 2 cordance with the following table:

“U.S. Corn Stocks-to-Use Ratio for the Current Crop Year (percent)	Reduction in national quantity of renewable fuel required
Above 10.0	No adjustment
10.0–7.5	10 percent reduction
7.49–6.0	15 percent reduction
5.99–5.0	25 percent reduction
Below 5.0	50 percent reduction.

3 “(iii) DURATION.—A waiver granted
 4 under clause (ii)—

5 “(I) based on a determination re-
 6 quired by clause (i) to be made by the
 7 end of November, shall be effective for
 8 the following calendar year; and

9 “(II) based on a determination
 10 required by clause (i) to be made by
 11 August 1, shall take effect 30 days
 12 from the date of publication of the de-
 13 termination and shall (in place of the
 14 waiver under subclause (I)) be effec-
 15 tive for the remainder of such cal-
 16 endar year.

17 “(iv) ADJUSTMENT OF RENEWABLE
 18 FUEL OBLIGATION.—Upon granting any
 19 waiver under clause (ii) reducing the na-
 20 tional quantity of renewable fuel required
 21 for a period to which paragraph (3) ap-

1 plies, the Administrator shall adjust the re-
2 newable fuel obligation determined under
3 paragraph (3) in proportion to such reduc-
4 tion.

5 “(v) NO EFFECT ON REQUIRED VOL-
6 UME OF ADVANCED BIOFUEL.—A waiver
7 granted under this subparagraph reducing
8 the national quantity of renewable fuel re-
9 quired for a period shall not affect the vol-
10 ume of advanced biofuel required under
11 paragraph (2). The Administrator shall not
12 allow any volume of conventional biofuel to
13 be used to satisfy the requirement for ad-
14 vanced biofuel under paragraph (2).

15 “(vi) PUBLICATION.—The Adminis-
16 trator shall publish each waiver under
17 clause (ii) in the Federal Register, includ-
18 ing an explanation of the basis for the
19 waiver.”.

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