

111TH CONGRESS
2D SESSION

S. 3736

To amend the Clean Air Act to allow States to opt out of the corn ethanol portions of the renewable fuel standard.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Mr. INHOFE 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 allow States to opt out of the corn ethanol portions of the renewable fuel standard.

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. STATE OPT-OUT ELECTION FROM RENEWABLE**

4 **FUEL STANDARD.**

5 Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C.
6 7545(o)(2)(B)) is amended by adding at the end the fol-
7 lowing:

8 “(vi) OPT-OUT BY STATE GOVERN-
9 MENT.—

1 “(I) IN GENERAL.—For purposes
2 of subparagraph (A), the applicable
3 volume of renewable fuel as deter-
4 mined under this subparagraph shall
5 be adjusted in accordance with this
6 clause.

7 “(II) REQUIREMENTS.—On pas-
8 sage by a State legislature and signa-
9 ture by the Governor of the State of
10 a law that elects to opt-out of the ap-
11 plicable volume of renewable fuel in
12 accordance with this clause, the Ad-
13 ministrator shall allow a State to opt-
14 out of the applicable volume of renew-
15 able fuel determined under subclause
16 (I) of clause (i), other than the appli-
17 cable volumes of renewable fuel re-
18 quired under subclauses (II), (III),
19 and (IV) of that clause.

20 “(III) REDUCTION.—On the elec-
21 tion of a State under subclause (II),
22 the Administrator shall reduce the ap-
23 plicable volume of renewable fuel de-
24 termined under clause (i)(I) by the
25 percentage that reflects the national

1 gasoline consumption that is attrib-
2 utable to the State.

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

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