

112TH CONGRESS
2D SESSION

H. R. 6047

To amend the renewable fuel program under section 211(o) of the Clean Air Act to require the cellulosic biofuel requirement to be based on actual production.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2012

Mr. FLAKE introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the renewable fuel program under section 211(o) of the Clean Air Act to require the cellulosic biofuel requirement to be based on actual production.

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 “Phantom Fuel Reform
5 Act of 2012”.

1 **SEC. 2. CELLULOSIC BIOFUEL REQUIREMENT BASED ON**
2 **ACTUAL PRODUCTION.**

3 (a) PROVISION OF ESTIMATE OF VOLUMES OF CEL-
4 LULOSIC BIOFUEL.—Section 211(o)(3)(A) of the Clean
5 Air Act (42 U.S.C. 7545(o)(3)(A)) is amended—

6 (1) by inserting “(i)” before “Not later than”;

7 and

8 (2) by adding at the end the following new
9 clause:

10 “(ii)(I) In determining any estimate under
11 clause (i), with respect to the following calendar
12 year, of the projected volume of cellulosic
13 biofuel production (as described in paragraph
14 (7)(D)(i)), the Administrator of the Energy In-
15 formation Administration shall—

16 “(aa) for each cellulosic biofuel
17 production facility that is producing
18 (and continues to produce) cellulosic
19 biofuel during the period of January 1
20 through October 31 of the calendar
21 year in which the estimate is made (in
22 this clause referred to as the ‘current
23 calendar year’)—

24 “(AA) determine the average
25 monthly volume of cellulosic
26 biofuel produced by such facility,

1 based on the actual volume pro-
2 duced by such facility during
3 such period; and

4 “(BB) based on such aver-
5 age monthly volume of produc-
6 tion, determine the estimated
7 annualized volume of cellulosic
8 biofuel production for such facil-
9 ity for the current calendar year;
10 and

11 “(bb) for each cellulosic biofuel
12 production facility that begins initial
13 production of (and continues to
14 produce) cellulosic biofuel after Janu-
15 ary 1 of the current calendar year—

16 “(AA) determine the average
17 monthly volume of cellulosic
18 biofuel produced by such facility,
19 based on the actual volume pro-
20 duced by such facility during the
21 period beginning on the date of
22 initial production of cellulosic
23 biofuel by the facility and ending
24 on October 31 of the current cal-
25 endar year; and

1 “(BB) based on such aver-
2 age monthly volume of produc-
3 tion, determine the estimated
4 annualized volume of cellulosic
5 biofuel production for such facil-
6 ity for the current calendar year.

7 “(II) An estimate under clause (i)
8 with respect to the following calendar year
9 of the projected volume of cellulosic biofuel
10 production (as described in paragraph
11 (7)(D)(i)), shall be equal to the total of the
12 estimated annual volumes of cellulosic
13 biofuel production for all cellulosic biofuel
14 production facilities described in subclause
15 (I) for the current calendar year.”.

16 (b) REDUCTION IN APPLICABLE VOLUME.—Section
17 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C.
18 7545(o)(7)(D)(i)) is amended by—

- 19 (1) striking “based on the” and inserting
20 “using the exact”;
21 (2) striking “may” and inserting “shall”; and
22 (3) striking “by the same or a lesser volume”
23 and inserting “by the same volume”.

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