

112TH CONGRESS
2D SESSION

S. 3428

To amend the Clean Air Act to partially waive the renewable fuel standard when corn inventories are low.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2012

Mr. CARDIN 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 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”.

6 **SEC. 2. PARTIAL WAIVER OF RENEWABLE FUEL STANDARD.**

7 Section 211(o)(7) of the Clean Air Act (42 U.S.C.
8 7545(o)(7)) is amended by adding at the end the fol-
9 lowing:

1 “(G) CONSIDERATION OF CORN INVEN-
2 TORIES.—

3 “(i) DETERMINATIONS REGARDING
4 CORN STOCKS-TO-USE RATIO.—Not later
5 than November 30 of each year, the Ad-
6 ministrator shall determine and publish the
7 estimated United States corn stocks-to-use
8 ratio for the applicable crop year—

9 “(I) in consultation with the Sec-
10 retary of Agriculture; and

11 “(II) based on the most recent
12 publication of the World Agricultural
13 Supply and Demand Estimate or
14 other similar authoritative estimate
15 issued or used by the Secretary of Ag-
16 riculture.

17 “(ii) WAIVER.—Based on the most re-
18 cent determination of the Administrator
19 under clause (i), the Administrator shall
20 waive the requirements of paragraph (2)
21 by reducing the national quantity of renew-
22 able fuel otherwise required for a period as
23 follows:

“United States Corn Stocks-to-Use Ratio for the Applicable 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.

1 “(iii) DURATION.—A waiver under
2 clause (ii) that is based on a determination
3 under clause (i) that is made not later
4 than November 30 of a calendar year
5 shall—

6 “(I) take effect on the date that
7 is 30 days after the date on which the
8 determination is published; and

9 “(II) remain in effect for the fol-
10 lowing calendar year.

11 “(iv) ADJUSTMENT OF RENEWABLE
12 FUEL OBLIGATION.—On granting a waiver
13 under clause (ii) that reduces the national
14 quantity of renewable fuel required for a
15 period to which paragraph (3) applies, the
16 Administrator shall adjust the renewable
17 fuel obligation determined under para-
18 graph (3) in proportion to the reduction.

19 “(v) NO EFFECT ON REQUIRED VOL-
20 UME OF ADVANCED BIOFUEL.—

1 “(I) IN GENERAL.—A waiver
2 granted under this subparagraph that
3 reduces the national quantity of re-
4 newable fuel required for a period
5 shall not affect the volume of ad-
6 vanced biofuel required under para-
7 graph (2).

8 “(II) APPLICABILITY.—The Ad-
9 ministrator shall not allow any volume
10 of conventional biofuel to be used to
11 satisfy the requirement for advanced
12 biofuel under paragraph (2).

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

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