

111TH CONGRESS  
1ST SESSION

# H. R. 2409

To amend section 211(o) of the Clean Air Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2009

Mr. PETERSON (for himself, Mr. LUCAS, Mr. HOLDEN, Mr. GOODLATTE, Mr. MCINTYRE, Mr. ROGERS of Alabama, Mr. BOSWELL, Mr. CONAWAY, Mr. BACA, Mrs. SCHMIDT, Mr. CARDOZA, Mr. SMITH of Nebraska, Mr. SCOTT of Georgia, Mr. LATTA, Mr. MARSHALL, Mr. MORAN of Kansas, Ms. HERSETH SANDLIN, Mr. GRAVES, Mr. CUELLAR, Mr. COSTA, Mr. LUETKEMEYER, Mr. ELLSWORTH, Mr. WALZ, Mr. KAGEN, Mr. SCHRADER, Mrs. HALVORSON, Mrs. DAHLKEMPER, Mr. MASSA, Mr. BRIGHT, Ms. MARKEY of Colorado, Mr. KRATOVIL, Mr. SCHAUER, Mr. KISSELL, Mr. BOCCIERI, Mr. MURPHY of New York, Mr. POMEROY, Mr. CHILDERS, Mr. MINNICK, Mr. LATHAM, Mr. BERRY, Mr. SALAZAR, and Mr. BOYD) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend section 211(o) of the Clean Air Act, and for other purposes.

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 Improvement Act”.

1 **SEC. 2. AMENDMENT.**

2 Section 211(o) of the Clean Air Act is amended as  
3 follows:

4 (1) In paragraphs (1)(B)(i), (2)(A)(i), and  
5 (2)(A)(ii), the matter following paragraph  
6 (2)(B)(ii)(VI), paragraphs (2)(B)(iv), (3), (4), (5),  
7 (6)(B), (7)(A)(i), (7)(A)(ii), (7)(B), (7)(D), (7)(E),  
8 (7)(F), (8)(D), (9)(A)(ii)(II), (9)(B)(i), (9)(B)(iii),  
9 (9)(C), (9)(D), and (11), by striking “Adminis-  
10 trator” and inserting “Secretary of Agriculture, the  
11 Secretary of Energy, and the Administrator”.

12 (2) In paragraph (1)(C)—

13 (A) by striking “Administrator” and in-  
14 serting “Secretary of Energy”; and

15 (B) by striking “in 2005.” and inserting  
16 “2008. At 3 year intervals after 2008, the base-  
17 line shall be updated by using a date 3 years  
18 after the prior baseline date.”.

19 (3) In paragraph (1) by amending subpara-  
20 graph (D) as follows:

21 (A) By striking “and that has” and insert-  
22 ing a period and the following: “In the case of  
23 renewable fuel produced from facilities that  
24 commenced construction after December 19,  
25 2007, such term only includes such biodiesel if  
26 it has”.

1 (B) By striking out “the preceding sen-  
2 tence” and insert “the preceding provisions of  
3 this subparagraph”.

4 (4) In subparagraph (D) and (E) of paragraph  
5 (1), by striking “Administrator” and inserting “Sec-  
6 retary of Agriculture and the Secretary of Energy”.

7 (5) In paragraph (1)(G), by striking the last  
8 sentence.

9 (6) By amending paragraph (1)(H) to read as  
10 follows:

11 “(H) LIFECYCLE GREENHOUSE GAS EMIS-  
12 SIONS.—

13 “(i) IN GENERAL.—The term ‘lifecycle  
14 greenhouse gas emissions’ means the ag-  
15 gregate quantity of direct greenhouse gas  
16 emissions relating to the full fuel lifecycle,  
17 as determined by the Secretary of Agri-  
18 culture and the Secretary of Energy based  
19 on—

20 “(I) measurements taken using  
21 the most recent observable data; and

22 “(II) consideration of regional  
23 differences of renewable fuel produc-  
24 tion.

1           “(ii) INCLUSIONS.—The term  
2           ‘lifecycle greenhouse gas emissions’ in-  
3           cludes greenhouse gas emissions from all  
4           stages of fuel and feedstock production and  
5           distribution, from feedstock generation or  
6           extraction through the distribution and de-  
7           livery and use of the finished fuel to the  
8           ultimate consumer, where the mass values  
9           for all greenhouse gases are adjusted to ac-  
10          count for the relative global warming po-  
11          tential of the greenhouse gases.

12          “(iii) PEER REVIEW AND MODEL.—  
13          The Secretary of Agriculture and the Sec-  
14          retary of Energy shall carry out a peer re-  
15          view of any model used in measuring  
16          lifecycle greenhouse gas emissions and  
17          make the results of the peer review and  
18          model publicly available before any public  
19          comment period provided in connection  
20          with the determination made under this  
21          subparagraph.”.

22          (7) Amend paragraph (1)(I) to read as follows:

23                 “(I) RENEWABLE BIOMASS.—The term ‘re-  
24                 newable biomass’ means—

1           “(i) materials, pre-commercial  
2           thinnings, or invasive species from Na-  
3           tional Forest System land and public lands  
4           (as defined in section 103 of the Federal  
5           Land Policy and Management Act of 1976  
6           (43 U.S.C. 1702)) that—

7                   “(I) are byproducts of preventive  
8                   treatments that are removed—

9                           “(aa) to reduce hazardous  
10                           fuels;

11                           “(bb) to reduce or contain  
12                           disease or insect infestation; or

13                           “(cc) to restore ecosystem  
14                           health;

15                   “(II) would not otherwise be used  
16                   for higher-value products; and

17                   “(III) are harvested in accord-  
18                   ance with—

19                           “(aa) applicable law and  
20                           land management plans; and

21                           “(bb) the requirements  
22                           for—

23                                   “(AA) old-growth main-  
24                                   tenance, restoration, and  
25                                   management direction of

1 paragraphs (2), (3), and (4)  
2 of subsection (e) of section  
3 102 of the Healthy Forests  
4 Restoration Act of 2003 (16  
5 U.S.C. 6512); and

6 “(BB) large-tree reten-  
7 tion of subsection (f) of that  
8 section; or

9 “(ii) any organic matter that is avail-  
10 able on a renewable or recurring basis  
11 from non-Federal land or land belonging to  
12 an Indian or Indian tribe that is held in  
13 trust by the United States or subject to a  
14 restriction against alienation imposed by  
15 the United States, including—

16 “(I) renewable plant material, in-  
17 cluding—

18 “(aa) feed grains;

19 “(bb) other agricultural  
20 commodities;

21 “(cc) other plants and trees;

22 and

23 “(dd) algae; and

24 “(II) waste material, including—

25 “(aa) crop residue;

1                   “(bb) other vegetative waste  
2                   material (including wood waste  
3                   and wood residues);

4                   “(cc) animal waste and by-  
5                   products (including fats, oils,  
6                   greases, and manure); and

7                   “(dd) food waste and yard  
8                   waste.”.

9                   (8) In paragraph (2)(B)(ii), by striking “Ad-  
10                  ministrator, in coordination with the Secretary of  
11                  Energy and the Secretary of Agriculture,” and in-  
12                  serting “Secretary of Agriculture, the Secretary of  
13                  Energy, and the Administrator,”.

14                  (9) In paragraph (4)(E), by striking “may not  
15                  adjust” and inserting “may adjust” and by striking  
16                  “unless he determines” and inserting “if they deter-  
17                  mine”.

18                  (10) In paragraph (4)(G), by striking “effective  
19                  date of such adjustment, revision, or change” and  
20                  inserting “date of enactment of the Energy Inde-  
21                  pendence and Security Act of 2007”.

22                  (11) In paragraphs (7)(A), (7)(B), (7)(E)(i),  
23                  (7)(E)(ii), and (7)(E)(iii), by striking “Adminis-  
24                  trator, in consultation with the Secretary of Energy  
25                  and the Secretary of Agriculture” and inserting

1 “Secretary of Agriculture, the Secretary of Energy,  
2 and the Administrator”.

3 (12) In clauses (i) and (ii) by striking out “a  
4 determination by the Administrator” and inserting  
5 “their determination”.

6 (13) In paragraph (7)(A), by striking “Admin-  
7 istrator on his own” and inserting “Secretary of Ag-  
8 riculture, the Secretary of Energy, and the Adminis-  
9 trator on their own”.

10 (14) In paragraphs (8)(A) and paragraph  
11 (9)(A)(ii)(I), by striking “the Secretary of Energy  
12 shall conduct for the Administrator” and inserting  
13 “the Secretary of Agriculture and the Secretary of  
14 Energy shall conduct”.

15 (15) In paragraph (8)(C), by striking “the Sec-  
16 retary of Energy shall make specific recommenda-  
17 tions to the Administrator” and inserting “the Sec-  
18 retary of Agriculture and the Secretary of Energy  
19 shall make specific recommendations”.

20 (16) In paragraph (8)(D)(i), by striking “by  
21 the Secretary of Energy”.

22 (17) In paragraph (9)(B)(ii), by striking “Ad-  
23 ministrator, in consultation with the Secretary of  
24 Energy,” and inserting “the Secretary of Agri-

1 culture, the Secretary of Energy, and the Adminis-  
2 trator”.

3 (18) In paragraph (10)(B), by striking “Admin-  
4 istrator” and inserting “President”.

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