

113TH CONGRESS  
1ST SESSION

# S. 251

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2013

Mr. FLAKE (for himself, Mr. CRAPO, and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## 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”.

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 striking “Not later than” and inserting  
7 the following:

8 “(i) IN GENERAL.—Not later than”;

9 and

10 (2) by adding at the end the following:

11 “(ii) ESTIMATION METHOD.—

12 “(I) IN GENERAL.—In deter-  
13 mining any estimate under clause (i),  
14 with respect to the following calendar  
15 year, of the projected volume of cellu-  
16 losic biofuel production (as described  
17 in paragraph (7)(D)(i)), the Adminis-  
18 trator of the Energy Information Ad-  
19 ministration shall—

20 “(aa) for each cellulosic  
21 biofuel production facility that is  
22 producing (and continues to  
23 produce) cellulosic biofuel during  
24 the period of January 1 through  
25 October 31 of the calendar year  
26 in which the estimate is made (in

1 this clause referred to as the  
2 ‘current calendar year’)—

3 “(AA) determine the  
4 average monthly volume of  
5 cellulosic biofuel produced  
6 by such facility, based on  
7 the actual volume produced  
8 by such facility during such  
9 period; and

10 “(BB) based on such  
11 average monthly volume of  
12 production, determine the  
13 estimated annualized volume  
14 of cellulosic biofuel produc-  
15 tion for such facility for the  
16 current calendar year; and

17 “(bb) for each cellulosic  
18 biofuel production facility that  
19 begins initial production of (and  
20 continues to produce) cellulosic  
21 biofuel after January 1 of the  
22 current calendar year—

23 “(AA) determine the  
24 average monthly volume of  
25 cellulosic biofuel produced

1 by such facility, based on  
2 the actual volume produced  
3 by such facility during the  
4 period beginning on the date  
5 of initial production of cellu-  
6 losic biofuel by the facility  
7 and ending on October 31 of  
8 the current calendar year;  
9 and

10 “(BB) based on such  
11 average monthly volume of  
12 production, determine the  
13 estimated annualized volume  
14 of cellulosic biofuel produc-  
15 tion for such facility for the  
16 current calendar year.

17 “(II) TOTAL PRODUCTION.—An  
18 estimate under clause (i) with respect  
19 to the following calendar year of the  
20 projected volume of cellulosic biofuel  
21 production (as described in paragraph  
22 (7)(D)(i)), shall be equal to the total  
23 of the estimated annual volumes of  
24 cellulosic biofuel production for all cel-  
25 lulosic biofuel production facilities de-

1                   scribed in subclause (I) for the cur-  
2                   rent calendar year.”.

3           (b) REDUCTION IN APPLICABLE VOLUME.—Section  
4 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C.  
5 7545(o)(7)(D)(i)) is amended by—

6           (1) striking “based on the” and inserting  
7           “using the exact”;

8           (2) striking “may” and inserting “shall”; and

9           (3) striking “same or a lesser volume” and in-  
10          serting “same volume”.

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