

110TH CONGRESS  
1ST SESSION

# S. 2202

To amend the Clean Air Act to increase the renewable content of gasoline,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2007

Mr. REID (for Mr. OBAMA (for himself and Mr. HARKIN)) 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 Clean Air Act to increase the renewable  
content of gasoline, 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 Extension Act of 2007”.

6 **SEC. 2. RENEWABLE CONTENT OF GASOLINE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the renewable fuel standard established  
9 under section 211(o) of the Clean Air Act (42  
10 U.S.C. 7545(o)) is one of the most significant steps

1 taken by Congress to increase domestic biofuels pro-  
2 duction and decrease the dangerous dependence of  
3 the United States on foreign oil;

4 (2) in the 12 years after 1992, domestic ethanol  
5 production increased by 2,000,000,000 gallons;

6 (3) in only 2 years following the establishment  
7 of the renewable fuel standard, ethanol production  
8 has increased by 5,000,000,000 gallons;

9 (4) the renewable fuel standard has spurred in-  
10 vestment and resulted in ethanol production that  
11 surpassed Federal targets 5 years ahead of schedule;

12 (5) the failure of the petroleum industry to in-  
13 stall pumps so that ethanol is available to motorists  
14 and the failure of the automotive industry to manu-  
15 facture ethanol-capable vehicles, as compared to ris-  
16 ing ethanol production volumes, has prevented fuel  
17 ethanol from reaching consumers;

18 (6) the resulting excess of ethanol in the mar-  
19 ketplace has depressed ethanol prices and jeopard-  
20 ized the financial stability of the domestic renewable  
21 fuel infrastructure, particularly smaller, local, and  
22 farmer-owned ethanol plants;

23 (7) jeopardizing the existing ethanol infrastruc-  
24 ture will put at risk 20 years of progress on a na-  
25 tional biofuel industry and destroy the bridge to

1 next-generation biofuel made from cellulosic feed-  
2 stocks; and

3 (8) it is imperative for Congress to increase the  
4 renewable fuel standard now to ensure the path to-  
5 wards cellulosic fuel production is not jeopardized in  
6 the short term.

7 (b) DEFINITIONS.—Section 211(o)(1) of the Clean  
8 Air Act (42 U.S.C. 7545(o)(1)) is amended—

9 (1) by redesignating subparagraphs (B), (C),  
10 and (D) as subparagraphs (F), (D), and (E), respec-  
11 tively, and moving those subparagraphs so as to ap-  
12 pear in alphabetical order;

13 (2) by striking subparagraph (A) and inserting  
14 the following:

15 “(A) ADVANCED BIOFUEL.—

16 “(i) IN GENERAL.—The term ‘ad-  
17 vanced biofuel’ means fuel derived from re-  
18 newable biomass other than ethanol de-  
19 rived from corn starch.

20 “(ii) INCLUSIONS.—The term ‘ad-  
21 vanced biofuel’ includes—

22 “(I) ethanol derived from cel-  
23 lulose, hemicellulose, or lignin;

1           “(II) ethanol derived from sugar  
2 or starch, other than ethanol derived  
3 from corn starch;

4           “(III) ethanol derived from waste  
5 material, including crop residue, other  
6 vegetative waste material, animal  
7 waste, and food waste and yard waste;

8           “(IV) diesel-equivalent fuel de-  
9 rived from renewable biomass, includ-  
10 ing vegetable oil and animal fat;

11           “(V) biogas (including landfill  
12 gas and sewage waste treatment gas)  
13 produced through the conversion of  
14 organic matter from renewable bio-  
15 mass;

16           “(VI) butanol or other alcohols  
17 produced through the conversion of  
18 organic matter from renewable bio-  
19 mass; and

20           “(VII) other fuel derived from  
21 cellulosic biomass.

22           “(B) CELLULOSIC BIOMASS ETHANOL.—  
23 The term ‘cellulosic biomass ethanol’ means  
24 ethanol derived from any cellulose, hemi-

1 cellulose, or lignin that is derived from renew-  
2 able biomass.

3 “(C) RENEWABLE BIOMASS.—The term  
4 ‘renewable biomass’ means—

5 “(i) nonmerchantable materials or  
6 precommercial thinnings that—

7 “(I) are byproducts of preventive  
8 treatments, such as trees, wood,  
9 brush, thinnings, chips, and slash,  
10 that are removed—

11 “(aa) to reduce hazardous  
12 fuels;

13 “(bb) to reduce or contain  
14 disease or insect infestation; or

15 “(cc) to restore forest  
16 health;

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

19 “(III) are harvested from Na-  
20 tional Forest System land or public  
21 land (as defined in section 103 of the  
22 Federal Land Policy and Management  
23 Act of 1976 (43 U.S.C. 1702)), where  
24 permitted by law and in accordance  
25 with—

1                   “(aa) applicable land man-  
2                   agement plans; and

3                   “(bb) the requirements for  
4                   old-growth maintenance, restora-  
5                   tion, and management direction  
6                   of paragraphs (2), (3), and (4) of  
7                   subsection (e) and the require-  
8                   ments for large-tree retention of  
9                   subsection (f) of section 102 of  
10                  the Healthy Forests Restoration  
11                  Act of 2003 (16 U.S.C. 6512); or

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

20                         “(I) renewable plant material, in-  
21                         cluding—

22                                 “(aa) feed grains;

23                                 “(bb) other agricultural  
24                                 commodities;

1 “(cc) other plants and trees;  
2 and

3 “(dd) algae; and

4 “(II) waste material, including—

5 “(aa) crop residue;

6 “(bb) other vegetative waste  
7 material (including wood waste  
8 and wood residues);

9 “(cc) animal waste and by-  
10 products (including fats, oils,  
11 greases, and manure); and

12 “(dd) food waste and yard  
13 waste.”; and

14 (3) in clause (ii) of subparagraph (D) (as redес-  
15 igned by paragraph (1))—

16 (A) in subclause (I), by striking “and” at  
17 the end;

18 (B) in subclause (II), by striking the pe-  
19 riod at the end and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(III) advanced biofuel.”.

22 (c) RENEWABLE CONTENT OF GASOLINE.—Section  
23 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amend-  
24 ed—

25 (1) in paragraph (2)(B)—

1 (A) by striking clause (i) and inserting the  
 2 following:

3 “(i) CALENDAR YEARS 2008 THROUGH  
 4 2016.—

5 “(I) RENEWABLE FUEL.—For  
 6 the purpose of subparagraph (A), the  
 7 applicable volume for any of calendar  
 8 years 2008 through 2016 shall be de-  
 9 termined in accordance with the fol-  
 10 lowing table:

<b>“Calendar year:</b>	<b>Applicable volume of renewable fuel (in billions of gallons):</b>
2008 .....	8.5
2009 .....	10.5
2010 .....	12.0
2011 .....	12.6
2012 .....	13.2
2013 .....	13.8
2014 .....	14.4
2015 .....	15.0
2016 .....	18.0

11 “(II) ADVANCED BIOFUEL.—For  
 12 the purpose of subparagraph (A), of  
 13 the volume of renewable fuel required  
 14 under subclause (I), the applicable  
 15 volume for calendar year 2016 for ad-  
 16 vanced biofuel shall be determined in  
 17 accordance with the following table:

<b>“Calendar year:</b>	<b>Applicable volume of advanced biofuel (in billions of gallons):</b>
2016 .....	3.0”;

1 (B) in clause (ii)—

2 (i) in the clause heading, by striking  
3 “2013” and inserting “2017”;

4 (ii) by striking “2013” and inserting  
5 “2017”; and

6 (iii) by striking “2012” and inserting  
7 “2016”;

8 (C) in clause (iii), by striking “2013” and  
9 inserting “2017”; and

10 (D) in clause (iv)—

11 (i) by striking “2013” and inserting  
12 “2017”; and

13 (ii) in subclause (II)(aa), by striking  
14 “7,500,000,000” and inserting  
15 “18,000,000”;

16 (2) in paragraph (3)—

17 (A) in subparagraph (A), by striking  
18 “2011” and inserting “2015”; and

19 (B) in subparagraph (B)(i), by striking  
20 “2012” and inserting “2016”; and

21 (3) in paragraph (6)(A), by striking “2012”  
22 and inserting “2016”.

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