

116TH CONGRESS
2D SESSION

H. R. 8371

To promote low-carbon, high-octane fuels, to protect public health, and to improve vehicle efficiency and performance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2020

Mrs. BUSTOS introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To promote low-carbon, high-octane fuels, to protect public health, and to improve vehicle efficiency and performance, 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 “Next Generation Fuels
5 Act of 2020”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—LOW-CARBON HIGH-OCTANE FUELS

Sec. 101. High-octane certification fuel.

Sec. 102. Clean octane standard.

TITLE II—REGULATORY HARMONIZATION

Sec. 201. Reid vapor pressure.

Sec. 202. Fuel economy adjustment.

Sec. 203. E30.

Sec. 204. Replacement of motor vehicle emissions simulator (MOVES) model.

TITLE III—INFRASTRUCTURE

Sec. 301. High-efficiency vehicles.

Sec. 302. Performance standards for new e30 infrastructure.

Sec. 303. CAFE and GHG credit generation.

1 **TITLE I—LOW-CARBON HIGH-**
 2 **OCTANE FUELS**

3 **SEC. 101. HIGH-OCTANE CERTIFICATION FUEL.**

4 (a) IN GENERAL.—Not later than January 1, 2022,
 5 the Administrator of the Environmental Protection Agen-
 6 cy shall take such actions as are necessary to allow the
 7 use of a certification test fuel described in subsection (b)
 8 for purposes of—

9 (1) testing and certification under section
 10 206(a) of the Clean Air Act (42 U.S.C. 7525(a)) of
 11 motor vehicles described in section 220(a) of the
 12 Clean Air Act (as added by section 301 of this Act);
 13 and

14 (2) testing and calculation procedures under
 15 section 32904(c) of title 49, United States Code,
 16 with respect to such motor vehicles.

17 (b) CERTIFICATION TEST FUEL DESCRIBED.—A cer-
 18 tification test fuel referred to in subsection (a) shall—

19 (1) have a research octane number of 98; and

1 (2) be blended by adding sources of octane
2 value that meet the requirements of subsection (c) to
3 the low-level ethanol-gasoline blend test fuel used to
4 certify model year 2020 light-duty vehicles.

5 (c) LOW-CARBON REQUIREMENT.—In carrying out
6 subsection (a), the Administrator of the Environmental
7 Protection Agency shall ensure that the sources of octane
8 value for the certification test fuel allowed under sub-
9 section (a) have average lifecycle greenhouse gas emis-
10 sions, as determined by the Secretary of Energy using the
11 version of the Argonne National Laboratory Greenhouse
12 gases, Regulated Emissions, and Energy use in Transpor-
13 tation (GREET) model in effect as of the date of enact-
14 ment of this Act, that are at least 30 percent less than
15 the baseline lifecycle greenhouse gas emissions.

16 (d) DEFINITIONS.—In this section:

17 (1) BASELINE LIFECYCLE GREENHOUSE GAS
18 EMISSIONS.—The term “baseline lifecycle green-
19 house gas emissions” means the average lifecycle
20 greenhouse gas emissions, as determined by the Ad-
21 ministrator of the Environmental Protection Agency
22 in consultation with the Director of the Argonne Na-
23 tional Laboratory, for unblended gasoline sold or
24 distributed as transportation fuel in 2018.

1 (2) LIFECYCLE GREENHOUSE GAS EMIS-
2 SIONS.—The term “lifecycle greenhouse gas emis-
3 sions” means the aggregate quantity of greenhouse
4 gas emissions as determined by using the version of
5 the Argonne National Laboratory Greenhouse gases,
6 Regulated Emissions, and Energy use in Transpor-
7 tation (GREET) model as in effect on the date of
8 enactment of this Act.

9 (3) LIGHT-DUTY VEHICLE.—The term “light-
10 duty vehicle” has the meaning given to that term in
11 section 216 of the Clean Air Act (42 U.S.C. 7550).

12 (4) RESEARCH OCTANE NUMBER.—The term
13 “research octane number” has the meaning given
14 such term in section 201 of the Petroleum Mar-
15 keting Practices Act.

16 **SEC. 102. CLEAN OCTANE STANDARD.**

17 (a) REQUIREMENTS.—Section 211 of the Clean Air
18 Act (42 U.S.C. 7545) is amended—

19 (1) in subsection (d)(1), by striking “or (o)”
20 and inserting “(o), or (w)”;

21 (2) in subsection (d)(2), by striking “or (o)”
22 each place it appears and inserting “(o), or (w)”;
23 and

24 (3) by inserting at the end the following:

25 “(w) CLEAN OCTANE STANDARD.—

1 “(1) AROMATICS.—

2 “(A) ANNUAL AVERAGE LIMITATION.—Ef-
3 fective January 1, 2023, no refiner or importer
4 shall sell motor vehicle gasoline that contains,
5 on an average annual basis, an aromatic hydro-
6 carbon content in excess of 17.5 percent.

7 “(B) CAP.—Effective January 1, 2023, no
8 person shall sell motor vehicle gasoline that
9 contains an aromatic hydrocarbon content in
10 excess of 17.5 percent.

11 “(C) REGULATIONS.—

12 “(i) PROMULGATION.—The Adminis-
13 trator of the Environmental Protection
14 Agency shall promulgate regulations to im-
15 plement this paragraph. Not later than
16 January 1, 2023, the Administrator shall
17 promulgate final regulations under the pre-
18 ceding sentence.

19 “(ii) TRADEABLE CREDITS.—The reg-
20 ulations to implement this paragraph
21 shall—

22 “(I) allow for the generation of
23 tradeable credits to meet the require-
24 ment of subparagraph (A); and

1 “(II) provide that any such cred-
2 its shall expire after not more than 5
3 years.

4 “(2) CLEAN OCTANE.—

5 “(A) PROHIBITION.—Effective January 1,
6 2023, no refiner or importer shall introduce any
7 source of octane value into motor vehicle gaso-
8 line with a research octane number of 98 or
9 higher unless such source of octane value has
10 average lifecycle greenhouse gas emissions, as
11 determined by the Secretary of Energy using
12 the version of the Argonne National Laboratory
13 Greenhouse gases, Regulated Emissions, and
14 Energy use in Transportation (GREET) model
15 in effect as of the date of enactment of the
16 Next Generation Fuels Act of 2020, that are at
17 least 30 percent less than the baseline lifecycle
18 greenhouse gas emissions.

19 “(B) REGULATIONS.—

20 “(i) PROMULGATION.—The Adminis-
21 trator of the Environmental Protection
22 Agency shall promulgate regulations to im-
23 plement this paragraph. Not later than
24 January 1, 2023, the Administrator shall

1 promulgate final regulations under the pre-
2 ceding sentence.

3 “(ii) CONTENTS.—The regulations to
4 implement this paragraph shall—

5 “(I) determine the baseline
6 lifecycle greenhouse gas emissions for
7 purposes of this paragraph;

8 “(II) determine the average
9 lifecycle greenhouse gas emissions of
10 sources of octane value for purposes
11 of this paragraph; and

12 “(III) ensure that the require-
13 ments of this paragraph are met.

14 “(3) DEFINITIONS.—In this subsection, the
15 terms ‘baseline lifecycle greenhouse gas emissions’,
16 ‘lifecycle greenhouse gas emissions’, and ‘research
17 octane number’ have the meanings given to those
18 terms in section 101 of the Next Generation Fuels
19 Act of 2020.”.

20 (b) REFORMULATED GASOLINE.—Clause (ii) of sec-
21 tion 211(k)(3)(A) of the Clean Air Act is (42 U.S.C.
22 7545(k)(3)(A)) is amended to read as follows:

23 “(ii) AROMATICS.—The aromatic hy-
24 drocarbon content of the reformulated gas-
25 oline—

1 “(I) shall not exceed 25 percent
2 by volume; and

3 “(II) beginning January 1, 2023,
4 shall not exceed 17.5 percent by vol-
5 ume.”.

6 **TITLE II—REGULATORY**
7 **HARMONIZATION**

8 **SEC. 201. REID VAPOR PRESSURE.**

9 (a) REID VAPOR PRESSURE LIMITATION.—Section
10 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is
11 amended—

12 (1) in paragraph (4)—

13 (A) in the matter preceding subparagraph
14 (A), by inserting “or more” after “10 percent”;
15 and

16 (B) in subparagraph (C), by striking “ad-
17 ditional alcohol or”; and

18 (2) in paragraph (5)(A), by inserting “or more”
19 after “10 percent”.

20 (b) EXISTING WAIVERS.—Section 211(f)(4) of the
21 Clean Air Act (42 U.S.C. 7545(f)(4)) is amended—

22 (1) by striking “The Administrator, upon” and
23 inserting “(A) The Administrator, upon”; and

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

1 “(B) A fuel or fuel additive with respect to which a
2 waiver has been granted in accordance with subparagraph
3 (A) prior to January 1, 2019, and that meets all of the
4 conditions of that waiver, other than the waiver’s limits
5 for Reid vapor pressure, may be introduced into commerce
6 if the fuel or fuel additive meets all other applicable Reid
7 vapor pressure requirements.”.

8 **SEC. 202. FUEL ECONOMY ADJUSTMENT.**

9 For purposes of fuel economy testing and calculation
10 procedures under section 32904(c) of title 49, United
11 States Code, the fuel economy of motor vehicles using a
12 certification test fuel allowed under section 101 of this Act
13 shall be determined on an energy-equivalent basis, cal-
14 culated by multiplying fuel economy (as measured under
15 such section 32904(c) without regard to this section) by
16 the ratio of—

17 (1) 114,086 British thermal units per gallon;

18 divided by

19 (2) the volumetric energy density of such test

20 fuel.

21 **SEC. 203. E30.**

22 Section 211(f)(4) of the Clean Air Act (42 U.S.C.
23 7545(f)(4)), as amended by section 201(b) of this Act, is
24 further amended by adding at the end the following:

1 “(C) Beginning January 1, 2022, a fuel with a con-
2 centration of ethanol that is more than 15 percent and
3 not more than 30 percent, shall be deemed to have re-
4 ceived a waiver in accordance with subparagraph (A).”.

5 **SEC. 204. REPLACEMENT OF MOTOR VEHICLE EMISSIONS**
6 **SIMULATOR (MOVES) MODEL.**

7 Section 211(q)(2) of the Clean Air Act (42 U.S.C.
8 7545) is amended—

9 (1) by striking “For purposes of this section”
10 and inserting the following:

11 “(A) INITIAL MODEL.—For purposes of
12 this section”; and

13 (2) by adding at the end of the following:

14 “(B) NEW MODEL.—Not later than 24
15 months after the date of enactment of the Next
16 Generation Fuels Act of 2020, the Adminis-
17 trator shall develop and finalize an emissions
18 model based on appropriate test fuels and
19 methods to replace the emissions model under
20 subparagraph (A).

21 “(C) DEFINITION.—For purposes of sub-
22 paragraph (B), the term ‘appropriate test fuels
23 and methods’ means test fuels and methods
24 that rely on commercially available fuel and ac-

1 curately reflect the profile of higher ethanol
2 blends.”.

3 **TITLE III—INFRASTRUCTURE**

4 **SEC. 301. HIGH-EFFICIENCY VEHICLES.**

5 (a) IN GENERAL.—Part A of title II of the Clean Air
6 Act (42 U.S.C. 7521 et seq.) is amended by adding at
7 the end the following new section:

8 **“SEC. 220. OCTANE SPECIFICATION.**

9 “(a) APPLICABILITY.—This section applies with re-
10 spect to any motor vehicle (other than a motorcycle) that
11 is introduced into commerce that—

12 “(1) is a light-duty vehicle or light-duty truck;

13 “(2) is a model year 2024 or later motor vehi-
14 cle; and

15 “(3) uses gasoline for propulsion or any other
16 operation of the motor vehicle, including the engine
17 thereof.

18 “(b) WARRANTY REQUIREMENTS.—The manufac-
19 turer of a motor vehicle described in subsection (a) shall
20 warrant to the ultimate purchaser and each subsequent
21 purchaser that each such motor vehicle is designed—

22 “(1) to operate with gasoline containing up to
23 and including 30 percent ethanol; and

24 “(2) to meet the design requirements under
25 subsection (c).

1 “(c) DESIGN REQUIREMENTS.—The manufacturer of
2 a motor vehicle described in subsection (a) shall design
3 each such motor vehicle—

4 “(1) to operate using gasoline that has a re-
5 search octane number (as defined in section 101 of
6 the Next Generation Fuels Act of 2020) of 98 or
7 higher; and

8 “(2) to improve fuel economy connected to the
9 use of gasoline that has a research octane number
10 (as defined in section 101 of the Next Generation
11 Fuels Act of 2020) of 98 or higher.

12 “(d) ENFORCEMENT.—

13 “(1) VIOLATIONS.—Any manufacturer who vio-
14 lates subsection (b) or (c) shall be subject to a civil
15 penalty of not more than \$25,000. Any such viola-
16 tion shall constitute a separate offense with respect
17 to each motor vehicle.

18 “(2) CIVIL ACTIONS; ADMINISTRATIVE ASSESS-
19 MENT OF CERTAIN PENALTIES.—The provisions of
20 subsections (b) and (c) of section 205 shall apply
21 with respect to a violation of subsection (b) or (c)
22 of this section to the same extent and in the same
23 manner as such provisions apply with respect to a
24 violation of section 203(a)(3).

1 “(e) CONSULTATION.—In promulgating regulations
2 to carry out this section, the Administrator shall consult
3 with persons to be regulated under this section.”.

4 (b) REGULATIONS.—The Administrator of the Envi-
5 ronmental Protection Agency shall—

6 (1) not later than 24 months after the date of
7 enactment of this Act, propose regulations to carry
8 out the amendments made by this section; and

9 (2) not later than 30 months after such date of
10 enactment, finalize regulations to carry out the
11 amendments made by this section.

12 **SEC. 302. PERFORMANCE STANDARDS FOR NEW E30 INFRA-**
13 **STRUCTURE.**

14 Section 9003 of the Solid Waste Disposal Act (42
15 U.S.C. 6991b) is amended by adding at the end the fol-
16 lowing:

17 “(k) E30 RETAIL DISPENSER SYSTEMS.—

18 “(1) IN GENERAL.—The Administrator shall,
19 not later than 1 year prior to the effective date spec-
20 ified in paragraph (3), issue or revise, as necessary,
21 performance standards for dispenser systems de-
22 scribed in paragraph (2) to require that such dis-
23 penser systems be compatible with automotive fuel
24 with a concentration of up to and including 30 per-
25 cent ethanol by volume.

1 “(2) DISPENSER SYSTEMS.—This subsection
2 applies with respect to dispenser systems that are—

3 “(A) on or after the effective date specified
4 in paragraph (3), brought into use to dispense
5 at retail automotive fuel from an underground
6 storage tank; and

7 “(B) subject to regulation under sections
8 1910.106 and 1926.152 of title 29, Code of
9 Federal Regulations (as in effect on the date of
10 enactment of this subsection).

11 “(3) EFFECTIVE DATE.—Standards issued or
12 revised pursuant to paragraph (1) shall take effect
13 on January 1, 2024.

14 “(4) DEFINITIONS.—In this subsection:

15 “(A) AUTOMOTIVE FUEL.—The term
16 ‘automotive fuel’ has the meaning given such
17 term in section 201(6) of the Petroleum Mar-
18 keting Practices Act (15 U.S.C. 2821(6)).

19 “(B) COMPATIBLE.—The term ‘compat-
20 ible’ means, to the extent feasible, certified by
21 a nationally recognized testing laboratory recog-
22 nized by the Occupational Safety and Health
23 Administration in accordance with section
24 1910.7 of title 29, Code of Federal Regulations
25 (or any successor regulations) to maintain sys-

1 tem performance throughout the operational life
2 of the dispenser system.

3 “(C) DISPENSER SYSTEM.—The term ‘dis-
4 penser system’ has the meaning given such
5 term in section 280.12 of title 40, Code of Fed-
6 eral Regulations (as in effect on the date of en-
7 actment of this subsection).”.

8 **SEC. 303. CAFE AND GHG CREDIT GENERATION.**

9 (a) IN GENERAL.—Subsection (a) of section 32906
10 of title 49, United States Code, is amended—

11 (1) by striking “1993 through 2019” and in-
12 serting “1993 through 2035”; and

13 (2) by striking “the maximum increase in aver-
14 age fuel economy for a manufacturer attributable to
15 dual fueled automobiles is” and all that follows
16 through the end of the subsection and inserting “the
17 maximum increase in average fuel economy for a
18 manufacturer attributable to dual fueled automobiles
19 is 1.2 miles per gallon.”.

20 (b) CONFORMING AMENDMENTS.—Section 32905 of
21 title 49, United States Code, is amended—

22 (1) in subsection (b), by striking “2019,” and
23 inserting “2035,”; and

1 (2) in subsection (d), by striking “2019,” and
2 inserting “2035,”.

○