

118TH CONGRESS
1ST SESSION

S. 2635

To require the Administrator of the Environmental Protection Agency to ensure that flexible fuel vehicles may use certain gram per mile carbon dioxide values for purposes of determining fleet average carbon dioxide standards for certain vehicles.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Ms. KLOBUCHAR (for herself and Mr. RICKETTS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Administrator of the Environmental Protection Agency to ensure that flexible fuel vehicles may use certain gram per mile carbon dioxide values for purposes of determining fleet average carbon dioxide standards for certain vehicles.

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 “Flex Fuel Fairness
5 Act of 2023”.

1 **SEC. 2. FINDING.**

2 Congress finds that the Greenhouse gases, Regulated
3 Emissions, and Energy use in Technologies (GREET)
4 model developed by Argonne National Laboratory finds
5 that E85 fuel made with average corn starch ethanol re-
6 duces greenhouse gas emissions by 31 percent per mile
7 traveled as compared to gasoline with no ethanol.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) ADMINISTRATOR.—The term “Adminis-
11 trator” means the Administrator of the Environ-
12 mental Protection Agency.

13 (2) FLEXIBLE FUEL VEHICLE.—The term
14 “flexible fuel vehicle” has the meaning given the
15 term in section 86.1803–01 of title 40, Code of Fed-
16 eral Regulations (as in effect on the date of enact-
17 ment of this Act).

18 (3) MANUFACTURER.—The term “manufac-
19 turer” has the meaning given the term in section
20 216 of the Clean Air Act (42 U.S.C. 7550).

21 **SEC. 4. FLEXIBLE FUEL VEHICLE COMPLIANCE VALUE.**

22 (a) IN GENERAL.—Not later than 120 days after the
23 date of enactment of this Act, the Administrator shall re-
24 vise section 86.1818–12 of title 40, Code of Federal Regu-
25 lations, to ensure that, for purposes of determining fleet
26 average CO₂ standards under that section, manufacturers

1 may use a gram per mile CO₂ value for flexible fuel vehi-
2 cles that is 31 percent lower than the gram per mile CO₂
3 value for the same vehicle make and model that is not
4 a flexible fuel vehicle.

5 (b) FURTHER ADJUSTMENT.—The Administrator
6 may, by regulation, apply a larger percentage reduction
7 in the gram per mile CO₂ value for flexible fuel vehicles
8 than the percentage described in subsection (a) if the Ad-
9 ministrator determines that the larger percentage reduc-
10 tion is appropriate based on a version of the Greenhouse
11 gases, Regulated Emissions, and Energy use in Tech-
12 nologies (GREET) model developed by Argonne National
13 Laboratory after the date of enactment of this Act.

○