



(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

H. R. \_\_\_\_\_

To support the sustainable aviation fuel market, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. BROWNLEY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To support the sustainable aviation fuel market, 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 “Sustainable Aviation  
5       Fuel Act”.

6       **SEC. 2. NATIONAL GOAL.**

7       It is hereby declared that it is the national goal for  
8       the United States to reach—

5 (2) net zero greenhouse gas emissions for  
6 United States domestic and international aviation  
7 flights by 2050.

## 8 SEC. 3. DEFINITIONS.

9            In this Act:

13 (A) meets the requirements of a Depart-  
14 ment of Defense specification for military jet  
15 fuel or an American Society of Testing and Ma-  
16 terials specification for aviation turbine fuel;

17 (B) is derived from qualified feedstock;

18 and

19 (C) is certified by the Environmental Pro-  
20 tection Agency Administrator that such fuel—

21 (i) either—

22 (I) conforms to the standards,  
23 recommended practices, requirements  
24 and criteria, supporting documents,  
25 implementation elements, and any

1 other technical guidance for sustain-  
2 able aviation fuels that are adopted by  
3 the International Civil Aviation Orga-  
4 nization with the agreement of the  
5 United States; or

15 (ii) achieves at least a 50-percent re-  
16 duction in lifecycle greenhouse gas emis-  
17 sions compared to conventional jet fuel.

22 (3) LIFECYCLE GREENHOUSE GAS EMIS-  
23 SIONS.—The term “lifecycle greenhouse gas emis-  
24 sions” means the combined greenhouse gas emis-  
25 sions from feedstock production, collection of feed-

1 stock, transportation of feedstock to fuel production  
2 facilities, conversion of feedstock to fuel, transpor-  
3 tation and distribution of fuel, and fuel combustion  
4 in an aircraft engine, as well as from induced land-  
5 use change emissions, as calculated using appro-  
6 priate modeling techniques approved by a regulating  
7 authority.

8 (4) INDUCED LAND-USE CHANGE EMISSIONS.—  
9 The term “induced land-use change emissions”  
10 means the greenhouse gas emissions resulting from  
11 the conversion of land to the production of feed-  
12 stocks and from the conversion of other land due to  
13 the displacement of crops or animals for which the  
14 original land was previously used, as calculated  
15 using appropriate modeling techniques approved by  
16 a regulating authority.

17 (5) CONVENTIONAL JET FUEL.—The term  
18 “conventional jet fuel” means liquid hydrocarbon  
19 fuel used for aviation that is derived or refined from  
20 petrochemicals.

21 **SEC. 4. GRANT PROGRAM.**

22 (a) IN GENERAL.—The Secretary of Transportation,  
23 in consultation with the Administrator of the Environ-  
24 mental Protection Agency, shall carry out a competitive  
25 grant and cost-sharing agreement program for eligible en-

1 tities to carry out projects located in the United States  
2 to produce, transport, blend, or store sustainable aviation  
3 fuel.

4 (b) SELECTION.—In selecting an eligible entity to re-  
5 ceive a grant or cost-share agreement under subsection  
6 (a), the Secretary shall consider—

7 (1) the anticipated public benefits of a project  
8 proposed by the eligible entity;

9 (2) the potential to increase the domestic pro-  
10 duction and deployment of sustainable aviation fuel;

11 (3) the potential greenhouse gas emissions from  
12 such project;

13 (4) the potential for creating new jobs in the  
14 United States;

15 (5) the potential net greenhouse gas emissions  
16 impact of different feedstocks to produce sustainable  
17 aviation fuel on a lifecycle basis, which shall include  
18 potential direct and indirect greenhouse gas emis-  
19 sions (including resulting from changes in land use);  
20 and

21 (6) the proposed utilization of non-Federal con-  
22 tributions by the eligible entity.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated \$200,000,000 for each of  
25 fiscal years 2024 through 2028 to carry out this section.

1 (d) REPORT.—Not later than October 1, 2029, the  
2 Secretary shall submit to the Committee on Commerce,  
3 Science, and Transportation and the Committee on Envi-  
4 ronment and Public Works of the Senate and the Com-  
5 mittee on Transportation and Infrastructure and the  
6 Committee on Energy and Commerce of the House of  
7 Representatives a report describing the results of the  
8 grant program under this section. The report shall include  
9 the following:

13 (2) A detailed explanation for why each entity  
14 received the type of funding disbursement such enti-  
15 ty did.

22 (4) A description of the economic impacts re-  
23 sulting from the funding to and operation of the  
24 project.

1       (e) ELIGIBLE ENTITY DEFINED.—In this section, the  
2 term “eligible entity” means—  
3               (1) a State or local government other than an  
4               airport sponsor;  
5               (2) an air carrier;  
6               (3) an airport sponsor; and  
7               (4) a person or entity engaged in the produc-  
8               tion, transportation, blending or storage of sustain-  
9               able aviation fuel in the United States or feedstocks  
10               in the United States that could be used to produce  
11               sustainable aviation fuel.

## 12 SEC. 5. LOW CARBON AVIATION FUEL STANDARD.

13 (a) ESTABLISHMENT OF LOW CARBON AVIATION  
14 FUEL STANDARD.—Section 211 of the Clean Air Act (42  
15 U.S.C. 7545) is amended by adding at the end the fol-  
16 lowing:

17        "(w) LOW CARBON AVIATION FUEL STANDARD.—

18                   “(1) DEFINITIONS.—In this subsection:

23                             “(B) CARBON INTENSITY.—The term ‘car-  
24                             bon intensity’ means the quantity of lifecycle

1 greenhouse gas emissions per unit of fuel en-  
2 ergy.

“(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to establish a low carbon fuel standard for aviation fuels that requires a reduction in carbon intensity for aviation fuels each calendar year such that by 2050, and thereafter, the average carbon intensity of all aviation fuel used annually in the United States is reduced by at least 50 percent, as compared to the average carbon intensity of all aviation fuel used in the United States in 2005.

21                   “(3) TARGETS.—In promulgating regulations  
22                   under paragraph (2), the Administrator shall set a  
23                   target of a reduction of at least 20 percent in the  
24                   average carbon intensity of all aviation fuel used an-  
25                   nually in the United States by 2030, and of at least

1       50 percent by 2050, as compared to the average car-  
2       bon intensity of all aviation fuel used in the United  
3       States in 2005.

4           “(4) REQUIREMENTS.—In promulgating regula-  
5       tions under paragraph (2), the Administrator  
6       shall—

7               “(A) establish a benchmark for the average  
8       carbon intensity of aviation fuels for each cal-  
9       endar year, beginning with the first full cal-  
10       endar year that begins 2 years after the date of  
11       enactment of this subsection, suitable to achiev-  
12       ing the targets specified in paragraph (3);

13               “(B) apply the fuel standard to persons  
14       who produce or import aviation fuel;

15               “(C) establish procedures for calculating  
16       the carbon intensity of an aviation fuel, ex-  
17       pressed in grams of carbon dioxide equivalent  
18       per megajoule, in accordance with—

19                       “(i) the standards, recommended  
20       practices, requirements and criteria, sup-  
21       porting documents, implementation ele-  
22       ments, and any other technical guidance  
23       for sustainable aviation fuels that are  
24       adopted by the International Civil Aviation

22                   “(D) determine how long the calculation of  
23                   the carbon intensity of an aviation fuel (pursu-  
24                   ant to the procedures established under sub-

1           paragraph (C)), will remain in effect before  
2           needing to be reevaluated;

3           “(E) allow a person described in subparagraph  
4           (B), who, for a calendar year, produces  
5           or imports aviation fuel—

6           “(i) that has an average carbon intensity that is less than the benchmark for average carbon intensity for that calendar year to, except as provided in paragraph (8), generate credits, to be used, or transferred to another person, to demonstrate compliance with this subsection; and

13           “(ii) that has an average carbon intensity that is greater than the benchmark for average carbon intensity for that calendar year to purchase credits to be used to demonstrate compliance with this subsection;

19           “(F) determine the—

20           “(i) appropriate amount of credits generated and used to demonstrate compliance pursuant to subparagraph (E);

23           “(ii) appropriate conditions, if any, on—

11                 “(5) CONSULTATION.—In carrying out this sub-  
12                 section, the Administrator shall consult with the Ad-  
13                 ministrator of the Federal Aviation Administration,  
14                 the Secretary of Energy, and the Secretary of Agri-  
15                 culture.

16                   “(6) COORDINATION WITH STATES.—The Ad-  
17                   ministrator shall, after notice and opportunity for  
18                   public hearing, waive application of the fuel stand-  
19                   ard in any State that has adopted a standard for  
20                   aviation fuels that the Administrator determines is  
21                   at least as stringent as the fuel standard.

22       “(7) REVISION.—If Congress enacts a standard  
23       or similar law that the Administrator, in consulta-  
24       tion with the Administrator of the Federal Aviation  
25       Administration, determines accomplishes the pur-

1       poses of the fuel standard for sectors of the economy  
2       that include the aviation sector, the Administrator  
3       may revoke the fuel standard in favor of the other  
4       standard or law.

5               “(8) RELATIONSHIP TO RENEWABLE FUEL PRO-  
6       GRAM.—No credit may be generated under this sub-  
7       section with respect to renewable fuel for which a  
8       credit is generated under subsection (o).

9               “(9) REPORT.—Not later than 180 days after  
10      the date of enactment of this subsection, the Admin-  
11      istrator shall submit to Congress and make publicly  
12      available a report describing—

13               “(A) the status of the development of the  
14      fuel standard; and

15               “(B) the considerations the Administrator  
16      is using in developing the fuel standard.”.

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

19               (1) in paragraph (1)—

20               (A) by striking “or (o) of this section or  
21      the regulations” and inserting “(o), or (w) of  
22      this section or the regulations”;

23               (B) by striking “or (o) of this section or  
24      who fails” and inserting “(o), or (w) of this sec-  
25      tion or who fails”; and

1 (C) by striking “or (o) of this section  
2 which establishes” and inserting “(o), or (w) of  
3 this section which establishes”; and  
4 (2) in paragraph (2), by striking “and (o) of  
5 this section” each place it appears and inserting  
6 “(o), and (w) of this section”.

## 7 SEC. 6. PROCUREMENT OF SUSTAINABLE AVIATION FUEL

8 BY THE DEPARTMENT OF DEFENSE.

9 (a) IN GENERAL.—Effective October 1, 2025, the  
10 Secretary of Defense shall make a bulk purchase of an  
11 amount of sustainable aviation fuel that is not less than  
12 10 percent of the total amount of aviation fuel procured  
13 for operational purposes (as defined in section 2922h of  
14 title 10, United States Code) if—

15 (1) the cost of sustainable aviation fuel is com-  
16 petitive with the fully burdened cost of conventional  
17 jet fuel available for the same purpose; and

18 (2) the sustainable aviation fuel is refined or  
19 produced in the United States.

20 (b) BLENDED FUEL.—If the Secretary of Defense  
21 purchases sustainable aviation fuel that is blended with  
22 conventional jet fuel, the percentage of sustainable avia-  
23 tion fuel in such blend will be counted towards the per-  
24 centage described in subsection (a).

1 (c) CERTIFICATION.—Before making a purchase  
2 under subsection (a), the Secretary of Defense or the Sec-  
3 retary concerned (as defined in section 101(a)(9) of title  
4 10, United States Code) shall certify that the sustainable  
5 aviation fuel is suitable for use in aircrafts of the Depart-  
6 ment of Defense.

7 (d) WAIVER.—

19 (A) The rationale of the Secretary for  
20 issuing the waiver.

21 (B) A certification that the waiver is in the  
22 national security interest of the United States.

23 (e) DEFINITIONS.—The terms “fully burdened cost”  
24 and “operational purposes” have the meanings given such

1 terms, respectively, in section 2922h of title 10, United  
2 States Code.

3 **SEC. 7. FEDERAL AVIATION ADMINISTRATION RESEARCH.**

4 (a) IN GENERAL.—Section 911(a) of the FAA Mod-  
5 ernization and Reform Act of 2012 (49 U.S.C. 44504  
6 note) is amended—

7 (1) by striking “assist in the development” and  
8 inserting the following:

9 “(1) assist in the development”;

10 (2) by striking “and other” and inserting “,  
11 other”;

12 (3) by striking the period and inserting “, and  
13 sustainable fuel that can be used without the need  
14 to blend with any other type of aviation fuel;”; and

15 (4) by adding at the end the following:

16 “(2) promote the efforts of the aviation sector  
17 to become a net-zero greenhouse gas emitting sector;

18 “(3) study the climate impacts of non-carbon  
19 dioxide greenhouse gas emissions, water vapor, and  
20 contrails and ways to minimize such impacts; and

21 “(4) develop a methodology for quantifying the  
22 non-carbon dioxide climate impacts of aviation in a  
23 lifecycle analysis, including the benefits of sustain-  
24 able aviation fuel other than the reduction in carbon  
25 dioxide emissions.”.

1       (b) DEFINITIONS.—Section 911 of such Act is  
2 amended by adding at the end the following:

3       “(e) DEFINITIONS.—In this section:

4       “(1) SUSTAINABLE AVIATION FUEL.—The term  
5       ‘sustainable aviation fuel’ means liquid fuel con-  
6       sisting of synthesized hydrocarbons that—

7               “(A) is derived from a qualified feedstock;  
8               and

9               “(B) conforms to the standards, rec-  
10       ommended practices, requirements and criteria,  
11       supporting documents, implementation ele-  
12       ments, and any other technical guidance for  
13       sustainable aviation fuels that are adopted by  
14       the International Civil Aviation Organization  
15       with the agreement of the United States.

16       “(2) QUALIFIED FEEDSTOCK.—The term ‘quali-  
17       fied feedstock’ means sources of hydrogen and car-  
18       bon not originating from unrefined or refined petro-  
19       chemicals.

20       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
21       is authorized to be appropriated to the Administrator of  
22       the Federal Aviation Administration \$35,000,000 for each  
23       of fiscal years 2024 through 2028 to carry out this sec-  
24       tion.”.

**1 SEC. 8. DEPARTMENT OF ENERGY RESEARCH.**

2 (a) IN GENERAL.—The Secretary of Energy shall  
3 carry out a program to research the use of cover crops  
4 or other crops grown for conservation purposes rather  
5 than for sale in the production of sustainable aviation fuel.

6 (b) COLLABORATION.—In carrying out the program  
7 under subsection (a), the Secretary shall collaborate with  
8 the national laboratories, the Department of Agriculture,  
9 and industry partners.

10 (c) DEFINITIONS.—In this section:

11 (1) SUSTAINABLE AVIATION FUEL.—The term  
12 “sustainable aviation fuel” means liquid fuel con-  
13 sisting of synthesized hydrocarbons that—

14 (A) is derived from a qualified feedstock;  
15 and

16 (B) conforms to the standards, rec-  
17 ommended practices, requirements and criteria,  
18 supporting documents, implementation ele-  
19 ments, and any other technical guidance for  
20 sustainable aviation fuels that are adopted by  
21 the International Civil Aviation Organization  
22 with the agreement of the United States.

23 (2) NATIONAL LABORATORY.—The term “na-  
24 tional laboratory” has the meaning given the term in  
25 section 2(3) of the Energy Policy Act of 2005 (42  
26 U.S.C. 15801(3)).

1       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this section.

4 SEC. 9. EXTENSION OF CLEAN FUEL PRODUCTION CREDIT  
5 FOR SUSTAINABLE AVIATION FUEL.

6 (a) IN GENERAL.—Section 45Z(g) of the Internal  
7 Revenue Code of 1986 is amended to read as follows:

8       “(g) TERMINATION.—This section shall not apply—  
9           “(1) in the case of transportation fuel which is  
10          not sustainable aviation fuel, to fuel sold after De-  
11          cember 31, 2027, and

12               “(2) in the case of sustainable aviation fuel, to  
13               fuel sold after December 31, 2032.”.

14 (b) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to fuel produced after December  
16 31, 2027.

17 SEC. 10. SUSTAINABLE AVIATION FUEL PRODUCTION PROP-  
18 ERTY ADDED TO ENERGY CREDIT.

19 (a) IN GENERAL.—Section 48 of the Internal Rev-  
20 enue Code of 1986 is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (2)(A)(i)—

23 (i) in subclause (VIII), by striking  
24 “and”, and

1 (ii) by adding at the end the following  
2 new subclause:

3 “(X) sustainable aviation fuel  
4 production property, and”,

5 (B) in paragraph (3)(A), by striking “or”  
6 at the end of clause (x), inserting “or” at the  
7 end of clause (xi), and by adding at the end the  
8 following new clause:

11 (C) by redesignating paragraph (16) as  
12 paragraph (17) and by inserting after para-  
13 graph (15) the following new paragraph:

14                   “(16) PHASEOUT FOR SUSTAINABLE AVIATION  
15                   FUEL PRODUCTION PROPERTY.—In the case of any  
16                   energy property described in paragraph (3)(A)(xii)  
17                   the construction of which begins before January 1,  
18                   2037, the energy percentage determined under para-  
19                   graph (2) shall be equal to—

20                   “(A) in the case of any property the con-  
21                   struction of which begins after December 31,

22 2028, and before January 1, 2030, 24 percent,  
23 "(B) in the case of any property the con-  
24 struction of which begins after December 31,

1           2029, and before January 1, 2031, 18 percent,  
2           and

3           “(C) in the case of any property the con-  
4           struction of which begins after December 31,  
5           2030, and before January 1, 2037, 12 per-  
6           cent.”, and

7           (2) in subsection (c), by adding at the end the  
8           following new paragraph:

9           “(9) SUSTAINABLE AVIATION FUEL PRODUC-  
10           TION PROPERTY.—

11           “(A) IN GENERAL.—The term ‘sustainable  
12           aviation fuel production property’ means—

13           “(i) property which produces sustain-  
14           able aviation fuel (as defined in section  
15           40B(d)), or

16           “(ii) property directly related to ena-  
17           bling the production or distribution of sus-  
18           tainable aviation fuel.

19           “(B) RECAPTURE OF CREDIT.—The Sec-  
20           retary shall, by regulations, provide for recap-  
21           turing the benefit of any credit allowable under  
22           subsection (a)(3)(A)(xii) with respect to any  
23           sustainable aviation fuel production property if  
24           the sustainable aviation fuel production of such  
25           property comprises less than 80 percent of the

1           total fuel production of such property in any of  
2           the 5 taxable years immediately following the  
3           taxable year in which such property was placed  
4           in service.”.

5           (b) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply to fuel produced after December  
7 31, 2023.