

118TH CONGRESS
1ST SESSION

S. 2599

To impose surcharges on private jet travel and certain first class and business tickets, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

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

A BILL

To impose surcharges on private jet travel and certain first class and business tickets, 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 “Assessing Inter-
5 national Requirements to Fuel Aviation’s Impact Reduc-
6 tion Act of 2023” or the “AIR FAIR Act of 2023”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

9 (1) aviation accounts for 3 percent of the total
10 greenhouse gas emissions of the United States;

1 (2) aviation is 1 of the fastest growing sources
2 of anthropogenic greenhouse gas emissions;

3 (3) greenhouse gas emissions resulting from
4 aviation are projected to triple by 2050;

5 (4) flying first class has been estimated to have
6 up to 7 times the carbon footprint of flying in econ-
7 omy class;

8 (5) flying first class on a single domestic round-
9 trip flight can generate more greenhouse gas emis-
10 sions than the average greenhouse gas emissions
11 from a year of driving;

12 (6) private jets are, on average—

13 (A) 10 times more carbon intensive than
14 commercial airliners; and

15 (B) 50 times more carbon intensive than
16 trains;

17 (7) operators of private jets benefit from public
18 airport infrastructure, but fail to pay their fair share
19 for the maintenance, upkeep, and administration of
20 that infrastructure; and

21 (8) airports are a large source of air pollution
22 and contribute to poor air quality in the neighbor-
23 hoods surrounding the airports, leading to worse
24 health outcomes for those who live in those neigh-
25 borhoods.

1 **SEC. 3. DEFINITIONS.**

2 (a) IN GENERAL.—In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) CALCULATED GREENHOUSE GAS EMIS-
7 SIONS.—The term “calculated greenhouse gas emis-
8 sions”, with respect to aviation fuel, means the ag-
9 gregate net lifecycle greenhouse gas emissions of the
10 fuel or mix of fuels consumed by a flight where all
11 fuels, except the consumed fuels that are sustainable
12 aviation fuels, are considered to have the net
13 lifecycle greenhouse gas emissions of traditional jet
14 fuel.

15 (3) ESTIMATED FLIGHT TIME.—

16 (A) IN GENERAL.—The term “estimated
17 flight time”, with respect to a flight that has
18 not yet terminated, means the period that the
19 operator of the flight reasonably anticipates will
20 be the real flight time.

21 (B) EXCLUSION.—The term “estimated
22 flight time” does not include any period during
23 which the aircraft used for the flight is antici-
24 pated to spend taxiing to a gate, standing at a
25 gate, or otherwise remaining grounded.

1 (4) GREENHOUSE GAS.—The term “greenhouse
2 gas” has the meaning given the term in section
3 137(d) of the Clean Air Act (42 U.S.C. 7437(d)).

4 (5) NET LIFECYCLE GREENHOUSE GAS EMIS-
5 SIONS.—The term “net lifecycle greenhouse gas
6 emissions”, with respect to aviation fuel, means the
7 net quantity of greenhouse gas emissions related to
8 the full fuel lifecycle, where the mass values for
9 those greenhouse gas emissions are adjusted to ac-
10 count for the relative global warming potential of
11 each greenhouse gas, as determined by the Adminis-
12 trator in accordance with the most recent Carbon
13 Offsetting and Reduction Scheme for International
14 Aviation that has been adopted by the International
15 Civil Aviation Organization with the agreement of
16 the United States.

17 (6) QUALIFYING FLIGHT.—

18 (A) IN GENERAL.—The term “qualifying
19 flight” means a flight that—

20 (i) originates from, terminates in, or
21 both originates from and terminates in the
22 United States;

23 (ii) is made using an aircraft—

24 (I) equipped with 1 or more jet
25 engines; and

1 (II) with a maximum takeoff
2 weight of not less than 12,500
3 pounds; and

4 (iii) is not operated as a regularly
5 scheduled flight by a passenger common
6 carrier subject to part 121 of title 14,
7 Code of Federal Regulations (or successor
8 regulations).

9 (B) EXCLUSIONS.—The term “qualifying
10 flight” does not include a flight described in
11 subparagraph (A)—

12 (i) in which the aircraft carrying out
13 the flight is—

14 (I) a Federal, State, Tribal, or
15 local government-owned aircraft con-
16 ducting government business; or

17 (II) a military aircraft;

18 (ii) that is flown for medical reasons;

19 or

20 (iii) that is flown exclusively for the
21 purpose of carrying cargo.

22 (7) QUALIFYING TICKET.—

23 (A) IN GENERAL.—The term “qualifying
24 ticket” means a ticket for a first class or busi-
25 ness class seat—

1 (i) on a flight that—

2 (I) originates from, terminates
3 in, or both originates from and termi-
4 nates in the United States;

5 (II) is operated as a regularly
6 scheduled flight by a passenger com-
7 mon carrier subject to part 121 of
8 title 14, Code of Federal Regulations
9 (or successor regulations); and

10 (III) is not made using an air-
11 craft that relies exclusively on a hy-
12 drogen fuel cell or batteries for the
13 propulsion of the aircraft; and

14 (ii)(I) with respect to a flight with 2
15 or 3 classes of service, in the highest class
16 of service; and

17 (II) with respect to a flight with 4 or
18 more classes of service, in either of the 2
19 highest classes of service.

20 (B) INCLUSION.—The term “qualifying
21 ticket” includes a ticket for a seat, regardless
22 of class of service, capable of reclining at an
23 angle of greater than 45 degrees, including a
24 seat capable of lying fully flat.

1 (C) TREATMENT OF MULTIPLE FLIGHT
2 SEGMENTS.—If only 1 ticket is provided for
3 travel the itinerary of which includes 2 or more
4 flight segments, the ticket shall be treated as a
5 separate qualifying ticket for each separate
6 takeoff and landing for a flight described in
7 subparagraph (A)(i) in a seat described in sub-
8 paragraphs (A)(ii) and (B) (as applicable).

9 (8) REAL FLIGHT TIME.—

10 (A) IN GENERAL.—The term “real flight
11 time”, with respect to a flight, means the pe-
12 riod between the time of takeoff and the time
13 of landing.

14 (B) EXCLUSION.—The term “real flight
15 time” does not include any period during which
16 the aircraft used for the flight taxis to a gate,
17 stands at a gate, or is otherwise grounded.

18 (9) SUSTAINABLE AVIATION FUEL.—

19 (A) IN GENERAL.—The term “sustainable
20 aviation fuel” means any neat fuel that achieves
21 a reduction in average net lifecycle greenhouse
22 gas emissions, as compared to traditional jet
23 fuel, of at least 50 percent.

24 (B) EXCLUSION.—The term “sustainable
25 aviation fuel” does not include any fuel that is

1 made from feedstock that includes palm oil,
2 palm fatty acid distillate, petroleum, or plastic.

3 (b) CONSUMPTION OF FUEL.—

4 (1) IN GENERAL.—For purposes of this Act,
5 fuel may be considered consumed if the fuel has
6 been delivered directly to an aircraft or to a public
7 use airport fueling system, including pipelines to a
8 public use airport if there is no prospect of the fuel
9 being diverted or removed from that airport fueling
10 system before the point of use by an aircraft.

11 (2) ASSIGNMENT.—For purposes of assigning
12 the consumption of fuels to flights for the assess-
13 ment of a surcharge under this Act, an operator of
14 a flight may enter into a binding, exclusive agree-
15 ment to transfer the assignment of fuel that is con-
16 sumed if the agreement meets such standards of
17 transparency and environmental integrity as deter-
18 mined appropriate by the Administrator.

19 **SEC. 4. SURCHARGE ON PRIVATE JET TRAVEL.**

20 (a) REPORTING REQUIREMENT.—

21 (1) IN GENERAL.—Beginning on January 1,
22 2024, the operator of each qualifying flight shall
23 submit to the Administrator, with respect to the
24 qualifying flight, information on—

25 (A) the aircraft used;

1 (B) the flight path, including real flight
2 time and total distance traveled;

3 (C) the total quantity of fuels consumed;
4 and

5 (D) the type or types of fuels consumed.

6 (2) REQUIREMENT.—The information required
7 under paragraph (1) shall be submitted to the Ad-
8 ministrator not later than 24 hours after the time
9 at which the qualifying flight lands.

10 (3) PUBLICATION.—The Administrator shall
11 make the information reported under paragraph (1)
12 publicly available online not later than 90 days after
13 receiving the information.

14 (b) SURCHARGE.—

15 (1) DOMESTIC FLIGHTS.—

16 (A) IN GENERAL.—Beginning on January
17 1, 2024, not later than 7 days after the termi-
18 nation of a qualifying flight that both originates
19 from and terminates in the United States, the
20 Administrator shall assess on the operator of
21 the qualifying flight a surcharge with respect to
22 that qualifying flight in an amount determined
23 in accordance with subparagraph (B).

24 (B) AMOUNT OF SURCHARGE.—

1 (i) IN GENERAL.—The amount of a
2 surcharge assessed under subparagraph
3 (A) with respect to a qualifying flight that
4 both originates from and terminates in the
5 United States shall be the product ob-
6 tained by multiplying—

7 (I) the calculated greenhouse gas
8 emissions of the fuel or mix of fuels
9 consumed by the qualifying flight, as
10 expressed in tons of carbon dioxide-
11 equivalent emissions per unit volume
12 of fuel and determined by the Admin-
13 istrator;

14 (II) the total quantity of fuels
15 consumed; and

16 (III) subject to clause (ii), \$190.

17 (ii) ADJUSTMENT.—Beginning in cal-
18 endar year 2025, the Administrator shall
19 annually adjust the amount described in
20 clause (i)(III) by the percentage that is
21 equal to the sum obtained by adding—

22 (I) the rate of inflation, as deter-
23 mined by the Administrator using the
24 changes for the 12-month period end-
25 ing the preceding November 30 in the

1 Consumer Price Index for All Urban
2 Consumers published by the Bureau
3 of Labor Statistics of the Department
4 of Labor; and

5 (II) 10 percentage points.

6 (2) INTERNATIONAL FLIGHTS.—

7 (A) IN GENERAL.—Beginning on January
8 1, 2024, not later than 7 days after the termi-
9 nation of a qualifying flight that either origi-
10 nates from or terminates in the United States,
11 the Administrator shall assess on the operator
12 of the qualifying flight a surcharge with respect
13 to that qualifying flight in an amount deter-
14 mined in accordance with subparagraph (B).

15 (B) AMOUNT OF SURCHARGE.—

16 (i) IN GENERAL.—Subject to clause
17 (ii), the amount of a surcharge assessed
18 under subparagraph (A) shall be—

19 (I) for a qualifying flight with a
20 real flight time of not more than 2
21 hours, \$1,500;

22 (II) for a qualifying flight with a
23 real flight time of more than 2 hours
24 but not more than 6 hours, \$4,500;

1 (III) for a qualifying flight with
2 a real flight time of more than 6
3 hours but not more than 10 hours,
4 \$7,500; and

5 (IV) for a qualifying flight with a
6 real flight time of more than 10
7 hours, \$10,000.

8 (ii) ADJUSTMENTS.—

9 (I) INFLATION.—Beginning in
10 calendar year 2025, the Administrator
11 shall annually adjust the amounts de-
12 scribed in clause (i) by the percentage
13 that is equal to the sum obtained by
14 adding—

15 (aa) the rate of inflation, as
16 determined by the Administrator
17 using the changes for the 12-
18 month period ending the pre-
19 ceding November 30 in the Con-
20 sumer Price Index for All Urban
21 Consumers published by the Bu-
22 reau of Labor Statistics of the
23 Department of Labor; and

24 (bb) 10 percentage points.

1 (II) ADDITIONAL ADJUST-
2 MENTS.—After adjustments under
3 subclause (I) the amount of the sur-
4 charge assessed under subparagraph
5 (A) shall be additionally adjusted as
6 follows:

7 (aa) If the qualifying flight
8 is made using an aircraft with a
9 maximum takeoff weight of more
10 than 40,000 pounds, the amount
11 of the surcharge shall be doubled.

12 (bb) If the qualifying flight
13 consumes sustainable aviation
14 fuel, the amount of the surcharge
15 shall be reduced by a percentage
16 equal to the percentage reduction
17 in the calculated greenhouse gas
18 emissions achieved by the fuel or
19 mix of fuels consumed by the
20 qualifying flight, as compared to
21 traditional jet fuel.

22 (3) DEADLINE.—A surcharge assessed under
23 this subsection shall be due and payable to the Ad-
24 ministrator not later than the date that is 30 days
25 after the date on which the surcharge was assessed.

1 (4) PENALTY.—If an operator fails to pay a
2 surcharge assessed under this subsection by the date
3 described in paragraph (3)—

4 (A) the Administrator shall inform the Ad-
5 ministrator of the Federal Aviation Administra-
6 tion of the failure of the operator to pay the
7 surcharge; and

8 (B) the Administrator of the Federal Avia-
9 tion Administration shall prohibit the operator
10 from operating within navigable airspace (as de-
11 fined in section 40102(a) of title 49, United
12 States Code) until the Administrator informs
13 the Administrator of the Federal Aviation Ad-
14 ministration that all outstanding surcharges as-
15 sessed under this section have been paid.

16 **SEC. 5. SURCHARGE ON FIRST AND BUSINESS CLASS TICK-**
17 **ETS.**

18 (a) IN GENERAL.—Beginning on January 1, 2024,
19 the Administrator, in coordination with the Secretary of
20 the Treasury, shall ensure that each operator selling a
21 qualifying ticket assesses, at the time of purchase, a sur-
22 charge on each qualifying ticket in an amount determined
23 under subsection (b), which amount shall be remitted to
24 the Administrator.

25 (b) AMOUNT OF SURCHARGE.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the amount of a surcharge assessed under subsection
3 (a) shall be—

4 (A) with respect to a qualifying ticket on
5 a flight with an estimated flight time of not
6 more than 2 hours, \$75;

7 (B) with respect to a qualifying ticket on
8 a flight with an estimated flight time of more
9 than 2 hours but not more than 6 hours, \$200;
10 and

11 (C) with respect to a qualifying ticket on
12 a flight with an estimated flight time of more
13 than 6 hours, \$600.

14 (2) ADJUSTMENTS.—

15 (A) INFLATION.—Beginning in calendar
16 year 2025, the Administrator shall annually ad-
17 just the amounts described in paragraph (1) by
18 the percentage that is equal to the sum ob-
19 tained by adding—

20 (i) the rate of inflation, as determined
21 by the Administrator using the changes for
22 the 12-month period ending the preceding
23 November 30 in the Consumer Price Index
24 for All Urban Consumers published by the

1 Bureau of Labor Statistics of the Depart-
2 ment of Labor; and

3 (ii) 10 percentage points.

4 (B) ADDITIONAL ADJUSTMENTS.—After
5 adjustments under subparagraph (A) the
6 amount of a surcharge on a qualifying ticket
7 assessed under subsection (a) shall be addition-
8 ally adjusted as follows:

9 (i) If the operator of the flight for
10 which the qualifying ticket is being pur-
11 chased reasonably anticipates that the
12 flight will be made using an aircraft that
13 is in the top 10 percent of aircraft in the
14 United States (for narrow-body aircraft or
15 wide-body aircraft, as applicable) for fuel
16 efficiency, as measured using the certifi-
17 cation procedures in Volume III of Annex
18 16 to the Convention on International Civil
19 Aviation, the amount of the surcharge
20 shall be reduced by 25 percent.

21 (ii) If the operator of the flight for
22 which the qualifying ticket is being pur-
23 chased reasonably anticipates that the
24 flight will consume sustainable aviation
25 fuel, the amount of the surcharge shall be

1 reduced by a percentage equal to the per-
2 centage reduction in the calculated green-
3 house gas emissions achieved by the fuel or
4 mix of fuels anticipated to be consumed, as
5 compared to traditional jet fuel.

6 (iii) If the operator of the flight for
7 which the qualifying ticket is being pur-
8 chased surrendered offset certificates to
9 the Administrator pursuant to subsection
10 (c) in the previous calendar year, the
11 amount of the surcharge shall be reduced
12 by the percentage determined under para-
13 graphs (3) and (4) of that subsection.

14 (c) DIRECT AIR CAPTURE.—

15 (1) IN GENERAL.—For purposes of determining
16 the offset credit described in subsection
17 (b)(2)(B)(iii), an operator of flights for which quali-
18 fying tickets are sold may surrender to the Adminis-
19 trator certificates for greenhouse gas emissions cap-
20 tured directly from the ambient air and disposed of
21 in secure geological storage in exchange for an offset
22 credit in accordance with this subsection.

23 (2) OFFSET CERTIFICATES.—The Adminis-
24 trator shall issue to an operator of a flight for which
25 qualifying tickets are sold certificates for the total

1 quantity of greenhouse gas emissions, expressed in
2 tons of carbon dioxide-equivalent, that are captured
3 directly from the ambient air and disposed of in se-
4 cure geological storage (in compliance with the regu-
5 lations required under section 45Q(f)(2) of the In-
6 ternal Revenue Code of 1986) by facilities that—

7 (A) are owned by the operator; or

8 (B) have entered into a binding, exclusive
9 agreement with the operator to capture and dis-
10 pose of in secure geological storage a specified
11 quantity of greenhouse gas emissions.

12 (3) AMOUNT OF OFFSET CREDIT.—For pur-
13 poses of subsection (b)(2)(B)(iii), the total amount
14 of the offset credit for any year shall be equal to the
15 percentage obtained by dividing—

16 (A) the quantity of certificates described in
17 paragraph (1) surrendered to the Administrator
18 by the operator during the previous calendar
19 year; by

20 (B) the total net lifecycle greenhouse gas
21 emissions for the fuel or mix of fuels consumed
22 by all of the flights operated by the operator in
23 the previous calendar year as regularly sched-
24 uled flights subject to part 121 of title 14, Code

1 of Federal Regulations (or successor regula-
2 tions).

3 (4) LIMITATION.—

4 (A) CALENDAR YEARS 2025 THROUGH
5 2049.—The quantity determined under para-
6 graph (3) may not exceed—

7 (i) for calendar year 2025, the per-
8 centage determined under paragraph (3)
9 shall not exceed 50 percent; and

10 (ii) for each of calendar years 2026
11 through 2049, the percentage determined
12 under paragraph (3) shall not exceed a
13 maximum percentage that is 2 percentage
14 points lower than the maximum percentage
15 for the previous calendar year.

16 (B) CALENDAR YEAR 2050 AND THERE-
17 AFTER.—Beginning in calendar year 2050, and
18 in each calendar year thereafter, no certificates
19 under this subsection may be surrendered to
20 the Administrator for purposes of determining
21 the amount of the adjustment under subsection
22 (b)(2)(B)(iii).

23 (5) EXPIRATION OF CERTIFICATES.—A certifi-
24 cate issued by the Administrator under this sub-
25 section shall expire 1 year after the date of issuance.

1 (6) ADDITIONALITY.—By not later than Janu-
2 ary 1, 2024, the Administrator shall promulgate reg-
3 ulations to ensure that any certificates issued under
4 this subsection are for greenhouse gas emissions
5 that—

6 (A) are captured directly from the ambient
7 air and disposed of in secure geological storage;
8 and

9 (B) would not have otherwise been cap-
10 tured directly from the ambient air and dis-
11 posed of in secure geological storage but for the
12 offset credit described in subsection
13 (b)(2)(B)(iii).

14 (d) RECONCILIATION OF PAYMENTS DUE.—

15 (1) DEFINITION OF ACTUAL SURCHARGE
16 AMOUNT.—In this subsection, the term “actual sur-
17 charge amount”, with respect to a flight for which
18 a surcharge under subsection (a) was assessed for 1
19 or more qualifying tickets, means the product ob-
20 tained by multiplying—

21 (A) the actual quantity of qualifying tick-
22 ets sold for the flight; and

23 (B) the amount of the surcharge for a
24 qualifying ticket for that flight, as determined
25 in accordance with this section using—

1 (i) the estimated flight time for the
2 flight;

3 (ii) the actual model of the aircraft
4 used for the flight; and

5 (iii) the calculated lifecycle greenhouse
6 gas emissions of the fuel or mix of fuels
7 consumed during the flight.

8 (2) DETERMINATION.—After the termination of
9 a flight for which a surcharge under subsection (a)
10 was assessed on 1 or more qualifying tickets, the op-
11 erator of the flight shall determine the actual sur-
12 charge amount for the flight.

13 (3) REPORTING AND REMITTANCE.—If the ac-
14 tual surcharge amount for a flight differs from the
15 total of the surcharges assessed for all qualifying
16 tickets for that flight, the operator of the flight
17 shall—

18 (A) not later than 7 days after the termi-
19 nation of the flight, submit to the Adminis-
20 trator a report containing an itemized state-
21 ment describing the discrepancy; and

22 (B) if the actual surcharge amount for the
23 flight is greater than the total of the surcharges
24 assessed for all qualifying tickets for that flight,
25 remit to the Administrator, not later than 30

1 days after the date on which the operator sub-
 2 mits to the Administrator the report required
 3 under subparagraph (A), an amount equal to
 4 the difference between—

5 (i) the actual surcharge amount for
 6 the flight; and

7 (ii) the total of the surcharges as-
 8 sessed for all qualifying tickets for the
 9 flight.

10 **SEC. 6. INVESTING IN DECARBONIZATION AND INFRA-**
 11 **STRUCTURE.**

12 (a) ADMINISTRATION OF SURCHARGES.—For fiscal
 13 year 2026 and each fiscal year thereafter, there are appro-
 14 priated, out of any funds in the Treasury not otherwise
 15 appropriated, to the Environmental Protection Agency an
 16 amount equal to 2 percent of the amounts collected pursu-
 17 ant to surcharges assessed under sections 4(b) and 5 dur-
 18 ing the previous calendar year to support the administra-
 19 tion of the reporting program under section 4(a) and the
 20 assessment of surcharges under sections 4(b) and 5.

21 (b) CLEAN AIRPORTS PROGRAM.—

22 (1) DEFINITIONS.—In this subsection:

23 (A) AIR POLLUTANT.—The term “air pol-
 24 lutant” means any air pollutant that is listed
 25 pursuant to section 108(a) of the Clean Air Act

1 (42 U.S.C. 7408(a)) and any precursor to such
2 an air pollutant.

3 (B) ZERO-EMISSION AIRPORT EQUIPMENT
4 OR TECHNOLOGY.—The term “zero-emission
5 airport equipment or technology” means
6 human-equipment or human-maintained tech-
7 nology at an airport that produces zero emis-
8 sions of any air pollutant and any greenhouse
9 gas.

10 (2) ESTABLISHMENT.—For fiscal year 2026
11 and each fiscal year thereafter, there are appro-
12 priated, out of any funds in the Treasury not other-
13 wise appropriated, to the Environmental Protection
14 Agency an amount equal to 25 percent of the
15 amounts collected pursuant to surcharges assessed
16 under sections 4(b) and 5 during the previous cal-
17 endar year to award rebates and grants to eligible
18 recipients on a competitive basis—

19 (A) to purchase or install zero-emission
20 airport equipment or technology for use at 1 or
21 more airports;

22 (B) to finance airport infrastructure im-
23 provement projects that would reduce the emis-
24 sion of air pollutants and greenhouse gases re-
25 lated to the operations of the airport; and

1 (C) to conduct any relevant planning or
2 permitting in connection with the purchase or
3 installation of zero-emission airport equipment
4 or technology.

5 (3) ELIGIBLE ENTITIES.—An entity eligible to
6 receive an award under the program established
7 under paragraph (2) is—

8 (A) a State (including the District of Co-
9 lumbia and territories of the United States), re-
10 gional, local, or Tribal agency that has jurisdic-
11 tion over an airport;

12 (B) an airport authority; and

13 (C) a private entity that—

14 (i) applies for an award under this
15 subsection in partnership with an entity
16 described in subparagraph (A) or (B); and

17 (ii) owns, operates, or uses airport
18 equipment or technology.

19 (4) SELECTION.—

20 (A) APPLICATION.—An eligible entity seek-
21 ing an award under the program established
22 under paragraph (2) shall submit to the Admin-
23 istrator an application at such time, in such
24 manner, and containing such information as the
25 Administrator may require.

1 (B) PRIORITY.—In selecting the recipients
2 of awards under the program established under
3 paragraph (2), the Administrator shall give pri-
4 ority to projects that would—

5 (i) maximize the reduction of green-
6 house gas emissions;

7 (ii) maximize the public health bene-
8 fits from the reduction of air pollutants;

9 (iii) maximize public health and envi-
10 ronmental benefits from every dollar spent
11 under the program; and

12 (iv) alleviate air pollution in poor air
13 quality areas, including—

14 (I) areas identified by the Ad-
15 ministrator as in nonattainment or
16 maintenance of national ambient air
17 quality standards promulgated under
18 section 109 of the Clean Air Act (42
19 U.S.C. 7409) for criteria air pollut-
20 ants; and

21 (II) other areas that receive a
22 disproportionate quantity of air pollu-
23 tion, as determined by the Adminis-
24 trator.

1 (c) DETERMINING THE EFFECTS OF AVIATION ON
2 AIR QUALITY AND THE ENVIRONMENT.—

3 (1) ESTABLISHMENT.—For fiscal year 2026
4 and each fiscal year thereafter, there are appro-
5 priated, out of any funds in the Treasury not other-
6 wise appropriated, to the Environmental Protection
7 Agency an amount equal to 3 percent of the
8 amounts collected pursuant to surcharges assessed
9 under sections 4(b) and 5 during the previous cal-
10 endar year—

11 (A) to conduct a study to determine strate-
12 gies for reducing the impact of the aviation in-
13 dustry on air quality and the environment; and

14 (B) to promulgate regulations to mitigate
15 the impacts described in subparagraph (A).

16 (2) STUDY.—

17 (A) IN GENERAL.—Not later than January
18 1, 2030, and not later than January 1 every 5
19 years thereafter, the Administrator shall carry
20 out, and make a report publicly available de-
21 scribing the results of, a study to determine
22 strategies for reducing the impact of the avia-
23 tion industry on air quality and the environ-
24 ment.

1 (B) CONSIDERATIONS.—The study re-
2 quired under subparagraph (A) shall include
3 consideration of—

4 (i) the technological requirements for
5 achieving net zero greenhouse gas emis-
6 sions across the aviation sector by 2050;

7 (ii) the impacts of the production of
8 biofuels on land use and on other sectors
9 competing for the use of agricultural land;
10 and

11 (iii) the disproportionate impact of
12 pollution from the aviation industry on the
13 communities surrounding airports and
14 along high-traffic air corridors.

15 (3) REGULATIONS.—Not later than 3 years
16 after the date on which the Administrator completes
17 a study under paragraph (2), the Administrator
18 shall—

19 (A) promulgate regulations to implement
20 appropriate measures to mitigate, to the great-
21 est extent achievable considering the results of
22 the study carried out under paragraph (2)(A),
23 any adverse impacts on air quality or the envi-
24 ronment from the aviation industry; or

1 (B) make a determination that no regula-
2 tions described in subparagraph (A) are nec-
3 essary.

4 (d) ENSURING SOLVENCY OF THE HIGHWAY TRUST
5 FUND.—For fiscal year 2026 and each fiscal year there-
6 after, there are appropriated, out of any funds in the
7 Treasury not otherwise appropriated, to the Highway
8 Trust Fund an amount equal to 15 percent of the amounts
9 collected pursuant to surcharges assessed under sections
10 4(b) and 5 during the previous calendar year.

11 (e) ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK
12 GRANTS.—For fiscal year 2026 and each fiscal year there-
13 after, there are appropriated, out of any funds in the
14 Treasury not otherwise appropriated, to the Environ-
15 mental Protection Agency an amount equal to 15 percent
16 of the amounts collected pursuant to surcharges assessed
17 under sections 4(b) and 5 during the previous calendar
18 year to make environmental and climate justice block
19 grants in accordance with section 138 of the Clean Air
20 Act (42 U.S.C. 7438).

21 (f) EXPANDING THE BIOENERGY TECHNOLOGIES
22 OFFICE.—For fiscal year 2026 and each fiscal year there-
23 after, there are appropriated, out of any funds in the
24 Treasury not otherwise appropriated, to the Department
25 of Energy an amount equal to 30 percent of the amounts

1 collected pursuant to surcharges assessed under sections
2 4(b) and 5 during the previous calendar year to support
3 the research, development, and demonstration of sustain-
4 able aviation fuel and underlying technologies at the Bio-
5 energy Technologies Office.

6 (g) SUPPORTING FAA AIRPORT INFRASTRUCTURE
7 GRANTS.—For fiscal year 2026 and each fiscal year there-
8 after, there are appropriated, out of any funds in the
9 Treasury not otherwise appropriated, to the Federal Avia-
10 tion Administration an amount equal to 5 percent of the
11 amounts collected pursuant to surcharges assessed under
12 sections 4(b) and 5 during the previous calendar year to
13 carry out the program described under the heading “AIR-
14 PORT INFRASTRUCTURE GRANTS” under the heading
15 “FEDERAL AVIATION ADMINISTRATION” in title VIII of
16 division J of the Infrastructure Investment and Jobs Act
17 (Public Law 117–58; 135 Stat. 1416).

18 (h) SUPPORTING THE FAA ASCENT PROGRAM.—For
19 fiscal year 2026 and each fiscal year thereafter, there are
20 appropriated, out of any funds in the Treasury not other-
21 wise appropriated, to the Federal Aviation Administration
22 an amount equal to 5 percent of the amounts collected
23 pursuant to surcharges assessed under sections 4(b) and

1 5 during the previous calendar year to operate the Center
2 of Excellence for Alternative Jet Fuels and Environment.

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