118TH CONGRESS
2D SESSION

S. _____

To amend title 49, United States Code, to make the method used by the Department of Energy for calculating electric vehicle-equivalent petroleum fuel economy more accurate, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BARRASSO (for himself, Mr. RISCH, Mr. LEE, Mr. CASSIDY, Mr. HOEVEN, and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 49, United States Code, to make the method used by the Department of Energy for calculating electric vehicle-equivalent petroleum fuel economy more accurate, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Recalculating Electric Vehicle Efficiency for Accuracy and Legitimacy Act of 2024''.

SEC. 2. EFFICIENCY CALCULATION FOR ELECTRIC VEHICLES.

Section 32904(a)(2) of title 49, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B)(i) If a manufacturer manufactures an electric vehicle, the Administrator shall include in the calculation of average fuel economy under paragraph (1) equivalent petroleum based fuel economy values determined by the Secretary of Energy for various classes of electric vehicles that are—

''(I) directly comparable to those used for gasoline-fueled and diesel-fueled vehicles with internal combustion engines;

''(II) based on the gross vehicle weight ratings of the electric vehicles; and

''(III) calculated in accordance with the factors described in subclauses (I) through (VI) of clause (ii).

''(ii) Each year, the Secretary of Energy shall review the values described in clause (i) and determine and propose necessary revisions to those values based on the following factors:

''(I) The approximate overall electrical energy efficiency of the electric vehicle and the

durability of the battery of the electric vehicle, taking into consideration—

''(aa) the type of electric vehicle;

''(bb) the intended use, including commercial use, configuration, and weight of the electric vehicle;

''(cc) the degradation in electrical energy efficiency experienced by the electric vehicle battery and vehicle as the electric vehicle battery and electric vehicle, respectively, ages;

''(dd) the degradation that may occur from frequent fast charging of electric vehicle batteries on the vehicle efficiency and driving range;

''(ee) the impact on electrical efficiency from charging electric vehicle batteries to 100 percent over the useful life of the electric vehicle; and

''(ff) the type of battery with which the electric vehicle is equipped.

''(II) The national average electrical generation and transmission efficiencies, as reported by the Energy Information Administration, for the prior year.

"(III) The need of the United States to conserve all forms of energy and the relative scarcity and value to the United States of all fuel used—

"(aa) to generate electricity;

"(bb) to produce electric vehicle batteries and electric vehicles; and

"(cc) to build the necessary electric vehicle charging infrastructure.

"(IV) The need of the United States to conserve all forms of critical minerals and other key materials used in electric vehicle batteries and the relative scarcity and value to the United States of all mineral resources used to manufacture electric vehicles.

"(V)(aa) The energy inputs into the mining, refining, transportation, and use of critical minerals and other key materials used in electric vehicles, including electric vehicle batteries.

"(bb) The Secretary of Energy shall determine values under item (aa) that address all energy inputs for electric vehicles through the final production of the electric vehicle for sale.

''(VI) The specific patterns of use of electric vehicles compared to petroleum-fueled vehicles, including—

''(aa) the impact of summer and winter weather extremes;

''(bb) the use of air conditioning, heating, and other draws on the supply of electrical energy onboard the electric vehicle;

''(cc) the range of the different types and classes of electric vehicles;

''(dd) the difference in distance added to an electric vehicle for a specific period of charging based on the differences between short-range and long-range batteries; and

''(ee) state-of-charge losses when the battery of the electric vehicle is idle.''.

SEC. 3. SECRETARY OF ENERGY PARTICIPATION.

Section 32902 of title 49, United States Code, is amended by striking subsection (j) and inserting the following:

''(j) SECRETARY OF ENERGY.—

''(1) IN GENERAL.—Before the Secretary of Transportation issues a notice proposing to prescribe

or amend an average fuel economy standard under subsection (a), (c), or (g), the Secretary of Energy shall—

"(A) provide, as required under subsection (a)(2)(B)(ii) of section 32904, to the Secretary of Transportation a determination that the equivalent petroleum based fuel economy values used in the calculation of average fuel economy under subsection (a)(1) of that section require revisions based on the factors described in subclauses (I) through (VI) of section 32904(a)(2)(B)(ii);

"(B) coordinate the inclusion of any revised equivalent petroleum based fuel economy values with any proposed or amended average fuel economy standards while considering adequate lead time planning across full model years;

"(C) ensure that any revisions to the equivalent petroleum based fuel economy values, including a revised petroleum equivalency factor value, are used concurrently in any proposed or amended average fuel economy standard issued under subsection (a), (c), or (g);

"(D) harmonize the use of revised equivalent petroleum based fuel economy values with average fuel economy standards including, as appropriate, as part of a mathematical calculation;

"(E) not later than 10 days after the date on which the Secretary of Energy receives notice from the Secretary of Transportation about a proposed standard, provide to the Secretary of Transportation written comments about the impact of the proposed standard on conservation goals if the Secretary of Energy concludes the proposed standard would adversely affect the conservation goals of the Secretary of Energy; and

"(F) receive notice from the Secretary of Transportation before final action on a proposed standard or an exemption from a standard under this section is taken and be provided reasonable time to comment.

"(2) NOTICE COMMENTS.—If the Secretary of Transportation does not revise a proposed standard to take into account comments received from the Secretary of Energy under paragraph (1)(E), the

Secretary of Transportation shall include those comments in the notice.''.