

117TH CONGRESS
1ST SESSION

H. R. 1542

To amend the Farm Security and Rural Investment Act of 2002 to provide grants for deployment of renewable fuel infrastructure, to finalize proposed rules relating to requirements for E15 fuel dispenser labeling and underground storage tank compatibility, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2021

Mrs. AXNE (for herself, Mr. RODNEY DAVIS of Illinois, Ms. CRAIG, Mr. JOHNSON of South Dakota, Mr. SMITH of Nebraska, Mr. POCAN, Mr. FEENSTRA, Mr. HAGEDORN, Mr. BOST, Mrs. BUSTOS, Mr. BAIRD, Mr. EMMER, Mr. BACON, Mrs. HINSON, and Mrs. FISCHBACH) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Farm Security and Rural Investment Act of 2002 to provide grants for deployment of renewable fuel infrastructure, to finalize proposed rules relating to requirements for E15 fuel dispenser labeling and underground storage tank compatibility, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Renewable Fuel Infra-
3 structure Investment and Market Expansion Act of
4 2021”.

5 **SEC. 2. GRANTS FOR DEPLOYMENT OF RENEWABLE FUEL**
6 **INFRASTRUCTURE.**

7 Title IX of the Farm Security and Rural Investment
8 Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding
9 at the end the following:

10 **“SEC. 9015. RENEWABLE FUEL INFRASTRUCTURE GRANT**
11 **PROGRAM.**

12 “(a) **DEFINITION OF ELIGIBLE ENTITY.**—In this sec-
13 tion, the term ‘eligible entity’ means—

14 “(1) a State or unit of local government;

15 “(2) a Tribal government;

16 “(3) an authority, agency, partnership, or in-
17 strumentality of an entity described in paragraph
18 (1) or (2); and

19 “(4) a group of entities described in paragraphs
20 (1) through (3).

21 “(b) **ESTABLISHMENT.**—Not later than 1 year after
22 the date of enactment of this section, the Secretary shall
23 establish a grant program to award grants to eligible enti-
24 ties to carry out the activities described in subsection (e).

25 “(c) **APPLICATIONS.**—An eligible entity desiring a
26 grant under this section shall submit to the Secretary an

1 application at such time, in such manner, and containing
2 such information as the Secretary may require.

3 “(d) ELIGIBILITY CRITERIA.—In selecting an eligible
4 entity to receive a grant under this section, the Secretary
5 shall consider the extent to which the application of the
6 eligible entity proposes—

7 “(1) to convert existing pump infrastructure to
8 deliver ethanol blends with greater than 10 percent
9 ethanol;

10 “(2) to diversify the geographic area selling eth-
11 anol blends with greater than 10 percent ethanol;

12 “(3) to support existing or emerging biodiesel,
13 bioheat, and sustainable aviation fuel markets that
14 have existing incentives;

15 “(4) to increase the use of existing fuel delivery
16 infrastructure;

17 “(5) to enable or accelerate the deployment of
18 renewable fuel infrastructure that would be unlikely
19 to be completed without Federal assistance; and

20 “(6) to build and retrofit traditional and pipe-
21 line biodiesel terminal operations (including rail
22 lines) and home heating oil distribution centers or
23 equivalent entities—

24 “(A) to blend biodiesel; and

25 “(B) to carry ethanol and biodiesel.

1 “(e) ELIGIBLE USE.—An eligible entity that receives
2 a grant under this section may use the grant funds—

3 “(1) to distribute to private or public entities
4 for costs related to incentivizing deployment of re-
5 newable fuel infrastructure;

6 “(2) to convert existing pump infrastructure to
7 deliver ethanol blends greater than 10 percent and
8 biodiesel blends greater than 20 percent;

9 “(3) to install fuel pumps and related infra-
10 structure dedicated to the distribution of higher eth-
11 anol blends (including E15 and E85) and higher
12 biodiesel blends up to B100 at fueling locations, in-
13 cluding—

14 “(A) local fueling stations;

15 “(B) convenience stores;

16 “(C) hypermarket fueling stations; and

17 “(D) fleet facilities or similar entities; and

18 “(4) to build and retrofit traditional and pipe-
19 line biodiesel terminal operations (including rail
20 lines) and home heating oil distribution centers or
21 equivalent entities—

22 “(A) to blend biodiesel; and

23 “(B) to carry ethanol and biodiesel.

24 “(f) CERTIFICATION REQUIREMENT.—Any infra-
25 structure used or installed with grant funds provided

1 under this section shall be certified by the Underwriters
2 Laboratory as infrastructure that distributes blends with
3 an ethanol content of 25 percent or greater.

4 “(g) FUNDING.—

5 “(1) FEDERAL SHARE.—The Federal share of
6 the total cost of carrying out a project awarded a
7 grant under this section shall not exceed 75 percent.

8 “(2) MAXIMUM PERCENTAGE FOR CERTAIN AC-
9 TIVITIES.—An eligible entity receiving a grant under
10 this section shall ensure that Federal funds do not
11 exceed—

12 “(A) 75 percent of the per pump cost
13 for—

14 “(i) pumps that can dispense a range
15 of ethanol blends of E85 or lower (new
16 pumps or retrofit of existing pumps); and

17 “(ii) dedicated E15 or E85 pumps
18 (new pumps or retrofit of existing pumps);

19 “(B) 50 percent of the terminal cost for
20 terminals with B100 capabilities; or

21 “(C) 25 percent of the per tank cost for
22 new storage tanks and related equipment asso-
23 ciated with new facilities or additional capacity
24 other than replacement of existing storage

1 tanks and related equipment associated with ex-
2 isting facilities.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to the Secretary to carry
5 out this section \$100,000,000 for each of fiscal years 2021
6 through 2025.”.

7 **SEC. 3. REPEAL OF E15 FUEL DISPENSER LABELING RE-**
8 **QUIREMENTS.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of enactment of this Act, the Administrator of the
11 Environmental Protection Agency (referred to in this Act
12 as the “Administrator”) shall finalize the proposed rule
13 of the Administrator entitled “E15 Fuel Dispenser Label-
14 ing and Compatibility With Underground Storage Tanks”
15 (86 Fed. Reg. 5094 (January 19, 2021)) with respect to
16 the amendments proposed to be made by that rule to part
17 80 of title 40, Code of Federal Regulations (as in effect
18 on the date of enactment of this Act).

19 (b) REQUIREMENTS.—In carrying out subsection (a),
20 the Administrator shall ensure that the final rule required
21 under that subsection—

- 22 (1) eliminates the E15 labeling requirement;
23 (2) is published in the Federal Register; and
24 (3) is, to the extent practicable, in compliance
25 with all applicable provisions of chapter 5 of title 5,

1 United States Code (commonly known as the “Ad-
2 ministrative Procedures Act”) and all other provi-
3 sions of law relating to rulemaking procedures.

4 (c) COLLABORATION.—In carrying out this section,
5 the Administrator shall collaborate with the Chair of the
6 Federal Trade Commission to harmonize the rule required
7 under subsection (a) with related automotive fuel rating
8 labeling requirements under section 306.10 of title 16,
9 Code of Federal Regulations (or successor regulations).

10 (d) REPORT.—Not later than 180 days after the Ad-
11 ministrator finalizes the rule required under subsection
12 (a), the Administrator shall submit to the Committees on
13 Agriculture, Nutrition, and Forestry, Energy and Natural
14 Resources, and Environment and Public Works of the
15 Senate and the Committees on Agriculture, Energy and
16 Commerce, and Science, Space, and Technology of the
17 House of Representatives a report that summarizes the
18 major activities taken to carry out subsections (a) and (b).

19 **SEC. 4. UPDATES TO UNDERGROUND STORAGE TANK COM-**
20 **PATIBILITY REQUIREMENTS.**

21 (a) IN GENERAL.—Not later than 90 days after the
22 date of enactment of this Act, the Administrator shall fi-
23 nalize the proposed rule of the Administrator entitled
24 “E15 Fuel Dispenser Labeling and Compatibility With
25 Underground Storage Tanks” (86 Fed. Reg. 5094 (Janu-

1 ary 19, 2021)) with respect to the amendments proposed
2 to be made by that rule to parts 280 and 281 of title 40,
3 Code of Federal Regulations (as in effect on the date of
4 enactment of this Act).

5 (b) REQUIREMENTS.—In carrying out subsection (a),
6 the Administrator shall ensure that the final rule required
7 under that subsection—

8 (1) is published in the Federal Register; and

9 (2) is, to the extent practicable, in compliance
10 with all applicable provisions of chapter 5 of title 5,
11 United States Code (commonly known as the “Ad-
12 ministrative Procedures Act”) and all other provi-
13 sions of law relating to rulemaking procedures.

14 (c) REPORT.—Not later than 180 days after the Ad-
15 ministrator finalizes the rule required under subsection
16 (a), the Administrator shall submit to the Committees on
17 Agriculture, Nutrition, and Forestry, Energy and Natural
18 Resources, and Environment and Public Works of the
19 Senate and the Committees on Agriculture, Energy and
20 Commerce, and Science, Space, and Technology of the
21 House of Representatives a report that summarizes the
22 major activities taken to carry out subsections (a) and (b).

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