

117TH CONGRESS  
1ST SESSION

# S. 227

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 SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Ms. KLOBUCHAR (for herself and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Renewable Fuel Infra-  
5 structure Investment and Market Expansion Act of  
6 2021”.

1 **SEC. 2. GRANTS FOR DEPLOYMENT OF RENEWABLE FUEL**  
2 **INFRASTRUCTURE.**

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

6 **“SEC. 9015. RENEWABLE FUEL INFRASTRUCTURE GRANT**  
7 **PROGRAM.**

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

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

11 “(2) a Tribal government;

12 “(3) an authority, agency, partnership, or in-  
13 strumentality of an entity described in paragraph  
14 (1) or (2); and

15 “(4) a group of entities described in paragraphs  
16 (1) through (3).

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

21 “(c) APPLICATIONS.—An eligible entity desiring a  
22 grant under this section shall submit to the Secretary an  
23 application at such time, in such manner, and containing  
24 such information as the Secretary may require.

25 “(d) ELIGIBILITY CRITERIA.—In selecting an eligible  
26 entity to receive a grant under this section, the Secretary

1 shall consider the extent to which the application of the  
2 eligible entity proposes—

3           “(1) to convert existing pump infrastructure to  
4 deliver ethanol blends with greater than 10 percent  
5 ethanol;

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

8           “(3) to support existing or emerging biodiesel,  
9 bioheat, and sustainable aviation fuel markets that  
10 have existing incentives;

11           “(4) to increase the use of existing fuel delivery  
12 infrastructure;

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

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

20                   “(A) to blend biodiesel; and

21                   “(B) to carry ethanol and biodiesel.

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

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

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

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

12                   “(A) local fueling stations;

13                   “(B) convenience stores;

14                   “(C) hypermarket fueling stations; and

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

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

20                   “(A) to blend biodiesel; and

21                   “(B) to carry ethanol and biodiesel.

22           “(f) CERTIFICATION REQUIREMENT.—Any infra-  
23 structure used or installed with grant funds provided  
24 under this section shall be certified by the Underwriters

1 Laboratory as infrastructure that distributes blends with  
2 an ethanol content of 25 percent or greater.

3 “(g) FUNDING.—

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

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

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

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

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

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

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

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

5 **SEC. 3. REPEAL OF E15 FUEL DISPENSER LABELING RE-**  
6 **QUIREMENTS.**

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

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

- 20               (1) eliminates the E15 labeling requirement;  
21               (2) is published in the Federal Register; and  
22               (3) is, to the extent practicable, in compliance  
23 with all applicable provisions of chapter 5 of title 5,  
24 United States Code (commonly known as the “Ad-

1       ministrative Procedures Act”) and all other provi-  
2       sions of law relating to rulemaking procedures.

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

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

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

20       (a) IN GENERAL.—Not later than 90 days after the  
21 date of enactment of this Act, the Administrator shall fi-  
22 nalize the proposed rule of the Administrator entitled  
23 “E15 Fuel Dispenser Labeling and Compatibility With  
24 Underground Storage Tanks” (86 Fed. Reg. 5094 (Janu-  
25 ary 19, 2021)) with respect to the amendments proposed

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

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

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

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

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

○