

(d) Definitions

In this section:

(1) Indian tribe

The term “Indian tribe” has the meaning as defined in section 15823(c) of this title.

(2) Renewable energy

The term “renewable energy” has the meaning as defined in section 16181 of this title.

(3) Urbanized area

The term “urbanized area” has the meaning as defined by the U.S. Bureau of the Census.

(Pub. L. 110-140, title II, §234, Dec. 19, 2007, 121 Stat. 1538.)

PART C—BIOFUELS INFRASTRUCTURE

§ 17051. Renewable fuel dispenser requirements**(a) Market penetration reports**

The Secretary, in consultation with the Secretary of Transportation, shall determine and report to Congress annually on the market penetration for flexible-fuel vehicles in use within geographic regions to be established by the Secretary.

(b) Dispenser feasibility study

Not later than 24 months after December 19, 2007, the Secretary, in consultation with the Department of Transportation, shall report to the Congress on the feasibility of requiring motor fuel retailers to install E-85 compatible dispensers and related systems at retail fuel facilities in regions where flexible-fuel vehicle market penetration has reached 15 percent of motor vehicles. In conducting such study, the Secretary shall consider and report on the following factors:

- (1) The commercial availability of E-85 fuel and the number of competing E-85 wholesale suppliers in a given region.
- (2) The level of financial assistance provided on an annual basis by the Federal Government, State governments, and nonprofit entities for the installation of E-85 compatible infrastructure.
- (3) The number of retailers whose retail locations are unable to support more than 2 underground storage tank dispensers.
- (4) The expense incurred by retailers in the installation and sale of E-85 compatible dispensers and related systems and any potential effects on the price of motor vehicle fuel.

(Pub. L. 110-140, title II, §242, Dec. 19, 2007, 121 Stat. 1540.)

§ 17052. Renewable fuel infrastructure grants**(a) Definition of renewable fuel blend**

For purposes of this section, the term “renewable fuel blend” means a gasoline blend that contains not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel.

(b) Infrastructure development grants**(1) Establishment**

The Secretary shall establish a program for making grants for providing assistance to re-

tail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel blends.

(2) Selection criteria

Not later than 12 months after December 19, 2007, the Secretary shall establish criteria for evaluating applications for grants under this subsection that will maximize the availability and use of renewable fuel blends, and that will ensure that renewable fuel blends are available across the country. Such criteria shall provide for—

(A) consideration of the public demand for each renewable fuel blend in a particular geographic area based on State registration records showing the number of flexible-fuel vehicles;

(B) consideration of the opportunity to create or expand corridors of renewable fuel blend stations along interstate or State highways;

(C) consideration of the experience of each applicant with previous, similar projects;

(D) consideration of population, number of flexible-fuel vehicles, number of retail fuel outlets, and saturation of flexible-fuel vehicles; and

(E) priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of renewable fuel blends; and

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed.

(3) Limitations

Assistance provided under this subsection shall not exceed—

(A) 33 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(B) \$180,000 for a combination of equipment at any one retail outlet location.

(4) Operation of renewable fuel blend stations

The Secretary shall establish rules that set forth requirements for grant recipients under this section that include providing to the public the renewable fuel blends, establishing a marketing plan that informs consumers of the price and availability of the renewable fuel blends, clearly labeling the dispensers and related equipment, and providing periodic reports on the status of the renewable fuel blend sales, the type and amount of the renewable fuel blends dispensed at each location, and the average price of such fuel.

(5) Notification requirements

Not later than the date on which each renewable fuel blend station begins to offer re-