

(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-

renewable fuel blends to the public, the grant recipient that used grant funds to construct or upgrade such station shall notify the Secretary of such opening. The Secretary shall add each new renewable fuel blend station to the renewable fuel blend station locator on its Website when it receives notification under this subsection.

(6) Double counting

No person that receives a credit under section 30C of title 26 may receive assistance under this section.

(7) Reservation of funds

The Secretary shall reserve funds appropriated for the renewable fuel blends infrastructure development grant program for technical and marketing assistance described in subsection (c).

(c) Retail technical and marketing assistance

The Secretary shall enter into contracts with entities with demonstrated experience in assisting retail fueling stations in installing refueling systems and marketing renewable fuel blends nationally, for the provision of technical and marketing assistance to recipients of grants under this section. Such assistance shall include—

- (1) technical advice for compliance with applicable Federal and State environmental requirements;
- (2) help in identifying supply sources and securing long-term contracts; and
- (3) provision of public outreach, education, and labeling materials.

(d) Refueling infrastructure corridors

(1) In general

The Secretary shall establish a competitive grant pilot program (referred to in this subsection as the “pilot program”), to be administered through the Vehicle Technology Deployment Program of the Department, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in paragraph (2).

(2) Grant purposes

A grant under this subsection shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for renewable fuel blends, including—

- (A) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuel blends within the corridor;
- (B) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuel blends; and
- (C) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(3) Applications

(A) Requirements

(i) In general

Subject to clause (ii), not later than 90 days after December 19, 2007, the Secretary

shall issue requirements for use in applying for grants under the pilot program.

(ii) Minimum requirements

At a minimum, the Secretary shall require that an application for a grant under this subsection—

(I) be submitted by—

- (aa) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and
- (bb) a registered participant in the Vehicle Technology Deployment Program of the Department; and

(II) include—

- (aa) a description of the project proposed in the application, including the ways in which the project meets the requirements of this subsection;
- (bb) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuels blend available within the geographic region of the corridor, measured as a total quantity and a percentage;
- (cc) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;
- (dd) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;
- (ee) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and
- (ff) a description of which costs of the project will be supported by Federal assistance under this subsection.

(B) Partners

An applicant under subparagraph (A) may carry out a project under the pilot program in partnership with public and private entities.

(4) Selection criteria

In evaluating applications under the pilot program, the Secretary shall—

- (A) consider the experience of each applicant with previous, similar projects; and
- (B) give 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 advanced biofuels;
 - (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;

(iv) represent a partnership of public and private entities; and

(v) exceed the minimum requirements of paragraph (3)(A)(ii).

(5) Pilot project requirements

(A) Maximum amount

The Secretary shall provide not more than \$20,000,000 in Federal assistance under the pilot program to any applicant.

(B) Cost sharing

The non-Federal share of the cost of any activity relating to renewable fuel blend infrastructure development carried out using funds from a grant under this subsection shall be not less than 20 percent.

(C) Maximum period of grants

The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(D) Deployment and distribution

The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this subsection.

(E) Transfer of information and knowledge

The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(6) Schedule

(A) Initial grants

(i) In general

Not later than 90 days after December 19, 2007, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(ii) Deadline

An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) Initial selection

Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(B) Additional grants

(i) In general

Not later than 2 years after December 19, 2007, the Secretary shall publish in the Federal Register, Commerce Business

Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(ii) Deadline

An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) Initial selection

Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(7) Reports to Congress

(A) Initial report

Not later than 60 days after the date on which grants are awarded under this subsection, the Secretary shall submit to Congress a report containing—

(i) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(ii) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(iii) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(B) Evaluation

Not later than 2 years after December 19, 2007, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(e) Restriction

No grant shall be provided under subsection (b) or (c) to a large, vertically integrated oil company.

(f) Authorization of appropriations

There are authorized to be appropriated to the Secretary for carrying out this section \$200,000,000 for each of the fiscal years 2008 through 2014.

(Pub. L. 110-140, title II, §244, Dec. 19, 2007, 121 Stat. 1541.)

§ 17053. Federal fleet fueling centers**(a) In general**

Not later than January 1, 2010, the head of each Federal agency shall install at least 1 renewable fuel pump at each Federal fleet fueling center in the United States under the jurisdiction of the head of the Federal agency.

(b) Report

Not later than October 31 of the first calendar year beginning after December 19, 2007, and each October 31 thereafter, the President shall submit to Congress a report that describes the progress toward complying with subsection (a), including identifying—

- (1) the number of Federal fleet fueling centers that contain at least 1 renewable fuel pump; and
- (2) the number of Federal fleet fueling centers that do not contain any renewable fuel pumps.

(c) Department of Defense facility

This section shall not apply to a Department of Defense fueling center with a fuel turnover rate of less than 100,000 gallons of fuel per year.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section. (Pub. L. 110-140, title II, §246, Dec. 19, 2007, 121 Stat. 1547.)

§ 17054. Biofuels distribution and advanced biofuels infrastructure**(a) In general**

The Secretary, in coordination with the Secretary of Transportation and in consultation with the Administrator of the Environmental Protection Agency, shall carry out a program of research, development, and demonstration relating to existing transportation fuel distribution infrastructure and new alternative distribution infrastructure.

(b) Focus

The program described in subsection (a) shall focus on the physical and chemical properties of biofuels and efforts to prevent or mitigate against adverse impacts of those properties in the areas of—

- (1) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;
- (2) dissolving of storage tank sediments;
- (3) clogging of filters;
- (4) contamination from water or other adulterants or pollutants;
- (5) poor flow properties related to low temperatures;
- (6) oxidative and thermal instability in long-term storage and uses;
- (7) microbial contamination;
- (8) problems associated with electrical conductivity; and
- (9) such other areas as the Secretary considers appropriate.

(Pub. L. 110-140, title II, §248, Dec. 19, 2007, 121 Stat. 1548.)

SUBCHAPTER III—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

§ 17061. Definitions

In this title:¹

(1) Administrator

The term “Administrator” means the Administrator of General Services.

(2) Advisory Committee

The term “Advisory Committee” means the Green Building Advisory Committee established under section 484.¹

(3) Commercial Director

The term “Commercial Director” means the individual appointed to the position established under section 17081 of this title.

(4) Consortium

The term “Consortium” means the High-Performance Green Building Partnership Consortium created in response to section 17092(c)(1) of this title to represent the private sector in a public-private partnership to promote high-performance green buildings and zero-net-energy commercial buildings.

(5) Cost-effective lighting technology**(A) In general**

The term “cost-effective lighting technology” means a lighting technology that—

- (i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or
- (ii) is contained in a list under—
 - (I) section 8259b of this title;
 - (II) Federal acquisition regulation 23-203; and
 - (III) is at least as energy-conserving as required by other provisions of this Act, including the requirements of this title¹ and title III¹ which shall be applicable to the extent that they would achieve greater energy savings than provided under clause (i) or this clause.²

(B) Inclusions

The term “cost-effective lighting technology” includes—

- (i) lamps;
- (ii) ballasts;
- (iii) luminaires;
- (iv) lighting controls;
- (v) daylighting; and
- (vi) early use of other highly cost-effective lighting technologies.

(6) Cost-effective technologies and practices

The term “cost-effective technologies and practices” means a technology or practice that—

- (A) will result in substantial operational cost savings by reducing electricity or fossil fuel consumption, water, or other utility costs, including use of geothermal heat pumps;

¹ See References in Text note below.

² So in original. Does not fit with cl. (ii) introductory provision.