

117TH CONGRESS
1ST SESSION

S. _____

To approve certain advanced biofuel registrations, to require the consideration of certain advanced biofuel pathways, and to reduce greenhouse gas emissions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. THUNE (for himself and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To approve certain advanced biofuel registrations, to require the consideration of certain advanced biofuel pathways, and to reduce greenhouse gas emissions, 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. APPROVAL OF ADVANCED BIOFUEL REGISTRA-**
4 **TIONS.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPLICATION.—The term “application”
7 means an application for registration under section

1 80.1450 of title 40, Code of Federal Regulations (as
2 in effect on February 4, 2021)—

3 (A) that was submitted for approval before
4 February 4, 2021;

5 (B) for which not less than 180 days have
6 elapsed since the date on which application was
7 submitted for approval; and

8 (C) that has not been denied by the Ad-
9 ministrator of the Environmental Protection
10 Agency (referred to in this Act as the “Admin-
11 istrator”) before February 4, 2021.

12 (2) TRANSPORTATION FUEL.—The term “trans-
13 portation fuel” has the meaning given the term in
14 section 211(o)(1) of the Clean Air Act (42 U.S.C.
15 7545(o)(1)).

16 (b) ACTION ON APPLICATIONS.—

17 (1) IN GENERAL.—For the purposes of carrying
18 out the Renewable Fuel Program under section
19 211(o) of the Clean Air Act (42 U.S.C. 7545(o))
20 (referred to in this Act as the “Renewable Fuel Pro-
21 gram”), an application shall be considered approved
22 if not less than 1 State has approved the sale of fuel
23 produced using the processes described in the appli-
24 cation under a program designed to reduce the car-
25 bon intensity of transportation fuel.

1 (2) FINAL ACTION ON CERTAIN APPLICA-
2 TIONS.—For the purposes of carrying out the Re-
3 newable Fuel Program, in a case in which no State
4 has approved the sale of fuel produced using the
5 processes described in the application under a pro-
6 gram designed to reduce the carbon intensity of
7 transportation fuel, not later than 90 days after the
8 date of enactment of this Act, the Administrator
9 shall take final action on the application.

10 **SEC. 2. REQUIREMENT FOR ACTION ON PENDING AD-**
11 **VANCED BIOFUEL PATHWAYS.**

12 For purposes of carrying out the Renewable Fuel
13 Program, not later than 180 days after the date of enact-
14 ment of this Act, the Administrator shall take final action
15 on a petition for a renewable fuel pathway under section
16 80.1416 of title 40, Code of Federal Regulations (as in
17 effect on February 4, 2021), if—

18 (1) the petition was submitted for approval and
19 deemed complete in accordance with section 80.1416
20 of title 40, Code of Federal Regulations (as in effect
21 on February 4, 2021), before February 4, 2021; and

22 (2) not less than 180 days have elapsed since
23 the date on which the petition was submitted for ap-
24 proval and deemed complete in accordance with sec-

1 tion 80.1416 of title 40, Code of Federal Regula-
2 tions (as in effect on February 4, 2021).

3 **SEC. 3. FUNDING.**

4 (a) IN GENERAL.—Out of any funds in the Treasury
5 not otherwise appropriated, the Secretary of the Treasury
6 shall transfer to the Administrator to carry out this Act
7 \$2,000,000, to remain available until expended.

8 (b) RECEIPT AND ACCEPTANCE.—The Administrator
9 shall be entitled to receive, shall accept, and shall use to
10 carry out this Act the funds transferred under subsection
11 (a), without further appropriation.