

(ii) require that grants, contracts, and assistance under this section be awarded based on a scientific peer review by an independent panel of scientific and technical peers;

(iii) give special consideration to applications that—

(I) involve a consortia of experts from multiple institutions;

(II) encourage the integration of disciplines and application of the best technical resources; and

(III) increase the geographic diversity of demonstration projects; and

(iv) require that the technical areas described in each of subparagraphs (A), (B), and (C) of paragraph (3) receive not less than 15 percent of funds made available to carry out this section.

(B) Cost share

(i) Research and development projects

(I) In general

Except as provided in subclause (II), the non-Federal share of the cost of a research or development project under this section shall be not less than 20 percent.

(II) Reduction

The Secretary of Agriculture or the Secretary of Energy, as appropriate, may reduce the non-Federal share required under subclause (I) if the appropriate Secretary determines the reduction to be necessary and appropriate.

(ii) Demonstration and commercial projects

The non-Federal share of the cost of a demonstration or commercial project under this section shall be not less than 50 percent.

(C) Technology and information transfer

The Secretary of Agriculture and the Secretary of Energy shall ensure that applicable research results and technologies from the Initiative are—

(i) adapted, made available, and disseminated, as appropriate; and

(ii) included in the best practices database established under section 5925e(e) of this title.

(f) Administrative support and funds

(1) In general

The Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this section.

(2) Other agencies

The heads of the agencies referred to in subsection (c)(2)(B), and the other members of the Board appointed under subsection (c)(2)(C), are encouraged to provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

(3) Limitation

Not more than 4 percent of the amount made available for each fiscal year under subsection (h) may be used to pay the administrative costs of carrying out this section.

(g) Reports

For each fiscal year for which funds are made available to carry out this section, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

(1) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that is consistent with the objectives and requirements of this section;

(2) the general status of cooperation and research and development efforts carried out at each agency with respect to biofuels and biobased products; and

(3) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

(h) Funding

(1) Mandatory funding

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section, to remain available until expended—

(A) \$20,000,000 for fiscal year 2009;

(B) \$28,000,000 for fiscal year 2010;

(C) \$30,000,000 for fiscal year 2011; and

(D) \$40,000,000 for fiscal year 2012.

(2) Discretionary funding

In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section \$35,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 107-171, title IX, §9008, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1318, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2079.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 8108, Pub. L. 107-171, title IX, §9010, May 13, 2002, 116 Stat. 485, related to continuation of bioenergy program, prior to the general amendment of this chapter by Pub. L. 110-246. See section 8105 of this title.

A prior section 9008 of Pub. L. 107-171 amended title III of Pub. L. 106-224, which was classified to chapter 112 (§8601 et seq.) of this title prior to repeal by Pub. L. 110-246, §9001(b).

§ 8109. Rural Energy Self-Sufficiency Initiative

(a) Definitions

In this section:

(1) Eligible rural community

The term “eligible rural community” means a community located in a rural area (as defined in section 1991(a)(13)(A) of this title).

(2) Initiative

The term “Initiative” means the Rural Energy Self-Sufficiency Initiative established under this section.

(3) Integrated renewable energy system

The term “integrated renewable energy system” means a community-wide energy system that—

- (A) reduces conventional energy use; and
- (B) increases the use of energy from renewable sources.

(b) Establishment

The Secretary shall establish a Rural Energy Self-Sufficiency Initiative to provide financial assistance for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities.

(c) Grant assistance**(1) In general**

The Secretary shall make grants available under the Initiative to eligible rural communities to carry out an activity described in paragraph (2).

(2) Use of grant funds

An eligible rural community may use a grant—

- (A) to conduct an energy assessment that assesses the total energy use of all energy users in the eligible rural community;
- (B) to formulate and analyze ideas for reducing energy usage by the eligible rural community from conventional sources; and
- (C) to develop and install an integrated renewable energy system.

(3) Grant selection**(A) Application**

To be considered for a grant, an eligible rural community shall submit an application to the Secretary that describes the ways in which the community would use the grant to carry out an activity described in paragraph (2).

(B) Preference

The Secretary shall give preference to those applications that propose to carry out an activity in coordination with—

- (i) institutions of higher education or nonprofit foundations of institutions of higher education;
- (ii) Federal, State, or local government agencies;
- (iii) public or private power generation entities; or
- (iv) government entities with responsibility for water or natural resources.

(4) Report

An eligible rural community receiving a grant under the Initiative shall submit to the Secretary a report on the project of the eligible rural community.

(5) Cost-sharing

The amount of a grant under the Initiative shall not exceed 50 percent of the cost of the activities described in the application.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 107-171, title IX, §9009, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1324, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2085.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 8109, Pub. L. 107-171, title IX, §9011, as added Pub. L. 108-199, div. A, title VII, §778(b), Jan. 23, 2004, 118 Stat. 41, related to research, extension, and educational programs on biobased energy technologies and products, prior to the general amendment of this chapter by Pub. L. 110-246. See section 8114 of this title.

A prior section 9009 of Pub. L. 107-171 amended section 6711 of this title.

§ 8110. Feedstock flexibility program for bioenergy producers**(a) Definitions**

In this section:

(1) Bioenergy

The term “bioenergy” means fuel grade ethanol and other biofuel.

(2) Bioenergy producer

The term “bioenergy producer” means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

(3) Eligible commodity

The term “eligible commodity” means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

(4) Eligible entity

The term “eligible entity” means an entity located in the United States that markets an eligible commodity in the United States.

(b) Feedstock flexibility program**(1) In general****(A) Purchases and sales**

For each of the 2008 through 2012 crops, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that section 7272 of this title is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

(B) Competitive procedures

In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eli-