

**(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-

gible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

**(C) Limitation**

The purchase and sale of eligible commodities under subparagraph (A) shall only be made in crop years in which such purchases and sales are necessary to ensure that the program authorized under section 7272 of this title is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

**(2) Notice**

**(A) In general**

As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each September 1 thereafter through September 1, 2012, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the crop year following the date of the notice under this section.

**(B) Reestimates**

Not later than the January 1, April 1, and July 1 of the calendar year following the date of a notice under subparagraph (A), the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

**(3) Commodity Credit Corporation inventory**

**(A) Dispositions**

**(i) Bioenergy and generally**

Except as provided in clause (ii), to the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 7272 of this title), the Secretary shall—

(I) sell the eligible commodity to bioenergy producers under this section consistent with paragraph (1)(C);

(II) dispose of the eligible commodity in accordance with section 7272(f)(2) of this title; or

(III) otherwise dispose of the eligible commodity through the buyback of certificates of quota entry.

**(ii) Preservation of other authorities**

Nothing in this section limits the use of other authorities for the disposition of an eligible commodity held in the inventory of the Commodity Credit Corporation for nonfood use or otherwise in a manner that does not increase the net quantity of sugar available for human consumption in the United States market, consistent with section 7272(f)(1) of this title.

**(B) Emergency shortages**

Notwithstanding subparagraph (A), if there is an emergency shortage of sugar for human consumption in the United States

market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event, the Secretary may dispose of an eligible commodity that is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 7272 of this title) through disposition as authorized under section 7272(f) of this title or through the use of any other authority of the Commodity Credit Corporation.

**(4) Transfer rule; storage fees**

**(A) General transfer rule**

Except with regard to emergency dispositions under paragraph (3)(B) and as provided in subparagraph (C), the Secretary shall ensure that bioenergy producers that purchase eligible commodities pursuant to this section take possession of the eligible commodities within 30 calendar days of the date of such purchase from the Commodity Credit Corporation.

**(B) Payment of storage fees prohibited**

**(i) In general**

The Secretary shall, to the maximum extent practicable, carry out this section in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this section.

**(ii) Exception**

Clause (i) shall not apply with respect to any commodities owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 7272 of this title).

**(C) Option to prevent storage fees**

**(i) In general**

The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase the eligible commodities to be used to satisfy the contracts entered into with the bioenergy producers.

**(ii) Special transfer rule**

If the Secretary makes a sale and purchase referred to in clause (i), the Secretary shall ensure that the bioenergy producer that purchased eligible commodities takes possession of such commodities within 30 calendar days of the date the Commodity Credit Corporation purchases the eligible commodities.

**(5) Relation to other laws**

If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is the subject of a payment under this section, the sugar shall be considered marketed and shall count against a processor's allocation of an allotment under such part, as applicable.

**(6) Funding**

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Cor-

poration, including the use of such sums as are necessary, to carry out this section.

(Pub. L. 107-171, title IX, §9010, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1325, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2086.)

#### REFERENCES IN TEXT

The date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (b)(2)(A), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

The Agricultural Adjustment Act of 1938, referred to in subsec. (b)(5), is act Feb. 16, 1938, ch. 30, 52 Stat. 31. Part VII of subtitle B of title III of the Act is classified to subpart VII (§1359aa et seq.) of part B of subchapter II of chapter 35 of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

#### 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 9010 of Pub. L. 107-171 was classified to section 8108 of this title, prior to the general amendment of this chapter by Pub. L. 110-246.

### § 8111. Biomass Crop Assistance Program

#### (a) Definitions

In this section:

##### (1) BCAP

The term “BCAP” means the Biomass Crop Assistance Program established under this section.

##### (2) BCAP project area

The term “BCAP project area” means an area that—

(A) has specified boundaries that are submitted to the Secretary by the project sponsor and subsequently approved by the Secretary;

(B) includes producers with contract acreage that will supply a portion of the renewable biomass needed by a biomass conversion facility; and

(C) is physically located within an economically practicable distance from the biomass conversion facility.

##### (3) Contract acreage

The term “contract acreage” means eligible land that is covered by a BCAP contract entered into with the Secretary.

##### (4) Eligible crop

###### (A) In general

The term “eligible crop” means a crop of renewable biomass.

###### (B) Exclusions

The term “eligible crop” does not include—

(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.] or an amendment made by that title; or

(ii) any plant that is invasive or noxious or has the potential to become invasive or

noxious, as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies.

#### (5) Eligible land

##### (A) In general

The term “eligible land” includes agricultural and nonindustrial private forest lands (as defined in section 2103a(c) of title 16).

##### (B) Exclusions

The term “eligible land” does not include—

(i) Federal- or State-owned land;

(ii) land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008;

(iii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

(iv) land enrolled in the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3837 et seq.); or

(v) land enrolled in the grassland reserve program established under subchapter D of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838n et seq.).

#### (6) Eligible material

##### (A) In general

The term “eligible material” means renewable biomass.

##### (B) Exclusions

The term “eligible material” does not include—

(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.] or an amendment made by that title;

(ii) animal waste and byproducts (including fats, oils, greases, and manure);

(iii) food waste and yard waste; or

(iv) algae.

#### (7) Producer

The term “producer” means an owner or operator of contract acreage that is physically located within a BCAP project area.

#### (8) Project sponsor

The term “project sponsor” means—

(A) a group of producers; or

(B) a biomass conversion facility.

#### (b) Establishment and purpose

The Secretary shall establish and administer a Biomass Crop Assistance Program to—

(1) support the establishment and production of eligible crops for conversion to bioenergy in selected BCAP project areas; and

(2) assist agricultural and forest land owners and operators with collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

#### (c) BCAP project area

##### (1) In general

The Secretary shall provide financial assistance to producers of eligible crops in a BCAP project area.