

(ii) Reduction

The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—

- (I) an eligible crop is used for purposes other than the production of energy at the biomass conversion facility;
- (II) an eligible crop is delivered to the biomass conversion facility;
- (III) the producer receives a payment under subsection (d);
- (IV) the producer violates a term of the contract; or
- (V) there are such other circumstances, as determined by the Secretary to be necessary to carry out this section.

(d) Assistance with collection, harvest, storage, and transportation**(1) In general**

The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to—

- (A) a producer of an eligible crop that is produced on BCAP contract acreage; or
- (B) a person with the right to collect or harvest eligible material.

(2) Payments**(A) Costs covered**

A payment under this subsection shall be in an amount described in subparagraph (B) for—

- (i) collection;
- (ii) harvest;
- (iii) storage; and
- (iv) transportation to a biomass conversion facility.

(B) Amount

Subject to paragraph (3), the Secretary may provide matching payments at a rate of \$1 for each \$1 per ton provided by the biomass conversion facility, in an amount equal to not more than \$45 per ton for a period of 2 years.

(3) Limitation on assistance for BCAP contract acreage

As a condition of the receipt of annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage or transportation of an eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.

(e) Report

Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

(f) Funding

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this

section such sums as are necessary for each of fiscal years 2008 through 2012.

(Pub. L. 107-171, title IX, §9011, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1327, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2089.)

REFERENCES IN TEXT

The Food, Conservation, and Energy Act of 2008, referred to in subsec. (a)(4)(B)(i), (6)(B)(i), is Pub. L. 110-246, June 18, 2008, 122 Stat. 1651. Title I of the Act is classified principally to chapter 113 (§8701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

The date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsecs. (a)(5)(B)(ii) and (e), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

The Food Security Act of 1985, referred to in subsecs. (a)(5)(B)(iii)-(v) and (c)(3)(B)(ii), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Subtitles B and C of title XII of the Act are classified generally to subchapters II (§3811 et seq.) and III (§3821 et seq.), respectively, of chapter 58 of Title 16, Conservation. Subchapters B and C of chapter 1 of subtitle D of title XII of the Act are classified generally to subparts B (§3831 et seq.) and C (§3837 et seq.), respectively, of part I of subchapter IV of chapter 58 of Title 16. Subchapter D of chapter 2 of subtitle D of title XII of the Act is classified generally to subpart D (§3838n et seq.) of part II of subchapter IV of chapter 58 of Title 16. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under 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 9011 of Pub. L. 107-171 was classified to section 8109 of this title, prior to the general amendment of this chapter by Pub. L. 110-246.

§ 8112. Forest biomass for energy**(a) In general**

The Secretary, acting through the Forest Service, shall conduct a competitive research and development program to encourage use of forest biomass for energy.

(b) Eligible entities

Entities eligible to compete under the program under this section include—

- (1) the Forest Service (acting through Research and Development);
- (2) other Federal agencies;
- (3) State and local governments;
- (4) Indian tribes;
- (5) land-grant colleges and universities; and
- (6) private entities.

(c) Priority for project selection

In carrying out this section, the Secretary shall give priority to projects that—

- (1) develop technology and techniques to use low-value forest biomass, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;
- (2) develop processes that integrate production of energy from forest biomass into bio-refineries or other existing manufacturing streams;

(3) develop new transportation fuels from forest biomass; and

(4) improve the growth and yield of trees intended for renewable energy production.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 107-171, title IX, §9012, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1331, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2093.)

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.

§ 8113. Community wood energy program

(a) Definitions

In this section:

(1) Community wood energy plan

The term “community wood energy plan” means an assessment of—

(A) available feedstocks necessary to supply a community wood energy system; and

(B) the long-term feasibility of supplying and operating a community wood energy system.

(2) Community wood energy system

(A) In general

The term “community wood energy system” means an energy system that—

(i) primarily services public facilities owned or operated by State or local governments, including schools, town halls, libraries, and other public buildings; and

(ii) uses woody biomass as the primary fuel.

(B) Inclusions

The term “community wood energy system” includes single facility central heating, district heating, combined heat and energy systems, and other related biomass energy systems.

(b) Grant program

(1) In general

The Secretary, acting through the Chief of the Forest Service, shall establish a program to be known as the “Community Wood Energy Program” to provide—

(A) grants of up to \$50,000 to State and local governments (or designees) to develop community wood energy plans; and

(B) competitive grants to State and local governments to acquire or upgrade community wood energy systems.

(2) Considerations

In selecting applicants for grants under paragraph (1)(B), the Secretary shall consider—

(A) the energy efficiency of the proposed system;

(B) the cost effectiveness of the proposed system; and

(C) other conservation and environmental criteria that the Secretary considers appropriate.

(3) Use of plan

A State or local government applying to receive a competitive grant described in paragraph (1)(B) shall submit to the Secretary as part of the grant application the applicable community wood energy plan.

(c) Limitation

A community wood energy system acquired with grant funds provided under subsection (b)(1)(B) shall not exceed an output of—

(1) 50,000,000 Btu per hour for heating; and

(2) 2 megawatts for electric power production.

(d) Matching funds

A State or local government that receives a grant under subsection (b) shall contribute an amount of non-Federal funds towards the development of the community wood energy plan, or acquisition of the community wood energy systems that is at least equal to the amount of grant funds received by the State or local government under that subsection.

(e) 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, §9013, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1332, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2094.)

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.

§ 8114. Sun grant program

(a) Establishment

The Secretary shall establish and carry out a program to provide grants to the sun grant centers and subcenter specified in subsection (b)—

(1) to enhance national energy security through the development, distribution, and implementation of biobased energy technologies;

(2) to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies;

(3) to promote economic diversification in rural areas of the United States through biobased energy and product technologies; and

(4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among—

(A) the Department of Agriculture;

(B) the Department of Energy; and

(C) land-grant colleges and universities.

(b) Grants

(1) In general

The Secretary shall use amounts made available under subsection (g) to provide grants to each of the following:

(A) North-central center

A north-central sun grant center at South Dakota State University for the region com-