

of the amount of Federal funds received for that purpose.

(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 2018.

(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; amended Pub. L. 112–240, title VII, § 701(f)(12), Jan. 2, 2013, 126 Stat. 2366; Pub. L. 113–79, title IX, § 9012, Feb. 7, 2014, 128 Stat. 938.)

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 L. 110–234 was repealed by section 4(a) of Pub.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.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113–79, § 9012(a), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Subsec. (b)(1)(C). Pub. L. 113–79, § 9012(b), added subpar. (C).

Subsec. (d). Pub. L. 113–79, § 9012(c), designated existing provisions as par. (1) and inserted heading, substituted “A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1)” for “A State or local government that receives a grant under subsection (b)”, and added par. (2).

Subsec. (e). Pub. L. 113–79, § 9012(d), substituted “2018” for “2013”.

2013—Subsec. (e). Pub. L. 112–240 substituted “2013” for “2012”.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112–240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112–240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of this title.

§ 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) other appropriate Federal agencies (as determined by the Secretary); 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 for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(B) Southeastern center

A southeastern sun grant center for the region composed of—

(i) the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia;

(ii) the Commonwealth of Puerto Rico; and

(iii) the United States Virgin Islands.

(C) South-central center

A south-central sun grant center for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(D) Western center

A western sun grant center for the region composed of—

(i) the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington; and

(ii) insular areas (as defined in section 3103 of this title (other than the insular areas referred to in clauses (ii) and (iii) of subparagraph (B))).

(E) Northeastern center

A northeastern sun grant center for the region composed of the States of Connecticut, Delaware, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(F) Western insular Pacific subcenter

A western insular Pacific sun grant subcenter for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) Manner of distribution

(A) Centers

In providing any funds made available under subsection (g), the Secretary shall distribute the grants in equal amounts to the sun grant centers described in subparagraphs (A) through (E) of paragraph (1).

(B) Subcenter

The sun grant center described in paragraph (1)(D) shall allocate a portion of the funds received under paragraph (1) to the subcenter described in paragraph (1)(F) pursuant to guidance issued by the Secretary.

(3) Failure to comply with requirements

If the Secretary finds on the basis of a review of the annual report required under subsection (f) or on the basis of an audit of a sun grant center or subcenter conducted by the Secretary that the center or subcenter has not complied with the requirements of this section, the sun grant center or subcenter shall be ineligible to receive further grants under this section for such period of time as may be prescribed by the Secretary.

(c) Use of funds**(1) Competitive grants****(A) In general**

A sun grant center or subcenter shall use 75 percent of the funds described in subsection (b) to provide competitive grants to entities that are—

- (i) eligible to receive grants under subsection (b)(7) of section 3157 of this title; and
- (ii) located in the region covered by the sun grant center or subcenter.

(B) Activities

Grants described in subparagraph (A) shall be used by the grant recipient to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and integrated, multistate research, extension, and education programs on technology development and technology implementation.

(C) Administration**(i) Peer and merit review**

In making grants under this paragraph, a sun grant center or subcenter shall—

- (I) seek and accept proposals for grants;
- (II) determine the relevance and merit of proposals through a system of peer review similar to that established by the Secretary pursuant to section 7613 of this title; and
- (III) award grants on the basis of merit, quality, and relevance to advancing the purposes of this section.

(ii) Priority

A sun grant center or subcenter shall give a higher priority to programs that are consistent with the plan approved by the Secretary under subsection (d).

(iii) Term

A grant awarded by a sun grant center or subcenter shall have a term that does not exceed 5 years.

(iv) Matching funds required**(I) In general**

Except as provided in subclauses (II) and (III), as a condition of receiving a grant under this paragraph, the sun grant center or subcenter shall require that not less than 20 percent of the cost of an activity described in subparagraph (B) be matched with funds, including in-kind contributions, from a non-Federal source.

(II) Exclusion

Subclause (I) shall not apply to fundamental research (as defined in subsection (f)(1) of section 6971 of this title (as added by section 7511(a)(4))¹.

(III) Reduction

The sun grant center or subcenter may reduce or eliminate the requirement for non-Federal funds under subclause (I) for applied research (as defined in subsection (f)(1) of section 6971 of this title (as added by section 7511(a)(4))¹ if the sun grant center or subcenter determines that the reduction is necessary and appropriate pursuant to guidance issued by the Secretary.

(IV) Relation to other matching fund requirement

The matching funds requirement under section 3371 of this title shall not apply in the case of a grant provided by a sun grant center or subcenter under this paragraph.

(v) Buildings and facilities

Funds made available for grants shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(vi) Limitation on indirect costs

A sun grant center or subcenter may not recover the indirect costs of making grants under subparagraph (A).

(2) Administrative expenses

A sun grant center or subcenter may use up to 4 percent of the funds described in subsection (b) to pay administrative expenses incurred in carrying out paragraph (1).

(3) Research, extension and educational activities

The sun grant centers and subcenter shall use the remainder of the funds described in subsection (b) to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

- (A) research, extension, and educational programs on technology development; and
- (B) integrated research, extension, and educational programs on technology implementation.

(d) Plan for research activities to be funded**(1) In general**

Subject to the availability of funds under subsection (g), and in cooperation with land-grant colleges and universities and private industry, the sun grant centers and subcenter shall jointly develop and submit to the Secretary for approval a plan for addressing the bioenergy, biomass, and bioproducts research priorities of the Department of Agriculture and other appropriate Federal agencies at the State and regional levels.

¹ So in original. Probably should be followed by a third closing parenthesis.

(2) Funding

Funds described in subsection (c)(2) shall be available to carry out planning coordination under paragraph (1).

(3) Use of plan

The sun grant centers and subcenter shall use the plan described in paragraph (1) in making grants under subsection (c)(1).

(e) Grant Information Analysis Center

The sun grant centers and subcenter shall maintain a Sun Grant Information Analysis Center at the sun grant center specified in subsection (b)(1)(A) to provide the sun grant centers and subcenter with analysis and data management support.

(f) Annual reports

Not later than 90 days after the end of each fiscal year, a sun grant center or subcenter receiving a grant under this section shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

- (1) the results of all peer and merit review procedures conducted pursuant to subsection (c)(1)(C)(i); and
- (2) a description of progress made in facilitating the priorities described in subsection (d)(1).

(g) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2008 through 2018, of which not more than \$4,000,000 for each fiscal year shall be made available to carry out subsection (e).

(Pub. L. 110-234, title VII, §7526, May 22, 2008, 122 Stat. 1274; Pub. L. 110-246, §4(a), title VII, §7526, June 18, 2008, 122 Stat. 1664, 2035; Pub. L. 113-79, title VII, §§7128(b)(5), 7516, Feb. 7, 2014, 128 Stat. 879, 903.)

REFERENCES IN TEXT

Section 7511(a)(4), referred to in subsec. (c)(1)(D)(iv)(II) and (III), means section 7511(a)(4) of Pub. L. 110-246.

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.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of title IX of the Farm Security and Rural Investment Act of 2002 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 8109 of this title prior to the general amendment of this chapter by Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (a)(4)(B). Pub. L. 113-79, §7516(a)(1), substituted “other appropriate Federal agencies (as determined by the Secretary)” for “the Department of Energy”.

Subsec. (b)(1)(A). Pub. L. 113-79, §7516(a)(2)(A), struck out “at South Dakota State University” after “center”.

Subsec. (b)(1)(B). Pub. L. 113-79, §7516(a)(2)(B), struck out “at the University of Tennessee at Knoxville” after “center” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 113-79, §7516(a)(2)(C), struck out “at Oklahoma State University” after “center”.

Subsec. (b)(1)(D). Pub. L. 113-79, §7516(a)(2)(D), struck out “at Oregon State University” after “center” in introductory provisions.

Subsec. (b)(1)(E). Pub. L. 113-79, §7516(a)(2)(E), struck out “at Cornell University” after “center”.

Subsec. (b)(1)(F). Pub. L. 113-79, §7516(a)(2)(F), struck out “at the University of Hawaii” after “subcenter”.

Subsec. (c)(1)(B). Pub. L. 113-79, §7516(a)(3)(A), substituted “integrated, multistate research, extension, and education programs on technology development and technology implementation” for “multistate—
“(i) research, extension, and education programs on technology development; and
“(ii) integrated research, extension, and education programs on technology implementation”.

Subsec. (c)(1)(C), (D). Pub. L. 113-79, §7516(a)(3)(B), (C), redesignated subpar. (D) as (C) and struck out former subpar. (C) which related to funding allocation.

Subsec. (c)(1)(D)(iv)(IV). Pub. L. 113-79, §7128(b)(5), added subcl. (IV).

Subsec. (d)(1). Pub. L. 113-79, §7516(a)(4)(A), struck out “in accordance with paragraph (2)” after “industry” and substituted “bioproducts” for “gasification” and “other appropriate Federal agencies” for “the Department of Energy”.

Subsec. (d)(2) to (4). Pub. L. 113-79, §7516(a)(4)(B), (C), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2). Prior to amendment, text read as follows: “With respect to gasification research activity, the sun grant centers and subcenter shall coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area.”

Subsec. (f)(1). Pub. L. 113-79, §7516(b), substituted “subsection (c)(1)(C)(i)” for “subsection (c)(1)(D)(i)”.

Subsec. (g). Pub. L. 113-79, §7516(a)(5), substituted “2018” for “2012”.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

CHAPTER 108—TREE ASSISTANCE PROGRAM

Sec. 8201.	Definitions.
8202.	Eligibility.
8203.	Assistance.
8204.	Limitations on assistance.
8205.	Authorization of appropriations.

§ 8201. Definitions

In this chapter:

(1) Eligible orchardist

The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

(2) Natural disaster

The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, and other occurrence, as determined by the Secretary.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(4) Tree

The term “tree” includes a tree, bush, and vine.