

education program, prior to the general amendment of this chapter by Pub. L. 110-246. See section 8106 of this title.

§ 8105. Bioenergy program for advanced biofuels

(a) Definition of eligible producer

In this section, the term “eligible producer” means a producer of advanced biofuels.

(b) Payments

The Secretary shall make payments to eligible producers to support and ensure an expanding production of advanced biofuels.

(c) Contracts

To receive a payment, an eligible producer shall—

- (1) enter into a contract with the Secretary for production of advanced biofuels; and
- (2) submit to the Secretary such records as the Secretary may require as evidence of the production of advanced biofuels.

(d) Basis for payments

The Secretary shall make payments under this section to eligible producers based on—

- (1) the quantity and duration of production by the eligible producer of an advanced biofuel;
- (2) the net nonrenewable energy content of the advanced biofuel, if sufficient data is available, as determined by the Secretary; and
- (3) other appropriate factors, as determined by the Secretary.

(e) Equitable distribution

(1) Amount

The Secretary shall limit the amount of payments that may be received by a single eligible producer under this section in order to distribute the total amount of funding available in an equitable manner.

(2) Feedstock

The total amount of payments made in a fiscal year under this section to one or more eligible producers for the production of advanced biofuels derived from a single eligible commodity, including intermediate ingredients of that single commodity or use of that single commodity and its intermediate ingredients in combination with another commodity, shall not exceed one-third of the total amount of funds made available under subsection (g).

(f) Other requirements

To receive a payment under this section, an eligible producer shall meet any other requirements of Federal and State law (including regulations) applicable to the production of advanced biofuels.

(g) Funding

(1) Mandatory funding

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

- (A) \$55,000,000 for fiscal year 2009;
- (B) \$55,000,000 for fiscal year 2010;
- (C) \$85,000,000 for fiscal year 2011;
- (D) \$105,000,000 for fiscal year 2012;

(E) \$15,000,000 for each of fiscal years 2014 through 2018; and

(F) \$7,000,000 for each of fiscal years 2019 through 2023.

(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 \$20,000,000 for each of fiscal years 2019 through 2023.

(3) Limitation

Of the funds provided for each fiscal year, not more than 5 percent of the funds shall be made available to eligible producers for production at facilities with a total refining capacity exceeding 150,000,000 gallons per year.

(Pub. L. 107-171, title IX, §9005, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1314, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2075; amended Pub. L. 112-240, title VII, §701(f)(4), Jan. 2, 2013, 126 Stat. 2365; Pub. L. 113-79, title IX, §9005, Feb. 7, 2014, 128 Stat. 930; Pub. L. 115-334, title IX, §9005, Dec. 20, 2018, 132 Stat. 4885.)

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 8105, Pub. L. 107-171, title IX, §9005, May 13, 2002, 116 Stat. 480, related to an energy audit and renewable energy development program, prior to the general amendment of this chapter by Pub. L. 110-246.

AMENDMENTS

2018—Subsec. (e). Pub. L. 115-334, §9005(1), designated existing provisions as par. (1), inserted heading, substituted “The Secretary shall” for “The Secretary may” and added par. (2).

Subsec. (g)(1)(F). Pub. L. 115-334, §9005(2)(A), added subpar. (F).

Subsec. (g)(2). Pub. L. 115-334, §9005(2)(B), substituted “2019 through 2023” for “2014 through 2018”.

2014—Subsec. (g)(1)(E). Pub. L. 113-79, §9005(1), added subpar. (E).

Subsec. (g)(2). Pub. L. 113-79, §9005(2), substituted “\$20,000,000 for each of fiscal years 2014 through 2018” for “\$25,000,000 for each of fiscal years 2009 through 2013”.

2013—Subsec. (g)(2). 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.

§ 8106. Biodiesel fuel education program

(a) Establishment

The Secretary shall, under such terms and conditions as the Secretary determines to be ap-