
§ 8101. Definitions

Except as otherwise provided, in this chapter:

(1) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Advisory Committee

The term “Advisory Committee” means the Biomass Research and Development Technical Advisory Committee established by section 8108(d)(1) of this title.

(3) Advanced biofuel

(A) In general

The term “advanced biofuel” means fuel derived from renewable biomass other than corn kernel starch.

(B) Inclusions

Subject to subparagraph (A), the term “advanced biofuel” includes—

(i) biofuel derived from cellulose, hemicellulose, or lignin;

(ii) biofuel derived from sugar and starch (other than ethanol derived from corn kernel starch);

(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste, food waste, and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

(4) Biobased product

The term “biobased product” means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

(A) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials, renewable chemicals, and forestry materials; or

(B) an intermediate ingredient or feedstock.

(5) Biofuel

The term “biofuel” means a fuel derived from renewable biomass.

(6) Biomass conversion facility

The term “biomass conversion facility” means a facility that converts or proposes to convert renewable biomass into—

(A) heat;

(B) power;

(C) biobased products; or

(D) advanced biofuels.

(7) Biorefinery

The term “biorefinery” means a facility (including equipment and processes) that—

(A) converts renewable biomass or an intermediate ingredient or feedstock of renewable biomass into any 1 or more, or a combination, of—

(i) biofuels;

(ii) renewable chemicals; or

(iii) biobased products; and

(B) may produce electricity.

(8) Board

The term “Board” means the Biomass Research and Development Board established by section 8108(c) of this title.

(9) Forest product

(A) In general

The term “forest product” means a product made from materials derived from the practice of forestry or the management of growing timber.

(B) Inclusions

The term “forest product” includes—

(i) pulp, paper, paperboard, pellets, lumber, and other wood products; and

(ii) any recycled products derived from forest materials.

(10) Indian tribe

The term “Indian tribe” has the meaning given the term in section 5304 of title 25.

(11) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1002(a) of title 20.

(12) Intermediate ingredient or feedstock

The term “intermediate ingredient or feedstock” means a material or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials) or forestry materials, that are subsequently used to make a more complex compound or product.

(13) Renewable biomass

The term “renewable biomass” means—

(A) materials, pre-commercial thinnings, or invasive species from National Forest System land and public lands (as defined in section 1702 of title 43) that—

(i) are byproducts of preventive treatments that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore ecosystem health;

(ii) would not otherwise be used for higher-value products; and

(iii) composed of—

(I) wood, residues, and biomass;

(II) agricultural and forestry residues;

(III) plant, animal, and marine materials;
(iii) are harvested in accordance with—
(I) applicable law and land management plans; and
(II) the requirements for—
(aa) old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) of section 6512 of title 16; and
(bb) large-tree retention of subsection (f) of that section; or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—
(i) renewable plant material, including—
(I) feed grains; (II) other agricultural commodities; (III) other plants and trees; and (IV) algae; and
(ii) waste material, including—
(I) crop residue; (II) other vegetative waste material (including wood waste and wood residues); (III) animal waste and byproducts (including fats, oils, greases, and manure); and
(IV) food waste and yard waste.

(14) **Renewable chemical**

The term “renewable chemical” means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass.

(15) **Renewable energy**

The term “renewable energy” means energy derived from—
(A) a wind, solar, renewable biomass, ocean (including tidal, wave, current, and thermal), geothermal, or hydroelectric source; or
(B) hydrogen derived from renewable biomass or water using an energy source described in subparagraph (A).

(16) **Renewable energy system**

(A) **In general**

Subject to subparagraph (C), the term “renewable energy system” means a system that produces usable energy from a renewable energy source.

(B) **Inclusions**

The term “renewable energy system” includes—
(i) distribution components necessary to move energy produced by a system described in subparagraph (A) to the initial point of sale; and
(ii) other components and ancillary infrastructure of a system described in subparagraph (A), such as a storage system.

(C) **Limitation**

A system described in subparagraph (A) may not include a mechanism for dispensing energy at retail.

(17) **Secretary**

The term “Secretary” means the Secretary of Agriculture.


**Editorial Notes**

**Codification**


**Prior Provisions**


**Amendments**


Par. (7)(A). Pub. L. 115–334, § 9001(2), substituted “or an intermediate ingredient or feedstock of renewable biomass into any 1 or more, or a combination, of—” and cls. (i) to (iii) for “into biofuels and biobased products; and”.

Par. (16)(A). Pub. L. 115–334, § 9001(3)(A), substituted “subparagraph (C), the term ‘renewable energy system’ means a system that produces usable energy from a renewable energy source.” for “subparagraph (B), the term ‘renewable energy system’ means a system that— “(i) produces usable energy from a renewable energy source; and

“(ii) may include distribution components necessary to move energy produced by such system to the initial point of sale.”

Par. (16)(B). (C). Pub. L. 115–334, § 9001(3)(B), (C), added subpar. (B) and redesignated former subpar. (B) as (C).


Par. (10) to (13). Pub. L. 113–79, § 9001(1), redesignated pars. (9) to (12) as (10) to (13), respectively. Former par. (13) redesignated (15).


**Statutory Notes and Related Subsidiaries**

**Effective Date**


**Short Title of 2004 Amendment**


**Biomass Research and Development**

and reducing our dependence on fossil fuels by providing, within 30 days, under the authorities made available in the Food, Conservation, and Energy Act of 2008:

(i) Loan guarantees for the development, construction, and retrofitting of commercial-scale bio refineries and grants to help pay for the development and construction costs of demonstration-scale bio refineries;

(ii) Expedited funding to encourage bio refineries to replace the use of fossil fuels in plant operations by installing new biomass energy systems or producing new energy from renewable biomass;

(iii) Expedited funding to biofuels producers to encourage production of next-generation biofuels from cellulosic biomass and other feedstocks.

In order to shepherd our Nation’s development of this important industry and to coordinate interagency policies, its officers, employees, or agents, or any other person. The Secretary of Agriculture is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 8102. Biobased markets program

(a) Federal procurement of biobased products

(1) Definition of procuring agency

In this subsection, the term “procuring agency” means—

(A) any Federal agency that is using Federal funds for procurement; or

(B) a person that is a party to a contract with any Federal agency, with respect to work performed under such a contract.

(2) Procurement preference

(A) In general

Except as provided in clause (ii) and subparagraph (B), after the date specified in applicable guidelines prepared pursuant to paragraph (3), each procuring agency shall—

(I) establish a procurement program, develop procurement specifications, and procure biobased products identified under the guidelines described in paragraph (3) in accordance with this section;

(II) with respect to items described in the guidelines, give a procurement preference to those items that—

(aa) are composed of the highest percentage of biobased products practicable; or

(bb) comply with the regulations issued under section 6914b–1 of title 42; and

(III) establish a targeted biobased-only procurement requirement under which the procuring agency shall issue a certain number of biobased-only contracts when the procuring agency is purchasing products, or purchasing services that in-