(A) prior experience with the information and management systems of the Federal Crop Insurance Corporation; and
(B) collaborated with the Corporation in the development of the identification procedures required by section 1515(f) of this title.

(5) Use

The information collected using the information management system developed under this subsection may be made available to—
(A) any Federal agency that requires the information to carry out the functions of the agency; and
(B) any approved insurance provider, as defined in section 1502(b) of this title, with respect to producers insured by the approved insurance provider.

(6) Relation to other activities

This subsection shall not interfere with, or delay, existing agreements or requests for proposals of the Federal Crop Insurance Corporation or the Farm Service Agency regarding the information management activities known as data mining or data warehousing.

(c) Authorization of appropriations

In addition to amounts made available under subsection (a)(3), there are authorized to be appropriated such sums as are necessary to carry out subsection (b) for each of fiscal years 2003 through 2008.


Editorial Notes

REFERENCES IN TEXT


CHAPTER 107—RENEWABLE ENERGY RESEARCH AND DEVELOPMENT

Sec.
8101. Definitions.
8102. Biobased markets program.
8103. Biorefinery, renewable chemical, and biobased product manufacturing assistance.
8104. Repealed.
8105. Bioenergy program for advanced biofuels.
8106. Biodiesel fuel education program.
8107. Rural Energy for America Program.
8107a. Rural energy savings program.
8108. Biomass research and development.
8109. Repealed.
8110. Feedstock flexibility program for bioenergy producers.
8111. Biomass Crop Assistance Program.
8112. Repealed.
8114. Sun grant program.
8115. Carbon utilization and biogas education program.

Editorial Notes

CODIFICATION


§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; and
(ii) would not otherwise be used for higher-value products; and
(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, 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 "a 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—"

Par. (10) to (13). Pub. L. 113–79, § 9001(c), redesignated former subpart (B), (C), added subpar. (B) and redesignated former subpar. (B) as (C).

Par. (16)(B), (C). Pub. L. 115–334, § 9001(c)(B), (C), added subpar. (B) and redesignated former subpar. (B) as (C). Pub. L. 114–133, § 9001(2), added par. (9). Former par. (9) redesignated (10).

Par. (10) to (13). Pub. L. 113–79, § 9001(c), redesignated former subpars. (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


Executive Documents

BIOFUELS AND RURAL ECONOMIC DEVELOPMENT

Memorandum of President of the United States, May 5, 2009, 74 F.R. 21531, provided:

Memorandum for the Secretary of Agriculture, the Secretary of Energy, [and] the Administrator of the Environmental Protection Agency

In the Nation's ongoing efforts to achieve energy independence, biomass and biofuels promise to play a key role by providing the Nation with homegrown sustainable energy options and energizing our economy with new industries and jobs. While producing clean renewable fuels locally is a powerful engine of economic growth, they must be developed and used in a way that limits environmental impact. Today, the Environmental Protection Agency (EPA) is issuing a Notice of Proposed Rulemaking, as required by the Energy Independence and Security Act of 2007, to set new national renewable fuel standards and implement those standards. The public will have an opportunity to provide input on this proposal through a 60-day comment period, and the EPA is conducting peer reviews on key aspects of the environmental impact assessments within the proposal.

In order to shepherd our Nation's development of this important industry and to coordinate interagency policy, I hereby establish a Biofuels Interagency Working Group (Working Group), to be co-chaired by the Secretaries of Agriculture and Energy and the Administrator of the EPA. This Working Group will coordinate with the National Science and Technology Council's Biomass Research and Development Board in undertaking its work. The responsibilities of the Working Group shall include:

(a) Developing the Nation's first comprehensive biofuel market development program, which shall use existing authorities and identify new policies to support the development of next-generation biofuels, increase flexible fuel vehicle use, and assist in retail marketing efforts;

(b) Coordinating infrastructure policies affecting the supply, secure transport, and distribution of biofuels; and

(c) Identifying new policy options to promote the environmental sustainability of biofuels feedstock production, taking into consideration land use, habitat conservation, crop management practices, water efficiency and water quality, as well as lifecycle assessments of greenhouse gas emissions.

Alongside the Working Group's efforts, the Secretary of Agriculture may pursue other important biofuel development efforts. The Rural Development Act of 1972 and the Rural Development Policy Act of 1980 direct the Secretary of Agriculture to develop, in coordination with State and local governments, a nationwide rural development program to assure rural America's health and prosperity. In keeping with that mandate, and recognizing the key role rural America will play in the development of biofuel technology and development, I request that the Secretary of Agriculture take the following steps, to the extent permitted by law:

(a) Immediately begin restructuring existing investments in renewable fuels as needed to preserve industry employment; and

(b) Develop a comprehensive approach to accelerating the investment in and production of American biofuels...
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; and
(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;
(iv) Expansion of the Renewable Energy Systems and Energy Efficiency Improvements Program, which has been renamed the Rural Energy for America Program, to include hydroelectric source technologies, energy audits, and higher loan guarantee limits; and
(v) Guidance and support for collection, harvest, storage, and transportation assistance for eligible materials for use in biomass conversion facilities.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, 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

(i) Procuring agency duties

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 include the use of products, that are included in a biobased product category designated by the Secretary.

(ii) Exception

The requirements of clause (i)(I) to establish a procurement program and develop procurement specifications shall not apply to a person described in paragraph (1)(B).

(B) Flexibility

Notwithstanding subparagraph (A), a procuring agency may decide not to procure items described in that subparagraph if the procuring agency determines that the items—

(i) are not reasonably available within a reasonable period of time;
(ii) fail to meet—
(I) the performance standards set forth in the applicable specifications; or
(II) the reasonable performance standards of the procuring agencies; or
(iii) are available only at an unreasonable price.

(C) Minimum requirements

Each procurement program required under this subsection shall, at a minimum—

(i) be consistent with applicable provisions of Federal procurement law;
(ii) ensure that items composed of biobased products will be purchased to the maximum extent practicable;
(iii) include a component to promote the procurement program;
(iv) provide for an annual review and monitoring of the effectiveness of the procurement program; and
(v) adopt 1 of the 2 policies described in subparagraph (D) or (E), or a policy substantially equivalent to either of those policies.

(D) Case-by-case policy

(i) In general

Subject to subparagraph (B) and except as provided in clause (ii), a procuring agency adopting the case-by-case policy shall award a contract to the vendor offering an item composed of the highest percentage of biobased products practicable.

(ii) Exception

Subject to subparagraph (B), an agency adopting the policy described in clause (i) may make an award to a vendor offering items with less than the maximum biobased products content.

(E) Minimum content standards

Subject to subparagraph (B), a procuring agency adopting the minimum content standards policy shall establish minimum biobased products content specifications for awarding contracts in a manner that ensures that the biobased products content required is consistent with this subsection.

(F) Certification

After the date specified in any applicable guidelines prepared pursuant to paragraph