

Editorial Notes

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (f)(2), is set out in the Appendix to Title 5, Government Organization and Employees.

The Rural Electrification Act of 1936, referred to in subsec. (j)(1), is act May 20, 1936, ch. 432, 49 Stat. 1363, which is classified generally to chapter 31 (§901 et seq.) of this title. For complete classification of this Act to the Code, see section 901 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 L. 110-234 was repealed by section 4(a) of Pub.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 8103, Pub. L. 107-171, title IX, §9003, May 13, 2002, 116 Stat. 478, related to biorefinery development grants, prior to the general amendment of this chapter by Pub. L. 110-246.

AMENDMENTS

2022—Subsec. (h). Pub. L. 117-169, §22201, added subsec. (h).

Subsec. (i). Pub. L. 117-169, §22203, added subsec. (i).

Subsec. (j). Pub. L. 117-169, §22204, added subsec. (j).

2018—Subsec. (b)(3)(A). Pub. L. 115-334, §9003(1)(A), substituted “produces any 1 or more, or a combination, of—” and cls. (i) to (iii) for “produces an advanced biofuel; and”.

Subsec. (b)(3)(B). Pub. L. 115-334, §9003(1)(B), substituted “produces any 1 or more, or a combination, of—” and cls. (i) to (iii) for “produces an advanced biofuel.”

Subsec. (g)(1)(A)(iii), (iv). Pub. L. 115-334, §9003(2)(A), added cls. (iii) and (iv).

Subsec. (g)(2). Pub. L. 115-334, §9003(2)(B), substituted “2023” for “2018”.

2014—Pub. L. 113-79, §9003(a)(1), inserted “, renewable chemical, and biobased product manufacturing” after “Biorefinery” in section catchline.

Subsec. (a). Pub. L. 113-79, §9003(a)(2), inserted “renewable chemicals, and biobased product manufacturing” after “advanced biofuels,” in introductory provisions.

Subsec. (b). Pub. L. 113-79, §9003(a)(3), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Subsec. (c). Pub. L. 113-79, §9003(a)(4), substituted “to eligible entities guarantees for loans” for “to eligible entities—

“(1) grants to assist in paying the costs of the development and construction of demonstration-scale biorefineries to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels; and

“(2) guarantees for loans”.

Subsec. (d). Pub. L. 113-79, §9003(a)(5), (6), redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to awarding of grants under subsec. (c)(1).

Subsec. (d)(1)(C). Pub. L. 113-79, §9003(a)(7)(B), substituted “subsection (c)” for “subsection (c)(2)”.

Subsec. (d)(1)(D). Pub. L. 113-79, §9003(a)(7)(A), added subpar. (D).

Subsec. (d)(2)(A), (B). Pub. L. 113-79, §9003(a)(7)(B), substituted “subsection (c)” for “subsection (c)(2)” wherever appearing.

Subsec. (d)(2)(C). Pub. L. 113-79, §9003(a)(7)(C), substituted “subsection (g)” for “subsection (h)”.

Subsecs. (e) to (g). Pub. L. 113-79, §9003(a)(6), redesignated subsecs. (f) to (h) as (e) to (g), respectively.

Subsec. (g)(1). Pub. L. 113-79, §9003(b)(1), added par. (1) and struck out former par. (1) which related to mandatory funding for loan guarantees for fiscal years 2009 and 2010.

Subsec. (g)(2). Pub. L. 113-79, §9003(b)(2), substituted “\$75,000,000 for each of fiscal years 2014 through 2018”

for “\$150,000,000 for each of fiscal years 2009 through 2013”.

Subsec. (h). Pub. L. 113-79, §9003(a)(6), redesignated subsec. (h) as (g).

2013—Subsec. (h)(2). Pub. L. 112-240 substituted “2013” for “2012”.

Statutory Notes and Related Subsidiaries

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.

§ 8104. Repealed. Pub. L. 115-334, title IX, §9004, Dec. 20, 2018, 132 Stat. 4885

Section, Pub. L. 107-171, title IX, §9004, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1313, 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)(3), Jan. 2, 2013, 126 Stat. 2365; Pub. L. 113-79, title IX, §9004, Feb. 7, 2014, 128 Stat. 930, related to repowering assistance program.

A prior section 8104, Pub. L. 107-171, title IX, §9004, May 13, 2002, 116 Stat. 480, related to a biodiesel fuel 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.