

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 Repealed.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.

##### (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 2024.

##### (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; Pub. L. 118-22, div. B, title I, §102(d)(6)(B), Nov. 17, 2023, 137 Stat. 117.)