

**(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.)

**Editorial Notes****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 L. 110–234 was repealed by section 4(a) of Pub.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, sub-

stituted “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”.

**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.

**§ 8106. Biodiesel fuel education program****(a) Establishment**

The Secretary shall, under such terms and conditions as the Secretary determines to be appropriate, make competitive grants to eligible entities to educate governmental and private entities that operate vehicle fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

**(b) Eligible entities**

To receive a grant under subsection (b), an entity shall—

- (1) be a nonprofit organization or institution of higher education;
- (2) have demonstrated knowledge of biodiesel fuel production, use, or distribution; and
- (3) have demonstrated the ability to conduct educational and technical support programs.

**(c) Consultation**

In carrying out this section, the Secretary shall consult with the Secretary of Energy.

**(d) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2019 through 2023.

(Pub. L. 107–171, title IX, §9006, as added Pub. L. 110–234, title IX, §9001(a), May 22, 2008, 122 Stat. 1315, and Pub. L. 110–246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2076; amended Pub. L. 112–240, title VII, §701(f)(5), Jan. 2, 2013, 126 Stat. 2365; Pub. L. 113–79, title IX, §9006, Feb. 7, 2014, 128 Stat. 930; Pub. L. 115–334, title IX, §9006, Dec. 20, 2018, 132 Stat. 4885.)

**Editorial Notes****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 8106, Pub. L. 107-171, title IX, §9006, May 13, 2002, 116 Stat. 482; Pub. L. 109-171, title I, §1301, Feb. 8, 2006, 120 Stat. 6, related to assistance to farmers, ranchers, and rural small businesses to purchase renewable energy systems and make energy efficiency improvements, prior to the general amendment of this chapter by Pub. L. 110-246. See section 8107 of this title.

## AMENDMENTS

2018—Subsec. (d). Pub. L. 115-334 amended subsec. (d) generally. Prior to amendment, subsec. (d) related to mandatory and discretionary funding.

2014—Subsec. (d)(1). Pub. L. 113-79, §9006(1), substituted “Mandatory funding” for “Fiscal years 2009 through 2012” in heading and “2018” for “2012” in text.

Subsec. (d)(2). Pub. L. 113-79, §9006(2), substituted “Discretionary funding” for “Authorization of appropriations” in heading and “each of fiscal years 2014 through 2018” for “fiscal year 2013” in text.

2013—Subsec. (d). Pub. L. 112-240 added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$1,000,000 for each of fiscal years 2008 through 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.

## § 8107. Rural Energy for America Program

## (a) Establishment

The Secretary, in consultation with the Secretary of Energy, shall establish a Rural Energy for America Program to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses through—

- (1) grants for energy audits and renewable energy development assistance; and
- (2) financial assistance for energy efficiency improvements and renewable energy systems.

## (b) Energy audits and renewable energy development assistance

## (1) In general

The Secretary shall make competitive grants to eligible entities to provide assistance to agricultural producers and rural small businesses—

- (A) to become more energy efficient; and
- (B) to use renewable energy technologies and resources.

## (2) Eligible entities

An eligible entity under this subsection is—

- (A) a unit of State, tribal, or local government;
- (B) a land-grant college or university or other institution of higher education;
- (C) a rural electric cooperative or public power entity;

(D) a council (as defined in section 3451 of title 16); and

(E) any other similar entity, as determined by the Secretary.

## (3) Selection criteria

In reviewing applications of eligible entities to receive grants under paragraph (1), the Secretary shall consider—

(A) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;

(B) the geographic scope of the program proposed by the eligible entity in relation to the identified need;

(C) the number of agricultural producers and rural small businesses to be assisted by the program;

(D) the potential of the proposed program to produce energy savings and environmental benefits;

(E) the plan of the eligible entity for performing outreach and providing information and assistance to agricultural producers and rural small businesses on the benefits of energy efficiency and renewable energy development; and

(F) the ability of the eligible entity to leverage other sources of funding.

## (4) Use of grant funds

A recipient of a grant under paragraph (1) shall use the grant funds to assist agricultural producers and rural small businesses by—

(A) conducting and promoting energy audits; and

(B) providing recommendations and information on how—

- (i) to improve the energy efficiency of the operations of the agricultural producers and rural small businesses; and
- (ii) to use renewable energy technologies and resources in the operations.

## (5) Limitation

Grant recipients may not use more than 5 percent of a grant for administrative expenses.

## (6) Cost sharing

A recipient of a grant under paragraph (1) that conducts an energy audit for an agricultural producer or rural small business under paragraph (4) shall require that, as a condition of the energy audit, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit, which shall be retained by the eligible entity for the cost of the energy audit.

## (c) Financial assistance for energy efficiency improvements and renewable energy systems

## (1) In general

## (A) Assistance

In addition to any similar authority, the Secretary shall provide—

(i) loan guarantees and grants to agricultural producers and rural small businesses—

(I) to purchase renewable energy systems, including systems that may be used to produce and sell electricity; and

(II) to make energy efficiency improvements; and