

2014, 128 Stat. 931; Pub. L. 115–334, title VII, § 7507, Dec. 20, 2018, 132 Stat. 4823.)

Editorial Notes

REFERENCES IN TEXT

Section 5925e of this title, referred to in subsec. (e)(6)(C)(ii), was repealed by Pub. L. 113–79, title VII, § 7212(a), Feb. 7, 2014, 128 Stat. 886.

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 L. 110–234 was repealed by section 4(a) of Pub.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 8108, Pub. L. 107–171, title IX, § 9010, May 13, 2002, 116 Stat. 485, related to continuation of bioenergy program, prior to the general amendment of this chapter by Pub. L. 110–246. See section 8105 of this title.

A prior section 9008 of Pub. L. 107–171 amended title III of Pub. L. 106–224, which was classified to chapter 112 (§ 8601 et seq.) of this title prior to repeal by Pub. L. 110–246, § 9001(b).

AMENDMENTS

2018—Subsec. (a)(1)(C). Pub. L. 115–334, § 7507(1), added subpar. (C).

Subsec. (d)(2)(A)(xiii), (xiv). Pub. L. 115–334, § 7507(2), added cl. (xiii) and redesignated former cl. (xiii) as (xiv).

Subsec. (e)(2)(B)(iv). Pub. L. 115–334, § 7507(3)(A), added cl. (iv).

Subsec. (e)(3)(B)(iii). Pub. L. 115–334, § 7507(3)(B), added cl. (iii).

Subsec. (h)(2). Pub. L. 115–334, § 7507(4), substituted “2023” for “2018”.

2014—Subsec. (h)(1)(E). Pub. L. 113–79, § 9008(1), added subpar. (E).

Subsec. (h)(2). Pub. L. 113–79, § 9008(2), substituted “\$20,000,000 for each of fiscal years 2014 through 2018” for “\$35,000,000 for each of fiscal years 2009 through 2013”.

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.

§ 8109. Repealed. Pub. L. 115–334, title IX, § 9008, Dec. 20, 2018, 132 Stat. 4886

Section, Pub. L. 107–171, title IX, § 9009, as added Pub. L. 110–234, title IX, § 9001(a), May 22, 2008, 122 Stat. 1324, and Pub. L. 110–246, § 4(a), title IX, § 9001(a), June 18, 2008, 122 Stat. 1664, 2085; amended Pub. L. 112–240, title VII, § 701(f)(8), Jan. 2, 2013, 126 Stat. 2365, established the Rural Energy Self-Sufficiency Initiative.

A prior section 8109, Pub. L. 107–171, title IX, § 9011, as added Pub. L. 108–199, div. A, title VII, § 778(b), Jan. 23, 2004, 118 Stat. 41, related to research, extension, and educational programs on biobased energy technologies and products, prior to the general amendment of this chapter by Pub. L. 110–246. See section 8114 of this title.

§ 8110. Feedstock flexibility program for bioenergy producers

(a) Definitions

In this section:

(1) Bioenergy

The term “bioenergy” means fuel grade ethanol and other biofuel.

(2) Bioenergy producer

The term “bioenergy producer” means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

(3) Eligible commodity

The term “eligible commodity” means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

(4) Eligible entity

The term “eligible entity” means an entity located in the United States that markets an eligible commodity in the United States.

(b) Feedstock flexibility program

(1) In general

(A) Purchases and sales

For each of the 2008 through 2023 crops, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that section 7272 of this title is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

(B) Competitive procedures

In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

(C) Limitation

The purchase and sale of eligible commodities under subparagraph (A) shall only be made in crop years in which such purchases and sales are necessary to ensure that the program authorized under section 7272 of this title is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

(2) Notice

(A) In general

As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each September 1 thereafter through September 1, 2023, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the crop