

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 Repealed.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 2025 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 eli-

gible 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, 2025, 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 year following the date of the notice under this section.

**(B) Reestimates**

Not later than the January 1, April 1, and July 1 of the calendar year following the date of a notice under subparagraph (A), the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

**(3) Commodity Credit Corporation inventory**

**(A) Dispositions**

**(i) Bioenergy and generally**

Except as provided in clause (ii), to the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 7272 of this title), the Secretary shall—

(I) sell the eligible commodity to bioenergy producers under this section consistent with paragraph (1)(C);

(II) dispose of the eligible commodity in accordance with section 7272(f)(2) of this title; or

(III) otherwise dispose of the eligible commodity through the buyback of certificates of quota entry.

**(ii) Preservation of other authorities**

Nothing in this section limits the use of other authorities for the disposition of an eligible commodity held in the inventory of the Commodity Credit Corporation for nonfood use or otherwise in a manner that does not increase the net quantity of sugar available for human consumption in the United States market, consistent with section 7272(f)(1) of this title.

**(B) Emergency shortages**

Notwithstanding subparagraph (A), if there is an emergency shortage of sugar for human consumption in the United States