

(3) Limitation on assistance for BCAP contract acreage

As a condition of the receipt of an annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage, or transportation of an eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.

(e) Report

Not later than 4 years after February 7, 2014, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

(f) Funding

(1) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2019 through 2023.

(2) Collection, harvest, storage, and transportation payments

Of the amount made available under paragraph (1) for each fiscal year, the Secretary shall use not less than 10 percent, nor more than 50 percent, of the amount to make collection, harvest, transportation, and storage payments under subsection (d)(2).

(3) Technical assistance

Effective for fiscal year 2014 and each subsequent fiscal year, funds made available under this subsection shall be available for the provision of technical assistance with respect to activities authorized under this section.

(Pub. L. 107–171, title IX, §9011, as added Pub. L. 110–234, title IX, §9001(a), May 22, 2008, 122 Stat. 1327, and Pub. L. 110–246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2089; amended Pub. L. 112–240, title VII, §701(f)(10), Jan. 2, 2013, 126 Stat. 2365; Pub. L. 113–79, title IX, §9010, Feb. 7, 2014, 128 Stat. 932; Pub. L. 115–334, title IX, §9010, Dec. 20, 2018, 132 Stat. 4887.)

Editorial Notes

REFERENCES IN TEXT

The Agricultural Act of 2014, referred to in subsec. (a)(4)(B)(i), (6)(A), and (C)(i), is Pub. L. 113–79, Feb. 7, 2014, 128 Stat. 649. Title I of the Act is classified principally to chapter 115 (§9001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9001 of this title and Tables.

The Food Security Act of 1985, referred to in subsecs. (a)(5)(A)(ii), (B)(iii), (iv), and (c)(3)(B)(ii), (5)(D), is Pub. L. 99–198, Dec. 23, 1985, 99 Stat. 1354. Subtitles B, C, and H of title XII of the Act are classified generally to subchapters II (§3811 et seq.), III (§3821 et seq.), and VII (§3865 et seq.), respectively, of chapter 58 of Title 16, Conservation. Subchapter B of chapter 1 of subtitle D of title XII of the Act is classified generally to subpart B (§3831 et seq.) of part I of subchapter IV of chapter 58 of Title 16. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

The date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsecs. (a)(5)(B)(ii),

is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

Section 2279(e) of this title, referred to in subsec. (a)(9), was redesignated section 2279(a) of this title by section 12301(b)(3) of Pub. L. 115–334.

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 9011 of Pub. L. 107–171 was classified to section 8109 of this title, prior to the general amendment of this chapter by Pub. L. 110–246.

AMENDMENTS

2018—Subsec. (a)(6)(B)(iv). Pub. L. 115–334, §9010(1)(A), added cl. (iv).

Subsec. (a)(6)(C)(iv) to (vii). Pub. L. 115–334, §9010(1)(B), redesignated cls. (v) to (vii) as (iv) to (vi), respectively, and struck out former cl. (iv) which read as follows: “algae;”.

Subsec. (f)(1). Pub. L. 115–334, §9010(2)(A), amended par. (1) generally. Prior to amendment, text read as follows: “Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$25,000,000 for each of fiscal years 2014 through 2018.”

Subsec. (f)(3). Pub. L. 115–334, §9010(2)(B), amended par. (3) generally. Prior to amendment, par. (3) related to funds for technical assistance.

2014—Pub. L. 113–79 amended section generally. Prior to amendment, section related to the Biomass Crop Assistance Program.

2013—Subsec. (f). Pub. L. 112–240 designated existing provisions as par. (1), inserted heading, and added par (2).

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.

§ 8112. Repealed. Pub. L. 113–79, title IX, § 9011, Feb. 7, 2014, 128 Stat. 938

Section, Pub. L. 107–171, title IX, §9012, as added Pub. L. 110–234, title IX, §9001(a), May 22, 2008, 122 Stat. 1331, and Pub. L. 110–246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2093; amended Pub. L. 112–240, title VII, §701(f)(11), Jan. 2, 2013, 126 Stat. 2366, related to a competitive research and development program to encourage use of forest biomass for energy.

§ 8113. Community Wood Energy and Wood Innovation Program

(a) Definitions

In this section:

(1) Community wood energy system

(A) In general

The term “community wood energy system” means an energy system that—

(i) produces thermal energy or combined thermal energy and electricity where thermal is the primary energy output;

- (ii) services public facilities owned or operated by State or local governments (including schools, town halls, libraries, and other public buildings) or private or non-profit facilities (including commercial and business facilities, such as hospitals, office buildings, apartment buildings, and manufacturing and industrial buildings); and
- (iii) uses woody biomass, including residuals—

(I) that have not been adulterated with glue or other chemical treatments from wood processing facilities, as the primary fuel; and

(II) for which the use of that biomass for energy production does not cause conversion of forests to nonforest use.

(B) Inclusions

The term “community wood energy system” includes single-facility central heating, district heating systems serving multiple buildings, combined heat and electric systems where thermal energy is the primary energy output, and other related biomass energy systems.

(2) Innovative wood product facility

The term “innovative wood product facility” means a manufacturing or processing plant or mill that produces—

- (A) building components or systems that use large panelized wood construction, including mass timber;
- (B) wood products derived from nanotechnology or other new technology processes, as determined by the Secretary; or
- (C) other innovative wood products that use low-value, low-quality wood, as determined by the Secretary.

(3) Mass timber

The term “mass timber” includes—

- (A) cross-laminated timber;
- (B) nail-laminated timber;
- (C) glue-laminated timber;
- (D) laminated strand lumber; and
- (E) laminated veneer lumber.

(4) Program

The term “Program” means the Community Wood Energy and Wood Innovation Program established under subsection (b).

(b) Competitive grant program

The Secretary, acting through the Chief of the Forest Service, shall establish a competitive grant program to be known as the “Community Wood Energy and Wood Innovation Program”.

(c) Matching grants

(1) In general

Under the Program, the Secretary shall make grants to cover not more than 35 percent of the capital cost for installing a community wood energy system or building an innovative wood product facility.

(2) Special circumstances

The Secretary may establish special circumstances, such as in the case of a community wood energy system project or innovative

wood product facility project involving a school or hospital in a low-income community, under which grants under the Program may cover up to 50 percent of the capital cost.

(3) Source of matching funds

Matching funds required pursuant to this subsection from a grant recipient shall be derived from non-Federal funds.

(d) Project cap

The total amount of grants under the Program for a community wood energy system project or innovative wood product facility project may not exceed—

- (1) in the case of grants under the general authority provided under subsection (c)(1), \$1,000,000; and
- (2) in the case of grants for which the special circumstances apply under subsection (c)(2), \$1,500,000.

(e) Selection criteria

In selecting applicants for grants under the Program, the Secretary shall consider the following:

- (1) The energy efficiency of the proposed community wood energy system or innovative wood product facility.
- (2) The cost effectiveness of the proposed community wood energy system or innovative wood product facility.
- (3) The extent to which the proposed community wood energy system or innovative wood product facility represents the best available commercial technology.
- (4) The extent to which the proposed community wood energy system uses the most stringent control technology that has been required or achieved in practice for a wood-fired boiler of similar size and type.
- (5)(A) The extent to which the proposed community wood energy system will displace conventional fossil fuel generation.
- (B) Whether the proposed community wood energy system minimizes emission increases to the greatest extent possible.
- (6) The extent to which the proposed community wood energy system will increase delivered thermal efficiency of the systems replaced.
- (7) The extent to which the applicant has demonstrated a high likelihood of project success by completing detailed engineering and design work in advance of the grant application.
- (8) Other technical, economic, conservation, and environmental criteria that the Secretary considers appropriate.

(f) Grant priorities

In selecting applicants for grants under the Program, the Secretary shall give priority to proposals that use the most stringent control technology that has been required or achieved in practice for a wood-fired boiler and—

- (1) would be carried out in a location where markets are needed for the low-value, low-quality wood;
- (2) would be carried out in a location with limited access to natural gas pipelines;
- (3) would include the use or retrofitting (or both) of existing sawmill facilities located in a

location where the average annual unemployment rate exceeded the national average unemployment rate by more than 1 percent during the previous calendar year; or

(4) would be carried out in a location where the project will aid with forest restoration.

(g) Limitations

(1) Capacity of community wood energy systems

A community wood energy system acquired with grant funds under the Program shall not exceed nameplate capacity of 5 megawatts of thermal energy or combined thermal and electric energy.

(2) Funding for innovative wood product facilities

Not more than 25 percent of funds provided as grants under the Program for a fiscal year may go to applicants proposing innovative wood product facilities, unless the Secretary has received an insufficient number of qualified proposals for community wood energy systems.

(h) Funding

There is authorized to be appropriated to carry out the Program \$25,000,000 for each of fiscal years 2019 through 2023.

(Pub. L. 107–171, title IX, § 9013, as added Pub. L. 110–234, title IX, § 9001(a), May 22, 2008, 122 Stat. 1332, and Pub. L. 110–246, § 4(a), title IX, § 9001(a), June 18, 2008, 122 Stat. 1664, 2094; amended Pub. L. 112–240, title VII, § 701(f)(12), Jan. 2, 2013, 126 Stat. 2366; Pub. L. 113–79, title IX, § 9012, Feb. 7, 2014, 128 Stat. 938; Pub. L. 115–334, title VIII, § 8644, Dec. 20, 2018, 132 Stat. 4873.)

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.

AMENDMENTS

2018—Pub. L. 115–334 amended section generally. Prior to amendment, section related to the Community Wood Energy Program.

2014—Subsec. (a). Pub. L. 113–79, § 9012(a), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Subsec. (b)(1)(C). Pub. L. 113–79, § 9012(b), added subpar. (C).

Subsec. (d). Pub. L. 113–79, § 9012(c), designated existing provisions as par. (1) and inserted heading, substituted “A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1)” for “A State or local government that receives a grant under subsection (b)”, and added par. (2).

Subsec. (e). Pub. L. 113–79, § 9012(d), substituted “2018” for “2013”.

2013—Subsec. (e). 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.

§ 8114. Sun grant program

(a) Establishment

The Secretary shall establish and carry out a program to provide grants to the sun grant centers and subcenter specified in subsection (b)—

(1) to enhance national energy security through the development, distribution, and implementation of biobased energy technologies;

(2) to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies;

(3) to promote economic diversification in rural areas of the United States through biobased energy and product technologies; and

(4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among—

(A) the Department of Agriculture;

(B) other appropriate Federal agencies (as determined by the Secretary); and

(C) land-grant colleges and universities.

(b) Grants

(1) In general

The Secretary shall use amounts made available under subsection (g) to provide grants to each of the following:

(A) North-central center

A north-central sun grant center for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(B) Southeastern center

A southeastern sun grant center for the region composed of—

(i) the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia;

(ii) the Commonwealth of Puerto Rico; and

(iii) the United States Virgin Islands.

(C) South-central center

A south-central sun grant center for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(D) Western center

A western sun grant center for the region composed of—

(i) the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington; and

(ii) insular areas (as defined in section 3103 of this title (other than the insular areas referred to in clauses (ii) and (iii) of subparagraph (B))).

(E) Northeastern center

A northeastern sun grant center for the region composed of the States of Connecticut,