

(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, Delaware, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(F) Western insular Pacific subcenter

A western insular Pacific sun grant subcenter for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) Manner of distribution

(A) Centers

In providing any funds made available under subsection (g), the Secretary shall distribute the grants in equal amounts to the sun grant centers described in subparagraphs (A) through (E) of paragraph (1).

(B) Subcenter

The sun grant center described in paragraph (1)(D) shall allocate a portion of the funds received under paragraph (1) to the subcenter described in paragraph (1)(F) pursuant to guidance issued by the Secretary.

(3) Failure to comply with requirements

If the Secretary finds on the basis of a review of the annual report required under subsection (f) or on the basis of an audit of a sun grant center or subcenter conducted by the Secretary that the center or subcenter has not complied with the requirements of this section, the sun grant center or subcenter shall be ineligible to receive further grants under this section for such period of time as may be prescribed by the Secretary.

(c) Use of funds

(1) Competitive grants

(A) In general

A sun grant center or subcenter shall use 75 percent of the funds described in sub-

section (b) to provide competitive grants to entities that are—

- (i) eligible to receive grants under subsection (b)(7) of section 3157 of this title; and
- (ii) located in the region covered by the sun grant center or subcenter.

(B) Activities

Grants described in subparagraph (A) shall be used by the grant recipient to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and integrated, multistate research, extension, and education programs on technology development and technology implementation.

(C) Administration

(i) Peer and merit review

In making grants under this paragraph, a sun grant center or subcenter shall—

- (I) seek and accept proposals for grants;
- (II) determine the relevance and merit of proposals through a system of peer review similar to that established by the Secretary pursuant to section 7613 of this title; and
- (III) award grants on the basis of merit, quality, and relevance to advancing the purposes of this section.

(ii) Priority

A sun grant center or subcenter shall give a higher priority to programs that are consistent with the plan approved by the Secretary under subsection (d).

(iii) Term

A grant awarded by a sun grant center or subcenter shall have a term that does not exceed 5 years.

(iv) Matching funds required

(I) In general

Except as provided in subclauses (II) and (III), as a condition of receiving a grant under this paragraph, the sun grant center or subcenter shall require that not less than 20 percent of the cost of an activity described in subparagraph (B) be matched with funds, including in-kind contributions, from a non-Federal source.

(II) Exclusion

Subclause (I) shall not apply to fundamental research (as defined in subsection (f)(1) of section 6971 of this title (as added by section 7511(a)(4))¹.

(III) Reduction

The sun grant center or subcenter may reduce or eliminate the requirement for non-Federal funds under subclause (I) for applied research (as defined in subsection (f)(1) of section 6971 of this title (as added by section 7511(a)(4))¹ if the sun grant center or subcenter determines

¹ So in original. Probably should be followed by a third closing parenthesis.

that the reduction is necessary and appropriate pursuant to guidance issued by the Secretary.

(v) Buildings and facilities

Funds made available for grants shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(vi) Limitation on indirect costs

A sun grant center or subcenter may not recover the indirect costs of making grants under subparagraph (A).

(2) Administrative expenses

A sun grant center or subcenter may use up to 4 percent of the funds described in subsection (b) to pay administrative expenses incurred in carrying out paragraph (1).

(3) Research, extension and educational activities

The sun grant centers and subcenter shall use the remainder of the funds described in subsection (b) to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

(A) research, extension, and educational programs on technology development; and

(B) integrated research, extension, and educational programs on technology implementation.

(d) Plan for research activities to be funded

(1) In general

Subject to the availability of funds under subsection (g), and in cooperation with land-grant colleges and universities and private industry, the sun grant centers and subcenter shall jointly develop and submit to the Secretary for approval a plan for addressing the bioenergy, biomass, and bioproducts research priorities of the Department of Agriculture and other appropriate Federal agencies at the State and regional levels.

(2) Funding

Funds described in subsection (c)(2) shall be available to carry out planning coordination under paragraph (1).

(3) Use of plan

The sun grant centers and subcenter shall use the plan described in paragraph (1) in making grants under subsection (c)(1).

(e) Grant Information Analysis Center

The sun grant centers and subcenter shall maintain a Sun Grant Information Analysis Center at the sun grant center specified in subsection (b)(1)(A) to provide the sun grant centers and subcenter with analysis and data management support.

(f) Annual reports

Not later than 90 days after the end of each fiscal year, a sun grant center or subcenter receiving a grant under this section shall submit to the Secretary a report that describes the poli-

cies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

(1) the results of all peer and merit review procedures conducted pursuant to subsection (c)(1)(C)(i); and

(2) a description of progress made in facilitating the priorities described in subsection (d)(1).

(g) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2008 through 2023, of which not more than \$4,000,000 for each fiscal year shall be made available to carry out subsection (e).

(Pub. L. 110-234, title VII, § 7526, May 22, 2008, 122 Stat. 1274; Pub. L. 110-246, § 4(a), title VII, § 7526, June 18, 2008, 122 Stat. 1664, 2035; Pub. L. 113-79, title VII, §§ 7128(b)(5), 7516, Feb. 7, 2014, 128 Stat. 879, 903; Pub. L. 115-334, title VII, §§ 7414, 7614(b)(4)(A), Dec. 20, 2018, 132 Stat. 4819, 4836.)

Editorial Notes

REFERENCES IN TEXT

Section 7511(a)(4), referred to in subsec. (c)(1)(D)(iv)(II), (III), means section 7511(a)(4) of Pub. L. 110-246.

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.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of title IX of the Farm Security and Rural Investment Act of 2002 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 8109 of this title prior to the general amendment of this chapter by Pub. L. 110-246.

AMENDMENTS

2018—Subsec. (c)(1)(C)(iv)(IV). Pub. L. 115-334, § 7614(b)(4)(A), struck out subcl. (IV). Text read as follows: “The matching funds requirement under section 3371 of this title shall not apply in the case of a grant provided by a sun grant center or subcenter under this paragraph.”

Subsec. (g). Pub. L. 115-334, § 7414, substituted “2023” for “2018”.

2014—Subsec. (a)(4)(B). Pub. L. 113-79, § 7516(a)(1), substituted “other appropriate Federal agencies (as determined by the Secretary)” for “the Department of Energy”.

Subsec. (b)(1)(A). Pub. L. 113-79, § 7516(a)(2)(A), struck out “at South Dakota State University” after “center”.

Subsec. (b)(1)(B). Pub. L. 113-79, § 7516(a)(2)(B), struck out “at the University of Tennessee at Knoxville” after “center” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 113-79, § 7516(a)(2)(C), struck out “at Oklahoma State University” after “center”.

Subsec. (b)(1)(D). Pub. L. 113-79, § 7516(a)(2)(D), struck out “at Oregon State University” after “center” in introductory provisions.

Subsec. (b)(1)(E). Pub. L. 113-79, § 7516(a)(2)(E), struck out “at Cornell University” after “center”.

Subsec. (b)(1)(F). Pub. L. 113-79, § 7516(a)(2)(F), struck out “at the University of Hawaii” after “subcenter”.

Subsec. (c)(1)(B). Pub. L. 113-79, § 7516(a)(3)(A), substituted “integrated, multistate research, extension, and education programs on technology development and technology implementation” for “multistate—

“(i) research, extension, and education programs on technology development; and

“(ii) integrated research, extension, and education programs on technology implementation”.

Subsec. (c)(1)(C), (D). Pub. L. 113–79, § 7516(a)(3)(B), (C), redesignated subpar. (D) as (C) and struck out former subpar. (C) which related to funding allocation.

Subsec. (c)(1)(D)(iv)(IV). Pub. L. 113–79, § 7128(b)(5), added subcl. (IV).

Subsec. (d)(1). Pub. L. 113–79, § 7516(a)(4)(A), struck out “in accordance with paragraph (2)” after “industry” and substituted “bioproducts” for “gasification” and “other appropriate Federal agencies” for “the Department of Energy”.

Subsec. (d)(2) to (4). Pub. L. 113–79, § 7516(a)(4)(B), (C), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2). Prior to amendment, text read as follows: “With respect to gasification research activity, the sun grant centers and subcenter shall coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area.”

Subsec. (f)(1). Pub. L. 113–79, § 7516(b), substituted “subsection (c)(1)(C)(i)” for “subsection (c)(1)(D)(i)”.

Subsec. (g). Pub. L. 113–79, § 7516(a)(5), substituted “2018” for “2012”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 7614(b)(4)(A) of Pub. L. 115–334 applicable to grants, cooperative agreements, or other awards made after Dec. 20, 2018, with matching funds requirement in effect on Dec. 20, 2018, to continue to apply to such grant, cooperative agreement, or other award, see section 7614(c) of Pub. L. 115–334, set out as a note under section 3151 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.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

§ 8115. Carbon utilization and biogas education program

(a) Definitions

In this section:

(1) Carbon dioxide

The term “carbon dioxide” means carbon dioxide that is produced as a byproduct of the production of a biobased product.

(2) Eligible entity

The term “eligible entity” means an entity that—

(A) is—

(i) an organization described in section 501(c)(3) of title 26 and exempt from taxation under section 501(a) of that title; or

(ii) an institution of higher education (as defined in section 1001(a) of title 20);

(B) has demonstrated knowledge about—

(i) sequestration and utilization of carbon dioxide; or

(ii) aggregation of organic waste from multiple sources into a single biogas system; and

(C) has a demonstrated ability to conduct educational and technical support programs.

(b) Establishment

The Secretary, in consultation with the Secretary of Energy, shall make competitive grants to eligible entities—

(1) to provide education to the public about the economic and emissions benefits of permanent sequestration or utilization of carbon dioxide with a primary objective of providing benefits and opportunities for rural businesses, rural communities, and utilities serving rural communities; or

(2) to provide education to agricultural producers and other stakeholders about opportunities for aggregation of organic waste from multiple sources into a single biogas system.

(c) Funding

There are authorized to be appropriated for each of fiscal years 2019 through 2023—

(1) \$1,000,000 to carry out subsection (b)(1); and

(2) \$1,000,000 to carry out subsection (b)(2).

(Pub. L. 107–171, title IX, § 9014, as added Pub. L. 115–334, title IX, § 9011, Dec. 20, 2018, 132 Stat. 4887.)

CHAPTER 108—TREE ASSISTANCE PROGRAM

Sec.	
8201.	Definitions.
8202.	Eligibility.
8203.	Assistance.
8204.	Limitations on assistance.
8205.	Authorization of appropriations.

§ 8201. Definitions

In this chapter:

(1) Eligible orchardist

The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

(2) Natural disaster

The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, and other occurrence, as determined by the Secretary.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(4) Tree

The term “tree” includes a tree, bush, and vine.

(Pub. L. 107–171, title X, § 10201, May 13, 2002, 116 Stat. 490.)

§ 8202. Eligibility

(a) Loss

Subject to subsection (b), the Secretary shall provide assistance under section 8203 of this title to eligible orchardists that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

(b) Limitation

An eligible orchardist shall qualify for assistance under subsection (a) only if the tree mortality of the eligible orchardist, as a result of