

107TH CONGRESS
1ST SESSION

H. R. 2358

To authorize appropriations for environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology bioenergy programs, projects, and activities of the Department of Energy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2001

Mr. BARTLETT of Maryland (for himself, Mr. UDALL of Colorado, Mr. BOEHLERT, Ms. JACKSON-LEE of Texas, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mrs. MORELLA, Mr. EHLERS, Mr. DELAHUNT, and Mr. WAMP) introduced the following bill; which was referred to the Committee on Science

A BILL

To authorize appropriations for environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology bioenergy programs, projects, and activities of the Department of Energy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bioenergy Act of
5 2001”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that bioenergy has potential to help—

- 3 (1) meet the Nation’s energy needs;
- 4 (2) reduce reliance on imported fuels;
- 5 (3) promote rural economic development;
- 6 (4) provide for productive utilization of agricul-
- 7 tural residues and waste materials; and
- 8 (5) protect the environment.

9 **SEC. 3. DEFINITIONS.**

10 For purposes of this Act—

11 (1) the term “appropriate congressional com-

12 mittees” means—

13 (A) the Committee on Science and the

14 Committee on Appropriations of the House of

15 Representatives; and

16 (B) the Committee on Energy and Natural

17 Resources and the Committee on Appropria-

18 tions of the Senate;

19 (2) the term “biofuels” includes production of

20 industrial chemicals;

21 (3) the term “Department” means the Depart-

22 ment of Energy; and

23 (4) the term “Secretary” means the Secretary

24 of Energy.

1 **SEC. 4. AUTHORIZATION.**

2 The Secretary is authorized to conduct environmental
 3 research and development, scientific and energy research,
 4 development, and demonstration, and commercial applica-
 5 tion of energy technology programs, projects, and activi-
 6 ties related to bioenergy, including biopower energy sys-
 7 tems, biofuels energy systems, and integrated bioenergy
 8 research and development (including biofuels).

9 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) **BIOPOWER ENERGY SYSTEMS.**—There are au-
 11 thorized to be appropriated to the Secretary for Biopower
 12 Energy Systems programs, projects, and activities for
 13 which specific sums are not authorized under other au-
 14 thority of law—

- 15 (1) \$45,700,000 for fiscal year 2002;
- 16 (2) \$52,500,000 for fiscal year 2003;
- 17 (3) \$60,300,000 for fiscal year 2004;
- 18 (4) \$69,300,000 for fiscal year 2005; and
- 19 (5) \$79,600,000 for fiscal year 2006.

20 (b) **BIOFUELS ENERGY SYSTEMS.**—There are au-
 21 thorized to be appropriated to the Secretary for biofuels
 22 energy systems programs, projects, and activities for
 23 which specific sums are not authorized under other au-
 24 thority of law—

- 25 (1) \$53,500,000 for fiscal year 2002;
- 26 (2) \$61,400,000 for fiscal year 2003;

1 (3) \$70,600,000 for fiscal year 2004;

2 (4) \$81,100,000 for fiscal year 2005; and

3 (5) \$93,200,000 for fiscal year 2006.

4 (c) INTEGRATED BIOENERGY RESEARCH AND DE-
5 VELOPMENT.—There are authorized to be appropriated to
6 the Secretary for integrated bioenergy research and devel-
7 opment (including biofuels) programs, projects, and activi-
8 ties for which specific sums are not authorized under other
9 authority of law, \$49,000,000 for each of the fiscal years
10 2002 through 2006. Activities funded under this sub-
11 section shall be coordinated with ongoing related programs
12 of other Federal agencies.

13 **SEC. 6. LIMITS ON USE OF FUNDS.**

14 (a) FEDERAL ACQUISITION REGULATION.—

15 (1) REQUIREMENT.—None of the funds author-
16 ized to be appropriated by this Act may be used to
17 award, amend, or modify a contract of the Depart-
18 ment in a manner that deviates from the Federal
19 Acquisition Regulation, unless the Secretary grants,
20 on a case-by-case basis, a waiver to allow for such
21 a deviation. The Secretary may not delegate the au-
22 thority to grant such a waiver.

23 (2) CONGRESSIONAL NOTICE.—At least 60 days
24 before a contract award, amendment, or modifica-
25 tion for which the Secretary intends to grant such

1 a waiver, the Secretary shall submit to the appro-
2 priate congressional committees a report notifying
3 the committees of the waiver and setting forth the
4 reasons for the waiver.

5 (b) PRODUCTION OR PROVISION OF ARTICLES OR
6 SERVICES.—None of the funds authorized to be appro-
7 priated by this Act may be used to produce or provide
8 articles or services for the purpose of selling the articles
9 or services to a person outside the Federal Government,
10 unless the Secretary determines that comparable articles
11 or services are not available from a commercial source in
12 the United States.

13 (c) REQUESTS FOR PROPOSALS.—None of the funds
14 authorized to be appropriated by this Act may be used
15 by the Department to prepare or initiate Requests for Pro-
16 posals for a program, project, or activity if the program,
17 project, or activity has not been specifically authorized by
18 Congress.

19 (d) TRADE ASSOCIATIONS.—None of the funds au-
20 thorized to be appropriated by this Act may be used either
21 directly or indirectly to fund a grant, contract, sub-
22 contract, or any other form of financial assistance award-
23 ed by the Department to a trade association on a non-
24 competitive basis.

1 **SEC. 7. COST SHARING.**

2 (a) RESEARCH AND DEVELOPMENT.—The Secretary
3 shall require, for research and development programs,
4 projects, and activities carried out by industry under this
5 Act, a commitment from non-Federal sources of at least
6 20 percent of the cost of such programs, projects, and ac-
7 tivities.

8 (b) DEMONSTRATION AND COMMERCIAL APPLICA-
9 TION.—The Secretary shall require a commitment from
10 non-Federal sources of at least 50 percent of the cost of
11 any demonstration or commercial application program,
12 project, or activity conducted under this Act.

13 **SEC. 8. LIMITATION ON DEMONSTRATIONS AND COMMER-**
14 **CIAL APPLICATIONS OF ENERGY TECH-**
15 **NOLOGY.**

16 The Secretary shall provide funding for scientific or
17 energy demonstration or commercial application of energy
18 technology programs, projects, or activities of the Depart-
19 ment only for technologies or processes that can be reason-
20 ably expected to yield new, measurable benefits to the cost,
21 efficiency, or performance of the technology or process.

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