

111TH CONGRESS  
2D SESSION

# S. 3381

To amend the Clean Air Act to modify certain definitions of the term  
“renewable biomass”, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 17, 2010

Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Clean Air Act to modify certain definitions  
of the term “renewable biomass”, 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. DEFINITION OF RENEWABLE BIOMASS.**

4       (a) CLEAN AIR ACT DEFINITIONS.—

5               (1) RFS DEFINITION.—Section 211(o)(1) of  
6       the Clean Air Act (42 U.S.C. 7545(o)(1)) is amend-  
7       ed by striking subparagraph (I) and inserting the  
8       following:

9                       “(I) RENEWABLE BIOMASS.—The term ‘re-  
10       newable biomass’ means—

1           “(i) materials, pre-commercial  
2 thinnings, or invasive species from Na-  
3 tional Forest System land and public lands  
4 (as defined in section 103 of the Federal  
5 Land Policy and Management Act of 1976  
6 (43 U.S.C. 1702)) that—

7           “(I) are byproducts of preventive  
8 treatments that are removed—

9           “(aa) to reduce hazardous  
10 fuels;

11           “(bb) to reduce or contain  
12 disease or insect infestation; or

13           “(cc) to restore ecosystem  
14 health;

15           “(II) would not otherwise be used  
16 for higher-value products; and

17           “(III) are harvested in accord-  
18 ance with—

19           “(aa) applicable law and  
20 land management plans; and

21           “(bb) the requirements  
22 for—

23           “(AA) old-growth main-  
24 tenance, restoration, and  
25 management direction of

1 paragraphs (2), (3), and (4)  
2 of subsection (e) of section  
3 102 of the Healthy Forests  
4 Restoration Act of 2003 (16  
5 U.S.C. 6512); and

6 “(BB) large-tree reten-  
7 tion of subsection (f) of that  
8 section; or

9 “(ii) any organic matter that is avail-  
10 able on a renewable or recurring basis  
11 from non-Federal land or land belonging to  
12 an Indian or Indian tribe that is held in  
13 trust by the United States or subject to a  
14 restriction against alienation imposed by  
15 the United States, including—

16 “(I) renewable plant material, in-  
17 cluding—

18 “(aa) feed grains;

19 “(bb) other agricultural  
20 commodities;

21 “(cc) other plants and trees;

22 and

23 “(dd) algae; and

24 “(II) waste material, including—

25 “(aa) crop residue;

1                   “(bb) other vegetative waste  
2                   material (including wood waste  
3                   and wood residues);

4                   “(cc) animal waste and by-  
5                   products (including fats, oils,  
6                   greases, and manure); and

7                   “(dd) food waste and yard  
8                   waste.”.

9                   (2) CONVERSION ASSISTANCE DEFINITION.—  
10                  Section 211(s)(4) of the Clean Air Act (42 U.S.C.  
11                  7545(s)(4)) is amended by striking subparagraph  
12                  (B) and inserting the following:

13                         “(B) RENEWABLE BIOMASS.—The term  
14                         ‘renewable biomass’ has the meaning given the  
15                         term in subsection (o)(1).”.

16                  (b) APPLICABILITY UNDER OTHER LAW.—The defi-  
17                  nition of the term “renewable biomass” under section  
18                  211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) (as  
19                  amended by subsection (a)(1)) shall apply in any Federal  
20                  law enacted after the date of enactment of this Act—

21                         (1) to establish a renewable electricity standard;

22                         or

23                         (2) to regulate the emission of greenhouse  
24                         gases.