

111TH CONGRESS  
1ST SESSION

# S. 636

To amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

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## IN THE SENATE OF THE UNITED STATES

MARCH 18, 2009

Mr. THUNE (for himself, Mr. TESTER, and Mr. CHAMBLISS) 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 conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

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 Section 211(o)(1) of the Clean Air Act (42 U.S.C.  
5 7545(o)(1)) is amended by striking subparagraph (I) and  
6 inserting the following:

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

1 “(i) materials, pre-commercial thin-  
2 nings, or invasive species from National  
3 Forest System land and public lands (as  
4 defined in section 103 of the Federal Land  
5 Policy and Management Act of 1976 (43  
6 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.”.

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