

115TH CONGRESS  
2D SESSION

# S. 2619

To amend the Farm Security and Rural Investment Act of 2002 to reauthorize energy programs through fiscal year 2023, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 22, 2018

Ms. SMITH introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Farm Security and Rural Investment Act of 2002 to reauthorize energy programs through fiscal year 2023, 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 “Agricultural Energy  
5 Programs Reauthorization Act of 2018”.

6 **SEC. 2. BIOBASED MARKETS PROGRAM.**

7 Section 9002 of the Farm Security and Rural Invest-  
8 ment Act of 2002 (7 U.S.C. 8102) is amended—

9 (1) in subsection (b)—

1 (A) in paragraph (1), by inserting “or re-  
2 newable chemicals” after “biobased products”;

3 (B) in paragraph (2)(B)—

4 (i) in clause (i), by inserting “or re-  
5 newable chemical” after “biobased”; and

6 (ii) in clause (ii), by inserting “or re-  
7 newable chemical” after “portions of  
8 biobased”; and

9 (C) by adding at the end the following:

10 “(5) EDUCATION AND OUTREACH.—The Sec-  
11 retary, in consultation with the Administrator, shall  
12 provide to appropriate stakeholders education and  
13 outreach relating to the voluntary labeling program  
14 under this subsection.”;

15 (2) in subsection (f), by striking the subsection  
16 designation and all that follows through “The Sec-  
17 retary” and inserting the following:

18 “(f) MANUFACTURERS OF RENEWABLE CHEMICALS  
19 AND BIOBASED PRODUCTS.—

20 “(1) NAICS CODES.—The Secretary and the  
21 Secretary of Commerce shall jointly develop North  
22 American Industry Classification System codes for—

23 “(A) renewable chemicals manufacturers;

24 and

25 “(B) biobased products manufacturers.

1           “(2) NATIONAL TESTING CENTER REGISTRY.—  
2       The Secretary”;

3           (3) in subsection (h)(2)—

4               (A) in subparagraph (B)(ii), by striking  
5       “and” at the end;

6               (B) in subparagraph (C), by striking the  
7       period at the end and inserting “; and”; and

8               (C) by adding at the end the following:

9                   “(D) a description of the quantity of  
10       biobased products procured under subsection  
11       (a) during the previous year.”;

12           (4) in subsection (i)—

13               (A) in paragraph (1), by striking  
14       “\$3,000,000 for each of fiscal years 2014  
15       through 2018” and inserting “\$6,000,000 for  
16       each of fiscal years 2019 through 2023”; and

17               (B) in paragraph (2), by striking “2018”  
18       and inserting “2023”; and

19           (5) in subsection (j), by striking “includes,  
20       with” and inserting the following: “includes—

21                   “(1) products produced from biologically cap-  
22       tured and reused carbon; and

23                   “(2) with”.

1 **SEC. 3. BIOREFINERY, RENEWABLE CHEMICAL, AND**  
2 **BIOBASED PRODUCT MANUFACTURING AS-**  
3 **SISTANCE.**

4 Section 9003 of the Farm Security and Rural Invest-  
5 ment Act of 2002 (7 U.S.C. 8103) is amended—

6 (1) in subsection (b)(3)—

7 (A) in subparagraph (A), by striking  
8 “and” at the end and inserting “or”; and

9 (B) in subparagraph (B)—

10 (i) by inserting “renewable chemical  
11 or biobased product” before “technology”;  
12 and

13 (ii) by striking “biorefinery that pro-  
14 duces an advanced biofuel.” and inserting  
15 “biorefinery.”; and

16 (2) in subsection (g)—

17 (A) by striking paragraph (1) and insert-  
18 ing the following:

19 “(1) MANDATORY FUNDING.—Of the funds of  
20 the Commodity Credit Corporation, the Secretary  
21 shall use for the cost of loan guarantees under this  
22 section, to remain available until expended,  
23 \$75,000,000 for each of fiscal years 2019 through  
24 2023.”; and

25 (B) in paragraph (2), by striking “2018”  
26 and inserting “2023”.

1 **SEC. 4. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.**

2 Section 9005(g) of the Farm Security and Rural In-  
3 vestment Act of 2002 (7 U.S.C. 8105(g)) is amended—

4 (1) in paragraph (1), by striking “expended—  
5 ” and all that follows through the period at the end  
6 and inserting “expended, \$5,000,000 for each of fis-  
7 cal years 2018 through 2023.”; and

8 (2) in paragraph (2), by striking “2018” and  
9 inserting “2023”.

10 **SEC. 5. RURAL ENERGY FOR AMERICA PROGRAM.**

11 (a) DEFINITION OF RENEWABLE ENERGY SYS-  
12 TEM.—Section 9001(16) of the Farm Security and Rural  
13 Investment Act of 2002 (7 U.S.C. 8101(16)) is amend-  
14 ed—

15 (1) by redesignating subparagraph (B) as sub-  
16 paragraph (C); and

17 (2) in subparagraph (A), by striking “that—”  
18 and all that follows through the period at the end  
19 of clause (ii) and inserting the following: “that pro-  
20 duces usable energy from a renewable energy source.

21 “(B) INCLUSIONS.—The term ‘renewable  
22 energy system’ includes—

23 “(i) distribution components necessary  
24 to move energy produced by a renewable  
25 energy system to the initial point of sale;  
26 and

1                   “(ii) other components and ancillary  
2                   infrastructure of a renewable energy sys-  
3                   tem, such as a storage system.”.

4           (b) FUNDING.—Section 9007(g) of the Farm Secu-  
5 rity and Rural Investment Act of 2002 (7 U.S.C. 8107(g))  
6 is amended—

7           (1) in paragraph (1), by striking “expended—  
8           ” and all that follows through the period at the end  
9           and inserting “expended, \$150,000,000 for each of  
10           fiscal years 2018 through 2023.”;

11           (2) in paragraph (3), by striking “\$20,000,000  
12           for each of fiscal years 2014 through 2018” and in-  
13           serting “\$50,000,000 for each of fiscal years 2018  
14           through 2023”; and

15           (3) by adding at the end the following:

16           “(4) ALLOCATION OF FUNDING.—For each fis-  
17           cal year, not more than 30 percent of amounts made  
18           available to carry out this section may be used for—

19                   “(A) any 1 form of renewable energy de-  
20                   scribed in subparagraphs (A) and (B) of section  
21                   9001(15); or

22                   “(B) technologies to improve the efficiency  
23                   of energy usage.”.

1 **SEC. 6. BIOMASS RESEARCH AND DEVELOPMENT.**

2 Section 9008(h) of the Farm Security and Rural In-  
3 vestment Act of 2002 (7 U.S.C. 8108(h)) is amended—

4 (1) in paragraph (1), by striking “expended—  
5 ” and all that follows through the period at the end  
6 and inserting “expended, \$20,000,000 for each of  
7 fiscal years 2019 through 2023.”; and

8 (2) in paragraph (2), by striking “2018” and  
9 inserting “2023”.

10 **SEC. 7. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIO-**  
11 **ENERGY PRODUCERS.**

12 Section 9010(b) of the Farm Security and Rural In-  
13 vestment Act of 2002 (7 U.S.C. 8110(b)) is amended—

14 (1) in paragraph (1)(A), by striking “2018”  
15 and inserting “2023”; and

16 (2) in paragraph (2)(A), by striking “2018”  
17 and inserting “2023”.

18 **SEC. 8. BIOFUELS AND BIOBASED PRODUCT FEEDSTOCK**  
19 **AND WILDLAND FIRE PROTECTION PRO-**  
20 **GRAM.**

21 Section 9011 of the Farm Security and Rural Invest-  
22 ment Act of 2002 (7 U.S.C. 8111) is amended—

23 (1) by striking the section heading and insert-  
24 ing “**BIOFUELS AND BIOBASED PRODUCT FEED-**  
25 **STOCK AND WILDLAND FIRE PROTECTION PRO-**  
26 **GRAM.**”;

1 (2) in subsection (a)—

2 (A) by striking paragraph (1);

3 (B) by redesignating paragraphs (2) and  
4 (3) through (7) as paragraphs (7) and (1)  
5 through (5), respectively, and moving the para-  
6 graphs so as to appear in numerical order;

7 (C) in paragraph (1) (as so redesignated),  
8 by striking “BCAP” and inserting “program”;

9 (D) in paragraph (4) (as so redesign-  
10 nated)—

11 (i) in subparagraph (B)—

12 (I) in clause (ii)(II), by striking  
13 “and” at the end;

14 (II) in clause (iii), by striking the  
15 period at the end and inserting a  
16 semicolon; and

17 (III) by adding at the end the  
18 following:

19 “(iv) algae; and

20 “(v) animal waste and byproducts, in-  
21 cluding fat, oil, grease, and manure.”; and

22 (ii) in subparagraph (C)—

23 (I) by striking clauses (ii) and  
24 (iv); and



1 (II) by redesignating clauses (iii),  
2 (v), (vi), and (vii) as clauses (ii), (iii),  
3 (iv), and (v), respectively;

4 (E) in paragraph (5) (as so redesignated),  
5 by striking “BCAP”;

6 (F) by inserting after paragraph (5) (as so  
7 redesignated) the following:

8 “(6) PROGRAM.—The term ‘program’ means  
9 the Biofuels and Biobased Product Feedstock and  
10 Wildland Fire Protection Program established under  
11 this section.”; and

12 (G) in paragraph (7) (as so redesign-  
13 ated)—

14 (i) by striking the paragraph heading  
15 and inserting “PROJECT AREA.—”; and

16 (ii) in the matter preceding subpara-  
17 graph (A), by striking “BCAP”;

18 (3) in subsection (b)—

19 (A) in the matter preceding paragraph (1),  
20 by striking “Biomass Crop Assistance Pro-  
21 gram” and inserting “Biofuels and Biobased  
22 Product Feedstock and Wildland Fire Protec-  
23 tion Program”;

24 (B) in paragraph (1), by striking “BCAP”;

25 and

1 (C) in paragraph (2), by inserting “, in-  
2 cluding eligible material harvested for the pur-  
3 pose of hazardous woody fuel reduction” before  
4 the period at the end;

5 (4) in subsection (c)—

6 (A) by striking the subsection heading and  
7 inserting “PROJECT AREAS.—”;

8 (B) by striking “BCAP” each place it ap-  
9 pears;

10 (C) in paragraph (2)(B)—

11 (i) in the subparagraph heading, by  
12 striking “BCAP PROJECT” and inserting  
13 “PROJECT”; and

14 (ii) in clause (i) (as amended by sub-  
15 paragraph (B)), by inserting “program”  
16 before the semicolon at the end;

17 (D) in paragraph (4) (as amended by sub-  
18 paragraph (B)), by inserting “program” before  
19 “contract”; and

20 (E) in paragraph (5)(D) (as amended by  
21 subparagraph (B)), by inserting “program” be-  
22 fore “payments on land”;

23 (5) in subsection (d)—

24 (A) in paragraph (1)(A), by striking  
25 “BCAP” and inserting “program”;

1 (B) in paragraph (2)(B), by striking  
2 “paragraph (3)” and inserting “paragraph  
3 (5)”;

4 (C) by redesignating paragraph (3) as  
5 paragraph (5);

6 (D) by inserting after paragraph (2) the  
7 following:

8 “(3) HAZARDOUS WOODY FUEL REDUCTION.—

9 “(A) IN GENERAL.—In accordance with  
10 regulations issued by the Secretary to carry out  
11 this paragraph, the Secretary may use amounts  
12 made available under subsection (f)(1)(A) to  
13 provide to a project sponsor that submits to the  
14 Secretary an application in accordance with  
15 those regulations a payment under this sub-  
16 section for the transportation costs of a project  
17 that removes eligible material for the purpose of  
18 hazardous woody fuel reduction, as determined  
19 by the Secretary.

20 “(B) CONSIDERATIONS.—In determining  
21 which projects to provide payments under sub-  
22 paragraph (A), the Secretary shall consider—

23 “(i) only projects that, as determined  
24 by the Secretary, in consultation with the  
25 Forest Service Fire Modeling Institute, are

1 located in wildland areas that are the  
2 most—

3 “(I) at risk from wildfire; or

4 “(II) in need of restoration; and

5 “(ii) which projects will provide—

6 “(I) the greatest benefit to the  
7 protection of human life and struc-  
8 tures in the wildland-urban interface;  
9 and

10 “(II) the greatest protection of  
11 municipal water supplies.

12 “(4) LIMITATION ON COLLECTION OF BIOMASS  
13 FOR ENVIRONMENTAL BENEFIT.—As a condition on  
14 the receipt of a payment under this subsection, a  
15 producer or person described in subparagraph (A) or  
16 (B) of paragraph (1), respectively, shall leave uncol-  
17 lected and unharvested not less than 30 percent, as  
18 determined appropriate by the Secretary, of the  
19 woody eligible material.”; and

20 (E) in paragraph (5) (as redesignated by  
21 subparagraph (C))—

22 (i) in the paragraph heading, by strik-  
23 ing “BCAP” and inserting “PROGRAM”; and

24 (ii) by striking “BCAP” and inserting  
25 “program”; and

1 (6) in subsection (f)—

2 (A) in paragraph (1), by striking “Of the  
3 funds” and all that follows through the period  
4 at the end and inserting the following:

5 “(A) MANDATORY FUNDING.—Of the  
6 funds of the Commodity Credit Corporation, the  
7 Secretary shall use to carry out this section  
8 \$70,000,000 for each of fiscal years 2019  
9 through 2023.

10 “(B) DISCRETIONARY FUNDING.—There is  
11 authorized to be appropriated to the Secretary  
12 to carry out this section \$20,000,000 for each  
13 of fiscal years 2019 through 2023.”; and

14 (B) in paragraph (2), by striking “the Sec-  
15 retary shall use not less than 10 percent, nor  
16 more than 50 percent, of the amount” and in-  
17 serting the following: “the Secretary shall use—

18 “(A) not less than \$50,000,000 to make  
19 transportation payments for hazardous woody  
20 fuel reduction projects under subsection (d)(3);  
21 and

22 “(B) not less than 10 percent, and not  
23 greater than 50 percent, of the remaining  
24 amount”.

1 **SEC. 9. COMMUNITY WOOD ENERGY PROGRAM.**

2 Section 9013(e) of the Farm Security and Rural In-  
3 vestment Act of 2002 (7 U.S.C. 8113(e)) is amended by  
4 striking “2018” and inserting “2023”.

5 **SEC. 10. EFFECTIVE DATE.**

6 The amendments made by this Act take effect on  
7 March 1, 2019.

