

112TH CONGRESS
1ST SESSION

S. 781

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.

IN THE SENATE OF THE UNITED STATES

APRIL 8, 2011

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 (including trees, wood,
2 brush, thinnings, and chips) or invasive
3 species from National Forest System land
4 and public lands (as defined in section 103
5 of the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1702)), in-
7 cluding slash and other materials, that—

8 “(I) would not otherwise be used
9 for higher-value manufactured forest
10 products;

11 “(II) are removed—

12 “(aa) to reduce hazardous
13 fuels;

14 “(bb) to reduce or contain
15 disease or insect infestation;

16 “(cc) to restore or maintain
17 ecosystem health; or

18 “(dd) from a federally ap-
19 proved vegetation management
20 project; and

21 “(III) are harvested in accord-
22 ance with—

23 “(aa) applicable law and
24 land management plans; and

1 “(bb) the requirements for
2 old-growth maintenance, restora-
3 tion, and management direction
4 of paragraphs (2), (3), and (4) of
5 subsection (e) of section 102 of
6 the Healthy Forests Restoration
7 Act of 2003 (16 U.S.C. 6512);

8 “(ii) any organic matter that is avail-
9 able on a renewable or recurring basis
10 from non-Federal land, land belonging to
11 an Indian or Indian tribe that is held in
12 trust by the United States or subject to a
13 restriction against alienation imposed by
14 the United States, or any reservation (as
15 defined in section 3 of the Indian Financ-
16 ing Act of 1974 (25 U.S.C. 1452)), includ-
17 ing—

18 “(I) renewable plant material, in-
19 cluding—

20 “(aa) feed grains;
21 “(bb) other agricultural
22 commodities;

23 “(cc) other plants and trees;
24 and

25 “(dd) algae; and

1 “(II) waste material (other than
2 paper that is commonly recycled), in-
3 cluding—
4 “(aa) crop residue;
5 “(bb) other vegetative waste
6 material (including wood waste
7 and wood residues);
8 “(cc) animal waste and by-
9 products (including fats, oils,
10 greases, and manure); and
11 “(dd) food waste and yard
12 waste; and
13 “(iii) residues or byproducts from
14 wood, pulp, or paper product facilities.”.

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