

Am Wyden
S.L.C.

116TH CONGRESS
1ST SESSION

S. _____

To amend the Clean Air Act to modify the definition of “renewable biomass”
under the renewable fuel program.

IN THE SENATE OF THE UNITED STATES

for himself and Mr. Risch, Mr. King, Mr. Crapo, Mr. Merkley

Mr. WYDEN introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To amend the Clean Air Act to modify the definition of
“renewable biomass” under the renewable fuel program.

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 UNDER**
4 **RENEWABLE FUEL PROGRAM.**

5 Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C.
6 7545(o)(1)(I)) is amended—

7 (1) by redesignating clauses (iii) through (vii)
8 as clauses (v) through (ix), respectively; and

9 (2) by striking clause (ii) and inserting the fol-
10 lowing:

1 “(ii) Trees and tree residue from non-
2 Federal land, including land belonging to
3 an Indian tribe or an Indian individual
4 that is held in trust by the United States
5 or subject to a restriction against alien-
6 ation imposed by the United States.

7 “(iii) Any secondary, residual mate-
8 rials generated from forest products manu-
9 facturing, including, but not limited to,
10 sawdust, wood chips, shavings, bark,
11 sanderdust, and trimmings, regardless of
12 whether the source of primary materials is
13 derived from Federal or non-Federal land.

14 “(iv) Biomass materials obtained from
15 Federal land that—

16 “(I) are not harvested from old
17 growth stands, unless the old growth
18 stand is part of a science-based eco-
19 logical restoration project authorized
20 by the Secretary of Agriculture or the
21 Secretary of the Interior, as applica-
22 ble, that meets applicable protection
23 and old growth enhancement objec-
24 tives, as determined by the applicable
25 Secretary;

1 “(II) are slash, precommercial
2 thinnings, or derived from ecological
3 restoration activities;

4 “(III) are harvested in a manner
5 consistent with applicable Federal
6 laws (including regulations) and land
7 management plans; and

8 “(IV) are derived within—

9 “(aa) the wildland-urban
10 interface (as defined in section
11 101 of the Healthy Forests Res-
12 toration Act of 2003 (16 U.S.C.
13 6511)) from acreage included
14 within a community wildfire pro-
15 tection plan (as so defined);

16 “(bb) a priority area on
17 Federal land, as identified by the
18 Secretary of Agriculture or the
19 Secretary of the Interior, as ap-
20 plicable, in need of—

21 “(AA) ecological res-
22 toration;

23 “(BB) an authorized
24 hazardous fuels reduction
25 project under section 102 of

1 the Healthy Forests Res-
2 toration Act of 2003 (16
3 U.S.C. 6512); or

4 “(CC) a project carried
5 out under section 602(d) of
6 that Act (16 U.S.C.
7 6591a(d)); or

8 “(cc) an area identified as a
9 priority area for wildfire threat in
10 a State-wide assessment and
11 State-wide strategy developed in
12 accordance with section 2A of the
13 Cooperative Forestry Assistance
14 Act of 1978 (16 U.S.C.
15 2101a).”.