

**AMENDMENT TO DIVISION A OF
RULES COMMITTEE PRINT 117-57
OFFERED BY MS. HERRELL OF NEW MEXICO**

At the end of subtitle B of title II of division A, add
the following:

1 SEC. 222. BIOCHAR DEMONSTRATION PROJECT.

2 (a) DEMONSTRATION PROJECTS.—

3 (1) ESTABLISHMENT.—

4 (A) IN GENERAL.—Not later than 2 years
5 after the date of the enactment of this section,
6 the Secretaries shall establish a program to
7 enter into partnerships with eligible entities to
8 carry out demonstration projects to support the
9 development and commercialization of biochar
10 in accordance with this subsection.

11 (B) LOCATION OF DEMONSTRATION
12 PROJECTS.—The Secretaries shall, to the max-
13 imum extent practicable, establish at least one
14 biochar demonstration project in each Forest
15 Service region.

16 (2) PROPOSALS.—To be eligible to enter into a
17 partnership to carry out a biochar demonstration
18 project under paragraph (1)(A), an eligible entity

1 shall submit to the Secretaries a proposal at such
2 time, in such manner, and containing such informa-
3 tion as the Secretaries may require.

4 (3) PRIORITY.—In selecting proposals under
5 paragraph (2), the Secretaries shall give priority to
6 partnering with eligible entities that submit pro-
7 posals to carry out biochar demonstration projects
8 that—

9 (A) have the most carbon sequestration po-
10 tential;

11 (B) will create new jobs and contribute to
12 local economies, particularly in rural areas;

13 (C) will demonstrate—

14 (i) new and innovative uses of biochar;

15 (ii) viable markets for cost effective
16 biochar-based products;

17 (iii) the ecosystem services of biochar;

18 (iv) the benefits of biochar to restore
19 forest heath and resiliency, including for
20 forest soils and watersheds; or

21 (v) any combination of purposes speci-
22 fied in clauses (i) through (iv);

23 (D) are located in local markets that have
24 the greatest need for the biochar production
25 units due to—

1 (i) nearby lands identified as having
2 high or very high or extreme risk of wild-
3 fire;

4 (ii) availability of sufficient quantities
5 of feedstocks; or

6 (iii) a high level of demand for
7 biochar or other commercial byproducts of
8 biochar; or

9 (E) any combination of purposes specified
10 in subparagraphs (A) through (D).

11 (4) USE OF FUNDS.—In carrying out the pro-
12 gram established under paragraph (1)(A), the Secre-
13 taries may enter into partnerships and provide fund-
14 ing to carry out demonstration projects that—

15 (A) acquire and test various feedstocks and
16 their efficacy;

17 (B) develop and optimize commercially and
18 technologically viable biochar production units,
19 including mobile and permanent units;

20 (C) demonstrate the production of biochar
21 from forest residues and the use of biochar to
22 restore forest health and resiliency;

23 (D) build, expand, or establish biochar fa-
24 cilities;

1 (E) conduct research on new and innova-
2 tive uses of biochar or demonstrate cost-effec-
3 tive market opportunities for biochar and
4 biochar-based products;

5 (F) carry out any other activities the Sec-
6 retaries determine appropriate; or

7 (G) any combination of the purposes speci-
8 fied in subparagraphs (A) through (F).

9 (5) FEEDSTOCK REQUIREMENTS.—To the max-
10 imum extent practicable, a biochar demonstration
11 project under this subsection shall, with respect to
12 the feedstock used under such project, derive at
13 least 50 percent of such feedstock from forest
14 thinning and management activities, including mill
15 residues, conducted on National Forest System
16 lands.

17 (6) REVIEW OF BIOCHAR DEMONSTRATION.—

18 (A) IN GENERAL.—The Secretaries shall
19 conduct regionally specific research, including
20 economic analyses and life-cycle assessments, on
21 the biochar produced from the demonstration
22 projects under this subsection, including—

23 (i) the effects of such biochar on—

24 (I) forest health and resiliency;

1 (II) carbon capture and seques-
2 tration, including increasing soil car-
3 bon in the short-term and long-term;

4 (III) productivity, reduced input
5 costs, and water retention in agricul-
6 tural practices;

7 (IV) soil and grassland health for
8 grazing activities, including grazing
9 activities on Federal land;

10 (V) environmental remediation
11 activities, including abandoned mine
12 land remediation; and

13 (VI) other ecosystem services of
14 biochar;

15 (ii) the efficacy of biochar as a co-
16 product of biofuels or in biochemicals; and

17 (iii) whether biochar can effectively be
18 used to produce any other technologically
19 and commercially viable outcome.

20 (B) COORDINATION.—The Secretaries
21 shall, to the maximum extent practicable, pro-
22 vide data, analysis, and other relevant informa-
23 tion collected under subparagraph (A) to eligi-
24 ble institutions conducting research and devel-

1 opment activities on biochar pursuant to receiv-
2 ing a grant under subsection (b).

3 (7) LIMITATION ON FUNDING FOR ESTAB-
4 LISHING BIOCHAR FACILITIES.—In the case of an el-
5 igible entity that enters in to a partnership to carry
6 out a biochar demonstration project under this sub-
7 section and seeks to establish a biochar facility
8 under such demonstration project, the Secretaries
9 may not provide funding to such eligible entity in an
10 amount greater than 35 percent of the capital cost
11 of establishing such biochar facility.

12 (b) BIOCHAR RESEARCH AND DEVELOPMENT GRANT
13 PROGRAM.—

14 (1) ESTABLISHMENT.—The Secretary of Agri-
15 culture shall establish an applied biochar research
16 and development grant program to make competitive
17 grants to eligible institutions to carry out the activi-
18 ties described in paragraph (3).

19 (2) APPLICATIONS.—To be eligible to receive a
20 grant under this subsection, an eligible entity shall
21 submit to the Secretary a proposal at such time, in
22 such manner, and containing such information as
23 the Secretary may require.

1 (3) USE OF FUNDS.—An eligible institution
2 that receives a grant under this subsection shall use
3 the grant funds to conduct applied research on—

4 (A) the effect of biochar on forest health
5 and resiliency, accounting for variations in
6 biochar, soil, climate, and other factors;

7 (B) the effect of biochar on soil health and
8 water retention, accounting for variations in
9 biochar, soil, climate, and other factors;

10 (C) the long-term carbon sequestration po-
11 tential of biochar;

12 (D) the best management practices of
13 biochar and biochar based-products to—

14 (i) maximize carbon sequestration
15 benefits; and

16 (ii) maximize the commercial viability
17 and application of such products in for-
18 estry, agriculture, environmental remedi-
19 ation, water quality improvement, and
20 other uses;

21 (E) the regional uses of biochar to increase
22 productivity and profitability, including—

23 (i) uses in agriculture and environ-
24 mental remediation; and

1 (ii) use as a co-product in fuel produc-
2 tion;

3 (F) new and innovative uses from biochar
4 byproducts; and

5 (G) opportunities to expand markets for
6 biochar and create jobs, particularly in rural
7 areas.

8 (c) REPORTS.—

9 (1) REPORT TO CONGRESS.—Not later than 2
10 years after the date of the enactment of this section,
11 the Secretaries shall submit a report to Congress
12 that—

13 (A) includes policy and program rec-
14 ommendations to improve the widespread use of
15 biochar;

16 (B) identifies the areas of research needed
17 to advance biochar commercialization; and

18 (C) identifies barriers to further biochar
19 commercialization, including permitting and
20 siting considerations.

21 (2) PRESIDENT'S ANNUAL BUDGET REQUEST.—

22 Beginning 2 years after the date of the enactment
23 of this section and annually until the date described
24 in subsection (d), the Secretaries shall include in the
25 budget materials submitted to Congress in support

1 of the President’s annual budget request (submitted
2 to Congress pursuant to section 1105 of title 31,
3 United States Code) for each fiscal year a report on
4 the status of the demonstration projects carried out
5 under subsection (a) and the research and develop-
6 ment grants carried out under subsection (b).

7 (d) SUNSET.—The authority to carry out this section
8 shall terminate on the date that is 10 years after the date
9 of the enactment of this section.

10 (e) DEFINITIONS.—In this section:

11 (1) BIOCHAR.—The term “biochar” means car-
12 bonized biomass produced by converting feedstock
13 through reductive thermal processing for non-fuel
14 uses.

15 (2) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means—

17 (A) State, local, and Tribal governments;

18 (B) eligible institutions; and

19 (C) private, non-private, or cooperative en-
20 tities.

21 (3) ELIGIBLE INSTITUTION.—The term “eligi-
22 ble institution” means land-grant colleges and uni-
23 versities, including institutions eligible for funding
24 under the—

25 (A) Act of July 2, 1862;

1 (B) Act of August 30, 1890, including
2 Tuskegee University;

3 (C) Public Law 87-788 (commonly known
4 as the “McIntire-Stennis Act of 1962”); or

5 (D) Equity in Educational Land-Grant
6 Status Act of 1994 (7 U.S.C. 301 note).

7 (4) FEEDSTOCK.—The term “feedstock” means
8 excess biomass in the form of plant matter or mate-
9 rials that serves as the raw material for the produc-
10 tion of biochar.

11 (5) SECRETARIES.—The term “Secretaries”
12 means—

13 (A) the Secretary of Agriculture, acting
14 through the Chief of the Forest Service; and

15 (B) the Secretary of Energy, acting
16 through the Director of the Office of Science.

