

Doctora

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Subdirectora de Prácticas Comerciales

**MINISTERIO DE COMERCIO, INDUSTRIA Y TURISMO**

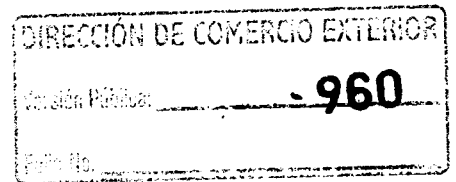
**Referencia:** Respuesta al oficio con radicado No. 1-2018-013735 - Solicitud de investigación para la aplicación de derechos compensatorios a las importaciones de alcohol carburante (etanol) originario de los Estados Unidos de América, clasificadas bajo las subpartidas arancelarias 2207.10.00.00 y 2207.20.00.0.

**GABRIEL IBARRA PARDO**, mayor de edad, identificado con la cédula de ciudadanía No. 3.181.441 de Suba, abogado titulado y en ejercicio, portador de la tarjeta profesional No. 36.691 del Consejo Superior de la Judicatura, obrando en mi calidad de apoderado especial de **Federación Nacional de Biocombustibles de Colombia** (en adelante "FEDEBIOCOMBUSTIBLES"), tal como consta en el poder que obra en la solicitud de la referencia, comparezco ante el Despacho a su digno cargo, con el fin de dar respuesta a los requerimientos e inquietudes planteados en la comunicación de la referencia, en los siguientes términos:

**1. Traducción documentos soporte dictamen pericial**

Mediante el oficio de la referencia, la Subdirección de Prácticas Comerciales (en adelante "SPC" o el "Despacho") solicitó que se aportara la traducción al castellano de los extractos de los documentos en los que se fundamenta el dictamen pericial elaborado por la firma Hughes Hubbard & Reed.

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Con el fin de satisfacer este requerimiento, en los Anexos No. 1 al 61 se adjuntan los respectivos documentos en inglés y su traducción al castellano. Asimismo, se adjunta la certificación de la traductora oficial Juanita Becerra Muñoz expedida por la Universidad Nacional de Colombia (Anexo No. 62).

## 2. Dictamen pericial

El Despacho requirió, adicionalmente, que se identifique quién suscribe el dictamen pericial elaborado por la firma Hughes Hubbard & Reed y en qué calidad lo hace.

Sobre el particular, y tal como consta en la certificación expedida por el señor William R. Stein, socio de la firma Hughes Hubbard & Reed, documento debidamente apostillado, de conformidad con la Convención de la Haya del 5 de octubre de 1961 (Anexo No. 63), el dictamen pericial fue elaborado por Lynn G. Kamarck, asesora de la firma, Joanne Osendarp, socia, y Daniel Witkowski, asociado, y suscrito por la primera. Sus perfiles profesionales se adjuntan al presente documento en el Anexo No. 64.

Por último, en el Anexo No. 65 del presente documento se adjunta la comunicación expedida por la señora Lynn G. Kamarck, debidamente apostillada, en la que se certifica la conformidad y coincidencia entre los exámenes, métodos e investigaciones efectuados en el dictamen pericial elaborado y aquellos que se utilizan en el ejercicio regular de su profesión, de conformidad con el artículo 226 del Código General del Proceso.

## 3. Cifras financieras

Con el objetivo de resolver las dudas formuladas por el Despacho con relación a las cifras financieras presentadas en la solicitud de la referencia, sea lo primero advertir que la información contenida en todos los anexos presentados por las empresas está expresada en kilogramos y miles de pesos según la variable de que se trate.

En el caso de las partidas que requieren datos expresados en kilogramos, la información de inventarios, producción y ventas fue expresada en la misma

densidad, a saber, 99, 5° de pureza y 59°F de temperatura, por lo que se utilizó una densidad de 0,794kg/L, como factor de conversión de litros a kilogramos.

En virtud de lo solicitado por el Despacho, y con el fin de corregir el juego de inventarios, habida cuenta de que la producción e inventarios inicial y final del alcohol carburante reportados por las empresas no contienen desnaturalizante (gasolina), mientras que las ventas nacionales sí, en los Anexos No. 67, 71, 75, 79 y 83 del presente documento, correspondientes a los inventarios, producción y ventas de INCAUCA, MANUELITA, MAYAGÜEZ, PROVIDENCIA y RISARALDA, respectivamente, se agregó en la columna de cuentas una partida de "Ajustes". Este campo contiene, así: la información correspondiente al desnaturalizante (gasolina) que, por mandato del Ministerio de Minas y Energía, debe ser incorporado al etanol en el momento de su despacho (venta), las pérdidas por evaporación del producto y los ajustes necesarios para unificar los datos y evitar diferencias en las temperaturas y grados del etanol.

De esta manera, la información del desnaturalizante, que inicialmente había sido asignada a las partidas de autoconsumo y compras, fue incluida en los rubros comprendidos en la partida de "Ajustes", razón por la que, en los anexos económicos y financieros adjuntos al presente documento el autoconsumo y las compras equivalen a cero.

Ahora bien, es menester señalar que los "Ajustes" no se valoran en miles de pesos, en la medida en que, mientras que la información correspondiente al volumen de producción no contiene gasolina, contablemente, esta se encuentra incluida en los costos de materia prima, por lo que su valor está comprendido en el costo de ventas.

En este sentido, al estar comprendida la gasolina en la partida de compras de materias primas, no es necesario incluir un campo de "Ajustes" equivalente en los estados de costos de producción (Anexo 12A).

Por su parte, y en cuanto a las cuestiones planteadas por la SPC respecto de la información reportada por las empresas, correspondiente a otros ingresos y otros egresos, es menester señalar lo siguiente. A la luz de la dificultad práctica de separar

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y distinguir los ingresos y egresos destinados a la producción de alcohol carburante de aquellos destinados a la fabricación de azúcar, las empresas han reportado valores para el producto investigado, únicamente en los casos en que existan ingresos o egresos claramente imputables al etanol. En el caso contrario, es decir, cuando no haya ingresos o egresos atribuibles específicamente al alcohol carburante, se han asignado los valores en la columna de “Otros productos de la empresa”.

A continuación, se da respuesta a los requerimientos del Despacho respecto de cada empresa que aportó cifras.

### 3.1. INCAUCA

Mediante el oficio de la referencia, el Despacho solicitó que se aclare la razón por la que, en el estado de costos, los inventarios de producto en proceso iniciales y finales se aportaron con valor cero para los años 2015, 2016 y 2017.

Sobre el particular, es menester señalar que INCAUCA registra un inventario de producto en proceso correspondiente a un alcohol de ■% de pureza, cuyos valores son, por lo general, ■■■■■, razón por la que no habían sido incluidos en el estado de costos de producción presentado inicialmente. No obstante, en el Anexo No. 69 del presente documento, esta información fue incorporada en el respectivo estado de costos.

Respecto a la razón por la que en el estado de resultados no fueron asignados valores a los rubros correspondientes a otros ingresos, otros egresos e impuesto de renta en la columna “Producto investigado - ventas nacionales” para los años 2015, 2016 y 2017, se debe tener en cuenta que, en atención a lo mencionado en el punto 3, y habida cuenta de que no se reportan ingresos o egresos imputables específicamente al etanol, por política interna y de control, los mismos se registran ■% en la división de azúcar.

Por último, y con el objetivo de satisfacer el requerimiento de la SPC, en los Anexos No. 86 y 87 se adjunta el estado de flujo efectivo y las notas a los estados financieros de INCAUCA para los años 2015, 2016 y 2017, respectivamente.



### 3.2. MANUELITA

El Despacho solicitó aclarar la razón por la que, en los estados de costos, el valor reportado como consumo interno tiene valores tan altos. Con relación a lo anterior, se observa que, como se mencionó en el punto 3 del presente documento, al incluir el campo de "Ajustes" según lo solicitado por el Despacho, y utilizar la misma densidad para todos los datos, los valores que inicialmente fueron asignados a autoconsumo se incorporaron a la partida de "Ajustes", por lo que, el autoconsumo corresponde a cero.

Por su parte, los inventarios de producto en proceso tanto iniciales como finales se aportaron con valor cero para los años 2015, 2016 y 2017, puesto que, MANUELITA no tiene como política manejar inventarios de producto en proceso para el alcohol, pues se considera que la destilería funciona sobre la base de un proceso continuo.

Adicionalmente, en el Anexo No. 72, estado de resultados, se ajustan los rubros correspondientes a otros ingresos y otros egresos en la columna "Producto investigado - ventas nacionales" para los años 2015, 2016 y 2017.

### 3.3. MAYAGÜEZ

El Despacho solicita que se explique por qué los inventarios de producto en proceso iniciales y finales se aportaron con valor cero para los años 2015, 2016 y 2017 en el estado de costos de producción. No obstante, y tal como puede observarse en el Anexo No. 62 de la solicitud presentada, con número de radicado 1-2018-013735, los referidos rubros fueron diligenciados con los valores correspondientes. En todo caso, en el Anexo No. 77 del presente documento se adjunta el estado de costos de producción con la respectiva información.

Asimismo, se requirió dilucidar la razón por la que, en el estado de resultados, no fueron asignados valores a los rubros correspondientes a gastos de administración, otros ingresos y otros egresos en la columna de "Producto investigado - ventas nacionales" para los años 2015, 2016 y 2017, y el impuesto de renta para el primer semestre de 2016.

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Sea lo primero advertir que, inicialmente, no se asignaron valores por concepto de gastos de administración, en la medida en que estos no se encontraban claramente identificados en la contabilidad de la empresa. Con el fin de dar respuesta al requerimiento de la SPC, en el Anexo No. 76 del presente documento, se adjunta el estado de resultados con los gastos de administración, a los que les fue asignado un valor proporcional a la producción equivalente de alcohol en quintales de azúcar.

Respecto de los otros ingresos y egresos, no se asignaron valores en la medida en que la empresa no cuenta con valores imputables específicamente al etanol.

Por otra parte, no se asignó un valor al impuesto de renta en el primer semestre de 2016 ya que la compañía tributó sobre renta presuntiva y su valor fue incorporado en la columna de "Otros productos".

Por último, el Despacho solicitó las notas a los estados financieros de los años 2015, 2016 y 2017, documentos que se adjuntan al presente escrito en el Anexo No. 88.

### 3.4. PROVIDENCIA

Mediante el documento de la referencia, la SPC pidió que se aclare la razón por la que los inventarios de producto en proceso tanto iniciales como finales se aportaron con valor cero para los años 2015, 2016 y 2017 en el estado de costos.

Sobre el particular, es necesario señalar que la empresa no maneja inventarios de producto en proceso, en la medida en que se considera que el proceso productivo del alcohol es continuo y no involucra procesos intermedios.

Por otro lado, se solicita explicar por qué, en el estado de resultados, no fueron asignados valores a los rubros correspondientes a otros ingresos y otros egresos en la columna de "Producto investigado - ventas nacionales" para los años 2015, 2016 y 2017. Se observa que lo anterior obedece a que, como se indicó en el punto 3 del presente documento, ante la ausencia de ingresos o egresos destinados específicamente al etanol, y en virtud de la política interna y de control de la empresa, el ████% de estos conceptos se registran en la división de azúcar.

Adicionalmente, en los Anexos No. 89 y 90 se adjuntan el estado de flujo de efectivo y las notas a los estados financieros para los años 2015, 2016 y 2017, respectivamente.

### **3.5. RISARALDA**

Con el fin de satisfacer el requerimiento del Despacho, en el Anexo No. 85 se adjunta el estado de costos con los valores correspondientes a los inventarios de producto en proceso corregidos para los años 2015, 2016 y 2017. Igualmente, se subsanaron los valores asignados al costo de productos vendidos y costo de ventas.

De otra parte, en el estado de resultados no fueron asignados valores a los rubros correspondientes a otros ingresos y otros egresos en la columna de "Producto investigado - ventas nacionales" para los años 2015, 2016 y 2017, toda vez que no existen otros ingresos y egresos imputables específicamente al etanol.

Por último, el Despacho solicitó las notas a los estados financieros de los años 2015, 2016 y 2017, documentos que se adjuntan al presente escrito en el Anexo No. 91.

## **4. Cifras económicas**

A continuación, se da respuesta a los requerimientos del Despacho con relación a las cifras económicas de cada empresa.

### **4.1 INCAUCA**

La SPC solicitó que se aclare la razón por la que en el "Anexo 11. Inventarios, producción y ventas", se reportan valores negativos para el autoconsumo en algunos semestres, mientras que en el "Anexo 10. Cuadro de variables de daño" no se aportan cifras y en el estado de costos no hay un valor registrado para consumo interno.

Sobre el particular, se observa que en los Anexos No. 66, 67 y 69 del presente documento se adjuntan el cuadro de variables de daño, el cuadro de inventarios, producción y ventas y el estado de costos con la correspondiente información corregida. En este punto es menester reiterar que la incorporación de la partida de

“Ajustes” y la utilización de la misma densidad para todos los datos conlleva que el autoconsumo equivalga a cero.

#### **4.2. MANUELITA**

Mediante la comunicación de la referencia el Despacho requirió que se dilucide la razón por la que en el “Anexo 11. Inventarios, producción y ventas” se reportan valores para el autoconsumo y compras de producto no fabricado en todos los semestres, mientras que, en el “Anexo 10. Cuadro de variables de daño” no se aportan cifras.

Para comenzar, es menester observar que la variable de compras de producto no fabricado no hace parte del cuadro de variables de daño, por lo que no hay razón para que se reporte la referida información en este anexo.

En cuanto al autoconsumo, en los Anexos No. 70 y 71 del presente documento se adjuntan el cuadro de variables de daño y el cuadro de inventarios, producción y ventas con los ajustes correspondientes.

#### **4.3. MAYAGÜEZ**

En atención al requerimiento del Despacho de explicar por qué en el “Anexo 11. Inventarios, producción y ventas” se reportan valores para compras de producto no fabricado en todos los semestres, mientras que en el “Anexo 10. Cuadro de variables de daño” no se aportan cifras y en el estado de costos no hay un valor registrado, se reitera que las compras de producto no fabricado no constituyen una de las variables de daño, por lo que no deben reportarse en el anexo 10.

Por su parte, en los Anexos No. 75 y 77 del presente documento se adjuntan el cuadro de inventarios, producción y ventas y el estado de costos con los valores para compras de producto no fabricado corregidos.

Adicionalmente, la SPC solicitó que se aclare la razón por la que el uso de la capacidad instalada reportada para el primer semestre de 2015 resulta superior al 100%, es decir, la producción es mayor que la capacidad asignada.

Sobre el particular, se observa que, inicialmente, la capacidad instalada había sido calculada teniendo en cuenta días hábiles y horas de mantenimiento diferentes. En el Anexo No. 74 del presente documento se unificó la capacidad instalada para todos los semestres, lo que supone que la utilización de la capacidad instalada para el primer semestre de 2015 equivale al ████%.

#### **4.4. PROVIDENCIA**

Con el fin de satisfacer el requerimiento de la SPC respecto de la razón por la que en el "Anexo 11. Inventarios, producción y ventas" se reportan valores para autoconsumo, en algunos casos negativos, en todos los semestres, mientras que en el "Anexo 10. Cuadro de variables de daño" no se aportan cifras y en el estado de costos no hay un valor registrado para el consumo interno, en los Anexos No. 78, 79 y 81 del presente documento se adjuntan el cuadro de variables de daño, el cuadro de inventarios, producción y ventas y el estado de costos con los respectivos ajustes relativos al autoconsumo, en atención a las consideraciones expresadas en el punto 3 del presente escrito.

#### **4.5. RISARALDA**

Con relación a la solicitud de la SPC de aclarar por qué en el "Anexo 11. Inventarios, producción y ventas" se reportan valores para compras de producto no fabricado en todos los semestres, mientras que en el "Anexo 10. Cuadro de variables de daño" no se aportan cifras y en el estado de costos no hay un valor registrado, es menester insistir en el hecho de que las compras de producto no fabricado no son una variable de daño que deba ser reportada en el anexo 10.

Por el contrario, y con el fin de satisfacer el requerimiento del Despacho, en el cuadro de inventarios, producción y ventas y el estado de costos, Anexos No. 83 y 85 del presente documento, se corrigen los valores para compras de producto no fabricado.

Por último, en el Anexo No. 92 se adjuntan los anexos económicos y financieros consolidados.

**ANEXOS**

Al presente escrito, anexo los siguientes documentos:

1. Traducción oficial y original en inglés del Código de los Estados Unidos Título 7 Capítulo 107 §8107 (a)
2. Traducción oficial y original en inglés de la Ficha del Programa de Energía Rural para América del Departamento de Agricultura de Estados Unidos.
3. Traducción oficial y original en inglés del Código de los Estados Unidos Título 7 Capítulo 38 §1632a.
4. Traducción oficial y original en inglés de la Ficha de la Subvención al Productor de Valor Agregado del Departamento de Agricultura de Estados Unidos.
5. Traducción oficial y original en inglés del Código de los Estados Unidos Título 42 Capítulo 149 subcapítulo XV §16513.
6. Traducción oficial y original en inglés del Código de los Estados Unidos Título 7 Capítulo 107 §8104.
7. Traducción oficial y original en inglés de la Ficha del Programa de Apoyo a la Repotenciación de Taxpayers for Common Sense.
8. Traducción oficial y original en inglés del Código de los Estados Unidos Título 7 Capítulo 107 §8105.
9. Traducción oficial y original en inglés de la Ficha del Programa de Bioenergía para Proyectos de Biocombustibles Avanzados de Taxpayers for Common Sense.
10. Traducción oficial y original en inglés del Código de los Estados Unidos Título 7 Capítulo 115 Subcapítulo II §9031.
11. Traducción oficial y original en inglés de las Estadísticas Seguro de Cosechas 2017 del Federal Crop Insurance Corporation.
12. Traducción oficial y original en inglés del Código de los Estados Unidos Título 7 Capítulo 36 Subcapítulo I.

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13. Traducción oficial y original en inglés de la Disponibilidad de la Opción de Cobertura Adicional 2016 del Departamento de Agricultura de Estados Unidos.
14. Traducción oficial y original en inglés del Código de los Estados Unidos Título 7 Capítulo 115 Subcapítulo I.
15. Traducción oficial y original en inglés del Código Centenario de Dakota del Norte 17-02.
16. Traducción oficial y original en inglés de los Precios del Maíz y Etanol del Gobierno Estatal de Dakota del Norte.
17. Traducción oficial y original en inglés del Código Centenario de Dakota del Norte 17-03.
18. Traducción oficial y original en inglés de la Ficha del Programa de Crédito a Biocombustibles del Banco de Dakota del Norte.
19. Traducción oficial y original en inglés del Código Centenario de Dakota del Norte 6-09.7.
20. Traducción oficial y original en inglés del Código Centenario de Dakota del Norte 54-63-03.
21. Traducción oficial y original en inglés de la Ficha del Programa de Subvenciones de la Comisión Industrial de Energías Renovables de Dakota del Norte.
22. Traducción oficial y original en inglés del Contrato No. R003-008.
23. Traducción oficial y original en inglés del Contrato No. R005-011.
24. Traducción oficial y original en inglés del Contrato No. R009-020.
25. Traducción oficial y original en inglés del Contrato No. R013-024.
26. Traducción oficial y original en inglés del Contrato No. R028-039.
27. Traducción oficial y original en inglés del Estatutos de Dakota del Sur 10-47B-162 y 10-47B-163.
28. Traducción oficial y original en inglés de la Ficha del Programa de Trabajos de Alta Calidad del Iowa Economic Development Authority.
29. Traducción oficial y original en inglés del Código Administrativo de Iowa Capítulo 52 p. 1 701-52.40.

30. Traducción oficial y original en inglés de los Proyectos Programa de Trabajos de Alta Calidad del Iowa Economic Development Authority.
31. Traducción oficial y original en inglés de los Estatutos de Kansas 79-34,60 - 79-34,163.
32. Traducción oficial y original en inglés de los Estatutos de Kansas 74-8949b y 79-32,233.
33. Traducción oficial y original en inglés de los Estatutos Revisados de Kentucky 141.422, 141.4242 y 141.4244.
34. Traducción oficial y original en inglés de los Estatutos Revisados de Nebraska 81-12,155.01.
35. Traducción oficial y original en inglés de los Estatutos Revisados de Nebraska 66-489.
36. Traducción oficial y original en inglés de los Estatutos Revisados de Nebraska 66-496.
37. Traducción oficial y original en inglés de la Regulación de Impuestos de Combustibles de Nebraska 73-003.
38. Traducción oficial y original en inglés de los Impuestos de combustibles del Nebraska Department of Revenue.
39. Traducción oficial y original en inglés de la Ley de Impuestos de Nueva York 28\*2.
40. Traducción oficial y original en inglés de los Estatutos Revisados de Oregon Capítulo 470.
41. Traducción oficial y original en inglés de la Nota 3 del Programa de Créditos de Energía de Pequeña Escala del Estado de Oregon.
42. Traducción oficial y original en inglés del Anexo A de los Materiales de Presentación del Presupuesto Fase II del Departamento de Energía de Oregon.
43. Traducción oficial y original en inglés del Reporte "Business Energy Tax Credit Program Investigative Examination" del 29 de agosto de 2016 de Marsh Minick P.C.
44. Traducción oficial y original en inglés de los Estatutos Revisados de Oregon 285C.175 y 285C.180.



45. Traducción oficial y original en inglés de la Ficha de Pacific Ethanol Oregon.
46. Traducción oficial y original en inglés de las Zonas Empresariales en Oregon:  
La exención estándar de Business Oregon.
47. Traducción oficial y original en inglés de la Proyección semanal: Etanol de la  
Universidad de Illinois.
48. Traducción oficial y original en inglés de la Ficha de la biorrefinería Columbia  
Pacific.
49. Traducción oficial y original en inglés del Reporte de Hallazgos del 6 de  
septiembre de 2016 de Marsh Minick P.C.
50. Traducción oficial y original en inglés del Programa de Crédito de Impuestos  
a Empresas de Energía del Gobierno de Oregon.
51. Traducción oficial y original en inglés de la Ficha del Programa de Incentivos  
a la Innovación en Tecnología de Combustibles Alternativos del  
Departamento de Protección Ambiental de Pensilvania.
52. Traducción oficial y original en inglés de la Ficha del "Commonwealth  
Energy Fund" del Centro para Tecnología Innovativa de Virginia.
53. Traducción oficial y original en inglés del "DMME Energy Efficiency  
Programs" del Consejo de Eficiencia de Energía de Virginia.
54. Traducción oficial y original en inglés del Código de Virginia 3.2-304.
55. Traducción oficial y original en inglés de la Ficha del Fondo del Gobernador  
para el Desarrollo de la Industria Agrícola y Forestal de Virginia.
56. Traducción oficial y original en inglés del Reporte de la Oficina del  
Gobernador de la Mancomunidad de Virginia.
57. Traducción oficial y original en inglés del Código de Virginia Título 59.1  
Capítulo 49 59.1-547 y 59.1-548.
58. Traducción oficial y original en inglés del Código de Virginia 45.1-394.
59. Traducción oficial y original en inglés del Código de Virginia 58.1-3505.
60. Traducción oficial y original en inglés del Código de Virginia 58.1-439.12:05.
61. Traducción oficial y original en inglés del Artículo de Richmond BizSense.
62. Certificación de la traductora oficial Juanita Becerra Muñoz expedida por la  
Universidad Nacional de Colombia.

63. Traducción oficial y original en inglés de la Certificación expedida por el señor William R. Stein y apostilla.
64. Traducción oficial y original en inglés de los perfiles profesionales de Joanne Osendarp, Lynn Kamarck y Daniel Witkowski.
65. Traducción oficial y original en inglés de la Certificación expedida por la señora Lynn G. Kamarck y apostilla.
66. Cuadro de variables de daño de INCAUCA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
67. Cuadro de inventarios, producción y ventas de INCAUCA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
68. Estado de resultados de INCAUCA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
69. Estado de costos de producción de INCAUCA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
70. Cuadro de variables de daño de MANUELITA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el revisor fiscal.
71. Cuadro de inventarios, producción y ventas de MANUELITA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el revisor fiscal.
72. Estado de resultados de MANUELITA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el revisor fiscal.
73. Estado de costos de producción de MANUELITA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el revisor fiscal.

74. Cuadro de variables de daño de MAYAGÜEZ correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el revisor fiscal.
75. Cuadro de inventarios, producción y ventas de MAYAGÜEZ correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el revisor fiscal.
76. Estado de resultados de MAYAGÜEZ correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el revisor fiscal.
77. Estado de costos de producción de MAYAGÜEZ correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el revisor fiscal.
78. Cuadro de variables de daño de PROVIDENCIA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
79. Cuadro de inventarios, producción y ventas de PROVIDENCIA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
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81. Estado de costos de producción de PROVIDENCIA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
82. Cuadro de variables de daño de RISARALDA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
83. Cuadro de inventarios, producción y ventas de RISARALDA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.

84. Estado de resultados de RISARALDA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
85. Estado de costos de producción de RISARALDA correspondiente al periodo comprendido entre el primer semestre de 2015 y el segundo de 2017 suscrito por el representante legal y el contador público.
86. Copia simple de los estados de flujo efectivo de INCAUCA correspondientes a los años 2015, 2016 y 2017.
87. Copia simple de las notas a los estados financieros de INCAUCA correspondientes a los años 2015, 2016 y 2017.
88. Copia simple de las notas a los estados financieros de MAYAGÜEZ correspondientes a los años 2015, 2016 y 2017.
89. Copia simple de los estados de flujo efectivo de PROVIDENCIA correspondientes a los años 2015, 2016 y 2017.
90. Copia simple de las notas a los estados financieros de PROVIDENCIA correspondientes a los años 2015, 2016 y 2017.
91. Copia simple de las notas a los estados financieros de RISARALDA correspondientes a los años 2015, 2016 y 2017.
92. Anexos económicos y financieros consolidados.

### VERSIONES DEL DOCUMENTO

En concordancia con el artículo 43 del Decreto 299 de 1995, este documento y sus respectivos anexos se presentan en una versión pública y una versión confidencial.

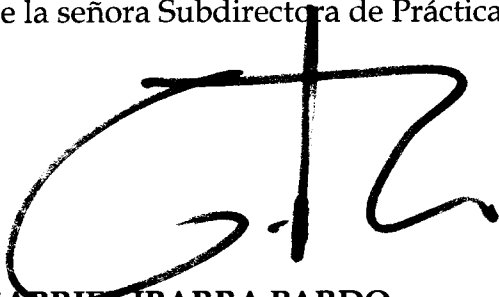
Los datos reservados se refieren a cifras financieras y contables de los petitionarios, así como a información comercial sobre el sector; información altamente sensible que está protegida por la ley y cuya divulgación podría causar serios perjuicios a mi poderdante.

Por lo anterior, la información que se ha determinado como confidencial sólo podrá ser consultada por las autoridades y la misma se encuentra detallada en el siguiente

cuadro:

Información	Anexos	Justificación
Anexos e información financiera y cuadros de variables de daño	Anexos No. 66-85, 86, 89 y 92.	Información comercial y financiera de las empresas protegida por secreto empresarial.

De la señora Subdirectora de Prácticas Comerciales atentamente,



**GABRIEL IBARRA PARDO**

C.C. 3.181.441 de Suba.

T.P. 36.691 C.S de la J.

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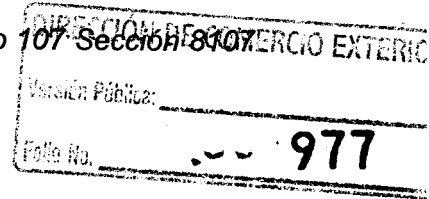
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**ANEXO 1**  
**Código de los Estados**  
**Unidos Título 7 Capítulo**  
**107 §8107 (a)**

Traducción de apartes del documento 6. Código USC Título 7 Capítulo 107 Sección 8107 (6. USC Title 7 Chap 107 Sec 8107)



Página 1907, columna 1, párrafo 1:

**8107. Programa de Energía Rural para América**

**(a) Establecimiento**

La Secretaría, consultando con la Secretaría de Energía, deberá establecer un Programa de Energía Rural para América para promover la eficiencia energética y el desarrollo de energía renovable para productores agrícolas y negocios rurales pequeños a través de –

- (1) subvenciones para auditorías de energía y apoyos al desarrollo de energía renovable; y
- (2) Asistencia financiera para mejoras de eficiencia en el uso de energía y sistemas de energía renovable.



**§ 8107. Rural Energy for America Program****(a) Establishment**

The Secretary, in consultation with the Secretary of Energy, shall establish a Rural Energy for America Program to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses through—

- (1) grants for energy audits and renewable energy development assistance; and
- (2) financial assistance for energy efficiency improvements and renewable energy systems.

**(b) Energy audits and renewable energy development assistance****(1) In general**

The Secretary shall make competitive grants to eligible entities to provide assistance to agricultural producers and rural small businesses—

- (A) to become more energy efficient; and
- (B) to use renewable energy technologies and resources.

**(2) Eligible entities**

An eligible entity under this subsection is—

- (A) a unit of State, tribal, or local government;
- (B) a land-grant college or university or other institution of higher education;
- (C) a rural electric cooperative or public power entity; and
- (D) any other similar entity, as determined by the Secretary.

**(3) Selection criteria**

In reviewing applications of eligible entities to receive grants under paragraph (1), the Secretary shall consider—

- (A) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;
- (B) the geographic scope of the program proposed by the eligible entity in relation to the identified need;
- (C) the number of agricultural producers and rural small businesses to be assisted by the program;
- (D) the potential of the proposed program to produce energy savings and environmental benefits;
- (E) the plan of the eligible entity for performing outreach and providing information and assistance to agricultural producers and rural small businesses on the benefits of energy efficiency and renewable energy development; and
- (F) the ability of the eligible entity to leverage other sources of funding.

**(4) Use of grant funds**

A recipient of a grant under paragraph (1) shall use the grant funds to assist agricultural producers and rural small businesses by—

- (A) conducting and promoting energy audits; and
- (B) providing recommendations and information on how—
  - (i) to improve the energy efficiency of the operations of the agricultural producers and rural small businesses; and

- (ii) to use renewable energy technologies and resources in the operations.

**(5) Limitation**

Grant recipients may not use more than 3 percent of a grant for administrative expenses.

**(6) Cost sharing**

A recipient of a grant under paragraph (1) that conducts an energy audit for an agricultural producer or rural small business under paragraph (4) shall require that, as a condition of the energy audit, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit, which shall be retained by the eligible entity for the cost of the energy audit.

**(c) Financial assistance for energy efficiency improvements and renewable energy systems****(1) In general**

In addition to any similar authority, the Secretary shall provide loan guarantees and grants to agricultural producers and rural small businesses—

- (A) to purchase renewable energy systems, including systems that may be used to produce and sell electricity; and
- (B) to make energy efficiency improvements.

**(2) Award considerations**

In determining the amount of a loan guarantee or grant provided under this section, the Secretary shall take into consideration, as applicable—

- (A) the type of renewable energy system to be purchased;
- (B) the estimated quantity of energy to be generated by the renewable energy system;
- (C) the expected environmental benefits of the renewable energy system;
- (D) the quantity of energy savings expected to be derived from the activity, as demonstrated by an energy audit;
- (E) the estimated period of time for the energy savings generated by the activity to equal the cost of the activity;
- (F) the expected energy efficiency of the renewable energy system; and
- (G) other appropriate factors.

**(3) Feasibility studies****(A) In general**

The Secretary may provide assistance in the form of grants to an agricultural producer or rural small business to conduct a feasibility study for a project for which assistance may be provided under this subsection.

**(B) Limitation**

The Secretary shall use not more than 10 percent of the funds made available to carry out this subsection to provide assistance described in subparagraph (A).

**(C) Avoidance of duplicative assistance**

An entity shall be ineligible to receive assistance to carry out a feasibility study for a project under this paragraph if the entity has received other Federal or State assistance for a feasibility study for the project.

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**(4) Limits****(A) Grants**

The amount of a grant under this subsection shall not exceed 25 percent of the cost of the activity carried out using funds from the grant.

**(B) Maximum amount of loan guarantees**

The amount of a loan guaranteed under this subsection shall not exceed \$25,000,000.

**(C) Maximum amount of combined grant and loan guarantee**

The combined amount of a grant and loan guaranteed under this subsection shall not exceed 75 percent of the cost of the activity funded under this subsection.

**(d) Outreach**

The Secretary shall ensure, to the maximum extent practicable, that adequate outreach relating to this section is being conducted at the State and local levels.

**(e) Lower-cost activities****(1) Limitation on use of funds**

Except as provided in paragraph (2), the Secretary shall use not less than 20 percent of the funds made available under subsection (g) to provide grants of \$20,000 or less.

**(2) Exception**

Effective beginning on June 30 of each fiscal year, paragraph (1) shall not apply to funds made available under subsection (g) for the fiscal year.

**(f) Report**

Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to Congress a report on the implementation of this section, including the outcomes achieved by projects funded under this section.

**(g) Funding****(1) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

- (A) \$55,000,000 for fiscal year 2009;
- (B) \$60,000,000 for fiscal year 2010;
- (C) \$70,000,000 for fiscal year 2011; and
- (D) \$70,000,000 for fiscal year 2012.

**(2) Audit and technical assistance funding****(A) In general**

Subject to subparagraph (B), of the funds made available for each fiscal year under paragraph (1), 4 percent shall be available to carry out subsection (b).

**(B) Other use**

Funds not obligated under subparagraph (A) by April 1 of each fiscal year to carry out subsection (b) shall become available to carry out subsection (c).

**(3) Discretionary funding**

In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this sec-

tion \$25,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 107-171, title IX, §9007, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1315, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2077.)

## REFERENCES IN TEXT

The date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (f), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

## PRIOR PROVISIONS

A prior section 8107, Pub. L. 107-171, title IX, §9007, May 13, 2002, 116 Stat. 483, related to application of hydrogen and fuel cell technologies, prior to the general amendment of this chapter by Pub. L. 110-246.

**§ 8108. Biomass research and development****(a) Definitions**

In this section:

**(1) Biobased product**

The term “biobased product” means—

- (A) an industrial product (including chemicals, materials, and polymers) produced from biomass; or
- (B) a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

**(2) Demonstration**

The term “demonstration” means demonstration of technology in a pilot plant or semi-works scale facility, including a plant or facility located on a farm.

**(3) Initiative**

The term “Initiative” means the Biomass Research and Development Initiative established under subsection (e).

**(b) Cooperation and coordination in biomass research and development****(1) In general**

The Secretary of Agriculture and the Secretary of Energy shall coordinate policies and procedures that promote research and development regarding the production of biofuels and biobased products.

**(2) Points of contact**

To coordinate research and development programs and activities relating to biofuels and biobased products that are carried out by their respective departments—

- (A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

- (B) the Secretary of Energy shall designate, as the point of contact for the De-

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ANEXO 2  
Ficha Programa de  
Energía Rural para  
América Departamento  
de Agricultura de los  
EE. UU.

Traducción del documento Programa de Energía Rural para América (REAP Factsheet)

Departamento de Agricultura de los Estados Unidos  
Desarrollo Rural

RECEPCIÓN DE COMERCIO EXTERIOR

Formación Pública

Folio No.

981

## Programa de Energía Rural para América Energía Renovable y Eficiencia Energética

### Qué hace este programa?

Provee financiación de créditos garantizados y fondos de subvenciones para productores agrícolas y pequeñas empresas rurales para la compra o instalación de sistemas de energía renovable o para hacer mejoras de eficiencia energética.

### Quién puede aplicar?

- Productores agrícolas con al menos 50% de su ingresos brutos provenientes de operaciones agrícolas, y
- Empresas pequeñas en áreas rurales elegibles.

**NOTA:** Los productores agrícolas y empresas pequeñas no pueden estar en mora en impuestos federales, deudas, sentencias o exclusiones.

### Qué es un área elegible?

- Las empresas deben estar en un área diferente a una ciudad o pueblo de más de 50,000 habitantes y al área urbanizada de una ciudad o pueblo. Revise las direcciones de empresas elegibles.
- Los productores agrícolas pueden estar en áreas rurales o no rurales.

### Cómo pueden ser utilizados los fondos?

Los fondos pueden ser utilizados para la compra, instalación y construcción de sistemas de energía renovable, tales como:

- Biomasa (por ejemplo: Biodiesel y etanol, digestores anaeróbicos y combustibles sólidos).
- Geotérmica para generación eléctrica o uso directo.
- Hidroeléctrica de menos de 30 megavatios.
- Hidrógeno.
- Eólica pequeña y grande.

- Solar pequeña o grande.
- Oceánica (mareas, corrientes, termal).

Los fondos también pueden ser utilizados para la compra, instalación y construcción de mejoras de eficiencia, tales como:

- Sistemas de calefacción, ventilación y aire acondicionado de alta eficiencia (HVAC).
- Aislamiento.
- Iluminación.
- Unidades de enfriamiento o refrigeración.
- Ventanas y puertas.
- Bombas eléctricas, solares o de gravedad para aspersores.
- Cambio de motores de irrigación diésel a eléctricos.
- Reemplazo de equipo energéticamente ineficiente.

### Qué fondos están disponibles?

- Garantías crediticias en créditos de hasta 75% de los costos del proyecto elegible.
- Subvenciones de hasta el 25% de los costos del proyecto elegible.

### Cuáles son los términos de la garantía crediticia?

- Valor mínimo de crédito: USD \$5,000.
- Valor máximo de crédito: USD \$25 millones.
- Garantía crediticia hasta el 85%.
- Tasas y términos negociados con la entidad crediticia y sujetos a aprobación del USDA.
- Plazo máximo de 30 años para bienes inmuebles.
- Plazo máximo de 15 años, o la vida útil, para maquinaria y equipo.
- Plazo máximo de 7 años para créditos de capital.
- Plazo máximo de 30 años para créditos combinados de bienes inmuebles y equipo.

Departamento de Agricultura de los Estados Unidos  
Desarrollo Rural

Ministerio de Relaciones Exteriores  
Folio No. 982

## Programa de Energía Rural para América Energía Renovable y Eficiencia Energética

### Cuáles son los términos de la subvención?

Subvenciones de Sistemas de Energía Renovable:

- Mínimo USD \$2,500.
- Máximo USD \$500,000.

Subvenciones de Eficiencia Energética:

- Mínimo USD \$1,500.
- Máximo USD \$250,000.

### Cuáles son los requisitos adicionales?

- Los solicitantes deben proveer al menos el 75% de los costos del proyecto si están solicitando únicamente una subvención.
- Los solicitantes deben proveer al menos el 25% de los costos del proyecto si están solicitando un crédito, o una combinación de subvención y crédito.
- Los proyectos de más de USD \$200,000 requieren un reporte técnico.
- Los proyectos de eficiencia energética requieren una auditoría o una evaluación de energía.

### Cómo podemos empezar?

Las solicitudes para este programa son aceptadas durante todo el año en su oficina local.

### Quién puede responder preguntas?

Contacte al Coordinador de Energía de Desarrollo Rural en su estado.

Qué regula este programa?


- Programa básico – Código CFR 7, sub parte B.
- Este programa está autorizado por el Título IX de la Ley de Agricultura de 2014 (2014 Farm Bill)

### Por qué el Departamento de Desarrollo Rural del USDA hace esto?

Este programa ayuda a aumentar la independencia energética de América al aumentar el suministro privado de energía renovable y disminuir la demanda de energía a través de las mejoras en eficiencia energética. A través del tiempo, estas inversiones también pueden ayudar a disminuir los costos de energía de los negocios pequeños y productores agrícolas.

NOTA: Debido a que las citas y otra información pueden estar sujetos a cambios, por favor siempre consulte las instrucciones del programa listadas en la sección titulada "Qué Ley gobierna este programa?". Usted también puede contactar a su oficina local para apoyo. Usted encontrará formatos, recursos e información adicional en [www.rd.usda.gov](http://www.rd.usda.gov). El USDA es un proveedor, empleador y prestador de oportunidades equitativas.  
Última actualización marzo de 2015.

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2015.  
Email: [cadapalabraesimportante@gmail.com](mailto:cadapalabraesimportante@gmail.com) Tel: 310 283 2297

  
JUANITA BECERRA MUÑOZ  
Traductora e Intérprete Oficial  
Inglés - Español - Inglés  
Licencia N°. 500 de 2017

# Rural Energy for America Program Renewable Energy & Energy Efficiency

## What does this program do?

Provides guaranteed loan financing and grant funding to agricultural producers and rural small businesses to purchase or install renewable energy systems or make energy efficiency improvements.

## Who may apply?

- Agricultural producers with at least 50% of gross income coming from agricultural operations, and
- Small businesses in **eligible rural areas**.

**NOTE:** Agricultural producers and small businesses must have no outstanding delinquent federal taxes, debt, judgment or debarment.

## What is an eligible area?

- Businesses must be in an area other than a city or town with a population of greater than 50,000 inhabitants and the urbanized area of that city or town. **Check eligible business addresses.**
- Agricultural producers may be in rural or non-rural areas.

## How may the funds be used?

Funds may be used for the purchase, installation and construction of renewable energy systems, such as:

- Biomass (for example: biodiesel and ethanol, anaerobic digesters, and solid fuels).
- Geothermal for electric generation or direct use.
- Hydropower below 30 megawatts.
- Hydrogen.
- Small and large wind generation.
- Small and large solar generation.
- Ocean (tidal, current, thermal) generation.

Funds may also be used for the purchase, installation and construction of energy efficiency improvements, such as:

- High efficiency heating, ventilation and air conditioning systems (HVAC).
- Insulation.
- Lighting.

- Cooling or refrigeration units.
- Doors and windows.
- Electric, solar or gravity pumps for sprinkler pivots.
- Switching from a diesel to electric irrigation motor.
- Replacement of energy-inefficient equipment.

## What funding is available?

- Loan guarantees on loans up to 75% of total eligible project costs.
- Grants for up to 25% of total eligible project costs.
- Combined grant and loan guarantee funding up to 75% of total eligible project costs.

## What are the loan guarantee terms?

- \$5,000 minimum loan amount.
- \$25 million maximum loan amount.
- Up to 85% loan guarantee.
- Rates and terms negotiated with the lender and subject to USDA approval.
- Maximum term of 30 years for real estate.
- Maximum term of 15 years, or useful life, for machinery and equipment.
- Maximum term of 7 years for capital loans.
- Maximum term of 30 years for combined real estate and equipment loans.

# Rural Energy for America Program Renewable Energy & Energy Efficiency

## What are the grant terms?

### Renewable Energy System Grants:

- \$2,500 minimum.
- \$500,000 maximum.

### Energy Efficiency Grants:

- \$1,500 minimum.
- \$250,000 maximum.

## Are there additional requirements?

- Applicants must provide at least 75% of the project cost if applying for a grant only.
- Applicants must provide at least 25% of the project cost if applying for loan, or loan and grant combination.
- Projects greater than \$200,000 require a technical report.
- Energy efficiency projects require an energy audit or assessment.

## How do we get started?

Applications for this program are accepted year round at your local office.

## Who can answer questions?

Contact your State Rural Development Energy Coordinator.

## What governs this program?

- Basic Program – 7 CFR 4280, Subpart B
- This program is authorized by Title IX of the Agricultural Act of 2014, (2014 Farm Bill)

## Why does USDA Rural Development do this?

This program helps increase American energy independence by increasing the private sector supply of renewable energy and decreasing the demand for energy through energy efficiency improvements. Over time, these investments can also help lower the cost of energy costs for small businesses and agricultural producers.

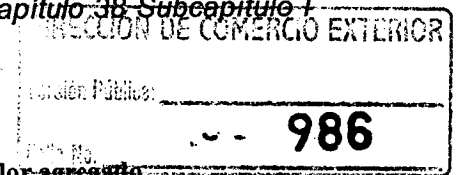
NOTE: Because citations and other information may be subject to change please always consult the program instructions listed in the section above titled "What Law Governs this Program?" You may also contact your local office for assistance. You will find additional forms, resources, and program information at [www.rd.usda.gov](http://www.rd.usda.gov). *USDA is an equal opportunity provider, employer, and lender.*

**ANEXO 3**  
**Código de los Estados**  
**Unidos Título 7 Capítulo**  
**38 §1632a**



Traducción de apartes del documento 10. Código USC Título 7 Capítulo 38 Subcapítulo 1  
Sección 1632a (10. USC Title 7 Chap 38 Subchap 1 S1632a)

Página 884, columna 2, párrafo 5:



1632a. Subvenciones de desarrollo del mercado de productos agrícolas de valor agregado

(a) Definiciones

En esta sección

(1) Agricultor o granjero principiante

El término "agricultor o granjero principiante" tiene el significado dado para el término en la sección 1991(a) de este título.

(2) Granja familiar

El término "granja familiar" tiene el significado dado para el término en la sección 761.2 del título 7, Código de Regulaciones Federales (en vigor el 30 de diciembre de 2007).

(3) Cadena de valor de nivel medio

El término "cadena de valor de nivel medio" significa una red de suministros local o regional que encadena productores independientes con negocios y cooperativas que mercadean productos agrícolas de valor agregado de una forma que –

(A) fortalece la rentabilidad y competitividad de granjas y ranchos de tamaño pequeño y mediano que están estructuradas como una granja familiar; y

(B) obtiene acuerdos de un grupo de productores agrícolas, una cooperativa de agricultores o granjeros o un emprendimiento comercial que esté controlado en su mayoría por productores que está involucrado en la cadena de valor de la estrategia de mercadeo.

(4) Granjero o cultivador socialmente desfavorecido

El término "granjero o cultivador socialmente desfavorecido" tiene el significado dado para el término en la sección 2003(e) de este título.

(5) Producto agrícola de valor agregado

El término "producto agrícola de valor agregado" significa cualquier producto agrícola que –

(A)(i) ha pasado por un cambio físico de estado

(ii) fue producido de tal manera que se aumente el valor del producto agrícola, tal como sea demostrado por un plan de negocio que muestre valor aumentado, como sea determinado por la Secretaría;

(iii) está segregado físicamente de una manera que resulte en el incremento del valor del producto agrícola;

(iv) es una fuente de energía renovable basada en cultivo o granja, incluyendo combustible E-85; o

(v) es agregado y mercadeado como un producto agrícola de alimento producido localmente; y

(B) como resultado del cambio en el estado físico o la manera en que el producto agrícola fue producido, mercadeado o segregado –

(i) la base de consumidores para el producto agrícola es ampliada; y

(ii) una mayor porción de los ingresos derivados del mercadeo, procesamiento o segregación física del producto agrícola está disponible para el productor del producto agrícola.

(b) Programa de Subvenciones

(1) En general

De los valores puestos a disposición bajo el párrafo (7), la Secretaría deberá otorgar subvenciones competitivas –

(A) a un productor independiente elegible (tal como sea determinado por la Secretaría) de un producto agrícola de valor agregado para apoyar al productor –

(i) en el desarrollo de un plan de negocio para oportunidades de mercadeo viables para el producto agrícola de valor agregado; o

(ii) en el desarrollo de estrategias que tienen el objetivo de crear oportunidades de mercadeo para el productor; y

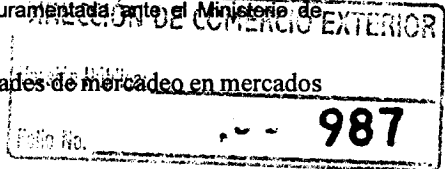
(B) a un grupo de productores agrícolas, una cooperativa de cultivadores o granjeros, o un emprendimiento comercial controlado en su mayoría por productores (tal como sea determinado por la Secretaría) para apoyar a la entidad –

(i) en el desarrollo de un plan de negocio para oportunidades de mercadeo viables en mercados emergentes para el producto agrícola de valor agregado; o

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JUANITA BECERRA MUÑOZ  
Traductora e Intérprete Oficial  
Inglés - Español - Inglés  
Licencia N° 500 de 2017

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(ii) en el desarrollo de estrategias que tienen el objetivo de crear oportunidades de mercadeo en mercados emergentes para el producto agrícola de valor agregado.

**(2) Valor de la subvención**

**(A) En general**

El valor total otorgado bajo esta sección a un receptor de la subvención no deberá exceder USD \$500,000.

**(B) Emprendimiento comercial controlado en su mayoría por productores**

El valor de subvenciones otorgadas a emprendimientos comerciales controlados en su mayoría por productores bajo el párrafo (1)(B) para un año fiscal no deberá exceder el 10 por ciento del valor de los fondos que sean utilizados para otorgar subvenciones para el año fiscal bajo esta subsección.

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*JB*  
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CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food Security Act of 1985, and not as part of the Agricultural Marketing Act of 1946 which comprises this chapter.

AMENDMENTS

2008—Subsec. (c)(2)(C)(ii)(II). Pub. L. 110-246, §14215(1), inserted “, except that the numerical list containing social security or taxpayer identification numbers may be encrypted for security purposes if the Secretary of State provides a method by which an effective search of the encrypted numbers may be conducted to determine whether the farm product at issue is subject to 1 or more liens” after “such debtors”.

Subsec. (c)(2)(E). Pub. L. 110-246, §14215(2), substituted “subparagraph (C)” for “paragraph (C)”, inserted “except that—” after “an interest”, and added cls. (i) and (ii) before semicolon at end.

2004—Subsec. (c)(2)(C)(ii)(II), (4)(C)(iii). Pub. L. 108-447, §776(1)(A), (B), inserted “, or other approved unique identifier,” after “social security number” and “identification number”.

Subsec. (c)(5). Pub. L. 108-447, §776(1)(C), added par. (5) defining “approved unique identifier” at end of subsec. (c).

Subsecs. (e)(1)(A)(ii)(III), (g)(2)(A)(ii)(III). Pub. L. 108-447, §776(2), (3), inserted “, or other approved unique identifier,” after “social security number” and “identification number”.

2002—Subsec. (c)(4)(B). Pub. L. 107-171, §10604(a)(1), substituted “signed, authorized, or otherwise authenticated by the debtor,” for “signed”.

Subsec. (c)(4)(C). Pub. L. 107-171, §10604(a)(2), (6), redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: “other than in the case of an electronically reproduced copy of the statement, is signed by the debtor;”.

Subsec. (c)(4)(D). Pub. L. 107-171, §10604(a)(6), redesignated subpar. (E) as (D). Former subpar. (D) redesignated (C).

Subsec. (c)(4)(D)(iii). Pub. L. 107-171, §10604(a)(3)(A), inserted “and” after semicolon at end.

Subsec. (c)(4)(D)(iv). Pub. L. 107-171, §10604(a)(3)(B), substituted “applicable, and the name of each county or parish in which the farm products are produced or located;” for “applicable; and a reasonable description of the property, including county or parish in which the property is located;”.

Subsec. (c)(4)(E). Pub. L. 107-171, §10604(a)(6), redesignated subpar. (F) as (E). Former subpar. (E) redesignated (D).

Pub. L. 107-171, §10604(a)(4), substituted “signed, authorized, or otherwise authenticated by the debtor” for “signed”.

Subsec. (c)(4)(F). Pub. L. 107-171, §10604(a)(6), redesignated subpar. (G) as (F). Former subpar. (F) redesignated (E).

Subsec. (c)(4)(G). Pub. L. 107-171, §10604(a)(6), redesignated subpar. (H) as (G). Former subpar. (G) redesignated (F).

Pub. L. 107-171, §10604(a)(5), substituted “notice signed, authorized, or otherwise authenticated” for “notice signed”.

Subsec. (c)(4)(H), (I). Pub. L. 107-171, §10604(a)(6), redesignated subpar. (I) as (H). Former subpar. (H) redesignated (G).

Subsec. (e)(1)(A)(ii)(III). Pub. L. 107-171, §10604(b)(1)(A), inserted “and” after semicolon at end.

Subsec. (e)(1)(A)(ii)(IV). Pub. L. 107-171, §10604(b)(1)(B), substituted “crop year, and the name of each county or parish in which the farm products are produced or located;” for “crop year, county or parish, and a reasonable description of the property; and”.

Subsec. (e)(1)(A)(iii). Pub. L. 107-171, §10604(b)(2), substituted “similarly signed, authorized, or otherwise authenticated” for “similarly signed”.

Subsec. (e)(1)(A)(iv). Pub. L. 107-171, §10604(b)(3), substituted “notice signed, authorized, or otherwise authenticated” for “notice signed”.

Subsec. (e)(1)(A)(v). Pub. L. 107-171, §10604(b)(4), inserted “contains” before “any payment”.

Subsec. (e)(3)(A). Pub. L. 107-171, §10604(b)(5)(A), substituted “subsection” for “subparagraph”.

Subsec. (e)(3)(B). Pub. L. 107-171, §10604(b)(5)(B), substituted a period for “; and” at end.

Subsec. (g)(2)(A)(ii)(III). Pub. L. 107-171, §10604(c)(1)(A), inserted “and” after semicolon at end.

Subsec. (g)(2)(A)(ii)(IV). Pub. L. 107-171, §10604(c)(1)(B), substituted “crop year, and the name of each county or parish in which the farm products are produced or located;” for “crop year, county or parish, and a reasonable description of the property, etc.; and”.

Subsec. (g)(2)(A)(iii). Pub. L. 107-171, §10604(c)(2), substituted “similarly signed, authorized, or otherwise authenticated” for “similarly signed”.

Subsec. (g)(2)(A)(iv). Pub. L. 107-171, §10604(c)(3), substituted “notice signed, authorized, or otherwise authenticated” for “notice signed”.

Subsec. (g)(2)(A)(v). Pub. L. 107-171, §10604(c)(4), inserted “contains” before “any payment”.

1996—Subsec. (c)(4)(A). Pub. L. 104-127, §662(1), substituted “of the statement, or, in the case of a State which (under the applicable State law provisions of the Uniform Commercial Code) allows the electronic filing of financing statements without the signature of the debtor, is an electronically reproduced copy of the statement” for “thereof”.

Subsec. (c)(4)(B), (C). Pub. L. 104-127, §662(2), inserted “other than in the case of an electronically reproduced copy of the statement,” before “is”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 1632. Repealed. Pub. L. 107-171, title VII, §7303, May 13, 2002, 116 Stat. 455

Section, Pub. L. 99-198, title XIV, §1436, Dec. 23, 1985, 99 Stat. 1558, related to market expansion research.

§ 1632a. Value-added agricultural product market development grants

(a) Definitions

In this section:

(1) Beginning farmer or rancher

The term “beginning farmer or rancher” has the meaning given the term in section 1991(a) of this title.

(2) Family farm

The term “family farm” has the meaning given the term in section 761.2 of title 7, Code of Federal Regulations (as in effect on December 30, 2007).

(3) Mid-tier value chain

The term “mid-tier value chain” means local and regional supply networks that link independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

(A) targets and strengthens the profitability and competitiveness of small and me-

dium-sized farms and ranches that are structured as a family farm; and

(B) obtains agreement from an eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

**(4) Socially disadvantaged farmer or rancher**

The term "socially disadvantaged farmer or rancher" has the meaning given the term in section 2003(e) of this title.

**(5) Value-added agricultural product**

The term "value-added agricultural product" means any agricultural commodity or product that—

(A)(i) has undergone a change in physical state;

(ii) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

(iii) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product;

(iv) is a source of farm- or ranch-based renewable energy, including E-85 fuel; or

(v) is aggregated and marketed as a locally-produced agricultural food product; and

(B) as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

(i) the customer base for the agricultural commodity or product is expanded; and

(ii) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.

**(b) Grant program**

**(1) In general**

From amounts made available under paragraph (7), the Secretary shall award competitive grants—

(A) to an eligible independent producer (as determined by the Secretary) of a value-added agricultural product to assist the producer—

(i) in developing a business plan for viable marketing opportunities for the value-added agricultural product; or

(ii) in developing strategies that are intended to create marketing opportunities for the producer; and

(B) to an eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture (as determined by the Secretary) to assist the entity—

(i) in developing a business plan for viable marketing opportunities in emerging markets for a value-added agricultural product; or

(ii) in developing strategies that are intended to create marketing opportunities in emerging markets for the value-added agricultural product.

**(2) Amount of grant**

**(A) In general**

The total amount provided under this subsection to a grant recipient shall not exceed \$500,000.

**(B) Majority-controlled producer-based business ventures**

The amount of grants provided to majority-controlled producer-based business ventures under paragraph (1)(B) for a fiscal year may not exceed 10 percent of the amount of funds that are used to make grants for the fiscal year under this subsection.

**(3) Grantee strategies**

A grantee under paragraph (1) shall use the grant—

(A) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity for a value-added agricultural product; or

(B) to provide capital to establish alliances or business ventures that allow the producer of the value-added agricultural product to better compete in domestic or international markets.

**(4) Term**

A grant under this subsection shall have a term that does not exceed 3 years.

**(5) Simplified application**

The Secretary shall offer a simplified application form and process for project proposals requesting less than \$50,000.

**(6) Priority**

**(A) Eligible independent producers of value-added agricultural products**

In awarding grants under paragraph (1)(A), the Secretary shall give priority to—

(i) operators of small- and medium-sized farms and ranches that are structured as family farms;

(ii) beginning farmers or ranchers;

(iii) socially disadvantaged farmers or ranchers; and

(iv) veteran farmers or ranchers (as defined in section 2279(e) of this title).

**(B) Eligible agricultural producer groups, farmer or rancher cooperatives, and majority-controlled producer-based business venture**

In awarding grants under paragraph (1)(B), the Secretary shall give priority to projects (including farmer or rancher cooperative projects) that best contribute to creating or increasing marketing opportunities for operators, farmers, and ranchers described in subparagraph (A).

**(7) Funding**

**(A) Mandatory funding**

On February 7, 2014, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection \$63,000,000, to remain available until expended.

**(B) Discretionary funding**

There is authorized to be appropriated to carry out this subsection \$40,000,000 for each of fiscal years 2008 through 2018.

**(C) Reservation of funds for projects to benefit beginning farmers or ranchers, socially disadvantaged farmers or ranchers, and mid-tier value chains**

**(i) In general**

The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund projects that benefit beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

**(ii) Mid-tier value chains**

The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund applications of eligible entities described in paragraph (1) that propose to develop mid-tier value chains.

**(iii) Unobligated amounts**

Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.

**(c) Agricultural Marketing Resource Center pilot project**

**(1) Establishment**

Notwithstanding the limitation on grants in subsection (b)(2), the Secretary shall not use more than 5 percent of the funds made available under subsection (b) to establish a pilot project (to be known as the "Agricultural Marketing Resource Center") at an eligible institution described in paragraph (2) that will—

(A) develop a resource center with electronic capabilities to coordinate and provide to independent producers and processors (as determined by the Secretary) of value-added agricultural commodities and products of agricultural commodities information regarding research, business, legal, financial, or logistical assistance; and

(B) develop a strategy to establish a nationwide market information and coordination system.

**(2) Eligible institution**

To be eligible to receive funding to establish the Agricultural Marketing Resource Center, an applicant shall demonstrate to the Secretary—

(A) the capacity and technical expertise to provide the services described in paragraph (1)(A);

(B) an established plan outlining support of the applicant in the agricultural community; and

(C) the availability of resources (in cash or in kind) of definite value to sustain the Center following establishment.

**(d) Matching funds**

A recipient of funds under subsection (a) or (b) shall contribute an amount of non-Federal funds that is at least equal to the amount of Federal funds received.

**(e) Limitation**

Funds provided under this section may not be used for—

(1) planning, repair, rehabilitation, acquisition, or construction of a building or facility (including a processing facility); or

(2) the purchase, rental, or installation of fixed equipment.

(Pub. L. 106-224, title II, §231, June 20, 2000, 114 Stat. 409; Pub. L. 107-171, title VI, §6401(a), May 13, 2002, 116 Stat. 424; Pub. L. 110-234, title VI, §6202, May 22, 2008, 122 Stat. 1206; Pub. L. 110-246, §4(a), title VI, §6202, June 18, 2008, 122 Stat. 1664, 1967; Pub. L. 113-79, title VI, §6203, Feb. 7, 2014, 128 Stat. 857.)

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Agricultural Risk Protection Act of 2000, and not as part of the Agricultural Marketing Act of 1946 which comprises this chapter.

Section was formerly set out as a note under section 1621 of this title.

**AMENDMENTS**

2014—Subsec. (b)(6). Pub. L. 113-79, §6203(1), added par. (6) and struck out former par. (6). Prior to amendment, text read as follows: "In awarding grants under this subsection, the Secretary shall give priority to projects that contribute to increasing opportunities for—

"(A) beginning farmers or ranchers;

"(B) socially disadvantaged farmers or ranchers; and

"(C) operators of small- and medium-sized farms and ranches that are structured as a family farm."

Subsec. (b)(7)(A). Pub. L. 113-79, §6203(2)(A), substituted "On February 14, 2014," for "On October 1, 2008," and "\$63,000,000" for "\$15,000,000".

Subsec. (b)(7)(B). Pub. L. 113-79, §6203(2)(B), substituted "2018" for "2012".

2008—Subsec. (a). Pub. L. 110-246, §6202(a), added subsec. (a) and struck out former subsec. (a) which defined "value-added agricultural product".

Subsec. (b)(1). Pub. L. 110-246, §6202(b)(1), substituted "paragraph (7)" for "paragraph (4)" in introductory provisions.

Subsec. (b)(4) to (7). Pub. L. 110-246, §6202(b)(2), added pars. (4) to (7) and struck out former par. (4). Prior to amendment, text read as follows: "Not later than 30 days after May 13, 2002, on October 1, 2002, and on each October 1 thereafter through October 1, 2006, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection \$40,000,000, to remain available until expended."

2002—Subsecs. (a), (b). Pub. L. 107-171, §6401(a)(2), added subsecs. (a) and (b) and struck out former subsec. (a) which related to establishment of grant program, maximum amount per grant recipient, and producer strategies. Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107-171, §6401(a)(1), (3), redesignated subsec. (b) as (c) and, in par. (1), substituted "subsection (b)(2)" for "subsection (a)(2)", "5 percent" for "\$5,000,000", and "subsection (b)" for "subsection (a)" in introductory provisions. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107-171, §6401(a)(4), which directed amendment of subsec. (d) by substituting "subsections (b) and (c)" for "subsections (a) and (b)", could not be executed because that phrase does not appear.

Pub. L. 107-171, §6401(a)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 107-171, §6401(a)(1), redesignated subsec. (d) as (e).

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the

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date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-171, title VI, §6401(b), May 13, 2002, 116 Stat. 426, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] apply beginning on October 1, 2002.

“(2) FUNDING.—Funds made available under section 231(b)(4)(A)(i) [probably should be 231(b)(4)] of the Agricultural Risk Protection Act of 2000 [7 U.S.C. 1632a(b)(4)] (as amended by subsection (a)(2)) shall be made available not later than 30 days after the date of enactment of this Act [May 13, 2002].”

**§ 1632b. Agriculture Innovation Center Demonstration Program**

**(a) Purpose**

The purpose of this section is to direct the Secretary of Agriculture to establish a demonstration program under which agricultural producers are provided—

(1) technical assistance, consisting of engineering services, applied research, scale production, and similar services, to enable the agricultural producers to establish businesses to produce value-added agricultural commodities or products;

(2) assistance in marketing, market development, and business planning; and

(3) organizational, outreach, and development assistance to increase the viability, growth, and sustainability of businesses that produce value-added agricultural commodities or products.

**(b) Definitions**

In this section:

**(1) Program**

The term “Program” means the Agriculture Innovation Center Demonstration Program established under subsection (c).

**(2) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(c) Establishment of Program**

The Secretary shall establish a demonstration program, to be known as the “Agriculture Innovation Center Demonstration Program” under which the Secretary shall—

(1) make grants to assist eligible entities in establishing Agriculture Innovation Centers to enable agricultural producers to obtain the assistance described in subsection (a); and

(2) provide assistance to eligible entities in establishing Agriculture Innovation Centers through the research and technical services of the Department of Agriculture.

**(d) Eligibility requirements**

**(1) In general**

An entity shall be eligible for a grant and assistance described in subsection (c) to establish an Agriculture Innovation Center if—

(A) the entity—

(i) has provided services similar to the services described in subsection (a); or

(ii) demonstrates the capability of providing such services;

(B) the application of the entity for the grant and assistance includes a plan, in accordance with regulations promulgated by the Secretary, that outlines—

(i) the support for the entity in the agricultural community;

(ii) the technical and other expertise of the entity; and

(iii) the goals of the entity for increasing and improving the ability of local agricultural producers to develop markets and processes for value-added agricultural commodities or products;

(C) the entity demonstrates that adequate resources (in cash or in kind) are available, or have been committed to be made available, to the entity, to increase and improve the ability of local agricultural producers to develop markets and processes for value-added agricultural commodities or products; and

(D) the Agriculture Innovation Center of the entity has a board of directors established in accordance with paragraph (2).

**(2) Board of directors**

Each Agriculture Innovation Center of an eligible entity shall have a board of directors composed of representatives of each of the following groups:

(A) The 2 general agricultural organizations with the greatest number of members in the State in which the eligible entity is located.

(B) The department of agriculture, or similar State department or agency, of the State in which the eligible entity is located.

(C) Entities representing the 4 highest grossing commodities produced in the State, determined on the basis of annual gross cash sales.

**(e) Grants and assistance**

**(1) In general**

Subject to subsection (i), under the Program, the Secretary shall make, on a competitive basis, annual grants to eligible entities.

**(2) Maximum amount of grants**

A grant under paragraph (1) shall be in an amount that does not exceed the lesser of—

(A) \$1,000,000; or

(B) twice the dollar amount of the resources (in cash or in kind) that the eligible entity demonstrates are available, or have been committed to be made available, to the eligible entity in accordance with subsection (d)(1)(C).

**(3) Maximum number of grants**

**(A) First fiscal year of Program**

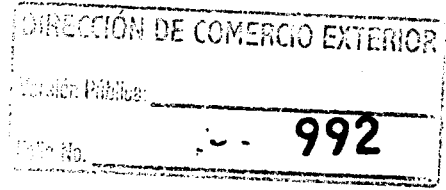
In the first fiscal year of the Program, the Secretary shall make grants to not more than 5 eligible entities.

**(B) Second fiscal year of Program**

In the second fiscal year of the Program, the Secretary may make grants to—

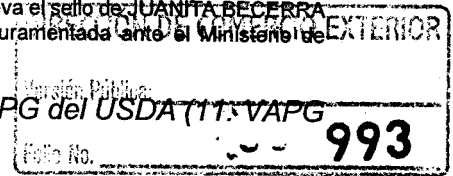
(1) the eligible entities to which grants were made under subparagraph (A); and

(ii) not more than 10 additional eligible entities.



ANEXO 4
Ficha Subvención al
Productor de Valor
Agregado
Departamento de
Agricultura de los
EE.UU.

Traducción de apartes del documento 11. Datos del programa VAPG del USDA (11: VAPG USDA facts)



Página 1, párrafo 1:

## Departamento de Agricultura de Estados Unidos Desarrollo Rural

Subvenciones a Productores de Valor Agregado  
Programa 101

### Qué hace este programa?

El programa de Subvenciones a Productores de Valor Agregado (VAPG) ayuda a los productores agrícolas que están ingresando a actividades de valor agregado relacionadas con el procesamiento y/o mercadeo de nuevos productos. Los objetivos de este programa son el generar nuevos productos, crear y expandir oportunidades de mercadeo, e incrementar el ingreso del productor. Los solicitantes pueden recibir trato prioritario si son unos cultivadores o granjero principiantes, un granjero o cultivador socialmente desfavorecido, una granja o rancho pequeño o mediano estructurado como una granja de familia, una cooperativa de cultivadores o granjeros, o si se está proponiendo una cadena de valor de nivel medio. Las subvenciones son otorgadas a través de una competencia nacional. Cada año fiscal, los solicitantes son requeridos a través de una notificación publicada en el Registro Federal y a través de un anuncio publicado en grants.com.

**Fondos del Programa:** USD \$18 millones

**Valor Máximo de la Subvención:** Subvenciones de Planeación: USD \$75,000: Subvenciones de Capital de trabajo: USD \$250,000

**Requisito de Igualar Fondos:** 50 por ciento de costos totales del proyecto

### Quién puede aplicar para este programa?

Según la reglamentación del programa, son elegibles para este programa los productores independientes, grupos de productores agrícolas, cooperativas de cultivadores o granjeros, y emprendimientos comerciales controlados en su mayoría por productores.

### Cómo pueden ser utilizados los fondos?

Las subvenciones y los valores que deben ser aportadas para igualar las subvenciones pueden ser utilizadas para actividades de planeación o para gastos de capital de trabajo relacionados con producir y mercadear productos agrícolas de valor agregado. Los ejemplos de actividades de planeación incluyen el conducir estudios de factibilidad y planes de desarrollo de negocios para procesar y mercadear el producto propuesto de valor agregado. Los ejemplos de gastos de capital de trabajo incluyen:

- Costos de procesamiento
- Gastos de mercadeo y publicidad
- Algunos gastos de inventario y salarios



## Value Added Producer Grants Program 101

**Are Applications Currently Being Accepted:** NO  
**Notice of Solicitation of Applications:** PDF

### What does this program do?

The Value Added Producer Grant (VAPG) program helps agricultural producers enter into value-added activities related to the processing and/or marketing of new products. The goals of this program are to generate new products, create and expand marketing opportunities, and increase producer income. Applicants may receive priority if they are a beginning farmer or rancher, a socially-disadvantaged farmer or rancher, a small or medium-sized farm or ranch structured as a family farm, a farmer or rancher cooperative, or are proposing a mid-tier value chain. Grants are awarded through a national competition. Each fiscal year, applications are requested through a notice published in the Federal Register and through an announcement posted on Grants.gov.

**Program Funding:** \$18 million  
**Maximum Grant Amount:** Planning Grants \$75,000; Working Capital Grants: \$250,000  
**Matching Funds Requirements:** 50 percent of total project costs

### Who may apply for this program?

Independent producers, agricultural producer groups, farmer- or rancher-cooperatives, and majority-controlled producer-based business ventures, as defined in the program regulation are eligible to apply for this program.

### How may funds be used?

Grant and matching funds can be used for planning activities or for working capital expenses related to producing and marketing a value-added agricultural product. Examples of planning activities include conducting feasibility studies and developing business plans for processing and marketing the proposed value-added product. Examples of working capital expenses include:

- Processing costs
- Marketing and advertising expenses
- Some inventory and salary expenses

### How do I get started?

Before you apply:

- Request a Data Universal Number System (DUNS) number if your organization doesn't already have one. It should not take more than a few business days to get your number. However, you should plan on requesting it at least a month before the application deadline because you'll need that number for the next pre-application step (see below).
- Register your organization with the System for Award Management (SAM) if you aren't already registered. The registration is free, but you need to complete several steps. It's a good idea to start the registration process at least a month before any application deadline. Before you start the registration process, we suggest reading through the HELP materials available on the SAM website. Then, you'll need to create an account. After you create your account by setting up a user ID and password, you can register your organization. Remember, you'll need your DUNS number to complete your registration. Also, make a note of your CAGE (Commercial And Government Entity) code and expiration date because you'll need those for your application.

### Additional requirements:

Please read the Federal Register notice for the details on how to apply. Applicants should put together the required information at least a month before the application deadline. The extra time allows collection of other required materials such letters of commitment or support from other organizations, a work plan and budget, and other information. Copies of required forms are available from your nearest Rural Development Office. Below are links to optional forms that may assist you in developing your application.

### Who can answer questions?

If you have questions, you can contact your nearest Rural Development Office.

### Will I need to send any reports if I receive a grant?

If you receive a grant, you will need to send regular financial and performance reports. Your grant agreement will tell you how often you need to send the reports, what forms you need to use, and what information you need to put in the reports.

### Where can I get more information?

The VAPG program regulation contains details about the program's purpose, what you can and can't do with grant money, application requirements, and information about how applications will be selected for funding. Remember that you need to read the Federal Register notice to get all the details about how to apply, but the program regulation also has useful information that you will need before applying for a grant.

## Forms & Resources

### Note

If state specific forms are not shown above, please refer to the application materials listed below to start the process of applying. Please ensure that your state is selected in the dropdown menu above to find the State Office contact information for this program and speak to a [Business Programs Specialist](#) before attempting to fill out any forms or applications. This will save you valuable time in the process.

### Preliminary Actions Required

To complete an application for this program, you must be pre-registered with the System for Award Management (SAM) and also have a Data Universal Numbering System (DUNS) number. Neither of these applications cost money, but they can take time so be sure to get this taken care of right away. If you are already registered with these systems, you do not need to do it again.

Foreign Public: \_\_\_\_\_  
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**Application Toolkits**

- Application Planning Toolkit [docx]
- Application Working Capital Toolkit [docx]

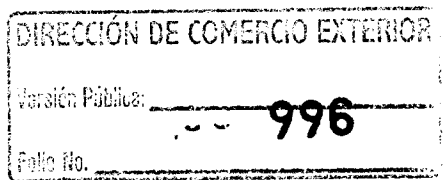
Application toolkits can be accessed through Grants.gov. To access through Grants.gov, enter Opportunity Number: RDBCP-VAPG-2017, and select related documents.

**Required Forms**

- SF-424 Application for Federal Assistance [PDF]
- SF-424 Instructions [PDF]
- SF-424B Assurances [PDF]
- SF-424A Budget Information [PDF]

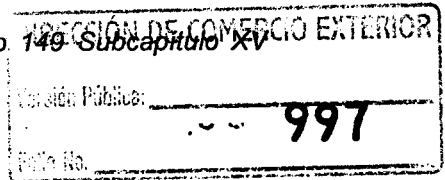
**VAPG Information**

- Harvester Applicants [PDF]
- Locally Produced Food [PDF]
- Mid-Tier Value Chains [PDF]
- Anaerobic Digesters [PDF]



ANEXO 5
Código de los Estados
Unidos Título 42
Capítulo 149 subcapítulo
XV §16513

Traducción de apartes del documento 15. Código USC Título 42 Capítulo 149 Subcapítulo XV Sección 16513 (15. USC Title 42 Chap 149 Subchap XV Sec16513)



Página 7966, columna 1, párrafo 4:

**16513. Proyectos elegibles**

**(a) En general**

La Secretaría podrá hacer garantías bajo esta sección, únicamente a proyectos que –

- (1) eviten, reduzcan o secuestren contaminantes de aire o emisiones antropogénicas de gases efecto invernadero: y
- (2) utilicen tecnologías nuevas o significativamente mejoradas en comparación con las tecnologías comerciales en servicio en los Estados Unidos en el momento en que la garantía es emitida.

**(b) Categorías**

Los proyectos de las siguientes categorías deberán ser elegibles para una garantía bajo esta sección:

- (1) Sistemas de energía renovable.
- (2) Tecnología de energía avanzada fósil (incluyendo gasificación de carbón que cumpla con los criterios de la subsección (d)).
- (3) Tecnología de célula de hidrógeno para aplicaciones residenciales, industriales o de transporte.
- (4) Instalaciones de energía nuclear avanzada.
- (5) Prácticas y tecnologías de captura y secuestro de carbono, incluyendo prácticas agrícolas y forestales que almacenen y secuestren carbono.
- (6) Tecnologías eficientes de generación, transmisión y distribución de energía eléctrica.
- (7) Tecnologías de uso final eficiente de energía.
- (8) Instalaciones de producción para la manufactura de vehículos eficientes en el uso de combustible o partes de esos vehículos, incluyendo vehículos eléctricos y vehículos de diésel avanzado.
- (9) Equipo de control de polución.
- (10) Refinerías, definidas como instalaciones en las cuales el petróleo crudo se refina a gasolina.

**(c) Proyectos de gasificación**

La Secretaría podrá hacer garantías para los siguientes proyectos de gasificación:

**(1) Proyectos integrados de ciclo combinado de gasificación**

Plantas integradas de ciclo combinado de gasificación que cumplan con los niveles de emisión bajo la subsección (d), incluyendo –

**(A) proyectos para la generación de electricidad –**

(i) para los cuales, durante la duración de la garantía –

(I) el carbón, biomasa, coque de petróleo o una combinación de carbón, biomasa y coque de petróleo representen al menos el 65 por ciento del ingreso calórico anual; y

(II) la electricidad represente al menos el 65 por ciento de la energía neta anual de salida;

(ii) que tengan un diseño que sea considerado por la Secretaría como capaz de acomodar el equipo probablemente necesario para capturar el dióxido de carbono que de otra forma sería emitido como gas de escape de la planta;

(iii) que tenga una fuente de ingreso asegurada que cubra los costos de capital y de operación del proyecto (incluido el servir todas las deudas cubiertas por la garantía) que sea aprobado por la Secretaría y la comisión relevante de servicios públicos del estado; y

(iv) en los cuales la construcción comience a más tardar 3 años después de la fecha de emisión de la garantía;

**(B) un proyecto para producir energía a partir de carbón (de no más de 13,000 Btu/lb y de minas en el oeste de los Estados Unidos) que utilice tecnología avanzada de integración de ciclo combinado de gasificación que minimice y ofrezca el potencial para secuestrar las emisiones de dióxido de carbono y que –**

(i) pueda incluir la repotenciación de instalaciones existentes;

(ii) pueda ser construido en etapas;

(iii) tenga una producción combinada de al menos 100 megavatios;

(iv) esté localizado en un estado del oeste a una altitud de más de 4,000 pies; y

(v) demuestre la capacidad de usar carbón con un contenido de energía de no más de 9,000 Btu/lb;

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- (1) eviten, reduzcan o secuestren contaminantes de aire o emisiones antropogénicas de gases efecto invernadero; y
- (2) utilicen tecnologías nuevas o significativamente mejoradas en comparación con las tecnologías comerciales en servicio en los Estados Unidos en el momento en que la garantía es emitida.

**(b) Categorías**

Los proyectos de las siguientes categorías deberán ser elegibles para una garantía bajo esta sección:

- (1) Sistemas de energía renovable.
- (2) Tecnología de energía avanzada fósil (incluyendo gasificación de carbón que cumpla con los criterios de la subsección (d)).
- (3) Tecnología de célula de hidrógeno para aplicaciones residenciales, industriales o de transporte.
- (4) Instalaciones de energía nuclear avanzada.
- (5) Prácticas y tecnologías de captura y secuestro de carbono, incluyendo prácticas agrícolas y forestales que almacenen y secuestren carbono.
- (6) Tecnologías eficientes de generación, transmisión y distribución de energía eléctrica.
- (7) Tecnologías de uso final eficiente de energía.
- (8) Instalaciones de producción para la manufactura de vehículos eficientes en el uso de combustible o partes de esos vehículos, incluyendo vehículos eléctricos y vehículos de diésel avanzado.
- (9) Equipo de control de polución.
- (10) Refinerías, definidas como instalaciones en las cuales el petróleo crudo se refina a gasolina.

**(c) Proyectos de gasificación**

La Secretaría podrá hacer garantías para los siguientes proyectos de gasificación:

**(1) Proyectos integrados de ciclo combinado de gasificación**

Plantas integradas de ciclo combinado de gasificación que cumplan con los niveles de emisión bajo la subsección (d), incluyendo –

**(A) proyectos para la generación de electricidad –**

(i) para los cuales, durante la duración de la garantía –

(I) el carbón, biomasa, coque de petróleo o una combinación de carbón, biomasa y coque de petróleo representen al menos el 65 por ciento del ingreso calórico anual; y

(II) la electricidad represente al menos el 65 por ciento de la energía neta anual de salida;

(ii) que tengan un diseño que sea considerado por la Secretaría como capaz de acomodar el equipo probablemente necesario para capturar el dióxido de carbono que de otra forma sería emitido como gas de escape de la planta;

(iii) que tenga una fuente de ingreso asegurada que cubra los costos de capital y de operación del proyecto (incluido el servir todas las deudas cubiertas por la garantía) que sea aprobado por la Secretaría y la comisión relevante de servicios públicos del estado; y

(iv) en los cuales la construcción comience a más tardar 3 años después de la fecha de emisión de la garantía;

**(B) un proyecto para producir energía a partir de carbón (de no más de 13,000 Btu/lb y de minas en el oeste de los Estados Unidos) que utilice tecnología avanzada de integración de ciclo combinado de gasificación que minimice y ofrezca el potencial para secuestrar las emisiones de dióxido de carbono y que –**

(i) pueda incluir la repotenciación de instalaciones existentes;

(ii) pueda ser construido en etapas;

(iii) tenga una producción combinada de al menos 100 megavatios;

(iv) esté localizado en un estado del oeste a una altitud de más de 4,000 pies; y

(v) demuestre la capacidad de usar carbón con un contenido de energía de no más de 9,000 Btu/lb;

**(C) un proyecto localizado en la región de producción de taconita en los Estados Unidos que esté autorizado por la ley del estado en el cual la planta está localizada para tener un contrato a largo plazo aprobado por la comisión de servicios públicos del estado para vender al menos 450 megavatios de salida a servicios públicos;**

**(D) instalaciones que –**

(i) generar uno o más flujos de productos ricos en hidrógeno y monóxido de carbono a partir de la gasificación de carbón o del desperdicio de carbón; y

(ii) utilizar esos flujos para facilitar la producción de combustibles superiores (Premium) ultra limpios a través del proceso Fischer-Tropsch; y

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(E) un proyecto para producir energía y combustibles limpios, utilizando tecnología apropiada de licuefacción de carbón, a partir de carbón bituminoso o sub bituminoso del oeste que –

- (i) sea de propiedad del gobierno del estado; y
- (ii) pueda incluir recursos de carbón tribales y privados.

**(2) Proyectos de gasificación industrial**

Las instalaciones que gasifiquen carbón, biomasa o coque de petróleo en cualquier combinación para producir síntesis de gas para ser utilizado como combustible o forraje y para el cual la electricidad representa menos del 65 por ciento de la energía útil producida por la instalación.

**(3) Proyectos de gasificación de coque de petróleo**

Se estimula a la Secretaría a poner a disposición de proyectos de gasificación de coque de petróleo las garantías crediticias definidas en este subcapítulo.

**(4) Proyectos de licuefacción**

No obstante cualquier otra disposición de ley, los fondos otorgados bajo la Iniciativa de Energía Limpia de Carbón para proyectos de licuefacción carbón-a-petróleo Fischer-Tropsch del Departamento de Energía pueden ser utilizados para financiar los costos de las garantías crediticias para proyectos que han recibido tales fondos.

**(d) Niveles de emisión**

En adición a cualquier otro requerimiento de límite de emisiones federal o estatal aplicable, un proyecto deberá obtener al menos –

- (1) un total de emisiones de dióxido de sulfuro en el gas de escape del proyecto que no exceda 0.05 lb/MMBtu;
- (2) un 90 por ciento de tasa de remoción (incluyendo cualquier pre tratamiento del combustible) de mercurio del gas derivado del carbón, y cualquier otro combustible que ha sido combustionado por el proyecto;
- (3) un total de emisiones de oxido de nitrógeno en el gas de escape del proyecto que no exceda 0.08 lb/MMBtu; y
- (4) un total de emisiones de partículas en el gas de escape del proyecto que no exceda 0.01 lb/MMBtu;

**(e) Calificación de instalaciones que reciban créditos de impuestos**

Un proyecto que reciba créditos de impuestos por tecnología de carbón limpio no deberá ser descalificado para recibir una garantía bajo este sub capítulo.

(Publicación L. 109–58, título XVII, § 1703, 8 Ago. de 2005, 119 Ley. 1120; Publicación L. 109–168, § 1(b)(1), 10 de enero de 2006, 119 Ley 3580; Publicación L. 110–140, título I, § 134(b), 19 de diciembre, 2007, 121 Ley 1513.)

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sued under this section with respect to principal and interest.

**(k) Wage rate requirements**

All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by a loan guaranteed under this subchapter shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40. With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40.

(Pub. L. 109-58, title XVII, § 1702, Aug. 8, 2005, 119 Stat. 1117; Pub. L. 111-85, title III, § 310, Oct. 28, 2009, 123 Stat. 2873.)

REFERENCES IN TEXT

Division C of Public Law 108-324, referred to in subsec. (a), is division C of Pub. L. 108-324, Oct. 13, 2004, 118 Stat. 1255, known as the Alaska Natural Gas Pipeline Act, which is classified principally to chapter 15D (§ 720 et seq.) of Title 15, Commerce and Trade. For complete classification of division C to the Code, see Short Title note set out under section 720 of Title 15 and Tables.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (k), is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2009—Subsec. (k). Pub. L. 111-85 added subsec. (k).

**§ 16513. Eligible projects**

**(a) In general**

The Secretary may make guarantees under this section only for projects that—

- (1) avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and
- (2) employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued.

**(b) Categories**

Projects from the following categories shall be eligible for a guarantee under this section:

- (1) Renewable energy systems.
- (2) Advanced fossil energy technology (including coal gasification meeting the criteria in subsection (d)).
- (3) Hydrogen fuel cell technology for residential, industrial, or transportation applications.
- (4) Advanced nuclear energy facilities.
- (5) Carbon capture and sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon.
- (6) Efficient electrical generation, transmission, and distribution technologies.
- (7) Efficient end-use energy technologies.
- (8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.
- (9) Pollution control equipment.

- (10) Refineries, meaning facilities at which crude oil is refined into gasoline.

**(c) Gasification projects**

The Secretary may make guarantees for the following gasification projects:

**(1) Integrated gasification combined cycle projects**

Integrated gasification combined cycle plants meeting the emission levels under subsection (d), including—

(A) projects for the generation of electricity—

(i) for which, during the term of the guarantee—

(I) coal, biomass, petroleum coke, or a combination of coal, biomass, and petroleum coke will account for at least 65 percent of annual heat input; and

(II) electricity will account for at least 65 percent of net useful annual energy output;

(ii) that have a design that is determined by the Secretary to be capable of accommodating the equipment likely to be necessary to capture the carbon dioxide that would otherwise be emitted in flue gas from the plant;

(iii) that have an assured revenue stream that covers project capital and operating costs (including servicing all debt obligations covered by the guarantee) that is approved by the Secretary and the relevant State public utility commission; and

(iv) on which construction commences not later than the date that is 3 years after the date of the issuance of the guarantee;

(B) a project to produce energy from coal (of not more than 13,000 Btu/lb and mined in the western United States) using appropriate advanced integrated gasification combined cycle technology that minimizes and offers the potential to sequester carbon dioxide emissions and that—

(i) may include repowering of existing facilities;

(ii) may be built in stages;

(iii) shall have a combined output of at least 100 megawatts;

(iv) shall be located in a western State at an altitude greater than 4,000 feet; and

(v) shall demonstrate the ability to use coal with an energy content of not more than 9,000 Btu/lb;

(C) a project located in a taconite-producing region of the United States that is entitled under the law of the State in which the plant is located to enter into a long-term contract approved by a State public utility commission to sell at least 450 megawatts of output to a utility;

(D) facilities that—

(i) generate one or more hydrogen-rich and carbon monoxide-rich product streams from the gasification of coal or coal waste; and

(ii) use those streams to facilitate the production of ultra clean premium fuels through the Fischer-Tropsch process; and

(E) a project to produce energy and clean fuels, using appropriate coal liquefaction technology, from Western bituminous or subbituminous coal, that—

- (i) is owned by a State government; and
- (ii) may include tribal and private coal resources.

**(2) Industrial gasification projects**

Facilities that gasify coal, biomass, or petroleum coke in any combination to produce synthesis gas for use as a fuel or feedstock and for which electricity accounts for less than 65 percent of the useful energy output of the facility.

**(3) Petroleum coke gasification projects**

The Secretary is encouraged to make loan guarantees under this subchapter available for petroleum coke gasification projects.

**(4) Liquefaction project**

Notwithstanding any other provision of law, funds awarded under the Department of Energy's Clean Coal Power Initiative for Fischer-Tropsch coal-to-oil liquefaction projects may be used to finance the cost of loan guarantees for projects awarded such funds.

**(d) Emission levels**

In addition to any other applicable Federal or State emission limitation requirements, a project shall attain at least—

- (1) total sulfur dioxide emissions in flue gas from the project that do not exceed 0.05 lb/MMBtu;
- (2) a 90-percent removal rate (including any fuel pretreatment) of mercury from the coal-derived gas, and any other fuel, combusted by the project;
- (3) total nitrogen oxide emissions in the flue gas from the project that do not exceed 0.08 lb/MMBtu; and
- (4) total particulate emissions in the flue gas from the project that do not exceed 0.01 lb/MMBtu.

**(e) Qualification of facilities receiving tax credits**

A project that receives tax credits for clean coal technology shall not be disqualified from receiving a guarantee under this subchapter.

(Pub. L. 109-58, title XVII, §1703, Aug. 8, 2005, 119 Stat. 1120; Pub. L. 109-168, §1(b)(1), Jan. 10, 2006, 119 Stat. 3580; Pub. L. 110-140, title I, §134(b), Dec. 19, 2007, 121 Stat. 1513.)

AMENDMENTS

2007—Subsec. (b)(8). Pub. L. 110-140 added par. (8) and struck out former par. (8) which read as follows: "Production facilities for fuel efficient vehicles, including hybrid and advanced diesel vehicles."

2006—Subsec. (c)(4). Pub. L. 109-168 substituted "Department of Energy's Clean Coal Power Initiative for Fischer-Tropsch" for "clean coal power initiative under part A of subchapter IV for".

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

**§ 16514. Authorization of appropriations**

**(a) In general**

There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees under this subchapter.

**(b) Use of other appropriated funds**

The Department may use amounts awarded under the Clean Coal Power Initiative to carry out the project described in section 16513(c)(1)(C) of this title, on the request of the recipient of such award, for a loan guarantee, to the extent that the amounts have not yet been disbursed to, or have been repaid by, the recipient.

(Pub. L. 109-58, title XVII, §1704, Aug. 8, 2005, 119 Stat. 1122; Pub. L. 109-168, §1(b)(2), Jan. 10, 2006, 119 Stat. 3580.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-168 substituted "Clean Coal Power Initiative" for "clean coal power initiative under part A of subchapter IV".

**§ 16515. Limitation on commitments to guarantee loans**

(a) Notwithstanding section 101,<sup>1</sup> subject to the Federal Credit Reform Act of 1990, as amended [2 U.S.C. 661 et seq.], commitments to guarantee loans under title XVII of the Energy Policy Act of 2005 [42 U.S.C. 16501 et seq.] shall not exceed a total principal amount, any part of which is to be guaranteed, of \$4,000,000,000: *Provided*, That there are appropriated for the cost of the guaranteed loans such sums as are hereafter derived from amounts received from borrowers pursuant to section 16512(b)(2) of this title, to remain available until expended: *Provided further*, That the source of payments received from borrowers for the subsidy cost shall not be a loan or other debt obligation that is made or guaranteed by the Federal government.<sup>2</sup> In addition, fees collected pursuant to section 16512(h) of this title in fiscal year 2007 shall be credited as offsetting collections to the Departmental Administration account for administrative expenses of the Loan Guarantee Program: *Provided further*, That the sum appropriated for administrative expenses for the Loan Guarantee Program shall be reduced by the amount of fees received during fiscal year 2007: *Provided further*, That any fees collected under section 16512(h) of this title in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

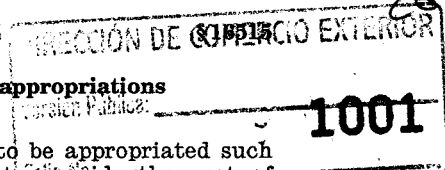
(b) No loan guarantees may be awarded under title XVII of the Energy Policy Act of 2005 [42 U.S.C. 16501 et seq.] until final regulations are issued that include—

- (1) programmatic, technical, and financial factors the Secretary will use to select projects for loan guarantees;
- (2) policies and procedures for selecting and monitoring lenders and loan performance; and
- (3) any other policies, procedures, or information necessary to implement title XVII of the Energy Policy Act of 2005.

(c) The Secretary of Energy shall enter into an arrangement with an independent auditor for

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be capitalized.





**ANEXO 6**  
**Código de los Estados**  
**Unidos Título 7 Capítulo**  
**107 §8104**

Traducción de apartes del documento 17. Código USC Título 7 Capítulo 107 Sección 8104 (17. USC Title 7 Chap 107 Sec 8104)

Página 1990, columna 2, párrafo 3:

**8104. Apoyo a la Repotenciación**

**(a) En general**

La Secretaría deberá llevar a cabo un programa para fomentar a las biorefinerías existentes a la fecha de promulgación de la ley de Alimentos, Conservación y Energía de 2008 para reemplazar los combustibles fósiles utilizados para producir calor o potencia para operar las refineries al hacer pagos para –

- (1) La instalación de sistemas nuevos que usen biomasa renovable; o
- (2) la producción nueva de energía de biomasa renovable.

**(b) Pagos**

**(1) En General**

La Secretaría podrá hacer pagos bajo esta sección a cualquier biorefinería que cumpla los requisitos de esta sección durante un período definido por la Secretaría.

**(2) Valor**

La secretaria deberá determinar el valor de los pagos a realizar bajo esta sección a una biorefinería después de considerar –

- (A) la cantidad de combustibles fósiles que un sistema de biomasa renovable está reemplazando;
- (B) el porcentaje de reducción de combustible fósil utilizado por la biorefinería que resultará de la instalación de un sistema de biomasa renovable; y
- (C) el costo y la efectividad del costo del sistema de biomasa renovable.

**(c) Elegibilidad**

Para ser elegible para un pago bajo esta sección, una biorefinería deberá demostrar a la Secretaría que el sistema de biomasa renovable de la biorefinería es factible basado en un estudio independiente de factibilidad que tome en cuenta los aspectos económicos, técnicos y ambientales del sistema.

**(d) Financiación**

**(1) Financiación obligatoria**

De los fondos de la Corporación de Crédito de Productos, la Secretaría deberá usar pagos bajo esta sección de USD \$12,000,000 para el año fiscal 2014, para mantener disponibles hasta que sean gastados.

**(2) Financiación Discrecional**

Adicional a cualquier otros fondos disponibles para llevar a cabo esta sección, se autoriza a apropiarse para llevar a cabo esta sección USD \$10,000,000 para cada año fiscal desde 2014 hasta 2018.

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018.

  
**JUANITA BECERRA MUÑOZ**  
 Traductora e Intérprete Oficial  
 Inglés - Español - Inglés  
 Licencia N°. 500 de 2017

**(f) Condition on provision of assistance****(1) In general**

As a condition of receiving a grant or loan guarantee under this section, an eligible entity shall ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed, in whole or in part, with the grant or loan guarantee, as the case may be, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40.

**(2) Authority and functions**

The Secretary of Labor shall have, with respect to the labor standards described in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App) and section 3145 of title 40.

**(g) Funding****(1) Mandatory funding****(A) In general**

Subject to subparagraph (B), of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of loan guarantees under this section, to remain available until expended—

- (i) \$100,000,000 for fiscal year 2014; and
- (ii) \$50,000,000 for each of fiscal years 2015 and 2016.

**(B) Biobased product manufacturing**

Of the total amount of funds made available for fiscal years 2014 and 2015 under subparagraph (A), the Secretary may use for the cost of loan guarantees under this section not more than 15 percent of such funds to promote biobased product manufacturing.

**(2) Discretionary funding**

In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2014 through 2018.

(Pub. L. 107-171, title IX, § 9003, as added Pub. L. 110-234, title IX, § 9001(a), May 22, 2008, 122 Stat. 1310, and Pub. L. 110-246, § 4(a), title IX, § 9001(a), June 18, 2008, 122 Stat. 1664, 2072; amended Pub. L. 112-240, title VII, § 701(f)(2), Jan. 2, 2013, 126 Stat. 2365; Pub. L. 113-79, title IX, § 9003, Feb. 7, 2014, 128 Stat. 928.)

## REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (f)(2), is set out in the Appendix to Title 5, Government Organization and Employees.

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

## PRIOR PROVISIONS

A prior section 8103, Pub. L. 107-171, title IX, § 9003, May 13, 2002, 116 Stat. 478, related to biorefinery development grants, prior to the general amendment of this chapter by Pub. L. 110-246.

## AMENDMENTS

2014—Pub. L. 113-79, § 9003(a)(1), inserted “renewable chemical, and biobased product manufacturing” after “Biorefinery” in section catchline.

Subsec. (a). Pub. L. 113-79, § 9003(a)(2), inserted “renewable chemicals, and biobased product manufacturing” after “advanced biofuels,” in introductory provisions.

Subsec. (b). Pub. L. 113-79, § 9003(a)(3), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Subsec. (c). Pub. L. 113-79, § 9003(a)(4), substituted “to eligible entities guarantees for loans” for “to eligible entities—

“(1) grants to assist in paying the costs of the development and construction of demonstration-scale biorefineries to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels; and

“(2) guarantees for loans”.

Subsec. (d). Pub. L. 113-79, § 9003(a)(5), (6), redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to awarding of grants under subsec. (c)(1).

Subsec. (d)(1)(C). Pub. L. 113-79, § 9003(a)(7)(B), substituted “subsection (c)” for “subsection (c)(2)”.

Subsec. (d)(1)(D). Pub. L. 113-79, § 9003(a)(7)(A), added subpar. (D).

Subsec. (d)(2)(A), (B). Pub. L. 113-79, § 9003(a)(7)(B), substituted “subsection (c)” for “subsection (c)(2)” wherever appearing.

Subsec. (d)(2)(C). Pub. L. 113-79, § 9003(a)(7)(C), substituted “subsection (g)” for “subsection (h)”.

Subsecs. (e) to (g). Pub. L. 113-79, § 9003(a)(6), redesignated subsecs. (f) to (h) as (e) to (g), respectively.

Subsec. (g)(1). Pub. L. 113-79, § 9003(b)(1), added par. (1) and struck out former par. (1) which related to mandatory funding for loan guarantees for fiscal years 2009 and 2010.

Subsec. (g)(2). Pub. L. 113-79, § 9003(b)(2), substituted “\$75,000,000 for each of fiscal years 2014 through 2018” for “\$150,000,000 for each of fiscal years 2009 through 2013”.

Subsec. (h). Pub. L. 113-79, § 9003(a)(6), redesignated subsec. (h) as (g).

2013—Subsec. (h)(2). Pub. L. 112-240 substituted “2013” for “2012”.

## EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

**§ 8104. Repowering assistance****(a) In general**

The Secretary shall carry out a program to encourage biorefineries in existence on the date of enactment of the Food, Conservation, and Energy Act of 2008 to replace fossil fuels used to produce heat or power to operate the biorefineries by making payments for—

- (1) the installation of new systems that use renewable biomass; or
- (2) the new production of energy from renewable biomass.

**(b) Payments****(1) In general**

The Secretary may make payments under this section to any biorefinery that meets the requirements of this section for a period determined by the Secretary.

**(2) Amount**

The Secretary shall determine the amount of payments to be made under this section to a biorefinery after considering—

(A) the quantity of fossil fuels a renewable biomass system is replacing;

(B) the percentage reduction in fossil fuel used by the biorefinery that will result from the installation of the renewable biomass system; and

(C) the cost and cost effectiveness of the renewable biomass system.

**(c) Eligibility**

To be eligible to receive a payment under this section, a biorefinery shall demonstrate to the Secretary that the renewable biomass system of the biorefinery is feasible based on an independent feasibility study that takes into account the economic, technical and environmental aspects of the system.

**(d) Funding**

**(1) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to make payments under this section \$12,000,000 for fiscal year 2014, to remain available until expended.

**(2) Discretionary funding**

In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2014 through 2018.

(Pub. L. 107-171, title IX, §9004, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1313, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2075; amended Pub. L. 112-240, title VII, §701(f)(3), Jan. 2, 2013, 126 Stat. 2365; Pub. L. 113-79, title IX, §9004, Feb. 7, 2014, 128 Stat. 930.)

REFERENCES IN TEXT

The date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (a), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 8104, Pub. L. 107-171, title IX, §9004, May 13, 2002, 116 Stat. 480, related to a biodiesel fuel education program, prior to the general amendment of this chapter by Pub. L. 110-246. See section 8106 of this title.

AMENDMENTS

2014—Subsec. (d)(1). Pub. L. 113-79, §9004(1), substituted “\$12,000,000 for fiscal year 2014” for “\$35,000,000 for fiscal year 2009”.

Subsec. (d)(2). Pub. L. 113-79, §9004(2), substituted “\$10,000,000 for each of fiscal years 2014 through 2018” for “\$15,000,000 for each of fiscal years 2009 through 2013”.

2013—Subsec. (d)(2). Pub. L. 112-240 substituted “2013” for “2012”.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

**§ 8105. Bioenergy program for advanced biofuels**

**(a) Definition of eligible producer**

In this section, the term “eligible producer” means a producer of advanced biofuels.

**(b) Payments**

The Secretary shall make payments to eligible producers to support and ensure an expanding production of advanced biofuels.

**(c) Contracts**

To receive a payment, an eligible producer shall—

(1) enter into a contract with the Secretary for production of advanced biofuels; and

(2) submit to the Secretary such records as the Secretary may require as evidence of the production of advanced biofuels.

**(d) Basis for payments**

The Secretary shall make payments under this section to eligible producers based on—

(1) the quantity and duration of production by the eligible producer of an advanced biofuel;

(2) the net nonrenewable energy content of the advanced biofuel, if sufficient data is available, as determined by the Secretary; and

(3) other appropriate factors, as determined by the Secretary.

**(e) Equitable distribution**

The Secretary may limit the amount of payments that may be received by a single eligible producer under this section in order to distribute the total amount of funding available in an equitable manner.

**(f) Other requirements**

To receive a payment under this section, an eligible producer shall meet any other requirements of Federal and State law (including regulations) applicable to the production of advanced biofuels.

**(g) Funding**

**(1) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

(A) \$55,000,000 for fiscal year 2009;

(B) \$55,000,000 for fiscal year 2010;

(C) \$85,000,000 for fiscal year 2011;

(D) \$105,000,000 for fiscal year 2012; and

(E) \$15,000,000 for each of fiscal years 2014 through 2018.

**(2) Discretionary funding**

In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2014 through 2018.

**(3) Limitation**

Of the funds provided for each fiscal year, not more than 5 percent of the funds shall be made available to eligible producers for production at facilities with a total refining capacity exceeding 150,000,000 gallons per year.

(Pub. L. 107-171, title IX, §9005, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat.



●

ANEXO 7

Ficha Programa de

Apoyo a la

Repotenciación

● Taxpayers for Common

Sense

*Traducción de apartes del documento 15. Contribuyentes por el Sentido Común – Apoyo a Instalaciones de Etanol de Maíz (15. Taxpayers for Common Sense – support for corn ethanol facilities)*

*Página 1, párrafo 1:*

**Contribuyentes por el Sentido Común – Apoyo a Instalaciones de Etanol de Maíz**

Desde el año 2009, únicamente USD \$7 millones de dólares de dinero de contribuyentes ha sido repartido desde el Programa de Apoyo a la Repotenciación, del cual todo ha sido gastado en dos instalaciones de etanol – Lincolnway Energy, LLC en Iowa y Western Plains Energy, LLC en Kansas. En septiembre del 2010, Lincolnway recibió USD \$1.9 millones de dólares para instalar una caldera que convierte madera y otra biomasa a energía. En abril del 2012, Western Plains recibió USD \$5 millones de dólares para remplazar su fuente de energía de gas natural con un digestor de biogás; el digestor fue alimentado con estiércol de un cebadero local. (ver Tabla 1). El USDA consideró anteriormente otras cuatro biorefinerías para pagos de Apoyo a la Repotenciación, tres de las cuales son instalaciones de etanol de maíz. Sin embargo, el sitio web de USDA que anteriormente listó estos receptores potenciales ya no está disponible, por lo que se asume que ya no están siendo considerados para subsidios de los contribuyentes.

**Tabla 1. Receptores del Programa de Apoyo a la Repotenciación desde 2009 a 2012**

Instalación	Materia Prima	Valor Pagado	Estado	Fecha de Otorgamiento
Lincolnway Energy, LLC	Caldera (utilizando madera y otra biomasa) como fuente de energía de la instalación de etanol de maíz	USD \$1,9 millones	IA	Sept. 2010
Western Plains Energy, LLC	Digestor de biogás alimentado con estiércol de un cebadero local para utilizar en la instalación de etanol de maíz	USD \$5 millones	KS	Abr. 2012
<b>Total</b>		<b>USD \$6,9 millones</b>		



# Repowering Assistance Program

*Energy & Natural Resources | Research & Analysis*

*Sep 8, 2016 | 7 min read | Print Article*

The Repowering Assistance Program, administered by the U.S. Department of Agriculture's (USDA) Rural Development office, reimburses biorefineries for using biomass sources like wood chips as a heat and power source instead of fossil fuels. Facilities can receive up to 50 percent of the total project cost.[i] Due to a lack of interest in the Repowering Assistance Program (no new projects have received subsidies since 2012), both the House and Senate Agriculture Committees voted in 2012 to eliminate the program since it failed to achieve its stated goals. However, the 2014 farm bill still reauthorized the program, providing \$12 million of mandatory funding for FY2014 to remain available until expended, in addition to \$10 million annually from FY2014-18 in discretionary (optional) funding.[ii]

## Background

The Repowering Assistance Program is funded through the energy title of the farm bill. The farm bill, renewed approximately every five years, is a wide ranging piece of legislation that funds everything from nutrition assistance programs and broadband internet to agricultural subsidies for the production of crops such as corn and soybeans. Specifically, the energy title of the farm bill, first introduced in 2002, provides grants, loans, and other subsidies to energy efficiency, biofuels, and bioenergy/biomass (heat and power) projects. In total, the 2014 farm bill energy title's programs were projected to cost taxpayers \$879 million from FY14-23.[iii]

Facilities that receive taxpayer support range from universities receiving research and development grants to investigate new uses for biomass sources such as wood and agricultural residues, to large established corn ethanol companies receiving grants for annual production of biofuel. Other energy title projects funded by taxpayers include:

- collection, storage, harvest, and transportation of biomass sources to bioenergy or biofuels facilities
- anaerobic digesters that create heat and power from animal waste
- grants and loans to individuals or companies installing wind, solar, and geothermal systems
- federally backed loan guarantees for "next generation" biofuels facilities that produce renewable chemicals or biofuels other than corn ethanol

While intended to support the next generation of biofuels derived from non-food sources and other renewable forms of energy, the farm bill energy title has also spent taxpayer dollars on the mature corn ethanol industry, supporting biomass sources with numerous unintended consequences, and even paying for updates to farmers' irrigation equipment and grain dryers.

### Taxpayer Support for Corn Ethanol Facilities

Since 2009, only \$7 million of taxpayer funding has been dispensed from the Repowering Assistance Program, all of which has been spent on two corn ethanol facilities – Lincolnway Energy, LLC in Iowa and Western Plains Energy, LLC in Kansas. In Sept. 2010, Lincolnway received \$1.9 million to install a boiler which converts wood and other biomass to energy. In April 2012, Western Plains received \$5 million to replace its natural gas energy source with a biogas digester; the digester will be powered with manure from a local feedlot. (See Table 1.) USDA previously considered four other biorefineries for Repowering Assistance payments, three of which are corn ethanol facilities. However, the USDA website previously listing these potential recipients is no longer available, so it is assumed that they are no longer being considered for taxpayer subsidies.[iv]

For over 30 years, the corn ethanol industry has benefited from generous subsidies, tax breaks, an import tariff, and a production mandate called the Renewable Fuel Standard (RFS). Thankfully, the tax credit and tariff expired at the end of 2011, but the RFS mandate still exists, requiring that 15 billion gallons of corn ethanol be used by 2015 and in years thereafter. In addition to these generous supports, the corn ethanol industry is still able to qualify for additional subsidies within the farm bill's energy title that were intended to be targeted toward next-generation biofuels produced from non-food crops. The mature corn ethanol industry has also received subsidies through the Repowering Assistance Program, even though payments are supposed to support facilities utilizing next-generation biomass feedstocks.

**Table 1: Repowering Assistance Program Payment Recipients from 2009 – 2012**

Facility	Feedstock	Payment Amount	State	Date of Award
<b>Lincolnway Energy LLC</b>	Boiler (using wood and other biomass) to power corn ethanol facility	\$1.9 million	IA	Sep-10
<b>Western Plains Energy, LLC</b>	Biogas digester powered by animal waste from a local feedlot for use at corn ethanol facility	\$5 million	KS	Apr-12
<b>TOTAL</b>		<b>\$6.9 million</b>		

### Conclusion

The Repowering Assistance Program has failed to meet its stated goals of spurring the use of next generation biofuels and biomass sources, instead subsidizing the mature corn ethanol industry which has caused numerous unintended consequences such as greater greenhouse gas (GHG) emissions, higher food prices, small engine damage, and other taxpayer and consumer costs. USDA has also failed to fund any new Repowering Assistance Program projects since 2012. For these reasons, both the House and Senate Agriculture Committees already recommended that the program be eliminated in the 2014 farm bill. Instead of continuing a program that has a history of subsidizing the corn ethanol industry, the Repowering Assistance Program should instead be ended once and for all.

### References in Table 1



35  
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Código No.

<http://ethanolproducer.com/plants/listplants/USA/>

<https://energy.gov/eere/geothermal/articles/usda-offers-renewable-energy-feasibility-studies-rural-businesses>

[https://energy.gov/sites/prod/files/2013/07/f2/Retech\\_Crooks.pdf](https://energy.gov/sites/prod/files/2013/07/f2/Retech_Crooks.pdf)

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[i] <https://www.rd.usda.gov/programs-services/repowering-assistance-program>

[ii] <http://docs.house.gov/billsthisweek/20140127/CRPT-113hrpt-HR2642-SOM.pdf>

[iii] <http://cbo.gov/sites/default/files/cbofiles/attachments/hr2642LucasLtr.pdf>

[iv] <http://www.rurdev.usda.gov/rhs/pss/ProgrammaticEA9003Final.pdf>

Tags: ETHANOL & BIOFUELS



ANEXO 8  
Código de los Estados  
Unidos Título 7 Capítulo  
107 §8105

Traducción de apartes del documento 17. Código USC Título 7 Capítulo 107 Sección 8105 (21. USC Title 7 Chap 107 Sec 8105)

Página 1998, columna 2, párrafo 2:

**8105. Programa de Bioenergía para combustibles avanzados**

**(a) Definición de productor elegible**

En esta sección, el término “productor elegible” significa un productor de biocombustibles avanzados.

**(b) Pagos**

La Secretaría deberá realizar pagos a productores elegibles para apoyar y asegurar el crecimiento de producción de biocombustibles avanzados.

**(c) Contratos**

Para recibir un pago, un productor elegible deberá –

- (1) realizar un contrato con la Secretaría para la producción de combustibles avanzados; y
- (2) enviar a la Secretaría los registros que la Secretaría requiera como evidencia de la producción de biocombustibles avanzados.

**(d) Bases para los Pagos**

La Secretaría deberá realizar pagos bajo esta sección a productores elegibles con base en –

- (1) la cantidad y duración de la producción del productor elegible para un biocombustible avanzado;
- (2) el contenido neto de energía no renovable del biocombustible avanzado, si existen datos suficientes, tal como lo determine la Secretaría; y
- (3) otros factores apropiados, como sean determinados por la Secretaría.

**(e) Distribución equitativa**

La Secretaría podrá limitar el valor de pagos que pueda recibir un productor elegible individual bajo esta sección con el objetivo de distribuir el valor total de recursos disponibles de una manera equitativa.

**(f) Otros requisitos**

Para recibir un pago bajo esta sección, un productor elegible deberá cumplir cualquier otro requerimiento de la ley federal y estatal (incluyendo reglamentaciones) aplicables a la producción de biocombustibles avanzados.

**(g) Fondos**

**(1) Fondos obligatorios**

De los fondos de la Corporación de Crédito de Productos (agrícolas), para llevar a cabo esta sección, la Secretaría deberá utilizar los siguientes fondos hasta ser agotados –

- (A) USD \$55,000,000 para el año fiscal 2009;
- (B) USD \$55,000,000 para el año fiscal 2010;
- (C) USD \$85,000,000 para el año fiscal 2011;
- (D) USD \$105,000,000 para el año fiscal 2012; y
- (E) USD \$15,000,000 para cada año fiscal desde 2014 hasta 2018.

**(2) Fondos discrecionales**

Adicional a cualquier otros fondos disponibles para llevar a cabo esta sección, se autoriza a apropiarse para llevar a cabo esta sección USD \$20,000,000 para cada año fiscal desde 2014 hasta 2018.

**(3) Límites**

De los fondos proporcionados para cada año fiscal, no más del 5 por ciento de los fondos deberán estar disponibles para productores elegibles en instalaciones con una capacidad de refinación que exceda 150,000,000 galones por año.

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018.

JUANITA BECERRA MUÑOZ  
 Traductora e Intérprete Oficial  
 Inglés - Español - Inglés  
 Licencia N°. 500 de 2017

requirements of this section for a period determined by the Secretary.

**(2) Amount**

The Secretary shall determine the amount of payments to be made under this section to a biorefinery after considering—

- (A) the quantity of fossil fuels a renewable biomass system is replacing;
- (B) the percentage reduction in fossil fuel used by the biorefinery that will result from the installation of the renewable biomass system; and
- (C) the cost and cost effectiveness of the renewable biomass system.

**(c) Eligibility**

To be eligible to receive a payment under this section, a biorefinery shall demonstrate to the Secretary that the renewable biomass system of the biorefinery is feasible based on an independent feasibility study that takes into account the economic, technical and environmental aspects of the system.

**(d) Funding**

**(1) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to make payments under this section \$12,000,000 for fiscal year 2014, to remain available until expended.

**(2) Discretionary funding**

In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2014 through 2018.

(Pub. L. 107-171, title IX, §9004, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1313, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2075; amended Pub. L. 112-240, title VII, §701(f)(3), Jan. 2, 2013, 126 Stat. 2365; Pub. L. 113-79, title IX, §9004, Feb. 7, 2014, 128 Stat. 930.)

REFERENCES IN TEXT

The date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (a), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 8104, Pub. L. 107-171, title IX, §9004, May 13, 2002, 116 Stat. 480, related to a biodiesel fuel education program, prior to the general amendment of this chapter by Pub. L. 110-246. See section 8106 of this title.

AMENDMENTS

2014—Subsec. (d)(1). Pub. L. 113-79, §9004(1), substituted “\$12,000,000 for fiscal year 2014” for “\$35,000,000 for fiscal year 2009”.

Subsec. (d)(2). Pub. L. 113-79, §9004(2), substituted “\$10,000,000 for each of fiscal years 2014 through 2018” for “\$15,000,000 for each of fiscal years 2009 through 2013”.

2013—Subsec. (d)(2). Pub. L. 112-240 substituted “2013” for “2012”.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

**§ 8105. Bioenergy program for advanced biofuels**

**(a) Definition of eligible producer**

In this section, the term “eligible producer” means a producer of advanced biofuels.

**(b) Payments**

The Secretary shall make payments to eligible producers to support and ensure an expanding production of advanced biofuels.

**(c) Contracts**

To receive a payment, an eligible producer shall—

- (1) enter into a contract with the Secretary for production of advanced biofuels; and
- (2) submit to the Secretary such records as the Secretary may require as evidence of the production of advanced biofuels.

**(d) Basis for payments**

The Secretary shall make payments under this section to eligible producers based on—

- (1) the quantity and duration of production by the eligible producer of an advanced biofuel;
- (2) the net nonrenewable energy content of the advanced biofuel, if sufficient data is available, as determined by the Secretary; and
- (3) other appropriate factors, as determined by the Secretary.

**(e) Equitable distribution**

The Secretary may limit the amount of payments that may be received by a single eligible producer under this section in order to distribute the total amount of funding available in an equitable manner.

**(f) Other requirements**

To receive a payment under this section, an eligible producer shall meet any other requirements of Federal and State law (including regulations) applicable to the production of advanced biofuels.

**(g) Funding**

**(1) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

- (A) \$55,000,000 for fiscal year 2009;
- (B) \$55,000,000 for fiscal year 2010;
- (C) \$85,000,000 for fiscal year 2011;
- (D) \$105,000,000 for fiscal year 2012; and
- (E) \$15,000,000 for each of fiscal years 2014 through 2018.

**(2) Discretionary funding**

In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2014 through 2018.

**(3) Limitation**

Of the funds provided for each fiscal year, not more than 5 percent of the funds shall be

made available to eligible producers for production at facilities with a total refining capacity exceeding 150,000,000 gallons per year.

(Pub. L. 107-171, title IX, §9005, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1314, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2075; amended Pub. L. 112-240, title VII, §701(f)(4), Jan. 2, 2013, 126 Stat. 2365; Pub. L. 113-79, title IX, §9005, Feb. 7, 2014, 128 Stat. 930.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### PRIOR PROVISIONS

A prior section 8105, Pub. L. 107-171, title IX, §9005, May 13, 2002, 116 Stat. 480, related to an energy audit and renewable energy development program, prior to the general amendment of this chapter by Pub. L. 110-246.

#### AMENDMENTS

2014—Subsec. (g)(1)(E). Pub. L. 113-79, §9005(1), added subpar. (E).

Subsec. (g)(2). Pub. L. 113-79, §9005(2), substituted “\$20,000,000 for each of fiscal years 2014 through 2018” for “\$25,000,000 for each of fiscal years 2009 through 2013”.

2013—Subsec. (g)(2). Pub. L. 112-240 substituted “2013” for “2012”.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

### § 8106. Biodiesel fuel education program

#### (a) Establishment

The Secretary shall, under such terms and conditions as the Secretary determines to be appropriate, make competitive grants to eligible entities to educate governmental and private entities that operate vehicle fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

#### (b) Eligible entities

To receive a grant under subsection (b), an entity shall—

- (1) be a nonprofit organization or institution of higher education;
- (2) have demonstrated knowledge of biodiesel fuel production, use, or distribution; and
- (3) have demonstrated the ability to conduct educational and technical support programs.

#### (c) Consultation

In carrying out this section, the Secretary shall consult with the Secretary of Energy.

#### (d) Funding

##### (1) Mandatory funding

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$1,000,000 for each of fiscal years 2008 through 2018.

##### (2) Discretionary funding

There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2014 through 2018.

(Pub. L. 107-171, title IX, §9006; as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1315, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2076; amended Pub. L. 112-240, title VII, §701(f)(5), Jan. 2, 2013, 126 Stat. 2365; Pub. L. 113-79, title IX, §9006, Feb. 7, 2014, 128 Stat. 930.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### PRIOR PROVISIONS

A prior section 8106, Pub. L. 107-171, title IX, §9006, May 13, 2002, 116 Stat. 482; Pub. L. 109-171, title I, §1301, Feb. 8, 2006, 120 Stat. 6, related to assistance to farmers, ranchers, and rural small businesses to purchase renewable energy systems and make energy efficiency improvements, prior to the general amendment of this chapter by Pub. L. 110-246. See section 8107 of this title.

#### AMENDMENTS

2014—Subsec. (d)(1). Pub. L. 113-79, §9006(1), substituted “Mandatory funding” for “Fiscal years 2009 through 2012” in heading and “2018” for “2012” in text.

Subsec. (d)(2). Pub. L. 113-79, §9006(2), substituted “Discretionary funding” for “Authorization of appropriations” in heading and “each of fiscal years 2014 through 2018” for “fiscal year 2013” in text.

2013—Subsec. (d). Pub. L. 112-240 added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$1,000,000 for each of fiscal years 2008 through 2012.”

#### EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

### § 8107. Rural Energy for America Program

#### (a) Establishment

The Secretary, in consultation with the Secretary of Energy, shall establish a Rural Energy for America Program to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses through—

- (1) grants for energy audits and renewable energy development assistance; and
- (2) financial assistance for energy efficiency improvements and renewable energy systems.

#### (b) Energy audits and renewable energy development assistance

##### (1) In general

The Secretary shall make competitive grants to eligible entities to provide assistance to agricultural producers and rural small businesses—

- (A) to become more energy efficient; and
- (B) to use renewable energy technologies and resources.

##### (2) Eligible entities

An eligible entity under this subsection is—

- (A) a unit of State, tribal, or local government;
- (B) a land-grant college or university or other institution of higher education;
- (C) a rural electric cooperative or public power entity;

ANEXO 9  
Ficha Programa de  
Bioenergía para  
Proyectos de  
Biocombustibles  
Avanzados Taxpayers  
for Common Sense

**Traducción de apartes del documento 25. Contribuyentes por el Sentido Común – Programa de Bioenergía para Biocombustibles Avanzados (25. Taxpayers for Common Sense BPAB)**

**Página 1, párrafo 1 y siguientes:**

Establecido por medio de una orden ejecutiva en 1999, el Programa de Bioenergía para Biocombustibles Avanzados (BPAB) tiene el objetivo de pagar a los productores de biocombustibles avanzados para ampliar sus niveles de producción.

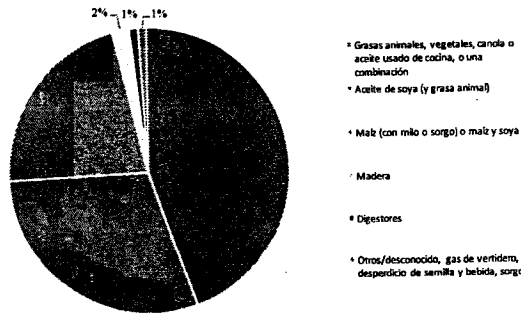
A parte del etanol de almidón de maíz, casi todos los demás tipos de biocombustible son elegibles para el programa, incluyendo etanol, biogás, butanol o biodiesel derivado de celulosa (como pastos perennes o residuos agrícolas), azúcar o almidones, materiales de desperdicio, caña de azúcar o biomasa de madera.

Adicionalmente, las instalaciones maduras de etanol de maíz que también producen etanol de sorgo reciben subsidios a través del plan BPAP. El plan BPAP es administrado por la oficina de Desarrollo Rural del Departamento de Agricultura de EEUU (USDA). Comparado con la ley Agraria de 2008, la Ley Agraria de 2014 otorgó una financiación obligatoria significativamente menor de USD \$15 millones de dólares para cada año fiscal de 2014 al 2018, y fondos discrecionales (opcionales) de USD \$20 millones de dólares anuales.

**Materia prima que Recibe Financiación de los Contribuyentes**

Más de USD \$275 millones de dólares de los contribuyentes fueron entregados entre el 2009 hasta mayo de 2016 a través del programa BPAB vía gastos aprobados en las leyes agrícolas de 2008 y 2014. La gráfica 1 y la Tabla 1 abajo muestran qué tipos de materia prima recibieron la mayoría de los subsidios de los contribuyentes durante este tiempo. En conjunto, el biodiesel de soya y las instalaciones de etanol recibieron más de la mitad de todos los fondos de BPAB a pesar que el programa tenía la intención de estimular la producción de biocombustibles avanzados de siguiente generación de fuentes no alimenticias. Las instalaciones que convierten grasa animal, aceite de canola, aceite vegetal, aceite de cocina usado o una combinación de estas recibió el otro 45 por ciento de los fondos. Las materias primas o tecnologías que recibieron los pocos dólares remanentes incluyen madera granulada, desperdicio de semillas, gas de vertedero y digestores anaeróbicos. Notablemente ausente de la lista de subsidios están las materias primas como pastos perennes y residuos agrícolas a los que les fueron prometidos fondos a través de programas de biocombustible avanzado tales como BPAB, ya que la industria no ha despegado como fue concebido y mandado por el Congreso.

Gráfica 1: Porcentaje de fondos para proyectos del Programa de Bioenergía para Biocombustibles Avanzados



CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018.

**JUANITA BECERRA MUÑOZ**  
Traductora e Intérprete Of  
Inglés - Español - Inglés  
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Tabla 1: Tipos de materia prima subsidiada en el Programa de Bioenergía para Biocombustibles Avanzados, 2009 – 2016

Tipo de materia prima	Número de Proyectos	% de proyectos	Pagos totales (en USD)	% del total	Promedio de pago por proyecto (en USD)
Grasas animales, vegetales, canola o aceite usado de cocina, o una combinación	101	30%	\$122,906,222	45%	\$1,216,893
Aceite de soya (y grasa animal)	33	10%	\$82,361,994	30%	\$2,495,818
Maíz (con milo o sorgo) o maíz y soya	27	8%	\$60,225,920	22%	\$2,230,590
Madera	59	18%	\$5,279,002	2%	\$89,475
Digestores	63	19%	\$1,778,209	1%	\$28,226
Otros/desconocido, gas de vertedero, desperdicio de semilla y bebida, sorgo	52	16%	\$2,883,062	1%	\$55,442.50
Total	335		\$275,434,409		

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018.

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**Página 3, Tabla 2:**

**Tabla 2: Instalaciones de biocombustible basado en maíz recibiendo pagos del programa de Biocombustibles Avanzados, 2009 – 2016**

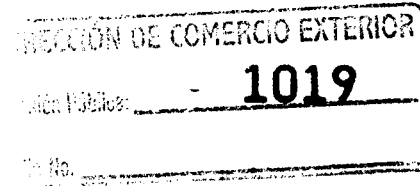
Nombre de la instalación (* instalación también produce biodiesel)	Estado	Materia prima	Total Pagos (en USD)
White Energy, Inc.	TX	maíz/milo	\$10,623,924
Arkalon Ethanol, LLC	KS	maíz /milo	\$10,015,914
Western Plains Energy LLC	KS	maíz /milo	\$8,331,119
Kansas Ethanol, LLC	KS	maíz /milo	\$5,949,346
Pinal Energy, LLC	AZ	maíz	\$4,652,688
Prairie Horizon Agri-Energy, LLC	KS	maíz /milo	\$4,446,288
Levelland/Hockley County Ethanol, LLC (renombrada Diamond Ethanol)	TX	maíz /milo	\$3,393,856
Bonanza Bioenergy, LLC	KS	maíz /milo	\$3,131,689
Abengoa Bioenergy Corporation	MO	maíz /milo	\$3,108,385
Chief Ethanol Fuel Inc	NE	maíz /milo	\$2,308,795
Reeve Agri Energy Inc	KS	maíz /milo	\$1,728,593
Nesika Energy, LLC	KS	maíz	\$776,062
Central Indiana Ethanol, LLC.	IN	maíz	\$506,369
Corn Plus LP	MN	maíz	\$311,081
Walsh Bio Fuels, LLC	WI	maíz	\$271,431
Trenton Agri Products LLC	KS	maíz /milo	\$234,855
Pacific Ethanol Holding Co., LLC	CA	maíz	\$165,043
Nugen Energy, LLC.	SD	maíz	\$99,765
East Kansas Agri-Energy LLC	KS	maíz	\$58,834
Pratt Energy LLC	KS	maíz /milo	\$34,280
Aventine Renewable Energy	IL	maíz	\$18,175
Cornhusker Energy Lexington, LLC	NE	maíz	\$15,795
Chippewa Valley Ethanol Coop LLP	MN	maíz	\$14,597
Best Biodiesel Cashton, LLC*	WI	maíz /soya	\$10,487
Kaapa Ethanol, LLC.	NE	maíz	\$8,693
Maple River Energy, LLC*	IA	maíz /soya	\$7,845
Quad County Corn Processors Co-Op	IA	maíz	\$2,011
<b>TOTAL</b>			<b>\$60,225,920</b>

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018.

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**TAXPAYERS** for  
**COMMON SENSE**



# Bioenergy Program for Advanced Biofuels Fact Sheet

*Energy & Natural Resources | Research & Analysis*  
*Jul 6, 2017 | 16 min read | Print Article*

Established by an Executive Order in 1999, the Bioenergy Program for Advanced Biofuels (BPAB) is intended to pay advanced biofuels producers to expand their production levels.[1]

Other than corn starch ethanol, nearly every other type of biofuel is eligible for the program, including ethanol, biogas, butanol, or biodiesel derived from cellulose (like perennial grasses or agricultural residues), sugar or starches, waste materials, sugarcane, or woody biomass.[2] In addition, mature corn ethanol facilities that also produce ethanol from sorghum receive subsidies through BPAB. BPAB is administered by the U.S. Department of Agriculture's (USDA) Rural Development office. As compared to the 2008 farm bill, the 2014 farm bill provided significantly less mandatory funding of \$15 million for each Fiscal Year 2014-18 and discretionary (optional) funding of \$20 million annually.[3]

## Background

BPAB is funded through the energy title of the farm bill. The farm bill, renewed approximately every five years, is a wide ranging piece of legislation that funds everything from nutrition assistance programs and broadband internet to agricultural subsidies for the production of crops such as corn and soybeans. More specifically, the energy title of the farm bill, first introduced in 2002, provides grants, loans, and other subsidies to energy efficiency, biofuels, and bioenergy (heat and power) projects. In total, the 2014 farm bill energy title's programs are projected to cost taxpayers \$879 million from FY14-23.[4]

In particular, BPAB provides taxpayer subsidies to a range of facilities to increase annual production of biofuels. Other farm bill energy title programs provide taxpayer support for research and development grants to investigate new uses for biomass sources such as wood and agricultural residues; the collection, storage, harvest, and transportation of biomass sources to bioenergy or biofuels facilities; anaerobic digesters that create heat and power from animal waste; grants and loans to individuals or companies that install wind, solar, and geothermal systems; and federally backed loan guarantees for so-called next generation biofuels facilities that produce biofuels other than corn ethanol. While intended to support the next generation of biofuels derived from non-food sources and other renewable forms of energy, the farm bill energy title has also spent taxpayer dollars on the mature corn ethanol industry, supporting biomass sources with numerous unintended consequences, and even paying for updates to farmers' irrigation equipment and grain dryers.

## Feedstocks Receiving Taxpayer Funding

Over \$275 million in taxpayer dollars was dispensed from 2009 to May 2016 through the BPAB program via spending authorized in the 2008 and 2014 farm bills.[5] Figure 1 and Table 1 below illustrate which types of feedstocks received the most taxpayer subsidies over this timeframe. Together, soy biodiesel and corn ethanol facilities were awarded over half of all BPAB funding even though the program was intended to spur production of next-generation advanced biofuels from non-food sources. Facilities converting animal fats, canola oil,

vegetable oil, used cooking oil, or a combination of these received another 45 percent of funding. Those feedstocks or technologies collecting the few remaining dollars include wood pellets, seed waste, landfill gas, and anaerobic digesters. Notably absent from the list of subsidies are feedstocks such as perennial grasses and agricultural residues that were promised to be funded through advanced biofuel programs such as BPAB since the industry has not taken off as once envisioned and mandated by Congress.[6]

Figure 1: Percentage of Funding for Bioenergy Program for Advanced Biofuels Projects

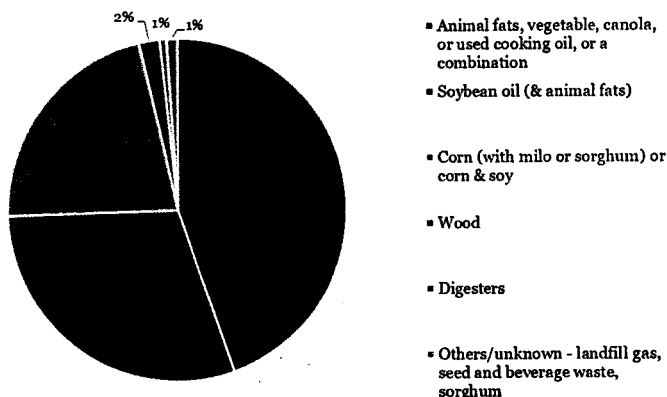


Table 1: Types of Feedstocks Subsidized in Bioenergy Program for Advanced Biofuels, 2009 – 2016

Type of Feedstock	Number of Projects	Pct. of Projects	Total Payments	Pct. of Total	Ave. Payment per Project
Animal fats, vegetable, canola, or used cooking oil, or a combination	101	30%	\$122,906,222	45%	\$1,216,893
Soybean oil (& animal fats)	33	10%	\$82,361,994	30%	\$2,495,818
Corn (with milo or sorghum) or corn & soy	27	8%	\$60,225,920	22%	\$2,230,590
Wood	59	18%	\$5,279,002	2%	\$89,475
Digesters	63	19%	\$1,778,209	1%	\$28,226
Others/unknown – landfill gas, seed and beverage waste, sorghum	52	16%	\$2,883,062	1%	\$55,443.50
<b>TOTAL</b>	<b>335</b>		<b>\$275,434,409</b>		

**Large Corn-Based Biofuels Facilities Receiving Taxpayer Funding**

The highest average payments per project by far have been awarded to large agribusinesses operating corn and soy biofuels facilities. This is despite the fact that corn ethanol facilities are not even eligible for funding through this program or defined as an advanced biofuel in any current federal legislation. Regardless, USDA is still providing money to this mature industry. From 2009 to 2016, 25 corn ethanol facilities and two *corn oil* biodiesel facilities received over \$60 million in federal subsidies, an average of \$2.2 million per project. See Table 2 for more information. The corn ethanol industry has already received more than its fair share of federal subsidies over the past 40 years, including energy and commodity subsidies in the farm bill, production tax credits, import tariffs, taxpayer-backed loans, and infrastructure support. In addition, corn ethanol production is mandated through the federal Renewable Fuel Standard (RFS). The RFS requires that 15 billion gallons of corn ethanol be blended with U.S. motor gasoline from 2015 to 2022.

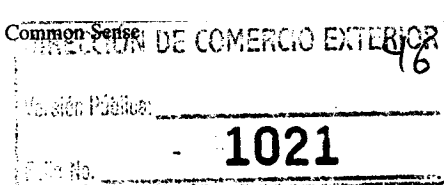


Table 2: Corn-Based Biofuels Facilities Receiving Advanced Biofuels Payments, 2009-2016

Facility Name (* facility also produces biodiesel)	State	Feedstock	Total Payments
White Energy, Inc.	TX	corn/milo	\$10,623,924
Arkalon Ethanol, LLC	KS	corn/milo	\$10,015,914
Western Plains Energy LLC	KS	corn/milo	\$8,331,119
Kansas Ethanol, LLC	KS	corn/milo	\$5,949,346
Pinal Energy, LLC	AZ	corn	\$4,652,688
Prairie Horizon Agri-Energy, LLC	KS	corn/milo	\$4,446,288
Levelland/Hockley County Ethanol, LLC (renamed Diamond Ethanol)	TX	corn/milo	\$3,393,856
Bonanza Bioenergy, LLC	KS	corn/milo	\$3,131,689
Abengoa Bioenergy Corporation	MO	corn/milo	\$3,108,385
Chief Ethanol Fuel Inc	NE	corn/milo	\$2,308,795
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Kaapa Ethanol, LLC.	NE	corn	\$8,693
Maple River Energy, LLC*	IA	corn/soy	\$7,845
Quad County Corn Processors Co-Op	IA	corn	\$2,011
<b>TOTAL</b>			<b>\$60,225,920</b>

Not only is corn ethanol taking federal BPAB subsidies that were intended to be for next-generation, non-food-based biofuels, corn ethanol is also undermining environmental standards attached to the RFS.

Since BPAB subsidy recipients are not required to reduce GHG emissions by any amount (as compared to the RFS which requires 20% reductions for conventional corn ethanol and higher reductions for advanced and cellulosic biofuels), federal subsidies are being spent on a biofuel that has increased long-term taxpayer liabilities. BPAB recipients are also not required to meet other environmental standards in the RFS such as land use protections that were intended to prevent conversion of wetlands and grasslands to biofuels crops (although the government has failed to properly implement and enforce even this basic standards). Just a few of corn ethanol's unintended consequences include higher food prices, greater water pollution and soil erosion, greater expenditures on federal crop insurance subsidies as sensitive land such as grasslands are torn up to plant more corn, and higher greenhouse gas (GHG) emissions (instead of reductions that were promised when the RFS was expanded in 2007). Continued subsidies to the mature corn ethanol industry through the farm bill energy title are only

undermining other federal policies aimed at reducing GHG emissions, limiting water pollution, etc.

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### Large Agribusinesses Receiving Subsidies for Biodiesel Production

Table 3 lists the top 30 agribusinesses receiving BPAB subsidies for biodiesel production. Biodiesel can be produced from corn oil, feedstocks such as soybeans and other types of vegetable oil, animal fats, recycled cooking oil, etc. Notable companies receiving taxpayer support from 2009-2016 include the Renewable Energy Group, Louis Dreyfus, Ag Processing, Archer Daniels Midland, MN Soybean Processors, and Cargill Inc. The average BPAB subsidy from 2009-2016 for biodiesel facilities was \$2.5 million, with some facilities receiving over \$15 million. Similar to the generous taxpayer support corn ethanol has enjoyed for the past 40 years, biodiesel companies have also benefited from a \$1-per-gallon production tax credit since 2004.[7] Similar to BPAB, the biodiesel tax credit has no requirements for recipients to prove that they are reducing GHG emissions, one of the original goals of government supports for biofuels.

Table 3: Top 30 Biodiesel Facilities Receiving Advanced Biofuels Payments, 2009-16

Facility Name	State	Feedstock	Total Payment
Lake Erie Biofuels, LLC. Dba Hero Bx	PA	multi	\$17,050,533
Renewable Energy Group, Inc.	IA	canola	\$15,903,285
Louis Dreyfus Agricultural Industries, LLC	IN	soy	\$13,495,320
High Plains Bioenergy, LLC	OK	animal	\$12,121,094
AG Processing Inc.	NE	soy	\$12,096,398
Mid-America Biofuels, LLC	MO	soy	\$10,758,251
Paseo Cargill Energy, LLC	MO	soy	\$9,963,015
Archer Daniels Midland Company	IL	canola	\$7,978,060
Rbf Port Neches, LLC	TX	multi	\$7,792,780
Deerfield Energy LLC	MO	multi	\$7,148,208
Owensboro Grain Company, LLC	KY	soy	\$6,466,340
MN Soybean Processors	MN	soy	\$6,077,606
Cargill Inc.	MN	soy	\$5,771,316
Smarter Fuel, Inc.	PA	cooking oil	\$5,202,080
Incobrasa Industries, Ltd.	IL	soy	\$5,041,972
FutureFuels Chemical Company	AR	animal/soy	\$4,865,974
Imperium Grays Harbor LLC	WA	canola	\$4,107,931
Crimson Renewable Energy LP	CA	multi	\$3,822,832
E Biofuels LLC	IN	animal/cooking oil	\$3,440,667
Western Iowa Energy	IA	multi	\$3,127,274
American Biodiesel, Inc.	CA	multi	\$2,767,450
Western Dubuque Biodiesel, LLC	IA	canola	\$2,655,639
Sequential-Pacific Biodiesel	OR	cooking oil	\$2,648,842
Jatrodiesel, Inc.	OH	multi	\$2,144,479
Midwest Biodiesel Product, LLC	IL	soy	\$2,033,961
Green Earth Fuels of Houston, LLC	TX	multi	\$2,014,734
Scott Petroleum Corporation	MS	multi	\$1,787,499

Facility Name	State	Feedstock	Total Payment
Environmental Energy Recycling Corp.	PA	cooking oil	\$1,758,853
Imperial Western Products, Inc.	CA	animal/veg oil	\$1,697,335
Iowa Renewable Energy, LLC	IA	animal/veg oil	\$1,523,510

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 Total Payment **1023**

#### Other Feedstocks Receiving Taxpayer Subsidies

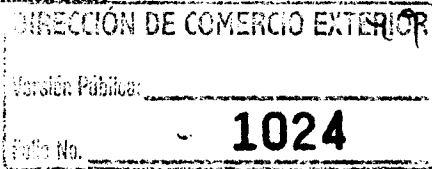
As Table 1 illustrated, projects receiving the smallest amount of BPAB payments converted either woody biomass, sorghum, or seed waste into biofuels or used anaerobic digesters or landfill gas to power bioenergy facilities. This also includes several projects in the unknown category since too little detail was provided by USDA to determine which types of feedstocks are used in the facilities. On average, these payments received \$55,000 per project, while corn ethanol and soybean biodiesel facilities received well over \$2 million on average from 2009-2016.

#### Conclusion

Even though BPAB was intended to spur production of advanced biofuels derived from non-food crops, as the program's title suggests, its funding stream reveals a different story. Instead of helping the cellulosic/next-generation biofuels industry get off the ground, the program is instead funneling taxpayer dollars to large, profitable, and well-known agribusinesses to produce mature biofuels such as corn ethanol and soy biodiesel. Taxpayers should not be forced to fund corporate welfare or mature technologies that result in numerous unintended consequences. The decades of subsidies for these biofuels should be eliminated once and for all.

#### Table Sources:

- <http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&contentid=2010/03/0127.xml>
- <http://www.usda.gov/wps/portal/usda/usdamediafb?contentid=2011/01/0021.xml&printable=true&contentidonly=true>
- <http://www.rurdev.usda.gov/SupportDocuments/USDAAdvancedBiofuelProducerPaymentsSept.pdf>
- <http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&contentid=2011/10/0466.xml>
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- [http://usda.gov/wps/portal/usda/usdahome?contentid=2012/07/0254.xml&navid=NEWS\\_RELEASE&navtype=RT&parentnav=LATEST\\_RELEASES&deployment\\_action=retrieve](http://usda.gov/wps/portal/usda/usdahome?contentid=2012/07/0254.xml&navid=NEWS_RELEASE&navtype=RT&parentnav=LATEST_RELEASES&deployment_action=retrieve)
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- [http://www.lsuagcenter.com/MCMS/RelatedFiles/%7BEE238FEB-BFC8-410B-A9C3-3A6B41BED716%7D/AdvancedBiofuelPaymentsSept\\_2013.pdf](http://www.lsuagcenter.com/MCMS/RelatedFiles/%7BEE238FEB-BFC8-410B-A9C3-3A6B41BED716%7D/AdvancedBiofuelPaymentsSept_2013.pdf)
- [http://www.rurdev.usda.gov/supportdocuments/rdAdvancedBiofuelPPSept12\\_2013.pdf](http://www.rurdev.usda.gov/supportdocuments/rdAdvancedBiofuelPPSept12_2013.pdf)
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[http://www.rd.usda.gov/files/RD\\_AdvancedBiofuelsChart.pdf](http://www.rd.usda.gov/files/RD_AdvancedBiofuelsChart.pdf)

[http://www.rd.usda.gov/files/RD\\_AdvBiofuelsChart\\_2016.pdf](http://www.rd.usda.gov/files/RD_AdvBiofuelsChart_2016.pdf)

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[5] See "Table Sources" above

[6] <http://dels.nas.edu/Report/Renewable-Fuel-Standard-Potential-Economic/13105>

[7] <https://www.congress.gov/108/plaws/publ357/PLAW-108publ357.pdf>

Tags: ETHANOL & BIOFUELS



ANEXO 10  
Código de los Estados  
Unidos Título 7 Capítulo  
115 Subcapítulo II §9031



Traducción de apartes del documento 26. Código USC Título 7 Capítulo 115 Subcapítulo 1026  
II (26. USC Title 7 Chap 115 Subchap II)

1026  
Folio No.

Página 2078, columna 1, párrafo 2:

## SUBCAPÍTULO II – CRÉDITOS DE MERCADO

### 9031. Disponibilidad de créditos de apoyo a mercadeo sin recursos para productos de préstamo

#### (a) Definición de productos de préstamo

En este subcapítulo, el término “productos de préstamo” significa trigo, maíz, sorgo en grano, cebada, avena, algodón, algodón de base extra larga, arroz de grano largo, arroz de grano medio, maní, granos de soya, otras oleaginosas, lana clasificada, lana no clasificada, mohair, miel, arveja seca, lenteja, garbanzos pequeños, garbanzos grandes.

#### (b) Créditos sin recurso disponibles

##### (1) En General

Para cada cosecha desde 2014 hasta 2018 de cada producto de préstamo, la Secretaría deberá hacer disponible a los productores en una granja créditos sin recursos para apoyo en mercadeo para productos de préstamo producidos en la granja.

##### (2) Términos y condiciones

Los créditos de asistencia en mercadeo deberán ser hechos bajo los términos y condiciones que sean prescritas por la Secretaría y a una tasa de crédito establecida bajo la sección 9032 de este título para el producto de préstamo.

##### (c) Producción elegible

Los productores de una granja serán elegibles para un crédito de asistencia en mercadeo bajo la subsección (b) para cualquier cantidad de un crédito de productos producidos (sic) en la granja.

Página 2078, columna 2, párrafo 7:

### 9032. Tasas de interés para créditos de apoyo a mercadeo sin recursos para productos de préstamo

#### (a) En general

Para propósito de cada cosecha desde 2014 hasta 2018, la tasa de interés para créditos de apoyo a mercadeo sin recursos para productos de préstamo bajo la sección 9031 de este título para un producto de crédito deberá ser igual a lo siguiente:

- (1) Para el caso de trigo, USD \$2.94 por bushel.
- (2) Para el caso de maíz, USD \$1,95 por bushel.
- (3) Para el caso de grano de sorgo, USD \$1.95 por bushel.

Página 2080, columna 2, párrafo 5:

### 9035. Pagos de créditos en deficiencia

#### (a) Disponibilidad de pagos de créditos en deficiencia

##### (1) En general

Excepto como está descrito en la subsección (d), la Secretaría puede hacer pagos de créditos en deficiencia disponibles para productores de una granja que, aunque sean elegibles para obtener un crédito de asistencia de mercado dentro de las sección 9031 de este título con respecto a un producto de préstamo, acuerden renunciar a obtener el préstamo por el producto a cambio de pagos de créditos en deficiencia bajo esta sección.

TRADUCCIÓN OFICIAL de un documento escrito en inglés, la cual para su identificación lleva el sello de JUANITA BECERRA MUÑOZ, Traductora/Intérprete Oficial, según Licencia No. 500 de 2017, registrada y juramentada ante el Ministerio de Relaciones Exteriores. Email: cadapalabraesimportante@gmail.com Tel: 310 283 2297

RECIBO DE COMERCIO EXTERIOR <sup>SZ</sup>

No. 1027

Página 2081, columna 1, párrafo 2:

**(c) Tasa de Pago**


**(1) En general**

En el caso de un producto de préstamo, la tasa de pago será el valor por el cual -

(A) La tasa del crédito establecida bajo la sección 9032 de este título para el producto de préstamo; excede

(B) la tasa a la cual el crédito de asistencia de mercado para el producto de préstamo pueda ser repagada bajo la sección 9034 de este título.

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018

  
JUANITA BECERRA MUÑOZ  
Traductora e Intérprete Oficial  
Inglés - Español - Inglés  
Licencia N°. 500 de 2017

of this title, as added by section 11017(a) of Pub. L. 113-79.

## SUBCHAPTER II—MARKETING LOANS

### § 9031. Availability of nonrecourse marketing assistance loans for loan commodities

#### (a) Definition of loan commodity

In this subchapter, the term "loan commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, peanuts, soybeans, other oilseeds, graded wool, nongraded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

#### (b) Nonrecourse loans available

##### (1) In general

For each of the 2014 through 2018 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

##### (2) Terms and conditions

The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 9032 of this title for the loan commodity.

#### (c) Eligible production

The producers on a farm shall be eligible for a marketing assistance loan under subsection (b) for any quantity of a loan commodity produced on the farm.

#### (d) Compliance with conservation and wetlands requirements

As a condition of the receipt of a marketing assistance loan under subsection (b), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

#### (e) Special rules for peanuts

##### (1) In general

This subsection shall apply only to producers of peanuts.

##### (2) Options for obtaining loan

A marketing assistance loan under this section, and loan deficiency payments under section 9035 of this title, may be obtained at the option of the producers on a farm through—

- (A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or
- (B) the Farm Service Agency.

##### (3) Storage of loan peanuts

As a condition on the approval by the Secretary of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

- (A) to provide the storage on a nondiscriminatory basis; and
- (B) to comply with such additional requirements as the Secretary considers ap-

propriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

#### (4) Storage, handling, and associated costs

##### (A) In general

To ensure proper storage of peanuts for which a loan is made under this section, the Secretary shall pay handling and other associated costs (other than storage costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary.

##### (B) Redemption and forfeiture

The Secretary shall—

- (i) require the repayment of handling and other associated costs paid under subparagraph (A) for all peanuts pledged as collateral for a loan that is redeemed under this section; and
- (ii) pay storage, handling, and other associated costs for all peanuts pledged as collateral that are forfeited under this section.

#### (5) Marketing

A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

#### (6) Reimbursable agreements and payment of administrative expenses

The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subsection only in a manner that is consistent with those activities in regard to other loan commodities.

(Pub. L. 113-79, title I, §1201, Feb. 7, 2014, 128 Stat. 674.)

#### REFERENCES IN TEXT

The Food Security Act of 1985, referred to in subsection (d), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Subtitles B and C of title XII of the Act are classified generally to subchapters II (§3811 et seq.) and III (§3821 et seq.), respectively, of chapter 58 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

### § 9032. Loan rates for nonrecourse marketing assistance loans

#### (a) In general

For purposes of each of the 2014 through 2018 crop years, the loan rate for a marketing assistance loan under section 9031 of this title for a loan commodity shall be equal to the following:

- (1) In the case of wheat, \$2.94 per bushel.
- (2) In the case of corn, \$1.95 per bushel.
- (3) In the case of grain sorghum, \$1.95 per bushel.
- (4) In the case of barley, \$1.95 per bushel.
- (5) In the case of oats, \$1.39 per bushel.
- (6) In the case of base quality of upland cotton, for each of the 2014 through 2018 crop years, the simple average of the adjusted prevailing world price for the 2 immediately preceding marketing years, as determined by the

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Secretary and announced October 1 preceding the next domestic plantings, but in no case less than \$0.45 per pound or more than \$0.52 per pound.

(7) In the case of extra long staple cotton, \$0.7977 per pound.

(8) In the case of long grain rice, \$6.50 per hundredweight.

(9) In the case of medium grain rice, \$6.50 per hundredweight.

(10) In the case of soybeans, \$5.00 per bushel.

(11) In the case of other oilseeds, \$10.09 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, \$5.40 per hundredweight.

(13) In the case of lentils, \$11.28 per hundredweight.

(14) In the case of small chickpeas, \$7.43 per hundredweight.

(15) In the case of large chickpeas, \$11.28 per hundredweight.

(16) In the case of graded wool, \$1.15 per pound.

(17) In the case of nongraded wool, \$0.40 per pound.

(18) In the case of mohair, \$4.20 per pound.

(19) In the case of honey, \$0.69 per pound.

(20) In the case of peanuts, \$355 per ton.

**(b) Single county loan rate for other oilseeds**

The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsection (a)(11).

(Pub. L. 113-79, title I, §1202, Feb. 7, 2014, 128 Stat. 675.)

**§ 9033. Term of loans**

**(a) Term of loan**

In the case of each loan commodity, a marketing assistance loan under section 9031 of this title shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

**(b) Extensions prohibited**

The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

(Pub. L. 113-79, title I, §1203, Feb. 7, 2014, 128 Stat. 676.)

**§ 9034. Repayment of loans**

**(a) General rule**

The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 9031 of this title for a loan commodity (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, pea-

nuts and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 9032 of this title, plus interest (determined in accordance with section 7283 of this title);

(2) a rate (as determined by the Secretary) that—

(A) is calculated based on average market prices for the loan commodity during the preceding 30-day period; and

(B) will minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries; or

(3) a rate that the Secretary may develop using alternative methods for calculating a repayment rate for a loan commodity that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity;

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

**(b) Repayment rates for upland cotton, long grain rice, and medium grain rice**

The Secretary shall permit producers to repay a marketing assistance loan under section 9031 of this title for upland cotton, long grain rice, and medium grain rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 9032 of this title, plus interest (determined in accordance with section 7283 of this title); or

(2) the prevailing world market price for the commodity, as determined and adjusted by the Secretary in accordance with this section.

**(c) Repayment rates for extra long staple cotton**

Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 9032 of this title, plus interest (determined in accordance with section 7283 of this title).

**(d) Prevailing world market price**

For purposes of this section and section 9037 of this title, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for each of upland cotton, long grain rice, and medium grain rice; and

(2) a mechanism by which the Secretary shall announce periodically those prevailing world market prices.

**(e) Adjustment of prevailing world market price for upland cotton, long grain rice, and medium grain rice**

**(1) Rice**

The prevailing world market price for long grain rice and medium grain rice determined

under subsection (d) shall be adjusted to United States quality and location.

**(2) Cotton**

The prevailing world market price for upland cotton determined under subsection (d)—

(A) shall be adjusted to United States quality and location, with the adjustment to include—

(i) a reduction equal to any United States Premium Factor for upland cotton of a quality higher than Middling (M) 1 $\frac{3}{8}$ -inch; and

(ii) the average costs to market the commodity, including average transportation costs, as determined by the Secretary; and

(B) may be further adjusted, during the period beginning on February 7, 2014, and ending on July 31, 2019, if the Secretary determines the adjustment is necessary—

(i) to minimize potential loan forfeitures;

(ii) to minimize the accumulation of stocks of upland cotton by the Federal Government;

(iii) to ensure that upland cotton produced in the United States can be marketed freely and competitively, both domestically and internationally; and

(iv) to ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of a marketing year only if—

(I) there are insufficient current-crop price quotations; and

(II) the forward-crop price quotation is the lowest such quotation available.

**(3) Guidelines for additional adjustments**

In making adjustments under this subsection, the Secretary shall establish a mechanism for determining and announcing the adjustments in order to avoid undue disruption in the United States market.

**(f) Repayment rates for confectionery and other kinds of sunflower seeds**

The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 9031 of this title for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 9032 of this title, plus interest (determined in accordance with section 7283 of this title); or

(2) the repayment rate established for oil sunflower seed.

**(g) Payment of cotton storage costs**

Effective for each of the 2014 through 2018 crop years, the Secretary shall make cotton storage payments available in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 10 percent.

**(h) Repayment rate for peanuts**

The Secretary shall permit producers on a farm to repay a marketing assistance loan for

peanuts under section 9031 of this title at a rate that is the lesser of—

(1) the loan rate established for peanuts under section 9032(a)(20) of this title, plus interest (determined in accordance with section 7283 of this title); or

(2) a rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of peanuts by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing peanuts; and

(D) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

**(i) Authority to temporarily adjust repayment rates**

**(1) Adjustment authority**

In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this section for marketing assistance loans under section 9031 of this title for a loan commodity.

**(2) Duration**

Any adjustment made under paragraph (1) in the repayment rate for marketing assistance loans for a loan commodity shall be in effect on a short-term and temporary basis, as determined by the Secretary.

(Pub. L. 113-79, title I, §1204, Feb. 7, 2014, 128 Stat. 676.)

**§ 9035. Loan deficiency payments**

**(a) Availability of loan deficiency payments**

**(1) In general**

Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 9031 of this title with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

**(2) Unshorn pelts, hay, and silage**

**(A) Marketing assistance loans**

Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 9031 of this title.

**(B) Loan deficiency payment**

Effective for each of the 2014 through 2018 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

**(b) Computation**

A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be equal to the product obtained by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 9031 of this title.

**(c) Payment rate**

**(1) In general**

In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 9032 of this title for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 9034 of this title.

**(2) Unshorn pelts**

In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 9032 of this title for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 9034 of this title.

**(3) Hay and silage**

In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 9032 of this title for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 9034 of this title.

**(d) Exception for extra long staple cotton**

This section shall not apply with respect to extra long staple cotton.

**(e) Effective date for payment rate determination**

The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

(Pub. L. 113-79, title I, §1205, Feb. 7, 2014, 128 Stat. 679.)

**§ 9036. Payments in lieu of loan deficiency payments for grazed acreage**

**(a) Eligible producers**

**(1) In general**

Effective for each of the 2014 through 2018 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 9035 of this title for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

**(2) Grazing of triticale acreage**

Effective for each of the 2014 through 2018 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

**(b) Payment amount**

**(1) In general**

The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 9035(c) of this title in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii)(I) the payment yield in effect for the calculation of price loss coverage under section 9015 of this title with respect to that loan commodity on the farm;

(II) in the case of a farm for which agriculture risk coverage is elected under section 9016(a) of this title, the payment yield that would otherwise be in effect with respect to that loan commodity on the farm in the absence of such election; or

(III) in the case of a farm for which no payment yield is otherwise established for that loan commodity on the farm, an appropriate yield established by the Secretary in a manner consistent with section 9013(c) of this title.

**(2) Grazing of triticale acreage**

The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 9035(c) of this title in effect for wheat, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii)(I) the payment yield in effect for the calculation of price loss coverage under subchapter I with respect to wheat on the farm;

(II) in the case of a farm for which agriculture risk coverage is elected under section 9016(a) of this title, the payment yield that would otherwise be in effect for wheat on the farm in the absence of such election; or

(III) in the case of a farm for which no payment yield is otherwise established for

ANEXO 11  
Estadísticas Seguro de  
Cosechas 2017 del  
Federal Crop Insurance  
Corporation

Traducción de apartes de la tabla 28. Estadísticas del USDA para el año 2017 (28. USDA Year Statistics for 2017)

Corporación Federal de Seguros de Cultivos  
 Estadísticas de Productos Agrícolas para 2017  
 A 21 de mayo de 2018  
 Resumen Nacional – por producto

Plan Seguro Seguro	Tipo de Seguro/Lit	Pol Ventas	Pol Canceladas	Pol Inactivas	Unid. Garantizadas	Unid. Indemn.	Reporte Nivel Adm	Complemento/ Acres Respaladas	Riesgo	Total Primas	Subsidio	Indemn.	Ratio Párid.
ARP	RBUP	Acres	5,612	4,291	1,102	12,371	2,884	1,248,508	0	981,644,470	38,059,303	11,020,887	.13
ARPHP	RBUP	Acres	79	63	8	114	14	10,089	0	7,118,917	203,846	42,508	.09
AYP	RBUP	Acres	982	692	33	1,486	67	140,398	0	97,765,184	2,304,078	342,281	.08
	RCAT	Acres	36	24	1	83	8	13,011	0	4,189,385	147,319	84,583	.57
AYP Total		Acres	1,018	716	34	1,569	75	153,409	0	101,954,539	2,451,397	428,864	.09
MP	RBUP	Acres	11	7	0	7	0	0	862	827,705	9,592	0	.00
RP	RBUP	Acres	480,750	329,007	86,350	594,389	125,179	71,102,379	0	36,048,003,998	2,030,387,339	1,176,501,558	.36
RPHPE	RBUP	Acres	3,334	2,610	654	4,155	903	583,777	0	327,273,782	8,618,161	6,493,269	.45
SCOH	RBUP	Acres	14	5	0	27	0	0	1,717	128,711	16,371	0	.00
SCOR	RBUP	Acres	1,828	887	0	2,980	0	0	234,808	13,224,048	2,907,599	0	.00
SCOY	RBUP	Acres	83	48	0	121	0	0	13,650	2,033,054	37,566	0	.00
YP	RBUP	Acres	51,280	26,606	4,808	52,247	7,637	3,741,312	0	1,602,076,096	56,620,368	63,595,920	.70
	RCAT	Acres	16,590	7,001	439	9,709	487	2,069,820	0	388,301,783	7,013,000	3,518,254	.50
YP Total		Acres	67,870	33,607	5,247	61,996	8,124	5,811,132	0	1,970,377,869	63,633,368	67,114,174	.99
Total Cultivo			560,397	371,221	93,395	677,699	137,178	78,889,284	251,037	39,432,587,093	2,146,304,542	1,261,569,260	.37

Cont

DIRECCION DE COMERCIO EXTERIOR  
 Versión Positiva:  
 Fecha No. 1033

JUANITA BECERRA MUÑOZ  
 Traductora e Intérprete Oficial  
 Inglés - Español - Inglés  
 Licencia N°. 500 de 2017

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COJO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018.

Email: cadapalaesimportante@gmail.com Tel: 310 283 2297



Federal Crop Insurance Corporation  
 Commodity Year Statistics for 2017  
 As of July 9, 2018  
 Nationwide Summary - By Commodity

Ins Plan	Delivery	Report Lvl Type	Pol Earn Prem		Pol Indem	Units Earn Prem	Units Indem	Report Level Amt	Companion/ Endorsed Acres	Liabilities	Total Premium	Subsidy	Indemnity	Loss Ratio
			Sold	Prem										
<b>Corn</b>														
ARP	RBUP	Acres	5,612	4,291	1,105	12,371	2,887	1,248,508	0	961,644,470	85,996,674	38,059,303	11,035,099	.13
ARPHP	RBUP	Acres	79	63	8	114	14	10,089	0	7,118,917	453,504	203,846	42,508	.09
AYP	RBUP	Acres	982	692	33	1,486	67	140,398	0	97,765,184	4,473,039	2,304,078	342,281	.08
	RCAT	Acres	36	24	1	83	8	13,011	0	4,189,355	147,319	147,319	84,583	.57
	AYP Total	Acres	1,018	716	34	1,569	75	153,409	0	101,954,539	4,620,358	2,451,397	426,864	.09
MP	RBUP	Acres	11	7	0	7	0	0	862	827,705	20,900	9,592	0	.00
RP	RBUP	Acres	480,749	329,005	86,400	594,357	125,256	71,099,886	0	36,045,892,893	3,245,916,548	2,030,286,408	1,180,183,027	.36
RPHPE	RBUP	Acres	3,334	2,610	654	4,155	903	563,777	0	327,273,782	14,571,761	8,618,161	6,493,269	.45
SCOH	RBUP	Acres	14	5	1	27	2	0	1,717	128,711	25,184	16,371	8,489	.34
SCOR	RBUP	Acres	1,626	863	133	2,972	395	0	234,494	13,204,015	4,459,528	2,902,914	1,094,852	.25
SCOY	RBUP	Acres	83	48	5	121	7	0	13,650	2,033,054	57,736	37,566	21,819	.38
YP	RBUP	Acres	51,280	26,608	4,811	52,264	7,648	3,743,579	0	1,602,902,257	90,444,394	56,661,287	63,689,203	.70
	RCAT	Acres	16,589	7,003	439	9,713	487	2,070,755	0	368,493,498	7,027,872	7,017,207	3,518,254	.50
	YP Total	Acres	67,869	33,611	5,250	61,977	8,135	5,814,334	0	1,971,395,755	97,472,266	63,678,494	67,207,457	.69
	Crop Total		560,395	371,219	93,590	677,670	137,674	78,890,003	250,723	39,431,473,841	3,453,594,459	2,146,264,052	1,266,513,384	.37
<b>Cotton</b>														
ARP	RBUP	Acres	11	9	0	18	0	3,824	0	3,452,956	22,440	12,926	0	.00
AYP	RBUP	Acres	8	1	0	1	0	68	0	37,160	372	219	0	.00
RP	RBUP	Acres	59,862	33,702	12,570	95,116	28,231	9,525,721	0	3,892,552,515	739,306,091	503,738,357	537,071,566	.73
RPHPE	RBUP	Acres	111	49	14	186	56	18,116	0	6,455,967	1,108,031	738,609	822,486	.74
SCOH	RBUP	Acres	1	0	0	0	0	0	0	0	0	0	0	.00
SCOR	RBUP	Acres	75	23	0	84	0	0	5,889	488,658	259,362	168,588	0	.00
SCOY	RBUP	Acres	10	6	0	9	0	0	891	190,230	6,252	4,063	0	.00
STAXH	RBUP	Acres	5	5	0	23	0	0	2,593	227,419	89,318	71,453	0	.00
STAXP	RBUP	Acres	12,101	8,172	0	37,308	0	25,900	2,948,696	356,589,183	131,401,338	105,363,663	0	.00
YP	RBUP	Acres	14,153	6,074	1,354	15,502	2,571	1,208,839	0	500,832,169	55,868,742	36,791,022	31,372,381	.56
	RCAT	Acres	7,602	2,507	213	4,980	294	951,937	0	191,190,104	6,976,479	6,972,038	3,236,708	.48
	YP Total	Acres	21,755	8,581	1,567	20,482	2,865	2,160,776	0	692,022,273	62,845,221	43,763,060	34,609,089	.65
	Crop Total		93,939	50,548	14,151	153,227	31,152	11,734,405	2,958,069	4,952,016,361	935,038,425	653,860,938	572,503,141	.61
<b>Cotton Ex Long Staple</b>														
APH	RBUP	Acres	862	352	114	1,026	236	202,987	0	267,429,159	20,477,529	11,777,127	15,773,212	.77
	RCAT	Acres	326	142	0	170	0	50,786	0	27,321,987	394,195	394,195	0	.00
	APH Total		1,188	494	114	1,196	236	253,773	0	294,751,146	20,871,724	12,171,322	15,773,212	.76
SCOY	RBUP	Acres	27	14	7	33	15	0	7,243	3,470,353	226,130	146,984	54,448	.24
	Crop Total		1,215	508	121	1,229	251	253,773	7,243	298,221,499	21,097,854	12,318,306	15,827,660	.75

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**IBARRA**  
ABOGADOS

**ANEXO 12**  
**Código de los Estados**  
**Unidos Título 7 Capítulo**  
**36 Subcapítulo I**

Traducción de apartes del documento 36. Código USC título 7 capítulo 36 (33-~~USC Title 7~~ Chap 36)

Página 785, columna 2, párrafo 7:

**1508. Seguro de Cultivo**

**(a) Autoridad que ofrece el seguro**

**(1) En general**

Si existe suficiente información actuarial (como lo determina la Corporación), la Corporación podrá asegurar, o proveer reaseguro a aseguradoras de, productos agrícolas cultivados en Estados Unidos bajo 1 o más planes de seguros determinados por la Corporación para ser adaptados a lo concerniente a productos agrícolas. Para calificar para cubrimiento bajo un plan de seguros, las pérdidas del producto asegurado deben ser debido a sequías, inundaciones u otros desastres naturales (como esté determinado por la Secretaría)

**(2) Período**

Excepto en los casos de tabaco, papas y papas dulces, el seguro no deberá extenderse más allá del período durante el producto asegurado está en el campo. Tal como se utiliza en la sentencia precedente, en caso de una especie de acuicultura, el término "campo" significa el ambiente en el que el producto es producido.

Página 790, columna 2, párrafo 2:

**(C) Opción de Cobertura Adicional**

**(i) En general**

No obstante el subpárrafo (A), en el caso de la opción adicional de cobertura descrita en el párrafo (3)(B), la Corporación deberá ofrecer a los productores la oportunidad de comprar cobertura en combinación con una póliza o un plan de seguro ofrecido bajo este subcapítulo que permita el pago de indemnizaciones a un productor iguales a la parte del deducible bajo la póliza o el plan de seguro –

(I) a nivel nacional en la mayor medida practicable; o

(II) en condados que no tienen suficientes datos, con base en un área geográficamente mayor que la Corporación determine para dar suficientes datos para el propósito de dar cobertura.

**(ii) Activación**

La cobertura ofrecida bajo el párrafo (3)(B) y cláusula (i) deberá ser activada únicamente si las pérdidas en el área exceden el 14 por ciento de los niveles normales (tal como sean determinados por la Corporación).

**(iii) Cobertura**

Sujeto a la activación descrita en la cláusula (ii), la cobertura ofrecida bajo el párrafo (3)(B) y la cláusula

(i) no deberá exceder la diferencia entre –

(I) 86 por ciento; y

(II) el nivel de cobertura seleccionado por el productor para la póliza subyacente o el plan de seguro.

**(iv) Cultivos y Acres no elegibles**

Cultivos para los cuales el productor fue elegido bajo la sección 9016 de este título para recibir cobertura de riesgo agrícola y acres que están enlistadas en el plan de protección de ingresos apilados definidos en la sección 1508b de este título no serán elegibles para cobertura adicional descrita en este subpárrafo.

**(v) Cálculo de la prima**

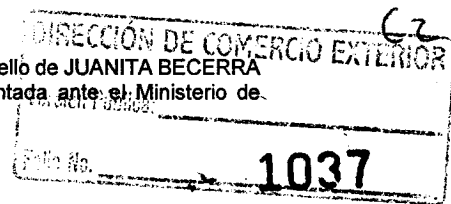
No obstante lo descrito en la subsección (d) la prima por la cobertura ofrecida bajo el párrafo (3)(B) y cláusula (i) deberá –

(I) ser suficiente para cubrir pérdidas anticipadas y una reserva razonable; y

(II) incluir un valor por gastos operativos y administrativos establecidos de acuerdo con la subsección

(k)(4)(F).

TRADUCCIÓN OFICIAL de un documento escrito en inglés, la cual para su identificación lleva el sello de JUANITA BECERRA MUÑOZ, Traductora/Intérprete Oficial, según Licencia No. 500 de 2017, registrada y juramentada ante el Ministerio de Relaciones Exteriores.



Página 822, columna 2, párrafo 8:

**1518. Definición de “Producto agrícola”**

“Producto agrícola”, tal como se utiliza en este subcapítulo, significa trigo, algodón, lino, maíz, frijol seco, avena, cebada, centeno, tabaco, arroz, maní, soya, remolacha, caña de azúcar, tomates, sorgo en grano, girasoles, uvas pasas, naranjas, maíz dulce, arvejas secas, arvejas congeladas y enlatadas, forraje, manzanas, uvas, papas, madera y bosques, viveros, cítricos y otras frutas y vegetales, nueces, heno, pasto nativo, especies de acuaculturas (incluyendo, pero no limitado a, cualquier especie de pez con aletas, moluscos, crustáceos u otros invertebrados acuáticos, anfibios, reptiles o plantas acuáticas propagadas o criadas en un ambiente seleccionado o controlado), o cualquier otro producto agrícola, excluyendo granos almacenados, determinados por la junta, o uno o más productos de ese tipo, según indica el contexto.

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018

Email: cadapalabraesimportante@gmail.com Tel: 310 283 2297

  
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Traductora e Intérprete Oficial  
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Licencia N°. 500 de 2017

States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

## AMENDMENTS

2008—Subsecs. (b) to (f). Pub. L. 110-246, §12033(c)(2)(B), substituted "this subchapter" for "this chapter" wherever appearing.

2000—Subsec. (c). Pub. L. 106-224, in cl. (2), substituted "actuarial services, services relating to loss adjustment and rating plans of insurance," for "actuarial, loss adjustment," and inserted "and to enable the Corporation to concentrate on regulating the provision of insurance under this chapter and evaluating new products and materials submitted under section 1508(h) or 1523 of this title" after "private sector".

1994—Subsec. (a). Pub. L. 103-354, §§105(1), 115(b)(1), substituted "as the Secretary may determine appropriate. However," for "as he may determine: *Provided, That*" and struck out "and county crop insurance committeemen" before "may be appointed".

Subsec. (c). Pub. L. 103-354, §119(f)(2), substituted "1508(h)" for "1508(b)" in last sentence.

Subsec. (d). Pub. L. 103-354, §105(2), made technical amendment to reference to section 1516 of this title and struck out before period at end "except that employees or agencies responsible for administering this chapter in each county shall be selected and designated by the Corporation and shall be responsible directly to the Corporation without the intervention of any intermediate office or agency".

Pub. L. 103-354, §102(b)(4)(B), (C), 115(b)(2), substituted "Secretary" for "Secretary of Agriculture", "Department" for "Department of Agriculture", and "that the Secretary requests" for "as he may request".

Subsec. (g). Pub. L. 103-354, §105(3), added subsec. (g).

1991—Subsec. (c). Pub. L. 102-237 inserted a comma after "private insurance companies" in cl. (2).

1990—Subsec. (c). Pub. L. 101-624 inserted "private rating bureaus, and other organizations as appropriate for actuarial, loss adjustment, and other services to avoid duplication by the Federal Government of services that are or may readily be available in the private sector," after "private insurance companies" and inserted at end "Nothing in this subsection shall permit the Corporation to contract with other persons to carry out the responsibility of the Corporation to review and approve policies, rates, and other materials submitted under section 1508(b) of this title."

1980—Subsec. (c). Pub. L. 96-365, §104(1), inserted "shall, to the maximum extent possible", incorporated existing provisions in cl. (1), including in cl. (1) provision for payment of program expenses, but omitting provision for inclusion of estimated expenses in insurance premiums, and added cls. (2) and (3) and provisions for exclusion of compensation from premium rates and indemnification of agents and brokers for errors or omissions of Commission or its contractors.

Subsec. (f). Pub. L. 96-365, §104(2), added subsec. (f).

1972—Subsec. (a). Pub. L. 92-310 struck out provisions which empowered Secretary to require bonds of officers and employees.

1949—Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

Act Aug. 25, 1949, inserted requirement that officers and employees be appointed subject to civil service laws and regulations, and exempted personnel paid by hour, day, or month when employed, and county crop insurance committeemen from civil-service laws and regulations or the Classification Act of 1923.

1947—Act Aug. 1, 1947, provided for selection and designation of county employees and agencies and their direct responsibility.

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-354 effective Oct. 13, 1994, and applicable to provision of crop insurance under Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) beginning with 1995 crop year, with such Act, as in effect on the day before Oct. 13, 1994, to continue to apply with respect to 1994 crop year, see section 120 of Pub. L. 103-354, set out as a note under section 1502 of this title.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-365 effective Sept. 26, 1980, see section 112 of Pub. L. 96-365, set out as a note under section 1504 of this title.

## REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, §8, 80 Stat. 632, 655.

## TRANSFER OF FUNCTIONS

Administration of program of Federal Crop Insurance Corporation transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, §501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100. See note set out under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note set out under section 1503 of this title.

## § 1508. Crop insurance

## (a) Authority to offer insurance

## (1) In general

If sufficient actuarial data are available (as determined by the Corporation), the Corporation may insure, or provide reinsurance for insurers of, producers of agricultural commodities grown in the United States under 1 or more plans of insurance determined by the Corporation to be adapted to the agricultural commodity concerned. To qualify for coverage under a plan of insurance, the losses of the insured commodity must be due to drought, flood, or other natural disaster (as determined by the Secretary).

## (2) Period

Except in the cases of tobacco, potatoes, and sweet potatoes, insurance shall not extend beyond the period during which the insured commodity is in the field. As used in the preceding sentence, in the case of an aquacultural species, the term "field" means the environment in which the commodity is produced.

## (3) Exclusion of losses due to certain actions of producer

## (A) Exclusions

Insurance provided under this subsection shall not cover losses due to—

(i) the neglect or malfeasance of the producer;

(ii) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to reseed; or

crop insurance program, the Corporation shall apply the policies and procedures to the other plans of insurance within a reasonable period of time (as determined by the Corporation) after the effective date of this paragraph.

**(10) Loss adjustment**

The rate for reimbursing an approved insurance provider or agent for expenses incurred by the approved insurance provider or agent for loss adjustment in connection with a policy of catastrophic risk protection shall not exceed 6 percent of the premium for catastrophic risk protection that is used to define loss ratio.

**(c) General coverage levels**

**(1) Additional coverage generally**

**(A) In general**

The Corporation shall offer to producers of agricultural commodities grown in the United States plans of crop insurance that provide additional coverage.

**(B) Purchase**

To be eligible for additional coverage, a producer must apply to an approved insurance provider for purchase of additional coverage if the coverage is available from an approved insurance provider. If additional coverage is unavailable privately, the Corporation may offer additional coverage plans of insurance directly to producers.

**(2) Transfer of relevant information**

If a producer has already applied for catastrophic risk protection at the local office of the Department and elects to purchase additional coverage, the relevant information for the crop of the producer shall be transferred to the approved insurance provider servicing the additional coverage crop policy.

**(3) Yield and loss basis options**

A producer shall have the option of purchasing additional coverage based on—

- (A)(i) an individual yield and loss basis; or
- (ii) an area yield and loss basis;

(B) an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis to cover a part of the deductible under the individual yield and loss policy, as described in paragraph (4)(C); or

(C) a margin basis alone or in combination with the coverages available under subparagraph (A) or (B).

**(4) Level of coverage**

**(A) Dollar denomination and percentage of yield**

Except as provided in subparagraph (C), the level of coverage—

(i) shall be dollar denominated; and

(ii) may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation).

**(B) Information**

The Corporation shall provide producers with information on catastrophic risk and

additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).

**(C) Supplemental coverage option**

**(i) In general**

Notwithstanding subparagraph (A), in the case of the supplemental coverage option described in paragraph (3)(B), the Corporation shall offer producers the opportunity to purchase coverage in combination with a policy or plan of insurance offered under this subchapter that would allow indemnities to be paid to a producer equal to a part of the deductible under the policy or plan of insurance—

(I) at a county-wide level to the fullest extent practicable; or

(II) in counties that lack sufficient data, on the basis of such larger geographical area as the Corporation determines to provide sufficient data for purposes of providing the coverage.

**(ii) Trigger**

Coverage offered under paragraph (3)(B) and clause (i) shall be triggered only if the losses in the area exceed 14 percent of normal levels (as determined by the Corporation).

**(iii) Coverage**

Subject to the trigger described in clause (ii), coverage offered under paragraph (3)(B) and clause (i) shall not exceed the difference between—

(I) 86 percent; and

(II) the coverage level selected by the producer for the underlying policy or plan of insurance.

**(iv) Ineligible crops and acres**

Crops for which the producer has elected under section 9016 of this title to receive agriculture risk coverage and acres that are enrolled in the stacked income protection plan under section 1508b of this title shall not be eligible for supplemental coverage under this subparagraph.

**(v) Calculation of premium**

Notwithstanding subsection (d), the premium for coverage offered under paragraph (3)(B) and clause (i) shall—

(I) be sufficient to cover anticipated losses and a reasonable reserve; and

(II) include an amount for operating and administrative expenses established in accordance with subsection (k)(4)(F).

**(5) Expected market price**

**(A) Establishment or approval**

For the purposes of this subchapter, the Corporation shall establish or approve the price level (referred to in this subchapter as the "expected market price") of each agricultural commodity for which insurance is offered.

**(B) General rule**

Except as otherwise provided in subparagraph (C), the expected market price of an agricultural commodity shall be not less

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for the sales commissions of agents may not exceed 8.5 percent of the total amount of premiums paid for additional coverage for the 1997 reinsurance year."

Subsec. (b)(2)(A). Pub. L. 104-127, §193(e)(3), struck out "noninsured assistance benefits," after "all premium subsidies".

Subsec. (b)(2)(B). Pub. L. 104-127, §193(e)(2)(B), struck out "subject to paragraph (1)(B)," before "in the case of each".

1994—Pub. L. 103-354 amended section generally, substituting subssecs. (a) to (c) for former subssecs. (a) to (d) relating to authorization of appropriations to cover operating and administrative costs of Corporation, issuance of regulations, emergency funding, and borrowing authority.

1985—Subsec. (c)(1). Pub. L. 99-198 struck out provision that Secretary's authority to use the funds of Commodity Credit Corporation for purposes of this subsection would expire one year after date on which that authority was first used.

1981—Subsec. (a). Pub. L. 97-11 designated existing provisions as par. (1) and added par. (2).

1980—Subsec. (a). Pub. L. 96-365, §109, substituted appropriations authorization of necessary sums for former limitation of \$12,000,000 for each fiscal year beginning after June 30, 1938; included as costs agents' and brokers' commissions, interest on Treasury notes and other obligations, partial premium payments by the Corporation, and the direct cost of loss adjusters for crop inspections and loss adjustments and authorized payment of these costs from premium income and other Corporation funds and restoration of such payments through subsequent year appropriations; prescribed limitation on employment of additional personnel except during emergencies; and deleted provisions for for consideration as being nonadministrative or nonoperating expenses such expenses as related to purchase, transportation, handling, or sale of the agricultural commodity and the direct cost of loss adjusters for crop inspections and loss adjustments and provision for use of premium income for administrative and operating costs within limits prescribed in applicable appropriations.

Subsecs. (c), (d). Pub. L. 96-365, §110, added subssecs. (c) and (d).

1956—Subsec. (a). Act Aug. 3, 1956, added to list of costs which may be considered as nonadministrative or nonoperating, the direct cost of loss adjusters for crop inspections and loss adjustment, and authorized use of premium income for administrative and operating costs within limits prescribed by applicable appropriation.

1941—Subsec. (a). Act June 21, 1941, substituted "the agricultural commodity" for "wheat", and "\$12,000,000" for "\$6,000,000".

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-185 effective July 1, 1998, see section 537 of Pub. L. 105-185, set out as a note under section 1506 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-354 effective Oct. 13, 1994, and applicable to provision of crop insurance under Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) beginning with 1995 crop year, with such Act, as in effect on the day before Oct. 13, 1994, to continue to apply with respect to 1994 crop year, see section 120 of Pub. L. 103-354, set out as a note under section 1502 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-365, title I, §109, Sept. 26, 1980, 94 Stat. 1317, provided that the amendment made by that section is effective Oct. 1, 1980.

Pub. L. 96-365, title I, §110, Sept. 26, 1980, 94 Stat. 1318, provided that the amendment made by that section is effective Oct. 1, 1980.

#### TRANSFER OF FUNCTIONS

Administration of program of Federal Crop Insurance Corporation transferred to Secretary of Agriculture by

1946 Reorg. Plan No. 3, §501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100. See note set out under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note set out under section 1503 of this title.

#### ADDITIONAL APPROPRIATION

Act Dec. 23, 1944, ch. 713, §6, 58 Stat. 920, provided an additional appropriation not to exceed \$3,000,000 to be available for the fiscal year 1945 to carry out the provisions of this chapter for the fiscal years 1943 and 1944.

#### § 1517. Separability

The sections of this subchapter and subdivisions of sections are declared to be separable, and in the event any one or more sections or parts of the same of this subchapter be held to be unconstitutional, the same shall not affect the validity of other sections or parts of sections of this subchapter.

(Feb. 16, 1938, ch. 30, title V, §517, 52 Stat. 77; Pub. L. 110-234, title XII, §12033(c)(2)(B), May 22, 2008, 122 Stat. 1405; Pub. L. 110-246, §4(a), title XII, §12033(c)(2)(B), June 18, 2008, 122 Stat. 1664, 2167.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Pub. L. 110-246, §12033(c)(2)(B), substituted "this subchapter" for "this chapter" wherever appearing.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### § 1518. "Agricultural commodity" defined

"Agricultural commodity", as used in this subchapter, means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, dry peas, freezing and canning peas, forage, apples, grapes, potatoes, timber and forests, nursery crops, citrus, and other fruits and vegetables, nuts, tame hay, native grass, aquacultural species (including, but not limited to, any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant propagated or reared in a controlled or selected environment), or any other agricultural commodity, excluding stored grain, determined by the Board, or any one or more of such commodities, as the context may indicate.

(Feb. 16, 1938, ch. 30, title V, §518, as added June 21, 1941, ch. 214, §9, 55 Stat. 256; amended Dec. 23, 1944, ch. 713, §4, 58 Stat. 919; Aug. 25, 1949, ch. 512, §9, 63 Stat. 665; Pub. L. 96-365, title I, §111, Sept. 26, 1980, 94 Stat. 1319; Pub. L. 102-237, title VI, §601(6), Dec. 13, 1991, 105 Stat. 1878; Pub. L. 103-354, title I, §119(f)(3), Oct. 13, 1994, 108 Stat. 3208; Pub. L. 106-224, title I, §132(b), June 20, 2000, 114 Stat. 386; Pub. L. 110-234, title XII,

**IBARRA**  
ABOGADOS

ANEXO 13  
Disponibilidad de la  
Opción de Cobertura  
Adicional 2016  
Departamento de  
Agricultura de los  
EE.UU.



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1042

*Traducción de apartes del documento 40. Disponibilidad de Opción de Cobertura Adicional del USDA (40. USDA Availability of the Supplemental Coverage Option)*

### Disponibilidad de Opción de Cobertura Adicional (SCO) para 2016

Productos a ser revisados para la cobertura SCO de 2016 (ordenados por acres)


Producto	Fecha más temprana de cambio de contrato	Porcentaje del total de acres***	Porcentaje del total de pasivo***
Maíz*	30/11	32.91%	42.61%

\* Incluye maíz de semilla híbrida

\*\*\* Los porcentajes están basados en todos los programas basados en APH

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Availability of the Supplemental Coverage Option (SCO) for 2016

Commodities to be Reviewed for 2016 SCO Coverage (sorted by acreage)

Commodity	Earliest Contract Change Date	Percent of Total Acreage***	Percent of Total Liability***
Corn*	11/30	32.91%	42.61%
Soybeans	11/30	30.67%	26.58%
Wheat	06/30	20.10%	9.04%
Cotton	11/30	4.32%	3.93%
Grain Sorghum**	11/30	2.21%	0.92%
Forage Production	06/30	1.29%	0.63%
Rice	11/30	1.08%	1.68%
Barley	06/30	0.89%	0.41%
Canola	06/30	0.69%	0.33%
Sunflowers	11/30	0.67%	0.33%
Dry Beans	11/30	0.56%	0.55%
Dry Peas	06/30	0.56%	0.20%
Peanuts	11/30	0.50%	0.65%
Sugar Beets	04/30	0.44%	0.72%
Potatoes	04/30	0.34%	1.11%
Almonds	08/31	0.31%	2.16%
Grapes	08/31	0.25%	1.44%
Sugarcane	06/30	0.24%	0.24%
Oats	06/30	0.21%	0.05%
Millet	11/30	0.17%	0.04%
Tobacco	11/30	0.15%	1.21%
Flax	11/30	0.13%	0.05%
Cotton Ex Long Staple	11/30	0.13%	0.27%
Tomatoes	08/31	0.11%	0.50%
Apples	08/31	0.10%	1.05%
Popcorn	11/30	0.10%	0.14%
Sweet Corn	11/30	0.09%	0.09%
Walnuts	10/31	0.06%	0.34%
Oranges (Early, Mid, and Late)	08/31	0.06%	0.27%
Green Peas	11/30	0.06%	0.06%
Safflower	08/31	0.05%	0.01%
Onions	06/30	0.05%	0.21%
Processing Beans	11/30	0.04%	0.04%
Silage Sorghum	11/30	0.03%	0.02%
Blueberries	08/31	0.03%	0.17%
Prunes	10/31	0.02%	0.08%
Lemons	08/31	0.02%	0.13%
Sesame	11/30	0.02%	0.01%
Peaches	08/31	0.01%	0.08%
Rye	06/30	0.01%	0.00%
Alfalfa Seed	06/30	0.01%	0.03%
Grass Seed	06/30	0.01%	0.00%
Mint	06/30	0.01%	0.02%
Cultivated Wild Rice	06/30	0.01%	0.02%
Mustard	11/30	0.01%	0.00%
Cabbage	04/30	0.00%	0.02%
Buckwheat	11/30	0.00%	0.00%
Sweet Potatoes	11/30	0.00%	0.00%
Pumpkins	11/30	0.00%	0.00%
Fresh Market Beans	11/30	0.00%	0.00%
Cucumbers	11/30	0.00%	0.00%
Camelina	11/30	0.00%	0.00%

\* Includes Hybrid Corn Seed

\*\* Includes Hybrid Sorghum Seed

\*\*\* Percentages are based on all APH-based programs



ANEXO 14  
Código de los Estados  
Unidos Título 7 Capítulo  
115 Subcapítulo I

*Traducción de apartes del documento 43. Código USC Título 7 Capítulo 115 Subcapítulo I (43. USC Title 7 Chap 115 Subchap I)*

*Página 2068, columna 2, párrafo 13:*

**(6) Producto cubierto**

El término “producto cubierto” significa trigo, avena y cebada (incluyendo trigo, avena y cebada utilizada para heno y pastoreo), maíz, sorgo en grano, arroz de grano largo, arroz de grano medio, cultivos de legumbres, granos de soya, otras oleaginosas y maní.

*Página 2073, columna 1, párrafo 2:*

**9014. Pago de Acres**

**(a) Determinación para pago de acres**

**(1) Regla General**

Para el propósito de la cobertura de pérdida de precio y la cobertura de riesgo agrícola cuando la cobertura de condado ha sido seleccionada bajo la sección 9015(b)(1) de este título, pero sujeto a la subsección (e), el pago de acres por cada producto cubierto en una granja deberá ser igual al 85 por ciento de la base de acres para el producto cubierto en la granja.

**(2) Efecto de cobertura individual**

En el caso en que la cobertura de riesgo agrícola cuando se ha seleccionado cobertura individual bajo la sección 9015(b)(2) de este título, pero sujeto a la subsección (e), el pago de acres para una granja deberá ser igual al 65 por ciento de la base de acres todos los productos cubiertos en la granja.

*Página 2074, columna 2, párrafo 1:*

**9016. Cobertura de pérdida de precio**

**(a) Pagos de cobertura de pérdida de precio**

Si todos los productores en una granja hacen la elección bajo la subsección (a) de la sección 9015 de este título para obtener cobertura de pérdida de precio o, sujeto a la subsección (c)(1) de tal sección, son considerados a haber hecho esa selección bajo la subsección (c)(2) de tal sección, la Secretaría deberá hacer pagos de cobertura de pérdida de precio a productores en la granja basados en cobertura producto-producto si la Secretaría considera que, para alguno de los años de cosecha de 2014 hasta 2018 -

- (1) el precio efectivo del producto cubierto para el año de cosecha; es menos que
- (2) el precio de referencia para el producto cubierto para el año de cosecha.

**(b) Precio efectivo**

El precio efectivo para un producto cubierto para un año de cosecha deberá ser el más alto de -

- (1) el promedio nacional del precio de mercado recibido por los productores durante los 12 meses del año de mercadeo para el producto cubierto, como sea determinado por la Secretaría; o
- (2) el promedio nacional de la tasa de crédito para los créditos de apoyo a mercado para el producto cubierto en efecto para el año de cosecha bajo el subcapítulo II.

**(c) Tasa de pago**

La tasa de pago deberá ser igual a la diferencia entre -

- (1) el precio de referencia para el producto cubierto; y
- (2) el precio efectivo determinado bajo la subsección (b) para el producto cubierto.

**(d) Valor del pago**

Si se requiere hacer pagos de cobertura de precio bajo esta sección para cualquiera de los años de cosecha de 2014 hasta 2018 para un producto cubierto, el valor del pago de la cobertura de pérdida de precio a ser pagado a los productores de una granja para un año de cosecha deberá ser igual al producto obtenido al multiplicar -

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- (1) la tasa de pago para el producto cubierto bajo la sección (c);
- (2) el rendimiento pagado para el producto cubierto; y
- (3) el pago de acres para el producto cubierto.

*Página 2075, columna 1, párrafo 2:*

**9017. Cobertura de riesgo agrícola**

**(a) Pagos de cobertura de riesgo agrícola**

Si todos los productores en una granja hacen la elección bajo la sección 9015(a) de este título para obtener cobertura de riesgo agrícola, la Secretaría deberá hacer pagos de cobertura de riesgo agrícola a productores en la granja si la Secretaría considera que, para alguno de los años de cosecha de 2014 hasta 2018 -

- (1) el ingreso real de cosecha determinado bajo la subsección (b) para el año de cosecha es menor que
- (2) la garantía de cobertura de riesgo agrícola determinada bajo la sección (c) del año de cosecha.

**(b) Ingreso real de cosecha**

**(1) Cobertura de condado**

En caso de cobertura de condado, el valor del ingreso real de cosecha para un condado para un año de cosecha de un producto cubierto será igual al producto obtenido de multiplicar -

(A) el promedio real de rendimiento del condado por acre sembrado para el producto cubierto, como sea determinado por la Secretaría; y

(B) el mayor valor de -

(i) el precio promedio nacional de mercado recibido por los productores durante los 12 meses del año de mercadeo para el producto cubierto, como sea determinado por la Secretaría; o

(ii) el promedio nacional de la tasa de crédito para los créditos de apoyo a mercado para el producto cubierto en efecto para el año de cosecha bajo el subcapítulo II.

**(2) Cobertura individual**

En caso de cobertura individual, el valor del ingreso real de cosecha para un productor en una granja para un año de cosecha deberá ser basado en la participación del productor dentro de todos los productos sembrados en todas las granjas para las que la cobertura individual ha sido seleccionada y en la que el productor tiene un interés, para ser determinado por la Secretaría de la siguiente forma:

(A) Para cada producto cubierto, el producto obtenido al multiplicar -

(i) el total de producción del producto cubierto en tales granjas, como como sea determinado por la Secretaría; y

(ii) el número mayor de -

(I) el precio promedio nacional de mercado recibido por los productores durante los 12 meses del año de mercadeo para el producto cubierto, como sea determinado por la Secretaría; o

(II) el promedio nacional de la tasa de crédito para los créditos de apoyo a mercado para el producto cubierto en efecto para el año de cosecha bajo el subcapítulo II.

(B) La suma de los valores determinados bajo el subpárrafo (A) para todos los productos cubiertos en tales granjas.

(C) El cociente obtenido al dividir el valor determinado en el subpárrafo (B) por el total de acres sembradas de todos los productos cubiertos en tales granjas.

AMENDMENTS

2014—Subsec. (e). Pub. L. 113-79 struck out “sums as are necessary” after “appropriated”, substituted “section—” for “section for each of fiscal years 2008 through 2012, to remain available until expended.”, and added pars. (1) and (2).

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

CHAPTER 115—AGRICULTURAL COMMODITY POLICY AND PROGRAMS

Sec. 9001. Definition of Secretary of Agriculture.

SUBCHAPTER I—COMMODITY POLICY

- 9011. Definitions.
- 9012. Base acres.
- 9013. Payment yields.
- 9014. Payment acres.
- 9015. Producer election.
- 9016. Price loss coverage.
- 9017. Agriculture risk coverage.
- 9018. Producer agreements.
- 9019. Transition assistance for producers of upland cotton.

SUBCHAPTER II—MARKETING LOANS

- 9031. Availability of nonrecourse marketing assistance loans for loan commodities.
- 9032. Loan rates for nonrecourse marketing assistance loans.
- 9033. Term of loans.
- 9034. Repayment of loans.
- 9035. Loan deficiency payments.
- 9036. Payments in lieu of loan deficiency payments for grazed acreage.
- 9037. Special marketing loan provisions for upland cotton.
- 9038. Special competitive provisions for extra long staple cotton.
- 9039. Availability of recourse loans for high moisture feed grains and seed cotton.
- 9040. Adjustments of loans.

SUBCHAPTER III—DAIRY

PART A—MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS

- 9051. Definitions.
- 9052. Calculation of average feed cost and actual dairy production margins.
- 9053. Establishment of margin protection program for dairy producers.
- 9054. Participation of dairy operations in margin protection program.
- 9055. Production history of participating dairy operations.
- 9056. Margin protection payments.
- 9057. Premiums for margin protection program.
- 9058. Effect of failure to pay administrative fees or premiums.
- 9059. Duration.
- 9060. Administration and enforcement.

PART B—DAIRY PRODUCT DONATION PROGRAM

9071. Dairy product donation program.

SUBCHAPTER IV—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAMS

9081. Supplemental agricultural disaster assistance.

SUBCHAPTER V—ADMINISTRATION

- 9091. Administration generally.
- 9092. Suspension of permanent price support authority.

- Sec. 9093. Prevention of deceased individuals receiving payments under farm commodity programs.
- 9094. Assignment of payments.
- 9095. Tracking of benefits.
- 9096. Signature authority.
- 9097. Implementation.

§ 9001. Definition of Secretary of Agriculture

In this Act, the term “Secretary” means the Secretary of Agriculture.

(Pub. L. 113-79, § 2, Feb. 7, 2014, 128 Stat. 658.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 649, known as the Agricultural Act of 2014. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

CODIFICATION

This section was not enacted as part of title I of Pub. L. 113-79 which comprises this chapter.

SHORT TITLE

Pub. L. 113-79, § 1(a), Feb. 7, 2014, 128 Stat. 649, provided that: “This Act [see Tables for classification] may be cited as the ‘Agricultural Act of 2014.’”

SUBCHAPTER I—COMMODITY POLICY

§ 9011. Definitions

In this subchapter and subchapter II:

(1) Actual crop revenue

The term “actual crop revenue”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 9017(b) of this title.

(2) Agriculture risk coverage

The term “agriculture risk coverage” means coverage provided under section 9017 of this title.

(3) Agriculture risk coverage guarantee

The term “agriculture risk coverage guarantee”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 9017(c) of this title.

(4) Base acres

(A) In general

The term “base acres”, with respect to a covered commodity on a farm, means the number of acres in effect under sections 8702 and 8751 of this title, as adjusted pursuant to sections 8711, 8718, and 8752 of this title, as in effect on September 30, 2013, subject to any reallocation, adjustment, or reduction under section 9012 of this title.

(B) Inclusion of generic base acres

The term “base acres” includes any generic base acres planted to a covered commodity as determined in section 9014(b) of this title.

(5) County coverage

The term “county coverage” means agriculture risk coverage selected under section 9015(b)(1) of this title to be obtained at the county level.

(6) Covered commodity

The term “covered commodity” means wheat, oats, and barley (including wheat, oats,

and barley used for haying and grazing), corn, grain sorghum, long grain rice, medium grain rice, pulse crops, soybeans, other oilseeds, and peanuts.

**(7) Effective price**

The term "effective price", with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 9016(b) of this title to determine whether price loss coverage payments are required to be provided for that crop year.

**(8) Extra long staple cotton**

The term "extra long staple cotton" means cotton that—

(A) is produced from pure strain varieties of the Barbados species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

**(9) Generic base acres**

The term "generic base acres" means the number of base acres for cotton in effect under section 8702 of this title, as adjusted pursuant to section 8711 of this title, as in effect on September 30, 2013, subject to any adjustment or reduction under section 9012 of this title.

**(10) Individual coverage**

The term "individual coverage" means agriculture risk coverage selected under section 9015(b)(2) of this title to be obtained at the farm level.

**(11) Medium grain rice**

The term "medium grain rice" includes short grain rice and temperate japonica rice.

**(12) Other oilseed**

The term "other oilseed" means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

**(13) Payment acres**

The term "payment acres", with respect to the provision of price loss coverage payments and agriculture risk coverage payments, means the number of acres determined for a farm under section 9014 of this title.

**(14) Payment yield**

The term "payment yield", for a farm for a covered commodity—

(A) means the yield used to make payments pursuant to section 8714 or 8754 of this title, as in effect on September 30, 2013; or

(B) means the yield established under section 9013 of this title.

**(15) Price loss coverage**

The term "price loss coverage" means coverage provided under section 9016 of this title.

**(16) Producer**

**(A) In general**

The term "producer" means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

**(B) Hybrid seed**

In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this chapter.

**(17) Pulse crop**

The term "pulse crop" means dry peas, lentils, small chickpeas, and large chickpeas.

**(18) Reference price**

The term "reference price", with respect to a covered commodity for a crop year, means the following:

(A) For wheat, \$5.50 per bushel.

(B) For corn, \$3.70 per bushel.

(C) For grain sorghum, \$3.95 per bushel.

(D) For barley, \$4.95 per bushel.

(E) For oats, \$2.40 per bushel.

(F) For long grain rice, \$14.00 per hundredweight.

(G) For medium grain rice, \$14.00 per hundredweight.

(H) For soybeans, \$8.40 per bushel.

(I) For other oilseeds, \$20.15 per hundredweight.

(J) For peanuts, \$535.00 per ton.

(K) For dry peas, \$11.00 per hundredweight.

(L) For lentils, \$19.97 per hundredweight.

(M) For small chickpeas, \$19.04 per hundredweight.

(N) For large chickpeas, \$21.54 per hundredweight.

**(19) Secretary**

The term "Secretary" means the Secretary of Agriculture.

**(20) State**

The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

**(21) Temperate japonica rice**

The term "temperate japonica rice" means rice that is grown in high altitudes or temperate regions of high latitudes with cooler climate conditions, in the Western United States, as determined by the Secretary, for the purpose of—

(A) the reallocation of base acres under section 9012 of this title;

(B) the establishment of a reference price (as required under section 9016(g) of this title) and an effective price pursuant to section 9016 of this title; and

county yield for that commodity, the Secretary shall assign a yield for that crop year equal to 75 percent of the average of the 2008 through 2012 county yield for the purposes of determining the average yield under paragraph (3).

(Pub. L. 113-79, title I, §1113, Feb. 7, 2014, 128 Stat. 664.)

#### §9014. Payment acres

##### (a) Determination of payment acres

###### (1) General rule

For the purpose of price loss coverage and agriculture risk coverage when county coverage has been selected under section 9015(b)(1) of this title, but subject to subsection (e), the payment acres for each covered commodity on a farm shall be equal to 85 percent of the base acres for the covered commodity on the farm.

###### (2) Effect of individual coverage

In the case of agriculture risk coverage when individual coverage has been selected under section 9015(b)(2) of this title, but subject to subsection (e), the payment acres for a farm shall be equal to 65 percent of the base acres for all of the covered commodities on the farm.

##### (b) Treatment of generic base acres

###### (1) In general

In the case of generic base acres, price loss coverage payments and agriculture risk coverage payments are made only with respect to generic base acres planted to a covered commodity for the crop year.

###### (2) Attribution

With respect to a farm containing generic base acres, for the purpose of applying paragraphs (1)(B) and (2)(B) of subsection (a), generic base acres on the farm are attributed to a covered commodity in the following manner:

(A) If a single covered commodity is planted and the total acreage planted exceeds the generic base acres on the farm, the generic base acres are attributed to that covered commodity in an amount equal to the total number of generic base acres.

(B) If multiple covered commodities are planted and the total number of acres planted to all covered commodities on the farm exceeds the generic base acres on the farm, the generic base acres are attributed to each of the covered commodities on the farm on a pro rata basis to reflect the ratio of—

- (i) the acreage planted to a covered commodity on the farm; to
- (ii) the total acreage planted to all covered commodities on the farm.

(C) If the total number of acres planted to all covered commodities on the farm does not exceed the generic base acres on the farm, the number of acres planted to a covered commodity is attributed to that covered commodity.

###### (3) Treated as additional acreage

When generic base acres are planted to a covered commodity or acreage planted to a

covered commodity is attributed to generic base acres, the generic base acres are in addition to other base acres on the farm.

##### (c) Exclusion

The quantity of payment acres determined under subsection (a) may not include any crop subsequently planted during the same crop year on the same land for which the first crop is eligible for price loss coverage payments or agriculture risk coverage payments, unless the crop was approved for double cropping in the county, as determined by the Secretary.

##### (d) Effect of minimal payment acres

###### (1) Prohibition on payments

Notwithstanding any other provision of this chapter, a producer on a farm may not receive price loss coverage payments or agriculture risk coverage payments if the sum of the base acres on the farm is 10 acres or less, as determined by the Secretary.

###### (2) Exceptions

Paragraph (1) does not apply to a producer that is—

- (A) a socially disadvantaged farmer or rancher (as defined in section 2003(e) of this title); or
- (B) a limited resource farmer or rancher, as defined by the Secretary.

##### (e) Effect of planting fruits and vegetables

###### (1) Reduction required

In the manner provided in this subsection, payment acres on a farm shall be reduced in any crop year in which fruits, vegetables (other than mung beans and pulse crops), or wild rice have been planted on base acres on a farm.

###### (2) Price loss coverage and county coverage

In the case of price loss coverage payments and agricultural risk coverage payments using county coverage, the reduction under paragraph (1) shall be the amount equal to the base acres planted to crops referred to in such paragraph in excess of 15 percent of base acres.

###### (3) Individual coverage

In the case of agriculture risk coverage payments using individual coverage, the reduction under paragraph (1) shall be the amount equal to the base acres planted to crops referred to in such paragraph in excess of 35 percent of base acres.

###### (4) Reduction exceptions

No reduction to payment acres shall be made under this subsection if—

- (A) cover crops or crops referred to in paragraph (1) are grown solely for conservation purposes and not harvested for use or sale, as determined by the Secretary; or
- (B) in any region in which there is a history of double-cropping covered commodities with crops referred to in paragraph (1) and such crops were so double-cropped on the base acres, as determined by the Secretary.

(Pub. L. 113-79, title I, §1114, Feb. 7, 2014, 128 Stat. 666.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(1), was in the original "this title", meaning title I of Pub. L. 113-79,



Feb. 7, 2014, 128 Stat. 658, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

### § 9015. Producer election

#### (a) Election required

For the 2014 through 2018 crop years, all of the producers on a farm shall make a 1-time, irrevocable election to obtain—

- (1) price loss coverage under section 9016 of this title on a covered commodity-by-covered-commodity basis; or
- (2) agriculture risk coverage under section 9017 of this title.

#### (b) Coverage options

In the election under subsection (a), the producers on a farm that elect under paragraph (2) of such subsection to obtain agriculture risk coverage under section 9017 of this title shall unanimously select whether to receive agriculture risk coverage payments based on—

- (1) county coverage applicable on a covered commodity-by-covered-commodity basis; or
- (2) individual coverage applicable to all of the covered commodities on the farm.

#### (c) Effect of failure to make unanimous election

If all the producers on a farm fail to make a unanimous election under subsection (a) for the 2014 crop year—

- (1) the Secretary shall not make any payments with respect to the farm for the 2014 crop year under section 9016 or 9017 of this title; and
- (2) the producers on the farm shall be deemed to have elected price loss coverage under section 9016 of this title for all covered commodities on the farm for the 2015 through 2018 crop years.

#### (d) Effect of selection of county coverage

If all the producers on a farm select county coverage for a covered commodity under subsection (b)(1), the Secretary may not make price loss coverage payments under section 9016 of this title to the producers on the farm with respect to that covered commodity.

#### (e) Effect of selection of individual coverage

If all the producers on a farm select individual coverage under subsection (b)(2), in addition to the selection and election under this section applying to each producer on the farm, the Secretary shall consider, for purposes of making the calculations required by subsections (b)(2) and (c)(3) of section 9017 of this title, the producer's share of all farms in the same State—

- (1) in which the producer has an interest; and
- (2) for which individual coverage has been selected.

#### (f) Prohibition on reconstitution

The Secretary shall ensure that producers on a farm do not reconstitute the farm to void or change an election or selection made under this section.

(Pub. L. 113-79, title I, § 1115, Feb. 7, 2014, 128 Stat. 667.)

### § 9016. Price loss coverage

#### (a) Price loss coverage payments

If all of the producers on a farm make the election under subsection (a) of section 9015 of this title to obtain price loss coverage or, subject to subsection (c)(1) of such section, are deemed to have made such election under subsection (c)(2) of such section, the Secretary shall make price loss coverage payments to producers on the farm on a covered commodity-by-covered-commodity basis if the Secretary determines that, for any of the 2014 through 2018 crop years—

- (1) the effective price for the covered commodity for the crop year; is less than
- (2) the reference price for the covered commodity for the crop year.

#### (b) Effective price

The effective price for a covered commodity for a crop year shall be the higher of—

- (1) the national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary; or
- (2) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subchapter II.

#### (c) Payment rate

The payment rate shall be equal to the difference between—

- (1) the reference price for the covered commodity; and
- (2) the effective price determined under subsection (b) for the covered commodity.

#### (d) Payment amount

If price loss coverage payments are required to be provided under this section for any of the 2014 through 2018 crop years for a covered commodity, the amount of the price loss coverage payment to be paid to the producers on a farm for the crop year shall be equal to the product obtained by multiplying—

- (1) the payment rate for the covered commodity under subsection (c);
- (2) the payment yield for the covered commodity; and
- (3) the payment acres for the covered commodity.

#### (e) Time for payments

If the Secretary determines under this section that price loss coverage payments are required to be provided for the covered commodity, the payments shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

#### (f) Effective price for barley

In determining the effective price for barley under subsection (b), the Secretary shall use the all-barley price.

#### (g) Reference price for temperate japonica rice

The Secretary shall provide a reference price with respect to temperate japonica rice in an amount equal to 115 percent of the amount established in subparagraphs (F) and (G) of section

9011(18) of this title in order to reflect price premiums.

(Pub. L. 113-79, title I, §1116, Feb. 7, 2014, 128 Stat. 668.)

### § 9017. Agriculture risk coverage

#### (a) Agriculture risk coverage payments

If all of the producers on a farm make the election under section 9015(a) of this title to obtain agriculture risk coverage, the Secretary shall make agriculture risk coverage payments to producers on the farm if the Secretary determines that, for any of the 2014 through 2018 crop years—

- (1) the actual crop revenue determined under subsection (b) for the crop year; is less than
- (2) the agriculture risk coverage guarantee determined under subsection (c) for the crop year.

#### (b) Actual crop revenue

##### (1) County coverage

In the case of county coverage, the amount of the actual crop revenue for a county for a crop year of a covered commodity shall be equal to the product obtained by multiplying—

- (A) the actual average county yield per planted acre for the covered commodity, as determined by the Secretary; and
- (B) the higher of—
  - (i) the national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary; or
  - (ii) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subchapter II.

##### (2) Individual coverage

In the case of individual coverage, the amount of the actual crop revenue for a producer on a farm for a crop year shall be based on the producer's share of all covered commodities planted on all farms for which individual coverage has been selected and in which the producer has an interest, to be determined by the Secretary as follows:

- (A) For each covered commodity, the product obtained by multiplying—
  - (i) the total production of the covered commodity on such farms, as determined by the Secretary; and
  - (ii) the higher of—
    - (I) the national average market price received by producers during the 12-month marketing year, as determined by the Secretary; or
    - (II) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subchapter II.

(B) The sum of the amounts determined under subparagraph (A) for all covered commodities on such farms.

(C) The quotient obtained by dividing the amount determined under subparagraph (B) by the total planted acres of all covered commodities on such farms.

#### (c) Agriculture risk coverage guarantee

##### (1) In general

The agriculture risk coverage guarantee for a crop year for a covered commodity shall equal 86 percent of the benchmark revenue.

##### (2) Benchmark revenue for county coverage

In the case of county coverage, the benchmark revenue shall be the product obtained by multiplying—

- (A) subject to paragraph (4), the average historical county yield as determined by the Secretary for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and
- (B) subject to paragraph (5), the national average market price received by producers during the 12-month marketing year for the most recent 5 crop years, excluding each of the crop years with the highest and lowest prices.

##### (3) Benchmark revenue for individual coverage

In the case of individual coverage, the benchmark revenue for a producer on a farm for a crop year shall be based on the producer's share of all covered commodities planted on all farms for which individual coverage has been selected and in which the producer has an interest, to be determined by the Secretary as follows:

- (A) For each covered commodity for each of the most recent 5 crop years, the product obtained by multiplying—
  - (i) subject to paragraph (4), the yield per planted acre for the covered commodity on such farms, as determined by the Secretary; by
  - (ii) subject to paragraph (5), the national average market price received by producers during the 12-month marketing year.

(B) For each covered commodity, the average of the revenues determined under subparagraph (A) for the most recent 5 crop years, excluding each of the crop years with the highest and lowest revenues.

(C) For each of the 2014 through 2018 crop years, the sum of the amounts determined under subparagraph (B) for all covered commodities on such farms, but adjusted to reflect the ratio between the total number of acres planted on such farms to a covered commodity and the total acres of all covered commodities planted on such farms.

##### (4) Yield conditions

If the yield per planted acre for the covered commodity or historical county yield per planted acre for the covered commodity for any of the 5 most recent crop years, as determined by the Secretary, is less than 70 percent of the transitional yield, as determined by the Secretary, the amounts used for any of those years in paragraph (2)(A) or (3)(A)(i) shall be 70 percent of the transitional yield.

##### (5) Reference price

If the national average market price received by producers during the 12-month marketing year for any of the 5 most recent crop years is lower than the reference price for the

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**ANEXO 15**  
**Código Centenario de**  
**Dakota del Norte 17-02**

Traducción de apartes del documento Ley Centenaria de Dakota del Norte t17c02 (North Dakota Century Code t17c02)

## CAPÍTULO 17-02 INCENTIVO A LA PRODUCCIÓN DE ETANOL

**17-02-01. Incentivo a la producción de etanol – Reporte a la sección de presupuesto.**  
Derogado por S.L. 2013, capítulo. 177, § 4.

### 17-02-01.1. Definición.

En este capítulo "instalación elegible" significa una planta de producción de etanol construida en este estado después del 31 de julio de 2003.

### 17-02-02. Incentivo a la producción de etanol – Pagos por incrementos en la producción.

Si una planta de etanol que estaba en operación en este estado antes del 1° de julio de 1995, incrementa su producción por el meno número entre diez millones de galones [37854000 litros] o cincuenta por ciento de su capacidad de producción durante cualquier período de doce meses iniciando en o después del 1° de julio de 2005, esa planta es elegible a recibir pagos del incentivo a la producción de etanol bajo la sección 17-02-03, en su producción aumentada.

### 17-02-03. Incentivo a la producción de etanol – Cálculo – Pago.

La oficina de energía renovable y eficiencia energética dar trimestralmente a cada instalación elegible un incentivo a la producción basado en el precio promedio por bushel de maíz en Dakota del Norte recibido por los cultivadores durante el trimestre, tal como esté establecido por el servicio de estadísticas agrícolas de Dakota del Norte y el precio promedio por galón [3.79 litros] de etanol en estantería en Dakota del Norte durante el trimestre, compilado por AXXIS petroleum. El valor pagable como incentivo a la producción debe ser calculado incluyendo la suma a la que se llega en la subsección 1 con la suma a la que se llega en la subsección 2.

1. a. Si el promedio trimestral del precio por bushel de maíz está arriba de un dólar y ochenta centavos, por cada centavo por el que el precio trimestral esté arriba de un dólar y ochenta centavos, la oficina de energía renovable y eficiencia energética deberá sumar al valor pagable bajo esta sección un décimo de centavo multiplicado por el número de galones de etanol producido por la instalación elegible durante el trimestre.
- b. Si el promedio trimestral del precio por bushel de maíz es un dólar y ochenta centavos, la oficina de energía renovable y eficiencia energética deberá sumar cero a cualquier valor pagable dentro de esta sección.
- c. Si el promedio trimestral del precio por bushel de maíz está abajo de un dólar y ochenta centavos, por cada centavo por el que el precio trimestral esté abajo de un dólar y ochenta centavos, la oficina de energía renovable y eficiencia energética deberá restar al valor pagable bajo esta sección un décimo de centavo multiplicado por el número de galones de etanol producido por la instalación elegible durante el trimestre.
2. a. Si el promedio trimestral del precio por galón de etanol en estantería está arriba de un dólar y treinta centavos, por cada centavo por el que el precio trimestral esté arriba de un dólar y treinta centavos, la oficina de energía renovable y eficiencia energética deberá restar al valor pagable bajo esta sección dos décimos de centavo multiplicado por el número de galones de etanol producido por la instalación elegible durante el trimestre.
- b. Si el promedio trimestral del precio galón de etanol en estantería es un dólar y treinta centavos, la oficina de energía renovable y eficiencia energética deberá restar cero a cualquier valor pagable dentro de esta sección.

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- c. Si el promedio trimestral del precio por galón de etanol en estantería está abajo de un dólar y treinta centavos, por cada centavo por el que el precio trimestral esté abajo de un dólar y treinta centavos, la oficina de energía renovable y eficiencia energética deberá sumar al valor pagable bajo esta sección dos décimos de centavo multiplicado por el número de galones de etanol producido por la instalación elegible durante el trimestre.


**17-02-04. Límites del Subsidio.**

La oficina de energía renovable y eficiencia energética no podrá distribuir más de un millón seiscientos mil dólares por instalación elegible anualmente en pagos definidos bajo la sección 17-02-03 y no podría distribuir ningún pago que cree un saldo negativo en el fondo para el incentivo a la producción de etanol. Si el saldo del fondo del incentivo es insuficiente para pagar todas las solicitudes válidas de incentivos recibidas en un trimestre, los fondos disponibles deberán ser pagados con base en el prorrateo y las obligaciones no serán cargadas a trimestres siguientes. Ninguna instalación elegible podrá recibir pagos del estado que excedan el valor acumulado total de diez millones de dólares o por más de diez años. Un cambio en propiedad de una instalación elegible no afecta el límite de diez millones de dólares acumulados a ser pagada a la instalación elegible bajo esta sección o el límite de diez años contenido en esta sección.

**17-02-05. Fondo de incentivo a la producción de etanol – Apropiación continua.**

Se crea en la tesorería del estado un fondo especial conocido como fondo de incentivo a la producción de etanol. El fondo consiste en transferencias realizadas de acuerdo con la sección 39-04-39. Todos los dineros en el fondo son apropiados de manera continua a la oficina de energía renovable y eficiencia energética para ser utilizados en el pago de los incentivos a la producción de etanol definidos en este capítulo.

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018.  
Email: cadapalabraesimportante@gmail.com Tel: 310 283 2297

  
**JUANITA BECERRA MUÑOZ**  
Traductora e Intérprete Oficial  
Inglés - Español - Inglés  
Licencia N°. 500 de 2017

**CHAPTER 17-02**  
**ETHANOL PRODUCTION INCENTIVES**

SECCIÓN DE COMERCIO EXTERIOR

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**17-02-01. Ethanol production incentives - Report to budget section.**  
Repealed by S.L. 2013, ch. 177, § 4.

**17-02-01.1. Definition.**

In this chapter "eligible facility" means an ethanol production plant constructed in this state after July 31, 2003.

**17-02-02. Ethanol production incentives - Payments for increased production.**

If an ethanol plant that was in operation in this state before July 1, 1995, increases its production by the lesser of ten million gallons [37854000 liters] or fifty percent of its production capacity during any twelve-month period beginning on or after July 1, 2005, that plant is eligible to receive ethanol production incentive payments under section 17-02-03 on its increased production.

**17-02-03. Ethanol production incentive - Calculation - Payment.**

The office of renewable energy and energy efficiency shall provide quarterly to each eligible facility a production incentive based on the average North Dakota price per bushel of corn received by farmers during the quarter, as established by the North Dakota agricultural statistics service and the average North Dakota rack price per gallon [3.79 liters] of ethanol during the quarter, as compiled by AXXIS petroleum. The amount payable as a production incentive must be calculated by including the sum arrived at under subsection 1 with the sum arrived at under subsection 2.

1. a. If the average quarterly price per bushel of corn is above one dollar and eighty cents, for each one cent by which the quarterly price is above one dollar and eighty cents, the office of renewable energy and energy efficiency shall add to the amount payable under this section one-tenth of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.
  - b. If the average quarterly price per bushel of corn is one dollar and eighty cents, the office of renewable energy and energy efficiency shall add zero to any amount payable under this section.
  - c. If the average quarterly price per bushel of corn is below one dollar and eighty cents, for each one cent by which the quarterly price is below one dollar and eighty cents, the office of renewable energy and energy efficiency shall subtract from the amount payable under this section one-tenth of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.
2. a. If the average quarterly rack price per gallon of ethanol is above one dollar and thirty cents, for each one cent by which the average quarterly rack price is above one dollar and thirty cents, the office of renewable energy and energy efficiency shall subtract from the amount payable under this section, two-tenths of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.
  - b. If the average quarterly rack price per gallon of ethanol is one dollar and thirty cents, the office of renewable energy and energy efficiency shall subtract zero from any amount payable under this section.
  - c. If the average quarterly rack price per gallon of ethanol is below one dollar and thirty cents, for each one cent by which the average quarterly rack price is below one dollar and thirty cents, the office of renewable energy and energy efficiency shall add to the amount payable under this section two-tenths of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.

**17-02-04. Subsidy limitations.**

The office of renewable energy and energy efficiency may not distribute more than one million six hundred thousand dollars per eligible facility annually in payments under section 17-02-03 and may not distribute any payment that would create a negative ethanol production incentive fund balance. If the incentive fund balance is insufficient to pay all valid incentive requests received in any quarter, the funds available must be paid out on a pro rata basis and obligations may not be carried forward. No eligible facility may receive state payments that exceed a cumulative total of ten million dollars or for longer than ten years. Change in ownership of an eligible facility does not affect the ten million dollar cumulative total allowed to be paid to that eligible facility under this section or the ten-year limitation contained in this section.

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**17-02-05. Ethanol production incentive fund - Continuing appropriation.**

There is created in the state treasury a special fund known as the ethanol production incentive fund. The fund consists of transfers made in accordance with section 39-04-39. All moneys in the fund are appropriated on a continuing basis to the office of renewable energy and energy efficiency for use in paying ethanol production incentives under this chapter.

**ANEXO 16**  
**Precios del Maíz y**  
**Etanol Gobierno Estatal**  
**de Dakota del Norte**



**Traducción de tabla 76. Precios Promedio de Maíz y Etanol (76. Average Monthly Corn and Ethanol Prices)**

**Promedio Histórico Mensual de Precios de Etanol en Dakota del Norte**

	Enero	Febrero	Marzo	Abril	Mayo	Junio	Julio	Agosto	Septiembre	Octubre	Noviembre	Diciembre
2003	\$1.396	\$1.399	\$1.649	\$1.805	\$1.766	\$1.880	\$1.817	\$1.310	\$1.310	\$1.680	\$1.680	\$1.680
2004	\$1.789	\$1.588	\$1.350	\$1.264	\$1.243	\$1.423	\$1.830	\$1.621	\$1.566	\$1.907	\$2.003	\$1.835
2005	\$1.886	\$2.400	\$2.492	\$2.510	\$3.044	\$3.586	\$3.259	\$2.718	\$2.198	\$1.839	\$2.172	\$1.889
2006	\$2.146	\$2.053	\$2.272	\$2.345	\$2.438	\$2.369	\$2.267	\$2.205	\$1.846	\$1.722	\$1.913	\$2.449
2007	\$2.201	\$2.213	\$2.380	\$2.511	\$2.601	\$2.603	\$2.761	\$2.443	\$2.366	\$2.197	\$1.775	\$2.066
2008	\$1.760	\$1.753	\$1.667	\$1.651	\$1.703	\$1.824	\$1.783	\$1.739	\$1.711	\$1.879	\$2.063	\$1.604
2009	\$2.020	\$1.917	\$1.773	\$1.676	\$1.700	\$1.695	\$1.645	\$1.904	\$2.160	\$2.296	\$2.418	\$2.141
2010	\$2.374	\$2.430	\$2.537	\$2.705	\$2.725	\$2.786	\$2.915	\$3.075	\$3.013	\$2.846	\$2.918	\$2.283
2011	\$2.382	\$2.302	\$2.349	\$2.344	\$2.317	\$2.280	\$2.611	\$2.787	\$2.665	\$2.605	\$2.586	\$2.541
2012	\$2.444	\$2.506	\$2.575	\$2.608	\$2.701	\$2.785	\$2.716	\$2.617	\$2.641	\$2.383	\$2.329	\$2.483
2013	\$2.236	\$2.089	\$2.621	\$3.223	\$2.636	\$2.516	\$2.453	\$2.429	\$2.225	\$1.949	\$2.428	\$2.440
2014	\$1.804	\$1.716	\$1.771	\$1.806	\$1.807	\$1.768	\$1.873	\$1.847	\$1.854	\$1.849	\$1.737	\$1.624
2015	\$1.526	\$1.521	\$1.488	\$1.595	\$1.657	\$1.740	\$1.710	\$1.604	\$1.627	\$1.681	\$1.698	\$1.767

\*Precios basados en promedio por galón. Datos suministrados por Axis Petroleum.

**Promedio Histórico Mensual de Precios de Maíz en Dakota del Norte**

	Enero	Febrero	Marzo	Abril	Mayo	Junio	Julio	Agosto	Septiembre	Octubre	Noviembre	Diciembre
2003	\$2.19	\$2.50	\$2.62	\$2.70	\$2.77	\$2.82	\$2.52	\$2.10	\$2.14	\$2.00	\$2.04	\$2.11
2004	\$1.91	\$1.64	\$1.79	\$1.85	\$1.86	\$1.87	\$1.87	\$1.82	\$1.77	\$1.73	\$1.67	\$1.84
2005	\$1.72	\$1.80	\$1.84	\$1.90	\$1.95	\$1.89	\$1.88	\$1.89	\$1.99	\$2.23	\$2.42	\$2.63
2006	\$2.92	\$3.07	\$3.11	\$2.92	\$3.04	\$3.33	\$3.27	\$3.16	\$3.19	\$2.97	\$3.08	\$3.47
2007	\$3.66	\$4.40	\$4.57	\$4.84	\$5.13	\$5.30	\$5.32	\$4.87	\$5.18	\$4.55	\$4.32	\$4.22
2008	\$4.15	\$3.55	\$3.46	\$3.55	\$3.66	\$3.81	\$3.13	\$2.96	\$2.93	\$3.03	\$3.47	\$3.25
2009	\$3.05	\$3.17	\$3.14	\$3.06	\$2.98	\$3.00	\$3.12	\$3.25	\$3.80	\$3.87	\$4.25	\$4.85
2010	\$4.36	\$5.36	\$5.46	\$5.83	\$5.80	\$6.23	\$5.87	\$6.36	\$6.47	\$5.25	\$5.41	\$5.40
2011	\$5.75	\$5.92	\$6.06	\$6.05	\$5.98	\$6.06	\$6.57	\$7.37	\$6.50	\$6.31	\$6.64	\$6.46
2012	\$6.49	\$6.62	\$6.77	\$6.59	\$6.39	\$6.47	\$6.37	\$5.97	\$5.67	\$4.42	\$4.09	\$4.08
2013	\$4.15	\$3.85	\$3.95	\$4.01	\$4.21	\$3.70	\$3.67	\$3.35	\$2.94	\$3.11	\$3.27	\$3.32
2014	\$3.45	\$3.39	\$3.30	\$3.39	\$3.47	\$3.20	\$3.40	\$3.29	\$3.33	\$3.35	\$3.26	\$3.23
2015	\$3.23	\$3.16	\$3.21	\$3.29	\$3.42	\$3.52	\$3.42	\$3.10	\$3.08	\$2.95	\$2.97	\$3.00

\*Precios basados en promedio por bushel. Información suministrada por el Servicio de Estadística Agrícola Nacional

**Historic Average Monthly North Dakota Ethanol Prices**

	January	February	March	April	May	June	July	August	September	October	November	December
2003	\$1.396	\$1.399	\$1.649	\$1.805	\$1.766	\$1.880	\$1.310	\$1.310	\$1.310	\$1.680	\$1.680	\$1.680
2004	\$1.789	\$1.588	\$1.350	\$1.264	\$1.243	\$1.423	\$1.817	\$1.621	\$1.566	\$1.907	\$2.003	\$1.835
2005	\$1.886	\$2.400	\$2.492	\$2.510	\$3.044	\$3.586	\$3.259	\$2.059	\$2.750	\$2.552	\$2.172	\$1.889
2006	\$2.146	\$2.053	\$2.272	\$2.345	\$2.438	\$2.369	\$2.267	\$2.718	\$2.198	\$1.839	\$2.164	\$2.449
2007	\$2.201	\$2.213	\$2.380	\$2.511	\$2.601	\$2.603	\$2.761	\$2.205	\$1.846	\$1.722	\$1.913	\$2.066
2008	\$1.760	\$1.753	\$1.667	\$1.651	\$1.703	\$1.824	\$1.783	\$2.443	\$2.366	\$2.197	\$1.775	\$1.604
2009	\$2.020	\$1.917	\$1.773	\$1.676	\$1.700	\$1.695	\$1.645	\$1.739	\$1.711	\$1.879	\$2.063	\$2.141
2010	\$2.374	\$2.430	\$2.537	\$2.705	\$2.725	\$2.786	\$2.915	\$3.075	\$3.013	\$2.296	\$2.418	\$2.283
2011	\$2.382	\$2.302	\$2.349	\$2.344	\$2.317	\$2.280	\$2.611	\$2.787	\$2.665	\$2.605	\$2.586	\$2.541
2012	\$2.444	\$2.506	\$2.575	\$2.608	\$2.701	\$2.785	\$2.716	\$2.617	\$2.641	\$2.383	\$2.329	\$2.483
2013	\$2.236	\$2.089	\$2.621	\$3.223	\$2.636	\$2.516	\$2.453	\$2.429	\$2.225	\$1.949	\$2.428	\$2.440
2014	\$1.804	\$1.716	\$1.771	\$1.806	\$1.807	\$1.768	\$1.873	\$1.847	\$1.854	\$1.849	\$1.737	\$1.624
2015	\$1.526	\$1.521	\$1.488	\$1.595	\$1.657	\$1.740	\$1.710	\$1.604	\$1.627	\$1.681	\$1.698	\$1.767

Prices are based on the average per gallon. Prices are reported by Axys Petroleum.

**Historic Average Monthly North Dakota Corn Prices**

	January	February	March	April	May	June	July	August	September	October	November	December
2003	\$2.19	\$2.50	\$2.62	\$2.70	\$2.77	\$2.82	\$2.15	\$2.10	\$2.14	\$2.00	\$2.04	\$2.11
2004	\$1.91	\$1.64	\$1.79	\$1.85	\$1.86	\$1.87	\$2.52	\$2.53	\$2.37	\$2.22	\$2.10	\$1.84
2005	\$1.72	\$1.80	\$1.84	\$1.90	\$1.95	\$1.89	\$1.87	\$1.82	\$1.77	\$1.73	\$1.67	\$1.73
2006	\$2.92	\$3.07	\$3.11	\$2.92	\$3.04	\$3.33	\$1.88	\$1.89	\$1.99	\$2.23	\$2.42	\$2.63
2007	\$3.66	\$4.40	\$4.57	\$4.84	\$5.13	\$5.30	\$3.27	\$3.16	\$3.19	\$2.97	\$3.08	\$3.47
2008	\$4.15	\$3.55	\$3.46	\$3.55	\$3.66	\$3.81	\$5.32	\$4.87	\$5.18	\$4.55	\$4.32	\$4.22
2009	\$3.05	\$3.17	\$3.14	\$3.06	\$2.98	\$3.00	\$3.13	\$2.96	\$2.93	\$3.03	\$3.47	\$3.25
2010	\$4.36	\$5.36	\$5.46	\$5.83	\$5.80	\$6.23	\$3.12	\$3.25	\$3.80	\$3.87	\$4.25	\$4.85
2011	\$5.75	\$5.92	\$6.06	\$6.05	\$5.98	\$6.06	\$5.87	\$6.36	\$6.47	\$5.25	\$5.41	\$5.40
2012	\$6.49	\$6.62	\$6.77	\$6.59	\$6.39	\$6.47	\$6.57	\$7.37	\$6.50	\$6.31	\$6.64	\$6.46
2013	\$4.15	\$3.85	\$3.95	\$4.01	\$4.21	\$3.70	\$6.37	\$5.97	\$5.67	\$4.42	\$4.09	\$4.08
2014	\$3.45	\$3.39	\$3.30	\$3.39	\$3.47	\$3.20	\$3.67	\$3.35	\$2.94	\$3.11	\$3.27	\$3.32
2015	\$3.23	\$3.16	\$3.21	\$3.29	\$3.42	\$3.52	\$3.40	\$3.29	\$3.33	\$3.35	\$3.26	\$3.23
2016							\$3.42	\$3.10	\$3.08	\$2.95	\$2.97	\$3.00

Prices are based on the average per bushel. Data is supplied by the National Agricultural Statistics Service.

**IBARRA**  
ABOGADOS

**ANEXO 17**  
**Código Centenario de**  
**Dakota del Norte 17-03**

Traducción de apartes del documento Ley Centenaria de Dakota del Norte (North Dakota Century Code t17c03)

## CAPÍTULO 17-03 ASOCIACIÓN DE BIODIESEL PARA ASISTIR LA EXPANSIÓN DE LA COMUNIDAD

### 17-03-01. Definiciones.

En este capítulo, a no ser que el contexto o sujeto lo requieran:

1. "Instalación de producción de biodiesel" significa un productor de combustible compuesto por ésteres mono-alquílicos de ácidos de cadena larga de grasa derivados de aceite vegetal o grasas animales que cumple con la especificación D 6751 de la Sociedad Americana para Pruebas y Especificación de Materiales (ASTM). La instalación debe estar localizada en este estado.
2. "Fondo de asociación de combustible para asistir la expansión de la comunidad" o "fondo" significa un fondo establecido para reducir la tasa de interés en créditos a instalaciones de producción de biodiesel, etanol y diésel verde y para operaciones de ganadería tal como se describe en este capítulo.
3. "Instalación de producción de etanol" significa un productor de etanol desnaturalizado derivado de productos agrícolas que es apto para mezclar con un producto de petróleo para usar en motores de combustión interna. La instalación debe estar localizada en este estado.
4. "Instalación de producción de diésel verde" significa un productor de un combustible derivado de fuentes renovables no fósiles, incluyendo plantas agrícolas y forestales, grasas animales, residuos y desperdicios generados de la producción, procesamiento y mercadeo de productos agrícolas, productos forestales y otros recursos renovables, que cumple con las especificaciones aplicables de la Sociedad Americana para Pruebas y Especificación de Materiales (ASTM). La instalación debe estar localizada en este estado.
3. "Operación de ganadería" significa una operación que alimenta, maneja, ordeña o mantiene ganado, localizada en este estado, que utiliza subproductos producidos en una instalación de producción de biodiesel o etanol como parte de su operación.

### 17-03-02. Fondo de asociación de biodiesel para asistir la expansión de la comunidad – Apropiación continuada - Administración

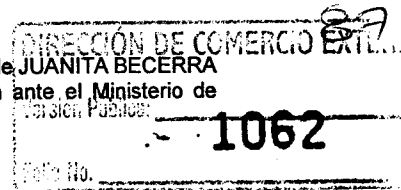
Con efectividad 1º de julio de 2007, el fondo de asociación de biodiesel para asistir la expansión de la comunidad se convierte en el fondo de asociación de biocombustible para asistir la expansión de la comunidad. Todos los dineros transferidos al fondo, intereses en dineros del fondo, y pagos al fondo son destinados para los propósitos de este capítulo. Este fondo no está sujeto a la sección 54-44.1-11. El Banco de Dakota del Norte deberá administrar el fondo. Independientemente de cualquier otra provisión de ley, el Banco podrá transferir cualquier dinero no comprometido entre fondos que han sido designados por la asamblea legislativa para el programa de reducción de intereses en el fondo de asociación de biocombustible para asistir la expansión de la comunidad.

### 17-03-03. Fondo – Propósito – Programa de Reducción de Intereses.

Los dineros en el fondo deben ser utilizados para el propósito de reducir las tasas de interés hechas por una institución financiera con participación del Bando de Dakota del Norte. La participación del Banco de Dakota del Norte no deberá exceder el ochenta por ciento ni ser menor al cincuenta por ciento del total de créditos.

### 17-03-04 Dineros del fondo – Usos elegibles.

1. a. Los dineros del fondo pueden ser utilizados para participar en una reducción de intereses en un crédito a una instalación de producción de biodiesel, etanol o diésel verde o a una operación de ganadería para los siguientes usos elegibles:



- (1) Compra o construcción de un bien inmueble.
  - (2) Ampliación de instalaciones.
  - (3) Compra o instalación de equipo, incluido un sistema bio-digestivo.
- b. Los fondos del crédito no pueden ser utilizados para refinanciar ninguna deuda existente ni para la reubicación dentro de este estado de instalaciones de producción de biodiesel, etanol o diésel verde, ni de operaciones de ganadería.
2. a. El máximo valor que del fondo que puede ser utilizado en una operación de reducción de intereses de una instalación de producción de biodiesel, etanol o diésel verde no puede exceder quinientos mil dólares para una instalación de producción individual de biodiesel, etanol o diésel verde, bajo las condiciones de este capítulo.
- b. A excepción de lo dispuesto en la subdivisión c, el valor máximo del fondo que puede ser utilizado en una operación de reducción de intereses de una operación de ganadería no puede exceder doscientos cincuenta mil dólares para una operación de ganadería individual, bajo las condiciones de este capítulo.
- c. Si una operación de ganadería ha llegado al límite establecido en la subdivisión b, como resultado de una actividad diferente de la compra o instalación de un biodigestor, esa operación tiene derecho a recibir del fondo hasta doscientos cincuenta mil dólares en una operación de reducción de intereses para la compra o instalación de un sistema de biodigestor.
3. La participación está limitada al valor requerido para una operación de reducción de intereses de quinientos puntos básicos debajo de la tasa nacional prime de interés.
4. El Banco de Dakota del Norte deberá adoptar la reglamentación para implementar este capítulo.

**17-03-05. Límite del incentivo para el fondo de asociación para asistir la expansión de la comunidad.**

Una instalación de producción de biodiesel, etanol o diésel verde que reciba una reducción de intereses del fondo de asociación de biocombustible para asistir la expansión de la comunidad no es elegible para recibir una reducción de intereses del fondo de asociación para asistir la expansión de la comunidad para el mismo proyecto durante un período bianual.

SECCIÓN DE COMERCIO EXTERIOR  
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**CHAPTER 17-03**  
**BIODIESEL PARTNERSHIP IN ASSISTING COMMUNITY EXPANSION**

Acta Pública: **1063**  
Folio No. \_\_\_\_\_

**17-03-01. Definitions.**

In this chapter, unless the context or subject matter otherwise requires:

1. "Biodiesel production facility" means a producer of a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oil or animal fats that meets American society for testing and materials specification D 6751. The facility must be located in this state.
2. "Biofuel partnership in assisting community expansion fund" or "fund" means a fund established to buy down the interest rate on loans to biodiesel, ethanol, and green diesel production facilities and to livestock operations as provided under this chapter.
3. "Ethanol production facility" means a producer of agriculturally derived denatured ethanol that is suitable for blending with a petroleum product for use in internal combustion engines. The facility must be located in this state.
4. "Green diesel production facility" means a producer of a fuel produced from nonfossil renewable resources, including agricultural or silvicultural plants, animal fats, residue, and waste generated from the production, processing, and marketing of agricultural products, silvicultural products, and other renewable resources, which meets applicable American society for testing and materials specifications. The facility must be located in this state.
5. "Livestock operation" means a livestock feeding, handling, milking, or holding operation located in this state which uses as part of its operation a byproduct produced at a biodiesel or an ethanol production facility.

**17-03-02. Biofuel partnership in assisting community expansion fund - Continuing appropriation - Administration.**

Effective July 1, 2007, the biodiesel partnership in assisting community expansion fund becomes the biofuel partnership in assisting community expansion fund. All moneys transferred into the fund, interest on fund moneys, and payments to the fund are appropriated for the purposes of this chapter. This fund is not subject to section 54-44.1-11. The Bank of North Dakota shall administer the fund. Notwithstanding any other provision of law, the Bank may transfer any unobligated moneys between funds that have been appropriated by the legislative assembly for interest buydown in the biofuel partnership in assisting community expansion fund and the partnership in assisting community expansion fund.

**17-03-03. Fund - Purpose - Interest rate buydown.**

Moneys in the fund must be used for the purpose of buying down the interest rate on loans made by a lead financial institution in participation with the Bank of North Dakota. The Bank of North Dakota's participation may not exceed eighty percent nor be less than fifty percent of the total loans.

**17-03-04. Fund moneys - Eligible uses.**

1. a. The fund moneys may be used to participate in an interest rate buydown on a loan to a biodiesel, ethanol, or green diesel production facility or to a livestock operation for the following eligible uses:
  - (1) Purchase or construction of real property.
  - (2) Expansion of facilities.
  - (3) Purchase or installation of equipment, including a biodigester system.
- b. The loan funds may not be used to refinance any existing debt or for the relocation within this state of the biodiesel, ethanol, or green diesel production facility or the livestock operation.
2. a. The maximum amount from the fund in the interest rate buydown for a biodiesel, ethanol, or green diesel production facility may not exceed five hundred thousand

dollars to any single biodiesel, ethanol, or green diesel production facility under ~~1064~~<sup>89</sup> this chapter.

- b. Except as provided in subdivision c, the maximum amount from the fund in the interest rate buydown for a livestock operation may not exceed two hundred fifty thousand dollars to any single livestock operation under this chapter.
  - c. If a livestock operation has reached the limit provided for in subdivision b as a result of any activity other than the purchase or installation of a biodigester, that operation is entitled to receive from the fund up to two hundred fifty thousand dollars as an additional interest rate buydown on the operation's purchase or installation of a biodigester system.
3. The fund participation is limited to the amount required to buy down the interest to five hundred basis points below the national prime interest rate.
  4. The Bank of North Dakota shall adopt rules to implement this chapter.

**17-03-05. Partnership in assisting community expansion fund incentive limitation.**

A biodiesel production facility, ethanol, or green diesel production facility that receives interest buydown from the biofuel partnership in assisting community expansion fund is not eligible to receive interest buydown from the partnership in assisting community expansion fund for the same project during the same biennium.

ANEXO 18  
Ficha Programa de  
Crédito a  
Biocombustibles Banco  
de Dakota del Norte



Traducción de apartes del documento Programa PACE de biocombustibles (Biofuels PACE Program)

Primera página:

## Programa PACE de Biocombustibles

El programa PACE de Biocombustibles provee una reducción de intereses en créditos a instalaciones de producción de biodiesel, etanol o diésel verde y a operaciones de ganadería. El préstamo es utilizado para reducir la tasa de interés en créditos que han sido aprobados por una entidad crediticia local y el Banco de Dakota del Norte (BND). No hay un requisito de inversión de la comunidad para la reducción de intereses.

### Elegibilidad

Para calificar, la instalación debe estar localizada en Dakota del Norte.

#### Criterio de Producción de Etanol

- La instalación debe producir etanol desnaturalizado derivado de productos agrícolas
- El combustible debe ser apto para mezclar con un producto de petróleo para ser utilizado en motores de combustión interna

#### Criterio de Producción de Biodiesel

- La instalación debe producir combustible líquido biodegradable derivado de aceite vegetal o grasa animal
- El combustible debe ser apto para mezclar con combustible diésel para ser utilizado en motores de combustión interna

#### Criterio de Producción de Diésel Verde

- La instalación debe producir combustible derivado de recursos renovables no fósiles
- El combustible debe ser apto para mezclar con combustible diésel para ser utilizado en motores de combustión interna

#### Criterio de Operaciones de Ganadería

- Las operaciones de ganadería localizadas en Dakota del Norte que alimentan, manejan, ordeñan o mantienen ganadería mientras utilizan subproductos producidos en una instalación de producción de biodiesel o etanol.

### Uso de los fondos

Los fondos pueden ser utilizados para: (sic)

### Valor del Crédito/Límite

El valor total del crédito no puede exceder el costo del proyecto

### Tasas de Intereses y Tarifas

**Tasa de Interés:** Una tasa de interés fija o variable puede ser utilizada en la participación del crédito. La tasa de interés al prestatario puede ser hasta 5% por debajo de la tasa del pagaré, pero no menos de 5% por debajo de la tasa prime, con un piso de 1%

**Tarifa:** Tarifa de estructuración mínima de USD \$250

### Criterio de Crédito

El BND utiliza sus estándares normales al evaluar el crédito. Estos estándares incluyen tamaño del crédito y tipo de proyecto.

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Email: cadapalabraesimportante@gmail.com Tel: 310 283 2297

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#### Requisito de Capital

- Etanol, biodiesel o diésel verde: 40-50% de capital
- Operaciones de ganadería: 40% de capital

#### Colateral

Se requerirá un colateral adecuado

#### Requisitos de Participación

El BND requiere tomar al menos el 50% y no más del 80% del total del crédito. El prestatario debe trabajar con la entidad crediticia local para enviar la aplicación de crédito. La entidad crediticia es responsable del servicio del crédito.

#### Requerimientos del Programa de reducción de intereses

El valor máximo de un crédito en el programa de reducción de intereses para producción de etanol, producción de biodiesel y producción de diésel verde es de USD \$500,000. Cuando se utiliza para operaciones de ganadería, el valor máximo es USD \$250,000 para cualquier operación de ganadería individual.

#### Plazo del Crédito


##### Instalaciones de etanol, biodiesel o diésel verde

- Equipo: 5 a 7 años
- Bienes inmuebles: Hasta 20 años

##### Operaciones de Ganadería

- Equipo: 5 a 7 años
- Bienes inmuebles: 12 a 15 años

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# Biofuels PACE Program

Biofuels PACE Program provides interest buydown on loans to biodiesel, ethanol or green diesel production facilities and livestock operations. The loan is used to reduce the interest rate on loans which have been approved by a local lender and BND. There is no community match required for the interest buydown.

## Eligibility

In order to qualify, the facility must be located in North Dakota.

### Ethanol production criteria

- Facility must produce agriculturally-derived denatured ethanol
- Fuel must be suitable for blending with a petroleum product for use in internal combustion engines

### Biodiesel production criteria

- Facility must produce biodegradable, combustible liquid fuel derived from vegetable oil or animal fat
- Fuel must be suitable for blending with diesel fuel for use in internal combustion engines

### Green diesel production criteria

- Facility must produce fuel derived from non-fossil renewable resources
- Fuel must be suitable for blending with diesel fuel for use in internal combustion diesel engines

### Livestock operations criteria

- Livestock operations located in ND that feed, handle, milk or hold livestock while using a byproduct produced at a biodiesel or ethanol production facility

## Use of proceeds

Funds may be used for:

### Loan amount/limit

The total loan amount may not exceed the cost of the project.

## Interest rate and fees

**Interest rate:** A fixed or variable interest rate may be used in the loan participation. The interest rate to the borrower may be as much as 5% below rate on the promissory note, but not less than 5% below Prime rate with a floor of 1%.

**Fees:** \$250 minimum origination fee

## Lending criteria

BND uses its typical credit standards in reviewing the loan. These standards include loan size and type of project.

Equity requirements:

- Ethanol, biodiesel or green diesel: 40-50% equity
- Livestock operations: 40% equity

## Collateral

Adequate collateral will be required.

## Additional requirements

<https://bnd.nd.gov/ag/biofuels-pace-program/#1442954780735-7783617f-bf73>

Appraisal requirements evaluated on a case-by-case basis.

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## Participation requirements

BND is required to take at least 50 percent, and not more than 80 percent, of the total loan. Borrower must work with a local lender to submit the loan application. Lead lender is responsible for servicing the loan.

## Buydown requirements

Maximum buydown amount for ethanol production, biodiesel production and green diesel production is \$500,000. When utilized for livestock operations, the maximum buydown is \$250,000 to any single livestock operation.

## Loan terms

### Ethanol, biodiesel or green diesel facility

- Equipment: 5-7 years
- Real estate: Up to 20 years

### Livestock operation

- Equipment: 5-7 years
- Real estate: 12-15 years

## Default by the borrower

If the borrower is in default under the loan agreements, the interest rate on the loan changes from the borrowing rate to the yield rate. The borrower shall accrue interest at the yield rate and all interest buydown is suspended until the loan is brought current.

## Forms

Accountability Information Release (PDF)  
Bank Participation Loan Application (PDF)

It is recommended you use Internet Explorer 11 or above to download these forms. If you are not able to access a PDF, please contact us for assistance.

## How to apply

BND offers this loan by partnering with local lenders. To apply, contact your lender.

If you have any questions, contact us or call 701.328.5795.

**ANEXO 19**  
**Código Centenario de**  
**Dakota del Norte 6-09.7**

*Traducción de apartes del documento Ley Centenaria de Dakota del Norte 6-09.7 (North Dakota Century Code 6-09.7)*

## CAPÍTULO 6-09.7

### PROGRAMA DE GARANTÍA CREDITICIA PARA INSTALACIONES DE PRODUCCIÓN DE COMBUSTIBLE

#### **6-09.7-01. Programa de garantía crediticia – Administración – Consejo Asesor.**

El banco de Dakota del Norte deberá administrar el programa estatal de garantía crediticia tal como se define en este capítulo. El consejo asesor de directores del Banco de Dakota del Norte nombrado de acuerdo con el capítulo 6-09.1 deberá actuar en capacidad de asesor en lo concerniente al programa.

#### **6-09.7-02. Poderes y deberes del Banco de Dakota del Norte.**

El banco de Dakota del Norte podrá tomar, mantener y administrar, a nombre del estado de cualquier fuente, cualquier propiedad o cualquier interés en la propiedad y el ingreso de ahí, ya sea de forma absoluta o en fiducia, para cualquier propósito del programa de garantía crediticia; siempre y cuando no haya una obligación de garantía del Banco pagable de cualquier dinero del Banco excepto aquellas puestas a disposición del Banco bajo este capítulo.

#### **6-09.7-03. Alcance de garantía crediticia.**

Caduca bajo el código S.L. 2013, capítulo 87, numeral 4.

#### **6-09.7-04. El Banco debe dictar la tasa de interés en un crédito garantizado.**

Cualquier crédito garantizado por el Banco de Dakota del Norte debe tener un interés a una tasa que no exceda el interés cargado por el prestador a otras personas para créditos similares no garantizados por el Banco, a no ser que el Banco determine que una tasa mayor está justificada por circunstancias especiales y deberá ser consistente con los objetivos generales de este capítulo.

#### **6-09.7-05. Establecimiento y mantenimiento de fondos adecuados de garantías – Uso de fondo de inversiones estratégicas y mejoras.**

El banco de Dakota del Norte deberá establecer y mantener en todo momento un fondo de reserva adecuado en una cuenta especial en el Banco. El Banco podrá solicitar al director de la oficina de administración y presupuesto que transfiera fondos del fondo de inversiones estratégicas y mejoras creado por la sección 15-08.1-08 para mantener un saldo del fondo de garantías de cien por ciento. Las transferencias del fondo de inversiones estratégicas y mejoras no podrán exceder un total de veinticinco millones de dólares. Los dineros en el fondo de reserva de garantías están disponibles para reembolsar a los acreedores para los préstamos garantizados impagados. Los títulos en los que los dineros del fondo de reserva pueden ser invertidos deben cumplir los mismos requisitos que los autorizados para invertir por el consejo de inversiones del estado. El ingreso de tales inversiones debe estar disponible para el costo de administrar el programa de garantías crediticias, y el ingreso en exceso de lo requerido para pagar los costos de administración del programa deberá ser depositado en el fondo de reserva. El valor de las reservas para todos los créditos garantizados deberá ser determinado por una fórmula que asegure, tal como es determinado por el Banco, un valor adecuado de reserva.

#### **6-09.7-06. Procedimiento en caso de impago de un crédito garantizado.**

Cuando parezca a criterio del Banco de Dakota del Norte que un crédito garantizado está en incumplimiento, y que el acreedor ha certificado este hecho al Banco, el Banco deberá rembolsar al acreedor elegible haciendo un préstamo del fondo de reserva hasta el valor que el fondo garantizó del crédito. Cuando el pago de un saldo principal garantizado de cualquier crédito garantizado es

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requerido del Banco, la nota y la evidencia acompañante del crédito deberá ser ofrecida al Banco de la manera y forma para conferir un buen título para que el crédito pueda ser cobrado por el Banco como lo determine, de acuerdo con la ley. No podrá ser utilizado ningún vencimiento en contra de ese cobro, a través de proceso legales, de ningún crédito garantizado bajo este capítulo.

**6-09.7-07. Tasas para costos razonables.**

El banco de Dakota del Norte podrá cobrar tasas razonables por garantizar los créditos bajo este capítulo y estas tasas deberán estar disponibles para sufragar los costos de administrar el programa estatal de garantías crediticias. Las tasas en exceso del valor requerido para pagar los costos de administración del programa deberán ser depositadas en el fondo de reserva.

**6-09.7-08 Límites en apoyos adicionales del estado.**

El banco de Dakota del Norte podrá garantizar el préstamo de dinero por bancos, uniones crediticias, instituciones de préstamo que son parte del sistema de créditos agrícolas, y asociaciones de ahorro y préstamos en este estado a personas elegibles por la compra de bienes inmuebles agrícolas o la reestructuración de préstamos inmobiliarios, siempre y cuando las transacciones no excedan un ratio de préstamo-a-valor de ochenta por ciento y que ningún crédito exceda cuatrocientos mil dólares. El Banco de Dakota del Norte podrá tener no más de ocho millones de dólares en garantías de créditos vencidas bajo esta sección. El Banco de Dakota del Norte podrá establecer términos, condiciones y procedimientos adicionales como sean necesarios para cumplir con los requisitos de esta sección.

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**6-09.7-01. Guarantee loan program - Administration - Advisory board.**

The Bank of North Dakota shall administer the state guarantee loan program as provided in this chapter. The advisory board of directors to the Bank of North Dakota appointed pursuant to chapter 6-09.1 shall act in an advisory capacity concerning the program.

**6-09.7-02. Powers and duties of the Bank of North Dakota.**

The Bank of North Dakota may take, hold, and administer, on behalf of the state from any source, any property, or any interest in the property, and the income therefrom, either absolutely or in trust, for any purpose of the state guarantee loan program; provided, that no guarantee obligation of the Bank is payable out of any moneys of the Bank except those made available to the Bank under this chapter.

**6-09.7-03. Extent of loan guarantee.**

Expired under S.L. 2013, ch. 87, § 4.

**6-09.7-04. Bank to prescribe the rate of interest on guaranteed loan.**

Any loan guaranteed by the Bank of North Dakota must bear interest at a rate not in excess of the interest charged by the lender to other persons for similar types of loans not guaranteed by the Bank unless the Bank determines that a higher rate of interest is justified by special circumstances and would be consistent with the general objectives of this chapter.

**6-09.7-05. Establishment and maintenance of adequate guarantee funds - Use of strategic investment and improvements fund.**

The Bank of North Dakota shall establish and at all times maintain an adequate guarantee reserve fund in a special account in the Bank. The Bank may request the director of the office of management and budget to transfer funds from the strategic investment and improvements fund created by section 15-08.1-08 to maintain one hundred percent of the guarantee reserve fund balance. Transfers from the strategic investment and improvements fund may not exceed a total of twenty-five million dollars. Moneys in the guarantee reserve fund are available to reimburse lenders for guaranteed loans in default. The securities in which the moneys in the reserve fund may be invested must meet the same requirements as those authorized for investment under the state investment board. The income from such investments must be made available for the costs of administering the state guarantee loan program and income in excess of that required to pay the cost of administering the program must be deposited in the reserve fund. The amount of reserves for all guaranteed loans must be determined by a formula that will assure, as determined by the Bank, an adequate amount of reserve.

**6-09.7-06. Procedure on default of guaranteed loan.**

Whenever it appears to the satisfaction of the Bank of North Dakota that a guaranteed loan is in default, and the eligible lender has certified this fact to the Bank, the Bank shall reimburse the eligible lender making the loan from the reserve fund to the extent the loan was guaranteed by the fund. Whenever payment of the guaranteed principal balance of any guaranteed loan is demanded of the Bank, the note and accompanying evidence of the loan must be tendered to the Bank in manner and form to confer good title so that the loan may be collected by the Bank as it may determine according to law. No statute of limitations may be used as a defense against collection, through court proceedings, of any loan guaranteed under this chapter.

**6-09.7-07. Fees for reasonable costs.**

The Bank of North Dakota may charge reasonable fees for guaranteeing of loans under this chapter, and the fees must be available to defray costs of administering the state guarantee loan program. Fees in excess of the amount required to pay the cost of administering the program must be deposited in the reserve fund.



**6-09.7-08. Limitation on additional state aid.**  
Repealed by S.L. 2011, ch. 82, § 4.

DIRECCION DE COMERCIO EXTERIOR 99  
Versión Pública:  
Folio No. - 1074

**6-09.7-09. Agricultural real estate loans - Guarantee.**

The Bank of North Dakota may guarantee the loan of money by banks, credit unions, lending institutions that are part of the farm credit system, and savings and loan associations in this state to eligible persons for the purchase of agricultural real estate or the restructuring of agricultural real estate loans, provided the transactions do not exceed a loan-to-value ratio of eighty percent and further provided that no single loan exceed four hundred thousand dollars. The Bank of North Dakota may have no more than eight million dollars in outstanding loan guarantees under this section. The Bank of North Dakota may establish additional terms, conditions, and procedures, as necessary to meet the requirements of this section.

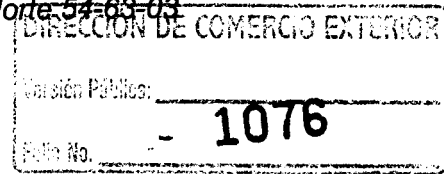
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DIRECCIÓN DE COMERCIO EXTERIOR  
Versión Pública:  
No. 1075

**ANEXO 20**  
**Código Centenario de**  
**Dakota del Norte 54-63-**  
**03**

Calle 98 N° 9A - 41 Oficina 309  
Edificio Ab Proyectos  
Bogotá D.C. - Colombia  
(+571) 236 0880 PBX (+571) 7495737 PBX  
[www.ibarraibarra.com](http://www.ibarraibarra.com)

Traducción de apartes del documento Ley Centenaria de Dakota del Norte 54-63-03  
(North Dakota Century Code 54-63-03)



Primera página, primer párrafo:

## CAPÍTULO 54-63 CONSEJO DE ENERGÍA RENOVABLE

Página 2, párrafo 5:


### 54-63-03. Poderes de la Comisión Industrial.

1. La comisión industrial podrá:

- a. Hacer garantías de préstamos, y dar otras formas de apoyo financiero como sea necesario o apropiado, a personas calificadas para fondear proyectos o actividades de de investigación, desarrollo, mercadeo y educación, estudios de factibilidad, investigación aplicada y demostraciones, inversiones de capital de riesgo, y préstamos con bajos intereses y reducciones de interés de préstamos para impulsar el desarrollo de energías renovables, incluyendo eólica, biocombustibles, biomasa, solar, hidroeléctrica, geotérmica e hidrógeno, que sea producida de las fuentes anteriores. Cualquier apoyo financiero que la comisión otorgue a un proyecto no podrá ser su único soporte. Cualquier apoyo financiero que la comisión otorgue deberá estar condicionado al aseguramiento que el solicitante o tercera persona soportará el proyecto ya sea con medios monetarios o no monetarios. El valor de este apoyo adicional se deja a discreción de la comisión.
- b. Otorgar incentivos para instalaciones de múltiples insumos para procesar etanol de maíz, etanol celulósico, biodiesel de canola y biodiesel de soya.
- c. Otorgar incentivos para tecnologías escalables.
- d. Otorgar incentivos para aumentar la investigación y utilización de coproductos de energía renovable para alimentación de ganado, productos de comida humana y tecnologías de uso industrial.
- e. Ejecutar contratos y todos los demás instrumentos necesarios o convenientes para el desempeño de sus poderes y funciones definidas en este capítulo.
- f. Aceptar ayuda, subvenciones o contribuciones en dinero u otras cosas de valor de cualquier fuente, para ser mantenidas, utilizadas y aplicadas para lograr los objetivos definidos en este capítulo, sujeto a las condiciones en las que las ayudas, subvenciones o contribuciones sean hechas, incluyendo ayudas, subvenciones o contribuciones de cualquier departamento, agencia o instrumento de Estados Unidos para cualquier propósito consistente con este capítulo.
- g. Establecer programas de reducciones de intereses para equipo necesario para la producción, cosecha, almacenamiento y transporte dentro de tierras especiales privadas abiertas a un programa piloto de pastos nativos.
- h. Fondear asistencia técnica a productores del sistema de universidades y de entidades privadas.
- i. Establecer programas de incentivos que tengan como propósito el demostrar a la comunidad agrícola la viabilidad comercial de producir, cosechar, almacenar y despachar materia prima de biomasa. El programa puede incluir el proveer los fondos para cultivos perennes de biomasa, incluyendo pastos nativos, de forma que tales productores tengan un ingreso durante el tiempo necesario para que esas plantas maduren y estén listas para cosecha.
- j. Proveer incentivos para soportar proyectos de investigación y demostración y obtener las subvenciones que los igualen para proyectos que involucren biocombustibles avanzados y biocombustibles basados en azúcar.

2. La comisión industrial deberá realizar un contrato con el departamento de comercio para proveer asistencia técnica al consejo de energía renovable y la comisión industrial para llevar a cabo y ejecutar los propósitos de este capítulo, incluido lo dispuesto de apoyos, subvenciones o contribuciones de dinero u otras cosas de valor de cualquier fuente para cualquier propósito consistente con este capítulo. El departamento podría contratar con una entidad pública o privada para dar alguna o toda la asistencia técnica necesaria para implementar los propósitos de este capítulo.

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Email: cadapalabraesimportante@gmail.com Tel: 310 283 2297

  
JUANITA BECERRA MUÑOZ  
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Licencia N°. 500 de 2017

**CHAPTER 54-63  
RENEWABLE ENERGY COUNCIL**

DIRECCION DE COMERCIO EXTERIOR	
Version Publicar:	103
- 1078	
Folio No.	

**54-63-00.1. Definitions.**

As used in this chapter, "advanced biofuel" means fuel derived from renewable biomass and includes:

1. Biofuel derived from cellulose, hemicellulose, or lignin;
2. Biofuel derived from sugar and starch other than ethanol derived from corn kernel starch;
3. Biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste, food waste, and yard waste;
4. Diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;
5. Biogas, including landfill gas and sewage waste treatment gas, produced through the conversion of organic matter from renewable biomass;
6. Butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and
7. Other fuel derived from cellulosic biomass.

**54-63-01. Renewable energy council - Composition.**

The industrial commission shall consult with the renewable energy council in matters of policy affecting the administration of the renewable energy development fund.

1. The renewable energy council consists of:
  - a. The commissioner of commerce or the commissioner's designee.
  - b. A member with a substantial interest in the agriculture industry appointed by the governor.
  - c. A member with a substantial interest in the biodiesel industry appointed by the governor representing biodiesel interests.
  - d. A member with a substantial interest in the biomass industry appointed by the governor representing biomass interests.
  - e. A member with a substantial interest in the wind industry appointed by the governor representing wind interests.
  - f. A member with a substantial interest in the ethanol industry appointed by the governor representing ethanol interests.
  - g. A member with a substantial interest in advanced biofuel and sugar-based biofuel, appointed by the governor.
2. Subject to subsection 6, the terms of office for members of the council are three years but of those first appointed, two serve for one year, two serve for two years, and two serve for three years.
3. The commissioner of commerce shall serve as chairman.
4. The council shall have at least one regular meeting each year and such additional meetings as the chairman determines necessary at a time and place to be fixed by the chairman. Special meetings must be called by the chairman on written request of any three members. Four members constitute a quorum.
5. The council shall recommend to the industrial commission the approval of grants, loans, or other financial assistance necessary or appropriate for funding, research, development, marketing, and educational projects or activities and any other matters related to this chapter.
6. Members of the council serve at the pleasure of the governor.

**54-63-02. Access to council records.**

1. Materials and data submitted to, or made or received by, the council or industrial commission, to the extent that the council or industrial commission determines the materials or data consist of trade secrets or commercial, financial, or proprietary information of individuals or entities applying to or contracting with the commission or

receiving council or industrial commission services under this chapter, are subject to section 44-04-18.4.

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2. a. A person or entity must file a request with the council or industrial commission to have material designated as confidential under subsection 1. The request must contain any information required by the council or industrial commission and must include at least:
    - (1) A general description of the nature of the information sought to be protected.
    - (2) An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.
    - (3) An explanation of why the information is not readily ascertainable by proper means by other persons.
    - (4) A general description of a person or entity that may obtain economic value from disclosure or use of the information, and how the person or entity may obtain this value.
    - (5) A description of the efforts used to maintain the secrecy of the information.
  - b. The fact that a request has been made is exempt.
  3. The information submitted pursuant to subsection 2 is confidential. The council or industrial commission shall examine the request and determine whether the information is relevant to the matter at hand and is a trade secret under the definition in section 47-25.1-01 or 44-04-18.4. If the council or industrial commission determines the information is either not relevant or not a trade secret, the council or industrial commission shall notify the requester and the requester may ask for the return of the information and request within ten days of the notice. If no return is sought, the information and request are a public record.
  4. The names or identities of independent technical reviewers on a project or program and the names of council members making recommendations are confidential, may not be disclosed by the council, and are not public records subject to section 44-04-18 or section 6 of article XI of the Constitution of North Dakota.

#### **54-63-03. Industrial commission powers.**

1. The industrial commission may:
  - a. Make grants or loans, and provide other forms of financial assistance as necessary or appropriate, to qualified persons for funding research, development, marketing, and educational projects or activities, feasibility studies, applied research and demonstrations, venture capital investments, and low-interest loans and loan buydowns to foster the development of renewable energy, including wind, biofuels, biomass, solar, hydroelectric, geothermal, and hydrogen, that is produced from the foregoing renewable energy sources. Any financial assistance that the commission awards to a project must not be the project's sole support. Any financial assistance the commission awards must be conditioned on the assurance that the applicant or a third party will support the project by either monetary or nonmonetary means. The amount of this additional support is at the commission's discretion.
  - b. Provide incentives for multifeed facilities to process corn ethanol, cellulosic ethanol, canola biodiesel, and soy biodiesel.
  - c. Provide incentives for scaleable technologies.
  - d. Provide incentives to increase research and utilization of renewable energy coproduct utilization for livestock feed, human food products, and industrial use technologies.
  - e. Execute contracts and all other instruments necessary or convenient for the performance of its powers and functions under this chapter.
  - f. Accept aid, grants, or contributions of money or other things of value from any source, to be held, used, and applied to carry out this chapter, subject to the conditions upon which the aid, grants, or contributions are made, including aid, grants, or contributions from any department, agency, or instrumentality of the United States for any purpose consistent with this chapter.

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- g. Establish interest buydown programs for equipment needed for production, harvest, storage, and transport under the special private lands open to sportsmen pilot program for native grass stands.
  - h. Fund technical assistance from the university system and private entities to producers.
  - i. Establish incentive programs that have as their purpose demonstrating to the agriculture community the commercial feasibility of producing, harvesting, storing, and delivering biomass feedstock. The program may include providing funds to producers of perennial biomass crops, including native grasses, so that such producers have an income during the time needed for these plants to mature and become ready for harvest.
  - j. Provide incentives to support research and demonstration projects and obtain matching grants for projects involving advanced biofuels and sugar-based biofuels.
2. The industrial commission shall contract with the department of commerce to provide technical assistance to the renewable energy council and the industrial commission to carry out and effectuate the purposes of this chapter, including pursuit of aid, grants, or contributions of money or other things of value from any source for any purpose consistent with this chapter. The department may contract with a public or private third party to provide any or all of the technical assistance necessary to implement the purposes of this chapter.

**54-63-04. Renewable energy development fund - Continuing appropriation.**

The renewable energy development fund is a special fund in the state treasury. All funds in the renewable energy development fund are appropriated to the industrial commission on a continuing basis for the purpose of carrying out and effectuating this chapter. Interest earned by the fund must be credited to the fund.

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ANEXO 21  
Ficha Programa de  
Subvenciones de la  
Comisión Industrial de  
Energías Renovables  
Departamento de  
Comercio de Dakota del  
Norte



Traducción de apartes del documento 86. Programa de Energía Renovable (86. Renewable Energy Program)

Página 1, primer párrafo:

El programa de energía renovable promueve el crecimiento de las industrias de energía renovable de Dakota del Norte a través de investigación, desarrollo, mercadeo y educación. Los dólares disponibles en tres series de subvenciones están limitadas a USD \$500,000 dólares, requiriendo un aporte correspondiente de 50 por ciento.

El programa de energía renovable de Dakota del Norte fue establecido por la legislatura en 2007 bajo el control de la Comisión Industrial de Dakota del Norte. La ley dispone que la Comisión Industrial deberá consultar con el Consejo de Energías Renovables (REC).

El REC está compuesto de hasta siete individuos, incluyendo el Comisionado del Departamento de Comercio de Dakota del Norte, que sirve de presidente, y representantes de las siguientes seis industrias:

- Agricultura
- Biomasa
- Biodiesel
- Eólica
- Etanol
- Etanol basado en remolacha

Página 2, segundo párrafo:

Para ser considerados, los proyectos deben:

- Demostrar una alta probabilidad de avanzar a un estado comercialmente viable apoyado por una hoja de ruta a la comercialización.
- Tener involucramiento significativo de una entidad privada de Dakota del Norte.
- No ser un duplicado de otra investigación u otros proyectos de demostración o tecnología.

Una entidad podrá solicitar subvenciones para diferentes fases de un proyecto, siempre y cuando se tengan parámetros de referencia adecuados y las etapas anteriores hayan sido consideradas exitosas por el Consejo de Energías Renovables y la Comisión Industrial.

Los ejemplos de proyectos elegibles incluyen:

- Generar información y conocimiento para desarrollar una nueva compañía de inversión en energías renovables.
- Preservar y crear empleos en energía renovable, riqueza e ingresos de impuestos.
- Crear estabilidad económica, crecimiento y creación de empleos relacionados con la producción y utilización de recursos de biomasa
- Educar al público en general acerca de los beneficios y oportunidades dados por la energía renovable, materiales y productos.
- Promover el desarrollo y uso eficiente, económica y ambientalmente sano de recursos materiales y productos de energías renovables.
- Identificar y desarrollar tecnologías de energías renovables que actualmente no se utilizan en Dakota del Norte.
- Promover la investigación de coproductos de energía renovable para alimentos de ganado, productos de alimentos humanos y uso industrial de tecnologías.
- Establecer un programa de incentivos para apoyar a la comunidad agrícola en demostrar la factibilidad comercial de producción, cosecha, almacenamiento y despacho de materia prima

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de biomasa. Maximizar el potencial de mercado para los recursos, materiales y productos de energía renovable y sus asociados sub productos.

- Desarrollar una base de información que llevará a otros proyectos, procesos, ideas y actividades.

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 Email: cadapalabraesimportante@gmail.com Tel: 310 283 2297

  
**JUANITA BECERRA MUÑOZ**  
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The Renewable Energy Program promotes the growth of North Dakota's renewable energy industries through research, development, marketing and education. Dollars are available in three grant rounds and are limited to \$500,000, requiring a 50 percent match.

North Dakota's Renewable Energy Program was established by the legislature in 2007 under the control of the North Dakota Industrial Commission. The law provides that the Industrial Commission shall consult with the Renewable Energy Council (REC).

The REC is made up of seven individuals including the North Dakota Department of Commerce Commissioner, who serves as chairman, and representatives from the following six industries:

- Agriculture
- Biomass
- Biodiesel
- Wind
- Ethanol
- Sugar Beet-Based Ethanol

The North Dakota Department of Commerce provides technical assistance on the management of this program.

Renewable Energy Program policies, an application template, prior and on-going projects and other resources can be found at

[www.nd.gov/ndic/renew-Infopage.htm](http://www.nd.gov/ndic/renew-Infopage.htm).



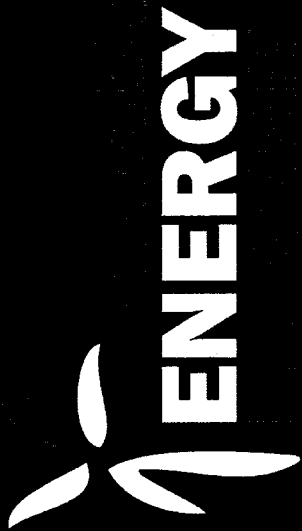
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[www.nd.gov/ndic/renew-Infopage.htm](http://www.nd.gov/ndic/renew-Infopage.htm)

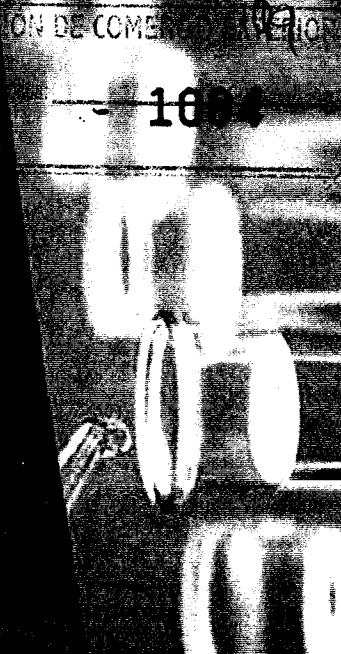
A North Dakota Industrial Commission Program  
Governor Jack Dalrymple  
Attorney General Wayne Stenehjem  
Agriculture Commissioner Doug Goehring

May 2014, 1,000 printed



NORTH DAKOTA INDUSTRIAL COMMISSION

*Promoting the Growth  
of Renewable Energy  
in North Dakota*



## ELIGIBLE PROJECTS

**Any project proposing education, research, development or marketing of renewable energy resources, materials or products is eligible.**

To be considered, projects must:

- Demonstrate a high probability of advancing to a commercially viable stage supported by a road map to commercialization.
- Have significant involvement from a North Dakota private entity.
- Not be duplicative of other research or demonstration projects or technology.

An entity may apply for grants for different phases of a project, provided appropriate benchmarks are in place and earlier phases have been deemed successful by the Renewable Energy Council and Industrial Commission.

Examples of eligible projects include:

- Generate information and knowledge to develop new renewable energy company investment.

## APPLICATION DEADLINES

There are three grant rounds per year. The application deadlines are January 1, May 1 and September 1. Additional grant round deadline dates may be established by the North Dakota Industrial Commission.

## AWARD CEILING

Awards are limited to \$500,000 and require a 50 percent match. In-kind services may not exceed 50 percent of the total Industrial Commission funding amount.

- Preserve and create renewable energy jobs, wealth and tax revenues.
- Create economic stability, growth and jobs creation related to the production and utilization of biomass resources.
- Educate the general public about the benefits and opportunities provided by renewable energy, materials and products.
- Promote efficient, economic and environmentally sound development and use of renewable energy resources, materials and products.
- Identify and develop renewable energy technologies presently not used in North Dakota.
- Promote research of renewable energy coproducts for livestock feed, human food products and industrial use technologies.
- Establish an incentive program to assist the agricultural community in demonstrating the commercial feasibility of production, harvest, storage and delivery of a biomass feedstock. Maximize the market potential for renewable energy resources, materials and products and the associated byproducts.
- Develop baseline information that will lead to other projects, processes, ideas and activities.



*North Dakota*



# ANEXO 22

## Contrato No. R003-008

Traducción de apartes del documento 87 – Contrato R-003-008 (87 - Contract R-003-008)

Página 1, primer párrafo:

**Contrato No. R-003-008**  
**“Promoviendo los Combustibles de Etanol en Dakota del Norte”**

Presentado por la Asociación Americana de Pulmón de Dakota del Norte y los Productores de Etanol de Dakota del Norte  
Investigador Principal: Kelly Marczak

**PARTICIPANTES**

**Patrocinador**

**Participación en el Costo**

Asociación Americana de Pulmón de Dakota del Norte y los Productores de Etanol de Dakota del Norte	USD \$30,000
Asociación Americana de Pulmón de Dakota del Norte	USD \$12,300 (en especie)
Comisión Industrial de Dakota del Norte	<u>USD \$30,000</u>
<b>Costo Total del Proyecto</b>	<b>USD \$72,300</b>

Cronograma del proyecto – 12 meses  
Fecha del contrato – 25 de junio de 2009  
Fecha de inicio – 1º de julio de 2009  
Fecha de terminación – 31 de diciembre de 2011

Entregables del proyecto:  
Reporte de progreso: 31 de oct. de 2009  
Reporte de progreso: 31 de enero de 2010  
Reporte de progreso: 30 de abril de 2010  
Reporte de progreso: 31 de oct. de 2010  
Reporte final: 31 de diciembre de 2011

**Contract No. R003-008**  
**"Promoting Ethanol Fuels in North Dakota"**

Submitted by American Lung Association of North Dakota and North Dakota Ethanol Producers  
Principal Investigator: Kelly Marczak

**PARTICIPANTS**

<b>Sponsor</b>	<b>Cost Share</b>
American Lung Association in North Dakota And North Dakota Ethanol Producers	\$30,000
American Lung Association in North Dakota (in kind)	\$12,300
North Dakota Industrial Commission	<u>\$30,000</u>
Total Project Cost	\$72,300

Project Schedule – 12 months	Project Deliverables:
Contract Date – June 25, 2009	Status Report: October 31, 2009 v
Start Date – July 1, 2009	Status Report: January 31, 2010 v
Completion Date – December 31, 2011	Status Report: April 30, 2010 v
	Status Report: October 31, 2010 v
	Final Report: December 31, 2011 v

**OBJECTIVE/STATEMENT OF WORK:**

The objective of this project is to increase the awareness and usage of ethanol in North Dakota through participation in trade shows, promotional campaign events, paid media impressions, etc.

**STATUS**

Contract has been executed. First status report was received. The American Lung Association in North Dakota (ALAND) and project partners began the project on July 1, 2009 by implementing a variety of methods to attract the attention of and further educate North Dakota motorists about the availability and benefits of E85 ethanol fuels. Activities included exhibits at expos that targeted both the fuel industry and the general public, print and radio advertising and retailer promotions. A detailed listing of these activities has been provided to the Commission. They include an ethanol retailer promotion, 4 exhibits, both earned and paid media, and website and materials development.

Second status report was received. The American Lung Association in North Dakota and project partners continued their activities to educate North Dakota motorists about the availability and

benefits of E85 ethanol fuels. An ethanol promotion was held in Forman, ND and exhibits were displayed at three major events during the quarter. In addition radio advertising, newspaper advertising and other print advertising took place. A new E85 Retailer Brochure was printed and distribution started during the quarter. Additional activities were planned with billboards in the upcoming quarters and a workshop in April.

The third status report was received for the January 1, 2010 – March 31, 2010 time period. During this quarter Don Kaiser replaced Valerie Kummer as coordinator of the project. Paid media advertising continued during this quarter (radio and other print such as *Prairie Business Magazine*, *North Dakota Living* and 325,000 travel guides). Arrangements were made for the Green Expo to be held on May 8-9, 2010 in Fargo, the Ethanol Workshop to be held on May 27, 2010 at the Bismarck State College Energy Center of Excellence and upcoming E85/Blender Pump Promotions to be held in June, 2010.

As a result of changes in staffing, a no-cost extension has been granted extending the reporting requirements and filing of the final report (final report to be filed by December 31, 2010)

The fourth status report was received for the time period ending September 30, 2010. During this time period additional E85/blender pump promotions took place with newspaper and/or radio advertising, a price discount, information giveaway and FFV displays. Exhibiting was done at the Green Expo (Fargo) and Great Plains Energy Expo (Bismarck). In addition media advertising was purchased—both radio and newspaper and the North Dakota Travel Guide. In addition corresponding activities included billboards and an ethanol workshop at the Great Plains Energy Corridor on May 27, 2010. It is anticipated that E85 sales are expected to more than double sales of 2009.

Notice was received that Joey Roberson-Kitzman has been named as the new coordinator of environmental programs for the American Lung Association and will be working on the clean fuel and vehicle technologies programming/Red River Valley Clean Cities Coalition and radon awareness campaign.

As a result of the changes in staffing a no-cost extension has been granted extending the reporting requirements and filing of the final report (final report to be filed by December 31, 2011).

The final report has been received and is linked to this website. The Project Overview within the final report states:



“The U.S. Energy Independence & Security Act of 2007 is a driving force for both the North Dakota and national markets toward growing use of ethanol fuels. This federal law, along with rising consumer demand for renewable fuels, offers an important opportunity to increase the interest in, demand for, and use of ethanol fuels by North Dakota drivers.

“At the time of the proposal, the use of ethanol fuels was still relatively low in North Dakota, with significant opportunity to expand the number of drivers using ethanol fuels and the number of gallons used per-capita. The project aimed to change this by implementing a variety of consumer education methods including ethanol fuel promotions, educational activities at public events and earned and paid media to reach motorists throughout the state.

“The activities outlined in the Final Report, along with additional education tactics implemented by project partners and the state’s blender pump assistance program, have all combined to achieve successful results that are significantly moving the state forward on increased use of renewable fuels, decreased emissions, increased energy independence and increased jobs, income and opportunities for North Dakota residents.

“Results include a significant increase in the percentage of North Dakotans who are aware of the benefits and availability of ethanol fuels. A 2008 study showed only 24.3% of North Dakotans said they were at least “familiar” with E10 gasoline and only 21.1% were familiar with E85. A follow up study conducted in 2010 showed significant increases, with 48.3% stating they were at least “familiar” with E10 (98% increase) and 37.5% stating they were familiar with E85 (77% increase).

“E85 sales have dramatically increased. In 2009, E85 sales averaged less than 23,000 gallons per month. In 2010, E85 sales averaged more than 55,000 gallons per month, and jumped to more than 110,000 gallons per month in 2011. This can be attributed to increased understanding of high blend ethanol fuels; increased availability of E85 and mid-level blends and increased availability of flex fuel vehicles.

“Availability of E85 and mid-level ethanol blends in the state has also increased significantly. In 2009, ALAMN awarded E85 infrastructure grants to six retailers. Since then, the state blender pump program, along with funding from the North Dakota Corn Council, has provided funding for more than 50 additional locations.

“Increased understanding of the benefits and availability of ethanol fuels has helped to spur North Dakota’s continued progress with renewable fuels. State investment and ongoing

educational efforts by partners are needed to ensure this growth is maintained and continues to provide additional benefits to our state and our residents.

“ALAND and project partners began the *Promoting Ethanol Fuels in North Dakota* project on July 1, 2009, implementing a variety of methods to attract the attention of and further educate North Dakota motorists about the availability and benefits of E85 ethanol fuels. Activities included exhibiting at expos targeting fleets, the fuel industry and the general public, print and radio advertising and retailer promotions.”

This contract is now completed.

Updated 4/4/12

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**IBARRA**  
ABOGADOS

**ANEXO 23**  
**Contrato No. R005-011**

Traducción de apartes del documento 88 – Contrato R-005-011 (91 - Contract R-005-011)

Página 1, primer párrafo:

**Contrato No. R-005-011**  
**“Extracción de Aceite de Maíz”**

Presentado por Headwaters Incorporated y Great River Energy  
Blue Flint Ethanol estará administrando este proyecto  
Investigador Principal: Jeff Zueger

**PARTICIPANTES**

<b>Patrocinador</b>	<b>Participación en el Costo</b>
Headwaters Energy Services Corp. / Great River Energy	USD \$1,500,000
Comisión Industrial de Dakota del Norte	<u>USD \$ 500,000</u>
<b>Costo Total del Proyecto</b>	<b>USD \$2,000,000</b>

Cronograma del proyecto – 5 meses  
Fecha del contrato – 28 de mayo de 2009  
Fecha de inicio – 1º de junio de 2009  
Fecha de terminación – 31 de agosto de 2010

Entregables del proyecto:  
Reporte de progreso: 30 de junio de 2009  
Reporte de progreso: 30 días después del 1º reporte  
Reporte de progreso: 60 días después del 1º reporte  
Reporte de progreso: 90 días después del 1º reporte  
Reporte final: a más tardar el 31 de ago. de 2010

**Contract No. R005-0011**

**“Corn Oil Extraction”**

Submitted by Headwaters Incorporated and Great River Energy

Blue Flint Ethanol will be managing this project

Principal Investigator: Jeff Zueger

**PARTICIPANTS**

<b>Sponsor</b>	<b>Cost Share</b>
Headwaters Energy Services Corp./	
Great River Energy	\$1,500,000
North Dakota Industrial Commission	<u>\$ 500,000</u>
Total Project Cost	\$2,000,000

Project Schedule – 5 months  
 Contract Date – May 28, 2009  
 Start Date – June 1, 2009  
 Completion Date – August 31, 2010

Project Deliverables:  
 Status Report: June 30, 2009 v  
 Status Report: 30 days after first report v  
 Status Report: 60 days after first report v  
 Status Report: 90 days after first report v  
 Final Report: No later than August 31, 2010 v

**OBJECTIVE/STATEMENT OF WORK:**

The objectives of the project are three-fold: to protect ND renewable energy jobs through diversification of revenue streams to the existing Blue Flint Ethanol production facility, utilize an ethanol process co-product to produce biodiesel, and to create a renewable energy market for corn oil, a product not currently harnessed in North Dakota. While corn oil extraction technology has been utilized in ethanol plants outside of the state, this project would deploy two unique enhancements to the oil removal process: temperature optimization and wax separation. Temperature optimization increases the amount of oil production. It also enhances the quality of the oil. Wax separation avoids sending unwanted wax to biodiesel processing facilities that would have to dispose of it, thereby increasing the value of the corn oil. In addition, the wax removed from the corn oil is put back onto the feed, adding nutritional value to the feed.

**STATUS**

Contract executed. First two status reports have been received. A contract has been executed with a technology provider for the purchase and installation of a corn oil extraction system. The general system specifications are complete. The centrifuge has been purchased. Delivery of the completed skid is scheduled for October, 2009.

The third status report has been received. There has been a slight delay in the delivery of the completed skid. Contracts and purchase orders have been executed for all labor and pipes, valves, fittings, etc. required for the installation of the completed skid. Appropriate permits have been filed. The system specifications and final 3D design layout unique to Blue Flint are complete. Skid

base design has been completed, reviewed and certified by a structural P.E. and approved. Tank specifications have also been approved and fabrication is scheduled.

The fourth status report has been received. The date of the completed skid has been delayed by approximately 1 week (anticipated to be delivered late in October). All mechanical, civil, and electrical vendors have been selected for the installation of the skid. Tie-ins that could be done prior to the arrival of the skid were completed during the scheduled plant maintenance shutdown in September. Installation of major equipment onto the completed skid base was completed in September followed by piping and instrumentation installation.

A no-cost extension has been requested and approved extending the date for the filing of the final report to May 31, 2010.

A no-cost extension has been requested and approved extending the date for the filing of the final report to August 31, 2010.

The Final Report has been received and is posted on the Industrial Commission/Renewable Energy Program website.

The Final Report includes the following information:

The SMAART Oil system is designed to recover the maximum amount of oil available from the stillage stream being processed. It accomplishes this by first processing the stillage stream with a centrifuge to extract a modified stillage stream, also known as a light phase mixture, which consist of any unbound oil and any high lipid content emulsion material. The system is equipped with the Westfalia RS-220 centrifuge, specifically designed and modified for oil recovery from an ethanol plants stillage stream. The operation of the centrifuge is adjusted to achieve this recovery of the light phase mixture. The system then treats this light phase material to break the emulsion layer and release a large fraction of the oil as free oil which is then recovered and provided as product oil.

In summary, the SMAART Oil system has been operating at the Blue Flint facility consistently since the beginning of 2010. The system has achieved its performance guarantee in the contract as shown by delivery 3-4 times the amount of free oil in the feed stillage. This also indicates that the additional features of the system provide improved performance over standard installation designed to only achieve recovery of free oil content. Experience with the system over the first half of 2010 has resulted in the operators being able to achieve a continuous steady improvement in oil recovery by adjustments to both the system and characteristics of the stillage feed. Analysis of the feed stillage and the de-oiled stillage indicates that additional improvements are feasible.

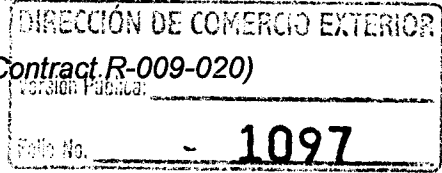
This project is now complete.

11/20//10



# ANEXO 24

## Contrato No. R009-020



Traducción de apartes del documento 89 – Contrato R-009-020 (89 - Contract R-009-020)

Página 1, primer párrafo:

**Contrato No. R-009-020**  
**“Biorefinería Celulósica Dakota Spirit AgEnergy”**

Presentado por Great River Energy  
Investigador Principal: Sandra Broekema

**PARTICIPANTES**

<b>Patrocinador</b>	<b>Participación en el Costo</b>
Great River Energy	USD \$501,347
Great River Energy (en especie)	USD \$373,307
Comisión Industrial de Dakota del Norte	<u>USD \$500,000</u>
<b>Costo Total del Proyecto</b>	<b>USD \$1,374,654</b>

Cronograma del proyecto – 12 meses	Entregables del proyecto:
Fecha del contrato – 29 de diciembre de 2010	Reporte de progreso: 1º de marzo de 2011
Fecha de inicio – 1º de octubre de 2010	Reporte final: 31 de marzo de 2012
Fecha de terminación – 31 de marzo de 2012	



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DIRECCION DE COMERCIO EXTERIOR	
Asunto Paises:	
Fecha No.	- 1098

**Contract No. R009-020**  
**"Dakota Spirit AgEnergy Cellulosic Biorefinery"**  
 Submitted by Great River Energy  
 Principal Investigator: Sandra Broekema

**PARTICIPANTS**

<b>Sponsor</b>	<b>Cost Share</b>
Great River Energy	\$ 501,347
Great River Energy (In-Kind)	\$ 373,307
North Dakota Industrial Commission	<u>\$ 500,000</u>
<b>Total Project Cost</b>	<b>\$1,374,654</b>

Project Schedule – 12 months  
 Contract Date – December 29, 2010  
 Start Date – October 1, 2010  
 Completion Date – March 31, 2012

Project Deliverables:  
 Status Report: March 1, 2011 ✓  
 Final Report: March 31, 2012 ✓

**OBJECTIVE/STATEMENT OF WORK:**

This work will expedite the development phase of a project to build a commercial scale cellulosic biorefinery near Spiritwood, North Dakota. This proposed biorefinery, using a proven Danish technology, will convert wheat straw and/or corn stover to higher value energy products such as cellulosic ethanol, C5 molasses and purified lignin pellets. This work includes the development of the pre-FEED study and Financial Model for the overall facility. The scope of work includes budgetary costs estimates, schedules, technology scale up and conversion to U.S. standards, process and equipment design packages, and general layout drawings and site survey.

**STATUS**

Contract has been signed.

The March 1, 2011 report has been received and a link to the status report is available on the website. Portions of the Executive Summary of the Report state:

A formal "Feedstock Supply and Product Marketing Study", factored estimate of capital cost and internal financial models have been completed. Our analysis and models show that in order to be economically feasible, a smaller scale plant will be the preferred and most probable path for success. Higher than expected capital investment and feedstock costs are the two main drivers in a plant concept that is not financeable at 20 MPGY. By reducing the scale of the plant to 8 MGPY, the delivered cost of feedstock is reduced, due to decreased collection and transportation costs coupled with higher residue productivity closer to the plant location. Capital cost is also reduced in total and further improvements can be achieved by creating a phased in hybrid plant approach to leverage mature balance of plant infrastructure with larger overall economies of scale.

<u>Phase I – 50 MGPY</u> Conventional dry mill ethanol plant “backbone”	<u>Phase II – 8 MGPY</u> Cellulosic “bolt on” front end	<u>Phase I &amp; II – 58 MGPY</u> Hybrid biorefinery plant
Provides foundation of positive cash flow for overall project finance	Incremental investment in smaller scale specialized core technology has lower CAPEX and OPEX	Winning combination of new & existing technology

The strategy for success now is to create a phased in “hybrid” biorefinery to leverage the mature economics of a 50 MGPY conventional dry mill ethanol plant (backbone) while establishing a solid foundation of positive cash flow for the full development. Raising the E10 Blend Wall to E15 has created a brief window of opportunity for a conventional facility using combined heat and power and corn oil extraction to achieve a D-RIN qualification. The mature technology allows us to build out the entire balance of plant at the most economical rates, and provides a significant jump start in the development and construction process. By phasing a conventional facility with a scaled down “bolt on” cellulosic front end, we also reduce the total installed cost to our original plan. An 8 MGPY cellulosic front end is still considered “commercial scale” and reduces the feedstock requirements to about 192,000 tons per year – which would be available within a much more economic draw radius. Our preliminary financial analysis of this hybrid approach shows significant promise.

Final Report – March 31, 2012

The Final Report has been received. The non-confidential report is available on the website. In part the Executive Summary states:

Dakota Spirit AgEnergy, LLC was formed to develop and build a commercial scale cellulosic Biorefinery adjacent to Great River Energy’s combined heat & power plant in Spiritwood, North Dakota. Great River Energy dedicated key personnel and formed a multi-organization project team to develop the project.

Dakota Spirit AgEnergy evaluated the Inbicon 20 MGY cellulosic technology and determined that it was not economically feasible in a green field application at this time. The second generation (2G) technology is quite expensive at roughly \$20 per installed gallon of capacity due to its current demonstration scale, compared to mature conventional first generation (1G) technology at \$2 per installed gallon of capacity. Additionally, the uncertainties associated with cellulosic feedstock and storage logistics created considerable risk.

The project team determined that there could be economic advantages to combining first and second generation technologies together. The mature first generation technology would provide a foundation of cost effective technology and balance of plant components at a larger commercial scale, and a smaller scale second generation addition would allow for a more cost effective cellulosic feedstock supply radius with slightly less risk.

Dakota Spirit AgEnergy is now moving forward as a Phase 1 Biorefinery to establish the sustainable foundation for future growth. Dakota Spirit AgEnergy is currently awaiting a “renewable fuels” D code RIN certification under RFS2 from the EPA. Once the designation is secured, a Private

Placement Memorandum will be issued to invite private equity to finance the project. We currently expect project financing to be finalized in the June/July timeframe and break ground shortly thereafter. The construction lead time is 18 months, projecting a plant start-up in early 2014.

This contract is now closed.

4/11/12

**IBARRA**  
ABOGADOS

**ANEXO 25**  
**Contrato No. R013-024**

Traducción de apartes del documento 91 – Contrato R-013-024 (91 - Contract R-013-024)

Página 1, primer párrafo:

**Contrato No. R-013-024**  
**“Campana de Mercadeo Integral Estatal de Mezcla de Etanol de Alto Nivel”**

Presentado por Consejo de Etanol de Dakota del Norte  
Investigador Principal: Deana Wiese

**PARTICIPANTES**

<b>Patrocinador</b>	<b>Participación en el Costo</b>
Consejo de Etanol de Dakota del Norte / Asociación de Productores de Etanol de Dakota del Norte	USD \$ 39,920
Consejo de Utilización del Maíz de Dakota del Norte / Asociación de Productores de Maíz de Dakota del Norte	USD \$159,680
Consejo de Etanol de Dakota del Norte	USD \$ 20,000 (en especie)
Asociación Americana de Pulmón de Dakota del Norte	USD \$ 4,800 (en especie)
Comisión Industrial de Dakota del Norte	<u>USD \$199,600</u>
<b>Costo Total del Proyecto</b>	<b>USD \$424,000</b>

Cronograma del proyecto – 30 meses  
Fecha del contrato – 11 de enero de 2012  
Fecha de inicio – 1º de julio de 2011  
Fecha de terminación – 31 de diciembre de 2013

Entregables del proyecto:  
Reporte de progreso: 1º de marzo de 2012  
Reporte de progreso: 1º de julio de 2012  
Reporte de progreso: 1º de nov. de 2012  
Reporte de progreso: 1º de marzo de 2013  
Reporte de progreso: 1º de julio de 2013  
Reporte de progreso: 1º de nov. de 2013  
Reporte final: 31 de diciembre de 2013

**Contract No. R013-024**  
**"Comprehensive Statewide Higher-Level Blend Ethanol Marketing Campaign"**  
 Submitted by North Dakota Ethanol Council  
 Principal Investigator: Deana Wiese

**PARTICIPANTS**

<b>Sponsor</b>	<b>Cost Share</b>
North Dakota Ethanol Council/ND Ethanol Producers Association	\$ 39,920
North Dakota Corn Utilization Council/ND Corn Growers Association	\$159,680
North Dakota Ethanol Council	\$ 20,000 (in-kind)
American Lung Association of North Dakota	\$ 4,800 (in-kind)
North Dakota Industrial Commission	<u>\$199,600</u>
Total Project Cost	\$424,000

Project Schedule – 30 months  
 Contract Date – January 11, 2012  
 Start Date – July 1, 2011  
 Completion Date – December 31, 2013

Project Deliverables:  
 Status Report: March 1, 2012 ✓  
 Status Report: July 1, 2012  
 Status Report: November 1, 2012  
 Status Report: March 1, 2013  
 Status Report: July 1, 2013  
 Status Report: November 1, 2013  
 Final Report: December 31, 2013

**OBJECTIVE/STATEMENT OF WORK:**

The objective of this project is to increase the amount of higher-level ethanol blends (E15 and higher) used in North Dakota by unifying the state's ethanol stakeholder groups to develop and implement a statewide, coordinated marketing campaign. The strategies for this project are creating a consistent statewide promotional message for higher-level ethanol blends, increasing the percentage of flex fuel vehicle (FFV) owners using higher-level ethanol blends by 10 percent (from 15 to 25 percent), and increasing auto industry familiarity with the use of higher-level ethanol blends by 25 percent (from 36.7 percent to 61 percent) It is expected that this project will increase the percentage of ethanol in North Dakota's total motor vehicle fuel from 6 percent to 10 percent.

**STATUS**

Contract executed. Work began on this project on July 1, 2011.

**March 1, 2012**

First status report received. A marketing firm has been selected and a campaign theme has been determined. Partnerships with auto dealerships and fuel retailers are being undertaken. A direct mail campaign has been developed. Education efforts with dealerships are just beginning.

3/01/12

**IBARRA**  
ABOGADOS

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DIRECCIÓN DE COMERCIO EXTERIOR  
Versión Pública: 1104  
Folio No.

# ANEXO 26

## Contrato No. R028-039

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Bogotá D.C. - Colombia  
(+571) 236 0880 PBX (+571) 7495737 PBX  
[www.ibarraibarra.com](http://www.ibarraibarra.com)

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Traducción de apartes del documento 92 – Contrato R-028-039 (92 - Contract R-028-039)

Página 1, primer párrafo:

DIRECCIÓN DE COMERCIO EXTERIOR  
Licitación Pública: \_\_\_\_\_  
Folio No. **1105**

**Contrato No. R-028-039**

**“Captura y Almacenamiento Integrado de Carbono para Producción de Etanol de Dakota del Norte”**

Presentado por el Centro de Investigación de Energía y Medioambiente  
Investigador Principal: Kerryanne Leroux

**PARTICIPANTES**

<b>Patrocinador</b>	<b>Participación en el Costo</b>	
Red Trail Energy	USD \$ 90,000	
Departamento de Energía	<u>USD \$200,000</u>	
Sub Total Participación del Costo en dinero		USD \$290,000
Red Trail Energy	<u>USD \$200,000</u>	
Sub Total Participación del Costo en especie		USD \$200,000
Comisión Industrial de Dakota del Norte	<u>USD \$490,000</u>	
Costo Total del Proyecto		USD \$980,000

Cronograma del proyecto – 6 meses	Entregables del proyecto:
Fecha del contrato – 29 de agosto de 2016	Reporte de progreso: 31 de enero de 2017
Fecha de inicio – 1º de noviembre de 2016	Reporte de progreso: 30 de abril de 2017
Fecha de terminación – 31 de mayo de 2017	Reporte final: 31 de mayo de 2017

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2018.  
Email: cadapalabraesimportante@gmail.com Tel: 310 283 2297

**JUANITA BECERRA MUÑOZ**  
Traductora e Intérprete Oficial  
Inglés - Español - Inglés  
Licencia N°. 500 de 2017



**Contract No. R-028-039**  
**“Integrated Carbon Capture and Storage for North Dakota Ethanol Production”**  
 Submitted by Energy & Environmental Research Center  
 Principal Investigator: Kerryanne Leroux

**PARTICIPANTS**

<b>Sponsor</b>	<b>Cost Share</b>	
Red Trail Energy	\$ 90,000	
Department of Energy	<u>\$200,000</u>	
Subtotal Cash Cost Share		\$290,000
Red Trail Energy	<u>\$200,000</u>	
Subtotal In-kind Cost Share		\$200,000
North Dakota Industrial Commission	<u>\$490,000</u>	
Total Project Cost		\$980,000

Project Schedule – 6 months  
 Contract Date – August 29, 2016  
 Start Date – November 1, 2016  
 Completion Date – May 31, 2017

Project Deliverables:  
 Progress Report: January 31, 2017 ✓  
 Progress Report: April 30, 2017 ✓  
 Final Report: May 31, 2017 ✓

**OBJECTIVE/STATEMENT OF WORK:**

The purpose of this project is to conduct a feasibility study for integrating carbon capture and storage (CCS) of CO<sub>2</sub> emissions from Red Trail Energy (RTE) to reduce net CO<sub>2</sub> emissions associated with ethanol production. Specifically, the project will:

- Assess the technical feasibility of carbon capture at Red Trail and subsequent geologic CO<sub>2</sub> storage.
- Develop a field implementation plan (FIP) determining the design and implementation steps needed to install a CCS system.
- Evaluate the economic feasibility of CCS deployment, including installation and operating costs as well as potential revenue from low-carbon fuel markets and/or tax incentives to assess the benefits to ND ethanol producers.

**STATUS:**

The contract has been executed.

Status Report received 1/30/2017 and is available on the Renewable Energy Program website. The status report provides information on the work that has been undertaken during the reporting period for each of the objectives. Some highlights of the work are as follows:

Feasibility Study - The RTE CO<sub>2</sub> emissions stream was evaluated and three options for CO<sub>2</sub> capture at the RTE site were investigated to generate an injection-grade CO<sub>2</sub>, an enhanced oil recovery (EOR), or a food-grade product. Each of the potential CO<sub>2</sub> products investigated has different purity requirements. Each potential CO<sub>2</sub> product requires an independent approach to processing and is discussed in the status report. Existing site characterization data for both the surface and subsurface environment in the vicinity of the RTE ethanol facility were collected and evaluated for

use in subsequent geologic modeling for CO<sub>2</sub> storage design. The geologic model integrates the derived geologic site characterization data to account for the properties specific to the storage complex at the RTE site. Efforts during this reporting period focused on creating the structure of the geologic model, such that as site characterization data becomes available, inputs can be made directly. Once completed, the geologic model provides the foundation for dynamic simulations of potential injection scenarios. Life cycle analysis (LCA) efforts within the reporting period centered on the team learning the intricacies of the model used by the California Low-Carbon Fuel Standards (LCFS) Program. The efforts of this activity will thus estimate a carbon intensity (CI) value for RTE's ethanol should the approximate 163,000 tonnes CO<sub>2</sub> emitted annually from the fermentation process be captured and geologically stored, theoretically lowering the CI value significantly.

Field Implementation Plan - Draft conceptual designs for each of the three CO<sub>2</sub> capture options (injection-, EOR-, and food-grade) at the RTE site were generated. A draft list of monitoring technologies for the monitoring, verification and accounting (MVA) plan was completed to include potential near-surface and deep subsurface monitoring as well as potential monitoring of surface infrastructure. Draft preliminary well designs were started for potential installation of up to three wells at the RTE site: the main CO<sub>2</sub> injection well, a characterization/monitoring well, and a shallow geophone well for monitoring seismicity.

Economic Analysis-- the preliminary economic assessment will quantify the costs and benefits of combining commercial CCS with ethanol production at the RTE site. Initial rough capital costs for installation of a CO<sub>2</sub> capture facility at the RTE site were estimated for the three design options investigated. Preliminary estimates suggest a potential increase in annual revenue of about \$8,830,000 may be possible from implementing CCS at the RTE facility, assuming pathways to market such as the existing California LCFS Program and the emerging Oregon Clean Fuels Program (CFP) are granted.

Status Report received 4/30/2017 and is available on the Renewable Energy Program website. The status report provides information on the work that has been undertaken during the reporting period for each of the objectives. Some highlights of the work are as follows:

Feasibility Study - Sampling of the generated CO<sub>2</sub> stream at the RTE facility was conducted to determine design requirements for capture or infrastructure systems, specifically for potential O<sub>2</sub> removal. The existing site characterization data for both the surface and subsurface environment in the vicinity of the RTE ethanol facility was evaluated for use in subsequent geologic modeling. The surface environment was assessed to identify land use, sensitive areas, and local population characteristics. The number of and type of existing groundwater wells and other non-oil and gas wells was evaluated.

Twenty-seven static model scenarios were created to address the ranges for thickness, porosity, and permeability identified in the site characterization activity. From the 27 static models, 18 simulation models were created. A sensitivity analysis on estimated wellhead pressures required for CO<sub>2</sub> injection to calculate compression output requirements for capture facility design was created.

A screening-level risk assessment (SLRA) was conducted. The assessment evaluated 34 technical risks associated with CO<sub>2</sub> supply, injectivity, storage capacity, containment, and induced seismicity. It also assessed 17 external or commercial risks associated with ethanol and CCS policy, the uncertainty surrounding policies that are under development, and a recent change in federal administration.

A detailed life cycle analysis (LCA) was completed to derive carbon intensity (CI) values for CCS implementation at the RTE facility, which are used to estimate carbon credits and CO<sub>2</sub> market value through the California Low-Carbon Fuel Standards (LCFS) Program and thus estimate potential revenue. CI values were derived for RTE's existing ethanol production using the California Greenhouse Gases, Regulated Emissions, and Energy Use in Transportation (CA-GREET) model employed by the LCFS Program. Based on the LCFS methodology, the EERC used the CA-GREET model to derive CI values for a CCS operating scenario at RTE.

Field Implementation Plan – Conceptual infrastructure designs for capture, dehydration, compression, and transport of CO<sub>2</sub> based on the findings from the assessment of the CO<sub>2</sub> stream at the RTE facility and estimated pressure requirements for CO<sub>2</sub> injection into the Broom Creek Formation were completed. Pipeline requirements were determined based on the composition and flow rates of the CO<sub>2</sub> generated at RTE, as well as estimated distance to a potential injection sites. Permitting requirements were investigated for a North Dakota Class VI CO<sub>2</sub> injection well, assuming North Dakota regulatory primacy is granted. Potential pathways were explored for CCS within low-carbon fuel programs.

The preliminary monitoring, verification and accounting (MVA) plan is nearing completion by incorporating derived data and information generated during the permitting plan and well design activities to include testing and monitoring requirements as outlined in the North Dakota Administrative Code. Surface, near-surface, and deep subsurface monitoring approaches and techniques were considered.

A site characterization plan was developed that includes discussion of well logging, core acquisition and testing, and downhole testing for both the prospective monitoring and injection wells.

Economic Analysis – The potential revenue was estimated based on the CI values calculated during LCA activities and the LCFS Program market for CO<sub>2</sub> credits. Alternative markets for a CO<sub>2</sub> product generated at the RTE facility were investigated, such as enhanced oil recovery (EOR) or as a food-/chemical-grade source. Capital expenses (CAPEX) and annual operating expenses (OPEX) to implement CCS at the RTE facility were estimated based on Field Implementation Plan (FIP) designs of major components. Estimated costs and revenue for the injection, EOR, and food-grade systems to evaluate economic benefit were compared.

Final Report received 5/31/2017 and is available on the Renewable Energy Program website. The final report provides information on the work that has been undertaken during the project. The conclusions of the Project state:

- The CO<sub>2</sub> generated at the RTE facility contains minimal impurities (>99% CO<sub>2</sub>), requiring nominal processing for injection, such as dehydration of the CO<sub>2</sub> stream and compression

up to 1500 psi. A 4-inch pipeline is recommended to transport CO<sub>2</sub> to the injection site within 1 mile of the RTE facility. Specific flow rates and composition of the CO<sub>2</sub> stream at the RTE facility will be needed to refine engineering designs.

- Site-specific geologic characterization data are imperative for the successful deployment of CCS at the RTE site. Geologic modeling and subsequent simulation estimated the average lateral extent of potential CO<sub>2</sub> storage to be about 1.8 miles in diameter after a 20-year injection period and 10-year post-injection monitoring period. Well logging, core acquisition and testing, and downhole testing at the RTE site are recommended for improved modeling and simulation estimates, as well as acquiring pertinent pre-injection data.
- A programmatic risk analysis of CCS implementation at the RTE site determined the highest-ranking potential risks are external or commercial (i.e., not technical risks) due to uncertainty surrounding carbon storage policies currently under development. The North Dakota Class VI permitting process for a CO<sub>2</sub> storage facility is time- and data intensive and will require coordination with regulators to ensure all designs and plans are compliant prior to submittal. Approval pathways for low-carbon fuel programs to include CCS are still in the development stages and will also require coordination with officials to ensure compliance for acquiring credits.
- A provisional monitoring, verification, and accounting (MVA) program and preliminary designs for monitoring and injection wells were derived based on permitting requirements to demonstrate secure CO<sub>2</sub> injection and long-term stability of potentially stored CO<sub>2</sub> at the RTE site. Refinement of the MVA program and well designs will depend greatly on data attained to meet permitting regulations (e.g., geologic core analysis) and pathway requirements for obtaining carbon credits.
- A life cycle analysis showed >40% potential net reduction of CO<sub>2</sub> emissions for ethanol-CCS at RTE. A significant reduction in CI value may thus be achieved for ethanol production with CCS implementation, a required pathway parameter for designating carbon credits through low-carbon fuel programs.
- Average estimated capital costs were \$29.0 million for installed infrastructure and implementing pre-injection plans. Annual expenses for energy requirements and continued execution of operational plans were estimated to be about \$1.9 million on average. These preliminary values contain many site-specific uncertainties, such as permitting and pathway requirements (including related data needs), investment interest rates, escalation in construction or energy prices, land or pore space purchase, etc. Estimates for potential revenue that could be generated from low-carbon fuel programs suggest a considerable economic benefit from ethanol-CCS; however, results are proprietary because of the business-sensitive nature of the assessment, including additional uncertainties such as market stability. Alternate markets such as enhanced oil recovery and food/chemical-grade CO<sub>2</sub> may also be viable but require more detailed investigation. Therefore, RTE intends to move forward to the next phase of assessment for CCS implementation.

With the filing of the final report this contract has been closed.

Updated 9/14/2017

**ANEXO 27**  
**Estatutos de Dakota del**  
**Sur 10-47B-162 y 10-47B-**  
**163**

*Traducción del documento Estatutos de Dakota del Sur 10-47B-162 y 10-47B-163 (South Dakota Statutes 10-47B-162 y 10-47B-163)*

10-47B-162. Pagos de Incentivos de producción a productores de etanol para alcohol etílico y para productores calificados de biobutanol para biobutanol – Elegibilidad – Prorratio. Está disponible un pago de incentivo de producción de veinte centavos por galón para productores de etanol para alcohol etílico que ha sido completamente destilado y producido en Dakota del Sur y para productores calificados de biobutanol para biobutanol producido completamente en Dakota del Sur. El alcohol etílico deberá ser noventa y nueve por ciento puro y deberá ser destilado a partir de granos de cereal. Los pagos anuales del incentivo de producción para cualquier instalación no podrán exceder un millón de dólares. Una instalación de producción de etanol es elegible para el pago del incentivo de producción bajo esta sección únicamente si la instalación ha producido alcohol etílico en o antes de diciembre 31 del 2006. Ninguna instalación podrá recibir pagos del incentivo de producción en valores mayores a nueve millones seiscientos ochenta y dos mil dólares. Los pagos acumulados anuales del incentivo de producción hechos bajo esta sección no podrán exceder los cuatro millones de dólares para el año fiscal de 2003, cinco millones para el año fiscal 2004, seis millones de dólares para el año fiscal 2005, siete millones de dólares para el año fiscal 2006, siete millones de dólares para el año fiscal 2007, siete millones de dólares para el año fiscal 2008, siete millones de dólares para el año fiscal 2009, siete millones de dólares para el año fiscal 2010, siete millones de dólares para el año fiscal 2011, cuatro millones de dólares para el año 2012, cuatro millones de dólares para el año 2013, cuatro millones quinientos mil dólares para el año 2014, cuatro millones quinientos mil dólares para el año 2015, cuatro millones quinientos mil dólares para el año 2016, y siete millones de dólares por año fiscal de ahí en adelante. Los pagos del fondo de combustible etanol deberán ser prorratio con la misma suma para todas las instalaciones cada mes basados en reclamos enviados para ese mes y la cantidad de fondos disponibles para ese mes. Ninguna instalación podrá recibir pagos de más de cuatrocientos diez y seis mil seiscientos sesenta y siete galones por mes. Si hay disponibles fondos en exceso en el fondo en cualquier mes, el pago podrá ser realizado a las instalaciones por los meses anteriores cuando los fondos no fueron suficientes para pagar los reclamos de meses anteriores. Todos los dineros disponibles en el fondo de combustible etanol al final del año fiscal deberán ser prorratio de forma igual a las instalaciones basadas en todos los reclamos no pagados recibidos hasta el final de ese año fiscal.

**Fuente:** SL 1995, capítulo 71, § 159; SL 1996, capítulo 47, § 18; SL 1998, capítulo 72, § 1; SL 2002, capítulo 66, § 1; SL 2002, capítulo 170, § 2; SL 2003, capítulo 70, § 1; SL 2011, capítulo 62, § 1; SL 2012, capítulo 71, § 3; SL 2013, capítulo 61, § 1.

10-47B-163. Aplicación para el pago del incentivo de producción de etanol. Cualquier productor de etanol que pretenda aplicar para un pago del incentivo de producción de etanol deberá primero solicitar a la secretaría los formatos prescritos y obtener una licencia de productor de etanol emitida por el departamento. Cualquier persona licenciada en virtud de este capítulo deberá obtener una licencia, mantener registros, enviar reclamaciones y conducir las transacciones tasables de combustible de acuerdo con lo previsto en este capítulo.

**Fuente:** SL 1995, capítulo 71, § 160.

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10-47B-162. Production incentive payments to ethanol producers for ethyl alcohol and to qualified biobutanol producers for biobutanol. ~~Eligibility--Proration~~  
A production incentive payment of twenty cents per gallon is available to ethanol producers for ethyl alcohol which is fully distilled and produced in South Dakota and to qualified biobutanol producers for biobutanol fully produced in South Dakota. The ethyl alcohol shall be ninety-nine percent pure and shall be distilled from cereal grains. Annual production incentive payments for any facility may not exceed one million dollars. An ethanol production facility is eligible for a production incentive payment under this section only if the facility has produced qualifying ethyl alcohol on or before December 31, 2006. No facility may receive any production incentive payments in an amount greater than nine million six hundred eighty-two thousand dollars. The cumulative annual production incentive payments made under this section may not exceed four million dollars for fiscal year 2003, five million dollars for fiscal year 2004, six million dollars for fiscal year 2005, seven million dollars for fiscal year 2006, seven million dollars for fiscal year 2007, seven million dollars for fiscal year 2008, seven million dollars for fiscal year 2009, seven million dollars for fiscal year 2010, seven million dollars for fiscal year 2011, four million dollars for fiscal year 2012, four million dollars for fiscal year 2013, four million five hundred thousand dollars for fiscal year 2014, four million five hundred thousand dollars for fiscal year 2015, four million five hundred thousand dollars for fiscal year 2016, and seven million dollars per fiscal year thereafter. Payments from the ethanol fuel fund shall be prorated equally to all of the facilities each month based on claims submitted for that month and the amount of funds available for that month. No facility may receive payment for more than four hundred sixteen thousand six hundred sixty-seven gallons per month. If excess funds are available in the fund in any given month, payment may be made to facilities for previous months when funds were not sufficient to pay the claims from the previous months. All moneys available in the ethanol fuel fund at the end of the fiscal year shall be prorated equally to the facilities based upon all unpaid claims received through the end of that fiscal year.

**Source:** SL 1995, ch 71, § 159; SL 1996, ch 47, § 18; SL 1998, ch 72, § 1; SL 2002, ch 66, § 1; SL 2002, ch 170, § 2; SL 2003, ch 70, § 1; SL 2011, ch 62, § 1; SL 2012, ch 71, § 3; SL 2013, ch 61, § 1.

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10-47B-163. Application for ethanol production incentive payment. Any ethanol producer who intends to file for an ethanol production incentive payment shall first apply to the secretary on prescribed forms and obtain an ethanol producer license issued by the department. Any person licensed pursuant to this chapter shall obtain a license, maintain records, submit claims, and conduct taxable fuel transactions in accordance with the provisions of this chapter.

DIRECCION DE COMERCIO EXTERIOR

Source: SL 1995, ch 71, § 160.

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ANEXO 28

Ficha Programa de  
Trabajos de Alta Calidad  
Iowa Economic  
● Development Authority

*Traducción de apartes del documento 55. Programa de Trabajos de Alta Calidad de Iowa (55. Iowa High Quality Jobs Program)*

*Página 1, párrafo 1:*

## EMPLEOS DE ALTA CALIDAD

*Página 2, párrafo 1:*

El programa de Empleos de Alta Calidad (HQP) da a las empresas calificadas un apoyo para compensar algunos de los costos incurridos en localizar, expandir o modernizar una instalación en Iowa. Este programa flexible incluye créditos, créditos condonables, créditos de impuestos, exenciones y/o retornos de impuestos. La Autoridad de Desarrollo Económico de Iowa (IEDA) ofrece este programa para promover el crecimiento de empresas, que emplean a habitantes del departamento en empleos definidos como de Alta Calidad según los estatutos del estado.

- Los valores reales otorgados están basados en el nivel de necesidad; calidad de trabajos; porcentaje de trabajos definidos como de alta calidad creados o retenidos; y el impacto económico del proyecto
- Puede estar disponible una exención de impuestos a la propiedad de hasta el 100% del valor agregado a la propiedad a un periodo que no exceda los 20 años
- El valor del crédito de impuestos por la inversión (es) igual a un porcentaje de la inversión calificable
  - Amortizado a 5 años, lo que compensa los impuestos de renta de Iowa adeudados
  - El crédito de impuestos se gana cuando el activo correspondiente entra en servicio
  - El crédito de impuestos se puede transferir hasta 7 años siguientes adicionales o hasta que se haya aplicado completamente, lo que ocurra primero
- Se pueden realizar retornos de impuestos de ventas, de servicio o utilizarse como impuestos pagados a contratistas o subcontratistas durante la construcción
- Se pueden realizar retornos de impuestos de ventas y utilizar los impuestos pagados en estanterías y equipos de cintas transportadoras para proyectos de distribución
- El crédito de impuestos reembolsable del estado para actividades de investigación puede ser incrementado mientras se participa del programa

### Elegibilidad


- Se debe hacer la solicitud antes del inicio del proyecto
- Se da prioridad a proyectos con impactos significativos en la economía local
- Debe cumplir con los requisitos de límites de salarios:
  - Los trabajos creados deben pagar al menos 100% del límite de salario calificable al inicio y 120% del límite de salario calificable en el momento de terminación del proyecto y a través del periodo de mantenimiento a no ser que se esté en un área en dificultad
  - Los trabajos retenidos deben pagar al menos el 120% del límite de salario calificable en el momento de terminación del proyecto y a través del periodo de mantenimiento
- Se debe dar un paquete de beneficios suficiente para todos los empleados de tiempo completo, que incluye al menos uno de los siguientes:
  - La empresa para el 80% de la prima médica para planes individuales de cobertura,  
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  - La empresa paga el 50% de la prima médica para planes familiares de cobertura,  
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- o La empresa paga por parte de la cobertura médica y dental y da el valor equivalente monetario a través de otros beneficios al empleado

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22/7/2018

Iowa High Quality Jobs Program



HIGH QUALITY JOBS

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## ASSISTING BUSINESSES AND CREATING OPPORTUNITIES FOR IOWA'S SKILLED WORKFORCE **1118**

The High Quality Jobs (HQJ) program provides qualifying businesses assistance to off-set some of the costs incurred to locate, expand or modernize an Iowa facility. This flexible program includes loans, forgivable loans, tax credits, exemptions and/or refunds. The Iowa Economic Development Authority (IEDA) offers this program to promote growth in businesses, which employ Iowans in jobs defined as high-quality by state statute.

- Actual award amounts based on the level of need; quality of the jobs; percentage of created or retained jobs defined as high-quality; and the project's economic impact
- Local property tax exemption of up to 100% of the value added to the property to a period not to exceed 20 years may be available
- Investment tax credit equal to a percentage of qualifying investment
  - amortized over 5 years, which offsets Iowa income taxes owed
  - tax credit earned when corresponding asset is placed in service
  - credit can be carried forward for up to 7 additional years or until depleted, whichever occurs first
- Refund of state sales, service or use taxes paid to contractors or subcontractors during construction
- Refund of sales and use taxes paid on racks, shelving and conveyor equipment for distribution projects
- State's refundable research activities credit may be increased while participating in the program

### Eligibility

- Must apply prior to the beginning of the project
- Priority to projects with significant local economic impact
- Must meet wage threshold requirements:
  - Created jobs must pay at least 100% of the qualifying wage threshold at the start and 120% of the qualifying wage threshold by project completion and through the maintenance period unless in a distressed area
  - Retained jobs must pay at least 120% of the qualifying wage threshold by project completion and through the maintenance period
- Must provide a sufficient benefits package to all full-time employees, which includes at least one of the following:
  - Business pays 80% of medical premiums for single coverage plans, OR
  - Business pays 50% of medical premiums for family coverage plans, OR
  - Business pays for some level of medical and dental coverage and provides the monetary equivalent value through other employee benefits

### How to Apply

- Complete the Iowa Project Questionnaire (IPQ) pre-application so IEDA staff are able to provide individual assistance and guidance to ensure access to programs that best fit your needs. Upon completion of the IPQ, applicants invited to apply for financial assistance may complete the Application for Financial Assistance.
- Visit **wage requirements** to view the requirements for wage thresholds.

### External Links

- **Wage Requirements**

**ANEXO 29**  
**Código Administrativo**  
**de Iowa Capítulo 52 p. 1**  
**701-52.40**

Traducción de apartes del documento 54 Código administrativo de Iowa Capítulo 52, parágrafo 1.801-52-40 (54. Iowa Admin Code Ch. 52 p. 1.801-52.40)

**701-52.40 (15) Programa de empleos de alta calidad.** Efectivo para períodos de impuestos iniciando en o después del primero de julio de 2009, una empresa que califique bajo el programa de empleos de alta calidad es elegible para recibir créditos de impuestos. El programa de empleos de alta calidad reemplaza el programa de creación de empleos de alta calidad. Una empresa elegible dentro del programa de empleos de alta calidad debe ser aprobada por el departamento de desarrollo económico de Iowa y debe cumplir con las calificaciones del código de Iowa, sección 15.329. Los créditos de impuestos disponibles bajo el programa de empleos de alta calidad están basados en el número de empleos creados o retenidos que pagan un salario mínimo límite y el valor de la inversión calificada. Las reglas administrativas para el programa de empleos de alta calidad para el departamento de desarrollo económico de Iowa se encuentran en la sección 261 – capítulo 68.

**52.40(1) Crédito de actividades de investigación.** Una empresa elegible aprobada dentro del programa de empleos de alta calidad es elegible para un crédito adicional a las actividades de investigación tal como se describe en la sub regla 52.7(4) para premios emitidos por el departamento de desarrollo económico de Iowa antes del 1º de julio de 2010. La empresa elegible es elegible para un crédito adicional a las actividades de investigación tal como se describe en la sub regla 52.7(6) para premios emitidos por el departamento de desarrollo económico de Iowa en o después del 1º de julio de 2010.

Las actividades de investigación permisibles para el crédito de actividades de investigación incluyen gastos relacionados con el desarrollo y despliegue de componentes innovadores de generación de energía renovable fabricados o ensamblados en Iowa; tales gastos relacionados con el desarrollo y despliegue de componentes innovadores de generación de energía renovable no son elegibles para el crédito federal para actividades de investigación incrementales.

Para el propósito de esta sub regla, los componentes innovadores de generación de energía renovable no incluyen componentes de más de 200 mega vatios nominales de capacidad instalada. El crédito de actividades de investigación relacionado con componentes de generación de energía renovable bajo el programa de empleos de alta calidad y el programa de zona empresarial no deberá exceder USD \$2 millones de dólares para el año fiscal terminado el 30 de junio de 2010, y USD \$1 millón de dólares para el año fiscal terminado el 30 de junio de 2011. Estos gastos relacionados con el desarrollo e implementación de componentes innovadores de generación de energía renovable son aplicables únicamente al crédito de actividades de investigación definido en esta sub regla y en la sub regla 52.7(5) para empresas en las zonas empresariales, y no son aplicables para el crédito de actividades de investigación definidas en la sub regla 52.7(5).

**52.40(2) Crédito de impuestos de inversión.** Una empresa elegible puede reclamar un crédito de impuesto de inversión igual a un porcentaje de la nueva inversión directamente relacionada con la creación o retención de nuevos empleos en la localización o ampliación de una empresa elegible. El porcentaje es igual al valor dado por el departamento de desarrollo económico de Iowa – 261 sub regla 68.4(7).

La determinación de la inversión nueva elegible para el crédito de impuestos de inversión, la elegibilidad de un crédito de impuestos de inversión reembolsable para productos agrícolas de valor agregado o proyectos relacionados con la biotecnología y el reembolso de un crédito de impuestos de inversión para el programa de empleos de alta calidad es el mismo que el definido en la sub regla 52.28(2) para el programa de creación de empleos de alta calidad.

**52.40(3) Reembolso de beneficios.** Si una empresa elegible no cumple con los requerimientos del programa de empleos de alta calidad, puede que el contribuyente deba pagar todos los incentivos tomados en créditos de impuestos de Iowa, o una porción de ellos. Independientemente del hecho de la prescripción para evaluar el contribuyente para el pago de los créditos de impuestos haya

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vencido, el departamento puede proceder a cobrar los incentivos de impuestos perdidos por el incumplimiento por parte de la empresa en mantener los requisitos del programa de empleos de alta calidad por que el reembolso es una recuperación de un incentivo, y no un ajuste a la deuda de impuestos de un contribuyente. Los detalles del cálculo de el reembolso se encuentran en el capítulo 261 – sub regla 187.5(4) de las reglas administrativas de la autoridad de desarrollo económico. Si la empresa es una sociedad, una compañía de responsabilidad limitada o una corporación, patrimonio o fondo donde el ingreso del contribuyente es tasado al dueño(s) individual(es) de la empresa, el departamento puede proceder a cobrar los incentivos de impuestos a los socios, miembros, accionistas o beneficiarios a quienes los incentivos de impuestos han sido pasados. Ver la decisión del Juez de Ley Administrativa en "Damien y Colette Trebick" expediente No. 11DORF 042-044, de junio 11 de 2012.

Esta regla tiene el objetivo de implementar el código de Iowa, capítulo 15

[ARC 8589B, IAB 3/10/10, efectivo 4/14/10; ARC 9104B, IAB 9/22/10, efectivo 10/27/10; ARC 1744C, IAB 11/26/14, efectivo 12/31/14]

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**701—52.40 (15) High quality jobs program.** Effective for tax periods beginning on or after July 1, 2009, a business which qualifies under the high quality jobs program is eligible to receive tax credits. The high quality jobs program replaces the high quality job creation program. An eligible business under the high quality jobs program must be approved by the Iowa department of economic development and meet the qualifications of Iowa Code section 15.329. The tax credits available under the high quality jobs program are based upon the number of jobs created or retained that pay a qualifying wage threshold and the amount of qualifying investment. The administrative rules for the high quality jobs program for the Iowa department of economic development may be found at 261—Chapter 68.

**52.40(1) Research activities credit.** An eligible business approved under the high quality jobs program is eligible for an additional research activities credit as described in subrule 52.7(4) for awards issued by the Iowa department of economic development prior to July 1, 2010. The eligible business is eligible for the research activities credit as described in subrule 52.7(6) for awards issued by the Iowa department of economic development on or after July 1, 2010.

Research activities allowable for the Iowa research activities credit include expenses related to the development and deployment of innovative renewable energy generation components manufactured or assembled in Iowa; such expenses related to the development and deployment of innovative renewable energy generation components are not eligible for the federal credit for increasing research activities. For purposes of this subrule, innovative renewable energy generation components do not include components with more than 200 megawatts in installed effective nameplate capacity. The research activities credit related to renewable energy generation components under the high quality jobs program and the enterprise zone program shall not exceed \$2 million for the fiscal year ending June 30, 2010, and \$1 million for the fiscal year ending June 30, 2011.

These expenses related to the development and deployment of innovative renewable energy generation components are applicable only to the additional research activities credit set forth in this subrule and in subrule 52.7(5) for businesses in enterprise zones, and are not applicable to the research activities credit set forth in subrule 52.7(3).

**52.40(2) Investment tax credit.** An eligible business can claim an investment tax credit equal to a percentage of the new investment directly related to new jobs created or retained by the location or expansion of an eligible business. The percentage is equal to the amount provided in Iowa department of economic development 261—subrule 68.4(7).

The determination of the new investment eligible for the investment tax credit, the eligibility of a refundable investment tax credit for value-added agricultural product or biotechnology-related projects and the repayment of investment tax credits for the high quality jobs program is the same as set forth in subrule 52.28(2) for the high quality job creation program.

**52.40(3) Repayment of benefits.** If an eligible business fails to maintain the requirements of the high quality jobs program, the taxpayer may be required to repay all or a portion of the tax incentives taken on Iowa returns. Irrespective of the fact that the statute of limitations to assess the taxpayer for repayment of the tax credits may have expired, the department may proceed to collect the tax incentives forfeited by failure of the eligible business to maintain the requirements of the high quality jobs program because the repayment is a recovery of an incentive, rather than an adjustment to the taxpayer's tax liability. Details on the calculation of the repayment can be found in 261—subrule 187.5(4) of the administrative rules of the economic development authority. If the business is a partnership, limited liability company, S corporation, estate or trust where the income of the taxpayer is taxed to the individual owner(s) of the business, the department may proceed to collect the tax incentives against the partners, members, shareholders or beneficiaries to whom the tax incentives were passed through. See Decision of the Administrative Law Judge in *Damien & Colette Trebilcock, et al.*, Docket No. 11DORF 042-044, June 11, 2012.

This rule is intended to implement Iowa Code chapter 15.

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ANEXO 30

Proyectos Programa de  
Trabajos de Alta Calidad  
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DIRECCIÓN DE COMERCIO EXTERNO  
TRADUCCIÓN OFICIAL de un documento escrito en inglés, la cual para su identificación lleva el sello de JUANITA BECERRA MUÑOZ, Traductora/Intérprete Oficial, según Licencia No. 500 de 2017, registrada y juramentada ante el Ministerio de Relaciones Exteriores.

Traducción de apartes del documento 56. Reporte del Programa de Empleos de Alta Calidad (56.HighQuality Jobs program report)

1124

### Anexo a: Lista de proyectos del Programa de Empleos de Alta Calidad

#### Empresas seleccionadas de la tabla

Nombre de la Empresa	Etanol o Biodiesel	Fecha de otorgamiento	Estado	Condado	Capital Invertido (USD)	Beneficio de Impuestos Total (USD)	Salario por hora del proyecto (USD)	Empleos totales
Plymouth Oil Co. LLC	Si	17/7/2008	En ejecución	Plymouth	\$18,834,027.00	\$1,260,041	\$21.38	21
VeraSun Dyersville, LLC	Si	21/8/2008	Rechazado	Dubuque	\$156,653,000.00	\$7,500,000.00	\$22.47	57
Absolute Energy, LLC	Si	21/5/2008	En ejecución	Mitchell	\$2,416,842.00	\$24,168.00	\$0.00	0
Southwest Iowa Renewable Energy, LLC	Si	9/6/2010	En ejecución		\$3,300,000.00	\$3,000.00	\$16.42	1
DuPont Danisco Cellulosic Ethanol LLC (DDCE)	Si	21/10/2010	En negociaciones del contrato	Story	\$264,703,780.00	\$4,631,566.00	\$20.84	67
Cargill Incorporated	Si	21/4/2011	En negociaciones del contrato	Webster	\$134,000,000.00	\$603,000.00	\$19.62	104

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, DE 2017

Email: cadapalabraesimportante@gmail.com Tel: 310 283 2297

JUANITA BECERRA MUÑOZ  
Traductora e Intérprete Oficial  
Inglés - Español - Inglés  
Licencia N°. 500 de 2017

# The High Quality Jobs Program

A Report to the Legislative Tax Expenditure Committee



Submitted by the Iowa Economic  
Development Authority  
November 16, 2011

# appendix a: HQJ project list

Business Name	Ethanol or Biodiesel	Award Date	Status	County	Capital Investment	Total Tax Benefit	Project Hourly Wages	Total Jobs
NewLink Genetics Corporation		2/19/2004	In performance	Story	\$2,000,000.00	\$414,200.00	\$17.35	45
Green Plains Renewable Energy, Inc.	Yes	4/19/2005	In performance	Page	\$63,456,500.00	\$4,155,500.00	\$19.92	33
C & L Companies, Inc.(aka Pivot Works)		9/15/2005	Declined	Polk	\$3,680,000.00	\$217,600.00	\$28.04	12
Loparex Inc.		9/15/2005	Declined	Johnson	\$5,265,443.00	\$169,150.00	\$19.56	15
Mi-T-M Corporation		10/12/2005	In performance	Dubuque	\$6,417,000.00	\$736,526.00	\$21.25	44
Ag Processing Inc. a Cooperative	Yes	10/20/2005	In maintenance	Woodbury	\$10,500,000.00	\$359,000.00	\$20.91	8
Kolman Conveyor Company, Inc.		10/20/2005	Declined	Clay	\$1,795,000.00	\$110,600.00	\$21.99	0
Quebecor World		10/20/2005	Award Declined by Business	Dallas	\$19,824,824.00	\$994,221.00	\$17.84	0
Clarion Packaging, LLC		11/17/2005	Award Declined by Business	Wright	\$17,916,576.00	\$235,000.00	\$23.40	61
Highway Equipment Company		11/17/2005	Notice of Default issued	Linn	\$2,010,550.00	\$67,010.00	\$24.17	20
LBC Technology		11/17/2005	In default	Polk	\$10,131,059.00	\$558,432.00	\$47.77	13
National Genecular Institute, Inc.		11/17/2005	Declined	Johnson	\$9,885,000.00	\$207,450.00	\$25.23	0
Pizza Ranch, Inc.		11/17/2005	In maintenance	Sioux	\$1,500,000.00	\$83,160.00	\$17.16	17
Riksch BioFuels L.L.C.	Yes	11/17/2005	In default	Washington	\$6,670,000.00	\$212,450.00	\$17.90	10
MMS Thermal Processing, LLC		12/15/2005	Closed	Scott	\$4,956,500.00	\$195,182.00	\$22.05	17
Nutriant a Kerry division		12/15/2005	Closed	Benton	\$933,800.00	\$19,285.00	\$24.30	14
VeraSun Charles City, LLC	Yes	12/15/2005	In maintenance	Floyd	\$110,915,000.00	\$6,514,900.00	\$18.66	51
Cargill, Incorporated		1/19/2006	Declined	Wapello	\$57,660,000.00	\$4,353,700.00	\$24.18	0
Rockwell Collins, Inc.		1/19/2006	Awarded	Linn	\$14,200,000.00	\$8,552,500.00	\$36.08	275
Roquette America, Inc.		1/19/2006	Closed	Lee	\$91,791,300.00	\$1,585,870.00	\$21.69	187
Procter and Gamble Hair Care LLC		2/16/2006	In performance	Johnson	\$29,000,000.00	\$1,595,000.00	\$20.20	80
Central Iowa Energy, LLC	Yes	3/16/2006	Notice of Default issued	Jasper	\$38,913,500.00	\$2,779,381.00	\$23.58	28
Hawkeye Concrete Products Co.		3/16/2006	In performance	Des Moines	\$1,943,512.00	\$114,860.00	\$19.88	19
IML Containers Iowa Inc.		3/16/2006	In maintenance	Plymouth	\$9,481,800.00	\$226,061.00	\$33.65	27
Iowa Renewable Energy, LLC	Yes	3/16/2006	In performance	Washington	\$35,750,000.00	\$2,824,000.00	\$20.45	28
Pattison Sand Company LLC		3/16/2006	In performance	Clayton	\$26,000,000.00	\$1,085,890.00	\$15.76	35
Soy Innovations International		3/16/2006	In performance	Warren	\$5,108,192.00	\$127,270.00	\$20.19	10
Alter Trading Corporation-Alter Scrap Processing		4/20/2006	In performance	Black Hawk	\$5,500,000.00	\$55,500.00	\$14.55	19
Kunkel & Associates, Inc.		4/20/2006	In performance	Dubuque	\$1,457,000.00	\$122,850.00	\$23.15	24
Namasco Corporation		4/20/2006	Closed	Dubuque	\$5,915,000.00	\$257,700.00	\$19.67	109
The ESCO Group		4/20/2006	Notice of Default issued	Linn	\$523,000.00	\$142,077.00	\$31.35	17

Business Name	Ethanol or Biodiesel	Award Date	Status	County	Capital Investment	Total Tax Benefit	Project Hourly Wages	Total Jobs
Hormel Foods Corporation		3/20/2008	In performance	Dubuque	\$91,409,000.00	\$6,115,980.00	\$28.57	196
John Deere Risk Protection (JDRP)		3/20/2008	In performance	Polk	\$0.00	\$206,381.00	\$32.75	25
The Horizon Group, Inc.		3/20/2008	In performance	Scott	\$958,000.00	\$28,982.00	\$17.88	11
TNE Holdings LLC		3/20/2008	In performance	Polk	\$1,006,000.00	\$35,370.00	\$24.01	45
Verista Imaging Inc.		3/20/2008	Closed	Marion	\$850,600.00	\$47,145.00	\$21.46	55
E.I. DuPont de Nemours and Company/Pioneer Hi-Bred International Inc.		4/17/2008	In performance	Polk	\$33,000,000.00	\$835,402.00	\$29.59	36
E.I. DuPont de Nemours and Company/Pioneer Hi-Bred International, Inc.		4/17/2008	In performance	Cedar	\$4,000,000.00	\$50,000.00	\$19.23	1
Trinity Structural Towers, Inc.		4/17/2008	Declined	Jasper	\$20,550,000.00	\$649,100.00	\$17.78	140
Eaton Hydraulics Inc.		5/14/2008	Closed	Clay	\$9,063,000.00	\$496,650.00	\$18.13	184
Monsanto Company		5/14/2008	In performance	Polk	\$11,500,000.00	\$2,500,000.00	\$32.24	25
Monsanto Company		5/14/2008	In performance	Buchanan	\$90,200,000.00	\$7,500,000.00	\$20.44	47
3M Knoxville Tape Manufacturing		6/19/2008	In performance	Marion	\$17,600,000.00	\$957,500.00	\$22.37	29
Buccaneer Computer Systems & Services, Inc.		6/19/2008	Declined	Polk	\$180,000.00	\$9,000.00	\$26.87	40
DiSTek Integration, Inc.		6/19/2008	In performance	Black Hawk	\$280,000.00	\$23,900.00	\$21.89	16
lowLA, LLC		6/19/2008	In performance	Cherokee	\$202,500.00	\$30,695.00	\$16.66	3
SSAB Iowa		6/19/2008	Declined	Muscatine	\$249,000,000.00	\$29,525,000.00	\$30.79	120
TEAM Des Moines Partners, LLC		6/19/2008	In performance	Dallas	\$14,379,360.00	\$550,330.00	\$24.01	11
Plymouth Oil Co. LLC	Yes	7/17/2008	In performance	Plymouth	\$18,834,027.00	\$1,260,041.00	\$21.38	21
Quebecor World Dubuque Inc.		7/17/2008	Declined	Dubuque	\$18,680,000.00	\$249,483.00	\$14.35	154
Fareway Stores, Inc.		8/21/2008	In performance	Boone	\$39,050,000.00	\$1,373,063.00	\$18.46	16
Skyworks Solutions, Inc.		8/21/2008	In performance	Linn	\$877,432.00	\$1,000,000.00	\$25.92	31
VeraSun Dyersville, LLC	Yes	8/21/2008	Declined	Dubuque	\$156,653,000.00	\$7,500,000.00	\$22.47	57
Microsoft Corporation		9/18/2008	In performance	Polk	\$593,897,204.00	\$2,100,000.00	\$31.00	50
Terrus Real Estate Group, LLC		9/18/2008	Declined	Polk	\$4,315,000.00	\$178,800.00	\$27.06	2
Mid States Electric Company, Inc.		10/16/2008	In performance	Woodbury	\$793,220.00	\$26,876.00	\$14.44	36
SSAB Iowa Inc.		10/16/2008	In performance	Muscatine	\$12,010,000.00	\$1,331,250.00	\$25.24	13
Grain Millers, Inc.		11/20/2008	In performance	Mitchell	\$12,312,000.00	\$539,440.00	\$19.15	1
Modine Manufacturing Company		11/20/2008	Declined	Washington	\$12,500,000.00	\$730,000.00	\$16.05	175
Schumacher Elevator Company		11/20/2008	In performance	Bremer	\$1,650,000.00	\$74,250.00	\$20.33	30
Creative Edge Mastershop Inc.		12/18/2008	In default	Jefferson	\$195,000.00	\$22,095.00	\$19.27	22
Generation Repair and Service, LLC		12/18/2008	In performance	Story	\$18,100,000.00	\$293,416.00	\$20.05	23
Pulmuone Wildwood, Inc.		12/18/2008	Declined	Poweshiek	\$3,925,000.00	\$50,506.00	\$15.21	37
Carleton Life Support Systems Inc.		1/15/2009	In performance	Scott	\$5,440,000.00	\$380,160.00	\$22.16	65
Reel Deal Holdings, LLC et al		1/15/2009	In performance	Black Hawk	\$5,200,000.00	\$282,913.00	\$15.12	75

Business Name	Ethanol or Biodiesel	Award Date	Status	County	Capital Investment	Total Tax Benefit	Project Hourly Wages	Total Jobs
Acument Global Technologies (Camcar, LLC)		2/19/2009	Declined	Winneshiek	\$2,575,000.00	\$107,550.00	\$18.79	15
Aerial Services, Inc.		3/19/2009	In performance	Black Hawk	\$2,432,000.00	\$39,660.00	\$15.12	22
Cedar Ridge Vineyard, LLC		3/19/2009	In performance	Johnson	\$500,000.00	\$52,300.00	\$20.05	6
Acciona Windpower North America, LLC		4/16/2009	In performance	Cedar	\$10,726,978.00	\$212,848.00	\$16.93	0
BoDeans Wafer Company, LLC		4/16/2009	In performance	Plymouth	\$5,632,500.00	\$56,894.00	\$22.10	37
Absolute Energy, LLC	Yes	5/21/2009	In performance	Mitchell	\$2,416,842.00	\$24,168.00	\$0.00	0
Eurofins Scientific, Inc.		6/18/2009	In performance	Polk	\$10,600,000.00	\$375,000.00	\$27.51	44
Buccaneer Computer Systems and Service, Inc.		7/16/2009	Declined	Polk	\$269,777.00	\$22,223.00	\$24.76	53
Compacker, Inc.		7/16/2009	In performance	Scott	\$929,000.00	\$46,250.00	\$19.82	38
H.J. Heinz Company LP		8/20/2009	In performance	Linn	\$1,768,800.00	\$88,440.00	\$19.78	2
Midland National Life Insurance Company		9/17/2009	In performance	Polk	\$4,300,000.00	\$69,000.00	\$20.91	25
Vizient LLC		9/17/2009	In performance	Scott	\$862,000.00	\$69,475.00	\$19.82	21
American Packaging Corporation		10/15/2009	In performance	Story	\$15,188,600.00	\$226,158.00	\$20.63	30
E.I. DuPont de Nemours and Company		10/15/2009	In performance	Polk	\$17,403,000.00	\$447,090.00	\$23.23	160
Tyson Pet Products, Inc.		10/15/2009	In performance	Buchanan	\$6,600,000.00	\$22,500.00	\$17.32	13
Wacker Chemical Corporation		10/15/2009	Declined	Wapello	\$83,140,000.00	\$330,000.00	\$20.92	38
CFI Sales, Inc., dba CFI Tire Service		2/18/2010	In contract negotiations	Polk	\$4,950,000.00	\$33,750.00	\$23.23	10
E.I. DuPont de Nemours and Company		3/18/2010	In performance	Polk	\$39,000,000.00	\$7,400,000.00	\$23.23	400
Adams Holdings Iowa, LLC dba Adams Thermal Systems, Inc.		4/15/2010	In performance	Black Hawk	\$1,770,000.00	\$71,000.00	\$20.32	12
Ajinomoto U.S.A., Inc.		5/20/2010	In performance	Wapello	\$35,377,000.00	\$0.00	\$20.92	27
Bunge North America (OPD West), Inc.		5/20/2010	In performance		\$10,800,000.00	\$360,000.00	\$18.25	3
TPI Composites, Inc.		5/20/2010	Declined	Woodbury	\$26,558,000.00	\$480,240.00	\$19.97	513
Deere & Company		6/9/2010	In performance	Black Hawk	\$90,000,000.00	\$14,800,000.00	\$20.32	295
Roquette America, Inc.		6/9/2010	Awarded	Lee	\$27,000,000.00	\$2,529,850.00	\$20.13	48
Southwest Iowa Renewable Energy, LLC	Yes	6/9/2010	In performance		\$3,300,000.00	\$3,000.00	\$16.42	1
American Pop Corn Company		8/19/2010	In performance	Woodbury	\$5,960,495.00	\$230,975.00	\$19.83	17
Sedgwick Claims Management Services, Inc.		8/19/2010	In performance	Dubuque	\$4,739,240.00	\$152,200.00	\$20.07	106
Accu-Mold LLC		9/16/2010	In performance	Polk	\$6,000,000.00	\$802,800.00	\$23.20	43
Berry Plastics, Inc.		9/16/2010	In contract negotiations	Dubuque	\$8,800,000.00	\$266,000.00	\$20.07	12
Grain Millers, Inc.		9/16/2010	Declined	Mitchell	\$10,000,000.00	\$290,000.00	\$19.81	1
North American Co-Pack Iowa LLC		9/16/2010	In performance	Plymouth	\$1,315,000.00	\$51,400.00	\$20.42	54
DuPont Danisco Cellulosic Ethanol LLC (DDCE)	Yes	10/21/2010	In contract negotiations	Story	\$264,703,780.00	\$4,631,566.00	\$20.84	67

Business Name	Ethanol or Biodiesel	Award Date	Status	County	Capital Investment	Total Tax Benefit	Project Hourly Wages	Total Jobs
Boehringer Ingelheim Vetmedica, Inc.		11/18/2010	In performance	Webster	\$16,895,338.00	\$1,944,528.00	\$20.84	631
E.I. du Pont de Nemours, Inc.		11/18/2010	In performance	Lee	\$1,560,000.00	\$31,200.00	\$20.32	3
Joseph T. Ryerson and Son, Inc.		11/18/2010	In performance	Scott	\$7,391,000.00	\$150,600.00	\$22.07	51
Lely USA Inc		11/18/2010	In performance	Marion	\$375,000.00	\$18,500.00	\$21.83	34
Phoenix Closures		11/18/2010	In performance	Scott	\$738,000.00	\$29,520.00	\$22.07	51
Sysco Iowa		11/18/2010	In performance	Polk	\$4,730,000.00	\$152,130.00	\$0.00	0
The ESCO Group-ESCO Automation		11/18/2010	In performance	Linn	\$4,945,000.00	\$448,500.00	\$21.80	25
Walter G. Anderson, Inc.		11/18/2010	In performance	Jasper	\$14,600,000.00	\$720,000.00	\$19.29	60
MobileDemand, L.C.		12/16/2010	In performance	Linn	\$21,900.00	\$110,488.00	\$21.80	18
Perishable Distributors of Iowa (PDI)		12/16/2010	In performance	Polk	\$7,371,438.00	\$78,347.00	\$0.00	0
WebFilings LLC		12/16/2010	In performance	Story	\$18,358,000.00	\$2,515,380.00	\$20.84	257
Bridgestone Bandag, LLC		1/20/2011	Award Declined by Business	Muscatine	\$1,600,000.00	\$12,500.00	\$22.88	138
E.I. DuPont de Nemours and Company		1/20/2011	In performance	Polk	\$32,000,000.00	\$6,960,000.00	\$23.20	138
Hewlett-Packard Company		1/20/2011	In performance	Polk	\$16,700,000.00	\$465,000.00	\$23.20	212
Indoshell Precision Technologies, LLC		1/20/2011	In performance	Story	\$8,595,000.00	\$386,000.00	\$16.03	72
Bachman Tool & Die Co.		2/17/2011	In performance	Buchanan	\$750,000.00	\$164,250.00	\$17.02	3
E I Dupont de Nemours, Inc		2/17/2011	In performance	Lee	\$3,291,000.00	\$98,730.00	\$20.32	8
Phoenix Closures		3/17/2011	Declined	Scott	\$23,177,680.00	\$700,000.00	\$22.07	68
Capital City Fruit, Inc.		4/21/2011	In performance	Warren	\$11,450,000.00	\$1,000,500.00	\$18.30	123
Cargill Incorporated	Yes	4/21/2011	In contract negotiations	Webster	\$134,000,000.00	\$603,000.00	\$19.62	10
IML Containers Iowa, Inc.		4/21/2011	In performance	Plymouth	\$11,034,910.00	\$268,895.00	\$20.42	29
Sara Lee Foods		4/21/2011	In contract negotiations	Buena Vista	\$10,950,000.00	\$362,750.00	\$18.37	12
Alter Trading Corporation - Alter Metal Recycling		5/19/2011	In contract negotiations	Scott	\$14,500,000.00	\$411,418.00	\$19.86	4
Engineering Services and Products Company d/b/a FarmTek		5/19/2011	In contract negotiations	Dubuque	\$3,500,000.00	\$67,500.00	\$18.73	100
Hy-Vee, Inc.		5/19/2011	Awarded	Lucas	\$18,362,259.00	\$836,817.00	\$19.06	10
Plumrose USA, Inc.		5/19/2011	In contract negotiations		\$57,810,000.00	\$1,020,000.00	\$18.56	100
Diamond V Mills Inc. & DV Technologies Inc.		6/16/2011	In contract negotiations	Linn	\$17,000,000.00	\$935,000.00	\$21.80	12
Geater Machining and Manufacturing, Co.		6/16/2011	In contract negotiations	Buchanan	\$5,900,000.00	\$591,250.00	\$17.02	11
GMT Corporation		6/16/2011	Awarded	Bremer	\$29,862,625.00	\$1,591,050.00	\$20.00	34
Hipra USA, LLC		6/16/2011	In contract negotiations	Story	\$47,925,800.00	\$2,702,181.00	\$20.84	75
Seaberg Industries, Inc.		6/16/2011	Awarded	Scott	\$2,960,000.00	\$149,000.00	\$22.07	112
New Horizon Cuisine		7/21/2011	Awarded	Polk	\$2,095,000.00	\$59,276.00	\$23.20	15



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**IBARRA**  
ABOGADOS

**ANEXO 31**  
**Estatutos de Kansas 79-**  
**34,160 – 79-34,163**

Traducción de apartes del documento 57. Estatutos de Kansas 79-34, 160-79-34, 164 (57.Kansas Statutes 79-34, 160-79-34, 164)

### Estatutos de Kansas 2015

**79-34,160. Alcohol etílico agrícola; definiciones;** Tal como se utiliza en el código K.S.A. 79-34, 160 hasta 79-34, 163:

- (a) "Alcohol etílico agrícola" significa un componente del combustible del motor de un vehículo con una pureza de al menos el 99%, excluyendo cualquier desnaturalizante adicionado, desnaturalizado conforme a uno de los métodos aprobados por el departamento del tesoro de Estados Unidos o la oficina de alcohol, tabaco y armas, y producido completamente en el estado de Kansas con la fermentación y destilación de productos agrícolas.
- (b) "Productor de alcohol etílico agrícola calificado de Kansas" significa cualquier productor de alcohol etílico agrícola cuyo principal lugar de negocios e instalaciones para la producción de alcohol etílico está localizado dentro del estado de Kansas y quien ha hecho una solicitud formal y cumplido con los requisitos del departamento de renta definido en esta ley.
- (c) "Secretaría" significa la secretaria del departamento de rentas del estado de Kansas
- (d) "Fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas" significa el fondo creado en el código K.S.A. 79-3425, y sus enmiendas posteriores, del cual se proveerán los incentivos a los productores de alcohol etílico calificados de Kansas, de acuerdo con esta ley.
- (e) "Mezclador de alcohol" significa cualquier persona que mezcla alcohol etílico agrícola con gasolina para producir "gasohol" para la venta, uso o distribución como combustible de motor.

**Historia:** L. 1987, capítulo 388, 1º de julio

*Página 2:*

### Estatutos de Kansas 2015

**79-34,161. Fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas;** El 1º de julio de 2001, y trimestralmente de ahí en adelante, el tesorero del estado deberá acreditar los valores definidos en esta sub sección de los valores remanentes después de que el tesorero del estado haya acreditado un valor al fondo de reembolso de impuestos de combustible vehicular, de acuerdo con el código K.S.A. 79-3425, y enmiendas posteriores, al fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas. La cuenta de producción actual y la cuenta de nueva producción son creadas por la presente norma, en el Fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas. Durante los años fiscales 2002, 2003 y 2004, el tesorero del estado (a) deberá acreditar USD \$500,000 dólares cada trimestre calendario a la cuenta de producción actual del Fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas, y (b) deberá acreditar USD \$375,000 dólares cada trimestre calendario a la nueva cuenta de producción del Fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas. Durante los años fiscales 2005 a 2018, el tesorero del estado deberá acreditar USD \$850,000 dólares cada trimestre calendario a la nueva cuenta de producción del Fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas. El 1º de julio de cada año fiscal hasta el año fiscal 2018, o tan pronto como la información esté disponible, el secretario de rentas deberá certificar al director de cuentas y reportes el valor de cualquier saldo libre a 30 de junio del año fiscal precedente en la cuenta de producción actual de tal fondo y el director de cuentas y reportes deberá transferir el valor certificado de la cuenta de producción actual a la nueva cuenta de producción del dólares cada trimestre calendario a la nueva cuenta de producción del Fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas. Después que todos los valores han sido pagados de acuerdo con las certificaciones para el año fiscal terminado el 30 de junio, cualquier saldo no comprometido al 30 de junio de cualquier

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 27, 2018

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año fiscal en la nueva cuenta de producción de tal fondo deberá ser transferida por el director de cuentas y reportes al fondo de reembolsos de impuestos de combustible de vehículos. Si el agregado de reclamos pendientes hechos en la cuenta de producción actual es mayor que el valor acreditado a tal cuenta, entonces tales reclamos deberán ser pagados con base en prorrateo. Cada reclamo podrá ser pagado independiente del año fiscal en que el reclamo fue enviado.

**Historia:** L. 1987, capítulo 388, L. 199 capítulo 137, L. 2001 capítulo 53, L. 2011 capítulo 23, 1º de julio.

*Página 3:*

### **Estatutos de Kansas 2015**

**79-34,162. Pago de incentivos al productor para la producción de alcohol etílico;** (a) Todos los dineros del Fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas deberán ser invertidos por el secretario del departamento de rentas para el pago de incentivos al productor para la producción de alcohol etílico, bajo las condiciones de esta ley.  
(b) Todos los dineros remanentes en el Fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas al vencimiento de esta ley deberán ser acreditados por el tesorero del estado de la forma definida en el código K.S.A. 79-3425, y enmiendas posteriores.

**Historia:** L. 1987, capítulo 388, L. 199 capítulo 137, 1º de julio.

*Página 4:*

### **Estatutos de Kansas 2015**

**79-34,163. Incentivos de producción; reglas y regulaciones;** (a) Un productor calificado de alcohol etílico de Kansas deberá recibir un pago de incentivo de producción por destilar alcohol etílico agrícola. El incentivo deberá ser pagado al productor calificado de alcohol etílico de Kansas de el fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas. El valor del incentivo de producción deberá ser como sigue:  
(1) Durante los años fiscales 2002, 2003 y 2004, el valor deberá ser USD \$0,05 por cada galón de alcohol etílico agrícola vendido por el productor que está en producción antes del 1º de julio de 2001, a un mezclador de alcohol. Cualquier valor en virtud de esta subsección deberá ser pagado de la cuenta actual de producción del fondo de incentivos al productor de alcohol etílico agrícola calificado de Kansas;  
(2) Si el productor que está produciendo antes del 1º de julio de 2001 aumenta la capacidad de producción de etanol etílico agrícola en o después de julio 1º de 2001, por un valor de 5,000,000 de galones adicionales a la base de ventas del productor, ese productor deberá recibir un valor igual a USD \$0.35 dólares por cada galón de alcohol etílico agrícola vendido por el productor a el mezclador de alcohol en exceso de la base de ventas del productor. Ningún productor deberá recibir el incentivo de producción de acuerdo con esta subsección por más de 15,000,000 de galones vendidos. Cualquier valor deberá ser pagado de la cuenta de producción nueva del fondo;  
(3) Cualquier productor que comience la producción en o después del 1º de julio de 2001, pero antes del 1º de julio de 2012, el valor deberá ser USD \$0.035 por cada galón de alcohol etílico agrícola vendido por tal productor a un mezclador de alcohol, si ese productor ha vendido al menos 5,000,000 galones. Ningún productor deberá recibir el incentivo de producción de acuerdo con esta subsección por más de 15,000,000 de galones vendidos. Cualquier valor deberá ser pagado de la cuenta de producción nueva del fondo; y  
(4) Cualquier productor que comience la producción en o después del 1º de julio de 2012, el valor deberá ser USD \$0.035 por cada galón de alcohol etílico agrícola vendido por tal productor a un mezclador de alcohol, si ese productor ha vendido al menos 5,000,000 galones. Ningún productor

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deberá recibir el incentivo de producción de acuerdo con esta subsección por más de 15,000,000 de galones vendidos. Cualquier valor deberá ser pagado de la cuenta de producción nueva del fondo. Esta disposición no aplica para productores que comienzan la producción de alcohol a partir de granos.

(b) Para propósitos de esta subsección (a), la base de ventas de un productor deberá ser el número de galones de alcohol etílico agrícola vendido por el productor a un mezclador de alcohol en el año calendario 2000. Todos los incentivos de producción nuevos en virtud de esta sección para un productor que está en producción antes del 1º de julio de 2001, deberán ser basados en esa base de ventas del productor.

(c) Los valores pagaderos a un productor definidos en las subsecciones (a)(2) y (a)(3) deberán ser pagados por no más de siete años a cualquier productor.

(d) El productor de alcohol etílico calificado de Kansas deberá aplicar para el incentivo de producción iniciando el 1º de julio de 2001, y trimestralmente de ahí en adelante, en un formato proveído por el departamento de rentas. El formato deberá requerirle al productor que registre esa información tal como el secretario de rentas requiera de acuerdo con las reglas y regulaciones, pero deberá incluir la información relativa a los registros originales de producción y las facturas emitidas al mezclador de alcohol al momento de envío, mostrando el número total de galones de alcohol etílico agrícola vendido al mezclador de alcohol para los tres meses anteriores.

(e) El secretario de rentas podrá adoptar tales reglas y regulaciones necesarias para administrar las provisiones de esta ley, incluido el desarrollo de un procedimiento para el pago del incentivo de producción.

**Historia:** L. 1987, capítulo 388, L. 1988, capítulo 385, L 2001 capítulo 53; L 2011 capítulo 23, 1º de julio.

## 2015 Kansas Statutes

DIRECCIÓN DE COMERCIO EXTERNO

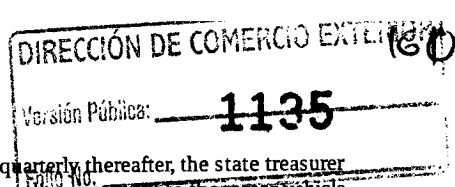
Versión Pública: 1134

79-34,160. **Agricultural ethyl alcohol; definitions.** As used in K.S.A. 79-34,160 through 79-34,163:

- (a) "Agricultural ethyl alcohol" means a motor vehicle fuel component with a purity of at least 99% ~~exclusive of any added denaturants, denatured in conformity with one of the methods approved by the United States department of the treasury or the bureau of alcohol, tobacco and firearms, and produced in the state of Kansas wholly from the fermentation and distillation of agricultural commodities.~~
- (b) "Kansas qualified agricultural ethyl alcohol producer" means any producer of agricultural ethyl alcohol whose principal place of business and facility for the production of agricultural ethyl alcohol are located within the state of Kansas and who has made formal application to and conformed to the requirements by the department of revenue pursuant to this act.
- (c) "Secretary" means the secretary of the department of revenue of the state of Kansas.
- (d) "Kansas qualified agricultural ethyl alcohol producer incentive fund" means a fund created in K.S.A. 79-3425, and amendments thereto, from which producer incentives shall be provided pursuant to this act to Kansas qualified ethyl alcohol producers.
- (e) "Alcohol blender" means any person who blends agricultural ethyl alcohol with gasoline to produce gasohol for sale, use or distribution as a motor fuel.

**History:** L. 1987, ch. 388, § 1; July 1.

## 2015 Kansas Statutes



**79-34,161. Kansas qualified agricultural ethyl alcohol producer incentive fund.** On July 1, 2001, and quarterly thereafter, the state treasurer shall credit amounts as provided in this subsection from the amounts remaining after the state treasurer credits an amount to the motor vehicle fuel tax refund fund as provided in K.S.A. 79-3425, and amendments thereto, to the Kansas qualified agricultural ethyl alcohol producer incentive fund. The current production account and the new production account are hereby created in the Kansas qualified agricultural ethyl alcohol producer incentive fund. During fiscal years 2002, 2003 and 2004, the state treasurer (a) shall credit \$500,000 each calendar quarter to the current production account of the Kansas qualified agricultural ethyl alcohol producer incentive fund, and (b) shall credit \$375,000 each calendar quarter to the new production account of the Kansas qualified agricultural ethyl alcohol producer incentive fund. During fiscal years 2005 through 2018, the state treasurer shall credit \$875,000 each calendar quarter to the new production account of the Kansas qualified agricultural ethyl alcohol producer incentive fund. On July 1 of each fiscal year through fiscal year 2018, or as soon after each such date as information is available, the secretary of revenue shall certify to the director of accounts and reports the amount of any unencumbered balance as of June 30 of the preceding fiscal year in the current production account of such fund and the director of accounts and reports shall transfer the amount certified from the current producer account to the new production account of the Kansas qualified agricultural ethyl alcohol producer incentive fund. After all amounts have been paid pursuant to certifications for the fiscal year ending on June 30, any unencumbered balance as of June 30 of any fiscal year in the new production account of such fund shall be transferred by the director of accounts and reports to the motor vehicle fuel tax refund fund. If the aggregate of outstanding claims made on the current production account of such fund is greater than the amount credited to such account, then such claims shall be paid on a pro rata basis. Each claim may be paid regardless of the fiscal year during which the claim was submitted.

**History:** L. 1987, ch. 388, § 2; L. 1999, ch. 137, § 39; L. 2001, ch. 53, § 2; L. 2011, ch. 23, § 1; July 1.

## 2015 Kansas Statutes

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Versión Pública: 1136  
Folio No.

**79-34,162. Payment of producer incentives for production of ethyl alcohol.** (a) All moneys in the Kansas qualified agricultural ethyl alcohol producer incentive fund shall be expended by the secretary of the department of revenue for the payment of producer incentives for the production of agricultural ethyl alcohol under the provisions of this act.

(b) All moneys remaining in the Kansas qualified agricultural ethyl alcohol producer incentive fund upon the expiration of this act shall be credited by the state treasurer in the manner provided by K.S.A. 79-3425, and amendments thereto.

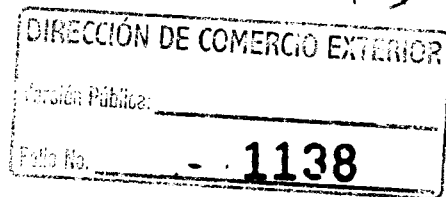
**History:** L. 1987, ch. 388, § 3; L. 1999, ch. 137, § 40; July 1.

**79-34,163. Production incentives; rules and regulations.** (a) A Kansas qualified agricultural ethyl alcohol producer shall be paid a production incentive for distilling agricultural ethyl alcohol. The incentive shall be payable to the Kansas qualified agricultural ethyl alcohol producer from the Kansas qualified agricultural ethyl alcohol producer incentive fund. The amount of the production incentive shall be as follows:

- (1) During fiscal years 2002, 2003 and 2004, the amount shall be \$.05 for each gallon of agricultural ethyl alcohol sold by the producer who is in production prior to July 1, 2001, to an alcohol blender. Any such amounts pursuant to this subsection shall be paid from the current production account of the Kansas qualified agricultural ethyl alcohol producer incentive fund;
  - (2) If the producer who is in production prior to July 1, 2001, increases the producer's agricultural ethyl alcohol production capacity on or after July 1, 2001, by an amount of 5,000,000 gallons over the producer's base sales, such producer shall receive an amount equal to \$.035 for each gallon of agricultural ethyl alcohol sold by the producer to an alcohol blender that is in excess of the producer's base sales. No producer shall receive the production incentive pursuant to this subsection for more than 15,000,000 gallons sold. Any such amount shall be paid from the new production account of the fund;
  - (3) any producer who commences production on or after July 1, 2001, but prior to July 1, 2012, the amount shall be \$.035 for each gallon of agricultural ethyl alcohol sold by such producer to an alcohol blender, if such producer has sold at least 5,000,000 gallons. No producer shall receive the production incentive pursuant to this subsection for more than 15,000,000 gallons sold. Any such amounts shall be paid from the new production account of the fund; and
  - (4) any producer who commences cellulosic alcohol production on or after July 1, 2012, the amount shall be \$.035 for each gallon of agricultural ethyl alcohol sold by such producer to an alcohol blender, if such producer has sold at least 5,000,000 gallons. No producer shall receive the production incentive pursuant to this subsection for more than 15,000,000 gallons sold. Any such amounts shall be paid from the new production account of the fund. This provision shall not apply to producers who commence alcohol production from grain.
- (b) For the purposes of subsection (a), a producer's base sales shall be the number of gallons of agricultural ethyl alcohol sold by the producer to an alcohol blender in calendar year 2000. All new production incentives pursuant to this section for a producer who is in production prior to July 1, 2001, shall be based on such producer's base sales.
- (c) The amounts payable to a producer as provided in subsections (a)(2) and (a)(3) shall be payable for no more than seven years to any one producer.
- (d) The Kansas qualified agricultural ethyl alcohol producer shall file for the production incentive beginning July 1, 2001, and quarterly thereafter, on a form furnished by the department of revenue. The form shall require the producer to file such information as the secretary of revenue may require by rules and regulations, but shall include information relating to the original production records and invoices issued to the alcohol blender at the time of delivery, showing the total number of gallons of agricultural ethyl alcohol sold to the alcohol blender for the previous three months.
- (e) The secretary of revenue may adopt such rules and regulations necessary to administer the provisions of this act, including the development of a procedure for the payment of the production incentive.

**History:** L. 1987, ch. 388, § 4; L. 1988, ch. 385, § 1; L. 2001, ch. 53, § 3; L. 2011, ch. 23, § 2; July 1.





**IBARRA**  
ABOGADOS

**ANEXO 32**  
**Estatutos de Kansas 74-**  
**8949b y 79-32,233**

Traducción de apartes del documento *Estatutos de Kansas 2015 (2015 Kansas Statutes)*

DIRECCIÓN DE COMERCIO EXTERIOR	
Jerarquía Pública:	- 1139
Folio No.	

### Estatutos de Kansas 2015

- 74-8949b- Financiación para ciertas plantas de biomasa-a-energía.** (a) Con el propósito de financiar la producción de nuevas plantas de biomasa-a-energía o ampliación de plantas existentes de biomasa-a-energía, la autoridad financiera de desarrollo de Kansas autoriza por este medio a emitir bonos de ingreso de acuerdo con la ley de la autoridad financiera de Kansas K.S.A 74-8901 y siguientes, y las enmiendas a ella, en valores suficientes para pagar los costos de tales construcciones o ampliaciones, incluyendo cualquier interés requerido en los bonos durante la construcción e instalación además de todos los valores requeridos para los costos de emisión de los bonos, costos de ampliación de crédito u otros contratos financieros, intereses capitalizados y cualquier reserva requerida en los bonos. Los bonos, y los intereses respectivos, emitidos en virtud de esta sección deberán ser pagables de ingresos comprometidos a la autoridad financiera de desarrollo de Kansas para tal propósito, que podrá incluir ingresos derivados de ventas de combustibles, energía y coproductos producidos en la planta.
- (b) Las provisiones en la subsección (a) del código K.S.A. 74-8901, y las enmiendas a ella no deberán prohibir la emisión de bonos por parte de la autoridad financiera de desarrollo de Kansas para los propósitos de esta sección y cualquier emisión de tales bonos está exenta de las disposiciones en la subsección (a) del código K.S.A. 74-8905 y las enmiendas posteriores, que puedan operar para impedir tal emisión.
- (c) Los bonos de ingresos, incluyendo bonos de re fondeo de ingresos, emitidos bajo esta sección no podrán constituir un endeudamiento del estado de Kansas ni podrán constituir un endeudamiento dentro del significado de cualquier disposición constitucional o reglamentaria que limite el incurrir en endeudamiento.
- (d) Los bonos de ingresos, incluyendo bonos de re fondeo de ingresos, emitidos a continuación y el ingreso derivados de ahí son y serán exentos de todos los impuestos estatales, de contados y municipales en el estado de Kansas, excepto de impuestos de propiedad raíz de Kansas.
- (e) En esta sección se utilizan los términos:
- (1) "planta de biomasa-a-energía" tiene el significado dispuesto por el código K.S.A. 2015, suplemento 79-32,233 y enmiendas posteriores
  - (2) "ampliación de una planta existente de biomasa-a-energía" significa la ampliación, iniciada después del 31 de diciembre de 2005, de la capacidad de una planta existente de biomasa-a-energía en al menos el 10% de tal capacidad
  - (3) "planta nueva de biomasa-a-energía" significa una planta de biomasa-a-energía con construcción iniciada después del 31 de diciembre de 2005.

**Historia:** L. 2006, capítulo 209; L. 2007 capítulo 113; 1º de julio

### Estatutos de Kansas 2015

**79-32,233. Plantas de biomasa-a-energía; créditos para ciertas inversiones; definiciones.** Tal como se utiliza en el código K.S.A de 2015, suplemento 79-32,233 hasta 79-32,236 y enmiendas posteriores:

(a) "Biomasa" significa cualquier materia orgánica disponible de manera renovable o recurrente, incluyendo desperdicios orgánicos sólidos o líquidos, pero excluyendo: (1) Petróleo, gas natural, carbón y lignito y cualquier producto de los mismos; y (2) maíz o grano de sorgo apto para el consumo humano.

(b) "planta de biomasa-a-energía" significa una planta de procesamiento industrial, localizada en este estado, donde la biomasa es procesada para producir anualmente cualquiera de los siguientes y coproductos: (1) No menos de 500,000 galones de alcohol celulósico; (2) combustible líquido o gaseoso o energía en cantidad equivalente al valor en BTU igual o mayor a 500,000 galones de alcohol celulósico; o (3) aceite producido por la conversión directa a combustible de una cantidad equivalente al valor en BTU igual o mayor a 500,000 galones de alcohol celulósico.

(c) "Ampliación de una planta existente de biomasa-a-energía" significa la ampliación que inicia después del 31 de diciembre de 2006 o la capacidad de una planta de biomasa-a-energía en al menos el 10% de su capacidad

(d) "Planta nueva de biomasa-a-energía" significa una planta de biomasa-a-energía cuya construcción inició después del 31 de diciembre de 2005

(e) "Entidad que pasa" significa cualquier (1) Corporación que está exenta de impuestos de renta bajo la sección 1363 del código federal de impuestos y cumple con los requerimientos del código K.S.A suplemento 79-32, 100e, y enmiendas posteriores; (2) compañía de responsabilidad limitada; (3) sociedad; o (4) sociedad de responsabilidad limitada.

(f) "Inversión calificada" significa gastos realizados en la construcción de nuevas plantas de biomasa-a-energía o una ampliación de una planta existente de biomasa-a-energía, para incorporar en una propiedad real y tangible y ser utilizados como parte de esa planta

**Historia:** L 2006, capítulo 209; L. 2007, capítulo 113, 1º de julio

**74-8949b. Financing for certain biomass-to-energy plants.** (a) For the purpose of financing the construction of a new biomass-to-energy plant or expansion of an existing biomass-to-energy plant, the Kansas development finance authority is hereby authorized to issue revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in amounts sufficient to pay the costs of such construction or expansion, including any required interest on the bonds during construction and installation, plus all amounts required for the costs of bond issuance, costs of credit enhancement or other financial contracts, capitalized interest and any required reserves on the bonds. The bonds, and interest thereon, issued pursuant to this section shall be payable from revenues pledged to the Kansas development finance authority for such purpose, which may include revenues derived from sales of fuels, energy and coproducts produced at the plant.

(b) The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purposes of this section and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, which would operate to preclude such issuance.

(c) Revenue bonds, including refunding revenue bonds, issued under this section shall not constitute an indebtedness of the state of Kansas, nor shall they constitute indebtedness within the meaning of any constitutional or statutory provision limiting the incurring of indebtedness.

(d) Revenue bonds, including refunding revenue bonds, issued hereunder and the income derived therefrom are and shall be exempt from all state, county and municipal taxation in the state of Kansas, except Kansas estate taxes.

(e) As used in this section:

(1) "Biomass-to-energy plant" has the meaning provided by K.S.A. 2015 Supp. 79-32,233, and amendments thereto.

(2) "Expansion of an existing biomass-to-energy plant" means expansion, beginning after December 31, 2005, of the capacity of an existing biomass-to-energy plant by at least 10% of such capacity.

(3) "New biomass-to-energy plant" means a biomass-to-energy plant, construction of which begins after December 31, 2005.

**History:** L. 2006, ch. 209, § 39; L. 2007, ch. 113, § 19; July 1.

**79-32,233. Biomass-to-energy plants; credits for certain investments; definitions.** As used in K.S.A. 2015 Supp. 79-32,233 through 79-32,236, and amendments thereto:

(a) "Biomass" means any organic matter available on a renewable or recurring basis, including solid and liquid organic waste, but excluding: (1) Petroleum oil, natural gas, coal and lignite, and any products thereof; and (2) corn or grain sorghum suitable for human consumption.

(b) "Biomass-to-energy plant" means an industrial process plant, located in this state, where biomass is processed to produce annually any of the following, and coproducts: (1) Not less than 500,000 gallons of cellulosic alcohol; (2) liquid or gaseous fuel or energy in a quantity having BTU value equal to or greater than 500,000 gallons of cellulosic alcohol; or (3) oil produced for direct conversion into fuel in a quantity having BTU value equal to or greater than 500,000 gallons of cellulosic alcohol.

(c) "Expansion of an existing biomass-to-energy plant" means expansion which begins after December 31, 2005, of the capacity of an existing biomass-to-energy plant by at least 10% of such capacity.

(d) "New biomass-to-energy plant" means a biomass-to-energy plant, construction of which begins after December 31, 2005.

(e) "Pass-through entity" means any: (1) Corporation which is exempt from income tax under section 1363 of the federal internal revenue code and which complies with the requirements of K.S.A. 2015 Supp. 79-32,100e, and amendments thereto; (2) limited liability company; (3) partnership; or (4) limited liability partnership.

(f) "Qualified investment" means expenditures made in construction of a new biomass-to-energy plant or in expansion of the capacity of an existing biomass-to-energy plant, for real and tangible personal property incorporated in and used as part of such plant.

**History:** L. 2006, ch. 209, § 17; L. 2007, ch. 113, § 27; July 1.

**ANEXO 33**  
**Estatutos Revisados de**  
**Kentucky 141.422,**  
**141.4242 y 141.4244**

*Traducción de apartes del documento 64. Estatutos Revisados de Kentucky 141.422 y 141.4242-141.4248 (64. Kentucky Revised Statutes 141.422 y 141.4242-141.4248)*

*Página 1, primer párrafo:*

**141.422 Definiciones para el estatuto KRS 141.422 a 141.425**

Como son utilizados en KRS 141.422 a 141.425

(1) "Limite anual de crédito de impuestos de biodiesel y diésel renovable" significa:

- (a) Para años calendarios iniciando antes del 1° de enero de 2008, un millón quinientos mil dólares (USD \$1,500,000);
- (b) Para el año calendario iniciando el 1° de enero de 2008, cinco millones de dólares (USD \$5,000,000); y
- (c) Para años calendarios iniciando en o después del 1° de enero de 2009, diez millones de dólares (USD \$10,000,000);

*Página 3, primer párrafo:*

**141.4242 Crédito no reembolsable para productores de etanol.**

- (1) (a) Para años fiscales iniciando después del 31 de diciembre de 2007, un productor de etanol deberá ser elegible para un crédito de impuestos no reembolsable sobre los impuestos definidos por KRS 141.020 o 141.040 y 141.0401 en una cuenta certificada por el departamento bajo la subsección (3) de esta sección. La tasa de crédito deberá ser un dólar (USD \$1) por galón de etanol producido, a no ser que el valor total del crédito aprobado para todos los productores de etanol exceda el límite anual del crédito de etanol. Si el valor total del crédito aprobado para todos los productores de etanol excede el límite anual del crédito de etanol, el departamento deberá determinar el valor del crédito que cada productor de etanol reciba multiplicando el valor del límite anual del crédito de etanol por una fracción, siendo el numerador el valor de crédito aprobado para el productor de etanol y el denominador el total del crédito aprobado para todos los productores de etanol.
- (b) El crédito permitido bajo el párrafo (a) de esta subsección deberá ser aplicado tanto al impuesto de renta impuesto bajo KRS 141.020 o 141.040 y al impuesto de la entidad de responsabilidad limitada impuesto bajo KRS 141.0401, con el ordenamiento de créditos como lo dispone KRS 141.0205.


*Página 4, primer párrafo:*

**141.4244 Crédito no reembolsable para productores de etanol celulósico.**

- (1) (a) Para años fiscales iniciando después del 31 de diciembre de 2007, un productor de etanol celulósico deberá ser elegible para un crédito de impuestos no reembolsable sobre los impuestos definidos por KRS 141.020 o 141.040 y 141.0401 en una cuenta certificada por el departamento bajo la subsección (3) de esta sección. La tasa de crédito deberá ser un dólar (USD \$1) por galón de etanol celulósico producido, a no ser que el valor total del crédito aprobado para todos los productores de etanol celulósico exceda el límite anual del crédito de etanol celulósico. Si el valor total del crédito aprobado para todos los productores de etanol celulósico excede el límite anual del crédito de etanol celulósico, el departamento deberá determinar el valor del crédito que cada productor de etanol celulósico reciba multiplicando el valor del límite anual del crédito de etanol celulósico por una fracción, siendo el numerador el valor de crédito aprobado para el productor de etanol celulósico y el denominador el total del crédito aprobado para todos los productores de etanol celulósico.

- (b) El crédito permitido bajo el párrafo (a) de esta subsección deberá ser aplicado tanto al impuesto de renta impuesto bajo KRS 141.020 o 141.040 y al impuesto de la entidad de responsabilidad limitada impuesto bajo KRS 141.0401, con el ordenamiento de créditos como lo dispone KRS 141.0205.

CERTIFICO BAJO JURAMENTO QUE LO ANTERIOR ES UNA TRADUCCIÓN FIEL Y COMPLETA DE UN DOCUMENTO QUE ME FUE ENTREGADO EN IDIOMA INGLÉS. EN FE DE LO ANTERIOR COLOCO MI FIRMA Y SELLO. BOGOTÁ D.C. JULIO 13 2017  
Email: cadapalabraesimportante@gmail.com Tel: 310 283 2297

  
JUANITA BECERRA MUÑOZ  
Traductora e Intérprete Oficial  
Inglés - Español - Inglés  
Licencia N°. 500 de 2017



**141.422 Definitions for KRS 141.422 to 141.425.**

As used in KRS 141.422 to 141.425:

- (1) "Annual biodiesel and renewable diesel tax credit cap" means:
  - (a) For calendar years beginning prior to January 1, 2008, one million five hundred thousand dollars (\$1,500,000);
  - (b) For the calendar year beginning on January 1, 2008, five million dollars (\$5,000,000); and
  - (c) For calendar years beginning on or after January 1, 2009, ten million dollars (\$10,000,000);
- (2) "Annual cellulosic ethanol tax credit cap" means five million dollars (\$5,000,000), unless the annual cellulosic ethanol tax credit cap is modified pursuant to KRS 141.4248, in which case the cap established by KRS 141.4248 shall be the annual cellulosic ethanol tax credit cap for that year. Any adjustments to the annual cellulosic ethanol tax credit cap made pursuant to KRS 141.4248 shall be made on an annual basis and shall not carry forward to subsequent years;
- (3) "Annual ethanol tax credit cap" means five million dollars (\$5,000,000), unless the annual credit cap is modified pursuant to KRS 141.4248, in which case the cap established by KRS 141.4248 shall be the annual ethanol tax credit cap for that year. Any adjustments to the annual ethanol tax credit cap made pursuant to KRS 141.4248 shall be made on an annual basis and shall not carry forward to subsequent years;
- (4) "Biodiesel" means a renewable, biodegradable, mono alkyl ester combustible liquid that is derived from agriculture crops, agriculture plant oils, agriculture residues, animal fats, or waste products that meets current American Society for Testing and Materials specification D6751 for biodiesel fuel (B100) blend stock distillate fuels;
- (5) "Biodiesel producer" means an entity that manufactures biodiesel at a location in this Commonwealth;
- (6) "Cellulosic ethanol" means ethyl alcohol for use as motor fuel that meets the current American Society for Testing and Materials specification D4806 for ethanol that is produced from cellulosic biomass materials of any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including:
  - (a) Plant wastes from industrial processes such as sawdust and paper pulp;
  - (b) Energy crops grown specifically for fuel production such as switchgrass; or
  - (c) Agricultural plant residues such as corn stover, rice hulls, sugarcane, and cereal straws;
- (7) "Cellulosic ethanol producer" means an entity that uses cellulosic biomass materials to manufacture cellulosic ethanol at a location in this Commonwealth;
- (8) "Blended biodiesel" means a blend of biodiesel with petroleum diesel so that the percentage of biodiesel in the blend is at least two percent (2%) (B2 or greater);
- (9) "Ethanol" means ethyl alcohol produced from corn, soybeans, or wheat for use as a motor fuel that meets the current American Society for Testing and Materials

- specification D4806 for ethanol;
- (10) "Ethanol-based tax credits" means the cellulosic ethanol tax credit provided for in KRS 141.4244 and the ethanol tax credit provided for in KRS 141.4242;
  - (11) "Ethanol producer" means an entity that uses corn, soybeans, or wheat to manufacture ethanol at a location in this Commonwealth;
  - (12) "Renewable diesel" means a renewable, biodegradeable, non-ester combustible liquid that:
    - (a) Is derived from biomass resources as defined in KRS 152.715; and
    - (b) Meets the current American Society for Testing and Materials Specification D396 for fuel oils intended for use in various types of fuel-oil-burning equipment; D975 for diesel fuel oils suitable for various types of diesel fuel engines; or D1655 for aviation turbine fuels; and
  - (13) "Renewable diesel producer" means an entity that manufactures renewable diesel at a location in this Commonwealth.

**Effective:** August 30, 2007

**History:** Amended 2007 (2d Extra. Sess.) Ky. Acts ch. 1, sec. 20, effective August 30, 2007. -- Created 2005 Ky. Acts ch. 168, sec. 136, effective March 18, 2005.

**Legislative Research Commission Note (3/18/2005).** 2005 Ky. Acts ch. 168, sec. 165, provides that this section shall apply to tax years beginning on or after January 1, 2005.

**141.4242 Nonrefundable credit for producers of ethanol.**

- (1) (a) For taxable years beginning after December 31, 2007, an ethanol producer shall be eligible for a nonrefundable tax credit against the taxes imposed by KRS 141.020 or 141.040 and 141.0401 in an amount certified by the department under subsection (3) of this section. The credit rate shall be one dollar (\$1) per ethanol gallon produced, unless the total amount of approved credit for all ethanol producers exceeds the annual ethanol tax credit cap. If the total amount of approved credit for all ethanol producers exceeds the annual ethanol tax credit cap, the department shall determine the amount of credit each ethanol producer receives by multiplying the annual ethanol tax credit cap by a fraction, the numerator of which is the amount of approved credit for the ethanol producer and the denominator of which is the total approved credit for all ethanol producers.
- (b) The credit allowed under paragraph (a) of this subsection shall be applied both to the income tax imposed under KRS 141.020 or 141.040 and to the limited liability entity tax imposed under KRS 141.0401, with the ordering of credits as provided in KRS 141.0205.
- (2) The credit provided under subsection (1) of this section shall not be carried forward to a return for any other period.
- (3) Each ethanol producer eligible for the credit provided under subsection (1) of this section shall file an ethanol tax credit claim for ethanol gallons produced in this state on forms prescribed by the department by January 15 following the close of the preceding calendar year. The department shall determine the amount of the approved credit based on the amount of ethanol produced in this state during the preceding calendar year and shall issue a credit certificate to the ethanol producer by April 15 following the close of the preceding calendar year.
- (4) In the case of an ethanol producer that has a fiscal year end for purposes of computing the tax imposed by KRS 141.020, 141.040, and 141.0401, the amount of approved credit provided under subsection (1) of this section shall be claimed on the return filed for the first fiscal year ending after the close of the preceding calendar year.

**Effective:** August 30, 2007

**History:** Created 2007 (2d Extra. Sess.) Ky. Acts ch. 1, sec. 24, effective August 30, 2007.

**141.4244 Nonrefundable credit for producers of cellulosic ethanol.**

- (1) (a) For taxable years beginning after December 31, 2007, a cellulosic ethanol producer shall be eligible for a nonrefundable tax credit against the taxes imposed by KRS 141.020 or 141.040 and 141.0401 in an amount certified by the department under subsection (3) of this section. The credit rate shall be one dollar (\$1) per cellulosic ethanol gallon produced, unless the total amount of approved credit for all cellulosic ethanol producers exceeds the annual cellulosic ethanol tax credit cap. If the total amount of approved credit for all cellulosic ethanol producers exceeds the annual cellulosic ethanol tax credit cap, the department shall determine the amount of credit each cellulosic ethanol producer receives by multiplying the annual cellulosic ethanol tax credit cap by a fraction, the numerator of which is the amount of approved credit for the cellulosic ethanol producer and the denominator of which is the total approved credit for all cellulosic ethanol producers.
- (b) The credit allowed under paragraph (a) of this subsection shall be applied both to the income tax imposed under KRS 141.020 or 141.040 and to the limited liability entity tax imposed under KRS 141.0401, with the ordering of credits as provided in KRS 141.0205.
- (2) The credit provided under subsection (1) of this section shall not be carried forward to a return for any other period.
- (3) Each cellulosic ethanol producer eligible for the credit provided under subsection (1) of this section shall file a cellulosic ethanol tax credit claim for cellulosic ethanol gallons produced in this state on forms prescribed by the department by January 15 following the close of the preceding calendar year. The department shall determine the amount of the approved credit based on the amount of cellulosic ethanol produced in this state during the preceding calendar year and shall issue a credit certificate to the cellulosic ethanol producer by April 15 following the close of the preceding calendar year.
- (4) In the case of a cellulosic ethanol producer that has a fiscal year end for purposes of computing the tax imposed by KRS 141.020, 141.040, and 141.0401, the amount of approved credit provided under subsection (1) of this section shall be claimed on the return filed for the first fiscal year ending after the close of the preceding calendar year.

**Effective:** August 30, 2007

**History:** Created 2007 (2d Extra. Sess.) Ky. Acts ch. 1, sec. 23, effective August 30, 2007.

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# ANEXO 34

## Estatutos Revisados de Nebraska 81-12,155.01

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*Traducción de apartes del documento Estatutos Revisados de Nebraska 81-12.155-01  
(Nebraska Revised Statute 81-12.155-01)*

*Página 1:*

**81-12,155.01. Programa de Innovación en Biociencia; proveer apoyo financiero.**

(1) El departamento deberá establecer un programa de Innovación en Biociencia bajo la ley de innovación empresarial. El propósito de este programa es dar apoyo financiero para:

(a) Apoyar la formación de empresas pequeñas en el sector de biociencia en las economías rurales y urbanas de Nebraska;

(b) Apoyar el desarrollo de comunidades de biociencia y oportunidades económicas a través de la innovación en biocombustibles, bio-sensores y biotecnología en lo relacionado con animales, equipo, humanos, industria, investigación, información médica y de salud, productos médicos y de salud, servicios médicos y de salud, diagnósticos médicos, terapias médicas y farmacéuticas;

(c) Acoger la creación de empleos de altos salario en biociencia, para emplear a los graduados de instituciones post secundarias en Nebraska y atraer estudiantes graduados de otros estados;

(d) Fomentar el desarrollo de nuevas tecnologías en el sector de biociencia y la creación de nuevos emprendimientos enfocados en biociencia:

(e) Apalancar el sector agrícola del estado para apoyar el desarrollo de tecnologías emergentes de biociencia, impactando las operaciones de ganadería y producción de cultivos; y

(f) Apalancar la investigación y desarrollo de la biociencia conducidos en las instituciones post secundarias en Nebraska para crear empresas de biociencia del sector privado.

(2) Las empresas privadas de biociencia operando en Nebraska podrán ser elegibles para asistencia financiera tal como se describe en las secciones 81-12, 157 81-12, 158, 81-12,160, y 81-12,161. Una empresa de biociencia que reciban asistencia financiera en virtud de alguna de esas secciones deberán aportar igualar el aporte en un cien por ciento del valor del apoyo.

(3) El programa deberá terminar cuando el fondo creado bajo la sección 81-12,163.01 termine.

**Fuente: Leyes 2017, LB641, Fecha de Terminación: 1º de diciembre, 2021**

**81-12,155.01. Bioscience Innovation Program; provide financial assistance.**

(1) The department shall establish a Bioscience Innovation Program under the Business Innovation Act. The purpose of this program is to provide financial assistance to:

(a) Support small enterprise formation in the bioscience sector of Nebraska's rural and urban economies;

(b) Support the development of bioscience communities and economic opportunity through innovation in biofuels, biosensors, and biotechnology as it relates to animals, equipment, humans, industry, research, medical and health information, medical and health products, medical and health services, medical diagnostics, medical therapeutics, and pharmaceuticals;

(c) Enhance the creation of high-wage bioscience jobs to employ graduates of postsecondary educational institutions in Nebraska and to attract graduate students from other states;

(d) Encourage the development of new technologies in the bioscience sector and the creation of new startup businesses focused on bioscience;

(e) Leverage the state's agricultural sector to support the development of emerging bioscience technologies impacting livestock operations and crop production; and

(f) Leverage the bioscience research and development conducted at postsecondary educational institutions in Nebraska to create private-sector bioscience enterprises.

(2) Private bioscience businesses and enterprises operating in Nebraska shall be eligible for financial assistance as described in sections 81-12,157, 81-12,158, 81-12,160, and 81-12,161. A bioscience business or enterprise receiving financial assistance pursuant to any of such sections shall provide a match of one hundred percent for such assistance.

(3) The program shall terminate when the fund created under section 81-12,163.01 terminates.

**Source:** Laws 2017, LB641, § 2. **Termination Date:** December 1, 2021

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**ANEXO 35**  
**Estatutos Revisados de**  
**Nebraska 66-489**





**66-489. Producer, supplier, distributor, wholesaler, or importer; motor fuel tax; excise tax; amount; when payable; exemptions; equalization fee; section, how construed; refund.**

(1)(a) At the time of filing the return required by section 66-488, such producer, supplier, distributor, wholesaler, or importer shall, in addition to the tax imposed pursuant to sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146 and in addition to the other taxes provided for by law, pay a tax in an amount set in subdivision (b) of this subsection upon all motor fuels as shown by such return, except that there shall be no tax on the motor fuels reported if (i) the required taxes on the motor fuels have been paid, (ii) the motor fuels have been sold to a licensed exporter exclusively for resale or use in another state, (iii) the motor fuels have been sold from a Nebraska barge line terminal, pipeline terminal, refinery, or ethanol or biodiesel facility, including motor fuels stored offsite in bulk, by a licensed producer or supplier to a licensed distributor, (iv) the motor fuels have been sold by a licensed distributor or licensed importer to a licensed distributor or to a licensed wholesaler and the seller acquired ownership of the motor fuels directly from a licensed producer or supplier at or from a refinery, barge, barge line, pipeline terminal, or ethanol or biodiesel facility, including motor fuels stored offsite in bulk, in this state or was the first importer of such fuel into this state, or (v) as otherwise provided in this section. Such producer, supplier, distributor, wholesaler, or importer shall remit such tax to the department.

(b) The tax shall be:

(i) Seven and one-half cents per gallon through December 31, 2015;

(ii) Eight cents per gallon beginning on January 1, 2016, through December 31, 2016;

(iii) Eight and one-half cents per gallon beginning on January 1, 2017, through December 31, 2017;

(iv) Nine cents per gallon beginning on January 1, 2018, through December 31, 2018; and

(v) Nine and one-half cents per gallon beginning on January 1, 2019.

(2) As part of filing the return required by section 66-488, each producer of ethanol shall, in addition to other taxes imposed by the motor fuel laws, pay an excise tax of one and one-quarter cents per gallon through December 31, 2004, and commencing January 1, 2010, and two and one-half cents per gallon commencing January 1, 2005, through December 31, 2009, on natural gasoline purchased for use as a denaturant by the producer at an ethanol facility. All taxes, interest, and

penalties collected under this subsection shall be remitted to the State Treasurer for credit to the Agricultural Alcohol Fuel Tax Fund, except that commencing January 1, 2005, through December 31, 2009, one and one-quarter cents per gallon of such excise tax shall be credited to the Ethanol Production Incentive Cash Fund. For fiscal years 2007-08 through 2011-12, if the total receipts from the excise tax authorized in this subsection and designated for deposit in the Agricultural Alcohol Fuel Tax Fund exceed five hundred fifty thousand dollars, the State Treasurer shall deposit amounts in excess of five hundred fifty thousand dollars in the Ethanol Production Incentive Cash Fund.

(3)(a) Motor fuels, methanol, and all blending agents or fuel expanders shall be exempt from the taxes imposed by this section and sections 66-489.02, 66-4,105, 66-4,140, 66-4,145, and 66-4,146, when the fuels are used for buses equipped to carry more than seven persons for hire and engaged entirely in the transportation of passengers for hire within municipalities or within a radius of six miles thereof.

(b) The owner or agent of any bus equipped to carry more than seven persons for hire and engaged entirely in the transportation of passengers for hire within municipalities, or within a radius of six miles thereof, in lieu of the excise tax provided for in this section, shall pay an equalization fee of a sum equal to twice the amount of the registration fee applicable to such vehicle under the laws of this state. Such equalization fee shall be paid in the same manner as the registration fee and be disbursed and allocated as registration fees.

(c) Nothing in this section shall be construed as permitting motor fuels to be sold tax exempt. The department shall refund tax paid on motor fuels used in buses deemed exempt by this section.

(4) Natural gasoline purchased for use as a denaturant by a producer at an ethanol facility as defined in section 66-1333 shall be exempt from the motor fuels tax imposed by subsection (1) of this section as well as the tax imposed pursuant to sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

(5) Unless otherwise provided by an agreement entered into between the State of Nebraska and the governing body of any federally recognized Indian tribe within the State of Nebraska, motor fuels purchased on a Nebraska Indian reservation where the purchaser is a Native American who resides on the reservation shall be exempt from the motor fuels tax imposed by this section as well as the tax imposed pursuant to sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

(6) Motor fuels purchased for use by the United States Government or its agencies shall be exempt from the motor fuels tax imposed by this section as well

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ANEXO 36  
Estatutos Revisados de  
Nebraska 66-496

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TRADUCCIÓN OFICIAL de un documento escrito en inglés, la cual para su identificación lleva el sello de JUANITA BECERRA MUÑOZ, Traductora/Intérprete Oficial, según Licencia No. 500 de 2017, registrada y juramentada ante el Ministerio de Relaciones Exteriores.

Traducción de apartes del documento *Estatutos Revisados de Nebraska 66-496*  
(*Nebraska Revised Statute 66-496*)

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Carácter Pública:	
No.:	1158

Página 1, primer párrafo:

**66-496. Combustible almacenado; pago de impuestos; cuando; reportes.**

(1) Ningún impuesto deberá ser cobrado con respecto a combustibles de motor importados por barcasas, líneas de barcasas o tuberías y almacenados en una barcaza, línea de barcasas o una terminal de tubería en este estado o refinado en una refinería en este estado y almacenado allí hasta que los combustibles de motor sean retirados para la venta o utilizados en este estado o sean cargados en la terminal o refinería a un equipo de transporte para envío o entrega en un destino en este estado. Ningún impuesto deberá ser cobrado con respecto a combustibles de motor producidos en una instalación de etanol o biodiesel en este estado ni con respecto a combustibles de motor utilizados por un productor, pero almacenados en otra localización en este estado, hasta que los combustibles de motor sean retirados para venta o uso en este estado o sean cargados en la instalación de etanol o biodiesel u otro almacenamiento para equipo de transporte para despacho o entrega a un destino en este estado.

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*JB*  
**JUANITA BECERRA MUÑOZ**  
 Traductora e Intérprete Oficial  
 Inglés - Español - Inglés  
 Licencia N°. 500 de 2017

**66-496. Stored fuel; payment of tax; when; reports.**

(1) No tax shall be collected with respect to motor fuels imported by barge, barge line, or pipeline and stored at a barge, barge line, or pipeline terminal in this state or refined at a refinery in this state and stored thereat until the motor fuels are withdrawn for sale or use in this state or are loaded at the terminal or refinery into transportation equipment for shipment or delivery to a destination in this state. No tax shall be collected with respect to motor fuels manufactured at an ethanol or biodiesel facility in this state nor with respect to motor fuels owned by a producer, but stored at another location in this state, until the motor fuels are withdrawn for sale or use in this state or are loaded at the ethanol or biodiesel facility or other storage into transportation equipment for shipment or delivery to a destination in this state.

(2) When motor fuels are withdrawn or loaded as provided in this section, the producer, supplier, or distributor in this state shall be liable for payment of the motor fuels tax.

(3) The person owning and operating such refinery, barge, barge line terminal, pipeline terminal, or ethanol or biodiesel facility may, at the department's request, make and file such verified reports of operations within the state which may include reporting all motor fuels loaded within this state for delivery in another state and such other information as shall be required by the department.

**Source:** Laws 1935, c. 161, § 1, p. 588; Laws 1935, Spec. Sess., c. 16, § 1, p. 128; Laws 1937, c. 148, § 1, p. 567; Laws 1939, c. 87, § 2, p. 368; Laws 1941, c. 133, § 1, p. 524; C.S.Supp., 1941, § 66-405; Laws 1943, c. 138, § 2(5), p. 475; Laws 1943, c. 141, § 1(5), p. 484; R.S. 1943, § 66-412; Laws 1955, c. 248, § 1, p. 783; Laws 1969, c. 528, § 9, p. 2164; Laws 1973, LB 528, § 7; Laws 1988, LB 1039, § 4; R.S. 1943, (1990), § 66-412; Laws 1991, LB 627, § 23; Laws 1994, LB 1160, § 67; Laws 2004, LB 983, § 16.