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1ST SESSION**S. 383**

To support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Mr. BARRASSO (for himself, Mr. WHITEHOUSE, Mrs. CAPITO, Ms. DUCKWORTH, Mr. CRAMER, Ms. SMITH, Mr. MANCHIN, Mr. CARPER, Mr. ENZI, Mr. SCHATZ, Mr. ROUNDS, Mr. INHOFE, Mr. VAN HOLLEN, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 10, 2019

Reported by Mr. BARRASSO, without amendment

A BILL

To support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Utilizing Significant
3 Emissions with Innovative Technologies Act” or the “USE
4 IT Act”.

5 **TITLE I—ENCOURAGING**
6 **PROJECTS TO REDUCE EMIS-**
7 **SIONS**

8 **SEC. 101. RESEARCH, INVESTIGATION, TRAINING, AND**
9 **OTHER ACTIVITIES.**

10 Section 103 of the Clean Air Act (42 U.S.C. 7403)
11 is amended—

12 (1) in subsection (c)(3), in the first sentence of
13 the matter preceding subparagraph (A), by striking
14 “precursors” and inserting “precursors”; and

15 (2) in subsection (g)—

16 (A) by redesignating paragraphs (1)
17 through (4) as subparagraphs (A) through (D),
18 respectively, and indenting appropriately;

19 (B) in the undesignated matter following
20 subparagraph (D) (as so redesignated)—

21 (i) in the second sentence, by striking
22 “The Administrator” and inserting the fol-
23 lowing:

24 “(5) COORDINATION AND AVOIDANCE OF DU-
25 PPLICATION.—The Administrator”; and

1 (ii) in the first sentence, by striking
2 “Nothing” and inserting the following:

3 “(4) EFFECT OF SUBSECTION.—Nothing”;

4 (C) in the matter preceding subparagraph

5 (A) (as so redesignated)—

6 (i) in the third sentence, by striking

7 “Such program” and inserting the fol-
8 lowing:

9 “(3) PROGRAM INCLUSIONS.—The program
10 under this subsection”;

11 (ii) in the second sentence—

12 (I) by inserting “States, institu-
13 tions of higher education,” after “sci-
14 entists,”; and

15 (II) by striking “Such strategies
16 and technologies shall be developed”
17 and inserting the following:

18 “(2) PARTICIPATION REQUIREMENT.—Such
19 strategies and technologies described in paragraph
20 (1) shall be developed”;

21 (iii) in the first sentence, by striking

22 “In carrying out” and inserting the fol-
23 lowing:

24 “(1) IN GENERAL.—In carrying out”;

25 (D) by adding at the end the following:

1 “(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

2 “(A) IN GENERAL.—In carrying out para-
3 graph (3)(A) with respect to carbon dioxide, the
4 Administrator shall carry out the activities de-
5 scribed in each of subparagraphs (B), (C), (D),
6 and (E).

7 “(B) DIRECT AIR CAPTURE RESEARCH.—

8 “(i) DEFINITIONS.—In this subpara-
9 graph:

10 “(I) BOARD.—The term ‘Board’
11 means the Direct Air Capture Tech-
12 nology Advisory Board established by
13 clause (iii)(I).

14 “(II) DILUTE.—The term ‘dilute’
15 means a concentration of less than 1
16 percent by volume.

17 “(III) DIRECT AIR CAPTURE.—

18 “(aa) IN GENERAL.—The
19 term ‘direct air capture’, with re-
20 spect to a facility, technology, or
21 system, means that the facility,
22 technology, or system uses car-
23 bon capture equipment to cap-
24 ture carbon dioxide directly from
25 the air.

1 “(bb) EXCLUSION.—The
2 term ‘direct air capture’ does not
3 include any facility, technology,
4 or system that captures carbon
5 dioxide—

6 “(AA) that is delib-
7 erately released from a natu-
8 rally occurring subsurface
9 spring; or

10 “(BB) using natural
11 photosynthesis.

12 “(IV) INTELLECTUAL PROP-
13 ERTY.—The term ‘intellectual prop-
14 erty’ means—

15 “(aa) an invention that is
16 patentable under title 35, United
17 States Code; and

18 “(bb) any patent on an in-
19 vention described in item (aa).

20 “(ii) TECHNOLOGY PRIZES.—

21 “(I) IN GENERAL.—Not later
22 than 1 year after the date of enact-
23 ment of the USE IT Act, the Admin-
24 istrator, in consultation with the Sec-
25 retary of Energy, shall establish a

1 program to provide, and shall provide,
2 financial awards on a competitive
3 basis for direct air capture from
4 media in which the concentration of
5 carbon dioxide is dilute.

6 “(II) DUTIES.—In carrying out
7 this clause, the Administrator shall—

8 “(aa) subject to subclause
9 (III), develop specific require-
10 ments for—

11 “(AA) the competition
12 process; and

13 “(BB) the demonstra-
14 tion of performance of ap-
15 proved projects;

16 “(bb) offer financial awards
17 for a project designed—

18 “(AA) to the maximum
19 extent practicable, to cap-
20 ture more than 10,000 tons
21 of carbon dioxide per year;
22 and

23 “(BB) to operate in a
24 manner that would be com-
25 mercially viable in the fore-

1 seeable future (as deter-
2 mined by the Board); and

3 “(cc) to the maximum ex-
4 tent practicable, make financial
5 awards to geographically diverse
6 projects, including at least—

7 “(AA) 1 project in a
8 coastal State; and

9 “(BB) 1 project in a
10 rural State.

11 “(III) PUBLIC PARTICIPATION.—
12 In carrying out subclause (II)(aa), the
13 Administrator shall—

14 “(aa) provide notice of and,
15 for a period of not less than 60
16 days, an opportunity for public
17 comment on, any draft or pro-
18 posed version of the requirements
19 described in subclause (II)(aa);
20 and

21 “(bb) take into account pub-
22 lic comments received in devel-
23 oping the final version of those
24 requirements.

1 “(iii) DIRECT AIR CAPTURE TECH-
2 NOLOGY ADVISORY BOARD.—

3 “(I) ESTABLISHMENT.—There is
4 established an advisory board to be
5 known as the ‘Direct Air Capture
6 Technology Advisory Board’.

7 “(II) COMPOSITION.—The Board
8 shall be composed of 9 members ap-
9 pointed by the Administrator, who
10 shall provide expertise in—

11 “(aa) climate science;

12 “(bb) physics;

13 “(cc) chemistry;

14 “(dd) biology;

15 “(ee) engineering;

16 “(ff) economics;

17 “(gg) business management;

18 and

19 “(hh) such other disciplines
20 as the Administrator determines
21 to be necessary to achieve the
22 purposes of this subparagraph.

23 “(III) TERM; VACANCIES.—

1 “(aa) TERM.—A member of
2 the Board shall serve for a term
3 of 6 years.

4 “(bb) VACANCIES.—A va-
5 cancy on the Board—

6 “(AA) shall not affect
7 the powers of the Board;
8 and

9 “(BB) shall be filled in
10 the same manner as the
11 original appointment was
12 made.

13 “(IV) INITIAL MEETING.—Not
14 later than 30 days after the date on
15 which all members of the Board have
16 been appointed, the Board shall hold
17 the initial meeting of the Board.

18 “(V) MEETINGS.—The Board
19 shall meet at the call of the Chair-
20 person or on the request of the Ad-
21 ministratoꝛ.

22 “(VI) QUORUM.—A majority of
23 the members of the Board shall con-
24 stitute a quorum, but a lesser number
25 of members may hold hearings.

1 “(VII) CHAIRPERSON AND VICE
2 CHAIRPERSON.—The Board shall se-
3 lect a Chairperson and Vice Chair-
4 person from among the members of
5 the Board.

6 “(VIII) COMPENSATION.—Each
7 member of the Board may be com-
8 pensated at not to exceed the daily
9 equivalent of the annual rate of basic
10 pay in effect for a position at level V
11 of the Executive Schedule under sec-
12 tion 5316 of title 5, United States
13 Code, for each day during which the
14 member is engaged in the actual per-
15 formance of the duties of the Board.

16 “(IX) DUTIES.—The Board shall
17 advise the Administrator on carrying
18 out the duties of the Administrator
19 under this subparagraph.

20 “(X) FACA.—The Federal Advi-
21 sory Committee Act (5 U.S.C. App.)
22 shall apply to the Board.

23 “(iv) INTELLECTUAL PROPERTY.—

24 “(I) IN GENERAL.—As a condi-
25 tion of receiving a financial award

1 under this subparagraph, an applicant
2 shall agree to vest the intellectual
3 property of the applicant derived from
4 the technology in 1 or more entities
5 that are incorporated in the United
6 States.

7 “(II) RESERVATION OF LI-
8 CENSE.—The United States—

9 “(aa) may reserve a non-
10 exclusive, nontransferable, irrev-
11 ocable, paid-up license, to have
12 practiced for or on behalf of the
13 United States, in connection with
14 any intellectual property de-
15 scribed in subclause (I); but

16 “(bb) shall not, in the exer-
17 cise of a license reserved under
18 item (aa), publicly disclose pro-
19 prietary information relating to
20 the license.

21 “(III) TRANSFER OF TITLE.—
22 Title to any intellectual property de-
23 scribed in subclause (I) shall not be
24 transferred or passed, except to an
25 entity that is incorporated in the

1 United States, until the expiration of
2 the first patent obtained in connection
3 with the intellectual property.

4 “(v) AUTHORIZATION OF APPROPRIA-
5 TIONS.—There is authorized to be appro-
6 priated to carry out this subparagraph
7 \$35,000,000, to remain available until ex-
8 pended.

9 “(vi) TERMINATION OF AUTHORITY.—
10 The Board and all authority provided
11 under this subparagraph shall terminate
12 not later than 10 years after the date of
13 enactment of the USE IT Act.

14 “(C) CARBON DIOXIDE UTILIZATION RE-
15 SEARCH.—

16 “(i) DEFINITION OF CARBON DIOXIDE
17 UTILIZATION.—In this subparagraph, the
18 term ‘carbon dioxide utilization’ refers to
19 technologies or approaches that lead to the
20 use of carbon dioxide—

21 “(I) through the fixation of car-
22 bon dioxide through photosynthesis or
23 chemosynthesis, such as through the
24 growing of algae or bacteria;

1 “(II) through the chemical con-
2 version of carbon dioxide to a material
3 or chemical compound in which the
4 carbon dioxide is securely stored; or

5 “(III) through the use of carbon
6 dioxide for any other purpose for
7 which a commercial market exists, as
8 determined by the Administrator.

9 “(ii) PROGRAM.—The Administrator,
10 in consultation with the Secretary of En-
11 ergy, shall carry out a research and devel-
12 opment program for carbon dioxide utiliza-
13 tion to promote existing and new tech-
14 nologies that transform carbon dioxide
15 generated by industrial processes into a
16 product of commercial value, or as an
17 input to products of commercial value.

18 “(iii) TECHNICAL AND FINANCIAL AS-
19 SISTANCE.—Not later than 2 years after
20 the date of enactment of the USE IT Act,
21 in carrying out this subsection, the Admin-
22 istrator, in consultation with the Secretary
23 of Energy, shall support research and in-
24 frastructure activities relating to carbon
25 dioxide utilization by providing technical

1 assistance and financial assistance in ac-
2 cordance with clause (iv).

3 “(iv) ELIGIBILITY.—To be eligible to
4 receive technical assistance and financial
5 assistance under clause (iii), a carbon diox-
6 ide utilization project shall—

7 “(I) have access to an emissions
8 stream generated by a stationary
9 source within the United States that
10 is capable of supplying not less than
11 250 metric tons per day of carbon di-
12 oxide for research;

13 “(II) have access to adequate
14 space for a laboratory and equipment
15 for testing small-scale carbon dioxide
16 utilization technologies, with onsite
17 access to larger test bays for scale-up;
18 and

19 “(III) have existing partnerships
20 with institutions of higher education,
21 private companies, States, or other
22 government entities.

23 “(v) COORDINATION.—In supporting
24 carbon dioxide utilization projects under
25 this paragraph, the Administrator shall

1 consult with the Secretary of Energy, and,
2 as appropriate, with the head of any other
3 relevant Federal agency, States, the pri-
4 vate sector, and institutions of higher edu-
5 cation to develop methods and technologies
6 to account for the carbon dioxide emissions
7 avoided by the carbon dioxide utilization
8 projects.

9 “(vi) AUTHORIZATION OF APPROPRIA-
10 TIONS.—There is authorized to be appro-
11 priated to carry out this subparagraph
12 \$50,000,000, to remain available until ex-
13 pended.

14 “(D) DEEP SALINE FORMATION RE-
15 PORT.—

16 “(i) DEFINITION OF DEEP SALINE
17 FORMATION.—

18 “(I) IN GENERAL.—In this sub-
19 paragraph, the term ‘deep saline for-
20 mation’ means a formation of sub-
21 surface geographically extensive sedi-
22 mentary rock layers saturated with
23 waters or brines that have a high total
24 dissolved solids content and that are
25 below the depth where carbon dioxide

1 can exist in the formation as a super-
2 critical fluid.

3 “(II) CLARIFICATION.—In this
4 subparagraph, the term ‘deep saline
5 formation’ does not include oil and
6 gas reservoirs.

7 “(ii) REPORT.—In consultation with
8 the Secretary of Energy, and, as appro-
9 priate, with the head of any other relevant
10 Federal agency and relevant stakeholders,
11 not later than 1 year after the date of en-
12 actment of the USE IT Act, the Adminis-
13 trator shall prepare, submit to Congress,
14 and make publicly available a report that
15 includes—

16 “(I) a comprehensive identifica-
17 tion of potential risks and benefits to
18 project developers associated with in-
19 creased storage of carbon dioxide cap-
20 tured from stationary sources in deep
21 saline formations, using existing re-
22 search;

23 “(II) recommendations for man-
24 aging the potential risks identified

1 under subclause (I), including poten-
2 tial risks unique to public land; and

3 “(III) recommendations for Fed-
4 eral legislation or other policy changes
5 to mitigate any potential risks identi-
6 fied under subclause (I).

7 “(E) REPORT ON CARBON DIOXIDE NON-
8 REGULATORY STRATEGIES AND TECH-
9 NOLOGIES.—

10 “(i) IN GENERAL.—Not less fre-
11 quently than once every 2 years, the Ad-
12 ministrator shall submit to the Committee
13 on Environment and Public Works of the
14 Senate and the Committee on Energy and
15 Commerce of the House of Representatives
16 a report that describes—

17 “(I) the recipients of assistance
18 under subparagraphs (B) and (C);
19 and

20 “(II) a plan for supporting addi-
21 tional nonregulatory strategies and
22 technologies that could significantly
23 prevent carbon dioxide emissions or
24 reduce carbon dioxide levels in the air,

1 in conjunction with other Federal
2 agencies.

3 “(ii) INCLUSIONS.—The plan sub-
4 mitted under clause (i) shall include—

5 “(I) a methodology for evaluating
6 and ranking technologies based on the
7 ability of the technologies to cost ef-
8 fectively reduce carbon dioxide emis-
9 sions or carbon dioxide levels in the
10 air; and

11 “(II) a description of any nonair-
12 related environmental or energy con-
13 siderations regarding the technologies.

14 “(F) GAO REPORT.—The Comptroller
15 General of the United States shall submit to
16 Congress a report that—

17 “(i) identifies all Federal grant pro-
18 grams in which a purpose of a grant under
19 the program is to perform research on car-
20 bon capture and utilization technologies,
21 including direct air capture technologies;
22 and

23 “(ii) examines the extent to which the
24 Federal grant programs identified pursu-

1 ant to clause (i) overlap or are duplica-
 2 tive.”.

3 **TITLE II—IMPROVEMENT OF**
 4 **PERMITTING PROCESS FOR**
 5 **CARBON DIOXIDE CAPTURE**
 6 **AND INFRASTRUCTURE**
 7 **PROJECTS**

8 **SEC. 201. INCLUSION OF CARBON CAPTURE INFRASTRUC-**
 9 **TURE PROJECTS.**

10 Section 41001(6) of the FAST Act (42 U.S.C.
 11 4370m(6)) is amended—

12 (1) in subparagraph (A)—

13 (A) in the matter preceding clause (i), by
 14 inserting “carbon capture,” after “manufac-
 15 turing,”;

16 (B) in clause (i)(III), by striking “or” at
 17 the end;

18 (C) by redesignating clause (ii) as clause
 19 (iii); and

20 (D) by inserting after clause (i) the fol-
 21 lowing:

22 “(ii) is covered by a programmatic
 23 plan or environmental review developed for
 24 the primary purpose of facilitating develop-
 25 ment of carbon dioxide pipelines; or”; and

1 (2) by adding at the end the following:

2 “(C) INCLUSION.—For purposes of sub-
3 paragraph (A), construction of infrastructure
4 for carbon capture includes construction of—

5 “(i) any facility, technology, or system
6 that captures, utilizes, or sequesters car-
7 bon dioxide emissions, including projects
8 for direct air capture (as defined in para-
9 graph (6)(B)(i) of section 103(g) of the
10 Clean Air Act (42 U.S.C. 7403(g)); and

11 “(ii) carbon dioxide pipelines.”.

12 **SEC. 202. DEVELOPMENT OF CARBON CAPTURE, UTILIZA-**
13 **TION, AND SEQUESTRATION REPORT, PER-**
14 **MITTING GUIDANCE, AND REGIONAL PERMIT-**
15 **TING TASK FORCE.**

16 (a) DEFINITIONS.—In this section:

17 (1) CARBON CAPTURE, UTILIZATION, AND SE-
18 QUESTRATION PROJECTS.—The term “carbon cap-
19 ture, utilization, and sequestration projects” includes
20 projects for direct air capture (as defined in para-
21 graph (6)(B)(i) of section 103(g) of the Clean Air
22 Act (42 U.S.C. 7403(g))).

23 (2) EFFICIENT, ORDERLY, AND RESPON-
24 SIBLE.—The term “efficient, orderly, and respon-
25 sible” means, with respect to development or the

1 permitting process for carbon capture, utilization,
2 and sequestration projects and carbon dioxide pipe-
3 lines, a process that is completed in an expeditious
4 manner while maintaining environmental, health,
5 and safety protections.

6 (b) REPORT.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this Act, the Chair of
9 the Council on Environmental Quality (referred to in
10 this section as the “Chair”), in consultation with the
11 Administrator of the Environmental Protection
12 Agency, the Secretary of Energy, the Secretary of
13 the Interior, the Executive Director of the Federal
14 Permitting Improvement Council, and the head of
15 any other relevant Federal agency (as determined by
16 the President), shall prepare a report that—

17 (A) compiles all existing relevant Federal
18 permitting and review information and re-
19 sources for project applicants, agencies, and
20 other stakeholders interested in the deployment
21 of carbon capture, utilization, and sequestration
22 projects and carbon dioxide pipelines, includ-
23 ing—

24 (i) the appropriate points of inter-
25 action with Federal agencies;

1 (ii) clarification of the permitting re-
2 sponsibilities and authorities among Fed-
3 eral agencies; and

4 (iii) best practices and templates for
5 permitting;

6 (B) inventories current or emerging activi-
7 ties that transform captured carbon dioxide into
8 a product of commercial value, or as an input
9 to products of commercial value;

10 (C) inventories existing initiatives and re-
11 cent publications that analyze or identify pri-
12 ority carbon dioxide pipelines needed to enable
13 efficient, orderly, and responsible development
14 of carbon capture, utilization, and sequestration
15 projects at increased scale;

16 (D) identifies gaps in the current Federal
17 regulatory framework for the deployment of
18 carbon capture, utilization, and sequestration
19 projects and carbon dioxide pipelines; and

20 (E) identifies Federal financing mecha-
21 nisms available to project developers.

22 (2) SUBMISSION; PUBLICATION.—The Chair
23 shall—

24 (A) submit the report under paragraph (1)
25 to the Committee on Environment and Public

1 Works of the Senate and the Committee on En-
2 ergy and Commerce of the House of Represent-
3 atives; and

4 (B) as soon as practicable, make the report
5 publicly available.

6 (c) GUIDANCE.—

7 (1) IN GENERAL.—After submission of the re-
8 port under subsection (b)(2), but not later than 1
9 year after the date of enactment of this Act, the
10 Chair shall submit guidance consistent with that re-
11 port to all relevant Federal agencies that—

12 (A) facilitates reviews associated with the
13 deployment of carbon capture, utilization, and
14 sequestration projects and carbon dioxide pipe-
15 lines; and

16 (B) supports the efficient, orderly, and re-
17 sponsible development of carbon capture, utili-
18 zation, and sequestration projects and carbon
19 dioxide pipelines.

20 (2) REQUIREMENTS.—

21 (A) IN GENERAL.—The guidance under
22 paragraph (1) shall address requirements
23 under—

24 (i) the National Environmental Policy
25 Act of 1969 (42 U.S.C. 4321 et seq.);

1 (ii) the Federal Water Pollution Con-
2 trol Act (33 U.S.C. 1251 et seq.);

3 (iii) the Clean Air Act (42 U.S.C.
4 7401 et seq.);

5 (iv) the Safe Drinking Water Act (42
6 U.S.C. 300f et seq.);

7 (v) the Endangered Species Act of
8 1973 (16 U.S.C. 1531 et seq.);

9 (vi) division A of subtitle III of title
10 54, United States Code (formerly known
11 as the “National Historic Preservation
12 Act”);

13 (vii) the Migratory Bird Treaty Act
14 (16 U.S.C. 703 et seq.);

15 (viii) the Act of June 8, 1940 (16
16 U.S.C. 668 et seq.) (commonly known as
17 the “Bald and Golden Eagle Protection
18 Act”); and

19 (ix) any other Federal law that the
20 Chair determines to be appropriate.

21 (B) ENVIRONMENTAL REVIEWS.—The
22 guidance under paragraph (1) shall include di-
23 rection to States and other interested parties
24 for the development of programmatic environ-
25 mental reviews under the National Environ-

1 mental Policy Act of 1969 (42 U.S.C. 4321 et
2 seq.) for carbon capture, utilization, and se-
3 questration projects and carbon dioxide pipe-
4 lines.

5 (C) PUBLIC INVOLVEMENT.—The guidance
6 under paragraph (1) shall be subject to the
7 public notice, comment, and solicitation of in-
8 formation procedures under section 1506.6 of
9 title 40, Code of Federal Regulations (or a suc-
10 cessor regulation).

11 (3) SUBMISSION; PUBLICATION.—The Chair
12 shall—

13 (A) submit the guidance under paragraph
14 (1) to the Committee on Environment and Pub-
15 lic Works of the Senate and the Committee on
16 Energy and Commerce of the House of Rep-
17 resentatives; and

18 (B) as soon as practicable, make the guid-
19 ance publicly available.

20 (4) EVALUATION.—The Chair shall—

21 (A) periodically evaluate the reports of the
22 task forces under subsection (d)(5) and, as nec-
23 essary, revise the guidance under paragraph
24 (1); and

1 (B) each year, submit to the Committee on
2 Environment and Public Works of the Senate,
3 the Committee on Energy and Commerce of the
4 House of Representatives, and relevant Federal
5 agencies a report that describes any rec-
6 ommendations for legislation, rules, revisions to
7 rules, or other policies that would address the
8 issues identified by the task forces under sub-
9 section (d)(5).

10 (d) TASK FORCE.—

11 (1) ESTABLISHMENT.—Not later than 18
12 months after the date of enactment of this Act, the
13 Chair shall establish not less than 2 task forces,
14 which shall each cover a different geographical area
15 with differing demographic, land use, or geological
16 issues—

17 (A) to identify permitting and other chal-
18 lenges and successes that permitting authorities
19 and project developers and operators face; and

20 (B) to improve the performance of the per-
21 mitting process and regional coordination for
22 the purpose of promoting the efficient, orderly,
23 and responsible development of carbon capture,
24 utilization, and sequestration projects and car-
25 bon dioxide pipelines.

1 (2) MEMBERS AND SELECTION.—

2 (A) IN GENERAL.—The Chair shall—

3 (i) develop criteria for the selection of
4 members to each task force; and

5 (ii) select members for each task force
6 in accordance with clause (i) and subpara-
7 graph (B).

8 (B) MEMBERS.—Each task force—

9 (i) shall include not less than 1 rep-
10 resentative of each of—

11 (I) the Environmental Protection
12 Agency;

13 (II) the Department of Energy;

14 (III) the Department of the Inte-
15 rior;

16 (IV) any other Federal agency
17 the Chair determines to be appro-
18 priate;

19 (V) any State that requests par-
20 ticipation in the geographical area
21 covered by the task force;

22 (VI) developers or operators of
23 carbon capture, utilization, and se-
24 questration projects or carbon dioxide
25 pipelines; and

1 (VII) nongovernmental member-
 2 ship organizations, the primary mis-
 3 sion of which concerns protection of
 4 the environment; and

5 (ii) at the request of a Tribal or local
 6 government, may include a representative
 7 of—

8 (I) not less than 1 local govern-
 9 ment in the geographical area covered
 10 by the task force; and

11 (II) not less than 1 Tribal gov-
 12 ernment in the geographical area cov-
 13 ered by the task force.

14 (3) MEETINGS.—

15 (A) IN GENERAL.—Each task force shall
 16 meet not less than twice each year.

17 (B) JOINT MEETING.—To the maximum
 18 extent practicable, the task forces shall meet
 19 collectively not less than once each year.

20 (4) DUTIES.—Each task force shall—

21 (A) inventory existing or potential Federal
 22 and State approaches to facilitate reviews asso-
 23 ciated with the deployment of carbon capture,
 24 utilization, and sequestration projects and car-

1 bon dioxide pipelines, including best practices
2 that—

3 (i) avoid duplicative reviews;

4 (ii) engage stakeholders early in the
5 permitting process; and

6 (iii) make the permitting process effi-
7 cient, orderly, and responsible;

8 (B) develop common models for State-level
9 carbon dioxide pipeline regulation and oversight
10 guidelines that can be shared with States in the
11 geographical area covered by the task force;

12 (C) provide technical assistance to States
13 in the geographical area covered by the task
14 force in implementing regulatory requirements
15 and any models developed under subparagraph
16 (B);

17 (D) inventory current or emerging activi-
18 ties that transform captured carbon dioxide into
19 a product of commercial value, or as an input
20 to products of commercial value;

21 (E) identify any priority carbon dioxide
22 pipelines needed to enable efficient, orderly, and
23 responsible development of carbon capture, uti-
24 lization, and sequestration projects at increased
25 scale;

1 (F) identify gaps in the current Federal
2 and State regulatory framework and in existing
3 data for the deployment of carbon capture, uti-
4 lization, and sequestration projects and carbon
5 dioxide pipelines;

6 (G) identify Federal and State financing
7 mechanisms available to project developers; and

8 (H) develop recommendations for relevant
9 Federal agencies on how to develop and re-
10 search technologies that—

11 (i) can capture carbon dioxide; and

12 (ii) would be able to be deployed with-
13 in the region covered by the task force, in-
14 cluding any projects that have received
15 technical or financial assistance for re-
16 search under paragraph (6) of section
17 103(g) of the Clean Air Act (42 U.S.C.
18 7403(g)).

19 (5) REPORT.—Each year, each task force shall
20 prepare and submit to the Chair and to the other
21 task forces a report that includes—

22 (A) any recommendations for improve-
23 ments in efficient, orderly, and responsible
24 issuance or administration of Federal permits
25 and other Federal authorizations required

1 under a law described in subsection (c)(2)(A);
2 and

3 (B) any other nationally relevant informa-
4 tion that the task force has collected in carrying
5 out the duties under paragraph (4).

6 (6) EVALUATION.—Not later than 5 years after
7 the date of enactment of this Act, the Chair shall—

8 (A) reevaluate the need for the task forces;
9 and

10 (B) submit to Congress a recommendation
11 as to whether the task forces should continue.

Calendar No. 70

116TH CONGRESS
1ST Session
S. 383

A BILL

To support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes.

APRIL 10, 2019

Reported without amendment