

**Calendar No. 435**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2602**

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.

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IN THE SENATE OF THE UNITED STATES

MARCH 22, 2018

Mr. BARRASSO (for himself, Mr. WHITEHOUSE, Mrs. CAPITO, Ms. HEITKAMP, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

MAY 24, 2018

Reported by Mr. BARRASSO, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**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 PROJ-**  
6 **ECTS TO REDUCE EMISSIONS**

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

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

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

14 (2) in subsection (g)—

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

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

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

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

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

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

2                   (C) in the matter preceding subparagraph

3           ~~(A) (as so redesignated)—~~

4                   (i) in the third sentence, by striking

5                   “Such program” and inserting the fol-

6                   lowing:

7           ~~“(3) PROGRAM INCLUSIONS.—The program~~  
8           ~~under this subsection”;~~

9                   (ii) in the second sentence—

10                   (I) by inserting “States, institu-

11                   tions of higher education,” after “sci-

12                   entists,”; and

13                   (II) by striking “Such strategies

14                   and technologies shall be developed”

15                   and inserting the following:

16           ~~“(2) PARTICIPATION REQUIREMENT.—Such~~

17           ~~strategies and technologies described in paragraph~~

18           ~~(1) shall be developed”;~~ and

19                   (iii) in the first sentence, by striking

20                   “~~In carrying out~~” and inserting the fol-

21                   lowing:

22           ~~“(1) IN GENERAL.—In carrying out”;~~ and

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

24           ~~“(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—~~

“(A) IN GENERAL.—In carrying out paragraph (3)(A) with respect to carbon dioxide, the Administrator shall carry out the activities described in each of subparagraphs (B) and (C).

“(B) DIRECT AIR CAPTURE RESEARCH.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) BOARD.—The term ‘Board’ means the Direct Air Capture Technology Advisory Board established by clause (iii)(I).

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

“(III) DIRECT AIR CAPTURE.—

“(aa) IN GENERAL.—The term ‘direct air capture’, with respect to a facility, technology, or system, means that the facility, technology, or system uses carbon capture equipment to capture carbon dioxide directly from the air.

“(bb) EXCLUSION.—The term ‘direct air capture’ does not

include any facility, technology,  
or system that captures carbon  
dioxide—

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

“(BB) using natural  
photosynthesis.

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

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

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

“(ii) TECHNOLOGY PRIZES.—

“(I) IN GENERAL.—Not later  
than 1 year after the date of enact-  
ment of the USE IT Act, the Admin-  
istrator shall establish a program to  
provide, and shall provide, financial  
awards on a competitive basis for di-  
rect air capture from media in which

1 the concentration of carbon dioxide is  
 2 dilute.

3 ~~“(H) DUTIES.—In carrying out~~  
 4 ~~this clause, the Administrator shall—~~

5 ~~“(aa) subject to subclause~~  
 6 ~~(III), develop specific require-~~  
 7 ~~ments for—~~

8 ~~“(AA) the competition~~  
 9 ~~process; and~~

10 ~~“(BB) monitoring and~~  
 11 ~~verification procedures for~~  
 12 ~~approved projects;~~

13 ~~“(bb) offer financial awards~~  
 14 ~~for a project designed—~~

15 ~~“(AA) to capture more~~  
 16 ~~than 10,000 tons of carbon~~  
 17 ~~dioxide per year; and~~

18 ~~“(BB) to be deployed~~  
 19 ~~at a cost of less than \$200~~  
 20 ~~per ton of carbon dioxide~~  
 21 ~~captured; and~~

22 ~~“(cc) to the maximum ex-~~  
 23 ~~tent practicable, make financial~~  
 24 ~~awards to geographically diverse~~  
 25 ~~projects, including at least—~~

1                   ~~“(AA) 1 project in a~~  
2                   ~~coastal State; and~~

3                   ~~“(BB) 1 project in a~~  
4                   ~~rural State.~~

5                   ~~“(III) PUBLIC PARTICIPATION.—~~

6                   ~~In carrying out subclause (H)(aa), the~~  
7                   ~~Board shall—~~

8                   ~~“(aa) provide notice of and,~~  
9                   ~~for a period of not less than 60~~  
10                  ~~days, an opportunity for public~~  
11                  ~~comment on, any draft or pro-~~  
12                  ~~posed version of the requirements~~  
13                  ~~described in subclause (H)(aa);~~  
14                  ~~and~~

15                  ~~“(bb) take into account pub-~~  
16                  ~~lic comments received in devel-~~  
17                  ~~oping the final version of those~~  
18                  ~~requirements.~~

19                  ~~“(IV) PEER REVIEW.—No finan-~~  
20                  ~~cial awards may be provided under~~  
21                  ~~this clause until the proposal for~~  
22                  ~~which the award is sought has been~~  
23                  ~~peer reviewed in accordance with such~~  
24                  ~~standards for peer review as are es-~~  
25                  ~~tablished by the Administrator.~~

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.

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

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

“(v) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$25,000,000, to remain available until expended.

“(vi) TERMINATION OF AUTHORITY.—The Board and all authority provided under this subparagraph shall terminate on December 31, 2028.

“(C) CARBON DIOXIDE UTILIZATION RESEARCH.—

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

“(I) through the fixation of carbon dioxide through photosynthesis or chemosynthesis, such as through the growing of algae or bacteria;

“(H) through the chemical conversion of carbon dioxide to a material

1 or chemical compound in which the  
2 carbon dioxide is securely stored; or

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

7 “(ii) PROGRAM.—The Administrator  
8 shall carry out a research and development  
9 program for carbon dioxide utilization to  
10 promote technologies that transform car-  
11 bon dioxide generated by industrial proe-  
12 cesses into a product of commercial value,  
13 or as an input to products of commercial  
14 value.

15 “(iii) TECHNICAL AND FINANCIAL AS-  
16 SISTANCE.—Not later than 2 years after  
17 the date of enactment of the USE IT Act,  
18 in carrying out this subsection, the Admin-  
19 istrator shall support research and infra-  
20 structure activities relating to carbon diox-  
21 ide utilization by providing technical assist-  
22 ance and financial assistance in accordance  
23 with clause (iv).

24 “(iv) ELIGIBILITY.—To be eligible to  
25 receive technical assistance and financial

1 assistance under clause (iii), a carbon diox-  
2 ide utilization project shall—

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

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

15 “(III) have existing partnerships  
16 with institutions of higher education;  
17 private companies, States, or other  
18 government entities.

19 “(v) COORDINATION.—In supporting  
20 carbon dioxide utilization projects under  
21 this paragraph, the Administrator shall  
22 collaborate, as appropriate, with the head  
23 of any relevant Federal agency, States, the  
24 private sector, and institutions of higher  
25 education to develop methods and tech-

1           nologies to account for the carbon dioxide  
2           emissions avoided by the carbon dioxide  
3           utilization projects.

4           “(vi) AUTHORIZATION OF APPROPRIA-  
5           TIONS.—There is authorized to be appro-  
6           priated to carry out this subparagraph  
7           \$50,000,000, to remain available until ex-  
8           pended.

9           “(D) REPORT ON CARBON DIOXIDE NON-  
10          REGULATORY STRATEGIES AND TECH-  
11          NOLOGIES.—

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

19                 “(I) the recipients of assistance  
20                 under subparagraphs (B) and (C);  
21                 and

22                 “(H) a plan for supporting addi-  
23                 tional nonregulatory strategies and  
24                 technologies that could significantly  
25                 prevent carbon dioxide emissions or

1           reduce carbon dioxide levels in the air;  
 2           in conjunction with other Federal  
 3           agencies.

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

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

12                   “(H) a description of any nonair-  
 13                   related environmental or energy con-  
 14                   siderations regarding the tech-  
 15                   nologies.”.

16 **TITLE H—IMPROVEMENT OF**  
 17 **PERMITTING PROCESS FOR**  
 18 **CARBON DIOXIDE CAPTURE**  
 19 **AND INFRASTRUCTURE PROJ-**  
 20 **ECTS**

21 **SEC. 201. INCLUSION OF CARBON CAPTURE INFRASTRUC-**  
 22 **TURE PROJECTS.**

23       Section 41001(6) of the FAST Act (42 U.S.C.  
 24       4370m(6)) is amended—

25           (1) in subparagraph (A)—



1           (A) in the matter preceding clause (i), by  
 2           inserting “carbon capture,” before “renewable  
 3           or conventional”;

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

6           (C) by redesignating clause (ii) as clause  
 7           (iii); and

8           (D) by inserting after clause (i) the fol-  
 9           lowing:

10           “(ii) is covered by a programmatic  
 11           plan or environmental review developed for  
 12           the primary purpose of facilitating develop-  
 13           ment of carbon dioxide pipelines; or”; and  
 14           (2) by adding at the end the following:

15           “(C) ASSOCIATED DEFINITION.—For pur-  
 16           poses of subparagraph (A), the term ‘construc-  
 17           tion of infrastructure for carbon capture’ in-  
 18           cludes construction of any facility, technology,  
 19           or system that captures, utilizes, or sequesters  
 20           carbon dioxide emissions and carbon dioxide  
 21           pipelines.”.

1 **SEC. 202. DEVELOPMENT OF CARBON CAPTURE, UTILIZA-**  
 2 **TION, AND SEQUESTRATION PERMITTING**  
 3 **GUIDANCE AND REGIONAL PERMITTING**  
 4 **TASK FORCE.**

5 ~~(a) DEVELOPMENT OF GUIDANCE.—~~

6 ~~(1) IN GENERAL.—~~Not later than 1 year after  
 7 the date of enactment of this Act, the Chair of the  
 8 Council on Environmental Quality (referred to in  
 9 this section as the “Chair”), in consultation with the  
 10 Administrator of the Environmental Protection  
 11 Agency, the Secretary of Energy, the Secretary of  
 12 the Interior, and the head of any other relevant Fed-  
 13 eral agency (as determined by the President), shall  
 14 prepare guidance—

15 ~~(A)~~ to facilitate reviews associated with the  
 16 deployment of carbon capture, utilization, and  
 17 sequestration projects and carbon dioxide pipe-  
 18 lines; and

19 ~~(B)~~ that identifies current or emerging ac-  
 20 tivities that transform captured carbon dioxide  
 21 into a product of commercial value, or as an  
 22 input to products of commercial value.

23 ~~(2) REQUIREMENTS.—~~The guidance under  
 24 paragraph (1) shall—

25 ~~(A)~~ address requirements under—

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

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

5 (iii) the Clean Air Act (42 U.S.C.  
6 7401 et seq.);

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

9 (v) the Endangered Species Act of  
10 1973 (16 U.S.C. 1531 et seq.);

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

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

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

21 (ix) any other Federal law that the  
22 Chair determines to be appropriate; and

23 (B) include guidance to States for the de-  
24 velopment of programmatic environmental re-  
25 views under the National Environmental Policy

1 Act of 1969 (42 U.S.C. 4321 et seq.) for siting;  
 2 analyzing; and authorizing carbon dioxide pipe-  
 3 line networks.

4 ~~(3) SUBMISSION; PUBLICATION.—~~The Chair  
 5 shall—

6 ~~(A) submit the guidance under paragraph~~  
 7 ~~(1) to the Committee on Environment and Pub-~~  
 8 ~~lic Works of the Senate and the Committee on~~  
 9 ~~Energy and Commerce of the House of Rep-~~  
 10 ~~resentatives; and~~

11 ~~(B) publish and make publicly available~~  
 12 ~~the guidance under paragraph (1).~~

13 ~~(b) TASK FORCE.—~~

14 ~~(1) ESTABLISHMENT.—~~Not later than 18  
 15 months after the date of enactment of this Act, the  
 16 Chair shall establish not less than 2 task forces;  
 17 which shall each cover a different geographical area  
 18 that faces differing demographic, land use, or geo-  
 19 logical issues; to identify permitting challenges that  
 20 permitting authorities and project developers and  
 21 operators face.

22 ~~(2) MEMBERS AND SELECTION.—~~

23 ~~(A) IN GENERAL.—~~The Chair shall—

24 ~~(i) develop criteria for the selection of~~  
 25 ~~members to each task force; and~~

(ii) select members for each task force in accordance with clause (i) and subparagraph (B).

(B) MEMBERS.—Each task force—

(i) shall include not less than 1 representative of each of—

(I) the Environmental Protection Agency;

(II) the Department of Energy;

(III) the Department of the Interior;

(IV) any other Federal agency the Chair determines to be appropriate;

(V) any State that requests participation in the geographical area covered by the task force;

(VI) industry; and

(VII) nongovernmental organizations; and

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

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

4                   (H) not less than 1 Tribal gov-  
 5                   ernment in the geographical area cov-  
 6                   ered by the task force.

7           (3) MEETINGS.—

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

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

13           (4) DUTIES.—Each task force shall—

14                   (A) inventory existing or potential ap-  
 15                   proaches to facilitate reviews associated with  
 16                   the deployment of carbon capture, utilization,  
 17                   and sequestration projects and carbon dioxide  
 18                   pipelines;

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

23                   (C) provide technical assistance to States  
 24                   in the geographical area covered by the task  
 25                   force in implementing regulatory requirements

1 and any models developed under subparagraph  
 2 (B); and

3 (D) develop guidance for relevant Federal  
 4 agencies on how to develop and research tech-  
 5 nologies that—

6 (i) can capture carbon dioxide; and

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

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

17 (A) any recommendations for improve-  
 18 ments in the issuance or administration of Fed-  
 19 eral permits and other Federal authorizations  
 20 required under a law described in subsection  
 21 (a)(2)(A); and

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

1           (6) EVALUATION AND REVISION.—The Chair  
2       shall—

3           (A) evaluate the reports under paragraph  
4       (5) and, as necessary, revise the guidance under  
5       subsection (a); and

6           (B) submit to the Committee on Environ-  
7       ment and Public Works of the Senate, the Com-  
8       mittee on Energy and Commerce of the House  
9       of Representatives, and relevant Federal agen-  
10      cies each year any revisions to the guidance  
11      under subsection (a) and a report that describes  
12      any recommendations for legislation, rules, or  
13      revisions to rules that would address the issues  
14      identified by the task forces under paragraph  
15      (5).

16 **SECTION 1. SHORT TITLE.**

17       *This Act may be cited as the “Utilizing Significant*  
18 *Emissions with Innovative Technologies Act” or the “USE*  
19 *IT Act”.*



1 **TITLE** **I—ENCOURAGING**  
 2 **PROJECTS TO REDUCE EMIS-**  
 3 **SIONS**

4 **SEC. 101. RESEARCH, INVESTIGATION, TRAINING, AND**  
 5 **OTHER ACTIVITIES.**

6 *Section 103 of the Clean Air Act (42 U.S.C. 7403) is*  
 7 *amended—*

8 *(1) in subsection (c)(3), in the first sentence of*  
 9 *the matter preceding subparagraph (A), by striking*  
 10 *“percursors” and inserting “precursors”; and*

11 *(2) in subsection (g)—*

12 *(A) by redesignating paragraphs (1)*  
 13 *through (4) as subparagraphs (A) through (D),*  
 14 *respectively, and indenting appropriately;*

15 *(B) in the undesignated matter following*  
 16 *subparagraph (D) (as so redesignated)—*

17 *(i) in the second sentence, by striking*  
 18 *“The Administrator” and inserting the fol-*  
 19 *lowing:*

20 *“(5) COORDINATION AND AVOIDANCE OF DUPLI-*  
 21 *CATION.—The Administrator”; and*

22 *(ii) in the first sentence, by striking*  
 23 *“Nothing” and inserting the following:*

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

1                   (C) in the matter preceding subparagraph

2                   (A) (as so redesignated)—

3                   (i) in the third sentence, by striking

4                   “Such program” and inserting the fol-

5                   lowing:

6                   “(3) PROGRAM INCLUSIONS.—The program

7                   under this subsection”;

8                   (ii) in the second sentence—

9                   (I) by inserting “States, institu-

10                   tions of higher education,” after “sci-

11                   entists,”; and

12                   (II) by striking “Such strategies

13                   and technologies shall be developed”

14                   and inserting the following:

15                   “(2) PARTICIPATION REQUIREMENT.—Such

16                   strategies and technologies described in paragraph (1)

17                   shall be developed”; and

18                   (iii) in the first sentence, by striking

19                   “In carrying out” and inserting the fol-

20                   lowing:

21                   “(1) IN GENERAL.—In carrying out”; and

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

23                   “(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

24                   “(A) IN GENERAL.—In carrying out para-

25                   graph (3)(A) with respect to carbon dioxide, the

1        *Administrator shall carry out the activities de-*  
 2        *scribed in each of subparagraphs (B), (C), (D),*  
 3        *and (E).*

4                *“(B) DIRECT AIR CAPTURE RESEARCH.—*

5                    *“(i) DEFINITIONS.—In this subpara-*  
 6                    *graph:*

7                                *“(I) BOARD.—The term ‘Board’*  
 8                                *means the Direct Air Capture Tech-*  
 9                                *nology Advisory Board established by*  
 10                               *clause (iii)(I).*

11                               *“(II) DILUTE.—The term ‘dilute’*  
 12                               *means a concentration of less than 1*  
 13                               *percent by volume.*

14                               *“(III) DIRECT AIR CAPTURE.—*

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

22                                    *“(bb) EXCLUSION.—The term*  
 23                                    *‘direct air capture’ does not in-*  
 24                                    *clude any facility, technology, or*

1                    *system that captures carbon diox-*  
 2                    *ide—*

3                    “(AA)    *that is delib-*  
 4                    *erately released from a natu-*  
 5                    *rally occurring subsurface*  
 6                    *spring; or*

7                    “(BB)    *using natural*  
 8                    *photosynthesis.*

9                    “(IV)    *INTELLECTUAL    PROP-*  
 10                    *ERTY.—The term ‘intellectual property’*  
 11                    *means—*

12                    “(aa)    *an invention that is*  
 13                    *patentable under title 35, United*  
 14                    *States Code; and*

15                    “(bb)    *any patent on an in-*  
 16                    *vention described in item (aa).*

17                    “(ii)    *TECHNOLOGY PRIZES.—*

18                    “(I)    *IN GENERAL.—Not later than*  
 19                    *1 year after the date of enactment of*  
 20                    *the USE IT Act, the Administrator, in*  
 21                    *consultation with the Secretary of En-*  
 22                    *ergy, shall establish a program to pro-*  
 23                    *vide, and shall provide, financial*  
 24                    *awards on a competitive basis for di-*  
 25                    *rect air capture from media in which*

1                   *the concentration of carbon dioxide is*  
 2                   *dilute.*

3                   “(II) *DUTIES.—In carrying out*  
 4                   *this clause, the Administrator shall—*

5                   “*(aa) subject to subclause*  
 6                   *(III), develop specific require-*  
 7                   *ments for—*

8                   “*(AA) the competition*  
 9                   *process; and*

10                  “*(BB) monitoring and*  
 11                  *verification procedures for*  
 12                  *approved projects;*

13                  “*(bb) offer financial awards*  
 14                  *for a project designed—*

15                  “*(AA) to capture more*  
 16                  *than 10,000 tons of carbon*  
 17                  *dioxide per year; and*

18                  “*(BB) to be deployed at*  
 19                  *a cost of less than \$200 per*  
 20                  *ton of carbon dioxide cap-*  
 21                  *tured; and*

22                  “*(cc) to the maximum extent*  
 23                  *practicable, make financial*  
 24                  *awards to geographically diverse*  
 25                  *projects, including at least—*

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

3                               “(BB) 1 project in a  
4                               rural State.

5                               “(III) PUBLIC PARTICIPATION.—  
6                               In carrying out subclause (II)(aa), the  
7                               Administrator shall—

8                               “(aa) provide notice of and,  
9                               for a period of not less than 60  
10                              days, an opportunity for public  
11                              comment on, any draft or pro-  
12                              posed version of the requirements  
13                              described in subclause (II)(aa);  
14                              and

15                             “(bb) take into account pub-  
16                             lic comments received in devel-  
17                             oping the final version of those re-  
18                             quirements.

19                             “(IV) PEER REVIEW.—No finan-  
20                             cial awards may be provided under  
21                             this clause until the proposal for which  
22                             the award is sought has been peer re-  
23                             viewed in accordance with such stand-  
24                             ards for peer review as are established  
25                             by the Administrator.

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 pur-*  
 22 *poses of this subparagraph.*

23 “(III) *TERM; VACANCIES.*—

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

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

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

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

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

17               “(V) *MEETINGS.*—The Board  
 18               shall meet at the call of the Chair-  
 19               person.

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

24               “(VII) *CHAIRPERSON AND VICE*  
 25               *CHAIRPERSON.*—The Board shall select



1           *a Chairperson and Vice Chairperson*  
 2           *from among the members of the Board.*

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

13          “(IX)    *DUTIES.—The Board shall*  
 14          *advise the Administrator on carrying*  
 15          *out the duties of the Administrator*  
 16          *under this subparagraph.*

17          “(X)    *FACA.—The Federal Advi-*  
 18          *sory Committee Act (5 U.S.C. App.)*  
 19          *shall apply to the Board.*

20          “(iv)    *INTELLECTUAL PROPERTY.—*

21          “(I)    *IN GENERAL.—As a condi-*  
 22          *tion of receiving a financial award*  
 23          *under this subparagraph, an applicant*  
 24          *shall agree to vest the intellectual prop-*  
 25          *erty of the applicant derived from the*

1 *technology in 1 or more entities that*  
2 *are incorporated in the United States.*

3 “(II) *RESERVATION OF LI-*  
4 *CENSE.—The United States—*

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

12 “(bb) *shall not, in the exer-*  
13 *cise of a license reserved under*  
14 *item (aa), publicly disclose pro-*  
15 *prietary information relating to*  
16 *the license.*

17 “(III) *TRANSFER OF TITLE.—*  
18 *Title to any intellectual property de-*  
19 *scribed in subclause (I) shall not be*  
20 *transferred or passed, except to an en-*  
21 *tity that is incorporated in the United*  
22 *States, until the expiration of the first*  
23 *patent obtained in connection with the*  
24 *intellectual property.*

1                   “(v) *AUTHORIZATION OF APPROPRIA-*  
 2                   *TIONS.—There is authorized to be appro-*  
 3                   *priated to carry out this subparagraph*  
 4                   *\$25,000,000, to remain available until ex-*  
 5                   *pende.*

6                   “(vi) *TERMINATION OF AUTHORITY.—*  
 7                   *The Board and all authority provided*  
 8                   *under this subparagraph shall terminate on*  
 9                   *December 31, 2028.*

10                  “(C) *CARBON DIOXIDE UTILIZATION RE-*  
 11                  *SEARCH.—*

12                   “(i) *DEFINITION OF CARBON DIOXIDE*  
 13                   *UTILIZATION.—In this subparagraph, the*  
 14                   *term ‘carbon dioxide utilization’ refers to*  
 15                   *technologies or approaches that lead to the*  
 16                   *use of carbon dioxide—*

17                   “(I) *through the fixation of carbon*  
 18                   *dioxide through photosynthesis or*  
 19                   *chemosynthesis, such as through the*  
 20                   *growing of algae or bacteria;*

21                   “(II) *through the chemical conver-*  
 22                   *sion of carbon dioxide to a material or*  
 23                   *chemical compound in which the car-*  
 24                   *bon dioxide is securely stored; or*

1                   “(III) through the use of carbon  
2                   dioxide for any other purpose for  
3                   which a commercial market exists, as  
4                   determined by the Administrator.

5                   “(ii) *PROGRAM.*—The Administrator,  
6                   in consultation with the Secretary of En-  
7                   ergy, shall carry out a research and devel-  
8                   opment program for carbon dioxide utiliza-  
9                   tion to promote existing and new tech-  
10                  nologies that transform carbon dioxide gen-  
11                  erated by industrial processes into a prod-  
12                  uct of commercial value, or as an input to  
13                  products of commercial value.

14                  “(iii) *TECHNICAL AND FINANCIAL AS-*  
15                  *SISTANCE.*—Not later than 2 years after the  
16                  date of enactment of the USE IT Act, in  
17                  carrying out this subsection, the Adminis-  
18                  trator, in consultation with the Secretary of  
19                  Energy, shall support research and infra-  
20                  structure activities relating to carbon diox-  
21                  ide utilization by providing technical assist-  
22                  ance and financial assistance in accordance  
23                  with clause (iv).

24                  “(iv) *ELIGIBILITY.*—To be eligible to  
25                  receive technical assistance and financial

1                   *assistance under clause (iii), a carbon diox-*  
2                   *ide utilization project shall—*

3                   “(I) *have access to an emissions*  
4                   *stream generated by a stationary*  
5                   *source within the United States that is*  
6                   *capable of supplying not less than 250*  
7                   *metric tons per day of carbon dioxide*  
8                   *for research;*

9                   “(II) *have access to adequate*  
10                  *space for a laboratory and equipment*  
11                  *for testing small-scale carbon dioxide*  
12                  *utilization technologies, with onsite ac-*  
13                  *cess to larger test bays for scale-up;*  
14                  *and*

15                  “(III) *have existing partnerships*  
16                  *with institutions of higher education,*  
17                  *private companies, States, or other*  
18                  *government entities.*

19                  “(v) *COORDINATION.—In supporting*  
20                  *carbon dioxide utilization projects under*  
21                  *this paragraph, the Administrator shall*  
22                  *consult with the Secretary of Energy, and,*  
23                  *as appropriate, with the head of any other*  
24                  *relevant Federal agency, States, the private*  
25                  *sector, and institutions of higher education*

1           to develop methods and technologies to ac-  
 2           count for the carbon dioxide emissions  
 3           avoided by the carbon dioxide utilization  
 4           projects, including the consideration of  
 5           lifecycle analysis developed pursuant to sec-  
 6           tion 45Q(f)(5)(B) of the Internal Revenue  
 7           Code of 1986.

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

13          “(D) *DEEP SALINE FORMATION REPORT.—*

14          “(i) *DEFINITION OF DEEP SALINE FOR-*  
 15          *MATION.—*

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

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

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

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

20                   “(II) *recommendations for man-*  
 21                   *aging the potential risks identified*  
 22                   *under subclause (I), including poten-*  
 23                   *tial risks unique to public land; and*

24                   “(III) *recommendations for Fed-*  
 25                   *eral legislation or other policy changes*

1                   to mitigate any potential risks identi-  
2                   fied under subclause (I).

3                   “(E) *REPORT ON CARBON DIOXIDE NON-*  
4                   *REGULATORY STRATEGIES AND TECH-*  
5                   *NOLOGIES.*—

6                   “(i) *IN GENERAL.*—Not less frequently  
7                   than once every 2 years, the Administrator  
8                   shall submit to the Committee on Environ-  
9                   ment and Public Works of the Senate and  
10                  the Committee on Energy and Commerce of  
11                  the House of Representatives a report that  
12                  describes—

13                  “(I) *the recipients of assistance*  
14                  *under subparagraphs (B) and (C); and*

15                  “(II) *a plan for supporting addi-*  
16                  *tional nonregulatory strategies and*  
17                  *technologies that could significantly*  
18                  *prevent carbon dioxide emissions or re-*  
19                  *duce carbon dioxide levels in the air,*  
20                  *in conjunction with other Federal*  
21                  *agencies.*

22                  “(ii) *INCLUSIONS.*—The plan sub-  
23                  mitted under clause (i) shall include—

24                  “(I) *a methodology for evaluating*  
25                  *and ranking technologies based on the*



ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air; and

“(II) a description of any nonair-related environmental or energy considerations regarding the technologies.”.

**TITLE II—IMPROVEMENT OF  
PERMITTING PROCESS FOR  
CARBON DIOXIDE CAPTURE  
AND INFRASTRUCTURE  
PROJECTS**

**SEC. 201. INCLUSION OF CARBON CAPTURE INFRASTRUCTURE PROJECTS.**

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

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting “carbon capture,” before “renewable or conventional”;

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

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

1                   (D) by inserting after clause (i) the fol-  
 2                   lowing:

3                   “(ii) is covered by a programmatic  
 4                   plan or environmental review developed for  
 5                   the primary purpose of facilitating develop-  
 6                   ment of carbon dioxide pipelines; or”; and  
 7                   (2) by adding at the end the following:

8                   “(C) ASSOCIATED DEFINITION.—For pur-  
 9                   poses of subparagraph (A), the term ‘construc-  
 10                  tion of infrastructure for carbon capture’ in-  
 11                  cludes construction of any facility, technology, or  
 12                  system that captures, utilizes, or sequesters car-  
 13                  bon dioxide emissions and carbon dioxide pipe-  
 14                  lines.”.

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

19                   (a) DEFINITION OF EFFICIENT, ORDERLY, AND RE-  
 20                   SPONSIBLE.—In this section, the term “efficient, orderly,  
 21                   and responsible” means, with respect to development or the  
 22                   permitting process for carbon capture, utilization, and se-  
 23                   questration projects and carbon dioxide pipelines, a process  
 24                   that is completed in an expeditious manner while main-  
 25                   taining environmental, health, and safety protections.

1       (b) *REPORT.*—

2               (1) *IN GENERAL.*—Not later than 180 days after  
 3       the date of enactment of this Act, the Chair of the  
 4       Council on Environmental Quality (referred to in  
 5       this section as the “Chair”), in consultation with the  
 6       Administrator of the Environmental Protection Agen-  
 7       cy, the Secretary of Energy, the Secretary of the Inte-  
 8       rior, the Executive Director of the Federal Permitting  
 9       Improvement Council, and the head of any other rel-  
 10      evant Federal agency (as determined by the Presi-  
 11      dent), shall prepare a report that—

12               (A) compiles all existing relevant Federal  
 13      permitting and review information and resources  
 14      for project applicants, agencies, and other stake-  
 15      holders interested in the deployment of carbon  
 16      capture, utilization, and sequestration projects  
 17      and carbon dioxide pipelines, including—

18               (i) the appropriate points of inter-  
 19      action with Federal agencies;

20               (ii) clarification of the permitting re-  
 21      sponsibilities and authorities among Fed-  
 22      eral agencies; and

23               (iii) best practices and templates for  
 24      permitting;

1           (B) inventories current or emerging activi-  
 2           ties that transform captured carbon dioxide into  
 3           a product of commercial value, or as an input  
 4           to products of commercial value;

5           (C) identifies gaps in the current Federal  
 6           regulatory framework for the deployment of car-  
 7           bon capture, utilization, and sequestration  
 8           projects and carbon dioxide pipelines;

9           (D) identifies Federal financing mecha-  
 10          nisms available to project developers, including  
 11          tax credits under section 45Q of the Internal  
 12          Revenue Code of 1986; and

13          (E) identifies any lifecycle analysis devel-  
 14          oped pursuant to section 45Q(f)(5)(B) of the In-  
 15          ternal Revenue Code of 1986.

16          (2) *SUBMISSION; PUBLICATION.*—The Chair  
 17          shall—

18               (A) submit the report under paragraph (1)  
 19               to the Committee on Environment and Public  
 20               Works of the Senate and the Committee on En-  
 21               ergy and Commerce of the House of Representa-  
 22               tives; and

23               (B) as soon as practicable, make the report  
 24               publicly available.

25          (c) *GUIDANCE.*—

1           (1) *IN GENERAL.*—After submission of the report  
 2           under subsection (b)(2), but not later than 1 year  
 3           after the date of enactment of this Act, the Chair shall  
 4           submit guidance consistent with that report to all rel-  
 5           evant Federal agencies that—

6                   (A) facilitates reviews associated with the  
 7                   deployment of carbon capture, utilization, and  
 8                   sequestration projects and carbon dioxide pipe-  
 9                   lines; and

10                  (B) supports the efficient, orderly, and re-  
 11                  sponsible development of carbon capture, utiliza-  
 12                  tion, and sequestration projects and carbon diox-  
 13                  ide pipelines.

14           (2) *REQUIREMENTS.*—

15                   (A) *IN GENERAL.*—The guidance under  
 16                   paragraph (1) shall address requirements  
 17                   under—

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

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

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

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

1                   (v) *the Endangered Species Act of 1973*

2                   (16 U.S.C. 1531 *et seq.*);

3                   (vi) *division A of subtitle III of title*

4                   54, *United States Code (formerly known as*

5                   *the “National Historic Preservation Act”*);

6                   (vii) *the Migratory Bird Treaty Act*

7                   (16 U.S.C. 703 *et seq.*);

8                   (viii) *the Act of June 8, 1940 (16*

9                   U.S.C. 668 *et seq.*) (*commonly known as the*

10                  *“Bald and Golden Eagle Protection Act”*);

11                  *and*

12                  (ix) *any other Federal law that the*

13                  *Chair determines to be appropriate.*

14                  (B) *ENVIRONMENTAL REVIEWS.—The guid-*

15                  *ance under paragraph (1) shall include direction*

16                  *to States and other interested parties for the de-*

17                  *velopment of programmatic environmental re-*

18                  *views under the National Environmental Policy*

19                  *Act of 1969 (42 U.S.C. 4321 *et seq.*) for carbon*

20                  *capture, utilization, and sequestration projects*

21                  *and carbon dioxide pipelines.*

22                  (C) *PUBLIC INVOLVEMENT.—The guidance*

23                  *under paragraph (1) shall be subject to the pub-*

24                  *lic notice, comment, and solicitation of informa-*

25                  *tion procedures under section 1506.6 of title 40,*

1           *Code of Federal Regulations (or a successor regu-*  
2           *lation).*

3           (3) *SUBMISSION; PUBLICATION.—The Chair*  
4           *shall—*

5                     *(A) submit the guidance under paragraph*  
6                     *(1) to the Committee on Environment and Pub-*  
7                     *lic Works of the Senate and the Committee on*  
8                     *Energy and Commerce of the House of Rep-*  
9                     *resentatives; and*

10                    *(B) as soon as practicable, make the guid-*  
11                    *ance publicly available.*

12           (4) *EVALUATION.—The Chair shall—*

13                    *(A) periodically evaluate the reports of the*  
14                    *task forces under subsection (d)(5) and, as nec-*  
15                    *essary, revise the guidance under paragraph (1);*  
16                    *and*

17                    *(B) each year, submit to the Committee on*  
18                    *Environment and Public Works of the Senate,*  
19                    *the Committee on Energy and Commerce of the*  
20                    *House of Representatives, and relevant Federal*  
21                    *agencies a report that describes any rec-*  
22                    *ommendations for legislation, rules, revisions to*  
23                    *rules, or other policies that would address the*  
24                    *issues identified by the task forces under sub-*  
25                    *section (d)(5).*

1       (d) *TASK FORCE.*—

2               (1) *ESTABLISHMENT.*—*Not later than 18 months*  
 3       *after the date of enactment of this Act, the Chair shall*  
 4       *establish not less than 2 task forces, which shall each*  
 5       *cover a different geographical area with differing de-*  
 6       *mographic, land use, or geological issues—*

7               (A) *to identify permitting and other chal-*  
 8       *lenges and successes that permitting authorities*  
 9       *and project developers and operators face; and*

10              (B) *to improve the performance of the per-*  
 11       *mitting process and regional coordination for the*  
 12       *purpose of promoting the efficient, orderly, and*  
 13       *responsible development of carbon capture, utili-*  
 14       *zation, and sequestration projects and carbon di-*  
 15       *oxide pipelines.*

16       (2) *MEMBERS AND SELECTION.*—

17              (A) *IN GENERAL.*—*The Chair shall—*

18                      (i) *develop criteria for the selection of*  
 19       *members to each task force; and*

20                      (ii) *select members for each task force*  
 21       *in accordance with clause (i) and subpara-*  
 22       *graph (B).*

23       (B) *MEMBERS.*—*Each task force—*

24                      (i) *shall include not less than 1 rep-*  
 25       *resentative of each of—*



1                   (I) *the Environmental Protection*  
2                   *Agency;*

3                   (II) *the Department of Energy;*

4                   (III) *the Department of the Inte-*  
5                   *rior;*

6                   (IV) *any other Federal agency the*  
7                   *Chair determines to be appropriate;*

8                   (V) *any State that requests par-*  
9                   *ticipation in the geographical area*  
10                  *covered by the task force;*

11                  (VI) *developers or operators of*  
12                  *carbon capture, utilization, and seques-*  
13                  *tration projects or carbon dioxide pipe-*  
14                  *lines; and*

15                  (VII) *nongovernmental member-*  
16                  *ship organizations, the primary mis-*  
17                  *sion of which concerns protection of the*  
18                  *environment; and*

19                  (ii) *at the request of a Tribal or local*  
20                  *government, may include a representative*  
21                  *of—*

22                         (I) *not less than 1 local govern-*  
23                         *ment in the geographical area covered*  
24                         *by the task force; and*

1                   (II) not less than 1 Tribal govern-  
 2                   ment in the geographical area covered  
 3                   by the task force.

4           (3) *MEETINGS.*—

5                   (A) *IN GENERAL.*—Each task force shall  
 6                   meet not less than twice each year.

7                   (B) *JOINT MEETING.*—To the maximum ex-  
 8                   tent practicable, the task forces shall meet collec-  
 9                   tively not less than once each year.

10          (4) *DUTIES.*—Each task force shall—

11                   (A) inventory existing or potential Federal  
 12                   and State approaches to facilitate reviews associ-  
 13                   ated with the deployment of carbon capture, uti-  
 14                   lization, and sequestration projects and carbon  
 15                   dioxide pipelines, including best practices that—

16                           (i) avoid duplicative reviews;

17                           (ii) engage stakeholders early in the  
 18                   permitting process; and

19                           (iii) make the permitting process effi-  
 20                   cient, orderly, and responsible.

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

1           (C) provide technical assistance to States in  
2           the geographical area covered by the task force in  
3           implementing regulatory requirements and any  
4           models developed under subparagraph (B);

5           (D) inventory current or emerging activities  
6           that transform captured carbon dioxide into a  
7           product of commercial value, or as an input to  
8           products of commercial value;

9           (E) identify gaps in the current Federal  
10          and State regulatory framework and in existing  
11          data for the deployment of carbon capture, utili-  
12          zation, and sequestration projects and carbon di-  
13          oxide pipelines;

14          (F) identify Federal and State financing  
15          mechanisms available to project developers, in-  
16          cluding tax credits under section 45Q of the In-  
17          ternal Revenue Code of 1986;

18          (G) identify any lifecycle analysis developed  
19          pursuant to section 45Q(f)(5)(B) of the Internal  
20          Revenue Code of 1986; and

21          (H) develop recommendations for relevant  
22          Federal agencies on how to develop and research  
23          technologies that—

24                 (i) can capture carbon dioxide; and

1                   (ii) would be able to be deployed with-  
 2                   in the region covered by the task force, in-  
 3                   cluding any projects that have received tech-  
 4                   nical or financial assistance for research  
 5                   under paragraph (6) of section 103(g) of the  
 6                   Clean Air Act (42 U.S.C. 7403(g)).

7                   (5) *REPORT*.—Each year, each task force shall  
 8                   prepare and submit to the Chair and to the other task  
 9                   forces a report that includes—

10                   (A) any recommendations for improvements  
 11                   in efficient, orderly, and responsible issuance or  
 12                   administration of Federal permits and other  
 13                   Federal authorizations required under a law de-  
 14                   scribed in subsection (c)(2)(A); and

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

18                   (6) *EVALUATION*.—Not later than December 31,  
 19                   2023, the Chair shall—

20                   (A) reevaluate the need for the task forces;  
 21                   and

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



Calendar No. 435

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 2602**

**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.

MAY 24, 2018

Reported with an amendment