



AMENDMENT NO. _____

Calendar No. _____

Purpose: To utilize significant emissions with innovative technology.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4049

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GPO: 2018 33-682 (mac)

AMENDMENT intended to be proposed by Mr. BARRASSO (for himself, Mr. WHITEHOUSE, Mr. CARPER, Mrs. CAPITO, Mr. CRAMER, Mr. COONS, Mr. HOEVEN, Mr. ROUNDS, and Mr. MANCHIN)

Viz:

1 At the appropriate place in subtitle G of title X, in-
2 sert the following:

3 **SEC. 10. UTILIZING SIGNIFICANT EMISSIONS WITH IN-**
4 **NOVATIVE TECHNOLOGIES.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Utilizing Significant Emissions with Innovative Tech-
7 nologies Act” or the “USE IT Act”.

1 (b) RESEARCH, INVESTIGATION, TRAINING, AND
2 OTHER ACTIVITIES.—Section 103 of the Clean Air Act
3 (42 U.S.C. 7403) is amended—

4 (1) in subsection (c)(3), in the first sentence of
5 the matter preceding subparagraph (A), by striking
6 “percursors” and inserting “precursors”; and

7 (2) in subsection (g)—

8 (A) by redesignating paragraphs (1)
9 through (4) as subparagraphs (A) through (D),
10 respectively, and indenting appropriately;

11 (B) in the undesignated matter following
12 subparagraph (D) (as so redesignated)—

13 (i) in the second sentence, by striking
14 “The Administrator” and inserting the fol-
15 lowing:

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

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

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

21 (C) in the matter preceding subparagraph
22 (A) (as so redesignated)—

23 (i) in the third sentence, by striking
24 “Such program” and inserting the fol-
25 lowing:

1 “(3) PROGRAM INCLUSIONS.—The program
2 under this subsection”;

3 (ii) in the second sentence—

4 (I) by inserting “States, institu-
5 tions of higher education,” after “sci-
6 entists,”; and

7 (II) by striking “Such strategies
8 and technologies shall be developed”
9 and inserting the following:

10 “(2) PARTICIPATION REQUIREMENT.—Such
11 strategies and technologies described in paragraph
12 (1) shall be developed”; and

13 (iii) in the first sentence, by striking
14 “In carrying out” and inserting the fol-
15 lowing:

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

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

18 “(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

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

24 “(B) DIRECT AIR CAPTURE RESEARCH.—

1 “(i) DEFINITIONS.—In this subpara-
2 graph:

3 “(I) BOARD.—The term ‘Board’
4 means the Direct Air Capture Tech-
5 nology Advisory Board established by
6 clause (iii)(I).

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

10 “(III) DIRECT AIR CAPTURE.—

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

19 “(bb) EXCLUSION.—The
20 term ‘direct air capture’ does not
21 include any facility, technology,
22 or system that captures carbon
23 dioxide—

24 “(AA) that is delib-
25 erately released from a natu-

1 rally occurring subsurface
2 spring; or

3 “(BB) using natural
4 photosynthesis.

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

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

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

13 “(ii) TECHNOLOGY PRIZES.—

14 “(I) IN GENERAL.—Not later
15 than 1 year after the date of enact-
16 ment of the USE IT Act, the Admin-
17 istrator, in consultation with the Sec-
18 retary of Energy, shall establish a
19 program to provide, and shall provide,
20 financial awards on a competitive
21 basis for direct air capture from
22 media in which the concentration of
23 carbon dioxide is dilute.

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

1 “(aa) subject to subclause
2 (III), develop specific require-
3 ments for—

4 “(AA) the competition
5 process; and

6 “(BB) the demonstra-
7 tion of performance of ap-
8 proved projects;

9 “(bb) offer financial awards
10 for a project designed—

11 “(AA) to the maximum
12 extent practicable, to cap-
13 ture more than 10,000 tons
14 of carbon dioxide per year;
15 and

16 “(BB) to operate in a
17 manner that would be com-
18 mercially viable in the fore-
19 seeable future (as deter-
20 mined by the Board); and

21 “(cc) to the maximum ex-
22 tent practicable, make financial
23 awards to geographically diverse
24 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
18 requirements.

19 “(iii) DIRECT AIR CAPTURE TECH-
20 NOLOGY ADVISORY BOARD.—

21 “(I) ESTABLISHMENT.—There is
22 established an advisory board to be
23 known as the ‘Direct Air Capture
24 Technology Advisory Board’.

1 “(II) COMPOSITION.—The Board
2 shall be composed of 9 members ap-
3 pointed by the Administrator, who
4 shall provide expertise in—

5 “(aa) climate science;
6 “(bb) physics;
7 “(cc) chemistry;
8 “(dd) biology;
9 “(ee) engineering;
10 “(ff) economics;
11 “(gg) business management;
12 and

13 “(hh) such other disciplines
14 as the Administrator determines
15 to be necessary to achieve the
16 purposes of this subparagraph.

17 “(III) TERM; VACANCIES.—

18 “(aa) TERM.—A member of
19 the Board shall serve for a term
20 of 6 years.

21 “(bb) VACANCIES.—A va-
22 cancy on the Board—

23 “(AA) shall not affect
24 the powers of the Board;
25 and

1 “(BB) shall be filled in
2 the same manner as the
3 original appointment was
4 made.

5 “(IV) INITIAL MEETING.—Not
6 later than 30 days after the date on
7 which all members of the Board have
8 been appointed, the Board shall hold
9 the initial meeting of the Board.

10 “(V) MEETINGS.—The Board
11 shall meet at the call of the Chair-
12 person or on the request of the Ad-
13 ministrators.

14 “(VI) QUORUM.—A majority of
15 the members of the Board shall con-
16 stitute a quorum, but a lesser number
17 of members may hold hearings.

18 “(VII) CHAIRPERSON AND VICE
19 CHAIRPERSON.—The Board shall se-
20 lect a Chairperson and Vice Chair-
21 person from among the members of
22 the Board.

23 “(VIII) COMPENSATION.—Each
24 member of the Board may be com-
25 pensated at not to exceed the daily

1 equivalent of the annual rate of basic
2 pay in effect for a position at level V
3 of the Executive Schedule under sec-
4 tion 5316 of title 5, United States
5 Code, for each day during which the
6 member is engaged in the actual per-
7 formance of the duties of the Board.

8 “(IX) DUTIES.—The Board shall
9 advise the Administrator on carrying
10 out the duties of the Administrator
11 under this subparagraph.

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

15 “(iv) INTELLECTUAL PROPERTY.—

16 “(I) IN GENERAL.—As a condi-
17 tion of receiving a financial award
18 under this subparagraph, an applicant
19 shall agree to vest the intellectual
20 property of the applicant derived from
21 the technology in 1 or more entities
22 that are incorporated in the United
23 States.

24 “(II) RESERVATION OF LI-
25 CENSE.—The United States—

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

8 “(bb) shall not, in the exer-
9 cise of a license reserved under
10 item (aa), publicly disclose pro-
11 prietary information relating to
12 the license.

13 “(III) TRANSFER OF TITLE.—
14 Title to any intellectual property de-
15 scribed in subclause (I) shall not be
16 transferred or passed, except to an
17 entity that is incorporated in the
18 United States, until the expiration of
19 the first patent obtained in connection
20 with the intellectual property.

21 “(v) AUTHORIZATION OF APPROPRIA-
22 TIONS.—

23 “(I) IN GENERAL.—Of the
24 amounts authorized to be appro-
25 priated for the Environmental Protec-

tion Agency, \$35,000,000 shall be available to carry out this subparagraph, to remain available until expended.

“(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

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

“(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;

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.—

11 “(I) IN GENERAL.—Of the
12 amounts authorized to be appro-
13 priated for the Environmental Protec-
14 tion Agency, \$50,000,000 shall be
15 available to carry out this subpara-
16 graph, to remain available until ex-
17 pended.

18 “(II) REQUIREMENT.—Research
19 carried out using amounts made avail-
20 able under subclause (I) may not du-
21 plicate research funded by the Depart-
22 ment of Energy.

23 “(D) DEEP SALINE FORMATION RE-
24 PORT.—

1 “(i) DEFINITION OF DEEP SALINE
2 FORMATION.—

3 “(I) IN GENERAL.—In this sub-
4 paragraph, the term ‘deep saline for-
5 mation’ means a formation of sub-
6 surface geographically extensive sedi-
7 mentary rock layers saturated with
8 waters or brines that have a high total
9 dissolved solids content and that are
10 below the depth where carbon dioxide
11 can exist in the formation as a super-
12 critical fluid.

13 “(II) CLARIFICATION.—In this
14 subparagraph, the term ‘deep saline
15 formation’ does not include oil and
16 gas reservoirs.

17 “(ii) REPORT.—In consultation with
18 the Secretary of Energy, and, as appro-
19 priate, with the head of any other relevant
20 Federal agency and relevant stakeholders,
21 not later than 1 year after the date of en-
22 actment of the USE IT Act, the Adminis-
23 trator shall prepare, submit to Congress,
24 and make publicly available a report that
25 includes—

1 “(I) a comprehensive identifica-
2 tion of potential risks and benefits to
3 project developers associated with in-
4 creased storage of carbon dioxide cap-
5 tured from stationary sources in deep
6 saline formations, using existing re-
7 search;

8 “(II) recommendations, if any,
9 for managing the potential risks iden-
10 tified under subclause (I), including
11 potential risks unique to public land;
12 and

13 “(III) recommendations, if any,
14 for Federal legislation or other policy
15 changes to mitigate any potential
16 risks identified under subclause (I).

17 “(E) REPORT ON CARBON DIOXIDE NON-
18 REGULATORY STRATEGIES AND TECH-
19 NOLOGIES.—

20 “(i) IN GENERAL.—Not less fre-
21 quently than once every 2 years, the Ad-
22 ministrator shall submit to the Committee
23 on Environment and Public Works of the
24 Senate and the Committee on Energy and

Commerce of the House of Representatives
a report that describes—

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

“(II) a plan for supporting additional nonregulatory strategies and technologies that could significantly prevent carbon dioxide emissions or reduce carbon dioxide levels in the air, in conjunction with other Federal agencies.

“(ii) INCLUSIONS.—The plan submitted under clause (i) shall include—

“(I) a methodology for evaluating 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.

1 “(F) GAO REPORT.—The Comptroller
2 General of the United States shall submit to
3 Congress a report that—

4 “(i) identifies all Federal grant pro-
5 grams in which a purpose of a grant under
6 the program is to perform research on car-
7 bon capture and utilization technologies,
8 including direct air capture technologies;
9 and

10 “(ii) examines the extent to which the
11 Federal grant programs identified pursu-
12 ant to clause (i) overlap or are duplica-
13 tive.”.

14 (c) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Administrator of the Envi-
16 ronmental Protection Agency (referred to in this section
17 as the “Administrator”) shall submit to Congress a report
18 describing how funds appropriated to the Administrator
19 during the 5 most recent fiscal years have been used to
20 carry out section 103 of the Clean Air Act (42 U.S.C.
21 7403), including a description of—

22 (1) the amount of funds used to carry out spe-
23 cific provisions of that section; and

24 (2) the practices used by the Administrator to
25 differentiate funding used to carry out that section,

1 as compared to funding used to carry out other pro-
2 visions of law.

3 (d) INCLUSION OF CARBON CAPTURE INFRASTRUC-
4 TURE PROJECTS.—Section 41001(6) of the FAST Act (42
5 U.S.C. 4370m(6)) is amended—

6 (1) in subparagraph (A)—

7 (A) in the matter preceding clause (i), by
8 inserting “carbon capture,” after “manufac-
9 turing,”;

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

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

14 (D) by inserting after clause (i) the fol-
15 lowing:

16 “(ii) is covered by a programmatic
17 plan or environmental review developed for
18 the primary purpose of facilitating develop-
19 ment of carbon dioxide pipelines; or”; and

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

21 “(C) INCLUSION.—For purposes of sub-
22 paragraph (A), construction of infrastructure
23 for carbon capture includes construction of—

24 “(i) any facility, technology, or system
25 that captures, utilizes, or sequesters car-

bon dioxide emissions, including projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)); and “(ii) carbon dioxide pipelines.”.

(e) DEVELOPMENT OF CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION REPORT, PERMITTING GUIDANCE, AND REGIONAL PERMITTING TASK FORCE.—

(1) DEFINITIONS.—In this subsection:

(A) CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION PROJECTS.—The term “carbon capture, utilization, and sequestration projects” includes projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g))).

(B) EFFICIENT, ORDERLY, AND RESPONSIBLE.—The term “efficient, orderly, and responsible” means, with respect to development or the permitting process for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, a process that is completed in an expeditious manner while maintaining environmental, health, and safety protections.

(2) REPORT.—

1 (A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this Act,
3 the Chair of the Council on Environmental
4 Quality (referred to in this section as the
5 “Chair”), in consultation with the Adminis-
6 trator of the Environmental Protection Agency,
7 the Secretary of Energy, the Secretary of the
8 Interior, the Executive Director of the Federal
9 Permitting Improvement Council, and the head
10 of any other relevant Federal agency (as deter-
11 mined by the President), shall prepare a report
12 that—

13 (i) compiles all existing relevant Fed-
14 eral permitting and review information and
15 resources for project applicants, agencies,
16 and other stakeholders interested in the
17 deployment of carbon capture, utilization,
18 and sequestration projects and carbon di-
19 oxide pipelines, including—

20 (I) the appropriate points of
21 interaction with Federal agencies;

22 (II) clarification of the permit-
23 ting responsibilities and authorities
24 among Federal agencies; and

1 (III) best practices and templates
2 for permitting;

3 (ii) inventories current or emerging
4 activities that transform captured carbon
5 dioxide into a product of commercial value,
6 or as an input to products of commercial
7 value;

8 (iii) inventories existing initiatives and
9 recent publications that analyze or identify
10 priority carbon dioxide pipelines needed to
11 enable efficient, orderly, and responsible
12 development of carbon capture, utilization,
13 and sequestration projects at increased
14 scale;

15 (iv) identifies gaps in the current Fed-
16 eral regulatory framework for the deploy-
17 ment of carbon capture, utilization, and se-
18 questration projects and carbon dioxide
19 pipelines; and

20 (v) identifies Federal financing meech-
21 anisms available to project developers.

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

24 (i) submit the report under subpara-
25 graph (A) to the Committee on Environ-

ment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the report publicly available.

(3) GUIDANCE.—

(A) IN GENERAL.—After submission of the report under paragraph (2)(B), but not later than 1 year after the date of enactment of this Act, the Chair shall submit guidance consistent with that report to all relevant Federal agencies that—

(i) facilitates reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(ii) supports the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The guidance under subparagraph (A) shall address requirements under—

25

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

4 (II) the Federal Water Pollution
5 Control Act (33 U.S.C. 1251 et seq.);

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

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

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

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

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

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

22 (IX) any other Federal law that
23 the Chair determines to be appro-
24 priate.

1 (ii) ENVIRONMENTAL REVIEWS.—The
2 guidance under subparagraph (A) shall in-
3 clude direction to States and other inter-
4 ested parties for the development of pro-
5 grammatic environmental reviews under
6 the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.) for carbon
8 capture, utilization, and sequestration
9 projects and carbon dioxide pipelines.

10 (iii) PUBLIC INVOLVEMENT.—The
11 guidance under subparagraph (A) shall be
12 subject to the public notice, comment, and
13 solicitation of information procedures
14 under section 1506.6 of title 40, Code of
15 Federal Regulations (or a successor regula-
16 tion).

17 (C) SUBMISSION; PUBLICATION.—The
18 Chair shall—

19 (i) submit the guidance under sub-
20 paragraph (A) to the Committee on Envi-
21 ronment and Public Works of the Senate
22 and the Committee on Energy and Com-
23 merce of the House of Representatives;
24 and

1 (ii) as soon as practicable, make the
2 guidance publicly available.

3 (D) EVALUATION.—The Chair shall—

4 (i) periodically evaluate the reports of
5 the task forces under paragraph (4)(E)
6 and, as necessary, revise the guidance
7 under subparagraph (A); and

8 (ii) each year, submit to the Com-
9 mittee on Environment and Public Works
10 of the Senate, the Committee on Energy
11 and Commerce of the House of Represent-
12 atives, and relevant Federal agencies a re-
13 port that describes any recommendations
14 for legislation, rules, revisions to rules, or
15 other policies that would address the issues
16 identified by the task forces under para-
17 graph (4)(E).

18 (4) TASK FORCE.—

19 (A) ESTABLISHMENT.—Not later than 18
20 months after the date of enactment of this Act,
21 the Chair shall establish not less than 2 task
22 forces, which shall each cover a different geo-
23 graphical area with differing demographic, land
24 use, or geological issues—

1 (i) to identify permitting and other
2 challenges and successes that permitting
3 authorities and project developers and op-
4 erators face; and

5 (ii) to improve the performance of the
6 permitting process and regional coordina-
7 tion for the purpose of promoting the effi-
8 cient, orderly, and responsible development
9 of carbon capture, utilization, and seques-
10 tration projects and carbon dioxide pipe-
11 lines.

12 (B) MEMBERS AND SELECTION.—

13 (i) IN GENERAL.—The Chair shall—

14 (I) develop criteria for the selec-
15 tion of members to each task force;
16 and

17 (II) select members for each task
18 force in accordance with subelause (I)
19 and clause (ii).

20 (ii) MEMBERS.—Each task force—

21 (I) shall include not less than 1
22 representative of each of—

23 (aa) the Environmental Pro-
24 tection Agency;

1 (bb) the Department of En-
2 ergy;

3 (cc) the Department of the
4 Interior;

5 (dd) any other Federal
6 agency the Chair determines to
7 be appropriate;

8 (ee) any State that requests
9 participation in the geographical
10 area covered by the task force;

11 (ff) developers or operators
12 of carbon capture, utilization,
13 and sequestration projects or car-
14 bon dioxide pipelines; and

15 (gg) nongovernmental mem-
16 bership organizations, the pri-
17 mary mission of which concerns
18 protection of the environment;
19 and

20 (II) at the request of a Tribal or
21 local government, may include a rep-
22 resentative of—

23 (aa) not less than 1 local
24 government in the geographical

1 area covered by the task force;
2 and

3 (bb) not less than 1 Tribal
4 government in the geographical
5 area covered by the task force.

6 (C) MEETINGS.—

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

9 (ii) JOINT MEETING.—To the max-
10 imum extent practicable, the task forces
11 shall meet collectively not less than once
12 each year.

13 (D) DUTIES.—Each task force shall—

14 (i) inventory existing or potential Fed-
15 eral and State approaches to facilitate re-
16 views associated with the deployment of
17 carbon capture, utilization, and sequestra-
18 tion projects and carbon dioxide pipelines,
19 including best practices that—

20 (I) avoid duplicative reviews;

21 (II) engage stakeholders early in
22 the permitting process; and

23 (III) make the permitting process
24 efficient, orderly, and responsible;

1 (ii) develop common models for State-
2 level carbon dioxide pipeline regulation and
3 oversight guidelines that can be shared
4 with States in the geographical area cov-
5 ered by the task force;

6 (iii) provide technical assistance to
7 States in the geographical area covered by
8 the task force in implementing regulatory
9 requirements and any models developed
10 under clause (ii);

11 (iv) inventory current or emerging ac-
12 tivities that transform captured carbon di-
13 oxide into a product of commercial value,
14 or as an input to products of commercial
15 value;

16 (v) identify any priority carbon diox-
17 ide pipelines needed to enable efficient, or-
18 derly, and responsible development of car-
19 bon capture, utilization, and sequestration
20 projects at increased scale;

21 (vi) identify gaps in the current Fed-
22 eral and State regulatory framework and
23 in existing data for the deployment of car-
24 bon capture, utilization, and sequestration
25 projects and carbon dioxide pipelines;

1 (vii) identify Federal and State fi-
2 nancing mechanisms available to project
3 developers; and

4 (viii) develop recommendations for rel-
5 evant Federal agencies on how to develop
6 and research technologies that—

7 (I) can capture carbon dioxide;
8 and

9 (II) would be able to be deployed
10 within the region covered by the task
11 force, including any projects that have
12 received technical or financial assist-
13 ance for research under paragraph (6)
14 of section 103(g) of the Clean Air Act
15 (42 U.S.C. 7403(g)).

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

19 (i) any recommendations for improve-
20 ments in efficient, orderly, and responsible
21 issuance or administration of Federal per-
22 mits and other Federal authorizations re-
23 quired under a law described in paragraph
24 (3)(B)(i); and

1 (ii) any other nationally relevant in-
2 formation that the task force has collected
3 in carrying out the duties under subpara-
4 graph (D).

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

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

10 (ii) submit to Congress a rec-
11 ommendation as to whether the task forces
12 should continue.