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S.1733

Clean Energy Jobs and American Power Act (Introduced in Senate)

SEC. 4. DEFINITIONS.

In this Act:

- (1) ADMINISTRATOR- The term `Administrator' means the Administrator of the Environmental Protection Agency.
- (2) INDIAN TRIBE- The term `Indian tribe' has the meaning given the term in section 302 of the Clean Air Act (42 U.S.C. 7602).
- (3) STATE- The term `State' has the meaning given that term in section 302 of the Clean Air Act (42 U.S.C. 7602).

DIVISION A--AUTHORIZATIONS FOR POLLUTION REDUCTION, TRANSITION, AND ADAPTATION

SEC. 101. STRUCTURE OF ACT.

(a) Authorized and Allocated Programs- The following programs authorized under this division are eligible to receive an allocation under title VII of the Clean Air Act:

- (1) The program for greenhouse gas emission reductions through transportation efficiency under part C of title VIII the Clean Air Act (as added by sections 112 and 113 of this division).
- (2) The program for nuclear worker training under section 132 of this division and 214 of division B.
- (3) State recycling programs under section 154 of this division and section 211 of division B.
- (4) The supplemental agriculture and forestry greenhouse gas reduction and renewable energy program under section 155 of this division and section 215 of division B.
- (5) The program for energy efficiency in building codes under section 163 of this division and section 203 of division B.

(6) The program for retrofit for energy and environmental performance under section 164 of this division and section 204 of division B.

(7) The program for worker transition under part 2 of subtitle A of title III of this division and section 210 of division B.

(8) The program for public health and climate change under subpart B of part 1 of subtitle C of title III of this division and section 212 of division B.

(9) The program for climate change safeguards for natural resources conservation under subpart C of part 1 of subtitle C of title III of this division and section 213 of division B.

(10) The program for emission reductions from reduced deforestation under section 753 of the Clean Air Act (as added by section 322 of this division) and section 771(d) of the Clean Air Act (as added by section 111 of division B).

(11) The International Clean Energy Deployment Program under section 323 of this division and section 207 of division B.

(12) The international climate change adaptation and global security program under 324 of this division and section 208 of division B.

(13) The program for water system mitigation and adaptation partnerships under section 381 of this division and section 211 of division B.

(14) The program for flood control, protection, prevention, and response under section 382 of this division and section 211 of division B.

(15) The program for wildfire under section 383 of this division and section 211 of division B.

(16) The Coastal and Great Lakes State Adaptation Program under section 384 of this division and section 211 of division B.

(b) Allocated Programs- The following allocations are provided under title VII of the Clean Air Act:

(1) The Market Stability Reserve Fund under section 726 of the Clean Air Act (as added by section 101 of division B).

(2) The program to ensure real reductions in industrial emissions under part F of title VII of the Clean Air Act (as added by section 141 of division B).

(3) The program for electricity consumers pursuant to section 772 of the Clean Air Act (as added by section 111 of division B).

(4) The program for natural gas consumers pursuant to section 773 of the Clean Air Act (as added by section 111 of division B).

(5) The program for home heating oil and propane consumers pursuant to section 774 of the Clean Air Act (as added by section 111 of division B).

(6) The program for domestic fuel production, including petroleum refiners and small business refiners, under section 775 of the Clean Air Act (as added by section 111 of division B).

(7) The program for climate change consumer refunds and low- and moderate-income consumers pursuant to section 776 of the Clean Air Act (as added by section 111 of division B), including--

(A) consumer rebates under section 776(a) of the Clean Air Act (as so added); and

(B) energy refunds under section 776(b) of the Clean Air Act (as so added).

(8) The program for commercial deployment of carbon capture and storage technology under section 780 of the Clean Air Act (as added by section 111 of division B).

(9) The program for early action recognition pursuant to section 782 of the Clean Air Act (as added by section 111 of division B).

(10) The program for investment in clean vehicle technology under section 201 of division B.

(11) The program for State and local investment in energy efficiency and renewable energy under section 202 of division B.

(12) The program for Energy Innovation Hubs pursuant to section 205 of division B.

(13) The program for ARPA-E research pursuant to section 206 of division B.

(14) The program for energy efficiency and renewable energy worker training under section 209 of division B.

(15) The State programs for greenhouse gas reduction and climate adaptation pursuant to section 211 of division B.

(c) Nonallocated Programs- The following programs are authorized under this division:

(1) The SmartWay Transportation Efficiency Program under section 822 of the Clean Air Act (as added by section 114 of this division).

(2) The carbon capture and sequestration demonstration and early deployment program under section 125 of this division.

(3) The nuclear safety and waste management programs under section 133 of this division.

(4) Water efficiency programs under subtitle D of title I of this division.

(5) The Office of Consumer Advocacy under section 151 of this division.

- (6) The clean technology business competition grant program under section 152 of this division.
- (7) The product carbon disclosure program under section 153 of this division.
- (8) The Economic Development Climate Change Fund under section 219 of the Public Works and Economic Development Act of 1965 (as added by section 156 of this division).
- (9) The program for renewable energy under section 161 of this division.
- (10) The program for advanced biofuels under section 162 of this division.
- (11) The program for emission reductions from public transportation vehicles under subtitle G of title I of this division.
- (12) The Clean Energy and Accelerated Emission Reduction Program under section 181 of this division.
- (13) The program for advanced natural gas technologies under section 182 of this division.
- (14) The program for advanced energy research under subtitle A of title II of this division.
- (15) The program for drinking water adaptation, technology, education, and research under subtitle B of title II of this division.
- (16) The program for clean energy curriculum development grants under section 301 of this division.
- (17) The program for Development of Information and Resources clearinghouse for vocational education and job training in renewable energy sectors under section 302 of this division.
- (18) The green construction careers demonstration project under section 303 of this division.

TITLE I--GREENHOUSE GAS REDUCTION PROGRAMS

Subtitle A--Clean Transportation

SEC. 111. EMISSION STANDARDS.

Title VIII of the Clean Air Act (as added by section 121 of division B) is amended by adding at the end the following:

PART B--MOBILE SOURCES

SEC. 821. GREENHOUSE GAS EMISSION STANDARDS FOR MOBILE SOURCES.

^ (a) New Motor Vehicles and New Motor Vehicle Engines- (1) Pursuant to section 202(a)(1), by December 31, 2010, the Administrator shall promulgate standards applicable to emissions of greenhouse gases from new heavy-duty motor vehicles or new heavy-duty motor vehicle engines, excluding such motor vehicles covered by the Tier II standards (as established by the Administrator as of the date of the enactment of this section). The Administrator may revise these standards from time to time.

^ (2) Regulations issued under section 202(a)(1) applicable to emissions of greenhouse gases from new heavy-duty motor vehicles or new heavy-duty motor vehicle engines, excluding such motor vehicles covered by the Tier II standards (as established by the Administrator as of the date of the enactment of this section), shall contain standards that reflect the greatest degree of emissions reduction achievable through the application of technology which the Administrator determines will be available for the model year to which such standards apply, giving appropriate consideration to cost, energy, and safety factors associated with the application of such technology. Any such regulations shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, and, at a minimum, shall apply for a period no less than 3 model years beginning no earlier than the model year commencing 4 years after such regulations are promulgated.

^ (3) Regulations issued under section 202(a)(1) applicable to emissions of greenhouse gases from new heavy-duty motor vehicles or new heavy-duty motor vehicle engines, excluding such motor vehicles covered by the Tier II standards (as established by the Administrator as of the date of the enactment of this section), shall supersede and satisfy any and all of the rulemaking and compliance requirements of section 32902(k) of title 49, United States Code.

^ (4) Other than as specifically set forth in paragraph (3) of this subsection, nothing in this section shall affect or otherwise increase or diminish the authority of the Secretary of Transportation to adopt regulations to improve the overall fuel efficiency of the commercial goods movement system.

^ (b) Nonroad Vehicles and Engines- (1) Pursuant to section 213(a)(4) and (5), the Administrator shall identify those classes or categories of new nonroad vehicles or engines, or combinations of such classes or categories, that, in the judgment of the Administrator, both contribute significantly to the total emissions of greenhouse gases from nonroad engines and vehicles, and provide the greatest potential for significant and cost-effective reductions in emissions of greenhouse gases. The Administrator shall promulgate standards applicable to emissions of greenhouse gases from these new nonroad engines or vehicles by December 31, 2012. The Administrator shall also promulgate standards applicable to emissions of greenhouse gases for such other classes and categories of new nonroad vehicles and engines as the Administrator determines appropriate and in the timeframe the Administrator determines appropriate. The Administrator shall base such determination, among other factors, on the relative contribution of greenhouse gas emissions, and the costs for achieving reductions, from such classes or categories of new nonroad engines and vehicles. The Administrator may revise these standards from time to time.

^ (2) Standards under section 213(a)(4) and (5) applicable to emissions of greenhouse gases from those classes or categories of new nonroad engines or

vehicles identified in the first sentence of paragraph (1) of this subsection, shall achieve the greatest degree of emissions reduction achievable based on the application of technology which the Administrator determines will be available at the time such standards take effect, taking into consideration cost, energy, and safety factors associated with the application of such technology. Any such regulations shall take effect at the earliest possible date after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period, the applicable compliance dates for other standards, and other appropriate factors, including the period of time appropriate for the transfer of applicable technology from other applications, including motor vehicles, and the period of time in which previously promulgated regulations have been in effect.

“(3) For purposes of this section and standards under section 213(a)(4) or (5) applicable to emissions of greenhouse gases, the term ‘nonroad engines and vehicles’ shall include non-internal combustion engines and the vehicles these engines power (such as electric engines and electric vehicles), for those non-internal combustion engines and vehicles which would be in the same category and have the same uses as nonroad engines and vehicles that are powered by internal combustion engines.

“(c) Averaging, Banking, and Trading of Emissions Credits- In establishing standards applicable to emissions of greenhouse gases pursuant to this section and sections 202(a), 213(a)(4) and (5), and 231(a), the Administrator may establish provisions for averaging, banking, and trading of greenhouse gas emissions credits within or across classes or categories of motor vehicles and motor vehicle engines, nonroad vehicles and engines (including marine vessels), and aircraft and aircraft engines, to the extent the Administrator determines appropriate and considering the factors appropriate in setting standards under those sections. Such provisions may include reasonable and appropriate provisions concerning generation, banking, trading, duration, and use of credits.

“(d) Reports- The Administrator shall, from time to time, submit a report to Congress that projects the amount of greenhouse gas emissions from the transportation sector, including transportation fuels, for the years 2030 and 2050, based on the standards adopted under this section.

“(e) Greenhouse Gases- Notwithstanding the provisions of section 711, hydrofluorocarbons shall be considered a greenhouse gas for purposes of this section.’.

SEC. 112. GREENHOUSE GAS EMISSION REDUCTIONS THROUGH TRANSPORTATION EFFICIENCY.

(a) Environmental Protection Agency- Title VIII of the Clean Air Act (as amended by section 111 of this division) is amended by adding at the end the following:

“PART C--TRANSPORTATION EMISSIONS

SEC. 831. GREENHOUSE GAS EMISSION REDUCTIONS THROUGH TRANSPORTATION EFFICIENCY.

(a) In General- The Administrator, in consultation with the Secretary of Transportation (referred to in this part as the 'Secretary'), shall promulgate, and update from time to time, regulations to establish--

(1) national transportation-related greenhouse gas emission reduction goals that are commensurate with the emission reduction goals established under the Clean Energy Jobs and American Power Act and amendments made by that Act;

(2) standardized emission models and related methods, to be used by States, metropolitan planning organizations, and air quality agencies to address emission reduction goals, including--

(A) the development of surface transportation-related greenhouse gas emission reduction targets pursuant to sections 134 and 135 of title 23, and sections 5303 and 5304 of title 49, United States Code;

(B) the assessment of projected surface transportation-related greenhouse gas emissions from transportation strategies;

(C) the assessment of projected surface transportation-related greenhouse gas emissions from State and regional transportation plans;

(D) the establishment of surface transportation-related greenhouse gas emission baselines at a national, State, and regional level; and

(E) the measurement and assessment of actual surface transportation-related emissions to assess progress toward achievement of emission targets at the State and regional level;

(3) methods for collection of data on transportation-related greenhouse gas emissions; and

(4) publication and distribution of successful strategies employed by States, metropolitan planning organizations, and other entities to reduce transportation-related greenhouse gas emissions.

(b) Role of Department of Transportation- The Secretary, in consultation with the Administrator, shall promulgate, and update from time to time, regulations--

(1) to improve the ability of transportation planning models and tools, including travel demand models, to address greenhouse gas emissions;

(2) to assess projected surface transportation-related travel activity and transportation strategies from State and regional transportation plans; and

(3) to update transportation planning requirements and approval of transportation plans as necessary to carry out this section.

(c) Consultation and Models- In promulgating the regulations, the Administrator and the Secretary--

^ (1) shall consult with States, metropolitan planning organizations, and air quality agencies;

^ (2) may use existing models and methodologies if the models and methodologies are widely considered to reflect the best practicable modeling or methodological approach for assessing actual and projected transportation-related greenhouse gas emissions from transportation plans and projects; and

^ (3) shall consider previously developed plans that were based on models and methodologies for reducing greenhouse gas emissions in applying those regulations to the first approvals after promulgation.

^ (d) Timing- The Administrator and the Secretary shall--

^ (1) publish proposed regulations under subsections (a) and (b) not later than 1 year after the date of enactment of this section; and

^ (2) promulgate final regulations under subsections (a) and (b) not later than 18 months after the date of enactment of this section.

^ (e) Assessment-

^ (1) IN GENERAL- At least every 6 years after promulgating final regulations under subsections (a) and (b), the Administrator and the Secretary shall jointly assess current and projected progress in reducing national transportation-related greenhouse gas emissions.

^ (2) REQUIREMENTS- The assessment shall examine the contributions to emission reductions attributable to--

^ (A) improvements in vehicle efficiency;

^ (B) greenhouse gas performance of transportation fuels;

^ (C) reductions in vehicle miles traveled;

^ (D) changes in consumer demand and use of transportation management systems; and

^ (E) any other greenhouse gas-related transportation policies enacted by Congress.

^ (3) RESULTS OF ASSESSMENT- The Secretary and the Administrator shall consider--

^ (A) the results of the assessment conducted under this subsection; and

^ (B) based on those results, whether technical or other updates to regulations required under this section and sections 134 and 135 of title 23, and sections 5303 and 5304 of title 49, United States Code, are necessary.'.

(b) Metropolitan Planning Organizations-

(1) TITLE 23- Section 134 of title 23, United States Code, is amended--

(A) in subsection (a)(1)--

(i) by striking `minimizing' and inserting `reducing'; and

(ii) by inserting `, reliance on oil, impacts on the environment, transportation-related greenhouse gas emissions,' after `consumption';

(B) in subsection (h)(1)(E)--

(i) by inserting `sustainability, and livability, reduce surface transportation-related greenhouse gas emissions and reliance on oil, adapt to the effects of climate change,' after `energy conservation,';

(ii) by inserting `and public health' after `quality of life'; and

(iii) by inserting `, including housing and land use patterns' after `development patterns';

(C) in subsection (i)--

(i) in paragraph (4)(A)--

(I) by striking `consult, as appropriate,' and inserting `cooperate';

(II) by inserting `transportation, public transportation, air quality, and housing, and shall consult, as appropriate, with State and local agencies responsible for' after `responsible for'; and

(III) by inserting `public health,' after `conservation,'; and

(ii) in paragraph (5)(C)(iii), by inserting `and through the website of the metropolitan planning organization, including emission reduction targets and strategies developed under subsection (k) (6), including an analysis of the anticipated effects of the targets and strategies,' after `World Wide Web'; and

(D) in subsection (k), by adding at the end the following:

`(6) TRANSPORTATION GREENHOUSE GAS REDUCTION EFFORTS-

`(A) IN GENERAL- Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address transportation-related greenhouse gas emissions by including emission reduction targets and strategies to meet those targets.

`(B) ELIGIBLE ORGANIZATIONS-

`(i) MPOS WITHIN TMAS- All provisions and requirements of this section, including the requirements of the transportation greenhouse gas reduction efforts, shall apply to metropolitan

planning organizations that also serve as transportation management areas.

^ (ii) OTHER MPOS- A metropolitan planning organization that does not serve as a transportation management area--

^ (I) may develop transportation greenhouse gas emission reduction targets and strategies to meet those targets; and

^ (II) if those targets and strategies are developed, shall be subject to all applicable provisions and requirements of this section and the Clean Energy Jobs and American Power Act, including requirements of the transportation greenhouse gas reduction efforts.

^ (C) ESTABLISHMENT OF TARGETS AND CRITERIA-

^ (i) IN GENERAL- Not later than 2 years after the promulgation of the final regulations required under section 831 of the Clean Air Act, each metropolitan planning organization that also serves as a transportation management area shall develop surface transportation-related greenhouse gas emission reduction targets, as well as strategies to meet those targets, in consultation with State air agencies as part of the metropolitan transportation planning process under this section.

^ (ii) MULTIPLE DESIGNATIONS- If more than 1 metropolitan planning organization has been designated within a metropolitan area, each metropolitan planning organization shall coordinate with other metropolitan planning organizations in the same metropolitan area to develop the targets and strategies described in clause (i).

^ (iii) MINIMUM REQUIREMENTS- Each metropolitan transportation plan developed by a metropolitan planning organization under clause (i) shall, within the plan, demonstrate progress in stabilizing and reducing transportation-related greenhouse gas emissions so as to contribute to the achievement of State targets pursuant to section 135(f)(9).

^ (iv) REQUIREMENTS FOR TARGETS AND STRATEGIES- The targets and strategies developed under this subparagraph shall, at a minimum--

^ (I) be based on the emission and travel demand models and related methodologies established in the final regulations required under section 831 of the Clean Air Act;

^ (II) inventory all sources of surface transportation-related greenhouse gas emissions;

^ (III) apply to those modes of surface transportation that are addressed in the planning process under this section;

^ (IV) be integrated and consistent with regional transportation plans and transportation improvement programs; and

^ (V) be selected through scenario analysis, and include, pursuant to the requirements of the transportation planning process under this section, transportation investment and management strategies that reduce greenhouse gas emissions from the transportation sector over the life of the plan, such as--

^ (aa) efforts to increase public transportation ridership, including through service improvements, capacity expansions, and access enhancement;

^ (bb) efforts to increase walking, bicycling, and other forms of nonmotorized transportation;

^ (cc) implementation of zoning and other land use regulations and plans to support infill, transit-oriented development, redevelopment, or mixed use development;

^ (dd) travel demand management programs (including carpool, vanpool, or car-share projects), transportation pricing measures, parking policies, and programs to promote telecommuting, flexible work schedules, and satellite work centers;

^ (ee) surface transportation system operation improvements, including intelligent transportation systems or other operational improvements to reduce long-term greenhouse gas emissions through reduced congestion and improved system management;

^ (ff) intercity passenger rail improvements;

^ (gg) intercity bus improvements;

^ (hh) freight rail improvements;

^ (ii) use of materials or equipment associated with the construction or maintenance of transportation projects that reduce greenhouse gas emissions;

^ (jj) public facilities for supplying electricity to electric or plug-in hybrid-electric vehicles; or

^ (kk) any other effort that demonstrates progress in reducing transportation-related greenhouse gas emissions in each metropolitan planning organization under this subsection.

^ (D) REVIEW AND APPROVAL- Not later than 180 days after the date of submission of a plan under this section--

^ (i) the Secretary and the Administrator shall review the plan; and

^ (ii) the Secretary shall approve a plan developed by a metropolitan planning organization pursuant to subparagraph (C) if

--

^ (I) the Secretary finds that a metropolitan planning organization has developed, submitted, and published the plan of the metropolitan planning organization pursuant to this section;

^ (II) the Secretary, in consultation with the Administrator, determines that the plan is likely to achieve the targets established by the metropolitan planning organization under this subsection; and

^ (III) the development of the plan complies with the minimum requirements established under clauses (iii) and (iv) of subparagraph (C).

^ (E) CERTIFICATION- Failure to comply with the requirements under subparagraph (C) shall not impact certification standards under paragraph (5).

^ (7) DEFINITION OF METROPOLITAN PLANNING ORGANIZATION- In this subsection, the term `metropolitan planning organization' means a metropolitan planning organization described in clause (i) or (ii) of paragraph (6)(B).

^ (8) SCENARIO ANALYSIS- The term `scenario analysis' means the use of a planning tool that--

^ (A) develops a range of scenarios representing various combinations of transportation and land use strategies, and estimates of how each of those scenarios would perform in meeting the greenhouse gas emission reduction targets based on analysis of various forces (such as health, transportation, economic or environmental factors, and land use) that affect growth;

^ (B) may include features such as--

^ (i) the involvement of the general public, key stakeholders, and elected officials on a broad scale;

^ (ii) the creation of an opportunity for those participants to educate each other as to growth trends and trade-offs, as a means to incorporate values and feedback into future plans; and

^ (iii) the use of continuing efforts and ongoing processes; and

^ (C) may include key elements such as--

^ (i) identification of the driving forces behind planning decisions and outcomes;

^ (ii) determination of patterns of interaction;

^ (iii) creation of scenarios for discussion purposes;

^ (iv) analysis of implications;

- ˆ (v) evaluation of scenarios; and
- ˆ (vi) use of monitoring indicators.'.

(2) TITLE 49- Section 5303 of title 49, United States Code, is amended--

(A) in subsection (a)(1)--

- (i) by striking `minimizing' and inserting `reducing'; and
- (ii) by inserting ` , reliance on oil, impacts on the environment, transportation-related greenhouse gas emissions,' after `consumption';

(B) in subsection (h)(1)(E)--

- (i) by inserting `sustainability, and livability, reduce surface transportation-related greenhouse gas emissions and reliance on oil, adapt to the effects of climate change,' after `energy conservation, ';
- (ii) by inserting `and public health' after `quality of life'; and
- (iii) by inserting ` , including housing and land use patterns' after `development patterns';

(C) in subsection (i)--

(i) in paragraph (4)(A)--

- (I) by striking `consult, as appropriate,' and inserting `cooperate';
- (II) by inserting `transportation, public transportation, air quality, and housing, and shall consult, as appropriate, with State and local agencies responsible for' after `responsible for'; and
- (III) by inserting `public health,' after `conservation, ';

(ii) in paragraph (5)(C)(iii), by inserting `and through the website of the metropolitan planning organization, including emission reduction targets and strategies developed under subsection (k) (6), including an analysis of the anticipated effects of the targets and strategies,' after `World Wide Web'; and

(D) in subsection (k), by adding at the end the following:

ˆ (6) TRANSPORTATION GREENHOUSE GAS REDUCTION EFFORTS-

ˆ (A) IN GENERAL- Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address transportation-related greenhouse gas emissions by including emission reduction targets and strategies to meet those targets.

^ (B) ELIGIBLE ORGANIZATIONS-

^ (i) IN GENERAL- The requirements of the transportation greenhouse gas reduction efforts shall apply only to metropolitan planning organizations within a transportation management area.

^ (ii) DEVELOPMENT OF PLAN- A metropolitan planning organization that does not serve as a transportation management area--

^ (I) may develop transportation greenhouse gas emission reduction targets and strategies to meet those targets; and

^ (II) if those targets and strategies are developed, shall be subject to all provisions and requirements of this section, including requirements of the transportation greenhouse gas reduction efforts.

^ (C) ESTABLISHMENT OF TARGETS AND CRITERIA-

^ (i) IN GENERAL- Not later than 2 years after the promulgation of the final regulations required under section 831 of the Clean Air Act, each metropolitan planning organization shall develop surface transportation-related greenhouse gas emission reduction targets, as well as strategies to meet those targets, in consultation with State air agencies as part of the metropolitan transportation planning process under this section.

^ (ii) MULTIPLE DESIGNATIONS- If more than 1 metropolitan planning organization has been designated within a metropolitan area, each metropolitan planning organization shall coordinate with other metropolitan planning organizations in the same metropolitan area to develop the targets and strategies described in clause (i).

^ (iii) MINIMUM REQUIREMENTS- Each metropolitan transportation plan developed by a metropolitan planning organization under clause (i) shall, within the plan, demonstrate progress in stabilizing and reducing transportation-related greenhouse gas emissions so as to contribute to the achievement of State targets pursuant to section 135(f)(9) of title 23.

^ (iv) REQUIREMENTS FOR TARGETS AND STRATEGIES- The targets and strategies developed under this subparagraph shall, at a minimum--

^ (I) be based on the emission models and related methodologies established in the final regulations required under section 831 of the Clean Air Act;

^ (II) inventory all sources of surface transportation-related greenhouse gas emissions;

- ˆ (III) apply to those modes of surface transportation that are addressed in the planning process under this section;
 - ˆ (IV) be integrated and consistent with regional transportation plans and transportation improvement programs; and
 - ˆ (V) be selected through scenario analysis (as defined in section 134(k) of title 23), and include, pursuant to the requirements of the transportation planning process under this section, transportation investment and management strategies that reduce greenhouse gas emissions from the transportation sector over the life of the plan, such as--
- ˆ (aa) efforts to increase public transportation ridership, including through service improvements, capacity expansions, and access enhancement;
 - ˆ (bb) efforts to increase walking, bicycling, and other forms of nonmotorized transportation;
 - ˆ (cc) implementation of zoning and other land use regulations and plans to support infill, transit-oriented development, redevelopment, or mixed use development;
 - ˆ (dd) travel demand management programs (including carpool, vanpool, or car-share projects), transportation pricing measures, parking policies, and programs to promote telecommuting, flexible work schedules, and satellite work centers;
 - ˆ (ee) surface transportation system operation improvements, including intelligent transportation systems or other operational improvements to reduce long-term greenhouse gas emissions through reduced congestion and improved system management;
 - ˆ (ff) intercity passenger rail improvements;
 - ˆ (gg) intercity bus improvements;
 - ˆ (hh) freight rail improvements;
 - ˆ (ii) use of materials or equipment associated with the construction or maintenance of transportation projects that reduce greenhouse gas emissions;
 - ˆ (jj) public facilities for supplying electricity to electric or plug-in hybrid-electric vehicles; or
 - ˆ (kk) any other effort that demonstrates progress in reducing transportation-related greenhouse gas emissions in each metropolitan planning organization under this subsection.
- ˆ (D) REVIEW AND APPROVAL- Not later than 180 days after the date of submission of a plan under this section--
- ˆ (i) the Secretary and the Administrator shall review the plan; and

^ (ii) the Secretary shall approve a plan developed by a metropolitan planning organization pursuant to subparagraph (C) if --

^ (I) the Secretary finds that a metropolitan planning organization has developed, submitted, and published the plan of the metropolitan planning organization pursuant to this section;

^ (II) the Secretary, in consultation with the Administrator, determines that the plan is likely to achieve the targets established by the metropolitan planning organization under this subsection; and

^ (III) the development of the plan complies with the minimum requirements established under clauses (iii) and (iv) of subparagraph (C).

^ (E) CERTIFICATION- Failure to comply with the requirements under subparagraph (C) shall not impact certification standards under paragraph (5).

^ (7) DEFINITION OF METROPOLITAN PLANNING ORGANIZATION- In this subsection, the term ^ metropolitan planning organization' means a metropolitan planning organization described in clause (i) or (ii) of paragraph (6)(B).'

(c) States-

(1) TITLE 23- Section 135 of title 23, United States Code, is amended--

(A) in subsection (d)(1)(E)--

(i) by inserting ^ sustainability, and livability, reduce surface transportation-related greenhouse gas emissions and reliance on oil, adapt to the effects of climate change,' after ^ energy conservation,';

(ii) by inserting ^ and public health' after ^ quality of life'; and

(iii) by inserting ^ , including housing and land use patterns' after ^ development patterns'; and

(B) in subsection (f)--

(i) in paragraph (2)(D)(i)--

(I) by striking ^ , as appropriate, in consultation' and inserting ^ in cooperation';

(II) by inserting ^ State and local agencies responsible for transportation, public transportation, air quality, and housing and in consultation with' before ^ State, tribal'; and

(III) by inserting `public health,' after `conservation,';

(ii) in paragraph (3)(B)(iii), by inserting `and through the website of the State, including emission reduction targets and strategies developed under paragraph (9) and an analysis of the anticipated effects of the targets and strategies' after `World Wide Web'; and

(iii) by adding at the end the following:

` (9) TRANSPORTATION GREENHOUSE GAS REDUCTION EFFORTS-

` (A) IN GENERAL- Within a State, the transportation planning process under this section, shall address transportation-related greenhouse gas emissions by including emission reduction targets and strategies to meet those targets.

` (B) ESTABLISHMENT OF TARGETS AND CRITERIA-

` (i) IN GENERAL- Not later than 2 years after the promulgation of the final regulations required under section 831 of the Clean Air Act, each State shall develop surface transportation-related greenhouse gas emission reduction targets, as well as strategies to meet those targets, in consultation with State air agencies as part of the transportation planning process under this section.

` (ii) MINIMUM REQUIREMENTS- Each transportation plan developed by a State under clause (i) shall, within the plan, demonstrate progress in stabilizing and reducing transportation-related greenhouse gas emissions in the State so as to contribute to the achievement of national targets pursuant to section 831(a) (1) of the Clean Air Act.

` (iii) REQUIREMENTS FOR TARGETS AND STRATEGIES- The targets and strategies developed under this subparagraph shall, at a minimum--

` (I) be based on the emission models and related methodologies established in the final regulations required under section 831 of the Clean Air Act;

` (II) inventory all sources of surface transportation-related greenhouse gas emissions;

` (III) apply to those modes of surface transportation that are addressed in the planning process under this section;

` (IV) be integrated and consistent with statewide transportation plans and statewide transportation improvement programs; and

` (V) be selected through scenario analysis (as defined in section 134(k)), and include, pursuant to the requirements of the transportation planning process under this section, transportation investment and management strategies that

reduce greenhouse gas emissions from the transportation sector over the life of the plan, such as--

- ^ (aa) efforts to increase public transportation ridership, including through service improvements, capacity expansions, and access enhancement;
- ^ (bb) efforts to increase walking, bicycling, and other forms of nonmotorized transportation;
- ^ (cc) implementation of zoning and other land use regulations and plans to support infill, transit-oriented development, redevelopment, or mixed use development;
- ^ (dd) travel demand management programs (including carpool, vanpool, or car-share projects), transportation pricing measures, parking policies, and programs to promote telecommuting, flexible work schedules, and satellite work centers;
- ^ (ee) surface transportation system operation improvements, including intelligent transportation systems or other operational improvements to reduce congestion and improve system management;
- ^ (ff) intercity passenger rail improvements;
- ^ (gg) intercity bus improvements;
- ^ (hh) freight rail improvements;
- ^ (ii) use of materials or equipment associated with the construction or maintenance of transportation projects that reduce greenhouse gas emissions;
- ^ (jj) public facilities for supplying electricity to electric or plug-in hybrid-electric vehicles; or
- ^ (kk) any other effort that demonstrates progress in reducing transportation-related greenhouse gas emissions.

^ (C) COORDINATION AND CONSULTATION WITH PUBLIC AGENCIES-
Transportation greenhouse gas targets and plans pursuant to this section shall be developed--

^ (i) in coordination with--

^ (I) all metropolitan planning organizations covered by this section within the State; and

^ (II) transportation and air quality agencies within the State; and

^ (ii) in consultation with representatives of State and local housing, economic development, and land use agencies.

^ (D) ENFORCEMENT- Not later than 180 days after the date of submission of a plan under this section--

^ (i) the Secretary and the Administrator shall review the plan; and

^ (ii) the Secretary shall approve a plan developed by a State pursuant to subparagraph (B) if--

^ (I) the Secretary finds that a State has developed, submitted, and published the plan pursuant to this section;

^ (II) the Secretary, in consultation with the Administrator, determines that the plan is likely to achieve the targets established by the State under this subsection; and

^ (III) the development of the plan complies with the minimum requirements established under clauses (ii) and (iii) of subparagraph (B).

^ (E) PLANNING FINDING- Failure to comply with the requirements under subparagraph (B) shall not impact the planning finding under subsection (g)(7).'

(2) TITLE 49- Section 5304 of title 49, United States Code is amended--

(A) in subsection (d)(1)(E)--

(i) by inserting `sustainability, and livability, reduce surface transportation-related greenhouse gas emissions and reliance on oil, adapt to the effects of climate change,' after `energy conservation,';

(ii) by inserting `and public health' after `quality of life'; and

(iii) by inserting `, including housing and land use patterns' after `development patterns'; and

(B) in subsection (f)--

(i) in paragraph (2)(D)(i)--

(I) by striking `, as appropriate, in consultation' and inserting `in cooperation';

(II) by inserting `State and local agencies responsible for transportation, public transportation, air quality, and housing and in consultation with' before `State, tribal'; and

(III) by inserting `public health,' after `conservation,';

(ii) in paragraph (3)(B)(iii), by inserting `and through the website of the State, including emission reduction targets and strategies developed under paragraph (9) and an analysis of the anticipated effects of the targets and strategies' after `World Wide Web'; and

(iii) by adding at the end the following:

^ (9) TRANSPORTATION GREENHOUSE GAS REDUCTION EFFORTS-

^ (A) IN GENERAL- Within a State, the transportation planning process under this section, shall address transportation-related greenhouse gas emissions by including emission reduction targets and strategies to meet those targets.

^ (B) ESTABLISHMENT OF TARGETS AND CRITERIA-

^ (i) IN GENERAL- Not later than 2 years after the promulgation of the final regulations required under section 831 of the Clean Air Act, each State shall develop surface transportation-related greenhouse gas emission reduction targets, as well as strategies to meet those targets, in consultation with State air agencies as part of the transportation planning process under this section.

^ (ii) MINIMUM REQUIREMENTS- Each transportation plan developed by a State under clause (i) shall, within the plan, demonstrate progress in stabilizing and reducing transportation-related greenhouse gas emissions in the State so as to contribute to the achievement of national targets pursuant to section 831(a) (1) of the Clean Air Act.

^ (iii) REQUIREMENTS FOR TARGETS AND STRATEGIES- The targets and strategies developed under this subparagraph shall, at a minimum--

^ (I) be based on the emission models and related methodologies established in the final regulations required under section 831 of the Clean Air Act;

^ (II) inventory all sources of surface transportation-related greenhouse gas emissions;

^ (III) apply to those modes of surface transportation that are addressed in the planning process under this section;

^ (IV) be integrated and consistent with statewide transportation plans and statewide transportation improvement programs; and

^ (V) be selected through scenario analysis (as defined in section 134(k) of title 23), and include, pursuant to the requirements of the transportation planning process under this section, transportation investment and management strategies that reduce greenhouse gas emissions from the transportation sector over the life of the plan, such as--

^ (aa) efforts to increase public transportation ridership, including through service improvements, capacity expansions, and access enhancement;

^ (bb) efforts to increase walking, bicycling, and other forms of nonmotorized transportation;

^ (cc) implementation of zoning and other land use regulations and plans to support infill, transit-oriented development, redevelopment, or mixed use development;

- ^ (dd) travel demand management programs (including carpool, vanpool, or car-share projects), transportation pricing measures, parking policies, and programs to promote telecommuting, flexible work schedules, and satellite work centers;
- ^ (ee) surface transportation system operation improvements, including intelligent transportation systems or other operational improvements to reduce congestion and improve system management;
- ^ (ff) intercity passenger rail improvements;
- ^ (gg) intercity bus improvements;
- ^ (hh) freight rail improvements;
- ^ (ii) use of materials or equipment associated with the construction or maintenance of transportation projects that reduce greenhouse gas emissions;
- ^ (jj) public facilities for supplying electricity to electric or plug-in hybrid-electric vehicles; or
- ^ (kk) any other effort that demonstrates progress in reducing transportation-related greenhouse gas emissions.

^ (C) COORDINATION AND CONSULTATION WITH PUBLIC AGENCIES-
Transportation greenhouse gas targets and plans pursuant to this
section shall be developed--

^ (i) in coordination with--

^ (I) all metropolitan planning organizations covered by this
section within the State; and

^ (II) transportation and air quality agencies within the State;
and

^ (ii) in consultation with representatives of State and local
housing, economic development, and land use agencies.

^ (D) ENFORCEMENT- Not later than 180 days after the date of
submission of a plan under this section--

^ (i) the Secretary and the Administrator shall review the plan; and

^ (ii) the Secretary shall approve a plan developed by a State
pursuant to subparagraph (B) if--

^ (I) the Secretary finds that a State has developed,
submitted, and published the plan pursuant to this section;

^ (II) the Secretary, in consultation with the Administrator,
determines that the plan is likely to achieve the targets
established by the State under this subsection; and

^ (III) the development of the plan complies with the minimum requirements established under clauses (ii) and (iii) of subparagraph (B).

^ (E) PLANNING FINDING- Failure to comply with the requirements under subparagraph (B) shall not impact the planning finding under subsection (g)(7).'.

(d) Applicability- Section 304 of the Clean Air Act (42 U.S.C. 7604) shall not apply to the planning provisions of this section or any amendment made by this section.

(e) Land Use Authority- Nothing in this section or an amendment made by this section--

(1) infringes on the existing authority of local governments to plan or control land use; or

(2) provides or transfers authority over land use to any other entity.

SEC. 113. TRANSPORTATION GREENHOUSE GAS EMISSION REDUCTION PROGRAM GRANTS.

Part C of title VIII of the Clean Air Act (as amended by section 112) is amended by adding at the end the following:

^ SEC. 832. TRANSPORTATION GREENHOUSE GAS EMISSION REDUCTION PROGRAM GRANTS.

^ (a) In General- The Secretary of Transportation (referred to in this section as the ^ Secretary') shall provide grants to States and metropolitan planning organizations to carry out the purposes of this section for each fiscal year--

^ (1) to support the developing and updating of transportation greenhouse gas reduction targets and strategies; and

^ (2) to provide financial assistance to implement plans approved pursuant to-

^ (A) sections 134(k)(6) and 135(f)(9) of title 23, United States Code; and

^ (B) sections 5303(k)(6) and 5304(f)(9) of title 49, United States Code.

^ (b) Planning Grants-

^ (1) IN GENERAL- Subject to paragraph (2), the Secretary shall allocate not more than 5 percent of the funds available to carry out this section for a fiscal year for metropolitan planning organizations to develop and update transportation plans, including targets and strategies for greenhouse gas emission reduction under--

^ (A) sections 134(k)(6) and 135(f)(9) of title 23, United States Code; and

- ^ (B) sections 5303(k)(6) and 5304(f)(9) of title 49, United States Code.
- ^ (2) ELIGIBLE ORGANIZATIONS- The Secretary shall distribute the funds available in (1) to metropolitan planning organizations (as defined in section 134(k)(7) of title 23, United States Code) in the proportion that--
 - ^ (A) the population within such a metropolitan planning organization; bears to
 - ^ (B) the total population of all such metropolitan planning organizations.
- ^ (c) Performance Grants-
 - ^ (1) IN GENERAL- After allocating funds pursuant to subsection (b)(1), the Secretary shall use the remainder of amounts made available to carry out this section to provide grants to States and metropolitan planning organizations.
 - ^ (2) CRITERIA- In providing grants under this subsection, the Secretary, in consultation with the Administrator, shall develop criteria for providing the grants, taking into consideration, with respect to areas to be covered by the grants--
 - ^ (A) the quantity of total greenhouse gas emissions to be reduced as a result of implementation of a plan, within a covered area, as determined by methods established under section 831(a);
 - ^ (B) the quantity of total greenhouse gas emissions to be reduced per capita as a result of implementation of a plan, within the covered area, as determined by methods established under section 831(a);
 - ^ (C) the cost-effectiveness of reducing greenhouse gas emissions during the life of the plan;
 - ^ (D) progress toward achieving emission reductions target established under--
 - ^ (i) sections 134(k)(6) and 135(f)(9) of title 23, United States Code; and
 - ^ (ii) sections 5303(k)(6) and 5304(f)(9) of title 49, United States Code;
 - ^ (E) reductions in greenhouse gas emissions previously achieved by States and metropolitan planning organizations during the 5-year period beginning on the date of enactment of this Act;
 - ^ (F) plans that increase transportation options and mobility, particularly for low-income individuals, minorities, the elderly, households without motor vehicles, cost-burdened households, and the disabled; and
 - ^ (G) other factors, including innovative approaches, minimization of costs, and consideration of economic development, revenue generation, consumer fuel cost-savings, and other economic, environmental and health benefits, as the Secretary determines to be appropriate.

- ˘ (d) Requirement for Reduced Emissions- A performance grant under subsection (c) may be used only to fund strategies that demonstrate a reduction in greenhouse gas emissions that is sustainable over the life of the applicable transportation plan.
- ˘ (e) Cost-Sharing- The Federal share of the costs of a project receiving Federal financial assistance under this section shall be 80 percent.
- ˘ (f) Compliance With Applicable Laws-
 - ˘ (1) IN GENERAL- Subject to paragraph (2), a project receiving funds under this section shall comply with all applicable Federal laws (including regulations), including--
 - ˘ (A) subchapter IV of chapter 31 of title 40, United States Code; and
 - ˘ (B) applicable requirements of titles 23 and 49, United States Code.
 - ˘ (2) ELIGIBILITY- Project eligibility shall be determined in accordance with this section.
 - ˘ (3) DETERMINATION OF APPLICABLE MODAL REQUIREMENTS- The Secretary shall--
 - ˘ (A) have the discretion to designate the specific modal requirements that shall apply to a project; and
 - ˘ (B) be guided by the predominant modal characteristics of the project in the event that a project has cross-modal application.
- ˘ (g) Additional Requirements-
 - ˘ (1) IN GENERAL- As a condition on the receipt of financial assistance under this section, the interests of public transportation employees affected by the assistance shall be protected under arrangements that the Secretary of Labor determines--
 - ˘ (A) to be fair and equitable; and
 - ˘ (B) to provide benefits equal to the benefits established under section 5333(b) of title 49, United States Code.
 - ˘ (2) WAGES AND BENEFITS- Laborers and mechanics employed on projects funded with amounts made available under this section shall be paid wages and benefits not less than those determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40, United States Code, to be prevailing in the same locality.
- ˘ (h) Miscellaneous-
 - ˘ (1) ROAD-USE AND CONGESTION PRICING MEASURES- All projects funded by amounts made available under this section shall be eligible to receive amounts collected through road-use and congestion pricing measures.

^ (2) LIMITATIONS- The Administrator may not approve any transportation plan for a project that would be inconsistent with existing design, procurement, and construction guidelines established by the Department of Transportation.

^ (3) SUBGRANTEES- With the approval of the Secretary, recipients of funding under this section may enter into agreements providing for the transfer of funds to noneligible public entities (such as local governments, air quality agencies, zoning commissions, special districts and transit agencies) that have statutory responsibility or authority for actions necessary to implement the strategies pursuant to--

^ (A) sections 134(k)(6) and 135(f)(9) of title 23, United States Code; and

^ (B) sections 5303(k)(6) and 5304(f)(9) of title 49, United States Code.'.

SEC. 114. SMARTWAY TRANSPORTATION EFFICIENCY PROGRAM.

Part B of title VIII of the Clean Air Act (as amended by section 111) is amended by adding at the end the following:

^ SEC. 822. SMARTWAY TRANSPORTATION EFFICIENCY PROGRAM.

^ (a) In General- There is established within the Environmental Protection Agency a SmartWay Transportation Efficiency Program to quantify, demonstrate, and promote the benefits of technologies, products, fuels, and operational strategies that reduce petroleum consumption, air pollution, and greenhouse gas emissions from the mobile source sector.

^ (b) General Duties- Under the program established under this section, the Administrator shall carry out each of the following:

^ (1) Development of measurement protocols to evaluate the energy consumption and greenhouse gas impacts from technologies and strategies in the mobile source sector, including those for passenger transport and goods movement.

^ (2) Development of qualifying thresholds for certifying, verifying, or designating energy-efficient, low-greenhouse gas SmartWay technologies and strategies for each mode of passenger transportation and goods movement.

^ (3) Development of partnership and recognition programs to promote best practices and drive demand for energy-efficient, low-greenhouse gas transportation performance.

^ (4) Promotion of the availability of, and encouragement of the adoption of, SmartWay certified or verified technologies and strategies, and publication of the availability of financial incentives, such as assistance from loan programs and other Federal and State incentives.

^ (c) SmartWay Transport Freight Partnership- The Administrator shall establish a SmartWay Transport Partnership program with shippers and carriers of goods to promote energy-efficient, low-greenhouse gas transportation. In carrying out such partnership, the Administrator shall undertake each of the following:

^ (1) Verification of the energy and greenhouse gas performance of participating freight carriers, including those operating rail, trucking, marine, and other goods movement operations.

^ (2) Publication of a comprehensive energy and greenhouse gas performance index of freight modes (including rail, trucking, marine, and other modes of transporting goods) and individual freight companies so that shippers can choose to deliver their goods more efficiently.

^ (3) Development of tools for--

^ (A) carriers to calculate their energy and greenhouse gas performance; and

^ (B) shippers to calculate the energy and greenhouse gas impacts of moving their products and to evaluate the relative impacts from transporting their goods by different modes and corporate carriers.

^ (4) Provision of recognition opportunities for participating shipper and carrier companies demonstrating advanced practices and achieving superior levels of greenhouse gas performance.

^ (d) Improving Freight Greenhouse Gas Performance Databases- The Administrator shall, in coordination with the Secretary of Commerce and other appropriate agencies, define and collect data on the physical and operational characteristics of the Nation's truck population, with special emphasis on data related to energy efficiency and greenhouse gas performance to inform the performance index published under subsection (c)(2) of this section, and other means of goods transport as necessary, at least every 5 years as part of the economic census required under title 13, United States Code.

^ (e) Establishment of Financing Program- The Administrator shall establish a SmartWay Financing Program to competitively award funding to eligible entities identified by the Administrator in accordance with the program requirements in subsection (g).

^ (f) Purposes- Under the SmartWay Financing Program, eligible entities shall--

^ (1) use funds awarded by the Administrator to provide flexible loan and/or lease terms that increase approval rates or lower the costs of loans and/or leases in accordance with guidance developed by the Administrator;

^ (2) make such loans and/or leases available to public and private entities for the purpose of adopting low-greenhouse gas technologies or strategies for the mobile source sector that are designated by the Administrator; and

^ (3) use funds provided by the Administrator for electrification of freight transportation systems in major national goods movement corridors, giving priority to electrification of transportation systems in areas that are gateways

for high volumes of international and national freight transport and require substantial criteria pollutant emission reductions in order to attain national ambient air quality standards.

^ (g) Program Requirements- The Administrator shall determine program design elements and requirements, including--

^ (1) the type of financial mechanism with which to award funding, in the form of grants and/or contracts;

^ (2) the designation of eligible entities to receive funding, such as State, tribal, and local governments, regional organizations comprised of governmental units, nonprofit organizations, or for-profit companies;

^ (3) criteria for evaluating applications from eligible entities, including anticipated--

^ (A) cost-effectiveness of loan or lease program on a metric-ton-of-greenhouse gas-saved-per-dollar basis; and

^ (B) ability to promote the loan or lease program and associated technologies and strategies to the target audience; and

^ (4) reporting requirements for entities that receive awards, including--

^ (A) actual cost-effectiveness and greenhouse gas savings from the loan or lease program based on a methodology designated by the Administrator;

^ (B) the total number of applications and number of approved applications; and

^ (C) terms granted to loan and lease recipients compared to prevailing market practices and/or rates.

^ (h) Authorization of Appropriations- Such sums as necessary are authorized to be appropriated to the Administrator to carry out this section.'

Subtitle B--Carbon Capture and Sequestration

SEC. 121. NATIONAL STRATEGY.

(a) In General- Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, the Secretary of the Interior, and the heads of such other relevant Federal agencies as the President may designate, shall submit to Congress a report establishing a unified and comprehensive strategy to address the key legal, regulatory, and other barriers to the commercial-scale deployment of carbon capture and storage.

(b) Barriers- The report under this section shall--

(1) identify the regulatory, legal, and other gaps and barriers that--

(A) could be addressed by a Federal agency using existing statutory authority;

(B) require Federal legislation, if any; or

(C) would be best addressed at the State, tribal, or regional level;

(2) identify regulatory implementation challenges, including challenges relating to approval of State and tribal programs and delegation of authority for permitting; and

(3) recommend rulemakings, Federal legislation, or other actions that should be taken to further evaluate and address those barriers.

(c) Finding- Congress finds that it is in the public interest to achieve widespread, commercial-scale deployment of carbon capture and storage in the United States and throughout Asia before January 1, 2030.

SEC. 122. REGULATIONS FOR GEOLOGICAL SEQUESTRATION SITES.

(a) Coordinated Certification and Permitting Process- Part A of title VIII of the Clean Air Act (as amended by section 124 of this division) is amended by adding at the end the following:

SEC. 813. GEOLOGICAL STORAGE SITES.

(a) Coordinated Process-

(1) IN GENERAL- The Administrator shall establish a coordinated approach to certifying and permitting geological storage, taking into consideration all relevant statutory authorities.

(2) REQUIREMENTS- In establishing such approach, the Administrator shall--

(A) take into account, and reduce redundancy with, the requirements of section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h), including the rulemaking for geological storage wells described in the proposed rule entitled 'Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO₂) Geologic Sequestration (GS) Wells' (73 Fed. Reg. 43492 (July 25, 2008)); and

(B) to the maximum extent practicable, reduce the burden on certified entities and implementing authorities.

(b) Regulations- Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to protect human health and the environment by minimizing the risk of escape to the atmosphere of carbon dioxide injected for purposes of geological storage.

(c) Requirements- The regulations under subsection (b) shall include--

(1) a process to obtain certification for geological storage under this section; and

^ (2) requirements for--

^ (A) monitoring, recordkeeping, and reporting for emissions associated with injection into, and escape from, geological storage sites, taking into account any requirements or protocols developed under section 713;

^ (B) public participation in the certification process that maximizes transparency;

^ (C) the sharing of data among States, Indian tribes, and the Environmental Protection Agency; and

^ (D) other elements or safeguards necessary to achieve the purpose described in subsection (b).

^ (d) Report-

^ (1) IN GENERAL- Not later than 2 years after the date of promulgation of regulations pursuant to subsection (b), and not less frequently than once every 3 years thereafter, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing geological storage in the United States, and, to the extent relevant, other countries in North America.

^ (2) INCLUSIONS- Each report under paragraph (1) shall include--

^ (A) data regarding injection, emissions to the atmosphere, if any, and performance of active and closed geological storage sites, including those at which enhanced hydrocarbon recovery operations occur;

^ (B) an evaluation of the performance of relevant Federal environmental regulations and programs in ensuring environmentally protective geological storage practices;

^ (C) recommendations on how those programs and regulations should be improved or made more effective; and

^ (D) other relevant information.'.

(b) Safe Drinking Water Act Standards- Section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h) is amended by adding at the end the following:

^ (e) Carbon Dioxide Geological Storage Wells-

^ (1) IN GENERAL- Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations under subsection (a) for carbon dioxide geological storage wells.

^ (2) FINANCIAL RESPONSIBILITY-

^ (A) IN GENERAL- The regulations under paragraph (1) shall include requirements for maintaining evidence of financial responsibility,

including financial responsibility for emergency and remedial response, well plugging, site closure, and post-injection site care.

^ (B) REGULATIONS- Financial responsibility may be established for carbon dioxide geological wells in accordance with regulations promulgated by the Administrator by any 1, or any combination, of the following:

- ^ (i) Insurance.
- ^ (ii) Guarantee.
- ^ (iii) Trust.
- ^ (iv) Standby trust.
- ^ (v) Surety bond.
- ^ (vi) Letter of credit.
- ^ (vii) Qualification as a self-insurer.
- ^ (viii) Any other method satisfactory to the Administrator.'

SEC. 123. STUDIES AND REPORTS.

(a) Study of Legal Framework for Geological Storage Sites-

(1) ESTABLISHMENT OF TASK FORCE-

(A) IN GENERAL- As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator shall establish a task force, to be composed of an equal number of--

- (i) subject matter experts;
- (ii) nongovernmental organizations with expertise regarding environmental policy;
- (iii) academic experts with expertise in environmental law;
- (iv) State and tribal officials with environmental expertise;
- (v) representatives of State and tribal attorneys general;
- (vi) representatives of the Environmental Protection Agency, the Department of the Interior, the Department of Energy, the Department of Transportation, and other relevant Federal agencies; and
- (vii) members of the private sector.

(B) STUDY- The task force established under subparagraph (A) shall conduct a study of--

(i) existing Federal environmental statutes, State environmental statutes, and State common law that apply to geological storage sites for carbon dioxide, including the ability of those laws to serve as risk management tools;

(ii) the existing statutory framework, including Federal and State laws, that apply to harm and damage to the environment or public health at closed sites at which carbon dioxide injection has been used for enhanced hydrocarbon recovery;

(iii) the statutory framework, environmental health and safety considerations, implementation issues, and financial implications of potential models for Federal, State, or private sector assumption of liabilities and financial responsibilities with respect to closed geological storage sites;

(iv) private sector mechanisms, including insurance and bonding, that may be available to manage environmental, health, and safety risks from closed geological storage sites; and

(v) the subsurface mineral rights, water rights, and property rights issues associated with geological storage of carbon dioxide, including issues specific to Federal land.

(2) REPORT- Not later than 18 months after the date of enactment of this Act, the task force established under paragraph (1)(A) shall submit to Congress a report describing the results of the study conducted under that paragraph, including any consensus recommendations of the task force.

(b) Environmental Statutes-

(1) STUDY- The Administrator shall conduct a study of the means by which, and under what circumstances, the environmental statutes for which the Environmental Protection Agency has responsibility would apply to carbon dioxide injection and geological storage activities.

(2) REPORT- Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study conducted under paragraph (1).

SEC. 124. PERFORMANCE STANDARDS FOR COAL-FUELED POWER PLANTS.

(a) In General- Part A of title VIII of the Clean Air Act (as added by section 121 of division B) is amended by adding at the end the following:

SEC. 812. PERFORMANCE STANDARDS FOR NEW COAL-FIRED POWER PLANTS.

(a) Definitions- For purposes of this section:

(1) COVERED EGU- The term 'covered EGU' means a utility unit that is required to have a permit under section 503(a) and is authorized under State

or Federal law to derive at least 30 percent of its annual heat input from coal, petroleum coke, or any combination of these fuels.

“(2) INITIALLY PERMITTED- The term ‘initially permitted’ means that the owner or operator has received a preconstruction approval or permit under this Act, for the covered EGU as a new (not a modified) source, but administrative review or appeal of such approval or permit has not been exhausted. A subsequent modification of any such approval or permits, ongoing administrative or court review, appeals, or challenges, or the existence or tolling of any time to pursue further review, appeals, or challenges shall not affect the date on which a covered EGU is considered to be initially permitted under this paragraph.

“(b) Standards- (1) A covered EGU that is initially permitted on or after January 1, 2020, shall achieve an emission limit that is a 65 percent reduction in emissions of the carbon dioxide produced by the unit, as measured on an annual basis, or meet such more stringent standard as the Administrator may establish pursuant to subsection (c).

“(2) A covered EGU that is initially permitted after January 1, 2009, and before January 1, 2020, shall, by the applicable compliance date established under this paragraph, achieve an emission limit that is a 50 percent reduction in emissions of the carbon dioxide produced by the unit, as measured on an annual basis. Compliance with the requirement set forth in this paragraph shall be required by the earliest of the following:

“(A) Four years after the date the Administrator has published pursuant to subsection (d) a report that there are in commercial operation in the United States electric generating units or other stationary sources equipped with carbon capture and sequestration technology that, in the aggregate--

“(i) have a total of at least 4 gigawatts of nameplate generating capacity of which--

“(I) at least 3 gigawatts must be electric generating units; and

“(II) up to 1 gigawatt may be industrial applications, for which capture and sequestration of 3,000,000 tons of carbon dioxide per year on an aggregate annualized basis shall be considered equivalent to 1 gigawatt;

“(ii) include at least 2 electric generating units, each with a nameplate generating capacity of 250 megawatts or greater, that capture, inject, and sequester carbon dioxide into geologic formations other than oil and gas fields; and

“(iii) are capturing and sequestering in the aggregate at least 12,000,000 tons of carbon dioxide per year, calculated on an aggregate annualized basis.

“(B) January 1, 2025.

“(3) If the deadline for compliance with paragraph (2) is January 1, 2025, the Administrator may extend the deadline for compliance by a covered EGU by up to

18 months if the Administrator makes a determination, based on a showing by the owner or operator of the unit, that it will be technically infeasible for the unit to meet the standard by the deadline. The owner or operator must submit a request for such an extension by no later than January 1, 2022, and the Administrator shall provide for public notice and comment on the extension request.

ˆ (c) Review and Revision of Standards- Not later than 2025 and at 5-year intervals thereafter, the Administrator shall review the standards for new covered EGUs under this section and shall, by rule, reduce the maximum carbon dioxide emission rate for new covered EGUs to a rate which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.

ˆ (d) Reports- Not later than 18 months after the date of enactment of this title and semiannually thereafter, the Administrator shall publish a report on the nameplate capacity of units (determined pursuant to subsection (b)(2)(A)) in commercial operation in the United States equipped with carbon capture and sequestration technology, including the information described in subsection (b)(2)(A) (including the cumulative generating capacity to which carbon capture and sequestration retrofit projects meeting the criteria described in section 775(b)(1)(A)(ii) and (b)(1)(A)(iv)(II) has been applied and the quantities of carbon dioxide captured and sequestered by such projects).

ˆ (e) Regulations- Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to carry out the requirements of this section.'

SEC. 125. CARBON CAPTURE AND SEQUESTRATION DEMONSTRATION AND EARLY DEPLOYMENT PROGRAM.

(a) Definitions- For purposes of this section:

(1) SECRETARY- The term `Secretary' means the Secretary of Energy.

(2) DISTRIBUTION UTILITY- The term `distribution utility' means an entity that distributes electricity directly to retail consumers under a legal, regulatory, or contractual obligation to do so.

(3) ELECTRIC UTILITY- The term `electric utility' has the meaning provided by section 3 of the Federal Power Act (16 U.S.C. 796).

(4) FOSSIL FUEL-BASED ELECTRICITY- The term `fossil fuel-based electricity' means electricity that is produced from the combustion of fossil fuels.

(5) FOSSIL FUEL- The term `fossil fuel' means coal, petroleum, natural gas or any derivative of coal, petroleum, or natural gas.

(6) CORPORATION- The term `Corporation' means the Carbon Storage Research Corporation established in accordance with this section.

(7) QUALIFIED INDUSTRY ORGANIZATION- The term `qualified industry organization' means the Edison Electric Institute, the American Public Power Association, the National Rural Electric Cooperative Association, a successor organization of such organizations, or a group of owners or operators of distribution utilities delivering fossil fuel-based electricity who collectively represent at least 20 percent of the volume of fossil fuel-based electricity delivered by distribution utilities to consumers in the United States.

(8) RETAIL CONSUMER- The term `retail consumer' means an end-user of electricity.

(b) Carbon Storage Research Corporation-

(1) ESTABLISHMENT-

(A) REFERENDUM- Qualified industry organizations may conduct, at their own expense, a referendum among the owners or operators of distribution utilities delivering fossil fuel-based electricity for the creation of a Carbon Storage Research Corporation. Such referendum shall be conducted by an independent auditing firm agreed to by the qualified industry organizations. Voting rights in such referendum shall be based on the quantity of fossil fuel-based electricity delivered to consumers in the previous calendar year or other representative period as determined by the Secretary pursuant to subsection (f). Upon approval of those persons representing two-thirds of the total quantity of fossil fuel-based electricity delivered to retail consumers, the Corporation shall be established unless opposed by the State regulatory authorities pursuant to subparagraph (B). All distribution utilities voting in the referendum shall certify to the independent auditing firm the quantity of fossil fuel-based electricity represented by their vote.

(B) STATE REGULATORY AUTHORITIES- Upon its own motion or the petition of a qualified industry organization, each State regulatory authority shall consider its support or opposition to the creation of the Corporation under subparagraph (A). State regulatory authorities may notify the independent auditing firm referred to in subparagraph (A) of their views on the creation of the Corporation within 180 days after the date of enactment of this Act. If 40 percent or more of the State regulatory authorities submit to the independent auditing firm written notices of opposition, the Corporation shall not be established notwithstanding the approval of the qualified industry organizations as provided in subparagraph (A).

(2) TERMINATION- The Corporation shall be authorized to collect assessments and conduct operations pursuant to this section for a 10-year period from the date 6 months after the date of enactment of this Act. After such 10-year period, the Corporation is no longer authorized to collect assessments and shall be dissolved on the date 15 years after such date of enactment, unless the period is extended by an Act of Congress.

(3) GOVERNANCE- The Corporation shall operate as a division or affiliate of the Electric Power Research Institute (referred to in this section as `EPRI') and be managed by a Board of not more than 15 voting members responsible

for its operations, including compliance with this section. EPRI, in consultation with the Edison Electric Institute, the American Public Power Association and the National Rural Electric Cooperative Association shall appoint the Board members under clauses (i), (ii), and (iii) of subparagraph (A) from among candidates recommended by those organizations. At least a majority of the Board members appointed by EPRI shall be representatives of distribution utilities subject to assessments under subsection (d).

(A) MEMBERS- The Board shall include at least 1 representative of each of the following:

- (i) Investor-owned utilities.
- (ii) Utilities owned by a State agency, a municipality, and an Indian tribe.
- (iii) Rural electric cooperatives.
- (iv) Fossil fuel producers.
- (v) Nonprofit environmental organizations.
- (vi) Independent generators or wholesale power providers.
- (vii) Consumer groups.
- (viii) The National Energy Technology laboratory of the Department of Energy.
- (ix) The Environmental Protection Agency.

(B) NONVOTING MEMBERS- The Board shall also include as additional nonvoting Members the Secretary of Energy or his designee and 2 representatives of State regulatory authorities as defined in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602), each designated by the National Association of State Regulatory Utility Commissioners from States that are not within the same transmission interconnection.

(4) COMPENSATION- Corporation Board members shall receive no compensation for their services, nor shall Corporation Board members be reimbursed for expenses relating to their service.

(5) TERMS- Corporation Board members shall serve terms of 4 years and may serve not more than 2 full consecutive terms. Members filling unexpired terms may serve not more than a total of 8 consecutive years. Former members of the Corporation Board may be reappointed to the Corporation Board if they have not been members for a period of 2 years. Initial appointments to the Corporation Board shall be for terms of 1, 2, 3, and 4 years, staggered to provide for the selection of 3 members each year.

(6) STATUS OF CORPORATION- The Corporation shall not be considered to be an agency, department, or instrumentality of the United States, and no officer or director or employee of the Corporation shall be considered to be an officer

or employee of the United States Government, for purposes of title 5 or title 31 of the United States Code, or for any other purpose, and no funds of the Corporation shall be treated as public money for purposes of chapter 33 of title 31, United States Code, or for any other purpose.

(c) Functions and Administration of the Corporation-

(1) IN GENERAL- The Corporation shall establish and administer a program to accelerate the commercial availability of carbon dioxide capture and storage technologies and methods, including technologies which capture and store, or capture and convert, carbon dioxide. Under such program competitively awarded grants, contracts, and financial assistance shall be provided and entered into with eligible entities. Except as provided in paragraph (8), the Corporation shall use all funds derived from assessments under subsection (d) to issue grants and contracts to eligible entities.

(2) PURPOSE- The purposes of the grants, contracts, and assistance under this subsection shall be to support commercial-scale demonstrations of carbon capture or storage technology projects capable of advancing the technologies to commercial readiness. Such projects should encompass a range of different coal and other fossil fuel varieties, be geographically diverse, involve diverse storage media, and employ capture or storage, or capture and conversion, technologies potentially suitable either for new or for retrofit applications. The Corporation shall seek, to the extent feasible, to support at least 5 commercial-scale demonstration projects integrating carbon capture and sequestration or conversion technologies.

(3) ELIGIBLE ENTITIES- Entities eligible for grants, contracts or assistance under this subsection may include distribution utilities, electric utilities and other private entities, academic institutions, national laboratories, Federal research agencies, State and tribal research agencies, nonprofit organizations, or consortiums of 2 or more entities. Pilot-scale and similar small-scale projects are not eligible for support by the Corporation. Owners or developers of projects supported by the Corporation shall, where appropriate, share in the costs of such projects. Projects supported by the Corporation shall meet the eligibility criteria of section 780(b) of the Clean Air Act.

(4) GRANTS FOR EARLY MOVERS- Fifty percent of the funds raised under this section shall be provided in the form of grants to electric utilities that had, prior to the award of any grant under this section, committed resources to deploy a large scale electricity generation unit with integrated carbon capture and sequestration or conversion applied to a substantial portion of the unit's carbon dioxide emissions. Grant funds shall be provided to defray costs incurred by such electricity utilities for at least 5 such electricity generation units.

(5) ADMINISTRATION- The members of the Board of Directors of the Corporation shall elect a Chairman and other officers as necessary, may establish committees and subcommittees of the Corporation, and shall adopt rules and bylaws for the conduct of business and the implementation of this section. The Board shall appoint an Executive Director and professional support staff who may be employees of the Electric Power Research Institute (EPRI). After consultation with the Technical Advisory Committee established

under subsection (j), the Secretary, and the Director of the National Energy Technology Laboratory to obtain advice and recommendations on plans, programs, and project selection criteria, the Board shall establish priorities for grants, contracts, and assistance; publish requests for proposals for grants, contracts, and assistance; and award grants, contracts, and assistance competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by the Technical Advisory Committee. The Board shall give preference to applications that reflect the best overall value and prospect for achieving the purposes of the section, such as those which demonstrate an integrated approach for capture and storage or capture and conversion technologies. The Board members shall not participate in making grants or awards to entities with whom they are affiliated.

(6) USES OF GRANTS, CONTRACTS, AND ASSISTANCE- A grant, contract, or other assistance provided under this subsection may be used to purchase carbon dioxide when needed to conduct tests of carbon dioxide storage sites, in the case of established projects that are storing carbon dioxide emissions, or for other purposes consistent with the purposes of this section. The Corporation shall make publicly available at no cost information learned as a result of projects which it supports financially.

(7) INTELLECTUAL PROPERTY- The Board shall establish policies regarding the ownership of intellectual property developed as a result of Corporation grants and other forms of technology support. Such policies shall encourage individual ingenuity and invention.

(8) ADMINISTRATIVE EXPENSES- Up to 5 percent of the funds collected in any fiscal year under subsection (d) may be used for the administrative expenses of operating the Corporation (not including costs incurred in the determination and collection of the assessments pursuant to subsection (d)).

(9) PROGRAMS AND BUDGET- Before August 1 each year, the Corporation, after consulting with the Technical Advisory Committee and the Secretary and the Director of the Department's National Energy Technology Laboratory and other interested parties to obtain advice and recommendations, shall publish for public review and comment its proposed plans, programs, project selection criteria, and projects to be funded by the Corporation for the next calendar year. The Corporation shall also publish for public review and comment a budget plan for the next calendar year, including the probable costs of all programs, projects, and contracts and a recommended rate of assessment sufficient to cover such costs. The Secretary may recommend programs and activities the Secretary considers appropriate. The Corporation shall include in the first publication it issues under this paragraph a strategic plan or roadmap for the achievement of the purposes of the Corporation, as set forth in paragraph (2).

(10) RECORDS; AUDITS- The Corporation shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Corporation and make public such information. The books of the Corporation shall be audited by a certified public accountant at least once each fiscal year and at such other times as the Corporation may designate. Copies of each audit shall be provided to the Congress, all Corporation board members, all qualified industry organizations, each State regulatory authority and, upon request, to

other members of the industry. If the audit determines that the Corporation's practices fail to meet generally accepted accounting principles the assessment collection authority of the Corporation under subsection (d) shall be suspended until a certified public accountant renders a subsequent opinion that the failure has been corrected. The Corporation shall make its books and records available for review by the Secretary or the Comptroller General of the United States.

(11) PUBLIC ACCESS- The Corporation Board's meetings shall be open to the public and shall occur after at least 30 days advance public notice. Meetings of the Board of Directors may be closed to the public where the agenda of such meetings includes only confidential matters pertaining to project selection, the award of grants or contracts, personnel matters, or the receipt of legal advice. The minutes of all meetings of the Corporation shall be made available to and readily accessible by the public.

(12) ANNUAL REPORT- Each year the Corporation shall prepare and make publicly available a report which includes an identification and description of all programs and projects undertaken by the Corporation during the previous year. The report shall also detail the allocation or planned allocation of Corporation resources for each such program and project. The Corporation shall provide its annual report to the Congress, the Secretary, each State regulatory authority, and upon request to the public. The Secretary shall, not less than 60 days after receiving such report, provide to the President and Congress a report assessing the progress of the Corporation in meeting the objectives of this section.

(d) Assessments-

(1) AMOUNT- (A) In all calendar years following its establishment, the Corporation shall collect an assessment on distribution utilities for all fossil fuel-based electricity delivered directly to retail consumers (as determined under subsection (f)). The assessments shall reflect the relative carbon dioxide emission rates of different fossil fuel-based electricity, and initially shall be not less than the following amounts for coal, natural gas, and oil:

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