

112TH CONGRESS
1ST SESSION

S. 1516

To establish a program under which the Administrator of the Environmental Protection Agency shall provide grants to eligible State consortia to establish and carry out municipal sustainability certification programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2011

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a program under which the Administrator of the Environmental Protection Agency shall provide grants to eligible State consortia to establish and carry out municipal sustainability certification programs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sustainable States Act
5 of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) local government leadership is critical in
2 crafting and implementing effective, long-term solu-
3 tions to regionally distinct challenges, such as—

4 (A) energy demand and supply;

5 (B) water resource management;

6 (C) waste production and management;

7 (D) pollution;

8 (E) environmental stewardship and con-
9 servation; and

10 (F) economic competitiveness, growth, and
11 development;

12 (2) State-specific municipal sustainability cer-
13 tification programs provide a framework for con-
14 structive competition among the municipalities of a
15 State that accelerates the development and dem-
16 onstration of effective local solutions to those chal-
17 lenges; and

18 (3) public-private partnerships are successful
19 means of sustaining the operation of municipal sus-
20 tainability certification programs which, as evidenced
21 by the successful program in the State of New Jer-
22 sey—

23 (A) reduce municipal costs;

24 (B) create jobs;

25 (C) drive local economic growth; and

1 (D) yield environmental benefits.

2 **SEC. 3. DEFINITIONS.**

3 In this Act:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Environ-
6 mental Protection Agency.

7 (2) MUNICIPAL SUSTAINABILITY CERTIFI-
8 CATION PROGRAM.—The term “municipal sustain-
9 ability certification program” means a program es-
10 tablished and carried out by a sustainable State con-
11 sortium that—

12 (A) determines a set of State-specific
13 benchmarks for use in evaluating sustainability;
14 and

15 (B) certifies a municipality as sustainable
16 based on documented achievement of those
17 benchmarks.

18 (3) SUSTAINABLE STATE CONSORTIUM.—The
19 term “sustainable State consortium” means a part-
20 nership consisting of local governments, a State, 1
21 or more public universities, and any other municipal
22 organizations, businesses, or nonprofit organizations
23 selected by the consortium that is formed to estab-
24 lish a municipal sustainability certification program.

1 (4) TOP PERFORMER.—The term “top per-
2 former” means a municipality that—

3 (A) has successfully completed a municipal
4 sustainability certification program; and

5 (B) is recognized by the Administrator for
6 outstanding leadership in municipal sustain-
7 ability.

8 **SEC. 4. GRANTS FOR MUNICIPAL SUSTAINABILITY CERTIFI-
9 CATION PROGRAMS.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—There is established a pro-
12 gram under which the Administrator shall provide
13 grants to sustainable State consortia for use in es-
14 tablishing and carrying out municipal sustainability
15 certification programs.

16 (2) FLEXIBLE GUIDELINES FOR AWARD SELEC-
17 TION.—The Administrator shall establish flexible
18 guidelines that reflect regional differences for use by
19 sustainable State consortia in establishing State-spe-
20 cific municipal sustainability certification programs.

21 (3) GRANTS.—

22 (A) IN GENERAL.—The Administrator
23 shall provide grants under this paragraph to
24 sustainable State consortia for use in estab-

1 lishing and carrying out municipal sustain-
2 ability certification programs.

3 (B) ELIGIBILITY.—Not more than 1 sus-
4 tainable State consortium per State may apply
5 for and receive a grant under this section.

6 (C) NUMBER AND TERM OF GRANTS.—The
7 Administrator shall provide not more than 20
8 grants under this section, each of which shall
9 have a term of 3 years.

10 (D) LIMITATION ON AMOUNTS.—A grant
11 provided under this section shall not exceed
12 \$600,000 during the term of the grant.

13 (E) GEOGRAPHICAL DISTRIBUTION OF
14 GRANT FUNDS.—The Administrator shall pro-
15 vide grants under this section in a manner that
16 results in, to the maximum extent practicable,
17 a geographical balance of funds provided, as de-
18 termined by the Administrator.

19 (4) DATA AND REPORTS.—The Administrator
20 shall annually—

21 (A) collect and compile data from sustain-
22 able State consortia with respect to municipal
23 actions undertaken to obtain municipal sustain-
24 ability certification; and

1 (B) submit to Congress a concise report
2 that describes, for the year covered by the re-
3 port, municipal actions undertaken to obtain
4 municipal sustainability certification.

5 (5) STATE AND LOCAL NEEDS.—The Adminis-
6 trator shall encourage sustainable State consortia—

7 (A) to establish certification standards be-
8 yond the guidelines established by the Adminis-
9 trator;

10 (B) to otherwise adapt the administration
11 of the program established under this section to
12 meet regional or local needs; and

13 (C) to plan for public-private partnership
14 agreements that will sustain the operation of
15 the certification program of a State beyond the
16 term of the grant.

17 (b) ADMINISTRATION.—

18 (1) FEES.—The Administrator shall not charge
19 fees for certification, training, use of program tools,
20 or any other participation in the program estab-
21 lished under this section.

22 (2) WEB SITE.—The Administrator shall estab-
23 lish a Web site that allows for interactive dialogue
24 and collaboration among community leaders and citi-

1 zens engaged in municipal sustainability certifi-
2 cation.

3 (c) FUNDING.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to carry out
6 this section \$4,000,000 for each of fiscal years 2012
7 through 2014.

8 (2) OTHER FUNDING.—A sustainable State

9 consortium or other entity that receives a grant
10 under this section may seek additional foundation,
11 nonprofit, private-sector, and other sources of fund-
12 ing to support additional program elements and mu-
13 nicipal incentives that are in addition to the min-
14 imum requirements for a grant under this section.

15 **SEC. 5. PROJECT GRANTS FOR TOP PERFORMERS.**

16 (a) ESTABLISHMENT.—

17 (1) IN GENERAL.—There is established a pro-
18 gram under which the Administrator shall award
19 project grants to municipalities certified by sustain-
20 able State consortia to extend the leadership of the
21 municipalities in meeting sustainability challenges.

22 (2) ACCOUNTING FOR REGIONAL DIF-
23 FERENCES.—To the maximum extent practicable,
24 the Administrator shall take regional differences into

1 account when selecting top performers under this
2 section.

3 (3) GRANTS.—

4 (A) IN GENERAL.—The Administrator
5 shall select top performers from among the mu-
6 nicipalities that have achieved certification by
7 sustainable State consortia to compete for indi-
8 vidual project grants.

9 (B) ELIGIBILITY.—Not more than 2 top
10 performers from any State may receive a grant
11 under this section per fiscal year.

12 (C) NUMBER OF GRANTS.—The Adminis-
13 trator shall provide not more than 20 grants
14 under this section.

15 (D) LIMITATION ON AMOUNTS.—A grant
16 provided under this section shall not exceed
17 \$100,000 in the aggregate.

18 (b) FUNDING.—

19 (1) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to carry out
21 this section \$1,000,000 for each of fiscal years 2012
22 through 2014.

23 (2) OTHER FUNDING.—A top performer mu-
24 nicipality that receives a grant under this section
25 may seek additional foundation, nonprofit, private-

- 1 sector, and other sources of funding to support a
- 2 project under this section.

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