

[DISCUSSION DRAFT]118TH CONGRESS
1ST SESSION**H. R.** _____

To speed up the deployment of electricity transmission and clean energy,
with proper input from affected communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CASTEN introduced the following bill; which was referred to the
Committee on _____

A BILL

To speed up the deployment of electricity transmission and
clean energy, with proper input from affected commu-
nities, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Clean Electricity and Transmission Acceleration Act of
6 2023”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING INTERREGIONAL AND INTERSTATE
ELECTRICITY TRANSMISSION CAPACITY

Sec. 101. Giving FERC transmission siting authority.

Sec. 102. Allocating the costs of electricity transmission lines to all beneficiaries.

Sec. 103. Protecting electricity reliability by improving interregional transfer capacity.

TITLE II—IMPROVING ELECTRICITY TRANSMISSION PLANNING
AND GOVERNANCE

Sec. 201. FERC Office of Electricity Transmission.

Sec. 202. Improving interregional electricity transmission planning.

Sec. 203. Allocating the costs of electricity interconnection to all beneficiaries.

Sec. 204. Independent transmission monitor.

Sec. 205. Interoperability of offshore transmission infrastructure.

TITLE III—ALLEVIATING PRESSURE ON THE ELECTRIC GRID

Subtitle A—Improving Grid Flexibility With Existing Wires

Sec. 311. Improving grid flexibility with existing wires.

Sec. 312. Deployment of grid enhancing technologies.

Subtitle B—Aggregating Electricity Demand Response by Individual
Electricity Users

Sec. 321. Aggregator bidding into organized power markets.

Subtitle C—Facilitating Community and Residential Solar Power

Sec. 331. Community solar consumer choice program; Federal Government participation in community solar.

Sec. 332. Establishment of community solar programs.

Sec. 333. Federal contracts for public utility services.

Sec. 334. Facilitating distributed energy resources.

Subtitle D—Addressing the Shortage of Electricity Transformers

Sec. 341. Addressing the shortage of electricity transformers.

TITLE IV—MODERNIZING ELECTRICITY RATEMAKING

Sec. 401. Accounting for the External Cost of Greenhouse Gas Emissions.

Sec. 402. Facilitating performance-based ratemaking.

TITLE V—FACILITATING CLEAN ENERGY DEPLOYMENT ON
PUBLIC LAND

Sec. 501. Definitions.

Sec. 502. Land use planning; updates to programmatic environmental impact statements.

Sec. 503. Limited exemptions from new requirements.

Sec. 504. Disposition of revenues.

Sec. 505. Savings.

TITLE VI—MODERNIZING OFFSHORE RENEWABLE ENERGY

- Sec. 601. Responsible development of offshore renewable energy projects.
Sec. 602. Offshore Renewable Energy Compensation Fund.

TITLE VII—EMPOWERING COMMUNITIES

- Sec. 701. Environmental justice analysis in NEPA.
Sec. 702. Avoiding cumulative impacts.
Sec. 703. FERC Environmental Justice Liaison.
Sec. 704. Intervenor funding at FERC Office of Public Participation.
Sec. 705. Reforming RTO and ISO governance and participation.

TITLE VIII—CREATING COHERENCE IN ENVIRONMENTAL PERMITTING

- Sec. 801. Definitions.
Sec. 802. Use of existing environmental review documents.
Sec. 803. Project sponsor consultation.
Sec. 804. Greenhouse gas projections.
Sec. 805. Timely and unified authorizations and environmental reviews for major projects.
Sec. 806. E-NEPA.
Sec. 807. Federal Energy Regulatory Commission Staffing.

1 **TITLE I—IMPROVING INTER-**
2 **REGIONAL AND INTERSTATE**
3 **ELECTRICITY TRANSMISSION**
4 **CAPACITY**

5 **SEC. 101. GIVING FERC TRANSMISSION SITING AUTHORITY.**

6 Part II of the Federal Power Act (16 U.S.C. 824 et
7 seq.) is amended by adding at the end the following:

8 **“SEC. 224. SITING OF CERTAIN INTERSTATE ELECTRIC**
9 **TRANSMISSION FACILITIES.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) AFFECTED LANDOWNER.—

12 “(A) IN GENERAL.—The term ‘affected
13 landowner’ includes each owner of a property
14 interest in land or other property described in
15 subparagraph (B), including—

1 “(i) the Federal Government;

2 “(ii) a State or local government; and

3 “(iii) each owner noted in the most
4 recent county or city tax record as receiv-
5 ing the relevant tax notice with respect to
6 that interest.

7 “(B) LAND AND OTHER PROPERTY DE-
8 SCRIBED.—The land or other property referred
9 to in subparagraph (A) is any land or other
10 property—

11 “(i) that is or will be crossed by the
12 energy transmission facility proposed to be
13 constructed or modified under the applica-
14 ble certificate of public convenience and
15 necessity;

16 “(ii) that is or will be used as a facil-
17 ity site with respect to the energy trans-
18 mission facility proposed to be constructed
19 or modified under the applicable certificate
20 of public convenience and necessity;

21 “(iii) that abuts any boundary of an
22 existing right-of-way or other facility site
23 that—

24 “(I) is owned by an electric util-
25 ity; and

1 “(II) is located not more than
2 500 feet from the energy transmission
3 facility to be constructed or modified
4 under the applicable certificate of
5 public convenience and necessity;

6 “(iv) that abuts the boundary of a
7 proposed facility site for the energy trans-
8 mission facility to be constructed or modi-
9 fied under the applicable certificate of pub-
10 lic convenience and necessity;

11 “(v) that is crossed by, or abuts any
12 boundary of, an existing or proposed right-
13 of-way that—

14 “(I) will be used for the energy
15 transmission facility to be constructed
16 or modified under the applicable cer-
17 tificate of public convenience and ne-
18 cessity; and

19 “(II) is located not more than
20 500 feet from the proposed location of
21 that energy transmission facility; or

22 “(vi) on which a residence is located
23 not more than 500 feet from the boundary
24 of any right-of-way for that energy trans-
25 mission facility.

1 “(2) ALTERNATING CURRENT TRANSMISSION
2 FACILITY.—The term ‘alternating current trans-
3 mission facility’ means a transmission facility that
4 uses alternating current for the bulk transmission of
5 electric energy.

6 “(3) ENERGY TRANSMISSION FACILITY.—The
7 term ‘energy transmission facility’ means, as appli-
8 cable—

9 “(A) an alternating current transmission
10 facility; or

11 “(B) a high-voltage, direct current trans-
12 mission facility.

13 “(4) FACILITY SITE.—The term ‘facility site’
14 includes—

15 “(A) a right-of-way;

16 “(B) an access road;

17 “(C) a contractor yard; and

18 “(D) any temporary workspace.

19 “(5) HIGH-VOLTAGE, DIRECT CURRENT TRANS-
20 MISSION FACILITY.—The term ‘high-voltage, direct
21 current transmission facility’ means a transmission
22 facility that uses direct current for the bulk trans-
23 mission of electric energy.

24 “(6) TRIBAL LAND.—The term ‘Tribal land’
25 has the meaning given the term ‘Indian land’ in sec-

1 tion 2601 of the Energy Policy Act of 1992 (25
2 U.S.C. 3501).

3 “(b) CERTIFICATE OF PUBLIC CONVENIENCE AND
4 NECESSITY.—

5 “(1) IN GENERAL.—On receipt of an applica-
6 tion under subsection (c)(1) relating to an energy
7 transmission facility described in paragraph (2), the
8 Commission, after making the finding described in
9 paragraph (3) with respect to that energy trans-
10 mission facility, shall issue to any person, by publi-
11 cation in the Federal Register, a certificate of public
12 convenience and necessity for the construction,
13 modification, operation, or abandonment of that en-
14 ergy transmission facility, subject to such reasonable
15 terms and conditions as the Commission determines
16 to be appropriate.

17 “(2) ENERGY TRANSMISSION FACILITY DE-
18 SCRIBED.—An energy transmission facility referred
19 to in paragraph (1) is an energy transmission facil-
20 ity that—

21 “(A) traverses or, on construction or modi-
22 fication in accordance with a certificate of pub-
23 lic convenience and necessity issued under that
24 paragraph, will traverse not fewer than 2
25 States; and

1 “(B) is not less than 1,000 megawatts or
2 1,000 megavolt-amperes in power capacity.

3 “(3) FINDING DESCRIBED.—The finding re-
4 ferred to in paragraph (1) is a finding that—

5 “(A) the applicant for a certificate of pub-
6 lic convenience and necessity is able and will-
7 ing—

8 “(i) to carry out the activities and
9 perform the services proposed in the appli-
10 cation in a manner determined to be ap-
11 propriate by the Commission; and

12 “(ii) to achieve compliance with the
13 applicable requirements of—

14 “(I) this part; and

15 “(II) any rules and regulations
16 promulgated by the Commission pur-
17 suant to this part;

18 “(B) the energy transmission facility to be
19 constructed, modified, or operated under the
20 certificate of public convenience and necessity
21 will—

22 “(i) traverse not fewer than 2 States;

23 “(ii) be used for the transmission of
24 electric energy in interstate commerce; and

1 “(iii) have a power capacity of not less
2 than 1,000 megawatts or 1,000 megavolt-
3 amperes; and

4 “(C) operation of the energy transmission
5 facility as proposed in the application—

6 “(i) will—

7 “(I) enable the use of renewable
8 energy;

9 “(II) reduce congestion; or

10 “(III) improve the reliability of
11 the transmission system;

12 “(ii) will maximize, to the extent rea-
13 sonable and economical, the use of—

14 “(I) existing facility sites; and

15 “(II) the transmission capabili-
16 ties of existing energy transmission
17 facilities; and

18 “(iii) will, to the extent practicable,
19 minimize the use of eminent domain.

20 “(4) RULEMAKING.—Not later than 18 months
21 after the date of enactment of this section, the Com-
22 mission shall issue rules specifying—

23 “(A) a pre-filing process during which a
24 person described in subsection (c)(1) and the
25 Commission shall consult with—

1 “(i) the appropriate State agencies,
2 State public utility commissions, and State
3 energy offices in each State the proposed
4 project traverses;

5 “(ii) appropriate Federal agencies;
6 and

7 “(iii) each Indian Tribe that may be
8 affected by the proposed project;

9 “(B) the form of, and information to be
10 contained in, an application submitted under
11 subsection (c)(1);

12 “(C) requirements for determining whether
13 the applicable energy transmission facility will
14 be constructed or modified—

15 “(i) to traverse not fewer than 2
16 States;

17 “(ii) to be used for the transmission
18 of electric energy in interstate commerce;
19 and

20 “(iii) to have a power capacity of not
21 less than 1,000 megawatts or 1,000 mega-
22 volt-amperes;

23 “(D) criteria for determining the reason-
24 able and economical use of—

25 “(i) existing rights-of-way; and

1 “(ii) the transmission capabilities of
2 existing towers or structures;

3 “(E) the manner in which an application
4 submitted under subsection (c)(1) and any pro-
5 posal for the construction or modification of an
6 energy transmission facility shall be considered,
7 which, to the extent practicable, shall be con-
8 sistent with State statutory and regulatory poli-
9 cies concerning generation and retail sales of
10 electricity in the States in which the electric en-
11 ergy transmitted by the energy transmission fa-
12 cility will be generated or sold; and

13 “(F) the manner in which the Commission
14 will consider the needs of communities that will
15 be impacted directly by the proposed energy
16 transmission facility, including how any impacts
17 of the proposed energy transmission facility
18 could be mitigated or offset.

19 “(5) PUBLIC NOTICE, COMMENT, AND OPPOR-
20 TUNITY FOR A HEARING ON CERTAIN DRAFT DOCU-
21 MENTS.—

22 “(A) IN GENERAL.—The Commission shall
23 provide not less than 90 days for public com-
24 ment on any initial scoping document or draft
25 environmental impact statement prepared for

1 an energy transmission facility with respect to
2 which an application for a certificate of public
3 convenience and necessity has been submitted
4 under subsection (c)(1).

5 “(B) NOTICE AND OPPORTUNITY FOR
6 HEARING.—The Commission shall—

7 “(i) publish in the Federal Register a
8 notice of the filing of each draft scoping
9 document or draft environmental impact
10 statement described in clause (i); and

11 “(ii) provide to the individuals and en-
12 tities described in paragraph (6)(B) notice
13 and reasonable opportunity for the presen-
14 tation of any views and recommendations
15 with respect to the initial scoping docu-
16 ment or draft environmental impact state-
17 ment.

18 “(C) TRIBAL CONSENT.—With respect to
19 an Indian Tribe that may be affected by a po-
20 tential project, the Commission—

21 “(i) shall provide notice to the appro-
22 priate Tribal officials and an opportunity
23 of public comment in accordance with sub-
24 paragraph (A); and

1 “(ii) shall not approve a scoping docu-
2 ment or draft environmental impact state-
3 ment unless consent has been obtained
4 from the proper Tribal officials in a man-
5 ner consistent with the requirements of
6 section 2 of the Act of February 5, 1948
7 (62 Stat. 18, chapter 45; 25 U.S.C. 324).

8 “(6) NOTICE AND OPPORTUNITY FOR A HEAR-
9 ING ON APPLICATIONS.—

10 “(A) IN GENERAL.—In any proceeding be-
11 fore the Commission to consider an application
12 for a certificate of public convenience and ne-
13 cessity under this section, the Commission
14 shall—

15 “(i) publish a notice of the application
16 in the Federal Register; and

17 “(ii) provide to the individuals and en-
18 tities described in subparagraph (B) a no-
19 tice and reasonable opportunity for the
20 presentation of any views and rec-
21 ommendations with respect to the need for,
22 and impact of, the construction or modi-
23 fication of the energy transmission facility
24 proposed to be constructed or modified
25 under the certificate.

1 “(B) INDIVIDUALS AND ENTITIES DE-
2 SCRIBED.—The individuals and entities referred
3 to in subparagraph (A) are—

4 “(i) an agency, selected by the Gov-
5 ernor (or equivalent official) of the applica-
6 ble State, of each State in which the en-
7 ergy transmission facility proposed to be
8 constructed or modified under the applica-
9 ble certificate of public convenience and
10 necessity is or will be located;

11 “(ii) each affected landowner; and

12 “(iii) as determined by the Commis-
13 sion—

14 “(I) each affected Federal agen-
15 cy; and

16 “(II) each Indian Tribe that may
17 be affected by the proposed construc-
18 tion or modification.

19 “(C) PROHIBITION.—The Commission may
20 not—

21 “(i) require an applicant for a certifi-
22 cate of public convenience and necessity
23 under this section to provide any notice re-
24 quired under this section; or

1 “(ii) enter into a contract to provide
2 any notice required under this section
3 with—

4 “(I) the applicant for the applica-
5 ble certificate of public convenience
6 and necessity; or

7 “(II) any other person that has a
8 financial interest in the project pro-
9 posed in the application for that cer-
10 tificate.

11 “(c) APPLICATIONS.—

12 “(1) IN GENERAL.—A person desiring a certifi-
13 cate of public convenience and necessity under this
14 section shall submit to the Commission an applica-
15 tion at such time, in such manner, and containing
16 such information as the Commission may require.

17 “(2) REQUIREMENT.—An application submitted
18 to the Commission under paragraph (1) shall include
19 all information necessary for the Commission to
20 make the finding described in subsection (b)(3).

21 “(d) NOTICE TO AFFECTED LANDOWNERS.—

22 “(1) IN GENERAL.—The Commission shall pro-
23 vide written notice of an application submitted under
24 subsection (c)(1) to all affected landowners in ac-
25 cordance with this subsection.

1 “(2) REQUIREMENTS.—Any notice provided to
2 an affected landowner under paragraph (1) shall in-
3 clude the following:

4 “(A) The following statement in 14-point
5 bold typeface:

6 “‘The [name of applicant] has proposed build-
7 ing power lines that will cross your property,
8 and may also require building transmission tow-
9 ers on your property. If the Federal Energy
10 Regulatory Commission approves [applicant]’s
11 proposed project, then [applicant] may have the
12 right to build transmission towers on, and
13 power lines over, your property, or use your
14 property to construct the proposed project, sub-
15 ject to paying you just compensation for the
16 loss of your property.

17 “‘If you want to raise objections to this, or oth-
18 erwise comment on this project, you can do so
19 by submitting written comments to the Federal
20 Energy Regulatory Commission Docket No.
21 [_____]. You can do this electronically or by
22 mail. To do so electronically [to be inserted by
23 the Commission]. To do so by mail [to be in-
24 serted by the Commission].’.

1 “(B) A description of the proposed project,
2 including—

3 “(i) the location of the proposed
4 project (including a general location map);

5 “(ii) the purpose of the proposed
6 project; and

7 “(iii) the timing of the proposed
8 project.

9 “(C) The name of, and the location in the
10 docket of the Commission at which may be
11 found, each submission by the applicant to the
12 Commission relating to the proposed project.

13 “(D) A general description of what the ap-
14 plicant will need from the landowner if the pro-
15 posed project is approved, including the activi-
16 ties the applicant may undertake and the facili-
17 ties that the applicant may seek to construct on
18 the property of the landowner.

19 “(E) A description of how the landowner
20 may contact the applicant, including—

21 “(i) a website; and

22 “(ii) a local or toll-free telephone
23 number and the name of a specific person
24 to contact who is knowledgeable about the
25 proposed project.

1 “(F) A description of how the landowner
2 may contact the Commission, including—

3 “(i) a website; and

4 “(ii) a local or toll-free telephone
5 number and the name of a specific person
6 to contact who is knowledgeable about the
7 proposed project.

8 “(G) A summary of the rights that the
9 landowner has—

10 “(i) before the Commission; and

11 “(ii) in other proceedings under—

12 “(I) the Federal Rules of Civil
13 Procedure; and

14 “(II) the eminent domain rules of
15 the relevant State.

16 “(H) Any other information that the Com-
17 mission determines to be appropriate.

18 “(3) OBLIGATION OF APPLICANT.—An appli-
19 cant for a certificate of public convenience and ne-
20 cessity under this section shall submit to the Com-
21 mission, together with the application for the certifi-
22 cate, the name and address of each affected land-
23 owner.

24 “(e) REGULATORY JURISDICTION.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Commission shall have exclusive juris-
3 diction over, and no State shall regulate any aspect
4 of, the siting or permitting of an energy trans-
5 mission facility constructed, modified, or operated
6 under a certificate of public convenience and neces-
7 sity issued under this section.

8 “(2) SAVINGS CLAUSE.—Nothing in this section
9 affects the rights of States under—

10 “(A) the Coastal Zone Management Act of
11 1972 (16 U.S.C. 1451 et seq.);

12 “(B) the Federal Water Pollution Control
13 Act (33 U.S.C. 1251 et seq.);

14 “(C) the Clean Air Act (42 U.S.C. 7401 et
15 seq.); or

16 “(D) division A of subtitle III of title 54,
17 United States Code (formerly known as the
18 ‘National Historic Preservation Act’).

19 “(f) JUDICIAL REVIEW.—

20 “(1) IN GENERAL.—Any person aggrieved by
21 an order issued by the Commission under this sec-
22 tion may obtain review of the order in—

23 “(A) the court of appeals of the United
24 States for any judicial circuit in which the en-
25 ergy transmission facility to be constructed or

1 modified under the applicable certificate of pub-
2 lic convenience and necessity is or will be lo-
3 cated; or

4 “(B) the United States Court of Appeals
5 for the District of Columbia Circuit.

6 “(2) PETITION FOR REVIEW.—

7 “(A) IN GENERAL.—A person may obtain
8 review under paragraph (1) by filing in the ap-
9 plicable court a written petition praying that
10 the order of the Commission be modified or set
11 aside in whole or in part.

12 “(B) TIMING.—A petition under subpara-
13 graph (A) shall be filed by not later than 60
14 days after the date on which the applicable
15 order of the Commission is published in the
16 Federal Register.

17 “(3) PERSON AGGRIEVED.—Notwithstanding
18 any other provision of this Act, a person aggrieved
19 by an order of the Commission issued under this
20 section need not—

21 “(A) have been a party to the proceedings
22 before the Commission in which that order was
23 issued in order to obtain judicial review of the
24 order under this subsection; or

1 “(B) have requested rehearing before the
2 Commission prior to seeking judicial review.

3 “(g) RIGHT OF EMINENT DOMAIN FOR ENERGY
4 TRANSMISSION FACILITIES.—

5 “(1) IN GENERAL.—The holder of a certificate
6 of public convenience and necessity may acquire
7 through the exercise of the right of eminent domain
8 in a court described in paragraph (2) any right-of-
9 way, land, or other property that is necessary to
10 construct, modify, operate, or maintain an energy
11 transmission facility in accordance with that certifi-
12 cate if the holder—

13 “(A) cannot acquire the necessary right-of-
14 way, land, or other property by contract;

15 “(B) is unable to agree with the owner of
16 the right-of-way, land, or other property with
17 respect to the compensation to be paid for that
18 right-of-way, land, or other property; or

19 “(C) cannot clear defective title with re-
20 spect to the right-of-way, land, or other prop-
21 erty.

22 “(2) COURT DESCRIBED.—A court referred to
23 in paragraph (1) is—

1 “(A) the district court of the United States
2 for the district in which the applicable land or
3 other property is located; or

4 “(B) the appropriate State court.

5 “(3) NOTICE OF DECISION TO ISSUE CERTIFI-
6 CATE.—The holder of a certificate of public conven-
7 ience and necessity may not exercise the right of
8 eminent domain under this subsection with respect
9 to any property covered by the certificate unless the
10 Commission has first, in addition to publishing the
11 notice of certificate of public convenience and neces-
12 sity in the Federal Register, provided all affected
13 landowners with notice of—

14 “(A) the decision of the Commission to
15 grant the certificate; and

16 “(B) the procedures for obtaining judicial
17 review of that decision under subsection (f), in-
18 cluding a description of the time period for
19 seeking judicial review under that subsection.

20 “(h) CONDEMNATION PROCEDURES.—

21 “(1) APPRAISALS.—

22 “(A) IN GENERAL.—A holder of, or appli-
23 cant for, a certificate of public convenience and
24 necessity shall have any property that the hold-
25 er or applicant seeks to acquire through the ex-

1 ercise of the right of eminent domain under
2 subsection (g) appraised in accordance with
3 generally accepted appraisal standards by an
4 appraiser selected by the owner of the property,
5 subject to subparagraph (D).

6 “(B) REQUIREMENTS.—

7 “(i) COSTS.—The applicable holder of,
8 or applicant for, a certificate of public con-
9 venience and necessity shall pay for each
10 appraisal carried out under subparagraph
11 (A).

12 “(ii) INSPECTIONS.—The owner of the
13 applicable property (or a designated rep-
14 resentative of the owner) shall be given the
15 opportunity to accompany the appraiser
16 during any inspection of the property that
17 is part of an appraisal under subparagraph
18 (A).

19 “(C) TIMING.—An appraisal under sub-
20 paragraph (A) shall be carried out before the
21 holder of, or applicant for, the certificate of
22 public convenience and necessity—

23 “(i) makes an offer of just compensa-
24 tion under paragraph (2); or

1 “(ii) commences an action or pro-
2 ceeding to exercise the right of eminent do-
3 main under subsection (g).

4 “(D) SELECTION OF APPRAISER.—If the
5 owner of the applicable property does not select
6 an appraiser under subparagraph (A) by the
7 date that is 60 days after the date on which the
8 holder of, or applicant for, the applicable certifi-
9 cate of public convenience and necessity re-
10 quests that the owner do so, the holder or ap-
11 plicant shall have the right to select the ap-
12 praiser.

13 “(2) OFFERS OF JUST COMPENSATION.—

14 “(A) IN GENERAL.—Any offer of just com-
15 pensation made to an affected landowner of
16 property that is covered by a certificate of pub-
17 lic convenience and necessity—

18 “(i) shall be made in writing;

19 “(ii) may not be for an amount less
20 than the fair market value of the property,
21 as determined by an appraisal carried out
22 under paragraph (1); and

23 “(iii) shall include compensation for—

24 “(I) any lost income from the
25 property; and

1 “(II) any damages to any other
2 property of the owner.

3 “(B) TIMING.—The holder of, or applicant
4 for, a certificate of public convenience and ne-
5 cessity may not make an offer of just com-
6 pensation to an affected landowner until the
7 date that is 30 days after the date on which the
8 Commission provides a notice to the affected
9 landowner under subsection (g)(3).

10 “(3) JURISDICTIONAL LIMITATIONS.—

11 “(A) MINIMUM JURISDICTIONAL
12 AMOUNT.—A district court of the United States
13 shall only have jurisdiction of an action or pro-
14 ceeding to exercise the right of eminent domain
15 under subsection (g) if the amount claimed by
16 the owner of the property to be condemned ex-
17 ceeds \$3,000.

18 “(B) STATE OWNERSHIP INTERESTS.—

19 “(i) IN GENERAL.—Except as pro-
20 vided in clause (ii), a district court of the
21 United States shall have no jurisdiction to
22 condemn any interest owned by a State.

23 “(ii) EXCEPTION.—Notwithstanding
24 clause (i), a district court of the United
25 States shall have jurisdiction—

1 “(I) to condemn any existing util-
2 ity or transportation easement or
3 right-of-way that—

4 “(aa) is on State property;

5 or

6 “(bb) is on private property
7 and is owned by a State; and

8 “(II) to condemn any real prop-
9 erty conveyed to a State for the pur-
10 pose of obstructing the construction,
11 modification, or operation of an en-
12 ergy transmission facility in accord-
13 ance with a certificate of public con-
14 venience and necessity issued under
15 this section.

16 “(C) TRIBAL LAND.—A district court of
17 the United States shall have no jurisdiction to
18 condemn any interest in Tribal land.

19 “(4) LIMITATION ON CONDEMNATION.—In any
20 action or proceeding to exercise the right of eminent
21 domain under subsection (g), a court—

22 “(A) may condemn an interest in property
23 only to the extent necessary for the specific fa-
24 cilities described in the applicable certificate of
25 public convenience and necessity; and

1 “(B) may not—

2 “(i) condemn any other interest; or

3 “(ii) condemn an interest for any pur-
4 pose not described in that certificate.

5 “(5) RIGHT OF POSSESSION.—With respect to
6 any action or proceeding to exercise the right of emi-
7 nent domain under subsection (g), an owner of prop-
8 erty covered by the applicable certificate of public
9 convenience and necessity shall not be required to
10 surrender possession of that property unless the
11 holder of the certificate—

12 “(A) has paid to the owner the award of
13 compensation in the action or proceeding; or

14 “(B) has deposited the amount of that
15 award with the court.

16 “(6) LITIGATION COSTS.—

17 “(A) IN GENERAL.—A holder of a certifi-
18 cate of public convenience and necessity that
19 commences an action or proceeding to exercise
20 the right of eminent domain under subsection
21 (g) shall be liable to the owner of any property
22 condemned in that proceeding for the costs de-
23 scribed in subparagraph (B) if the amount
24 awarded to that owner for the property con-
25 demned is more than 125 percent of the

1 amount offered to the owner by the holder be-
2 fore the commencement of that action or pro-
3 ceeding.

4 “(B) COSTS DESCRIBED.—The costs re-
5 ferred to in subparagraph (A) are litigation
6 costs incurred for the action or proceeding de-
7 scribed in that subparagraph by the owner of
8 the property condemned, including—

9 “(i) reasonable attorney fees; and

10 “(ii) expert witness fees and costs.

11 “(i) ENFORCEMENT OF CONDITIONS.—

12 “(1) IN GENERAL.—An affected landowner the
13 property of which has been acquired by eminent do-
14 main under subsection (g) shall have the right—

15 “(A) to enforce any condition in the appli-
16 cable certificate of public convenience and ne-
17 cessity; and

18 “(B) to seek damages for a violation of
19 any condition described in subparagraph (A).

20 “(2) JURISDICTION.—The district courts of the
21 United States shall have jurisdiction over any action
22 arising under paragraph (1).

23 “(j) OTHER LANDOWNER RIGHTS AND PROTEC-
24 TIONS.—

1 “(1) FAILURE TO TIMELY COMPLETE
2 PROJECTS.—

3 “(A) SURRENDER OF CONDEMNED PROP-
4 ERTY.—

5 “(i) IN GENERAL.—An individual or
6 entity from which an interest in property is
7 acquired through the exercise of the right
8 of eminent domain under subsection (g) by
9 the holder of a certificate of public conven-
10 ence and necessity that is issued for the
11 construction, modification, or operation of
12 an energy transmission facility may de-
13 mand that the holder of the certificate sur-
14 render that interest to that individual or
15 entity if—

16 “(I)(aa) the energy transmission
17 facility is not in operation (as modi-
18 fied, in the case of a modification of
19 an energy transmission facility) by the
20 date specified in the certificate (in-
21 cluding any modification of the certifi-
22 cate by the Commission); and

23 “(bb) there is no request for the
24 extension of that date pending before
25 the Commission; or

1 “(II) subject to clause (ii), the
2 holder of the certificate, with the ap-
3 proval of the Commission, abandons
4 the portion of the energy transmission
5 facility that is located on the applica-
6 ble property relating to that interest.

7 “(ii) REQUIREMENT.—The Commis-
8 sion may not approve in a certificate of
9 public convenience and necessity issued
10 under this section or in any subsequent
11 proceeding the abandonment of all or any
12 part of an energy transmission facility un-
13 less the Commission requires the holder of
14 the applicable certificate of public conven-
15 ience and necessity to offer to each indi-
16 vidual or entity described in clause (i) the
17 option of having the property acquired
18 from that individual or entity as described
19 in that clause restored to the condition
20 that the property was in prior to the
21 issuance of the certificate.

22 “(B) REPAYMENT OF CONDEMNATION
23 AWARD.—If an individual or entity described in
24 subparagraph (A)(i) demands the surrender of
25 an interest under that subparagraph, the holder

1 of the applicable certificate of public conven-
2 ence and necessity shall be entitled to repay-
3 ment of an amount equal to not more than 50
4 percent of the condemnation award relating to
5 the interest.

6 “(C) JURISDICTION.—The district courts
7 of the United States shall have jurisdiction over
8 any action arising under this paragraph.

9 “(2) MATERIAL MISREPRESENTATIONS.—

10 “(A) RESCISSION OF TRANSACTION.—

11 “(i) IN GENERAL.—An affected land-
12 owner that proves, by a preponderance of
13 the evidence, that the affected landowner
14 has granted a right-of-way or any other in-
15 terest based on a material misrepresenta-
16 tion made by or on behalf of an applicant
17 for, or holder of, a certificate of public con-
18 venience and necessity under this section
19 shall have the right to rescind the trans-
20 action.

21 “(ii) JURISDICTION.—The district
22 courts of the United States shall have ju-
23 risdiction over any action arising under
24 clause (i).

25 “(B) CIVIL PENALTIES.—

1 “(i) IN GENERAL.—If an applicant
2 for, or holder of, a certificate of public con-
3 venience and necessity makes a material
4 misrepresentation, or if a material mis-
5 representation is made on behalf of such
6 an applicant or holder, to an affected land-
7 owner concerning the energy transmission
8 facility to be constructed or modified under
9 the certificate, the applicant or holder shall
10 be subject to a civil penalty, to be assessed
11 by the Commission, in an amount not to
12 exceed \$10,000 per affected landowner to
13 which the misrepresentation was made.

14 “(ii) PROCEDURE.—The penalty de-
15 scribed in clause (i) shall be assessed by
16 the Commission after providing notice and
17 an opportunity for a public hearing.

18 “(iii) REQUIREMENT.—In determining
19 the amount of a penalty under clause (i),
20 the Commission shall take into consider-
21 ation the nature and seriousness of the vio-
22 lation.”.

1 **SEC. 102. ALLOCATING THE COSTS OF ELECTRICITY TRANS-**
2 **MISSION LINES TO ALL BENEFICIARIES.**

3 Part II of the Federal Power Act (16 U.S.C. 824 et
4 seq.) is further amended by adding at the end the fol-
5 lowing:

6 **“SEC. 225. ALLOCATION OF COSTS OF CERTAIN TRANS-**
7 **MISSION FACILITIES.**

8 “(a) ALLOCATION OF COSTS.—

9 “(1) IN GENERAL.—Any entity that proposes to
10 own, control, or operate a transmission facility of
11 national significance may file a tariff with the Com-
12 mission in accordance with section 205 and the reg-
13 ulations of the Commission allocating the costs of
14 such transmission facility of national significance.

15 “(2) COST CAUSATION PRINCIPLE.—The Com-
16 mission shall require that any tariff filed under
17 paragraph (1) allocate the costs of a transmission
18 facility of national significance to customers within
19 the applicable transmission planning region or re-
20 gions in a manner that is at least roughly commen-
21 surate with the estimated anticipated benefits de-
22 scribed in paragraph (3).

23 “(3) COST ALLOCATION PRINCIPLE.—The Com-
24 mission shall require that any tariff filed under
25 paragraph (1) allocate costs based on the broad
26 range of reliability, economic, public policy, resil-

1 ience, and other reasonably anticipated benefits of
2 the applicable transmission facility of national sig-
3 nificance.

4 “(b) TRANSMISSION FACILITY OF NATIONAL SIG-
5 NIFICANCE.—In this section, the term ‘transmission facil-
6 ity of national significance’ means—

7 “(1) an interstate electric power transmission
8 line (and any facilities necessary for the operation of
9 such electric power transmission line) or an electric
10 power transmission line that is located offshore (and
11 any facilities necessary for the operation of such
12 electric power transmission line)—

13 “(A) that has a transmission capacity of
14 not less than 1,000 megawatts; and

15 “(B) the construction of which is com-
16 pleted on or after the date of enactment of this
17 section; or

18 “(2) an expansion of, or upgrade to, an inter-
19 state electric power transmission line (and any facili-
20 ties necessary for the operation of such electric
21 power transmission line) or an electric power trans-
22 mission line that is located offshore (and any facili-
23 ties necessary for the operation of such electric
24 power transmission line) that—

1 “(A) increases the transmission capacity of
2 such electric power transmission line by at least
3 500 megawatts; and

4 “(B) is completed on or after the date of
5 enactment of this section.

6 “(c) SAVINGS PROVISION.—This section does not af-
7 fect the authority of the Commission to approve the alloca-
8 tion of costs of transmission facilities other than trans-
9 mission facilities of national significance.”.

10 **SEC. 103. PROTECTING ELECTRICITY RELIABILITY BY IM-**
11 **PROVING INTERREGIONAL TRANSFER CA-**
12 **PACITY.**

13 (a) FINDING.—Congress finds that extreme weather
14 is increasing in frequency and poses a significant risk to
15 the reliability of the electric grid.

16 (b) RULEMAKING.—Not later than 18 months after
17 the date of enactment of this Act, the Federal Energy
18 Regulatory Commission shall, pursuant to section 206 of
19 the Federal Power Act (16 U.S.C. 824e), promulgate a
20 final rule that establishes minimum transfer capability re-
21 quirements between transmission planning regions.

22 (c) ELECTRIC RELIABILITY.—Section 215 of the
23 Federal Power Act (16 U.S.C. 824o) is amended—

24 (1) in subsection (a)(3)—

1 (A) by striking “to enlarge such facilities
2 or”; and

3 (B) by striking “new transmission capacity
4 or”; and

5 (2) in subsection (i)(2), by striking “or trans-
6 mission”.

7 **TITLE II—IMPROVING ELEC-**
8 **TRICITY TRANSMISSION**
9 **PLANNING AND GOVERNANCE**

10 **SEC. 201. FERC OFFICE OF ELECTRICITY TRANSMISSION.**

11 Part III of the Federal Power Act (16 U.S.C. 825
12 et seq.) is amended by inserting after section 317 the fol-
13 lowing:

14 **“SEC. 318. OFFICE OF TRANSMISSION.**

15 “(a) ESTABLISHMENT.—There shall be established in
16 the Commission an office to be known as the Office of
17 Transmission.

18 “(b) DIRECTOR.—The Office of Transmission shall
19 be administered by a Director who shall be appointed by
20 the Chairman of the Commission with approval by the
21 Commission.

22 “(c) DUTIES.—The Director shall—

23 “(1) review transmission plans submitted by
24 public utilities in accordance with the regional and

1 interregional transmission planning processes estab-
2 lished pursuant to section 206;

3 “(2) coordinate all transmission-related matters
4 of the Commission, as the Commission determines
5 appropriate; and

6 “(3) carry out the responsibilities of the Com-
7 mission under section 216, in coordination with the
8 Office of Energy Projects of the Commission.”.

9 **SEC. 202. IMPROVING INTERREGIONAL ELECTRICITY**
10 **TRANSMISSION PLANNING.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Federal Energy Regu-
13 latory Commission shall initiate a rulemaking address-
14 ing—

15 (1) the effectiveness of existing planning proc-
16 esses for identifying interregional transmission
17 projects that provide economic, reliability, oper-
18 ational, public policy, and environmental benefits
19 (including reductions in carbon emissions), taking
20 into consideration the public interest, the integrity of
21 markets, and the protection of consumers;

22 (2) changes to the processes described in para-
23 graph (1) to ensure that efficient, cost-effective, and
24 broadly beneficial interregional transmission solu-

1 tions are selected for cost allocation, taking into con-
2 sideration—

3 (A) the public interest;

4 (B) the integrity of markets;

5 (C) the protection of consumers;

6 (D) the broad range of economic, reli-
7 ability, operational, public policy, and environ-
8 mental benefits that interregional transmission
9 provides, including reductions in carbon emis-
10 sions;

11 (E) the need for single projects to secure
12 approvals based on a comprehensive assessment
13 of the multiple benefits provided;

14 (F) that projects that meet interregional
15 benefit criteria should not be subject to subse-
16 quent reassessment by transmission planning
17 authorities;

18 (G) the importance of synchronization of
19 planning processes in neighboring regions, such
20 as using a joint model on a consistent timeline
21 with a single set of needs, input assumptions,
22 and benefit metrics;

23 (H) that evaluation of long-term scenarios
24 should align with the expected life of a trans-
25 mission asset;

1 (I) that transmission planning authorities
2 should allow for the identification and joint
3 evaluation of alternatives proposed by stake-
4 holders;

5 (J) that interregional planning should be
6 done regularly and not less frequently than
7 once every 3 years; and

8 (K) the elimination of arbitrary project
9 voltage, size, or cost requirements for inter-
10 regional solutions; and

11 (3) cost allocation methodologies that reflect
12 the multiple benefits provided by interregional trans-
13 mission solutions, including economic, reliability,
14 operational, public policy, and environmental bene-
15 fits (including reductions in carbon emissions).

16 (b) TIMING.—Not later than 18 months after the
17 date of enactment of this Act, the Federal Energy Regu-
18 latory Commission shall promulgate a final rule to com-
19 plete the rulemaking initiated under subsection (a).

20 **SEC. 203. ALLOCATING THE COSTS OF ELECTRICITY INTER-**
21 **CONNECTION TO ALL BENEFICIARIES.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of enactment of this Act, the Commission shall issue
24 a new regulation, or revise existing regulations, to prohibit

1 the use of exclusive or disproportionate participant fund-
2 ing.

3 (b) ALLOCATION OF COSTS.—

4 (1) IN GENERAL.—In prohibiting the use of ex-
5 clusive or disproportionate participant funding under
6 subsection (a), the Commission shall, except as pro-
7 vided in paragraph (4), require that each public util-
8 ity—

9 (A) may not allocate the costs of a network
10 upgrade solely to the requesting interconnection
11 customer; and

12 (B) shall reasonably allocate such costs to
13 parties that—

14 (i) use the transmission facility or the
15 transmission system;

16 (ii) take electricity from the trans-
17 mission facility or the transmission system;

18 or

19 (iii) otherwise benefit from a network
20 upgrade of the transmission facility or the
21 transmission system.

22 (2) INTERCONNECTION TO MULTIPLE TRANS-
23 MISSION SYSTEMS.—With respect to a network up-
24 grade that is associated with a generation project or
25 an energy storage project that has a significant im-

1 pact on two or more transmission systems, the costs
2 for such a network upgrade shall be allocated pursu-
3 ant to a methodology designed jointly by the im-
4 pacted transmission systems to ensure that all such
5 costs are equitably shared by the parties that benefit
6 from such network upgrade.

7 (3) DETERMINATION OF BENEFITTING PAR-
8 TIES.—In determining which parties benefit for pur-
9 poses of paragraph (1)(B)(iii) and paragraph (2),
10 the Commission shall consider all material benefits
11 of the network upgrade, including—

12 (A) those that cannot be directly quan-
13 tified, including resilience benefits; and

14 (B) environmental benefits, including re-
15 duced and avoided emissions of greenhouse
16 gases and conventional air pollutants.

17 (4) GENERATOR TIE LINES.—A public utility
18 may require an interconnection customer to pay for
19 the costs of construction of any generator tie lines
20 that will be used to transmit power from the inter-
21 connection customer’s generation project or energy
22 storage project, as applicable, to the transmission fa-
23 cility or the transmission system.

24 (5) VOLUNTARY PAYMENT.—

1 (A) IN GENERAL.—An interconnection cus-
2 tomer may pay upfront some or all of the costs
3 of a network upgrade at the transmission facil-
4 ity or transmission system to which they plan
5 to interconnect their generation project or en-
6 ergy storage project in accordance with sub-
7 paragraph (B).

8 (B) REPAYMENT.—Any interconnection
9 customer that pays costs under subparagraph
10 (A) shall be refunded such costs allocable to
11 other parties pursuant to the Commission’s reg-
12 ulations issued or revised under this section,
13 over a period that is not longer than 10 years
14 beginning on the date on which the interconnec-
15 tion customer’s interconnection is complete.

16 (6) UPDATING PROCEDURES.—Not later than
17 the date that is 3 months after the date on which
18 the Commission issues or revises regulations as re-
19 quired under subsection (a), each public utility shall
20 make a filing pursuant to section 205 of the Federal
21 Power Act (16 U.S.C. 824d) to amend their inter-
22 connection procedures to comply with such regula-
23 tions.

24 (c) DEFINITIONS.—In this section:

1 (1) COMMISSION.—The term “Commission”
2 means the Federal Energy Regulatory Commission.

3 (2) ENERGY STORAGE PROJECT.—The term
4 “energy storage project” means equipment which re-
5 ceives, stores, and delivers energy using batteries,
6 compressed air, pumped hydropower, hydrogen stor-
7 age (including hydrolysis), thermal energy storage,
8 regenerative fuel cells, flywheels, capacitors, super-
9 conducting magnets, or other technologies identified
10 by the Secretary of Energy, and which has a capac-
11 ity of not less than 5 kilowatt hours.

12 (3) GENERATION PROJECT.—The term “gen-
13 eration project” means any facility—

14 (A) that generates electricity; and

15 (B) the interconnection request of which is
16 subject to the jurisdiction of the Commission.

17 (4) GENERATOR TIE LINE.—The term “gener-
18 ator tie line” means a dedicated transmission line
19 that is used to transmit power from a generation
20 project or an energy storage project to a trans-
21 mission facility or a transmission system.

22 (5) GRID ENHANCING TECHNOLOGY.—The term
23 “grid enhancing technology” means any technology
24 or equipment that increases the capacity, efficiency,

1 or reliability of a transmission facility or trans-
2 mission system, including—

3 (A) power flow control and transmission
4 switching equipment;

5 (B) energy storage technology;

6 (C) topology optimization technology;

7 (D) dynamic line rating technology; and

8 (E) other advanced transmission tech-
9 nologies, such as composite reinforced alu-
10 minum conductors or high temperature super-
11 conductors.

12 (6) INTERCONNECTION CUSTOMER.—The term
13 “interconnection customer” means a person or entity
14 that has submitted a request to interconnect a gen-
15 eration project or an energy storage project that is
16 subject to the jurisdiction of the Commission to the
17 owner or operator of a transmission facility or a
18 transmission system.

19 (7) NETWORK UPGRADE.—The term “network
20 upgrade” means—

21 (A) any modification of, addition to, or ex-
22 pansion of any transmission facility or trans-
23 mission system;

24 (B) the construction of a new facility that
25 will become part of a transmission system;

1 (C) the addition of an energy storage
2 project to a transmission facility or a trans-
3 mission system; and

4 (D) any construction, deployment, or addi-
5 tion of grid enhancing technology to a trans-
6 mission facility or a transmission system that
7 eliminates or reduces the need to carry out any
8 of the activities described in subparagraphs (A)
9 through (C).

10 (8) PARTICIPANT FUNDING.—The term “partic-
11 ipant funding” means any cost allocation method
12 under which an interconnection customer is required
13 to pay, without reimbursement, all or a dispropor-
14 tionate amount of the costs of a network upgrade
15 that is determined to be necessary to ensure the reli-
16 able interconnection of the interconnection cus-
17 tomer’s generation project or energy storage project.

18 (9) PUBLIC UTILITY.—The term “public util-
19 ity” has the meaning given such term in section
20 201(e) of the Federal Power Act (16 U.S.C. 824(e)).

21 (10) TRANSMISSION SYSTEM.—The term
22 “transmission system” means a network of trans-
23 mission facilities used for the transmission of elec-
24 tric energy in interstate commerce.

1 **SEC. 204. INDEPENDENT TRANSMISSION MONITOR.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this section, the Commission shall—

4 (1) require each transmission planning region
5 to establish an independent entity to monitor the
6 planning for, and operation of, transmission facilities
7 in the transmission planning region; or

8 (2) establish an independent entity to monitor
9 the planning for, and operation of, transmission fa-
10 cilities in all transmission planning regions.

11 (b) ROLE OF TRANSMISSION MONITOR.—An inde-
12 pendent entity described in subsection (a) shall, as appli-
13 cable—

14 (1) review the operation and practices of trans-
15 mission facilities in the applicable transmission plan-
16 ning region for inefficiency;

17 (2) determine whether any rate, charge, or clas-
18 sification for transmission facilities in the applicable
19 transmission planning region, or any rule, regula-
20 tion, practice, or contract affecting such a rate,
21 charge, or classification, is unjust, unreasonable, un-
22 duly discriminatory or preferential;

23 (3) review the transmission planning process for
24 the applicable transmission planning region;

25 (4) review transmission facility costs in the ap-
26 plicable transmission planning region;

1 (5) provide examples and advice to Trans-
2 mission Organizations in the applicable transmission
3 planning region on regional transmission operations,
4 planning, and cost-allocation processes;

5 (6) identify situations in which it is cost-effec-
6 tive or otherwise appropriate to—

7 (A) construct non-wires alternatives to
8 transmission; and

9 (B) deploy grid-enhancing technologies;
10 and

11 (7) coordinate and share information with State
12 regulatory authorities in the applicable transmission
13 planning region.

14 (c) DEFINITIONS.—In this section:

15 (1) COMMISSION.—The term “Commission”
16 means the Federal Energy Regulatory Commission.

17 (2) STATE REGULATORY AUTHORITY; TRANS-
18 MISSION ORGANIZATION.—The terms “State regu-
19 latory authority” and “Transmission Organization”
20 have the meanings given such terms in section 3 of
21 the Federal Power Act (16 U.S.C. 796).

22 **SEC. 205. INTEROPERABILITY OF OFFSHORE TRANS-**
23 **MISSION INFRASTRUCTURE.**

24 (a) STUDY.—Not later than 2 years after the date
25 of enactment of this Act, the Secretary of Energy shall

1 complete and publish on the website of the Department
2 of Energy a study that assesses the need to, and chal-
3 lenges of, developing and standardizing interoperable
4 equipment and systems in support of shared offshore
5 transmission networks. Such study shall include rec-
6 ommendations for Congress, State, Tribal, and local gov-
7 ernments, manufacturers of electric grid components, sys-
8 tems, and technologies, regional transmission organiza-
9 tions, offshore renewable energy project developers, and
10 appropriate standards organizations to help ensure inter-
11 operability across seams between offshore renewable en-
12 ergy projects, States, and regions on the outer Continental
13 Shelf.

14 (b) INTEROPERABILITY STANDARD DEVELOPMENT
15 PROGRAM.—

16 (1) IN GENERAL.—The Secretary of Energy
17 shall establish and implement a program to identify,
18 develop, implement, support, and document a stand-
19 ard for interoperability of electric grid components,
20 systems, and technologies to accelerate the imple-
21 mentation and delivery of electricity generated by
22 offshore renewable energy projects through shared
23 transmission infrastructure.

24 (2) GOALS.—The goals of developing an inter-
25 operability standard under paragraph (1) shall be—

1 (A) to hasten adoption of shared trans-
2 mission infrastructure for offshore electricity
3 generation by encouraging cooperation of manu-
4 facturers of electric grid components, systems,
5 or technologies in order to—

6 (i) maximize interoperability among
7 manufacturers' systems, products, tools,
8 and applications;

9 (ii) reduce offshore renewable energy
10 project delays and cost overruns;

11 (iii) manage power grid complexity;
12 and

13 (iv) enhance grid resilience, reliability,
14 and cybersecurity; and

15 (B) to establish technical baseline require-
16 ments to effectively and securely measure, mon-
17 itor, control, and protect electricity generation
18 and transmission infrastructure from the point
19 of generation to the control center.

20 (3) FINANCIAL ASSISTANCE.—The Secretary
21 may provide financial assistance under the program
22 to entities to carry out activities that—

23 (A) engage equipment manufacturers and
24 industry stakeholders in collaborative platforms,
25 including workshops and forums;

1 (B) identify current challenges and propose
2 solutions to improve interoperability; and

3 (C) develop an industry interoperability
4 standard that meets the goals described in
5 paragraph (2) for voluntary implementation.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Secretary of En-
8 ergy to carry out this section \$5,000,000, to remain avail-
9 able until expended.

10 **TITLE III—ALLEVIATING PRES-** 11 **SURE ON THE ELECTRIC GRID**

12 **Subtitle A—Improving Grid** 13 **Flexibility With Existing Wires**

14 **SEC. 311. IMPROVING GRID FLEXIBILITY WITH EXISTING** 15 **WIRES.**

16 Part II of the Federal Power Act (16 U.S.C. 824 et
17 seq.) is further amended by adding at the end the fol-
18 lowing:

19 **“SEC. 226. NON-TRANSMISSION ALTERNATIVES.**

20 “(a) IN GENERAL.—In carrying out sections 205 and
21 206, the Commission—

22 “(1) may consider the allocation of costs associ-
23 ated with non-transmission alternatives for the pur-
24 poses of permitting cost recovery through trans-
25 mission rates; and

1 “(2) shall allow costs associated with non-trans-
2 mission alternatives to be included in transmission
3 rates and subject to regional cost allocation.

4 “(b) IMPLEMENTATION.—In implementing this sec-
5 tion, the Commission shall ensure that any cost allocation
6 provisions for non-transmission alternatives are just and
7 reasonable, including by prohibiting any double-recovery
8 of costs.

9 “(c) NON-TRANSMISSION ALTERNATIVE DEFINED.—
10 In this section, the term ‘non-transmission alternative’—

11 “(1) means a resource that—

12 “(A) defers or eliminates the need for new
13 transmission facilities; and

14 “(B) does not provide transmission service;

15 “(2) includes—

16 “(A) an electric storage device, if used as
17 a replacement for transmission service;

18 “(B) energy efficiency; and

19 “(C) demand response; and

20 “(3) does not include traditional generation re-
21 sources.”.

22 **SEC. 312. DEPLOYMENT OF GRID ENHANCING TECH-**
23 **NOLOGIES.**

24 (a) DEPLOYMENT OF GRID ENHANCING TECH-
25 NOLOGIES.—Not later than 180 days after the date of en-

1 actment of this Act, the Commission shall issue a new reg-
2 ulation, or revise existing regulations, to require the fol-
3 lowing:

4 (1) CONSULTATION.—

5 (A) IN GENERAL.—With respect to proc-
6 essing a request to interconnect a generation
7 project or an energy storage project, the Re-
8 gional Transmission Organization, Independent
9 System Operator, or transmission planning co-
10 ordinator, as applicable, shall—

11 (i) consult with the relevant owner of
12 the transmission facility or transmission
13 system, and the interconnection customer,
14 regarding deploying grid enhancing tech-
15 nology in addition to, or as a substitute to,
16 carrying out a traditional transmission up-
17 grade or addition, such as modifying or
18 adding a conductor or substation element;
19 and

20 (ii) study the efficacy of deploying
21 grid enhancing technology for the purposes
22 described in clause (i).

23 (B) UNCONNECTED TRANSMISSION FACILI-
24 TIES.—With respect to a request to inter-
25 connect a generation project or an energy stor-

1 age project to a transmission facility that is not
2 connected to a transmission system, the owner
3 or operator of such a facility shall—

4 (i) consult with the interconnection
5 customer regarding deploying grid enhance-
6 ing technology in addition to, or as a sub-
7 stitute to, carrying out a traditional trans-
8 mission upgrade or addition, such as modi-
9 fying or adding a conductor or substation
10 element; and

11 (ii) study the efficacy of deploying
12 grid enhancing technology for the purposes
13 described in clause (i).

14 (2) DEPLOYMENT.—

15 (A) IN GENERAL.—An interconnection cus-
16 tomer that is consulted with under paragraph
17 (1) may request that grid enhancing technology
18 that was the subject of such consultation be de-
19 ployed.

20 (B) DETERMINATION.—The owner of the
21 transmission facility or transmission system to
22 which such technology would be deployed shall
23 determine whether to deploy such technology,
24 subject to an appeal under subparagraph (C).

25 (C) APPEAL.—

1 (i) IN GENERAL.—An interconnection
2 customer that requests deployment of grid
3 enhancing technology under subparagraph
4 (A) may submit to the Commission a re-
5 quest for a hearing to appeal the decision
6 under subparagraph (B) to not deploy grid
7 enhancing technology.

8 (ii) EFFECT OF APPEAL.—After a
9 hearing under clause (i), the Commission
10 may order the owner of the transmission
11 facility or transmission system to deploy
12 the grid enhancing technology requested
13 under subparagraph (A).

14 (3) UPDATING PROCEDURES.—Not later than
15 the date that is 3 months after the date on which
16 the Commission issues or revises regulations as re-
17 quired under this section, each public utility shall
18 make a filing pursuant to section 205 of the Federal
19 Power Act (16 U.S.C. 824d) to amend their inter-
20 connection procedures to comply with such regula-
21 tions.

22 (b) DEFINITIONS.—In this section:

23 (1) COMMISSION.—The term “Commission”
24 means the Federal Energy Regulatory Commission.

1 (2) ENERGY STORAGE PROJECT.—The term
2 “energy storage project” means equipment which re-
3 ceives, stores, and delivers energy using batteries,
4 compressed air, pumped hydropower, hydrogen stor-
5 age (including hydrolysis), thermal energy storage,
6 regenerative fuel cells, flywheels, capacitors, super-
7 conducting magnets, or other technologies identified
8 by the Secretary of Energy, and which has a capaci-
9 ty of not less than 5 kilowatt hours.

10 (3) GENERATION PROJECT.—The term “gen-
11 eration project” means any facility—

12 (A) that generates electricity; and

13 (B) the interconnection request of which is
14 subject to the jurisdiction of the Commission.

15 (4) GRID ENHANCING TECHNOLOGY.—The term
16 “grid enhancing technology” means any technology
17 or equipment that increases the capacity, efficiency,
18 or reliability of a transmission facility or trans-
19 mission system, including—

20 (A) power flow control and transmission
21 switching equipment;

22 (B) energy storage technology;

23 (C) topology optimization technology;

24 (D) dynamic line rating technology; and

1 (E) other advanced transmission tech-
2 nologies, such as composite reinforced alu-
3 minum conductors or high temperature super-
4 conductors.

5 (5) INTERCONNECTION CUSTOMER.—The term
6 “interconnection customer” means a person or entity
7 that has submitted a request to interconnect a gen-
8 eration project or an energy storage project that is
9 subject to the jurisdiction of the Commission to the
10 owner or operator of a transmission facility or a
11 transmission system.

12 (6) PUBLIC UTILITY.—The term “public util-
13 ity” has the meaning given such term in section
14 201(e) of the Federal Power Act (16 U.S.C. 824(e)).

15 (7) REGIONAL TRANSMISSION ORGANIZATION;
16 INDEPENDENT SYSTEM OPERATOR.—The terms
17 “Regional Transmission Organization” and “Inde-
18 pendent System Operator” have the meanings given
19 such terms in section 3 of the Federal Power Act
20 (16 U.S.C. 796).

21 (8) TRANSMISSION SYSTEM.—The term “trans-
22 mission system” means a network of transmission
23 facilities used for the transmission of electric energy
24 in interstate commerce.

1 **Subtitle B—Aggregating Electricity**
2 **Demand Response by Individual**
3 **Electricity Users**

4 **SEC. 321. AGGREGATOR BIDDING INTO ORGANIZED POWER**
5 **MARKETS.**

6 (a) IN GENERAL.—Notwithstanding any prohibition
7 established by a relevant electric retail regulatory author-
8 ity with respect to who may bid into an organized power
9 market, each Transmission Organization shall allow any
10 bid from an aggregator of retail customers that aggregates
11 the demand response of the customers of utilities that dis-
12 tributed more than 4 million megawatt-hours in the pre-
13 vious fiscal year.

14 (b) RULEMAKING.—Not later than 90 days after the
15 date of enactment of this section, the Federal Energy Reg-
16 ulatory Commission shall initiate a rulemaking to carry
17 out the requirements of subsection (a).

18 (c) DEFINITIONS.—In this section:

19 (1) ELECTRIC RETAIL REGULATORY AUTHOR-
20 ITY.—The term “electric retail regulatory authority”
21 means an entity that establishes retail electricity
22 prices and retail competition policies for customers.

23 (2) TRANSMISSION ORGANIZATION.—The term
24 “Transmission Organization” has the meaning given

1 such term in section 3 of the Federal Power Act (16
2 U.S.C. 796).

3 **Subtitle C—Facilitating Commu-**
4 **nity and Residential Solar**
5 **Power**

6 **SEC. 331. COMMUNITY SOLAR CONSUMER CHOICE PRO-**
7 **GRAM; FEDERAL GOVERNMENT PARTICIPA-**
8 **TION IN COMMUNITY SOLAR.**

9 (a) DEFINITIONS.—In this section:

10 (1) COMMUNITY SOLAR.—The term “commu-
11 nity solar” means a solar power plant, the benefits
12 of the electricity produced by which are shared by
13 two or more electricity customers.

14 (2) SECRETARY.—The term “Secretary” means
15 the Secretary of Energy.

16 (3) SUBSCRIBER.—The term “subscriber”
17 means an electricity customer who receives a benefit
18 associated with the proportional output of the com-
19 munity solar facility of the customer.

20 (b) ESTABLISHMENT OF COMMUNITY SOLAR CON-
21 SUMER CHOICE PROGRAM.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary
24 shall establish a program to expand community solar
25 options to—

1 (A) individuals, particularly individuals
2 that do not have regular access to onsite solar,
3 including low- and moderate-income individuals;

4 (B) businesses;

5 (C) nonprofit organizations; and

6 (D) States and local and Tribal govern-
7 ments.

8 (2) ALIGNMENT WITH EXISTING FEDERAL PRO-
9 GRAMS.—The Secretary shall align the program
10 under paragraph (1) with existing Federal programs
11 that serve low-income communities.

12 (3) ASSISTANCE TO STATE AND LOCAL GOVERN-
13 MENTS.—In carrying out the program under para-
14 graph (1), the Secretary shall—

15 (A) provide technical assistance to States
16 and local and Tribal governments for projects
17 to increase community solar;

18 (B) assist States and local and Tribal gov-
19 ernments in the development of new and inno-
20 vative financial and business models that lever-
21 age competition in the marketplace in order to
22 serve community solar subscribers; and

23 (C) use National Laboratories (as defined
24 in section 2 of the Energy Policy Act of 2005
25 (42 U.S.C. 15801)) to collect and disseminate

1 data to assist private entities in the financing
2 of, subscription to, and operation of community
3 solar projects.

4 (c) FEDERAL GOVERNMENT PARTICIPATION IN COM-
5 MUNITY SOLAR.—The Secretary will expand the existing
6 grant, loan, and financing programs to include community
7 solar projects (as defined in paragraph (20) of section
8 111(d) of the Public Utility Regulatory Policies Act of
9 1978 (16 U.S.C. 2621(d)), as added pursuant to section
10 3 of this Act).

11 **SEC. 332. ESTABLISHMENT OF COMMUNITY SOLAR PRO-**
12 **GRAMS.**

13 (a) IN GENERAL.—Section 111(d) of the Public Util-
14 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
15 is amended by adding at the end the following:

16 “(22) COMMUNITY SOLAR PROGRAMS.—Each
17 electric utility shall offer a community solar program
18 that provides all ratepayers, including low-income
19 ratepayers, equitable and demonstrable access to
20 such community solar program. For the purposes of
21 this paragraph, the term ‘community solar program’
22 means a service provided to any electric consumer
23 that the electric utility serves through which the
24 value of electricity generated by a community solar
25 facility may be used to offset charges billed to the

1 electric consumer by the electric utility. A ‘commu-
2 nity solar facility’ is—

3 “(A) a solar photovoltaic system that allo-
4 cates electricity to multiple electric consumers
5 of an electric utility;

6 “(B) connected to a local distribution of
7 the electric utility;

8 “(C) located either on or off the property
9 of the electric consumers; and

10 “(D) may be owned by an electric utility,
11 an electric consumer, or a third party.”.

12 (b) COMPLIANCE.—

13 (1) TIME LIMITATIONS.—Section 112(b) of the
14 Public Utility Regulatory Policies Act of 1978 (16
15 U.S.C. 2622(b)) is amended by adding at the end
16 the following:

17 “(9)(A) Not later than 1 year after the date of
18 enactment of this paragraph, each State regulatory
19 authority (with respect to each electric utility for
20 which the State has ratemaking authority) and each
21 nonregulated utility shall commence consideration
22 under section 111, or set a hearing date for consid-
23 eration, with respect to the standard established by
24 paragraph (22) of section 111(d).

1 “(B) Not later than 2 years after the date of
2 enactment of this paragraph, each State regulatory
3 authority (with respect to each electric utility for
4 which the State has ratemaking authority), and each
5 nonregulated electric utility shall complete the con-
6 sideration and make the determination under section
7 111 with respect to the standard established by
8 paragraph (22) of section 111(d).”.

9 (2) FAILURE TO COMPLY.—

10 (A) IN GENERAL.—Section 112(c) of the
11 Public Utility Regulatory Policies Act of 1978
12 (16 U.S.C. 2622(c)) is amended—

13 (i) by striking “such paragraph (14)”
14 and all that follows through “paragraphs
15 (16)” and inserting “such paragraph (14).
16 In the case of the standard established by
17 paragraph (15) of section 111(d), the ref-
18 erence contained in this subsection to the
19 date of enactment of this Act shall be
20 deemed to be a reference to the date of en-
21 actment of that paragraph (15). In the
22 case of the standards established by para-
23 graphs (16)”;

24 (ii) by adding at the end the fol-
25 lowing: “In the case of the standard estab-

1 lished by paragraph (22) of section 111(d),
2 the reference contained in this subsection
3 to the date of enactment of this Act shall
4 be deemed to be a reference to the date of
5 enactment of that paragraph (22).”.

6 (B) TECHNICAL CORRECTION.—

7 (i) IN GENERAL.—Section 1254(b) of
8 the Energy Policy Act of 2005 (Public
9 Law 109–58; 119 Stat. 971) is amended—

10 (I) by striking paragraph (2);

11 and

12 (II) by redesignating paragraph
13 (3) as paragraph (2).

14 (ii) TREATMENT.—The amendment
15 made by paragraph (2) of section 1254(b)
16 of the Energy Policy Act of 2005 (Public
17 Law 109–58; 119 Stat. 971) (as in effect
18 on the day before the date of enactment of
19 this Act) is void, and section 112(d) of the
20 Public Utility Regulatory Policies Act of
21 1978 (16 U.S.C. 2622(d)) shall be in ef-
22 fect as if those amendments had not been
23 enacted.

24 (3) PRIOR STATE ACTIONS.—

1 (A) IN GENERAL.—Section 112 of the
2 Public Utility Regulatory Policies Act of 1978
3 (16 U.S.C. 2622) is amended by adding at the
4 end the following:

5 “(i) PRIOR STATE ACTIONS.—Subsections (b) and
6 (c) shall not apply to the standard established by para-
7 graph (22) of section 111(d) in the case of any electric
8 utility in a State if, before the date of enactment of this
9 subsection—

10 “(1) the State has implemented for the electric
11 utility the standard (or a comparable standard);

12 “(2) the State regulatory authority for the
13 State or the relevant nonregulated electric utility has
14 conducted a proceeding to consider implementation
15 of the standard (or a comparable standard) for the
16 electric utility; or

17 “(3) the State legislature has voted on the im-
18 plementation of the standard (or a comparable
19 standard) for the electric utility.”.

20 (B) CROSS-REFERENCE.—Section 124 of
21 the Public Utility Regulatory Policies Act of
22 1978 (16 U.S.C. 2634) is amended by adding
23 at the end the following: “In the case of the
24 standard established by paragraph (22) of sec-
25 tion 111(d), the reference contained in this sub-

1 section to the date of enactment of this Act
2 shall be deemed to be a reference to the date
3 of enactment of that paragraph (22).”.

4 **SEC. 333. FEDERAL CONTRACTS FOR PUBLIC UTILITY**
5 **SERVICES.**

6 Section 501(b)(1) of title 40, United States Code, is
7 amended by striking subparagraph (B) and inserting the
8 following:

9 “(B) PUBLIC UTILITY CONTRACTS.—A
10 contract under this paragraph for public utility
11 services may be for a period of not more than
12 30 years.”.

13 **SEC. 334. FACILITATING DISTRIBUTED ENERGY RE-**
14 **SOURCES.**

15 (a) DEFINITIONS.—In this section:

16 (1) AUTHORITY HAVING JURISDICTION.—The
17 term “authority having jurisdiction” means any
18 State, territory, county, local, or Tribal office or offi-
19 cial with jurisdiction—

20 (A) to issue permits;

21 (B) to conduct inspections to enforce the
22 requirements of a relevant code or standard; or

23 (C) to approve the installation of, or the
24 equipment and materials used in the installa-

1 tion of, distributed energy systems, as deter-
2 mined appropriate by the Secretary.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Energy.

5 (b) IN GENERAL.—The Secretary shall establish and
6 carry out a program to expedite, standardize, streamline,
7 or improve processes for permitting, inspecting, and inter-
8 connecting distributed energy systems, as determined ap-
9 propriate by the Secretary. Such program shall support
10 the development, adoption, use, and maintenance of
11 streamlined model permitting processes that may be
12 adopted by authorities having jurisdiction.

13 (c) TECHNICAL AND FINANCIAL ASSISTANCE.—The
14 Secretary may provide technical assistance and financial
15 assistance, in the form of grants, to authorities having ju-
16 risdiction to support the adoption, use, and maintenance
17 of SolarAPP+ and other streamlined model permitting
18 processes for distributed energy systems, as determined
19 appropriate by the Secretary.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary to carry
22 out this section [\$_____] for each of fiscal years 2024
23 through 2028.

1 **Subtitle D—Addressing the Short-**
2 **age of Electricity Transformers**

3 **SEC. 341. ADDRESSING THE SHORTAGE OF ELECTRICITY**
4 **TRANSFORMERS.**

5 There is authorized to be appropriated
6 \$2,100,000,000 for the Secretary of Energy under the au-
7 thority of title III of the Defense Production Act of 1950
8 (50 U.S.C. 4531 et seq.) to expand domestic manufac-
9 turing of transformers and grid components, including
10 grain-oriented electrical steel, flexible transformers, circuit
11 breakers, switchgear and substations to serve load and
12 interconnect generation, and inverters and optimizers to
13 integrate the influx of distributed generators, including
14 through the use of advanced purchase commitments and
15 other financial assistance as may be necessary.

16 **TITLE IV—MODERNIZING**
17 **ELECTRICITY RATEMAKING**

18 **SEC. 401. ACCOUNTING FOR THE EXTERNAL COST OF**
19 **GREENHOUSE GAS EMISSIONS.**

20 (a) PURPOSE.—The purpose of this section is to clar-
21 ify the intent of Congress when passing the Federal Power
22 Act and to provide direction to the Federal Energy Regu-
23 latory Commission with respect to wholesale electricity
24 rates.

1 (b) FINDINGS.—Congress makes the following find-
2 ings:

3 (1) When passing the Federal Power Act, Con-
4 gress required the Federal Energy Regulatory Com-
5 mission (“the Commission”) to ensure that the rates
6 charged by electric utilities for, or in connection
7 with, wholesale electricity rates are “just and rea-
8 sonable”, a process which necessarily includes the
9 evaluation of all factors affecting wholesale market
10 rates, including environmental externalities.

11 (2) The Federal Power Act requires the Com-
12 mission to ensure that public utilities do not grant
13 undue preference or advantage to, or discriminate
14 against, any person when making wholesale elec-
15 tricity sales.

16 (3) Section 206(a) of the Federal Power Act
17 authorizes the Commission to change any rates that
18 the Commission determines to be “unjust, unreason-
19 able, unduly discriminatory or preferential”.

20 (4) In its final rule titled “Endangerment and
21 Cause or Contribute Findings for Greenhouse Gases
22 Under Section 202(a) of the Clean Air Act” pub-
23 lished on December 15, 2009 (74 Fed. Reg. 66496),
24 the Environmental Protection Agency found that the
25 emissions of greenhouse gases “endanger both the

1 public health and the public welfare of current and
2 future generations”.

3 (5) The failure of markets to internalize the
4 costs of greenhouse gas pollution into the cost of
5 products, including electricity, led to a misallocation
6 of capital, and therefore to the emission of a greater
7 volume of these pollutants.

8 (6) In 1956, the Supreme Court held in Federal
9 Power Commission v. Sierra Pacific Power Com-
10 pany, 350 U.S. 348 (1956), that the Commission
11 must ensure protection of the public interest when
12 exercising its authority to set just and reasonable
13 rates.

14 (7) The restructuring of the electricity industry
15 in the Federal Power Act was intended to promote
16 competition among electricity providers, resulting in
17 lower electricity rates to consumers, higher quality
18 services, and a more robust national economy.

19 (8) Prior to restructuring, utility commissions
20 were frequently asked to consider other societal ben-
21 efits when setting rates, including access to energy,
22 rate equity between different classes of customers,
23 and environmental concerns.

24 (9) According to the Environmental Protection
25 Agency, in 2019, emissions from the power sector

1 contributed the second highest share of greenhouse
2 gas emissions by economic sector.

3 (10) The benefits of competition will not be
4 achieved if some competitors enjoy an advantage re-
5 sulting from externalization of environmental costs,
6 permitting them to charge prices for electricity that
7 do not reflect the full economic and environmental
8 cost of production.

9 (11) Despite the Environmental Protection
10 Agency's finding of endangerment, emissions of
11 greenhouse gases into the air, which endanger public
12 health and threaten the quality of the air, land, and
13 water of the United States, are externalities that are
14 not frequently or uniformly reflected in the price
15 charged for products such as electricity across the
16 United States.

17 (12) The disparity in regulatory treatment be-
18 tween electric generating units with above-average
19 greenhouse gas emissions and those with little to no
20 greenhouse gas emissions provides a significant com-
21 petitive advantage for high greenhouse gas emitting
22 energy generating units over their competitors.

23 (13) States and State commissions should be
24 encouraged to incorporate the cost of greenhouse gas
25 emissions into wholesale rates for electricity.

1 (c) CERTAIN RATES UNJUST, UNREASONABLE, UN-
2 DULY DISCRIMINATORY, OR PREFERENTIAL.—

3 (1) IN GENERAL.—For the purposes of section
4 205 and section 206 of the Federal Power Act (16
5 U.S.C. 824d, 824e), if the Federal Energy Regu-
6 latory Commission determines that a rate for the
7 wholesale sale of electricity does not incorporate the
8 cost of externalized greenhouse gas emissions to
9 public health, safety, or welfare, then the Federal
10 Energy Regulatory Commission shall find that such
11 rate is unjust, unreasonable, unduly discriminatory,
12 or preferential.

13 (2) GREENHOUSE GAS DEFINED.—In this sub-
14 section, the term “greenhouse gas” includes—

15 (A) any gas identified by the Environ-
16 mental Protection Agency in the final rule titled
17 “Endangerment and Cause or Contribute Find-
18 ings for Greenhouse Gases Under Section
19 202(a) of the Clean Air Act” published on De-
20 cember 15, 2009 (74 Fed. Reg. 66496), includ-
21 ing carbon dioxide, hydrofluorocarbons, meth-
22 ane, nitrous oxide, perfluorocarbons, and sulfur
23 hexafluoride; and

24 (B) nitrogen trifluoride.

1 (3) RULE OF CONSTRUCTION.—Nothing in this
2 subsection may be construed to affect or modify the
3 existing authorities of the Federal Energy Regu-
4 latory Commission.

5 **SEC. 402. FACILITATING PERFORMANCE-BASED RATE-**
6 **MAKING.**

7 (a) IN GENERAL.—All utility rates subject to Federal
8 Energy Regulatory Commission jurisdiction shall ensure,
9 to the extent practicable, that the interests of owners and
10 operators of energy transmission facilities and electricity
11 consumers are aligned with respect to—

- 12 (1) grid reliability;
13 (2) grid congestion;
14 (3) electricity rate; and
15 (4) environmental impacts, including green-
16 house gas emissions.

17 (b) REPORTING.—Not later than two years after the
18 enactment of this Act, and annually thereafter, the Fed-
19 eral Energy Regulatory Commission shall provide to Con-
20 gress, and make publicly available, a report detailing the
21 status of how each regional transmission organization or
22 independent system operator has implemented the stand-
23 ards established under subsection (a). Such report shall
24 also detail how States within the geographical boundaries
25 of each regional transmission organization or independent

1 system operator is meeting State-specific decarbonization
2 targets and the degree to which rates or other actions sub-
3 ject to the regional transmission organization or inde-
4 pendent system operator’s jurisdiction are impacting
5 States’ abilities to reach these targets.

6 (c) RULEMAKING.—Not later than 90 days after the
7 date of enactment of this Act, the Federal Energy Regu-
8 latory Commission shall initiate a rulemaking to carry out
9 the requirements of subsection (a).

10 (d) DEFINITIONS.—In this section:

11 (1) ELECTRIC CONSUMER; RATE.—The terms
12 “electric consumer” and “rate” have the meanings
13 given the terms in section 3 of the Public Utility
14 Regulatory Policies Act of 1978 (16 U.S.C. 2602).

15 (2) ENERGY TRANSMISSION FACILITIES.—The
16 term “energy transmission facility” means, as appli-
17 cable—

18 (A) an alternating current transmission fa-
19 cility; or

20 (B) a high-voltage, direct current trans-
21 mission facility.

22 (3) GREENHOUSE GAS EMISSIONS.—The term
23 “greenhouse gas emissions” includes—

24 (A) any gas identified by the Environ-
25 mental Protection Agency in the final rule titled

1 “Endangerment and Cause or Contribute Find-
2 ings for Greenhouse Gases Under Section
3 202(a) of the Clean Air Act” published on De-
4 cember 15, 2009 (74 Fed. Reg. 66496), includ-
5 ing carbon dioxide, hydrofluorocarbons, meth-
6 ane, nitrous oxide, perfluorocarbons, and sulfur
7 hexafluoride; and

8 (B) nitrogen trifluoride.

9 (4) INDEPENDENT SYSTEM OPERATOR; RE-
10 GIONAL TRANSMISSION ORGANIZATION.—The terms
11 “Independent System Operator” and “Regional
12 Transmission Organization” have the meanings
13 given those terms in section 3 of the Federal Power
14 Act (16 U.S.C. 796).

15 **TITLE V—FACILITATING CLEAN**
16 **ENERGY DEPLOYMENT ON**
17 **PUBLIC LAND**

18 **SEC. 501. DEFINITIONS.**

19 In this title:

20 (1) COVERED LAND.—The term “covered land”
21 means land that is—

22 (A) Federal lands administered by the Sec-
23 retary; and

24 (B) not excluded from the development of
25 geothermal, solar, or wind energy under—

1 (i) a land use plan; or

2 (ii) other Federal law.

3 (2) EXCLUSION AREA.—The term “exclusion
4 area” means covered land that is identified by the
5 Bureau of Land Management as not suitable for de-
6 velopment of renewable energy projects.

7 (3) FEDERAL LAND.—The term “Federal land”
8 means—

9 (A) public lands; and

10 (B) lands of the National Forest System
11 as described in section 11(a) of the Forest and
12 Rangeland Renewable Resources Planning Act
13 of 1974 (16 U.S.C. 1609(a)).

14 (4) FUND.—The term “Fund” means the Re-
15 newable Energy Resource Conservation Fund estab-
16 lished by section 504(c)(1).

17 (5) LAND USE PLAN.—The term “land use
18 plan” means—

19 (A) in regard to Federal land, a land use
20 plan established under the Federal Land Policy
21 and Management Act of 1976 (43 U.S.C. 1701
22 et seq.); and

23 (B) in regard to National Forest System
24 lands, a land management plan approved,
25 amended, or revised under section 6 of the For-

1 est and Rangeland Renewable Resources Plan-
2 ning Act of 1974 (16 U.S.C. 1604).

3 (6) PRIORITY AREA.—The term “priority area”
4 means covered land identified by the land use plan-
5 ning process of the Bureau of Land Management as
6 being a preferred location for a renewable energy
7 project, including a designated leasing area (as de-
8 fined in section 2801.5(b) of title 43, Code of Fed-
9 eral Regulations (or a successor regulation)) that is
10 identified under the rule of the Bureau of Land
11 Management entitled “Competitive Processes,
12 Terms, and Conditions for Leasing Public Lands for
13 Solar and Wind Energy Development and Technical
14 Changes and Corrections” (81 Fed. Reg. 92122
15 (December 19, 2016)) (or a successor regulation).

16 (7) PUBLIC LANDS.—The term “public lands”
17 has the meaning given that term in section 103 of
18 the Federal Land Policy and Management Act of
19 1976 (43 U.S.C. 1702).

20 (8) RENEWABLE ENERGY PROJECT.—The term
21 “renewable energy project” means a project carried
22 out on covered land that uses wind, solar, or geo-
23 thermal energy to generate energy.

24 (9) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (10) VARIANCE AREA.—The term “variance
2 area” means covered land that is—

3 (A) not an exclusion area;

4 (B) not a priority area; and

5 (C) identified by the Secretary as poten-
6 tially available for renewable energy develop-
7 ment and could be approved without a plan
8 amendment, consistent with the principles of
9 multiple use (as defined in the Federal Land
10 Policy and Management Act of 1976 (43 U.S.C.
11 1701 et seq.)).

12 **SEC. 502. LAND USE PLANNING; UPDATES TO PRO-**
13 **GRAMMATIC ENVIRONMENTAL IMPACT**
14 **STATEMENTS.**

15 (a) PRIORITY AREAS.—

16 (1) IN GENERAL.—The Secretary, in consulta-
17 tion with the Secretary of Energy, shall establish
18 priority areas on covered land for geothermal, solar,
19 and wind energy projects, consistent with the prin-
20 ciples of multiple use (as defined in the Federal
21 Land Policy and Management Act of 1976 (43
22 U.S.C. 1701 et seq.)) and the renewable energy per-
23 mitting goal enacted by the Consolidated Appropria-
24 tions Act of 2021 (Public Law 116–260). Among
25 applications for a given renewable energy source,

1 proposed projects located in priority areas for that
2 renewable energy source shall—

3 (A) be given the highest priority for
4 incentivizing deployment thereon; and

5 (B) be offered the opportunity to partici-
6 pate in any regional mitigation plan developed
7 for the relevant priority areas.

8 (2) ESTABLISHING PRIORITY AREAS.—

9 (A) GEOTHERMAL ENERGY.—For geo-
10 thermal energy, the Secretary shall establish
11 priority areas as soon as practicable, but not
12 later than 5 years, after the date of the enact-
13 ment of this Act.

14 (B) SOLAR ENERGY.—For solar energy—

15 (i) solar designated leasing areas (in-
16 cluding the solar energy zones established
17 by Bureau of Land Management Solar En-
18 ergy Program, established in October
19 2012), and any subsequent land use plan
20 amendments, shall be considered to be pri-
21 ority areas for solar energy projects; and

22 (ii) the Secretary shall complete a
23 process to consider establishing additional
24 solar priority areas as soon as practicable,

1 but not later than 3 years, after the date
2 of the enactment of this Act.

3 (C) WIND ENERGY.—For wind energy, the
4 Secretary shall complete a process to consider
5 establishing additional wind priority areas as
6 soon as practicable, but not later than 3 years,
7 after the date of the enactment of this Act.

8 (b) VARIANCE AREAS.—Variance areas shall be con-
9 sidered for renewable energy project development, con-
10 sistent with the principles of multiple use (as defined in
11 the Federal Land Policy and Management Act of 1976
12 (43 U.S.C. 1701 et seq.)) and the renewable energy per-
13 mitting goal enacted by the Consolidated Appropriations
14 Act of 2021 (Public Law 116–260), and applications for
15 a given renewable energy source located in those variance
16 areas shall be timely processed in order to assist in meet-
17 ing that goal.

18 (c) REVIEW AND MODIFICATION.—

19 (1) IN GENERAL.—Not less than once every 10
20 years, the Secretary shall—

21 (A) review the adequacy of land allocations
22 for geothermal, solar, and wind energy priority,
23 exclusion, and variance areas for the purpose of
24 encouraging and facilitating new renewable en-
25 ergy development opportunities; and

1 (B) based on the review carried out under
2 subparagraph (A), add, modify, or eliminate
3 priority, variance, and exclusion areas.

4 (2) EXCEPTION.—Paragraph (1) shall not
5 apply to the renewable energy land use planning
6 published in the Desert Renewable Energy Con-
7 servation Plan developed by the California Energy
8 Commission, the California Department of Fish and
9 Wildlife, the Bureau of Land Management, and the
10 United States Fish and Wildlife Service until at
11 least January 1, 2030.

12 (d) COMPLIANCE WITH THE NATIONAL ENVIRON-
13 MENTAL POLICY ACT.—For purposes of this section, com-
14 pliance with the National Environmental Policy Act of
15 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

16 (1) for geothermal energy, by updating the doc-
17 ument entitled “Final Programmatic Environmental
18 Impact Statement for Geothermal Leasing in the
19 Western United States”, dated October 2008, and
20 incorporating any additional regional analyses that
21 have been completed by Federal agencies since that
22 programmatic environmental impact statement was
23 finalized;

24 (2) for solar energy, by updating the document
25 entitled “Final Programmatic Environmental Impact

1 Statement (PEIS) for Solar Energy Development in
2 Six Southwestern States”, dated July 2012, and in-
3 corporating any additional regional analyses that
4 have been completed by Federal agencies since that
5 programmatic environmental impact statement was
6 finalized; and

7 (3) for wind energy, by updating the document
8 entitled “Final Programmatic Environmental Impact
9 Statement on Wind Energy Development on BLM-
10 Administered Lands in the Western United States”,
11 dated July 2005, and incorporating any additional
12 regional analyses that have been completed by Fed-
13 eral agencies since the programmatic environmental
14 impact statement was finalized.

15 (e) NO EFFECT ON PROCESSING SITE SPECIFIC AP-
16 PPLICATIONS.—Site specific environmental review and
17 processing of permits for proposed projects shall proceed
18 during preparation of an updated programmatic environ-
19 mental impact statement, resource management plan, or
20 resource management plan amendment.

21 (f) COORDINATION.—In developing updates required
22 by this section, the Secretary shall coordinate, on an ongo-
23 ing basis, with appropriate State, Tribal, and local govern-
24 ments, transmission infrastructure owners and operators,

1 developers, and other appropriate entities to ensure that
2 priority areas identified by the Secretary are—

3 (1) economically viable (including having access
4 to existing and planned transmission lines);

5 (2) likely to avoid or minimize impacts to habi-
6 tat for animals and plants, recreation, cultural re-
7 sources, and other uses of covered land; and

8 (3) consistent with section 202 of the Federal
9 Land Policy and Management Act of 1976 (43
10 U.S.C. 1712), including subsection (c)(9) of that
11 section (43 U.S.C. 1712(c)(9)).

12 **SEC. 503. LIMITED EXEMPTIONS FROM NEW REQUIRE-**
13 **MENTS.**

14 (a) DEFINITION OF PROJECT.—In this section, the
15 term “project” means a system described in section
16 2801.9(a)(4) of title 43, Code of Federal Regulations (as
17 in effect on the date of the enactment of this Act).

18 (b) REQUIREMENT TO PAY RENTS AND FEES.—Un-
19 less otherwise agreed to by the owner of a project, the
20 owner of a project that applied for a right-of-way under
21 section 501 of the Federal Land Policy and Management
22 Act of 1976 (43 U.S.C. 1761) on or before December 19,
23 2016, shall be obligated to pay with respect to the right-
24 of-way all rents and fees in effect before the effective date
25 of the rule of the Bureau of Land Management entitled

1 “Competitive Processes, Terms, and Conditions for Leas-
2 ing Public Lands for Solar and Wind Energy Development
3 and Technical Changes and Corrections” (81 Fed. Reg.
4 92122 (December 19, 2016)).

5 **SEC. 504. DISPOSITION OF REVENUES.**

6 (a) DISPOSITION OF REVENUES.—

7 (1) AVAILABILITY.—Except as provided in
8 paragraph (2), beginning on January 1, 2024, of
9 amounts collected from a wind or solar project as
10 bonus bids, rentals, fees, or other payments under a
11 right-of-way, permit, lease, or other authorization
12 the following shall be made available, without fur-
13 ther appropriation or fiscal year limitation, as fol-
14 lows:

15 (A) Twenty-five percent shall be paid by
16 the Secretary of the Treasury to the State with-
17 in the boundaries of which the revenue is de-
18 rived.

19 (B) Twenty-five percent shall be paid by
20 the Secretary of the Treasury to the one or
21 more counties within the boundaries of which
22 the revenue is derived, to be allocated among
23 the counties based on the percentage of land
24 from which the revenue is derived.

1 (C) Twenty-five percent shall be deposited
2 in the Treasury and be made available to the
3 Secretary to carry out the program established
4 under this Act, including the transfer of the
5 funds by the Bureau of Land Management to
6 other Federal agencies and State agencies to fa-
7 cilitate the processing of renewable energy per-
8 mits on Federal land, with priority given to
9 using the amounts, to the maximum extent
10 practicable without detrimental impacts to
11 emerging markets, to expediting the issuance of
12 permits required for the development of renew-
13 able energy projects in the States from which
14 the revenues are derived.

15 (D) Twenty-five percent shall be deposited
16 in the Renewable Energy Resource Conserva-
17 tion Fund established by subsection (c).

18 (2) EXCEPTIONS.—Paragraph (1) shall not
19 apply to the following:

20 (A) Amounts collected under section
21 504(g) of the Federal Land Policy and Manage-
22 ment Act of 1976 (43 U.S.C. 1764(g)).

23 (B) Amounts deposited into the National
24 Parks and Public Land Legacy Restoration

1 Fund under section 200402(b) of title 54,
2 United States Code.

3 (b) PAYMENTS TO STATES AND COUNTIES.—

4 (1) IN GENERAL.—Amounts paid to States and
5 counties under subsection (a)(1) shall be used con-
6 sistent with section 35 of the Mineral Leasing Act
7 (30 U.S.C. 191).

8 (2) PAYMENTS IN LIEU OF TAXES.—A payment
9 to a county under paragraph (1) shall be in addition
10 to a payment in lieu of taxes received by the county
11 under chapter 69 of title 31, United States Code.

12 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
13 FUND.—

14 (1) IN GENERAL.—There is established in the
15 Treasury a fund to be known as the Renewable En-
16 ergy Resource Conservation Fund, which shall be
17 administered by the Secretary, in consultation with
18 the Secretary of Agriculture.

19 (2) USE OF FUNDS.—The Secretary may make
20 amounts in the Fund available to Federal, State,
21 local, and Tribal agencies to be distributed in re-
22 gions in which renewable energy projects are located
23 on Federal land. Such amounts may be used to—

24 (A) restore and protect—

1 (i) fish and wildlife habitat for af-
2 fected species;

3 (ii) fish and wildlife corridors for af-
4 fected species; and

5 (iii) wetlands, streams, rivers, and
6 other natural water bodies in areas af-
7 fected by wind, geothermal, or solar energy
8 development; and

9 (B) preserve and improve recreational ac-
10 cess to Federal land and water in an affected
11 region through an easement, right-of-way, or
12 other instrument from willing landowners for
13 the purpose of enhancing public access to exist-
14 ing Federal land and water that is inaccessible
15 or restricted.

16 (3) PARTNERSHIPS.—The Secretary may enter
17 into cooperative agreements with State and Tribal
18 agencies, nonprofit organizations, and other appro-
19 priate entities to carry out the activities described in
20 paragraph (2).

21 (4) INVESTMENT OF FUND.—

22 (A) IN GENERAL.—Amounts deposited in
23 the Fund shall earn interest in an amount de-
24 termined by the Secretary of the Treasury on
25 the basis of the current average market yield on

1 outstanding marketable obligations of the
2 United States of comparable maturities.

3 (B) USE.—Interest earned under subpara-
4 graph (A) may be expended in accordance with
5 this subsection.

6 (5) REPORT TO CONGRESS.—At the end of each
7 fiscal year, the Secretary shall submit a report to
8 the Committee on Natural Resources of the House
9 of Representatives and the Committee on Energy
10 and Natural Resources of the Senate that includes
11 a description of—

12 (A) the amount collected as described in
13 subsection (a), by source, during that fiscal
14 year;

15 (B) the amount and purpose of payments
16 during that fiscal year to each Federal, State,
17 local, and Tribal agency under paragraph (2);
18 and

19 (C) the amount remaining in the Fund at
20 the end of the fiscal year.

21 (6) INTENT OF CONGRESS.—It is the intent of
22 Congress that the revenues deposited and used in
23 the Fund shall supplement (and not supplant) an-
24 nual appropriations for activities described in para-
25 graph (2).

1 **SEC. 505. SAVINGS.**

2 Notwithstanding any other provision of this title, the
3 Secretary shall continue to manage public lands under the
4 principles of multiple use and sustained yield in accord-
5 ance with title I of the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1701 et seq.) or the Forest
7 and Rangeland Renewable Resources Planning Act of
8 1974 (43 U.S.C. 1701 et seq.), as applicable, including
9 due consideration of mineral and nonrenewable energy-re-
10 lated projects and other nonrenewable energy uses, for the
11 purposes of land use planning, permit processing, and con-
12 ducting environmental reviews.

13 **TITLE VI—MODERNIZING OFF-**
14 **SHORE RENEWABLE ENERGY**

15 **SEC. 601. RESPONSIBLE DEVELOPMENT OF OFFSHORE RE-**
16 **NEWABLE ENERGY PROJECTS.**

17 (a) DEFINITIONS.—Section 2 of the Outer Conti-
18 nental Shelf Lands Act (43 U.S.C. 1331) is amended by
19 adding at the end the following:

20 “(u) OFFSHORE RENEWABLE ENERGY PROJECT.—
21 The term ‘offshore renewable energy project’ means a
22 project to carry out an activity described in section
23 8(p)(1)(C) related to wind, solar, wave, or tidal energy.”.

24 (b) NATIONAL POLICY FOR THE OUTER CONTI-
25 NENTAL SHELF.—Section 3 of the Outer Continental
26 Shelf Lands Act (43 U.S.C. 1332) is amended—

1 (1) by amending paragraph (3) to read as fol-
2 lows:

3 “(3) the outer Continental Shelf is a vital na-
4 tional resource reserve held by the Federal Govern-
5 ment for the public, which should be made available
6 for expeditious and orderly development, subject to
7 environmental safeguards and coexistence with other
8 ocean users, in a manner which—

9 “(A) supports the generation, trans-
10 mission, and storage of zero-emission electricity;
11 and

12 “(B) is consistent with the maintenance of
13 competition and other national needs, including
14 the need to achieve State and Federal zero-
15 emission electricity or renewable energy man-
16 dates, targets, and goals;”;

17 (2) by redesignating paragraphs (5) and (6) as
18 paragraphs (6) and (7), respectively; and

19 (3) by inserting after paragraph (4) the fol-
20 lowing:

21 “(5) the identification, development, and pro-
22 duction of lease areas for offshore renewable energy
23 projects should be determined by a robust and trans-
24 parent stakeholder process that incorporates engage-
25 ment and input from a diverse group of ocean users

1 as well as Federal, State, Tribal, and local govern-
2 ments;”.

3 (c) LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON
4 THE OUTER CONTINENTAL SHELF.—Section 8(p) of the
5 Outer Continental Shelf Lands Act (43 U.S.C. 1337(p))
6 is amended—

7 (1) in paragraph (2)—

8 (A) in subparagraph (B)—

9 (i) by striking “27” and inserting
10 “17”; and

11 (ii) by striking “15” and inserting
12 “100”; and

13 (B) by adding at the end the following:

14 “(C) PAYMENTS FOR CONSERVATION AND MITI-
15 GATION ACTIVITIES.—

16 “(i) IN GENERAL.—Notwithstanding sec-
17 tion 9, the Secretary shall, without appropria-
18 tion or fiscal year limitation, use 10 percent of
19 the revenue received by the Federal Govern-
20 ment from royalties, fees, rents, bonuses, and
21 other payments from any lease, easement, or
22 right-of-way granted under this subsection to
23 provide grants to—

24 “(I) State, local, and Tribal govern-
25 ments, and regional partnerships thereof,

1 including Regional Ocean Partnerships and
2 Regional Wildlife Science Collaboratives;
3 and

4 “(II) nonprofit organizations.

5 “(ii) USE OF GRANTS.—Grants provided
6 under clause (i) shall be used for carrying out
7 activities related to marine and coastal habitat
8 protection and restoration, mitigation of dam-
9 age to natural resources and marine life, rel-
10 evant research and data sharing initiatives, or
11 increasing the organizational capacity of an en-
12 tity described in subclause (I) or (II) of clause
13 (i) to increase the effectiveness of entities that
14 carry out such activities.

15 “(D) OFFSHORE RENEWABLE ENERGY COM-
16 PENSATION FUND.—Notwithstanding section 9, the
17 Secretary shall, without appropriation or fiscal year
18 limitation, deposit 10 percent of the revenue received
19 by the Federal Government from royalties, fees,
20 rents, bonuses, and other payments from any lease,
21 easement, or right-of-way granted under this sub-
22 section into the Offshore Renewable Energy Com-
23 pensation Fund established under section 34.”;

24 (2) by amending paragraph (3) to read as fol-
25 lows:

1 “(3) LEASING.—

2 “(A) COMPETITIVE OR NONCOMPETITIVE
3 BASIS.—Except with respect to projects that
4 meet the criteria established under section
5 388(d) of the Energy Policy Act of 2005, the
6 Secretary shall issue a lease, easement, or
7 right-of-way under paragraph (1) on a competi-
8 tive basis unless the Secretary determines after
9 public notice of a proposed lease, easement, or
10 right-of-way that there is no competitive inter-
11 est.

12 “(B) SCHEDULE OF OFFSHORE RENEW-
13 ABLE ENERGY LEASE SALES.—The Secretary
14 shall, after providing an opportunity for public
15 notice and comment, publish and periodically
16 update a schedule of areas that may be avail-
17 able for leasing in the future for offshore re-
18 newable energy projects, indicating, to the ex-
19 tent possible, the timing of site identification
20 activities, the timing of designation of any area
21 to be leased, the anticipated size of such areas,
22 the timing of lease sales, and the location of
23 leasing activities.

24 “(C) MULTI-FACTOR BIDDING.—

1 “(i) IN GENERAL.—The Secretary
2 may consider non-monetary factors when
3 competitively awarding leases under para-
4 graph (1), which may include commitments
5 made by the bidder to—

6 “(I) support or increase access to
7 registered apprenticeship programs
8 and pre-apprenticeship programs that
9 have an articulation agreement with a
10 registered apprenticeships program
11 for offshore renewable energy projects;

12 “(II) support development of do-
13 mestic supply chains for offshore re-
14 newable energy projects, including de-
15 velopment of ports and other energy
16 infrastructure necessary to facilitate
17 offshore renewable energy projects;

18 “(III) establish a community
19 benefit agreement with one or more
20 community or stakeholder groups,
21 which may include covered entities;

22 “(IV) make investments to evalu-
23 ate, monitor, improve, and mitigate
24 impacts to the health and biodiversity

1 of ecosystems and wildlife within the
2 leased area; and

3 “(V) make other investments de-
4 termined appropriate by the Sec-
5 retary.

6 “(ii) CONTRACTUAL COMMITMENTS.—
7 When considering non-monetary factors
8 under this subparagraph, the Secretary
9 shall—

10 “(I) evaluate the quality of com-
11 mitments made by the bidder; and

12 “(II) reward finalized binding
13 agreements above assurances for fu-
14 ture commitments.

15 “(iii) DEFINITIONS.—In this subpara-
16 graph:

17 “(I) COVERED ENTITY.—The
18 term ‘covered entity’ has the meaning
19 given such term in section 34(k).

20 “(II) REGISTERED APPRENTICE-
21 SHIP PROGRAM.—The term ‘registered
22 apprenticeship program’ means an ap-
23 prenticeship program registered under
24 the Act of August 16, 1937 (com-
25 monly known as the National Appren-

1 ticeship Act; 50 Stat. 664, chapter
2 663; 29 U.S.C. 50 et seq.).”;

3 (3) by amending paragraph (4) to read as fol-
4 lows:

5 “(4) REQUIREMENTS.—

6 “(A) IN GENERAL.—The Secretary shall
7 ensure that any activity under this subsection is
8 carried out in a manner that provides for—

9 “(i) safety;

10 “(ii) protection of the environment,
11 which includes facilitation of the genera-
12 tion, transmission, and storage of zero-
13 emission electricity;

14 “(iii) prevention of waste;

15 “(iv) conservation of the natural re-
16 sources of the outer Continental Shelf;

17 “(v) coordination with relevant Fed-
18 eral agencies and State, Tribal, and local
19 governments;

20 “(vi) protection of national security
21 interests of the United States;

22 “(vii) protection of correlative rights
23 in the outer Continental Shelf;

1 “(viii) a fair return to the United
2 States for any lease, easement, or right-of-
3 way under this subsection;

4 “(ix) reasonable uses (as determined
5 by the Secretary) of the exclusive economic
6 zone, the high seas, and the territorial
7 seas;

8 “(x) consideration of—

9 “(I) the location of, and any
10 schedule relating to, a lease, ease-
11 ment, or right-of-way for an area of
12 the outer Continental Shelf; and

13 “(II) any other use of the sea or
14 seabed, including use for a fishery, a
15 sealane, a potential site of a deep-
16 water port, or navigation;

17 “(xi) public notice and comment on
18 any proposal submitted for a lease, ease-
19 ment, or right-of-way under this sub-
20 section;

21 “(xii) oversight, inspection, research,
22 monitoring, and enforcement relating to a
23 lease, easement, or right-of-way under this
24 subsection; and

1 “(xiii) satisfaction of any applicable
2 State and Federal renewable and clean en-
3 ergy mandates, targets, and goals.

4 “(B) PROJECT LABOR AGREEMENTS.—

5 “(i) IN GENERAL.—Beginning not
6 later than January 1, 2024, the Secretary
7 shall require, as a term or condition of
8 each lease, right-of-way, and easement, as
9 applicable, for an offshore renewable en-
10 ergy project that the holder of the lease,
11 right-of-way, or easement, (and any suc-
12 cessor or assignee) and its agents, contrac-
13 tors, and subcontractors engaged in the
14 construction of any facilities for such off-
15 shore renewable energy project agree, for
16 purposes of such construction, negotiate or
17 become a party to a project labor agree-
18 ment with one or more labor organizations.
19 A project labor agreement shall bind all
20 contractors and subcontractors on the
21 project through the inclusion of appro-
22 priate specifications in all relevant sollicita-
23 tion provisions and contract documents.
24 The Secretary shall not approve a con-
25 struction and operations plan with respect

1 to any offshore renewable energy project
2 until being assured by the lessee that such
3 project labor agreement will be maintained
4 for the duration of the project.

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

7 “(I) CONSTRUCTION.—The term
8 ‘construction’ includes reconstruction,
9 rehabilitation, modernization, alter-
10 ation, conversion, extension, repair, or
11 improvement of any facility, structure,
12 or other real property (including any
13 onshore facilities) for an offshore re-
14 newable energy project.

15 “(II) LABOR ORGANIZATION.—
16 The term ‘labor organization’ means a
17 labor organization as defined in sec-
18 tion 2(5) of the National Labor Rela-
19 tions Act (29 U.S.C. 152(5))—

20 “(aa) of which building and
21 construction employees are mem-
22 bers; and

23 “(bb) that directly, or
24 through its affiliates, sponsors a

1 registered apprenticeship pro-
2 gram.

3 “(III) PROJECT LABOR AGREE-
4 MENT.—The term ‘project labor
5 agreement’ means a pre-hire collective
6 bargaining agreement with one or
7 more labor organizations that estab-
8 lishes the terms and conditions of em-
9 ployment for a specific construction
10 project and is an agreement described
11 in section 8(e) and (f) of the National
12 Labor Relations Act (29 U.S.C.
13 158(f)).

14 “(IV) REGISTERED APPRENTICE-
15 SHIP PROGRAM.—The term ‘registered
16 apprenticeship program’ means an ap-
17 prenticeship program registered under
18 the Act of August 16, 1937 (com-
19 monly known as the National Appren-
20 ticeship Act; 50 Stat. 664, chapter
21 663; 29 U.S.C. 50 et seq.).

22 “(C) DOMESTIC CONTENT.—

23 “(i) IN GENERAL.—Beginning not
24 later than December 31, 2031, the Sec-
25 retary shall require that—

1 “(I) all structural iron and steel
2 products that are (upon completion of
3 construction) components of facilities
4 for an offshore renewable energy
5 project shall be produced in the
6 United States; and

7 “(II) not less than 80 percent of
8 the total costs of all manufactured
9 products that are (upon completion of
10 construction) components of such fa-
11 cilities shall be attributable to manu-
12 factured products which are mined,
13 produced, or manufactured in the
14 United States.

15 “(ii) WAIVER.—The Secretary may
16 waive the requirements of clause (i) in any
17 case or category of cases in which the Sec-
18 retary finds that—

19 “(I) applying clause (i) would be
20 inconsistent with the public interest;

21 “(II) such products are not pro-
22 duced in the United States in suffi-
23 cient and reasonably available quan-
24 tities and of a satisfactory quality; or

1 “(III) the use of such products
2 will increase the cost of the overall
3 project by more than 25 percent.

4 “(iii) PUBLIC NOTIFICATION.—If the
5 Secretary receives a request for a waiver
6 under this subparagraph, the Secretary
7 shall make available to the public, on an
8 informal basis, a copy of the request and
9 information available to the Secretary con-
10 cerning the request, and shall allow for in-
11 formal public input on the request for at
12 least 15 days prior to making a finding
13 based on the request. The Secretary shall
14 make the request and accompanying infor-
15 mation available to the public by electronic
16 means, including on the official public
17 Internet site of the Department of the In-
18 terior.

19 “(iv) INTERNATIONAL AGREE-
20 MENTS.—This paragraph shall be applied
21 in a manner consistent with United States
22 obligations under international agree-
23 ments.”;

24 (4) by amending paragraph (10) to read as fol-
25 lows:

1 “(10) APPLICABILITY.—

2 “(A) IN GENERAL.—This subsection does
3 not apply to any area on the outer Continental
4 Shelf within the exterior boundaries of any unit
5 of the National Park System, National Wildlife
6 Refuge System, or National Marine Sanctuary
7 System, or any National Monument.

8 “(B) CERTAIN TRANSMISSION INFRA-
9 STRUCTURE.—Notwithstanding subparagraph
10 (A), if otherwise authorized pursuant to the
11 National Marine Sanctuaries Act (16 U.S.C.
12 1431 et seq.), the Secretary may issue a lease,
13 easement, or right-of-way to enable the trans-
14 mission of electricity generated by an offshore
15 renewable energy project.”; and
16 (5) by adding at the end the following:

17 “(11) REGIONAL IMPACT STUDIES.—

18 “(A) IN GENERAL.—Beginning two years
19 after the date of enactment of this paragraph,
20 before holding any lease sale pursuant to para-
21 graph (1) for an area, the Secretary shall con-
22 duct a study of such area, or the region that in-
23 cludes such area, in order to establish informa-
24 tion needed for assessment and management of
25 the environmental impacts on the human, ma-

1 rine, and coastal environments of the outer
2 Continental Shelf and the coastal areas which
3 may be affected by offshore renewable energy
4 projects in such area or region.

5 “(B) INCLUSIONS.—A study conducted
6 under subparagraph (A)—

7 “(i) may incorporate the best available
8 existing science and data;

9 “(ii) may identify areas for which
10 there is insufficient science and data; and

11 “(iii) shall include consideration of the
12 cumulative impacts (including potential
13 navigational impacts) of offshore renewable
14 energy projects on human, marine, and
15 coastal environments.

16 “(C) USE OF DATA AND ASSESSMENTS.—
17 The Secretary shall use the data and assess-
18 ments included in studies conducted under this
19 paragraph, as appropriate, when deciding—

20 “(i) which portions of an area or re-
21 gion are most appropriate to make avail-
22 able for leasing; and

23 “(ii) whether to issue any permit or
24 other authorization that is necessary to

1 carry out an offshore renewable energy
2 project.

3 “(D) NEPA APPLICABILITY.—The Sec-
4 retary conducting a study under subparagraph
5 (A) shall not be considered a major Federal ac-
6 tion under section 102(2)(C) of the National
7 Environmental Policy Act of 1969 (42 U.S.C.
8 4332(2)(C)).”.

9 (d) RESERVATIONS.—Section 12(a) of the Outer
10 Continental Shelf Lands Act (43 U.S.C. 1341(a)) is
11 amended to read as follows—

12 “(a) WITHDRAWAL OF UNLEASED LANDS BY THE
13 PRESIDENT.—

14 “(1) IN GENERAL.—The President of the
15 United States may, from time to time, withdraw
16 from disposition any of the unleased lands of the
17 outer Continental Shelf.

18 “(2) REVERSAL FOR CERTAIN OFFSHORE RE-
19 NEWABLE ENERGY PROJECTS.—With respect to a
20 withdrawal under paragraph (1) of unleased lands
21 from disposition, the President may reverse such a
22 withdrawal only to allow for leasing under section
23 (8)(p)(1)(C) and only if the President determines
24 that environmental, national security, or national or
25 regional energy conditions or demands have changed

1 such that a reversal would be in the public inter-
2 est.”.

3 (e) CITIZEN SUITS, COURT JURISDICTION, AND JU-
4 DICIAL REVIEW.—Section 23(c)(2) of the Outer Conti-
5 nental Shelf Lands Act (43 U.S.C. 1349(c)(2)) is amend-
6 ed to read as follows:

7 “(2) Any action of the Secretary to approve, require
8 modification of, or disapprove any exploration plan or de-
9 velopment and production plan under this Act, or any final
10 lease, easement, or right-of-way granted pursuant to sec-
11 tion (8)(p)(1) (and any related final Federal agency ac-
12 tions), shall be subject to judicial review only in a United
13 States court of appeals for a circuit in which an affected
14 State is located.”.

15 **SEC. 602. OFFSHORE RENEWABLE ENERGY COMPENSATION**
16 **FUND.**

17 The Outer Continental Shelf Lands Act (43 U.S.C.
18 1331) is amended by adding at the end the following:

19 **“SEC. 34. OFFSHORE RENEWABLE ENERGY COMPENSATION**
20 **FUND.**

21 “(a) ESTABLISHMENT.—There is established in the
22 Treasury of the United States the Offshore Renewable
23 Energy Compensation Fund, which shall be used by the
24 Secretary to provide to eligible recipients—

25 “(1) payments for claims—

1 “(A) described under subsection (f)(1); and

2 “(B) verified pursuant to subsection

3 (d)(1); and

4 “(2) grants to carry out mitigation activities de-
5 scribed in subsection (f)(2).

6 “(b) AVAILABILITY OF FUND.—The Fund shall be
7 available to the Secretary without fiscal year limitations
8 for the purpose of providing payments and grants under
9 subsection (a).

10 “(c) ACCOUNTS.—The Fund shall—

11 “(1) consist of the royalties, fees, rentals, bo-
12 nuses, and other payments deposited under section
13 8(p)(2)(D); and

14 “(2) be divided into separate area accounts
15 from which payments and grants shall be provided
16 based on the area in which damages occur.

17 “(d) REGULATIONS.—The Secretary shall establish,
18 by regulation, a process to—

19 “(1) file, process, and verify claims for purposes
20 of providing payments under subsection (a)(1); and

21 “(2) apply for a grant provided under sub-
22 section (a)(2).

23 “(e) PAYMENT AMOUNT.—Payments provided under
24 subsection (a)(1) shall—

25 “(1) be based on the scope of the verified claim;

1 “(2) be fair and provided efficiently and in a
2 transparent manner; and

3 “(3) if the eligible recipient receiving the pay-
4 ment has or will receive direct compensation for the
5 verified claim pursuant to a community benefit
6 agreement or other agreement between such eligible
7 recipient and a holder of a lease, easement, or right-
8 of-way, be reduced by an amount that is equal to the
9 amount of such direct compensation.

10 “(f) ELIGIBLE CLAIMS; MITIGATION GRANTS.—

11 “(1) ELIGIBLE CLAIMS.—A payment may be
12 provided under subsection (a)(1) for a claim to—

13 “(A) replace or repair gear that was lost or
14 damaged by the development of an offshore re-
15 newable energy project; or

16 “(B) replace income that was lost from the
17 development of an offshore renewable energy
18 project.

19 “(2) MITIGATION GRANTS.—If the Secretary
20 determines that there are sufficient amounts in an
21 area account of the Fund to provide payments for
22 all verified claims at any given time, the Secretary
23 may use amounts in the Fund to provide grants to
24 eligible recipients, and other entities determined ap-
25 propriate by the Secretary, to mitigate the potential

1 effects of development of an offshore renewable en-
2 ergy project, including by paying for gear changes,
3 navigation technology improvements, and other
4 measures to enhance safety.

5 “(g) ADVISORY GROUP.—

6 “(1) IN GENERAL.—The Secretary shall estab-
7 lish and regularly convene an advisory group that
8 shall provide recommendations on the development
9 and administration of this section.

10 “(2) MEMBERSHIP.—The advisory group
11 shall—

12 “(A) be comprised of individuals—

13 “(i) appointed by the Secretary; and

14 “(ii) representing the geographic di-
15 versity of areas impacted by the develop-
16 ment of offshore renewable energy projects;
17 and

18 “(B) include representatives from—

19 “(i) recreational fishing interests;

20 “(ii) commercial fishing interests;

21 “(iii) Tribal fishing interests;

22 “(iv) the National Marine Fisheries
23 Services;

24 “(v) the fisheries science community;

25 and

1 “(vi) other fields of expertise nec-
2 essary to effectively develop and administer
3 this section, as determined by the Sec-
4 retary.

5 “(3) TRAVEL EXPENSES.—The Secretary may
6 provide amounts to any member of the advisory
7 group to pay for travel expenses, including per diem
8 in lieu of subsistence, at rates authorized for an em-
9 ployee of an agency under section 5703 of title 5,
10 United States Code, while away from the home or
11 regular place of business of the member in the per-
12 formance of the duties of the advisory group.

13 “(h) INSUFFICIENT FUNDS.—

14 “(1) IN GENERAL.—If the Secretary determines
15 that an area account does not contain a sufficient
16 amount to provide payments under subsection
17 (a)(1), the Secretary may, not more than once each
18 calendar year, require any holder of an offshore re-
19 newable energy lease located within the area covered
20 by the area account to pay an amount specified by
21 the Secretary, which shall be deposited into such
22 area account.

23 “(2) AMOUNT.—No holder of an offshore re-
24 newable energy lease shall be required to pay an

1 amount in excess of \$1 per acre of the leased land
2 described in paragraph (1).

3 “(i) ADMINISTRATIVE EXPENSES.—The Secretary
4 may use up to 15 percent of any amount deposited into
5 the Fund under section 8(p)(2)(D) for administrative ex-
6 penses to carry out this section.

7 “(j) ANNUAL REPORT.—The Secretary shall submit
8 to Congress, and make publicly available, an annual report
9 on activities carried out under this section, including a de-
10 scription of claims filed and the amount of payments and
11 grants provided.

12 “(k) DEFINITIONS.—In this section:

13 “(1) COVERED ENTITY.—The term ‘covered en-
14 tity’ means a community, stakeholder, or tribal in-
15 terest—

16 “(A) that uses a geographic space of a
17 lease area, or uses resources harvested from a
18 geographic space of a lease area; and

19 “(B) for which such use is directly and ad-
20 versely impacted by the development of an off-
21 shore renewable energy project located in such
22 leased area.

23 “(2) ELIGIBLE RECIPIENT.—The term ‘eligible
24 recipient’ means—

1 “(A) a covered entity that is located in the
2 United States; or

3 “(B) a regional association, cooperative,
4 non-profit organization, commission, or corpora-
5 tion that—

6 “(i) serves a covered entity;

7 “(ii) acts on behalf of a covered entity
8 for purposes of this section, including by
9 submitting a claim for a covered entity;
10 and

11 “(iii) is located in the United States.

12 “(3) FUND.—The term ‘Fund’ means the Off-
13 shore Renewable Energy Compensation Fund estab-
14 lished under subsection (a).

15 “(4) LEASE AREA.—The term ‘lease area’
16 means an area covered by an offshore renewable en-
17 ergy lease.

18 “(5) OFFSHORE RENEWABLE ENERGY LEASE.—
19 The term ‘offshore renewable energy lease’ means a
20 lease, easement, or right-of-way granted under sec-
21 tion 8(p)(1)(C).”.

1 **TITLE VII—EMPOWERING**
2 **COMMUNITIES**

3 **SEC. 701. ENVIRONMENTAL JUSTICE ANALYSIS IN NEPA.**

4 (a) **PURPOSE.**—The purpose of this section is to es-
5 tablish additional protections relating to Federal actions
6 affecting environmental justice communities in recognition
7 of the disproportionate burden of adverse human health
8 or environmental effects faced by such communities.

9 (b) **DEFINITIONS.**—In this section:

10 (1) **ENVIRONMENTAL IMPACT STATEMENT.**—

11 The term “environmental impact statement” means
12 the detailed statement of environmental impacts of
13 a proposed action required to be prepared pursuant
14 to the National Environmental Policy Act of 1969
15 (42 U.S.C. 4321 et seq.).

16 (2) **FEDERAL ACTION.**—The term “Federal ac-
17 tion” means a proposed action that requires the
18 preparation of an environmental impact statement,
19 environmental assessment, categorical exclusion, or
20 other document under the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

22 (c) **PREPARATION OF A COMMUNITY IMPACT RE-**
23 **PORT.**—A Federal agency proposing to take a Federal ac-
24 tion that has the potential to cause negative environmental
25 or public health impacts on an environmental justice com-

1 munity shall prepare a community impact report assessing
2 the potential impacts of the proposed action.

3 (d) CONTENTS.—A community impact report de-
4 scribed in subsection (c) shall—

5 (1) assess the degree to which a proposed Fed-
6 eral action affecting an environmental justice com-
7 munity will cause multiple or cumulative exposure to
8 human health and environmental hazards that influ-
9 ence, exacerbate, or contribute to adverse health out-
10 comes;

11 (2) assess relevant public health data and in-
12 dustry data concerning the potential for multiple or
13 cumulative exposure to human health or environ-
14 mental hazards in the area of the environmental jus-
15 tice community and historical patterns of exposure
16 to environmental hazards and Federal agencies shall
17 assess these multiple, or cumulative effects, even if
18 certain effects are not within the control or subject
19 to the discretion of the Federal agency proposing the
20 Federal action;

21 (3) assess the impact of such proposed Federal
22 action on such environmental justice community's
23 ability to access public parks, outdoor spaces, and
24 public recreation opportunities;

1 (4) evaluate alternatives to or mitigation meas-
2 ures for the proposed Federal action that will—

3 (A) eliminate or reduce any identified ex-
4 posure to human health and environmental haz-
5 ards described in paragraph (1) to a level that
6 is reasonably expected to avoid human health
7 impacts in environmental justice communities;
8 and

9 (B) not negatively impact an environ-
10 mental justice community's ability to access
11 public parks, outdoor spaces, and public recre-
12 ation opportunities; and

13 (5) analyze any alternative developed by mem-
14 bers of an affected environmental justice community
15 that meets the purpose and need of the proposed ac-
16 tion.

17 (e) DELEGATION.—Federal agencies shall not dele-
18 gate responsibility for the preparation of a community im-
19 pact report described in subsection (c) to any other entity.

20 (f) NATIONAL ENVIRONMENTAL POLICY ACT RE-
21 QUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMU-
22 NITIES.—When carrying out the requirements of the Na-
23 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
24 et seq.) for a proposed Federal action that may affect an

1 environmental justice community, a Federal agency
2 shall—

3 (1) consider all potential direct, indirect, and
4 cumulative impacts caused by the action, alter-
5 natives to such action, and mitigation measures on
6 the environmental justice community required by
7 that Act;

8 (2) require any public comment period carried
9 out during the scoping phase of the environmental
10 review process to be not less than 90 days;

11 (3) provide early and meaningful community in-
12 volvement opportunities by—

13 (A) holding multiple hearings in such com-
14 munity regarding the proposed Federal action
15 in each prominent language within the environ-
16 mental justice community; and

17 (B) providing notice of any step or action
18 in the process that Act involves public partici-
19 pation to any representative entities or organi-
20 zations present in the environmental justice
21 community including—

22 (i) local religious organizations;

23 (ii) civic associations and organiza-
24 tions;

- 1 (iii) business associations of people of
2 color;
- 3 (iv) environmental and environmental
4 justice organizations, including community-
5 based grassroots organizations led by peo-
6 ple of color;
- 7 (v) homeowners, tenants, and neigh-
8 borhood watch groups;
- 9 (vi) local governments and Tribal
10 Governments;
- 11 (vii) rural cooperatives;
- 12 (viii) business and trade organiza-
13 tions;
- 14 (ix) community and social service or-
15 ganizations;
- 16 (x) universities, colleges, and voca-
17 tional schools;
- 18 (xi) labor and other worker organiza-
19 tions;
- 20 (xii) civil rights organizations;
- 21 (xiii) senior citizens' groups; and
- 22 (xiv) public health agencies and clin-
23 ics; and
- 24 (4) provide translations of publicly available
25 documents made available pursuant to that Act in

1 any language spoken by more than 5 percent of the
2 population residing within the environmental justice
3 community.

4 (g) COMMUNICATION METHODS AND REQUIRE-
5 MENTS.—Any notice provided under subsection (f)(3)(B)
6 shall be provided—

7 (1) through communication methods that are
8 accessible in the environmental justice community,
9 which may include electronic media, newspapers,
10 radio, direct mailings, canvassing, and other out-
11 reach methods particularly targeted at communities
12 of color, low-income communities, and Tribal and In-
13 digenous communities; and

14 (2) at least 30 days before any hearing in such
15 community or the start of any public comment pe-
16 riod.

17 (h) REQUIREMENTS FOR ACTIONS REQUIRING AN
18 ENVIRONMENTAL IMPACT STATEMENT.—For any pro-
19 posed Federal action affecting an environmental justice
20 community requiring the preparation of an environmental
21 impact statement, the Federal agency shall provide the fol-
22 lowing information when giving notice of the proposed ac-
23 tion:

24 (1) A description of the proposed action.

1 (2) An outline of the anticipated schedule for
2 completing the process under the National Environ-
3 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
4 with a description of key milestones.

5 (3) An initial list of alternatives and potential
6 impacts.

7 (4) An initial list of other existing or proposed
8 sources of multiple or cumulative exposure to envi-
9 ronmental hazards that contribute to higher rates of
10 serious illnesses within the environmental justice
11 community.

12 (5) An agency point of contact.

13 (6) Timely notice of locations where comments
14 will be received or public meetings held.

15 (7) Any telephone number or locations where
16 further information can be obtained.

17 (i) NATIONAL ENVIRONMENTAL POLICY ACT RE-
18 QUIREMENTS FOR INDIAN TRIBES.—When carrying out
19 the requirements of the National Environmental Policy
20 Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed Fed-
21 eral action that may affect an Indian Tribe, a Federal
22 agency shall—

23 (1) seek Tribal representation in the process in
24 a manner that is consistent with the government-to-
25 government relationship between the United States

1 and Tribal Governments, the Federal Government's
2 trust responsibility to federally Recognized Indian
3 Tribes, and any treaty rights;

4 (2) ensure that an Indian Tribe is invited to
5 hold the status of a cooperating agency throughout
6 the process under that Act for any proposed action
7 that could impact an Indian Tribe, including actions
8 that could impact off reservation lands and sacred
9 sites; and

10 (3) invite an Indian Tribe to hold the status of
11 a cooperating agency in accordance with paragraph
12 (2) not later than the date on which the scoping
13 process for a proposed action requiring the prepara-
14 tion of an environmental impact statement com-
15 mences.

16 (j) AGENCY DETERMINATIONS.—Federal agency de-
17 terminations about the analysis of a community impact
18 report described in subsection (c) shall be subject to judi-
19 cial review to the same extent as any other analysis per-
20 formed under the National Environmental Policy Act of
21 1969 (42 U.S.C. 4321 et seq.).

22 (k) EFFECTIVE DATE.—This section shall take effect
23 1 year after the date of enactment of this Act.

24 (l) SAVINGS CLAUSE.—Nothing in this section dimin-
25 ishes—

1 (1) any right granted through the National En-
2 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
3 seq.) to the public; or

4 (2) the requirements under that Act to consider
5 direct, indirect, and cumulative impacts.

6 **SEC. 702. AVOIDING CUMULATIVE IMPACTS.**

7 Title I of the National Environmental Policy Act of
8 1969 (42 U.S.C. 4331 et seq.) is amended—

9 (1) in section 101(a)—

10 (A) by striking “man’s” and inserting
11 “human”; and

12 (B) by striking “man” each place it ap-
13 pears and inserting “humankind”;

14 (2) in section 102—

15 (A) by striking “The Congress authorizes
16 and directs that, to the fullest extent possible:”
17 and inserting “The Congress authorizes and di-
18 rects that, notwithstanding any other provision
19 of law and to the fullest extent possible.”;

20 (B) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) by striking “insure” each
23 place it appears and inserting “en-
24 sure”; and

1 (II) by striking “man’s” and in-
2 serting “the human”;

3 (ii) in subparagraph (C)—

4 (I) by striking clause (iii) and in-
5 serting the following:

6 “(iii) a reasonable range of alternatives
7 that—

8 “(I) are technically feasible,

9 “(II) are economically feasible, and

10 “(III) where applicable, do not cause

11 or contribute to adverse cumulative effects,

12 including effects caused by exposure to en-

13 vironmental pollution, on an overburdened

14 community that are higher than those

15 borne by other communities within the

16 State, county, or other geographic unit of

17 analysis as determined by the agency pre-

18 paring or having taken primary responsi-

19 bility for preparing the environmental doc-

20 ument pursuant to this Act, except that

21 where the agency determines that an alter-

22 native will serve a compelling public inter-

23 est in the affected overburdened commu-

24 nity with conditions to protect public

25 health,”; and

1 (II) in clause (iv), by striking
2 “man’s” and inserting “the human”;
3 (C) in subparagraph (E), by inserting
4 “that are consistent with subparagraph (C)(3)”
5 after “describe appropriate alternatives”; and
6 (D) in subparagraph (F), by striking
7 “mankind’s” and inserting “humankind’s”; and
8 (3) by adding at the end the following:

9 **“SEC. 106. DEFINITIONS.**

10 “In this Act:

11 “(1) EFFECT; IMPACT.—The terms ‘effect’ and
12 ‘impact’ mean changes to the human environment
13 from the proposed action or alternatives that are
14 reasonably foreseeable and include the following:

15 “(A) Direct effects, which are caused by
16 the action and occur at the same time and
17 place.

18 “(B) Indirect effects, which are caused by
19 the action and are later in time or farther re-
20 moved in distance, but are still reasonably fore-
21 seeable. Indirect effects may include growth in-
22 ducing effects and other effects related to in-
23 duced changes in the pattern of land use, popu-
24 lation density or growth rate, and related ef-

1 fects on air and water and other natural sys-
2 tems, including ecosystems.

3 “(C) Cumulative effects, which are effects
4 on the environment that result from the incre-
5 mental effects of the action when added to the
6 effects of other past, present, and reasonably
7 foreseeable actions regardless of what agency
8 (Federal or non-Federal) or person undertakes
9 such other actions. Cumulative effects can re-
10 sult from individually minor but collectively sig-
11 nificant actions taking place over a period of
12 time.

13 “(D) Effects that are ecological (such as
14 the effects on natural resources and on the
15 components, structures, and functioning of af-
16 fected ecosystems), aesthetic, historic, cultural,
17 economic, social, health, whether direct, indi-
18 rect, or cumulative. Effects may also include
19 those resulting from actions which may have
20 both beneficial and detrimental effects, even if
21 on balance the agency believes that the effects
22 will be beneficial.

23 “(2) LIMITED ENGLISH PROFICIENCY.—The
24 term ‘limited English proficiency’ means that a
25 household does not have an adult that speaks

1 English very well according to the United States
2 Census Bureau.

3 “(3) LOW-INCOME HOUSEHOLD.—The term
4 ‘low-income household’ means a household that is at
5 or below twice the poverty threshold as that thresh-
6 old is determined annually by the United States
7 Census Bureau.

8 “(4) OVERBURDENED COMMUNITY.—The term
9 ‘overburdened community’ means any census block
10 group, as determined in accordance with the most
11 recent United States Census, in which:

12 “(A) at least 35 percent of the households
13 qualify as low-income households;

14 “(B) at least 40 percent of the residents
15 identify as minority or as members of a Tribal
16 and Indigenous community; or

17 “(C) at least 40 percent of the households
18 have limited English proficiency.

19 “(5) TRIBAL AND INDIGENOUS COMMUNITY.—
20 The term ‘Tribal and Indigenous community’ means
21 a population of people who are members of—

22 “(A) a federally recognized Indian Tribe;

23 “(B) a State-recognized Indian Tribe;

24 “(C) an Alaska Native or Native Hawaiian
25 community or organization; or

1 “(D) any other community of Indigenous
2 people located in a State.”.

3 **SEC. 703. FERC ENVIRONMENTAL JUSTICE LIAISON.**

4 Section 319 of the Federal Power Act (16 U.S.C.
5 825q-1) is amended by adding at the end the following:

6 “(c)(1) The Director of the Office shall appoint with-
7 in the Office an Environmental Justice Liaison (hereafter
8 in this subsection referred to as the Liaison).

9 “(2) The Liaison shall engage and consult with envi-
10 ronmental justice communities impacted by the construc-
11 tion or operation of projects authorized by the Commis-
12 sion.

13 “(3) In engaging and consulting with environmental
14 justice communities, the Liaison shall engage with—

15 “(A) Tribal, State, and local governments;

16 “(B) community-based organizations;

17 “(C) faith-based organizations;

18 “(D) local small businesses; and

19 “(E) other groups, organizations, and individ-
20 uals the Liaison deems necessary in order to ensure
21 that members of the communities that will be af-
22 fected by a project authorized by the Commission
23 are consulted.

24 “(4) In this subsection, the term ‘environmental jus-
25 tice community’ means any population of color, commu-

1 nity of color, indigenous community, or low-income com-
2 munity that experiences a disproportionate burden of the
3 negative human health and environmental impacts of pol-
4 lution or other environmental hazards.”.

5 **SEC. 704. INTERVENOR FUNDING AT FERC OFFICE OF PUB-**
6 **LIC PARTICIPATION.**

7 (a) IN GENERAL.—Section 319(b)(2) of the Federal
8 Power Act (16 U.S.C. 825q–l(b)(2)) is amended by strik-
9 ing “The Commission may” and inserting “The Commis-
10 sion shall”.

11 (b) RULEMAKING.—Not later than 180 days after the
12 date of enactment of this Act, the Commission shall pro-
13 mulgate a final rule to provide compensation under section
14 319(b)(2) of the Federal Power Act (16 U.S.C. 825q–
15 1(b)(2)).

16 **SEC. 705. REFORMING RTO AND ISO GOVERNANCE AND**
17 **PARTICIPATION.**

18 (a) TECHNICAL CONFERENCE.—Not later than 180
19 days after the date of enactment of this section, the Fed-
20 eral Energy Regulatory Commission shall convene a tech-
21 nical conference to consider Regional Transmission Orga-
22 nization and Independent System Operator independence,
23 and the responsiveness of RTOs and ISOs to their cus-
24 tomers and stakeholders, including the effectiveness of
25 stakeholder policies and procedures adopted in compliance

1 with Order 719, issued by the Commission on October 17,
2 2008, and published in the Federal Register on October
3 28, 2008, as the final rule entitled “Wholesale Competi-
4 tion in Regions with Organized Electricity Markets” (73
5 Fed. Reg. 64099).

6 (b) PARTICIPATION.—The technical conference shall
7 be led by members of the Commission, and the Commis-
8 sion shall invite participation from representatives of each
9 RTO and ISO, owners and operators of transmission fa-
10 cilities, owners and operators of electric generation facili-
11 ties, owners and operators of distributed energy genera-
12 tion systems, end-use customers, electric power marketers,
13 publicly owned electric utilities, consumer advocates, envi-
14 ronmental justice advocates, environmental groups, State
15 commissions, and such other stakeholders as the Commis-
16 sion determines appropriate.

17 (c) TOPICS.—In conducting the technical conference,
18 the Commission shall seek to identify policies and prac-
19 tices that maintain RTO and ISO independence, and en-
20 hance the responsiveness of RTOs and ISOs to their cus-
21 tomers and other stakeholders, taking into consider-
22 ation—

23 (1) the benefits of greater transparency in RTO
24 and ISO stakeholder processes, including access by

1 stakeholders to relevant data and written back-
2 ground materials;

3 (2) barriers to participation in such stakeholder
4 processes for new market participants and other
5 non-incumbent stakeholders;

6 (3) the need for periodic, independent review of
7 RTO and ISO stakeholder policies and procedures;

8 (4) power imbalances between incumbent and
9 non-incumbent stakeholders, including whether cur-
10 rent RTO and ISO membership rules, sectoral des-
11 ignations, and voting procedures allow for adequate
12 representation of all stakeholder views;

13 (5) whether and how RTOs and ISOs should
14 take State public policy objectives into consideration
15 as part of such stakeholder processes;

16 (6) whether existing RTO and ISO decision-
17 making processes are sufficiently independent from
18 the control of any market participant or class of par-
19 ticipants;

20 (7) the role of the Office of Public Participation
21 in facilitating greater stakeholder participation in
22 RTOs and ISOs; and

23 (8) such other subjects as the Commission con-
24 siders appropriate.

1 (d) PUBLIC COMMENT.—The Commission shall pro-
2 vide an opportunity for public comment on the technical
3 conference.

4 (e) RULEMAKING.—Not later than 12 months after
5 the conclusion of the technical conference, the Commission
6 shall issue a final rule adopting such policies and proce-
7 dures as the Commission determines necessary to main-
8 tain the independence of RTOs and ISOs, and to enhance
9 the transparency and responsiveness of RTOs and ISOs
10 to their customers and other stakeholders.

11 (f) DEFINITIONS.—In this section:

12 (1) COMMISSION.—The term “Commission”
13 means the Federal Energy Regulatory Commission.

14 (2) FEDERAL POWER ACT DEFINITIONS.—The
15 terms “electric utility”, “Independent System Oper-
16 ator”, “ISO”, “Regional Transmission Organiza-
17 tion”, “RTO”, and “State commission” have the
18 meanings given such terms in section 3 of the Fed-
19 eral Power Act (16 U.S.C. 796).

20 **TITLE VIII—CREATING COHER-**
21 **ENCE IN ENVIRONMENTAL**
22 **PERMITTING**

23 **SEC. 801. DEFINITIONS.**

24 In this title:

1 (1) AUTHORIZATION.—The term “authoriza-
2 tion” means any Federal license, permit, approval,
3 finding, determination, interagency consultation, or
4 other administrative decision that is required to de-
5 sign, plan, site, construct, reconstruct, or operate a
6 project.

7 (2) COOPERATING AGENCY.—The term “cooper-
8 ating agency” means an involved Federal agency
9 that, with respect to a major project, is designated
10 by the lead agency as a cooperating agency under
11 section 805(b).

12 (3) COUNCIL.—The term “Council” means the
13 Council on Environmental Quality.

14 (4) ENVIRONMENTAL REVIEW DOCUMENT.—
15 The term “environmental review document” means,
16 as prepared under NEPA—

17 (A) an environmental assessment;

18 (B) a finding of no significant impact;

19 (C) an environmental impact statement; or

20 (D) a record of decision.

21 (5) INVOLVED FEDERAL AGENCY.—The term
22 “involved Federal agency” means a Federal agency
23 that, with respect to a major project—

24 (A) proposed such project; or

1 (B) is involved in such project because
2 such project is directly related, through func-
3 tional interdependence or geographic proximity,
4 to another project such agency has carried out
5 or has proposed to carry out.

6 (6) LEAD AGENCY.—The term “lead agency”
7 means, with respect to a major project—

8 (A) the involved Federal agency designated
9 under section 805(b); and

10 (B) if applicable, any Federal, State, Trib-
11 al, or local agency designated as a joint lead
12 agency under such section.

13 (7) MAJOR PROJECT.—The term “major
14 project” means a project—

15 (A) for which more than 1 authorization,
16 review, or study is required under a Federal law
17 other than NEPA; and

18 (B) with respect to which the lead agency
19 determines—

20 (i) an environmental impact statement
21 is required; or

22 (ii) an environmental assessment is
23 required, and the project sponsor requests
24 that the project be treated as a major
25 project.

1 (8) NEPA.—The term “NEPA” means the Na-
2 tional Environmental Policy Act of 1969 (42 U.S.C.
3 4321 et seq.).

4 (9) OUTER CONTINENTAL SHELF.—The term
5 “Outer Continental Shelf” has the meaning given
6 the term “outer Continental Shelf” in section 2 of
7 the Outer Continental Shelf Lands Act (43 U.S.C.
8 1331).

9 (10) PROJECT.—The term “project” means a
10 project—

11 (A) proposed to design, plan, site, con-
12 struct, reconstruct, or operate infrastructure to
13 develop, produce, generate, store, transport, or
14 distribute energy; and

15 (B) that, if implemented as proposed by
16 the project sponsor, would require that—

17 (i) an environmental review document
18 be prepared; and

19 (ii) a Federal agency issue an author-
20 ization for the project.

21 (11) PROJECT SPONSOR.—The term “project
22 sponsor” means an entity seeking an authorization
23 for a project.

24 (12) PUBLIC LANDS.—The term “public lands”
25 has the meaning given such term in section 103 of

1 the Federal Land Policy and Management Act of
2 1976 (43 U.S.C. 1702).

3 (13) SECRETARY CONCERNED.—The term
4 “Secretary concerned” means, as appropriate—

5 (A) the Secretary of Agriculture, acting
6 through the Chief of the Forest Service, with
7 respect to National Forest System lands;

8 (B) the Secretary of the Army, with re-
9 spect to the Corps of Engineers;

10 (C) the Secretary of Commerce, acting
11 through the Under Secretary of Commerce for
12 Oceans and Atmosphere in the Under Sec-
13 retary’s capacity as Administrator of the Na-
14 tional Oceanic and Atmospheric Administration;

15 (D) the Secretary of Energy;

16 (E) the Secretary of the Interior, with re-
17 spect to public lands and the Outer Continental
18 Shelf;

19 (F) the Secretary of Transportation, with
20 respect to the Maritime Administration and the
21 Pipeline and Hazardous Materials Safety Ad-
22 ministration;

23 (G) the Federal Energy Regulatory Com-
24 mission; and

25 (H) the Environmental Protection Agency.

1 **SEC. 802. USE OF EXISTING ENVIRONMENTAL REVIEW DOC-**
2 **UMENTS.**

3 The Secretary concerned shall use previously com-
4 pleted environmental assessments and environmental im-
5 pact statements to satisfy the requirements of section 102
6 of NEPA (42 U.S.C. 4332) with respect to a major project
7 if the Secretary concerned determines that—

8 (1) the major project is substantially the same
9 as a major project or alternative to a major project
10 that was analyzed in an environmental assessment
11 or environmental impact statement that was com-
12 pleted before the date on which the major project
13 was proposed; and

14 (2) the effects of the major project are substan-
15 tially the same as the effects analyzed in such com-
16 pleted environmental assessment or environmental
17 impact statement.

18 **SEC. 803. PROJECT SPONSOR CONSULTATION.**

19 (a) IN GENERAL.—The Secretary concerned, with re-
20 spect to a major project shall—

21 (1) upon the request of the project sponsor,
22 allow the project sponsor to contribute information
23 for use in an environmental assessment or an envi-
24 ronmental impact statement; and

1 (2) provide the project sponsor with appropriate
2 guidance regarding the contribution of information
3 under paragraph (1).

4 (b) USE OF CONTRIBUTED INFORMATION.—The Sec-
5 retary concerned shall—

6 (1) consider, independently from the project
7 sponsor, whether to use any information contributed
8 under subsection (a)(1) in an environmental assess-
9 ment or an environmental impact statement; and

10 (2) assume responsibility for the contents of
11 any environmental assessment or environmental im-
12 pact statement that includes such information.

13 **SEC. 804. GREENHOUSE GAS PROJECTIONS.**

14 In preparing an environmental review document for
15 a major project pursuant to NEPA, the Secretary con-
16 cerned shall consider the incremental contribution of the
17 major project to climate change, including by quantifying
18 the reasonably foreseeable direct and indirect greenhouse
19 gas emissions of the major project and reasonable alter-
20 natives to the major project, including a no-action alter-
21 native.

22 **SEC. 805. TIMELY AND UNIFIED AUTHORIZATIONS AND EN-
23 VIRONMENTAL REVIEWS FOR MAJOR
24 PROJECTS.**

25 (a) LEAD AGENCY.—

1 (1) DESIGNATION.—

2 (A) DESIGNATION BY INVOLVED FEDERAL
3 AGENCIES.—If there is more than 1 involved
4 Federal agency with respect to a major project,
5 the involved Federal agencies shall determine,
6 by letter or memorandum, which involved Fed-
7 eral agency shall be the lead agency with re-
8 spect to the major project based on consider-
9 ation of the following factors:

10 (i) Magnitude of the involvement of
11 the involved Federal agency.

12 (ii) Which involved Federal agency
13 has the authority to approve or disapprove
14 the major project.

15 (iii) Expertise of the involved Federal
16 agency with respect to the environmental
17 effects of the major project.

18 (iv) Anticipated duration of involve-
19 ment of the involved Federal agency.

20 (v) Sequence of the involvement of the
21 involved Federal agency.

22 (B) REQUEST FOR DESIGNATION.—

23 (i) IN GENERAL.—A Federal, State,
24 Tribal, or local agency or person that is
25 substantially affected by the lack of a des-

1 ignation of a lead agency with respect to a
2 major project under subparagraph (A) may
3 submit to an involved Federal agency a
4 written request for such a designation.

5 (ii) SUBMISSION TO OTHER INVOLVED
6 FEDERAL AGENCIES AND THE COUNCIL.—
7 An involved Federal agency that receives a
8 request under clause (i) shall submit such
9 request to each other involved Federal
10 agency and to the Council.

11 (C) DESIGNATION BY COUNCIL.—

12 (i) SUBMISSION OF REQUEST.—Not
13 earlier than 45 days after the date on
14 which a request is submitted under sub-
15 paragraph (B)(i), if no designation of a
16 lead agency with respect to the major
17 project has been made under subparagraph
18 (A), the entity that submitted the request
19 under subparagraph (B)(i) may submit to
20 the Council a request for the Council to
21 designate a lead agency.

22 (ii) CONTENTS OF REQUEST.—A re-
23 quest submitted under clause (i) shall con-
24 sist of—

1 (I) a precise description of the
2 nature and extent of the major
3 project; and

4 (II) a detailed statement with re-
5 spect to each involved Federal agency
6 and each factor listed in subpara-
7 graph (A) regarding which involved
8 Federal agency should serve as lead
9 agency for the major project.

10 (iii) SUBMISSION TO INVOLVED FED-
11 ERAL AGENCIES.—Not later than 2 days
12 after the date on which the Council re-
13 ceives a request submitted under clause (i),
14 the Council shall submit such request to
15 each involved Federal agency.

16 (iv) RESPONSE.—An involved Federal
17 agency may, not later than 20 days after
18 the date of the submission of a request
19 under clause (iii), submit to the Council a
20 response to such request.

21 (v) DESIGNATION.—Not later than 40
22 days after the date of the submission of a
23 request under clause (iii), if no lead agency
24 has been otherwise designated, the Council

1 shall designate a lead agency with respect
2 to the major project.

3 (D) JOINT LEAD AGENCIES.—

4 (i) IN GENERAL.—In making a des-
5 ignation under subparagraphs(A) or (C),
6 the involved Federal agencies or the Coun-
7 cil, respectively, may, in addition to desig-
8 nating an involved Federal agency as a
9 lead agency, designate 1 or more Federal,
10 State, Tribal, or local agencies as joint
11 lead agencies as the involved Federal agen-
12 cies or the Council determine appropriate.

13 (ii) RESPONSIBILITY.—Joint lead
14 agencies shall jointly fulfill the role de-
15 scribed in paragraph (2).

16 (2) ROLE.—A lead agency shall, with respect to
17 the major project—

18 (A) prepare or supervise preparation of—

19 (i) any environmental review docu-
20 ments required for any authorizations; and

21 (ii) any authorizations;

22 (B) request each cooperating agency to
23 participate in the development of any environ-
24 mental review document at the earliest prac-

1 ticable time, including by submitting comments
2 under subsection (b)(2);

3 (C) consider any analysis or proposal cre-
4 ated by a cooperating agency in preparing an
5 environmental review document;

6 (D) establish and maintain a schedule in
7 accordance with subsection (e);

8 (E) if the lead agency determines that an
9 environmental review document or authorization
10 will not be completed in by the deadline estab-
11 lished by such schedule, notify the cooperating
12 agency responsible for issuing such environ-
13 mental review document or authorization of the
14 violation of such deadline and request that the
15 cooperating agency take such measures as the
16 lead agency determines appropriate to comply
17 with such deadline; and

18 (F) meet with a cooperating agency that
19 requests such a meeting.

20 (b) COOPERATING AGENCY.—

21 (1) DESIGNATION.—The lead agency may, with
22 respect to the major project, designate an involved
23 Federal agency or a State, Tribal, or local agency as
24 a cooperating agency.

1 (2) SUBMISSION OF COMMENTS.—A cooperating
2 agency shall, not later than a date specified by the
3 lead agency, submit to the lead agency comments re-
4 garding matters relating to the major project with
5 respect to which the cooperating agency has special
6 expertise or jurisdiction by law.

7 (c) ONE DOCUMENT.—A lead agency shall, to the ex-
8 tent practicable, prepare or supervise preparation of, as
9 applicable, one environmental assessment and one environ-
10 mental impact statement for the major project, and such
11 environmental assessment and environmental impact
12 statement shall be considered to meet the requirements
13 of section 102(2)(C) of NEPA with respect to the major
14 project for all involved Federal agencies.

15 (d) ENVIRONMENTAL IMPACT STATEMENTS FOR
16 MAJOR PROJECTS.—

17 (1) PUBLIC COMMENT.—A lead agency shall en-
18 sure that any notice of intent to prepare an environ-
19 mental impact statement required under section 102
20 of NEPA (42 U.S.C. 4332) for a major project sub-
21 mitted to the Federal Register include a request for
22 public comment on alternatives and impacts and on
23 relevant information, studies, or analyses.

24 (2) STATEMENT OF PURPOSE AND NEED.—A
25 lead agency shall ensure that each environmental as-

1 assessment and environmental impact statement for a
2 major project include a statement of purpose and
3 need for the major project.

4 (e) SCHEDULE.—

5 (1) IN GENERAL.—The lead agency for a major
6 project shall, with the concurrence of each involved
7 Federal agency, establish and maintain a schedule
8 for completion of the environmental review and each
9 authorization for the major project that—

10 (A) establishes deadlines in accordance
11 with the regulations issued pursuant to para-
12 graph (2);

13 (B) identifies the date of the earliest Fed-
14 eral agency contact for the major project, in-
15 cluding any pre-application consultation;

16 (C) includes any document that is a pre-
17 requisite for or predecessor to the environ-
18 mental review; and

19 (D) includes—

20 (i) any authorization or action re-
21 quired as part of the environmental review
22 process, consultation, or similar process
23 that is required through the completion of
24 the major project, including any pre-appli-
25 cation consultation, application, interim

1 milestone, public comment period, draft or
2 final decision, and final authorization nec-
3 essary to begin construction; and

4 (ii) to the maximum extent prac-
5 ticable, any State, Indian Tribe, Alaska
6 Native Corporation, or local agency au-
7 thorization, environmental review, or simi-
8 lar process that is required through the
9 completion of the major project.

10 (2) RULEMAKING FOR DEADLINES.—Not later
11 than 180 days after the date of enactment of this
12 section, the Council shall establish, by regulation, a
13 method to determine the deadlines for environmental
14 reviews and authorizations for major projects for
15 purposes of paragraph (1), which shall consider—

16 (A) the responsibilities of each involved
17 Federal agency under applicable law, including
18 any requirements to provide opportunities for
19 public comment;

20 (B) the resources available to each involved
21 Federal agency;

22 (C) the size and complexity of the major
23 project;

24 (D) the time required by any involved
25 agency to conduct the environmental review and

1 make decisions under applicable Federal law re-
2 lating to the major project, including the
3 issuance or denial of an authorization;

4 (E) the cost of the major project; and

5 (F) the sensitivity of any natural and his-
6 toric resources that may be affected by the
7 major project.

8 (3) MODIFICATIONS.—

9 (A) IN GENERAL.—The lead agency for a
10 major project may, for good cause in accord-
11 ance with subparagraph (B)—

12 (i) extend a deadline established
13 under paragraph (1); and

14 (ii) shorten a deadline established
15 under paragraph (1), in accordance with
16 subparagraph (C).

17 (B) GOOD CAUSE.—Good cause to modify
18 a deadline includes—

19 (i) compliance with a Federal law that
20 prevents—

21 (I) the lead agency from com-
22 pleting an environmental assessment
23 or environmental impact statement by
24 a deadline established under para-
25 graph (1); or

1 (II) the lead agency or an in-
2 volved Federal agency from com-
3 pleting an authorization by the dead-
4 line established under paragraph (1);

5 (ii) a request submitted by the project
6 sponsor to extend a deadline established
7 under paragraph (1) to complete an envi-
8 ronmental assessment, environmental im-
9 pact statement, or authorization; and

10 (iii) a determination by the lead agen-
11 cy that a modification to a deadline estab-
12 lished under paragraph (1) would facilitate
13 completion of an environmental assess-
14 ment, environmental impact statement, or
15 authorization.

16 (C) SHORTENING OF DEADLINE.—A lead
17 agency may not shorten a deadline under sub-
18 paragraph (A)(ii)—

19 (i) if shortening the deadline would
20 impair the ability of an involved Federal
21 agency—

22 (I) to conduct any necessary
23 analysis; or

1 (II) to otherwise carry out any
2 relevant obligation of the involved
3 Federal agency; and

4 (ii) unless the lead agency has the
5 concurrence of each involved Federal agen-
6 cy.

7 (4) FAILURE TO MEET DEADLINE.—If an in-
8 volved Federal agency fails to meet a deadline estab-
9 lished under paragraph (1), the involved Federal
10 agency shall, not later than 30 days after the missed
11 deadline—

12 (A) notify—

13 (i) the Director of the Office of Man-
14 agement and Budget;

15 (ii) the Executive Director of the Fed-
16 eral Permitting Improvement Steering
17 Council;

18 (iii) the Secretary concerned;

19 (iv) the Committee on Natural Re-
20 sources of the House of Representatives;

21 (v) the Committee on Energy and
22 Commerce of the House of Representa-
23 tives;

24 (vi) the Committee on Energy and
25 Natural Resources of the Senate; and

1 (vii) the Committee on Environment
2 and Public Works of the Senate; and

3 (B) include in the notifications under sub-
4 paragraph (A)—

5 (i) a description of the cause for the
6 failure; and

7 (ii) a new deadline agreed on by the
8 lead agency and each involved Federal
9 agency.

10 (5) DISSEMINATION.—A copy of a schedule for
11 a major project established under paragraph (1),
12 and any modification to such a schedule, shall be
13 provided to—

14 (A) each involved Federal agency;

15 (B) the project sponsor; and

16 (C) any affected State, Tribal, or local
17 agency.

18 (6) REPORT.—Not later than 2 years after the
19 date of the enactment of this section, and annually
20 thereafter, the Comptroller General of the United
21 States shall submit to Congress, and make publicly
22 available, a report regarding the compliance of each
23 involved Federal agency with any schedules estab-
24 lished under paragraph (1).

1 **SEC. 806. E-NEPA.**

2 (a) PERMITTING PORTAL.—Not later than 1 year
3 after the date of the enactment of this section, the Council
4 shall submit to Congress and make publicly available a
5 study on establishing an online permitting portal for au-
6 thorizations that require review under section 102(2)(C)
7 of NEPA (42 U.S.C. 4332(2)(C)) that—

8 (1) allows applicants to—

9 (A) submit required documents or mate-
10 rials for their application in a unified portal;

11 (B) upload additional documents as re-
12 quired by the applicable agency; and

13 (C) track the progress of individual appli-
14 cations;

15 (2) enhances interagency coordination and con-
16 sultation by—

17 (A) allowing for comments in a unified
18 portal;

19 (B) centralizing data necessary for reviews;
20 and

21 (C) streamlining communication between
22 other agencies and the applicant; and

23 (3) boosts transparency in agency decision-
24 making.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Council
3 **【\$_____】** to carry out this section.

4 **SEC. 807. FEDERAL ENERGY REGULATORY COMMISSION**
5 **STAFFING.**

6 (a) CONSULTATION DEADLINE.—Section 401(k)(6)
7 of the Department of Energy Organization Act (42 U.S.C.
8 7171(k)(6)) is amended to read as follows:

9 “(6) CONSULTATION REQUIRED.—

10 “(A) IN GENERAL.—The Chairman shall
11 consult with the Director of the Office of Per-
12 sonnel Management in implementing this sub-
13 section, including in the determination of the
14 amount of compensation with respect to each
15 category of employees or other personnel.

16 “(B) DEADLINE.—If, not more than 120
17 days after the date of the submission by the
18 Chairman to the Director of the Office of Per-
19 sonnel Management of a plan for applying au-
20 thorities under this subsection, the Director of
21 the Office of Personnel Management has not
22 taken final action on the plan, the requirement
23 under subparagraph (A) shall be considered to
24 be met.”.

1 (b) ELIMINATION OF REPORTING SUNSET.—Section
2 11004(b)(1) of the Energy Act of 2020 (42 U.S.C. 7171
3 note) is amended by striking “thereafter for 10 years” and
4 inserting “thereafter”.