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(Original Signature of Member)

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—IMPROVEMENT OF NATIONAL ELECTRICITY TRANSMISSION CAPACITY

- Sec. 101. Definitions.
- Sec. 102. Improvement of interregional electric transmission planning.
- Sec. 103. Allocation of costs of interregional electric transmission facilities.
- Sec. 104. Allocation of costs of electricity interconnection and network upgrades.
- Sec. 105. Deployment of grid enhancing assets.
- Sec. 106. Protection of electricity reliability through improved interregional transfer capability.
- Sec. 107. Increased FERC transmission siting authority.
- Sec. 108. Facilitation of efficient environmental review of the designation of national interest electric transmission corridors.
- Sec. 109. Increased flexibility for Federal transmission financing.
- Sec. 110. Establishment of transmission investment tax credit.

TITLE II—IMPROVEMENT OF GOVERNANCE AND EFFICIENCY OF THE GRID

- Sec. 201. Authorization to establish FERC Office of Electricity Transmission.
- Sec. 202. Support for FERC Staffing.
- Sec. 203. Evaluation of FERC fee assessments.
- Sec. 204. Establishment of independent transmission monitors.
- Sec. 205. Assurance of interoperability of offshore electric transmission infrastructure.
- Sec. 206. Aggregator bidding into organized wholesale electric markets.
- Sec. 207. Expansion of community solar.
- Sec. 208. Establishment of program to facilitate voluntary streamlined process for local permitting of qualifying distributed energy systems.
- Sec. 209. Mitigation of the shortage of electricity transformers.
- Sec. 210. Study of next generation highways.

TITLE III—MODERNIZATION OF ELECTRICITY RATEMAKING

- Sec. 301. Reflection of the cost of greenhouse gas emissions in rates.
- Sec. 302. Facilitation of performance-based ratemaking.

TITLE IV—FACILITATION OF CLEAN ENERGY DEPLOYMENT ON PUBLIC LAND

- Sec. 401. Definitions.
- Sec. 402. Establishment of national goal for renewable energy production on Federal land.
- Sec. 403. Requirement for land use planning and updates to programmatic environmental impact statements.
- Sec. 404. Limited exemptions from new requirements.
- Sec. 405. Distribution of revenues.
- Sec. 406. Incentives for renewable energy development in priority areas.
- Sec. 407. Savings clause.

TITLE V—MODERNIZATION OF OFFSHORE RENEWABLE ENERGY PERMITTING

- Sec. 501. Establishment of national offshore wind permitting target.

Sec. 502. Increased responsible development of offshore renewable energy projects.

Sec. 503. Establishment of Offshore Renewable Energy Compensation Fund.

TITLE VI—EMPOWERMENT OF COMMUNITIES

Sec. 601. Establishment of Office of Environmental Justice and External Civil Rights.

Sec. 602. Establishment of White House Environmental Justice Interagency Council.

Sec. 603. Prohibition on disparate impact discrimination.

Sec. 604. Provision for right of action.

Sec. 605. Provision for rights of recovery.

Sec. 606. Requirement for community impact reports.

Sec. 607. Engagement with environmental justice communities and Indian Tribes in NEPA Reviews.

Sec. 608. Requirement of notices of intent to prepare environmental documents.

Sec. 609. Avoidance of cumulative impacts through NEPA.

Sec. 610. Inclusion of greenhouse gas projections in NEPA reviews.

Sec. 611. Establishment of community benefits agreements.

Sec. 612. Requirement of timely public release of NEPA documentation.

Sec. 613. Establishment of grants for capacity building and community engagement.

Sec. 614. Establishment of fees for environmental reviews and authorizations for projects.

Sec. 615. Establishment of interagency environmental data system.

Sec. 616. Transference of unobligated balances for use under the Endangered Species Act.

Sec. 617. Designation of senior community engagement officers and Tribal community engagement officers.

Sec. 618. Establishment of FERC Environmental Justice Liaison.

Sec. 619. Requirement for intervenor funding at FERC Office of Public Participation.

Sec. 620. Reform of RTO and ISO governance and participation.

Sec. 621. Savings clause.

Sec. 622. Definitions.

1 **TITLE I—IMPROVEMENT OF NA-** 2 **TIONAL ELECTRICITY TRANS-** 3 **MISSION CAPACITY**

4 **SEC. 101. DEFINITIONS.**

5 Section 3 of the Federal Power Act (16 U.S.C. 796)
6 is amended by adding at the end the following:

7 “(30) **ENERGY STORAGE PROJECT.**—The term
8 ‘energy storage project’ means equipment that re-
9 ceives, stores, and delivers energy using batteries,

1 compressed air, pumped hydropower, hydrogen stor-
2 age (including hydrolysis), thermal energy storage,
3 regenerative fuel cells, flywheels, capacitors, super-
4 conducting magnets, or other technologies identified
5 by the Secretary of Energy.

6 “(31) GENERATING FACILITY.—The term ‘gen-
7 erating facility’ means any facility that generates
8 electricity.

9 “(32) GENERATOR TIE LINE.—The term ‘gen-
10 erator tie line’ means a dedicated transmission line
11 that is used to transmit power from a generating fa-
12 cility or an energy storage project to a transmission
13 facility or a transmission system.

14 “(33) GREENHOUSE GAS.—The term ‘green-
15 house gas’ includes each of the following:

16 “(A) Carbon dioxide.

17 “(B) Methane.

18 “(C) Nitrous oxide.

19 “(D) Sulfur hexafluoride.

20 “(E) Any hydrofluorocarbon.

21 “(F) Any perfluorocarbon.

22 “(G) Nitrogen trifluoride.

23 “(H) Any fully fluorinated linear,
24 branched, or cyclic—

25 “(i) alkane;

1 “(ii) ether;

2 “(iii) tertiary amine; or

3 “(iv) aminoether.

4 “(I) Any perfluoropolyether.

5 “(J) Any hydrofluoropolyether.

6 “(K) Any other fluorocarbon, except for a
7 fluorocarbon with a vapor pressure of less than
8 1 mm of Hg absolute at 25 degrees Celsius.

9 “(34) GRID ENHANCING ASSET.—The term
10 ‘grid enhancing asset’—

11 “(A) means a resource, technology, or pro-
12 cedure that, when utilized—

13 “(i) increases the capacity, efficiency,
14 or reliable operation of a transmission sys-
15 tem; or

16 “(ii) defers or eliminates the need for
17 a new transmission facility;

18 “(B) may include—

19 “(i) distributed electricity generation
20 resources;

21 “(ii) power flow control and trans-
22 mission switching equipment;

23 “(iii) an energy storage project;

24 “(iv) topology optimization tech-
25 nology;

1 “(v) dynamic line rating technology;

2 “(vi) advanced transmission tech-
3 nologies, such as composite reinforced alu-
4 minum conductors or high temperature
5 superconductors;

6 “(vii) technologies or procedures that
7 increase the flexibility of the demand for
8 electricity;

9 “(viii) other resources, technologies,
10 or procedures that increase energy effi-
11 ciency, capacity, or reliability; and

12 “(ix) a combination of the resources,
13 technologies, or procedures described in
14 clauses (i) through (viii); and

15 “(C) does not include a facility for—

16 “(i) the transmission of electricity; or

17 “(ii) the generation of electricity.

18 “(35) INTERCONNECTION CUSTOMER.—The
19 term ‘interconnection customer’ means an entity, or
20 any affiliates or subsidiaries of an entity, that pro-
21 poses to interconnect a generating facility or an en-
22 ergy storage project to a transmission facility or
23 transmission system.

24 “(36) TRANSMISSION BENEFITS.—The term
25 ‘transmission benefits’ means the broad range of

1 economic, operational, safety, resilience, public pol-
2 icy, and environmental benefits (as assessed by the
3 Commission in accordance with section 224(e)) and
4 other reasonably anticipated benefits of constructing,
5 modifying, or operating a transmission facility, in-
6 cluding—

7 “(A) improved reliability;

8 “(B) improved resilience;

9 “(C) improved safety;

10 “(D) reduced congestion;

11 “(E) reduced power losses;

12 “(F) greater carrying capacity;

13 “(G) reduced operating reserve require-
14 ments;

15 “(H) improved access to lower-cost elec-
16 tricity generation;

17 “(I) improved access to electricity gener-
18 ating facilities with no direct emissions of
19 greenhouse gases;

20 “(J) improved public health from the clo-
21 sure of electricity generation facilities that emit
22 harmful pollution;

23 “(K) increased competition and market li-
24 quidity in electricity markets;

1 “(L) improved energy resilience and resil-
2 ience of Department of Defense installations;
3 and

4 “(M) other potential benefits of increasing
5 the interconnectedness of the electric grid.

6 “(37) NETWORK UPGRADE.—The term ‘net-
7 work upgrade’ means—

8 “(A) any addition to or expansion of any
9 transmission facility or transmission system;

10 “(B) the construction of a new trans-
11 mission facility that will become part of a trans-
12 mission system;

13 “(C) the addition of an energy storage
14 project to a transmission facility or a trans-
15 mission system; or

16 “(D) any construction, deployment, or ad-
17 dition of a grid enhancing asset to a trans-
18 mission facility or a transmission system that
19 eliminates or reduces the need to carry out any
20 of the activities described in subparagraphs (A)
21 through (C).

22 “(38) PARTICIPANT FUNDING.—The term ‘par-
23 ticipant funding’ means any cost allocation method
24 under which an interconnection customer is required
25 to pay, without reimbursement, all or a dispropor-

1 tionate amount of the costs of a network upgrade
2 that is determined by the Commission to be nec-
3 essary to ensure the reliable interconnection of the
4 interconnection customer's generating facility or en-
5 ergy storage project.

6 “(39) TRANSMISSION PLANNING REGION.—The
7 term ‘transmission planning region’ means a region
8 for which electric transmission planning is appro-
9 priate, as determined by the Commission, including
10 a region approved by the Commission to meet the
11 requirements of the final rule titled ‘Transmission
12 Planning and Cost Allocation by Transmission Own-
13 ing and Operating Public Utilities’ published in the
14 Federal Register on October 4, 2012 (77 Fed. Reg.
15 60689).

16 “(40) TRANSMISSION SYSTEM.—For purposes
17 of sections 224, 226, 227, and 229, the term ‘trans-
18 mission system’ means a network of transmission fa-
19 cilities used for the transmission of electric energy in
20 interstate commerce.”.

21 **SEC. 102. IMPROVEMENT OF INTERREGIONAL ELECTRIC**
22 **TRANSMISSION PLANNING.**

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

1 **“SEC. 224. IMPROVING INTERREGIONAL ELECTRIC TRANS-**
2 **MISSION PLANNING.**

3 “(a) IN GENERAL.—Not later than 18 months after
4 the date of enactment of this section, the Commission
5 shall issue regulations requiring each Transmission Orga-
6 nization to, not later than 3 years after the date of enact-
7 ment of this section and at least every 3 years thereafter,
8 file with the Commission a plan that identifies, and to fa-
9 cilitate the construction of, interregional electric trans-
10 mission projects that are efficient, cost-effective, and
11 broadly beneficial.

12 “(b) CONSIDERATIONS.—In determining the require-
13 ments for a plan described in subsection (a), the Commis-
14 sion shall take into consideration—

15 “(1) the need for the transmission systems to
16 operate for a minimum of 20 years and across a
17 wide range of scenarios, including scenarios that
18 take into account—

19 “(A) Federal, State, and local laws and
20 regulations, and other factors that affect elec-
21 tricity demand and the current and future gen-
22 eration resource mix;

23 “(B) trends in technology and fuel costs;

24 “(C) the retirement of generation facilities,
25 energy storage projects, and transmission facili-
26 ties;

1 “(D) generator interconnection requests
2 and withdrawals; and

3 “(E) extreme weather events;

4 “(2) the public interest;

5 “(3) the integrity of electricity markets;

6 “(4) the protection of consumers;

7 “(5) the need to optimize transmission benefits;

8 “(6) the need for an individual interregional
9 transmission project to secure approvals based on a
10 comprehensive assessment of the multiple benefits
11 provided;

12 “(7) the importance of synchronization of plan-
13 ning processes in neighboring regions, such as using
14 a joint model on a consistent timeline with a single
15 set of needs, input assumptions, and benefit metrics;

16 “(8) the need for an individual interregional
17 transmission project that is identified under a
18 Transmission Organization’s plan filed under this
19 section not to be subject to any subsequent planning
20 process by another Transmission Organization;

21 “(9) that evaluation of long-term scenarios
22 should align with the expected life of an element of
23 a transmission system;

1 “(10) that a Transmission Organization should
2 allow for the identification and joint evaluation of al-
3 ternatives proposed by stakeholders;

4 “(11) the need to eliminate arbitrary project
5 voltage, size, or cost requirements for transmission
6 projects;

7 “(12) the applicability of grid enhancing assets;
8 and

9 “(13) data and analyses provided by the Sec-
10 retary of Energy, including as provided by the Na-
11 tional Laboratories, regarding any of the items de-
12 scribed in paragraphs (1) through (12).

13 “(c) COMMISSION APPROVAL.—The Commission
14 shall approve or deny a plan filed under this section based
15 on whether it meets the requirements under the regula-
16 tions issued under subsection (a).

17 “(d) REPORT.—Not later than 12 months after the
18 issuance of regulations under subsection (a) and annually
19 thereafter, the Commission shall publish in the Federal
20 Register a report on the progress by each Transmission
21 Organization in identifying and facilitating the construc-
22 tion of interregional electric transmission projects, includ-
23 ing a description of the transmission benefits associated
24 with such projects.

1 “(e) ENVIRONMENTAL BENEFITS.—In assessing the
2 reduction in greenhouse gas emissions and other environ-
3 mental benefits associated with any activity undertaken
4 pursuant to this Act, the Commission may use any rel-
5 evant analysis or other information conducted or provided
6 by the Council on Environmental Quality and the Environ-
7 mental Protection Agency.”.

8 **SEC. 103. ALLOCATION OF COSTS OF INTERREGIONAL**
9 **ELECTRIC TRANSMISSION FACILITIES.**

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

13 **“SEC. 225. ALLOCATION OF COSTS OF TRANSMISSION FA-**
14 **CILITIES OF NATIONAL SIGNIFICANCE.**

15 “(a) ALLOCATION OF COSTS.—

16 “(1) IN GENERAL.—Any transmitting utility
17 that owns, controls, or operates a transmission facil-
18 ity of national significance, or proposes to own, con-
19 trol, or operate a transmission facility of national
20 significance, may file a tariff with the Commission
21 in accordance with section 205 allocating the costs
22 of constructing, modifying, and operating such
23 transmission facility of national significance in ac-
24 cordance with paragraph (2).

1 “(2) COST ALLOCATION PRINCIPLE.—The Com-
2 mission shall require that any tariff described in
3 paragraph (1) allocate the cost to construct, modify,
4 and operate a transmission facility of national sig-
5 nificance to customers within the applicable trans-
6 mission planning region or regions in a manner that
7 is roughly commensurate with the reasonably antici-
8 pated transmission benefits.

9 “(b) DEFINITION OF TRANSMISSION FACILITY OF
10 NATIONAL SIGNIFICANCE.—In this section, the term
11 ‘transmission facility of national significance’ means—

12 “(1) an interstate electric power transmission
13 line (and any facilities necessary for the operation of
14 such electric power transmission line)—

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

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

20 “(2) an electric power transmission line (and
21 any facilities necessary for the operation of such
22 electric power transmission line) that is located off-
23 shore, the construction of which is completed on or
24 after the date of enactment of this section; or

1 “(3) an expansion of, or upgrade to, an inter-
2 state electric power transmission line (and any facili-
3 ties necessary for the operation of such electric
4 power transmission line) that—

5 “(A) increases the transmission capacity of
6 such electric power transmission line by at least
7 500 megawatts; and

8 “(B) the construction of which is com-
9 pleted on or after the date of enactment of this
10 section.

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

15 **SEC. 104. ALLOCATION OF COSTS OF ELECTRICITY INTER-**
16 **CONNECTION AND NETWORK UPGRADES.**

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

20 **“SEC. 226. ALLOCATION OF COSTS OF ELECTRICITY INTER-**
21 **CONNECTION AND NETWORK UPGRADES.**

22 “(a) IN GENERAL.—Not later than 18 months after
23 the date of enactment of this section, the Commission
24 shall issue regulations, under section 206, that prohibit

1 the use of exclusive or disproportionate participant fund-
2 ing in allocating the costs of a network upgrade.

3 “(b) REQUIREMENTS.—In prohibiting the use of ex-
4 clusive or disproportionate participant funding under the
5 regulations issued under subsection (a), the Commission
6 shall, except as provided in subsection (c), require that
7 each transmitting utility—

8 “(1) shall not allocate the costs of a network
9 upgrade solely or disproportionately to the request-
10 ing interconnection customer; and

11 “(2) shall allocate the costs of a network up-
12 grade in a manner that is roughly commensurate
13 with reasonably anticipated transmission benefits.

14 “(c) EXCEPTIONS.—

15 “(1) GENERATOR TIE LINES.—A transmitting
16 utility may require an interconnection customer to
17 pay for the costs to construct or modify any gener-
18 ator tie lines that will be used to transmit power
19 from the interconnection customer’s generating facil-
20 ity or energy storage project, as applicable, to the
21 transmission facility or the transmission system.

22 “(2) VOLUNTARY PAYMENT.—

23 “(A) IN GENERAL.—An interconnection
24 customer may pay upfront some or all of the
25 costs of a network upgrade at the transmission

1 facility or transmission system to which the
2 interconnection customer plans to interconnect
3 its generating facility or energy storage facility
4 in accordance with subparagraph (B).

5 “(B) REFUND.—

6 “(i) IN GENERAL.—Any interconnec-
7 tion customer that pays costs under sub-
8 paragraph (A) shall be refunded, in ac-
9 cordance with clause (ii), the amount of
10 such costs that would otherwise be allo-
11 cated to other parties pursuant to the
12 Commission’s regulations issued under this
13 section.

14 “(ii) PERIOD OF REFUND.—The re-
15 fund of costs under clause (i) shall be com-
16 plete not later than the date that is 10
17 years after the date on which the network
18 upgrade is complete.

19 “(3) SOLE BENEFICIARY.—A transmitting util-
20 ity may require an interconnection customer to ex-
21 clusively pay for the costs of a network upgrade if
22 the transmission benefits of the network upgrade
23 will only be received by the interconnection cus-
24 tomer.

1 “(d) EFFECTIVE DATE OF REGULATIONS.—The
2 Commission shall require transmitting utilities to comply
3 with the regulations issued under subsection (a) not later
4 than 180 days after such regulations have been finalized.”.

5 **SEC. 105. DEPLOYMENT OF GRID ENHANCING ASSETS.**

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

9 **“SEC. 227. GRID ENHANCING ASSETS.**

10 “(a) DEPLOYMENT OF GRID ENHANCING ASSETS.—
11 Not later than 18 months after the date of enactment of
12 the Clean Electricity and Transmission Acceleration Act
13 of 2023, the Commission shall issue regulations to require
14 the following:

15 “(1) CONSULTATION; STUDY.—With respect to
16 processing a request from an interconnection cus-
17 tomer to interconnect a generating facility or an en-
18 ergy storage project to a transmission facility or
19 transmission system, the transmitting utility, as ap-
20 plicable, shall—

21 “(A) consult with the relevant owner or op-
22 erator of the transmission facility or trans-
23 mission system, and the interconnection cus-
24 tomer, regarding deploying grid enhancing as-
25 sets at the transmission facility or transmission

1 system in addition to, or as a substitute to, car-
2 rying out a transmission expansion or addition
3 at the transmission facility or transmission sys-
4 tem, including to maximize utilization of exist-
5 ing transmission facilities, environmental justice
6 and resilience benefits for communities, and
7 protection of wildlife; and

8 “(B) study the efficacy of deploying grid
9 enhancing assets to maximize the utilization of
10 existing transmission facilities, environmental
11 justice and resilience benefits for communities,
12 and the protection of wildlife.

13 “(2) DEPLOYMENT.—

14 “(A) IN GENERAL.—An interconnection
15 customer that is consulted with under para-
16 graph (1) may request that the grid enhancing
17 asset that was the subject of such consultation
18 be deployed.

19 “(B) DETERMINATION.—The transmitting
20 utility of the transmission facility or trans-
21 mission system to which such grid enhancing
22 asset would be deployed shall determine wheth-
23 er to deploy such grid enhancing asset. If the
24 transmitting utility of the transmission facility
25 or transmission system determines not to de-

1 ploy such grid enhancing asset, the interconnec-
2 tion customer may appeal the determination
3 under subparagraph (C).

4 “(C) APPEAL.—

5 “(i) IN GENERAL.—An interconnec-
6 tion customer that requests deployment of
7 a grid enhancing asset under subparagraph
8 (A) may submit to the Commission a re-
9 quest to appeal a determination under sub-
10 paragraph (B) to not deploy the grid en-
11 hancing asset.

12 “(ii) DETERMINATION.—Not later
13 than 90 days after an interconnection cus-
14 tomer submits a request under clause (i),
15 the Commission shall determine whether to
16 require the transmitting utility to deploy
17 the grid enhancing asset that is the subject
18 of the appeal.

19 “(iii) CONSIDERATION.—In making a
20 determination under clause (ii), the Com-
21 mission shall consider—

22 “(I) the impact of the deploy-
23 ment of grid enhancing assets on the
24 operational reliability of the trans-

1 mission facility or transmission sys-
2 tem;

3 “(II) whether the grid enhancing
4 asset is cost-competitive and capacity
5 competitive with a transmission ex-
6 pansion or addition at the trans-
7 mission facility or transmission sys-
8 tem; and

9 “(III) other factors determined
10 appropriate by the Commission.

11 “(b) EFFECTIVE DATE OF REGULATIONS.—The
12 Commission shall require transmitting utilities to comply
13 with the regulations issued under subsection (a) not later
14 than 180 days after such regulations have been finalized.

15 “(c) JUST AND REASONABLE COST ALLOCATION.—
16 In carrying out sections 205 and 206, the Commission
17 shall allow costs associated with deploying grid enhancing
18 assets to be allocated to customers that receive trans-
19 mission benefits from such grid enhancing assets.”.

20 **SEC. 106. PROTECTION OF ELECTRICITY RELIABILITY**
21 **THROUGH IMPROVED INTERREGIONAL**
22 **TRANSFER CAPABILITY.**

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

1 **“SEC. 228. PROTECTING ELECTRICITY RELIABILITY BY IM-**
2 **PROVING INTERREGIONAL TRANSFER CAPA-**
3 **BILITY.**

4 “(a) RULEMAKING.—Notwithstanding the require-
5 ments of section 322 of the Fiscal Responsibility Act
6 (Public Law 118–5), not later than 24 months after the
7 date of enactment of the Clean Electricity and Trans-
8 mission Acceleration Act of 2023, the Commission shall,
9 pursuant to section 206, issue regulations that establish
10 requirements for minimum transfer capability, as de-
11 scribed under subsection (b), between transmission plan-
12 ning regions.

13 “(b) MINIMUM TRANSFER CAPABILITY.—The aggre-
14 gate minimum interregional transfer capability for each
15 transmission planning region and its neighboring trans-
16 mission planning region shall be not less than 30 percent
17 of its own peak electricity demand, or in the case of a
18 transmission planning region that borders only 1 other
19 transmission planning region, not less than 15 percent of
20 its own peak electricity demand, unless the Commission
21 finds, upon a showing by a transmission planning region,
22 that a lower transfer capability can achieve the same or
23 greater transmission benefits.”.

1 **SEC. 107. INCREASED FERC TRANSMISSION SITING AU-**
2 **THORITY.**

3 (a) IN GENERAL.—Part II of the Federal Power Act
4 (16 U.S.C. 824 et seq.) is further amended by adding at
5 the end the following:

6 **“SEC. 229. SITING OF CERTAIN INTERSTATE ELECTRIC**
7 **TRANSMISSION FACILITIES.**

8 “(a) CERTIFICATE OF PUBLIC CONVENIENCE AND
9 NECESSITY.—

10 “(1) IN GENERAL.—On receipt of an applica-
11 tion under subsection (b)(1) relating to an electric
12 transmission facility described in paragraph (2), the
13 Commission, after making the finding described in
14 paragraph (3) with respect to such electric trans-
15 mission facility, shall, by order which is published in
16 the Federal Register, issue to the person who sub-
17 mitted such application a certificate of public con-
18 venience and necessity for the construction, modi-
19 fication, or operation of such electric transmission
20 facility, subject to such reasonable terms and condi-
21 tions as the Commission determines to be appro-
22 priate.

23 “(2) ELECTRIC TRANSMISSION FACILITY DE-
24 SCRIBED.—An electric transmission facility referred
25 to in paragraph (1) is an electric transmission facil-
26 ity that—

1 “(A) traverses or, on construction or modi-
2 fication in accordance with a certificate of pub-
3 lic convenience and necessity issued under that
4 paragraph, will traverse not fewer than 2
5 States;

6 “(B) is used for the transmission of elec-
7 tric energy in interstate commerce; and

8 “(C) has a power capacity of not less than
9 1,000 megawatts.

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

12 “(A) the applicant for a certificate of pub-
13 lic convenience and necessity is able and will-
14 ing—

15 “(i) to carry out the activities and
16 perform the services proposed in the appli-
17 cation in a manner determined to be ap-
18 propriate by the Commission; and

19 “(ii) to achieve compliance with the
20 applicable requirements of—

21 “(I) this part; and

22 “(II) any rules and regulations
23 promulgated by the Commission pur-
24 suant to this part;

1 “(B) the electric transmission facility to be
2 constructed, modified, or operated under the
3 certificate of public convenience and necessity
4 will—

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

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

8 “(iii) have a power capacity of not less
9 than 1,000 megawatts; and

10 “(C) construction, modification, or oper-
11 ation of the electric transmission facility, as
12 proposed in the application—

13 “(i) will—

14 “(I) enable the use of renewable
15 energy;

16 “(II) reduce congestion of the ap-
17 plicable transmission system or trans-
18 mission systems;

19 “(III) improve the operational re-
20 liability of the applicable transmission
21 system or transmission systems; or

22 “(IV) provide system resilience
23 between regions of the applicable
24 transmission system or transmission
25 systems;

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

3 “(I) existing facility sites; and

4 “(II) the transmission capabili-
5 ties of existing electric transmission
6 facilities; and

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

9 “(4) RULEMAKING.—Not later than 18 months
10 after the date of enactment of this section, the Com-
11 mission shall issue regulations specifying—

12 “(A) a pre-filing process during which a
13 person described in subsection (b)(1) and the
14 Commission shall consult with—

15 “(i) the State commission for each
16 State through which the applicable electric
17 transmission facility will traverse;

18 “(ii) appropriate Federal agencies;

19 “(iii) each Indian Tribe that may be
20 affected by the proposed project to con-
21 struct, modify, or operate an electric trans-
22 mission facility; and

23 “(iv) the appropriate Transmission
24 Organization;

1 “(B) the form of, and information to be
2 contained in, an application submitted under
3 subsection (b)(1);

4 “(C) requirements for determining whether
5 the applicable electric transmission facility
6 will—

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

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

10 “(iii) have a power capacity of not less
11 than 1,000 megawatts;

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

14 “(i) existing rights-of-way; and

15 “(ii) the transmission capabilities of
16 existing towers or structures;

17 “(E) the manner in which an application
18 submitted under subsection (b)(1) shall be con-
19 sidered, which, to the extent practicable, shall
20 be consistent with State statutory and regu-
21 latory policies concerning generation and retail
22 sales of electricity in the States in which the
23 electric energy transmitted by the electric trans-
24 mission facility will be generated or sold; and

1 “(F) the manner in which the Commission
2 will consider the needs of communities that will
3 be impacted directly by the applicable electric
4 transmission facility, including how any impacts
5 of the electric transmission facility could be
6 mitigated or offset.

7 “(5) PUBLICATION, PUBLIC COMMENT, AND
8 HEARINGS FOR CERTAIN NOTICE OF INTENT AND
9 DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—

10 “(A) PUBLICATION.—The Commission
11 shall publish in the Federal Register a notice of
12 intent to prepare an environmental impact
13 statement and a draft environmental impact
14 statement with respect to an application for a
15 certificate of public convenience and necessity
16 that has been submitted under subsection
17 (b)(1).

18 “(B) PUBLIC COMMENT.—The Commission
19 shall provide not less than 60 days for public
20 comment on each notice of intent and draft en-
21 vironmental impact statement published under
22 subparagraph (A).

23 “(C) HEARING.—The Commission shall
24 provide to the individuals and entities described
25 in paragraph (6)(B) a reasonable opportunity

1 for presentation, in at least one public hearing,
2 of any views and recommendations on each no-
3 tice of intent and each draft environmental im-
4 pact statement published under subparagraph
5 (A). The Commission shall publish in the Fed-
6 eral Register notice of any hearing held under
7 this subparagraph.

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;

17 “(ii) provide written notice of such ap-
18 plication to all affected landowners in ac-
19 cordance with subsection (c); and

20 “(iii) provide to the individuals and
21 entities described in subparagraph (B) a
22 notice and reasonable opportunity for the
23 presentation in at least one public hearing
24 of any views and recommendations with re-
25 spect to the need for, and impact of, the

1 construction, modification, or operation of
2 the electric transmission facility proposed
3 to be constructed, modified, or operated
4 under the certificate.

5 “(B) INDIVIDUALS AND ENTITIES DE-
6 SCRIBED.—The individuals and entities referred
7 to in subparagraph (A) are—

8 “(i) an agency, selected by the Gov-
9 ernor (or equivalent official) of the applica-
10 ble State, of each State in which the elec-
11 tric transmission facility proposed to be
12 constructed, modified, or operated under
13 the applicable certificate of public conven-
14 ience and necessity is or will be located;

15 “(ii) each affected landowner; and

16 “(iii) as determined by the Commis-
17 sion—

18 “(I) each affected Federal agen-
19 cy; and

20 “(II) each Indian Tribe that may
21 be affected by the proposed construc-
22 tion, modification, or operation.

23 “(C) PROHIBITION.—The Commission may
24 not—

1 “(i) require an applicant for a certifi-
2 cate of public convenience and necessity
3 under this section to provide any notice re-
4 quired under this section; or

5 “(ii) enter into a contract to provide
6 any notice required under this section
7 with—

8 “(I) the applicant for the applica-
9 ble certificate of public convenience
10 and necessity; or

11 “(II) any other person that has a
12 financial interest in the project pro-
13 posed in the application for such cer-
14 tificate.

15 “(b) APPLICATIONS.—

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

21 “(2) REQUIREMENT.—An application submitted
22 to the Commission under paragraph (1) shall include
23 all information necessary for the Commission to
24 make the finding described in subsection (a)(3).

25 “(c) NOTICE TO AFFECTED LANDOWNERS.—

1 “(1) IN GENERAL.—The Commission shall pro-
2 vide written notice of an application submitted under
3 subsection (b)(1) to all affected landowners with re-
4 spect to the electric transmission facility for which
5 such application was submitted in accordance with
6 this subsection.

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

10 “(A) The following statement in 14-point
11 bold typeface:

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

23 “‘If you want to raise objections to, offer sup-
24 port for, or otherwise comment on this, or oth-
25 erwise comment on this project, you can do so

1 by submitting written comments to the Federal
2 Energy Regulatory Commission Docket No.
3 [_____]. You can do this electronically or by
4 mail. To do so electronically [to be inserted by
5 the Commission]. To do so by mail [to be in-
6 serted by the Commission].’.

7 “(B) A description of the proposed project
8 to construct, modify, or operate an electric
9 transmission facility, including—

10 “(i) the location of the proposed
11 project (including a general location map);

12 “(ii) the purpose of the proposed
13 project; and

14 “(iii) the timing of the proposed
15 project.

16 “(C) The name of, and the location in the
17 docket of the Commission at which may be
18 found, each submission by the applicant to the
19 Commission relating to the proposed project.

20 “(D) A general description of what the ap-
21 plicant will need from the landowner if the pro-
22 posed project is approved, including the activi-
23 ties the applicant may undertake and the facili-
24 ties that the applicant may seek to construct on
25 the property of the landowner.

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

3 “(i) a website;

4 “(ii) an email address;

5 “(iii) a local or toll-free telephone
6 number; and

7 “(iv) the name of a specific person to
8 contact who is knowledgeable about the
9 proposed project.

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

12 “(i) a website;

13 “(ii) an email address;

14 “(iii) a local or toll-free telephone
15 number; and

16 “(iv) the name of a specific person to
17 contact who is knowledgeable about the
18 proposed project.

19 “(G) A summary of the rights that the
20 landowner has—

21 “(i) before the Commission; and

22 “(ii) in other proceedings under—

23 “(I) the Federal Rules of Civil
24 Procedure; and

1 “(II) the eminent domain rules of
2 the relevant State.

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

5 “(3) OBLIGATION OF APPLICANT.—An appli-
6 cant for a certificate of public convenience and ne-
7 cessity under this section shall submit to the Com-
8 mission, together with the application for the certifi-
9 cate, the name and address of each affected land-
10 owner.

11 “(d) REGULATORY JURISDICTION.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2) and notwithstanding section 216(i), no
14 State shall regulate any aspect of the siting or per-
15 mitting of an electric transmission facility con-
16 structed, modified, or operated under a certificate of
17 public convenience and necessity issued under this
18 section.

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

21 “(A) the Coastal Zone Management Act of
22 1972 (16 U.S.C. 1451 et seq.);

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

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

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

6 “(3) TRIBAL CONSENT FOR CERTAIN RIGHTS-
7 OF-WAY.—No right-of-way over or across Tribal land
8 may be granted pursuant to this section unless con-
9 sent for the right-of-way has been obtained from the
10 proper Tribal official in a manner consistent with
11 the requirements of section 2 of the Act of February
12 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 324).

13 “(e) JUDICIAL REVIEW.—

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

17 “(A) the court of appeals of the United
18 States for any judicial circuit in which the elec-
19 tric transmission facility to be constructed,
20 modified, or operated under the applicable cer-
21 tificate of public convenience and necessity is or
22 will be located; or

23 “(B) the United States Court of Appeals
24 for the District of Columbia Circuit.

25 “(2) PETITION FOR REVIEW.—

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

6 “(B) TIMING.—A petition under subpara-
7 graph (A) shall be filed by not later than 60
8 days after the date on which the applicable
9 order of the Commission is published in the
10 Federal Register.

11 “(3) PERSON AGGRIEVED.—Notwithstanding
12 any other provision of this Act, a person aggrieved
13 by an order of the Commission issued under this
14 section need not—

15 “(A) have been a party to the proceedings
16 before the Commission in which that order was
17 issued in order to obtain judicial review of the
18 order under this subsection; or

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

21 “(f) RIGHT OF EMINENT DOMAIN FOR ELECTRIC
22 TRANSMISSION FACILITIES.—

23 “(1) IN GENERAL.—The holder of a certificate
24 of public convenience and necessity may acquire
25 through the exercise of the right of eminent domain

1 in a court described in paragraph (2) any right-of-
2 way, land, or other property that is necessary to
3 construct, modify, or operate an electric trans-
4 mission facility in accordance with such certificate if
5 the holder has, in the determination of the Commis-
6 sion, made good faith efforts to engage with land-
7 owners and other stakeholders early in the permit-
8 ting process established under this section, and—

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

11 “(B) is unable to agree with the owner of
12 the right-of-way, land, or other property with
13 respect to the compensation to be paid for that
14 right-of-way, land, or other property; or

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

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

20 “(A) the district court of the United States
21 for the district in which the applicable right-of-
22 way, land, or other property is located; or

23 “(B) the appropriate State court.

24 “(3) NOTICE OF ORDER ISSUING CERTIFI-
25 CATE.—The holder of a certificate of public conven-

1 ience and necessity may not exercise the right of
2 eminent domain under this subsection with respect
3 to any property covered by the certificate unless the
4 Commission has first, in addition to publishing the
5 notice of certificate of public convenience and neces-
6 sity in the Federal Register, provided all affected
7 landowners with notice of—

8 “(A) the order; and

9 “(B) the procedures for obtaining judicial
10 review of such order under subsection (e), in-
11 cluding a description of the time period for
12 seeking judicial review under that subsection.

13 “(g) CONDEMNATION PROCEDURES.—

14 “(1) APPRAISALS.—

15 “(A) IN GENERAL.—A holder of, or appli-
16 cant for, a certificate of public convenience and
17 necessity shall have any property that the hold-
18 er or applicant seeks to acquire through the ex-
19 ercise of the right of eminent domain under
20 subsection (f) appraised in accordance with gen-
21 erally accepted appraisal standards by an ap-
22 praiser selected by the owner of the property,
23 subject to subparagraph (D).

24 “(B) REQUIREMENTS.—

1 “(i) COSTS.—The applicable holder of,
2 or applicant for, a certificate of public con-
3 venience and necessity shall pay for each
4 appraisal carried out under subparagraph
5 (A).

6 “(ii) INSPECTIONS.—The owner of the
7 applicable property (or a designated rep-
8 resentative of the owner) shall be given the
9 opportunity to accompany the appraiser
10 during any inspection of the property that
11 is part of an appraisal under subparagraph
12 (A).

13 “(C) TIMING.—An appraisal under sub-
14 paragraph (A) shall be carried out before—

15 “(i) the holder of, or applicant for, the
16 certificate of public convenience and neces-
17 sity makes an offer of just compensation
18 under paragraph (2); or

19 “(ii) the holder of the certificate of
20 public convenience and necessity com-
21 mences an action or proceeding to exercise
22 the right of eminent domain under sub-
23 section (f).

24 “(D) SELECTION OF APPRAISER.—If the
25 owner of the applicable property does not select

1 an appraiser under subparagraph (A) by the
2 date that is 60 days after the date on which the
3 holder of, or applicant for, the applicable certifi-
4 cate of public convenience and necessity re-
5 quests that the owner do so, the holder or ap-
6 plicant shall have the right to select the ap-
7 praiser.

8 “(2) OFFERS OF JUST COMPENSATION.—

9 “(A) IN GENERAL.—Any offer of just com-
10 pensation made to an affected landowner of
11 property that is or will be covered by a certifi-
12 cate of public convenience and necessity—

13 “(i) shall be made in writing;

14 “(ii) may not be for an amount less
15 than the fair market value of the property,
16 as determined by an appraisal carried out
17 under paragraph (1); and

18 “(iii) shall include compensation for—

19 “(I) any lost income from the
20 property; and

21 “(II) any damages to any other
22 property of the owner.

23 “(B) TIMING.—The holder of a certificate
24 of public convenience and necessity may not
25 make an offer of just compensation to an af-

1 affected landowner until the date that is 30 days
2 after the date on which the Commission pro-
3 vides a notice to the affected landowner under
4 subsection (f)(3).

5 “(3) JURISDICTIONAL LIMITATIONS.—

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

13 “(B) TRIBAL LAND.—A district court of
14 the United States shall have no jurisdiction to
15 condemn any interest in Tribal land.

16 “(4) LIMITATION ON CONDEMNATION.—In any
17 action or proceeding to exercise the right of eminent
18 domain under subsection (f), a court—

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

23 “(B) may not—

24 “(i) condemn any other interest; or

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

3 “(5) RIGHT OF POSSESSION.—With respect to
4 any action or proceeding to exercise the right of emi-
5 nent domain under subsection (f), an owner of prop-
6 erty that is covered by the applicable certificate of
7 public convenience and necessity shall not be re-
8 quired to surrender possession of that property un-
9 less the holder of the certificate—

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

12 “(B) has deposited the amount of that
13 award with the court.

14 “(6) LITIGATION COSTS.—

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

1 fore the commencement of that action or pro-
2 ceeding.

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

8 “(i) reasonable attorney fees;

9 “(ii) expert witness fees and costs;

10 and

11 “(iii) reasonable travel costs to par-
12 ticipate in proceedings.

13 “(h) ENFORCEMENT OF CONDITIONS.—

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

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

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

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

1 “(i) OTHER LANDOWNER RIGHTS AND PROTEC-
2 TIONS.—

3 “(1) FAILURE TO TIMELY COMPLETE
4 PROJECTS.—

5 “(A) SURRENDER OF CONDEMNED PROP-
6 ERTY.—

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

18 “(I)(aa) the electric transmission
19 facility is not in operation (as modi-
20 fied, in the case of a modification of
21 an electric transmission facility) by
22 the date specified in the certificate
23 (including any modification of the cer-
24 tificate by the Commission); and

1 “(bb) there is no request for the
2 extension of that date pending before
3 the Commission; or

4 “(II) subject to clause (ii), the
5 holder of the certificate, with the ap-
6 proval of the Commission, abandons
7 the portion of the electric trans-
8 mission facility that is located on the
9 applicable property relating to that in-
10 terest.

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

1 “(B) REPAYMENT OF CONDEMNATION
2 AWARD.—If an individual or entity described in
3 subparagraph (A)(i) demands the surrender of
4 an interest under that subparagraph, the holder
5 of the applicable certificate of public conven-
6 ience and necessity shall be entitled to repay-
7 ment of an amount equal to not more than 50
8 percent of the condemnation award relating to
9 the interest.

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

13 “(2) MATERIAL MISREPRESENTATIONS.—

14 “(A) RESCISSION OF TRANSACTION.—

15 “(i) IN GENERAL.—An individual or
16 entity from which an interest in property is
17 acquired through the exercise of the right
18 of eminent domain under subsection (f)
19 that proves, by a preponderance of the evi-
20 dence, that the individual or entity has
21 granted a right-of-way or any other prop-
22 erty interest based on a material misrepre-
23 sentation made by or on behalf of an appli-
24 cant for, or holder of, a certificate of pub-
25 lic convenience and necessity under this

1 section concerning the electric transmission
2 facility to be constructed, modified, or op-
3 erated under the certificate shall have the
4 right to rescind the transaction.

5 “(ii) JURISDICTION.—The district
6 courts of the United States shall have ju-
7 risdiction over any action arising under
8 clause (i).

9 “(B) CIVIL PENALTIES.—A material mis-
10 representation made by an applicant for, or
11 holder of, a certificate of public convenience and
12 necessity, or on behalf of such an applicant or
13 holder, to an affected landowner concerning the
14 electric transmission facility to be constructed,
15 modified, or operated under the certificate, shall
16 be considered to be a violation of this part for
17 purposes of section 316A and such applicant or
18 holder shall be assessed a civil penalty by the
19 Commission in accordance with such section
20 316A, except the amount of such civil penalty
21 may not exceed \$10,000 per affected landowner
22 to whom the misrepresentation was made.

23 “(j) DEFINITIONS.—In this section:

24 “(1) AFFECTED LANDOWNER.—

1 “(A) IN GENERAL.—The term ‘affected
2 landowner’ includes each owner of a property
3 interest in land or other property described in
4 subparagraph (B), including—

5 “(i) the Federal Government;

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

7 “(iii) each owner noted in the most
8 recent county or city tax record as receiv-
9 ing the relevant tax notice with respect to
10 that interest.

11 “(B) LAND AND OTHER PROPERTY DE-
12 SCRIBED.—The land or other property de-
13 scribed in this subparagraph is any land or
14 other property—

15 “(i) that is directly affected by the
16 proposed construction, modification, or op-
17 eration of an electric transmission facility,
18 including all facility sites;

19 “(ii) that is located within the greater
20 of—

21 “(I) 0.25 miles from a proposed
22 facility site for an electric trans-
23 mission facility; or

1 “(II) a minimum distance from
2 the proposed electric transmission fa-
3 cility as specified by State law; or

4 “(iii) contains a residence that is
5 within 3000 feet of a proposed facility site
6 for an electric transmission facility.

7 “(2) ALTERNATING CURRENT TRANSMISSION
8 FACILITY.—The term ‘alternating current trans-
9 mission facility’ means a transmission facility that
10 uses alternating current for the bulk transmission of
11 electric energy.

12 “(3) ELECTRIC TRANSMISSION FACILITY.—The
13 term ‘electric transmission facility’ means, as appli-
14 cable—

15 “(A) an alternating current transmission
16 facility;

17 “(B) a high-voltage, direct current trans-
18 mission facility; or

19 “(C) infrastructure associated with an al-
20 ternating current transmission facility or a
21 high-voltage, direct current transmission facil-
22 ity, including substations and switchyards.

23 “(4) FACILITY SITE.—The term ‘facility site’
24 includes—

25 “(A) an area covered by a right-of-way;

1 “(B) an access road;

2 “(C) a contractor yard where equipment
3 and material are stored or where assembly work
4 is conducted; and

5 “(D) any temporary workspace.

6 “(5) HIGH-VOLTAGE, DIRECT CURRENT TRANS-
7 MISSION FACILITY.—The term ‘high-voltage, direct
8 current transmission facility’ means a transmission
9 facility that uses direct current for the bulk trans-
10 mission of electric energy.

11 “(6) TRIBAL LAND.—The term ‘Tribal land’
12 has the meaning given the term ‘Indian land’ in sec-
13 tion 2601 of the Energy Policy Act of 1992 (25
14 U.S.C. 3501).”.

15 (b) CONFORMING CHANGES TO THE FEDERAL
16 POWER ACT.—

17 (1) SITING OF INTERSTATE ELECTRIC TRANS-
18 MISSION FACILITIES.—Section 216 of the Federal
19 Power Act (16 U.S.C. 824p) is amended—

20 (A) in subsection (b)(2), by inserting “(in-
21 cluding transmission of electric energy from the
22 outer Continental Shelf to a State)” after
23 “interstate commerce”;

24 (B) in subsection (c), by adding at the end
25 the following:

1 “(3) APPLICATIONS OUTSIDE NATIONAL INTEREST
2 ELECTRIC TRANSMISSION CORRIDORS.—

3 “(A) IN GENERAL.—Subject to subparagraph
4 (B), the Commission shall allow a person to file an
5 application for a permit under subsection (b), and
6 may begin evaluation of such application, even if the
7 relevant electric transmission facility is not in a na-
8 tional interest electric transmission corridor des-
9 ignated by the Secretary under subsection (a) at the
10 time the application is filed.

11 “(B) TIME LIMIT.—The Commission shall cease
12 all evaluation of an application described in subpara-
13 graph (A) if, two years after the application is filed
14 with the Commission, the relevant electric trans-
15 mission facility is not in a national interest electric
16 transmission corridor designated by the Secretary
17 under subsection (a). The Commission may resume
18 evaluation of such application if, after ceasing eval-
19 uation under this subparagraph, a national interest
20 electric transmission corridor is designated by the
21 Secretary under subsection (a) and the relevant elec-
22 tric transmission facility is in such national interest
23 electric transmission corridor.” ; and

24 (C) in subsection (h)—

1 (i) by amending paragraph (2) to read
2 as follows:

3 “(2) LEAD AGENCY.—For the purposes of co-
4 ordinating all applicable Federal authorizations and
5 related environmental reviews—

6 “(A) the Commission shall act as the lead
7 agency in the case of—

8 “(i) except as provided in subpara-
9 graph (B), an electric transmission facility
10 in a national interest electric transmission
11 corridor designated by the Secretary under
12 subsection (a); or

13 “(ii) an electric transmission facility
14 for which an application has been sub-
15 mitted for a certificate of public conven-
16 ience and necessity under section 229;

17 “(B) the Department of the Interior shall
18 act as the lead agency in the case of an electric
19 transmission facility in a national interest elec-
20 tric transmission corridor designated by the
21 Secretary under subsection (a) that is located
22 on a lease, easement, or right-of-way granted by
23 the Secretary of the Interior under section
24 8(p)(1)(C) of the Outer Continental Shelf
25 Lands Act (43 U.S.C. 1337(p)(1)(C)); and

1 “(C) the Department of Energy shall act
2 as the lead agency in the case of any other elec-
3 tric transmission facility.”.

4 (ii) in each of paragraphs (3), (4)(B),
5 (4)(C), (5)(B), (6)(A), (7)(A), (8)(A)(i),
6 and (9), by striking “Secretary” each place
7 it appears and inserting “applicable lead
8 agency”;

9 (iii) in paragraph (4)(A), by striking
10 “As head of the lead agency, the Sec-
11 retary” and inserting “The applicable lead
12 agency”;

13 (iv) in paragraph (5)(A), by striking
14 “As lead agency head, the Secretary” and
15 inserting “The applicable lead agency”;
16 and

17 (v) in paragraph (7)—

18 (I) in subparagraph (A), by strik-
19 ing “after the date of enactment of
20 this section” and inserting “after the
21 date of enactment of the Clean Elec-
22 tricity and Transmission Acceleration
23 Act of 2023”; and

24 (II) in subparagraph (B), by
25 amending clause (i) to read as follows:

1 “(i) Not later than six months after the date of
2 enactment of the Clean Electricity and Transmission
3 Acceleration Act of 2023, the Secretary, the Com-
4 mission, and the heads of all Federal agencies with
5 authority to issue Federal authorizations shall enter
6 into a memorandum of understanding to ensure the
7 timely and coordinated review and permitting of
8 electric transmission facilities.”.

9 (2) TRANSMISSION INFRASTRUCTURE INVEST-
10 MENT.—Section 219(b)(4)(B) of the Federal Power
11 Act (16 U.S.C. 824s(b)(4)(B)) is amended by strik-
12 ing “section 216” and inserting “sections 216 and
13 229”.

14 **SEC. 108. FACILITATION OF EFFICIENT ENVIRONMENTAL**
15 **REVIEW OF THE DESIGNATION OF NATIONAL**
16 **INTEREST ELECTRIC TRANSMISSION COR-**
17 **RIDORS.**

18 (a) IN GENERAL.—Section 216(h) of the Federal
19 Power Act (42 U.S.C. 824p(h)) is further amended—

20 (1) by redesignating paragraph (9) as para-
21 graph (10); and

22 (2) by inserting after paragraph (8) the fol-
23 lowing:

24 “(9) NO DUPLICATION OF ENVIRONMENTAL RE-
25 VIEWS.—

1 “(A) PURPOSE.—The purpose of this para-
2 graph is to ensure that there is no duplication of ef-
3 fort or process with respect to preparing environ-
4 mental documents relating to the designation of na-
5 tional interest electric transmission corridors under
6 subsection (a) and the issuance of permits under
7 subsection (b).

8 “(B) REVIEW RELATING TO DESIGNATION.—
9 Unless the Secretary determines that the prepara-
10 tion of an environmental document with respect to
11 the designation of a national interest electric trans-
12 mission corridor under subsection (a) is necessary
13 under the circumstances, the Secretary shall not be
14 required to prepare an environmental document in
15 connection with the designation of such a national
16 interest electric transmission corridor.

17 “(C) EFFECT ON APPLICATIONS TO CONSTRUCT
18 OR MODIFY CERTAIN TRANSMISSION FACILITIES.—

19 “(i) NO REVIEW RELATING TO DESIGNA-
20 TION OF CORRIDOR.—If the Secretary has not
21 prepared an environmental document with re-
22 spect to the designation of a national interest
23 electric transmission corridor under subsection
24 (a), the Commission shall prepare an environ-
25 mental document for any construction or modi-

1 fication proposed in an application made under
2 subsection (c) before issuing a permit for such
3 application under subsection (b).

4 “(ii) REVIEW RELATING TO DESIGNATION
5 OF CORRIDOR.—If the Secretary has prepared
6 an environmental document with respect to the
7 designation of a national interest electric trans-
8 mission corridor under subsection (a)—

9 “(I) the Commission and any other
10 Federal agency preparing an environ-
11 mental document for any construction or
12 modification proposed in an application
13 made under subsection (c) within such na-
14 tional interest electric transmission cor-
15 ridor—

16 “(aa) shall rely on any findings
17 of the environmental document pre-
18 pared by the Secretary; and

19 “(bb) shall not duplicate any
20 work of the Secretary relating to the
21 preparation of such environmental
22 document; and

23 “(II) the Commission and such other
24 Federal agency shall incorporate the find-
25 ings of the environmental document pre-

1 pared by the Secretary into any environ-
2 mental document prepared by the Commis-
3 sion or such other Federal agency under
4 this subsection.”.

5 (b) DEFINITIONS.—Paragraph (1) of section 216(h)
6 of the Federal Power Act (42 U.S.C. 824p(h)) is amended
7 to read as follows:

8 “(1) DEFINITIONS.—In this subsection:

9 “(A) ENVIRONMENTAL DOCUMENT.—The
10 term ‘environmental document’ has the mean-
11 ing given such term in section 111 of the Na-
12 tional Environmental Policy Act of 1969 (42
13 U.S.C. 4336e).

14 “(B) FEDERAL AUTHORIZATION.—The
15 term ‘Federal authorization’—

16 “(i) means any authorization required
17 under Federal law in order to site a trans-
18 mission facility; and

19 “(ii) includes such permits, special use
20 authorizations, certifications, opinions, or
21 other approvals as may be required under
22 Federal law in order to site a transmission
23 facility.”.

1 (c) CONFORMING AMENDMENTS.—Section 216(h)(5)
2 of the Federal Power Act (42 U.S.C. 824p(h)(5)) is
3 amended—

4 (1) in subparagraph (A), by striking “environ-
5 mental review document” and inserting “environ-
6 mental document”; and

7 (2) in subparagraph (C), by striking “docu-
8 ment” and inserting “environmental document”.

9 **SEC. 109. INCREASED FLEXIBILITY FOR FEDERAL TRANS-**
10 **MISSION FINANCING.**

11 (a) TRANSMISSION FACILITY FINANCING.—Section
12 50151(b) of Public Law 117–169 (42 U.S.C. 18715(b))
13 is amended by striking “designated by the Secretary to
14 be necessary in the national interest under section 216(a)
15 of the Federal Power Act (16 U.S.C. 824p(a))” and in-
16 serting “determined by the Secretary to be in the national
17 interest”.

18 (b) TRANSMISSION FACILITATION PROGRAM.—Sec-
19 tion 40106(h)(1)(A) of the Infrastructure Investment and
20 Jobs Act (42 U.S.C. 18713(h)(1)(A)) is amended by strik-
21 ing “is located in an area designated as a national interest
22 electric transmission corridor pursuant to section 216(a)
23 of the Federal Power Act 16 U.S.C. 824p(a)” and insert-
24 ing “is in the national interest”.

1 **SEC. 110. ESTABLISHMENT OF TRANSMISSION INVESTMENT**

2 **TAX CREDIT.**

3 (a) IN GENERAL.—Subpart E of part IV of sub-
4 chapter A of chapter 1 of the Internal Revenue Code of
5 1986 is amended by inserting after section 48E the fol-
6 lowing:

7 **“SEC. 48F. QUALIFYING ELECTRIC POWER TRANSMISSION**
8 **LINE CREDIT.**

9 “(a) ALLOWANCE OF CREDIT.—For purposes of sec-
10 tion 46, the qualifying electric power transmission line
11 credit for any taxable year is an amount equal to 6 percent
12 of the qualified investment for such taxable year with re-
13 spect to any qualifying electric power transmission line
14 property of the taxpayer.

15 “(b) QUALIFIED INVESTMENT.—

16 “(1) IN GENERAL.—For purposes of subsection
17 (a), the qualified investment for any taxable year is
18 the basis of any qualifying electric power trans-
19 mission line property placed in service by the tax-
20 payer during such taxable year.

21 “(2) CERTAIN QUALIFIED PROGRESS EXPENDI-
22 TURES RULES MADE APPLICABLE.—Rules similar to
23 the rules of subsections (c)(4) and (d) of section 46
24 (as in effect on the day before the date of the enact-
25 ment of the Revenue Reconciliation Act of 1990)
26 shall apply for purposes of this section.

1 “(c) QUALIFYING ELECTRIC POWER TRANSMISSION
2 LINE PROPERTY.—For purposes of this section, the term
3 ‘qualifying electric power transmission line property’
4 means any overhead, submarine, or underground prop-
5 erty—

6 “(1) which is a qualifying electric power trans-
7 mission line that transmits electricity—

8 “(A) across no fewer than 2 States or not
9 less than 150 continuous miles, or

10 “(B) across the Outer Continental Shelf
11 (as defined in section 2 of the Outer Conti-
12 nental Lands Act (43 U.S.C. 1331)), or

13 “(2) which is related transmission property.

14 “(d) QUALIFYING ELECTRIC POWER TRANSMISSION
15 LINE.—For purposes of this section—

16 “(1) IN GENERAL.—The term ‘qualifying elec-
17 tric power transmission line’ means any applicable
18 new transmission property and any modified existing
19 transmission property.

20 “(2) APPLICABLE NEW TRANSMISSION PROP-
21 erty.—

22 “(A) IN GENERAL.—The term ‘applicable
23 new transmission property’ means any electric
24 power transmission line which is—

1 “(i) originally placed in service after
2 the date of the enactment of this section,

3 “(ii) primarily used for one or more
4 purposes described in subparagraph (B),
5 and

6 “(iii) described in subparagraph (C).

7 “(B) PURPOSES DESCRIBED.—The pur-
8 poses described in this subparagraph are—

9 “(i) enhancing resilience to prepare
10 for, withstand, and recover rapidly from
11 disruptions from the impact of weather
12 events, wildfires, or natural disasters,

13 “(ii) addressing clearance concerns,

14 “(iii) facilitating the interconnection
15 of electric power generation capacity to the
16 bulk-power system (as defined in section
17 215 of the Federal Power Act), or

18 “(iv) addressing high load needs of
19 2,000 ampere and above.

20 “(C) ADDITIONAL REQUIREMENTS FOR
21 NEW TRANSMISSION PROPERTY.—An electric
22 power transmission line is described in this sub-
23 paragraph if—

24 “(i) such transmission line—

1 “(I) includes an advanced trans-
2 mission conductor, and

3 “(II) is capable of transmitting
4 electricity at a voltage of not less than
5 100 kilovolts, or

6 “(ii) such transmission line—

7 “(I) is a superconducting trans-
8 mission line or is capable of transmit-
9 ting electricity at a voltage of at least
10 345 kilovolts, and

11 “(II) has a transmission capacity
12 of not less than 750 megawatts or is
13 a transmission line described in sub-
14 paragraph (D).

15 “(D) MULTIPLE TRANSMISSION LINES LO-
16 CATED IN THE SAME RIGHT-OF-WAY.—A trans-
17 mission line is described in this subparagraph if
18 such a transmission line—

19 “(i) is co-located in the same right-of-
20 way or adjacent right-of-way as one or
21 more other overhead, submarine, or under-
22 ground transmission lines, and

23 “(ii) together with the other trans-
24 mission lines described in subparagraph

1 (A), has a transmission capacity of not less
2 than 1,000 megawatts.

3 “(3) MODIFIED EXISTING TRANSMISSION PROP-
4 ERTY.—The term ‘modified existing transmission
5 property’ means any electric power transmission line
6 which—

7 “(A) was placed in service before the date
8 of the enactment of this section,

9 “(B) is modified after the date of enact-
10 ment of this Act in a manner that—

11 “(i) increases the transmission capac-
12 ity of such transmission line by not less
13 than 500 megawatts, or

14 “(ii) includes an advanced trans-
15 mission conductor that transmits electricity
16 at a voltage of not less than 100 kilovolts,
17 and

18 “(C) after the completion of such modifica-
19 tion, is an electric power transmission line
20 which satisfies the requirements under sub-
21 clauses (ii) and (iii) of paragraph (2)(A).

22 “(4) ADVANCED TRANSMISSION CONDUCTOR.—
23 The term ‘advanced transmission conductor’ means
24 a transmission conductor technology that uses re-
25 cently developed technology or materials such as a

1 composite core and such other future advances as
2 determined by the Secretary, in consultation with
3 the Secretary of Energy.

4 “(5) SUPERCONDUCTING TRANSMISSION
5 LINE.—The term ‘superconducting transmission line’
6 means a transmission line that conducts all of its
7 current over a super-conducting material.

8 “(e) RELATED TRANSMISSION PROPERTY.—For pur-
9 poses of this section—

10 “(1) IN GENERAL.—The term ‘related trans-
11 mission property’ means any of the following:

12 “(A) TRANSMISSION PROPERTY USED FOR
13 INTERCONNECTION OR GENERATOR TIE-LINE.—

14 Any electric power transmission line which is—

15 “(i) placed in service after the date of
16 enactment of this section,

17 “(ii) primarily used—

18 “(I) as a generator interconnec-
19 tion tie line at an associated facility
20 that extends from the secondary
21 (high) side of a generator step-up
22 transformer to the point of inter-
23 connection with the host transmission
24 owner from interconnecting new gen-

1 eration resources or facilities to the
2 electric grid, or

3 “(II) for network upgrades asso-
4 ciated with the interconnection of new
5 generation resources or facilities to
6 the electric grid,

7 “(iii) primarily used for one or more
8 purposes described in subsection (d)(2)(B),
9 and

10 “(iv) capable of transmitting elec-
11 tricity at a voltage of not less than 230
12 kilovolts.

13 “(B) GRID ENHANCING TECHNOLOGY.—
14 Any grid enhancing technology property used in
15 the operation of the electric power transmission
16 line described in paragraph (2) or (3) of sub-
17 section (d).

18 “(C) SUBCOMPONENTS.—Any conductors
19 or cables, towers, insulators, reactors, capaci-
20 tors, circuit breakers, static VAR compensators,
21 static synchronous compensators, power con-
22 verters, transformers, synchronous condensers,
23 braking resistors, and any ancillary facilities
24 and equipment necessary for the proper oper-
25 ation of the electric power transmission line de-

1 scribed in paragraph (2) or (3) of subsection
2 (d) or for the proper operation of any property
3 described in subsection (d)(2).

4 “(2) GRID ENHANCING TECHNOLOGY PROP-
5 PERTY.—The term ‘grid enhancing technology prop-
6 erty’ means power flow controls and transmission
7 switching equipment, storage technology, and hard-
8 ware or software that enables dynamic line ratings,
9 advanced line rating management technologies, on
10 new or existing transmission property for the pur-
11 pose of enhancing the capacity, efficiency, resiliency,
12 or reliability of an electric power transmission sys-
13 tem and such other similar property determined by
14 the Secretary, in consultation with the Secretary of
15 Energy.

16 “(f) INCREASED CREDIT AMOUNT FOR CERTAIN
17 TRANSMISSION LINE PROPERTY.—

18 “(1) IN GENERAL.—In the case of any quali-
19 fying electric power transmission line property which
20 meets the requirements of paragraph (2), the
21 amount of credit determined under subsection (a)
22 (determined without regard to this subsection) shall
23 be equal to such amount multiplied by 5.

24 “(2) FACILITY REQUIREMENTS.—Qualifying
25 electric power transmission line property shall be

1 treated as meeting the requirements of this para-
2 graph if—

3 “(A) the construction of such property
4 meets rules similar to the rules of section
5 48(a)(10) (relating to prevailing wage require-
6 ments) and section 45(b)(8) (relating to ap-
7 prenticeship requirements), or

8 “(B) the construction of such property be-
9 gins before the date that is 60 days after the
10 Secretary publishes guidance with respect to the
11 requirements under subparagraph (A).

12 “(g) TERMINATION.—This section shall not apply to
13 any property the construction of which begins after De-
14 cember 31, 2033.”.

15 (b) PUBLIC UTILITY PROPERTY.—Paragraph (2) of
16 section 50(d) of the Internal Revenue Code is amended—

17 (1) by striking “(as defined in section
18 48(c)(6))” and inserting “(as defined in section
19 48(c)(6), except that subparagraph (D) of such sec-
20 tion shall not apply) or any qualifying electric power
21 transmission line property (as defined by section
22 48F(c))”, and

23 (2) in subparagraph (B)—

1 (A) by inserting “or qualifying electric
2 power transmission line property” after “each
3 energy storage technology”, and

4 (B) by inserting “or the qualifying electric
5 power transmission line property” after “the
6 energy storage technology”.

7 (c) TRANSFER OF CERTAIN CREDITS.—Section
8 6418(f)(1)(A) of the Internal Revenue Code of 1986 is
9 amended by adding at the end the following:

10 “(xii) The qualifying electric power
11 transmission line credit under section
12 48F.”.

13 (d) CONFORMING AMENDMENTS.—

14 (1) Section 46 of the Internal Revenue Code of
15 1986 is amended—

16 (A) in paragraph (5), by striking “and” at
17 the end,

18 (B) in paragraph (6), by striking the pe-
19 riod at the end and inserting “, and”, and

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

21 “(7) the qualifying electric power transmission
22 line credit.”.

23 (2) Section 49(a)(1)(C) of such Code is amend-
24 ed—

1 (A) in clause (v), by striking “and” at the
2 end,

3 (B) in clause (vi), by striking the period at
4 the end and inserting “, and”, and

5 (C) by adding at the end the following:

6 “(vii) the basis of any qualifying elec-
7 tric power transmission line property under
8 section 48F.”.

9 (3) The table of sections for subpart E of part
10 IV of subchapter A of chapter 1 of such Code is
11 amended by inserting after the item relating to sec-
12 tion 48E the following new item:

“Sec. 48F. Qualifying electric power transmission line credit.”.

13 (e) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to property placed in service after
15 December 31, 2023.

16 **TITLE II—IMPROVEMENT OF**
17 **GOVERNANCE AND EFFI-**
18 **CIENCY OF THE GRID**

19 **SEC. 201. AUTHORIZATION TO ESTABLISH FERC OFFICE OF**
20 **ELECTRICITY TRANSMISSION.**

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

1 **“SEC. 318. OFFICE OF ELECTRICITY TRANSMISSION.**

2 “The Commission may establish an office, to be
3 known as the Office of Transmission, to—

4 “(1) coordinate all matters of the Commission
5 relating to the transmission of electric energy, as the
6 Commission determines appropriate; and

7 “(2) carry out the responsibilities of the Com-
8 mission under section 216, 224, 225, 226, 227, 228,
9 and 229, in coordination with the Office of Energy
10 Projects of the Commission.”.

11 **SEC. 202. SUPPORT FOR FERC STAFFING.**

12 (a) ENSURING TIMELY REVIEW OF INFRASTRUC-
13 TURE.—Section 401(k) of the Department of Energy Or-
14 ganization Act (42 U.S.C. 7171(k)) is amended—

15 (1) in paragraph (1), by striking “subchapter
16 III of”;

17 (2) in paragraph (2)—

18 (A) by striking subparagraph (A); and

19 (B) by redesignating subparagraphs (B)
20 through (E) as subparagraphs (A) through (D),
21 respectively; and

22 (3) in paragraph (6)—

23 (A) by striking “The Chairman” and in-
24 serting the following:

25 “(A) IN GENERAL.—The Chairman”; and

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

1 “(B) IMPLEMENTATION PLAN.—Not later
2 than 90 days after the date of enactment of
3 this subparagraph, the Chairman shall submit
4 to the Director of the Office of Personnel Man-
5 agement a plan to implement this subsection.
6 The Director of the Office of Personnel Man-
7 agement shall take final action on the plan not
8 later than 120 days after the submission of
9 such plan.”.

10 (b) DIRECT HIRE AUTHORITY.—Section 401 of the
11 Department of Energy Organization Act (42 U.S.C. 7171)
12 is amended by adding at the end the following:

13 “(l) DIRECT HIRE AUTHORITY.—

14 “(1) IN GENERAL.—Notwithstanding section
15 3304 of title 5, United States Code, and without re-
16 gard to the provisions of sections 3309 through
17 3318 of such title 5, if the Chairman of the Com-
18 mission issues a certification that there is as severe
19 shortage of candidates or a critical hiring need for
20 covered positions to carry out the Commission’s re-
21 sponsibilities and activities, the Chairman may, sub-
22 ject to paragraph (3), recruit and directly appoint
23 highly qualified individuals into the competitive serv-
24 ice.

1 “(2) LIMITATION.—Any action authorized pur-
2 suant to paragraph (1) shall be consistent with the
3 merit principles of section 2301 of title 5, United
4 States Code, and the Commission shall comply with
5 the public notice requirements of section 3327 of
6 such title 5.

7 “(3) TERMINATION.—

8 “(A) IN GENERAL.—A certification issued
9 or renewed under this subsection shall termi-
10 nate on the earlier of—

11 “(i) the date that is 5 years after the
12 certification is issued or renewed; or

13 “(ii) the date on which the Chairman
14 determines that there is no longer a severe
15 shortage of candidates or a critical hiring
16 need for covered positions to carry out the
17 Commission’s responsibilities and activi-
18 ties.

19 “(B) RENEWAL.—The Chairman may
20 renew a certification issued or renewed under
21 this subsection for an additional 5-year period
22 if the Chairman determines there is still a se-
23 vere shortage of candidates or a critical hiring
24 need for covered positions to carry out the
25 Commission’s responsibilities and activities.

1 “(4) COVERED POSITION.—In this subsection,
2 the term ‘covered position’ means a position in
3 which an employee is responsible for conducting
4 work of a scientific, technical, engineering, mathe-
5 matical, legal, or otherwise highly specialized or
6 skilled nature.”.

7 (c) ELIMINATION OF REPORTING SUNSET.—Section
8 11004(b) of the Energy Act of 2020 (42 U.S.C. 7171
9 note; Public Law 116–260) is amended—

10 (1) in paragraph (1), by striking “thereafter for
11 10 years” and inserting “thereafter”; and

12 (2) in paragraph (2)(B), by striking “or mathe-
13 matical” and inserting “mathematical, or otherwise
14 highly specialized or skilled”.

15 **SEC. 203. EVALUATION OF FERC FEE ASSESSMENTS.**

16 Section 3401 of the Omnibus Budget Reconciliation
17 Act of 1986 (42 U.S.C. 7178) is amended by adding at
18 the end the following:

19 “(h) REVIEW.—Not less often than once every five
20 years, the Commission shall undertake a review to deter-
21 mine if the fees and charges it assesses under this section
22 and other laws are sufficient to allow the Commission to
23 handle its workload in an expedient manner.”.

1 **SEC. 204. ESTABLISHMENT OF INDEPENDENT TRANS-**
2 **MISSION MONITORS.**

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

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

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

12 (b) ROLE OF TRANSMISSION MONITOR.—An inde-
13 pendent entity described in subsection (a) shall provide
14 independent analysis of transmission planning and rate-
15 making processes by the Commission and Transmission
16 Organizations to inform Commission proceedings, includ-
17 ing by, as applicable—

18 (1) reviewing the operation and practices of
19 transmission facilities in the applicable transmission
20 planning region for inefficiency;

21 (2) investigating whether any rate, charge, or
22 classification for transmission facilities in the appli-
23 cable transmission planning region, or any rule, reg-
24 ulation, practice, or contract affecting such a rate,
25 charge, or classification, is unjust, unreasonable, un-
26 duly discriminatory or preferential;

1 (3) reviewing the transmission planning process
2 for the applicable transmission planning region;

3 (4) reviewing transmission facility costs in the
4 applicable transmission planning region;

5 (5) providing examples and advice to Trans-
6 mission Organizations in the applicable transmission
7 planning region on regional transmission operations,
8 planning, and cost-allocation processes;

9 (6) identifying situations in which it is cost-ef-
10 fective or otherwise appropriate to construct or de-
11 ploy grid enhancing assets;

12 (7) coordinating and sharing information with
13 State regulatory authorities in the applicable trans-
14 mission planning region; and

15 (8) identifying reliable data sets and methodolo-
16 gies for use in regional planning and providing ac-
17 cess to data to stakeholders.

18 (c) SAVINGS CLAUSE.—Nothing in this section shall
19 be construed to alter the sole power of the Commission
20 to, under sections 205 and 206 of the Federal Power Act
21 (16 U.S.C. 824d; 824e), determine if any rates, charges,
22 or classifications are unjust, unreasonable, or unduly dis-
23 criminatory or preferential.

24 (d) DEFINITIONS.—In this section:

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

3 (2) GRID ENHANCING ASSET, STATE REGU-
4 LATORY AUTHORITY; TRANSMISSION ORGANIZATION;
5 TRANSMISSION PLANNING REGION.—The terms
6 “grid enhancing asset”, “State regulatory author-
7 ity”, “Transmission Organization”, and “trans-
8 mission planning region” have the meanings given
9 such terms in section 3 of the Federal Power Act
10 (16 U.S.C. 796).

11 **SEC. 205. ASSURANCE OF INTEROPERABILITY OF OFF-**
12 **SHORE ELECTRIC TRANSMISSION INFRA-**
13 **STRUCTURE.**

14 (a) STUDY.—Not later than 2 years after the date
15 of enactment of this Act, the Secretary of Energy shall
16 complete and publish on the website of the Department
17 of Energy a study that assesses the need to, and chal-
18 lenges of, developing and standardizing interoperable elec-
19 tric grid components, systems, and technologies in support
20 of shared offshore transmission networks. Such study
21 shall include recommendations for Congress, State, Tribal,
22 and local governments, manufacturers of electric grid com-
23 ponents, systems, and technologies, Transmission Organi-
24 zations, offshore electricity generation project developers,
25 and appropriate standards organizations to help ensure

1 interoperability of electric grid components, systems, and
2 technologies between offshore electricity generation
3 projects and shared offshore infrastructure connecting to
4 onshore transmission systems.

5 (b) INTEROPERABILITY STANDARD DEVELOPMENT
6 PROGRAM.—

7 (1) IN GENERAL.—The Secretary of Energy
8 shall establish and implement a program to identify,
9 develop, support, document, and encourage the
10 adoption of standards necessary to maximize the
11 interoperability of electric grid components, systems,
12 and technologies to accelerate the implementation
13 and delivery of electricity generated by offshore elec-
14 tricity generation projects through shared electricity
15 transmission infrastructure.

16 (2) GOALS.—The goals of establishing and im-
17 plementing the program under paragraph (1) shall
18 be—

19 (A) to harmonize and standardize func-
20 tional specifications of electric grid components,
21 systems, and technologies to maximize the
22 interoperability of electric grid components, sys-
23 tems, and technologies across types and manu-
24 facturers;

1 (B) to hasten adoption of shared electric
2 transmission infrastructure for offshore elec-
3 tricity generation by encouraging cooperation
4 among manufacturers of electric grid compo-
5 nents, systems, or technologies in order to—

6 (i) maximize interoperability of such
7 manufacturers' electric grid components,
8 systems, or technologies;

9 (ii) reduce offshore electricity genera-
10 tion project delays and cost overruns;

11 (iii) manage power grid complexity;
12 and

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

15 (C) to identify common technical specifica-
16 tions to effectively and securely measure, mon-
17 itor, control, and protect offshore electricity
18 generation and electric transmission infrastruc-
19 ture from the point of generation to load cen-
20 ters.

21 (3) FINANCIAL ASSISTANCE.—Under the pro-
22 gram established and implemented under paragraph
23 (1), the Secretary may provide grants to—

1 (A) engage equipment manufacturers and
2 industry stakeholders in collaborative platforms,
3 including workshops and forums;

4 (B) identify current challenges and propose
5 solutions to improve interoperability of electric
6 grid components, systems, and technologies;
7 and

8 (C) develop a set of voluntary industry
9 standards to maximize interoperability of elec-
10 tric grid components, systems, and technologies
11 that meet the goals described in paragraph (2).

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

16 (d) DEFINITION.—In this section, the term “Trans-
17 mission Organization” has the meaning given such term
18 in section 3(29) of the Federal Power Act (16 U.S.C.
19 796).

20 **SEC. 206. AGGREGATOR BIDDING INTO ORGANIZED WHOLE-**
21 **SALE ELECTRIC MARKETS.**

22 (a) IN GENERAL.—Notwithstanding any prohibition
23 established by a relevant electric retail regulatory author-
24 ity with respect to who may bid into an organized whole-
25 sale electric market, each Transmission Organization

1 shall, with respect to the organized wholesale electric mar-
2 ket controlled by the Transmission Organization, allow
3 any bid from an aggregator of retail customers that aggre-
4 gates the demand flexibility of the customers of utilities
5 that distributed more than 4 million megawatt-hours in
6 the previous fiscal year.

7 (b) RULEMAKING.—Not later than 12 months after
8 the date of enactment of this section, the Commission
9 shall promulgate a final rule pursuant to subsection (a).

10 (c) DEFINITIONS.—In this section:

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

13 (2) ELECTRIC RETAIL REGULATORY AUTHOR-
14 ITY.—The term “electric retail regulatory authority”
15 means an entity that establishes retail electricity
16 prices and retail competition policies for customers.

17 (3) TRANSMISSION ORGANIZATION.—The term
18 “Transmission Organization” has the meaning given
19 such term in section 3 of the Federal Power Act (16
20 U.S.C. 796).

21 **SEC. 207. EXPANSION OF COMMUNITY SOLAR.**

22 (a) ESTABLISHMENT OF COMMUNITY SOLAR CON-
23 SUMER CHOICE PROGRAM.—

24 (1) IN GENERAL.—Not later than 12 months
25 after the date of enactment of this Act, the Sec-

1 retary shall establish a program to increase the op-
2 portunities for participation in community solar pro-
3 grams by—

4 (A) individuals, prioritizing individuals
5 that do not have regular access to onsite solar,
6 including low- and moderate-income individuals
7 and individuals living in energy communities;

8 (B) businesses;

9 (C) nonprofit organizations; and

10 (D) States and local and Tribal govern-
11 ments.

12 (2) ALIGNMENT WITH EXISTING FEDERAL PRO-
13 GRAMS.—The Secretary shall align the program es-
14 tablished under paragraph (1) with existing Federal
15 programs that serve low-income communities.

16 (3) ASSISTANCE TO STATE AND LOCAL GOVERN-
17 MENTS.—In carrying out the program established
18 under paragraph (1), the Secretary shall—

19 (A) provide technical assistance to eligible
20 entities for projects to increase the number of
21 community solar facilities;

22 (B) assist eligible entities in the develop-
23 ment of new and innovative financial and busi-
24 ness models that leverage competitive processes

1 in order to serve community solar subscribers;
2 and

3 (C) use National Laboratories to collect
4 and disseminate data to assist private entities
5 in the financing of, subscription to, and oper-
6 ation of community solar programs.

7 (b) FEDERAL GOVERNMENT PARTICIPATION IN COM-
8 MUNITY SOLAR PROGRAMS.—The Secretary shall, as the
9 Secretary determines appropriate, expand the existing
10 grant, loan, and financing programs of the Department
11 of Energy to include community solar programs.

12 (c) ESTABLISHMENT OF COMMUNITY SOLAR PRO-
13 GRAMS.—

14 (1) IN GENERAL.—Section 111(d) of the Public
15 Utility Regulatory Policies Act of 1978 (16 U.S.C.
16 2621(d)) is amended by adding at the end the fol-
17 lowing:

18 “(22) COMMUNITY SOLAR PROGRAMS.—

19 “(A) IN GENERAL.—Each electric utility
20 shall offer a community solar program that pro-
21 vides all ratepayers, including low-income rate-
22 payers, equitable and demonstrable access to
23 such community solar program.

24 “(B) DEFINITIONS.—For the purposes of
25 this paragraph:

1 “(i) COMMUNITY SOLAR PROGRAM.—

2 The term ‘community solar program’
3 means a service provided to any electric
4 consumer that the electric utility serves
5 through which the value of electricity gen-
6 erated by a community solar facility may
7 be used to reduce total charges billed to
8 the electric consumer.

9 “(ii) COMMUNITY SOLAR FACILITY.—

10 The term ‘community solar facility’ means
11 a solar photovoltaic system that—

12 “(I) allocates electricity to mul-
13 tiple electric consumers of an electric
14 utility;

15 “(II) is interconnected with the
16 electric grid; and

17 “(III) is located either on or off
18 the property of the electric consumers
19 described in subclause (I).”.

20 (2) COMPLIANCE.—

21 (A) TIME LIMITATIONS.—Section 112(b)
22 of the Public Utility Regulatory Policies Act of
23 1978 (16 U.S.C. 2622(b)) is amended by add-
24 ing at the end the following:

1 “(9)(A) Not later than 12 months after the
2 date of enactment of this paragraph, each State reg-
3 ulatory authority (with respect to each electric utility
4 for which the State has ratemaking authority) and
5 each nonregulated electric utility shall commence
6 consideration under section 111, or set a hearing
7 date for consideration, with respect to the standard
8 established by paragraph (22) of section 111(d).

9 “(B) Not later than 24 months after the date
10 of enactment of this paragraph, each State regu-
11 latory authority (with respect to each electric utility
12 for which the State has ratemaking authority), and
13 each nonregulated electric utility shall complete the
14 consideration and make the determination under sec-
15 tion 111 with respect to the standard established by
16 paragraph (22) of section 111(d).”.

17 (B) FAILURE TO COMPLY.—Section 112(c)
18 of the Public Utility Regulatory Policies Act of
19 1978 (16 U.S.C. 2622(c)) is amended—

20 (i) by striking “subsection (b)(2)” and
21 inserting “subsection (b)”; and

22 (ii) by adding at the end the fol-
23 lowing: “In the case of the standard estab-
24 lished by paragraph (22) of section 111(d),
25 the reference contained in this subsection

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

4 (C) PRIOR STATE ACTIONS.—

5 (i) IN GENERAL.—Section 112 of the
6 Public Utility Regulatory Policies Act of
7 1978 (16 U.S.C. 2622) is amended by add-
8 ing at the end the following:

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

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

16 “(2) the State regulatory authority for the
17 State or the relevant nonregulated electric utility has
18 conducted a proceeding to consider implementation
19 of the standard (or a comparable standard) for the
20 electric utility; or

21 “(3) the State legislature has voted on the im-
22 plementation of the standard (or a comparable
23 standard) for the electric utility.”.

24 (ii) CROSS-REFERENCE.—Section 124
25 of the Public Utility Regulatory Policies

1 Act of 1978 (16 U.S.C. 2634) is amended
2 by adding at the end the following: “In the
3 case of the standard established by para-
4 graph (22) of section 111(d), the reference
5 contained in this subsection to the date of
6 enactment of this Act shall be deemed to
7 be a reference to the date of enactment of
8 that paragraph (22).”.

9 (d) FEDERAL CONTRACTS FOR PUBLIC UTILITY
10 SERVICES.—Section 501(b)(1) of title 40, United States
11 Code, is amended by amending subparagraph (B) to read
12 as follows:

13 “(B) PUBLIC UTILITY CONTRACTS.—A
14 contract under this paragraph for public utility
15 services may be for a period of not more than
16 30 years.”.

17 (e) DEFINITIONS.—In this section:

18 (1) COMMUNITY SOLAR FACILITY; COMMUNITY
19 SOLAR PROGRAM.—The terms “community solar fa-
20 cility” and “community solar program” have the
21 meaning give such terms in paragraph (22) of sec-
22 tion 111(d) of the Public Utility Regulatory Policies
23 Act of 1978 (16 U.S.C. 2621(d)), as added by sub-
24 section (c) of this section.

1 (2) COMMUNITY SOLAR SUBSCRIBER.—The
2 term “community solar subscriber” means an elec-
3 tricity customer who has ownership of a financial
4 share in a community solar facility that serves mul-
5 tiple consumers.

6 (3) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means—

8 (A) a State or political subdivision of a
9 State;

10 (B) a unit of local government;

11 (C) an Indian Tribe (as defined in section
12 4 of the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 5304));

14 (D) a territory of the United States; or

15 (E) an authority, agency, or instrumen-
16 tality of, or an entity owned by, 1 or more enti-
17 ties described in subparagraphs (A) through
18 (D).

19 (4) ENERGY COMMUNITY.—The term “energy
20 community” has the meaning given such term in
21 section 45(b)(11) of the Internal Revenue Code of
22 1986 (26 U.S.C. 45(b)(11)).

23 (5) NATIONAL LABORATORIES.—The term “Na-
24 tional Laboratories” has the meaning given the term

1 in section 2 of the Energy Policy Act of 2005 (42
2 U.S.C. 15801).

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

5 **SEC. 208. ESTABLISHMENT OF PROGRAM TO FACILITATE**
6 **VOLUNTARY STREAMLINED PROCESS FOR**
7 **LOCAL PERMITTING OF QUALIFYING DIS-**
8 **TRIBUTED ENERGY SYSTEMS.**

9 (a) DEFINITIONS.—In this section:

10 (1) AUTHORITY HAVING JURISDICTION.—The
11 term “authority having jurisdiction” means any
12 State, county, local, or Tribal office or official with
13 jurisdiction—

14 (A) to issue permits relating to qualifying
15 distributed energy systems;

16 (B) to conduct inspections to enforce the
17 requirements of a relevant code or standard re-
18 lating to qualifying distributed energy systems;
19 or

20 (C) to approve the installation of, or the
21 equipment and materials used in the installa-
22 tion of, qualifying distributed energy systems.

23 (2) QUALIFYING DISTRIBUTED ENERGY SYS-
24 TEM.—The term “qualifying distributed energy sys-
25 tem” means any equipment or materials installed in,

1 on, or near a residential building to support onsite
2 or local energy use, including—

3 (A) to generate electricity from distributed
4 renewable energy sources, including from—

5 (i) solar photovoltaic systems or simi-
6 lar solar energy technologies; and

7 (ii) wind power systems;

8 (B) to store and discharge electricity from
9 batteries with a capacity of at least 2 kilowatt
10 hours;

11 (C) to charge a plug-in electric drive vehi-
12 cle at a power rate of at least 2 kilowatts; or

13 (D) to refuel a hydrogen fuel cell electric
14 vehicle.

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of Energy.

17 (b) PROGRAM.—Not later than 180 days after the
18 date of enactment of this Act, the Secretary, in consulta-
19 tion with trade associations and other entities representing
20 distributed energy system installers and organizations rep-
21 resenting State, local, and Tribal governments engaged in
22 permitting, shall carry out a program to further develop,
23 expand, and support the adoption of a voluntary stream-
24 lined permitting and inspection process for authorities

1 having jurisdiction to use for the permitting of qualifying
2 distributed energy systems.

3 (c) ACTIVITIES OF THE PROGRAM.—In carrying out
4 the program established under subsection (b), the Sec-
5 retary shall—

6 (1) further develop and expand an exemplary
7 streamlined permitting process that includes an on-
8 line permitting platform—

9 (A) for expediting, standardizing, and
10 streamlining permitting; and

11 (B) that authorities having jurisdiction
12 may voluntarily use to receive, review, and ap-
13 prove permit applications relating to qualifying
14 distributed energy systems;

15 (2) establish targets for the adoption of a
16 streamlined, expedited permitting process by au-
17 thorities having jurisdiction;

18 (3) provide technical assistance and training di-
19 rectly or indirectly to authorities having jurisdiction
20 on using and adopting the exemplary streamlined
21 permitting process described in paragraph (1), in-
22 cluding the adoption of any necessary building codes;

23 (4) develop a voluntary inspection protocol and
24 related tools to expedite, standardize, and streamline

1 the inspection of qualifying distributed energy sys-
2 tems, including—

3 (A) by investigating the potential for using
4 remote inspections;

5 (B) by investigating the potential for sam-
6 ple-based inspection for distributed energy sys-
7 tem installers with a demonstrated track record
8 of high-quality work; and

9 (C) by investigating opportunities to inte-
10 grate the voluntary inspection protocol into the
11 online permitting platform described in para-
12 graph (1) and the platforms of government
13 software providers; and

14 (5) take any other action to expedite, stand-
15 ardize, streamline, or improve the process for per-
16 mitting, inspecting, or interconnecting qualifying
17 distributed energy systems.

18 (d) SUPPORT SERVICES.—The Secretary shall—

19 (1) support the provision of technical assistance
20 to authorities having jurisdiction, any administrator
21 of the online permitting platform described in sub-
22 section (c)(1), government software providers, and
23 any other entity determined appropriate by the Sec-
24 retary in carrying out the activities described in sub-
25 section (c); and

1 (2) provide such financial assistance as the Sec-
2 retary determines appropriate from any funds appro-
3 priated to carry out this section.

4 (e) AUTHORITY HAVING JURISDICTION CERTIFI-
5 CATION PROGRAM.—

6 (1) IN GENERAL.—The Secretary may certify
7 authorities having jurisdiction that implement the
8 exemplary streamlined permitting process described
9 in subsection (c)(1).

10 (2) PROCESS.—The Secretary may confer a cer-
11 tification under paragraph (1) through existing pro-
12 grams within the Department of Energy.

13 (3) PRIZES.—The Secretary may award prizes
14 to authorities having jurisdiction, using funds appro-
15 priated to the Secretary to carry out this section, to
16 encourage authorities having jurisdiction to adopt
17 the exemplary streamlined permitting process or the
18 voluntary inspection protocol established under para-
19 graphs (1) and (4) of subsection (c), respectively.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary to carry
22 out this section \$20,000,000 for each of fiscal years 2024
23 through 2027.

1 **SEC. 209. MITIGATION OF THE SHORTAGE OF ELECTRICITY**
2 **TRANSFORMERS.**

3 There is authorized to be appropriated
4 \$2,100,000,000 for the President, acting through the Sec-
5 retary of Energy, under the authority of title III of the
6 Defense Production Act of 1950 (50 U.S.C. 4531 et seq.),
7 to expand domestic manufacturing of transformers and
8 grid components, including amorphous steel, grain-ori-
9 ented electrical steel, flexible transformers, circuit break-
10 ers, switchgear and substations to serve load and inter-
11 connect generation, and inverters and optimizers to inte-
12 grate the influx of distributed generators.

13 **SEC. 210. STUDY OF NEXT GENERATION HIGHWAYS.**

14 Not later than 1 year after the date of enactment
15 of this Act, the Administrator of the Federal Highway Ad-
16 ministration shall conduct, and publish a report on the
17 results of, a study on best practices for siting high-voltage
18 transmission lines on highway rights-of-way, including rec-
19 ommendations on practices—

- 20 (1) to ensure safety;
- 21 (2) to facilitate future highway maintenance
22 and construction work;
- 23 (3) to facilitate future maintenance work for
24 the transmission lines;
- 25 (4) to integrate transmission planning and
26 siting into transportation planning; and

1 (5) to facilitate electrical needs for light-duty,
2 medium-duty, and heavy-duty rapid charging infra-
3 structure on public roadways.

4 **TITLE III—MODERNIZATION OF**
5 **ELECTRICITY RATEMAKING**

6 **SEC. 301. REFLECTION OF THE COST OF GREENHOUSE GAS**
7 **EMISSIONS IN RATES.**

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

11 **“SEC. 230. REFLECTION OF THE COST OF GREENHOUSE**
12 **GAS EMISSIONS IN RATES AND CHARGES.**

13 “(a) IN GENERAL.—Not later than 18 months after
14 the date of enactment of the Clean Electricity and Trans-
15 mission Acceleration Act of 2023, the Commission shall
16 issue regulations to require public utilities to reflect the
17 cost of greenhouse gas emissions associated with the gen-
18 eration, transmission, and sale of electric energy subject
19 to the jurisdiction of the Commission in the rates and
20 charges for such generation, transmission, and sale in ac-
21 cordance with this section.

22 “(b) COST OF GREENHOUSE GAS EMISSIONS.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of the Clean Electricity
25 and Transmission Acceleration Act of 2023, the

1 Commission shall determine the cost of greenhouse
2 gas emissions for the purpose of issuing regulations
3 under subsection (a).

4 “(2) CONSIDERATION.—In determining such
5 cost of greenhouse gas emissions, the Commission,
6 in consultation with the Administrator of the Envi-
7 ronmental Protection Agency—

8 “(A) may consider—

9 “(i) Federal guidance or standards re-
10 lating to the social cost of carbon; and

11 “(ii) any other generally accepted
12 Federal, State, or other methodology for
13 determining the cost of greenhouse gas
14 emissions; and

15 “(B) shall employ a discount rate that re-
16 flects the irreversibility of climate change.

17 “(c) JUST AND REASONABLE.—Beginning on the
18 date on which the regulation is issued under subsection
19 (a), no rate or charge made, demanded, or received by a
20 public utility for or in connection with the generation,
21 transmission, or sale of electric energy subject to the juris-
22 diction of the Commission may be deemed just or reason-
23 able, under sections 205 or 206, unless such rate or charge
24 reflects the cost of greenhouse gas emissions pursuant to
25 the regulation issued under subsection (a).”.

1 **SEC. 302. FACILITATION OF PERFORMANCE-BASED RATE-**
2 **MAKING.**

3 Section 219 of the Federal Power Act (16 U.S.C.
4 824s) is amended—

5 (1) in subsection (a)—

6 (A) by striking “this section” and inserting
7 “the Clean Electricity and Transmission Act of
8 2023”;

9 (B) by inserting “and resilience” after
10 “ensuring reliability”;

11 (C) by striking “and” before “reducing”
12 and inserting a comma; and

13 (D) by inserting “, and reducing the green-
14 house gas emissions associated with delivered
15 power,” after “delivered power”;

16 (2) in subsection (b)—

17 (A) by inserting “under this section” after
18 “The rule”; and

19 (B) in paragraph (1)—

20 (i) by inserting “, resilient,” after
21 “promote reliable”; and

22 (ii) by inserting “, and the elimination
23 of the greenhouse gas emissions associated
24 with delivered power,” after “efficient
25 transmission and generation of electricity”;
26 and

1 (3) in subsection (c), by inserting “on or after
2 the date of enactment of the Clean Electricity and
3 Transmission Act of 2023” after “joins a Trans-
4 mission Organization”.

5 **TITLE IV—FACILITATION OF**
6 **CLEAN ENERGY DEPLOY-**
7 **MENT ON PUBLIC LAND**

8 **SEC. 401. DEFINITIONS.**

9 In this title:

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

12 (A) Federal lands administered by the Sec-
13 retary; and

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

16 (i) a land use plan; or

17 (ii) other Federal law.

18 (2) ENERGY STORAGE PROJECT.—The term
19 “energy storage project” means equipment that—

20 (A) receives, stores, and delivers energy
21 using batteries, compressed air, pumped hydro-
22 power, hydrogen storage (including hydrolysis),
23 thermal energy storage, regenerative fuel cells,
24 flywheels, capacitors, superconducting magnets,

1 or other technologies identified by the Secretary
2 of Energy; and

3 (B) has a capacity of not less than 5 kilo-
4 watt hours.

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

9 (4) FEDERAL LAND.—The term “Federal land”
10 means—

11 (A) public lands; and

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

16 (5) FUND.—The term “Fund” means the Re-
17 newable Energy Resource Conservation Fund estab-
18 lished by section 405(c)(1).

19 (6) LAND USE PLAN.—The term “land use
20 plan” means—

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

1 (B) in regard to National Forest System
2 lands, a land management plan approved,
3 amended, or revised under section 6 of the For-
4 est and Rangeland Renewable Resources Plan-
5 ning Act of 1974 (16 U.S.C. 1604).

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

19 (8) PUBLIC LANDS.—The term “public lands”
20 has the meaning given that term in section 103(e)
21 of the Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1702(e)).

23 (9) RENEWABLE ENERGY PROJECT.—The term
24 “renewable energy project”—

1 (A) means a project carried out on covered
2 land that—

3 (i) uses wind, solar, or geothermal en-
4 ergy to generate energy; or

5 (ii) transmits electricity to support
6 wind, solar, or geothermal energy genera-
7 tion; and

8 (B) includes an energy storage project.

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

11 (11) VARIANCE AREA.—The term “variance
12 area” means covered land that is—

13 (A) not an exclusion area;

14 (B) not a priority area; and

15 (C) identified through a transparent and
16 inclusive public process by the Secretary as po-
17 tentially available for wind and solar energy de-
18 velopment that could be approved without a
19 plan amendment, consistent with the principles
20 of multiple use (as defined in the Federal Land
21 Policy and Management Act of 1976 (43 U.S.C.
22 1701 et seq.)).

1 **SEC. 402. ESTABLISHMENT OF NATIONAL GOAL FOR RE-**
2 **NEWABLE ENERGY PRODUCTION ON FED-**
3 **ERAL LAND.**

4 (a) IN GENERAL.—Not later than January 1, 2024,
5 the Secretary, in consultation with the Secretary of Agri-
6 culture and the head of other relevant Federal agencies,
7 shall establish updated national goals for renewable energy
8 production on Federal land.

9 (b) MINIMUM PRODUCTION GOAL.—The Secretary
10 shall seek to issue permits that, in total, authorize produc-
11 tion of not less than 60 gigawatts of electricity from wind,
12 solar, and geothermal energy projects by not later than
13 December 31, 2030, through management of Federal land
14 and administration of Federal laws.

15 **SEC. 403. REQUIREMENT FOR LAND USE PLANNING AND**
16 **UPDATES TO PROGRAMMATIC ENVIRON-**
17 **MENTAL IMPACT STATEMENTS.**

18 (a) PRIORITY AREAS.—

19 (1) IN GENERAL.—The Secretary, in consulta-
20 tion with the Secretary of Energy, shall establish
21 priority areas on covered land for solar and wind en-
22 ergy projects, consistent with the principles of mul-
23 tiple use (as defined in the Federal Land Policy and
24 Management Act of 1976 (43 U.S.C. 1701 et seq.))
25 and the renewable energy permitting goal enacted by
26 the Consolidated Appropriations Act of 2021 (Public

1 Law 116–260). Among applications for a given re-
2 newable energy source, proposed projects located in
3 priority areas for that renewable energy source
4 shall—

5 (A) be given the highest priority for
6 incentivizing deployment thereon; and

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

10 (2) ESTABLISHING PRIORITY AREAS.—

11 (A) SOLAR ENERGY.—For solar energy,
12 the Secretary shall finalize the document enti-
13 tled “Solar Programmatic Environmental Im-
14 pact Statement” (87 Fed. Reg. 75284 (Decem-
15 ber 8, 2022)), as soon as practicable, but not
16 later than 18 months after the date of the en-
17 actment of this Act.

18 (B) WIND ENERGY.—For wind energy, the
19 Secretary shall complete a process to consider
20 establishing additional wind priority areas as
21 soon as practicable, but not later than 3 years,
22 after the date of the enactment of this Act.

23 (b) VARIANCE AREAS.—Variance areas shall be con-
24 sidered for wind and solar energy project development,
25 consistent with the principles of multiple use (as defined

1 in the Federal Land Policy and Management Act of 1976
2 (43 U.S.C. 1701 et seq.)) and the renewable energy per-
3 mitting goal enacted by the Consolidated Appropriations
4 Act of 2021 (Public Law 116–260). Applications for a
5 given renewable energy source located in those variance
6 areas shall be timely processed in order to assist in meet-
7 ing that goal.

8 (c) REVIEW AND MODIFICATION.—

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

11 (A) after an opportunity for public com-
12 ment, review the adequacy of land allocations
13 for solar and wind energy priority, exclusion,
14 and variance areas, and areas open or closed to
15 geothermal leasing, for the purpose of encour-
16 aging and facilitating new renewable energy de-
17 velopment opportunities while avoiding, mini-
18 mizing, and compensating for adverse impacts
19 to other public uses and values of public land,
20 including wildlife habitat, listed species, water
21 resources, cultural resources, recreational uses,
22 lands with wilderness characteristics, lands with
23 special management designations, cultural re-
24 sources, and areas of Tribal importance; and

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

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

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

18 (1) GEOTHERMAL ENERGY.—In regard to geo-
19 thermal energy, by updating the document entitled
20 “Final Programmatic Environmental Impact State-
21 ment for Geothermal Leasing in the Western United
22 States”, dated October 2008, and incorporating any
23 additional regional analyses that have been com-
24 pleted by Federal agencies since that programmatic
25 environmental impact statement was finalized.

1 (2) SOLAR ENERGY.—In regard to solar energy,
2 by updating the document entitled “Final Pro-
3 grammatic Environmental Impact Statement (PEIS)
4 for Solar Energy Development in Six Southwestern
5 States”, dated July 2012, and incorporating any ad-
6 ditional regional analyses that have been completed
7 by Federal agencies since that programmatic envi-
8 ronmental impact statement was finalized.

9 (3) WIND ENERGY.—In regard to wind energy,
10 by updating the document entitled “Final Pro-
11 grammatic Environmental Impact Statement on
12 Wind Energy Development on BLM–Administered
13 Lands in the Western United States”, dated July
14 2005, and incorporating any additional regional
15 analyses that have been completed by Federal agen-
16 cies since the programmatic environmental impact
17 statement was finalized.

18 (e) NO EFFECT ON PROCESSING SITE SPECIFIC AP-
19 PLICATIONS.—There shall be no changes in any require-
20 ments to conduct site specific environmental review and
21 processing of permits for proposed projects during prepa-
22 ration of an updated programmatic environmental impact
23 statement, resource management plan, or resource man-
24 agement plan amendment.

1 (f) COORDINATION.—In developing updates required
2 by this section, the Secretary shall coordinate, on an ongoing
3 basis, with appropriate State, Tribal, and local governments,
4 transmission infrastructure owners and operators,
5 developers, and other appropriate entities to ensure that
6 priority areas identified by the Secretary are—

7 (1) economically viable (including having access
8 to existing or planned transmission lines);

9 (2) likely to avoid, minimize, and compensate
10 for impacts to fish, wildlife, plants, and their habitats,
11 recreation, lands with wilderness characteristics,
12 lands with special management designations,
13 cultural resources, areas of Tribal importance, and
14 other uses of covered land;

15 (3) prioritized on previously disturbed lands, including
16 commercial and industrial lands, mine lands,
17 and previously contaminated sites; and

18 (4) consistent with section 202 of the Federal
19 Land Policy and Management Act of 1976 (43
20 U.S.C. 1712), including subsection (c)(9) of that
21 section (43 U.S.C. 1712(c)(9)).

22 **SEC. 404. LIMITED EXEMPTIONS FROM NEW REQUIRE-**
23 **MENTS.**

24 (a) REQUIREMENT TO PAY RENTS AND FEES.—Un-
25 less otherwise agreed to by the owner of a project, the

1 owner of a project that applied for a right-of-way under
2 section 501 of the Federal Land Policy and Management
3 Act of 1976 (43 U.S.C. 1761) on or before December 19,
4 2016, shall be obligated to pay with respect to the right-
5 of-way all rents and fees in effect before the effective date
6 of the rule of the Bureau of Land Management entitled
7 “Competitive Processes, Terms, and Conditions for Leas-
8 ing Public Lands for Solar and Wind Energy Development
9 and Technical Changes and Corrections” (81 Fed. Reg.
10 92122 (December 19, 2016)).

11 (b) DEFINITION OF PROJECT.—In this section, the
12 term “project” means a system described in section
13 2801.9(a)(4) of title 43, Code of Federal Regulations (as
14 in effect on the date of the enactment of this Act).

15 **SEC. 405. DISTRIBUTION OF REVENUES.**

16 (a) DISPOSITION OF REVENUES.—

17 (1) AVAILABILITY.—Except as provided in
18 paragraph (2), beginning on January 1, 2024, of
19 amounts collected from a wind or solar project as
20 bonus bids, rentals, fees, or other payments under a
21 right-of-way, permit, lease, or other authorization
22 the following shall be made available, without fur-
23 ther appropriation or fiscal year limitation, as fol-
24 lows:

1 (A) 25 percent shall be paid by the Sec-
2 retary of the Treasury to the State within the
3 boundaries of which the revenue is derived.

4 (B) 25 percent shall be paid by the Sec-
5 retary of the Treasury to the one or more coun-
6 ties within the boundaries of which the revenue
7 is derived, to be allocated among the counties
8 based on the percentage of land from which the
9 revenue is derived.

10 (C) 25 percent shall be deposited in the
11 Treasury and be made available to the Sec-
12 retary to carry out the program established
13 under this Act, including the transfer of the
14 funds by the Bureau of Land Management to
15 other Federal agencies and State agencies to fa-
16 cilitate the processing of renewable energy per-
17 mits on Federal land, with priority given to
18 using the amounts, to the maximum extent
19 practicable without detrimental impacts to
20 emerging markets, to expediting the issuance of
21 permits required for the development of renew-
22 able energy projects in the States from which
23 the revenues are derived.

1 (D) 25 percent shall be deposited in the
2 Renewable Energy Resource Conservation Fund
3 established by subsection (c).

4 (2) EXCEPTIONS.—Paragraph (1) shall not
5 apply to the following:

6 (A) Amounts collected under section
7 504(g) of the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. 1764(g)).

9 (B) Amounts deposited into the National
10 Parks and Public Land Legacy Restoration
11 Fund under section 200402(b) of title 54,
12 United States Code.

13 (3) RULEMAKING FOR PROJECTS LOCATED IN
14 MULTIPLE STATES.—Not later than 180 days after
15 the date of enactment of this Act, the Secretary
16 shall finalize a rule establishing a formula for the
17 disposition of revenues provided under subparagraph
18 (A) when a solar or wind energy project is located
19 in more than one State.

20 (b) PAYMENTS TO STATES AND COUNTIES.—

21 (1) IN GENERAL.—Amounts paid to States and
22 counties under subsection (a)(1) shall be used con-
23 sistent with section 35 of the Mineral Leasing Act
24 (30 U.S.C. 191).

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

5 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
6 FUND.—

7 (1) IN GENERAL.—There is established in the
8 Treasury a fund to be known as the Renewable En-
9 ergy Resource Conservation Fund, which shall be
10 administered by the Secretary, in consultation with
11 the Secretary of Agriculture.

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

17 (A) restore and protect—

18 (i) fish and wildlife habitat for af-
19 fected species;

20 (ii) fish and wildlife corridors for af-
21 fected species; and

22 (iii) wetlands, streams, rivers, and
23 other natural water bodies in areas af-
24 fected by wind, geothermal, or solar energy
25 development; and

1 (B) preserve and improve recreational ac-
2 cess to Federal land and water in an affected
3 region through an easement, right-of-way, or
4 other instrument from willing landowners for
5 the purpose of enhancing public access to exist-
6 ing Federal land and water that is inaccessible
7 or restricted.

8 (3) PARTNERSHIPS.—The Secretary may enter
9 into cooperative agreements with State and Tribal
10 agencies, nonprofit organizations, and other appro-
11 priate entities to carry out the activities described in
12 paragraph (2).

13 (4) INVESTMENT OF FUND.—

14 (A) IN GENERAL.—Amounts deposited in
15 the Fund shall earn interest in an amount de-
16 termined by the Secretary of the Treasury on
17 the basis of the current average market yield on
18 outstanding marketable obligations of the
19 United States of comparable maturities.

20 (B) USE.—Interest earned under subpara-
21 graph (A) may be expended in accordance with
22 this subsection.

23 (5) REPORT TO CONGRESS.—At the end of each
24 fiscal year, the Secretary shall submit a report to
25 the Committee on Natural Resources of the House

1 of Representatives and the Committee on Energy
2 and Natural Resources of the Senate that includes
3 a description of—

4 (A) the amount collected as described in
5 subsection (a), by source, during that fiscal
6 year;

7 (B) the amount and purpose of payments
8 during that fiscal year to each Federal, State,
9 local, and Tribal agency under paragraph (2);
10 and

11 (C) the amount remaining in the Fund at
12 the end of the fiscal year.

13 (6) INTENT OF CONGRESS.—It is the intent of
14 Congress that the revenues deposited and used in
15 the Fund shall supplement (and not supplant) an-
16 nual appropriations for activities described in para-
17 graph (2).

18 **SEC. 406. INCENTIVES FOR RENEWABLE ENERGY DEVELOP-**
19 **MENT IN PRIORITY AREAS.**

20 The Secretary may establish, by regulation, incen-
21 tives to be provided to owners of wind and solar energy
22 projects in priority areas established under section 403.

23 **SEC. 407. SAVINGS CLAUSE.**

24 Notwithstanding any other provision of this title, the
25 Secretary shall continue to manage public lands under the

1 principles of multiple use and sustained yield in accord-
2 ance with title I of the Federal Land Policy and Manage-
3 ment Act of 1976 (43 U.S.C. 1701 et seq.) or the Forest
4 and Rangeland Renewable Resources Planning Act of
5 1974 (16 U.S.C. 1600 et seq.), as applicable, including
6 due consideration of mineral and nonrenewable energy-re-
7 lated projects and other nonrenewable energy uses, for the
8 purposes of land use planning, permit processing, and con-
9 ducting environmental reviews.

10 **TITLE V—MODERNIZATION OF**
11 **OFFSHORE RENEWABLE EN-**
12 **ERGY PERMITTING**

13 **SEC. 501. ESTABLISHMENT OF NATIONAL OFFSHORE WIND**
14 **PERMITTING TARGET.**

15 (a) IN GENERAL.—The Secretary of the Interior
16 shall, in consultation with the Secretary of Energy and
17 other relevant Federal agencies and State governments,
18 establish and periodically update national goals for off-
19 shore wind energy production on the Outer Continental
20 Shelf.

21 (b) MINIMUM PRODUCTION REQUIREMENTS FOR
22 2030 AND 2035.—Through management of the Outer
23 Continental Shelf and administration of the Outer Conti-
24 nental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Sec-
25 retary of the Interior shall seek to issue permits that, in

1 total, authorize production of electricity from offshore
2 wind energy projects of not less than—

3 (1) 30 gigawatts of electricity by not later than
4 2030; and

5 (2) 50 gigawatts of electricity by not later than
6 2035.

7 **SEC. 502. INCREASED RESPONSIBLE DEVELOPMENT OF**
8 **OFFSHORE RENEWABLE ENERGY PROJECTS.**

9 (a) DEFINITIONS.—Section 2 of the Outer Conti-
10 nental Shelf Lands Act (43 U.S.C. 1331) is amended—

11 (1) in the second subsection (r), as added by
12 section 50251(b)(1)(A)(iv) of Public Law 117–
13 169—

14 (A) by redesignating such subsection (r) as
15 subsection (t); and

16 (B) by inserting after the enumerator
17 “STATE.—”; and

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

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

23 (b) NATIONAL POLICY FOR THE OUTER CONTI-
24 NENTAL SHELF.—Section 3 of the Outer Continental
25 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 includes—

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

12 “(B) the maintenance of competition and
13 other national needs, including the need to
14 achieve State and Federal zero-emission elec-
15 tricity or renewable energy mandates, targets,
16 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 and other impacted stakeholders, and Federal,
2 State, Tribal, and local governments;”.

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”;

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

13 (iii) by striking “15” and inserting
14 “100”; and

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

16 “(C) PAYMENTS FOR CONSERVATION AND MITI-
17 GATION ACTIVITIES.—

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

1 “(I) State, local, and Tribal govern-
2 ments, and regional partnerships thereof,
3 including Regional Ocean Partnerships,
4 Regional Wildlife Science Collaboratives,
5 and other similar organizations; and

6 “(II) nonprofit organizations.

7 “(ii) USE OF GRANTS.—Grants provided
8 under clause (i) shall be used for carrying out
9 activities related to marine and coastal habitat
10 protection and restoration, mitigation of dam-
11 age to natural resources and marine life that
12 results from activities authorized by this sub-
13 section, relevant research and data sharing ini-
14 tiatives, or increasing the organizational capac-
15 ity of an entity described in subclause (I) or
16 (II) of clause (i) to increase the effectiveness of
17 entities that carry out such activities.

18 “(D) OFFSHORE RENEWABLE ENERGY COM-
19 PENSATION FUND.—Notwithstanding section 9, the
20 Secretary shall, without appropriation or fiscal year
21 limitation, deposit 10 percent of the revenue received
22 by the Federal Government from royalties, fees,
23 rents, bonuses, and other payments from any lease,
24 easement, or right-of-way granted under this sub-

1 section into the Offshore Renewable Energy Com-
2 pensation Fund established under section 34.”;

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

5 “(3) LEASING.—

6 “(A) COMPETITIVE OR NONCOMPETITIVE
7 BASIS.—The Secretary shall issue a lease, ease-
8 ment, or right-of-way under paragraph (1) on a
9 competitive basis unless the Secretary deter-
10 mines after public notice of a proposed lease,
11 easement, or right-of-way that there is no com-
12 petitive interest.

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

25 “(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 educational, train-
7 ing, and skills development, including
8 supporting or increasing access to reg-
9 istered apprenticeship programs and
10 pre-apprenticeship programs that have
11 an articulation agreement with a reg-
12 istered apprenticeships program for
13 offshore renewable energy projects;

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

20 “(III) establish a community
21 benefit agreement with one or more
22 community or stakeholder groups that
23 may be impacted by the development
24 and operation of an offshore renew-

1 able energy project, which may in-
2 clude covered entities;

3 “(IV) make investments to evalu-
4 ate, monitor, improve, and mitigate
5 impacts to the health and biodiversity
6 of ecosystems and wildlife from the
7 development and operation of an off-
8 shore renewable energy project;

9 “(V) support the development
10 and use of shared transmission infra-
11 structure connecting to offshore re-
12 newable energy projects; and

13 “(VI) make other investments de-
14 termined appropriate by the Sec-
15 retary.

16 “(ii) CONTRACTUAL COMMITMENTS.—
17 When considering non-monetary factors
18 under this subparagraph, the Secretary
19 may—

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

22 “(II) reward finalized binding
23 agreements above assurances for fu-
24 ture commitments.

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

3 “(I) COVERED ENTITY.—The
4 term ‘covered entity’ has the meaning
5 given such term in section 34(k).

6 “(II) REGISTERED APPRENTICE-
7 SHIP PROGRAM.—The term ‘registered
8 apprenticeship program’ means an ap-
9 prenticeship program registered under
10 the Act of August 16, 1937 (com-
11 monly known as the National Appren-
12 ticeship Act; 50 Stat. 664, chapter
13 663; 29 U.S.C. 50 et seq.).”;

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

16 “(4) REQUIREMENTS.—

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

20 “(i) safety;

21 “(ii) protection of the environment,
22 which includes facilitation of the genera-
23 tion, transmission, and storage of zero-
24 emission electricity;

25 “(iii) prevention of waste;

1 “(iv) conservation of the natural re-
2 sources of the outer Continental Shelf;

3 “(v) coordination with relevant Fed-
4 eral agencies and State, Tribal, and local
5 governments;

6 “(vi) protection of national security
7 interests of the United States;

8 “(vii) protection of correlative rights
9 in the outer Continental Shelf;

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

13 “(ix) reasonable uses (as determined
14 by the Secretary) of the exclusive economic
15 zone, the high seas, and the territorial
16 seas;

17 “(x) consideration of—

18 “(I) the location of, and any
19 schedule relating to, a lease, ease-
20 ment, or right-of-way for an area of
21 the outer Continental Shelf; and

22 “(II) any other use of the sea or
23 seabed, including use for a fishery, a
24 sealane, a potential site of a deep-
25 water port, or navigation;

1 “(xi) public notice and comment on
2 any proposal submitted for a lease, ease-
3 ment, or right-of-way under this sub-
4 section;

5 “(xii) oversight, inspection, research,
6 monitoring, and enforcement relating to a
7 lease, easement, or right-of-way under this
8 subsection; and

9 “(xiii) satisfaction of any applicable
10 State and Federal renewable and clean en-
11 ergy mandates, targets, and goals.

12 “(B) PROJECT LABOR AGREEMENTS.—

13 “(i) IN GENERAL.—Beginning not
14 later than January 1, 2025, the Secretary
15 shall require, as a term or condition of
16 each lease, right-of-way, and easement, as
17 applicable, for an offshore renewable en-
18 ergy project that the holder of the lease,
19 right-of-way, or easement, (and any suc-
20 cessor or assignee) and its agents, contrac-
21 tors, and subcontractors engaged in the
22 construction of any facilities for such off-
23 shore renewable energy project agree, for
24 purposes of such construction, to negotiate
25 and become a party to a project labor

1 agreement with one or more labor organi-
2 zations. A project labor agreement shall
3 bind all contractors and subcontractors on
4 the project through the inclusion of appro-
5 priate specifications in all relevant solicita-
6 tion provisions and contract documents.
7 The Secretary shall not approve a con-
8 struction and operations plan with respect
9 to any offshore renewable energy project
10 until being assured by the lessee that such
11 project labor agreement will be maintained
12 for the duration of the project.

13 “(ii) DEFINITIONS.—In this subpara-
14 graph:

15 “(I) CONSTRUCTION.—The term
16 ‘construction’ includes reconstruction,
17 rehabilitation, modernization, alter-
18 ation, conversion, extension, repair, or
19 improvement of any facility, structure,
20 or other real property (including any
21 onshore facilities) for an offshore re-
22 newable energy project.

23 “(II) LABOR ORGANIZATION.—
24 The term ‘labor organization’ means a
25 labor organization as defined in sec-

1 tion 2(5) of the National Labor Rela-
2 tions Act (29 U.S.C. 152(5))—

3 “(aa) of which building and
4 construction employees are mem-
5 bers; and

6 “(bb) that directly, or
7 through its affiliates, sponsors a
8 registered apprenticeship pro-
9 gram.

10 “(III) PROJECT LABOR AGREE-
11 MENT.—The term ‘project labor
12 agreement’ means a pre-hire collective
13 bargaining agreement with one or
14 more labor organizations that estab-
15 lishes the terms and conditions of em-
16 ployment for a specific construction
17 project and is an agreement described
18 in section 8(e) and (f) of the National
19 Labor Relations Act (29 U.S.C.
20 158(f)).

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

1 monly known as the National Appren-
2 ticeship Act; 50 Stat. 664, chapter
3 663; 29 U.S.C. 50 et seq.).

4 “(C) DOMESTIC CONTENT.—

5 “(i) IN GENERAL.—With respect to
6 the construction of facilities for an offshore
7 renewable energy project that begins after
8 January 1, 2032, the Secretary shall re-
9 quire that—

10 “(I) all structural iron and steel
11 products that are (upon completion of
12 construction) components of such fa-
13 cilities for an offshore renewable en-
14 ergy project shall be produced in the
15 United States; and

16 “(II) not less than 80 percent of
17 the total costs of all manufactured
18 products that are (upon completion of
19 construction) components of such fa-
20 cilities shall be attributable to manu-
21 factured products which are mined,
22 produced, or manufactured in the
23 United States.

24 “(ii) WAIVER.—The Secretary may
25 waive the requirements of clause (i) in any

1 case or category of cases in which the Sec-
2 retary finds that—

3 “(I) applying clause (i) would be
4 inconsistent with the public interest;

5 “(II) such products are not pro-
6 duced in the United States in suffi-
7 cient and reasonably available quan-
8 tities and of a satisfactory quality; or

9 “(III) the use of such products
10 will increase the cost of the overall
11 project by more than 25 percent.

12 “(iii) PUBLIC NOTIFICATION.—If the
13 Secretary receives a request for a waiver
14 under this subparagraph, the Secretary
15 shall make available to the public a copy of
16 the request and information available to
17 the Secretary concerning the request, and
18 shall allow for informal public input on the
19 request for at least 15 business days prior
20 to making a finding based on the request.
21 The Secretary shall make the request and
22 accompanying information available to the
23 public by electronic means, including on
24 the official public Internet site of the De-
25 partment of the Interior.

1 “(iv) INTERNATIONAL AGREE-
2 MENTS.—This paragraph shall be applied
3 in a manner consistent with United States
4 obligations under international agree-
5 ments.”;

6 (4) by amending paragraph (7) to read as fol-
7 lows:

8 “(7) COORDINATION AND CONSULTATION.—The
9 Secretary shall provide for coordination and con-
10 sultation with—

11 “(A) the Governor of any State or the ex-
12 ecutive of any local government that may be af-
13 fected by a lease, easement, or right-of-way
14 under this subsection; and

15 “(B) Indian Tribes (following the proce-
16 dures of the President’s Memorandum of Uni-
17 form Standards for Tribal Consultation, issued
18 on November 30, 2022 (87 Fed. Reg. 74479),
19 or any subsequent order) before undertaking
20 any activities under this subsection that may
21 have a direct, indirect, or cumulative impact
22 on—

23 “(i) the land, including allotted,
24 ceded, or traditional land, or interests in

1 such land of an Indian Tribe or member of
2 an Indian Tribe;

3 “(ii) Tribal land, cultural practices,
4 resources, or access to traditional areas of
5 cultural or religious importance;

6 “(iii) any part of any Federal land
7 that shares a border with Indian country,
8 as such term is defined in section 1151 of
9 title 18, United States Code;

10 “(iv) the protected rights of an Indian
11 Tribe, whether or not such rights are enu-
12 merated in a treaty, including water, hunt-
13 ing, gathering, and fishing rights;

14 “(v) the ability of an Indian Tribe to
15 govern or provide services to members of
16 the Indian Tribe;

17 “(vi) the relationship between the
18 Federal Government and an Indian Tribe;
19 or

20 “(vii) the trust responsibility of the
21 Federal Government to an Indian Tribe.”;

22 (5) by amending paragraph (10) to read as fol-
23 lows:

24 “(10) APPLICABILITY.—

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

7 “(B) CERTAIN TRANSMISSION INFRA-
8 STRUCTURE.—

9 “(i) IN GENERAL.—Notwithstanding
10 subparagraph (A), if otherwise authorized
11 pursuant to the National Marine Sanc-
12 tuaries Act (16 U.S.C. 1431 et seq.), the
13 Secretary may issue a lease, easement, or
14 right-of-way to enable the transmission of
15 electricity generated by an offshore renew-
16 able energy project.

17 “(ii) TERMS AND CONDITIONS.—In
18 issuing a lease, easement, or right-of-way
19 under clause (i), the Secretary may ap-
20 prove and regulate the construction and
21 operation of such transmission facilities
22 (including electrical substations and other
23 related infrastructure) for the transmission
24 of electricity generated by such projects in

1 a manner that minimizes environmental
2 impacts.

3 “(iii) COORDINATION.—In regulating
4 the construction and operation of trans-
5 mission facilities and related infrastructure
6 under clause (ii), the Secretary shall co-
7 ordinate with the Secretary of Commerce
8 to ensure the duration of any necessary
9 authorizations of such facilities under the
10 National Marine Sanctuaries Act aligns
11 with the duration of the relevant leases,
12 easements, or rights-of-way issued under
13 clause (i).”; and

14 (6) by adding at the end the following:

15 “(11) PLANNING AREA IMPACT STUDIES.—

16 “(A) IN GENERAL.—Beginning three years
17 after the date of enactment of this paragraph,
18 before holding any lease sale pursuant to para-
19 graph (1) for an area, the Secretary shall con-
20 duct a study of such area, or the wider plan-
21 ning area that includes such area, in order to
22 establish information needed for assessment
23 and management of the environmental impacts
24 on the human, marine, and coastal environ-
25 ments of the outer Continental Shelf and the

1 coastal areas which may be affected by offshore
2 renewable energy projects in such area or plan-
3 ning area.

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

6 “(i) incorporate the best available ex-
7 isting science and data;

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

10 “(iii) include consideration of the cu-
11 mulative impacts (including potential navi-
12 gational impacts) of offshore renewable en-
13 ergy projects on human, marine, and
14 coastal environments.

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

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

22 “(ii) whether to issue any permit or
23 other authorization that is necessary to
24 carry out an offshore renewable energy
25 project.

1 “(D) NEPA APPLICABILITY.—The Sec-
2 retary shall not consider a study conducted
3 under subparagraph (A) to be a major Federal
4 action under section 102(2)(C) of the National
5 Environmental Policy Act of 1969 (42 U.S.C.
6 4332(2)(C)).

7 “(12) CAPACITY BUILDING AND COMMUNITY
8 ENGAGEMENT.—

9 “(A) IN GENERAL.—The Secretary, in con-
10 sultation with the Secretary of Commerce, may
11 award grants to entities to build organizational
12 capacity and enhance engagement opportunities
13 related to offshore renewable energy project de-
14 velopment, including environmental reviews and
15 permitting activities of such projects.

16 “(B) PURPOSES.—Grants awarded under
17 subparagraph (A) shall be used by entities to—

18 “(i) enable States, Indian Tribes, af-
19 fected ocean users, and nonprofit associa-
20 tions that represent affected ocean users to
21 compile data, conduct analyses, educate
22 stakeholders, and complete other activities
23 relating to offshore renewable energy
24 project development;

1 “(ii) engage in planning activities and
2 in the development of offshore wind
3 projects for the purposes of—

4 “(I) determining potential eco-
5 nomic, social, public health, and envi-
6 ronmental benefits and impacts; and

7 “(II) identifying opportunities to
8 mitigate such impacts;

9 “(iii) facilitate siting of offshore re-
10 newable energy projects and associated
11 electric transmission infrastructure; and

12 “(iv) hire and train personnel, and
13 other activities designed to increase the ca-
14 pacity of States, Indian Tribes, and non-
15 profit associations, as applicable, to carry
16 out activities described in clauses (i)
17 through (iii).

18 “(C) PRIORITIZATION.—When awarding
19 grants under subparagraph (A), the Secretary
20 shall prioritize awarding grants that will be
21 used to build organizational capacity and en-
22 hance community engagement opportunities of
23 Indian Tribes.

24 “(D) AUTHORIZATION OF APPROPRIA-
25 TIONS.—There are authorized to be appro-

1 priated to the Secretary to carry out this para-
2 graph \$25,000,000 for each of fiscal years
3 2024 through 2028.”.

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

7 “(a) WITHDRAWAL OF UNLEASED LANDS BY THE
8 PRESIDENT.—

9 “(1) IN GENERAL.—The President of the
10 United States may, from time to time, withdraw
11 from disposition any of the unleased lands of the
12 outer Continental Shelf.

13 “(2) REVERSAL FOR CERTAIN OFFSHORE RE-
14 NEWABLE ENERGY PROJECTS.—With respect to a
15 withdrawal under paragraph (1) of unleased lands
16 from disposition, the President may reverse such a
17 withdrawal only to allow for leasing under section
18 (8)(p)(1)(C) and only if the President determines
19 that environmental, national security, or national or
20 regional energy conditions or demands have changed
21 such that a reversal would be in the public inter-
22 est.”.

23 (e) CITIZEN SUITS, COURT JURISDICTION, AND JU-
24 DICIAL REVIEW.—Section 23(c)(2) of the Outer Conti-

1 nental Shelf Lands Act (43 U.S.C. 1349(c)(2)) is amend-
2 ed to read as follows:

3 “(2) Any action of the Secretary to approve, require
4 modification of, or disapprove any exploration plan or de-
5 velopment and production plan under this Act, or any
6 plan, final lease, easement, or right-of-way granted pursu-
7 ant to section (8)(p)(1) (and any related final Federal
8 agency actions), shall be subject to judicial review only in
9 a United States court of appeals for a circuit in which
10 an affected State is located.”.

11 (f) UPDATING REGULATIONS.—Not later than 270
12 days after the date of enactment of this section, the Sec-
13 retary of the Interior shall issue any necessary regulations
14 to carry out this section and the amendments made by
15 this section.

16 **SEC. 503. ESTABLISHMENT OF OFFSHORE RENEWABLE EN-**
17 **ERGY COMPENSATION FUND.**

18 The Outer Continental Shelf Lands Act (43 U.S.C.
19 1331 et seq.) is amended by adding at the end the fol-
20 lowing:

21 **“SEC. 34. OFFSHORE RENEWABLE ENERGY COMPENSATION**
22 **FUND.**

23 “(a) ESTABLISHMENT.—There is established in the
24 Treasury of the United States the Offshore Renewable
25 Energy Compensation Fund, which shall be used by the

1 Secretary, or a third-party the Secretary enters into a con-
2 tract with, to provide to covered entities—

3 “(1) payments for claims—

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

5 “(B) verified pursuant to subsection
6 (d)(1); and

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

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

13 “(c) ACCOUNTS.—The Fund shall—

14 “(1) consist of the royalties, fees, rents, bo-
15 nuses, and other payments deposited under section
16 8(p)(2)(D); and

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

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

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

24 “(2) apply for a grant provided under sub-
25 section (a)(2).

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

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

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

6 “(3) if the covered entity receiving the payment
7 has or will receive direct compensation for the
8 verified claim pursuant to a community benefit
9 agreement or other agreement between such covered
10 entity and a holder of a lease, easement, or right-
11 of-way, be reduced by an amount that is equal to the
12 amount of such direct compensation.

13 “(f) CLAIMS; MITIGATION GRANTS.—

14 “(1) CLAIMS.—A payment may be provided
15 under subsection (a)(1) for a verified claim to—

16 “(A) replace or repair gear that was lost or
17 damaged by the development, construction, op-
18 eration, or decommissioning of an offshore re-
19 newable energy project; or

20 “(B) replace income that was lost from the
21 development, construction, operation, or decom-
22 missioning of an offshore renewable energy
23 project.

24 “(2) MITIGATION GRANTS.—If the Secretary
25 determines that there are sufficient amounts in an

1 area account of the Fund to provide payments for
2 all verified claims at any given time, the Secretary
3 may use amounts in the Fund to provide grants to
4 covered entities, and other entities determined ap-
5 propriate by the Secretary, to mitigate the potential
6 effects of development, construction, operation, and
7 decommissioning of an offshore renewable energy
8 project, including by paying for gear changes, navi-
9 gation technology improvements, and other measures
10 to enhance the safety and resiliency of the covered
11 entities near an offshore renewable energy project.

12 “(g) ADVISORY GROUP.—

13 “(1) IN GENERAL.—The Secretary shall estab-
14 lish and regularly convene an advisory group that
15 shall provide recommendations on the development
16 and administration of this section.

17 “(2) MEMBERSHIP.—The advisory group
18 shall—

19 “(A) be comprised of individuals—

20 “(i) appointed by the Secretary; and

21 “(ii) representing the geographic di-
22 versity of areas impacted by the develop-
23 ment, construction, operation, or decom-
24 missioning of offshore renewable energy
25 projects; and

1 “(B) include representatives from—
2 “(i) recreational fishing interests;
3 “(ii) commercial fishing interests;
4 “(iii) Tribal fishing interests;
5 “(iv) the National Marine Fisheries
6 Services;
7 “(v) the fisheries science community;
8 and
9 “(vi) other fields of expertise nec-
10 essary to effectively develop and administer
11 this section, as determined by the Sec-
12 retary.

13 “(3) TRAVEL EXPENSES.—The Secretary may
14 provide amounts to any member of the advisory
15 group to pay for travel expenses, including per diem
16 in lieu of subsistence, at rates authorized for an em-
17 ployee of an agency under section 5703 of title 5,
18 United States Code, while away from the home or
19 regular place of business of the member in the per-
20 formance of the duties of the advisory group.

21 “(h) INSUFFICIENT FUNDS.—

22 “(1) IN GENERAL.—If the Secretary determines
23 that an area account does not contain a sufficient
24 amount to provide payments under subsection
25 (a)(1), the Secretary may, not more than once each

1 calendar year, require any holder of an offshore re-
2 newable energy lease located within the area covered
3 by the area account to pay an amount specified by
4 the Secretary, which shall be deposited into such
5 area account.

6 “(2) AMOUNT.—No holder of an offshore re-
7 newable energy lease shall be required to pay an
8 amount under paragraph (1) in excess of \$3 per
9 acre of the leased land described in paragraph (1).

10 “(i) ADMINISTRATIVE EXPENSES.—The Secretary
11 may use up to 15 percent of the amount deposited into
12 the Fund under section 8(p)(2)(D) during a given fiscal
13 year for administrative expenses to carry out this section.

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

19 “(k) DEFINITIONS.—In this section:

20 “(1) COVERED ENTITY.—The term ‘covered en-
21 tity’ means—

22 “(A) a community, stakeholder, or Tribal
23 interest—

24 “(i) that uses a geographic space of a
25 lease area, or uses resources harvested

1 from a geographic space of a lease area;
2 and

3 “(ii) for which such use is directly and
4 adversely impacted by the development,
5 construction, operation, or decommis-
6 sioning of an offshore renewable energy
7 project located in such leased area; or

8 “(B) a regional association, cooperative,
9 non-profit organization, commission, or corpora-
10 tion that—

11 “(i) serves a community, stakeholder,
12 or Tribal interest described in subpara-
13 graph (A); and

14 “(ii) acts on behalf of such a commu-
15 nity, stakeholder, or Tribal interest for
16 purposes of this section, including by sub-
17 mitting a claim for a covered entity.

18 “(2) FUND.—The term ‘Fund’ means the Off-
19 shore Renewable Energy Compensation Fund estab-
20 lished under subsection (a).

21 “(3) LEASE AREA.—The term ‘lease area’
22 means an area covered by an offshore renewable en-
23 ergy lease.

24 “(4) OFFSHORE RENEWABLE ENERGY LEASE.—
25 The term ‘offshore renewable energy lease’ means a

1 lease, easement, or right-of-way granted under sec-
2 tion 8(p)(1)(C).”.

3 **TITLE VI—EMPOWERMENT OF**
4 **COMMUNITIES**

5 **SEC. 601. ESTABLISHMENT OF OFFICE OF ENVIRONMENTAL**
6 **JUSTICE AND EXTERNAL CIVIL RIGHTS.**

7 (a) ESTABLISHMENT.—The Administrator of the En-
8 vironmental Protection Agency shall maintain within the
9 Environmental Protection Agency an Office of Environ-
10 mental Justice and External Civil Rights (referred to in
11 this section as the “Office”)—

12 (1) to lead the agency-wide effort of the Envi-
13 ronmental Protection Agency in addressing the
14 needs of communities with environmental justice
15 concerns;

16 (2) to maximize the benefits of programs and
17 activities of the Environmental Protection Agency to
18 communities with environmental justice concerns;
19 and

20 (3) to enforce title VI of the Civil Rights Act
21 of 1964 and other Federal civil rights laws, which
22 together prohibit discrimination by applicants for
23 and recipients of financial assistance from the Envi-
24 ronmental Protection Agency.

1 (b) ASSISTANT ADMINISTRATOR FOR ENVIRON-
2 MENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS.—The
3 Office shall be led by an Assistant Administrator for Envi-
4 ronmental Justice and External Civil Rights (referred to
5 in this section as the “Assistant Administrator”), to be
6 appointed by the President, with the advice and consent
7 of the Senate.

8 (c) DUTIES.—The duties of the Office shall include—

9 (1) supporting the mission of the Environ-
10 mental Protection Agency by providing leadership on
11 environmental justice and external civil rights in the
12 programs and activities of the Environmental Pro-
13 tection Agency, in collaboration with other Federal
14 agencies and partners;

15 (2) coordinating implementation of the environ-
16 mental justice and external civil rights programs and
17 activities described in paragraph (1) across—

18 (A) national programs and regions of the
19 Environmental Protection Agency; and

20 (B) partnerships the Environmental Pro-
21 tection Agency has with other agencies and
22 partners in State, Tribal, and local governments
23 and communities;

24 (3) providing resources and other technical as-
25 sistance on civil rights and environmental justice to

1 partners in State, Tribal, and local governments and
2 communities;

3 (4) engaging with communities with environ-
4 mental justice concerns;

5 (5) providing support for community-led action
6 relating to environmental justice; and

7 (6) providing service and expertise in alter-
8 native dispute resolution, environmental conflict res-
9 olution, consensus-building, and collaborative prob-
10 lem solving through the Conflict Prevention and
11 Resolution Center of the Environmental Protection
12 Agency.

13 **SEC. 602. ESTABLISHMENT OF WHITE HOUSE ENVIRON-**
14 **MENTAL JUSTICE INTERAGENCY COUNCIL.**

15 (a) IN GENERAL.—The President shall maintain
16 within the Executive Office of the President a White
17 House Environmental Justice Interagency Council (re-
18 ferred to in this section as the “Council”).

19 (b) PURPOSES.—The purposes of the Council are—

20 (1) to improve coordination and collaboration
21 among agencies and to help advise and assist agen-
22 cies in identifying and addressing, as appropriate,
23 the disproportionate human health and environ-
24 mental effects of Federal programs, policies, prac-
25 tices, and activities on communities of color, low-in-

1 come communities, and Tribal and Indigenous com-
2 munities;

3 (2) to promote meaningful involvement and due
4 process in the development, implementation, and en-
5 forcement of environmental laws;

6 (3) to coordinate with, and provide direct guid-
7 ance and technical assistance to, environmental jus-
8 tice communities, with a focus on increasing—

9 (A) community understanding of the
10 science, regulations, and policy related to agen-
11 cy actions on environmental justice issues; and

12 (B) community capacity to address envi-
13 ronmental justice issues;

14 (4) to address environmental health, pollution,
15 and public health burdens in environmental justice
16 communities, and build healthy, sustainable, and re-
17 silient communities;

18 (5) to develop and update an interagency Fed-
19 eral environmental justice strategy, as described in
20 subsection (g)(1);

21 (6) to annually publish a public performance
22 scorecard, as described in subsection (g)(2); and

23 (7) to support and facilitate interagency col-
24 laboration on Federal and State programs and ac-
25 tivities related to environmental justice, including

1 the development of materials for environmental jus-
2 tice training to build the capacity of Federal employ-
3 ees to advance environmental justice and to increase
4 the meaningful participation of individuals from
5 communities with environmental justice concerns in
6 Federal activities.

7 (c) COMPOSITION.—

8 (1) IN GENERAL.—The Council shall be com-
9 posed of individuals described in the text amended
10 by section 7(a) of Executive Order 14096 (88 Fed.
11 Reg. 25251; relating to Revitalizing Our Nation’s
12 Commitment to Environmental Justice for All).

13 (2) ADDITIONAL MEMBERS.—The Council may
14 include additional individuals from independent
15 agencies, including individuals from the Nuclear
16 Regulatory Commission and the Federal Energy
17 Regulatory Commission, as determined appropriate
18 by the Chair of the Council on Environmental Qual-
19 ity (referred to in this section as the “Chair”).

20 (d) GOVERNANCE.—The Chair shall serve as a mem-
21 ber and Chairperson of the Council.

22 (e) REPORTING TO PRESIDENT.—The Council shall
23 report to the President through the Chair.

24 (f) UNIFORM CONSIDERATION GUIDANCE.—

1 (1) IN GENERAL.—To ensure that there is a
2 common level of understanding of terminology used
3 in dealing with environmental justice issues, not
4 later than 1 year after the date of enactment of this
5 Act, after coordinating with and conducting outreach
6 to environmental justice communities, State govern-
7 ments, Tribal Governments, and local governments,
8 the Council shall develop and publish in the Federal
9 Register a guidance document to assist agencies in
10 defining and applying terms relating to—

11 (A) health disparities;

12 (B) environmental exposure disparities;

13 (C) demographic characteristics, including
14 age, sex, race, and ethnicity;

15 (D) social stressors, including poverty,
16 housing quality, access to health care, edu-
17 cation, immigration status, linguistic isolation,
18 historical trauma, and lack of community re-
19 sources;

20 (E) cumulative effects or risks;

21 (F) community vulnerability or suscepti-
22 bility to adverse human health and environ-
23 mental effects, including climate change;

1 (G) barriers to meaningful involvement in
2 the development, implementation, and enforce-
3 ment of environmental laws; and

4 (H) community capacity to address envi-
5 ronmental concerns, including the capacity to
6 obtain equitable access to environmental amen-
7 ities.

8 (2) PUBLIC COMMENT.—For a period of not
9 less than 60 days, the Chair shall seek public com-
10 ment on the guidance document developed under
11 paragraph (1).

12 (g) DEVELOPMENT OF INTERAGENCY FEDERAL EN-
13 VIRONMENTAL JUSTICE STRATEGY.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this section, after notice
16 and opportunity for public comment, the Council, in
17 consultation with the White House Environmental
18 Justice Advisory Council and local environmental
19 justice leaders, shall develop a coordinated inter-
20 agency Federal environmental justice strategy to ad-
21 dress current and historical environmental injustice,
22 which shall include clear performance metrics to en-
23 sure accountability. The Council shall update said
24 strategy not less frequently than once every 3 years,
25 after notice and opportunity for public comment.

1 (2) ANNUAL PERFORMANCE SCORECARD.—The
2 Council shall annually publish a public performance
3 scorecard on the implementation of the interagency
4 Federal environmental justice strategy.

5 (h) SUBMISSION OF REPORT TO PRESIDENT.—

6 (1) IN GENERAL.—Not later than 180 days
7 after updating the interagency Federal environ-
8 mental justice strategy under subsection (g)(1), the
9 Chair shall submit to the President a report that
10 contains a description of the implementation of the
11 interagency Federal environmental justice strategy.

12 (2) PUBLIC AVAILABILITY.—The head of each
13 agency that is a member of the Council shall make
14 each report described in paragraph (1) available to
15 the public (including by posting a copy of the report
16 on the website of each agency).

17 (i) ADMINISTRATION.—

18 (1) OFFICE OF ADMINISTRATION.—The Office
19 of Administration within the Executive Office of the
20 President shall provide funding and administrative
21 support for the Council, to the extent permitted by
22 law and within existing appropriations.

23 (2) OTHER AGENCIES.—To the extent per-
24 mitted by law and subject to the availability of ap-
25 propriations, the Secretary of Labor, the Secretary

1 of Transportation, and the Administrator of the En-
2 vironmental Protection Agency shall provide admin-
3 istrative support for the Council, as necessary.

4 (j) MEETINGS AND STAFF.—

5 (1) CHAIRPERSON.—The Chair shall—

6 (A) convene regular meetings of the Coun-
7 cil;

8 (B) determine the agenda of the Council in
9 accordance with this section; and

10 (C) direct the work of the Council.

11 (2) EXECUTIVE DIRECTOR.—The Chair shall
12 designate an Executive Director of the Council, who
13 shall coordinate the work of, and head any staff as-
14 signed to, the Council.

15 (k) OFFICERS.—To facilitate the work of the Council,
16 the head of each agency that is a member of the Council
17 shall designate an Environmental Justice Officer within
18 the agency, with the authority—

19 (1) to represent the agency on the Council; and

20 (2) to perform such other duties relating to the
21 implementation of this section within the agency as
22 the head of the agency determines to be appropriate.

23 (l) ESTABLISHMENT OF SUBGROUPS.—At the direc-
24 tion of the Chair, the Council may establish 1 or more

1 subgroups consisting exclusively of Council members or
2 their designees under this section, as appropriate.

3 **SEC. 603. PROHIBITION ON DISPARATE IMPACT DISCRIMI-**
4 **NATION.**

5 Section 601 of the Civil Rights Act of 1964 (42
6 U.S.C. 2000d) is amended—

7 (1) by striking “No” and inserting “(a) No”;
8 and

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

10 “(b)(1)(A) Discrimination (including exclusion from
11 participation and denial of benefits) based on disparate
12 impact is established under this title if—

13 “(i) an entity subject to this title (referred
14 to in this title as a ‘covered entity’) has a pro-
15 gram, policy, practice, or activity that causes a
16 disparate impact on the basis of race, color, or
17 national origin and the covered entity fails to
18 demonstrate that the challenged program, pol-
19 icy, practice, or activity is related to and nec-
20 essary to achieve the nondiscriminatory goal of
21 the program, policy, practice, or activity alleged
22 to have been operated in a discriminatory man-
23 ner; or

24 “(ii) a less discriminatory alternative pro-
25 gram, policy, practice, or activity exists, and the

1 covered entity refuses to adopt such alternative
2 program, policy, practice, or activity.

3 “(B) With respect to demonstrating that a particular
4 program, policy, practice, or activity does not cause a dis-
5 parate impact, the covered entity shall demonstrate that
6 each particular challenged program, policy, practice, or ac-
7 tivity does not cause a disparate impact, except that if
8 the covered entity demonstrates to the courts that the ele-
9 ments of the covered entity’s decision-making process are
10 not capable of separation for analysis, the decision-making
11 process may be analyzed as 1 program, policy, practice,
12 or activity.

13 “(2) A demonstration that a program, policy, prac-
14 tice, or activity is necessary to achieve the goals of a pro-
15 gram, policy, practice, or activity may not be used as a
16 defense against a claim of intentional discrimination under
17 this title.

18 “(3) No person in the United States shall be sub-
19 jected to discrimination, including retaliation or intimidat-
20 ion, because such person opposed any program, policy,
21 practice, or activity prohibited by this title, or because
22 such person made a charge, testified, assisted, or partici-
23 pated in any manner in an investigation, proceeding, or
24 hearing under this title.

25 “(4) In this subsection—

1 “(A) the term ‘demonstrates’ means to meet
2 the burdens of going forward with the evidence and
3 of persuasion; and

4 “(B) the term ‘disparate impact’ means an ac-
5 tion or practice that, even if appearing neutral, actu-
6 ally has the effect of subjecting persons to discrimi-
7 nation on the basis of their race, color, or national
8 origin.”.

9 **SEC. 604. PROVISION FOR RIGHT OF ACTION.**

10 (a) IN GENERAL.—Section 602 of the Civil Rights
11 Act of 1964 (42 U.S.C. 2000d–1) is amended—

12 (1) by inserting “(a)” before “Each Federal de-
13 partment and agency which is empowered”; and

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

15 “(b) Any person aggrieved by the failure to comply
16 with this title, including any regulation promulgated pur-
17 suant to this title, may file suit in any district court of
18 the United States having jurisdiction of the parties, with-
19 out respect to the amount in controversy and without re-
20 gard to the citizenship of the parties.”.

21 (b) EFFECTIVE DATE.—

22 (1) IN GENERAL.—This section, including the
23 amendments made by this section, takes effect on
24 the date of enactment of this Act.

1 (2) APPLICATION.—This section, including the
2 amendments made by this section, applies to all ac-
3 tions or proceedings pending on or after the date of
4 enactment of this Act.

5 **SEC. 605. PROVISION FOR RIGHTS OF RECOVERY.**

6 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
7 2000d et seq.) is amended by inserting after section 602
8 the following:

9 **“SEC. 602A. ACTIONS BROUGHT BY AGGRIEVED PERSONS.**

10 “(a) CLAIMS BASED ON PROOF OF INTENTIONAL
11 DISCRIMINATION.—In an action brought by an aggrieved
12 person under this title against an entity subject to this
13 title (referred to in this section as a ‘covered entity’) who
14 has engaged in unlawful intentional discrimination (not a
15 practice that is unlawful because of its disparate impact)
16 prohibited under this title (including its implementing reg-
17 ulations), the aggrieved person may recover equitable and
18 legal relief (including compensatory and punitive dam-
19 ages), attorney’s fees (including expert fees), and costs of
20 the action, except that punitive damages are not available
21 against a government, government agency, or political
22 subdivision.

23 “(b) CLAIMS BASED ON THE DISPARATE IMPACT
24 STANDARD OF PROOF.—In an action brought by an ag-
25 grieved person under this title against a covered entity

1 who has engaged in unlawful discrimination based on dis-
2 parate impact prohibited under this title (including imple-
3 menting regulations), the aggrieved person may recover
4 attorney’s fees (including expert fees), and costs of the
5 action.

6 “(c) DEFINITIONS.—In this section:

7 “(1) AGGRIEVED PERSON.—The term ‘ag-
8 grievd person’ means a person aggrieved by dis-
9 crimination on the basis of race, color, or national
10 origin.

11 “(2) DISPARATE ACTION.—The term ‘disparate
12 impact’ means an action or practice that, even if ap-
13 pearing neutral, actually has the effect of subjecting
14 persons to discrimination on the basis of their race,
15 color, or national origin.”.

16 **SEC. 606. REQUIREMENT FOR COMMUNITY IMPACT RE-**
17 **PORTS.**

18 (a) PURPOSE.—The purpose of this section is to es-
19 tablish additional protections relating to Federal actions
20 affecting environmental justice communities in recognition
21 of the disproportionate burden of adverse environmental
22 and public health impacts faced by such communities.

23 (b) PREPARATION OF A COMMUNITY IMPACT RE-
24 PORT.—

1 (1) IN GENERAL.—A lead agency proposing to
2 take a Federal action shall prepare and make pub-
3 licly available a community impact report that as-
4 sesses the potential for the proposed Federal action
5 to have adverse environmental and public health im-
6 pacts on environmental justice communities.

7 (2) CONTENTS.—

8 (A) IN GENERAL.—A community impact
9 report described in paragraph (1) shall—

10 (i) assess the degree to which the pro-
11 posed Federal action has the potential to
12 cause multiple exposures or cumulative ex-
13 posure to human health or environmental
14 hazards that influence, exacerbate, or con-
15 tribute to adverse health outcomes of any
16 affected environmental justice commu-
17 nities;

18 (ii) assess relevant public health data
19 and industry data concerning how the pro-
20 posed Federal action may affect the poten-
21 tial for multiple exposures or cumulative
22 exposure to human health or environ-
23 mental hazards in the geographic area of
24 the affected environmental justice commu-
25 nity;

1 (iii) assess legacy pollution in the geo-
2 graphic area of any affected environmental
3 justice community, including historical pat-
4 terns of exposure to human health or envi-
5 ronmental hazards;

6 (iv) assess the impact of the proposed
7 Federal action on the ability of any af-
8 fected environmental justice community to
9 access public parks, outdoor spaces, and
10 public recreation opportunities;

11 (v) evaluate alternatives to and miti-
12 gation measures for the proposed Federal
13 action that will—

14 (I) eliminate or reduce any expo-
15 sure to human health and environ-
16 mental hazards assessed under clause
17 (i) to a level that is reasonably ex-
18 pected to avoid human health impacts
19 from such exposure in the geographic
20 area of any affected environmental
21 justice community; and

22 (II) not negatively impact the
23 ability of any affected environmental
24 justice community to access public

1 parks, outdoor spaces, and public
2 recreation opportunities;

3 (vi) analyze any alternative developed
4 by members of an affected environmental
5 justice community that meets the purpose
6 and need to which the agency is respond-
7 ing in proposing the alternatives, including
8 the proposed action;

9 (vii) assess the impact of the proposed
10 Federal action on access to reliable energy
11 and on electricity prices for low-income
12 communities, minority communities, Indian
13 Tribes, and senior citizens;

14 (viii) assess the impact of the pro-
15 posed Federal action on the potential for
16 drought, domestic food availability, and do-
17 mestic food prices; and

18 (ix) assess the impact of the proposed
19 Federal action on the ability of the Federal
20 Government to achieve the carbon pollution
21 reduction and elimination goals established
22 under Executive Order 14057 (86 Fed.
23 Reg. 70935; relating to Catalyzing Clean
24 Energy Industries and Jobs Through Fed-
25 eral Sustainability).

1 (B) SCOPE OF ASSESSMENTS, EVALUA-
2 TION, AND ANALYSIS.—In assessing, evaluating,
3 and analyzing the matters described in clauses
4 (i) through (vi) of subparagraph (A), the lead
5 agency shall assess multiple and cumulative ef-
6 fects, including effects that are not within the
7 control of the lead agency or any participating
8 Federal agencies.

9 (3) DELEGATION.—A lead agency may not dele-
10 gate responsibility for the preparation of a commu-
11 nity impact report described in paragraph (1) to any
12 non-Federal entity. This paragraph does not affect
13 the ability of a lead agency to enter into a contract
14 with a third party to assist with the preparation of
15 a community impact report described in paragraph
16 (1).

17 (4) AGENCY DETERMINATION.—Any determina-
18 tion by a lead agency related to any assessment,
19 evaluation, or analysis included in a community im-
20 pact report described in paragraph (1) shall be sub-
21 ject to judicial review to the same extent as any
22 other analysis performed under the National Envi-
23 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
24 seq.).

1 **SEC. 607. ENGAGEMENT WITH ENVIRONMENTAL JUSTICE**
2 **COMMUNITIES AND INDIAN TRIBES IN NEPA**
3 **REVIEWS.**

4 (a) NATIONAL ENVIRONMENTAL POLICY ACT RE-
5 QUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMU-
6 NITIES.—

7 (1) IN GENERAL.—When carrying out the re-
8 quirements of the National Environmental Policy
9 Act of 1969 (42 U.S.C. 4321 et seq.) by preparing
10 an environmental document for a proposed Federal
11 action that may have reasonably foreseeable adverse
12 public health or environmental impacts on an envi-
13 ronmental justice community, a lead agency shall—

14 (A) hold a public comment period carried
15 out during the scoping for the Federal action
16 for not less than 90 days;

17 (B) provide early and meaningful opportu-
18 nities for any affected environmental justice
19 community to be involved in the environmental
20 review process of the proposed Federal action
21 by—

22 (i) holding multiple hearings in each
23 affected environmental justice community
24 regarding the proposed Federal action in
25 each language spoken by more than 5 per-
26 cent of the population of each affected en-

1 vironmental justice community, at times
2 and locations that are accessible to mem-
3 bers of such affected environmental justice
4 communities; and

5 (ii) providing notice to any represent-
6 ative entities or organizations present in
7 any affected environmental justice commu-
8 nity of any step or action in the process re-
9 lated to the preparation of any environ-
10 mental document for the proposed Federal
11 action that involves public participation,
12 which may include providing notice to—

13 (I) local religious organizations;

14 (II) civic associations and organi-
15 zations;

16 (III) business associations of peo-
17 ple of color;

18 (IV) environmental organizations
19 and environmental justice organiza-
20 tions, including community-based
21 grassroots organizations led by people
22 of color;

23 (V) homeowners, tenants, and
24 neighborhood watch groups;

- 1 (VI) local governments and Trib-
2 al Governments;
3 (VII) rural cooperatives;
4 (VIII) business and trade organi-
5 zations;
6 (IX) community and social serv-
7 ice organizations;
8 (X) universities, colleges, and vo-
9 cational schools;
10 (XI) labor and other worker or-
11 ganizations;
12 (XII) civil rights organizations;
13 (XIII) senior citizens' groups;
14 and
15 (XIV) public health agencies and
16 clinics;
17 (C) provide translations of any environ-
18 mental documents made publicly available pur-
19 suant to that Act in any language spoken by
20 more than 5 percent of the population of an af-
21 fected environmental justice community; and
22 (D) consider all potential direct, indirect,
23 and cumulative impacts caused by the action,
24 alternatives to such action, and mitigation

1 measures on the environmental justice commu-
2 nity required by that Act.

3 (2) COMMUNICATION METHODS AND REQUIRE-
4 MENTS.—Any notice provided under paragraph
5 (1)(B)(ii) shall be provided—

6 (A) through communication methods that
7 are accessible to the environmental justice com-
8 munity, which may include electronic media,
9 virtual meetings, newspapers, radio, direct mail-
10 ings, canvassing, and other outreach methods
11 particularly targeted at communities of color,
12 low-income communities, and Tribal and Indig-
13 enous communities; and

14 (B) at least 30 days before the applicable
15 public comment period or hearing is held.

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

22 (1) seek Tribal representation in the process in
23 a manner that is consistent with the government-to-
24 government relationship between the United States
25 and Tribal Governments, the Federal Government's

1 trust responsibility to Indian Tribes, and any treaty
2 rights; and

3 (2) invite affected Indian Tribes to be cooper-
4 ating agencies under section 107(a)(3) of the Na-
5 tional Environmental Policy Act of 1969 (42 U.S.C.
6 4336a(a)(3)), including with regard to any Federal
7 action that could impact off reservation lands and
8 sacred sites, not later than the date on which the
9 scoping process for a proposed Federal action re-
10 quiring the preparation of an environmental docu-
11 ment commences.

12 **SEC. 608. REQUIREMENT OF NOTICES OF INTENT TO PRE-**
13 **PRE ENVIRONMENTAL DOCUMENTS.**

14 (a) NOTICES OF INTENT TO PREPARE ENVIRON-
15 MENTAL DOCUMENTS.—When the lead agency publishes
16 a notice of intent to prepare an environmental impact
17 statement or an environmental assessment for a Federal
18 action, the lead agency shall include in such notice of in-
19 tent the following:

20 (1) A description of the proposed Federal ac-
21 tion.

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

1 (3) To the extent possible, an initial list of
2 other existing or proposed sources of multiple or cu-
3 mulative exposure to environmental hazards that
4 contribute to higher rates of serious illnesses within
5 any affected environmental justice community.

6 (4) An agency point of contact, or the points of
7 contact if there is more than one lead agency.

8 (5) Identification of locations where comments
9 will be received or hearings held, if known as of the
10 date on which the notice of intent is published.

11 (6) Any telephone number or locations where
12 further information with respect to the preparation
13 of the environmental document can be obtained.

14 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
15 fect 1 year after the date of enactment of this Act.

16 **SEC. 609. AVOIDANCE OF CUMULATIVE IMPACTS THROUGH**
17 **NEPA.**

18 (a) REVISION.—Section 101(a) of the National Envi-
19 ronmental Policy Act of 1969 (42 U.S.C. 4331(a)) is
20 amended—

21 (1) by striking “man’s” and inserting
22 “human”; and

23 (2) by striking “man” each place it appears and
24 inserting “humankind”.

1 (b) COOPERATION OF AGENCIES; REPORTS; AVAIL-
2 ABILITY OF INFORMATION; RECOMMENDATIONS; INTER-
3 NATIONAL AND NATIONAL COORDINATION OF EF-
4 FORTS.—Section 102 of the National Environmental Pol-
5 icy Act of 1969 (42 U.S.C. 4332) is amended—

6 (1) by striking “The Congress authorizes and
7 directs that, to the fullest extent possible:” and in-
8 serting “The Congress authorizes and directs that,
9 notwithstanding any other provision of law and to
10 the fullest extent possible:”; and

11 (2) in paragraph (2)—

12 (A) in subparagraph (A), by striking
13 “man’s” and inserting “the human”;

14 (B) in subparagraph (C)—

15 (i) in clause (iii), by inserting “and
16 that, where applicable, do not cause or
17 contribute to adverse cumulative effects,
18 including effects caused by exposure to en-
19 vironmental pollution, on an overburdened
20 community that are higher than those
21 borne by other communities within the
22 State, county, or other geographic unit of
23 analysis as determined by the agency pre-
24 paring or having taken primary responsi-
25 bility for preparing the environmental doc-

1 ument pursuant to this Act, except that
2 where the agency determines that an alter-
3 native will serve a compelling public inter-
4 est in the affected overburdened commu-
5 nity with conditions to protect public
6 health” after “purpose and need of the
7 proposal”; and

8 (ii) in clause (iv)—

9 (I) by striking “man’s” and in-
10 serting “humankind’s”; and

11 (II) by striking the “and” at the
12 end;

13 (C) in subparagraph (F), by inserting
14 “that are consistent with subparagraph
15 (C)(iii)” after “feasible alternatives”; and

16 (D) in subparagraph (I), by striking “man-
17 kind’s” and inserting “humankind’s”.

18 (c) DEFINITIONS.—Section 111 of the National Envi-
19 ronmental Policy Act of 1969 (42 U.S.C. 4336e) is
20 amended—

21 (1) by redesignating paragraphs (10), (11),
22 (12), and (13) as paragraphs (13), (15), (16), and
23 (17), respectively;

24 (2) by inserting after paragraph (9) the fol-
25 lowing:

1 “(10) EFFECT; IMPACT.—The terms ‘effect’
2 and ‘impact’ mean changes to the human environ-
3 ment from the proposed action or alternatives that
4 are reasonably foreseeable and include the following:

5 “(A) Direct effects, which are caused by
6 the action and occur at the same time and
7 place.

8 “(B) Indirect effects, which are caused by
9 the action and are later in time or farther re-
10 moved in distance, but are still reasonably fore-
11 seeable. Indirect effects may include growth in-
12 ducing effects and other effects related to in-
13 duced changes in the pattern of land use, popu-
14 lation density or growth rate, and related ef-
15 fects on air and water and other natural sys-
16 tems, including ecosystems.

17 “(C) Cumulative effects, which are effects
18 on the environment that result from the incre-
19 mental effects of the action when added to the
20 effects of other past, present, and reasonably
21 foreseeable actions regardless of what agency
22 (Federal or non-Federal) or person undertakes
23 such other actions. Cumulative effects can re-
24 sult from individually minor but collectively sig-

1 nificant actions taking place over a period of
2 time.

3 “(D) Effects that are ecological (such as
4 the effects on natural resources and on the
5 components, structures, and functioning of af-
6 fected ecosystems), aesthetic, historic, cultural,
7 economic, social, or health, whether direct, indi-
8 rect, or cumulative. Effects may also include
9 those resulting from actions which may have
10 both beneficial and detrimental effects, even if
11 on balance the agency believes that the effects
12 will be beneficial.

13 “(11) LIMITED ENGLISH PROFICIENCY.—The
14 term ‘limited English proficiency’ means that a
15 household does not have an adult that speaks
16 English very well according to the United States
17 Census Bureau.

18 “(12) LOW-INCOME HOUSEHOLD.—The term
19 ‘low-income household’ means a household that is at
20 or below twice the poverty threshold as that thresh-
21 old is determined annually by the United States
22 Census Bureau.”;

23 (3) by inserting after paragraph (13), as so re-
24 designated, the following:

1 “(14) OVERBURDENED COMMUNITY.—The term
2 ‘overburdened community’ means any census block
3 group, as determined in accordance with the most
4 recent United States Census, in which—

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

7 “(B) at least 40 percent of the residents
8 identify as minority or as members of a Tribal
9 or Indigenous community; or

10 “(C) at least 40 percent of the households
11 have limited English proficiency.”; and

12 (4) by adding at the end the following:

13 “(18) TRIBAL OR INDIGENOUS COMMUNITY.—

14 The term ‘Tribal or Indigenous community’ means a
15 community of people who are members of—

16 “(A) a federally recognized Indian Tribe;

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

18 “(C) an Alaska Native or Native Hawaiian
19 community or organization; or

20 “(D) any other community of Indigenous
21 people located in a State or territory of the
22 United States.”.

1 **SEC. 610. INCLUSION OF GREENHOUSE GAS PROJECTIONS**
2 **IN NEPA REVIEWS.**

3 (a) REQUIREMENT.—In preparing an environmental
4 document for a proposed major Federal action, the lead
5 agency shall consider the potential effects of—

6 (1) the proposed major Federal action on cli-
7 mate change; and

8 (2) the effects of climate change on the pro-
9 posed major Federal action.

10 (b) QUANTIFYING EFFECTS.—In considering the ef-
11 fects described under subsection (a), the lead agency
12 shall—

13 (1) quantify the reasonably foreseeable direct
14 and indirect greenhouse gas emissions of the pro-
15 posed major Federal action and reasonable alter-
16 natives;

17 (2) utilize the best available estimates of the so-
18 cial cost of carbon, as determined by the Chair of
19 the Council on Environmental Quality; and

20 (3) identify alternatives and mitigation meas-
21 ures to avoid or reduce greenhouse gas emissions of
22 the proposed major Federal action.

23 (c) SOCIAL COST OF CARBON DEFINED.—In this sec-
24 tion, the term “social cost of carbon” means a quantifica-
25 tion, in dollars, of the long-term damage caused by a ton
26 of carbon dioxide emissions in a given year.

1 **SEC. 611. ESTABLISHMENT OF COMMUNITY BENEFITS**
2 **AGREEMENTS.**

3 (a) CONSIDERATION IN NEPA.—When carrying out
4 the requirements of the National Environmental Policy
5 Act of 1969 (42 U.S.C. 4321 et seq.) by preparing an
6 environmental document for a proposed major Federal ac-
7 tion that may have reasonably foreseeable adverse public
8 health or environmental impacts, the lead agency shall
9 take into consideration whether a project sponsor has en-
10 tered into a community benefits agreement with a State,
11 a unit of local government, an Indian Tribe, a labor orga-
12 nization, or a community benefits organization that may
13 include the disbursement of funds for social, economic, or
14 environmental benefits that will—

15 (1) offset adverse impacts resulting from the
16 construction or operation of the proposed major
17 Federal action; or

18 (2) address legacy or historical harm or adverse
19 cumulative social, economic, or environmental im-
20 pacts in the location in which the proposed major
21 Federal action is to be carried out.

22 (b) PROJECTS REQUIRING ENVIRONMENTAL IMPACT
23 STATEMENTS.—The lead agency with respect to a pro-
24 posed project that requires the preparation of an environ-
25 mental impact statement may require the project sponsor
26 to enter into a community benefits agreement with a

1 State, a unit of local government, an Indian Tribe, a labor
2 organization, or a community benefits organization to off-
3 set, in full or in part, any significant adverse social, eco-
4 nomic, or environmental impacts that would result from
5 the construction or operation of the project.

6 (c) CONSIDERATIONS.—In determining whether to
7 require a project sponsor to enter into a community bene-
8 fits agreement under subsection (c), the lead agency shall
9 consider—

10 (1) the available resources of the project spon-
11 sor;

12 (2) the scale of the project and degree of im-
13 pacts, including cumulative impacts to communities
14 with environmental justice concerns; and

15 (3) the benefits from the project to be received
16 by the community or communities, relative to the
17 adverse impacts resulting from the project.

18 (d) NEGOTIATION.—

19 (1) IN SPONSOR.—A community benefits agree-
20 ment shall be negotiated between the project sponsor
21 and the State, unit of local government, Indian
22 Tribe, labor organization, or community benefits or-
23 ganization, as applicable.

24 (2) TECHNICAL ASSISTANCE.—On request of a
25 State, unit of local government, Indian Tribe, or a

1 community benefits organization the lead agency
2 may provide technical assistance to the State, unit
3 of local government, Indian Tribe, labor organiza-
4 tion, or community benefits organization in devel-
5 oping and negotiating a community benefits agree-
6 ment.

7 (3) THIRD PARTY NEUTRAL.—For a community
8 benefits agreement required by a lead agency under
9 subsection (b), the lead agency—

10 (A) may request a representative of the
11 Conflict Prevention and Resolution Center of
12 the Environmental Protection Agency or the
13 John S. McCain III National Center for Envi-
14 ronmental Conflict Resolution to act as a neu-
15 tral third party in the negotiation and prepara-
16 tion of the community benefits agreement; and

17 (B) shall reimburse the Environmental
18 Protection Agency (unless the lead agency is
19 the Environmental Protection Agency) or the
20 Udall Foundation for the reasonable costs of
21 that service.

22 (4) MECHANISM FOR HOLDING FUNDS.—Nego-
23 tiation relating to a community benefits agreement
24 shall address the mechanism through which funds
25 associated with the community benefits agreement

1 will be held and dispersed, such as through a trust
2 fund or similar instrument.

3 (e) USE OF FUNDS.—Funds received by a State, unit
4 of local government, Indian Tribe, labor organization, or
5 community benefits organization under a community bene-
6 fits agreement shall be used for any activity or the con-
7 struction or modification of infrastructure that—

8 (1) is beneficial to communities affected by the
9 applicable project;

10 (2) is identified as a priority by any State, unit
11 of local government, or Indian Tribe that is a party
12 to the community benefits agreement; and

13 (3) is inclusive of labor organizations capable of
14 completing construction or modification.

15 (f) DEFINITIONS.—In this section:

16 (1) COMMUNITY BENEFITS AGREEMENT.—The
17 term “community benefits agreement”—

18 (A) means an agreement to carry out ac-
19 tivities to address historical or legacy impacts
20 that continue to contribute to cumulative im-
21 pacts that are identified under a community im-
22 pact report prepared under section 606; and

23 (B) includes—

24 (i) commitments by a project sponsor
25 to hire members of the local workforce dur-

1 ing construction, operation, or mainte-
2 nance of the applicable project; and

3 (ii) the disbursement of funds for so-
4 cial, economic, or environmental benefits
5 that will—

6 (I) offset adverse impacts result-
7 ing from the construction or operation
8 of the applicable project; or

9 (II) address legacy or historical
10 harm or adverse cumulative impacts
11 in the location in which the applicable
12 project is to be carried out.

13 (2) COMMUNITY BENEFITS ORGANIZATION.—In
14 this section, the term “community benefits organiza-
15 tion” means an organization that—

16 (A) is described in section 501(c)(3) of the
17 Internal Revenue Code of 1986 and is exempt
18 from taxation under section 501(a) of such
19 Code; and

20 (B) is formed to protect the human health
21 and environment of communities in the area in
22 which a proposed major Federal action is to be
23 carried out.

1 **SEC. 612. REQUIREMENT OF TIMELY PUBLIC RELEASE OF**
2 **NEPA DOCUMENTATION.**

3 (a) IN GENERAL.—To achieve the goals described in
4 section 1507.4 of title 40, Code of Federal Regulations
5 (or a successor regulation), to allow agencies and the pub-
6 lic to efficiently and effectively access information relating
7 to environmental reviews required under the National En-
8 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
9 the lead agency for a proposed major Federal action shall
10 make the documents identified under subsection (b) with
11 respect to such proposed major Federal action available
12 to the public in a searchable, digital format when such
13 documents are completed by the lead agency, or in the
14 case of final documents, finalized by the agency. The lead
15 agency may make such documents available to the public
16 in a searchable, digital format by—

17 (1) publishing and maintaining such documents
18 on the public website or websites of the applicable
19 agency or agencies; and

20 (2) uploading such documents to the E-NEPA
21 online permitting portal established under subsection
22 (b) of section 110 of the National Environmental
23 Policy Act of 1969 (as added by section 615(b) of
24 this Act).

25 (b) DOCUMENTS.—The documents identified under
26 this subsection are the following:

1 (1) Any notice of intent and other scoping no-
2 tices.

3 (2) Any draft and final environmental assess-
4 ments and findings of no significant impacts.

5 (3) Any draft, final, and supplemental environ-
6 mental impact statements.

7 (4) Any records of decision.

8 (5) Any documentation associated with a deter-
9 mination to proceed with the proposed major Fed-
10 eral action under a categorical exclusion.

11 (6) Any additional related documentation.

12 (c) TIMING.—The lead agency shall make the docu-
13 ments identified under subsection (b) available to the pub-
14 lic in a searchable, digital format under subsection (a) by
15 not later than the earlier of—

16 (1) 3 days after the date on which the lead
17 agency completes the document; and

18 (2) 3 days after the date on the document is
19 published in the Federal Register.

20 (d) COOPERATING AGENCIES.—A cooperating agency
21 shall publish a link to the location on the website of the
22 lead agency to the documents identified under subsection
23 (b) on which the agency was a cooperating agency.

1 **SEC. 613. ESTABLISHMENT OF GRANTS FOR CAPACITY**
2 **BUILDING AND COMMUNITY ENGAGEMENT.**

3 (a) IN GENERAL.—The Administrator of the Envi-
4 ronmental Protection Agency shall make grants to States,
5 units of local government, Indian Tribes, and nonprofit
6 associations which may be used for purposes of—

7 (1) increasing the capacity of such organiza-
8 tions to conduct activities related to proposed major
9 Federal actions, and State, local, and Tribal envi-
10 ronmental reviews, permits, and consultations, in-
11 cluding by—

12 (A) compiling data and conducting anal-
13 yses, planning, and environmental review;

14 (B) determining potential economic, social,
15 public health, and environmental impacts; and

16 (C) identifying opportunities to mitigate
17 such impacts;

18 (2) enhancing community engagement opportu-
19 nities related to environmental reviews;

20 (3) identifying zones for renewable energy de-
21 velopment;

22 (4) facilitating the siting of renewable energy-
23 related facilities and infrastructure;

24 (5) providing technical assistance to units of
25 local government to establish renewable energy zon-
26 ing ordinances; and

1 (6) training and hiring personnel, and other ac-
2 tivities to increase the capacity of States, units of
3 local government, Indian Tribes, and nonprofit asso-
4 ciations, as applicable, to carry out activities de-
5 scribed in paragraphs (1) through (5).

6 (b) FUNDING.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated to the Ad-
9 ministrator of the Environmental Protection Agency
10 to make grants under subsection (a) \$500,000,000
11 for each of fiscal years 2024 through 2029.

12 (2) ENVIRONMENTAL REVIEW FUND.—In addi-
13 tion to amounts made available under paragraph
14 (1), the Administrator may use amounts available in
15 the Environmental Review Fund for the Environ-
16 mental Protection Agency established under section
17 614(c) to make grants to under subsection (a).

18 **SEC. 614. ESTABLISHMENT OF FEES FOR ENVIRONMENTAL**
19 **REVIEWS AND AUTHORIZATIONS FOR**
20 **PROJECTS.**

21 (a) ESTABLISHMENT OF FEES.—

22 (1) IN GENERAL.—The head of each Federal
23 agency required or authorized to complete an envi-
24 ronmental document or an authorization for a major
25 Federal action shall issue regulations to collect fees

1 for work to complete any such environmental docu-
2 ment or authorization.

3 (2) SPECIFICATIONS.—A fee collected under
4 paragraph (1) shall be, as determined by the head
5 of the applicable Federal agency—

6 (A) fair;

7 (B) sufficient to cover the costs to the
8 Federal agency of completing the environmental
9 document or authorization; and

10 (C) consistent with the guidance estab-
11 lished by the Council on Environmental Quality
12 and the Office of Management and Budget
13 under subsection (b).

14 (3) ADDITIONAL CONSIDERATIONS.—In col-
15 lecting a fee under paragraph (1), the head of a
16 Federal agency may also consider—

17 (A) the value of the service or thing to the
18 individual or entity that receives a completed
19 environmental review or authorization;

20 (B) the public interest served by the major
21 Federal action;

22 (C) the complexity of the major Federal
23 action and number of agencies involved as co-
24 operating agencies;

1 (D) potential impacts of the major Federal
2 action on small businesses; and

3 (E) other relevant factors, as determined
4 by the head of the Federal agency.

5 (4) DEPOSIT OF FEES.—Fees collected under
6 this subsection shall be deposited into the applicable
7 Environmental Review Fund established under sub-
8 section (c)(1).

9 (b) GUIDANCE.—Not later than 120 days after the
10 date of enactment of this Act, the Council on Environ-
11 mental Quality and the Office of Management and Budget
12 shall issue joint guidance for Federal agencies to facilitate
13 the collection of fees under subsection (a) and the report-
14 ing of data under subsection (c)(5).

15 (c) ENVIRONMENTAL REVIEW FUNDS.—

16 (1) ESTABLISHMENT.—There is established at
17 each Federal agency with authority for completing
18 environmental reviews or authorizations required by
19 law an Environmental Review Fund (referred to in
20 this subsection as a “Fund”), consisting of fees es-
21 tablished under subsection (a) that are collected by
22 the Federal agency.

23 (2) AVAILABILITY.—Amounts in a Fund and
24 amounts transferred to an agency under paragraph

1 (3) shall be available to the applicable Federal agen-
2 cy, without further appropriation, for—

3 (A) environmental review staff salaries and
4 training and third-party contracts to support
5 the completion of environmental documents and
6 authorizations for major Federal actions;

7 (B) environmental data collection;

8 (C) development of documents and anal-
9 yses that will facilitate timely environmental re-
10 views, including programmatic analyses and
11 memoranda of understanding;

12 (D) monitoring compliance with terms and
13 conditions included in authorizations for major
14 Federal actions; and

15 (E) other activities and services that will
16 facilitate timely environmental reviews, as de-
17 termined by the head of the Federal agency.

18 (3) TRANSFER AUTHORITY.—

19 (A) IN GENERAL.—A Federal agency for
20 which a Fund is established by paragraph (1)
21 may transfer amounts in such a Fund to an-
22 other Federal agency—

23 (i) for work performed as a cooper-
24 ating agency to complete an environmental
25 document for a major Federal action that

1 is subject to a fee established by the Fed-
2 eral agency under subsection (a);

3 (ii) to pay the costs of conducting and
4 completing responsibilities required under
5 other Federal law for the major Federal
6 action on which the Federal agency is serv-
7 ing as the lead agency; or

8 (iii) to fund liaison positions at an-
9 other Federal agency to facilitate inter-
10 agency coordination and timely completion
11 of environmental documents and authoriza-
12 tions for major Federal action.

13 (B) ACCEPTANCE OF FUNDS.—A Federal
14 agency with a Fund shall have the authority to
15 accept funding transferred by another agency
16 under subparagraph (A).

17 (4) PROGRAMMATIC ENVIRONMENTAL REVIEW
18 FUND.—

19 (A) ESTABLISHMENT.—A Federal agency
20 for which a Fund is established by paragraph
21 (1) may establish, by issuing regulations, within
22 the Fund a separate programmatic environ-
23 mental review fund.

24 (B) CONTRIBUTION BY PROJECT SPON-
25 SORS.—A Federal agency may allow a project

1 sponsor or group of project sponsors to con-
2 tribute to a programmatic environmental review
3 fund established under subparagraph (A) to fa-
4 cilitate the development of a programmatic en-
5 vironmental review.

6 (C) FEES FOR PROGRAMMATIC ENVIRON-
7 MENTAL REVIEWS.—A Federal agency that es-
8 tablished a programmatic environmental review
9 fund under subparagraph (A) may establish
10 fees, consistent with specifications and consider-
11 ations under subsection (a), when the environ-
12 mental document for a project carried out by a
13 project sponsor will tier off the programmatic
14 environmental review, consistent with section
15 1501.11 of title 40, Code of Federal Regula-
16 tions (or a successor regulation).

17 (5) REPORT.—The head of each Federal agency
18 for which a Fund is established by paragraph (1)
19 shall prepare, and make publicly available on the
20 website of the Federal agency, an annual report on
21 the collection and use of fees under subsection (a)
22 and this subsection.

23 (6) CLARIFICATIONS.—

24 (A) AMOUNTS IN FUND.—Amounts in a
25 Fund shall supplement existing amounts au-

1 thorized to carry out activities described in
2 paragraph (2).

3 (B) POSITIONS.—A Federal agency using
4 amounts in a Fund shall not be subject to any
5 limitation relating to the number of full-time
6 equivalent employees of the Federal agency oth-
7 erwise imposed by law.

8 (d) EXEMPTION.—A Federal agency that establishes
9 a fee under subsection (a) may exempt an entity from such
10 a fee if, as determined by the Federal agency, the fee
11 would impose an undue financial burden or is otherwise
12 determined to be inappropriate.

13 **SEC. 615. ESTABLISHMENT OF INTERAGENCY ENVIRON-**
14 **MENTAL DATA SYSTEM.**

15 (a) ENVIRONMENTAL DATA SYSTEMS.—

16 (1) IN GENERAL.—Not later than 2 years after
17 the date of enactment of the Clean Electricity and
18 Transmission Acceleration Act of 2023, the Council
19 on Environmental Quality (referred to in this section
20 as the “Council”), in coordination with, and support
21 from, the Administrator of the Environmental Pro-
22 tection Agency (referred to in this section as the
23 “Administrator”) and the Director of the Office of
24 Management and Budget (referred to in this section
25 as the “Director”) and in consultation with the Fed-

1 eral Geographic Data Committee and heads of Fed-
2 eral agencies with relevant geographic information
3 system data, shall develop linked interagency envi-
4 ronmental data collection systems that include
5 georeferenced qualitative and quantitative data for
6 use by all Federal agencies in preparing any envi-
7 ronmental document and tracking environmental
8 outcomes of major Federal actions, including—

9 (A) environmental documents;

10 (B) data on mitigation commitments re-
11 quired in environmental documents; and

12 (C) monitoring and compliance data and
13 information required under Federal environ-
14 mental laws.

15 (2) REQUIREMENTS.—In developing linked
16 interagency environmental data collection systems
17 under paragraph (1), the Council, in coordination
18 with the Administrator and the Director, shall—

19 (A) facilitate—

20 (i) the reduction of administrative
21 costs borne by project developers, including
22 in the establishment of the permitting por-
23 tal under section 110(b) of the National
24 Environmental Policy Act of 1969;

1 (ii) the reduction of the duplication of
2 efforts by Federal and State agencies;

3 (iii) the standardization of the collec-
4 tion of information on environmental im-
5 pacts and outcomes; and

6 (iv) the tracking of long-term environ-
7 mental outcomes, including the efficacy of
8 mitigation commitments;

9 (B) make the linked interagency environ-
10 mental data collection systems developed under
11 paragraph (1) publicly available, to the extent
12 consistent with section 552 of title 5, United
13 States Code, and any exemption from disclosure
14 of sensitive site-specific information under ap-
15 plicable law;

16 (C) include tools that—

17 (i) enhance the abilities of Federal
18 agencies to conduct the public outreach
19 and engagement required under the Na-
20 tional Environmental Policy Act of 1969
21 (42 U.S.C. 4321 et seq.);

22 (ii) enable Federal agencies to publish
23 information regarding public engagement
24 opportunities under the National Environ-

1 mental Policy Act of 1969 (42 U.S.C.
2 4321 et seq.); and

3 (iii) facilitate opportunities for the
4 public to provide Federal agencies with rel-
5 evant environmental or scientific informa-
6 tion and data, including locally-specific en-
7 vironmental data, that could complement
8 monitoring efforts and enhance evidence-
9 based decisionmaking;

10 (D) facilitate coordination between Federal
11 and State agencies, including by providing for
12 up-to-date georeferenced information sharing
13 about current Federal agency actions;

14 (E) enable States to integrate relevant
15 State-level environmental data;

16 (F) standardize and enhance the use of
17 nonconfidential geographic information and
18 geospatial data in the preparation of environ-
19 mental documents and in the authorization and
20 permitting of major Federal actions;

21 (G) use an interactive, digital, and cloud-
22 based platform;

23 (H) ensure that data is searchable, acces-
24 sible, interoperable, reusable, and includes—

1 (i) digital geographic information sys-
2 tem data or other location data for the ac-
3 tivities for which an environmental impact
4 statement or an environmental assessment
5 was prepared;

6 (ii) each environmental impact state-
7 ment and environmental assessment, in-
8 cluding appendices, in a machine-readable
9 format; and

10 (iii) to the extent practicable, geo-
11 graphic information system data or other
12 location data for documents, permits, mon-
13 itoring reports, or reports prepared under
14 State environmental review laws;

15 (I) allow users to find specific documents
16 and specific types of information, such as—

17 (i) analyses of types of environmental
18 impact;

19 (ii) analyses of types of major Federal
20 actions;

21 (iii) geographic location of major Fed-
22 eral actions;

23 (iv) ecological, cultural, and historical
24 features and resources; and

1 (v) other categories, as determined by
2 the Council, the Administrator, and the
3 Director; and

4 (J) enable sponsors of major Federal ac-
5 tions and the public—

6 (i) to identify project locations that
7 would avoid or minimize impacts; and

8 (ii) to conduct preliminary scoping of
9 impacts.

10 (3) EXISTING DATA.—In developing linked
11 interagency environmental data collection systems
12 under paragraph (1), the Council in coordination
13 with the Administrator and the Director, shall incor-
14 porate relevant information from existing geographic
15 information systems and other relevant systems and
16 databases.

17 (4) AGENCY RESPONSIBILITIES.—Each Federal
18 agency that is required to prepare an environmental
19 document or otherwise maintains relevant environ-
20 mental data shall—

21 (A) participate in the development of
22 linked interagency environmental data collection
23 systems under paragraph (1);

24 (B) make relevant environmental data
25 available to be integrated into those linked

1 interagency environmental data collection sys-
2 tems; and

3 (C) make environmental documents avail-
4 able to be integrated into those linked inter-
5 agency environmental data collection systems.

6 (5) AUTHORIZATION OF APPROPRIATIONS.—

7 There is authorized to be appropriated to the Coun-
8 cil on Environmental Quality to develop linked inter-
9 agency environmental data collection systems under
10 subsection (a)(1) \$20,000,000 for each of fiscal
11 years 2023 through 2028.

12 (b) E-NEPA IMPLEMENTATION.—Section 110 of the
13 National Environmental Policy Act of 1969 (42 U.S.C.
14 4336d) is amended—

15 (1) by redesignating subsection (b) as sub-
16 section (c);

17 (2) by adding after subsection (b) the following:

18 “(b) PERMITTING PORTAL.—Not later than 1 year
19 after the date of enactment of the Clean Electricity and
20 Transmission Acceleration Act of 2023, the Council on
21 Environmental Quality shall establish an online permitting
22 portal—

23 “(1) with the parameters described in para-
24 graphs (1) through (3) of subsection (a) for major

1 Federal actions that require review under section
2 102(2)(C); and

3 “(2) through which the public can access the
4 documents identified under section 612(b) of the
5 Clean Electricity and Transmission Acceleration Act
6 of 2023.”; and

7 (3) in subsection (c), as so redesignated—

8 (A) by striking “There is authorized” and
9 inserting the following:

10 “(1) STUDY.—There is authorized”; and

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

12 “(2) PERMITTING PORTAL.—There is author-
13 ized to be appropriated \$1,000,000 for the Council
14 on Environmental Quality to carry out subsection
15 (b).”.

16 **SEC. 616. TRANSFERENCE OF UNOBLIGATED BALANCES**
17 **FOR USE UNDER THE ENDANGERED SPECIES**
18 **ACT.**

19 (a) IN GENERAL.—Unobligated balances of amounts
20 made available by division J of the Infrastructure Invest-
21 ment and Jobs Act (Public Law 117–58) to any agency
22 funded by the Infrastructure Investment and Jobs Act
23 may be transferred to and merged with amounts otherwise
24 made available to the United States Fish and Wildlife
25 Service and the National Marine Fisheries Service for the

1 costs of carrying out consultation and conference respon-
2 sibilities under section 7 of the Endangered Species Act
3 of 1973 (16 U.S.C. 1536) in connection with activities and
4 projects funded by the Infrastructure Investment and
5 Jobs Act (Public Law 117–58).

6 (b) SUPPLEMENT NOT SUPPLANT.—Amounts trans-
7 ferred pursuant to subsection (a) shall supplement, not
8 supplant, amounts and transfer authorities otherwise
9 available to the United States Fish and Wildlife Service
10 and the National Marine Fisheries Service for the costs
11 of carrying out the responsibilities described in subsection
12 (a).

13 (c) EMERGENCY REQUIREMENT.—Any amount
14 transferred pursuant to this section that, at the time of
15 such transfer, is designated by the Congress as an emer-
16 gency requirement pursuant to section 4112(a) of H. Con.
17 Res. 71 (115th Congress), the concurrent resolution on
18 the budget for fiscal year 2018, or section 251(b) of the
19 Balanced Budget and Emergency Deficit Control Act of
20 1985, shall retain such designation.

1 **SEC. 617. DESIGNATION OF SENIOR COMMUNITY ENGAGE-**
2 **MENT OFFICERS AND TRIBAL COMMUNITY**
3 **ENGAGEMENT OFFICERS.**

4 (a) DESIGNATION OF SENIOR COMMUNITY ENGAGE-
5 MENT OFFICERS AND TRIBAL COMMUNITY ENGAGEMENT
6 OFFICERS.—

7 (1) IN GENERAL.—The head of each Federal
8 agency required or authorized to complete an envi-
9 ronmental document or an authorization for a major
10 Federal action shall designate—

11 (A) 1 or more appropriate employees or of-
12 ficials of the applicable Federal agency to serve
13 as a senior community engagement officer (re-
14 ferred to in this section as an “SCO”); and

15 (B) 1 or more appropriate employees or of-
16 ficials of the applicable Federal agency (other
17 than an employee or official designated as an
18 SCO under subparagraph (A)) to serve as a
19 Tribal community engagement officer (referred
20 to in this section as a “TEO”).

21 (2) RESPONSIBILITIES OF AN SCO AND TEO.—
22 An SCO and a TEO shall—

23 (A) oversee community or Tribal, as appli-
24 cable, engagement in environmental review and
25 authorization processes carried out by the Fed-
26 eral agency;

1 (B) advise the applicable head of the Fed-
2 eral agency on matters relating to community
3 or Tribal, as applicable, engagement in such re-
4 views and processes;

5 (C) identify, recommend, and implement
6 approaches to expand and improve early, mean-
7 ingful community or Tribal, as applicable, en-
8 gagement relating to the environmental review
9 and authorization processes carried out by the
10 Federal agency;

11 (D) identify and avoid or resolve conflicts
12 with communities or Indian Tribes affected by
13 the environmental review or authorization proc-
14 esses, as applicable—

15 (i) to align Federal actions with the
16 needs and interests of those communities
17 or Indian Tribes, as applicable; and

18 (ii) to minimize the potential for delay
19 of environmental review and authorization
20 processes carried out by the Federal agen-
21 cy;

22 (E) identify opportunities with affected
23 communities or Indian Tribes to accelerate the
24 environmental review and authorization proc-
25 esses carried out by the Federal agency;

1 (F) provide technical support and capacity
2 building, on request of a community or an In-
3 dian Tribe to enhance the ability of commu-
4 nities and Indian Tribes to engage construc-
5 tively in Federal agency decisionmaking; and

6 (G) assist in developing and negotiating
7 community benefits agreements consistent with
8 section 611.

9 (3) REPORTING.—An SCO and a TEO shall re-
10 port directly to a Deputy Secretary (or equivalent)
11 or higher position in the Federal agency in which
12 the SCO or TEO serves.

13 (4) GUIDANCE.—The Director of the Office of
14 Management and Budget shall establish any guid-
15 ance necessary to establish SCO and TEO positions
16 not later than 2 years of the date of enactment of
17 this Act.

18 (b) REGIONAL COMMUNITY ENGAGEMENT OFFI-
19 CERS.—A Federal agency may appoint regional commu-
20 nity engagement officers to support community and Tribal
21 engagement in environmental review and authorization
22 processes carried out by the Federal agency within a re-
23 gion impacted by a proposed major Federal project, in-
24 cluding by carrying out activities—

1 (1) to identify and implement approaches to ex-
2 pand and improve early, meaningful community and
3 Tribal engagement relating to the environmental re-
4 view and authorization processes carried out by the
5 Federal agency;

6 (2) to identify and avoid or resolve conflicts
7 with affected communities and Indian Tribes that
8 have the potential to delay environmental review and
9 authorization processes carried out by the Federal
10 agency;

11 (3) to identify opportunities with affected com-
12 munities and Indian Tribes to accelerate the envi-
13 ronmental review and authorization processes car-
14 ried out by the Federal agency;

15 (4) to provide technical support and capacity
16 building, on request of a community or an Indian
17 Tribe, to enhance the ability of communities or In-
18 dian Tribes to engage constructively in Federal
19 agency decision-making; and

20 (5) to assist in developing and negotiating com-
21 munity benefits agreements consistent with section
22 611.

23 (c) APPLICATION.—Notwithstanding any other provi-
24 sion of law, chapter 10 of title 5, United States Code
25 (commonly known as the “Federal Advisory Committee

1 Act”), shall not apply to stakeholder engagement proc-
2 esses or public comment activities that are required under
3 or proceeding from a Federal environmental permitting
4 process and led by an SCO, a TEO, or a regional commu-
5 nity engagement officer appointed under subsection (b).

6 (d) FAST 41.—

7 (1) DEFINITION OF AGENCY SCO.—Section
8 41001 of the FAST Act (42 U.S.C. 4370m) (as
9 amended by section 201(a)(2)(A)) is amended—

10 (A) by redesignating paragraphs (2)
11 through (18) as paragraphs (3) through (19),
12 respectively; and

13 (B) by inserting after paragraph (1) the
14 following:

15 “(2) AGENCY SCO.—The term ‘agency SCO’
16 means the senior community engagement officer of
17 an agency, as designated by the head of the agency
18 under section 617(a)(1)(A) of the Clean Electricity
19 and Transmission Acceleration Act of 2023.”.

20 (2) DISPUTE RESOLUTION.—Section
21 41003(c)(2)(C)(i) of the FAST Act (42 U.S.C.
22 4370m–2(c)(2)(C)(i)) is amended by striking “agen-
23 cy CERPOs” and inserting “agency CERPOs, agen-
24 cy SCOs,”.

1 (3) ENVIRONMENTAL REVIEW IMPROVEMENT
2 FUND.—Section 41009(d)(3) of the FAST Act (42
3 U.S.C. 4370m–8(d)(3)) is amended—

4 (A) by striking “facilitate timely” and in-
5 serting “facilitate early, meaningful community
6 engagement and timely”; and

7 (B) by inserting “and agency SCOs” after
8 “agency CERPOs”.

9 **SEC. 618. ESTABLISHMENT OF FERC ENVIRONMENTAL JUS-**
10 **TICE LIAISON.**

11 Section 319 of the Federal Power Act (16 U.S.C.
12 825q–1) is amended by adding at the end the following:

13 “(c)(1) The Director shall appoint within the Office
14 at least one environmental justice liaison.

15 “(2) A liaison shall engage and consult with environ-
16 mental justice communities that are determined by the Di-
17 rector to be reasonably likely to be affected by the con-
18 struction or operation of projects authorized by the Com-
19 mission to—

20 “(A) increase the awareness of such projects;

21 “(B) solicit input from such environmental jus-
22 tice communities on such projects; and

23 “(C) aid in the planning of such projects to
24 minimize any adverse effects on human health or the
25 environment.

1 “(3) In engaging and consulting with the environ-
2 mental justice communities described in paragraph (2), a
3 liaison shall coordinate with, as applicable—

4 “(A) the appropriate counterparts of Tribal,
5 State, or a local governments;

6 “(B) community-based organizations;

7 “(C) faith-based organizations;

8 “(D) local small businesses; and

9 “(E) representatives of any other groups, orga-
10 nizations, or individuals, as determined by the liai-
11 son.

12 “(4) In this subsection:

13 “(A) The term ‘environmental justice commu-
14 nity’ means any population of color, community of
15 color, indigenous community, or low-income commu-
16 nity that experiences a disproportionate burden of
17 the adverse human health or environmental impacts
18 of pollution or other environmental hazards.

19 “(B) The term ‘liaison’ means an environmental
20 justice liaison appointed by the Director under para-
21 graph (1).”.

22 **SEC. 619. REQUIREMENT FOR INTERVENOR FUNDING AT**
23 **FERC OFFICE OF PUBLIC PARTICIPATION.**

24 (a) IN GENERAL.—Section 319(b)(2) of the Federal
25 Power Act (16 U.S.C. 825q–l(b)(2)) is amended by strik-

1 ing “The Commission may” and inserting “The Commis-
2 sion shall”.

3 (b) RULEMAKING.—Not later than 180 days after the
4 date of enactment of this Act, the Federal Energy Regu-
5 latory Commission shall promulgate a final rule to provide
6 compensation under section 319(b)(2) of the Federal
7 Power Act (16 U.S.C. 825q–1(b)(2)), as amended by this
8 section. Under such rule the Commission shall require that
9 each intervenor or participant file a disclosure form of
10 earned and unearned income to identify conflicts of inter-
11 est. Such form shall not be overly burdensome.

12 **SEC. 620. REFORM OF RTO AND ISO GOVERNANCE AND**
13 **PARTICIPATION.**

14 (a) TECHNICAL CONFERENCE.—Not later than 180
15 days after the date of enactment of this section, the Fed-
16 eral Energy Regulatory Commission shall convene a tech-
17 nical conference to consider Regional Transmission Orga-
18 nization and Independent System Operator independence,
19 the responsiveness of RTOs and ISOs to their customers
20 and other stakeholders, and ways for RTOs and ISOs to
21 increase the equitable treatment of their customers and
22 other stakeholders, including the effectiveness of stake-
23 holder policies and procedures adopted in compliance with
24 the final rule titled “Wholesale Competition in Regions

1 With Organized Electric Markets” published in the Fed-
2 eral Register on October 28, 2008 (73 Fed. Reg. 64100).

3 (b) PARTICIPATION.—The technical conference con-
4 vened under subsection (a) shall be led by members of the
5 Commission, and the Commission shall invite participation
6 from representatives of each RTO and ISO, owners and
7 operators of transmission facilities, owners and operators
8 of electric generation facilities, owners and operators of
9 distributed energy generation systems, end-use customers,
10 electric power marketers, publicly owned electric utilities,
11 consumer advocates, environmental justice advocates, en-
12 vironmental groups, State commissions, and such other
13 stakeholders as the Commission determines appropriate.

14 (c) TOPICS.—In conducting the technical conference
15 convened under subsection (a), the Commission shall seek
16 to identify policies and procedures that maintain RTO and
17 ISO independence, and enhance the responsiveness of
18 RTOs and ISOs to their customers and other stake-
19 holders, taking into consideration—

20 (1) the benefits of greater transparency in RTO
21 and ISO stakeholder processes, including access by
22 stakeholders to relevant data and written back-
23 ground materials;

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

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

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

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

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

18 (7) the role of the Office of Public Participation
19 of the Commission in facilitating greater stakeholder
20 participation in RTOs and ISOs; and

21 (8) such other subjects as the Commission con-
22 siders appropriate.

23 (d) PUBLIC COMMENT.—The Commission shall pro-
24 vide an opportunity for public comment on the technical
25 conference convened under subsection (a).

1 (e) RULEMAKING.—Not later than 18 months after
2 the conclusion of the technical conference convened under
3 subsection (a), the Commission shall issue a final rule
4 adopting such policies and procedures as the Commission
5 determines necessary to maintain the independence of
6 RTOs and ISOs, and to enhance the transparency and re-
7 sponsiveness of RTOs and ISOs to their customers and
8 other stakeholders.

9 (f) DEFINITIONS.—In this section:

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

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

18 **SEC. 621. SAVINGS CLAUSE.**

19 Nothing in this title diminishes—

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

23 (2) the requirements under the National Envi-
24 ronmental Policy Act of 1969 (42 U.S.C. 4321 et

1 seq.) to consider direct, indirect, and cumulative im-
2 pacts.

3 **SEC. 622. DEFINITIONS.**

4 In this title:

5 (1) AFFECTED ENVIRONMENTAL JUSTICE COM-
6 MUNITY.—The term “affected environmental justice
7 community” means an environmental justice commu-
8 nity that may experience adverse health and environ-
9 mental impacts as a result of a major Federal ac-
10 tion.

11 (2) CATEGORICAL EXCLUSION; COOPERATING
12 AGENCY; ENVIRONMENTAL ASSESSMENT; ENVIRON-
13 MENTAL DOCUMENT; ENVIRONMENTAL IMPACT
14 STATEMENT; LEAD AGENCY.—The terms “categor-
15 ical exclusion”, “cooperating agency”, “environ-
16 mental assessment”, “environmental document”,
17 “environmental impact statement”, “lead agency”,
18 and “participating Federal agency” have the mean-
19 ings given such terms in section 111 of the National
20 Environmental Policy Act of 1969 (42 U.S.C.
21 4336e).

22 (3) COMMUNITY OF COLOR.—The term “com-
23 munity of color” means a geographically distinct
24 area in which the population of any of the following
25 categories of individuals is higher than the average

1 population of that category for the State in which
2 the community is located:

3 (A) Black.

4 (B) African American.

5 (C) Asian.

6 (D) Pacific Islander.

7 (E) Other non-White race.

8 (F) Hispanic.

9 (G) Latino.

10 (H) Linguistically isolated.

11 (I) Middle Eastern and North African.

12 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—

13 The term “environmental justice community” means
14 a community with significant representation of com-
15 munities of color, low-income communities, or Tribal
16 and Indigenous communities that experience, or are
17 at risk of experiencing, a disproportionate burden of
18 the adverse human health or environmental impacts
19 of pollution or other environmental hazards.

20 (5) LOW-INCOME COMMUNITY.—The term “low-
21 income community” means any census block group
22 in which 30 percent or more of the population are
23 individuals with an annual household income equal
24 to, or less than, the greater of—

1 (A) an amount equal to 80 percent of the
2 median income of the area in which the house-
3 hold is located, as reported by the Department
4 of Housing and Urban Development; and

5 (B) 200 percent of the Federal poverty
6 line.

7 (6) MAJOR FEDERAL ACTION.—The term
8 “major Federal action” means a major Federal ac-
9 tion significantly affecting the quality of the human
10 environment under section 102(2)(C) of the National
11 Environmental Policy Act of 1969 (42 U.S.C.
12 4332(C)(2)).

13 (7) TRIBAL AND INDIGENOUS COMMUNITY.—
14 The term “Tribal and Indigenous community”
15 means a population of people who are members of—

16 (A) a federally-recognized Indian Tribe;

17 (B) a State-recognized Indian Tribe;

18 (C) an Alaska Native community or orga-
19 nization;

20 (D) a Native Hawaiian community or or-
21 ganization; or

22 (E) any other Indigenous community lo-
23 cated in a State.