

AMENDMENT TO
RULES COMMITTEE PRINT 118–26
OFFERED BY MR. CASTEN OF ILLINOIS

Strike all and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 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 up-grades.
- 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,
10 compressed air, pumped hydropower, hydrogen stor-
11 age (including hydrolysis), thermal energy storage,
12 regenerative fuel cells, flywheels, capacitors, super-
13 conducting magnets, or other technologies identified
14 by the Secretary of Energy.

15 “(31) GENERATING FACILITY.—The term ‘gen-
16 erating facility’ means any facility that generates
17 electricity.

18 “(32) GENERATOR TIE LINE.—The term ‘gen-
19 erator tie line’ means a dedicated transmission line
20 that is used to transmit power from a generating fa-

1 cility or an energy storage project to a transmission
2 facility or a transmission system.

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

5 “(A) Carbon dioxide.

6 “(B) Methane.

7 “(C) Nitrous oxide.

8 “(D) Sulfur hexafluoride.

9 “(E) Any hydrofluorocarbon.

10 “(F) Any perfluorocarbon.

11 “(G) Nitrogen trifluoride.

12 “(H) Any fully fluorinated linear,
13 branched, or cyclic—

14 “(i) alkane;

15 “(ii) ether;

16 “(iii) tertiary amine; or

17 “(iv) aminoether.

18 “(I) Any perfluoropolyether.

19 “(J) Any hydrofluoropolyether.

20 “(K) Any other fluorocarbon, except for a
21 fluorocarbon with a vapor pressure of less than

22 1 mm of Hg absolute at 25 degrees Celsius.

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

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

3 “(i) increases the capacity, efficiency,
4 or reliable operation of a transmission sys-
5 tem; or

6 “(ii) defers or eliminates the need for
7 a new transmission facility;

8 “(B) may include—

9 “(i) distributed electricity generation
10 resources;

11 “(ii) power flow control and trans-
12 mission switching equipment;

13 “(iii) an energy storage project;

14 “(iv) topology optimization tech-
15 nology;

16 “(v) dynamic line rating technology;

17 “(vi) advanced transmission tech-
18 nologies, such as composite reinforced alu-
19 minum conductors or high temperature
20 superconductors;

21 “(vii) technologies or procedures that
22 increase the flexibility of the demand for
23 electricity;

1 “(viii) other resources, technologies,
2 or procedures that increase energy effi-
3 ciency, capacity, or reliability; and

4 “(ix) a combination of the resources,
5 technologies, or procedures described in
6 clauses (i) through (viii); and

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

8 “(i) the transmission of electricity; or

9 “(ii) the generation of electricity.

10 “(35) INTERCONNECTION CUSTOMER.—The
11 term ‘interconnection customer’ means an entity, or
12 any affiliates or subsidiaries of an entity, that pro-
13 poses to interconnect a generating facility or an en-
14 ergy storage project to a transmission facility or
15 transmission system.

16 “(36) TRANSMISSION BENEFITS.—The term
17 ‘transmission benefits’ means the broad range of
18 economic, operational, safety, resilience, public pol-
19 icy, and environmental benefits (as assessed by the
20 Commission in accordance with section 224(e)) and
21 other reasonably anticipated benefits of constructing,
22 modifying, or operating a transmission facility, in-
23 cluding—

24 “(A) improved reliability;

25 “(B) improved resilience;

1 “(C) improved safety;

2 “(D) reduced congestion;

3 “(E) reduced power losses;

4 “(F) greater carrying capacity;

5 “(G) reduced operating reserve require-
6 ments;

7 “(H) improved access to lower-cost elec-
8 tricity generation;

9 “(I) improved access to electricity gener-
10 ating facilities with no direct emissions of
11 greenhouse gases;

12 “(J) improved public health from the clo-
13 sure of electricity generation facilities that emit
14 harmful pollution;

15 “(K) increased competition and market li-
16 quidity in electricity markets;

17 “(L) improved energy resilience and resil-
18 ience of Department of Defense installations;
19 and

20 “(M) other potential benefits of increasing
21 the interconnectedness of the electric grid.

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

24 “(A) any addition to or expansion of any
25 transmission facility or transmission system;

1 “(B) the construction of a new trans-
2 mission facility that will become part of a trans-
3 mission system;

4 “(C) the addition of an energy storage
5 project to a transmission facility or a trans-
6 mission system; or

7 “(D) any construction, deployment, or ad-
8 dition of a grid enhancing asset to a trans-
9 mission facility or a transmission system that
10 eliminates or reduces the need to carry out any
11 of the activities described in subparagraphs (A)
12 through (C).

13 “(38) PARTICIPANT FUNDING.—The term ‘par-
14 ticipant funding’ means any cost allocation method
15 under which an interconnection customer is required
16 to pay, without reimbursement, all or a dispropor-
17 tionate amount of the costs of a network upgrade
18 that is determined by the Commission to be nec-
19 essary to ensure the reliable interconnection of the
20 interconnection customer’s generating facility or en-
21 ergy storage project.

22 “(39) TRANSMISSION PLANNING REGION.—The
23 term ‘transmission planning region’ means a region
24 for which electric transmission planning is appro-
25 priate, as determined by the Commission, including

1 a region approved by the Commission to meet the
2 requirements of the final rule titled ‘Transmission
3 Planning and Cost Allocation by Transmission Own-
4 ing and Operating Public Utilities’ published in the
5 Federal Register on October 4, 2012 (77 Fed. Reg.
6 60689).

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

12 **SEC. 102. IMPROVEMENT OF INTERREGIONAL ELECTRIC**
13 **TRANSMISSION PLANNING.**

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

16 **“SEC. 224. IMPROVING INTERREGIONAL ELECTRIC TRANS-**
17 **MISSION PLANNING.**

18 “(a) IN GENERAL.—Not later than 18 months after
19 the date of enactment of this section, the Commission
20 shall issue regulations requiring each Transmission Orga-
21 nization to, not later than 3 years after the date of enact-
22 ment of this section and at least every 3 years thereafter,
23 file with the Commission a plan that identifies, and to fa-
24 cilitate the construction of, interregional electric trans-

1 mission projects that are efficient, cost-effective, and
2 broadly beneficial.

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

6 “(1) the need for the transmission systems to
7 operate for a minimum of 20 years and across a
8 wide range of scenarios, including scenarios that
9 take into account—

10 “(A) Federal, State, and local laws and
11 regulations, and other factors that affect elec-
12 tricity demand and the current and future gen-
13 eration resource mix;

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

15 “(C) the retirement of generation facilities,
16 energy storage projects, and transmission facili-
17 ties;

18 “(D) generator interconnection requests
19 and withdrawals; and

20 “(E) extreme weather events;

21 “(2) the public interest;

22 “(3) the integrity of electricity markets;

23 “(4) the protection of consumers;

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

1 “(6) the need for an individual interregional
2 transmission project to secure approvals based on a
3 comprehensive assessment of the multiple benefits
4 provided;

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

9 “(8) the need for an individual interregional
10 transmission project that is identified under a
11 Transmission Organization’s plan filed under this
12 section not to be subject to any subsequent planning
13 process by another Transmission Organization;

14 “(9) that evaluation of long-term scenarios
15 should align with the expected life of an element of
16 a transmission system;

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

20 “(11) the need to eliminate arbitrary project
21 voltage, size, or cost requirements for transmission
22 projects;

23 “(12) the applicability of grid enhancing assets;
24 and

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

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

9 “(d) REPORT.—Not later than 12 months after the
10 issuance of regulations under subsection (a) and annually
11 thereafter, the Commission shall publish in the Federal
12 Register a report on the progress by each Transmission
13 Organization in identifying and facilitating the construc-
14 tion of interregional electric transmission projects, includ-
15 ing a description of the transmission benefits associated
16 with such projects.

17 “(e) ENVIRONMENTAL BENEFITS.—In assessing the
18 reduction in greenhouse gas emissions and other environ-
19 mental benefits associated with any activity undertaken
20 pursuant to this Act, the Commission may use any rel-
21 evant analysis or other information conducted or provided
22 by the Council on Environmental Quality and the Environ-
23 mental Protection Agency.”.

1 **SEC. 103. ALLOCATION OF COSTS OF INTERREGIONAL**
2 **ELECTRIC TRANSMISSION FACILITIES.**

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

6 **“SEC. 225. ALLOCATION OF COSTS OF TRANSMISSION FA-**
7 **CILITIES OF NATIONAL SIGNIFICANCE.**

8 “(a) ALLOCATION OF COSTS.—

9 “(1) IN GENERAL.—Any transmitting utility
10 that owns, controls, or operates a transmission facil-
11 ity of national significance, or proposes to own, con-
12 trol, or operate a transmission facility of national
13 significance, may file a tariff with the Commission
14 in accordance with section 205 allocating the costs
15 of constructing, modifying, and operating such
16 transmission facility of national significance in ac-
17 cordance with paragraph (2).

18 “(2) COST ALLOCATION PRINCIPLE.—The Com-
19 mission shall require that any tariff described in
20 paragraph (1) allocate the cost to construct, modify,
21 and operate a transmission facility of national sig-
22 nificance to customers within the applicable trans-
23 mission planning region or regions in a manner that
24 is roughly commensurate with the reasonably antici-
25 pated transmission benefits.

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

4 “(1) an interstate electric power transmission
5 line (and any facilities necessary for the operation of
6 such electric power transmission line)—

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

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

12 “(2) an electric power transmission line (and
13 any facilities necessary for the operation of such
14 electric power transmission line) that is located off-
15 shore, the construction of which is completed on or
16 after the date of enactment of this section; or

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

21 “(A) increases the transmission capacity of
22 such electric power transmission line by at least
23 500 megawatts; and

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

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

7 “(c) EXCEPTIONS.—

8 “(1) GENERATOR TIE LINES.—A transmitting
9 utility may require an interconnection customer to
10 pay for the costs to construct or modify any gener-
11 ator tie lines that will be used to transmit power
12 from the interconnection customer’s generating facil-
13 ity or energy storage project, as applicable, to the
14 transmission facility or the transmission system.

15 “(2) VOLUNTARY PAYMENT.—

16 “(A) IN GENERAL.—An interconnection
17 customer may pay upfront some or all of the
18 costs of a network upgrade at the transmission
19 facility or transmission system to which the
20 interconnection customer plans to interconnect
21 its generating facility or energy storage facility
22 in accordance with subparagraph (B).

23 “(B) REFUND.—

24 “(i) IN GENERAL.—Any interconnec-
25 tion customer that pays costs under sub-

1 paragraph (A) shall be refunded, in ac-
2 cordance with clause (ii), the amount of
3 such costs that would otherwise be allo-
4 cated to other parties pursuant to the
5 Commission’s regulations issued under this
6 section.

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

12 “(3) SOLE BENEFICIARY.—A transmitting utili-
13 ty may require an interconnection customer to ex-
14 clusively pay for the costs of a network upgrade if
15 the transmission benefits of the network upgrade
16 will only be received by the interconnection cus-
17 tomer.

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

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

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. 227. GRID ENHANCING ASSETS.**

2 “(a) DEPLOYMENT OF GRID ENHANCING ASSETS.—

3 Not later than 18 months after the date of enactment of
4 the Clean Electricity and Transmission Acceleration Act
5 of 2023, the Commission shall issue regulations to require
6 the following:

7 “(1) CONSULTATION; STUDY.—With respect to
8 processing a request from an interconnection cus-
9 tomer to interconnect a generating facility or an en-
10 ergy storage project to a transmission facility or
11 transmission system, the transmitting utility, as ap-
12 plicable, shall—

13 “(A) consult with the relevant owner or op-
14 erator of the transmission facility or trans-
15 mission system, and the interconnection cus-
16 tomer, regarding deploying grid enhancing as-
17 sets at the transmission facility or transmission
18 system in addition to, or as a substitute to, car-
19 rying out a transmission expansion or addition
20 at the transmission facility or transmission sys-
21 tem, including to maximize utilization of exist-
22 ing transmission facilities, environmental justice
23 and resilience benefits for communities, and
24 protection of wildlife; and

25 “(B) study the efficacy of deploying grid
26 enhancing assets to maximize the utilization of

1 existing transmission facilities, environmental
2 justice and resilience benefits for communities,
3 and the protection of wildlife.

4 “(2) DEPLOYMENT.—

5 “(A) IN GENERAL.—An interconnection
6 customer that is consulted with under para-
7 graph (1) may request that the grid enhancing
8 asset that was the subject of such consultation
9 be deployed.

10 “(B) DETERMINATION.—The transmitting
11 utility of the transmission facility or trans-
12 mission system to which such grid enhancing
13 asset would be deployed shall determine wheth-
14 er to deploy such grid enhancing asset. If the
15 transmitting utility of the transmission facility
16 or transmission system determines not to de-
17 ploy such grid enhancing asset, the interconnec-
18 tion customer may appeal the determination
19 under subparagraph (C).

20 “(C) APPEAL.—

21 “(i) IN GENERAL.—An interconnec-
22 tion customer that requests deployment of
23 a grid enhancing asset under subparagraph
24 (A) may submit to the Commission a re-
25 quest to appeal a determination under sub-

1 paragraph (B) to not deploy the grid en-
2 hancing asset.

3 “(ii) DETERMINATION.—Not later
4 than 90 days after an interconnection cus-
5 tomer submits a request under clause (i),
6 the Commission shall determine whether to
7 require the transmitting utility to deploy
8 the grid enhancing asset that is the subject
9 of the appeal.

10 “(iii) CONSIDERATION.—In making a
11 determination under clause (ii), the Com-
12 mission shall consider—

13 “(I) the impact of the deploy-
14 ment of grid enhancing assets on the
15 operational reliability of the trans-
16 mission facility or transmission sys-
17 tem;

18 “(II) whether the grid enhancing
19 asset is cost-competitive and capacity
20 competitive with a transmission ex-
21 pansion or addition at the trans-
22 mission facility or transmission sys-
23 tem; and

24 “(III) other factors determined
25 appropriate by the Commission.

1 “(b) 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 “(c) JUST AND REASONABLE COST ALLOCATION.—
6 In carrying out sections 205 and 206, the Commission
7 shall allow costs associated with deploying grid enhancing
8 assets to be allocated to customers that receive trans-
9 mission benefits from such grid enhancing assets.”.

10 **SEC. 106. PROTECTION OF ELECTRICITY RELIABILITY**
11 **THROUGH IMPROVED INTERREGIONAL**
12 **TRANSFER CAPABILITY.**

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

16 **“SEC. 228. PROTECTING ELECTRICITY RELIABILITY BY IM-**
17 **PROVING INTERREGIONAL TRANSFER CAPA-**
18 **BILITY.**

19 “(a) RULEMAKING.—Notwithstanding the require-
20 ments of section 322 of the Fiscal Responsibility Act
21 (Public Law 118–5), not later than 24 months after the
22 date of enactment of the Clean Electricity and Trans-
23 mission Acceleration Act of 2023, the Commission shall,
24 pursuant to section 206, issue regulations that establish
25 requirements for minimum transfer capability, as de-

1 scribed under subsection (b), between transmission plan-
2 ning regions.

3 “(b) **MINIMUM TRANSFER CAPABILITY.**—The aggre-
4 gate minimum interregional transfer capability for each
5 transmission planning region and its neighboring trans-
6 mission planning region shall be not less than 30 percent
7 of its own peak electricity demand, or in the case of a
8 transmission planning region that borders only 1 other
9 transmission planning region, not less than 15 percent of
10 its own peak electricity demand, unless the Commission
11 finds, upon a showing by a transmission planning region,
12 that a lower transfer capability can achieve the same or
13 greater transmission benefits.”

14 **SEC. 107. INCREASED FERC TRANSMISSION SITING AU-**
15 **THORITY.**

16 (a) **IN GENERAL.**—Part II of the Federal Power Act
17 (16 U.S.C. 824 et seq.) is further amended by adding at
18 the end the following:

19 **“SEC. 229. SITING OF CERTAIN INTERSTATE ELECTRIC**
20 **TRANSMISSION FACILITIES.**

21 “(a) **CERTIFICATE OF PUBLIC CONVENIENCE AND**
22 **NECESSITY.**—

23 “(1) **IN GENERAL.**—On receipt of an applica-
24 tion under subsection (b)(1) relating to an electric
25 transmission facility described in paragraph (2), the

1 Commission, after making the finding described in
2 paragraph (3) with respect to such electric trans-
3 mission facility, shall, by order which is published in
4 the Federal Register, issue to the person who sub-
5 mitted such application a certificate of public con-
6 venience and necessity for the construction, modi-
7 fication, or operation of such electric transmission
8 facility, subject to such reasonable terms and condi-
9 tions as the Commission determines to be appro-
10 priate.

11 “(2) ELECTRIC TRANSMISSION FACILITY DE-
12 SCRIBED.—An electric transmission facility referred
13 to in paragraph (1) is an electric transmission facil-
14 ity that—

15 “(A) traverses or, on construction or modi-
16 fication in accordance with a certificate of pub-
17 lic convenience and necessity issued under that
18 paragraph, will traverse not fewer than 2
19 States;

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

22 “(C) has a power capacity of not less than
23 1,000 megawatts.

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

1 “(A) the applicant for a certificate of pub-
2 lic convenience and necessity is able and will-
3 ing—

4 “(i) to carry out the activities and
5 perform the services proposed in the appli-
6 cation in a manner determined to be ap-
7 propriate by the Commission; and

8 “(ii) to achieve compliance with the
9 applicable requirements of—

10 “(I) this part; and

11 “(II) any rules and regulations
12 promulgated by the Commission pur-
13 suant to this part;

14 “(B) the electric transmission facility to be
15 constructed, modified, or operated under the
16 certificate of public convenience and necessity
17 will—

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

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

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

23 “(C) construction, modification, or oper-
24 ation of the electric transmission facility, as
25 proposed in the application—

1 “(i) will—
2 “(I) enable the use of renewable
3 energy;
4 “(II) reduce congestion of the ap-
5 plicable transmission system or trans-
6 mission systems;
7 “(III) improve the operational re-
8 liability of the applicable transmission
9 system or transmission systems; or
10 “(IV) provide system resilience
11 between regions of the applicable
12 transmission system or transmission
13 systems;
14 “(ii) will maximize, to the extent rea-
15 sonable and economical, the use of—
16 “(I) existing facility sites; and
17 “(II) the transmission capabili-
18 ties of existing electric transmission
19 facilities; and
20 “(iii) will, to the extent practicable,
21 minimize the use of eminent domain.
22 “(4) RULEMAKING.—Not later than 18 months
23 after the date of enactment of this section, the Com-
24 mission shall issue regulations specifying—

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

4 “(i) the State commission for each
5 State through which the applicable electric
6 transmission facility will traverse;

7 “(ii) appropriate Federal agencies;

8 “(iii) each Indian Tribe that may be
9 affected by the proposed project to con-
10 struct, modify, or operate an electric trans-
11 mission facility; and

12 “(iv) the appropriate Transmission
13 Organization;

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

17 “(C) requirements for determining whether
18 the applicable electric transmission facility
19 will—

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

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

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

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

3 “(i) existing rights-of-way; and

4 “(ii) the transmission capabilities of
5 existing towers or structures;

6 “(E) the manner in which an application
7 submitted under subsection (b)(1) shall be con-
8 sidered, which, to the extent practicable, shall
9 be consistent with State statutory and regu-
10 latory policies concerning generation and retail
11 sales of electricity in the States in which the
12 electric energy transmitted by the electric trans-
13 mission facility will be generated or sold; and

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

20 “(5) PUBLICATION, PUBLIC COMMENT, AND
21 HEARINGS FOR CERTAIN NOTICE OF INTENT AND
22 DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—

23 “(A) PUBLICATION.—The Commission
24 shall publish in the Federal Register a notice of
25 intent to prepare an environmental impact

1 statement and a draft environmental impact
2 statement with respect to an application for a
3 certificate of public convenience and necessity
4 that has been submitted under subsection
5 (b)(1).

6 “(B) PUBLIC COMMENT.—The Commission
7 shall provide not less than 60 days for public
8 comment on each notice of intent and draft en-
9 vironmental impact statement published under
10 subparagraph (A).

11 “(C) HEARING.—The Commission shall
12 provide to the individuals and entities described
13 in paragraph (6)(B) a reasonable opportunity
14 for presentation, in at least one public hearing,
15 of any views and recommendations on each no-
16 tice of intent and each draft environmental im-
17 pact statement published under subparagraph
18 (A). The Commission shall publish in the Fed-
19 eral Register notice of any hearing held under
20 this subparagraph.

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

23 “(A) IN GENERAL.—In any proceeding be-
24 fore the Commission to consider an application
25 for a certificate of public convenience and ne-

1 cessity under this section, the Commission
2 shall—

3 “(i) publish a notice of the application
4 in the Federal Register;

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

8 “(iii) provide to the individuals and
9 entities described in subparagraph (B) a
10 notice and reasonable opportunity for the
11 presentation in at least one public hearing
12 of any views and recommendations with re-
13 spect to the need for, and impact of, the
14 construction, modification, or operation of
15 the electric transmission facility proposed
16 to be constructed, modified, or operated
17 under the certificate.

18 “(B) INDIVIDUALS AND ENTITIES DE-
19 SCRIBED.—The individuals and entities referred
20 to in subparagraph (A) are—

21 “(i) an agency, selected by the Gov-
22 ernor (or equivalent official) of the applica-
23 ble State, of each State in which the elec-
24 tric transmission facility proposed to be
25 constructed, modified, or operated under

1 the applicable certificate of public conven-
2 ience and necessity is or will be located;

3 “(ii) each affected landowner; and

4 “(iii) as determined by the Commis-
5 sion—

6 “(I) each affected Federal agen-
7 cy; and

8 “(II) each Indian Tribe that may
9 be affected by the proposed construc-
10 tion, modification, or operation.

11 “(C) PROHIBITION.—The Commission may
12 not—

13 “(i) require an applicant for a certifi-
14 cate of public convenience and necessity
15 under this section to provide any notice re-
16 quired under this section; or

17 “(ii) enter into a contract to provide
18 any notice required under this section
19 with—

20 “(I) the applicant for the applica-
21 ble certificate of public convenience
22 and necessity; or

23 “(II) any other person that has a
24 financial interest in the project pro-

1 posed in the application for such cer-
2 tificate.

3 “(b) APPLICATIONS.—

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

9 “(2) REQUIREMENT.—An application submitted
10 to the Commission under paragraph (1) shall include
11 all information necessary for the Commission to
12 make the finding described in subsection (a)(3).

13 “(c) NOTICE TO AFFECTED LANDOWNERS.—

14 “(1) IN GENERAL.—The Commission shall pro-
15 vide written notice of an application submitted under
16 subsection (b)(1) to all affected landowners with re-
17 spect to the electric transmission facility for which
18 such application was submitted in accordance with
19 this subsection.

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

23 “(A) The following statement in 14-point
24 bold typeface:

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

12 “‘If you want to raise objections to, offer sup-
13 port for, or otherwise comment on this, or oth-
14 erwise comment on this project, you can do so
15 by submitting written comments to the Federal
16 Energy Regulatory Commission Docket No.
17 [_____]. You can do this electronically or by
18 mail. To do so electronically [to be inserted by
19 the Commission]. To do so by mail [to be in-
20 serted by the Commission].’.

21 “(B) A description of the proposed project
22 to construct, modify, or operate an electric
23 transmission facility, including—

24 “(i) the location of the proposed
25 project (including a general location map);

1 “(ii) the purpose of the proposed
2 project; and

3 “(iii) the timing of the proposed
4 project.

5 “(C) The name of, and the location in the
6 docket of the Commission at which may be
7 found, each submission by the applicant to the
8 Commission relating to the proposed project.

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

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

17 “(i) a website;

18 “(ii) an email address;

19 “(iii) a local or toll-free telephone
20 number; and

21 “(iv) the name of a specific person to
22 contact who is knowledgeable about the
23 proposed project.

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

- 1 “(i) a website;
- 2 “(ii) an email address;
- 3 “(iii) a local or toll-free telephone
- 4 number; and
- 5 “(iv) the name of a specific person to
- 6 contact who is knowledgeable about the
- 7 proposed project.
- 8 “(G) A summary of the rights that the
- 9 landowner has—
- 10 “(i) before the Commission; and
- 11 “(ii) in other proceedings under—
- 12 “(I) the Federal Rules of Civil
- 13 Procedure; and
- 14 “(II) the eminent domain rules of
- 15 the relevant State.
- 16 “(H) Any other information that the Com-
- 17 mission determines to be appropriate.
- 18 “(3) OBLIGATION OF APPLICANT.—An appli-
- 19 cant for a certificate of public convenience and ne-
- 20 cessity under this section shall submit to the Com-
- 21 mission, together with the application for the certifi-
- 22 cate, the name and address of each affected land-
- 23 owner.
- 24 “(d) REGULATORY JURISDICTION.—

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

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

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

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

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

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

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

1 “(e) JUDICIAL REVIEW.—

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

5 “(A) the court of appeals of the United
6 States for any judicial circuit in which the elec-
7 tric transmission facility to be constructed,
8 modified, or operated under the applicable cer-
9 tificate of public convenience and necessity is or
10 will be located; or

11 “(B) the United States Court of Appeals
12 for the District of Columbia Circuit.

13 “(2) PETITION FOR REVIEW.—

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

19 “(B) TIMING.—A petition under subpara-
20 graph (A) shall be filed by not later than 60
21 days after the date on which the applicable
22 order of the Commission is published in the
23 Federal Register.

24 “(3) PERSON AGGRIEVED.—Notwithstanding
25 any other provision of this Act, a person aggrieved

1 by an order of the Commission issued under this
2 section need not—

3 “(A) have been a party to the proceedings
4 before the Commission in which that order was
5 issued in order to obtain judicial review of the
6 order under this subsection; or

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

9 “(f) RIGHT OF EMINENT DOMAIN FOR ELECTRIC
10 TRANSMISSION FACILITIES.—

11 “(1) IN GENERAL.—The holder of a certificate
12 of public convenience and necessity may acquire
13 through the exercise of the right of eminent domain
14 in a court described in paragraph (2) any right-of-
15 way, land, or other property that is necessary to
16 construct, modify, or operate an electric trans-
17 mission facility in accordance with such certificate if
18 the holder has, in the determination of the Commis-
19 sion, made good faith efforts to engage with land-
20 owners and other stakeholders early in the permit-
21 ting process established under this section, and—

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

24 “(B) is unable to agree with the owner of
25 the right-of-way, land, or other property with

1 respect to the compensation to be paid for that
2 right-of-way, land, or other property; or

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

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

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

11 “(B) the appropriate State court.

12 “(3) NOTICE OF ORDER ISSUING CERTIFI-
13 CATE.—The holder of a certificate of public conven-
14 ience and necessity may not exercise the right of
15 eminent domain under this subsection with respect
16 to any property covered by the certificate unless the
17 Commission has first, in addition to publishing the
18 notice of certificate of public convenience and neces-
19 sity in the Federal Register, provided all affected
20 landowners with notice of—

21 “(A) the order; and

22 “(B) the procedures for obtaining judicial
23 review of such order under subsection (e), in-
24 cluding a description of the time period for
25 seeking judicial review under that subsection.

1 “(g) CONDEMNATION PROCEDURES.—

2 “(1) APPRAISALS.—

3 “(A) IN GENERAL.—A holder of, or appli-
4 cant for, a certificate of public convenience and
5 necessity shall have any property that the hold-
6 er or applicant seeks to acquire through the ex-
7 ercise of the right of eminent domain under
8 subsection (f) appraised in accordance with gen-
9 erally accepted appraisal standards by an ap-
10 praiser selected by the owner of the property,
11 subject to subparagraph (D).

12 “(B) REQUIREMENTS.—

13 “(i) COSTS.—The applicable holder of,
14 or applicant for, a certificate of public con-
15 venience and necessity shall pay for each
16 appraisal carried out under subparagraph
17 (A).

18 “(ii) INSPECTIONS.—The owner of the
19 applicable property (or a designated rep-
20 resentative of the owner) shall be given the
21 opportunity to accompany the appraiser
22 during any inspection of the property that
23 is part of an appraisal under subparagraph
24 (A).

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

3 “(i) the holder of, or applicant for, the
4 certificate of public convenience and neces-
5 sity makes an offer of just compensation
6 under paragraph (2); or

7 “(ii) the holder of the certificate of
8 public convenience and necessity com-
9 mences an action or proceeding to exercise
10 the right of eminent domain under sub-
11 section (f).

12 “(D) SELECTION OF APPRAISER.—If the
13 owner of the applicable property does not select
14 an appraiser under subparagraph (A) by the
15 date that is 60 days after the date on which the
16 holder of, or applicant for, the applicable certifi-
17 cate of public convenience and necessity re-
18 quests that the owner do so, the holder or ap-
19 plicant shall have the right to select the ap-
20 praiser.

21 “(2) OFFERS OF JUST COMPENSATION.—

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

1 “(i) shall be made in writing;

2 “(ii) may not be for an amount less
3 than the fair market value of the property,
4 as determined by an appraisal carried out
5 under paragraph (1); and

6 “(iii) shall include compensation for—

7 “(I) any lost income from the
8 property; and

9 “(II) any damages to any other
10 property of the owner.

11 “(B) TIMING.—The holder of a certificate
12 of public convenience and necessity may not
13 make an offer of just compensation to an af-
14 fected landowner until the date that is 30 days
15 after the date on which the Commission pro-
16 vides a notice to the affected landowner under
17 subsection (f)(3).

18 “(3) JURISDICTIONAL LIMITATIONS.—

19 “(A) MINIMUM JURISDICTIONAL
20 AMOUNT.—A district court of the United States
21 shall only have jurisdiction of an action or pro-
22 ceeding to exercise the right of eminent domain
23 under subsection (f) if the amount claimed by
24 the owner of the property to be condemned ex-
25 ceeds \$3,000.

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

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

7 “(A) may condemn an interest in property
8 only to the extent necessary for the specific fa-
9 cilities described in the applicable certificate of
10 public convenience and necessity; and

11 “(B) may not—

12 “(i) condemn any other interest; or

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

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

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

24 “(B) has deposited the amount of that
25 award with the court.

1 “(6) LITIGATION COSTS.—

2 “(A) IN GENERAL.—A holder of a certifi-
3 cate of public convenience and necessity that
4 commences an action or proceeding to exercise
5 the right of eminent domain under subsection
6 (f) shall be liable to the owner of any property
7 condemned in that proceeding for the costs de-
8 scribed in subparagraph (B) if the amount
9 awarded to that owner for the property con-
10 demned is more than 125 percent of the
11 amount offered to the owner by the holder be-
12 fore the commencement of that action or pro-
13 ceeding.

14 “(B) COSTS DESCRIBED.—The costs re-
15 ferred to in subparagraph (A) are litigation
16 costs incurred for the action or proceeding de-
17 scribed in that subparagraph by the owner of
18 the property condemned, including—

19 “(i) reasonable attorney fees;

20 “(ii) expert witness fees and costs;

21 and

22 “(iii) reasonable travel costs to par-
23 ticipate in proceedings.

24 “(h) ENFORCEMENT OF CONDITIONS.—

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

4 “(A) to enforce any condition in the appli-
5 cable certificate of public convenience and ne-
6 cessity; and

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

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

12 “(i) OTHER LANDOWNER RIGHTS AND PROTEC-
13 TIONS.—

14 “(1) FAILURE TO TIMELY COMPLETE
15 PROJECTS.—

16 “(A) SURRENDER OF CONDEMNED PROP-
17 PERTY.—

18 “(i) IN GENERAL.—An individual or
19 entity from which an interest in property is
20 acquired through the exercise of the right
21 of eminent domain under subsection (f) by
22 the holder of a certificate of public conven-
23 ience and necessity that is issued for the
24 construction, modification, or operation of
25 an electric transmission facility may de-

1 mand that the holder of the certificate sur-
2 render that interest to that individual or
3 entity if—

4 “(I)(aa) the electric transmission
5 facility is not in operation (as modi-
6 fied, in the case of a modification of
7 an electric transmission facility) by
8 the date specified in the certificate
9 (including any modification of the cer-
10 tificate by the Commission); and

11 “(bb) there is no request for the
12 extension of that date pending before
13 the Commission; or

14 “(II) subject to clause (ii), the
15 holder of the certificate, with the ap-
16 proval of the Commission, abandons
17 the portion of the electric trans-
18 mission facility that is located on the
19 applicable property relating to that in-
20 terest.

21 “(ii) REQUIREMENT.—The Commis-
22 sion may not approve in a certificate of
23 public convenience and necessity issued
24 under this section or in any subsequent
25 proceeding the abandonment of all or any

1 part of an electric transmission facility un-
2 less the Commission requires the holder of
3 the applicable certificate of public conven-
4 ience and necessity to offer to each indi-
5 vidual or entity described in clause (i) the
6 option of having the property acquired
7 from that individual or entity as described
8 in that clause restored to the condition
9 that the property was in prior to the
10 issuance of the certificate.

11 “(B) REPAYMENT OF CONDEMNATION
12 AWARD.—If an individual or entity described in
13 subparagraph (A)(i) demands the surrender of
14 an interest under that subparagraph, the holder
15 of the applicable certificate of public conven-
16 ience and necessity shall be entitled to repay-
17 ment of an amount equal to not more than 50
18 percent of the condemnation award relating to
19 the interest.

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

23 “(2) MATERIAL MISREPRESENTATIONS.—

24 “(A) RESCISSION OF TRANSACTION.—

1 “(i) IN GENERAL.—An individual or
2 entity from which an interest in property is
3 acquired through the exercise of the right
4 of eminent domain under subsection (f)
5 that proves, by a preponderance of the evi-
6 dence, that the individual or entity has
7 granted a right-of-way or any other prop-
8 erty interest based on a material misrepre-
9 sentation made by or on behalf of an appli-
10 cant for, or holder of, a certificate of pub-
11 lic convenience and necessity under this
12 section concerning the electric transmission
13 facility to be constructed, modified, or op-
14 erated under the certificate shall have the
15 right to rescind the transaction.

16 “(ii) JURISDICTION.—The district
17 courts of the United States shall have ju-
18 risdiction over any action arising under
19 clause (i).

20 “(B) CIVIL PENALTIES.—A material mis-
21 representation made by an applicant for, or
22 holder of, a certificate of public convenience and
23 necessity, or on behalf of such an applicant or
24 holder, to an affected landowner concerning the
25 electric transmission facility to be constructed,

1 modified, or operated under the certificate, shall
2 be considered to be a violation of this part for
3 purposes of section 316A and such applicant or
4 holder shall be assessed a civil penalty by the
5 Commission in accordance with such section
6 316A, except the amount of such civil penalty
7 may not exceed \$10,000 per affected landowner
8 to whom the misrepresentation was made.

9 “(j) DEFINITIONS.—In this section:

10 “(1) AFFECTED LANDOWNER.—

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

15 “(i) the Federal Government;

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

17 “(iii) each owner noted in the most
18 recent county or city tax record as receiv-
19 ing the relevant tax notice with respect to
20 that interest.

21 “(B) LAND AND OTHER PROPERTY DE-
22 SCRIBED.—The land or other property de-
23 scribed in this subparagraph is any land or
24 other property—

1 “(i) that is directly affected by the
2 proposed construction, modification, or op-
3 eration of an electric transmission facility,
4 including all facility sites;

5 “(ii) that is located within the greater
6 of—

7 “(I) 0.25 miles from a proposed
8 facility site for an electric trans-
9 mission facility; or

10 “(II) a minimum distance from
11 the proposed electric transmission fa-
12 cility as specified by State law; or

13 “(iii) contains a residence that is
14 within 3000 feet of a proposed facility site
15 for an electric transmission facility.

16 “(2) ALTERNATING CURRENT TRANSMISSION
17 FACILITY.—The term ‘alternating current trans-
18 mission facility’ means a transmission facility that
19 uses alternating current for the bulk transmission of
20 electric energy.

21 “(3) ELECTRIC TRANSMISSION FACILITY.—The
22 term ‘electric transmission facility’ means, as appli-
23 cable—

24 “(A) an alternating current transmission
25 facility;

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

3 “(C) infrastructure associated with an al-
4 ternating current transmission facility or a
5 high-voltage, direct current transmission facil-
6 ity, including substations and switchyards.

7 “(4) FACILITY SITE.—The term ‘facility site’
8 includes—

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

10 “(B) an access road;

11 “(C) a contractor yard where equipment
12 and material are stored or where assembly work
13 is conducted; and

14 “(D) any temporary workspace.

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

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

24 (b) CONFORMING CHANGES TO THE FEDERAL
25 POWER ACT.—

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

4 (A) in subsection (b)(2), by inserting “(in-
5 cluding transmission of electric energy from the
6 outer Continental Shelf to a State)” after
7 “interstate commerce”;

8 (B) in subsection (e), by adding at the end
9 the following:

10 “(3) APPLICATIONS OUTSIDE NATIONAL INTEREST
11 ELECTRIC TRANSMISSION CORRIDORS.—

12 “(A) IN GENERAL.—Subject to subparagraph
13 (B), the Commission shall allow a person to file an
14 application for a permit under subsection (b), and
15 may begin evaluation of such application, even if the
16 relevant electric transmission facility is not in a na-
17 tional interest electric transmission corridor des-
18 ignated by the Secretary under subsection (a) at the
19 time the application is filed.

20 “(B) TIME LIMIT.—The Commission shall cease
21 all evaluation of an application described in subpara-
22 graph (A) if, two years after the application is filed
23 with the Commission, the relevant electric trans-
24 mission facility is not in a national interest electric
25 transmission corridor designated by the Secretary

1 under subsection (a). The Commission may resume
2 evaluation of such application if, after ceasing eval-
3 uation under this subparagraph, a national interest
4 electric transmission corridor is designated by the
5 Secretary under subsection (a) and the relevant elec-
6 tric transmission facility is in such national interest
7 electric transmission corridor.”; and

8 (C) in subsection (h)—

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

11 “(2) LEAD AGENCY.—For the purposes of co-
12 ordinating all applicable Federal authorizations and
13 related environmental reviews—

14 “(A) the Commission shall act as the lead
15 agency in the case of—

16 “(i) except as provided in subpara-
17 graph (B), an electric transmission facility
18 in a national interest electric transmission
19 corridor designated by the Secretary under
20 subsection (a); or

21 “(ii) an electric transmission facility
22 for which an application has been sub-
23 mitted for a certificate of public conven-
24 ience and necessity under section 229;

1 “(B) the Department of the Interior shall
2 act as the lead agency in the case of an electric
3 transmission facility in a national interest elec-
4 tric transmission corridor designated by the
5 Secretary under subsection (a) that is located
6 on a lease, easement, or right-of-way granted by
7 the Secretary of the Interior under section
8 8(p)(1)(C) of the Outer Continental Shelf
9 Lands Act (43 U.S.C. 1337(p)(1)(C)); and

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

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

18 (iii) in paragraph (4)(A), by striking
19 “As head of the lead agency, the Sec-
20 retary” and inserting “The applicable lead
21 agency”;

22 (iv) in paragraph (5)(A), by striking
23 “As lead agency head, the Secretary” and
24 inserting “The applicable lead agency”;
25 and

1 (v) in paragraph (7)—

2 (I) in subparagraph (A), by strik-
3 ing “after the date of enactment of
4 this section” and inserting “after the
5 date of enactment of the Clean Elec-
6 tricity and Transmission Acceleration
7 Act of 2023”; and

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

10 “(i) Not later than six months after the date of
11 enactment of the Clean Electricity and Transmission
12 Acceleration Act of 2023, the Secretary, the Com-
13 mission, and the heads of all Federal agencies with
14 authority to issue Federal authorizations shall enter
15 into a memorandum of understanding to ensure the
16 timely and coordinated review and permitting of
17 electric transmission facilities.”.

18 (2) TRANSMISSION INFRASTRUCTURE INVEST-
19 MENT.—Section 219(b)(4)(B) of the Federal Power
20 Act (16 U.S.C. 824s(b)(4)(B)) is amended by strik-
21 ing “section 216” and inserting “sections 216 and
22 229”.

1 **SEC. 108. FACILITATION OF EFFICIENT ENVIRONMENTAL**
2 **REVIEW OF THE DESIGNATION OF NATIONAL**
3 **INTEREST ELECTRIC TRANSMISSION COR-**
4 **RIDORS.**

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

7 (1) by redesignating paragraph (9) as para-
8 graph (10); and

9 (2) by inserting after paragraph (8) the fol-
10 lowing:

11 “(9) NO DUPLICATION OF ENVIRONMENTAL RE-
12 VIEWS.—

13 “(A) PURPOSE.—The purpose of this para-
14 graph is to ensure that there is no duplication of ef-
15 fort or process with respect to preparing environ-
16 mental documents relating to the designation of na-
17 tional interest electric transmission corridors under
18 subsection (a) and the issuance of permits under
19 subsection (b).

20 “(B) REVIEW RELATING TO DESIGNATION.—
21 Unless the Secretary determines that the prepara-
22 tion of an environmental document with respect to
23 the designation of a national interest electric trans-
24 mission corridor under subsection (a) is necessary
25 under the circumstances, the Secretary shall not be
26 required to prepare an environmental document in

1 connection with the designation of such a national
2 interest electric transmission corridor.

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

5 “(i) NO REVIEW RELATING TO DESIGNA-
6 TION OF CORRIDOR.—If the Secretary has not
7 prepared an environmental document with re-
8 spect to the designation of a national interest
9 electric transmission corridor under subsection
10 (a), the Commission shall prepare an environ-
11 mental document for any construction or modi-
12 fication proposed in an application made under
13 subsection (c) before issuing a permit for such
14 application under subsection (b).

15 “(ii) REVIEW RELATING TO DESIGNATION
16 OF CORRIDOR.—If the Secretary has prepared
17 an environmental document with respect to the
18 designation of a national interest electric trans-
19 mission corridor under subsection (a)—

20 “(I) the Commission and any other
21 Federal agency preparing an environ-
22 mental document for any construction or
23 modification proposed in an application
24 made under subsection (c) within such na-

1 tional interest electric transmission cor-
2 ridor—

3 “(aa) shall rely on any findings
4 of the environmental document pre-
5 pared by the Secretary; and

6 “(bb) shall not duplicate any
7 work of the Secretary relating to the
8 preparation of such environmental
9 document; and

10 “(II) the Commission and such other
11 Federal agency shall incorporate the find-
12 ings of the environmental document pre-
13 pared by the Secretary into any environ-
14 mental document prepared by the Commis-
15 sion or such other Federal agency under
16 this subsection.”.

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

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

21 “(A) ENVIRONMENTAL DOCUMENT.—The
22 term ‘environmental document’ has the mean-
23 ing given such term in section 111 of the Na-
24 tional Environmental Policy Act of 1969 (42
25 U.S.C. 4336e).

1 “(B) FEDERAL AUTHORIZATION.—The
2 term ‘Federal authorization’—

3 “(i) means any authorization required
4 under Federal law in order to site a trans-
5 mission facility; and

6 “(ii) includes such permits, special use
7 authorizations, certifications, opinions, or
8 other approvals as may be required under
9 Federal law in order to site a transmission
10 facility.”.

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

14 (1) in subparagraph (A), by striking “environ-
15 mental review document” and inserting “environ-
16 mental document”; and

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

19 **SEC. 109. INCREASED FLEXIBILITY FOR FEDERAL TRANS-**
20 **MISSION FINANCING.**

21 (a) TRANSMISSION FACILITY FINANCING.—Section
22 50151(b) of Public Law 117–169 (42 U.S.C. 18715(b))
23 is amended by striking “designated by the Secretary to
24 be necessary in the national interest under section 216(a)
25 of the Federal Power Act (16 U.S.C. 824p(a))” and in-

1 serting “determined by the Secretary to be in the national
2 interest”.

3 (b) TRANSMISSION FACILITATION PROGRAM.—Sec-
4 tion 40106(h)(1)(A) of the Infrastructure Investment and
5 Jobs Act (42 U.S.C. 18713(h)(1)(A)) is amended by strik-
6 ing “is located in an area designated as a national interest
7 electric transmission corridor pursuant to section 216(a)
8 of the Federal Power Act16 U.S.C. 824p(a)” and insert-
9 ing “is in the national interest”.

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

11 **TAX CREDIT.**

12 (a) IN GENERAL.—Subpart E of part IV of sub-
13 chapter A of chapter 1 of the Internal Revenue Code of
14 1986 is amended by inserting after section 48E the fol-
15 lowing:

16 **“SEC. 48F. QUALIFYING ELECTRIC POWER TRANSMISSION**

17 **LINE CREDIT.**

18 “(a) ALLOWANCE OF CREDIT.—For purposes of sec-
19 tion 46, the qualifying electric power transmission line
20 credit for any taxable year is an amount equal to 6 percent
21 of the qualified investment for such taxable year with re-
22 spect to any qualifying electric power transmission line
23 property of the taxpayer.

24 “(b) QUALIFIED INVESTMENT.—

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

6 “(2) CERTAIN QUALIFIED PROGRESS EXPENDI-
7 TURES RULES MADE APPLICABLE.—Rules similar to
8 the rules of subsections (c)(4) and (d) of section 46
9 (as in effect on the day before the date of the enact-
10 ment of the Revenue Reconciliation Act of 1990)
11 shall apply for purposes of this section.

12 “(c) QUALIFYING ELECTRIC POWER TRANSMISSION
13 LINE PROPERTY.—For purposes of this section, the term
14 ‘qualifying electric power transmission line property’
15 means any overhead, submarine, or underground prop-
16 erty—

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

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

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

24 “(2) which is related transmission property.

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

3 “(1) IN GENERAL.—The term ‘qualifying elec-
4 tric power transmission line’ means any applicable
5 new transmission property and any modified existing
6 transmission property.

7 “(2) APPLICABLE NEW TRANSMISSION PROP-
8 ERTY.—

9 “(A) IN GENERAL.—The term ‘applicable
10 new transmission property’ means any electric
11 power transmission line which is—

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

14 “(ii) primarily used for one or more
15 purposes described in subparagraph (B),
16 and

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

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

20 “(i) enhancing resilience to prepare
21 for, withstand, and recover rapidly from
22 disruptions from the impact of weather
23 events, wildfires, or natural disasters,

24 “(ii) addressing clearance concerns,

1 “(iii) facilitating the interconnection
2 of electric power generation capacity to the
3 bulk-power system (as defined in section
4 215 of the Federal Power Act), or

5 “(iv) addressing high load needs of
6 2,000 ampere and above.

7 “(C) ADDITIONAL REQUIREMENTS FOR
8 NEW TRANSMISSION PROPERTY.—An electric
9 power transmission line is described in this sub-
10 paragraph if—

11 “(i) such transmission line—

12 “(I) includes an advanced trans-
13 mission conductor, and

14 “(II) is capable of transmitting
15 electricity at a voltage of not less than
16 100 kilovolts, or

17 “(ii) such transmission line—

18 “(I) is a superconducting trans-
19 mission line or is capable of transmit-
20 ting electricity at a voltage of at least
21 345 kilovolts, and

22 “(II) has a transmission capacity
23 of not less than 750 megawatts or is
24 a transmission line described in sub-
25 paragraph (D).

1 “(D) MULTIPLE TRANSMISSION LINES LO-
2 CATED IN THE SAME RIGHT-OF-WAY.—A trans-
3 mission line is described in this subparagraph if
4 such a transmission line—

5 “(i) is co-located in the same right-of-
6 way or adjacent right-of-way as one or
7 more other overhead, submarine, or under-
8 ground transmission lines, and

9 “(ii) together with the other trans-
10 mission lines described in subparagraph
11 (A), has a transmission capacity of not less
12 than 1,000 megawatts.

13 “(3) MODIFIED EXISTING TRANSMISSION PROP-
14 PERTY.—The term ‘modified existing transmission
15 property’ means any electric power transmission line
16 which—

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

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

21 “(i) increases the transmission capac-
22 ity of such transmission line by not less
23 than 500 megawatts, or

24 “(ii) includes an advanced trans-
25 mission conductor that transmits electricity

1 at a voltage of not less than 100 kilovolts,
2 and

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

7 “(4) ADVANCED TRANSMISSION CONDUCTOR.—
8 The term ‘advanced transmission conductor’ means
9 a transmission conductor technology that uses re-
10 cently developed technology or materials such as a
11 composite core and such other future advances as
12 determined by the Secretary, in consultation with
13 the Secretary of Energy.

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

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

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

22 “(A) TRANSMISSION PROPERTY USED FOR
23 INTERCONNECTION OR GENERATOR TIE-LINE.—
24 Any electric power transmission line which is—

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

3 “(ii) primarily used—

4 “(I) as a generator interconnec-
5 tion tie line at an associated facility
6 that extends from the secondary
7 (high) side of a generator step-up
8 transformer to the point of inter-
9 connection with the host transmission
10 owner from interconnecting new gen-
11 eration resources or facilities to the
12 electric grid, or

13 “(II) for network upgrades asso-
14 ciated with the interconnection of new
15 generation resources or facilities to
16 the electric grid,

17 “(iii) primarily used for one or more
18 purposes described in subsection (d)(2)(B),
19 and

20 “(iv) capable of transmitting elec-
21 tricity at a voltage of not less than 230
22 kilovolts.

23 “(B) GRID ENHANCING TECHNOLOGY.—

24 Any grid enhancing technology property used in
25 the operation of the electric power transmission

1 line described in paragraph (2) or (3) of sub-
2 section (d).

3 “(C) SUBCOMPONENTS.—Any conductors
4 or cables, towers, insulators, reactors, capaci-
5 tors, circuit breakers, static VAR compensators,
6 static synchronous compensators, power con-
7 verters, transformers, synchronous condensers,
8 braking resistors, and any ancillary facilities
9 and equipment necessary for the proper oper-
10 ation of the electric power transmission line de-
11 scribed in paragraph (2) or (3) of subsection
12 (d) or for the proper operation of any property
13 described in subsection (d)(2).

14 “(2) GRID ENHANCING TECHNOLOGY PROP-
15 erty.—The term ‘grid enhancing technology prop-
16 erty’ means power flow controls and transmission
17 switching equipment, storage technology, and hard-
18 ware or software that enables dynamic line ratings,
19 advanced line rating management technologies, on
20 new or existing transmission property for the pur-
21 pose of enhancing the capacity, efficiency, resiliency,
22 or reliability of an electric power transmission sys-
23 tem and such other similar property determined by
24 the Secretary, in consultation with the Secretary of
25 Energy.

1 “(f) INCREASED CREDIT AMOUNT FOR CERTAIN
2 TRANSMISSION LINE PROPERTY.—

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

9 “(2) FACILITY REQUIREMENTS.—Qualifying
10 electric power transmission line property shall be
11 treated as meeting the requirements of this para-
12 graph if—

13 “(A) the construction of such property
14 meets rules similar to the rules of section
15 48(a)(10) (relating to prevailing wage require-
16 ments) and section 45(b)(8) (relating to ap-
17 prenticeship requirements), or

18 “(B) the construction of such property be-
19 gins before the date that is 60 days after the
20 Secretary publishes guidance with respect to the
21 requirements under subparagraph (A).

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

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

3 (1) by striking “(as defined in section
4 48(c)(6))” and inserting “(as defined in section
5 48(c)(6), except that subparagraph (D) of such sec-
6 tion shall not apply) or any qualifying electric power
7 transmission line property (as defined by section
8 48F(c))”, and

9 (2) in subparagraph (B)—

10 (A) by inserting “or qualifying electric
11 power transmission line property” after “each
12 energy storage technology”, and

13 (B) by inserting “or the qualifying electric
14 power transmission line property” after “the
15 energy storage technology”.

16 (c) TRANSFER OF CERTAIN CREDITS.—Section
17 6418(f)(1)(A) of the Internal Revenue Code of 1986 is
18 amended by adding at the end the following:

19 “(xii) The qualifying electric power
20 transmission line credit under section
21 48F.”.

22 (d) CONFORMING AMENDMENTS.—

23 (1) Section 46 of the Internal Revenue Code of
24 1986 is amended—

1 (A) in paragraph (5), by striking “and” at
2 the end,

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

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

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

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

10 (A) in clause (v), by striking “and” at the
11 end,

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

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

15 “(vii) the basis of any qualifying elec-
16 tric power transmission line property under
17 section 48F.”.

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

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

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

1 **TITLE II—IMPROVEMENT OF**
2 **GOVERNANCE AND EFFI-**
3 **CIENCY OF THE GRID**

4 **SEC. 201. AUTHORIZATION TO ESTABLISH FERC OFFICE OF**
5 **ELECTRICITY TRANSMISSION.**

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

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

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

12 “(1) coordinate all matters of the Commission
13 relating to the transmission of electric energy, as the
14 Commission determines appropriate; and

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

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

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

23 (1) in paragraph (1), by striking “subchapter
24 III of”;

25 (2) in paragraph (2)—

1 (A) by striking subparagraph (A); and
2 (B) by redesignating subparagraphs (B)
3 through (E) as subparagraphs (A) through (D),
4 respectively; and
5 (3) in paragraph (6)—

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

8 “(A) IN GENERAL.—The Chairman”; and

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

10 “(B) IMPLEMENTATION PLAN.—Not later
11 than 90 days after the date of enactment of
12 this subparagraph, the Chairman shall submit
13 to the Director of the Office of Personnel Man-
14 agement a plan to implement this subsection.
15 The Director of the Office of Personnel Man-
16 agement shall take final action on the plan not
17 later than 120 days after the submission of
18 such plan.”.

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

22 “(1) DIRECT HIRE AUTHORITY.—

23 “(1) IN GENERAL.—Notwithstanding section
24 3304 of title 5, United States Code, and without re-
25 gard to the provisions of sections 3309 through

1 3318 of such title 5, if the Chairman of the Com-
2 mission issues a certification that there is as severe
3 shortage of candidates or a critical hiring need for
4 covered positions to carry out the Commission’s re-
5 sponsibilities and activities, the Chairman may, sub-
6 ject to paragraph (3), recruit and directly appoint
7 highly qualified individuals into the competitive serv-
8 ice.

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

15 “(3) TERMINATION.—

16 “(A) IN GENERAL.—A certification issued
17 or renewed under this subsection shall termi-
18 nate on the earlier of—

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

21 “(ii) the date on which the Chairman
22 determines that there is no longer a severe
23 shortage of candidates or a critical hiring
24 need for covered positions to carry out the

1 Commission’s responsibilities and activi-
2 ties.

3 “(B) RENEWAL.—The Chairman may
4 renew a certification issued or renewed under
5 this subsection for an additional 5-year period
6 if the Chairman determines there is still a se-
7 vere shortage of candidates or a critical hiring
8 need for covered positions to carry out the
9 Commission’s responsibilities and activities.

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

16 (c) ELIMINATION OF REPORTING SUNSET.—Section
17 11004(b) of the Energy Act of 2020 (42 U.S.C. 7171
18 note; Public Law 116–260) is amended—

19 (1) in paragraph (1), by striking “thereafter for
20 10 years” and inserting “thereafter”; and

21 (2) in paragraph (2)(B), by striking “or mathe-
22 matical” and inserting “mathematical, or otherwise
23 highly specialized or skilled”.

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

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

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

10 **SEC. 204. ESTABLISHMENT OF INDEPENDENT TRANS-**
11 **MISSION MONITORS.**

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

14 (1) require each transmission planning region
15 to establish an independent entity to monitor the
16 planning for, and operation of, transmission facilities
17 in the transmission planning region; or

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

21 (b) ROLE OF TRANSMISSION MONITOR.—An inde-
22 pendent entity described in subsection (a) shall provide
23 independent analysis of transmission planning and rate-
24 making processes by the Commission and Transmission
25 Organizations to inform Commission proceedings, includ-
26 ing by, as applicable—

1 (1) reviewing the operation and practices of
2 transmission facilities in the applicable transmission
3 planning region for inefficiency;

4 (2) investigating whether any rate, charge, or
5 classification for transmission facilities in the appli-
6 cable transmission planning region, or any rule, reg-
7 ulation, practice, or contract affecting such a rate,
8 charge, or classification, is unjust, unreasonable, un-
9 duly discriminatory or preferential;

10 (3) reviewing the transmission planning process
11 for the applicable transmission planning region;

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

14 (5) providing examples and advice to Trans-
15 mission Organizations in the applicable transmission
16 planning region on regional transmission operations,
17 planning, and cost-allocation processes;

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

21 (7) coordinating and sharing information with
22 State regulatory authorities in the applicable trans-
23 mission planning region; and

1 (8) identifying reliable data sets and methodolo-
2 gies for use in regional planning and providing ac-
3 cess to data to stakeholders.

4 (c) SAVINGS CLAUSE.—Nothing in this section shall
5 be construed to alter the sole power of the Commission
6 to, under sections 205 and 206 of the Federal Power Act
7 (16 U.S.C. 824d; 824e), determine if any rates, charges,
8 or classifications are unjust, unreasonable, or unduly dis-
9 criminatory or preferential.

10 (d) DEFINITIONS.—In this section:

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

13 (2) GRID ENHANCING ASSET, STATE REGU-
14 LATORY AUTHORITY; TRANSMISSION ORGANIZATION;
15 TRANSMISSION PLANNING REGION.—The terms
16 “grid enhancing asset”, “State regulatory author-
17 ity”, “Transmission Organization”, and “trans-
18 mission planning region” have the meanings given
19 such terms in section 3 of the Federal Power Act
20 (16 U.S.C. 796).

21 **SEC. 205. ASSURANCE OF INTEROPERABILITY OF OFF-**
22 **SHORE ELECTRIC TRANSMISSION INFRA-**
23 **STRUCTURE.**

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

1 complete and publish on the website of the Department
2 of Energy a study that assesses the need to, and chal-
3 lenges of, developing and standardizing interoperable elec-
4 tric grid components, systems, and technologies in support
5 of shared offshore transmission networks. Such study
6 shall include recommendations for Congress, State, Tribal,
7 and local governments, manufacturers of electric grid com-
8 ponents, systems, and technologies, Transmission Organi-
9 zations, offshore electricity generation project developers,
10 and appropriate standards organizations to help ensure
11 interoperability of electric grid components, systems, and
12 technologies between offshore electricity generation
13 projects and shared offshore infrastructure connecting to
14 onshore transmission systems.

15 (b) INTEROPERABILITY STANDARD DEVELOPMENT
16 PROGRAM.—

17 (1) IN GENERAL.—The Secretary of Energy
18 shall establish and implement a program to identify,
19 develop, support, document, and encourage the
20 adoption of standards necessary to maximize the
21 interoperability of electric grid components, systems,
22 and technologies to accelerate the implementation
23 and delivery of electricity generated by offshore elec-
24 tricity generation projects through shared electricity
25 transmission infrastructure.

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

4 (A) to harmonize and standardize func-
5 tional specifications of electric grid components,
6 systems, and technologies to maximize the
7 interoperability of electric grid components, sys-
8 tems, and technologies across types and manu-
9 facturers;

10 (B) to hasten adoption of shared electric
11 transmission infrastructure for offshore elec-
12 tricity generation by encouraging cooperation
13 among manufacturers of electric grid compo-
14 nents, systems, or technologies in order to—

15 (i) maximize interoperability of such
16 manufacturers' electric grid components,
17 systems, or technologies;

18 (ii) reduce offshore electricity genera-
19 tion project delays and cost overruns;

20 (iii) manage power grid complexity;
21 and

22 (iv) enhance electric grid resilience,
23 reliability, and cybersecurity; and

24 (C) to identify common technical specifica-
25 tions to effectively and securely measure, mon-

1 itor, control, and protect offshore electricity
2 generation and electric transmission infrastruc-
3 ture from the point of generation to load cen-
4 ters.

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

8 (A) engage equipment manufacturers and
9 industry stakeholders in collaborative platforms,
10 including workshops and forums;

11 (B) identify current challenges and propose
12 solutions to improve interoperability of electric
13 grid components, systems, and technologies;
14 and

15 (C) develop a set of voluntary industry
16 standards to maximize interoperability of elec-
17 tric grid components, systems, and technologies
18 that meet the goals described in paragraph (2).

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

23 (d) DEFINITION.—In this section, the term “Trans-
24 mission Organization” has the meaning given such term

1 in section 3(29) of the Federal Power Act (16 U.S.C.
2 796).

3 **SEC. 206. AGGREGATOR BIDDING INTO ORGANIZED WHOLE-**
4 **SALE ELECTRIC MARKETS.**

5 (a) IN GENERAL.—Notwithstanding any prohibition
6 established by a relevant electric retail regulatory author-
7 ity with respect to who may bid into an organized whole-
8 sale electric market, each Transmission Organization
9 shall, with respect to the organized wholesale electric mar-
10 ket controlled by the Transmission Organization, allow
11 any bid from an aggregator of retail customers that aggre-
12 gates the demand flexibility of the customers of utilities
13 that distributed more than 4 million megawatt-hours in
14 the previous fiscal year.

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

18 (c) DEFINITIONS.—In this section:

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

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

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

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

6 (a) ESTABLISHMENT OF COMMUNITY SOLAR CON-
7 SUMER CHOICE PROGRAM.—

8 (1) IN GENERAL.—Not later than 12 months
9 after the date of enactment of this Act, the Sec-
10 retary shall establish a program to increase the op-
11 portunities for participation in community solar pro-
12 grams by—

13 (A) individuals, prioritizing individuals
14 that do not have regular access to onsite solar,
15 including low- and moderate-income individuals
16 and individuals living in energy communities;

17 (B) businesses;

18 (C) nonprofit organizations; and

19 (D) States and local and Tribal govern-
20 ments.

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

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

4 (A) provide technical assistance to eligible
5 entities for projects to increase the number of
6 community solar facilities;

7 (B) assist eligible entities in the develop-
8 ment of new and innovative financial and busi-
9 ness models that leverage competitive processes
10 in order to serve community solar subscribers;
11 and

12 (C) use National Laboratories to collect
13 and disseminate data to assist private entities
14 in the financing of, subscription to, and oper-
15 ation of community solar programs.

16 (b) FEDERAL GOVERNMENT PARTICIPATION IN COM-
17 MUNITY SOLAR PROGRAMS.—The Secretary shall, as the
18 Secretary determines appropriate, expand the existing
19 grant, loan, and financing programs of the Department
20 of Energy to include community solar programs.

21 (c) ESTABLISHMENT OF COMMUNITY SOLAR PRO-
22 GRAMS.—

23 (1) IN GENERAL.—Section 111(d) of the Public
24 Utility Regulatory Policies Act of 1978 (16 U.S.C.

1 2621(d) is amended by adding at the end the fol-
2 lowing:

3 “(22) COMMUNITY SOLAR PROGRAMS.—

4 “(A) IN GENERAL.—Each electric utility
5 shall offer a community solar program that pro-
6 vides all ratepayers, including low-income rate-
7 payers, equitable and demonstrable access to
8 such community solar program.

9 “(B) DEFINITIONS.—For the purposes of
10 this paragraph:

11 “(i) COMMUNITY SOLAR PROGRAM.—
12 The term ‘community solar program’
13 means a service provided to any electric
14 consumer that the electric utility serves
15 through which the value of electricity gen-
16 erated by a community solar facility may
17 be used to reduce total charges billed to
18 the electric consumer.

19 “(ii) COMMUNITY SOLAR FACILITY.—
20 The term ‘community solar facility’ means
21 a solar photovoltaic system that—

22 “(I) allocates electricity to mul-
23 tiple electric consumers of an electric
24 utility;

1 “(II) is interconnected with the
2 electric grid; and

3 “(III) is located either on or off
4 the property of the electric consumers
5 described in subclause (I).”.

6 (2) COMPLIANCE.—

7 (A) TIME LIMITATIONS.—Section 112(b)
8 of the Public Utility Regulatory Policies Act of
9 1978 (16 U.S.C. 2622(b)) is amended by add-
10 ing at the end the following:

11 “(9)(A) Not later than 12 months after the
12 date of enactment of this paragraph, each State reg-
13 ulatory authority (with respect to each electric utility
14 for which the State has ratemaking authority) and
15 each nonregulated electric utility shall commence
16 consideration under section 111, or set a hearing
17 date for consideration, with respect to the standard
18 established by paragraph (22) of section 111(d).

19 “(B) Not later than 24 months after the date
20 of enactment of this paragraph, each State regu-
21 latory authority (with respect to each electric utility
22 for which the State has ratemaking authority), and
23 each nonregulated electric utility shall complete the
24 consideration and make the determination under sec-

1 tion 111 with respect to the standard established by
2 paragraph (22) of section 111(d).”.

3 (B) FAILURE TO COMPLY.—Section 112(c)
4 of the Public Utility Regulatory Policies Act of
5 1978 (16 U.S.C. 2622(c)) is amended—

6 (i) by striking “subsection (b)(2)” and
7 inserting “subsection (b)”; and

8 (ii) by adding at the end the fol-
9 lowing: “In the case of the standard estab-
10 lished by paragraph (22) of section 111(d),
11 the reference contained in this subsection
12 to the date of enactment of this Act shall
13 be deemed to be a reference to the date of
14 enactment of that paragraph (22).”.

15 (C) PRIOR STATE ACTIONS.—

16 (i) IN GENERAL.—Section 112 of the
17 Public Utility Regulatory Policies Act of
18 1978 (16 U.S.C. 2622) is amended by add-
19 ing at the end the following:

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

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

3 “(2) the State regulatory authority for the
4 State or the relevant nonregulated electric utility has
5 conducted a proceeding to consider implementation
6 of the standard (or a comparable standard) for the
7 electric utility; or

8 “(3) the State legislature has voted on the im-
9 plementation of the standard (or a comparable
10 standard) for the electric utility.”.

11 (ii) CROSS-REFERENCE.—Section 124
12 of the Public Utility Regulatory Policies
13 Act of 1978 (16 U.S.C. 2634) is amended
14 by adding at the end the following: “In the
15 case of the standard established by para-
16 graph (22) of section 111(d), the reference
17 contained in this subsection to the date of
18 enactment of this Act shall be deemed to
19 be a reference to the date of enactment of
20 that paragraph (22).”.

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

1 “(B) PUBLIC UTILITY CONTRACTS.—A
2 contract under this paragraph for public utility
3 services may be for a period of not more than
4 30 years.”.

5 (e) DEFINITIONS.—In this section:

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

13 (2) COMMUNITY SOLAR SUBSCRIBER.—The
14 term “community solar subscriber” means an elec-
15 tricity customer who has ownership of a financial
16 share in a community solar facility that serves mul-
17 tiple consumers.

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

20 (A) a State or political subdivision of a
21 State;

22 (B) a unit of local government;

23 (C) an Indian Tribe (as defined in section
24 4 of the Indian Self-Determination and Edu-
25 cation Assistance Act (25 U.S.C. 5304));

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

2 (E) an authority, agency, or instrumen-
3 tality of, or an entity owned by, 1 or more enti-
4 ties described in subparagraphs (A) through
5 (D).

6 (4) ENERGY COMMUNITY.—The term “energy
7 community” has the meaning given such term in
8 section 45(b)(11) of the Internal Revenue Code of
9 1986 (26 U.S.C. 45(b)(11)).

10 (5) NATIONAL LABORATORIES.—The term “Na-
11 tional Laboratories” has the meaning given the term
12 in section 2 of the Energy Policy Act of 2005 (42
13 U.S.C. 15801).

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

16 **SEC. 208. ESTABLISHMENT OF PROGRAM TO FACILITATE**
17 **VOLUNTARY STREAMLINED PROCESS FOR**
18 **LOCAL PERMITTING OF QUALIFYING DIS-**
19 **TRIBUTED ENERGY SYSTEMS.**

20 (a) DEFINITIONS.—In this section:

21 (1) AUTHORITY HAVING JURISDICTION.—The
22 term “authority having jurisdiction” means any
23 State, county, local, or Tribal office or official with
24 jurisdiction—

1 (A) to issue permits relating to qualifying
2 distributed energy systems;

3 (B) to conduct inspections to enforce the
4 requirements of a relevant code or standard re-
5 lating to qualifying distributed energy systems;
6 or

7 (C) to approve the installation of, or the
8 equipment and materials used in the installa-
9 tion of, qualifying distributed energy systems.

10 (2) QUALIFYING DISTRIBUTED ENERGY SYS-
11 TEM.—The term “qualifying distributed energy sys-
12 tem” means any equipment or materials installed in,
13 on, or near a residential building to support onsite
14 or local energy use, including—

15 (A) to generate electricity from distributed
16 renewable energy sources, including from—

17 (i) solar photovoltaic systems or simi-
18 lar solar energy technologies; and

19 (ii) wind power systems;

20 (B) to store and discharge electricity from
21 batteries with a capacity of at least 2 kilowatt
22 hours;

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

1 (D) to refuel a hydrogen fuel cell electric
2 vehicle.

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

5 (b) PROGRAM.—Not later than 180 days after the
6 date of enactment of this Act, the Secretary, in consulta-
7 tion with trade associations and other entities representing
8 distributed energy system installers and organizations rep-
9 resenting State, local, and Tribal governments engaged in
10 permitting, shall carry out a program to further develop,
11 expand, and support the adoption of a voluntary stream-
12 lined permitting and inspection process for authorities
13 having jurisdiction to use for the permitting of qualifying
14 distributed energy systems.

15 (c) ACTIVITIES OF THE PROGRAM.—In carrying out
16 the program established under subsection (b), the Sec-
17 retary shall—

18 (1) further develop and expand an exemplary
19 streamlined permitting process that includes an on-
20 line permitting platform—

21 (A) for expediting, standardizing, and
22 streamlining permitting; and

23 (B) that authorities having jurisdiction
24 may voluntarily use to receive, review, and ap-

1 prove permit applications relating to qualifying
2 distributed energy systems;

3 (2) establish targets for the adoption of a
4 streamlined, expedited permitting process by au-
5 thorities having jurisdiction;

6 (3) provide technical assistance and training di-
7 rectly or indirectly to authorities having jurisdiction
8 on using and adopting the exemplary streamlined
9 permitting process described in paragraph (1), in-
10 cluding the adoption of any necessary building codes;

11 (4) develop a voluntary inspection protocol and
12 related tools to expedite, standardize, and streamline
13 the inspection of qualifying distributed energy sys-
14 tems, including—

15 (A) by investigating the potential for using
16 remote inspections;

17 (B) by investigating the potential for sam-
18 ple-based inspection for distributed energy sys-
19 tem installers with a demonstrated track record
20 of high-quality work; and

21 (C) by investigating opportunities to inte-
22 grate the voluntary inspection protocol into the
23 online permitting platform described in para-
24 graph (1) and the platforms of government
25 software providers; and

1 (5) take any other action to expedite, stand-
2 ardize, streamline, or improve the process for per-
3 mitting, inspecting, or interconnecting qualifying
4 distributed energy systems.

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

6 (1) support the provision of technical assistance
7 to authorities having jurisdiction, any administrator
8 of the online permitting platform described in sub-
9 section (c)(1), government software providers, and
10 any other entity determined appropriate by the Sec-
11 retary in carrying out the activities described in sub-
12 section (c); and

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

16 (e) AUTHORITY HAVING JURISDICTION CERTIFI-
17 CATION PROGRAM.—

18 (1) IN GENERAL.—The Secretary may certify
19 authorities having jurisdiction that implement the
20 exemplary streamlined permitting process described
21 in subsection (c)(1).

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

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

2 Not later than 1 year after the date of enactment
3 of this Act, the Administrator of the Federal Highway Ad-
4 ministration shall conduct, and publish a report on the
5 results of, a study on best practices for siting high-voltage
6 transmission lines on highway rights-of-way, including rec-
7 ommendations on practices—

8 (1) to ensure safety;

9 (2) to facilitate future highway maintenance
10 and construction work;

11 (3) to facilitate future maintenance work for
12 the transmission lines;

13 (4) to integrate transmission planning and
14 siting into transportation planning; and

15 (5) to facilitate electrical needs for light-duty,
16 medium-duty, and heavy-duty rapid charging infra-
17 structure on public roadways.

18 **TITLE III—MODERNIZATION OF**
19 **ELECTRICITY RATEMAKING**

20 **SEC. 301. REFLECTION OF THE COST OF GREENHOUSE GAS**
21 **EMISSIONS IN RATES.**

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

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

3 “(a) IN GENERAL.—Not later than 18 months after
4 the date of enactment of the Clean Electricity and Trans-
5 mission Acceleration Act of 2023, the Commission shall
6 issue regulations to require public utilities to reflect the
7 cost of greenhouse gas emissions associated with the gen-
8 eration, transmission, and sale of electric energy subject
9 to the jurisdiction of the Commission in the rates and
10 charges for such generation, transmission, and sale in ac-
11 cordance with this section.

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

13 “(1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of the Clean Electricity
15 and Transmission Acceleration Act of 2023, the
16 Commission shall determine the cost of greenhouse
17 gas emissions for the purpose of issuing regulations
18 under subsection (a).

19 “(2) CONSIDERATION.—In determining such
20 cost of greenhouse gas emissions, the Commission,
21 in consultation with the Administrator of the Envi-
22 ronmental Protection Agency—

23 “(A) may consider—

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

1 “(ii) any other generally accepted
2 Federal, State, or other methodology for
3 determining the cost of greenhouse gas
4 emissions; and

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

7 “(c) **JUST AND REASONABLE.**—Beginning on the
8 date on which the regulation is issued under subsection
9 (a), no rate or charge made, demanded, or received by a
10 public utility for or in connection with the generation,
11 transmission, or sale of electric energy subject to the juris-
12 diction of the Commission may be deemed just or reason-
13 able, under sections 205 or 206, unless such rate or charge
14 reflects the cost of greenhouse gas emissions pursuant to
15 the regulation issued under subsection (a).”.

16 **SEC. 302. FACILITATION OF PERFORMANCE-BASED RATE-**
17 **MAKING.**

18 Section 219 of the Federal Power Act (16 U.S.C.
19 824s) is amended—

20 (1) in subsection (a)—

21 (A) by striking “this section” and inserting
22 “the Clean Electricity and Transmission Act of
23 2023”;

24 (B) by inserting “and resilience” after
25 “ensuring reliability”;

1 (C) by striking “and” before “reducing”
2 and inserting a comma; and

3 (D) by inserting “, and reducing the green-
4 house gas emissions associated with delivered
5 power,” after “delivered power”;

6 (2) in subsection (b)—

7 (A) by inserting “under this section” after
8 “The rule”; and

9 (B) in paragraph (1)—

10 (i) by inserting “, resilient,” after
11 “promote reliable”; and

12 (ii) by inserting “, and the elimination
13 of the greenhouse gas emissions associated
14 with delivered power,” after “efficient
15 transmission and generation of electricity”;
16 and

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

21 **TITLE IV—FACILITATION OF**
22 **CLEAN ENERGY DEPLOY-**
23 **MENT ON PUBLIC LAND**

24 **SEC. 401. DEFINITIONS.**

25 In this title:

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

3 (A) Federal lands administered by the Sec-
4 retary; and

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

7 (i) a land use plan; or

8 (ii) other Federal law.

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

11 (A) receives, stores, and delivers energy
12 using batteries, compressed air, pumped hydro-
13 power, hydrogen storage (including hydrolysis),
14 thermal energy storage, regenerative fuel cells,
15 flywheels, capacitors, superconducting magnets,
16 or other technologies identified by the Secretary
17 of Energy; and

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

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

24 (4) FEDERAL LAND.—The term “Federal land”
25 means—

1 (A) public lands; and

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

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

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

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

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

20 (7) PRIORITY AREA.—The term “priority area”
21 means covered land identified by the land use plan-
22 ning process of the Bureau of Land Management as
23 being a preferred location for a wind and solar en-
24 ergy project, including a designated leasing area (as
25 defined in section 2801.5(b) of title 43, Code of

1 Federal Regulations (or a successor regulation)) that
2 is identified under the rule of the Bureau of Land
3 Management entitled “Competitive Processes,
4 Terms, and Conditions for Leasing Public Lands for
5 Solar and Wind Energy Development and Technical
6 Changes and Corrections” (81 Fed. Reg. 92122
7 (December 19, 2016)) (or a successor regulation).

8 (8) PUBLIC LANDS.—The term “public lands”
9 has the meaning given that term in section 103(e)
10 of the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1702(e)).

12 (9) RENEWABLE ENERGY PROJECT.—The term
13 “renewable energy project”—

14 (A) means a project carried out on covered
15 land that—

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

18 (ii) transmits electricity to support
19 wind, solar, or geothermal energy genera-
20 tion; and

21 (B) includes an energy storage project.

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

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

- 1 (A) not an exclusion area;
- 2 (B) not a priority area; and
- 3 (C) identified through a transparent and
- 4 inclusive public process by the Secretary as po-
- 5 tentially available for wind and solar energy de-
- 6 velopment that could be approved without a
- 7 plan amendment, consistent with the principles
- 8 of multiple use (as defined in the Federal Land
- 9 Policy and Management Act of 1976 (43 U.S.C.
- 10 1701 et seq.)).

11 **SEC. 402. ESTABLISHMENT OF NATIONAL GOAL FOR RE-**

12 **NEWABLE ENERGY PRODUCTION ON FED-**

13 **ERAL LAND.**

14 (a) IN GENERAL.—Not later than January 1, 2024,

15 the Secretary, in consultation with the Secretary of Agri-

16 culture and the head of other relevant Federal agencies,

17 shall establish updated national goals for renewable energy

18 production on Federal land.

19 (b) MINIMUM PRODUCTION GOAL.—The Secretary

20 shall seek to issue permits that, in total, authorize produc-

21 tion of not less than 60 gigawatts of electricity from wind,

22 solar, and geothermal energy projects by not later than

23 December 31, 2030, through management of Federal land

24 and administration of Federal laws.

1 **SEC. 403. REQUIREMENT FOR LAND USE PLANNING AND**
2 **UPDATES TO PROGRAMMATIC ENVIRON-**
3 **MENTAL IMPACT STATEMENTS.**

4 (a) PRIORITY AREAS.—

5 (1) IN GENERAL.—The Secretary, in consulta-
6 tion with the Secretary of Energy, shall establish
7 priority areas on covered land for solar and wind en-
8 ergy projects, consistent with the principles of mul-
9 tiple use (as defined in the Federal Land Policy and
10 Management Act of 1976 (43 U.S.C. 1701 et seq.))
11 and the renewable energy permitting goal enacted by
12 the Consolidated Appropriations Act of 2021 (Public
13 Law 116–260). Among applications for a given re-
14 newable energy source, proposed projects located in
15 priority areas for that renewable energy source
16 shall—

17 (A) be given the highest priority for
18 incentivizing deployment thereon; and

19 (B) be offered the opportunity to partici-
20 pate in any regional mitigation plan developed
21 for the relevant priority areas.

22 (2) ESTABLISHING PRIORITY AREAS.—

23 (A) SOLAR ENERGY.—For solar energy,
24 the Secretary shall finalize the document enti-
25 tled “Solar Programmatic Environmental Im-
26 pact Statement” (87 Fed. Reg. 75284 (Decem-

1 ber 8, 2022)), as soon as practicable, but not
2 later than 18 months after the date of the en-
3 actment of this Act.

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

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

19 (c) REVIEW AND MODIFICATION.—

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

22 (A) after an opportunity for public com-
23 ment, review the adequacy of land allocations
24 for solar and wind energy priority, exclusion,
25 and variance areas, and areas open or closed to

1 geothermal leasing, for the purpose of encour-
2 aging and facilitating new renewable energy de-
3 velopment opportunities while avoiding, mini-
4 mizing, and compensating for adverse impacts
5 to other public uses and values of public land,
6 including wildlife habitat, listed species, water
7 resources, cultural resources, recreational uses,
8 lands with wilderness characteristics, lands with
9 special management designations, cultural re-
10 sources, and areas of Tribal importance; and

11 (B) based on the review carried out under
12 subparagraph (A), add, modify, or eliminate
13 priority, variance, and exclusion areas, and
14 areas open or closed to geothermal leasing.

15 (2) EXCEPTION.—Paragraph (1) shall not
16 apply to the renewable energy land use planning
17 published in the Desert Renewable Energy Con-
18 servation Plan developed by the California Energy
19 Commission, the California Department of Fish and
20 Wildlife, the Bureau of Land Management, and the
21 United States Fish and Wildlife Service until Janu-
22 ary 1, 2030.

23 (d) COMPLIANCE WITH THE NATIONAL ENVIRON-
24 MENTAL POLICY ACT.—For the purposes of this section,
25 compliance with the National Environmental Policy Act

1 of 1969 (42 U.S.C. 4321 et seq.) shall be accomplished
2 as follows:

3 (1) GEOTHERMAL ENERGY.—In regard to geo-
4 thermal energy, by updating the document entitled
5 “Final Programmatic Environmental Impact State-
6 ment for Geothermal Leasing in the Western United
7 States”, dated October 2008, and incorporating any
8 additional regional analyses that have been com-
9 pleted by Federal agencies since that programmatic
10 environmental impact statement was finalized.

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

19 (3) WIND ENERGY.—In regard to wind energy,
20 by updating the document entitled “Final Pro-
21 grammatic Environmental Impact Statement on
22 Wind Energy Development on BLM–Administered
23 Lands in the Western United States”, dated July
24 2005, and incorporating any additional regional
25 analyses that have been completed by Federal agen-

1 cies since the programmatic environmental impact
2 statement was finalized.

3 (e) NO EFFECT ON PROCESSING SITE SPECIFIC AP-
4 PLICATIONS.—There shall be no changes in any require-
5 ments to conduct site specific environmental review and
6 processing of permits for proposed projects during prepa-
7 ration of an updated programmatic environmental impact
8 statement, resource management plan, or resource man-
9 agement plan amendment.

10 (f) COORDINATION.—In developing updates required
11 by this section, the Secretary shall coordinate, on an ongo-
12 ing basis, with appropriate State, Tribal, and local govern-
13 ments, transmission infrastructure owners and operators,
14 developers, and other appropriate entities to ensure that
15 priority areas identified by the Secretary are—

16 (1) economically viable (including having access
17 to existing or planned transmission lines);

18 (2) likely to avoid, minimize, and compensate
19 for impacts to fish, wildlife, plants, and their habi-
20 tats, recreation, lands with wilderness characteris-
21 tics, lands with special management designations,
22 cultural resources, areas of Tribal importance, and
23 other uses of covered land;

1 (3) prioritized on previously disturbed lands, in-
2 cluding commercial and industrial lands, mine lands,
3 and previously contaminated sites; and

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

8 **SEC. 404. LIMITED EXEMPTIONS FROM NEW REQUIRE-**
9 **MENTS.**

10 (a) **REQUIREMENT TO PAY RENTS AND FEES.**—Un-
11 less otherwise agreed to by the owner of a project, the
12 owner of a project that applied for a right-of-way under
13 section 501 of the Federal Land Policy and Management
14 Act of 1976 (43 U.S.C. 1761) on or before December 19,
15 2016, shall be obligated to pay with respect to the right-
16 of-way all rents and fees in effect before the effective date
17 of the rule of the Bureau of Land Management entitled
18 “Competitive Processes, Terms, and Conditions for Leas-
19 ing Public Lands for Solar and Wind Energy Development
20 and Technical Changes and Corrections” (81 Fed. Reg.
21 92122 (December 19, 2016)).

22 (b) **DEFINITION OF PROJECT.**—In this section, the
23 term “project” means a system described in section
24 2801.9(a)(4) of title 43, Code of Federal Regulations (as
25 in effect on the date of the enactment of this Act).

1 **SEC. 405. DISTRIBUTION OF REVENUES.**

2 (a) DISPOSITION OF REVENUES.—

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

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

14 (B) 25 percent shall be paid by the Sec-
15 retary of the Treasury to the one or more coun-
16 ties within the boundaries of which the revenue
17 is derived, to be allocated among the counties
18 based on the percentage of land from which the
19 revenue is derived.

20 (C) 25 percent shall be deposited in the
21 Treasury and be made available to the Sec-
22 retary to carry out the program established
23 under this Act, including the transfer of the
24 funds by the Bureau of Land Management to
25 other Federal agencies and State agencies to fa-
26 cilitate the processing of renewable energy per-

1 mits on Federal land, with priority given to
2 using the amounts, to the maximum extent
3 practicable without detrimental impacts to
4 emerging markets, to expediting the issuance of
5 permits required for the development of renew-
6 able energy projects in the States from which
7 the revenues are derived.

8 (D) 25 percent shall be deposited in the
9 Renewable Energy Resource Conservation Fund
10 established by subsection (c).

11 (2) EXCEPTIONS.—Paragraph (1) shall not
12 apply to the following:

13 (A) Amounts collected under section
14 504(g) of the Federal Land Policy and Manage-
15 ment Act of 1976 (43 U.S.C. 1764(g)).

16 (B) Amounts deposited into the National
17 Parks and Public Land Legacy Restoration
18 Fund under section 200402(b) of title 54,
19 United States Code.

20 (3) RULEMAKING FOR PROJECTS LOCATED IN
21 MULTIPLE STATES.—Not later than 180 days after
22 the date of enactment of this Act, the Secretary
23 shall finalize a rule establishing a formula for the
24 disposition of revenues provided under subparagraph

1 (A) when a solar or wind energy project is located
2 in more than one State.

3 (b) PAYMENTS TO STATES AND COUNTIES.—

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

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

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

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

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

24 (A) restore and protect—

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

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

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

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

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

21 (4) INVESTMENT OF FUND.—

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

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

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

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

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

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

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

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

1 **SEC. 406. INCENTIVES FOR RENEWABLE ENERGY DEVELOP-**
2 **MENT IN PRIORITY AREAS.**

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

6 **SEC. 407. SAVINGS CLAUSE.**

7 Notwithstanding any other provision of this title, the
8 Secretary shall continue to manage public lands under the
9 principles of multiple use and sustained yield in accord-
10 ance with title I of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1701 et seq.) or the Forest
12 and Rangeland Renewable Resources Planning Act of
13 1974 (16 U.S.C. 1600 et seq.), as applicable, including
14 due consideration of mineral and nonrenewable energy-re-
15 lated projects and other nonrenewable energy uses, for the
16 purposes of land use planning, permit processing, and con-
17 ducting environmental reviews.

18 **TITLE V—MODERNIZATION OF**
19 **OFFSHORE RENEWABLE EN-**
20 **ERGY PERMITTING**

21 **SEC. 501. ESTABLISHMENT OF NATIONAL OFFSHORE WIND**
22 **PERMITTING TARGET.**

23 (a) IN GENERAL.—The Secretary of the Interior
24 shall, in consultation with the Secretary of Energy and
25 other relevant Federal agencies and State governments,
26 establish and periodically update national goals for off-

1 shore wind energy production on the Outer Continental
2 Shelf.

3 (b) MINIMUM PRODUCTION REQUIREMENTS FOR
4 2030 AND 2035.—Through management of the Outer
5 Continental Shelf and administration of the Outer Conti-
6 nental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Sec-
7 retary of the Interior shall seek to issue permits that, in
8 total, authorize production of electricity from offshore
9 wind energy projects of not less than—

10 (1) 30 gigawatts of electricity by not later than
11 2030; and

12 (2) 50 gigawatts of electricity by not later than
13 2035.

14 **SEC. 502. INCREASED RESPONSIBLE DEVELOPMENT OF**
15 **OFFSHORE RENEWABLE ENERGY PROJECTS.**

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

18 (1) in the second subsection (r), as added by
19 section 50251(b)(1)(A)(iv) of Public Law 117–
20 169—

21 (A) by redesignating such subsection (r) as
22 subsection (t); and

23 (B) by inserting after the enumerator
24 “STATE.—”; and

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

1 “(u) OFFSHORE RENEWABLE ENERGY PROJECT.—
2 The term ‘offshore renewable energy project’ means a
3 project to carry out an activity described in section
4 8(p)(1)(C) related to wind, solar, wave, or tidal energy.”.

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

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

10 “(3) the outer Continental Shelf is a vital na-
11 tional resource reserve held by the Federal Govern-
12 ment for the public, which should be made available
13 for expeditious and orderly development, subject to
14 environmental safeguards and coexistence with other
15 ocean users, in a manner which includes—

16 “(A) supporting the generation, trans-
17 mission, and storage of zero-emission electricity;
18 and

19 “(B) the maintenance of competition and
20 other national needs, including the need to
21 achieve State and Federal zero-emission elec-
22 tricity or renewable energy mandates, targets,
23 and goals;”;

24 (2) by redesignating paragraphs (5) and (6) as
25 paragraphs (6) and (7), respectively; and

1 (3) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) the identification, development, and pro-
4 duction of lease areas for offshore renewable energy
5 projects should be determined by a robust and trans-
6 parent stakeholder process that incorporates engage-
7 ment and input from a diverse group of ocean users
8 and other impacted stakeholders, and Federal,
9 State, Tribal, and local governments;”.

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

14 (1) in paragraph (2)—

15 (A) in subparagraph (B)—

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

18 (ii) by striking “three” and inserting
19 “100”; and

20 (iii) by striking “15” and inserting
21 “100”; and

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

23 “(C) PAYMENTS FOR CONSERVATION AND MITI-
24 GATION ACTIVITIES.—

1 “(i) IN GENERAL.—Notwithstanding sec-
2 tion 9, the Secretary shall, without appropria-
3 tion or fiscal year limitation, use 10 percent of
4 the revenue received by the Federal Govern-
5 ment from royalties, fees, rents, bonuses, and
6 other payments from any lease, easement, or
7 right-of-way granted under this subsection to
8 provide grants to—

9 “(I) State, local, and Tribal govern-
10 ments, and regional partnerships thereof,
11 including Regional Ocean Partnerships,
12 Regional Wildlife Science Collaboratives,
13 and other similar organizations; and

14 “(II) nonprofit organizations.

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

1 “(D) OFFSHORE RENEWABLE ENERGY COM-
2 PENSATION FUND.—Notwithstanding section 9, the
3 Secretary shall, without appropriation or fiscal year
4 limitation, deposit 10 percent of the revenue received
5 by the Federal Government from royalties, fees,
6 rents, bonuses, and other payments from any lease,
7 easement, or right-of-way granted under this sub-
8 section into the Offshore Renewable Energy Com-
9 pensation Fund established under section 34.”;

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

12 “(3) LEASING.—

13 “(A) COMPETITIVE OR NONCOMPETITIVE
14 BASIS.—The Secretary shall issue a lease, ease-
15 ment, or right-of-way under paragraph (1) on a
16 competitive basis unless the Secretary deter-
17 mines after public notice of a proposed lease,
18 easement, or right-of-way that there is no com-
19 petitive interest.

20 “(B) SCHEDULE OF OFFSHORE RENEW-
21 ABLE ENERGY LEASE SALES.—The Secretary
22 shall, after providing an opportunity for public
23 notice and comment, publish and periodically
24 update a schedule of areas that may be avail-
25 able for leasing in the future for offshore re-

1 newable energy projects, indicating, to the ex-
2 tent possible, the timing of site identification
3 activities, the timing of designation of any area
4 to be leased, the anticipated size of such areas,
5 the timing of lease sales, and the location of
6 leasing activities.

7 “(C) MULTI-FACTOR BIDDING.—

8 “(i) IN GENERAL.—The Secretary
9 may consider non-monetary factors when
10 competitively awarding leases under para-
11 graph (1), which may include commitments
12 made by the bidder to—

13 “(I) support educational, train-
14 ing, and skills development, including
15 supporting or increasing access to reg-
16 istered apprenticeship programs and
17 pre-apprenticeship programs that have
18 an articulation agreement with a reg-
19 istered apprenticeships program for
20 offshore renewable energy projects;

21 “(II) support development of do-
22 mestic supply chains for offshore re-
23 newable energy projects, including de-
24 velopment of ports and other energy

1 infrastructure necessary to facilitate
2 offshore renewable energy projects;

3 “(III) establish a community
4 benefit agreement with one or more
5 community or stakeholder groups that
6 may be impacted by the development
7 and operation of an offshore renew-
8 able energy project, which may in-
9 clude covered entities;

10 “(IV) make investments to evalu-
11 ate, monitor, improve, and mitigate
12 impacts to the health and biodiversity
13 of ecosystems and wildlife from the
14 development and operation of an off-
15 shore renewable energy project;

16 “(V) support the development
17 and use of shared transmission infra-
18 structure connecting to offshore re-
19 newable energy projects; and

20 “(VI) make other investments de-
21 termined appropriate by the Sec-
22 retary.

23 “(ii) CONTRACTUAL COMMITMENTS.—
24 When considering non-monetary factors

1 under this subparagraph, the Secretary
2 may—

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

5 “(II) reward finalized binding
6 agreements above assurances for fu-
7 ture commitments.

8 “(iii) DEFINITIONS.—In this subpara-
9 graph:

10 “(I) COVERED ENTITY.—The
11 term ‘covered entity’ has the meaning
12 given such term in section 34(k).

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

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

23 “(4) REQUIREMENTS.—

- 1 “(A) IN GENERAL.—The Secretary shall
2 ensure that any activity under this subsection is
3 carried out in a manner that provides for—
- 4 “(i) safety;
- 5 “(ii) protection of the environment,
6 which includes facilitation of the genera-
7 tion, transmission, and storage of zero-
8 emission electricity;
- 9 “(iii) prevention of waste;
- 10 “(iv) conservation of the natural re-
11 sources of the outer Continental Shelf;
- 12 “(v) coordination with relevant Fed-
13 eral agencies and State, Tribal, and local
14 governments;
- 15 “(vi) protection of national security
16 interests of the United States;
- 17 “(vii) protection of correlative rights
18 in the outer Continental Shelf;
- 19 “(viii) a fair return to the United
20 States for any lease, easement, or right-of-
21 way under this subsection;
- 22 “(ix) reasonable uses (as determined
23 by the Secretary) of the exclusive economic
24 zone, the high seas, and the territorial
25 seas;

1 “(x) consideration of—

2 “(I) the location of, and any
3 schedule relating to, a lease, ease-
4 ment, or right-of-way for an area of
5 the outer Continental Shelf; and

6 “(II) any other use of the sea or
7 seabed, including use for a fishery, a
8 sealane, a potential site of a deep-
9 water port, or navigation;

10 “(xi) public notice and comment on
11 any proposal submitted for a lease, ease-
12 ment, or right-of-way under this sub-
13 section;

14 “(xii) oversight, inspection, research,
15 monitoring, and enforcement relating to a
16 lease, easement, or right-of-way under this
17 subsection; and

18 “(xiii) satisfaction of any applicable
19 State and Federal renewable and clean en-
20 ergy mandates, targets, and goals.

21 “(B) PROJECT LABOR AGREEMENTS.—

22 “(i) IN GENERAL.—Beginning not
23 later than January 1, 2025, the Secretary
24 shall require, as a term or condition of
25 each lease, right-of-way, and easement, as

1 applicable, for an offshore renewable en-
2 ergy project that the holder of the lease,
3 right-of-way, or easement, (and any suc-
4 cessor or assignee) and its agents, contrac-
5 tors, and subcontractors engaged in the
6 construction of any facilities for such off-
7 shore renewable energy project agree, for
8 purposes of such construction, to negotiate
9 and become a party to a project labor
10 agreement with one or more labor organi-
11 zations. A project labor agreement shall
12 bind all contractors and subcontractors on
13 the project through the inclusion of appro-
14 priate specifications in all relevant solicita-
15 tion provisions and contract documents.
16 The Secretary shall not approve a con-
17 struction and operations plan with respect
18 to any offshore renewable energy project
19 until being assured by the lessee that such
20 project labor agreement will be maintained
21 for the duration of the project.

22 “(ii) DEFINITIONS.—In this subpara-
23 graph:

24 “(I) CONSTRUCTION.—The term
25 ‘construction’ includes reconstruction,

1 rehabilitation, modernization, alter-
2 ation, conversion, extension, repair, or
3 improvement of any facility, structure,
4 or other real property (including any
5 onshore facilities) for an offshore re-
6 newable energy project.

7 “(II) LABOR ORGANIZATION.—
8 The term ‘labor organization’ means a
9 labor organization as defined in sec-
10 tion 2(5) of the National Labor Rela-
11 tions Act (29 U.S.C. 152(5))—

12 “(aa) of which building and
13 construction employees are mem-
14 bers; and

15 “(bb) that directly, or
16 through its affiliates, sponsors a
17 registered apprenticeship pro-
18 gram.

19 “(III) PROJECT LABOR AGREE-
20 MENT.—The term ‘project labor
21 agreement’ means a pre-hire collective
22 bargaining agreement with one or
23 more labor organizations that estab-
24 lishes the terms and conditions of em-
25 ployment for a specific construction

1 project and is an agreement described
2 in section 8(e) and (f) of the National
3 Labor Relations Act (29 U.S.C.
4 158(f)).

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

13 “(C) DOMESTIC CONTENT.—

14 “(i) IN GENERAL.—With respect to
15 the construction of facilities for an offshore
16 renewable energy project that begins after
17 January 1, 2032, the Secretary shall re-
18 quire that—

19 “(I) all structural iron and steel
20 products that are (upon completion of
21 construction) components of such fa-
22 cilities for an offshore renewable en-
23 ergy project shall be produced in the
24 United States; and

1 “(II) not less than 80 percent of
2 the total costs of all manufactured
3 products that are (upon completion of
4 construction) components of such fa-
5 cilities shall be attributable to manu-
6 factured products which are mined,
7 produced, or manufactured in the
8 United States.

9 “(ii) WAIVER.—The Secretary may
10 waive the requirements of clause (i) in any
11 case or category of cases in which the Sec-
12 retary finds that—

13 “(I) applying clause (i) would be
14 inconsistent with the public interest;

15 “(II) such products are not pro-
16 duced in the United States in suffi-
17 cient and reasonably available quan-
18 tities and of a satisfactory quality; or

19 “(III) the use of such products
20 will increase the cost of the overall
21 project by more than 25 percent.

22 “(iii) PUBLIC NOTIFICATION.—If the
23 Secretary receives a request for a waiver
24 under this subparagraph, the Secretary
25 shall make available to the public a copy of

1 the request and information available to
2 the Secretary concerning the request, and
3 shall allow for informal public input on the
4 request for at least 15 business days prior
5 to making a finding based on the request.
6 The Secretary shall make the request and
7 accompanying information available to the
8 public by electronic means, including on
9 the official public Internet site of the De-
10 partment of the Interior.

11 “(iv) INTERNATIONAL AGREE-
12 MENTS.—This paragraph shall be applied
13 in a manner consistent with United States
14 obligations under international agree-
15 ments.”;

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

18 “(7) COORDINATION AND CONSULTATION.—The
19 Secretary shall provide for coordination and con-
20 sultation with—

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

1 “(B) Indian Tribes (following the proce-
2 dures of the President’s Memorandum of Uni-
3 form Standards for Tribal Consultation, issued
4 on November 30, 2022 (87 Fed. Reg. 74479),
5 or any subsequent order) before undertaking
6 any activities under this subsection that may
7 have a direct, indirect, or cumulative impact
8 on—

9 “(i) the land, including allotted,
10 ceded, or traditional land, or interests in
11 such land of an Indian Tribe or member of
12 an Indian Tribe;

13 “(ii) Tribal land, cultural practices,
14 resources, or access to traditional areas of
15 cultural or religious importance;

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

20 “(iv) the protected rights of an Indian
21 Tribe, whether or not such rights are enu-
22 merated in a treaty, including water, hunt-
23 ing, gathering, and fishing rights;

1 “(v) the ability of an Indian Tribe to
2 govern or provide services to members of
3 the Indian Tribe;

4 “(vi) the relationship between the
5 Federal Government and an Indian Tribe;

6 or

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

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

11 “(10) APPLICABILITY.—

12 “(A) IN GENERAL.—This subsection does
13 not apply to any area on the outer Continental
14 Shelf within the exterior boundaries of any unit
15 of the National Park System, National Wildlife
16 Refuge System, or National Marine Sanctuary
17 System, or any National Monument.

18 “(B) CERTAIN TRANSMISSION INFRA-
19 STRUCTURE.—

20 “(i) IN GENERAL.—Notwithstanding
21 subparagraph (A), if otherwise authorized
22 pursuant to the National Marine Sanc-
23 tuaries Act (16 U.S.C. 1431 et seq.), the
24 Secretary may issue a lease, easement, or
25 right-of-way to enable the transmission of

1 electricity generated by an offshore renew-
2 able energy project.

3 “(ii) TERMS AND CONDITIONS.—In
4 issuing a lease, easement, or right-of-way
5 under clause (i), the Secretary may ap-
6 prove and regulate the construction and
7 operation of such transmission facilities
8 (including electrical substations and other
9 related infrastructure) for the transmission
10 of electricity generated by such projects in
11 a manner that minimizes environmental
12 impacts.

13 “(iii) COORDINATION.—In regulating
14 the construction and operation of trans-
15 mission facilities and related infrastructure
16 under clause (ii), the Secretary shall co-
17 ordinate with the Secretary of Commerce
18 to ensure the duration of any necessary
19 authorizations of such facilities under the
20 National Marine Sanctuaries Act aligns
21 with the duration of the relevant leases,
22 easements, or rights-of-way issued under
23 clause (i).”; and

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

25 “(11) PLANNING AREA IMPACT STUDIES.—

1 “(A) IN GENERAL.—Beginning three years
2 after the date of enactment of this paragraph,
3 before holding any lease sale pursuant to para-
4 graph (1) for an area, the Secretary shall con-
5 duct a study of such area, or the wider plan-
6 ning area that includes such area, in order to
7 establish information needed for assessment
8 and management of the environmental impacts
9 on the human, marine, and coastal environ-
10 ments of the outer Continental Shelf and the
11 coastal areas which may be affected by offshore
12 renewable energy projects in such area or plan-
13 ning area.

14 “(B) INCLUSIONS.—A study conducted
15 under subparagraph (A) shall—

16 “(i) incorporate the best available ex-
17 isting science and data;

18 “(ii) identify areas for which there is
19 insufficient science and data; and

20 “(iii) include consideration of the cu-
21 mulative impacts (including potential navi-
22 gational impacts) of offshore renewable en-
23 ergy projects on human, marine, and
24 coastal environments.

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

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

8 “(ii) whether to issue any permit or
9 other authorization that is necessary to
10 carry out an offshore renewable energy
11 project.

12 “(D) NEPA APPLICABILITY.—The Sec-
13 retary shall not consider a study conducted
14 under subparagraph (A) to be a major Federal
15 action under section 102(2)(C) of the National
16 Environmental Policy Act of 1969 (42 U.S.C.
17 4332(2)(C)).

18 “(12) CAPACITY BUILDING AND COMMUNITY
19 ENGAGEMENT.—

20 “(A) IN GENERAL.—The Secretary, in con-
21 sultation with the Secretary of Commerce, may
22 award grants to entities to build organizational
23 capacity and enhance engagement opportunities
24 related to offshore renewable energy project de-

1 velopment, including environmental reviews and
2 permitting activities of such projects.

3 “(B) PURPOSES.—Grants awarded under
4 subparagraph (A) shall be used by entities to—

5 “(i) enable States, Indian Tribes, af-
6 fected ocean users, and nonprofit associa-
7 tions that represent affected ocean users to
8 compile data, conduct analyses, educate
9 stakeholders, and complete other activities
10 relating to offshore renewable energy
11 project development;

12 “(ii) engage in planning activities and
13 in the development of offshore wind
14 projects for the purposes of—

15 “(I) determining potential eco-
16 nomic, social, public health, and envi-
17 ronmental benefits and impacts; and

18 “(II) identifying opportunities to
19 mitigate such impacts;

20 “(iii) facilitate siting of offshore re-
21 newable energy projects and associated
22 electric transmission infrastructure; and

23 “(iv) hire and train personnel, and
24 other activities designed to increase the ca-
25 pacity of States, Indian Tribes, and non-

1 profit associations, as applicable, to carry
2 out activities described in clauses (i)
3 through (iii).

4 “(C) PRIORITIZATION.—When awarding
5 grants under subparagraph (A), the Secretary
6 shall prioritize awarding grants that will be
7 used to build organizational capacity and en-
8 hance community engagement opportunities of
9 Indian Tribes.

10 “(D) AUTHORIZATION OF APPROPRIA-
11 TIONS.—There are authorized to be appro-
12 priated to the Secretary to carry out this para-
13 graph \$25,000,000 for each of fiscal years
14 2024 through 2028.”.

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

18 “(a) WITHDRAWAL OF UNLEASED LANDS BY THE
19 PRESIDENT.—

20 “(1) IN GENERAL.—The President of the
21 United States may, from time to time, withdraw
22 from disposition any of the unleased lands of the
23 outer Continental Shelf.

24 “(2) REVERSAL FOR CERTAIN OFFSHORE RE-
25 NEWABLE ENERGY PROJECTS.—With respect to a

1 withdrawal under paragraph (1) of unleased lands
2 from disposition, the President may reverse such a
3 withdrawal only to allow for leasing under section
4 (8)(p)(1)(C) and only if the President determines
5 that environmental, national security, or national or
6 regional energy conditions or demands have changed
7 such that a reversal would be in the public inter-
8 est.”.

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

13 “(2) Any action of the Secretary to approve, require
14 modification of, or disapprove any exploration plan or de-
15 velopment and production plan under this Act, or any
16 plan, final lease, easement, or right-of-way granted pursu-
17 ant to section (8)(p)(1) (and any related final Federal
18 agency actions), shall be subject to judicial review only in
19 a United States court of appeals for a circuit in which
20 an affected State is located.”.

21 (f) UPDATING REGULATIONS.—Not later than 270
22 days after the date of enactment of this section, the Sec-
23 retary of the Interior shall issue any necessary regulations
24 to carry out this section and the amendments made by
25 this section.

1 **SEC. 503. ESTABLISHMENT OF OFFSHORE RENEWABLE EN-**
2 **ERGY COMPENSATION FUND.**

3 The Outer Continental Shelf Lands Act (43 U.S.C.
4 1331 et seq.) is amended by adding at the end the fol-
5 lowing:

6 **“SEC. 34. OFFSHORE RENEWABLE ENERGY COMPENSATION**
7 **FUND.**

8 “(a) **ESTABLISHMENT.**—There is established in the
9 Treasury of the United States the Offshore Renewable
10 Energy Compensation Fund, which shall be used by the
11 Secretary, or a third-party the Secretary enters into a con-
12 tract with, to provide to covered entities—

13 “(1) payments for claims—

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

15 “(B) verified pursuant to subsection
16 (d)(1); and

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

19 “(b) **AVAILABILITY OF FUND.**—The Fund shall be
20 available to the Secretary without fiscal year limitations
21 for the purpose of providing payments and grants under
22 subsection (a).

23 “(c) **ACCOUNTS.**—The Fund shall—

24 “(1) consist of the royalties, fees, rents, bo-
25 nuses, and other payments deposited under section
26 8(p)(2)(D); and

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

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

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

8 “(2) apply for a grant provided under sub-
9 section (a)(2).

10 “(e) PAYMENT AMOUNT.—Payments provided under
11 subsection (a)(1) shall—

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

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

15 “(3) if the covered entity receiving the payment
16 has or will receive direct compensation for the
17 verified claim pursuant to a community benefit
18 agreement or other agreement between such covered
19 entity and a holder of a lease, easement, or right-
20 of-way, be reduced by an amount that is equal to the
21 amount of such direct compensation.

22 “(f) CLAIMS; MITIGATION GRANTS.—

23 “(1) CLAIMS.—A payment may be provided
24 under subsection (a)(1) for a verified claim to—

1 “(A) replace or repair gear that was lost or
2 damaged by the development, construction, op-
3 eration, or decommissioning of an offshore re-
4 newable energy project; or

5 “(B) replace income that was lost from the
6 development, construction, operation, or decom-
7 missioning of an offshore renewable energy
8 project.

9 “(2) MITIGATION GRANTS.—If the Secretary
10 determines that there are sufficient amounts in an
11 area account of the Fund to provide payments for
12 all verified claims at any given time, the Secretary
13 may use amounts in the Fund to provide grants to
14 covered entities, and other entities determined ap-
15 propriate by the Secretary, to mitigate the potential
16 effects of development, construction, operation, and
17 decommissioning of an offshore renewable energy
18 project, including by paying for gear changes, navi-
19 gation technology improvements, and other measures
20 to enhance the safety and resiliency of the covered
21 entities near an offshore renewable energy project.

22 “(g) ADVISORY GROUP.—

23 “(1) IN GENERAL.—The Secretary shall estab-
24 lish and regularly convene an advisory group that

1 shall provide recommendations on the development
2 and administration of this section.

3 “(2) MEMBERSHIP.—The advisory group
4 shall—

5 “(A) be comprised of individuals—

6 “(i) appointed by the Secretary; and

7 “(ii) representing the geographic di-
8 versity of areas impacted by the develop-
9 ment, construction, operation, or decom-
10 missioning of offshore renewable energy
11 projects; and

12 “(B) include representatives from—

13 “(i) recreational fishing interests;

14 “(ii) commercial fishing interests;

15 “(iii) Tribal fishing interests;

16 “(iv) the National Marine Fisheries
17 Services;

18 “(v) the fisheries science community;

19 and

20 “(vi) other fields of expertise nec-
21 essary to effectively develop and administer
22 this section, as determined by the Sec-
23 retary.

24 “(3) TRAVEL EXPENSES.—The Secretary may
25 provide amounts to any member of the advisory

1 group to pay for travel expenses, including per diem
2 in lieu of subsistence, at rates authorized for an em-
3 ployee of an agency under section 5703 of title 5,
4 United States Code, while away from the home or
5 regular place of business of the member in the per-
6 formance of the duties of the advisory group.

7 “(h) INSUFFICIENT FUNDS.—

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

17 “(2) AMOUNT.—No holder of an offshore re-
18 newable energy lease shall be required to pay an
19 amount under paragraph (1) in excess of \$3 per
20 acre of the leased land described in paragraph (1).

21 “(i) ADMINISTRATIVE EXPENSES.—The Secretary
22 may use up to 15 percent of the amount deposited into
23 the Fund under section 8(p)(2)(D) during a given fiscal
24 year for administrative expenses to carry out this section.

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

6 “(k) DEFINITIONS.—In this section:

7 “(1) COVERED ENTITY.—The term ‘covered en-
8 tity’ means—

9 “(A) a community, stakeholder, or Tribal
10 interest—

11 “(i) that uses a geographic space of a
12 lease area, or uses resources harvested
13 from a geographic space of a lease area;
14 and

15 “(ii) for which such use is directly and
16 adversely impacted by the development,
17 construction, operation, or decommis-
18 sioning of an offshore renewable energy
19 project located in such leased area; or

20 “(B) a regional association, cooperative,
21 non-profit organization, commission, or corpora-
22 tion that—

23 “(i) serves a community, stakeholder,
24 or Tribal interest described in subpara-
25 graph (A); and

1 “(ii) acts on behalf of such a commu-
2 nity, stakeholder, or Tribal interest for
3 purposes of this section, including by sub-
4 mitting a claim for a covered entity.

5 “(2) FUND.—The term ‘Fund’ means the Off-
6 shore Renewable Energy Compensation Fund estab-
7 lished under subsection (a).

8 “(3) LEASE AREA.—The term ‘lease area’
9 means an area covered by an offshore renewable en-
10 ergy lease.

11 “(4) OFFSHORE RENEWABLE ENERGY LEASE.—
12 The term ‘offshore renewable energy lease’ means a
13 lease, easement, or right-of-way granted under sec-
14 tion 8(p)(1)(C).”.

15 **TITLE VI—EMPOWERMENT OF** 16 **COMMUNITIES**

17 **SEC. 601. ESTABLISHMENT OF OFFICE OF ENVIRONMENTAL** 18 **JUSTICE AND EXTERNAL CIVIL RIGHTS.**

19 (a) ESTABLISHMENT.—The Administrator of the En-
20 vironmental Protection Agency shall maintain within the
21 Environmental Protection Agency an Office of Environ-
22 mental Justice and External Civil Rights (referred to in
23 this section as the “Office”)—

24 (1) to lead the agency-wide effort of the Envi-
25 ronmental Protection Agency in addressing the

1 needs of communities with environmental justice
2 concerns;

3 (2) to maximize the benefits of programs and
4 activities of the Environmental Protection Agency to
5 communities with environmental justice concerns;
6 and

7 (3) to enforce title VI of the Civil Rights Act
8 of 1964 and other Federal civil rights laws, which
9 together prohibit discrimination by applicants for
10 and recipients of financial assistance from the Envi-
11 ronmental Protection Agency.

12 (b) ASSISTANT ADMINISTRATOR FOR ENVIRON-
13 MENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS.—The
14 Office shall be led by an Assistant Administrator for Envi-
15 ronmental Justice and External Civil Rights (referred to
16 in this section as the “Assistant Administrator”), to be
17 appointed by the President, with the advice and consent
18 of the Senate.

19 (c) DUTIES.—The duties of the Office shall include—

20 (1) supporting the mission of the Environ-
21 mental Protection Agency by providing leadership on
22 environmental justice and external civil rights in the
23 programs and activities of the Environmental Pro-
24 tection Agency, in collaboration with other Federal
25 agencies and partners;

1 (2) coordinating implementation of the environ-
2 mental justice and external civil rights programs and
3 activities described in paragraph (1) across—

4 (A) national programs and regions of the
5 Environmental Protection Agency; and

6 (B) partnerships the Environmental Pro-
7 tection Agency has with other agencies and
8 partners in State, Tribal, and local governments
9 and communities;

10 (3) providing resources and other technical as-
11 sistance on civil rights and environmental justice to
12 partners in State, Tribal, and local governments and
13 communities;

14 (4) engaging with communities with environ-
15 mental justice concerns;

16 (5) providing support for community-led action
17 relating to environmental justice; and

18 (6) providing service and expertise in alter-
19 native dispute resolution, environmental conflict res-
20 olution, consensus-building, and collaborative prob-
21 lem solving through the Conflict Prevention and
22 Resolution Center of the Environmental Protection
23 Agency.

1 **SEC. 602. ESTABLISHMENT OF WHITE HOUSE ENVIRON-**
2 **MENTAL JUSTICE INTERAGENCY COUNCIL.**

3 (a) IN GENERAL.—The President shall maintain
4 within the Executive Office of the President a White
5 House Environmental Justice Interagency Council (re-
6 ferred to in this section as the “Council”).

7 (b) PURPOSES.—The purposes of the Council are—

8 (1) to improve coordination and collaboration
9 among agencies and to help advise and assist agen-
10 cies in identifying and addressing, as appropriate,
11 the disproportionate human health and environ-
12 mental effects of Federal programs, policies, prac-
13 tices, and activities on communities of color, low-in-
14 come communities, and Tribal and Indigenous com-
15 munities;

16 (2) to promote meaningful involvement and due
17 process in the development, implementation, and en-
18 forcement of environmental laws;

19 (3) to coordinate with, and provide direct guid-
20 ance and technical assistance to, environmental jus-
21 tice communities, with a focus on increasing—

22 (A) community understanding of the
23 science, regulations, and policy related to agen-
24 cy actions on environmental justice issues; and

25 (B) community capacity to address envi-
26 ronmental justice issues;

1 (4) to address environmental health, pollution,
2 and public health burdens in environmental justice
3 communities, and build healthy, sustainable, and re-
4 silient communities;

5 (5) to develop and update an interagency Fed-
6 eral environmental justice strategy, as described in
7 subsection (g)(1);

8 (6) to annually publish a public performance
9 scorecard, as described in subsection (g)(2); and

10 (7) to support and facilitate interagency col-
11 laboration on Federal and State programs and ac-
12 tivities related to environmental justice, including
13 the development of materials for environmental jus-
14 tice training to build the capacity of Federal employ-
15 ees to advance environmental justice and to increase
16 the meaningful participation of individuals from
17 communities with environmental justice concerns in
18 Federal activities.

19 (c) COMPOSITION.—

20 (1) IN GENERAL.—The Council shall be com-
21 posed of individuals described in the text amended
22 by section 7(a) of Executive Order 14096 (88 Fed.
23 Reg. 25251; relating to Revitalizing Our Nation’s
24 Commitment to Environmental Justice for All).

1 (2) ADDITIONAL MEMBERS.—The Council may
2 include additional individuals from independent
3 agencies, including individuals from the Nuclear
4 Regulatory Commission and the Federal Energy
5 Regulatory Commission, as determined appropriate
6 by the Chair of the Council on Environmental Qual-
7 ity (referred to in this section as the “Chair”).

8 (d) GOVERNANCE.—The Chair shall serve as a mem-
9 ber and Chairperson of the Council.

10 (e) REPORTING TO PRESIDENT.—The Council shall
11 report to the President through the Chair.

12 (f) UNIFORM CONSIDERATION GUIDANCE.—

13 (1) IN GENERAL.—To ensure that there is a
14 common level of understanding of terminology used
15 in dealing with environmental justice issues, not
16 later than 1 year after the date of enactment of this
17 Act, after coordinating with and conducting outreach
18 to environmental justice communities, State govern-
19 ments, Tribal Governments, and local governments,
20 the Council shall develop and publish in the Federal
21 Register a guidance document to assist agencies in
22 defining and applying terms relating to—

23 (A) health disparities;

24 (B) environmental exposure disparities;

1 (C) demographic characteristics, including
2 age, sex, race, and ethnicity;

3 (D) social stressors, including poverty,
4 housing quality, access to health care, edu-
5 cation, immigration status, linguistic isolation,
6 historical trauma, and lack of community re-
7 sources;

8 (E) cumulative effects or risks;

9 (F) community vulnerability or suscepti-
10 bility to adverse human health and environ-
11 mental effects, including climate change;

12 (G) barriers to meaningful involvement in
13 the development, implementation, and enforce-
14 ment of environmental laws; and

15 (H) community capacity to address envi-
16 ronmental concerns, including the capacity to
17 obtain equitable access to environmental amen-
18 ities.

19 (2) PUBLIC COMMENT.—For a period of not
20 less than 60 days, the Chair shall seek public com-
21 ment on the guidance document developed under
22 paragraph (1).

23 (g) DEVELOPMENT OF INTERAGENCY FEDERAL EN-
24 VIRONMENTAL JUSTICE STRATEGY.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this section, after notice
3 and opportunity for public comment, the Council, in
4 consultation with the White House Environmental
5 Justice Advisory Council and local environmental
6 justice leaders, shall develop a coordinated inter-
7 agency Federal environmental justice strategy to ad-
8 dress current and historical environmental injustice,
9 which shall include clear performance metrics to en-
10 sure accountability. The Council shall update said
11 strategy not less frequently than once every 3 years,
12 after notice and opportunity for public comment.

13 (2) ANNUAL PERFORMANCE SCORECARD.—The
14 Council shall annually publish a public performance
15 scorecard on the implementation of the interagency
16 Federal environmental justice strategy.

17 (h) SUBMISSION OF REPORT TO PRESIDENT.—

18 (1) IN GENERAL.—Not later than 180 days
19 after updating the interagency Federal environ-
20 mental justice strategy under subsection (g)(1), the
21 Chair shall submit to the President a report that
22 contains a description of the implementation of the
23 interagency Federal environmental justice strategy.

24 (2) PUBLIC AVAILABILITY.—The head of each
25 agency that is a member of the Council shall make

1 each report described in paragraph (1) available to
2 the public (including by posting a copy of the report
3 on the website of each agency).

4 (i) ADMINISTRATION.—

5 (1) OFFICE OF ADMINISTRATION.—The Office
6 of Administration within the Executive Office of the
7 President shall provide funding and administrative
8 support for the Council, to the extent permitted by
9 law and within existing appropriations.

10 (2) OTHER AGENCIES.—To the extent per-
11 mitted by law and subject to the availability of ap-
12 propriations, the Secretary of Labor, the Secretary
13 of Transportation, and the Administrator of the En-
14 vironmental Protection Agency shall provide admin-
15 istrative support for the Council, as necessary.

16 (j) MEETINGS AND STAFF.—

17 (1) CHAIRPERSON.—The Chair shall—

18 (A) convene regular meetings of the Coun-
19 cil;

20 (B) determine the agenda of the Council in
21 accordance with this section; and

22 (C) direct the work of the Council.

23 (2) EXECUTIVE DIRECTOR.—The Chair shall
24 designate an Executive Director of the Council, who

1 shall coordinate the work of, and head any staff as-
2 signed to, the Council.

3 (k) OFFICERS.—To facilitate the work of the Council,
4 the head of each agency that is a member of the Council
5 shall designate an Environmental Justice Officer within
6 the agency, with the authority—

7 (1) to represent the agency on the Council; and

8 (2) to perform such other duties relating to the
9 implementation of this section within the agency as
10 the head of the agency determines to be appropriate.

11 (l) ESTABLISHMENT OF SUBGROUPS.—At the direc-
12 tion of the Chair, the Council may establish 1 or more
13 subgroups consisting exclusively of Council members or
14 their designees under this section, as appropriate.

15 **SEC. 603. PROHIBITION ON DISPARATE IMPACT DISCRIMI-**
16 **NATION.**

17 Section 601 of the Civil Rights Act of 1964 (42
18 U.S.C. 2000d) is amended—

19 (1) by striking “No” and inserting “(a) No”;

20 and

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

22 “(b)(1)(A) Discrimination (including exclusion from
23 participation and denial of benefits) based on disparate
24 impact is established under this title if—

1 “(i) an entity subject to this title (referred
2 to in this title as a ‘covered entity’) has a pro-
3 gram, policy, practice, or activity that causes a
4 disparate impact on the basis of race, color, or
5 national origin and the covered entity fails to
6 demonstrate that the challenged program, pol-
7 icy, practice, or activity is related to and nec-
8 essary to achieve the nondiscriminatory goal of
9 the program, policy, practice, or activity alleged
10 to have been operated in a discriminatory man-
11 ner; or

12 “(ii) a less discriminatory alternative pro-
13 gram, policy, practice, or activity exists, and the
14 covered entity refuses to adopt such alternative
15 program, policy, practice, or activity.

16 “(B) With respect to demonstrating that a particular
17 program, policy, practice, or activity does not cause a dis-
18 parate impact, the covered entity shall demonstrate that
19 each particular challenged program, policy, practice, or ac-
20 tivity does not cause a disparate impact, except that if
21 the covered entity demonstrates to the courts that the ele-
22 ments of the covered entity’s decision-making process are
23 not capable of separation for analysis, the decision-making
24 process may be analyzed as 1 program, policy, practice,
25 or activity.

1 “(2) A demonstration that a program, policy, prac-
2 tice, or activity is necessary to achieve the goals of a pro-
3 gram, policy, practice, or activity may not be used as a
4 defense against a claim of intentional discrimination under
5 this title.

6 “(3) No person in the United States shall be sub-
7 jected to discrimination, including retaliation or intimidat-
8 ion, because such person opposed any program, policy,
9 practice, or activity prohibited by this title, or because
10 such person made a charge, testified, assisted, or partici-
11 pated in any manner in an investigation, proceeding, or
12 hearing under this title.

13 “(4) In this subsection—

14 “(A) the term ‘demonstrates’ means to meet
15 the burdens of going forward with the evidence and
16 of persuasion; and

17 “(B) the term ‘disparate impact’ means an ac-
18 tion or practice that, even if appearing neutral, actu-
19 ally has the effect of subjecting persons to discrimi-
20 nation on the basis of their race, color, or national
21 origin.”.

22 **SEC. 604. PROVISION FOR RIGHT OF ACTION.**

23 (a) IN GENERAL.—Section 602 of the Civil Rights
24 Act of 1964 (42 U.S.C. 2000d–1) is amended—

1 (1) by inserting “(a)” before “Each Federal de-
2 partment and agency which is empowered”; and

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

4 “(b) Any person aggrieved by the failure to comply
5 with this title, including any regulation promulgated pur-
6 suant to this title, may file suit in any district court of
7 the United States having jurisdiction of the parties, with-
8 out respect to the amount in controversy and without re-
9 gard to the citizenship of the parties.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—This section, including the
12 amendments made by this section, takes effect on
13 the date of enactment of this Act.

14 (2) APPLICATION.—This section, including the
15 amendments made by this section, applies to all ac-
16 tions or proceedings pending on or after the date of
17 enactment of this Act.

18 **SEC. 605. PROVISION FOR RIGHTS OF RECOVERY.**

19 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
20 2000d et seq.) is amended by inserting after section 602
21 the following:

22 **“SEC. 602A. ACTIONS BROUGHT BY AGGRIEVED PERSONS.**

23 “(a) CLAIMS BASED ON PROOF OF INTENTIONAL
24 DISCRIMINATION.—In an action brought by an aggrieved
25 person under this title against an entity subject to this

1 title (referred to in this section as a ‘covered entity’) who
2 has engaged in unlawful intentional discrimination (not a
3 practice that is unlawful because of its disparate impact)
4 prohibited under this title (including its implementing reg-
5 ulations), the aggrieved person may recover equitable and
6 legal relief (including compensatory and punitive dam-
7 ages), attorney’s fees (including expert fees), and costs of
8 the action, except that punitive damages are not available
9 against a government, government agency, or political
10 subdivision.

11 “(b) CLAIMS BASED ON THE DISPARATE IMPACT
12 STANDARD OF PROOF.—In an action brought by an ag-
13 grieved person under this title against a covered entity
14 who has engaged in unlawful discrimination based on dis-
15 parate impact prohibited under this title (including imple-
16 menting regulations), the aggrieved person may recover
17 attorney’s fees (including expert fees), and costs of the
18 action.

19 “(c) DEFINITIONS.—In this section:

20 “(1) AGGRIEVED PERSON.—The term ‘ag-
21 grieved person’ means a person aggrieved by dis-
22 crimination on the basis of race, color, or national
23 origin.

24 “(2) DISPARATE ACTION.—The term ‘disparate
25 impact’ means an action or practice that, even if ap-

1 pearing neutral, actually has the effect of subjecting
2 persons to discrimination on the basis of their race,
3 color, or national origin.”.

4 **SEC. 606. REQUIREMENT FOR COMMUNITY IMPACT RE-**
5 **PORTS.**

6 (a) PURPOSE.—The purpose of this section is to es-
7 tablish additional protections relating to Federal actions
8 affecting environmental justice communities in recognition
9 of the disproportionate burden of adverse environmental
10 and public health impacts faced by such communities.

11 (b) PREPARATION OF A COMMUNITY IMPACT RE-
12 PORT.—

13 (1) IN GENERAL.—A lead agency proposing to
14 take a Federal action shall prepare and make pub-
15 licly available a community impact report that as-
16 sesses the potential for the proposed Federal action
17 to have adverse environmental and public health im-
18 pacts on environmental justice communities.

19 (2) CONTENTS.—

20 (A) IN GENERAL.—A community impact
21 report described in paragraph (1) shall—

22 (i) assess the degree to which the pro-
23 posed Federal action has the potential to
24 cause multiple exposures or cumulative ex-
25 posure to human health or environmental

1 hazards that influence, exacerbate, or con-
2 tribute to adverse health outcomes of any
3 affected environmental justice commu-
4 nities;

5 (ii) assess relevant public health data
6 and industry data concerning how the pro-
7 posed Federal action may affect the poten-
8 tial for multiple exposures or cumulative
9 exposure to human health or environ-
10 mental hazards in the geographic area of
11 the affected environmental justice commu-
12 nity;

13 (iii) assess legacy pollution in the geo-
14 graphic area of any affected environmental
15 justice community, including historical pat-
16 terns of exposure to human health or envi-
17 ronmental hazards;

18 (iv) assess the impact of the proposed
19 Federal action on the ability of any af-
20 fected environmental justice community to
21 access public parks, outdoor spaces, and
22 public recreation opportunities;

23 (v) evaluate alternatives to and miti-
24 gation measures for the proposed Federal
25 action that will—

1 (I) eliminate or reduce any expo-
2 sure to human health and environ-
3 mental hazards assessed under clause
4 (i) to a level that is reasonably ex-
5 pected to avoid human health impacts
6 from such exposure in the geographic
7 area of any affected environmental
8 justice community; and

9 (II) not negatively impact the
10 ability of any affected environmental
11 justice community to access public
12 parks, outdoor spaces, and public
13 recreation opportunities;

14 (vi) analyze any alternative developed
15 by members of an affected environmental
16 justice community that meets the purpose
17 and need to which the agency is respond-
18 ing in proposing the alternatives, including
19 the proposed action;

20 (vii) assess the impact of the proposed
21 Federal action on access to reliable energy
22 and on electricity prices for low-income
23 communities, minority communities, Indian
24 Tribes, and senior citizens;

1 (viii) assess the impact of the pro-
2 posed Federal action on the potential for
3 drought, domestic food availability, and do-
4 mestic food prices; and

5 (ix) assess the impact of the proposed
6 Federal action on the ability of the Federal
7 Government to achieve the carbon pollution
8 reduction and elimination goals established
9 under Executive Order 14057 (86 Fed.
10 Reg. 70935; relating to Catalyzing Clean
11 Energy Industries and Jobs Through Fed-
12 eral Sustainability).

13 (B) SCOPE OF ASSESSMENTS, EVALUA-
14 TION, AND ANALYSIS.—In assessing, evaluating,
15 and analyzing the matters described in clauses
16 (i) through (vi) of subparagraph (A), the lead
17 agency shall assess multiple and cumulative ef-
18 fects, including effects that are not within the
19 control of the lead agency or any participating
20 Federal agencies.

21 (3) DELEGATION.—A lead agency may not dele-
22 gate responsibility for the preparation of a commu-
23 nity impact report described in paragraph (1) to any
24 non-Federal entity. This paragraph does not affect
25 the ability of a lead agency to enter into a contract

1 with a third party to assist with the preparation of
2 a community impact report described in paragraph
3 (1).

4 (4) AGENCY DETERMINATION.—Any determina-
5 tion by a lead agency related to any assessment,
6 evaluation, or analysis included in a community im-
7 pact report described in paragraph (1) shall be sub-
8 ject to judicial review to the same extent as any
9 other analysis performed under the National Envi-
10 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
11 seq.).

12 **SEC. 607. ENGAGEMENT WITH ENVIRONMENTAL JUSTICE**
13 **COMMUNITIES AND INDIAN TRIBES IN NEPA**
14 **REVIEWS.**

15 (a) NATIONAL ENVIRONMENTAL POLICY ACT RE-
16 QUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMU-
17 NITIES.—

18 (1) IN GENERAL.—When carrying out the re-
19 quirements of the National Environmental Policy
20 Act of 1969 (42 U.S.C. 4321 et seq.) by preparing
21 an environmental document for a proposed Federal
22 action that may have reasonably foreseeable adverse
23 public health or environmental impacts on an envi-
24 ronmental justice community, a lead agency shall—

1 (A) hold a public comment period carried
2 out during the scoping for the Federal action
3 for not less than 90 days;

4 (B) provide early and meaningful opportu-
5 nities for any affected environmental justice
6 community to be involved in the environmental
7 review process of the proposed Federal action
8 by—

9 (i) holding multiple hearings in each
10 affected environmental justice community
11 regarding the proposed Federal action in
12 each language spoken by more than 5 per-
13 cent of the population of each affected en-
14 vironmental justice community, at times
15 and locations that are accessible to mem-
16 bers of such affected environmental justice
17 communities; and

18 (ii) providing notice to any represent-
19 ative entities or organizations present in
20 any affected environmental justice commu-
21 nity of any step or action in the process re-
22 lated to the preparation of any environ-
23 mental document for the proposed Federal
24 action that involves public participation,
25 which may include providing notice to—

- 1 (I) local religious organizations;
- 2 (II) civic associations and organi-
- 3 zations;
- 4 (III) business associations of peo-
- 5 ple of color;
- 6 (IV) environmental organizations
- 7 and environmental justice organiza-
- 8 tions, including community-based
- 9 grassroots organizations led by people
- 10 of color;
- 11 (V) homeowners, tenants, and
- 12 neighborhood watch groups;
- 13 (VI) local governments and Trib-
- 14 al Governments;
- 15 (VII) rural cooperatives;
- 16 (VIII) business and trade organi-
- 17 zations;
- 18 (IX) community and social serv-
- 19 ice organizations;
- 20 (X) universities, colleges, and vo-
- 21 cational schools;
- 22 (XI) labor and other worker or-
- 23 ganizations;
- 24 (XII) civil rights organizations;

1 (XIII) senior citizens' groups;

2 and

3 (XIV) public health agencies and

4 clinics;

5 (C) provide translations of any environ-
6 mental documents made publicly available pur-
7 suant to that Act in any language spoken by
8 more than 5 percent of the population of an af-
9 fected environmental justice community; and

10 (D) consider all potential direct, indirect,
11 and cumulative impacts caused by the action,
12 alternatives to such action, and mitigation
13 measures on the environmental justice commu-
14 nity required by that Act.

15 (2) COMMUNICATION METHODS AND REQUIRE-
16 MENTS.—Any notice provided under paragraph
17 (1)(B)(ii) shall be provided—

18 (A) through communication methods that
19 are accessible to the environmental justice com-
20 munity, which may include electronic media,
21 virtual meetings, newspapers, radio, direct mail-
22 ings, canvassing, and other outreach methods
23 particularly targeted at communities of color,
24 low-income communities, and Tribal and Indig-
25 enous communities; and

1 (B) at least 30 days before the applicable
2 public comment period or hearing is held.

3 (b) NATIONAL ENVIRONMENTAL POLICY ACT RE-
4 QUIREMENTS FOR INDIAN TRIBES.—When carrying out
5 the requirements of the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4321 et seq.) by preparing an
7 environmental document for a proposed Federal action
8 that may affect an Indian Tribe, a lead agency shall—

9 (1) seek Tribal representation in the process in
10 a manner that is consistent with the government-to-
11 government relationship between the United States
12 and Tribal Governments, the Federal Government’s
13 trust responsibility to Indian Tribes, and any treaty
14 rights; and

15 (2) invite affected Indian Tribes to be cooper-
16 ating agencies under section 107(a)(3) of the Na-
17 tional Environmental Policy Act of 1969 (42 U.S.C.
18 4336a(a)(3)), including with regard to any Federal
19 action that could impact off reservation lands and
20 sacred sites, not later than the date on which the
21 scoping process for a proposed Federal action re-
22 quiring the preparation of an environmental docu-
23 ment commences.

1 **SEC. 608. REQUIREMENT OF NOTICES OF INTENT TO PRE-**
2 **PRE ENVIRONMENTAL DOCUMENTS.**

3 (a) NOTICES OF INTENT TO PREPARE ENVIRON-
4 MENTAL DOCUMENTS.—When the lead agency publishes
5 a notice of intent to prepare an environmental impact
6 statement or an environmental assessment for a Federal
7 action, the lead agency shall include in such notice of in-
8 tent the following:

9 (1) A description of the proposed Federal ac-
10 tion.

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

15 (3) To the extent possible, an initial list of
16 other existing or proposed sources of multiple or cu-
17 mulative exposure to environmental hazards that
18 contribute to higher rates of serious illnesses within
19 any affected environmental justice community.

20 (4) An agency point of contact, or the points of
21 contact if there is more than one lead agency.

22 (5) Identification of locations where comments
23 will be received or hearings held, if known as of the
24 date on which the notice of intent is published.

1 (6) Any telephone number or locations where
2 further information with respect to the preparation
3 of the environmental document can be obtained.

4 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
5 fect 1 year after the date of enactment of this Act.

6 **SEC. 609. AVOIDANCE OF CUMULATIVE IMPACTS THROUGH**
7 **NEPA.**

8 (a) REVISION.—Section 101(a) of the National Envi-
9 ronmental Policy Act of 1969 (42 U.S.C. 4331(a)) is
10 amended—

11 (1) by striking “man’s” and inserting
12 “human”; and

13 (2) by striking “man” each place it appears and
14 inserting “humankind”.

15 (b) COOPERATION OF AGENCIES; REPORTS; AVAIL-
16 ABILITY OF INFORMATION; RECOMMENDATIONS; INTER-
17 NATIONAL AND NATIONAL COORDINATION OF EF-
18 FORTS.—Section 102 of the National Environmental Pol-
19 icy Act of 1969 (42 U.S.C. 4332) is amended—

20 (1) by striking “The Congress authorizes and
21 directs that, to the fullest extent possible:” and in-
22 serting “The Congress authorizes and directs that,
23 notwithstanding any other provision of law and to
24 the fullest extent possible:”; and

25 (2) in paragraph (2)—

1 (A) in subparagraph (A), by striking
2 “man’s” and inserting “the human”;

3 (B) in subparagraph (C)—

4 (i) in clause (iii), by inserting “and
5 that, where applicable, do not cause or
6 contribute to adverse cumulative effects,
7 including effects caused by exposure to en-
8 vironmental pollution, on an overburdened
9 community that are higher than those
10 borne by other communities within the
11 State, county, or other geographic unit of
12 analysis as determined by the agency pre-
13 paring or having taken primary responsi-
14 bility for preparing the environmental doc-
15 ument pursuant to this Act, except that
16 where the agency determines that an alter-
17 native will serve a compelling public inter-
18 est in the affected overburdened commu-
19 nity with conditions to protect public
20 health” after “purpose and need of the
21 proposal”; and

22 (ii) in clause (iv)—

23 (I) by striking “man’s” and in-
24 serting “humankind’s”; and

1 (II) by striking the “and” at the
2 end;

3 (C) in subparagraph (F), by inserting
4 “that are consistent with subparagraph
5 (C)(iii)” after “feasible alternatives”; and

6 (D) in subparagraph (I), by striking “man-
7 kind’s” and inserting “humankind’s”.

8 (c) DEFINITIONS.—Section 111 of the National Envi-
9 ronmental Policy Act of 1969 (42 U.S.C. 4336e) is
10 amended—

11 (1) by redesignating paragraphs (10), (11),
12 (12), and (13) as paragraphs (13), (15), (16), and
13 (17), respectively;

14 (2) by inserting after paragraph (9) the fol-
15 lowing:

16 “(10) EFFECT; IMPACT.—The terms ‘effect’
17 and ‘impact’ mean changes to the human environ-
18 ment from the proposed action or alternatives that
19 are reasonably foreseeable and include the following:

20 “(A) Direct effects, which are caused by
21 the action and occur at the same time and
22 place.

23 “(B) Indirect effects, which are caused by
24 the action and are later in time or farther re-
25 moved in distance, but are still reasonably fore-

1 seeable. Indirect effects may include growth in-
2 ducing effects and other effects related to in-
3 duced changes in the pattern of land use, popu-
4 lation density or growth rate, and related ef-
5 fects on air and water and other natural sys-
6 tems, including ecosystems.

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

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

1 on balance the agency believes that the effects
2 will be beneficial.

3 “(11) LIMITED ENGLISH PROFICIENCY.—The
4 term ‘limited English proficiency’ means that a
5 household does not have an adult that speaks
6 English very well according to the United States
7 Census Bureau.

8 “(12) LOW-INCOME HOUSEHOLD.—The term
9 ‘low-income household’ means a household that is at
10 or below twice the poverty threshold as that thresh-
11 old is determined annually by the United States
12 Census Bureau.”;

13 (3) by inserting after paragraph (13), as so re-
14 designated, the following:

15 “(14) OVERBURDENED COMMUNITY.—The term
16 ‘overburdened community’ means any census block
17 group, as determined in accordance with the most
18 recent United States Census, in which—

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

21 “(B) at least 40 percent of the residents
22 identify as minority or as members of a Tribal
23 or Indigenous community; or

24 “(C) at least 40 percent of the households
25 have limited English proficiency.”; and

1 (4) by adding at the end the following:

2 “(18) TRIBAL OR INDIGENOUS COMMUNITY.—

3 The term ‘Tribal or Indigenous community’ means a
4 community of people who are members of—

5 “(A) a federally recognized Indian Tribe;

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

7 “(C) an Alaska Native or Native Hawaiian
8 community or organization; or

9 “(D) any other community of Indigenous
10 people located in a State or territory of the
11 United States.”.

12 **SEC. 610. INCLUSION OF GREENHOUSE GAS PROJECTIONS**
13 **IN NEPA REVIEWS.**

14 (a) REQUIREMENT.—In preparing an environmental
15 document for a proposed major Federal action, the lead
16 agency shall consider the potential effects of—

17 (1) the proposed major Federal action on cli-
18 mate change; and

19 (2) the effects of climate change on the pro-
20 posed major Federal action.

21 (b) QUANTIFYING EFFECTS.—In considering the ef-
22 fects described under subsection (a), the lead agency
23 shall—

24 (1) quantify the reasonably foreseeable direct
25 and indirect greenhouse gas emissions of the pro-

1 posed major Federal action and reasonable alter-
2 natives;

3 (2) utilize the best available estimates of the so-
4 cial cost of carbon, as determined by the Chair of
5 the Council on Environmental Quality; and

6 (3) identify alternatives and mitigation meas-
7 ures to avoid or reduce greenhouse gas emissions of
8 the proposed major Federal action.

9 (c) SOCIAL COST OF CARBON DEFINED.—In this sec-
10 tion, the term “social cost of carbon” means a quantifica-
11 tion, in dollars, of the long-term damage caused by a ton
12 of carbon dioxide emissions in a given year.

13 **SEC. 611. ESTABLISHMENT OF COMMUNITY BENEFITS**
14 **AGREEMENTS.**

15 (a) CONSIDERATION IN NEPA.—When carrying out
16 the requirements of the National Environmental Policy
17 Act of 1969 (42 U.S.C. 4321 et seq.) by preparing an
18 environmental document for a proposed major Federal ac-
19 tion that may have reasonably foreseeable adverse public
20 health or environmental impacts, the lead agency shall
21 take into consideration whether a project sponsor has en-
22 tered into a community benefits agreement with a State,
23 a unit of local government, an Indian Tribe, a labor orga-
24 nization, or a community benefits organization that may

1 include the disbursement of funds for social, economic, or
2 environmental benefits that will—

3 (1) offset adverse impacts resulting from the
4 construction or operation of the proposed major
5 Federal action; or

6 (2) address legacy or historical harm or adverse
7 cumulative social, economic, or environmental im-
8 pacts in the location in which the proposed major
9 Federal action is to be carried out.

10 (b) PROJECTS REQUIRING ENVIRONMENTAL IMPACT

11 STATEMENTS.—The lead agency with respect to a pro-
12 posed project that requires the preparation of an environ-
13 mental impact statement may require the project sponsor
14 to enter into a community benefits agreement with a
15 State, a unit of local government, an Indian Tribe, a labor
16 organization, or a community benefits organization to off-
17 set, in full or in part, any significant adverse social, eco-
18 nomic, or environmental impacts that would result from
19 the construction or operation of the project.

20 (c) CONSIDERATIONS.—In determining whether to
21 require a project sponsor to enter into a community bene-
22 fits agreement under subsection (c), the lead agency shall
23 consider—

24 (1) the available resources of the project spon-
25 sor;

1 (2) the scale of the project and degree of im-
2 pacts, including cumulative impacts to communities
3 with environmental justice concerns; and

4 (3) the benefits from the project to be received
5 by the community or communities, relative to the
6 adverse impacts resulting from the project.

7 (d) NEGOTIATION.—

8 (1) IN SPONSOR.—A community benefits agree-
9 ment shall be negotiated between the project sponsor
10 and the State, unit of local government, Indian
11 Tribe, labor organization, or community benefits or-
12 ganization, as applicable.

13 (2) TECHNICAL ASSISTANCE.—On request of a
14 State, unit of local government, Indian Tribe, or a
15 community benefits organization the lead agency
16 may provide technical assistance to the State, unit
17 of local government, Indian Tribe, labor organiza-
18 tion, or community benefits organization in devel-
19 oping and negotiating a community benefits agree-
20 ment.

21 (3) THIRD PARTY NEUTRAL.—For a community
22 benefits agreement required by a lead agency under
23 subsection (b), the lead agency—

24 (A) may request a representative of the
25 Conflict Prevention and Resolution Center of

1 the Environmental Protection Agency or the
2 John S. McCain III National Center for Envi-
3 ronmental Conflict Resolution to act as a neu-
4 tral third party in the negotiation and prepara-
5 tion of the community benefits agreement; and

6 (B) shall reimburse the Environmental
7 Protection Agency (unless the lead agency is
8 the Environmental Protection Agency) or the
9 Udall Foundation for the reasonable costs of
10 that service.

11 (4) MECHANISM FOR HOLDING FUNDS.—Negotia-
12 tion relating to a community benefits agreement
13 shall address the mechanism through which funds
14 associated with the community benefits agreement
15 will be held and dispersed, such as through a trust
16 fund or similar instrument.

17 (e) USE OF FUNDS.—Funds received by a State, unit
18 of local government, Indian Tribe, labor organization, or
19 community benefits organization under a community bene-
20 fits agreement shall be used for any activity or the con-
21 struction or modification of infrastructure that—

22 (1) is beneficial to communities affected by the
23 applicable project;

1 (2) is identified as a priority by any State, unit
2 of local government, or Indian Tribe that is a party
3 to the community benefits agreement; and

4 (3) is inclusive of labor organizations capable of
5 completing construction or modification.

6 (f) DEFINITIONS.—In this section:

7 (1) COMMUNITY BENEFITS AGREEMENT.—The
8 term “community benefits agreement”—

9 (A) means an agreement to carry out ac-
10 tivities to address historical or legacy impacts
11 that continue to contribute to cumulative im-
12 pacts that are identified under a community im-
13 pact report prepared under section 606; and

14 (B) includes—

15 (i) commitments by a project sponsor
16 to hire members of the local workforce dur-
17 ing construction, operation, or mainte-
18 nance of the applicable project; and

19 (ii) the disbursement of funds for so-
20 cial, economic, or environmental benefits
21 that will—

22 (I) offset adverse impacts result-
23 ing from the construction or operation
24 of the applicable project; or

1 (II) address legacy or historical
2 harm or adverse cumulative impacts
3 in the location in which the applicable
4 project is to be carried out.

5 (2) COMMUNITY BENEFITS ORGANIZATION.—In
6 this section, the term “community benefits organiza-
7 tion” means an organization that—

8 (A) is described in section 501(c)(3) of the
9 Internal Revenue Code of 1986 and is exempt
10 from taxation under section 501(a) of such
11 Code; and

12 (B) is formed to protect the human health
13 and environment of communities in the area in
14 which a proposed major Federal action is to be
15 carried out.

16 **SEC. 612. REQUIREMENT OF TIMELY PUBLIC RELEASE OF**
17 **NEPA DOCUMENTATION.**

18 (a) IN GENERAL.—To achieve the goals described in
19 section 1507.4 of title 40, Code of Federal Regulations
20 (or a successor regulation), to allow agencies and the pub-
21 lic to efficiently and effectively access information relating
22 to environmental reviews required under the National En-
23 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
24 the lead agency for a proposed major Federal action shall
25 make the documents identified under subsection (b) with

1 respect to such proposed major Federal action available
2 to the public in a searchable, digital format when such
3 documents are completed by the lead agency, or in the
4 case of final documents, finalized by the agency. The lead
5 agency may make such documents available to the public
6 in a searchable, digital format by—

7 (1) publishing and maintaining such documents
8 on the public website or websites of the applicable
9 agency or agencies; and

10 (2) uploading such documents to the E-NEPA
11 online permitting portal established under subsection
12 (b) of section 110 of the National Environmental
13 Policy Act of 1969 (as added by section 615(b) of
14 this Act).

15 (b) DOCUMENTS.—The documents identified under
16 this subsection are the following:

17 (1) Any notice of intent and other scoping no-
18 tices.

19 (2) Any draft and final environmental assess-
20 ments and findings of no significant impacts.

21 (3) Any draft, final, and supplemental environ-
22 mental impact statements.

23 (4) Any records of decision.

1 (5) Any documentation associated with a deter-
2 mination to proceed with the proposed major Fed-
3 eral action under a categorical exclusion.

4 (6) Any additional related documentation.

5 (c) TIMING.—The lead agency shall make the docu-
6 ments identified under subsection (b) available to the pub-
7 lic in a searchable, digital format under subsection (a) by
8 not later than the earlier of—

9 (1) 3 days after the date on which the lead
10 agency completes the document; and

11 (2) 3 days after the date on the document is
12 published in the Federal Register.

13 (d) COOPERATING AGENCIES.—A cooperating agency
14 shall publish a link to the location on the website of the
15 lead agency to the documents identified under subsection
16 (b) on which the agency was a cooperating agency.

17 **SEC. 613. ESTABLISHMENT OF GRANTS FOR CAPACITY**
18 **BUILDING AND COMMUNITY ENGAGEMENT.**

19 (a) IN GENERAL.—The Administrator of the Envi-
20 ronmental Protection Agency shall make grants to States,
21 units of local government, Indian Tribes, and nonprofit
22 associations which may be used for purposes of—

23 (1) increasing the capacity of such organiza-
24 tions to conduct activities related to proposed major
25 Federal actions, and State, local, and Tribal envi-

1 ronmental reviews, permits, and consultations, in-
2 cluding by—

3 (A) compiling data and conducting anal-
4 yses, planning, and environmental review;

5 (B) determining potential economic, social,
6 public health, and environmental impacts; and

7 (C) identifying opportunities to mitigate
8 such impacts;

9 (2) enhancing community engagement opportu-
10 nities related to environmental reviews;

11 (3) identifying zones for renewable energy de-
12 velopment;

13 (4) facilitating the siting of renewable energy-
14 related facilities and infrastructure;

15 (5) providing technical assistance to units of
16 local government to establish renewable energy zon-
17 ing ordinances; and

18 (6) training and hiring personnel, and other ac-
19 tivities to increase the capacity of States, units of
20 local government, Indian Tribes, and nonprofit asso-
21 ciations, as applicable, to carry out activities de-
22 scribed in paragraphs (1) through (5).

23 (b) FUNDING.—

24 (1) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to the Ad-

1 administrator of the Environmental Protection Agency
2 to make grants under subsection (a) \$500,000,000
3 for each of fiscal years 2024 through 2029.

4 (2) ENVIRONMENTAL REVIEW FUND.—In addi-
5 tion to amounts made available under paragraph
6 (1), the Administrator may use amounts available in
7 the Environmental Review Fund for the Environ-
8 mental Protection Agency established under section
9 614(c) to make grants to under subsection (a).

10 **SEC. 614. ESTABLISHMENT OF FEES FOR ENVIRONMENTAL**
11 **REVIEWS AND AUTHORIZATIONS FOR**
12 **PROJECTS.**

13 (a) ESTABLISHMENT OF FEES.—

14 (1) IN GENERAL.—The head of each Federal
15 agency required or authorized to complete an envi-
16 ronmental document or an authorization for a major
17 Federal action shall issue regulations to collect fees
18 for work to complete any such environmental docu-
19 ment or authorization.

20 (2) SPECIFICATIONS.—A fee collected under
21 paragraph (1) shall be, as determined by the head
22 of the applicable Federal agency—

23 (A) fair;

1 (B) sufficient to cover the costs to the
2 Federal agency of completing the environmental
3 document or authorization; and

4 (C) consistent with the guidance estab-
5 lished by the Council on Environmental Quality
6 and the Office of Management and Budget
7 under subsection (b).

8 (3) ADDITIONAL CONSIDERATIONS.—In col-
9 lecting a fee under paragraph (1), the head of a
10 Federal agency may also consider—

11 (A) the value of the service or thing to the
12 individual or entity that receives a completed
13 environmental review or authorization;

14 (B) the public interest served by the major
15 Federal action;

16 (C) the complexity of the major Federal
17 action and number of agencies involved as co-
18 operating agencies;

19 (D) potential impacts of the major Federal
20 action on small businesses; and

21 (E) other relevant factors, as determined
22 by the head of the Federal agency.

23 (4) DEPOSIT OF FEES.—Fees collected under
24 this subsection shall be deposited into the applicable

1 Environmental Review Fund established under sub-
2 section (c)(1).

3 (b) GUIDANCE.—Not later than 120 days after the
4 date of enactment of this Act, the Council on Environ-
5 mental Quality and the Office of Management and Budget
6 shall issue joint guidance for Federal agencies to facilitate
7 the collection of fees under subsection (a) and the report-
8 ing of data under subsection (c)(5).

9 (c) ENVIRONMENTAL REVIEW FUNDS.—

10 (1) ESTABLISHMENT.—There is established at
11 each Federal agency with authority for completing
12 environmental reviews or authorizations required by
13 law an Environmental Review Fund (referred to in
14 this subsection as a “Fund”), consisting of fees es-
15 tablished under subsection (a) that are collected by
16 the Federal agency.

17 (2) AVAILABILITY.—Amounts in a Fund and
18 amounts transferred to an agency under paragraph
19 (3) shall be available to the applicable Federal agen-
20 cy, without further appropriation, for—

21 (A) environmental review staff salaries and
22 training and third-party contracts to support
23 the completion of environmental documents and
24 authorizations for major Federal actions;

25 (B) environmental data collection;

1 (C) development of documents and anal-
2 yses that will facilitate timely environmental re-
3 views, including programmatic analyses and
4 memoranda of understanding;

5 (D) monitoring compliance with terms and
6 conditions included in authorizations for major
7 Federal actions; and

8 (E) other activities and services that will
9 facilitate timely environmental reviews, as de-
10 termined by the head of the Federal agency.

11 (3) TRANSFER AUTHORITY.—

12 (A) IN GENERAL.—A Federal agency for
13 which a Fund is established by paragraph (1)
14 may transfer amounts in such a Fund to an-
15 other Federal agency—

16 (i) for work performed as a cooper-
17 ating agency to complete an environmental
18 document for a major Federal action that
19 is subject to a fee established by the Fed-
20 eral agency under subsection (a);

21 (ii) to pay the costs of conducting and
22 completing responsibilities required under
23 other Federal law for the major Federal
24 action on which the Federal agency is serv-
25 ing as the lead agency; or

1 (iii) to fund liaison positions at an-
2 other Federal agency to facilitate inter-
3 agency coordination and timely completion
4 of environmental documents and authoriza-
5 tions for major Federal action.

6 (B) ACCEPTANCE OF FUNDS.—A Federal
7 agency with a Fund shall have the authority to
8 accept funding transferred by another agency
9 under subparagraph (A).

10 (4) PROGRAMMATIC ENVIRONMENTAL REVIEW
11 FUND.—

12 (A) ESTABLISHMENT.—A Federal agency
13 for which a Fund is established by paragraph
14 (1) may establish, by issuing regulations, within
15 the Fund a separate programmatic environ-
16 mental review fund.

17 (B) CONTRIBUTION BY PROJECT SPON-
18 SORS.—A Federal agency may allow a project
19 sponsor or group of project sponsors to con-
20 tribute to a programmatic environmental review
21 fund established under subparagraph (A) to fa-
22 cilitate the development of a programmatic en-
23 vironmental review.

24 (C) FEES FOR PROGRAMMATIC ENVIRON-
25 MENTAL REVIEWS.—A Federal agency that es-

1 tablISHED a programmatic environmental review
2 fund under subparagraph (A) may establish
3 fees, consistent with specifications and consider-
4 ations under subsection (a), when the environ-
5 mental document for a project carried out by a
6 project sponsor will tier off the programmatic
7 environmental review, consistent with section
8 1501.11 of title 40, Code of Federal Regula-
9 tions (or a successor regulation).

10 (5) REPORT.—The head of each Federal agency
11 for which a Fund is established by paragraph (1)
12 shall prepare, and make publicly available on the
13 website of the Federal agency, an annual report on
14 the collection and use of fees under subsection (a)
15 and this subsection.

16 (6) CLARIFICATIONS.—

17 (A) AMOUNTS IN FUND.—Amounts in a
18 Fund shall supplement existing amounts au-
19 thorized to carry out activities described in
20 paragraph (2).

21 (B) POSITIONS.—A Federal agency using
22 amounts in a Fund shall not be subject to any
23 limitation relating to the number of full-time
24 equivalent employees of the Federal agency oth-
25 erwise imposed by law.

1 (d) EXEMPTION.—A Federal agency that establishes
2 a fee under subsection (a) may exempt an entity from such
3 a fee if, as determined by the Federal agency, the fee
4 would impose an undue financial burden or is otherwise
5 determined to be inappropriate.

6 **SEC. 615. ESTABLISHMENT OF INTERAGENCY ENVIRON-**
7 **MENTAL DATA SYSTEM.**

8 (a) ENVIRONMENTAL DATA SYSTEMS.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of the Clean Electricity and
11 Transmission Acceleration Act of 2023, the Council
12 on Environmental Quality (referred to in this section
13 as the “Council”), in coordination with, and support
14 from, the Administrator of the Environmental Pro-
15 tection Agency (referred to in this section as the
16 “Administrator”) and the Director of the Office of
17 Management and Budget (referred to in this section
18 as the “Director”) and in consultation with the Fed-
19 eral Geographic Data Committee and heads of Fed-
20 eral agencies with relevant geographic information
21 system data, shall develop linked interagency envi-
22 ronmental data collection systems that include
23 georeferenced qualitative and quantitative data for
24 use by all Federal agencies in preparing any envi-

1 ronmental document and tracking environmental
2 outcomes of major Federal actions, including—

3 (A) environmental documents;

4 (B) data on mitigation commitments re-
5 quired in environmental documents; and

6 (C) monitoring and compliance data and
7 information required under Federal environ-
8 mental laws.

9 (2) REQUIREMENTS.—In developing linked
10 interagency environmental data collection systems
11 under paragraph (1), the Council, in coordination
12 with the Administrator and the Director, shall—

13 (A) facilitate—

14 (i) the reduction of administrative
15 costs borne by project developers, including
16 in the establishment of the permitting por-
17 tal under section 110(b) of the National
18 Environmental Policy Act of 1969;

19 (ii) the reduction of the duplication of
20 efforts by Federal and State agencies;

21 (iii) the standardization of the collec-
22 tion of information on environmental im-
23 pacts and outcomes; and

1 (iv) the tracking of long-term environ-
2 mental outcomes, including the efficacy of
3 mitigation commitments;

4 (B) make the linked interagency environ-
5 mental data collection systems developed under
6 paragraph (1) publicly available, to the extent
7 consistent with section 552 of title 5, United
8 States Code, and any exemption from disclosure
9 of sensitive site-specific information under ap-
10 plicable law;

11 (C) include tools that—

12 (i) enhance the abilities of Federal
13 agencies to conduct the public outreach
14 and engagement required under the Na-
15 tional Environmental Policy Act of 1969
16 (42 U.S.C. 4321 et seq.);

17 (ii) enable Federal agencies to publish
18 information regarding public engagement
19 opportunities under the National Environ-
20 mental Policy Act of 1969 (42 U.S.C.
21 4321 et seq.); and

22 (iii) facilitate opportunities for the
23 public to provide Federal agencies with rel-
24 evant environmental or scientific informa-
25 tion and data, including locally-specific en-

1 vironmental data, that could complement
2 monitoring efforts and enhance evidence-
3 based decision making;

4 (D) facilitate coordination between Federal
5 and State agencies, including by providing for
6 up-to-date georeferenced information sharing
7 about current Federal agency actions;

8 (E) enable States to integrate relevant
9 State-level environmental data;

10 (F) standardize and enhance the use of
11 nonconfidential geographic information and
12 geospatial data in the preparation of environ-
13 mental documents and in the authorization and
14 permitting of major Federal actions;

15 (G) use an interactive, digital, and cloud-
16 based platform;

17 (H) ensure that data is searchable, acces-
18 sible, interoperable, reusable, and includes—

19 (i) digital geographic information sys-
20 tem data or other location data for the ac-
21 tivities for which an environmental impact
22 statement or an environmental assessment
23 was prepared;

24 (ii) each environmental impact state-
25 ment and environmental assessment, in-

1 including appendices, in a machine-readable
2 format; and

3 (iii) to the extent practicable, geo-
4 graphic information system data or other
5 location data for documents, permits, mon-
6 itoring reports, or reports prepared under
7 State environmental review laws;

8 (I) allow users to find specific documents
9 and specific types of information, such as—

10 (i) analyses of types of environmental
11 impact;

12 (ii) analyses of types of major Federal
13 actions;

14 (iii) geographic location of major Fed-
15 eral actions;

16 (iv) ecological, cultural, and historical
17 features and resources; and

18 (v) other categories, as determined by
19 the Council, the Administrator, and the
20 Director; and

21 (J) enable sponsors of major Federal ac-
22 tions and the public—

23 (i) to identify project locations that
24 would avoid or minimize impacts; and

1 (ii) to conduct preliminary scoping of
2 impacts.

3 (3) EXISTING DATA.—In developing linked
4 interagency environmental data collection systems
5 under paragraph (1), the Council in coordination
6 with the Administrator and the Director, shall incor-
7 porate relevant information from existing geographic
8 information systems and other relevant systems and
9 databases.

10 (4) AGENCY RESPONSIBILITIES.—Each Federal
11 agency that is required to prepare an environmental
12 document or otherwise maintains relevant environ-
13 mental data shall—

14 (A) participate in the development of
15 linked interagency environmental data collection
16 systems under paragraph (1);

17 (B) make relevant environmental data
18 available to be integrated into those linked
19 interagency environmental data collection sys-
20 tems; and

21 (C) make environmental documents avail-
22 able to be integrated into those linked inter-
23 agency environmental data collection systems.

24 (5) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to the Coun-

1 cil on Environmental Quality to develop linked inter-
2 agency environmental data collection systems under
3 subsection (a)(1) \$20,000,000 for each of fiscal
4 years 2023 through 2028.

5 (b) E-NEPA IMPLEMENTATION.—Section 110 of the
6 National Environmental Policy Act of 1969 (42 U.S.C.
7 4336d) is amended—

8 (1) by redesignating subsection (b) as sub-
9 section (c);

10 (2) by adding after subsection (b) the following:

11 “(b) PERMITTING PORTAL.—Not later than 1 year
12 after the date of enactment of the Clean Electricity and
13 Transmission Acceleration Act of 2023, the Council on
14 Environmental Quality shall establish an online permitting
15 portal—

16 “(1) with the parameters described in para-
17 graphs (1) through (3) of subsection (a) for major
18 Federal actions that require review under section
19 102(2)(C); and

20 “(2) through which the public can access the
21 documents identified under section 612(b) of the
22 Clean Electricity and Transmission Acceleration Act
23 of 2023.”; and

24 (3) in subsection (c), as so redesignated—

1 (A) by striking “There is authorized” and
2 inserting the following:

3 “(1) STUDY.—There is authorized”; and

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

5 “(2) PERMITTING PORTAL.—There is author-
6 ized to be appropriated \$1,000,000 for the Council
7 on Environmental Quality to carry out subsection
8 (b).”.

9 **SEC. 616. TRANSFERENCE OF UNOBLIGATED BALANCES**
10 **FOR USE UNDER THE ENDANGERED SPECIES**
11 **ACT.**

12 (a) IN GENERAL.—Unobligated balances of amounts
13 made available by division J of the Infrastructure Invest-
14 ment and Jobs Act (Public Law 117–58) to any agency
15 funded by the Infrastructure Investment and Jobs Act
16 may be transferred to and merged with amounts otherwise
17 made available to the United States Fish and Wildlife
18 Service and the National Marine Fisheries Service for the
19 costs of carrying out consultation and conference respon-
20 sibilities under section 7 of the Endangered Species Act
21 of 1973 (16 U.S.C. 1536) in connection with activities and
22 projects funded by the Infrastructure Investment and
23 Jobs Act (Public Law 117–58).

24 (b) SUPPLEMENT NOT SUPPLANT.—Amounts trans-
25 ferred pursuant to subsection (a) shall supplement, not

1 supplant, amounts and transfer authorities otherwise
2 available to the United States Fish and Wildlife Service
3 and the National Marine Fisheries Service for the costs
4 of carrying out the responsibilities described in subsection
5 (a).

6 (c) EMERGENCY REQUIREMENT.—Any amount
7 transferred pursuant to this section that, at the time of
8 such transfer, is designated by the Congress as an emer-
9 gency requirement pursuant to section 4112(a) of H. Con.
10 Res. 71 (115th Congress), the concurrent resolution on
11 the budget for fiscal year 2018, or section 251(b) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985, shall retain such designation.

14 **SEC. 617. DESIGNATION OF SENIOR COMMUNITY ENGAGE-**
15 **MENT OFFICERS AND TRIBAL COMMUNITY**
16 **ENGAGEMENT OFFICERS.**

17 (a) DESIGNATION OF SENIOR COMMUNITY ENGAGE-
18 MENT OFFICERS AND TRIBAL COMMUNITY ENGAGEMENT
19 OFFICERS.—

20 (1) IN GENERAL.—The head of each Federal
21 agency required or authorized to complete an envi-
22 ronmental document or an authorization for a major
23 Federal action shall designate—

24 (A) 1 or more appropriate employees or of-
25 ficials of the applicable Federal agency to serve

1 as a senior community engagement officer (re-
2 ferred to in this section as an “SCO”); and

3 (B) 1 or more appropriate employees or of-
4 ficials of the applicable Federal agency (other
5 than an employee or official designated as an
6 SCO under subparagraph (A)) to serve as a
7 Tribal community engagement officer (referred
8 to in this section as a “TEO”).

9 (2) RESPONSIBILITIES OF AN SCO AND TEO.—

10 An SCO and a TEO shall—

11 (A) oversee community or Tribal, as appli-
12 cable, engagement in environmental review and
13 authorization processes carried out by the Fed-
14 eral agency;

15 (B) advise the applicable head of the Fed-
16 eral agency on matters relating to community
17 or Tribal, as applicable, engagement in such re-
18 views and processes;

19 (C) identify, recommend, and implement
20 approaches to expand and improve early, mean-
21 ingful community or Tribal, as applicable, en-
22 gagement relating to the environmental review
23 and authorization processes carried out by the
24 Federal agency;

1 (D) identify and avoid or resolve conflicts
2 with communities or Indian Tribes affected by
3 the environmental review or authorization proc-
4 esses, as applicable—

5 (i) to align Federal actions with the
6 needs and interests of those communities
7 or Indian Tribes, as applicable; and

8 (ii) to minimize the potential for delay
9 of environmental review and authorization
10 processes carried out by the Federal agen-
11 cy;

12 (E) identify opportunities with affected
13 communities or Indian Tribes to accelerate the
14 environmental review and authorization proc-
15 esses carried out by the Federal agency;

16 (F) provide technical support and capacity
17 building, on request of a community or an In-
18 dian Tribe to enhance the ability of commu-
19 nities and Indian Tribes to engage construc-
20 tively in Federal agency decision making; and

21 (G) assist in developing and negotiating
22 community benefits agreements consistent with
23 section 611.

24 (3) REPORTING.—An SCO and a TEO shall re-
25 port directly to a Deputy Secretary (or equivalent)

1 or higher position in the Federal agency in which
2 the SCO or TEO serves.

3 (4) GUIDANCE.—The Director of the Office of
4 Management and Budget shall establish any guid-
5 ance necessary to establish SCO and TEO positions
6 not later than 2 years of the date of enactment of
7 this Act.

8 (b) REGIONAL COMMUNITY ENGAGEMENT OFFI-
9 CERS.—A Federal agency may appoint regional commu-
10 nity engagement officers to support community and Tribal
11 engagement in environmental review and authorization
12 processes carried out by the Federal agency within a re-
13 gion impacted by a proposed major Federal project, in-
14 cluding by carrying out activities—

15 (1) to identify and implement approaches to ex-
16 pand and improve early, meaningful community and
17 Tribal engagement relating to the environmental re-
18 view and authorization processes carried out by the
19 Federal agency;

20 (2) to identify and avoid or resolve conflicts
21 with affected communities and Indian Tribes that
22 have the potential to delay environmental review and
23 authorization processes carried out by the Federal
24 agency;

1 (3) to identify opportunities with affected com-
2 munities and Indian Tribes to accelerate the envi-
3 ronmental review and authorization processes car-
4 ried out by the Federal agency;

5 (4) to provide technical support and capacity
6 building, on request of a community or an Indian
7 Tribe, to enhance the ability of communities or In-
8 dian Tribes to engage constructively in Federal
9 agency decision making; and

10 (5) to assist in developing and negotiating com-
11 munity benefits agreements consistent with section
12 611.

13 (c) APPLICATION.—Notwithstanding any other provi-
14 sion of law, chapter 10 of title 5, United States Code
15 (commonly known as the “Federal Advisory Committee
16 Act”), shall not apply to stakeholder engagement proc-
17 esses or public comment activities that are required under
18 or proceeding from a Federal environmental permitting
19 process and led by an SCO, a TEO, or a regional commu-
20 nity engagement officer appointed under subsection (b).

21 (d) FAST 41.—

22 (1) DEFINITION OF AGENCY SCO.—Section
23 41001 of the FAST Act (42 U.S.C. 4370m) (as
24 amended by section 201(a)(2)(A)) is amended—

1 (A) by redesignating paragraphs (2)
2 through (18) as paragraphs (3) through (19),
3 respectively; and

4 (B) by inserting after paragraph (1) the
5 following:

6 “(2) AGENCY SCO.—The term ‘agency SCO’
7 means the senior community engagement officer of
8 an agency, as designated by the head of the agency
9 under section 617(a)(1)(A) of the Clean Electricity
10 and Transmission Acceleration Act of 2023.”.

11 (2) DISPUTE RESOLUTION.—Section
12 41003(c)(2)(C)(i) of the FAST Act (42 U.S.C.
13 4370m–2(c)(2)(C)(i)) is amended by striking “agen-
14 cy CERPOs” and inserting “agency CERPOs, agen-
15 cy SCOs,”.

16 (3) ENVIRONMENTAL REVIEW IMPROVEMENT
17 FUND.—Section 41009(d)(3) of the FAST Act (42
18 U.S.C. 4370m–8(d)(3)) is amended—

19 (A) by striking “facilitate timely” and in-
20 serting “facilitate early, meaningful community
21 engagement and timely”; and

22 (B) by inserting “and agency SCOs” after
23 “agency CERPOs”.

1 **SEC. 618. ESTABLISHMENT OF FERC ENVIRONMENTAL JUS-**
2 **TICE LIAISON.**

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

5 “(c)(1) The Director shall appoint within the Office
6 at least one environmental justice liaison.

7 “(2) A liaison shall engage and consult with environ-
8 mental justice communities that are determined by the Di-
9 rector to be reasonably likely to be affected by the con-
10 struction or operation of projects authorized by the Com-
11 mission to—

12 “(A) increase the awareness of such projects;

13 “(B) solicit input from such environmental jus-
14 tice communities on such projects; and

15 “(C) aid in the planning of such projects to
16 minimize any adverse effects on human health or the
17 environment.

18 “(3) In engaging and consulting with the environ-
19 mental justice communities described in paragraph (2), a
20 liaison shall coordinate with, as applicable—

21 “(A) the appropriate counterparts of Tribal,
22 State, or a local governments;

23 “(B) community-based organizations;

24 “(C) faith-based organizations;

25 “(D) local small businesses; and

1 “(E) representatives of any other groups, orga-
2 nizations, or individuals, as determined by the liai-
3 son.

4 “(4) In this subsection:

5 “(A) The term ‘environmental justice commu-
6 nity’ means any population of color, community of
7 color, indigenous community, or low-income commu-
8 nity that experiences a disproportionate burden of
9 the adverse human health or environmental impacts
10 of pollution or other environmental hazards.

11 “(B) The term ‘liaison’ means an environmental
12 justice liaison appointed by the Director under para-
13 graph (1).”.

14 **SEC. 619. REQUIREMENT FOR INTERVENOR FUNDING AT**
15 **FERC OFFICE OF PUBLIC PARTICIPATION.**

16 (a) IN GENERAL.—Section 319(b)(2) of the Federal
17 Power Act (16 U.S.C. 825q–1(b)(2)) is amended by strik-
18 ing “The Commission may” and inserting “The Commis-
19 sion shall”.

20 (b) RULEMAKING.—Not later than 180 days after the
21 date of enactment of this Act, the Federal Energy Regu-
22 latory Commission shall promulgate a final rule to provide
23 compensation under section 319(b)(2) of the Federal
24 Power Act (16 U.S.C. 825q–1(b)(2)), as amended by this
25 section. Under such rule the Commission shall require that

1 each intervenor or participant file a disclosure form of
2 earned and unearned income to identify conflicts of inter-
3 est. Such form shall not be overly burdensome.

4 **SEC. 620. REFORM OF RTO AND ISO GOVERNANCE AND**
5 **PARTICIPATION.**

6 (a) TECHNICAL CONFERENCE.—Not later than 180
7 days after the date of enactment of this section, the Fed-
8 eral Energy Regulatory Commission shall convene a tech-
9 nical conference to consider Regional Transmission Orga-
10 nization and Independent System Operator independence,
11 the responsiveness of RTOs and ISOs to their customers
12 and other stakeholders, and ways for RTOs and ISOs to
13 increase the equitable treatment of their customers and
14 other stakeholders, including the effectiveness of stake-
15 holder policies and procedures adopted in compliance with
16 the final rule titled “Wholesale Competition in Regions
17 With Organized Electric Markets” published in the Fed-
18 eral Register on October 28, 2008 (73 Fed. Reg. 64100).

19 (b) PARTICIPATION.—The technical conference con-
20 vened under subsection (a) shall be led by members of the
21 Commission, and the Commission shall invite participation
22 from representatives of each RTO and ISO, owners and
23 operators of transmission facilities, owners and operators
24 of electric generation facilities, owners and operators of
25 distributed energy generation systems, end-use customers,

1 electric power marketers, publicly owned electric utilities,
2 consumer advocates, environmental justice advocates, en-
3 vironmental groups, State commissions, and such other
4 stakeholders as the Commission determines appropriate.

5 (c) TOPICS.—In conducting the technical conference
6 convened under subsection (a), the Commission shall seek
7 to identify policies and procedures that maintain RTO and
8 ISO independence, and enhance the responsiveness of
9 RTOs and ISOs to their customers and other stake-
10 holders, taking into consideration—

11 (1) the benefits of greater transparency in RTO
12 and ISO stakeholder processes, including access by
13 stakeholders to relevant data and written back-
14 ground materials;

15 (2) barriers to participation in such stakeholder
16 processes for new market participants and other
17 non-incumbent stakeholders;

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

20 (4) power imbalances between incumbent and
21 non-incumbent stakeholders, including whether cur-
22 rent RTO and ISO membership rules, sectoral des-
23 ignations, and voting procedures allow for adequate
24 representation of all stakeholder views;

1 (5) whether and how RTOs and ISOs should
2 take State public policy objectives into consideration
3 as part of such stakeholder processes;

4 (6) whether existing RTO and ISO decision-
5 making processes are sufficiently independent from
6 the control of any market participant or class of par-
7 ticipants;

8 (7) the role of the Office of Public Participation
9 of the Commission in facilitating greater stakeholder
10 participation in RTOs and ISOs; and

11 (8) such other subjects as the Commission con-
12 siders appropriate.

13 (d) PUBLIC COMMENT.—The Commission shall pro-
14 vide an opportunity for public comment on the technical
15 conference convened under subsection (a).

16 (e) RULEMAKING.—Not later than 18 months after
17 the conclusion of the technical conference convened under
18 subsection (a), the Commission shall issue a final rule
19 adopting such policies and procedures as the Commission
20 determines necessary to maintain the independence of
21 RTOs and ISOs, and to enhance the transparency and re-
22 sponsiveness of RTOs and ISOs to their customers and
23 other stakeholders.

24 (f) DEFINITIONS.—In this section:

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

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

9 **SEC. 621. SAVINGS CLAUSE.**

10 Nothing in this title diminishes—

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

14 (2) the requirements under the National Envi-
15 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
16 seq.) to consider direct, indirect, and cumulative im-
17 pacts.

18 **SEC. 622. DEFINITIONS.**

19 In this title:

20 (1) AFFECTED ENVIRONMENTAL JUSTICE COM-
21 MUNITY.—The term “affected environmental justice
22 community” means an environmental justice commu-
23 nity that may experience adverse health and environ-
24 mental impacts as a result of a major Federal ac-
25 tion.

1 (2) CATEGORICAL EXCLUSION; COOPERATING
2 AGENCY; ENVIRONMENTAL ASSESSMENT; ENVIRON-
3 MENTAL DOCUMENT; ENVIRONMENTAL IMPACT
4 STATEMENT; LEAD AGENCY.—The terms “categor-
5 ical exclusion”, “cooperating agency”, “environ-
6 mental assessment”, “environmental document”,
7 “environmental impact statement”, “lead agency”,
8 and “participating Federal agency” have the mean-
9 ings given such terms in section 111 of the National
10 Environmental Policy Act of 1969 (42 U.S.C.
11 4336e).

12 (3) COMMUNITY OF COLOR.—The term “com-
13 munity of color” means a geographically distinct
14 area in which the population of any of the following
15 categories of individuals is higher than the average
16 population of that category for the State in which
17 the community is located:

- 18 (A) Black.
19 (B) African American.
20 (C) Asian.
21 (D) Pacific Islander.
22 (E) Other non-White race.
23 (F) Hispanic.
24 (G) Latino.
25 (H) Linguistically isolated.

1 (I) Middle Eastern and North African.

2 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—

3 The term “environmental justice community” means
4 a community with significant representation of com-
5 munities of color, low-income communities, or Tribal
6 and Indigenous communities that experience, or are
7 at risk of experiencing, a disproportionate burden of
8 the adverse human health or environmental impacts
9 of pollution or other environmental hazards.

10 (5) LOW-INCOME COMMUNITY.—The term “low-
11 income community” means any census block group
12 in which 30 percent or more of the population are
13 individuals with an annual household income equal
14 to, or less than, the greater of—

15 (A) an amount equal to 80 percent of the
16 median income of the area in which the house-
17 hold is located, as reported by the Department
18 of Housing and Urban Development; and

19 (B) 200 percent of the Federal poverty
20 line.

21 (6) MAJOR FEDERAL ACTION.—The term
22 “major Federal action” means a major Federal ac-
23 tion significantly affecting the quality of the human
24 environment under section 102(2)(C) of the National

1 Environmental Policy Act of 1969 (42 U.S.C.
2 4332(C)(2)).

3 (7) TRIBAL AND INDIGENOUS COMMUNITY.—

4 The term “Tribal and Indigenous community”
5 means a population of people who are members of—

6 (A) a federally recognized Indian Tribe;

7 (B) a State-recognized Indian Tribe;

8 (C) an Alaska Native community or orga-
9 nization;

10 (D) a Native Hawaiian community or or-
11 ganization; or

12 (E) any other Indigenous community lo-
13 cated in a State.

