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112TH CONGRESS
1ST SESSION

H. R. 2133

To increase domestic energy production, reduce dependence on foreign oil, and diversify the energy portfolio of the United States.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2011

Mr. MATHESON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Science, Space, and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To increase domestic energy production, reduce dependence on foreign oil, and diversify the energy portfolio of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fulfilling U.S. Energy Leadership Act'' or the ''FUEL Act''.

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

TITLE I—TRADITIONAL ENERGY PRODUCTION

Subtitle A—Outer Continental Shelf

SEC. 101. IMPLEMENTATION OF INVENTORY OF OUTER CONTINENTAL SHELF RESOURCES.

(a) IN GENERAL.—Section 357 of the Energy Policy Act of 2005 (42 U.S.C. 15912) is amended—

(1) in subsection (a)—

(A) by striking the first sentence of the matter preceding paragraph (1) and inserting the following: ''The Secretary shall conduct a seismic inventory of oil and natural gas, and prepare a summary (the latter prepared with the assistance of, and based on information provided by, the heads of appropriate Federal agencies) of the information obtained under paragraph (3), for the waters of the United States Outer Continental Shelf (referred to in this section as the 'OUTER CONTINENTAL SHELF') in the Atlantic Region, the Eastern Gulf of Mexico, and the Alaska Region.'';

(B) in paragraph (2)—

(i) by striking ''3–D'' and inserting ''2–D and 3–D''; and

(ii) by adding ''and'' at the end; and

(C) by striking paragraphs (3) through (5) and inserting in the following:

''(3) use existing inventories and mapping of marine resources undertaken by the National Oceanographic and Atmospheric Administration and with the assistance of and based on information provided by the Department of Defense and other Federal and State agencies possessing relevant data, and use any available data regarding alternative energy potential, navigation uses, fisheries, aquiculture uses, recreational uses, habitat, conservation, and military uses.''; and

(2) by striking subsection (b) and inserting the following:

''(b) IMPLEMENTATION.—The Secretary shall carry out the inventory and analysis under subsection (a) in 3 phases, with priority given to all or part of applicable planning areas of the Outer Continental Shelf—

''(1) estimated to have the greatest potential for energy development in barrel of oil equivalent; and

''(2) outside of any leased area or area scheduled for leasing prior to calendar year 2011 under

any outer Continental Shelf 5-year leasing program or amendment to the program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

''(c) REPORTS.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that provides a plan for executing the seismic inventories required under this section, including an estimate of the costs to complete the seismic inventory by region and environmental and permitting activities to facilitate expeditious completion.

''(2) FIRST PHASE.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to Congress a report describing the results of the first phase of the inventory and analysis under subsection (a).

''(3) SUBSEQUENT PHASES.—Not later than 2 years after the date on which the report is submitted under paragraph (2) and 2 years thereafter, the Secretary shall submit to Congress a report describing

the results of the second and third phases, respectively, of the inventory and analysis under subsection (a).

''(4) PUBLIC AVAILABILITY.—A report submitted under paragraph (2) or (3) shall be—

''(A) made publicly available; and

''(B) updated not less frequently than once every 5 years.''.

(b) RELATIONSHIP TO 5-YEAR PROGRAM.—The requirement that the Secretary of the Interior carry out the inventory required by the amendment made by subsection (a) shall not be considered to require, authorize, or provide a basis or justification for delay by the Secretary of the Interior or any other agency of the issuance of any outer Continental Shelf leasing program or amendment to the program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344), or any lease sale pursuant to that section.

(c) PERMITS.—Nothing in this section or an amendment made by this section precludes the issuance by the Secretary of the Interior of a permit to conduct geological and geophysical exploration of the outer Continental Shelf in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and other applicable law.

(d) FUNDING.—Section 999H(d) of the Energy Policy Act of 2005 (42 U.S.C. 16378(d)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) 35 percent shall be used for activities under section 999A(b)(1), except that for each of fiscal years 2012 through 2017 the amount made available under this paragraph shall be used to carry out section 357 (for the completion of necessary environmental analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), with a priority given to completion of programmatic environmental impact statements necessary to carry out the seismic inventory or portions of the inventory required by section 357, and the use of seismic technology to obtain accurate resource estimates).''; and

(2) in paragraph (4)—

(A) by inserting ''(A) except as provided in subparagraph (B),'' before ''25''; and

(B) by adding at the end the following:

''(B) notwithstanding subparagraph (A), for each of fiscal years 2012 through 2017—

"(i) 15 percent shall be used for the purposes described in subparagraph (A); and

"(ii) 10 percent shall be used for the activities described in paragraph (1).".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to be available until expended without fiscal year limitation—

(1) $100,000,000 for each of fiscal years 2012 through 2017; and

(2) $50,000,000 for each of fiscal years 2018 through 2022.

SEC. 102. MORATORIUM ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

Section 104 of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3003) is repealed.

SEC. 103. 2012–2017 5-YEAR OIL AND GAS LEASING PROGRAM DEEMED FINAL.

The 2012–2017 5-year oil and gas leasing program issued by the Secretary of the Interior on March 31, 2010, is deemed to be final and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other Federal laws.

SEC. 104. DISPOSITION OF ROYALTIES.

(a) IN GENERAL.—Notwithstanding any other law, of the amounts received by the United States as bonuses, rents, and royalties under oil and gas leases for areas on the Outer Continental Shelf—

(1) 25 percent shall be paid to States that are affected States (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) with respect to the lease tracts under the leases;

(2) 75 percent shall retained by the Federal Government, of which—

(A) the amount described in subsection (b) shall be deposited each fiscal year in the Next Generation Energy and Efficiency Fund established by title II;

(B) 10 percent shall be available to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460l–5); and

(C) the remainder shall be deposited into the general fund.

(b) AMOUNT TO BE DEPOSITED INTO FUND.—The amount referred to in subsection (a)(2)(A) is 50 percent of the amount of bonuses, rents, and royalties received by the United States each fiscal year under oil and gas leases for areas on the Outer Continental Shelf awarded after the date of the enactment of this Act, except that the total amount deposited under subsection (a)(2)(A) shall not exceed $40,000,000,000.

SEC. 105. INSTITUTE FOR OCEAN ENERGY SAFETY.

(a) IN GENERAL.—There is established an Institute for Ocean Energy Safety that shall exercise independent statutory authority over technical and operational safety in all phases of Outer Continental Shelf energy resource development projects, including the planning, designing, constructing, operating, and decommissioning of facilities and projects, and shall have overall responsibility for fostering safe and environmentally sound offshore energy operations. The Institute shall oversee all non-economic aspects of the operations and structures involved in drilling and production of oil and gas, pipelines, and wind towers, wave, tidal, and other renewable technologies located in the Federal offshore zone. The Institute shall also have the lead coordination role in relation to other regulators with independent authority over offshore oil and gas activities, including the Environmental Protection Agency,

the National Oceanic and Atmospheric Administration, and the Coast Guard.

(b) KEY RESPONSIBILITIES.—Key responsibilities of the Institute include the following:

(1) Inspecting all offshore operations by expert teams through scheduled and unannounced inspections.

(2) Auditing or otherwise requiring certification of operator health, safety, and environmental management systems.

(3) Evaluating eligibility for lessees based on safety qualifications.

(4) Reviewing and approving the safety and feasibility of any environmental mitigation activities prescribed by National Environmental Policy Act of 1969 documents and other environmental consultations, authorization, or permits in addition to enforcing such requirements over the duration of an operation.

(5) Collecting and analyzing leading and lagging indicators from all active parties for full risk evaluation.

(6) Promulgating all structural integrity, process, and workplace safety rules and regulations in order to create a foundation of prescriptive regula-

tions to supplement performance-based (''safety case'') regulations.

(7) Providing technical review and comment on the five-year leasing program and individual lease sales.

(8) Providing technical review of spill response and containment plans.

(9) Reviewing and approving all spill response and containment plans and advising the new safety authority on environmental considerations.

(10) Investigating all accidents and other significant events that could have potentially turned catastrophic.

(c) DIRECTOR.—The Institute shall be headed by a Director, who shall be appointed by the President, by and with the consent of the Senate, from among individuals with relevant engineering or technical background. The term as Director shall be 5 years.

(d) ENGINEERING AND TECHNICAL STAFF AND INSPECTORS.—The Director may establish classifications and salary scales for engineering and technical staff and inspectors of the Institute that are substantially similar to those of the Nuclear Regulatory Commission.

(e) CONSULTATION AND COLLABORATION.—The Institute, in executing its responsibilities, shall consult and

collaborate with other government agencies, including in particular the Department of Energy and the Coast Guard, and with industry, academia, and scientific experts as appropriate.

Subtitle B—Onshore Oil and Gas Production

SEC. 111. ESTABLISHMENT OF FEDERAL ONSHORE ENERGY DEVELOPMENT TASK FORCE.

(a) ESTABLISHMENT.—There is established a Federal Onshore Energy Development Task Force to coordinate permitting related to energy development on public lands.

(b) MEMBERSHIP.—The Task Force shall consist of the heads of the Bureau of Land Management, the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, and the heads of regional offices of those agencies that are determined to be relevant by the heads of those agencies.

(c) PLAN.—

(1) IN GENERAL.—The Task Force shall—

(A) within 6 months after the date of enactment of this Act, issue a draft plan for streamlining oil and gas leasing and permitting on Federal lands, including oil shale and tar sands leasing and permitting;

(B) provide a 60-day period for submission of comments on the plan by the public; and

(C) within 4 months after the end of such comment period, issue a final plan for such streamlining.

(2) CONSULTATION.—In drafting the plan the Task Force shall consult with other agencies involved in Federal permitting process.

(3) REQUIREMENTS FOR DRAFTING.—In drafting the plan the Task Force shall—

(A) evaluate the effectiveness of current statutory permitting timelines, including a discussion of how often those timelines are exceeded and the factors that lead to delays in issuing permits to drill;

(B) consider ways to improve and better facilitate coordination and collaboration among Federal agencies throughout the permitting process;

(C) compare the Bureau of Land Management permitting process with Federal Energy Regulatory Commission permitting process, and evaluate whether a different process would be more efficient for fostering onshore oil and gas development;

(D) evaluate whether industry actors with positive safety and environmental records should be put allowed an expedited permit approval process;

(E) include oil shale and tar sands permitting issues in plan; and

(F) provide specific recommendations for legislative action to implement a streamlined leasing plan.

(d) IMPLEMENTATION AND REPORTS.—The Task Force shall oversee implementation of plan and submit annual reports to Congress on such implementation.

SEC. 112. HYDRAULIC FRACTURING SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Safe Drinking Water Act (42 U.S.C. 300f et seq.) was not intended to regulate natural gas and oil well construction and stimulation;

(2) States, reflecting their unique needs, have effectively regulated natural gas and oil well construction and stimulation; and

(3) industry should be encouraged to voluntarily disclose chemicals used in the hydraulic fracturing process and this information should be made available to the public.

TITLE II—RENEWABLE AND ALTERNATIVE ENERGY

Subtitle A—Research and Development

SEC. 201. NEXT GENERATION ENERGY AND EFFICIENCY FUND.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States the ''Next Generation Energy and Efficiency Fund'' (in this section referred to as ''the Fund'').

(b) ADMINISTRATION.—The Secretary of Energy shall be responsible for administering the Fund for the purpose of carrying out this section.

(c) CONTENTS.—The Fund shall consist of amounts deposited into the Fund under section 104(a)(2)(A). Such deposits shall cease after $40,000,000,000 has been deposited, or 10 years of deposits have been made, whichever occurs first.

(d) PURPOSE.—The Fund shall be used for the purpose of research and development of technologies that will significantly decrease America's reliance on traditional fossil fuels and increase energy efficiencies, including wind energy, solar energy, marine and hydrokinetic energy, geothermal energy, hydrogen energy, vehicle energy efficiency and environmental performance, industrial processes en-

ergy efficiencies, building and lighting energy efficiencies, smart grid technology, and energy storage systems to support electric drive vehicles.

(e) IDENTIFICATION OF PROGRAMS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall identify programs of the Department of Energy described in subsection (d) for funding from the Fund, including the Advanced Research Projects Agency-Energy.

(f) AVAILABILITY OF FUND.—After the Secretary of Energy has completed the identification of programs under subsection (e), amounts in the Fund shall be available, without further appropriation, for carrying out such programs.

Subtitle B—Public Land Renewable Energy Deployment

SEC. 211. RENEWABLE ENERGY FEDERAL PERMIT COORDINATION.

Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended by adding at the end the following:

''(k) PILOT PROJECT OFFICES TO IMPROVE FEDERAL PERMIT COORDINATION FOR RENEWABLE ENERGY.—

''(1) DEFINITION OF RENEWABLE ENERGY.—In this subsection, the term 'renewable energy' means energy derived from a wind, solar, or geothermal source.

''(2) FIELD OFFICES.—As part of the Pilot Project, the Secretary shall designate 1 field office of the Bureau of Land Management in each of the following States to serve as Renewable Energy Permit Coordination Offices for coordination of Federal permits for renewable energy projects and transmission involving Federal land facilitating the development of renewable energy:

''(A) Alaska.

''(B) Arizona.

''(C) California.

''(D) Colorado.

''(E) Idaho.

''(F) Oregon.

''(G) New Mexico.

''(H) Nevada.

''(I) Montana.

''(J) Utah.

''(K) Washington.

''(L) Wyoming.

''(3) MEMORANDUM OF UNDERSTANDING.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into an amended memorandum of understanding under subsection (b) to provide for the inclusion of the additional Renewable Energy Pilot Project Offices in the Pilot Project.

"(B) SIGNATURE OF SECRETARY.—The Secretary shall be a signatory of the amended memorandum of understanding.

"(C) SIGNATURES BY GOVERNORS.—The Secretary shall request that the Governors of each of the States described in paragraph (2) be signatories to the amended memorandum of understanding.

"(4) DESIGNATION OF QUALIFIED STAFF.—Not later than 30 days after the date of the signing of the amended memorandum of understanding, all Federal signatory parties shall, if appropriate, assign to each Renewable Energy Pilot Project Office designated under paragraph (2) an employee described in subsection (c) to carry out duties described in that subsection.

''(5) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Renewable Energy Pilot Project Office additional personnel under subsection (f).

''(6) TRANSFER OF FUNDS.—To coordinate and process renewable energy authorizations on Federal land under the jurisdiction of a Pilot Project Office designated under paragraph (2), the Secretary may authorize the expenditure or transfer of such funds as are necessary to—

''(A) any Federal agency described in subsection (h); and

''(B) any State described in paragraph (2).

''(7) FUNDING.—

''(A) IN GENERAL.—The Federal share of any royalties, fees, rentals, bonus bids, or other payments from wind or solar development on land administered by the Secretary shall be deposited in a special fund in the Treasury to be known as the 'BLM Wind and Solar Energy Permit Processing Improvement Fund' (referred to in this subsection as 'Fund').

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Fund or, to the extent amounts are not available in the Fund, from the Treasury

for the costs of administering program operations for wind and solar development under the Public Land Renewable Energy Deployment and Adjustment Act of 2009 and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) $10,000,000 for each of fiscal years 2012 through 2022, to remain available without fiscal year limitation until expended.''.

SEC. 212. EXTENSION OF FUNDING FOR IMPLEMENTATION OF GEOTHERMAL STEAM ACT OF 1970.

(a) IN GENERAL.—Section 234(a) of the Energy Policy Act of 2005 (42 U.S.C. 15873(a)) is amended by striking ''in the first 5 fiscal years beginning after the date of enactment of this Act'' and inserting ''for each fiscal year through fiscal year 2022''.

(b) AUTHORIZATION.—Section 234(b) of the Energy Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

(1) by striking ''Amounts'' and inserting the following:

''(1) IN GENERAL.—Amounts''; and

(2) by adding at the end the following:

''(2) AUTHORIZATION.—Effective for fiscal year 2013 and each fiscal year thereafter, amounts deposited under subsection (a) shall be available to the

Secretary of the Interior for expenditure, subject to appropriation and without fiscal year limitation, to implement the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and this Act.''.

SEC. 213. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS AND LAND USE PLANNING FOR DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LANDS AND NATIONAL FOREST SYSTEM LANDS.

(a) PUBLIC LANDS.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall—

(1) complete a programmatic environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the potential impacts of—

(A) a program to develop solar, wind, and geothermal energy on public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))); and

(B) any amendments to land use plans for public lands necessary to facilitate the program; and

(2) amend land use plans under section 202 of such Act (43 U.S.C. 1712) as necessary to provide for the development of solar, wind, and geothermal energy on public lands in areas considered appropriate by the Secretary.

(b) NATIONAL FOREST SYSTEM LANDS.—Not later than one year after the date of enactment of this Act, the Secretary of Agriculture, acting through the Forest Service, shall—

(1) complete a programmatic environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the potential impacts of—

(A) a program to develop solar, wind, and geothermal energy on National Forest System lands (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))); and

(B) any necessary amendments to land and resource management plans for National Forest System lands necessary to facilitate the program; and

(2) amend land and resource management plans under section 6 of such Act (16 U.S.C. 1604) as necessary to provide for the development of solar,

wind, and geothermal energy on National Forest System lands in areas considered appropriate by the Secretary.

(c) EFFECT ON PROCESSING APPLICATIONS.—The requirement for completion of programmatic environmental impact statements under this section shall not result in any delay in processing applications for solar, wind, and geothermal energy development on public lands or National Forest System lands.

SEC. 214. NATIONAL ACADEMY OF SCIENCES STUDY AND REPORT OF SITING, DEVELOPMENT, AND MANAGEMENT OF RENEWABLE ENERGY ON PUBLIC LANDS AND NATIONAL FOREST SYSTEM LANDS.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study on the siting, development, and management of projects for the production of wind, solar, and geothermal energy on—

(A) public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))) that are available for energy development; and

(B) National Forest System lands (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) that are available for energy development.

(2) MATTERS TO BE ADDRESSED.—The study shall address—

(A) the effectiveness of—

(i) laws (including regulations) and policies in effect on the date of enactment of this Act in—

(I) facilitating the development of wind, solar, and geothermal energy projects on the land; and

(II) ensuring the public receives a fair return for the use of the land;

(ii) policies designed to discourage speculation in the development of wind, solar, and geothermal energy projects on the land;

(iii) the land use planning process in siting wind, solar, and geothermal energy facilities;

(iv) mitigation planning for wind, solar, and geothermal energy projects on the land, particularly with respect to fish and wildlife and water resources;

(v) best management practices developed by the Secretary of the Interior and the Secretary of Agriculture for wind, solar, and geothermal energy projects; and

(vi) adaptive management of the impacts associated with wind, solar, and geothermal energy projects on the land; and

(B) the advantages and disadvantages of using—

(i) rights-of-way as a means of authorizing the use of the land for wind, solar, and geothermal energy development; and

(ii) a competitive or noncompetitive leasing system as a means of authorizing the use of the land for wind, solar, and geothermal energy development.

(b) RECOMMENDATIONS.—The study shall—

(1) analyze the matters described in subsection (a)(2); and

(2) make recommendations as to—

(A) whether a competitive or noncompetitive leasing system would be a more effective means than the system in effect on the date of enactment of this Act to authorize the use of the Federal land described in subsection (a)(1) to meet the goals of facilitating the development of wind, solar, and geothermal energy projects while achieving a fair return to the public;

(B) the most effective system to authorize the use of the land to meet the goals of facilitating the development of wind, solar, and geothermal energy projects while achieving a fair return to the public; and

(C) changes, if any, to Federal law (including regulations) or policy necessary to address more effectively the siting, development, and management of wind, solar, and geothermal energy projects on the land.

(c) COMPLETION OF STUDY.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall—

(1) submit to the Secretary of the Interior and the Secretary of Agriculture the findings and recommendations of the study required under subsections (a) and (b); and

(2) make the results of the study available to the public.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of receipt of the findings and recommendations of the study under subsection (c)(1), the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit to Congress a report on—

(1) the findings and recommendations of the study;

(2) the agreement or disagreement of the Secretaries with respect to each of the findings and recommendations of the National Academy of Sciences;

(3) the administrative actions to be taken by each of the Secretaries in response to the findings and recommendations; and

(4) any recommended changes in law.

SEC. 215. RENEWABLE ENERGY DEVELOPMENT ON BROWNFIELD SITES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BROWNFIELD SITE.—The term ''brownfield site'' has the meaning given such term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)).

(3) RENEWABLE ENERGY.—The term ''renewable energy'' means energy generated from a renewable energy resource, including solar, wind, and geothermal energy, and biomass.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AGENCY EFFORTS.—The Secretary, in conjunction with the Administrator, shall—

(1) in partnership with the National Renewable Energy Laboratory, identify opportunities to prioritize renewable energy development on brownfield sites;

(2) provide to States, units of local governments, project developers, and other stakeholders publicly available resources identifying potential

brownfield sites for renewable energy development, with an emphasis on non-Federal land; and

(3) provide technical assistance to State and local officials, interested project developers, and other stakeholders to expedite renewable energy production from brownfield sites identified under this subsection, with an emphasis on non-Federal land.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and Administrator shall submit to Congress a report that includes—

(1) proposals for Federal policies, incentives, or other means of encouraging renewable energy production on sites identified under subsection (b); and

(2) data on existing and potential job creation from, environmental benefits of, and energy production from renewable energy on brownfield sites.

(d) STAKEHOLDER FORUMS.—The Secretary, in conjunction with the Administrator, shall conduct stakeholder forums in each region of the United States to assist State and local officials, project developers, and other stakeholders with renewable energy project siting on brownfield sites, with an emphasis on non-Federal land.

(e) EFFECT.—Nothing in this section affects existing Federal efforts to promote the reuse and redevelopment of brownfield sites.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2012 through 2016.

SEC. 216. DEVELOPMENT OF SOLAR AND WIND ENERGY ON PUBLIC LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED LAND.—The term ''covered land'' means land that is—

(A)(i) public land administered by the Secretary; or

(ii) National Forest System land administered by the Secretary of Agriculture; and

(B) designated for the development of solar or wind energy under a land use plan established under—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(ii) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

(2) PILOT PROGRAM.—The term ''pilot program'' means the wind and solar leasing pilot program established under subsection (b).

(3) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a wind and solar leasing pilot program.

(2) SELECTION OF SITES.—

(A) IN GENERAL.—Not later than 90 days after the date the pilot program is established under this subsection, the Secretary shall select 2 sites that are appropriate for the development of a solar energy project, and 2 sites that are appropriate for the development of a wind energy project, on covered land as part of the pilot program.

(B) SITE SELECTION.—In carrying out subparagraph (A), the Secretary shall seek to select sites—

(i) for which there is likely to be a high level of industry interest; and

(ii) that are representative of sites on which solar or wind energy is likely to be developed on covered land.

(C) INELIGIBLE SITES.—The Secretary shall not select as part of the pilot program any site for which a right-of way for site testing or construction has been issued.

(3) LEASE SALES.—

(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), not later than 180 days after the date sites are selected under paragraph (2), the Secretary shall offer each site for competitive leasing to qualified bidders under such terms and conditions as are required by the Secretary.

(B) BIDDING SYSTEMS.—In offering the sites for lease, the Secretary—

(i) may vary the bidding systems to be used at each lease sale; but

(ii) shall limit bidding to 1 round in any lease sale.

(C) LEASE TERMS.—

(i) IN GENERAL.—As part of the pilot program, the Secretary may vary the length of the lease terms and establish

such other lease terms and conditions as the Secretary considers appropriate.

(ii) DATA COLLECTION.—As part of the pilot program, the Secretary shall—

(I) offer on a noncompetitive basis on at least 1 site a short-term lease for data collection; and

(II) on the expiration of the short-term lease, offer on a competitive basis a long-term lease, giving credit toward the bonus bid to the holder of the short-term lease for any qualified expenditures to collect data to develop the site during the short-term lease.

(4) COMPLIANCE WITH LAWS.—In offering for lease the selected sites under paragraph (3), the Secretary shall comply with all applicable environmental and other laws.

(5) REPORT.—The Secretary shall—

(A) compile a report of the results of each lease sale under the pilot program, including—

(i) the level of competitive interest; and

(ii) a summary of bids and revenues received; and

(B) not later than 90 days after the final lease sale, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the report described in subparagraph (A).

(6) RIGHTS-OF-WAY.—During the pendency of the pilot program, the Secretary shall continue to issue rights-of-way, in compliance with authority in effect on the date of enactment of this Act, for available sites not selected for the pilot program.

(c) SECRETARIAL DETERMINATION.—

(1) IN GENERAL.—Not later than 30 months after the date of enactment of this Act, the Secretary shall determine whether to establish a leasing program under this section for wind or solar energy.

(2) ESTABLISHMENT.—The Secretary shall establish a leasing program if the Secretary determines that the program—

(A) is in the public interest; and

(B) provides an effective means of developing wind or solar energy on covered land.

(3) CONSULTATION.—In making the determinations required under this subsection, the Secretary shall consult with—

(A) the Secretary of Agriculture;

(B) the heads of other relevant Federal agencies;

(C) affected States and Indian tribes;

(D) representatives of the solar and wind industry;

(E) representatives of the environmental and conservation community; and

(F) the public.

(4) CONSIDERATIONS.—In making the determinations required under this subsection, the Secretary shall consider the results of the report provided under subsection (b)(5) and the results of the pilot program.

(5) REGULATIONS.—Not later than 180 days after the date on which any determination is made to establish a leasing program, the Secretary shall promulgate final regulations to implement the program.

(6) REPORT.—If the Secretary determines that a leasing program should not be established, not later than 60 days after the date of the determina-

tion, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the reasons and findings for the determination.

(d) TRANSITION.—

(1) IN GENERAL.—If the Secretary determines that a leasing program should be established, the Secretary shall continue to provide for the issuance of rights-of-way for the development of wind or solar energy in accordance with each requirement described in title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) until the program is established and final regulations for the program are promulgated.

(2) ADMINISTRATION.—The Secretary shall by regulation provide for a reasonable transition from the use of rights-of-way to leases, taking into account the status of the project (including whether rights-of-way for testing or construction have been granted or whether a plan of development has been submitted).

(e) LEASING PROGRAM.—If the Secretary determines under subsection (c) that a leasing program should be es-

tablished, the program shall be established in accordance with subsections (f) through (l).

(f) COMPETITIVE LEASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), leases for wind or solar energy development under this section shall be issued on a competitive basis with a single round of bidding in any lease sale.

(2) EXCEPTIONS.—Paragraph (1) shall not apply if the Secretary determines that—

(A) no competitive interest exists;

(B) the public interest would not be served by the competitive issuance of a lease or right-of-way; or

(C) the lease is for the placement and operation of a meteorological or data collection facility or for the development or demonstration of a new wind or solar technology and has a term of not more than 5 years.

(g) PAYMENTS.—

(1) IN GENERAL.—The Secretary shall establish royalties, fees, rentals, bonuses, or other payments to ensure a fair return to the United States for any lease issued under this section.

(2) BONUS BIDS.—The Secretary may grant credit toward any bonus bid for a qualified expenditure by the holder of a lease described in subsection (f)(2)(C) in any competitive lease sale held for a long-term lease covering the same land covered by the lease described in subsection (f)(2)(C).

(3) ROYALTIES.—Any lease shall require the payment of a royalty established by the Secretary pursuant to rulemaking that shall be a percentage of the gross proceeds from the sale of electricity at a rate that—

(A) encourages production of solar or wind energy; and

(B) ensures a fair return to the public comparable to the return that would be obtained on State and private land.

(4) ROYALTY RELIEF.—To promote the greatest generation of renewable energy, the Secretary may—

(A) reduce any royalty otherwise required on a showing by clear and convincing evidence by the person holding a lease under which the generation of energy has occurred that, without the reduction in royalty, generation would not occur; or

(B) provide that no royalty or a reduced royalty is required under a lease for a period not to exceed 5 years beginning on the date that generation initially commences.

(h) ELIGIBILITY.—To be eligible to hold a lease under this section, a person shall meet the eligibility requirements for leasing under the first section of the Mineral Leasing Act (30 U.S.C. 181).

(i) REQUIREMENTS.—The Secretary shall ensure that any activity under a leasing program is carried out in a manner that—

(1) is consistent with all applicable land use planning, environmental, and other laws; and

(2) provides for—

(A) safety;

(B) protection of the environment;

(C) prevention of waste;

(D) diligent development of the resource;

(E) coordination with applicable Federal agencies;

(F) a fair return to the United States for any lease;

(G) use of best management practices, including planning and practices for mitigation of impacts;

(H) public notice and comment on any proposal submitted for a lease under this section; and

(I) oversight, inspection, research, monitoring, and enforcement relating to a lease under this section.

(j) LEASE DURATION, SUSPENSION, AND CANCELLATION.—The Secretary shall establish terms and conditions for the duration, issuance, transfer, renewal, suspension, and cancellation of a lease under this section.

(k) SECURITY.—The Secretary shall require the holder of a lease issued under this section—

(1) to furnish a surety bond or other form of security, as prescribed by the Secretary;

(2) to provide for the reclamation and restoration of the area covered by the lease; and

(3) to comply with such other requirements as the Secretary considers necessary to protect the interests of the public and the United States.

(l) DISPOSITION OF REVENUES.—The Secretary shall provide for the payment of 5 percent of the revenues received by the Federal Government as a result of leasing under this section or the issuance of rights-of-way for wind or solar development under title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et

seq.) to the State within which the boundaries of the leased land or right-of-way are located.

Subtitle C—Unconventional Fuels

SEC. 221. TRANSPARENCY FOR DELAYED LOAN GUARANTEE APPLICATIONS.

Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

''(l) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—If the Secretary fails to make a final decision by the date that is 270 days after the date on which the Secretary selects an application to proceed to negotiations of terms and conditions for issuance of a conditional commitment for a loan guarantee application under this title for a substitute natural gas, chemical feedstock, or liquid transportation fuel project, not later than 7 days after that date, and for every 90-day period thereafter, the Secretary shall—

''(A) prepare a status report for the period covered by the report; and

''(B) submit the status report to—

''(i) the Committee on Energy and Natural Resources of the Senate; and

''(ii) the Committee on Energy and Commerce of the House of Representatives.

''(2) CONTENTS.—The status report described in paragraph (1) shall contain—

''(A) a description of each reason for the delay of the application;

''(B) the name and office of the official who, for the period covering the status report, has reviewed the application; and

''(C) a detailed schedule for completion of the application review.''.

SEC. 222. ALGAE-BASED FUEL INCENTIVES.

Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)) is amended by adding at the end thereof the following:

''(vi) ALGAE-BASED FUEL INCENTIVES.—In determining whether the applicable volume of renewable fuel required by this subsection is met in any calendar year, the Administrator shall count each gallon of renewable fuel produced from algae as three gallons of renewable fuel if such algae-based fuel was produced using carbon dioxide that was captured in a manner

that prevented its uncontrolled release into the atmosphere during a separate energy production process.''.

SEC. 223. LOAN GUARANTEE ELIGIBLE PROJECTS.

Section 1703(b) of the Energy Policy Act of 2005 is amended by adding at the end the following:

''(11) Substitute natural gas production facilities, where the fuel produced—

''(A) is a gas produced from a solid feedstock through a gasification process; and

''(B) is produced in a manner that captures ninety percent or more of the carbon produced through the gasification process.''.

TITLE III—NUCLEAR ENERGY

SEC. 301. OBJECTIVES.

Section 951(a) of the Energy Policy Act of 2005 (42 U.S.C. 16271(a)) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (5) through (11), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) Reducing the costs of nuclear reactor systems.

''(3) Reducing used nuclear fuel and nuclear waste products generated by civilian nuclear energy.

''(4) Supporting technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty.''; and

(3) by inserting after paragraph (11), as so redesignated, the following new paragraph:

''(12) Researching and developing technologies and processes so as to improve and streamline the process by which nuclear power systems meet Federal and State requirements and standards.''.

SEC. 302. FUNDING.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is further amended—

(1) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

''(1) $419,000,000 for fiscal year 2012;

''(2) $429,000,000 for fiscal year 2013; and

''(3) $439,000,000 for fiscal year 2014.''; and

(2) in subsection (d)—

(A) by striking ''under subsection (a)'' and inserting ''under subsection (b)'';

(B) by amending paragraph (1) to read as follows:

''(1) For activities under section 953—

''(A) $201,000,000 for fiscal year 2012;

"(B) $201,000,000 for fiscal year 2013; and

"(C) $201,000,000 for fiscal year 2014."; and

(C) by inserting after paragraph (3) the following new paragraphs:

"(4) For activities under section 952, other than those described in section 952(d)—

"(A) $64,000,000 for fiscal year 2012;

"(B) $64,000,000 for fiscal year 2013; and

"(C) $64,000,000 for fiscal year 2014.

"(5) For activities under section 952(d)—

"(A) $55,000,000 for fiscal year 2012;

"(B) $65,000,000 for fiscal year 2013; and

"(C) $75,000,000 for fiscal year 2014.

"(6) For activities under section 958—

"(A) $99,000,000 for fiscal year 2012;

"(B) $99,000,000 for fiscal year 2013; and

"(C) $99,000,000 for fiscal year 2014.".

SEC. 303. PROGRAM OBJECTIVES STUDY.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by adding at the end the following new subsection:

"(f) PROGRAM OBJECTIVES STUDY.—In furtherance of the program objectives listed in subsection (a) of this

section, the Secretary shall, within one year after the date of enactment of this subsection, transmit to the Congress a report on the results of a study on the scientific and technical merit of major State requirements and standards, including moratoria, that delay or impede the further development and commercialization of nuclear power, and how the Department in implementing the programs can assist in overcoming such delays or impediments.''.

SEC. 304. NUCLEAR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended by striking subsections (c) through (e) and inserting the following:

''(c) REACTOR CONCEPTS.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application to advance nuclear power systems as well as technologies to sustain currently deployed systems.

''(2) DESIGNS AND TECHNOLOGIES.—In conducting the program under this subsection, the Secretary shall examine advanced reactor designs and nuclear technologies, including those that—

''(A) are economically competitive with other electric power generation plants;

''(B) have higher efficiency, lower cost, and improved safety compared to reactors in operation as of the date of enactment of the Fulfilling U.S. Energy Leadership Act;

''(C) utilize passive safety features;

''(D) minimize proliferation risks;

''(E) substantially reduce production of high-level waste per unit of output;

''(F) increase the life and sustainability of reactor systems currently deployed;

''(G) use improved instrumentation;

''(H) are capable of producing large-scale quantities of hydrogen or process heat; or

''(I) minimize water usage or use alternatives to water as a cooling mechanism.

''(3) INTERNATIONAL COOPERATION.—In carrying out the program under this subsection, the Secretary shall seek opportunities to enhance the progress of the program through international cooperation through such organizations as the Generation IV International Forum, or any other international collaboration the Secretary considers appropriate.

''(4) EXCEPTIONS.—No funds authorized to be appropriated to carry out the activities described in

this subsection shall be used to fund the activities authorized under sections 641 through 645.''.

SEC. 305. SMALL MODULAR REACTOR PROGRAM.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is further amended by adding at the end the following new subsection:

''(d) SMALL MODULAR REACTOR PROGRAM.—

''(1) IN GENERAL.—

''(A) The Secretary shall carry out a small modular reactor program to promote research, development, demonstration, and commercial application of small modular reactors, including through cost-shared projects for commercial application of reactor systems designs.

''(B) The Secretary shall consult with and utilize the expertise of the Secretary of the Navy in establishing and carrying out such program.

''(C) Activities may also include development of advanced computer modeling and simulation tools, by Federal and non-Federal entities, which demonstrate and validate new design capabilities of innovative small modular reactor designs.

''(2) DEFINITION.—For the purposes of this subsection, the term 'small modular reactor' means a nuclear reactor—

''(A) with a rated capacity of less than 300 electrical megawatts;

''(B) with respect to which most parts can be factory assembled and shipped as modules to a reactor plant site for assembly; and

''(C) that can be constructed and operated in combination with similar reactors at a single site.

''(3) LIMITATION.—Demonstration activities carried out under this section shall be limited to individual technologies and systems, and shall not include demonstration of full reactor systems or full plant operations.

''(4) ADMINISTRATION.—In conducting the small modular reactor program, the Secretary may enter into cooperative agreements to support small modular reactor designs that enable—

''(A) lower capital costs or increased access to private financing in comparison to current large reactor designs;

''(B) reduced long-term radiotoxicity, mass, or decay heat of the nuclear waste produced by generation;

''(C) increased operating safety of nuclear facilities;

''(D) reduced dependence of reactor systems on water resources;

''(E) increased seismic resistance of nuclear generation;

''(F) reduced proliferation risks through integrated safeguards and security proliferation controls; and

''(G) increased efficiency in reactor manufacturing and construction.

''(5) APPLICATION.—To be eligible to enter into a cooperative agreement with the Secretary under this subsection, an applicant shall submit to the Secretary a proposal for the small modular reactor project to be undertaken. The proposal shall document—

''(A) all partners and suppliers that will be active in the small modular reactor project, including a description of each partner or supplier's anticipated domestic and international activities;

''(B) measures to be undertaken to enable cost-effective implementation of the small modular reactor project;

''(C) an accounting structure approved by the Secretary;

''(D) all known assets that shall be contributed to satisfy the cost-sharing requirement under paragraph (6); and

''(E) the extent to which the proposal will increase domestic manufacturing activity, exports, or employment.

''(6) COST SHARING.—Notwithstanding section 988, the Secretary shall require the parties to a cooperative agreement under this subsection to be responsible for not less than 50 percent of the costs of the small modular reactor project.

''(7) CALCULATION OF COST SHARING AMOUNT.—A recipient of financial assistance under this section may not satisfy the cost sharing requirement under paragraph (6) by using funds received from the Federal Government through appropriation Acts.

''(8) PROJECT SELECTION CRITERIA.—The Secretary shall consider the following factors in entering into a cooperative agreement under this subsection:

''(A) The domestic manufacturing capabilities of the parties to the cooperative agreement and their partners and suppliers.

''(B) The viability of the reactor design and the business plan or plans of the parties to the cooperative agreement.

''(C) The parties to the cooperative agreement's potential to continue the development of small modular reactors without Federal subsidies or loan guarantees.

''(D) The cost share to be provided.

''(E) The degree to which the following goals will be advanced:

''(i) Lower capital costs or increased access to private financing in comparison to current large reactor designs.

''(ii) Reduced long-term radiotoxicity, mass, or decay heat of the nuclear waste produced by generation.

''(iii) Increased operating safety of nuclear facilities.

''(iv) Reduced dependence of reactor systems on water resources.

''(v) Increased seismic resistance of nuclear generation.

''(vi) Reduced proliferation risks through integrated safeguards and security proliferation controls.

''(vii) Increased efficiency in reactor manufacturing and construction.''.

SEC. 306. CONVENTIONAL IMPROVEMENTS TO NUCLEAR POWER PLANTS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is further amended by adding at the end the following new subsection:

''(e) CONVENTIONAL IMPROVEMENTS TO NUCLEAR POWER PLANTS.—

''(1) IN GENERAL.—The Secretary may carry out a Nuclear Energy Research Initiative for research and development related to steam-side improvements to nuclear power plants to promote the research, development, demonstration, and commercial application of—

''(A) cooling systems;

''(B) turbine technologies;

''(C) heat exchangers and pump design;

''(D) special coatings to improve lifetime of components and performance of heat exchangers; and

''(E) advanced power conversion systems for advanced reactor technologies.

''(2) ADMINISTRATION.—The Secretary may undertake initiatives under this subsection only when the goals are relevant and proper to enhance the performance of technologies developed under subsection (c). Not more than $10,000,000 of funds authorized for this section may be used for carrying out this subsection.''.

SEC. 307. FUEL CYCLE RESEARCH AND DEVELOPMENT.

(a) AMENDMENTS.—Section 953 of the Energy Policy Act of 2005 (42 U.S.C. 16273) is amended—

(1) in the section heading by striking ''**ADVANCED FUEL CYCLE INITIATIVE**'' and inserting ''**FUEL CYCLE RESEARCH AND DEVELOPMENT**'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (d) as subsections (e) through (g), respectively; and

(4) by inserting before subsection (e), as so redesignated by paragraph (3) of this subsection, the following new subsections:

''(a) IN GENERAL.—The Secretary shall conduct a fuel cycle research, development, demonstration, and commercial application program (referred to in this section as the 'program') on fuel cycle options that improve uranium

resource utilization, maximize energy generation, minimize nuclear waste creation, improve safety, mitigate risk of proliferation, and improve waste management in support of a national strategy for spent nuclear fuel and the reactor concepts research, development, demonstration, and commercial application program under section 952(c).

''(b) FUEL CYCLE OPTIONS.—Under this section the Secretary may consider implementing the following initiatives:

''(1) OPEN CYCLE.—Developing fuels, including the use of nonuranium materials, for use in reactors that increase energy generation and minimize the amount of nuclear waste produced in an open fuel cycle.

''(2) MODIFIED OPEN CYCLE.—Developing fuel forms, reactors, and limited separation and transmutation methods that increase fuel utilization and reduce nuclear waste in a modified open fuel cycle.

''(3) FULL RECYCLE.—Developing advanced recycling technologies, including Generation IV Reactors, to reduce the risk of proliferation, radiotoxicity, mass, and decay heat to the greatest extent possible.

''(4) ADVANCED STORAGE METHODS.—Developing advanced storage technologies for both onsite and long-term storage that substantially prolong the

effective life of current storage devices or that substantially improve upon existing nuclear waste storage technologies and methods, including repositories.

''(5) ALTERNATIVE AND DEEP BOREHOLE STORAGE METHODS.—Developing alternative storage methods for long-term storage, including deep boreholes into stable crystalline rock formations and mined repositories in a range of geologic media.

''(6) OTHER TECHNOLOGIES.—Developing any other technology or initiative that the Secretary determines is likely to advance the objectives of the program established under subsection (a).

''(c) ADDITIONAL ADVANCED RECYCLING AND CROSSCUTTING ACTIVITIES.—In addition to and in support of the specific initiatives described in paragraphs (1) through (6), the Secretary may support the following activities:

''(1) Development and testing of integrated process flow sheets for advanced nuclear fuel recycling processes.

''(2) Research to characterize the byproducts and waste streams resulting from fuel recycling processes.

''(3) Research and development on reactor concepts or transmutation technologies that improve re-

source utilization or reduce the radiotoxicity of waste streams.

''(4) Research and development on waste treatment processes and separations technologies, advanced waste forms, and quantification of proliferation risks.

''(5) Identification and evaluation of test and experimental facilities necessary to successfully implement the advanced fuel cycle initiative.

''(6) Advancement of fuel cycle-related modeling and simulation capabilities.

''(d) BLUE RIBBON COMMISSION REPORT.—

''(1) In carrying out this section, the Secretary shall give consideration to the final report on a long-term nuclear waste solution produced by the Blue Ribbon Commission on America's Nuclear Future.

''(2) Not later than 180 days after the release of the Blue Ribbon Commission on America's Nuclear Future final report, the Secretary shall transmit to Congress a report, which shall include—

''(A) any plans the Department may have to incorporate any relevant recommendations from this report into the program; and

''(B) how those recommendations for long-term nuclear waste solutions that will be incor-

porated into the plan compare with plans for a long-term nuclear waste solution of a repository at Yucca Mountain, that may or may not be incorporated into the plan, with regard to the safety, security, legal, cost, and technological and site readiness factors associated with any recommendations related to final disposition pathways for spent nuclear fuel and high-level radioactive waste to the same factors associated with permanent deep geological disposal at the Yucca Mountain waste repository.

''(3) The analysis described in paragraph (2)(B) shall be conducted using scientific and technical materials and information used to support policy actions related to the Yucca Mountain project.''.

(b) CONFORMING AMENDMENT.—The item relating to section 953 in the table of contents of the Energy Policy Act of 2005 is amended to read as follows:

''Sec. 953. Fuel cycle research and development.''.

SEC. 308. NUCLEAR ENERGY ENABLING TECHNOLOGIES PROGRAM.

(a) AMENDMENT.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the following new section:

"SEC. 958. NUCLEAR ENERGY ENABLING TECHNOLOGIES.

''(a) IN GENERAL.—The Secretary shall conduct a program to support the integration of activities undertaken through the reactor concepts research, development, demonstration, and commercial application program under section 952(c) and the fuel cycle research and development program under section 953, and support crosscutting nuclear energy concepts. Activities commenced under this section shall be concentrated on broadly applicable research and development focus areas.

''(b) ACTIVITIES.—Activities conducted under this section may include research involving—

''(1) advanced reactor materials;

''(2) advanced radiation mitigation methods;

''(3) advanced proliferation and security risk assessment methods;

''(4) advanced sensors and instrumentation;

''(5) advanced nuclear manufacturing methods; or

''(6) any crosscutting technology or transformative concept aimed at establishing substantial and revolutionary enhancements in the performance of future nuclear energy systems that the Secretary considers relevant and appropriate to the purpose of this section.

''(c) REPORT.—The Secretary shall submit, as part of the annual budget submission of the Department, a report on the activities of the program conducted under this section, which shall include a brief evaluation of each activity's progress.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 2005 is amended by adding at the end of the items for subtitle E of title IX the following new item:

''Sec. 958. Nuclear energy enabling technologies.''.

SEC. 309. EMERGENCY RISK ASSESSMENT AND PREPAREDNESS REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Congress a report summarizing quantitative risks associated with the potential of a severe accident arising from the use of civilian nuclear energy technology, including reactor technology deployed or likely to be deployed as of the date of enactment of this Act, and outlining the technologies currently available to mitigate the consequences of such an accident. The report shall include recommendations of areas of technological development that should be pursued to reduce the potential public harm arising from such an incident.

SEC. 310. NEXT GENERATION NUCLEAR PLANT.

(a) PROTOTYPE PLANT LOCATION.—Section 642(b)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16022(b)(3)) is amended to read as follows:

''(3) PROTOTYPE PLANT LOCATION.—The prototype nuclear reactor and associated plant shall be constructed at a location determined by the consortium through an open and transparent competitive selection process.''.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Congress a report providing a status update of the Next Generation Nuclear Plant program that provides analysis of—

(A) its progress;

(B) how Federal funds appropriated for the project have been distributed and spent; and

(C) the current and expected participation by non-Federal entities.

(2) CONTENTS.—The report shall include—

(A) an analysis of the proposed facility's technical capabilities and remaining techno-

logical development challenges, and a cost estimate and construction schedule;

(B) an assessment of the advantages and disadvantages of funding a pilot-scale research reactor project in lieu of a full-scale commercial power reactor;

(C) an assessment of alternative construction sites proposed by private industry;

(D) an assessment of the extent to which the Department of Energy is working with industry and the Nuclear Regulatory Commission to ensure that the Next Generation Nuclear Plant program meets industry expectations for long-term application of technologies and addresses potential licensing procedures for deployment;

(E) an assessment of the known or anticipated challenges to securing private non-Federal cost share funds and any measures to overcome these challenges, including any alternative funding approaches such as front loading the Federal share;

(F) an assessment of project risks, including those related to—

(i) project scope, schedule, and resources;

(ii) the formation of partnerships or agreements between the Department and the private sector necessary for the project's success; and

(iii) the Department's capabilities to identify and manage such risks; and

(G) an assessment of what is known about the potential impact of natural gas and other fossil fuel prices on private entity participation in the project.

SEC. 311. TECHNICAL STANDARDS COLLABORATION.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish a nuclear energy standards committee (in this section referred to as the ''technical standards committee'') to facilitate and support, consistent with the National Technology Transfer and Advancement Act of 1995, the development or revision of technical standards for new and existing nuclear power plants and advanced nuclear technologies.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The technical standards committee shall include representatives from appropriate Federal agencies and the private sector, and

be open to materially affected organizations involved in the development or application of nuclear energy-related standards.

(2) CO-CHAIRS.—The technical standards committee shall be co-chaired by a representative from the National Institute of Standards and Technology and a representative from a private sector standards organization.

(c) DUTIES.—The technical standards committee shall, in cooperation with appropriate Federal agencies—

(1) perform a needs assessment to identify and evaluate the technical standards that are needed to support nuclear energy, including those needed to support new and existing nuclear power plants and advanced nuclear technologies;

(2) formulate, coordinate, and recommend priorities for the development of new technical standards and the revision of existing technical standards to address the needs identified under paragraph (1);

(3) facilitate and support collaboration and cooperation among standards developers to address the needs and priorities identified under paragraphs (1) and (2);

(4) as appropriate, coordinate with other national, regional, or international efforts on nuclear

energy-related technical standards in order to avoid conflict and duplication and to ensure global compatibility; and

(5) promote the establishment and maintenance of a database of nuclear energy-related technical standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2012 through 2014 to the Director of the National Institute for Standards and Technology for activities under this section.

SEC. 312. EVALUATION OF LONG-TERM OPERATING NEEDS.

(a) IN GENERAL.—The Secretary of Energy shall enter into an arrangement with the National Academies to conduct an evaluation of the scientific and technological challenges to the long-term maintenance and safe operation of currently deployed nuclear power reactors up to and beyond the specified design-life of reactor systems.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Congress, and make publically available, the results of the evaluation undertaken by the Academies pursuant to subsection (a).

SEC. 313. AVAILABLE FACILITIES DATABASE.

The Secretary of Energy shall prepare a database of non-Federal user facilities receiving Federal funds that may be used for unclassified nuclear energy research. The Secretary shall make this database accessible on the Department of Energy's Web site.

SEC. 314. NUCLEAR WASTE DISPOSAL.

To the extent consistent with the requirements of current law, the Department of Energy shall be responsible for disposal of high-level radioactive waste or spent nuclear fuel generated by reactors under the programs authorized in this title, or the amendments made by this title.

TITLE IV—ENERGY TRANSMISSION BARRIERS AND OPPORTUNITIES

SEC. 401. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended to read as follows:

"SEC. 216. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

''(a) POLICY.—It is the policy of the United States that the national interstate transmission system should be guided by the goal of maximizing the net benefits of the electricity system, taking into consideration—

''(1) support for the development of new renewable energy generation capacity, including renewable energy generation located distant from load centers and other location-constrained resources;

''(2) opportunities for reduced emissions from regional power production;

''(3) cost savings resulting from—

''(A) reduced transmission congestion;

''(B) enhanced opportunities for intraregional and interregional electricity trades;

''(C) reduced line losses;

''(D) generation resource-sharing; and

''(E) enhanced fuel diversity;

''(4) reliability benefits, including satisfying reliability standards and guidelines for resource adequacy and system security;

''(5) diversification of risk relating to events affecting fuel supply or generating resources in a particular region;

''(6) the enhancement of competition in electricity markets and mitigation of market power;

''(7) the ability to collocate facilities on existing rights-of-way;

''(8) competing land use priorities, including land protected under Federal or State law;

''(9) the requirements of section 217(b)(4); and

''(10) the contribution of demand side management (including energy efficiency and demand response), energy storage, distributed generation resources, and smart grid investments.

''(b) DEFINITIONS.—In this section:

''(1) HIGH-PRIORITY NATIONAL TRANSMISSION PROJECT.—The term 'high-priority national transmission project' means an overhead or underground transmission facility, consisting of conductors or cables, towers, manhole duct systems, phase shifting transformers, reactors, capacitors, and any ancillary facilities and equipment necessary for the proper operation of the facility, that—

''(A)(i) operates at or above a voltage of—

''(I) 345 kilovolts alternating current; or

''(II) 300 kilovolts direct current;

''(ii) is a very high current conductor or superconducting cable that operates at or above a power equivalent to the power of a conventional transmission cable operating at or above

345 kilovolts alternating current or 300 kilovolts direct current; or

"(iii) is a renewable feeder line that transmits electricity directly to a transmission facility under clause (i) or (ii); and

"(B) is included in a regional plan pursuant to subsection (c).

"(2) INDIAN LAND.—The term 'Indian land' means land—

"(A) the title to which is held by the United States in trust for an Indian tribe or individual Indian; or

"(B) that is held by an Indian tribe or individual Indian subject to a restriction by the United States against alienation or encumbrance.

"(3) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(4) LOAD-SERVING ENTITY.—Except as otherwise provided in this section, the term 'load-serving entity' means any person, Federal, State, or local agency or instrumentality, or electric cooperative that delivers electric energy to end-use customers.

''(5) LOCATION-CONSTRAINED RESOURCE.—

''(A) IN GENERAL.—The term 'location-constrained resource' means a low-carbon resource used to produce electricity that is geographically constrained such that the resource cannot be relocated to an existing transmission line.

''(B) INCLUSIONS.—The term 'location-constrained resource' includes the following types of resources described in subparagraph (A):

''(i) Renewable energy, including offshore resources.

''(ii) A fossil fuel electricity plant equipped with carbon capture technology that is located at a site that is appropriate for carbon storage or beneficial reuse.

''(6) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated from—

''(A) solar energy;

''(B) wind energy;

''(C) marine and hydrokinetic renewable energy;

''(D) geothermal energy;

''(E) hydropower;

''(F) biomass; or

''(G) landfill gas.

''(7) RENEWABLE FEEDER LINE.—The term 'renewable feeder line' means a transmission line that—

''(A) operates at a voltage of 100 kilovolts or greater; and

''(B) is identified in the applicable Interconnection-wide transmission plan or by the Commission as a facility that is to be developed to facilitate collection of electric energy produced by renewable energy.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(c) PLANS FOR NATIONAL INTERSTATE TRANSMISSION SYSTEM.—

''(1) IN GENERAL.—The Commission shall coordinate regional planning to ensure that regional plans are integrated into an Interconnection-wide transmission plan with respect to high-priority na-

tional transmission projects, that achieves the policy established under subsection (a).

''(2) PLANNING PRINCIPLES.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Fulfilling U.S. Energy Leadership Act, the Commission shall issue, by rule, after notice and opportunity for comment, national electricity grid planning principles pursuant to the policy established under subsection (a).

''(B) CONTENT.—The principles shall—

''(i) address how the utilities should fully incorporate consideration of the need for high-priority national transmission projects into planning efforts;

''(ii) address how the utilities should coordinate with each other, States, Indian tribes, and other planning efforts in the applicable Interconnection to effectively develop an Interconnection-wide analysis to identify needed additions or modifications to high-priority national transmission projects, with particular attention to identifying needs that can be most efficiently and effectively addressed with high-priority

national transmission projects that cross multiple utilities, Regional Transmission Organizations, or Independent System Operators;

"(iii)(I) address alternatives to high-priority national transmission projects, based on the factors described in subparagraph (C)(iii); and

"(II) determine whether alternative investments can provide a more expedient means of improving electricity system capacity or reliability or reduced costs for end-users; and

"(iv) include mechanisms for soliciting input from the Secretary, Federal transmitting utilities, the Secretary of the Interior, States, Indian tribes, electric reliability organizations, regional entities, entities described in section 201(f), generators, load-serving entities, other interested parties, and the public.

"(C) FACTORS.—Plans for the development and improvement of high-priority national transmission projects into a national high-ca-

pacity transmission grid shall take into consideration—

"(i) the location of load centers;

"(ii) the location of generation and potential generation development, including location-constrained resources;

"(iii) existing and potential demand side management (including energy efficiency and demand response), energy storage, distributed generation resources, and smart grid investments;

"(iv) the plans of Regional Transmission Organizations, Independent System Operators, State authorities, Indian tribes, transmission owners, load-serving entities, and others in the region;

"(v) the needs and long-term rights described in section 217(b); and

"(vi) costs to consumers of high-priority national transmission projects, including considering the cost of reasonable alternatives.

"(3) SUBMISSION OF PLANS.—

"(A) IN GENERAL.—

"(i) IN GENERAL.—One or more public utilities, transmitting utilities, Regional Transmission Organizations, Independent System Operators, regional entities (as defined in section 215(a)), or other multistate organizations or entities (including entities described in section 201(f)) may develop a regional plan relating to 1 or more high-priority national transmission projects that is consistent with the planning principles established by the Commission.

"(ii) OTHER PLANS.—

"(I) IN GENERAL.—Any public utility or transmitting utility that does not participate in 1 of the regional plans developed under clause (i) shall develop its own plan relating to any high-priority national transmission project planned for the system of the utility.

"(II) PLANNING PRINCIPLES.—The plan shall be consistent with the planning principles established by the Commission.

''(iii) TIMING.—Any plan developed under clause (i) or (ii) shall be submitted to the Commission—

''(I) as soon as practicable, but not later than 2 years, after the date of enactment of the Fulfilling U.S. Energy Leadership Act; and

''(II) periodically thereafter as prescribed by the Commission.

''(B) COORDINATION.—

''(i) JOINT SUBMISSIONS.—The requirements of subparagraph (A) may be satisfied by a joint submission.

''(ii) SINGLE INTERCONNECTION-WIDE PLAN.—The Commission shall encourage coordination that would permit submission of a single Interconnection-wide plan for high-priority national transmission projects.

''(C) MODIFICATIONS.—The Commission may require modification of a submitted plan to the extent that the Commission determines that the modification is necessary—

''(i) to reconcile inconsistencies between plans submitted; or

''(ii) to achieve the policy goals established under subsection (a).

''(4) APPLICABILITY.—The transmission planning principles and requirements of this subsection shall apply to each transmission owner and transmission planning entity in the United States portion of the Eastern and Western Interconnections, including an entity described in section 201(f).

''(d) SITING.—

''(1) PURPOSES.—The purposes of this section is to ensure that high-priority national transmission projects are in the public interest and advance the policy established under subsection (a).

''(2) DESIGNATION OF ELIGIBILITY.—The Commission may grant an applicant that submits an application for a proposed project a designation of eligibility for consideration under this subsection if the Commission finds that the proposed project is a high-priority national transmission project.

''(3) STATE REVIEW OF PROJECT SITING.—

''(A) IN GENERAL.—No developer of a high-priority national transmission project may seek a certificate for construction under subsection (e) unless the developer first seeks authorization to construct the high-priority na-

tional transmission project under applicable State law concerning authorization and routing of transmission facilities.

''(B) FEDERAL AUTHORITY.—The Commission may authorize, in accordance with subsection (e), construction of a high-priority national transmission project that the Commission finds to be in the public interest and in accordance with this section if a State—

''(i) fails to approve construction and authorize routing of a high-priority national transmission project not later than 1 year after the date the applicant submits a completed application for authorization to the State;

''(ii) rejects the application for a high-priority national transmission project; or

''(iii) authorizes the high-priority national transmission project subject to conditions that unreasonably interfere with the development of a high-priority national transmission project contrary to the purposes of this section.

''(e) CONSTRUCTION.—

''(1) APPLICATION FOR CERTIFICATE.—

"(A) IN GENERAL.—An applicant for a high-priority national transmission project may apply to the Commission for a certificate of public convenience and necessity with respect to construction of the high-priority national transmission project within a State affected by the high-priority national transmission project if the State—

"(i) fails to authorize construction of the high-priority national transmission project under State law not later than 1 year after the date the developer submits a completed application for authorization to the State;

"(ii) rejects the application for the high-priority national transmission project; or

"(iii) authorizes the high-priority national transmission project subject to conditions that unreasonably interfere with the development of a high-priority national transmission project contrary to the purposes of this section.

"(B) FORM.—The application for a certificate shall be made in writing in such form and

containing such information as the Commission may by regulation require.

''(C) HEARING.—On receipt of an application under this paragraph, the Commission—

''(i) shall provide notice to interested persons and opportunity for hearing; and

''(ii) may approve (with or without conditions) or disapprove the application, in accordance with paragraph (2).

''(2) GRANT OF CERTIFICATE.—

''(A) IN GENERAL.—A certificate shall be issued to a qualified applicant for a certificate authorizing the whole or partial operation, construction, acquisition, or modification covered by the application, only if the Commission determines that—

''(i) the applicant is able and willing—

''(I) to do the acts and to perform the service proposed; and

''(II) to comply with this Act (including regulations); and

''(ii) the proposed operation, construction, acquisition, or modification, to the extent authorized by the certificate, is or will

be required by the present or future public convenience and necessity.

''(B) TERMS AND CONDITIONS.—The Commission shall have the power to attach to the issuance of a certificate under this paragraph and to the exercise of the rights granted under the certificate such reasonable terms and conditions as the public convenience and necessity may require.

''(C) USE OF STATE WORK.—If 1 or more States reject or fail to act on a high-priority national transmission project and the Commission has siting authority for the high-priority national transmission project under this section, the Commission shall give due weight to—

''(i) the environmental record and results of the siting process of a State that did complete the siting process of the State under this section; and

''(ii) the information that had been submitted by an applicant to the State under this section.

''(D) EVALUATION OF ABILITIES OF APPLICANT.—

"(i) IN GENERAL.—In evaluating the ability of an applicant described in subparagraph (A)(i), the Commission shall consider whether the financial and technical capabilities of the applicant are adequate to support construction and operation of the high-priority national transmission project proposed in the application.

"(ii) JOINT OWNERSHIP PROJECTS.—In evaluating applications under paragraph (1), the Commission shall consider benefits from the greater diversification of financial risk inherent in the applications involving joint ownership projects by multiple load-serving entities.

"(E) PUBLIC CONVENIENCE AND NECESSITY.—In making a determination with respect to public convenience and necessity described in subparagraph (A)(ii), the Commission shall—

"(i) consider whether the facilities covered by an application are included in an Interconnection-wide transmission grid plan for a high-priority national transmission project developed pursuant to subsection (c); and

"(ii) determine whether the facilities covered by the application are in the public interest.

"(3) RIGHT OF EMINENT DOMAIN.—If any holder of a certificate issued under paragraph (2) cannot acquire by contract, or is unable to agree with the owner of property on the compensation to be paid for, the necessary right-of-way to construct, operate, and maintain the high-priority national transmission project to which the certificate relates, and the necessary land or other property necessary to the proper operation of the high-priority national transmission project, the holder may acquire the right-of-way by the exercise of the right of eminent domain in—

"(A) the United States district court for the district in which the property is located; or

"(B) a State court.

"(4) STATE AND TRIBAL RECOMMENDATIONS.—In granting a certificate under paragraph (2), the Commission shall—

"(A) permit State regulatory agencies and affected Indian tribes to recommend mitigation measures, based on habitat protection, environ-

mental considerations, or cultural site protection; and

''(B)(i) incorporate those identified mitigation measures as conditions on the certificate; or

''(ii) if the Commission determines that a recommended mitigation measure is inconsistent with the purposes of this section, infeasible, or not cost-effective—

''(I) consult with State regulatory agencies and affected Indian tribes to seek to resolve the issue;

''(II) incorporate as conditions on the certificate such recommended mitigation measures as are determined to be appropriate by the Commission, based on consultation by the Commission with State regulatory agencies and affected Indian tribes, the purposes of this section, and the record before the Commission; and

''(III) if, after consultation, the Commission does not adopt in whole or in part a recommendation of an agency or affected Indian tribe, publish a statement of a finding that the adoption of the recommenda-

tion is infeasible, not cost-effective, or inconsistent with this section or other applicable provisions of law.

''(5) STATE OR LOCAL AUTHORIZATIONS.—An applicant receiving a certificate under this subsection with respect to construction or modification of a high-priority national transmission project in a State shall not require a separate siting authorization from the State or any local authority within the State.

''(6) RIGHTS-OF-WAY OVER INDIAN LAND.—Notwithstanding paragraph (3), in the case of siting, construction, operation, and maintenance of a transmission facility to be located on or over Indian land, a certificate holder under this section shall comply with the requirements of Federal law for obtaining rights-of-way on or over Indian land.

''(f) COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.—

''(1) DEFINITION OF FEDERAL AUTHORIZATION.—In this subsection, the term 'Federal authorization' means any authorization required under Federal law in order to site a transmission facility on Federal land, including such permits, special use authorizations, certifications, opinions, or other ap-

provals as may be required under Federal law in order to site a transmission facility.

''(2) LEAD AGENCY.—If a Federal authorization for a high-priority national transmission project involves land under the jurisdiction of the Department of the Interior and any other Federal agency, the Secretary of the Interior shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews.

''(3) COORDINATION.—To the maximum extent practicable under applicable Federal law, the Secretary of the Interior shall coordinate the Federal authorization and review process under this subsection with the Commission, and with any Indian tribes, multistate entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

''(4) MILESTONES AND DEADLINES.—

''(A) IN GENERAL.—As the lead agency, the Secretary of the Interior, in consultation with the Commission and any other agency responsible for Federal authorizations and, as ap-

propriate, with Indian tribes, multistate entities, and State agencies that are willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate milestones and ultimate deadlines for the review of, and Federal authorization decisions relating to, the proposed high-priority national transmission project.

''(B) DEADLINE.—The Secretary of the Interior shall ensure that, once an application has been submitted with such data as the Commission and the Secretaries with jurisdiction over the affected land consider necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed not later than 1 year after the date of submission.

''(C) PREAPPLICATION INFORMATION.—The Secretary of the Interior, in consultation with the Commission, shall provide an expeditious preapplication mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and com-

municate to the prospective applicant not later than 60 days after the prospective applicant submits a request for such information concerning—

"(i) the likelihood of approval for a potential facility; and

"(ii) key issues of concern to the agencies and public.

"(5) ENVIRONMENTAL REVIEW DOCUMENT.—

"(A) IN GENERAL.—As lead agency, the Secretary of the Interior, in consultation with the Commission and any affected agency, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed high-priority national transmission project under Federal law.

"(B) STREAMLINING.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Commission, shall streamline the review and permitting of transmission within corridors designated under section 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1763) or section 368 of the Energy Policy Act of 2005 (42 U.S.C.

15926) by fully taking into account prior analyses and decisions relating to the corridors.

''(C) COMMENTS.—If the high-priority national transmission project includes Federal land that is not under the jurisdiction of the Department of the Interior, the document shall include comments made by the Secretary with jurisdiction over the affected land on matters necessary for the protection of the land or required under applicable law.

''(6) ISSUANCE OR DENIAL OF AUTHORIZATION BY PRESIDENT.—

''(A) IN GENERAL.—Subject to paragraph (7), if any agency has denied a Federal authorization required for a transmission facility within an energy right-of-way corridor on Federal land designated pursuant to section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926), or has failed to act by the deadline established by the Secretary of the Interior pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, review the

denial or failure to take action on the pending application.

"(B) OPTIONS.—Based on the overall record and in consultation with the affected agency, the President may—

"(i) issue the necessary authorization with any appropriate conditions; or

"(ii) deny the application.

"(C) DEADLINE.—The President shall issue a decision not later than 90 days after the date of the filing of the appeal.

"(D) FEDERAL REQUIREMENTS.—In making a decision under this paragraph, the President shall comply with applicable requirements of Federal law, including any requirements of—

"(i) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

"(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(iv) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(v) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

"(7) APPLICABILITY OF ISSUANCE OR DENIAL OF AUTHORIZATION BY PRESIDENT.—Paragraph (6) shall not apply to—

"(A) a unit of the National Park System;

"(B) a unit of the National Wildlife Refuge System;

"(C) a component of the National Wild and Scenic Rivers System;

"(D) a component of the National Trails System;

"(E) a component of the National Wilderness Preservation System;

"(F) a National Monument;

"(G) any part of the National Landscape Conservation System;

"(H) a National Preserve;

"(I) a National Scenic Area; or

"(J) a National Recreation Area.

"(8) ENERGY RIGHT-OF-WAY CORRIDORS ON FEDERAL LAND.—

"(A) IN GENERAL.—In carrying out this subsection, the Secretary with jurisdiction over

the land shall, to the maximum extent practicable, use the energy right-of-way corridors designated in accordance with section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926).

''(B) ADDITIONAL CORRIDORS.—If the Secretary is unable to use an energy right-of-way corridor described in subparagraph (A), the Secretary shall establish an additional corridor in accordance with section 368(c) of the Energy Policy Act of 2005 (42 U.S.C. 15926(c)).

''(9) DURATION.—

''(A) IN GENERAL.—Each Federal land use authorization for an electricity transmission facility shall be issued—

''(i) for a duration, as determined by the Secretary with jurisdiction over the land, commensurate with the anticipated use of the facility;

''(ii) with appropriate authority to manage the right-of-way for reliability and environmental protection; and

''(iii) consistent with the Federal Land Policy and Management Act of 1976

(43 U.S.C. 1701 et seq.) and other applicable law.

''(B) RENEWAL.—On the expiration of the authorization (including an authorization issued before the date of enactment of the Fulfilling U.S. Energy Leadership Act), the authorization shall be reviewed for renewal—

''(i) taking fully into account reliance on the electricity infrastructure; and

''(ii) recognizing the importance of the authorization for public health, safety, and economic welfare and as a legitimate use of Federal land.

''(10) CONSULTATION.—In exercising the responsibilities under this section, the Secretary of the Interior and the Commission shall consult regularly with—

''(A) electric reliability organizations (including related regional entities) approved by the Commission;

''(B) Transmission Organizations approved by the Commission; and

''(C) transmission owners and users and other interested parties.

''(11) IMPLEMENTATION.—

''(A) REGULATIONS.—Not later than 18 months after the date of enactment of the Fulfilling U.S. Energy Leadership Act, the Secretary of the Interior and the Commission shall issue any regulations necessary to carry out this subsection.

''(B) FEDERAL STAFF AND RESOURCES.—The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the regulations and memorandum required under this paragraph.

''(g) EVALUATION AND RECOMMENDATIONS.—The Commission shall—

''(1) periodically evaluate whether high-priority national transmission projects are being constructed in accordance with the Interconnection-wide transmission grid plan for high-priority national transmission projects for both the Western and Eastern Interconnection areas;

''(2) take any necessary actions, pursuant to applicable law, to address any identified obstacles to investment, siting, and construction of high-priority

national transmission projects identified as needed under an Interconnection-wide plan; and

''(3) not later than 2 years after the date of enactment of the Fulfilling U.S. Energy Leadership Act, submit to Congress recommendations for any further actions or authority needed to ensure the effective and timely development of—

''(A) high-priority national transmission projects; and

''(B) transmission projects to access regional and offshore renewable energy generation.

''(h) REPORT OF SECRETARY.—Not later than 2 years after the date of enactment of the Fulfilling U.S. Energy Leadership Act, the Secretary shall submit to Congress recommendations for any further actions or authority needed to ensure the effective and timely development of—

''(1) demand response;

''(2) energy storage;

''(3) distributed generation;

''(4) energy efficiency; and

''(5) other areas necessary to carry out the policy established under subsection (a).

''(i) COST ALLOCATION.—

"(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Fulfilling U.S. Energy Leadership Act, the Commission—

"(A) shall establish by rule an appropriate methodology for allocation of the costs of high-priority national transmission projects, subject to the requirement that any cost allocation methodology, and any rates affected by the cost allocation methodology, shall be just, reasonable, and not unduly discriminatory or preferential;

"(B) may permit allocation of costs for high-priority national transmission projects to load-serving entities within all or a part of a region, except that costs shall not be allocated to a region, or subregion, unless the costs are reasonably proportionate to measurable economic and reliability benefits;

"(C) may permit allocation of costs to generators of electricity connected by a high-priority national transmission project; and

"(D) shall provide for due deference to cost allocation proposals supported by broad agreement among affected States.

''(2) MECHANISM FOR COLLECTION OF COSTS.—The Commission shall adopt such rules and require inclusion of such provisions in transmission tariffs as are required to provide for—

''(A) the efficient collection of allocated costs for development and operation of high-priority national transmission projects; and

''(B) the distribution of those revenues to owners of the high-priority national transmission projects.

''(j) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—Except as specifically provided in this section, nothing in this section affects any requirement of an environmental or historic preservation law of the United States, including—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) the Wilderness Act (16 U.S.C. 1131 et seq.); or

''(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

''(2) STATE LAW.—Nothing in this section precludes any person from constructing or modifying any transmission facility in accordance with State law.

''(k) TRANSMISSION RIGHTS TO SUPPORT NEW GENERATION DEVELOPMENT.—Subject to section 217(b)(4), it is the policy of the United States that long-term transmission rights of firmness and duration sufficient to support generation investment (or equivalent tradable or financial long-term transmission rights), shall be available under appropriate terms and conditions to load-serving entities (as defined in section 217(a)(2)) for long-term power supply arrangements for new generation facilities using renewable energy.

''(l) RESOURCE ASSESSMENTS.—

''(1) IN GENERAL.—The Secretary shall conduct nationwide assessments to identify areas with a significant potential for the development of location-constrained resources.

''(2) FORMATS.—The resource assessments shall be made available to the public in multiple formats, including in a geographical information system compatible format.

''(3) TIMING.—The Secretary shall—

''(A) make the initial resource assessment required under this subsection not later than 180 days after the date of enactment of the Fulfilling U.S. Energy Leadership Act; and

''(B) refine the resource assessment on a regular basis that is consistent with regional planning cycles.

''(4) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to regional planning authorities, on request, to assist the authorities in carrying out this subsection.

''(m) CONGESTION STUDIES.—Not later than 1 year after the date of enactment of the Fulfilling U.S. Energy Leadership Act and every 3 years thereafter, the Secretary, in consultation with affected States and Indian tribes, shall—

''(1) conduct a study of electric transmission congestion; and

''(2) submit to the appropriate committees of Congress a report that describes the results of the study.

''(n) APPLICABILITY.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the authority of the Commission under this section to approve transmission plans and to allocate costs incurred pursuant to the plans applies to all transmission providers, generators, and users, owners, and operators of the power system within the Eastern and Western Interconnec-

tions of the United States, including entities described in section 201(f).

''(2) REGIONAL PLANNING ENTITIES.—The Commission shall have authority over regional planning entities to the extent necessary to carry out this section.

''(3) PROJECT DEVELOPERS.—Nothing in this section precludes the development, subject to applicable regulatory requirements, of transmission projects that are not included in plans developed under this section.

''(4) COMMISSION-APPROVED PLANNING PROCESSES.—Nothing in this section affects the approval, siting, or cost allocation for a project that is authorized pursuant to planning processes that have been approved by the Commission.

''(5) EXCLUSIONS.—This section does not apply in the State of Alaska or Hawaii or to the Electric Reliability Council of Texas, unless the State or the Council voluntarily elects to participate in a cost allocation plan under this section.''.

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