

118TH CONGRESS
1ST SESSION

H. R. 4689

To amend the Federal Power Act to facilitate more expeditious review and permitting of certain electric transmission facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2023

Mr. PETERS (for himself, Mr. VEASEY, and Mr. CÁRDENAS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, 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

A BILL

To amend the Federal Power Act to facilitate more expeditious review and permitting of certain electric transmission facilities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Facilitating America’s
5 Siting of Transmission and Electric Reliability Act of
6 2023” or the “FASTER Act of 2023”.

1 **SEC. 2. NATIONAL INTEREST ELECTRIC TRANSMISSION FA-**
2 **CILITIES.**

3 (a) IN GENERAL.—Section 216 of the Federal Power
4 Act (16 U.S.C. 824p) is amended to read as follows:

5 **“SEC. 216. SITING OF INTERSTATE ELECTRIC TRANS-**
6 **MISSION FACILITIES.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) COMMISSION.—The term ‘Commission’
9 means the Federal Energy Regulatory Commission.

10 “(2) COMMUNITY BENEFIT AGREEMENT.—

11 “(A) IN GENERAL.—The term ‘community
12 benefit agreement’ means an agreement be-
13 tween CBA parties, including, at a minimum, at
14 least 1 entity described in each of subclauses
15 (I) through (IV) of subparagraph (B)(iii),
16 that—

17 “(i) relates to a project for the con-
18 struction or modification of a national in-
19 terest electric transmission facility for
20 which a permit is sought under subsection
21 (c);

22 “(ii) is applicable through the con-
23 struction (or modification) and operation
24 of that national interest electric trans-
25 mission facility;

1 “(iii) is negotiated through a process
2 that includes meaningful engagement, by
3 the project sponsor, with—

4 “(I) the applicable 1 or more
5 agreement entities that are parties to
6 the agreement; and

7 “(II) stakeholder groups, includ-
8 ing at least 1 entity described in each
9 of subclauses (I) and (II) of subpara-
10 graph (B)(v);

11 “(iv) details specific, measurable, and
12 legally enforceable CBA commitments;

13 “(v) includes a detailed plan, with
14 clear metrics, milestones, and timelines, for
15 accomplishing CBA commitments;

16 “(vi) establishes specific roles, respon-
17 sibilities, and processes for tracking and
18 reporting progress with respect to CBA
19 commitments;

20 “(vii) establishes clear enforcement
21 processes to address noncompliance, in-
22 cluding specific penalties for noncompli-
23 ance; and

1 “(viii) requires the CBA parties to an-
2 nually submit to the Commission a report
3 that describes, in a transparent manner—

4 “(I) the CBA commitments in-
5 cluded in the agreement; and

6 “(II) the progress made with re-
7 spect those CBA commitments.

8 “(B) ASSOCIATED DEFINITIONS.—For pur-
9 poses of this paragraph:

10 “(i) AGREEMENT ENTITY.—

11 “(I) IN GENERAL.—The term
12 ‘agreement entity’ means an entity de-
13 scribed in subclause (II) that will be
14 significantly impacted by project de-
15 velopment, construction, or local oper-
16 ations activities relating to the appli-
17 cable project that is the subject of the
18 agreement described in subparagraph
19 (A).

20 “(II) ENTITY DESCRIBED.—An
21 entity referred to in subclause (I) is
22 any of the following:

23 “(aa) Any political subdivi-
24 sion of a State, including a coun-
25 ty and any subdivision of a coun-

1 ty, in which the project will be lo-
2 cated.

3 “(bb) A Tribal governmental
4 entity of an Indian Tribe that
5 will be affected by the project.

6 “(cc) Any other State, Trib-
7 al, or local entity, as the Com-
8 mission or the parties to the ap-
9 plicable agreement determine to
10 be appropriate.

11 “(ii) CBA COMMITMENT.—The term
12 ‘CBA commitment’ means a commitment,
13 made by the project sponsor and detailed
14 in an agreement described in subparagraph
15 (A), that benefits stakeholder groups.

16 “(iii) CBA PARTY.—The term ‘CBA
17 party’ includes, at a minimum, each of the
18 following:

19 “(I) The project sponsor.

20 “(II) An agreement entity.

21 “(III) A community group.

22 “(IV) A labor union or equivalent
23 organization, such as a workforce de-
24 velopment board, representing workers
25 or trades that will be needed for each

1 of the construction and operation (in-
2 cluding, if applicable, production) ac-
3 tivities associated with the project
4 that is the subject of the agreement
5 described in subparagraph (A).

6 “(iv) COMMUNITY GROUP.—The term
7 ‘community group’ means any of the fol-
8 lowing:

9 “(I) An unincorporated associa-
10 tion composed of—

11 “(aa) underserved, overbur-
12 dened, or disadvantaged commu-
13 nities and members of those com-
14 munities in the applicable agree-
15 ment entity; or

16 “(bb) affected landowners or
17 community members in the appli-
18 cable agreement entity.

19 “(II) A registered organization
20 described in section 501(c)(3) of the
21 Internal Revenue Code of 1986 and
22 exempt from taxation under section
23 501(a) of that Code that has a history
24 of—

1 “(aa) prior work consistent
2 with the goals established by the
3 applicable agreement described in
4 subparagraph (A); or

5 “(bb) advocating for com-
6 munity members in the applicable
7 agreement entity.

8 “(v) STAKEHOLDER GROUP.—The
9 term ‘stakeholder group’ means—

10 “(I) a community group; and

11 “(II) a CBA party described in
12 clause (iii)(IV).

13 “(C) REQUIREMENT.—The Commission
14 shall make all reports submitted to the Com-
15 mission in accordance with subparagraph
16 (A)(viii) publicly available on the website of the
17 Commission.

18 “(3) COOPERATING AGENCY.—The term ‘co-
19 operating agency’ has the meaning given the term in
20 section 1508.1 of title 40, Code of Federal Regula-
21 tions (or a successor regulation).

22 “(4) COUNCIL.—The term ‘Council’ means the
23 Federal Permitting Improvement Steering Council
24 established by section 41002(a) of the FAST Act
25 (42 U.S.C. 4370m–1(a)).

1 “(5) ENVIRONMENTAL REVIEW DOCUMENT.—
2 The term ‘environmental review document’ has the
3 meaning given the term ‘environmental document’ in
4 section 41001 of the FAST Act (42 U.S.C. 4370m).

5 “(6) FEDERAL AUTHORIZATION.—

6 “(A) IN GENERAL.—The term ‘Federal au-
7 thorization’ means any authorization required
8 under Federal law in order to site a national in-
9 terest electric transmission facility.

10 “(B) INCLUSIONS.—The term ‘Federal au-
11 thorization’ includes such permits, special use
12 authorizations, certifications, opinions, or other
13 approvals as may be required under Federal law
14 in order to site a national interest electric
15 transmission facility.

16 “(7) NATIONAL INTEREST ELECTRIC TRANS-
17 MISSION FACILITY.—The term ‘national interest
18 electric transmission facility’ means—

19 “(A) an electric transmission facility—

20 “(i) that is located in a national inter-
21 est electric transmission corridor des-
22 ignated by the Secretary under paragraph
23 (2) or (5) of subsection (b); and

1 “(ii) with respect to which the Com-
2 mission finds that the proposed construc-
3 tion or modification of the facility—

4 “(I) is consistent with the public
5 interest;

6 “(II) will significantly reduce
7 transmission congestion in interstate
8 commerce;

9 “(III) will protect or benefit con-
10 sumers;

11 “(IV) is consistent with sound
12 national energy policy;

13 “(V) will enhance energy inde-
14 pendence; and

15 “(VI) will maximize, to the ex-
16 tent reasonable and economical, the
17 transmission capabilities of existing
18 towers or structures; or

19 “(B) an electric transmission facility
20 that—

21 “(i) has a transmission capacity of
22 not less than—

23 “(I) 345 kilovolts; or

24 “(II) 750 megawatts; and

1 “(ii) is located in not fewer than 2
2 States.

3 “(8) PARTICIPATING AGENCY.—The term ‘par-
4 ticipating agency’ has the meaning given the term in
5 section 41001 of the FAST Act (42 U.S.C. 4370m).

6 “(9) PREFILING PROCESS.—The term ‘prefiling
7 process’ means the prefiling process established
8 under subsection (h)(7)(C).

9 “(10) QUALIFYING PROJECT.—The term ‘quali-
10 fying project’ means a project—

11 “(A) for the siting, construction, or modi-
12 fication of a national interest electric trans-
13 mission facility; and

14 “(B) with respect to which the project
15 sponsor complies with—

16 “(i) the prefiling regulations described
17 in subsection (h)(7)(C); and

18 “(ii) all other applicable regulations
19 promulgated by the Commission relating to
20 an application for a permit under sub-
21 section (c).

22 “(11) SECRETARY.—The term ‘Secretary’
23 means the Secretary of Energy.

24 “(12) STATE OR LOCAL AUTHORIZATION.—

1 “(A) IN GENERAL.—The term ‘State or
2 local authorization’ means any authorization re-
3 quired under State or local law in order to site
4 a transmission facility.

5 “(B) INCLUSIONS.—The term ‘State or
6 local authorization’ includes such permits, spe-
7 cial use authorizations, certifications, opinions,
8 or other approvals as may be required under
9 State or local law in order to site a trans-
10 mission facility.

11 “(b) STUDY, REPORT, AND DESIGNATION OF NA-
12 TIONAL INTEREST ELECTRIC TRANSMISSION COR-
13 RIDORS.—

14 “(1) STUDY.—Not later than 1 year after the
15 date of enactment of the FASTER Act of 2023, and
16 every 3 years thereafter, the Secretary, in consulta-
17 tion with affected States, Indian Tribes, and local
18 governments, shall conduct a study of electric trans-
19 mission capacity constraints and congestion.

20 “(2) REPORT AND DESIGNATION.—Not less fre-
21 quently than once every 3 years, the Secretary, after
22 considering alternatives and recommendations from
23 interested parties (including an opportunity for com-
24 ment from affected States, Indian Tribes, and local
25 governments), shall issue a report, based on the

1 study under paragraph (1) or other information re-
2 lating to electric transmission capacity constraints
3 and congestion, which may designate as a national
4 interest electric transmission corridor any geo-
5 graphic area that—

6 “(A) is experiencing electric energy trans-
7 mission capacity constraints or congestion that
8 adversely affects consumers; or

9 “(B) is expected to experience such energy
10 transmission capacity constraints or congestion.

11 “(3) CONSULTATION.—Not less frequently than
12 once every 3 years, the Secretary, in conducting the
13 study under paragraph (1) and issuing the report
14 under paragraph (2), shall consult with any appro-
15 priate regional entity referred to in section 215.

16 “(4) CONSIDERATIONS.—In determining wheth-
17 er to designate a national interest electric trans-
18 mission corridor under paragraph (2), the Secretary
19 shall consider whether—

20 “(A) the economic vitality and development
21 of the corridor, or the end markets served by
22 the corridor, may be constrained by lack of ade-
23 quate or reasonably priced electricity;

24 “(B)(i) economic growth in the corridor, or
25 the end markets served by the corridor, may be

1 jeopardized by reliance on limited sources of en-
2 ergy; and

3 “(ii) a diversification of supply is war-
4 ranted;

5 “(C) the energy independence or energy se-
6 curity of the United States would be served by
7 the designation;

8 “(D) the designation would be in the inter-
9 est of national energy policy;

10 “(E) the designation would enhance na-
11 tional defense and homeland security;

12 “(F) the designation would enhance the
13 ability of facilities that generate or transmit
14 firm or intermittent energy to connect to the
15 electric grid;

16 “(G) the designation—

17 “(i) maximizes and prioritizes existing
18 rights-of-way; and

19 “(ii) avoids and minimizes the impact
20 to, to the maximum extent practicable, and
21 offsets to the extent appropriate and prac-
22 ticable, sensitive environmental areas and
23 cultural heritage sites;

1 “(H) the designation would result in a re-
2 duction in the cost to purchase electric energy
3 for consumers; and

4 “(I) the designation reflects comments re-
5 ceived from affected States, Indian Tribes, and
6 local governments under paragraph (2).

7 “(5) DESIGNATION BY REQUEST.—

8 “(A) IN GENERAL.—The developer of a
9 project to construct or modify an electric trans-
10 mission facility may submit to the Secretary an
11 application to designate 1 or more proposed
12 routes associated with the project as a national
13 interest electric transmission corridor.

14 “(B) REQUIREMENT.—A developer de-
15 scribed in subparagraph (A) may submit an ap-
16 plication under that subparagraph only if the
17 developer—

18 “(i) has begun actively routing the ap-
19 plicable project;

20 “(ii) has begun engaging in outreach
21 to—

22 “(I) the community in which the
23 proposed route is located; and

24 “(II) landowners that may be af-
25 fected by the construction or modifica-

1 tion of an electric transmission facility
2 on that proposed route; and

3 “(iii) has—

4 “(I) begun engaging in land sur-
5 veys; or

6 “(II) initiated environmental
7 compliance work associated with the
8 project.

9 “(C) DESIGNATION.—The Secretary may
10 designate a route proposed by a developer in an
11 application submitted under subparagraph (A)
12 as a national interest electric transmission cor-
13 ridor if the Secretary determines that—

14 “(i) the route is in a geographic area
15 described in subparagraph (A) or (B) of
16 paragraph (2); and

17 “(ii) designation of the route is con-
18 sistent with the purposes of such a des-
19 ignation, taking into consideration the fac-
20 tors described in paragraph (4).

21 “(D) RULEMAKING.—

22 “(i) IN GENERAL.—Not later than 1
23 year after the date of enactment of the
24 FASTER Act of 2023, the Secretary shall

1 promulgate regulations to carry out this
2 paragraph.

3 “(ii) OTHER APPLICANTS.—In car-
4 rying out clause (i), the Secretary—

5 “(I) shall consider whether it
6 would be appropriate to allow an enti-
7 ty other than the developer of a trans-
8 mission project, such as a Tribal au-
9 thority, a State, a non-transmission-
10 owning utility (such as a trans-
11 mission-dependent utility), a local gov-
12 ernment, a generation developer, or
13 any other appropriate entity, to sub-
14 mit an application for the designation
15 of a particular route as a national in-
16 terest electric transmission corridor;
17 and

18 “(II) may promulgate regulations
19 to allow 1 or more entities described
20 in subclause (I) to submit an applica-
21 tion for a designation described in
22 that subclause, as the Secretary deter-
23 mines to be appropriate, subject to
24 the requirements described in clauses
25 (i) and (ii) of subparagraph (C).

1 “(c) PERMIT FOR CONSTRUCTION OR MODIFICATION
2 OF NATIONAL INTEREST ELECTRIC TRANSMISSION FA-
3 CILITIES.—

4 “(1) IN GENERAL.—Except as provided in sub-
5 section (i), and subject to paragraph (2), the Com-
6 mission may issue 1 or more permits for the con-
7 struction or modification of national interest electric
8 transmission facilities if the Commission finds
9 that—

10 “(A) a State in which the transmission fa-
11 cilities are to be constructed or modified does
12 not have authority—

13 “(i) to approve the siting of the facili-
14 ties; or

15 “(ii) to consider the interstate benefits
16 or interregional benefits expected to be
17 achieved by the proposed construction or
18 modification of transmission facilities in
19 the State;

20 “(B) the applicant for a permit is a trans-
21 mitting utility under this Act but does not qual-
22 ify to apply for a permit or siting approval for
23 the proposed project in a State because the ap-
24 plicant does not serve end-use customers in the
25 State; or

1 “(C) a State commission or other entity
2 that has authority to approve the siting of the
3 facilities—

4 “(i) has not made a determination on
5 an application seeking approval pursuant
6 to applicable law by the date that is 1 year
7 after the date on which the application was
8 filed with the State commission or other
9 entity;

10 “(ii) has conditioned its approval in
11 such a manner that the proposed construc-
12 tion or modification will not significantly
13 reduce transmission capacity constraints or
14 congestion in interstate commerce or is not
15 economically feasible; or

16 “(iii) has denied an application seek-
17 ing approval pursuant to applicable law.

18 “(2) REQUIREMENT.—The Commission may
19 issue a permit under paragraph (1) only—

20 “(A) after the Commission—

21 “(i) makes a finding described in sub-
22 paragraph (A), (B), or (C) of paragraph
23 (1);

24 “(ii) makes all applicable findings and
25 determinations necessary to establish that

1 the applicable facility is a national interest
2 electric transmission facility described in
3 subparagraph (A) or (B) of subsection
4 (a)(7); and

5 “(iii) provides notice and an oppor-
6 tunity for hearing with respect to the per-
7 mit; and

8 “(B) if the applicant engages in the pre-
9 filing process with respect to the applicable fa-
10 cility.

11 “(3) APPLICATIONS.—

12 “(A) IN GENERAL.—An application for a
13 permit under this subsection shall be made in
14 writing to the Commission.

15 “(B) RULEMAKING.—The Commission
16 shall issue rules specifying—

17 “(i) the form of an application for a
18 permit under this subsection;

19 “(ii) the information to be contained
20 in the application; and

21 “(iii) the manner of service of notice
22 of the application on interested persons.

23 “(4) SIMULTANEOUS PROCEEDINGS.—In order
24 to ensure that an applicant for a permit under this
25 subsection receives the most timely decision possible

1 with respect to that application, the prefilings process
2 relating to that application may be initiated simulta-
3 neously with, or at any time after, an application is
4 submitted to, or any relevant process is initiated
5 with, the applicable State commission or other State
6 entity that has authority to approve the siting of the
7 applicable facility.

8 “(d) COMMENTS.—In any proceeding before the
9 Commission under subsection (c), the Commission shall
10 afford each State and local government in which a trans-
11 mission facility covered by the permit is or will be located,
12 each affected Federal agency and Indian Tribe, private
13 property owners, and other interested persons, a reason-
14 able opportunity to present their views and recommenda-
15 tions with respect to the need for and impact of a facility
16 covered by the permit.

17 “(e) RIGHTS-OF-WAY.—

18 “(1) IN GENERAL.—In the case of a permit
19 under subsection (c) for electric transmission facili-
20 ties to be located on property other than property
21 owned by the United States or a State, if the permit
22 holder cannot acquire by contract, or is unable to
23 agree with the owner of the property to the com-
24 pensation to be paid for, the necessary right-of-way
25 to construct or modify, and operate and maintain,

1 the transmission facilities and, in the determination
2 of the Commission, the permit holder has made good
3 faith efforts to engage with affected landowners and
4 other stakeholders early in the applicable permitting
5 process, the permit holder may acquire the right-of-
6 way by the exercise of the right of eminent domain
7 in the district court of the United States for the dis-
8 trict in which the property concerned is located, or
9 in the appropriate court of the State in which the
10 property is located.

11 “(2) GOOD FAITH EFFORTS TO ENGAGE WITH
12 AFFECTED LANDOWNERS AND OTHER STAKE-
13 HOLDERS.—

14 “(A) COMMUNITY BENEFIT AGREE-
15 MENTS.—

16 “(i) IN GENERAL.—Subject to sub-
17 paragraph (B), for purposes of paragraph
18 (1), a permit holder may establish that the
19 permit holder has made good faith efforts
20 to engage with affected landowners and
21 other stakeholders early in the applicable
22 permitting process by demonstrating to the
23 Commission that the permit holder—

24 “(I) engaged, during the prefiling
25 process, and continues to be engaged

1 in a meaningful process to develop
2 and negotiate a community benefit
3 agreement with applicable CBA par-
4 ties (as defined in subsection
5 (a)(2)(B)) in the community in which
6 the affected landowners or other
7 stakeholders are located; or

8 “(II) entered into a community
9 benefit agreement with applicable
10 CBA parties (as defined in that sub-
11 section) in that community.

12 “(ii) TECHNICAL ASSISTANCE.—

13 “(I) IN GENERAL.—On the re-
14 quest of a project sponsor, affected
15 local government, or a community en-
16 gaged in the process of developing and
17 negotiating a community benefit
18 agreement, the Secretary shall provide
19 technical assistance, including, as the
20 Secretary determines to be appro-
21 priate, legal counsel, mediation, and
22 guidance, to help the community de-
23 velop and negotiate a community ben-
24 efit agreement with the project spon-
25 sor.

1 “(II) AUTHORIZATION OF APPRO-
2 PRIATIONS.—There are authorized to
3 be appropriated to the Secretary such
4 sums as are necessary to carry out
5 this clause.

6 “(B) APPLICANT CODE OF CONDUCT FOR
7 ENGAGEMENT WITH AFFECTED LAND-
8 OWNERS.—

9 “(i) IN GENERAL.—Not later than 1
10 year after the date of enactment of the
11 FASTER Act of 2023, the Commission
12 shall promulgate a final rule to establish
13 an applicant code of conduct for engage-
14 ment with affected landowners.

15 “(ii) EFFECT OF COMPLIANCE.—For
16 purposes of paragraph (1), the Commission
17 shall consider a permit holder to have
18 made good faith efforts to engage with af-
19 fected landowners if the Commission deter-
20 mines that the permit holder complied with
21 the applicant code of conduct for engage-
22 ment with affected landowners established
23 under clause (i).

24 “(iii) EFFECT OF NONCOMPLIANCE.—
25 Beginning on the effective date of the final

1 rule promulgated under clause (i), the
2 Commission may not make a determination
3 that a permit holder has made good faith
4 efforts to engage with affected landowners
5 if the Commission determines that the per-
6 mit holder substantially violated the appli-
7 cant code of conduct for engagement with
8 affected landowners established under that
9 clause.

10 “(C) GOOD FAITH EFFORTS DETERMINA-
11 TION.—

12 “(i) IN GENERAL.—For purposes of
13 paragraph (1), the Commission shall con-
14 sider a permit holder to have made good
15 faith efforts to engage with affected land-
16 owners and other stakeholders early in the
17 applicable permitting process if the Com-
18 mission determines that the permit hold-
19 er—

20 “(I) engaged, in good faith, in a
21 meaningful process described in sub-
22 paragraph (A)(i)(I); and

23 “(II) complied with the applicant
24 code of conduct for engagement with

1 affected landowners established pursu-
2 ant to subparagraph (B)(i).

3 “(ii) REQUIREMENT.—A permit hold-
4 er that enters into a community benefit
5 agreement described in subparagraph
6 (A)(i)(II) shall be presumed to have com-
7 plied with clause (i)(I).

8 “(D) EFFECT OF COMMUNITY BENEFIT
9 AGREEMENT ON ELIGIBILITY FOR CERTAIN
10 GRANTS.—

11 “(i) IN GENERAL.—For purposes of
12 section 50152 of Public Law 117–169
13 (commonly known as the ‘Inflation Reduc-
14 tion Act of 2022’) (42 U.S.C. 18715a), if
15 the sponsor of a project for which a permit
16 is sought under subsection (c) has entered
17 into a community benefit agreement—

18 “(I) the sponsor and any applica-
19 ble agreement entity (as defined in
20 subsection (a)(2)(B)) that is eligible
21 to apply for a grant under that sec-
22 tion may jointly apply for such a
23 grant; and

24 “(II) the sponsor may receive
25 and use amounts made available pur-

1 suant to such a grant in accordance
2 with—

3 “(aa) any applicable provi-
4 sions of the applicable community
5 benefit agreement; and

6 “(bb) any applicable rules or
7 conditions established by the Sec-
8 retary.

9 “(ii) NEGOTIATED PROVISIONS.—A
10 community benefit agreement may include
11 provisions requiring the project sponsor—

12 “(I) to submit an application for
13 a grant under section 50152 of Public
14 Law 117–169 (42 U.S.C. 18715a) on
15 behalf of, or jointly with, the applica-
16 ble agreement entity or any other en-
17 tity eligible to apply for a grant under
18 that section; and

19 “(II) to take any other actions
20 necessary to secure a grant under
21 that section.

22 “(3) USE OF RIGHT-OF-WAY.—Any right-of-way
23 acquired under paragraph (1) shall be used exclu-
24 sively for the construction or modification of electric

1 transmission facilities within a reasonable period of
2 time after the acquisition.

3 “(4) PRACTICE AND PROCEDURE.—The practice
4 and procedure in any action or proceeding under
5 this subsection in the district court of the United
6 States shall conform as nearly as practicable to the
7 practice and procedure in a similar action or pro-
8 ceeding in the courts of the State in which the prop-
9 erty is located.

10 “(5) SAVINGS CLAUSE.—

11 “(A) IN GENERAL.—Nothing in this sub-
12 section shall be construed to authorize the use
13 of eminent domain to acquire a right-of-way for
14 any purpose other than the construction, modi-
15 fication, operation, or maintenance of electric
16 transmission facilities and related facilities.

17 “(B) RESTRICTION; TERMINATION.—A
18 right-of-way acquired under paragraph (1) shall
19 not be used for any other purpose, and the
20 right-of-way shall terminate on the termination
21 of the use for which the right-of-way was ac-
22 quired.

23 “(f) COMPENSATION.—

24 “(1) IN GENERAL.—Any right-of-way acquired
25 pursuant to subsection (e) shall be considered a tak-

1 ing of private property for which just compensation
2 is due.

3 “(2) AMOUNT.—Just compensation shall be an
4 amount equal to the fair market value (including ap-
5 plicable severance damages) of the property taken on
6 the date of the exercise of eminent domain authority.

7 “(g) STATE LAW.—Nothing in this section precludes
8 any person from constructing or modifying any trans-
9 mission facility in accordance with State law.

10 “(h) COORDINATION OF FEDERAL AUTHORIZATIONS
11 FOR NATIONAL INTEREST ELECTRIC TRANSMISSION FA-
12 CILITIES.—

13 “(1) LEAD AGENCY.—With respect to a quali-
14 fying project, the Commission shall act as the lead
15 agency for purposes of coordinating—

16 “(A) all applicable Federal authorizations;

17 “(B) all applicable State or local author-
18 izations; and

19 “(C) all related environmental reviews.

20 “(2) COORDINATION.—

21 “(A) IN GENERAL.—To the maximum ex-
22 tent practicable under applicable Federal law,
23 the Commission shall coordinate the Federal
24 authorization and review process under this
25 subsection with any Indian Tribes, multistate

1 entities, local governments, and State agencies
2 that are responsible for conducting any separate
3 permitting and environmental reviews of the fa-
4 cility, to ensure timely and efficient review and
5 permit decisions.

6 “(B) DEADLINES AND MILESTONES.—

7 “(i) IN GENERAL.—As the lead agen-
8 cy, the Commission, in consultation with
9 agencies responsible for Federal authoriza-
10 tions and, as appropriate, with Indian
11 Tribes, multistate entities, local govern-
12 ments, and State agencies that are willing
13 to coordinate their own separate permit-
14 ting and environmental reviews with the
15 Federal authorization and environmental
16 reviews, shall establish prompt and binding
17 intermediate milestones and ultimate dead-
18 lines for the review of, and Federal author-
19 ization decisions relating to, the proposed
20 facility, to ensure, to the maximum extent
21 practicable, that the period described in
22 clause (ii) does not exceed 5 years.

23 “(ii) PERIOD DESCRIBED.—The pe-
24 riod referred to in clause (i) is the period
25 beginning on the date on which the pre-

1 filing process is initiated with respect to a
2 proposed facility and ending on, as applica-
3 ble—

4 “(I) the date on which a notice to
5 proceed is issued with respect to that
6 facility; or

7 “(II) the date on which an appli-
8 cation for a permit under subsection
9 (c) with respect to that facility is de-
10 nied.

11 “(iii) CERTAIN DEADLINES.—The
12 Commission shall ensure that, once an ap-
13 plication has been submitted with such
14 data as the Commission considers nec-
15 essary, all permit decisions and related en-
16 vironmental reviews under all applicable
17 Federal laws shall be completed—

18 “(I) within 1 year; or

19 “(II) if a requirement of another
20 provision of Federal law does not per-
21 mit compliance with subclause (I), as
22 soon thereafter as is practicable.

23 “(3) PROCESS FOR PROMPT DISCLOSURE OF
24 CERTAIN INFORMATION.—The Commission shall es-
25 tablish a process pursuant to which a prospective ap-

1 applicant for a permit under subsection (c) that has
2 initiated the prefiling process may confer with the
3 agencies involved to have each such agency deter-
4 mine and communicate to the prospective applicant,
5 not later than 60 days after the prospective appli-
6 cant submits a request—

7 “(A) the likelihood of approval for a poten-
8 tial facility; and

9 “(B) the key issues of concern to the agen-
10 cies and the public.

11 “(4) SINGLE ENVIRONMENTAL REVIEW DOCU-
12 MENT.—

13 “(A) IN GENERAL.—As the lead agency,
14 the Commission, in consultation with the af-
15 fected agencies, shall prepare a single environ-
16 mental review document, which shall be used as
17 the basis for all decisions on the qualifying
18 project under Federal law.

19 “(B) STREAMLINED REVIEW AND PERMIT-
20 TING WITHIN CERTAIN CORRIDORS.—The Com-
21 mission and the heads of other agencies shall
22 streamline the review and permitting of trans-
23 mission within corridors designated under sec-
24 tion 503 of the Federal Land Policy and Man-
25 agement Act of 1976 (43 U.S.C. 1763) by fully

1 taking into account prior analyses and decisions
2 relating to the corridors.

3 “(C) REQUIREMENT.—The document pre-
4 pared under subparagraph (A) shall include
5 consideration by the relevant agencies of any
6 applicable criteria or other matters as required
7 under applicable law.

8 “(5) APPEAL TO THE PRESIDENT.—

9 “(A) IN GENERAL.—If any agency has de-
10 nied a Federal authorization required for a
11 transmission facility, or has failed to act by the
12 deadline established by the Commission pursu-
13 ant to this section for deciding whether to issue
14 the authorization, the applicant or any State in
15 which the facility would be located may file an
16 appeal with the President, who shall, in con-
17 sultation with the affected agency, review the
18 denial or failure to take action on the pending
19 application.

20 “(B) DECISION.—Based on the overall
21 record and in consultation with the affected
22 agency, the President may—

23 “(i) issue the necessary authorization
24 with any appropriate conditions; or

25 “(ii) deny the application.

1 “(C) DEADLINE FOR DECISION.—The
2 President shall issue a decision not later than
3 90 days after the date of the filing of the ap-
4 peal.

5 “(D) REQUIREMENT.—In making a deci-
6 sion under this paragraph, the President shall
7 comply with applicable requirements of Federal
8 law, including any requirements of—

9 “(i) the National Forest Management
10 Act of 1976 (16 U.S.C. 472a et seq.);

11 “(ii) the Endangered Species Act of
12 1973 (16 U.S.C. 1531 et seq.);

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

15 “(iv) the National Environmental Pol-
16 icy Act of 1969 (42 U.S.C. 4321 et seq.);

17 and

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

21 “(E) APPLICATION.—This paragraph shall
22 not apply to any unit of the National Park Sys-
23 tem, the National Wildlife Refuge System, the
24 National Wild and Scenic Rivers System, the
25 National Trails System, the National Wilder-

1 ness Preservation System, or a National Monu-
2 ment.

3 “(6) APPLICATION OF FAST-41 PROCEDURES.—

4 “(A) IN GENERAL.—Notwithstanding any
5 other provision of law, on the submission of an
6 application for a permit under subsection (c)
7 for a qualifying project—

8 “(i) the qualifying project shall be
9 considered to be a covered project (as de-
10 fined in section 41001 of the FAST Act
11 (42 U.S.C. 4370m)); and

12 “(ii) except as otherwise provided in
13 this section (including paragraphs (1) and
14 (2)), title XLI of the FAST Act (42
15 U.S.C. 4370m et seq.) (including section
16 41007 of that Act (42 U.S.C. 4370m-6))
17 shall apply to the qualifying project in the
18 same manner as any other covered project
19 (as defined in section 41001 of that Act
20 (42 U.S.C. 4370m)).

21 “(B) COOPERATION OF PARTICIPATING
22 AGENCIES.—Notwithstanding any other provi-
23 sion of law, each Federal participating agency
24 with respect to a qualifying project shall—

1 “(i) cooperate with the Commission
2 and the project sponsor with respect to the
3 review and permitting processes carried
4 out under this section; and

5 “(ii) fully participate in those proc-
6 esses.

7 “(C) USE OF ENVIRONMENTAL REVIEW IM-
8 PROVEMENT FUND.—

9 “(i) DEFINITIONS.—In this subpara-
10 graph:

11 “(I) AGENCY PARTICIPATING IN
12 THE PREFILING PROCESS.—The term
13 ‘agency participating in the prefiling
14 process’ means a participating agency
15 or cooperating agency that partici-
16 pates in the prefiling process with re-
17 spect to a qualifying project.

18 “(II) FUND.—The term ‘Fund’
19 means the Environmental Review Im-
20 provement Fund established under
21 section 41009(d) of the FAST Act
22 (42 U.S.C. 4370m–8(d)).

23 “(ii) GENERAL AUTHORITY.—Not-
24 withstanding any other provision of law,
25 with respect to a qualifying project,

1 amounts in the Fund may, in addition to
2 any other use permitted under title XLI of
3 the FAST Act (42 U.S.C. 4370m et seq.)
4 (or a regulation promulgated under that
5 title), be used—

6 “(I) by the Council, to cover the
7 expenses of the Council relating to the
8 qualifying project;

9 “(II) by the Commission, as the
10 lead agency, to cover the costs of any
11 environmental review relating to the
12 qualifying project; and

13 “(III) as the Council determines
14 to be appropriate, by any other Fed-
15 eral agency conducting an environ-
16 mental review relating to the quali-
17 fying project, to cover the costs of
18 conducting that environmental review.

19 “(iii) FUNDING FOR PURPOSES RE-
20 LATING TO THE PREFILING PROCESS.—
21 Notwithstanding any other provision of
22 law, the Council shall make amounts in the
23 Fund available to agencies participating in
24 the prefiling process for purposes relating
25 to the participation of those agencies in

1 that process, including to compensate those
2 agencies for resources expended during
3 that process for those purposes.

4 “(iv) SUBSEQUENT CONSIDERATION
5 OF PARTICIPATION IN THE PREFILING
6 PROCESS.—To encourage participation in
7 the prefiling process, the Council, in mak-
8 ing amounts in the Fund available to par-
9 ticipating agencies and cooperating agen-
10 cies for purposes relating to a qualifying
11 project for which an application has been
12 filed under subsection (c), shall take into
13 consideration whether, and the extent to
14 which, the participating agency or cooper-
15 ating agency participated in the prefiling
16 process with respect to that project.

17 “(v) AUTHORIZATION OF APPROPRIA-
18 TIONS TO THE FUND.—In addition to any
19 amounts authorized to be appropriated to
20 the Fund under any other law, there are
21 authorized to be appropriated to the Fund
22 such sums as are necessary to carry out
23 this subparagraph.

24 “(7) PREFILING REQUIRED.—

1 “(A) IN GENERAL.—In order to facilitate
2 maximum participation by all stakeholders in
3 the review and permitting processes for quali-
4 fying projects, project sponsors shall engage in
5 a prefiling process in accordance with the regu-
6 lations promulgated under subparagraph (C).

7 “(B) PARTICIPATION.—

8 “(i) MANDATORY PARTICIPATION.—
9 Any applicant for a permit under sub-
10 section (c) and each Federal participating
11 agency with respect to a project for which
12 a permit is sought under that subsection
13 shall participate in the prefiling process.

14 “(ii) STATE, TRIBAL, AND LOCAL
15 AGENCIES.—The Commission shall facili-
16 tate and encourage State, Tribal, and local
17 agencies, including any State commission
18 or other entity described in subsection
19 (c)(1), to participate in the prefiling pro-
20 cess for a qualifying project.

21 “(C) RULEMAKING.—

22 “(i) IN GENERAL.—Not later than 1
23 year after the date of enactment of the
24 FASTER Act of 2023, the Commission
25 shall promulgate a final rule to establish a

1 prefiling process for use in accordance with
2 this section.

3 “(ii) UPDATES.—The Commission
4 may revise and update, as the Commission
5 determines to be appropriate, the rules and
6 regulations of the Commission with respect
7 to the prefiling process established under
8 clause (i), subject to the condition that any
9 revision or update is consistent with the
10 making of good faith efforts to engage
11 stakeholders early in the review and per-
12 mitting processes for national interest elec-
13 tric transmission facilities.

14 “(8) EXPEDITING APPLICATION PROCESSING.—

15 “(A) IN GENERAL.—A Federal or State
16 agency may allow an applicant seeking a Fed-
17 eral authorization for a qualifying project to
18 fund a third-party contractor selected by the
19 Federal or State agency to assist in reviewing
20 the application.

21 “(B) DIRECT FUNDING FOR EXPEDITED
22 CONSIDERATION.—

23 “(i) IN GENERAL.—Beginning on the
24 date of enactment of the FASTER Act of
25 2023, a Federal or State agency may ac-

1 cept and expend funds contributed by an
2 applicant seeking a Federal authorization
3 for a qualifying project to carry out an ac-
4 tivity that directly and meaningfully con-
5 tributes to expediting the consideration by
6 the agency of the application.

7 “(ii) RELATION TO EXISTING DISCRE-
8 TIONARY FUNDS.—Any funds received by
9 an agency under this subparagraph may be
10 used only to carry out activities that would
11 not otherwise occur within the same time-
12 frame using discretionary funds provided
13 in an appropriations Act.

14 “(C) EFFECT ON APPLICATION CONSIDER-
15 ATION.—In carrying out this paragraph, the
16 Commission or an applicable agency shall en-
17 sure that the use of applicant funds under sub-
18 paragraph (A) or (B) will not impact impartial
19 decisionmaking with respect to the responsibil-
20 ities of the agency, either substantively or pro-
21 cedurally, under this part or any other Federal
22 law, consistent with the regulations for imple-
23 menting the procedural provisions of the Na-
24 tional Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.) under parts 1500 through

1 1508 of title 40, Code of Federal Regulations
2 (or successor regulations).

3 “(D) VOLUNTARY FUNDING.—Nothing in
4 this paragraph requires or compels an appli-
5 cant—

6 “(i) to fund a third-party contractor
7 under subparagraph (A); or

8 “(ii) to contribute direct funding for
9 expedited consideration under subpara-
10 graph (B).

11 “(E) EXISTING THIRD-PARTY CON-
12 TRACTS.—Nothing in this paragraph affects
13 any third party contract under section 2403 of
14 the Energy Policy Act of 1992 (16 U.S.C.
15 797d) that is in effect as of the date of enact-
16 ment of the FASTER Act of 2023.

17 “(F) ACCOUNTABILITY.—

18 “(i) REPORTS.—A Federal or State
19 agency shall submit to the Commission for
20 each fiscal year a report that describes the
21 manner in which the agency used funds
22 under this paragraph during that fiscal
23 year.

24 “(ii) AUDITS.—The Comptroller Gen-
25 eral of the United States shall conduct

1 periodic audits to ensure that Federal and
2 State agencies use funds in accordance
3 with this paragraph.

4 “(9) CATEGORICAL EXCLUSIONS.—

5 “(A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of the FASTER
7 Act of 2023, the Commission shall—

8 “(i) evaluate whether 1 or more addi-
9 tional categorical exclusions developed in
10 compliance with the National Environ-
11 mental Policy Act of 1969 (42 U.S.C.
12 4321 et seq.) with respect to the activities
13 described in subparagraph (C) would re-
14 duce processing times or costs for the
15 issuance of permits under subsection (c)
16 without significantly affecting the human
17 environment; and

18 “(ii) if the Commission determines
19 under clause (i) that 1 or more additional
20 categorical exclusions would reduce proc-
21 essing times or costs for the issuance of
22 permits under subsection (c) without sig-
23 nificantly affecting the human environ-
24 ment—

1 “(I) establish those categorical
2 exclusions in compliance with the Na-
3 tional Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.); and

5 “(II) revise relevant agency regu-
6 lations and policy statements to imple-
7 ment those categorical exclusions.

8 “(B) ADMINISTRATION.—

9 “(i) IN GENERAL.—In administering a
10 categorical exclusion established under sub-
11 paragraph (A)(ii), the Commission shall
12 comply with the National Environmental
13 Policy Act of 1969 (42 U.S.C. 4321 et
14 seq.) (including regulations promulgated
15 pursuant to that Act).

16 “(ii) EXTRAORDINARY CIR-
17 CUMSTANCES.—In determining whether to
18 use a categorical exclusion established
19 under subparagraph (A)(ii), the Commis-
20 sion shall apply—

21 “(I) section 380.4(b) of title 18,
22 Code of Federal Regulations (or a
23 successor regulation); and

24 “(II) any other regulation pro-
25 mulgated by the Commission to estab-

1 lish extraordinary circumstances pro-
2 cedures described in section
3 1507.3(e)(2)(ii) of title 40, Code of
4 Federal Regulations (or a successor
5 regulation).

6 “(C) ACTIVITIES DESCRIBED.—The activi-
7 ties referred to in subparagraph (A) include—

8 “(i) a geotechnical investigation;

9 “(ii) off-road travel in an existing
10 right-of-way;

11 “(iii) adding a battery or other energy
12 storage device to an existing or planned
13 energy facility, if that storage resource is
14 located within the physical footprint of the
15 existing or planned energy facility;

16 “(iv) any repair, maintenance, up-
17 grade, optimization, or minor addition to
18 existing transmission and distribution in-
19 frastructure, including—

20 “(I) operation, maintenance, or
21 repair of power equipment and struc-
22 tures within existing substations,
23 switching stations, transmission lines,
24 and distribution lines;

1 “(II) the addition, modification,
2 retirement, or replacement of break-
3 ers, transmission towers, trans-
4 formers, bushings, or relays;

5 “(III) the voltage uprating, modi-
6 fication, reconductoring with conven-
7 tional or advanced conductors, and
8 clearance resolution of transmission
9 lines;

10 “(IV) an activity to minimize fire
11 risk, including vegetation manage-
12 ment, routine fire mitigation, inspec-
13 tion, and maintenance activities, and
14 removal of hazard trees and other
15 hazard vegetation within or adjacent
16 to an existing right-of-way;

17 “(V) an improvement to or con-
18 struction of 1 or more structure pads
19 for that infrastructure; and

20 “(VI) access and access route
21 maintenance, and any repair, associ-
22 ated with any activity described in
23 subclauses (I) through (V);

24 “(v) approval of, and activities con-
25 ducted in accordance with, operating plans

1 or agreements for transmission and dis-
2 tribution facilities or under a special use
3 authorization for an electric transmission
4 and distribution facility right-of-way; and

5 “(vi) construction, maintenance, re-
6 alignment, or repair of an existing perma-
7 nent or temporary access road—

8 “(I) within an existing right-of-
9 way or within a transmission or utility
10 corridor established by Congress or in
11 a land use plan; or

12 “(II) that serves an existing
13 transmission line, distribution line, or
14 energy facility.

15 “(D) OTHER CATEGORICAL EXCLUSIONS.—

16 “(i) IN GENERAL.—Not later than 1
17 year after the date of enactment of the
18 FASTER Act of 2023, the Commission
19 shall—

20 “(I) review section 380.4 of title
21 18, Code of Federal Regulations (as
22 in effect on the date of enactment of
23 the FASTER Act of 2023), and the
24 applicable appendices of part 380 of
25 that title; and

1 “(II) as the Commission deter-
2 mines to be appropriate, promulgate
3 comparable regulations pursuant to
4 which the Commission may establish
5 categorical exclusions for, and apply
6 categorical exclusions to, qualifying
7 projects.

8 “(ii) TRANSITION PERIOD.—Until the
9 date on which the regulations described in
10 clause (i)(II) are promulgated by the Com-
11 mission, the Commission may apply section
12 380.4 of title 18, Code of Federal Regula-
13 tions (or a successor regulation), to quali-
14 fying projects.

15 “(10) NEPA PROCESSES AND COMPLIANCE.—

16 “(A) PURPOSE.—The purpose of this para-
17 graph is to ensure that there is no duplication
18 of effort or processes with respect to environ-
19 mental reviews relating to the siting, construc-
20 tion, or modification of national interest electric
21 transmission facilities in national interest elec-
22 tric transmission corridors designated by the
23 Secretary under paragraph (2) or (5) of sub-
24 section (b).

1 “(B) REVIEW RELATING TO DESIGNA-
2 TION.—Unless the Secretary determines that
3 the preparation of an environmental review doc-
4 ument with respect to the designation of a na-
5 tional interest electric transmission corridor
6 under paragraph (2) or (5) of subsection (b) is
7 appropriate under the circumstances, the Sec-
8 retary shall not be required to prepare an envi-
9 ronmental review document in connection with
10 the designation of a national interest electric
11 transmission corridor under those paragraphs.

12 “(C) EFFECT ON SITING, CONSTRUCTION,
13 OR MODIFICATION OF FACILITIES.—

14 “(i) NO REVIEW RELATING TO DES-
15 IGNATION OF CORRIDOR.—If the Secretary
16 has not prepared an environmental review
17 document with respect to the designation
18 of a national interest electric transmission
19 corridor under paragraph (2) or (5) of sub-
20 section (b), the Commission shall prepare
21 an environmental review document, in ac-
22 cordance with this subsection, for any
23 siting, construction, or modification of a
24 national interest electric transmission facil-

1 ity in that national interest electric trans-
2 mission corridor.

3 “(ii) REVIEW RELATING TO DESIGNA-
4 TION OF CORRIDOR.—If the Secretary has
5 prepared an environmental review docu-
6 ment with respect to the designation of a
7 national interest electric transmission cor-
8 ridor under paragraph (2) or (5) of sub-
9 section (b)—

10 “(I) the Commission and any
11 other Federal agency carrying out an
12 environmental review with respect to
13 the siting, construction, or modifica-
14 tion of a national interest electric
15 transmission facility in that national
16 interest electric transmission cor-
17 ridor—

18 “(aa) shall rely on any find-
19 ings of the environmental review
20 document prepared by the Sec-
21 retary in carrying out the envi-
22 ronmental review of the Commis-
23 sion or other Federal agency, as
24 applicable; and

1 “(bb) shall not duplicate any
2 work of the Secretary relating to
3 the preparation of that environ-
4 mental review document; and

5 “(II) the Commission shall incor-
6 porate the findings of that environ-
7 mental review document into any envi-
8 ronmental review document prepared
9 by the Commission under this sub-
10 section.

11 “(11) FEDERAL LAND USE AUTHORIZATIONS.—

12 “(A) IN GENERAL.—Each Federal land
13 use authorization for a national interest electric
14 transmission facility shall be issued—

15 “(i) for a duration, as determined by
16 the Commission, commensurate with the
17 anticipated use of the facility; and

18 “(ii) with appropriate authority to
19 manage the right-of-way for reliability and
20 environmental protection.

21 “(B) RENEWAL.—On the expiration of the
22 authorization (including an authorization issued
23 before the date of enactment of the FASTER
24 Act of 2023), the authorization shall be re-
25 viewed for renewal taking fully into account re-

1 liance on such electricity infrastructure, recog-
2 nizing the importance of the authorization for
3 public health, safety, and economic welfare and
4 as a legitimate use of Federal land.

5 “(12) CONSULTATION.—In exercising the re-
6 sponsibilities under this section, the Commission
7 shall consult regularly with—

8 “(A) the Secretary;

9 “(B) electric reliability organizations (in-
10 cluding related regional entities) approved by
11 the Commission; and

12 “(C) Transmission Organizations approved
13 by the Commission.

14 “(i) INTERSTATE COMPACTS.—

15 “(1) IN GENERAL.—The consent of Congress is
16 given for 3 or more contiguous States to enter into
17 an interstate compact, subject to approval by Con-
18 gress, establishing regional transmission siting agen-
19 cies—

20 “(A) to facilitate siting of future electric
21 energy transmission facilities within those
22 States; and

23 “(B) to carry out the electric energy trans-
24 mission siting responsibilities of those States.

1 “(2) TECHNICAL ASSISTANCE.—The Commis-
2 sion shall provide technical assistance to regional
3 transmission siting agencies established under this
4 subsection.

5 “(3) AUTHORITY.—The regional transmission
6 siting agencies shall have the authority to review,
7 certify, and permit siting of transmission facilities,
8 including facilities in national interest electric trans-
9 mission corridors (other than facilities on property
10 owned by the United States).

11 “(4) LIMITATION.—The Commission shall have
12 no authority to issue a permit for the construction
13 or modification of an electric transmission facility
14 within a State that is a party to a compact, unless
15 the Commission determines that the members of the
16 compact are unable to reach an agreement on an ap-
17 plication seeking approval by the date that is 1 year
18 after the date on which the application for the facil-
19 ity was filed.

20 “(j) RELATIONSHIP TO OTHER LAWS.—Except as
21 specifically provided, nothing in this section affects any
22 requirement of an environmental law of the United States,
23 including the National Environmental Policy Act of 1969
24 (42 U.S.C. 4321 et seq.).

1 “(k) ERCOT.—This section shall not apply within
2 the area referred to in section 212(k)(2)(A).”.

3 (b) GRANTS TO FACILITATE THE SITING OF INTER-
4 STATE ELECTRICITY TRANSMISSION LINES.—

5 (1) DEFINITIONS.—In this subsection:

6 (A) COMMISSION.—The term “Commis-
7 sion” means the Federal Energy Regulatory
8 Commission.

9 (B) COMMUNITY BENEFIT AGREEMENT.—
10 The term “community benefit agreement” has
11 the meaning given the term in section 216(a) of
12 the Federal Power Act (16 U.S.C. 824p(a)).

13 (C) COVERED TRANSMISSION PROJECT.—
14 The term “covered transmission project” has
15 the meaning given the term in section 50152(e)
16 of Public Law 117–169 (commonly known as
17 the “Inflation Reduction Act of 2022”) (42
18 U.S.C. 18715a(e)).

19 (D) SECRETARY.—The term “Secretary”
20 means the Secretary of Energy.

21 (2) ALLOCATION.—In carrying out section
22 50152 of Public Law 117–169 (42 U.S.C. 18715a),
23 the Secretary shall use, of the amounts appropriated
24 by subsection (a) of that section and used for mak-
25 ing grants under that section—

1 (A) 30 percent to make grants under sub-
2 section (b)(1) of that section; and

3 (B) 70 percent to make grants under sub-
4 section (b)(2) of that section.

5 (3) PRIORITY.—In making grants under sub-
6 section (b)(2) of section 50152 of Public Law 117–
7 169 (42 U.S.C. 18715a), the Secretary shall give
8 priority to State, local, or Tribal governmental enti-
9 ties that, in the determination of the Secretary, are
10 among the most significantly impacted by project de-
11 velopment, construction, or local operations activities
12 relating to the covered transmission projects for
13 which a grant under that subsection is sought.

14 (4) ADDITIONAL ECONOMIC DEVELOPMENT
15 FUNDING.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), if the Secretary makes a grant
18 under section 50152(b)(2) of Public Law 117–
19 169 (42 U.S.C. 18715a), the sponsor of the ap-
20 plicable covered transmission project shall be
21 required to contribute, to the recipient of the
22 grant, \$1 for every \$5 provided by the Sec-
23 retary to that recipient pursuant to the grant.

24 (B) COMMUNITY BENEFIT AGREEMENTS.—
25 If the sponsor of the applicable covered trans-

1 mission project has entered into a community
2 benefit agreement, the sponsor may satisfy the
3 requirement described in subparagraph (A)
4 through contributions or expenditures made
5 pursuant to the terms of the applicable commu-
6 nity benefit agreement.

7 (c) CONFORMING AMENDMENTS.—

8 (1) Section 1222 of the Energy Policy Act of
9 2005 (42 U.S.C. 16421) is amended—

10 (A) in subsection (a)(1)(A), by striking
11 “section 216(a) of the Federal Power Act” and
12 inserting “section 216(b) of the Federal Power
13 Act (16 U.S.C. 824p(b))”; and

14 (B) in subsection (b)(1)(A), by striking
15 “section 216(a) of the Federal Power Act” and
16 inserting “section 216(b) of the Federal Power
17 Act (16 U.S.C. 824p(b))”.

18 (2) Section 40106(h)(1)(A) of the Infrastruc-
19 ture Investment and Jobs Act (42 U.S.C.
20 18713(h)(1)(A)) is amended by striking “section
21 216(a) of the Federal Power Act 16 U.S.C.
22 824p(a)” and inserting “section 216(b) of the Fed-
23 eral Power Act (16 U.S.C. 824p(b))”.

1 (3) Section 50151(b) of Public Law 117–169
2 (commonly known as the “Inflation Reduction Act of
3 2022”) (42 U.S.C. 18715(b)) is amended—

4 (A) by inserting “, in consultation with the
5 Federal Energy Regulatory Commission,” after
6 “The Secretary”; and

7 (B) by striking “electric transmission fa-
8 cilities designated by the Secretary to be nec-
9 essary in the national interest under section
10 216(a) of the Federal Power Act (16 U.S.C.
11 824p(a))” and inserting “national interest elec-
12 tric transmission facilities (as defined in section
13 216(a) of the Federal Power Act (16 U.S.C.
14 824p(a)))”.

15 **SEC. 3. SUPPORT FOR REGIONAL OFFICES OF COOPER-**
16 **ATING AGENCIES.**

17 There are authorized to be appropriated to the Fed-
18 eral Energy Regulatory Commission such sums as are nec-
19 essary to provide funding to cooperating agencies (as de-
20 fined in section 1508.1 of title 40, Code of Federal Regu-
21 lations (or a successor regulation)) with respect to quali-
22 fying projects (as defined in section 216(a) of the Federal
23 Power Act (16 U.S.C. 824p(a))) to help cover the costs
24 of the staff and resources of the cooperating agency that
25 relate to the qualifying project in order to focus those staff

1 and resources on an expeditious review of the qualifying
2 project.

3 **SEC. 4. FERC HIRING AND COMPENSATION AUTHORITY.**

4 (a) DEFINITION OF COMMISSION.—In this section,
5 the term “Commission” means the Federal Energy Regu-
6 latory Commission.

7 (b) APPOINTMENT AUTHORITY.—Notwithstanding
8 any provision of title 5, United States Code, governing ap-
9 pointments and General Schedule classification and pay
10 rates—

11 (1) the Chairman of the Commission may des-
12 ignate positions to which persons may be appointed
13 without regard to the civil service laws; and

14 (2) the Commission may appoint persons to
15 those positions without regard to the civil service
16 laws.

17 (c) COMPENSATION AUTHORITY.—

18 (1) IN GENERAL.—Notwithstanding chapter 51,
19 and subchapter III of chapter 53, of title 5, United
20 States Code, the Commission may fix the rate of
21 basic pay for the positions of individuals described in
22 paragraph (2), subject to the limitation described in
23 paragraph (3), without regard to the civil service
24 laws.

1 (2) INDIVIDUALS DESCRIBED.—An individual
2 referred to in paragraph (1) is—

3 (A) an individual appointed under sub-
4 section (b); or

5 (B) any other individual with respect to
6 whom the Chairman of the Commission deter-
7 mines that compensation in accordance with
8 that paragraph is necessary or appropriate to
9 hire or retain that individual.

10 (3) LIMITATION.—The annual rate of basic pay
11 for an individual described in paragraph (2) may not
12 exceed the per annum rate of salary payable for level
13 III of the Executive Schedule under section 5314 of
14 title 5, United States Code.

15 **SEC. 5. DISPOSITION OF CERTAIN REVENUES.**

16 (a) DEFINITIONS.—In this section:

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

19 (A) public land; and

20 (B) not excluded from the siting, construc-
21 tion, or modification of electric transmission fa-
22 cilities under—

23 (i) a land use plan established under
24 the Federal Land Policy and Management
25 Act of 1976 (43 U.S.C. 1701 et seq.); or

1 (ii) other Federal law.

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

4 (A) National Forest System land; and

5 (B) public land.

6 (3) FUND.—The term “Fund” means the Fed-
7 eral Land Electric Energy Transmission Conserva-
8 tion Fund established by subsection (d)(1).

9 (4) NATIONAL FOREST SYSTEM.—The term
10 “National Forest System” has the meaning given
11 the term in section 11(a) of the Forest and Range-
12 land Renewable Resources Planning Act of 1974 (16
13 U.S.C. 1609(a)).

14 (5) PUBLIC LAND.—The term “public land”
15 has the meaning given the term “public lands” in
16 section 103 of the Federal Land Policy and Manage-
17 ment Act of 1976 (43 U.S.C. 1702).

18 (6) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (b) DISPOSITION OF REVENUES.—Without further
21 appropriation or fiscal year limitation, of the amounts col-
22 lected as bonus bids, rentals, fees, or other payments
23 under a right-of-way, permit, lease, or other authorization
24 (other than under section 504(g) of the Federal Land Pol-
25 icy and Management Act of 1976 (43 U.S.C. 1764(g)))

1 for the siting, construction, or modification of electric
2 transmission facilities on covered land or National Forest
3 System land—

4 (1) for the period beginning on the date of en-
5 actment of this Act and ending on December 31,
6 2039;

7 (A) 25 percent shall be paid by the Sec-
8 retary of the Treasury to the State within the
9 boundaries of which the revenue is derived;

10 (B) 30 percent shall be paid by the Sec-
11 retary of the Treasury to the 1 or more coun-
12 ties within the boundaries of which the revenue
13 is derived, to be allocated among the counties
14 based on the percentage of land from which the
15 revenue is derived;

16 (C) 15 percent shall be deposited in the
17 Treasury and be made available to the Sec-
18 retary to facilitate, streamline, and improve
19 Federal permit coordination with respect to the
20 siting, construction, or modification of electric
21 transmission facilities on Federal land, includ-
22 ing the transfer of the funds by the Bureau of
23 Land Management to other Federal agencies
24 and State agencies to facilitate the processing
25 of permits for the siting, construction, or modi-

1 fication of electric transmission facilities on
2 Federal land, with priority given to using the
3 amounts, to the maximum extent practicable
4 without detrimental impacts to emerging mar-
5 kets, to expediting the issuance of permits re-
6 quired for the siting, construction, or modifica-
7 tion of electric transmission facilities in the
8 States from which the revenues are derived; and

9 (D) 30 percent shall be deposited in the
10 Fund; and

11 (2) beginning on January 1, 2040—

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

15 (B) 30 percent shall be paid by the Sec-
16 retary of the Treasury to the 1 or more coun-
17 ties within the boundaries of which the revenue
18 is derived, to be allocated among the counties
19 based on the percentage of land from which the
20 revenue is derived;

21 (C) 10 percent shall be deposited in the
22 Treasury and be made available to the Sec-
23 retary to facilitate, streamline, and improve
24 Federal permit coordination with respect to the
25 siting, construction, or modification of electric

1 transmission facilities on Federal land, includ-
2 ing the transfer of the funds by the Bureau of
3 Land Management to other Federal agencies
4 and State agencies to facilitate the processing
5 of permits for the siting, construction, or modi-
6 fication of electric transmission facilities on
7 Federal land, with priority given to using the
8 amounts, to the maximum extent practicable
9 without detrimental impacts to emerging mar-
10 kets, to expediting the issuance of permits re-
11 quired for the siting, construction, or modifica-
12 tion of electric transmission facilities in the
13 States from which the revenues are derived; and

14 (D) 35 percent shall be deposited in the
15 Fund.

16 (c) PAYMENTS TO STATES AND COUNTIES.—

17 (1) IN GENERAL.—Amounts paid to States and
18 counties under subsection (b) shall be used con-
19 sistent with section 35 of the Mineral Leasing Act
20 (30 U.S.C. 191).

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

1 (d) FEDERAL LAND ELECTRIC ENERGY TRANS-
2 MISSION CONSERVATION FUND.—

3 (1) IN GENERAL.—There is established in the
4 Treasury a fund, to be known as the “Federal Land
5 Electric Energy Transmission Conservation Fund”,
6 which shall be administered by the National Fish
7 and Wildlife Foundation (referred to in this sub-
8 section as the “Foundation”).

9 (2) USE OF FUNDS.—The Foundation may
10 make amounts in the Fund available to Federal,
11 State, local, and Tribal agencies to be distributed in
12 regions in which projects for the siting, construction,
13 or modification of electric transmission facilities are
14 located on Federal land, for the purposes of—

15 (A) restoring and protecting—

16 (i) fish and wildlife habitat for af-
17 fected species;

18 (ii) fish and wildlife corridors for af-
19 fected species; and

20 (iii) water resources in areas affected
21 by projects for the siting, construction, or
22 modification of electric transmission facili-
23 ties; and

24 (B) preserving and improving recreational
25 access to Federal land and water in an affected

1 region through an easement, right-of-way, or
2 other instrument from willing landowners for
3 the purpose of enhancing public access to exist-
4 ing Federal land and water that is inaccessible
5 or restricted.

6 (3) PARTNERSHIPS.—The Foundation may
7 enter into cooperative agreements with State, local,
8 and Tribal agencies, nonprofit organizations, and
9 other appropriate entities to carry out the activities
10 described in subparagraphs (A) and (B) of para-
11 graph (2).

12 (4) INVESTMENT OF FUND.—

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

19 (B) USE.—Any interest earned under sub-
20 paragraph (A) may be expended in accordance
21 with this subsection.

22 (5) REPORT TO CONGRESS.—At the end of each
23 fiscal year, the Foundation shall submit to the Com-
24 mittee on Energy and Natural Resources of the Sen-

1 ate and the Committee on Natural Resources of the
2 House of Representatives a report identifying—

3 (A) the amounts described in subsection
4 (b) that were collected during that fiscal year,
5 organized by source;

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

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

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

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