

118TH CONGRESS  
2D SESSION

# H. R. 8047

To support communities that host transmission lines and to promote conservation and recreation, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2024

Ms. KUSTER introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To support communities that host transmission lines and to promote conservation and recreation, 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 “Energizing Our Com-  
5 munities Act”.

6 **SEC. 2. COMMUNITY ECONOMIC DEVELOPMENT TRANS-**  
7 **MISSION FUND.**

8 (a) DEFINITIONS.—In this section:

1           (1) COVERED LOAN.—The term “covered loan”  
2 means any of the following issued after the date of  
3 enactment of this Act:

4           (A) A loan issued under section  
5 40106(e)(1)(B) of the Infrastructure Invest-  
6 ment and Jobs Act (42 U.S.C.  
7 18713(e)(1)(B)).

8           (B) A direct loan provided under section  
9 50151 of Public Law 117–169 (commonly  
10 known as the “Inflation Reduction Act of  
11 2022”) (42 U.S.C. 18715).

12           (C) A loan made for an eligible project de-  
13 scribed in paragraph (2)(C) under the Trans-  
14 mission Infrastructure Program of the Western  
15 Area Power Administration.

16           (D) Any other loan made under a Depart-  
17 ment of Energy loan program identified in the  
18 report required under subsection (f)(1) with re-  
19 spect to electric power transmission lines that  
20 are capable of transmitting 999 megawatts or  
21 more.

22           (2) ELIGIBLE PROJECT.—The term “eligible  
23 project” means—

24           (A) an eligible project (as defined in sec-  
25 tion 40106(a) of the Infrastructure Investment

1 and Jobs Act (42 U.S.C. 18713(a))) that is  
2 carried out using a covered loan described in  
3 paragraph (1)(A);

4 (B) a project for the construction or modi-  
5 fication of electric transmission facilities that is  
6 carried out using a covered loan described in  
7 paragraph (1)(B);

8 (C) a project for the purpose of con-  
9 structing, financing, facilitating, planning, oper-  
10 ating, or maintaining, or studying the construc-  
11 tion of, new or upgraded electric power trans-  
12 mission lines and related facilities with at least  
13 1 terminus within the service territory of the  
14 Western Area Power Administration that is car-  
15 ried out using a covered loan described in para-  
16 graph (1)(C); or

17 (D) a project with respect to electric power  
18 transmission lines capable of transmitting 999  
19 megawatts or more that is carried out using a  
20 covered loan described in paragraph (1)(D).

21 (3) FUND.—The term “Fund” means the Com-  
22 munity Economic Development Transmission Fund  
23 established under subsection (b).

24 (4) HOST COMMUNITY.—The term “host com-  
25 munity” means—

1 (A) a local government, such as a municipi-  
2 pality, town, or county, with jurisdiction over  
3 any land on which an eligible project is or will  
4 be carried out; or

5 (B) an Indian Tribe with jurisdiction over  
6 any land on which an eligible project is or will  
7 be carried out.

8 (5) INDIAN TRIBE.—The term “Indian Tribe”  
9 has the meaning given the term in section 4 of the  
10 Indian Self-Determination and Education Assistance  
11 Act (25 U.S.C. 5304).

12 (6) SECRETARY.—The term “Secretary” means  
13 the Secretary of Energy.

14 (b) ESTABLISHMENT.—There is established in the  
15 Treasury a fund, to be known as the “Community Eco-  
16 nomic Development Transmission Fund”—

17 (1) consisting of such amounts as may be de-  
18 posited in the Fund pursuant to subsection (c); and

19 (2) that shall be managed and administered by  
20 the Secretary to make payments, in accordance with  
21 this section, to host communities.

22 (c) DEPOSITS IN THE FUND.—

23 (1) IN GENERAL.—Notwithstanding any other  
24 provision of law, a portion, determined in accordance  
25 with paragraph (2), of the interest charged and col-

1 lected with respect to a covered loan each fiscal year  
2 shall be deposited in the Fund to carry out the pro-  
3 visions of this Act.

4 (2) DETERMINATION OF PORTION.—The Sec-  
5 retary, in consultation with the Secretary of the  
6 Treasury, shall determine the portion of interest  
7 charged and collected each fiscal year that shall be  
8 deposited in the Fund under this subsection.

9 (d) EXPENDITURES FROM THE FUND.—

10 (1) AVAILABILITY OF AMOUNTS.—Amounts in  
11 the Fund shall be available, as provided in appro-  
12 priation Acts, for making payments as described in  
13 subsection (b)(2).

14 (2) PAYMENTS.—

15 (A) IN GENERAL.—The Secretary shall  
16 make a payment to a host community under  
17 this section not later than 18 months after con-  
18 struction of the applicable eligible project com-  
19 mences.

20 (B) SINGLE SUM.—For any 1 eligible  
21 project, the Secretary may make not more than  
22 1 payment under this section to each host com-  
23 munity eligible to receive a payment relating to  
24 that eligible project.

1           (3) ELIGIBILITY.—A host community shall be  
2 eligible to receive a payment under this section if the  
3 host community—

4           (A) submits a request to the Secretary not  
5 later than 1 year after the host community re-  
6 ceives notice under paragraph (4); and

7           (B) certifies to the Secretary that the  
8 funds will be used for an eligible purpose de-  
9 scribed in subsection (e).

10          (4) NOTICE.—The Secretary shall provide host  
11 communities notice of the availability of payments  
12 under this section as part of the Federal siting and  
13 permitting processes for the applicable eligible  
14 project.

15          (5) PAYMENT AMOUNT.—In determining the  
16 amount of a payment to a host community under  
17 this section, the Secretary shall—

18           (A) develop and use a formula for dis-  
19 bursement of funds that, to the extent prac-  
20 ticable, ensures the long-term solvency of the  
21 Fund; and

22           (B) in developing that formula—

23           (i) take into account input from host  
24 communities and stakeholder groups re-

1           garding the impacts of eligible projects on  
2           host communities; and

3                   (ii) include a small-population commu-  
4           nity minimum as part of the formula.

5           (6) PAYMENTS IN LIEU OF TAXES.—Any  
6           amount received by a host community from a pay-  
7           ment made under this section shall be in addition to  
8           any payment in lieu of taxes received by the host  
9           community under chapter 69 of title 31, United  
10          States Code.

11          (e) ELIGIBLE USE OF FUNDS.—

12           (1) COMMUNITY SUPPORT.—A host community  
13           may use up to 80 percent of the amounts received  
14           by that host community from a payment under this  
15           section to develop, deliver, or support—

16                   (A) services, projects, or programs that—

17                           (i) improve existing infrastructure or  
18                           implement essential public services, includ-  
19                           ing services, projects, or programs relating  
20                           to—

21                                   (I) public schools;

22                                   (II) public libraries;

23                                   (III) public hospitals;

24                                   (IV) roads, bridges, or public  
25                                   transportation;

1 (V) community centers or parks;

2 (VI) firefighting or search and  
3 rescue services; or

4 (VII) law enforcement;

5 (ii) provide or expand access to—

6 (I) broadband telecommuni-  
7 cations services at local community  
8 anchor institutions (as defined in sec-  
9 tion 60302 of the Digital Equity Act  
10 of 2021 (47 U.S.C. 1721));

11 (II) technology or connectivity  
12 needed for students to use a digital  
13 learning tool at or outside of a local  
14 school campus; or

15 (III) farmers markets or other  
16 agricultural support;

17 (iii) support local agricultural proc-  
18 essing or distribution infrastructure;

19 (iv) support workforce training pro-  
20 grams for technical training, skill mastery,  
21 or business opportunities across the spec-  
22 trum of careers in renewable energy, with  
23 emphasis on historically underrepresented  
24 communities in the renewable energy work-  
25 force; or



1 (v) address public health by increasing  
2 outdoor recreation opportunities, including  
3 construction of new parks, for people of all  
4 backgrounds and abilities; or  
5 (B) other, similar services, projects, or pro-  
6 grams.

7 (2) CONSERVATION, STEWARDSHIP, AND  
8 RECREATION.—A host community shall use at least  
9 20 percent of the amounts received by that host  
10 community from a payment under this section for  
11 conservation, stewardship, or recreation purposes,  
12 including—

13 (A) restoring or protecting—

14 (i) fish or wildlife habitat;

15 (ii) fish or wildlife corridors; or

16 (iii) wetlands, streams, rivers, or other  
17 natural water bodies in areas affected by  
18 transmission development;

19 (B) preserving or improving recreational  
20 access to public land or water through an ease-  
21 ment, right-of-way, or other instrument from  
22 willing landowners for the purpose of enhancing  
23 public access to existing Federal land or water  
24 that is inaccessible or restricted;

1 (C) developing new or renovating existing  
2 outdoor recreation facilities that provide out-  
3 door recreation opportunities to the public;

4 (D) creating or significantly enhancing ac-  
5 cess to park or recreational opportunities in a  
6 neighborhood or community;

7 (E) engaging or empowering underserved  
8 communities or youth;

9 (F) facilitating public-private partnerships  
10 to enhance public outdoor recreational access,  
11 infrastructure improvements, or conservation  
12 efforts;

13 (G) for natural climate solutions, including  
14 programs that—

15 (i) accommodate biochar or other na-  
16 ture-based opportunities for carbon seques-  
17 tration;

18 (ii) support wildfire resilience to en-  
19 sure healthy and resilient forests or grass-  
20 lands;

21 (iii) promote the planting, growing, or  
22 restoring of trees or forests;

23 (iv) support resilience against natural  
24 disasters to ensure healthy and resilient  
25 communities;

1 (v) empower farmers in the United  
2 States to incorporate conservation or cli-  
3 mate co-benefits in their agricultural prac-  
4 tices; or

5 (vi) support or implement traditional  
6 ecological knowledge; or

7 (H) other, similar services, projects, or  
8 programs.

9 (f) REPORTS.—

10 (1) COVERAGE.—Not later than 90 days after  
11 the date of enactment of this Act, the Secretary  
12 shall submit to the Committee on Energy and Nat-  
13 ural Resources of the Senate and the Committee on  
14 Energy and Commerce of the House of Representa-  
15 tives a report detailing the loan programs within the  
16 Department of Energy that fund electric power  
17 transmission lines and related infrastructure that  
18 are capable of transmitting 999 megawatts or more.

19 (2) ANNUAL REPORT.—

20 (A) IN GENERAL.—Not later than 60 days  
21 after the end of each fiscal year, the Secretary  
22 shall submit to the Committee on Energy and  
23 Natural Resources of the Senate and the Com-  
24 mittee on Energy and Commerce of the House

1 of Representatives a report on the operation of  
2 the Fund during that fiscal year.

3 (B) REPORT REQUIREMENTS.—Each re-  
4 port submitted under subparagraph (A) shall  
5 include—

6 (i) a statement of—

7 (I) the amounts deposited in the  
8 Fund during the applicable fiscal  
9 year; and

10 (II) the balance remaining in the  
11 Fund at the end of that fiscal year;  
12 and

13 (ii) a list of—

14 (I) host communities that re-  
15 ceived amounts made available from  
16 the Fund during that fiscal year;

17 (II) the associated eligible  
18 projects carried out in those host com-  
19 munities; and

20 (III) the amount that each of  
21 those host communities received.

22 (g) SAVINGS PROVISION.—Nothing in this section, in-  
23 cluding the receipt of amounts made available from the  
24 Fund—

1           (1) precludes a host community from entering  
2           into a community benefit agreement with an owner  
3           of transmission infrastructure; or

4           (2) otherwise affects the authority of a host  
5           community or an owner of transmission infrastruc-  
6           ture with respect to any community benefit agree-  
7           ment.

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