

118TH CONGRESS  
2D SESSION

# H. R. 9077

To transfer the duties of the Office of Public Participation of the Federal Energy Regulatory Commission to a Public Participation Division within the Office of External Affairs of such Commission, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2024

Mr. GUTHRIE (for himself, Mr. PENCE, Mr. BALDERSON, Mr. FULCHER, Mr. BURGESS, Mr. PFLUGER, Mr. ARMSTRONG, and Mr. BUCSHON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To transfer the duties of the Office of Public Participation of the Federal Energy Regulatory Commission to a Public Participation Division within the Office of External Affairs of such Commission, 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 “Fair and Efficient  
5 Regulatory Commonsense Act”.

1 **SEC. 2. PUBLIC PARTICIPATION DIVISION.**

2 (a) IN GENERAL.—Section 319 of the Federal Power  
3 Act (16 U.S.C. 825q–1) is amended to read as follows:

4 **“SEC. 319. PUBLIC PARTICIPATION DIVISION.**

5 “(a) IN GENERAL.—There shall be a division within  
6 the Office, to be known as the Public Participation Divi-  
7 sion, administered by a Director appointed by the Director  
8 of the Office.

9 “(b) RATE OF PAY.—

10 “(1) DIRECTOR.—The Director shall be com-  
11 pensated at an equivalent rate of basic pay pre-  
12 scribed for a director in the Office.

13 “(2) EMPLOYEES.—The Director may appoint,  
14 and assign the duties of, employees of such Division,  
15 and, with the concurrence of the Office, fix the com-  
16 pensation of such employees and procure temporary  
17 and intermittent services to the same extent as is  
18 authorized under section 3109 of title 5, United  
19 States Code.

20 “(c) DUTIES OF DIRECTOR.—

21 “(1) IN GENERAL.—Subject to paragraph (2),  
22 the Director shall be responsible for the discharge of  
23 the functions and duties of the Division, including—

24 “(A) coordinating assistance to the public  
25 with respect to authorities exercised by the  
26 Commission; and

1           “(B) coordinating assistance available to  
2           persons intervening or participating or pro-  
3           posing to intervene or participate in proceedings  
4           before the Commission.

5           “(2) LIMITATION.—Any assistance coordinated  
6           under subparagraphs (A) and (B) of paragraph (1)  
7           shall be limited to technical and logistical assistance.

8           “(d) NO COMPENSATION FOR CERTAIN INTERVE-  
9           NORS OR PARTICIPANTS.—The Commission, including the  
10          Director and the Division, may not, under rules promul-  
11          gated by it, provide compensation for attorney’s fees, ex-  
12          pert witness fees, or other costs of intervening or partici-  
13          pating in any proceeding before the Commission to any  
14          person whose intervention or participation substantially  
15          contributed to the approval, in whole or in part, of a posi-  
16          tion advocated by such person.

17          “(e) DEFINITIONS.—In this section:

18                 “(1) DIRECTOR.—The term ‘Director’ means  
19                 the Director of the Division.

20                 “(2) DIVISION.—The term ‘Division’ means the  
21                 Public Participation Division described under sub-  
22                 section (a).

23                 “(3) OFFICE.—The term ‘Office’ means the Of-  
24                 fice of External Affairs of the Commission.”.

1 (b) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, the Director of the Public Par-  
3 ticipation Division, described in section 319 of the Federal  
4 Power Act (16 U.S.C. 825q–1), as amended by subsection  
5 (a), shall submit to the Committee on Energy and Com-  
6 merce of the House of Representatives a report on—

7 (1) the actions and initiatives taken by the Di-  
8 rector, including actions and initiatives taken to in-  
9 crease public participation, pursuant to the authori-  
10 ties provided in such section 319 of the Federal  
11 Power Act;

12 (2) the results of taking the actions and initia-  
13 tives described in paragraph (1); and

14 (3) how the authorities provided in such section  
15 319 of the Federal Power Act may complement or  
16 overlap any existing authorities of the Federal En-  
17 ergy Regulatory Commission outside of the Division  
18 with respect to engaging with landowners and inter-  
19 ested parties under that Act.

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