

118TH CONGRESS
2D SESSION

S. 4348

To amend the Federal Power Act to prohibit the Federal Energy Regulatory Commission from issuing permits for the construction or modification of electric transmission facilities in a State over the objection of the State, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2024

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Power Act to prohibit the Federal Energy Regulatory Commission from issuing permits for the construction or modification of electric transmission facilities in a State over the objection of the State, 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 “Protecting Our Farm-
5 ers from the Green New Deal Act”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to protect farmers and
3 landowners from national efforts to site electric trans-
4 mission facilities over the objection of State regulators.

5 **SEC. 3. SITING OF INTERSTATE ELECTRIC TRANSMISSION**
6 **FACILITIES.**

7 (a) IN GENERAL.—Section 216(b) of the Federal
8 Power Act (16 U.S.C. 824p(b)) is amended—

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

11 “(A) a State in which the transmission fa-
12 cilities are to be constructed or modified does
13 not have authority to approve the siting of the
14 facilities;”;

15 (2) by redesignating paragraphs (2) through
16 (6) as subparagraphs (B) through (F), respectively,
17 and indenting appropriately;

18 (3) in the matter preceding subparagraph (A)
19 (as so designated), by striking “Except” and insert-
20 ing the following:

21 “(1) IN GENERAL.—Except”;

22 (4) in paragraph (1) (as so designated)—

23 (A) in subparagraph (E), by striking
24 “and” at the end;

25 (B) in subparagraph (F), by striking the
26 period at the end and inserting “; and”; and

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

2 “(G) the proposed construction or modi-
3 fication minimizes any adverse effects on land-
4 owners and agriculture, adequately compensates
5 landowners and agricultural producers for any
6 harms, and provides benefits to consumers in
7 the State that exceed the harms to landowners
8 and agricultural producers.”; and

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

10 “(2) PROHIBITION.—Under no circumstances
11 may the Commission review an application or issue
12 a permit for the construction or modification of
13 transmission facilities if a State entity with author-
14 ity to approve the siting of the facilities—

15 “(A) has previously denied an identical or
16 substantially similar application; or

17 “(B) is currently reviewing an identical or
18 substantially similar application.”.

19 (b) CONFORMING AMENDMENT.—Section 216(i)(4)
20 of the Federal Power Act (16 U.S.C. 824p(i)(4)) is
21 amended by striking “, unless” in the matter preceding
22 subparagraph (A) and all that follows through the period
23 at the end of subparagraph (B) and inserting a period.

24 **SEC. 4. REPORT.**

25 (a) DEFINITIONS.—In this section:

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

3 (2) COMMITTEES OF JURISDICTION.—The term
4 “committees of jurisdiction” means—

5 (A) the Committee on Energy and Natural
6 Resources of the Senate; and

7 (B) the Committee on Energy and Com-
8 merce of the House of Representatives.

9 (b) REPORT REQUIRED.—Not later than 1 year after
10 the date of enactment of this Act, and annually thereafter,
11 the Commission shall submit to the committees of jurisdic-
12 tion and make publicly available a report describing all
13 actions taken by the Commission pursuant to section
14 216(b) of the Federal Power Act (16 U.S.C. 824p(b)) dur-
15 ing the period covered by the report.

16 (c) CONTENTS.—The report required under sub-
17 section (b) shall include a description of—

18 (1) any adverse effects on private landowners,
19 farmers, and agricultural producers;

20 (2) how those effects were taken into account;
21 and

22 (3) the steps taken by the Commission—

23 (A) to minimize those effects;

24 (B) to compensate any affected individuals;

25 and

- 1 (C) to ensure that affected individuals ben-
- 2 efit from the applicable project.

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