

118TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. HEINRICH introduced the following bill; which was read twice and referred to the Committee on _____

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”.

7 **SEC. 2. NATIONAL INTEREST ELECTRIC TRANSMISSION FA-**
8 **CILITIES.**

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

1 **“SEC. 216. SITING OF INTERSTATE ELECTRIC TRANS-**
2 **MISSION FACILITIES.**

3 “(a) DEFINITIONS.—In this section:

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

6 “(2) COMMUNITY BENEFIT AGREEMENT.—

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

13 “(i) relates to a project for the con-
14 struction or modification of a national in-
15 terest electric transmission facility for
16 which a permit is sought under subsection
17 (c);

18 “(ii) is applicable through the con-
19 struction (or modification) and operation
20 of that national interest electric trans-
21 mission facility;

22 “(iii) is negotiated through a process
23 that includes meaningful engagement, by
24 the project sponsor, with—

1 “(I) the applicable 1 or more
2 agreement entities that are parties to
3 the agreement; and

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

8 “(iv) details specific, measurable, and
9 legally enforceable CBA commitments;

10 “(v) includes a detailed plan, with
11 clear metrics, milestones, and timelines, for
12 accomplishing CBA commitments;

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

17 “(vii) establishes clear enforcement
18 processes to address noncompliance, in-
19 cluding specific penalties for noncompli-
20 ance; and

21 “(viii) requires the CBA parties to an-
22 nually submit to the Commission a report
23 that describes, in a transparent manner—

24 “(I) the CBA commitments in-
25 cluded in the agreement; and

1 “(II) the progress made with re-
2 spect those CBA commitments.

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

5 “(i) AGREEMENT ENTITY.—

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

15 “(II) ENTITY DESCRIBED.—An
16 entity referred to in subclause (I) is—

17 “(aa) any political subdivi-
18 sion of a State, including a coun-
19 ty and any subdivision of a coun-
20 ty, in which the project will be lo-
21 cated;

22 “(bb) a Tribal governmental
23 entity of an Indian Tribe that
24 will be affected by the project; or

1 “(cc) any other State, Trib-
2 al, or local entity, as the Com-
3 mission or the parties to the ap-
4 plicable agreement determine to
5 be appropriate.

6 “(ii) CBA COMMITMENT.—The term
7 ‘CBA commitment’ means a commitment,
8 made by the project sponsor and detailed
9 in an agreement described in subparagraph
10 (A), that benefits stakeholder groups.

11 “(iii) CBA PARTY.—The term ‘CBA
12 party’ includes, at a minimum, each of the
13 following:

14 “(I) The project sponsor.

15 “(II) An agreement entity.

16 “(III) A community group.

17 “(IV) A labor union or equivalent
18 organization, such as a workforce de-
19 velopment board, representing workers
20 or trades that will be needed for each
21 of the construction and operation (in-
22 cluding, if applicable, production) ac-
23 tivities associated with the project
24 that is the subject of the agreement
25 described in subparagraph (A).

1 “(iv) COMMUNITY GROUP.—The term
2 ‘community group’ means any of the fol-
3 lowing:

4 “(I) An unincorporated associa-
5 tion composed of—

6 “(aa) underserved, overbur-
7 dened, or disadvantaged commu-
8 nities and members of those com-
9 munities in the applicable agree-
10 ment entity; or

11 “(bb) affected landowners or
12 community members in the appli-
13 cable agreement entity.

14 “(II) A registered organization
15 described in section 501(c)(3) of the
16 Internal Revenue Code of 1986 and
17 exempt from taxation under section
18 501(a) of that Code that has a history
19 of—

20 “(aa) prior work consistent
21 with the goals established by the
22 applicable agreement described in
23 subparagraph (A); or

1 “(bb) advocating for com-
2 munity members in the applicable
3 agreement entity.

4 “(v) STAKEHOLDER GROUP.—The
5 term ‘stakeholder group’ means—

6 “(I) a community group; and

7 “(II) a CBA party described in
8 clause (iii)(IV).

9 “(C) REQUIREMENT.—The Commission
10 shall make all reports submitted to the Com-
11 mission in accordance with subparagraph
12 (A)(viii) publicly available on the website of the
13 Commission.

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

18 “(4) COUNCIL.—The term ‘Council’ means the
19 Federal Permitting Improvement Steering Council
20 established by section 41002(a) of the FAST Act
21 (42 U.S.C. 4370m–1(a)).

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

1 “(6) FEDERAL AUTHORIZATION.—

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

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

12 “(7) NATIONAL INTEREST ELECTRIC TRANS-
13 MISSION FACILITY.—The term ‘national interest
14 electric transmission facility’ means—

15 “(A) an electric transmission facility—

16 “(i) that is located in a national inter-
17 est electric transmission corridor des-
18 ignated by the Secretary under paragraph
19 (2) or (5) of subsection (b); and

20 “(ii) with respect to which the Com-
21 mission finds that the proposed construc-
22 tion or modification of the facility—

23 “(I) is consistent with the public
24 interest;

1 “(II) will significantly reduce
2 transmission congestion in interstate
3 commerce;

4 “(III) will protect or benefit con-
5 sumers;

6 “(IV) is consistent with sound
7 national energy policy;

8 “(V) will enhance energy inde-
9 pendence; and

10 “(VI) will maximize, to the ex-
11 tent reasonable and economical, the
12 transmission capabilities of existing
13 towers or structures; or

14 “(B) an electric transmission facility
15 that—

16 “(i) has a transmission capacity of
17 not less than—

18 “(I) 345 kilovolts; or

19 “(II) 750 megawatts; and

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

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

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

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

6 “(A) for the siting, construction, or modi-
7 fication of a national interest electric trans-
8 mission facility; and

9 “(B) with respect to which the project
10 sponsor complies with—

11 “(i) the prefiling regulations described
12 in subsection (h)(7)(C); and

13 “(ii) all other applicable regulations
14 promulgated by the Commission relating to
15 an application for a permit under sub-
16 section (c).

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

19 “(12) STATE OR LOCAL AUTHORIZATION.—

20 “(A) IN GENERAL.—The term ‘State or
21 *local* authorization’ means any authorization re-
22 quired under State or local law in order to site
23 a transmission facility.

24 “(B) INCLUSIONS.—The term ‘State or
25 *local* authorization’ includes such permits, spe-

1 cial use authorizations, certifications, opinions,
2 or other approvals as may be required under
3 State or local law in order to site a trans-
4 mission facility.

5 “(b) STUDY, REPORT, AND DESIGNATION OF NA-
6 TIONAL INTEREST ELECTRIC TRANSMISSION COR-
7 RIDORS.—

8 “(1) STUDY.—Not later than 1 year after the
9 date of enactment of the FASTER Act of 2023, and
10 every 3 years thereafter, the Secretary, in consulta-
11 tion with affected States and Indian Tribes, shall
12 conduct a study of electric transmission capacity
13 constraints and congestion.

14 “(2) REPORT AND DESIGNATION.—Not less fre-
15 quently than once every 3 years, the Secretary, after
16 considering alternatives and recommendations from
17 interested parties (including an opportunity for com-
18 ment from affected States and Indian Tribes), shall
19 issue a report, based on the study under paragraph
20 (1) or other information relating to electric trans-
21 mission capacity constraints and congestion, which
22 may designate as a national interest electric trans-
23 mission corridor any geographic area that—

1 “(A) is experiencing electric energy trans-
2 mission capacity constraints or congestion that
3 adversely affects consumers; or

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

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

11 “(4) CONSIDERATIONS.—In determining wheth-
12 er to designate a national interest electric trans-
13 mission corridor under paragraph (2), the Secretary
14 may consider whether—

15 “(A) the economic vitality and development
16 of the corridor, or the end markets served by
17 the corridor, may be constrained by lack of ade-
18 quate or reasonably priced electricity;

19 “(B)(i) economic growth in the corridor, or
20 the end markets served by the corridor, may be
21 jeopardized by reliance on limited sources of en-
22 ergy; and

23 “(ii) a diversification of supply is war-
24 ranted;

1 “(C) the energy independence or energy se-
2 curity of the United States would be served by
3 the designation;

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

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

8 “(F) the designation would enhance the
9 ability of facilities that generate or transmit
10 firm or intermittent energy to connect to the
11 electric grid;

12 “(G) the designation—

13 “(i) maximizes existing rights-of-way;
14 and

15 “(ii) avoids and minimizes, to the
16 maximum extent practicable, and offsets to
17 the extent appropriate and practicable,
18 sensitive environmental areas and cultural
19 heritage sites; and

20 “(H) the designation would result in a re-
21 duction in the cost to purchase electric energy
22 for consumers.

23 “(5) DESIGNATION BY REQUEST.—

24 “(A) IN GENERAL.—The developer of a
25 project to construct or modify an electric trans-

1 mission facility may submit to the Secretary an
2 application to designate 1 or more proposed
3 routes associated with the project as a national
4 interest electric transmission corridor.

5 “(B) REQUIREMENT.—A developer de-
6 scribed in subparagraph (A) may submit an ap-
7 plication under that subparagraph only if the
8 developer—

9 “(i) has begun actively routing the ap-
10 plicable project; and

11 “(ii) has—

12 “(I) begun engaging in outreach
13 to—

14 “(aa) the community in
15 which the proposed route is lo-
16 cated; and

17 “(bb) landowners that may
18 be affected by the construction or
19 modification of an electric trans-
20 mission facility on that proposed
21 route;

22 “(II) begun engaging in land sur-
23 veys; or

1 ty other than the developer of a trans-
2 mission project, such as a Tribal au-
3 thority, a State, a non-transmission-
4 owning utility (such as a trans-
5 mission-dependent utility), a local gov-
6 ernment, a generation developer, or
7 any other appropriate entity, to sub-
8 mit an application for the designation
9 of a particular route as a national in-
10 terest electric transmission corridor;
11 and

12 “(II) may promulgate regulations
13 to allow 1 or more entities described
14 in subclause (I) to submit an applica-
15 tion for a designation described in
16 that subclause, as the Secretary deter-
17 mines to be appropriate, subject to
18 the requirements described in clauses
19 (i) and (ii) of subparagraph (C).

20 “(c) PERMIT FOR CONSTRUCTION OR MODIFICATION
21 OF NATIONAL INTEREST ELECTRIC TRANSMISSION FA-
22 CILITIES.—

23 “(1) IN GENERAL.—Except as provided in sub-
24 section (i), and subject to paragraph (2), the Com-
25 mission may issue 1 or more permits for the con-

1 construction or modification of national interest electric
2 transmission facilities if the Commission finds
3 that—

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

7 “(i) to approve the siting of the facili-
8 ties; or

9 “(ii) to consider the interstate benefits
10 or interregional benefits expected to be
11 achieved by the proposed construction or
12 modification of transmission facilities in
13 the State;

14 “(B) the applicant for a permit is a trans-
15 mitting utility under this Act but does not qual-
16 ify to apply for a permit or siting approval for
17 the proposed project in a State because the ap-
18 plicant does not serve end-use customers in the
19 State; or

20 “(C) a State commission or other entity
21 that has authority to approve the siting of the
22 facilities—

23 “(i) has not made a determination on
24 an application seeking approval pursuant
25 to applicable law by the date that is 1 year

1 after the date on which the application was
2 filed with the State commission or other
3 entity;

4 “(ii) has conditioned its approval in
5 such a manner that the proposed construc-
6 tion or modification will not significantly
7 reduce transmission capacity constraints or
8 congestion in interstate commerce or is not
9 economically feasible; or

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

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

14 “(A) after the Commission—

15 “(i) makes a finding described in sub-
16 paragraph (A), (B), or (C) of paragraph
17 (1);

18 “(ii) makes all applicable findings and
19 determinations necessary to establish that
20 the applicable facility is a national interest
21 electric transmission facility described in
22 subparagraph (A) or (B) of subsection
23 (a)(7); and

1 “(iii) provides notice and an oppor-
2 tunity for hearing with respect to the per-
3 mit; and

4 “(B) if the applicant engages in the pre-
5 filing process with respect to the applicable fa-
6 cility.

7 “(3) APPLICATIONS.—

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

11 “(B) RULEMAKING.—The Commission
12 shall issue rules specifying—

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

15 “(ii) the information to be contained
16 in the application; and

17 “(iii) the manner of service of notice
18 of the application on interested persons.

19 “(4) SIMULTANEOUS PROCEEDINGS.—In order
20 to ensure that an applicant for a permit under this
21 subsection receives the most timely decision possible
22 with respect to that application, the prefiling process
23 relating to that application may be initiated simulta-
24 neously with, or at any time after, an application is
25 submitted to, or any relevant process is initiated

1 with, the applicable State commission or other State
2 entity that has authority to approve the siting of the
3 applicable facility.

4 “(d) COMMENTS.—In any proceeding before the
5 Commission under subsection (c), the Commission shall
6 afford each State in which a transmission facility covered
7 by the permit is or will be located, each affected Federal
8 agency and Indian Tribe, private property owners, and
9 other interested persons, a reasonable opportunity to
10 present their views and recommendations with respect to
11 the need for and impact of a facility covered by the permit.

12 “(e) RIGHTS-OF-WAY.—

13 “(1) IN GENERAL.—In the case of a permit
14 under subsection (c) for electric transmission facili-
15 ties to be located on property other than property
16 owned by the United States or a State, if the permit
17 holder cannot acquire by contract, or is unable to
18 agree with the owner of the property to the com-
19 pensation to be paid for, the necessary right-of-way
20 to construct or modify, and operate and maintain,
21 the transmission facilities and, in the determination
22 of the Commission, the permit holder has made good
23 faith efforts to engage with affected landowners and
24 other stakeholders early in the applicable permitting
25 process, the permit holder may acquire the right-of-

1 way by the exercise of the right of eminent domain
2 in the district court of the United States for the dis-
3 trict in which the property concerned is located, or
4 in the appropriate court of the State in which the
5 property is located.

6 “(2) GOOD FAITH EFFORTS TO ENGAGE WITH
7 AFFECTED LANDOWNERS AND OTHER STAKE-
8 HOLDERS.—

9 “(A) COMMUNITY BENEFIT AGREE-
10 MENTS.—

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

20 “(I) engaged in a meaningful
21 process to develop and negotiate a
22 community benefit agreement with ap-
23 plicable CBA parties (as defined in
24 subsection (a)(2)(B)) in the commu-

1 nity in which the affected landowners
2 or other stakeholders are located; or

3 “(II) entered into a community
4 benefit agreement with applicable
5 CBA parties (as defined in that sub-
6 section) in that community.

7 “(ii) TECHNICAL ASSISTANCE.—

8 “(I) IN GENERAL.—On the re-
9 quest of a project sponsor or a com-
10 munity engaged in the process of de-
11 veloping and negotiating a community
12 benefit agreement, the Secretary shall
13 provide technical assistance, including,
14 as the Secretary determines to be ap-
15 propriate, legal counsel, mediation,
16 and guidance, to help the community
17 develop and negotiate a community
18 benefit agreement with the project
19 sponsor.

20 “(II) AUTHORIZATION OF APPRO-
21 PRIATIONS.—There are authorized to
22 be appropriated to the Secretary such
23 sums as are necessary to carry out
24 this clause.

1 “(B) APPLICANT CODE OF CONDUCT FOR
2 ENGAGEMENT WITH AFFECTED LAND-
3 OWNERS.—

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

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

19 “(iii) EFFECT OF NONCOMPLIANCE.—
20 Beginning on the effective date of the final
21 rule promulgated under clause (i), the
22 Commission may not make a determination
23 that a permit holder has made good faith
24 efforts to engage with affected landowners
25 if the Commission determines that the per-

1 mit holder substantially violated the appli-
2 cant code of conduct for engagement with
3 affected landowners established under that
4 clause.

5 “(C) GOOD FAITH EFFORTS DETERMINA-
6 TION.—

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

15 “(I) engaged, in good faith, in a
16 meaningful process described in sub-
17 paragraph (A)(i)(I), regardless of
18 whether a community benefit agree-
19 ment was entered into as a result of
20 that process; and

21 “(II) complied with the applicant
22 code of conduct for engagement with
23 affected landowners established pursu-
24 ant to subparagraph (B)(i).

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

6 “(iii) OTHER GOOD FAITH EF-
7 FORTS.—For purposes of paragraph (1),
8 the Commission may determine that a per-
9 mit holder that has not engaged in a proc-
10 ess described in subparagraph (A)(i)(I) as
11 described in clause (i)(I) has made good
12 faith efforts to engage with affected land-
13 owners and other stakeholders early in the
14 applicable permitting process if the permit
15 holder demonstrates, to the satisfaction of
16 the Commission, that the permit holder
17 has made good faith efforts pursuant to
18 other means, subject to subparagraph
19 (B)(iii).

20 “(D) EFFECT OF COMMUNITY BENEFIT
21 AGREEMENT ON ELIGIBILITY FOR CERTAIN
22 GRANTS.—

23 “(i) IN GENERAL.—For purposes of
24 section 50152 of Public Law 117–169
25 (commonly known as the ‘Inflation Reduc-

1 tion Act of 2022’) (42 U.S.C. 18715a), if
2 the sponsor of a project for which a permit
3 is sought under subsection (c) has entered
4 into a community benefit agreement—

5 “(I) the sponsor and any applica-
6 ble agreement entity (as defined in
7 subsection (a)(2)(B)) that is eligible
8 to apply for a grant under that sec-
9 tion may jointly apply for such a
10 grant; and

11 “(II) the sponsor may receive
12 and use amounts made available pur-
13 suant to such a grant in accordance
14 with—

15 “(aa) any applicable provi-
16 sions of the applicable community
17 benefit agreement; and

18 “(bb) any applicable rules or
19 conditions established by the Sec-
20 retary.

21 “(ii) NEGOTIATED PROVISIONS.—A
22 community benefit agreement may include
23 provisions requiring the project sponsor—

24 “(I) to submit an application for
25 a grant under section 50152 of Public

1 Law 117–169 (42 U.S.C. 18715a) on
2 behalf of, or jointly with, the applica-
3 ble agreement entity or any other en-
4 tity eligible to apply for a grant under
5 that section; and

6 “(II) to take any other actions
7 necessary to secure a grant under
8 that section.

9 “(3) USE OF RIGHT-OF-WAY.—Any right-of-way
10 acquired under paragraph (1) shall be used exclu-
11 sively for the construction or modification of electric
12 transmission facilities within a reasonable period of
13 time after the acquisition.

14 “(4) PRACTICE AND PROCEDURE.—The practice
15 and procedure in any action or proceeding under
16 this subsection in the district court of the United
17 States shall conform as nearly as practicable to the
18 practice and procedure in a similar action or pro-
19 ceeding in the courts of the State in which the prop-
20 erty is located.

21 “(5) SAVINGS CLAUSE.—

22 “(A) IN GENERAL.—Nothing in this sub-
23 section shall be construed to authorize the use
24 of eminent domain to acquire a right-of-way for
25 any purpose other than the construction, modi-

1 fication, operation, or maintenance of electric
2 transmission facilities and related facilities.

3 “(B) RESTRICTION; TERMINATION.—A
4 right-of-way acquired under paragraph (1) shall
5 not be used for any other purpose, and the
6 right-of-way shall terminate on the termination
7 of the use for which the right-of-way was ac-
8 quired.

9 “(f) COMPENSATION.—

10 “(1) IN GENERAL.—Any right-of-way acquired
11 pursuant to subsection (e) shall be considered a tak-
12 ing of private property for which just compensation
13 is due.

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

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

21 “(h) COORDINATION OF FEDERAL AUTHORIZATIONS
22 FOR NATIONAL INTEREST ELECTRIC TRANSMISSION FA-
23 CILITIES.—

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

4 “(A) all applicable Federal authorizations;

5 “(B) all applicable State or local author-
6 izations; and

7 “(C) all related environmental reviews.

8 “(2) COORDINATION.—

9 “(A) IN GENERAL.—To the maximum ex-
10 tent practicable under applicable Federal law,
11 the Commission shall coordinate the Federal
12 authorization and review process under this
13 subsection with any Indian Tribes, multistate
14 entities, and State agencies that are responsible
15 for conducting any separate permitting and en-
16 vironmental reviews of the facility, to ensure
17 timely and efficient review and permit decisions.

18 “(B) DEADLINES AND MILESTONES.—

19 “(i) IN GENERAL.—As the lead agen-
20 cy, the Commission, in consultation with
21 agencies responsible for Federal authoriza-
22 tions and, as appropriate, with Indian
23 Tribes, multistate entities, and State agen-
24 cies that are willing to coordinate their
25 own separate permitting and environ-

1 mental reviews with the Federal authoriza-
2 tion and environmental reviews, shall es-
3 tablish prompt and binding intermediate
4 milestones and ultimate deadlines for the
5 review of, and Federal authorization deci-
6 sions relating to, the proposed facility, to
7 ensure, to the maximum extent practicable,
8 that the period described in clause (ii) does
9 not exceed 5 years.

10 “(ii) PERIOD DESCRIBED.—The pe-
11 riod referred to in clause (i) is the period
12 beginning on the date on which the pre-
13 filing process is initiated with respect to a
14 proposed facility and ending on, as applica-
15 ble—

16 “(I) the date on which a notice to
17 proceed is issued with respect to that
18 facility; or

19 “(II) the date on which an appli-
20 cation for a permit under subsection
21 (c) with respect to that facility is de-
22 nied.

23 “(iii) CERTAIN DEADLINES.—The
24 Commission shall ensure that, once an ap-
25 plication has been submitted with such

1 data as the Commission considers nec-
2 essary, all permit decisions and related en-
3 vironmental reviews under all applicable
4 Federal laws shall be completed—

5 “(I) within 1 year; or

6 “(II) if a requirement of another
7 provision of Federal law does not per-
8 mit compliance with subclause (I), as
9 soon thereafter as is practicable.

10 “(3) PROCESS FOR PROMPT DISCLOSURE OF
11 CERTAIN INFORMATION.—The Commission shall es-
12 tablish a process pursuant to which a prospective ap-
13 plicant for a permit under subsection (c) that has
14 initiated the prefiling process may confer with the
15 agencies involved to have each such agency deter-
16 mine and communicate to the prospective applicant,
17 not later than 60 days after the prospective appli-
18 cant submits a request—

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

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

23 “(4) SINGLE ENVIRONMENTAL REVIEW DOCU-
24 MENT.—

1 “(A) IN GENERAL.—As the lead agency,
2 the Commission, in consultation with the af-
3 fected agencies, shall prepare a single environ-
4 mental review document, which shall be used as
5 the basis for all decisions on the qualifying
6 project under Federal law.

7 “(B) STREAMLINED REVIEW AND PERMIT-
8 TING WITHIN CERTAIN CORRIDORS.—The Com-
9 mission and the heads of other agencies shall
10 streamline the review and permitting of trans-
11 mission within corridors designated under sec-
12 tion 503 of the Federal Land Policy and Man-
13 agement Act of 1976 (43 U.S.C. 1763) by fully
14 taking into account prior analyses and decisions
15 relating to the corridors.

16 “(C) REQUIREMENT.—The document pre-
17 pared under subparagraph (A) shall include
18 consideration by the relevant agencies of any
19 applicable criteria or other matters as required
20 under applicable law.

21 “(5) APPEAL TO THE PRESIDENT.—

22 “(A) IN GENERAL.—If any agency has de-
23 nied a Federal authorization required for a
24 transmission facility, or has failed to act by the
25 deadline established by the Commission pursu-

1 ant to this section for deciding whether to issue
2 the authorization, the applicant or any State in
3 which the facility would be located may file an
4 appeal with the President, who shall, in con-
5 sultation with the affected agency, review the
6 denial or failure to take action on the pending
7 application.

8 “(B) DECISION.—Based on the overall
9 record and in consultation with the affected
10 agency, the President may—

11 “(i) issue the necessary authorization
12 with any appropriate conditions; or

13 “(ii) deny the application.

14 “(C) DEADLINE FOR DECISION.—The
15 President shall issue a decision not later than
16 90 days after the date of the filing of the ap-
17 peal.

18 “(D) REQUIREMENT.—In making a deci-
19 sion under this paragraph, the President shall
20 comply with applicable requirements of Federal
21 law, including any requirements of—

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

24 “(ii) the Endangered Species Act of
25 1973 (16 U.S.C. 1531 et seq.);

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

3 “(iv) the National Environmental Pol-
4 icy Act of 1969 (42 U.S.C. 4321 et seq.);
5 and

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

9 “(E) APPLICATION.—This paragraph shall
10 not apply to any unit of the National Park Sys-
11 tem, the National Wildlife Refuge System, the
12 National Wild and Scenic Rivers System, the
13 National Trails System, the National Wilder-
14 ness Preservation System, or a National Monu-
15 ment.

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

17 “(A) IN GENERAL.—Notwithstanding any
18 other provision of law, on the submission of an
19 application for a permit under subsection (c)
20 for a qualifying project—

21 “(i) the qualifying project shall be
22 considered to be a covered project (as de-
23 fined in section 41001 of the FAST Act
24 (42 U.S.C. 4370m)); and

1 “(ii) except as otherwise provided in
2 this section (including paragraphs (1) and
3 (2)), title XLI of the FAST Act (42
4 U.S.C. 4370m et seq.) (including section
5 41007 of that Act (42 U.S.C. 4370m–6))
6 shall apply to the qualifying project in the
7 same manner as any other covered project
8 (as defined in section 41001 of that Act
9 (42 U.S.C. 4370m)).

10 “(B) COOPERATION OF PARTICIPATING
11 AGENCIES.—Notwithstanding any other provi-
12 sion of law, each Federal participating agency
13 with respect to a qualifying project shall—

14 “(i) cooperate with the Commission
15 and the project sponsor with respect to the
16 review and permitting processes carried
17 out under this section; and

18 “(ii) fully participate in those proc-
19 esses.

20 “(C) USE OF ENVIRONMENTAL REVIEW IM-
21 PROVEMENT FUND.—

22 “(i) DEFINITIONS.—In this subpara-
23 graph:

24 “(I) AGENCY PARTICIPATING IN
25 THE PREFILING PROCESS.—The term

1 ‘agency participating in the prefilng
2 process’ means a participating agency
3 or cooperating agency that partici-
4 pates in the prefilng process with re-
5 spect to a qualifying project.

6 “(II) FUND.—The term ‘Fund’
7 means the Environmental Review Im-
8 provement Fund established under
9 section 41009(d) of the FAST Act
10 (42 U.S.C. 4370m–8(d)).

11 “(ii) GENERAL AUTHORITY.—Not-
12 withstanding any other provision of law,
13 with respect to a qualifying project,
14 amounts in the Fund may, in addition to
15 any other use permitted under title XLI of
16 the FAST Act (42 U.S.C. 4370m et seq.)
17 (or a regulation promulgated under that
18 title), be used—

19 “(I) by the Council, to cover the
20 expenses of the Council relating to the
21 qualifying project;

22 “(II) by the Commission, as the
23 lead agency, to cover the costs of any
24 environmental review relating to the
25 qualifying project; and

1 “(III) as the Council determines
2 to be appropriate, by any other Fed-
3 eral agency conducting an environ-
4 mental review relating to the quali-
5 fying project, to cover the costs of
6 conducting that environmental review.

7 “(iii) FUNDING FOR PURPOSES RE-
8 LATING TO THE PREFILING PROCESS.—
9 Notwithstanding any other provision of
10 law, the Council shall make amounts in the
11 Fund available to agencies participating in
12 the prefiling process for purposes relating
13 to the participation of those agencies in
14 that process, including to compensate those
15 agencies for resources expended during
16 that process for those purposes.

17 “(iv) SUBSEQUENT CONSIDERATION
18 OF PARTICIPATION IN THE PREFILING
19 PROCESS.—To encourage participation in
20 the prefiling process, the Council, in mak-
21 ing amounts in the Fund available to par-
22 ticipating agencies and cooperating agen-
23 cies for purposes relating to a qualifying
24 project for which an application has been
25 filed under subsection (c), shall take into

1 consideration whether, and the extent to
2 which, the participating agency or cooper-
3 ating agency participated in the prefil-
4 ing process with respect to that project.

5 “(v) AUTHORIZATION OF APPROPRIA-
6 TIONS TO THE FUND.—In addition to any
7 amounts authorized to be appropriated to
8 the Fund under any other law, there are
9 authorized to be appropriated to the Fund
10 such sums as are necessary to carry out
11 this subparagraph.

12 “(7) PREFILING REQUIRED.—

13 “(A) IN GENERAL.—In order to facilitate
14 maximum participation by all stakeholders in
15 the review and permitting processes for quali-
16 fying projects, project sponsors shall engage in
17 a prefil- ing process in accordance with the regu-
18 lations promulgated under subparagraph (C).

19 “(B) PARTICIPATION.—

20 “(i) MANDATORY PARTICIPATION.—
21 Any applicant for a permit under sub-
22 section (c) and each Federal participating
23 agency with respect to a project for which
24 a permit is sought under that subsection
25 shall participate in the prefil- ing process.

1 “(ii) STATE, TRIBAL, AND LOCAL
2 AGENCIES.—The Commission shall facili-
3 tate and encourage State, Tribal, and local
4 agencies, including any State commission
5 or other entity described in subsection
6 (c)(1), to participate in the prefil-
7 ing process for a qualifying project.

8 “(C) RULEMAKING.—

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 a
13 prefil- ing process for use in accordance with
14 this section.

15 “(ii) UPDATES.—The Commission
16 may revise and update, as the Commission
17 determines to be appropriate, the rules and
18 regulations of the Commission with respect
19 to the prefil- ing process established under
20 clause (i), subject to the condition that any
21 revision or update is consistent with the
22 making of good faith efforts to engage
23 stakeholders early in the review and per-
24 mitting processes for national interest elec-
25 tric transmission facilities.

1 “(8) EXPEDITING APPLICATION PROCESSING.—

2 “(A) IN GENERAL.—A Federal or State
3 agency may allow an applicant seeking a Fed-
4 eral authorization for a qualifying project to
5 fund a third-party contractor selected by the
6 Federal or State agency to assist in reviewing
7 the application.

8 “(B) DIRECT FUNDING FOR EXPEDITED
9 CONSIDERATION.—

10 “(i) IN GENERAL.—Beginning on the
11 date of enactment of the FASTER Act of
12 2023, a Federal or State agency may ac-
13 cept and expend funds contributed by an
14 applicant seeking a Federal authorization
15 for a qualifying project to carry out an ac-
16 tivity that directly and meaningfully con-
17 tributes to expediting the consideration by
18 the agency of the application.

19 “(ii) RELATION TO EXISTING DISCRE-
20 TIONARY FUNDS.—Any funds received by
21 an agency under this subparagraph may be
22 used only to carry out activities that would
23 not otherwise occur within the same time-
24 frame using discretionary funds provided
25 in an appropriations Act.

1 “(C) EFFECT ON APPLICATION CONSIDER-
2 ATION.—In carrying out this paragraph, the
3 Commission or an applicable agency shall en-
4 sure that the use of applicant funds under sub-
5 paragraph (A) or (B) will not impact impartial
6 decisionmaking with respect to the responsibil-
7 ities of the agency, either substantively or pro-
8 cedurally, under this part or any other Federal
9 law, consistent with the regulations for imple-
10 menting the procedural provisions of the Na-
11 tional Environmental Policy Act of 1969 (42
12 U.S.C. 4321 et seq.) under parts 1500 through
13 1508 of title 40, Code of Federal Regulations
14 (or successor regulations).

15 “(D) VOLUNTARY FUNDING.—Nothing in
16 this paragraph requires or compels an appli-
17 cant—

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

20 “(ii) to contribute direct funding for
21 expedited consideration under subpara-
22 graph (B).

23 “(E) EXISTING THIRD-PARTY CON-
24 TRACTS.—Nothing in this paragraph affects
25 any third party contract under section 2403 of

1 the Energy Policy Act of 1992 (16 U.S.C.
2 797d) that is in effect as of the date of enact-
3 ment of the FASTER Act of 2023.

4 “(F) ACCOUNTABILITY.—

5 “(i) REPORTS.—A Federal or State
6 agency shall submit to the Commission for
7 each fiscal year a report that describes the
8 manner in which the agency used funds
9 under this paragraph during that fiscal
10 year.

11 “(ii) AUDITS.—The Comptroller Gen-
12 eral of the United States shall conduct
13 periodic audits to ensure that Federal and
14 State agencies use funds in accordance
15 with this paragraph.

16 “(9) CATEGORICAL EXCLUSIONS.—

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

20 “(i) evaluate whether 1 or more addi-
21 tional categorical exclusions developed in
22 compliance with the National Environ-
23 mental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.) with respect to the activities
25 described in subparagraph (C) would re-

1 duce processing times or costs for the
2 issuance of permits under subsection (c)
3 without significantly affecting the human
4 environment; and

5 “(ii) if the Commission determines
6 under clause (i) that 1 or more additional
7 categorical exclusions would reduce proc-
8 essing times or costs for the issuance of
9 permits under subsection (c) without sig-
10 nificantly affecting the human environ-
11 ment—

12 “(I) establish those categorical
13 exclusions in compliance with the Na-
14 tional Environmental Policy Act of
15 1969 (42 U.S.C. 4321 et seq.); and

16 “(II) revise relevant agency regu-
17 lations and policy statements to imple-
18 ment those categorical exclusions.

19 “(B) ADMINISTRATION.—

20 “(i) IN GENERAL.—In administering a
21 categorical exclusion established under sub-
22 paragraph (A)(ii), the Commission shall
23 comply with the National Environmental
24 Policy Act of 1969 (42 U.S.C. 4321 et

1 seq.) (including regulations promulgated
2 pursuant to that Act).

3 “(ii) EXTRAORDINARY CIR-
4 CUMSTANCES.—In determining whether to
5 use a categorical exclusion established
6 under subparagraph (A)(ii), the Commis-
7 sion shall apply—

8 “(I) section 380.4(b) of title 18,
9 Code of Federal Regulations (or a
10 successor regulation); and

11 “(II) any other regulation pro-
12 mulgated by the Commission to estab-
13 lish extraordinary circumstances pro-
14 cedures described in section
15 1507.3(e)(2)(ii) of title 40, Code of
16 Federal Regulations (or a successor
17 regulation).

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

20 “(i) a geotechnical investigation;

21 “(ii) off-road travel in an existing
22 right-of-way;

23 “(iii) adding a battery or other energy
24 storage device to an existing or planned
25 energy facility, if that storage resource is

1 located within the physical footprint of the
2 existing or planned energy facility;

3 “(iv) any repair, maintenance, up-
4 grade, optimization, or minor addition to
5 existing transmission and distribution in-
6 frastructure, including—

7 “(I) operation, maintenance, or
8 repair of power equipment and struc-
9 tures within existing substations,
10 switching stations, transmission lines,
11 and distribution lines;

12 “(II) the addition, modification,
13 retirement, or replacement of break-
14 ers, transmission towers, trans-
15 formers, bushings, or relays;

16 “(III) the voltage uprating, modi-
17 fication, reconductoring with conven-
18 tional or advanced conductors, and
19 clearance resolution of transmission
20 lines;

21 “(IV) an activity to minimize fire
22 risk, including vegetation manage-
23 ment, routine fire mitigation, inspec-
24 tion, and maintenance activities, and
25 removal of hazard trees and other

1 hazard vegetation within or adjacent
2 to an existing right-of-way;

3 “(V) an improvement to or con-
4 struction of 1 or more structure pads
5 for that infrastructure; and

6 “(VI) access and access route
7 maintenance, and any repair, associ-
8 ated with any activity described in
9 subclauses (I) through (V);

10 “(v) approval of, and activities con-
11 ducted in accordance with, operating plans
12 or agreements for transmission and dis-
13 tribution facilities or under a special use
14 authorization for an electric transmission
15 and distribution facility right-of-way; and

16 “(vi) construction, maintenance, re-
17 alignment, or repair of an existing perma-
18 nent or temporary access road—

19 “(I) within an existing right-of-
20 way or within a transmission or utility
21 corridor established by Congress or in
22 a land use plan; or

23 “(II) that serves an existing
24 transmission line, distribution line, or
25 energy facility.

1 “(D) OTHER CATEGORICAL EXCLUSIONS.—

2 “(i) IN GENERAL.—Not later than 1
3 year after the date of enactment of the
4 FASTER Act of 2023, the Commission
5 shall—

6 “(I) review section 1021.410 of
7 title 10, Code of Federal Regulations
8 (as in effect on the date of enactment
9 of the FASTER Act of 2023), and
10 the applicable appendices of subpart
11 D of that title; and

12 “(II) as the Commission deter-
13 mines to be appropriate, promulgate
14 comparable regulations pursuant to
15 which the Commission may establish
16 categorical exclusions for, and apply
17 categorical exclusions to, qualifying
18 projects.

19 “(ii) TRANSITION PERIOD.—Until the
20 date on which the regulations described in
21 clause (i)(II) are promulgated by the Com-
22 mission, the Commission may apply section
23 1021.410 of title 10, Code of Federal Reg-
24 ulations (or a successor regulation), to
25 qualifying projects.

1 “(10) NEPA PROCESSES AND COMPLIANCE.—

2 “(A) PURPOSE.—The purpose of this para-
3 graph is to ensure that there is no duplication
4 of effort or processes with respect to environ-
5 mental reviews relating to the siting, construc-
6 tion, or modification of national interest electric
7 transmission facilities in national interest elec-
8 tric transmission corridors designated by the
9 Secretary under paragraph (2) or (5) of sub-
10 section (b).

11 “(B) REVIEW RELATING TO DESIGNA-
12 TION.—Unless the Secretary determines that
13 the preparation of an environmental review doc-
14 ument with respect to the designation of a na-
15 tional interest electric transmission corridor
16 under paragraph (2) or (5) of subsection (b) is
17 appropriate under the circumstances, the Sec-
18 retary shall not be required to prepare an envi-
19 ronmental review document in connection with
20 the designation of a national interest electric
21 transmission corridor under those paragraphs.

22 “(C) EFFECT ON SITING, CONSTRUCTION,
23 OR MODIFICATION OF FACILITIES.—

24 “(i) NO REVIEW RELATING TO DES-
25 IGNATION OF CORRIDOR.—If the Secretary

1 has not prepared an environmental review
2 document with respect to the designation
3 of a national interest electric transmission
4 corridor under paragraph (2) or (5) of sub-
5 section (b), the Commission shall prepare
6 an environmental review document, in ac-
7 cordance with this subsection, for any
8 siting, construction, or modification of a
9 national interest electric transmission facil-
10 ity in that national interest electric trans-
11 mission corridor.

12 “(ii) REVIEW RELATING TO DESIGNA-
13 TION OF CORRIDOR.—If the Secretary has
14 prepared an environmental review docu-
15 ment with respect to the designation of a
16 national interest electric transmission cor-
17 ridor under paragraph (2) or (5) of sub-
18 section (b)—

19 “(I) the Commission and any
20 other Federal agency carrying out an
21 environmental review with respect to
22 the siting, construction, or modifica-
23 tion of a national interest electric
24 transmission facility in that national

1 interest electric transmission cor-
2 ridor—

3 “(aa) shall rely on any find-
4 ings of the environmental review
5 document prepared by the Sec-
6 retary in carrying out the envi-
7 ronmental review of the Commis-
8 sion or other Federal agency, as
9 applicable; and

10 “(bb) shall not duplicate any
11 work of the Secretary relating to
12 the preparation of that environ-
13 mental review document; and

14 “(II) the Commission shall incor-
15 porate the findings of that environ-
16 mental review document into any envi-
17 ronmental review document prepared
18 by the Commission under this sub-
19 section.

20 “(11) FEDERAL LAND USE AUTHORIZATIONS.—

21 “(A) IN GENERAL.—Each Federal land
22 use authorization for a national interest electric
23 transmission facility shall be issued—

1 “(i) for a duration, as determined by
2 the Commission, commensurate with the
3 anticipated use of the facility; and

4 “(ii) with appropriate authority to
5 manage the right-of-way for reliability and
6 environmental protection.

7 “(B) RENEWAL.—On the expiration of the
8 authorization (including an authorization issued
9 before the date of enactment of the FASTER
10 Act of 2023), the authorization shall be re-
11 viewed for renewal taking fully into account re-
12 liance on such electricity infrastructure, recog-
13 nizing the importance of the authorization for
14 public health, safety, and economic welfare and
15 as a legitimate use of Federal land.

16 “(12) CONSULTATION.—In exercising the re-
17 sponsibilities under this section, the Commission
18 shall consult regularly with—

19 “(A) the Secretary;

20 “(B) electric reliability organizations (in-
21 cluding related regional entities) approved by
22 the Commission; and

23 “(C) Transmission Organizations approved
24 by the Commission.

25 “(i) INTERSTATE COMPACTS.—

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

6 “(A) to facilitate siting of future electric
7 energy transmission facilities within those
8 States; and

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

11 “(2) TECHNICAL ASSISTANCE.—The Commis-
12 sion shall provide technical assistance to regional
13 transmission siting agencies established under this
14 subsection.

15 “(3) AUTHORITY.—The regional transmission
16 siting agencies shall have the authority to review,
17 certify, and permit siting of transmission facilities,
18 including facilities in national interest electric trans-
19 mission corridors (other than facilities on property
20 owned by the United States).

21 “(4) LIMITATION.—The Commission shall have
22 no authority to issue a permit for the construction
23 or modification of an electric transmission facility
24 within a State that is a party to a compact, unless
25 the Commission determines that the members of the

1 compact are unable to reach an agreement on an ap-
2 plication seeking approval by the date that is 1 year
3 after the date on which the application for the facil-
4 ity was filed.

5 “(j) RELATIONSHIP TO OTHER LAWS.—Except as
6 specifically provided, nothing in this section affects any
7 requirement of an environmental law of the United States,
8 including the National Environmental Policy Act of 1969
9 (42 U.S.C. 4321 et seq.).

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

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

14 (1) DEFINITIONS.—In this subsection:

15 (A) COMMISSION.—The term “Commis-
16 sion” means the Federal Energy Regulatory
17 Commission.

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

22 (C) COVERED TRANSMISSION PROJECT.—
23 The term “covered transmission project” has
24 the meaning given the term in section 50152(e)
25 of Public Law 117–169 (commonly known as

1 the “Inflation Reduction Act of 2022”) (42
2 U.S.C. 18715a(e)).

3 (D) SECRETARY.—The term “Secretary”
4 means the Secretary of Energy.

5 (2) ALLOCATION.—In carrying out section
6 50152 of Public Law 117–169 (42 U.S.C. 18715a),
7 the Secretary shall use, of the amounts appropriated
8 by subsection (a) of that section and used for mak-
9 ing grants under that section—

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

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

14 (3) PRIORITY.—In making grants under sub-
15 section (b)(2) of section 50152 of Public Law 117–
16 169 (42 U.S.C. 18715a), the Secretary shall give
17 priority to State, local, or Tribal governmental enti-
18 ties that, in the determination of the Secretary, are
19 among the most significantly impacted by project de-
20 velopment, construction, or local operations activities
21 relating to the covered transmission projects for
22 which a grant under that subsection is sought.

23 (4) ADDITIONAL ECONOMIC DEVELOPMENT
24 FUNDING.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), if the Secretary makes a grant
3 under section 50152(b)(2) of Public Law 117–
4 169 (42 U.S.C. 18715a), the sponsor of the ap-
5 plicable covered transmission project shall be
6 required to contribute, to the recipient of the
7 grant, \$1 for every \$5 provided by the Sec-
8 retary to that recipient pursuant to the grant.

9 (B) COMMUNITY BENEFIT AGREEMENTS.—
10 If the sponsor of the applicable covered trans-
11 mission project has entered into a community
12 benefit agreement, the sponsor may satisfy the
13 requirement described in subparagraph (A)
14 through contributions or expenditures made
15 pursuant to the terms of the applicable commu-
16 nity benefit agreement.

17 (c) CONFORMING AMENDMENTS.—

18 (1) Section 1222 of the Energy Policy Act of
19 2005 (42 U.S.C. 16421) is amended—

20 (A) in subsection (a)(1)(A), by striking
21 “section 216(a) of the Federal Power Act” and
22 inserting “section 216(b) of the Federal Power
23 Act (16 U.S.C. 824p(b))”; and

24 (B) in subsection (b)(1)(A), by striking
25 “section 216(a) of the Federal Power Act” and

1 inserting “section 216(b) of the Federal Power
2 Act (16 U.S.C. 824p(b))”.

3 (2) Section 40106(h)(1)(A) of the Infrastruc-
4 ture Investment and Jobs Act (42 U.S.C.
5 18713(h)(1)(A)) is amended by striking “section
6 216(a) of the Federal Power Act 16 U.S.C.
7 824p(a)” and inserting “section 216(b) of the Fed-
8 eral Power Act (16 U.S.C. 824p(b))”.

9 (3) Section 50151(b) of Public Law 117–169
10 (commonly known as the “Inflation Reduction Act of
11 2022”) (42 U.S.C. 18715(b)) is amended—

12 (A) by inserting “, in consultation with the
13 Federal Energy Regulatory Commission,” after
14 “The Secretary”; and

15 (B) by striking “electric transmission fa-
16 cilities designated by the Secretary to be nec-
17 essary in the national interest under section
18 216(a) of the Federal Power Act (16 U.S.C.
19 824p(a))” and inserting “national interest elec-
20 tric transmission facilities (as defined in section
21 216(a) of the Federal Power Act (16 U.S.C.
22 824p(a)))”.

1 **SEC. 3. SUPPORT FOR REGIONAL OFFICES OF COOPER-**
2 **ATING AGENCIES.**

3 There are authorized to be appropriated to the Fed-
4 eral Energy Regulatory Commission such sums as are nec-
5 essary to provide funding to cooperating agencies (as de-
6 fined in section 1508.1 of title 40, Code of Federal Regu-
7 lations (or a successor regulation)) with respect to quali-
8 fying projects (as defined in section 216(a) of the Federal
9 Power Act (16 U.S.C. 824p(a))) to help cover the costs
10 of the staff and resources of the cooperating agency that
11 relate to the qualifying project in order to focus those staff
12 and resources on an expeditious review of the qualifying
13 project.

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

15 (a) **DEFINITION OF COMMISSION.**—In this section,
16 the term “Commission” means the Federal Energy Regu-
17 latory Commission.

18 (b) **APPOINTMENT AUTHORITY.**—Notwithstanding
19 any provision of title 5, United States Code, governing ap-
20 pointments and General Schedule classification and pay
21 rates—

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

1 (2) the Commission may appoint persons to
2 those positions without regard to the civil service
3 laws.

4 (c) COMPENSATION AUTHORITY.—

5 (1) IN GENERAL.—Notwithstanding chapter 51,
6 and subchapter III of chapter 53, of title 5, United
7 States Code, the Commission may fix the rate of
8 basic pay for the positions of individuals described in
9 paragraph (2), subject to the limitation described in
10 paragraph (3), without regard to the civil service
11 laws.

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

14 (A) an individual appointed under sub-
15 section (b); or

16 (B) any other individual with respect to
17 whom the Chairman of the Commission deter-
18 mines that compensation in accordance with
19 that paragraph is necessary or appropriate to
20 hire or retain that individual.

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

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

2 (a) DEFINITIONS.—In this section:

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

5 (A) public land; and

6 (B) not excluded from the siting, construc-
7 tion, or modification of electric transmission fa-
8 cilities under—

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

12 (ii) other Federal law.

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

15 (A) National Forest System land; and

16 (B) public land.

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

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

25 (5) PUBLIC LAND.—The term “public land”
26 has the meaning given the term “public lands” in

1 section 103 of the Federal Land Policy and Manage-
2 ment Act of 1976 (43 U.S.C. 1702).

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (b) DISPOSITION OF REVENUES.—Without further
6 appropriation or fiscal year limitation, of the amounts col-
7 lected as bonus bids, rentals, fees, or other payments
8 under a right-of-way, permit, lease, or other authorization
9 (other than under section 504(g) of the Federal Land Pol-
10 icy and Management Act of 1976 (43 U.S.C. 1764(g)))
11 for the siting, construction, or modification of electric
12 transmission facilities on covered land or National Forest
13 System land—

14 (1) for the period beginning on the date of en-
15 actment of this Act and ending on December 31,
16 2039;

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

20 (B) 25 percent shall be paid by the Sec-
21 retary of the Treasury to the 1 or more coun-
22 ties within the boundaries of which the revenue
23 is derived, to be allocated among the counties
24 based on the percentage of land from which the
25 revenue is derived;

1 (C) 15 percent shall be deposited in the
2 Treasury and be made available to the Sec-
3 retary to facilitate, streamline, and improve
4 Federal permit coordination with respect to the
5 siting, construction, or modification of electric
6 transmission facilities on Federal land, includ-
7 ing the transfer of the funds by the Bureau of
8 Land Management to other Federal agencies
9 and State agencies to facilitate the processing
10 of permits for the siting, construction, or modi-
11 fication of electric transmission facilities on
12 Federal land, with priority given to using the
13 amounts, to the maximum extent practicable
14 without detrimental impacts to emerging mar-
15 kets, to expediting the issuance of permits re-
16 quired for the siting, construction, or modifica-
17 tion of electric transmission facilities in the
18 States from which the revenues are derived; and

19 (D) 35 percent shall be deposited in the
20 Fund; and

21 (2) beginning on January 1, 2040—

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

1 (B) 25 percent shall be paid by the Sec-
2 retary of the Treasury to the 1 or more coun-
3 ties within the boundaries of which the revenue
4 is derived, to be allocated among the counties
5 based on the percentage of land from which the
6 revenue is derived;

7 (C) 10 percent shall be deposited in the
8 Treasury and be made available to the Sec-
9 retary to facilitate, streamline, and improve
10 Federal permit coordination with respect to the
11 siting, construction, or modification of electric
12 transmission facilities on Federal land, includ-
13 ing the transfer of the funds by the Bureau of
14 Land Management to other Federal agencies
15 and State agencies to facilitate the processing
16 of permits for the siting, construction, or modi-
17 fication of electric transmission facilities on
18 Federal land, with priority given to using the
19 amounts, to the maximum extent practicable
20 without detrimental impacts to emerging mar-
21 kets, to expediting the issuance of permits re-
22 quired for the siting, construction, or modifica-
23 tion of electric transmission facilities in the
24 States from which the revenues are derived; and

1 (D) 40 percent shall be deposited in the
2 Fund.

3 (c) PAYMENTS TO STATES AND COUNTIES.—

4 (1) IN GENERAL.—Amounts paid to States and
5 counties under subsection (b) shall be used con-
6 sistent with section 35 of the Mineral Leasing Act
7 (30 U.S.C. 191).

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

12 (d) FEDERAL LAND ELECTRIC ENERGY TRANS-
13 MISSION CONSERVATION FUND.—

14 (1) IN GENERAL.—There is established in the
15 Treasury a fund, to be known as the “Federal Land
16 Electric Energy Transmission Conservation Fund”,
17 which shall be administered by the National Fish
18 and Wildlife Foundation (referred to in this sub-
19 section as the “Foundation”).

20 (2) USE OF FUNDS.—The Foundation may
21 make amounts in the Fund available to Federal,
22 State, local, and Tribal agencies to be distributed in
23 regions in which projects for the siting, construction,
24 or modification of electric transmission facilities are
25 located on Federal land, for the purposes of—

- 1 (A) restoring and protecting—
2 (i) fish and wildlife habitat for af-
3 fected species;
4 (ii) fish and wildlife corridors for af-
5 fected species; and
6 (iii) water resources in areas affected
7 by projects for the siting, construction, or
8 modification of electric transmission facili-
9 ties; and

10 (B) preserving and improving recreational
11 access to Federal land and water in an affected
12 region through an easement, right-of-way, or
13 other instrument from willing landowners for
14 the purpose of enhancing public access to exist-
15 ing Federal land and water that is inaccessible
16 or restricted.

17 (3) PARTNERSHIPS.—The Foundation may
18 enter into cooperative agreements with State, local,
19 and Tribal agencies, nonprofit organizations, and
20 other appropriate entities to carry out the activities
21 described in subparagraphs (A) and (B) of para-
22 graph (2).

23 (4) INVESTMENT OF FUND.—

24 (A) IN GENERAL.—Any amounts deposited
25 in the Fund shall earn interest in an amount

1 determined by the Secretary of the Treasury on
2 the basis of the current average market yield on
3 outstanding marketable obligations of the
4 United States of comparable maturities.

5 (B) USE.—Any interest earned under sub-
6 paragraph (A) may be expended in accordance
7 with this subsection.

8 (5) REPORT TO CONGRESS.—At the end of each
9 fiscal year, the Foundation shall submit to the Com-
10 mittee on Energy and Natural Resources of the Sen-
11 ate and the Committee on Natural Resources of the
12 House of Representatives a report identifying—

13 (A) the amounts described in subsection
14 (b) that were collected during that fiscal year,
15 organized by source;

16 (B) the amount and purpose of payments
17 made to each Federal, State, local, and Tribal
18 agency under paragraph (2) during that fiscal
19 year; and

20 (C) the amount remaining in the Fund at
21 the end of the fiscal year.

22 (6) INTENT OF CONGRESS.—It is the intent of
23 Congress that the revenues deposited and used in
24 the Fund shall supplement (and not supplant) an-

- 1 nual appropriations for activities described in sub-
- 2 paragraphs (A) and (B) of paragraph (2).