To improve the environmental review process, and for other purposes.

INTRODUCED

To improve the environmental review process, and for other purposes.

1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Promoting Efficient and Engaged Reviews Act of 2023” or the “PEER Act of 2023”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Title I—Procedural and Technological Reforms to Improve Efficient and Effective Reviews
Sec. 101. Programmatic environmental reviews.
Sec. 102. Projects with mitigated effects.
Sec. 103. Consideration of positive impacts under NEPA.
Sec. 104. Environmentally beneficial projects.
Sec. 105. Categorical exclusions.
Sec. 106. Adoption of prior planning decisions.
Sec. 107. Procedures for climate change mitigation or resilience projects.
Sec. 108. Improving certainty.
Sec. 109. Semiconductor program.

**TITLE II—ENSURING MEANINGFUL EARLY ENGAGEMENT**

Sec. 201. Federal Permitting Improvement Steering Council within CEQ.
Sec. 202. Senior community Engagement Officers.
Sec. 203. Office of Environmental Justice and External Civil Rights.
Sec. 204. Community benefits agreements.
Sec. 205. White House Environmental Justice Interagency Council.
Sec. 206. Environmental justice analysis in NEPA.
Sec. 207. Avoiding impacts.
Sec. 208. Timely public release of NEPA documentation.
Sec. 209. Grants for capacity building and community engagement.

**TITLE III—FACILITATING FEDERAL REVIEWS**

Sec. 301. Fees for environmental reviews.
Sec. 302. Federally directed reviews for nationally or regionally significant projects.
Sec. 303. Interagency environmental data system.
Sec. 304. E-NEPA.
Sec. 305. University Permitting Workforce Leadership Program.
Sec. 306. Funded liaison positions.
Sec. 307. Rapid response permitting task forces.

**TITLE IV—BUILDING OUT CRITICAL INFRASTRUCTURE FOR ZERO-EMISSION TECHNOLOGY**

Sec. 401. Geothermal activities on certain land.
Sec. 402. Next generation highways.
Sec. 403. Connecting Hard-to-Reach Areas with Renewably Generated Energy.
Sec. 404. Streamlining interstate transmission of electricity.
Sec. 405. Cost allocation.

**TITLE V—FACILITATING DEVELOPMENT OF ZERO-EMISSION TECHNOLOGY AT BROWNFIELD SITES**

Sec. 501. Definitions.
Sec. 502. Regional commission support for zero-emission technology development at brownfield sites.
Sec. 503. Federal-State coordination and assistance for development of zero-emission technology at brownfield sites.
Sec. 504. Renewable energy and storage development at brownfield sites.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:
(1) **Administrator.**—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) **Agency.**—The term "agency" has the meaning given the term in section 551 of title 5, United States Code.

(3) **Authorization.**—The term "authorization" has the meaning given the term in section 41001 of the FAST Act (42 U.S.C. 4370m).

(4) **Categorical Exclusion.**—The term "categorical exclusion" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(5) **Chair.**—The term "Chair" means the Chair of the Council on Environmental Quality.

(6) **Cooperating Agency.**—The term "cooperating agency" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(7) **Effect; Impact.**—

(A) **In General.**—The terms "effect" and "impact" mean changes to the human environment as a result of a proposed agency action or alternative that are reasonably foreseeable, including direct, indirect, and cumulative effects.
(B) INCLUSIONS.—The terms "effect" and "impact" include—
(i) effects relating to climate change;
(ii) beneficial and adverse effects; and
(iii) disproportionate adverse impacts to communities with environmental justice concerns.

(8) ENVIRONMENTAL ASSESSMENT.—The term "environmental assessment" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(9) ENVIRONMENTAL DOCUMENT.—The term "environmental document" means an environmental assessment, a finding of no significant impact, a notice of intent, or an environmental impact statement.

(10) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means the detailed written statement required under section 102(2)(C) of NEPA (42 U.S.C. 4332(2)(C)).

(11) ENVIRONMENTAL JUSTICE.—The term "environmental justice" means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decisionmaking and
other Federal activities that affect human health
and the environment so that people—

(Δ) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including effects and impacts relating to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers;
and

(B) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

(12) ENVIRONMENTAL REVIEW.—The term “environmental review” means the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under NEPA.

(13) FEDERAL PERMITTING DIRECTOR.—The term “Federal Permitting Director” means the Federal Permitting Director appointed by the President under section 41002(b)(1)(A) of the FAST Act (42 U.S.C. 4370m–1(b)(1)(Δ)).
(14) LEAD AGENCY.—The term "lead agency" means the agency or agencies, in the case of joint lead agencies, preparing or having taken primary responsibility for preparing an environmental document.

(15) NEPA.—The term "NEPA" means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(16) PARTICIPATING AGENCY.—The term "participating agency" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(17) PROJECT SPONSOR.—The term "project sponsor" means an entity, including any private, public, or public-private entity, seeking an authorization for a project.

TITLE I—PROCEDURAL AND TECHNOLOGICAL REFORMS TO IMPROVE EFFICIENT AND EFFECTIVE REVIEWS

SEC. 101. PROGRAMMATIC ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Pursuant to regulations promulgated or guidance issued by the Chair under subsection (b), each agency may develop, and use, programmatic environmental reviews to address cumulative effects of agen-
(b) **REGULATIONS AND GUIDANCE.**—The Chair shall promulgate regulations relating to, or update the guidance of the Council on Environmental Quality entitled "Final Guidance for Effective Use of Programmatic NEPA Reviews" (79 Fed. Reg. 76986 (December 23, 2014)) to include, the development of programmatic environmental reviews for purposes of carrying out the requirements of NEPA, which shall provide direction to agencies on how to use programmatic environmental reviews to align with environmental reviews and authorizations required under other applicable Federal law, as appropriate.

(c) **TYPES OF PROGRAMMATIC ENVIRONMENTAL REVIEWS.**—A programmatic environmental review may include an analysis or evaluation of—

1. types of effects;
2. geographic locations;
3. agency programs of projects;
4. categories of similar actions;
5. complex projects with multiple phases; and
6. other categories, as identified by the Chair in regulations promulgated or guidance issued under subsection (b).
(d) **USE.**—Agency environmental documents shall rely on relevant decisions, analyses, commitments, and procedures identified in a final programmatic environmental review developed or adopted under subsection (a), as applicable, without the need for further analysis or public review, unless there are significant new circumstances or information relevant to environmental concerns that bear on a proposed agency action or the impacts of the proposed agency action.

(e) **REEVALUATION.**—

(1) **IN GENERAL.**—In regulations promulgated or guidance issued under subsection (b), the Chair shall establish a maximum period of time during which a programmatic environmental review may be used by an agency without any reevaluation, which shall not exceed a period of 10 years from the date on which the programmatic environmental review document was finalized.

(2) **REEVALUATION REQUIRED.**—

(A) **IN GENERAL.**—After the period of time established by the Chair pursuant to paragraph (1) has elapsed, an agency may continue to use the programmatic environmental review only after conducting a reevaluation to identify
any significant new circumstances or information.

(B) SUPPLEMENTAL ENVIRONMENTAL DOCUMENT.—An agency that identifies significant new circumstances or information under subparagraph (A) may update the applicable programmatic environmental review through a supplemental environmental document.

(f) SPECIFICATIONS.—A programmatic environmental review shall, to the extent that the review improves agency efficiency—

(1) provide the basis for a joint document;

(2) eliminate repetitive discussions of the same issue; and

(3) be consistent with—

(A) NEPA; and

(B) other applicable laws.

(g) ADDITIONAL REVIEWS.—

(1) IN GENERAL.—An agency may use an environmental assessment or applicable categorical exclusion for a project covered by a programmatic environmental review if that programmatic environmental review provides sufficient documentation of impacts, alternatives, and mitigation such that the project will not have reasonably foreseeable signifi-
cant impacts not evaluated in the programmatic en-
vironmental review.

(2) Supplemental Environmental Reviews.—An agency may use a programmatic envi-
ronmental review in conjunction with a supplemental environmental review that is confined to those speci-
fications or impacts that were not evaluated in the programmatic environmental review.

(h) Joint Environmental Reviews.—Agencies shall allow for the use of programmatic environmental re-
views to jointly conduct—

(1) environmental reviews under NEPA; and

(2) consultations or other analyses required under other applicable law.

(i) Federal Permitting Improvement Steering Council Environmental Review Improvement Fund.—Section 41009(d) of the FAST Act (42 U.S.C. 4370m-8(d)) is amended—

(1) in paragraph (2)—

(A) by striking "Amounts in the Fund shall be available to the Executive Director, without fiscal year limitation, solely for the pur-
poses of" and inserting "Amounts in the Fund shall be available to the Executive Director, without fiscal year limitation, for—
“(A) the purposes of”;

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) the development of programmatic environmental reviews with respect to carrying out the requirements of NEPA or any other applicable law, as appropriate, in accordance with section 101 of the Promoting Efficient and Engaged Reviews Act of 2023.”; and

(2) in paragraph (3)—

(A) by striking “amounts in the Fund to other Federal agencies” and inserting the following: “amounts in the Fund—

“(A) to other Federal agencies”; 

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) to other Federal agencies for activities to facilitate timely completion of environmental reviews and authorizations, including through the development of programmatic environmental reviews with respect to carrying out
the requirements of NEPA or any other applicable law, as appropriate, in accordance with section 101 of the Promoting Efficient and Engaged Reviews Act of 2023.”

SEC. 102. PROJECTS WITH MITIGATED EFFECTS.

(a) Definition of Mitigation.—In this section, the term “mitigation”, with respect to a project or program of projects, means 1 or more actions that—

(1) avoid an adverse environmental impact by not taking a certain action or parts of an action;

(2) minimize an adverse environmental impact by limiting the degree or magnitude of the action and its implementation;

(3) rectify an adverse environmental impact of the project or mitigate historic or legacy adverse environmental impacts in an affected community, including communities with environmental justice concerns, by repairing, rehabilitating, or restoring that community;

(4) reduce or eliminate an adverse environmental impact over time; or

(5) compensate for an adverse environmental impact by replacing an affected resource, or providing substitute resources or environments of the same or similar quality and type that would not oth-
erwise have been preserved or protected, in a manner that is proportionate to the type and extent of the adverse environmental impact.

(b) Mitigation of Environmental Impacts.—

(1) In general.—In a decision document for a project or program of projects, an agency may commit to perform, or may require or allow a project sponsor to commit to perform, mitigation of adverse environmental impacts of the project or program or projects.

(2) Monitoring.—An agency shall implement and monitor, or require the implementation and monitoring of, the mitigation commitments described in paragraph (1) to ensure the effectiveness of those commitments.

(c) Compensatory Mitigation.—An agency may rely on compensatory mitigation, including compensatory mitigation provided by a third party mitigation sponsor, that is reasonably expected to offset 1 or more adverse environmental impacts of a proposed project, to determine whether the reasonably foreseeable net effects of an action are not significant for particular resources, taking into consideration any adverse local environmental effects, and may determine the effects of a proposed project are not significant and that an environmental impact statement
is not required to be prepared for the proposed project, subject to the conditions that—

(1) the agency or project sponsor has avoided and minimized adverse impacts to the extent practicable, in the determination of the agency;

(2) the compensatory mitigation is enforceable, either by the agency or by parties to a compensatory mitigation commitment;

(3) the agency, project sponsor, or third party mitigation sponsor, as applicable, has a specific mitigation plan for implementing performance standards, monitoring, and long-term stewardship plans and funding for the compensatory mitigation for the duration of the adverse impact; and

(4) the decision document of the agency identifies—

(A) the mitigation measures that the agency or project sponsor is adopting and committing to implement, including any monitoring and enforcement plan applicable to those mitigation commitments;

(B) the responsible provider for a third-party mitigation activity and the entity overseeing the performance of the third-party compensatory mitigation mechanism; and
(C) relevant information from the mitigation plan described in paragraph (3).

(d) MITIGATION MECHANISMS.—

(1) IN GENERAL.—In performing, allowing, or requiring compensatory mitigation, an agency may rely on mitigation banking or conservation banking, in which the agency or project sponsor commits to perform or contributes to mitigation action, including through in-lieu fees, taken in advance of the project at a location other than the location in which a project is being carried out, and the beneficial effects of which have been documented, for the purpose of compensating for adverse impacts to resources resulting from a project.

(2) OVERSIGHT.—An agency that relies on mechanisms described in paragraph (1) shall include in its decision document provisions to ensure adequate oversight by the agency, project sponsor, or third party mitigation sponsor of the mitigation mechanism to ensure that the mitigation commitment provides an adequate and effective substitute to the impacted resources or environment.
SEC. 103. CONSIDERATION OF POSITIVE IMPACTS UNDER NEPA.

Section 102(2)(C) of NEPA (42 U.S.C. 4332(2)(C)) is amended—

(1) in each of clauses (i) through (iii), by striking the comma at the end and inserting a semicolon;

(2) in clause (iv), by striking "and" and inserting a semicolon;

(3) in clause (v), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(vi) any beneficial effects of the proposed action, including the reasonably foreseeable avoidance of, or reduction in concentration of, greenhouse gases or other air pollutants; and

(vii) any adverse effects that are reasonably foreseeable as a result of the proposed action not being implemented;".

SEC. 104. ENVIRONMENTALLY BENEFICIAL PROJECTS.

(a) IN GENERAL.—Consistent with section 1507.3 of title 40, Code of Federal Regulations (or a successor regulation), if an agency determines that a category of action described in subsection (b) has significant beneficial environmental effects, with no significant adverse effects, the
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1 agency shall develop a categorical exclusion to exclude that
2 category of action from review under NEPA.
3 (b) TYPES OF ACTIONS DESCRIBED.—Categories of
4 actions referred to in subsection (a) include actions relating to the—
5 (1) restoration or remediation of terrestrial or
6 aquatic habitats or other publicly-owned or publicly-
7 managed land or water; and
8 (2) removal or remediation of contaminants or
9 invasive species.
10 (c) ADDITIONAL CATEGORIES.—The Chair may issue
11 guidance or promulgate regulations to identify other categories of action that are consistent with subsection (a).

SEC. 105. CATEGORICAL EXCLUSIONS.

(a) IN GENERAL.—An agency may adopt a categorical exclusion that has been established by another agency, subject to the conditions that—
(1) the agency consults on the use of the categorical exclusion with the other agency to ensure that the use by the agency will be substantially similar to the use of the categorical exclusion by the other agency;
(2) the categorical exclusion was established by the other agency through an administrative process
consistent with section 1507.3 of title 40, Code of Federal Regulations (or a successor regulation);

(3) the agency provides a 45-day opportunity for notice and comment on the use of the categorical exclusion established by the other agency; and

(4) there are no special or extraordinary circumstances that negate the ability of the agency to categorically exclude a project, consistent with the NEPA implementing procedures of the agency.

(b) PROGRAMMATIC OR PROJECT-SPECIFIC BASIS.—

An agency may perform the consultation activities described in paragraph (1) of subsection (a) and notice and comment activities described in paragraph (3) of that subsection on a programmatic or project-specific basis.

SEC. 106. ADOPTION OF PRIOR PLANNING DECISIONS.

(a) DEFINITION OF PRIOR STUDIES AND DECISIONS.—In this section, the term "prior studies and decisions" means baseline data, planning documents, studies, analyses, decisions, and documentation that have been previously completed for a project by an agency, or under the laws and procedures of a State or an Indian Tribe, including for determining the reasonable range of alternatives for the project.

(b) RELIANCE ON PRIOR STUDIES AND DECISIONS.—In completing an environmental review under
NEPA for a project, an agency may consider, and, as appropriate, rely on or adopt, prior studies and decisions if the agency determines that—

(1) the prior studies and decisions are adequate to comply with analytical requirements under applicable Federal law and the NEPA implementing procedures of the agency;

(2) the applicable State or Tribal laws and procedures are of equal or greater rigor, as compared to each applicable Federal law and the NEPA implementing procedures of the agency, in the case of reliance on or adoption of prior studies and decisions produced by a State agency or Tribal agency;

(3) the prior studies and decisions are accessible to the public in a digital, searchable format and were prepared under circumstances that allowed for—

(A) opportunities for public participation;

and

(B) consideration of alternatives and environmental impacts; and

(4) to the extent that other analyses or documentation are required as part of the environmental review or authorization, the prior studies and decisions are informed by other analyses or documenta-
tion that would have been prepared if the prior studies and decisions were prepared by the lead agency pursuant to NEPA.

(c) INCORPORATION BY REFERENCE.—An agency may incorporate prior studies and decisions into environmental documents by reference, consistent with section 1501.12 of title 40, Code of Federal Regulations (or a successor regulation).

SEC. 107. PROCEDURES FOR CLIMATE CHANGE MITIGATION OR RESILIENCE PROJECTS.

(a) DEFINITION OF CLIMATE CHANGE MITIGATION OR RESILIENCE PROJECT.—In this section, the term “climate change mitigation or resilience project” means a project that avoids emissions of, or reduces concentration of, greenhouse gases or enhances the resilience of communities to the effects of climate change, including—

(1) a project to construct or operate zero-emission technology; and

(2) a project to enable zero-emission technology, such as transmission and charging infrastructure;

(3) a project to reduce atmospheric carbon, such as tree planting or soil carbon sequestration;

(4) a project to enhance resilience to the impacts of climate change, such as flooding, coastal
erosion, wildfires, drought, extreme heat; and urban heat islands; and

(5) any other type of project identified through rulemaking by the Council on Environmental Quality.

(b) PERMITTING PROCESS FOR CLIMATE CHANGE MITIGATION OR RESILIENCE PROJECTS.—

(1) LEAD AGENCY DESIGNATION AND ROLE.—

(A) DESIGNATION.—

(i) IN GENERAL.—The lead agency for a climate change mitigation or resilience project shall be the agency that has principal responsibility for the project.

(ii) DISPUTES.—In the event of a dispute relating to the determination of a lead agency under clause (i) for a climate change mitigation or resilience project, the Chair—

(I) shall expediently resolve the dispute; and

(II) may designate a lead agency for the climate change mitigation or resilience project.

(B) ROLE.—
(i) IN GENERAL.—The lead agency of a climate change mitigation or resilience project shall——

(I) designate a single point of contact for the climate change mitigation or resilience project, who shall assist the project sponsor in tracking the project timeline;

(II) identify and seek to minimize any project delays; and

(III) take such actions as are necessary and appropriate to facilitate the expeditious resolution of the environmental review for the climate change mitigation or resilience project.

(ii) COORDINATED PROJECT PLAN.—The lead agency, in coordination with each cooperating agency and participating agency, shall develop a coordinated project plan for the environmental review for the climate change mitigation or resilience project, which shall include——

(I) a list of, and roles and responsibilities for, all entities with envi—
environmental review or authorization responsibility for the climate change mitigation or resilience project;

(II) a permitting timetable, consistent with the schedule described in paragraph (3), establishing a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals, shall be made for the climate change mitigation or resilience project;

(III) a discussion of potential avoidance, minimization, and mitigation strategies; and

(IV) a plan and schedule for interagency coordination and public and Tribal outreach and coordination, to the extent required by applicable law.

(C) SAVINGS PROVISION.—Nothing in this section precludes an agency from serving as a joint lead agency for a climate change mitiga-
tion or resilience project, in accordance with NEPA.

(2) ENVIRONMENTAL DOCUMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), to the maximum extent practicable and consistent with Federal law, to achieve compliance with NEPA, all Federal authorizations and reviews that are necessary for a climate change mitigation or resilience project shall rely on a single environmental document, to the extent that the environmental document will enhance timely completion of the environmental review in the determination of the lead agency.

(B) USE OF DOCUMENT.—

(i) IN GENERAL.—To the maximum extent practicable, the lead agency shall develop environmental documents sufficient to satisfy the requirements of NEPA for any authorization or other Federal action required for the climate change mitigation or resilience project.

(ii) COOPERATION OF PARTICIPATING AGENCIES.—Each participating agency shall cooperate with the lead agency and
provide timely information to assist the lead agency in carrying out subparagraph (A).

(C) EXCEPTIONS.—A lead agency may waive the requirements of subparagraph (A) with respect to a climate change mitigation or resilience project if—

(i) the project sponsor requests that agencies issue separate environmental documents;

(ii) the obligations of a cooperating agency or participating agency under NEPA have already been satisfied with respect to the climate change mitigation or resilience project; or

(iii) the lead agency determines that reliance on a single environmental document described in that subparagraph would not facilitate timely completion of the environmental review or authorization process for the climate change mitigation or resilience project.

(3) PROJECT SCHEDULES.—To the maximum extent practicable and consistent with applicable Federal law, a lead agency shall, for a climate
change mitigation or resilience project, develop, with
the concurrence of each cooperating agency and in
consultation with the project sponsor, a schedule for
the climate change mitigation or resilience project
that is consistent with completing the environmental
review process—

(A) not later than 2 years after the date
on which the lead agency publishes in the Fed-
eral Register a notice of intent to prepare an
environmental impact statement to the record
of decision, in the case of a climate change
mitigation or resilience project for which the
lead agency determines that an environmental
impact statement is required, unless a senior
agency official of the lead agency approves a
longer period in writing and establishes a new
time limit; or

(B) not later than 1 year after the date on
which the lead agency determines that an envi-
ronmental assessment is required to a finding
of no significant impact, in the case of a cli-
mate change mitigation or resilience project for
which the lead agency determines that an envi-
ronmental assessment is required, unless a sen-
ior agency official of the lead agency approves
a longer period in writing and establishes a new
time limit.

(4) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) COOPERATION.—The lead agency and
each cooperating agency shall work coopera-
tively, in accordance with this section, to iden-
tify and resolve issues that could—

(i) delay final decisionmaking for any
authorization for a climate change mitig-
ation or resilience project;

(ii) significantly delay completion of
the environmental review for a climate
change mitigation or resilience project; or

(iii) result in the denial of any author-
ization required for a climate change miti-
gation or resilience project under applica-
ble law.

(B) ACCELERATED ISSUE RESOLUTION
AND REFERRAL.—

(i) IN GENERAL.—A cooperating
agency, a project sponsor, or the Governor
of a State in which a climate change miti-
gation or resilience project is located may
request an issue resolution meeting to be
conducted by the lead agency to resolve issues relating to a climate change mitigation or resilience project described in clauses (i) through (iii) of subparagraph (A).

(ii) INITIAL MEETING.—Not later than 30 days after the date on which a lead agency receives a request under clause (i), the project point of contact of the lead agency designated under paragraph (1)(B)(i)(I) shall convene appropriate staff for an issue resolution meeting, which shall include—

(I) the relevant cooperating agencies, including independent agencies (as applicable);

(II) the project sponsor; and

(III) a representative for the Governor of a State in which the climate change mitigation or resilience project is located, if the Governor requested the issue resolution meeting under clause (i).

(iii) ELEVATION.—If issue resolution is not achieved by 30 days after the date
on which the initial meeting is convened under clause (ii), the issue shall be elevated to the head of the lead agency, who shall convene a leadership issue resolution meeting not later than 90 days after the date on which the initial meeting is convened under that clause with—

(I) the heads of the relevant cooperating agencies, including independent agencies (as applicable) and any relevant Secretaries;

(II) the project sponsor; and

(III) the Governor of a State in which the climate change mitigation or resilience project is located, if the Governor requested the initial issue resolution meeting under clause (i).

(iv) Referral of Issue Resolution for Climate Change Mitigation or Resilience Projects.—

(I) In General.—If issue resolution for a climate change mitigation or resilience project is not achieved by 30 days after the date on which a leadership issue resolution meeting is
convened under clause (iii), the head
of the lead agency shall refer the mat-
ter to the Council on Environmental
Quality.

(II) MEETING.—Not later than
30 days after the date on which the
Council on Environmental Quality re-
ceives a referral from the head of a
lead agency under subclause (I), the
Council on Environmental Quality
shall convene an issue resolution
meeting with—

(aa) the head of the lead
agency;

(bb) the heads of relevant
cooperating agencies, including
independent agencies (as applica-
table);

(cc) the project sponsor; and

(dd) the Governor of a State
in which the climate change miti-
gation or resilience project is lo-
cated, if the Governor requested
the initial issue resolution meet-
ing under clause (i).
(v) **Recommendation to and resolution by the President.**—If issue resolution for a climate change mitigation or resilience project is not achieved in a meeting convened under clause (iv)—

(I) the Chair shall provide recommendations to the President relating to the resolution of the matter; and

(II) the President shall have the authority to resolve the matter.

(vi) **Extension of timelines.**—A timeline established under this paragraph may be extended on mutual agreement of the parties being convened, if the extension will facilitate a more efficient identification and resolution of issues.

SEC. 108. IMPROVING CERTAINTY.

(a) In General.—Section 102(2)(C)(i) of NEPA (42 U.S.C. 4332(2)(C)(i)) is amended by inserting "including the reasonably foreseeable direct, indirect, and cumulative effects," after "environmental impact".

(b) Limitations on Claims.—
(1) Definition of covered cause of action.—In this subsection, the term "covered cause of action" means a cause of action that—

(A) is filed on or after the date of enactment of this Act; and

(B) arises under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), seeking judicial review of a final agency action issuing or denying a project authorization that is subject to the requirements of NEPA.

(2) Limitations on claims.—Notwithstanding any other provision of law, a covered cause of action shall be barred unless the covered cause of action is filed not later than 3 years after publication in the Federal Register announcing that the applicable environmental document prepared for the project is final in accordance with NEPA, unless a shorter period of time is specified under Federal law pursuant to which judicial review is allowed.

(3) Venue for covered causes of action.—Notwithstanding any other provision of law, a covered cause of action may only be brought in the appropriate court of appeals of the United States.
1 SEC. 109. SEMICONDUCTOR PROGRAM.

Section 9909 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4659) is amended by adding at the end the following:

"(e) ENVIRONMENTAL REVIEW TRANSITION.—Each of the following shall be subject to the use of a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):

"(1) The provision by the Secretary of Federal financial assistance for a project relating to the construction, expansion, or modernization of a facility described in section 9902(a)(1), if, as of January 1, 2023, all other applicable environmental permits and approvals required for commencement of that project have been issued.

"(2) The review and approval by the Secretary of Defense of any activity relating to the creation, expansion, or modernization of one or more facilities described in the second sentence of section 9903(a)(1), or any activity relating to carrying out section 9903(b), if, as of January 1, 2023, the project sponsor has—

"(A) received all other applicable environmental permits and approvals required for commencement of that activity; and
"(B) commenced that activity."

TITLE II—ENSURING MEANINGFUL EARLY ENGAGEMENT

SEC. 201. FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL WITHIN CEQ.

(a) FPISC WITHIN CEQ.—

(1) FPISC WITHIN CEQ.—Section 41002(a) of the FAST Act (42 U.S.C. 4370m–1(a)) is amended by inserting "in the Council on Environmental Quality" after "There is established".

(2) FEDERAL PERMITTING DIRECTOR.—

(A) DEFINITION—Section 41001 of the FAST Act (42 U.S.C. 4370m) is amended—

(i) by striking paragraph (12);

(ii) by redesignating paragraph (13) as paragraph (12); and

(iii) by inserting after paragraph (12) (as so redesignated) the following:

"(13) FEDERAL PERMITTING DIRECTOR.—The term 'Federal Permitting Director' means the Federal Permitting Director appointed by the President under section 41002(b)(1)(A).".

(B) TRANSITION.—The individual serving as the Executive Director of the Federal Permitting Improvement Steering Council on the
day before the date of enactment of this Act shall be deemed to have been appointed as the Federal Permitting Director:

(C) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Executive Director of the Federal Permitting Improvement Steering Council shall be deemed to be a reference to the Federal Permitting Director.

(D) CONFORMING AMENDMENTS.—

(i) Section 41002(c)(1) of the FAST Act (42 U.S.C. 4370m−1(c)(1)) is amended, in the paragraph heading, by striking “EXECUTIVE DIRECTOR” and inserting “FEDERAL PERMITTING DIRECTOR”.

(ii) Section 41003 of the FAST Act (42 U.S.C. 4370m−2) is amended—

(I) in subsection (b)(4), in the paragraph heading, by striking “EXECUTIVE DIRECTOR” and inserting “FEDERAL PERMITTING DIRECTOR”; and

(II) in subsection (c)(3)(C)(ii), in the clause heading, by striking “Ex-
"EXECUTIVE DIRECTOR" and inserting "FEDERAL PERMITTING DIRECTOR".

(iii) Section 41008(a)(1) of the FAST Act (42 U.S.C. 4370m–7(a)(1)) is amended, in the paragraph heading, by striking "EXECUTIVE DIRECTOR" and inserting "FEDERAL PERMITTING DIRECTOR".

(iv) Title XLI of the FAST Act (42 U.S.C. 4370m et seq.) (as amended by subparagraph (A)) is amended by striking "Executive Director" each place it appears and inserting "Federal Permitting Director".

(b) COUNCIL ON ENVIRONMENTAL QUALITY OFFICES.—Title II of NEPA (42 U.S.C. 4341 et seq.) is amended—

(1) by redesignating section 209 as section 211; and

(2) by inserting after section 208 the following:

"SEC. 209. OFFICE OF ENVIRONMENTAL JUSTICE.

"(a) ESTABLISHMENT.—There is established in the Council the Office of Environmental Justice (referred to in this section as the 'Office')."

"(b) FEDERAL ENVIRONMENTAL JUSTICE OFFICER.—"
“(1) Establishment.—There is established the position of Federal Environmental Justice Officer, who shall be the head of the Office.

“(2) Appointment.—The Federal Environmental Justice Officer shall be appointed by the President.

“(3) Duties.—The Federal Environmental Justice Officer shall coordinate the implementation of environmental justice policy across the Federal Government.

“(4) Support.—The Environmental Protection Agency shall support the work of the Office.

“SEC. 210. OFFICE OF SUSTAINABILITY.

“(a) Establishment.—There is established in the Council the Office of Sustainability (referred to in this section as the ‘Office’).

“(b) Federal Chief Sustainability Officer.—

“(1) Establishment.—There is established the position of Federal Sustainability Officer, who shall be the head of the Office.

“(2) Appointment.—The Federal Sustainability Officer shall be appointed by the President.

“(3) Duties.—The Federal Sustainability Officer shall lead development of policies, programs, and partnerships to advance sustainability and climate
resilient Federal operations, consistent with the sustainability goals described in Executive Order 14057 (42 U.S.C. 4321 note; relating to catalyzing clean energy industries and jobs through Federal sustainability).

"(4) SUPPORT.—The Environmental Protection Agency shall support the work of the Office."

SEC. 202. SENIOR COMMUNITY ENGAGEMENT OFFICERS.

(a) DESIGNATION OF SENIOR COMMUNITY ENGAGEMENT OFFICERS.—

(1) IN GENERAL.—Consistent with guidance provided by the Director of the Office of Management and Budget, the head of each agency with authority for completing environmental reviews, permits, or analyses required by law shall designate 1 or more appropriate employees or officials of the applicable agency to serve as a Senior Community Engagement Officer (referred to in this section as an "SCO").

(2) RESPONSIBILITIES.—An SCO shall—

(A) oversee community engagement in environmental review and authorization processes carried out by the agency;
(B) advise the applicable head of the agency on matters relating to community engagement;

(C) identify, recommend, and implement approaches to expand and improve early, meaningful community engagement relating to—

(i) the environmental review and authorization processes carried out by the agency; and

(ii) agency decisionmaking relating to those processes;

(D) identify and avoid or resolve conflicts with affected communities—

(i) to align Federal actions with the needs and interests of those communities; and

(ii) to minimize the potential for delay of environmental review and authorization processes carried out by the agency;

(E) identify opportunities with affected communities to accelerate the environmental review and authorization processes carried out by the agency;

(F) provide technical support and capacity building, on request of a community, to enhance
the ability of communities to engage constructively in agency decisionmaking; and

(G) assist in developing and negotiating community benefits agreements consistent with section 204.

(3) REPORTING.—An SCO shall report directly to a deputy secretary (or equivalent) or higher in the agency in which the SCO serves.

(b) REGIONAL COMMUNITY ENGAGEMENT OFFICERS.—An agency may appoint Regional Community Engagement Officers to support community engagement in environmental review and authorization processes carried out by the agency within an applicable region, including activities—

(1) to identify and implement approaches to expand and improve early, meaningful community engagement relating to—

(A) the environmental review and authorization processes carried out by the agency; and

(B) agency decisionmaking relating to those processes;

(2) to identify and avoid or resolve conflicts with affected communities that have the potential to delay environmental review and authorization processes carried out by the agency;
(3) to identify opportunities with affected communities to accelerate the environmental review and authorization processes carried out by the agency;

(4) to provide technical support and capacity building, on request of a community, to enhance the ability of communities to engage constructively in agency decision making; and

(5) to assist in developing and negotiating community benefits agreements consistent with section 204.

(c) APPLICATION.—Notwithstanding any other provision of law, chapter 10 of title 5, United States Code (commonly known as the "Federal Advisory Committee Act"), shall not apply to stakeholder engagement processes or public comment activities that are required under or proceeding from a Federal environmental permitting process and led by an SCO or by a regional Community Engagement Officer appointed under subsection (b).

(d) FAST 41.—

(1) DEFINITION OF AGENCY SCO.—Section 41001 of the FAST Act (42 U.S.C. 4370m) (as amended by section 201(a)(2)(A)) is amended—

(A) by redesignating paragraphs (2) through (18) as paragraphs (3) through (19), respectively; and
(B) by inserting after paragraph (1) the following:

"(2) AGENCY SCO.—The term ‘agency SCO’ means the senior community engagement officer of an agency, as designated by the head of the agency under section 202(a)(1) of the Promoting Efficient and Engaged Reviews Act of 2023.”.

(2) DISPUTE RESOLUTION.—Section 41008(c)(2)(C)(i) of the FAST Act (42 U.S.C. 4370m–2(c)(2)(C)(i)) is amended by striking “agency CERPOs” and inserting “agency CERPOs, agency SCOs,”.

(3) ENVIRONMENTAL REVIEW IMPROVEMENT FUND.—Section 41009(d)(3) of the FAST Act (42 U.S.C. 4370m–8(d)(3)) is amended—

(A) by striking “facilitate timely” and inserting “facilitate early, meaningful community engagement and timely”; and

(B) by inserting “and agency SCOs” after “agency CERPOs”.

SEC. 203. OFFICE OF ENVIRONMENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS.

(a) ESTABLISHMENT.—There is established in the Environmental Protection Agency an Office of Environ-
mental Justice and External Civil Rights (referred to in this section as the "Office")—

(1) to lead the agency-wide effort of the Environmental Protection Agency in addressing the needs of communities with environmental justice concerns;

(2) to maximize the benefits of programs and activities of the Environmental Protection Agency to communities with environmental justice concerns; and

(3) to enforce Federal civil rights laws, which together prohibit discrimination by applicants for and recipients of financial assistance from the Environmental Protection Agency.

(b) Assistant Administrator for Environmental Justice and External Civil Rights.—The Office shall be led by an Assistant Administrator for Environmental Justice and External Civil Rights (referred to in this section as the "Assistant Administrator"), to be appointed by the President, by and with the advice and consent of the Senate.

(c) Duties.—The duties of the Office shall include—

(1) supporting the mission of the Environmental Protection Agency by providing leadership on environmental justice and external civil rights in the
programs and activities of the Environmental Protection Agency, in collaboration with other Federal agencies and partners;

(2) coordinating implementation of the environmental justice and external civil rights programs and activities described in paragraph (1) across—

(A) national programs and regions of the Environmental Protection Agency; and

(B) partnerships the Environmental Protection Agency has with other agencies and partners in State, Tribal, and local governments and communities;

(3) providing resources and other technical assistance on civil rights and environmental justice to partners in State, Tribal, and local governments and communities;

(4) engaging with communities with environmental justice concerns;

(5) providing support for community-led action relating to environmental justice; and

(6) providing service and expertise in alternative dispute resolution, environmental conflict resolution, consensus-building, and collaborative problem solving through the Conflict Prevention and
Resolution Center of the Environmental Protection Agency.

SEC. 204. COMMUNITY BENEFITS AGREEMENTS.

(a) Definition of Community Benefits Organization.—In this section, the term "community benefits organization" means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code formed to protect the human health and environment of communities in the area in which a proposed project is to be carried out.

(b) Consideration in NEPA.—In developing an environmental document for a project or program of projects, the head of an agency that is serving as the lead agency for the project shall take into consideration whether a project sponsor has entered into a community benefits agreement with a State, an affected unit of local government, an Indian Tribe, or a community benefits organization that may include the disbursement of funds for social, economic, or environmental benefits that will—

(1) offset impacts resulting from the construction or operation of the project; or

(2) address legacy or historical harm or cumulative impacts in the location in which the project is being carried out.
(c) Projects Requiring Environmental Impact Statements.—The head of an agency that is serving as the lead agency for a project may require a project sponsor to enter into a community benefits agreement with a State, an affected unit of local government, an Indian Tribe, or a community benefits organization for a project requiring preparation of an environmental impact statement to offset, in full or in part, any significant adverse social, economic, or environmental impacts resulting from the construction or operation of the project.

(d) Considerations.—In determining whether to require a project sponsor to enter into a community benefits agreement with a State, an affected unit of local government, an Indian Tribe, or a community benefits organization under subsection (c), the lead agency shall consider—

(1) the available resources of the project sponsor and avoidance of burdens on small business concerns;

(2) the scale of the project and degree of impacts, including cumulative impacts to communities with environmental justice concerns; and

(3) the benefits to a local community resulting from the project, relative to the impacts to the community resulting from the project.
(c) Negotiation.—

(1) In Sponsor.—A community benefits agreement described in subsection (b) or (c) shall be negotiated between the project sponsor and the State, affected unit of local government, or Indian Tribe, as applicable.

(2) Technical Assistance.—On request of a State, affected unit of local government, or Indian Tribe, the head of an agency that is serving as the lead agency may provide technical assistance to the State, affected unit of local government, or Indian Tribe in developing and negotiating a community benefits agreement described in subsection (b) or (c).

(3) Third Party Neutral.—For a community benefits agreement required by a lead agency under subsection (c), the lead agency—

(A) may request a representative of the Conflict Prevention and Resolution Center of the Environmental Protection Agency or the John S. McCain III National Center for Environmental Conflict Resolution to act as a neutral third party in the negotiation and preparation of the community benefits agreement; and
(B) shall reimburse the Environmental Protection Agency or the Udall Foundation, as applicable, for the reasonable costs of that service.

(4) MECHANISM FOR HOLDING FUNDS.—Negotiation relating to a community benefits agreement described in subsection (b) or (c) shall address the mechanism through which funds associated with the community benefits agreement will be held and dispersed, such as through a trust fund or similar instrument.

(f) USE OF FUNDS.—Funds received by a State, affected unit of local government, or Indian Tribe under a community benefits agreement described in subsection (b) or (c) shall be used for activities or infrastructure that—

(1) are beneficial to communities affected by the applicable project; and

(2) are identified as priorities by the applicable State, affected unit of local government, or Indian Tribe that is party to the community benefits agreement.

(g) INCLUSIONS.—A community benefits agreement may—

(1) address historical or legacy impacts that continue to contribute to cumulative impacts, identi-
fied under a community impact report pursuant to section 206(c); and

(2) include commitments by the project sponsor to hire members of the local workforce during construction, operation, or maintenance of the applicable project.

SEC. 205. WHITE HOUSE ENVIRONMENTAL JUSTICE INTERAGENCY COUNCIL.

(a) IN GENERAL.—The President shall maintain within the Executive Office of the President a White House Environmental Justice Interagency Council (referred to in this section as the "Council").

(b) PURPOSES.—The purposes of the Council are—

(1) to improve coordination and collaboration among agencies and to help advise and assist agencies in identifying and addressing, as appropriate, the disproportionate human health and environmental effects of Federal programs, policies, practices, and activities on communities of color, low-income communities, and Tribal and Indigenous communities;

(2) to promote meaningful involvement and due process in the development, implementation, and enforcement of environmental laws;
(3) to coordinate with, and provide direct guidance and technical assistance to, environmental justice communities, with a focus on increasing community understanding of the science, regulations, and policy related to agency actions on environmental justice issues;

(4) to address environmental health, pollution, and public health burdens in environmental justice communities, and build healthy, sustainable, and resilient communities;

(5) to develop and update a strategy to address current and historical environmental injustice, in consultation with the White House Environmental Justice Advisory Council and local environmental justice leaders, that includes—

(A) clear performance metrics to ensure accountability; and

(B) an annually published public performance scorecard on the implementation of the Council; and

(6) to support and facilitate interagency collaboration on programs and activities related to environmental justice, including the development of materials for environmental justice training to build the capacity of Federal employees to advance environ-
mental justice and to increase the meaningful participation of individuals from communities with environmental justice concerns in Federal activities.

(c) COMPOSITION.—

(1) IN GENERAL.—The Council shall be composed of individuals described in section 7(a) of Executive Order 14096 (88 Fed. Reg. 25251; relating to Revitalizing Our Nation’s Commitment to Environmental Justice for All).

(2) ADDITIONAL MEMBERS.—The Chair may include additional individuals from independent agencies on the Council, including individuals from the Nuclear Energy Regulatory Commission and the Federal Energy Regulatory Commission, as determined appropriate by the Chair.

(d) GOVERNANCE.—The Chair shall serve as Chairperson of the Council.

(e) REPORTING TO PRESIDENT.—The Council shall report to the President through the Chair.

(f) UNIFORM CONSIDERATION GUIDANCE.—

(1) IN GENERAL.—To ensure that there is a common level of understanding of terminology used in dealing with environmental justice issues, not later than 1 year after the date of enactment of this Act, after coordinating with and conducting outreach
to environmental justice communities, State governments, Tribal Governments, and local governments, the Chair, in consultation with the Council, shall develop and publish in the Federal Register a guidance document to assist agencies in defining and applying the following terms:

(A) Health disparities.

(B) Environmental exposure disparities.

(C) Demographic characteristics, including age, sex, and race or ethnicity.

(D) Social stressors, including poverty, housing quality, access to health care, education, immigration status, linguistic isolation, historical trauma, and lack of community resources.

(E) Cumulative effects or risks.

(F) Community vulnerability or susceptibility to adverse human health and environmental effects (including climate change).

(G) Barriers to meaningful involvement in the development, implementation, and enforcement of environmental laws.

(H) Community capacity to address environmental concerns, including the capacity to
obtain equitable access to environmental amenities.

(2) Public comment.—For a period of not less than 30 days, the Chair shall seek public comment on the guidance document developed under paragraph (1).

(g) Development of Interagency Federal Environmental Justice Strategy.—

(1) In general.—Not less frequently than once every 4 years, after notice and opportunity for public comment, the Chair, in consultation with the Council, shall update a coordinated interagency Federal environmental justice strategy to address current and historical environmental injustice, including clear performance metrics to ensure accountability.

(2) Annual performance scorecard.—The Chair, in consultation with the Council, shall annually publish a public performance scorecard on the implementation of the interagency Federal environmental justice strategy.

(h) Submission of report to President.—

(1) In general.—Not later than 180 days after updating the interagency Federal environmental justice strategy under subsection (g)(1), the Chair shall submit to the President a report that
contains a description of the implementation of the
interagency Federal environmental justice strategy.

(2) Public availability.—The head of each
agency that participates in the Council shall make
the report described in paragraph (1) available to
the public (including by posting a copy of the report
on the website of each agency).

(i) Administration.—

(1) Office of Administration.—The Office
of Administration within the Executive Office of the
President shall provide funding and administrative
support for the Council, to the extent permitted by
law and within existing appropriations.

(2) Other agencies.—To the extent per-
mitted by law, including section 1535 of title 31,
United States Code (commonly known as the “Econ-
omy Act”), and subject to the availability of appro-
priations, the Secretary of Labor, the Secretary of
Transportation, and the Administrator shall provide
administrative support for the Council, as necessary.

(j) Meetings and Staff.—

(1) Chairperson.—The Chair shall—

(A) convene regular meetings of the Coun-
cil;
(B) determine the agenda of the Council in accordance with this section; and

(C) direct the work of the Council.

(2) EXECUTIVE DIRECTOR.—The Chair shall designate an Executive Director of the Council, who shall coordinate the work of, and head any staff assigned to, the Council.

(k) OFFICERS.—To facilitate the work of the Council, the head of each agency that serves on the Council shall designate an Environmental Justice Officer within the agency, with the authority—

(1) to represent the agency on the Council; and

(2) to perform such other duties relating to the implementation of this section within the agency as the head of the agency determines to be appropriate.

(l) ESTABLISHMENT OF SUBGROUPS.—At the direction of the Chair, the Council may establish 1 or more subgroups consisting exclusively of Council members or their designees under this section, as appropriate.

SEC. 206. ENVIRONMENTAL JUSTICE ANALYSIS IN NEPA.

(a) DEFINITION OF MAJOR FEDERAL ACTION.—In this section, the term "major Federal action" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).
(b) PURPOSE.—The purpose of this section is to establish consistent protections relating to major Federal actions affecting communities with environmental justice concerns in recognition of the disproportionate burden of adverse human health or environmental effects faced by those communities.

(c) PREPARATION OF A COMMUNITY IMPACT REPORT.—A lead agency proposing to take a major Federal action shall prepare and make publicly available, as part of an environmental document required under NEPA, a community impact report assessing the potential impacts of the proposed major Federal action if that action—

(1) will require the preparation of an environmental assessment or environmental impact statement under NEPA; and

(2) has reasonably foreseeable adverse impacts to a community with environmental justice concerns.

(d) CONTENTS.—

(1) IN GENERAL.—A community impact report described in subsection (e) shall—

(A) assess the degree to which a proposed major Federal action affecting a community with environmental justice concerns will cause multiple or cumulative exposure to human
health and environmental hazards that exacerbate or contribute to adverse health outcomes;

(B) assess legacy pollution, including historical patterns of exposure to environmental hazards; and

(C) evaluate alternatives to or mitigation measures for the proposed major Federal action that will eliminate or reduce any identified significant exposure in a community with environmental justice concerns to human health and environmental hazards described in subparagraph (A).

(2) HAZARDS NOT WITHIN JURISDICTION OF AN AGENCY.—To the extent practicable, and consistent with section 1502.21 of title 40, Code of Federal Regulations (or a successor regulation), an agency shall assess the hazards described in paragraph (1)(B) even if those hazards are not within the control or subject to the discretion of the agency proposing the Federal action.

(e) COMMUNITY ENGAGEMENT.—In carrying out the requirements of this section for a proposed major Federal action that may affect a community with environmental justice concerns, an agency shall—
(1) provide early and meaningful community involvement opportunities; and

(2) notify communities of the involvement opportunities described in paragraph (1) through accessible communication methods, which may include electronic media, newspapers, radio, direct mailings, canvassing, and other outreach methods particularly targeted at communities with environmental justice concerns.

(f) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Chair shall promulgate regulations relating to conducting a community impact report described in subsection (c) of part of an environmental document.

SEC. 207. AVOIDING IMPACTS.

(a) DECLARATION OF NATIONAL ENVIRONMENTAL POLICY.—Section 101(a) of NEPA (42 U.S.C. 4331(a)) is amended—

(1) by striking "man" each place it appears and inserting "humankind"; and

(2) by striking "man's" and inserting "human".

(b) ENVIRONMENTAL REQUIREMENTS.—Section 102(2) of NEPA (42 U.S.C. 4332(2)) (as amended by section 103(1)) is amended—
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(1) by striking "insure" each place it appears and inserting "ensure";

(2) in subparagraph (A), by striking "man's"
and inserting "the human";

(3) in subparagraph (C)—

(A) by striking clause (iii) and inserting the following:

"(iii) a reasonable range of alternatives to the proposed action that—

"(I) are technically feasible;

"(II) are economically feasible;

"(III) meet the purpose and need
of the proposed action, consistent with section 1502.2 of title 40, Code of Federal Regulations (or a successor regulation); and

"(IV) to the extent practicable,
do not cause, contribute to, or fully
offset adverse environmental impacts,
including direct, indirect, or cumulative impacts;"; and

(B) in clause (iv), by striking "man's" and inserting "the human";
SEC. 208. TIMELY PUBLIC RELEASE OF NEPA DOCUMENTATION.

(a) IN GENERAL.—To achieve the goals described in section 1507.4 of title 40, Code of Federal Regulations (or a successor regulation), to allow agencies and the public to efficiently and effectively access information relating to environmental reviews required under NEPA, a lead agency shall post a link on the public website of the agency to environmental documents that are, to the extent practicable, available in a searchable, digital format, when those environmental documents prepared by the agency are finalized by the agency, including—

(1) notice of intent and other scoping notices;

(2) draft, final, and supplemental environmental impact statements;

(3) environmental assessments and Findings of No Significant Impacts;

(4) Record of Decision documents;

(5) any additional documentation related to NEPA analysis; and
(6) to the extent practicable, any documentation associated with a determination to proceed with an action under a categorical exclusion.

(b) Timing.—A lead agency shall publish the environmental documents under subsection (a) by not later than the earlier of—

(1) 3 days after the date on which the lead agency finalizes the environmental document; and

(2) 3 days after the date on which notice of the availability of the environmental document is published in the Federal Register.

(c) Cooperating Agencies.—A cooperating agency shall provide a link to the location on the website of the lead agency to the environmental documents on which the agency was a cooperating agency

SEC. 209. GRANTS FOR CAPACITY BUILDING AND COMMUNITY ENGAGEMENT.

(a) In General.—The Administrator shall make grants to States, units of local government, Indian Tribes, and nonprofit associations—

(1) for the purpose of increasing capacity building for environmental review and permitting activities; and

(2) to enhance community engagement opportunities related to environmental reviews.
(b) PURPOSES.—Grants made under this section shall be for—

(1) enabling States, units of local government, Indian Tribes, and nonprofit associations to compile data, conduct analyses, and complete other activities relating to State, local, and Tribal environmental reviews, permits, and consultations;

(2) engaging in planning activities and in the development and review of potential Federal actions that are subject to NEPA, for the purposes of—

(A) determining potential economic, social, public health, and environmental impacts; and

(B) identifying opportunities to mitigate those impacts;

(3) State and Tribal work—

(A) to identify zones for renewable energy;

(B) to facilitate renewable energy siting; or

(C) to provide technical assistance to units of local government to establish renewable energy zoning ordinances; and

(4) training, hiring of personnel, and other activities designed to increase the capacity of States, units of local government, Indian Tribes, and nonprofit associations, as applicable, to carry out activities described in paragraphs (1) through (3).
(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to the Environmental Protection Agency to make grants to entities described in subsection (a) under this section $500,000,000 for each of fiscal years 2024 through 2029.

(2) ENVIRONMENTAL REVIEW FUND.—In addition to amounts made available under paragraph (1), the Administrator may use amounts available in the Environmental Review Fund for the Environmental Protection Agency established under section 301(e) to make grants to entities described in subsection (a) under this section.

TITLE III—FACILITATING FEDERAL REVIEWS

SEC. 301. FEES FOR ENVIRONMENTAL REVIEWS.

(a) ESTABLISHMENT OF FEES.—

(1) IN GENERAL.—The head of each agency with authority for completing environmental reviews or authorizations required by law shall set, through regulations promulgated by that agency, fees for work to complete the environmental review and any authorization for a project.
(2) SPECIFICATIONS.—A fee established under paragraph (1) shall be—

(A) fair;

(B) sufficient to cover the costs to the agency of completing an environmental review or authorization; and

(C) consistent with any guidance established by the Council on Environmental Quality and the Office of Management and Budget under subsection (b).

(3) ADDITIONAL CONSIDERATIONS.—In establishing a fee under paragraph (1), the head of an agency may also consider—

(A) the value of the service or thing to the individual or entity that receives a completed environmental review, permit, or analysis;

(B) public interest served;

(C) the complexity of a project and number of agencies involved as cooperating agencies;

(D) potential impacts on small businesses; and

(E) other relevant factors, as determined by the agency.

(b) GUIDANCE.—Not later than 120 days after the date of enactment of this Act, the Council on Environ-
mental Quality and the Office of Management and Budget shall issue joint guidance to agencies to facilitate the consistent collection of information on fees and reporting of data under subsection (c)(5).

(e) ENVIRONMENTAL REVIEW FUNDS.—

(1) ESTABLISHMENT.—There is established at each agency with authority for completing environmental reviews or authorizations required by law an Environmental Review Fund (referred to in this subsection as a "Fund"), consisting of—

(A) fees established under subsection (a) that are collected by the agency; and

(B) amounts deposited in the Fund under section 302(c).

(2) AVAILABILITY.—Amounts in a Fund or amounts transferred to an agency under paragraph (3) shall be available to the applicable agency, without further appropriation, for—

(A) environmental review staff salaries and training and third-party contracts to support the completion of environmental reviews;

(B) completing environmental reviews and authorizations;

(C) environmental data collection;
(D) development of documents and analyses that will facilitate timely environmental reviews, including programmatic analyses and memoranda of understanding;

(E) costs associated with carrying out the requirements of section 302;

(F) monitoring compliance with agency decisions; and

(G) other activities and services that will facilitate timely environmental reviews, as determined by the head of the agency.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—An agency with a Fund shall have the authority to transfer funds to another agency—

(i) for work performed as a cooperating agency on a project that is subject to a fee established by an agency under subsection (a);

(ii) to cover the costs of conducting and completing responsibilities required under other Federal law for a project or program of projects on which an agency is serving as the lead agency; or
(iii) to fund liaison positions at another agency to facilitate interagency coordination and timely completion of environmental reviews and authorizations.

(B) ACCEPTANCE OF FUNDS.—An agency with a Fund shall have the authority to accept funding transferred by another agency under subparagraph (A).

(4) PROGRAMMATIC ENVIRONMENTAL REVIEW FUND.—

(A) ESTABLISHMENT.—An agency with a Fund may establish within the Fund a separate programmatic environmental review fund.

(B) CONTRIBUTION BY PROJECT SPONSORS.—An agency may allow a project sponsor or group of project sponsors to contribute to a programmatic environmental review fund to facilitate the development of a programmatic environmental review.

(C) FEES FOR PROGRAMMATIC ENVIRONMENTAL REVIEWS.—An agency that established a programmatic environmental review may establish fees, consistent with specifications and considerations under subsection (a), when the environmental document for a project carried
out by a project sponsor will tier off the pro-
grammatic environmental review, consistent
with section 1501.11 of title 40, Code of Fed-
eral Regulations (or a successor regulation).

(5) REPORT.—The head of each agency with a
Fund shall prepare, and make publicly available on
the website of the agency, an annual report on the
collection and use of fees established under sub-
section (a).

(6) CLARIFICATIONS.—

(A) AMOUNTS IN FUND.—Amounts in a
Fund shall supplement existing amounts au-
thorized to carry out activities described in
paragraph (2).

(B) POSITIONS.—An individual hired by an
agency using amounts in a Fund shall not be
subject to any limitation relating to the number
of full-time equivalent employees of the agency
otherwise imposed by law.

(d) WAIVER.—Fees established under subsection (a)
may exempt parties for which the fee would impose an
undue financial burden or is otherwise determined to be
inappropriate, as the determined by the applicable agency.
SEC. 302. FEDERALLY DIRECTED REVIEWS FOR NATIONALLY OR REGIONALLY SIGNIFICANT PROJECTS.

(a) PURPOSES.—The purposes of this section are—

(1) to enable agencies to identify opportunities to advance commercially-viable projects that—

(A) support national goals; and

(B) require an environmental review; and

(2) to complete any necessary environmental reviews and authorizations for projects described in paragraph (1)—

(A) to facilitate timely completion of environmental reviews for the project; and

(B) to limit risks to project sponsors associated with delays in receiving an authorization for a project.

(b) IDENTIFICATION OF PROJECTS.—

(1) PROJECT IDENTIFICATION.—

(A) IN GENERAL.—Each agency may identify nationally significant projects that would, if carried out, support national goals of reducing greenhouse gas emissions, enhancing climate resiliency or adaptation, improving the sufficiency and reliability of the national electrical transmission grid, or protecting public health.
(B) **JOINT AGENCIES.**—As appropriate, 2 or more agencies may jointly identify projects under subparagraph (A):

(C) **AUTHORITY AND EXPERTISE.**—In identifying projects under subparagraph (A), each agency shall identify projects—

(i) that are in the authority and expertise of the agency;

(ii) for which the agency will serve as the lead agency with responsibility for carrying out the environmental review for the projects pursuant to NEPA; and

(iii) for which the agency has a reasonable expectation that there will be a non-Federal entity interested in the opportunity to develop the project.

(2) **REQUIREMENTS.**—For each project identified under paragraph (1)(A), an agency shall—

(A) identify the location, area, or corridor where the project could be developed; and

(B) prepare an environmental document and complete any other required environmental review or authorization, as applicable, including—

(i) soliciting public comment;
(ii) coordinating with other agencies, as applicable;

(iii) conducting baseline analyses and surveys; and

(iv) conducting consultations with Tribal governments and other consultations required under Federal law; and

(C) resolve any litigation that may arise with respect to completing the environmental review.

(3) SPECIFICATIONS. — In carrying out the environmental review for a project identified under paragraph (1)(A), an agency—

(A) may establish parameters for the scale, impact, and location of the project, which—

(i) would provide an entity that successfully bids to develop the project under subsection (c)(1) flexibility in that development; and

(ii) shall be reasonably narrow enough—

(I) to take into account the nature of any impacts and benefits of the project; and
(II) to provide the public with sufficient information to engage and understand the impacts and benefits of the project;

(B) shall identify locations and project parameters based on the reasonably foreseeable expectation of avoiding or minimizing adverse environmental impacts, in the determination of the agency;

(C) may establish requirements for mitigation, including compensatory mitigation, of unavoidable environmental impacts, to be carried out by the entity that successfully bids to develop the project under subsection (e)(1); and

(D) may establish requirements for community benefits payments consistent with section 204.

(4) STATE AND LOCAL ENGAGEMENT.—

(A) PRIORITIES AND CONCERNS.—In identifying the location, area, or corridor where a project could be developed under paragraph (2)(A), an agency shall—

(i) consult and cooperate with the Governor of the State in which the project is located, any affected units of local gov-
ernment, and the governing body of any affected Indian Tribe to identify any priorities or concerns those entities may have; and

(ii) to the maximum extent practicable, take those priorities and concerns into account when identifying those locations, areas, or corridors.

(B) COOPERATIVE AGREEMENT.—

(i) IN GENERAL.—The head of an agency that identifies a project under paragraph (1)(A) may enter into a cooperative agreement with relevant affected State, local, or Tribal agencies to enable full participation of those agencies in the planning, development, and public engagement relating to the project.

(ii) OBJECTIONS.—A cooperative agreement entered into under clause (i) may establish procedures for negotiating and resolving objections that affected State, local, or Tribal agencies may have with respect to the planning and development of a project identified under paragraph (1)(A).
(5) ADDITIONAL REVIEWS.—If, following the
solicitation of bids under subsection (c)(1), a project
sponsor determines it necessary to significantly mod-
ify the project beyond the parameters established by
the lead agency, the lead agency shall conduct a sup-
plemental environmental review limited only to eval-
uating the effect of those changes.

(6) PROGRAMMATIC REVIEWS.—The authorities
described in this section may be applied toward the
development of programmatic environmental reviews
that evaluate a program of projects, or to activities,
including site monitoring and assessment, that may
be required prior to developing a project-specific en-
vironmental document.

c) BIDDING.—

(1) IN GENERAL.—For each project identified
under subsection (b)(1)(A), the agency shall solicit
bids, in accordance with paragraphs (2) and (3), and
consistent with the applicable agency authorities,
from private and non-Federal entities for the right
to develop the project.

(2) REQUIREMENTS.—A bid submitted under
paragraph (1) shall not be in an amount that is less
than the estimated cost to the applicable agency, as
determined by that agency, of carrying out the re-
requirements described in subsection (b)(2) for the applicable project.

(3) TIMING.—An agency may solicit bids under paragraph (1) at the completion of the final environmental document or conclusion of any litigation relating to the project.

(4) TRANSPARENCY.—Each agency that solicits bids under paragraph (1) shall make information publicly available on the successful bid for each project, which shall include—

(A) the name of the entity that successfully bid to develop that project;

(B) the total number of bids submitted to develop that project; and

(C) the amount of the successful bid submitted for that project.

(5) PROJECT SPECIFICATIONS.—A private or non-Federal entity that acquires the right to develop a project under paragraph (1) shall comply with the specifications of the project established under subsection (b)(3).

(d) ENVIRONMENTAL REVIEW FUND.—Amounts received by an agency as a result of bids received under subsection (e)(1) shall be deposited in the Environmental Review Fund of the agency established by section 301(c)(1).
(e) RECOMMENDATION OF PROJECTS.—Each agency that identifies projects under subsection (b)(1)(A) shall—

(1) provide an opportunity for the public to recommend projects, that align with the national goals described in that subsection, that the agency should identify and review under subsection (b)(2); and

(2) seek to identify and review projects that fill gaps identified by Rapid Response Permitting Task Forces established under section 307(a).

SEC. 303. INTERAGENCY ENVIRONMENTAL DATA SYSTEM.

(a) PURPOSE.—The purpose of this section is to advance the purposes of NEPA by improving the availability and shared use of environmental data, including geographic information system data, in implementing section 101 of that Act (42 U.S.C. 4331).

(b) ENVIRONMENTAL DATA SYSTEM.—

(1) IN GENERAL.—The Chair, in coordination with, and support from, the Administrator and the Director of the Office of Management and Budget (referred to in this section as the “Director”) and in consultation with the Federal Geographic Data Committee and heads of agencies with relevant geographic information system data, shall oversee the development of linked interagency environmental data collection systems that include georeferenced
qualitative and quantitative data for use by all agencies in preparing any environmental document and tracking environmental outcomes, including—

(A) documents required for compliance with NEPA;

(B) required monitoring data and information; and

(C) data on mitigation commitments required in documents described in subparagraph (A).

(2) GOALS.—In developing linked interagency environmental data collection systems under paragraph (1), the Chair, in coordination with the Administrator and the Director, shall seek—

(A) to standardize and enhance the use of nonconfidential geographic information and geospatial data in environmental review, authorization, and decisionmaking;

(B) to ensure that data is findable, accessible, interoperable, and reusable;

(C) to facilitate coordination between agencies, including up-to-date georeferenced information sharing about current agency actions;

(D) to enable project sponsors—
(i) to identify project locations that would avoid or minimize impacts; and
(ii) to conduct preliminary scoping of impacts;
(E) to improve the accuracy and efficiency of decisionmaking, facilitate the preparation of environmental documents, and expedite the environmental review process under NEPA;
(F) to reduce the duplication of efforts by agencies;
(G) to standardize the collection of environmental impacts and outcomes;
(H) to track long-term environmental outcomes, including the efficacy of mitigation commitments, and
(I) to provide critical information to the public.
(3) EXISTING DATA.—In developing linked interagency environmental data collection systems under paragraph (1), the Chair in coordination with the Administrator and the Director, shall interface relevant information from existing geographic information systems and other relevant systems and databases.
(4) AGENCY RESPONSIBILITIES.—Each agency with environmental review responsibilities or relevant environmental data shall—

(A) participate in the development of linked interagency environmental data collection systems under paragraph (1);

(B) make relevant environmental data available to be integrated into those linked interagency environmental data collection systems; and

(C) make environmental documents available to be integrated into those linked interagency environmental data collection systems.

(5) REQUIREMENTS.—

(A) ENVIRONMENTAL DATA SYSTEM.—
Linked environmental data collection systems required under paragraph (1) shall, at a minimum—

(i) include—

(I) digital geographic information system data or other location data for the activities for which an environmental impact statement or an environmental assessment was prepared;
(II) in a machine-readable format, each environmental impact statement and environmental assessment, including appendices, prepared pursuant to NEPA; and

(III) to the extent practicable, geographic information system data or other location data for documents, permits, monitoring reports, or reports prepared under State environmental review laws;

(ii) be searchable and sortable to allow users to find specific documents and specific types of information, such as—

(I) analysis of types of environmental impact;

(II) analysis of types of Federal actions;

(III) geographic location;

(IV) ecological, cultural, and historical features and resources; and

(V) other categories, as determined by the Chair, the Administrator, and the Director;
(iii) use an interactive, digital, and cloud-based platform; and

(iv) enable States to integrate relevant State-level environmental data.

(B) PUBLIC AVAILABILITY.—

(i) IN GENERAL.—The Chair, in coordination with the Administrator and the Director, shall make the linked interagency environmental data collection systems required under paragraph (I) publicly available, to the extent consistent with section 552 of title 5, United States Code, and any exemption from disclosure of sensitive site-specific information under applicable law.

(ii) PUBLIC OUTREACH TOOLS.—

Linked interagency environmental data collection systems required under paragraph (I) shall include tools that—

(I) enhance the abilities of agencies to conduct the public outreach and engagement required under NEPA;

(II) enable agencies to publish information regarding public engagement opportunities under NEPA; and
(III) facilitate opportunities for the public to provide agencies with relevant environmental or scientific information and data, including locally-specific environmental data, that could complement monitoring efforts and enhance evidence-based decision-making.

(c) ADDITIONAL TOOLS.—Agencies shall look for opportunities—

(1) to use, and to encourage recipients of Federal funding to use, sustainable, efficient review and construction practices; and

(2) to expand the use of digital processes within environmental reviews, construction, and maintenance activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Council on Environmental Quality to carry out the linked interagency environmental data collection systems required under subsection (b)(1) $20,000,000 for each of fiscal years 2023 through 2028.

SEC. 304. E-NEPA.

(a) PERMITTING PORTAL STUDY.—
(1) **In general.**—Not later than 1 year after the date of enactment of this Act, the Council on Environmental Quality shall conduct, and submit to Congress the results of, a study on the potential to create an online permitting portal for permits that require review under section 102(2)(C) of NEPA (42 U.S.C. 4332(2)(C)) that would—

(A) allow applicants—

(i) to submit required documents or materials relating to a permit application in 1 unified portal;   
(ii) to upload additional documents as required by the applicable agency; and   
(iii) to track the progress of individual applications;   
(B) enhance interagency coordination in consultation by—

(i) allowing for comments in 1 unified portal;   
(ii) centralizing data necessary for reviews; and   
(iii) streamlining communications between other agencies and the applicant; and
(C) boost transparency in agency decision-making.

(2) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Council of Environmental Quality to carry out this subsection $500,000.

(b) DIGITAL ENVIRONMENTAL REVIEW.—

(1) IN GENERAL.—A lead agency may use or allow a project sponsor to use digital, visual, or virtual tools and presentations, including through interactive and cloud-based platforms, in place of narrative text descriptions in any environmental impact statement or environmental assessment—

(A) unless an agency determines that doing so would not—

(i) facilitate more effective agency coordination and public review;

(ii) improve the ability of the public and stakeholders to engage with the environmental review process;

(iii) improve the ability of the public and stakeholders to have a deeper and more consistent understanding of the Federal action and its effects on the environment; or
(iv) facilitate long-term accessibility of data and information contained in the review for use in other environmental reviews and environmental monitoring; and

(B) subject to the requirement that those materials are archivable and made part of an accessible and permanent file relating to the environmental review and authorization.

(2) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Chair shall issue technology-neutral best practice guidance to encourage agencies and project sponsors to use an interactive, digital, cloud-based platform in carrying out the environmental impact analysis and community engagement processes required under NEPA.

(c) DIGITAL PLATFORMS FOR NEPA REVIEWS FOR INFRASTRUCTURE PROJECTS.—

(1) DEFINITIONS.—In this subsection:

(A) COVERED PROJECT.—The term "covered project" means a project that received a grant under any of the following:

(i) The nationally significant freight and highway projects program under section 117 of title 23, United States Code (commonly known as the "Infrastructure
for Rebuilding America (INFRA) grant program”.

(ii) The national infrastructure project assistance program under section 6701 of title 49, United States Code (commonly known as the “Mega grant program”).

(iii) The local and regional project assistance program under section 6702 of title 49, United States Code (commonly known as the “Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program”).

(iv) The program for national infrastructure investments (commonly known as the “Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program” and formerly known as the “Better Utilizing Investments to Leverage Development (BUILD) grant program”).

(B) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(2) PURPOSES.—The purposes of this subsection are—
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(A) to expedite the environmental review process at agencies and for the general public; and

(B) to facilitate interactive public stakeholder engagement and understanding of environmental impacts of proposed Federal actions.

(3) Digital platform demonstration projects.—

(A) In general.—The Secretary shall identify not less than 10 covered projects to demonstrate the use of interactive, digital, cloud-based platforms in carrying out the environmental impact analysis and community engagement processes required under NEPA.

(B) Voluntary participation.—The Secretary shall establish a process for projects that receive Federal funds from the Secretary to voluntarily participate in the demonstration project under subparagraph (A), which may include projects in States participating in the surface transportation project delivery program under section 327 of title 23, United States Code.

(C) Covered projects.—Notwithstanding any other provision of law, in selecting
covered projects to participate in the demonstration project under subparagraph (A), the Secretary shall give priority to applications for projects that demonstrate a plan to implement an interactive, cloud-based platform to carry out the environmental impact analysis and community engagement processes required under NEPA.

(4) REPORTS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the efficacy of using interactive, cloud-based platforms in carrying out environmental impact analysis and community engagement requirements under NEPA, including—

(i) metrics that describe estimates of achieved efficiencies, community engagement measures, and efficiencies enjoyed across agencies; and

(ii) examples of digital workflows enabled.
(B) PUBLICATION OF EXAMPLES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish on the website of the Department of Transportation, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 5 examples of an environmental impact statement, environmental assessment, or categorical exclusion document developed using an interactive, digital, cloud-based platform.

(5) SAVINGS PROVISION.—Nothing in this subsection affects or interferes with the authorities or responsibilities assumed by a State under section 327 of title 23, United States Code.

SEC. 305. UNIVERSITY PERMITTING WORKFORCE LEADERSHIP PROGRAM.

(a) IN GENERAL.—The Administrator, in consultation with the Chair, shall establish a program, to be known as the “University Permitting Workforce Leadership Program” (referred to in this section as the “program”).

(b) USE OF FUNDS.—Amounts made available to carry out the program shall be used to support the education and recruitment of personnel for environmental re-
view and permitting, including through financial assistance for scholarships, fellowships, and research at institutions of higher education in areas relevant to the programmatic mission of the applicable agency, with an emphasis on providing financial assistance with respect to the Federal permitting process.

(c) HUMAN CAPITAL PLANNING:—

(1) IN GENERAL.—Each agency with responsibility for environmental review and authorization shall develop and, on an annual basis, revise an environmental review workforce human capital plan that identifies workforce needs to facilitate efficient processes for environmental review and permitting, including the identification of gaps in funding and expertise, hiring challenges, and policies to mitigate turnover that will help avoid mid-project staffing changes.

(2) SUBMISSION TO EPA AND OMB.—Each agency described in paragraph (1) shall submit the environmental review workforce human capital plan required under that paragraph, and any revision to that plan, to—

(A) the Administrator; and

(B) the Director of the Office of Management and Budget.
(3) **PATHWAYS TO HIRING.**—An agency described in paragraph (1) may, in carrying out the environmental review workforce human capital plan of that agency required under that paragraph, use the pathways programs established under part 362 of title 5, Code of Federal Regulations (or a successor program), to facilitate the recruitment and hiring of personnel for environmental review and permitting.

(4) **USE OF PLANS.**—The Administrator shall use environmental review workforce human capital plans submitted to the Administrator under paragraph (2) to inform the work of the Administrator in carrying out subsection (b).

(5) **AUTHORITY TO PROVIDE FUNDS.**—An agency that, in preparing the environmental review workforce human capital plan pursuant to paragraph (1), has identified workforce gaps for the processes of the agency for environmental review and permitting, may—

(A) use funds made available to the agency as appropriate to support the program; and

(B) establish reimbursable agreements with the Administrator, another agency with environmental review and authorization respon-
sibilities, institutions of higher education, or
nonprofit entities to facilitate timely and effi-
cient environmental reviews and authorizations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out the program
$45,000,000 for each of fiscal years 2023 through 2028.

SEC. 306. FUNDED LIAISON POSITIONS.

(a) In General.—The head of an agency that is
serving as the lead agency for a project or program may
provide funds from the Environmental Review Fund of the
agency established by section 301(e)(1)—

(1) to fund liaison positions at affected State
agencies, units of local government, and Indian
Tribes participating in the environmental review
process for the project or program; or

(2) to fund other activities described in sub-
section (c), if the head of the agency determines that
providing the funds would substantially improve
timely completion of environmental reviews or en-
hance environmental outcomes.

(b) USE OF FUNDS.—Funds provided by an agency
under subsection (a) may only be provided to an affected
State agency, unit of local government, or Indian Tribe
to support activities that directly and meaningfully con-
tribute to facilitating an inclusive, science-based, timely,
efficient, and effective permitting and review process, including—
(1) carrying out public engagement activities, including in communities with environmental justice concerns;
(2) planning, collecting, and analyzing relevant data;
(3) scoping environmental impacts of the applicable project or program;
(4) reviewing environmental analyses; and
(5) conducting consultation processes for the project or program.
(c) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities referred to in subsections (a)(2) and (b) include—
(1) planning and feasibility activities that precede the initiation of the environmental review process for the applicable project or program;
(2) activities directly relating to the environmental review process for the project or program;
(3) hiring dedicated staffing;
(4) training agency personnel;
(5) information gathering and mapping activities;
(6) development and maintenance of decision support tools; and
(7) developing programmatic agreements.

(d) AMOUNTS.—Funds provided under subsection (a) may only be in an amount that the head of the applicable agency determines is necessary for affected State agencies, units of local government, or Indian Tribes participating in the environmental review process for a project or program to meet the schedules for environmental review.

(e) AGREEMENT.—Prior to providing funds under subsection (a) for the purpose of funding liaison positions or other activities described in subsection (c), the applicable agency and affected State agency, unit of local government, or Indian Tribe, as applicable, shall enter into an agreement that establishes the projects and priorities to be addressed by the use of those funds.

(f) PRIVATE SECTOR LIAISONS.—

(1) IN GENERAL.—The head of an agency that is serving as a lead agency or cooperating agency may allow a project sponsor—

(A) to fund a liaison position in the lead agency or cooperating agency, as applicable; or

(B) to contribute funds to support a liaison position in an affected State agency, unit of local government, or Indian Tribe participating in the environmental review process for a project or program.
(2) **AUTHORITY.**—An agency that receive funds from a project sponsor under paragraph (1) shall have sole authority over the hiring, management, and termination of liaison positions established with those funds.

(3) **ADDITIONAL AGREEMENT.**—Prior to receiving funds under paragraph (1) for the purpose of establishing a liaison position described in subparagraph (A) of that paragraph, the head of the lead agency or cooperating agency, as applicable, and the project sponsor may enter into an agreement relating to the project and priorities to be addressed by the funded liaison position.

(4) **NO EFFECT ON OUTCOMES.**—Receipt of funding provided by a project sponsor under paragraph (1) is not intended to have any effect on the content or outcome of environmental reviews or decisions relating to the project or program proposed by the project sponsor that provided the funding.

**SEC. 307. RAPID RESPONSE PERMITTING TASK FORCES.**

(a) **RAPID RESPONSE PERMITTING TASK FORCES.**—The Federal Permitting Director shall convene inter-agency sector-specific teams of experts, including independent agencies, as appropriate, (referred to in this section as a “Rapid Response Permitting Task Force”) to
advance the responsible build-out and modernization of United States infrastructure by facilitating interagency coordination on siting, permitting, supply chain, and related issues.

(b) SECTORS.—The sectors to be covered by Rapid Response Permitting Task Forces shall be at the discretion of the Federal Permitting Director, but shall include—

(1) offshore wind energy;
(2) onshore renewable energy;
(3) transmission;
(4) the production and processing of critical minerals; and
(5) environmental restoration and nature-based projects.

(c) RESPONSIBILITIES.—Each Rapid Response Permitting Task Force shall—

(1)(A) monitor the status of large, complex, or nationally or regionally significant projects and programs of projects;
(B) provide regular updates to the Federal Permitting Director on those projects;
(2) identify infrastructure gaps where projects would be appropriate for development with a federally-directed review consistent with section 302(a);
(3) seek to reduce bottlenecks and facilitate the successful and timely review of permit applications for projects in the respective sector of the Rapid Response Permitting Task Force;

(4) identify strategies to address disputes or complicated issues with respect to projects and programs of projects described in paragraph (1)(A), including opportunities to prepare new programmatic analyses and approaches; and

(5) submit an annual report to the Federal Permitting Director identifying environmental review and permitting issues that pose a challenge to the successful and timely review of permit applications for projects in the respective sector of the Rapid Response Permitting Task Force, including factors relating to personnel, budget, processes, interagency coordination, administration, policies, or legal considerations.

(d) ISSUE RESOLUTION.—The Federal Permitting Director shall—

(1) resolve issues described in subsection (c)(5), where practicable; or

(2) issue recommendations to the heads of the relevant agencies on how to resolve those issues.
TITLE IV—BUILDING OUT CRITICAL INFRASTRUCTURE FOR ZERO-EMISSION TECHNOLOGY

SEC. 401. GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"SEC. 30. GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

"The Secretary shall evaluate and seek to provide parity for Federal drilling permits for geothermal exploration and production activities as compared to Federal drilling permits for oil and gas exploration and production activities conducted on a non-Federal surface estate, including consideration of adoption or establishment of categorical exclusions relating to geothermal exploration and production activities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 402. NEXT GENERATION HIGHWAYS.

(a) In General.—Section 111 of title 23, United States Code, is amended by adding at the end the following:

"(f) Next Generation Highways.—

"(1) In general.—The Secretary shall identify and expand opportunities for highway rights-of-way to be used for the mitigation of climate change,
including through deployment of electrical transmission and distribution projects, renewable energy generation and storage, and alternative fueling or charging facilities, and through use for habitat conservation and as wildlife corridors.

"(2) UTILITY SITING.—Notwithstanding any provision of State or local law, the Secretary shall ensure that the siting of utilities, including electrical transmission and distribution projects, renewable energy generation and storage, broadband and communication infrastructure, and alternative fueling or charging facilities, is allowed on rights-of-way of the Federal-aid highway system, unless the Secretary determines that the siting would conflict with safe use of the highway.

"(3) USE OF REAL PROPERTY INTERESTS.—Use of real property interests to site high voltage transmission lines, renewable energy generation, broadband and communication infrastructure, or alternative fueling or charging facilities on highway rights-of-way—

"(A) shall be considered to be in the public interest; and
"(B) shall not require any additional approval from the Federal Highway Administration.".

(b) STUDY AND GUIDANCE.—

(1) STUDY AND BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Highway Administration shall conduct, and publish a report on the results of, a study on best practices for siting high voltage transmission lines on highway rights-of-way, including recommendations on practices—

(A) to ensure safety;

(B) to facilitate future highway maintenance and construction work;

(C) to facilitate future maintenance work for the transmission lines;

(D) to integrate transmission planning and siting into transportation planning; and

(E) to facilitate electrical needs for light-duty, medium-duty, and heavy-duty rapid charging infrastructure on public roadways.

(2) GUIDANCE.—Not later than 180 days after the date on which the report under paragraph (1) is published, the Administrator of the Federal Highway Administration shall issue guidance and provide
technical assistance to States on updates to Utility Accommodation Policies of the State to facilitate the accommodation of high voltage transmission lines, renewable energy generation, broadband and communication infrastructure, or alternative fueling or charging facilities on highway rights-of-way.

(e) INCENTIVES FOR ELECTRIC GRID RELIABILITY.—The Secretary of Transportation shall identify opportunities to provide incentives for the siting of high voltage transmission lines on transportation rights-of-way that would significantly increase interregional transmission and electric grid reliability, including through the use of selection criteria for discretionary grants under title 23, United States Code.

(d) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Of the amounts apportioned to a State under section 104(b)(1) of title 23, United States Code, for each fiscal year, a State may use not more than $1,000,000 to support operational and maintenance expenses related to use of highway rights-of-way for high voltage transmission lines.

(2) HIGH VOLTAGE TRANSMISSION LINES.—In the case of a project for which a State uses Federal funds to accommodate high voltage transmission
lines on highway rights-of-way, the amounts described in paragraph (1) may be used to enable the use of electricity by a State or local public agency, including for charging infrastructure for vehicles owned by the State or local public agency.

SEC. 403. CONNECTING HARD-TO-REACH AREAS WITH RE-NEWABLY GENERATED ENERGY.

(a) FINDINGS.—Congress finds that—

(1) current transmission planning is fractured across many jurisdictions, prioritizes incumbent entities and highly localized transmission, and fails to identify cost-effective solutions for 21st century needs;

(2) the historical structure, regulations, and incentives of the electric power system lead to under-planning and under-investment in the regional and interregional transmission lines that are needed for a reliable and resilient grid;

(3) much of the existing transmission infrastructure of the United States is in need of significant upgrade or replacement;

(4) the energy sector of the United States is at a critical juncture, with a rapidly changing power generation mix and new public policy mandates;
(5) it is imperative to proactively plan for electricity transmission in the future, including by taking into account long-term changes to demand and load growth;

(6) renewable energy resources must be incorporated into the grid efficiently in order to meet State and Federal decarbonization goals;

(7) the public desires, and has a right to, electricity data that is transparent, organized, and accessible;

(8) having reliable and diverse sources of electricity generation is a foundational need for the entire economy;

(9) climate change has increased the frequency and intensity of severe weather events that affect the grid;

(10) it is in the national interest to implement policies that provide effective electric infrastructure to save consumers money, avoid preventable damage, ensure energy reliability, and save lives;

(11) the Federal Government has a responsibility to combat rising transmission costs and ensure customers receive just and reasonable rates for electricity; and
(12) industry experience, scientific studies, and modern examples of reformed electricity transmission provide confidence that new public policies and regulatory guidance will achieve more efficient and beneficial planning than the status quo.

(b) Definitions.—In this section:


(2) Independent system operator.—The term "Independent System Operator" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(3) Interconnection customer.—The term "interconnection customer" means an individual or entity that has submitted to the owner or operator of a transmission facility or transmission system a request to interconnect a generation project or energy storage project that is subject to the jurisdiction of the Commission.

(4) Interregional transmission planning process.—The term "interregional transmission planning process" means a joint process by transmission providers in 2 or more adjacent transmission planning regions to evaluate electric energy transmission needs.
(5) LOAD-SERVING ENTITY.—The term "load-serving entity" has the meaning given the term in section 217(a) of the Federal Power Act (16 U.S.C. 824q(a)).

(6) PRICING NODE.—The term "pricing node" means a specific electrical bus location on the grid where an injection or withdrawal of power is modeled.

(7) REGIONAL TRANSMISSION ORGANIZATION.—The term "Regional Transmission Organization" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(8) TRANSMISSION FACILITY.—The term "transmission facility" means a facility that is used for the transmission of electric energy in interstate commerce.

(9) TRANSMISSION PLANNING REGION.—The term "transmission planning region" means a region for which electric energy transmission planning is appropriate, as determined by the Commission, such as a region established pursuant to the guidance in the final rule of the Commission entitled "Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities" (76 Fed. Reg. 49842 (August 11, 2011)).
(10) **Transmission Provider.**—The term "transmission provider" means a public utility (as defined in section 201(e) of the Federal Power Act (16 U.S.C. 824(e))) that owns, operates, or controls 1 or more transmission facilities.

(c) **Transmission Planning and Cost Allocation.**—

(1) **Rulemaking.**—Not later than 18 months after the date of enactment of this Act, the Commission shall promulgate a final rule that establishes transmission planning processes and cost-allocation processes that—

(A) ensure that transmission providers—

(i) engage in formalized interregional transmission planning processes and interconnection-wide transmission planning processes, in conjunction with transmission planning processes within transmission planning regions;

(ii) harmonize interregional transmission planning processes and interconnection-wide transmission planning processes with other transmission planning regions, such as by using a joint model on a consistent timeline with a unified set of
minimum requirements regarding needs, input assumptions, and benefit metrics;

(iii) include as part of planning and cost-allocation processes the use of grid-enhancing transmission technologies and nontransmission alternatives that increase delivery of power over transmission networks, including, at a minimum—

(I) dynamic line ratings;

(II) topology optimization;

(III) power flow control;

(IV) advanced conductors; and

(V) storage-as-transmission;

(iv) conduct interregional and interconnection-wide planning regularly and not less frequently than once every 3 years;

(v) conduct system-wide planning based on a range of possible future load and generation scenarios; and

(vi) are required to incorporate in a transmission planning process the full scope of benefits of transmission investment, including, at a minimum—

(I) reduced costs of electric energy to customers, including reduced
costs associated with lower quantities
of necessary capacity, ancillary serv-
ices, and reserve margins;

(II) access to resources in neigh-
boring transmission planning regions;

(III) the transmission of renew-
able energy or the ability of renewable
energy to connect to the grid;

(IV) improvements in reliability,
resilience, and flexibility of the grid,
including, at a minimum—

(a) reduced loss of load
probability;

(bb) increased resource di-
versity;

(cc) increased climate hard-
ening; and

(dd) increased ability to
maintain functionality during re-
gionally appropriate weather con-
ditions and severe weather sce-
narios;

(V) leveraging resources across
climatological patterns or time zones
to account for resource availability
and weather patterns;

(VI) avoidance, to the maximum
extent practicable, of sensitive envi-
ronmental areas and cultural heritage
sites;

(VII) reasonable and economical
use of existing rights-of-way;

(VIII) market facilitation bene-
fits, including, at a minimum, in-
creased competitiveness, liquidity, and
integrity of broader geographic mar-
kets;

(IX) avoided costs and deferred
cost savings, including reduced gen-
eration costs and reduced future
transmission investment costs;

(X) the integration of grid-en-
hancing technologies;

(XI) meeting local, State, and
Federal policy goals, including goals
established in decarbonization, cli-
mate, and clean energy laws (including regulations);
(XII) protections to maintain just and reasonable rates for customers; and

(XIII) any other production costs savings or other economic benefits from proposed transmission projects;

(B) require that regional and interregional cost-allocation methodologies allocate costs on the basis of the multiple benefits described in subclauses (I) through (XIII) of subparagraph (A)(vi);

(C) incorporate a 10- to 20-year future resource mix for each load-serving entity and State, which may require a load-serving entity to make publicly available the resource plans of the load-serving entity if, in the determination of the Commission, those plans are not adequately described in publicly stated plans in Securities and Exchange Commission filings, State agency filings, and power purchase contracts;

(D) prioritize interregional cost-benefit considerations over regional cost-benefit considerations;
require transmission providers to maximize the use of portfolio-based cost allocations;

(F) in cases in which costs and benefits are difficult to quantify, may allocate transmission investment costs among transmission system customers in proportion to—

(i) in the case of regional projects, the share of electricity of each customer in the region; or

(ii) in the case of interregional projects, the share of electricity of each customer in each applicable region; and

(G) to the extent practicable, prevent transmission providers from using cost-allocation methodologies that—

(i) discourage distributed generation, energy efficiency, demand response, or storage if more economic than transmission;

(ii) are constrained by consideration only of benefits that are easy to allocate; or
(iii) undermine previous cost-allocation agreements for projects already in operation.

(2) **TECHNICAL CONFERENCE.**—

(A) **IN GENERAL.**—As part of the rule-making process under paragraph (1), the Commission may convene a technical conference to consider implementation details, as the Commission determines to be appropriate.

(B) **PARTICIPATION.**—

(i) **LEADERSHIP.**—A technical conference convened under subparagraph (A) may be led by the members of the Commission.

(ii) **PARTICIPATION.**—The Commission may invite to participate in a technical conference convened under subparagraph (A) representatives of residential rate-payers, transmission providers, environmental justice and equity groups, Tribal communities, Independent System Operators, Regional Transmission Organizations, consumer protection groups, renewable energy advocates, State utility commission
and energy offices, and such other entities
as the Commission determines appropriate.

(iii) **TIMELINE.**—The Commission
may establish and enforce a timeline for a
technical conference convened under sub-
paragraph (A) that discourages actions by
participants that may unnecessarily delay
the conference.

(C) **PUBLIC COMMENT.**—The Commission
may provide an opportunity for public comment
on the topics considered by a technical con-
ference convened under subparagraph (A).

(3) **OFFICE OF PUBLIC PARTICIPATION.**—The
Commission shall consult the Office of Public Par-
ticipation during the rulemaking process under para-
graph (1), including with respect to—

(A) guidance on public participation re-
quirements;

(B) communications with the public con-
cerning transmission planning that may impact
local communities and land owners, including
Tribal, indigenous, and environmental justice
communities; and

(C) minimum data transparency and ac-
cess requirements.
(4) **JOINT FEDERAL-STATE TASK FORCE ON ELECTRIC TRANSMISSION.**—The Commission may consult the Joint Federal-State Task Force on Electric Transmission in any actions that—

(A) involve shared Federal and State regulatory authority and processes; or

(B) would benefit from a combined Federal and State perspective.

(d) **INTERREGIONAL MINIMUM TRANSFER REQUIREMENTS.**—

(1) **ELECTRIC RELIABILITY.**—Section 215(i)(2) of the Federal Power Act (16 U.S.C. 824o(i)(2)) is amended by striking "or transmission".

(2) **RULEMAKING.**—Not later than 18 months after the date of enactment of this Act, the Commission shall promulgate a final rule that establishes a minimum transfer capability that—

(A) shall govern minimum transfer requirements between transmission planning regions;

(B) achieves reliability and resilience standards during plausible extreme weather scenarios;

(C) optimizes efficiency of delivering renewable energy to demand centers; and
(D) incorporates the best available science relating to energy transmission, climatological patterns, climate change causes and impacts, grid reliability, and grid resiliency, including study results from the Department of Energy or National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)).

(e). **DATA TRANSPARENCY.**—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 224. DATA TRANSPARENCY.

"(a) IN GENERAL.—The Commission shall require all public utilities and other entities subject to the jurisdiction of the Commission to make hourly operating data transparent and accessible to the public, including—

"(1) as original source data posted in a timely manner; and

"(2) through coordination with an online database operated by the Administrator of the Energy Information Administration,

"(b) DATA.—Data made publicly available under subsection (a) shall—

"(1) be organized and easy to understand;
“(2) be centralized and provided in usable formats, including an application programming interface;

“(3) be available free of charge or at-cost;

“(4) be published in a timely manner;

“(5) include generation by fuel type; and

“(6) include average and hourly, or more frequent if technologically feasible, marginal greenhouse gas emissions per megawatt hour of electricity generated within the metered boundaries of each entity and for each pricing node.

“(c) COMMERCIAL PRODUCTS.—The Commission may identify and reduce regulatory barriers to the development of commercial products that use the data made publicly available under subsection (a) in order to provide verifiable emissions reductions, including short- and long-term nodal congestion products.

“(d) APPROPRIATION.—In addition to amounts otherwise made available to the Administrator of the Energy Information Administration, there is appropriated to the Administrator of the Energy Information Administration for fiscal year 2023, out of any funds in the Treasury not otherwise appropriated, $10,000,000 to develop and operate the database described in subsection (a)(2), to remain available until expended.”.
(f) Promoting Competition for Generation.—

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by subsection (c)) is amended by adding at the end the following:

"SEC. 225. DUE REGARD FOR FAIR COMPETITION.

"(a) In General.—In order to effectively protect against the exercise of market power through affiliate abuse, the Commission shall require that any new generation described in subsection (b) is procured through a competitive process and without any right of first refusal for an incumbent utility, subject to subsection (e).

"(b) New Generation Described.—The new generation referred to in subsection (a) is new generation that is—

"(1) above a Commission-determined size threshold,

"(2) above a Commission-determined cost materiality threshold; and

"(3) ultimately used to sell power in interstate commerce.

"(c) Exemption.—New generation that is procured through a process administered by a Regional Transmission Organization or an Independent System Operator is exempted from the requirements of subsection (a)."
(g) **STATE SUBSIDIES.**—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by subsection (f)) is amended by adding at the end the following:

**SEC. 226. STATE SUBSIDIES.**

"In order to promote competition in wholesale markets, reliability, and affordability, the Commission shall not use price mitigation methods to counteract the effects of State subsidies for renewable energy resources."

(h) **OFFICE OF TRANSMISSION.**—Part III of the Federal Power Act is amended by inserting after section 317 (16 U.S.C. 825p) the following:

**SEC. 318. OFFICE OF TRANSMISSION.**

"(a) **ESTABLISHMENT.**—There shall be established in the Commission an office, to be known as the ‘Office of Transmission’ (referred to in this section as the ‘Office’).

"(b) **DIRECTOR.**—The Office shall be administered by a Director, who shall be appointed by the Chairman of the Commission.

"(c) **DUTIES.**—The Director of the Office shall—"

"(1) review transmission plans submitted by public utilities in accordance with the regional and interregional transmission planning processes, including the processes established pursuant to section 206;"
"(2) coordinate transmission-related matters of the Commission, as the Commission determines appropriate;

"(3) carry out the responsibilities of the Commission under section 216, in coordination with the Office of Energy Projects of the Commission;

"(4) review opportunities for innovation in transmission planning and operation, including deployment of grid-enhancing technologies, advanced conductors, and other approaches; and

"(5) provide oversight of interregional transmission planning activities."

(i) INTERCONNECTION.—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations, or revise existing regulations—

(1) to prohibit a public utility from requiring an interconnection customer to exclusively or disproportionately fund, without reimbursement, the costs of any network upgrade identified as necessary for the interconnect request of the interconnection customer;

(2) to encourage cost-sharing models that reflect the broad set of benefits and beneficiaries for any network upgrades identified as needed in an interconnection or affected system study, subject to
the requirement that the model adheres to any requirements established under paragraph (1); and

(3) to alleviate interconnection backlogs and reduce informational and procedural barriers in interconnection, which may include—

(A) the establishment of an interconnection analysis center within the Office of Transmission established under section 318 of the Federal Power Act; and

(B) consultation with staff and the use of other resources of the Department of Energy.

(j) INDEPENDENT TRANSMISSION MONITOR.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, for the purpose of monitoring the planning and operation of transmission facilities in transmission planning regions, the Commission shall—

(A)(i) require each transmission planning region to establish an independent entity to monitor the planning and operation of transmission facilities in the transmission planning region; and

(ii) establish a council, to be known as the "Council of Transmission Monitors"—
(I) to provide oversight of each independent entity established pursuant to clause (i); and

(II) to ensure interregional collaboration and consistency; or

(B) establish an independent entity to monitor the planning and operation of transmission facilities in all transmission planning regions.

(2) ROLE OF TRANSMISSION MONITOR.—An independent entity described in subparagraph (A)(i) or (B) of paragraph (1) shall, as applicable—

(A) review the operation of applicable transmission planning regions for inefficiency and practices that may lead to unjust and unreasonable rates;

(B) review transmission planning processes;

(C) review costs of transmission facilities, including identifying inefficiencies among local, regional, and interregional planning;

(D) provide examples and advice to transmission providers on appropriate regional transmission operations, planning, and cost-allocation processes; and
(E) identify situations in which, with respect to a transmission planning process—

(i) nonwire alternatives may be more cost-effective than transmission;

(ii) grid-enhancing technologies may be appropriate; or

(iii) high-capacity, interregional lines may be—

(I) more cost-effective; or

(II) a more appropriate reliability and resilience alternative.

(k) ADVISORY COMMITTEE

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall establish an advisory committee (referred to in this subsection as the "committee") to make recommendations on—

(A) oversight and governance of Independent System Operators or Regional Transmission Organizations;

(B) stakeholder participation best practices—

(i) that ensure transparency, accountability, independence, oversight, and fair representation; and
(ii) the purpose of which are to promote competition, reliability, and affordability in all transmission planning regions;

(C) enhancing transparency and open decisionmaking in regions not classified as Independent System Operators or Regional Transmission Organizations; and

(D) the requirements of governing boards within Independent System Operators or Regional Transmission Organizations.

(2) REPRESENTATION.—The committee shall be composed of not more than 30 members, including—

(A) at least 2 representatives of end-use customers;

(B) at least 1 representative of transmission providers;

(C) at least 2 representatives of environmental justice and equity groups;

(D) at least 1 representative of Tribal communities;

(E) at least 1 representative of Independent System Operators;

(F) at least 1 representative of Regional Transmission Organizations;
(G) at least 1 representative of consumer
protection groups;

(H) at least 2 representatives of renewable
energy advocates;

(I) at least 1 representative of State com-
missions;

(J) at least 1 representative of public
power entities;

(K) at least 1 representative of marketers;

and

(L) at least 1 representative of generators.

(3) APPLICABILITY.—Chapter 10 of title 5,
United States Code, shall apply to the committee.

(1) APPROPRIATIONS.—In addition to amounts other-
wise available, there is appropriated to the Commission
for fiscal year 2023, out of any funds in the Treasury not
otherwise appropriated, $200,000,000, to remain available
until expended, to carry out—

(1) subsections (c), (d), and (i); and

(2) the amendment made by subsection (h).

SEC. 404. STREAMLINING INTERSTATE TRANSMISSION OF
ELECTRICITY.

Part II of the Federal Power Act (16 U.S.C. 824 et
seq.) (as amended by section 403(g)) is amended by add-
ing at the end the following:
"SEC. 227. SITING OF CERTAIN INTERSTATE ELECTRIC
TRANSMISSION FACILITIES.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED LANDOWNER.—

"(A) IN GENERAL.—The term 'affected
landowner' includes each owner of a property
interest in land or other property described in
subparagraph (B), including—

"(i) the Federal Government;

"(ii) a State or local government; and

"(iii) each owner noted in the most
recent county or city tax record as receiving
the relevant tax notice with respect to
that interest.

"(B) LAND AND OTHER PROPERTY DES-
CRIBED.—The land or other property referred
to in subparagraph (A) is any land or other
property—

"(i) that is or will be crossed by the
energy transmission facility proposed to be
constructed or modified under the applica-
ble certificate of public convenience and
necessity;

"(ii) that is or will be used as a facil-
ity site with respect to the energy trans-
mission facility proposed to be constructed
or modified under the applicable certificate of public convenience and necessity;

"(iii) that abuts any boundary of an existing right-of-way or other facility site that—

"(I) is owned by an electric utility; and

"(II) is located not more than 500 feet from the energy transmission facility to be constructed or modified under the applicable certificate of public convenience and necessity;

"(iv) that abuts the boundary of a proposed facility site for the energy transmission facility to be constructed or modified under the applicable certificate of public convenience and necessity;

"(v) that is crossed by, or abuts any boundary of, an existing or proposed right-of-way that—

"(I) will be used for the energy transmission facility to be constructed or modified under the applicable certificate of public convenience and necessity; and
"(II) is located not more than
500 feet from the proposed location of
that energy transmission facility; or
"(vi) on which a residence is located
not more than 500 feet from the boundary
of any right-of-way for that energy trans-
mission facility.

"(2) ALTERNATING CURRENT TRANSMISSION
FACILITY.—The term ‘alternating current trans-
mission facility’ means a transmission facility that
uses alternating current for the bulk transmission of
electric energy.

"(3) ENERGY TRANSMISSION FACILITY.—The
term ‘energy transmission facility’ means, as appli-
cable—
"(A) an alternating current transmission
facility; or
"(B) a high-voltage, direct current trans-
mission facility.

"(4) FACILITY SITE.—The term ‘facility site’
includes—
"(A) a right-of-way;
"(B) an access road;
"(C) a contractor yard; and
"(D) any temporary workspace.
“(5) HIGH-VOLTAGE, DIRECT CURRENT TRANSMISSION FACILITY.—The term ‘high-voltage, direct current transmission facility’ means a transmission facility that uses direct current for the bulk transmission of electric energy.


“(b) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—

“(1) IN GENERAL.—On receipt of an application under subsection (c)(1) relating to an energy transmission facility described in paragraph (2), the Commission, after making the finding described in paragraph (3) with respect to that energy transmission facility, shall issue to any person, by publication in the Federal Register, a certificate of public convenience and necessity for the construction, modification, operation, or abandonment of that energy transmission facility, subject to such reasonable terms and conditions as the Commission determines to be appropriate.

“(2) ENERGY TRANSMISSION FACILITY DESCRIBED.—An energy transmission facility referred
to in paragraph (1) is an energy transmission facil-
ity that—

"(A) traverses or, on construction or modi-
fication in accordance with a certificate of pub-
lic convenience and necessity issued under that
paragraph, will traverse not fewer than 2
States; and

"(B) is not less than 1,000 megawatts or
1,000 megawatt-amperes in power capacity.

"(3) FINDING DESCRIBED.—The finding re-
ferred to in paragraph (1) is a finding that—

"(A) the applicant for a certificate of pub-
lic convenience and necessity is able and will-
ing—

"(i) to carry out the activities and
perform the services proposed in the appli-
cation in a manner determined to be ap-
propriate by the Commission; and

"(ii) to achieve compliance with the
applicable requirements of—

"(I) this part; and

"(II) any rules and regulations
promulgated by the Commission pur-
suant to this part;
"(B) the energy transmission facility to be constructed, modified, or operated under the certificate of public convenience and necessity will—

"(i) traverse not fewer than 2 States;

"(ii) be used for the transmission of electric energy in interstate commerce; and

"(iii) have a power capacity of not less than 1,000 megawatts or 1,000 megavolt-amperes; and

"(C) operation of the energy transmission facility as proposed in the application—

"(i) will—

"(I) enable the use of renewable energy;

"(II) reduce congestion; or

"(III) improve the reliability of the transmission system;

"(ii) will maximize, to the extent reasonable and economical, the use of—

"(I) existing facility sites; and

"(II) the transmission capabilities of existing energy transmission facilities; and
(iii) will, to the extent practicable,
minimize the use of eminent domain.

(4) RULEMAKING.—Not later than 18 months
after the date of enactment of this section, the Com-
mission shall issue rules specifying—

(A) a pre-filing process during which a
person described in subsection (c)(1) and the
Commission shall consult with—

(i) the appropriate State agencies,
State public utility commissions, and State
ing energy offices in each State the proposed
project traverses;

(ii) appropriate Federal agencies;

and

(iii) each Indian Tribe that may be
affected by the proposed project;

(B) the form of, and information to be
contained in, an application submitted under
subsection (c)(1);

(C) requirements for determining whether
the applicable energy transmission facility will
be constructed or modified—

(i) to traverse not fewer than 2
States;
(ii) to be used for the transmission of electric energy in interstate commerce; and

(iii) to have a power capacity of not less than 1,000 megawatts or 1,000 megavolt-amperes;

(D) criteria for determining the reasonable and economical use of—

(i) existing rights-of-way; and

(ii) the transmission capabilities of existing towers or structures;

(E) the manner in which an application submitted under subsection (c)(1) and any proposal for the construction or modification of an energy transmission facility shall be considered, which, to the extent practicable, shall be consistent with State statutory and regulatory policies concerning generation and retail sales of electricity in the States in which the electric energy transmitted by the energy transmission facility will be generated or sold; and

(F) the manner in which the Commission will consider the needs of communities that will be impacted directly by the proposed energy transmission facility, including how any impacts
of the proposed energy transmission facility could be mitigated or offset.

"(5) Public notice, comment, and opportunity for a hearing on certain draft documents.—

"(A) In general.—The Commission shall provide not less than 90 days for public comment on any initial scoping document or draft environmental impact statement prepared for an energy transmission facility with respect to which an application for a certificate of public convenience and necessity has been submitted under subsection (c)(1).

"(B) Notice and opportunity for hearing.—The Commission shall—

"(i) publish in the Federal Register a notice of the filing of each draft scoping document or draft environmental impact statement described in clause (i); and

"(ii) provide to the individuals and entities described in paragraph (6)(B) notice and reasonable opportunity for the presentation of any views and recommendations with respect to the initial scoping docu-
ment or draft environmental impact statement.

"(C) TRIBAL CONSENT.—With respect to an Indian Tribe that may be affected by a potential project, the Commission—

"(i) shall provide notice to the appropriate Tribal officials and an opportunity of public comment in accordance with sub-paragraph (A); and

"(ii) shall not approve a scoping document or draft environmental impact statement unless consent has been obtained from the proper Tribal officials in a manner consistent with the requirements of section 2 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 324).

"(6) NOTICE AND OPPORTUNITY FOR A HEARING ON APPLICATIONS.—

"(A) IN GENERAL.—In any proceeding before the Commission to consider an application for a certificate of public convenience and necessity under this section, the Commission shall—

"(i) publish a notice of the application in the Federal Register; and
“(ii) provide to the individuals and entities described in subparagraph (B) a notice and reasonable opportunity for the presentation of any views and recommendations with respect to the need for, and impact of, the construction or modification of the energy transmission facility proposed to be constructed or modified under the certificate.

“(B) INDIVIDUALS AND ENTITIES DESCRIBED.—The individuals and entities referred to in subparagraph (A) are—

“(i) an agency, selected by the Governor (or equivalent official) of the applicable State, of each State in which the energy transmission facility proposed to be constructed or modified under the applicable certificate of public convenience and necessity is or will be located;

“(ii) each affected landowner; and

“(iii) as determined by the Commission—

“(I) each affected Federal agency; and
"(II) each Indian Tribe that may be affected by the proposed construction or modification.

"(C) PROHIBITION.—The Commission may not—

"(i) require an applicant for a certificate of public convenience and necessity under this section to provide any notice required under this section; or

"(ii) enter into a contract to provide any notice required under this section with—

"(I) the applicant for the applicable certificate of public convenience and necessity; or

"(II) any other person that has a financial interest in the project proposed in the application for that certificate.

"(e) APPLICATIONS.—

"(1) IN GENERAL.—A person desiring a certificate of public convenience and necessity under this section shall submit to the Commission an application at such time, in such manner, and containing such information as the Commission may require.
“(2) REQUIREMENT.—An application submitted to the Commission under paragraph (1) shall include all information necessary for the Commission to make the finding described in subsection (b)(3).

“(d) NOTICE TO AFFECTED LANDOWNERS.—

“(1) IN GENERAL.—The Commission shall provide written notice of an application submitted under subsection (c)(1) to all affected landowners in accordance with this subsection.

“(2) REQUIREMENTS.—Any notice provided to an affected landowner under paragraph (1) shall include the following:

“(A) The following statement in 14-point bold typeface:

"The [name of applicant] has proposed building power lines that will cross your property, and may also require building transmission towers on your property. If the Federal Energy Regulatory Commission approves [applicant]'s proposed project, then [applicant] may have the right to build transmission towers on, and power lines over, your property, or use your property to construct the proposed project, subject to paying you just compensation for the loss of your property."
"If you want to raise objections to this, or otherwise comment on this project, you can do so by submitting written comments to the Federal Energy Regulatory Commission Docket No. [______]. You can do this electronically or by mail. To do so electronically [to be inserted by the Commission]. To do so by mail [to be inserted by the Commission]."

"(B) A description of the proposed project, including—

"(i) the location of the proposed project (including a general location map);

"(ii) the purpose of the proposed project; and

"(iii) the timing of the proposed project.

"(C) The name of, and the location in the docket of the Commission at which may be found, each submission by the applicant to the Commission relating to the proposed project.

"(D) A general description of what the applicant will need from the landowner if the proposed project is approved, including the activities the applicant may undertake and the facili-
ties that the applicant may seek to construct on
the property of the landowner.

"(E) A description of how the landowner
may contact the applicant, including—

"(i) a website; and

"(ii) a local or toll-free telephone
number and the name of a specific person
to contact who is knowledgeable about the
proposed project.

"(F) A description of how the landowner
may contact the Commission, including—

"(i) a website; and

"(ii) a local or toll-free telephone
number and the name of a specific person
to contact who is knowledgeable about the
proposed project.

"(G) A summary of the rights that the
landowner has—

"(i) before the Commission; and

"(ii) in other proceedings under—

"(I) the Federal Rules of Civil
Procedure; and

"(II) the eminent domain rules of
the relevant State.
"(H) Any other information that the Commission determines to be appropriate.

"(3) OBLIGATION OF APPLICANT.—An applicant for a certificate of public convenience and necessity under this section shall submit to the Commission, together with the application for the certificate, the name and address of each affected landowner.

"(e) REGULATORY JURISDICTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Commission shall have exclusive jurisdiction over, and no State shall regulate any aspect of, the siting or permitting of an energy transmission facility constructed, modified, or operated under a certificate of public convenience and necessity issued under this section.

"(2) SAVINGS CLAUSE.—Nothing in this section affects the rights of States under—

"(A) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

"(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(C) the Clean Air Act (42 U.S.C. 7401 et seq.); or
“(D) division A of subtitle III of title 54, United States Code (formerly known as the ‘National Historic Preservation Act’).

“(f) JUDICIAL REVIEW.—

“(1) IN GENERAL.—Any person aggrieved by an order issued by the Commission under this section may obtain review of the order in—

“(A) the court of appeals of the United States for any judicial circuit in which the energy transmission facility to be constructed or modified under the applicable certificate of public convenience and necessity is or will be located; or

“(B) the United States Court of Appeals for the District of Columbia Circuit.

“(2) PETITION FOR REVIEW.—

“(A) IN GENERAL.—A person may obtain review under paragraph (1) by filing in the applicable court a written petition praying that the order of the Commission be modified or set aside in whole or in part.

“(B) TIMING.—A petition under subparagraph (A) shall be filed by not later than 60 days after the date on which the applicable
order of the Commission is published in the Federal Register.

"(3) PERSON AGGRIEVED.—Notwithstanding any other provision of this Act, a person aggrieved by an order of the Commission issued under this section need not—

"(A) have been a party to the proceedings before the Commission in which that order was issued in order to obtain judicial review of the order under this subsection; or

"(B) have requested rehearing before the Commission prior to seeking judicial review.

"(g) RIGHT OF EMINENT DOMAIN FOR ENERGY TRANSMISSION FACILITIES.—

"(1) IN GENERAL.—The holder of a certificate of public convenience and necessity may acquire through the exercise of the right of eminent domain in a court described in paragraph (2) any right-of-way, land, or other property that is necessary to construct, modify, operate, or maintain an energy transmission facility in accordance with that certificate if the holder—

"(A) cannot acquire the necessary right-of-way, land, or other property by contract;
"(B) is unable to agree with the owner of
the right-of-way, land, or other property with
respect to the compensation to be paid for that
right-of-way, land, or other property; or

"(C) cannot clear defective title with re-
spect to the right-of-way, land, or other prop-
erty.

"(2) COURT DESCRIBED.—A court referred to
in paragraph (1) is—

"(A) the district court of the United States
for the district in which the applicable land or
other property is located; or

"(B) the appropriate State court.

"(3) NOTICE OF DECISION TO ISSUE CERTIFI-
CATE.—The holder of a certificate of public conven-
ience and necessity may not exercise the right of
eminent domain under this subsection with respect
to any property covered by the certificate unless the
Commission has first, in addition to publishing the
notice of certificate of public convenience and neces-
sity in the Federal Register, provided all affected
landowners with notice of—

"(A) the decision of the Commission to
grant the certificate; and
(B) the procedures for obtaining judicial review of that decision under subsection (f), including a description of the time period for seeking judicial review under that subsection.

(h) CONDEMNATION PROCEDURES.—

(1) APPRAISALS.—

(A) IN GENERAL.—A holder of, or applicant for, a certificate of public convenience and necessity shall have any property that the holder or applicant seeks to acquire through the exercise of the right of eminent domain under subsection (g) appraised in accordance with generally accepted appraisal standards by an appraiser selected by the owner of the property, subject to subparagraph (D).

(B) REQUIREMENTS.—

(i) COSTS.—The applicable holder of, or applicant for, a certificate of public convenience and necessity shall pay for each appraisal carried out under subparagraph (A).

(ii) INSPECTIONS.—The owner of the applicable property (or a designated representative of the owner) shall be given the opportunity to accompany the appraiser
during any inspection of the property that
is part of an appraisal under subparagraph
(A).

"(C) Timing.—An appraisal under sub-
paragraph (A) shall be carried out before the
holder of, or applicant for, the certificate of
public convenience and necessity—

"(i) makes an offer of just compen-
sation under paragraph (2); or

"(ii) commences an action or pro-
ceeding to exercise the right of eminent do-
main under subsection (g).

"(D) Selection of Appraiser.—If the
owner of the applicable property does not select
an appraiser under subparagraph (A) by the
date that is 60 days after the date on which the
holder of, or applicant for, the applicable certifi-
cate of public convenience and necessity re-
quests that the owner do so, the holder or ap-
plicant shall have the right to select the ap-
praiser.

"(2) Offers of Just Compensation.—

"(A) In General.—Any offer of just com-
pensation made to an affected landowner of
property that is covered by a certificate of public convenience and necessity—

"(i) shall be made in writing;

"(ii) may not be for an amount less than the fair market value of the property, as determined by an appraisal carried out under paragraph (1); and

"(iii) shall include compensation for—

"(I) any lost income from the property; and

"(II) any damages to any other property of the owner.

"(B) TIMING.—The holder of, or applicant for, a certificate of public convenience and necessity may not make an offer of just compensation to an affected landowner until the date that is 30 days after the date on which the Commission provides a notice to the affected landowner under subsection (g)(3).

"(3) JURISDICTIONAL LIMITATIONS.—

"(A) MINIMUM JURISDICTIONAL AMOUNT.—A district court of the United States shall only have jurisdiction of an action or proceeding to exercise the right of eminent domain under subsection (g) if the amount claimed by
the owner of the property to be condemned exceeds $3,000.

"(B) State ownership interests.—

"(i) In general.—Except as provided in clause (ii), a district court of the United States shall have no jurisdiction to condemn any interest owned by a State.

"(ii) Exception.—Notwithstanding clause (i), a district court of the United States shall have jurisdiction—

"(I) to condemn any existing utility or transportation easement or right-of-way that—

"(aa) is on State property; or

"(bb) is on private property and is owned by a State; and

"(II) to condemn any real property conveyed to a State for the purpose of obstructing the construction, modification, or operation of an energy transmission facility in accordance with a certificate of public convenience and necessity issued under this section.
“(C) TRIBAL LAND.—A district court of
the United States shall have no jurisdiction to
condemn any interest in Tribal land.

“(4) LIMITATION ON CONDEMNATION.—In any
action or proceeding to exercise the right of eminent
domain under subsection (g), a court—

“(A) may condemn an interest in property
only to the extent necessary for the specific fa-
cilities described in the applicable certificate of
public convenience and necessity; and

“(B) may not—

“(i) condemn any other interest; or

“(ii) condemn an interest for any pur-
pose not described in that certificate.

“(5) RIGHT OF POSSESSION.—With respect to
any action or proceeding to exercise the right of emi-
nent domain under subsection (g), an owner of prop-
erty covered by the applicable certificate of public
convenience and necessity shall not be required to
surrender possession of that property unless the
holder of the certificate—

“(A) has paid to the owner the award of
compensation in the action or proceeding; or

“(B) has deposited the amount of that
award with the court.
"(6) Litigation costs.—

"(A) In general.—A holder of a certificate of public convenience and necessity that commences an action or proceeding to exercise the right of eminent domain under subsection (g) shall be liable to the owner of any property condemned in that proceeding for the costs described in subparagraph (B) if the amount awarded to that owner for the property condemned is more than 125 percent of the amount offered to the owner by the holder before the commencement of that action or proceeding.

"(B) Costs described.—The costs referred to in subparagraph (A) are litigation costs incurred for the action or proceeding described in that subparagraph by the owner of the property condemned, including—

"(i) reasonable attorney fees; and

"(ii) expert witness fees and costs.

"(i) Enforcement of Conditions.—

"(1) In general.—An affected landowner the property of which has been acquired by eminent domain under subsection (g) shall have the right—
"(A) to enforce any condition in the applicable certificate of public convenience and necessity; and

"(B) to seek damages for a violation of any condition described in subparagraph (A).

"(2) JURISDICTION.—The district courts of the United States shall have jurisdiction over any action arising under paragraph (1).

"(j) OTHER LANDOWNER RIGHTS AND PROTECTIONS.—

"(1) FAILURE TO TIMELY COMPLETE PROJECTS.—

"(A) SURRENDER OF CONDEMNED PROPERTY.—

"(I) IN GENERAL.—An individual or entity from which an interest in property is acquired through the exercise of the right of eminent domain under subsection (g) by the holder of a certificate of public convenience and necessity that is issued for the construction, modification, or operation of an energy transmission facility may demand that the holder of the certificate surrender that interest to that individual or entity if—
“(I)(aa) the energy transmission facility is not in operation (as modified, in the case of a modification of an energy transmission facility) by the date specified in the certificate (including any modification of the certificate by the Commission); and

“(bb) there is no request for the extension of that date pending before the Commission; or

“(II) subject to clause (ii), the holder of the certificate, with the approval of the Commission, abandons the portion of the energy transmission facility that is located on the applicable property relating to that interest.

“(ii) REQUIREMENT.—The Commission may not approve in a certificate of public convenience and necessity issued under this section or in any subsequent proceeding the abandonment of all or any part of an energy transmission facility unless the Commission requires the holder of the applicable certificate of public convenience and necessity to offer to each indi-
individual or entity described in clause (i) the option of having the property acquired from that individual or entity as described in that clause restored to the condition that the property was in prior to the issuance of the certificate.

"(B) Repayment of Condemnation Award.—If an individual or entity described in subparagraph (A)(i) demands the surrender of an interest under that subparagraph, the holder of the applicable certificate of public convenience and necessity shall be entitled to repayment of an amount equal to not more than 50 percent of the condemnation award relating to the interest.

"(C) Jurisdiction.—The district courts of the United States shall have jurisdiction over any action arising under this paragraph.

"(2) Material Misrepresentations.—

"(A) Rescission of Transaction.—

"(i) In General.—An affected landowner that proves, by a preponderance of the evidence, that the affected landowner has granted a right-of-way or any other interest based on a material misrepresenta-
tion made by or on behalf of an applicant for, or holder of, a certificate of public convenience and necessity under this section shall have the right to rescind the transaction.

"(ii) JURISDICTION.—The district courts of the United States shall have jurisdiction over any action arising under clause (i).

"(B) CIVIL PENALTIES—

"(i) IN GENERAL.—If an applicant for, or holder of, a certificate of public convenience and necessity makes a material misrepresentation, or if a material misrepresentation is made on behalf of such an applicant or holder, to an affected landowner concerning the energy transmission facility to be constructed or modified under the certificate, the applicant or holder shall be subject to a civil penalty, to be assessed by the Commission, in an amount not to exceed $10,000 per affected landowner to which the misrepresentation was made.

"(ii) PROCEDURE.—The penalty described in clause (i) shall be assessed by
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the Commission after providing notice and
an opportunity for a public hearing.

"(iii) REQUIREMENT.—In determining
the amount of a penalty under clause (i),
the Commission shall take into consider-
atation the nature and seriousness of the vio-
lation."

SEC. 405. COST ALLOCATION.

(a) DEFINITION OF COVERED TRANSMISSION FACIL-
ITY.—In this section, the term “covered transmission fa-
cility” means a transmission facility that—

(1)(A) traverses not fewer than 2 States; or
(B) is located on the outer Continental shelf;

and

(2) has a power capacity of not less than 1,000
megawatts or 1,000 megavolt-amperes.

(b) COST ALLOCATION PROPOSAL.—A transmitting
utility that owns or operates a covered transmission facil-
ity shall be responsible for developing and filing a cost al-
location proposal with the Federal Energy Regulatory
Commission pursuant to section 205 of the Federal Power
Act (16 U.S.C. 824d), in which, consistent with the re-
quirements under subparagraphs (A)(vi), (F), and (G) of
section 403(c)(1), the derived benefits of the construction
and operation of the covered transmission facility are iden-
tified and allocated among beneficiaries in a manner that
is approximately commensurate to the derived benefits.

(c) EFFECTIVENESS.—This section shall remain in
effect with respect to a covered transmission facility until
the final rule under section 403(e)(1) is promulgated and
fully implemented by all transmission providers for the re-

gion or regions in which the covered transmission facility
is located.

TITLE V—FACILITATING DEVELOPMENT OF ZERO-EMISSION
TECHNOLOGY AT BROWNFIELD SITES

SEC. 501. DEFINITIONS.

In this title:

(1) APPROPRIATE COMMITTEES OF CONG-
GRESS. The term "appropriate committees of Con-
gress" means—

(A) the Committee on Environment and
Public Works of the Senate; and

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

(2) BROWNFIELD SITE.—The term "brownfield
site" has the meaning given the term in section 101
of the Comprehensive Environmental Response,

(3) **REGIONAL COMMISSION.**—The term "regional commission" means—

(A) the Delta Regional Authority established by section 382B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–1(a)(1));

(B) the Appalachian Regional Commission established by section 14301(a) of title 40, United States Code;

(C) the Southeast Crescent Regional Commission established by section 15301(a)(1) of that title;

(D) the Southwest Border Regional Commission established by section 15301(a)(2) of that title;

(E) the Northern Border Regional Commission established by section 15301(a)(3) of that title;

(F) the Great Lakes Authority established by section 15301(a)(4) of that title; and

(G) the Denali Commission established by section 303(a) of the Denali Commission Act of
1998 (42 U.S.C. 3121 note; Public Law 105-277).

(4) RETIRED FOSSIL FUEL SITE.—The term "retired fossil fuel site" means the site of 1 or more fossil fuel electric generation facilities that are retired or scheduled to retire, including multi-unit facilities that are partially shut down.

(5) ZERO-EMISSION TECHNOLOGY.—The term "zero-emission technology" means any technology that—

(A) produces zero emissions of—

(i) any air pollutant that is listed pursuant to section 108(a) of the Clean Air Act (42 U.S.C. 7408(a)) (or any precursor to such an air pollutant); and

(ii) any air pollutant that is a greenhouse gas; and

(B) assists in the efforts to reduce or avoid greenhouse gas emissions and other forms of air pollution.

SEC. 502. REGIONAL COMMISSION SUPPORT FOR ZERO-EMISSION TECHNOLOGY DEVELOPMENT AT BROWNFIELD SITES.

(a) AUTHORITY.—Each regional commission may provide technical assistance to, make grants to, enter into
contracts with, or otherwise provide amounts to individuals or entities in the applicable region for projects and activities—

(1) to conduct research and analysis regarding the economic impact of siting, permitting, constructing, and operating zero-emission technology at a brownfield site, including a retired fossil fuel site;

(2) to provide meaningful community engagement in identifying and considering the potential environmental effects, including cumulative effects, of zero-emission technology at a brownfield site, including a retired fossil fuel site;

(3) to assist with workforce training or retraining to perform activities relating to the siting, permitting, and operation of zero-emission technology at a brownfield site, including a retired fossil fuel site, and

(4) to engage with the Environmental Protection Agency, the Department of Energy, and other agencies with expertise in zero-emission technologies, brownfield sites, or the permitting process under NEPA.

(b) LIMITATION ON AVAILABLE AMOUNTS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), not more than 50 percent of the
cost of any project or activity eligible for a grant under this section may be paid using amounts made available to carry out this section.

(2) DISTRESSED COUNTIES.—In the case of a project or activity to be carried out in a county for which a distressed county designation is in effect under section 14526 or 15702 of title 40, United States Code, not more than 80 percent of the cost of the project or activity may be paid using amounts made available to carry out this section.

(3) AT-RISK COUNTIES, TRANSITIONAL COUNTIES, AND ISOLATED AREAS OF DISTRESS.—

(A) IN GENERAL.—In the case of a project or activity to be carried out in a county or area described in subparagraph (B), not more than 70 percent of the cost of the project or activity may be paid using amounts made available to carry out this section.

(B) COUNTY OR AREA DESCRIBED.—A county or area referred to in subparagraph (A) is—

(i) a county for which an at-risk county designation is in effect under section 14526 of title 40, United States Code;
(ii) a county for which a transitional county designation is in effect under section 15702 of that title; or

(iii) an area for which an isolated area of distress designation is in effect under section 15702 of that title.

(c) Sources of Assistance.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section, in combination with amounts made available—

(1) under any other Federal program; or

(2) from any other source.

(d) Federal Share.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the applicable regional commission determines to be appropriate.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2028.
SEC. 503. FEDERAL-STATE COORDINATION AND ASSISTANCE FOR DEVELOPMENT OF ZERO-EMISSION TECHNOLOGY AT BROWNFIELD SITES.

(a) PERMITTING COOPERATIVE AGREEMENTS AUTHORIZED.—At the request of the Governor of a State, the Administrator may enter into a permitting cooperative agreement with the State under which each party to the agreement shall identify steps, including timelines, that the parties will take to streamline the consideration of Federal and State environmental permits for zero-emission technology development on appropriate brownfield sites.

(b) AUTHORITY UNDER AGREEMENT.—In carrying out this section, the Administrator may—

(1) accept from an owner or developer of a zero-emission technology project on a brownfield site a consolidated application for all permits required by the Administrator, to the extent that such a consolidated application is consistent with other applicable law;

(2) enter into memoranda of agreement with other agencies to coordinate among agencies the consideration of applications and permits for the development of zero-emission technology on brownfield sites; and
enter into memoranda of understanding with States under which, to the extent practicable, Federal and State review of applications and permits for the development of zero-emission technology on brownfield sites will be coordinated and concurrently considered.

(e) STATE ASSISTANCE.—The Administrator may provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to the consideration of applications and environmental permits for the development of zero-emission technology on brownfield sites.

(d) OTHER ASSISTANCE.—The Administrator may provide technical, legal, or other assistance to a State to facilitate the review by the State of applications and permits for the development of zero-emission technology on brownfield sites.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2023 through 2028.

SEC. 504. RENEWABLE ENERGY AND STORAGE DEVELOPMENT AT BROWNFIELD SITES.

(a) DEFINITION OF ELIGIBLE RESPONSE SITE.—Section 101 of the Comprehensive Environmental Re-
sponse, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended—

(1) in paragraph (41)(B)—

(A) in clause (i), by striking "or" after the semicolon;

(B) in clause (ii)(II), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(iii) a renewable brownfield site.";

and

(2) by adding at the end the following:

"(42) RENEWABLE BROWNFIELD SITE.—The term ‘renewable brownfield site’ means a facility—

"(A) that is—

"(i) a brownfield site; or

"(ii) an area of a brownfield site;

"(B) at which—

"(i) the primary use is the development of—

"(I) wind or solar energy resources;

"(II) storage resources for electricity generated by wind or solar energy resources; or"
"(III) other renewable energy resources with zero emissions of greenhouse gases or any air pollutant that is listed pursuant to section 108(a) of the Clean Air Act (42 U.S.C. 7408(a)) (or any precursor to such an air pollutant) that are identified by the Administrator through rulemaking as appropriate for development on a brownfield site;

"(ii) the combined energy or storage resources described in clause (i) constitute at least 1 megawatt of production or storage capacity; and

"(iii) the use of the brownfield site or area, and any expansion, redevelopment, or reuse of the brownfield site or area, is limited to that which is necessary for the development of the energy or storage resources described in clause (i); and

"(C) that is located not closer than 1000 feet from a community with environmental justice (as defined in section 2 of the Promoting Efficient and Engaged Reviews Act of 2023) concerns."
"(43) RENEWABLE BROWNFIELD DEVELOPER.—

"(A) IN GENERAL.—The term 'renewable brownfield developer', with respect to a renewable brownfield site, means the following persons:

"(i) PERSON WITH AN OWNERSHIP INTEREST.—A person that—

"(I) acquires ownership of the renewable brownfield site after the date of enactment of the Promoting Efficient and Engaged Reviews Act of 2023;

"(II) establishes by a preponderance of the evidence each of the criteria described in clauses (i) and (iii) through (viii) of paragraph (40)(B); and

"(III) meets the criteria on inquiries described in subparagraph (B).

"(ii) PERSON WITH A LEASEHOLD INTEREST.—

"(I) IN GENERAL.—A person—

"(aa) that acquires a leasehold interest in the renewable
brownfield site after the date of enactment of the Promoting Efficient and Engaged Reviews Act of 2023;

"(bb) that meets the condition described in paragraph (40)(A)(ii)(II); and

"(cc) with respect to which any of the conditions described in subclause (II) apply.

"(II) CONDITIONS DESCRIBED.— The conditions referred to in subclause (I)(cc) are the following:

"(aa) The conditions described in paragraph (40)(A)(ii)(III).

"(bb) The owner of the facility that is subject to the leasehold interest is—

"(AA) a person described in clause (i); or

"(BB) a bona fide prospective purchaser.
"(B) CRITERIA ON INQUIRIES.—The criteria referred to in subparagraph (A)(i)(III) are the following:

"(i) The person has submitted to the President and the State or Tribal authority within which the renewable brownfield site is located—

"(II) a redevelopment plan that details the plans of the person to redevelop the site as a renewable brownfield site; and

"(II) a written report of findings, including supporting evidence, derived from all appropriate inquiries made by the person, according to the terms provided in subclauses (I) and (II) of paragraph (40)(B)(ii).

"(ii) As of 180 days after the date on which the written report required under clause (i)(II) is submitted, the President or the State or Tribal authority has not provided to the person a response that includes a written notice of concern containing—
"(I) a written assessment of the report submitted under that clause finding that—

"(aa) the person's proposed redevelopment of the site is not consistent with protecting human health and the environment from hazardous substances, pollutants, or contaminants at the facility; or

"(bb) the report provides insufficient information to assess whether the proposed development is not consistent with protecting human health and the environment from hazardous substances; and

"(II) if applicable, specific instructions for how the person may amend the report or redevelopment plan to address the issues raised in the written notice of concern provided by the President or State or Tribal authority."
"(C) EFFECT OF AMENDED FINDINGS REPORT.—If the person seeking to establish their status as a renewable brownfield developer has delivered to the President or State or Tribal authority an amended report of findings derived from all appropriate inquiries, as provided for in subclause (II) of subparagraph (B)(ii), and if the President or the State or Tribal authority has not provided the person with a subsequent notice of concern within 180 days of the delivery of the amended report of findings, as provided for in that subparagraph, the criteria described in subparagraph (B) are satisfied for purposes of subparagraph (A)(i)(III)."

(b) LIABILITY.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(s) RENEWABLE BROWNFIELD DEVELOPER EXEMPTION.—Notwithstanding subsection (a)(1), a renewable brownfield developer whose potential liability for a release or threatened release is based solely on the renewable brownfield developer being considered to be an owner or operator of a facility shall not be liable, including liability for any claim for contribution under this Act, so long as
1 the renewable brownfield developer does not impede a re-
2 sponse action or natural resource restoration.”