

118TH CONGRESS  
1ST SESSION

# S. 1804

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

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IN THE SENATE OF THE UNITED STATES

JUNE 1, 2023

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

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Facilitating America’s  
5 Siting of Transmission and Electric Reliability Act of  
6 2023” or the “FASTER Act of 2023”.

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

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

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

3 “(a) DEFINITIONS.—In this section:

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

6 “(2) COMMUNITY BENEFIT AGREEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5                   “(i) AGREEMENT ENTITY.—

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

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

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

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

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

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

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

14                         “(I) The project sponsor.

15                         “(II) An agreement entity.

16                         “(III) A community group.

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

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

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

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

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

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

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

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

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

6                               “(I) a community group; and

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

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

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

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

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

1 “(6) FEDERAL AUTHORIZATION.—

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

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

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

15 “(A) an electric transmission facility—

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

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

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



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

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

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

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

10                  “(VI) in the case of a modifica-  
11                  tion, will maximize, to the extent rea-  
12                  sonable and economical, the trans-  
13                  mission capabilities of existing towers  
14                  or structures; or

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

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

19                                 “(I) 345 kilovolts; or

20                                 “(II) 750 megawatts; and

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

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

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

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

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

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

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

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

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

19           “(12) STATE OR LOCAL AUTHORIZATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12          “(G) the designation—

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

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

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

23          “(5) DESIGNATION BY REQUEST.—

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

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

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

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

11 “(ii) has—

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

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

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

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

1                   “(III) initiated environmental  
2                   compliance work associated with the  
3                   project.

4                   “(C) DESIGNATION.—

5                   “(i) IN GENERAL.—The Secretary  
6                   may designate a route proposed by a devel-  
7                   oper in an application submitted under  
8                   subparagraph (A) as a national interest  
9                   electric transmission corridor if the Sec-  
10                  retary determines that—

11                  “(I) the route is in a geographic  
12                  area described in subparagraph (A) or  
13                  (B) of paragraph (2); and

14                  “(II) designation of the route is  
15                  consistent with the purposes of such a  
16                  designation, taking into consideration  
17                  the factors described in paragraph  
18                  (4).

19                  “(ii) DEADLINE FOR DECISION.—Not  
20                  later than 90 days after the date on which  
21                  an application is submitted to the Sec-  
22                  retary under subparagraph (A), the Sec-  
23                  retary shall issue a decision with respect to  
24                  each proposed route that—

1           “(I) designates the proposed  
2           route as a national interest electric  
3           transmission corridor; or

4           “(II) denies the application with  
5           respect to that route.

6           “(D) RULEMAKING.—

7           “(i) IN GENERAL.—Not later than 1  
8           year after the date of enactment of the  
9           FASTER Act of 2023, the Secretary shall  
10          promulgate regulations to carry out this  
11          paragraph.

12          “(ii) OTHER APPLICANTS.—In car-  
13          rying out clause (i), the Secretary—

14                 “(I) shall consider whether it  
15                 would be appropriate to allow an enti-  
16                 ty other than the developer of a trans-  
17                 mission project, such as a Tribal au-  
18                 thority, a State, a non-transmission-  
19                 owning utility (such as a trans-  
20                 mission-dependent utility), a local gov-  
21                 ernment, a generation developer, or  
22                 any other appropriate entity, to sub-  
23                 mit an application for the designation  
24                 of a particular route as a national in-



1                   terest electric transmission corridor;  
2                   and

3                   “(II) may promulgate regulations  
4                   to allow 1 or more entities described  
5                   in subclause (I) to submit an applica-  
6                   tion for a designation described in  
7                   that subclause, as the Secretary deter-  
8                   mines to be appropriate, subject to  
9                   the requirements described in sub-  
10                  clauses (I) and (II) of subparagraph  
11                  (C)(i).

12                  “(c) PERMIT FOR CONSTRUCTION OR MODIFICATION  
13 OF NATIONAL INTEREST ELECTRIC TRANSMISSION FA-  
14 CILITIES.—

15                  “(1) IN GENERAL.—Except as provided in sub-  
16                  section (i), and subject to paragraph (2), the Com-  
17                  mission may issue 1 or more permits for the con-  
18                  struction or modification of national interest electric  
19                  transmission facilities if the Commission finds  
20                  that—

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

24                  “(i) to approve the siting of the facili-  
25                  ties; or

1           “(ii) to consider the interstate benefits  
2           or interregional benefits expected to be  
3           achieved by the proposed construction or  
4           modification of transmission facilities in  
5           the State;

6           “(B) the applicant for a permit is a trans-  
7           mitting utility under this Act but does not qual-  
8           ify to apply for a permit or siting approval for  
9           the proposed project in a State because the ap-  
10          plicant does not serve end-use customers in the  
11          State; or

12          “(C) a State commission or other entity  
13          that has authority to approve the siting of the  
14          facilities—

15               “(i) has not made a determination on  
16               an application seeking approval pursuant  
17               to applicable law by the date that is 1 year  
18               after the date on which the application was  
19               filed with the State commission or other  
20               entity;

21               “(ii) has conditioned its approval in  
22               such a manner that the proposed construc-  
23               tion or modification will not significantly  
24               reduce transmission capacity constraints or

1 congestion in interstate commerce or is not  
2 economically feasible; or

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

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

7 “(A) after the Commission—

8 “(i) makes a finding described in sub-  
9 paragraph (A), (B), or (C) of paragraph  
10 (1);

11 “(ii) makes all applicable findings and  
12 determinations necessary to establish that  
13 the applicable facility is a national interest  
14 electric transmission facility described in  
15 subparagraph (A) or (B) of subsection  
16 (a)(7); and

17 “(iii) provides notice and an oppor-  
18 tunity for hearing with respect to the per-  
19 mit; and

20 “(B) if the applicant engages in the pre-  
21 filing process with respect to the applicable fa-  
22 cility.

23 “(3) APPLICATIONS.—

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

4           “(B) RULEMAKING.—The Commission  
5           shall issue rules specifying—

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

8                   “(ii) the information to be contained  
9                   in the application; and

10                   “(iii) the manner of service of notice  
11                   of the application on interested persons.

12           “(4) SIMULTANEOUS PROCEEDINGS.—In order  
13           to ensure that an applicant for a permit under this  
14           subsection receives the most timely decision possible  
15           with respect to that application, the prefiling process  
16           relating to that application may be initiated simulta-  
17           neously with, or at any time after, an application is  
18           submitted to, or any relevant process is initiated  
19           with, the applicable State commission or other State  
20           entity that has authority to approve the siting of the  
21           applicable facility.

22           “(d) COMMENTS.—In any proceeding before the  
23           Commission under subsection (c), the Commission shall  
24           afford each State in which a transmission facility covered  
25           by the permit is or will be located, each affected Federal

1 agency and Indian Tribe, private property owners, and  
2 other interested persons, a reasonable opportunity to  
3 present their views and recommendations with respect to  
4 the need for and impact of a facility covered by the permit.

5 “(e) RIGHTS-OF-WAY.—

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

1           “(2) GOOD FAITH EFFORTS TO ENGAGE WITH  
2           AFFECTED LANDOWNERS AND OTHER STAKE-  
3           HOLDERS.—

4                   “(A) COMMUNITY BENEFIT AGREE-  
5           MENTS.—

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

15                                   “(I) engaged in a meaningful  
16                                   process to develop and negotiate a  
17                                   community benefit agreement with ap-  
18                                   plicable CBA parties (as defined in  
19                                   subsection (a)(2)(B)) in the commu-  
20                                   nity in which the affected landowners  
21                                   or other stakeholders are located; or

22                                   “(II) entered into a community  
23                                   benefit agreement with applicable  
24                                   CBA parties (as defined in that sub-  
25                                   section) in that community.

1 “(ii) TECHNICAL ASSISTANCE.—

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

14 “(II) AUTHORIZATION OF APPRO-  
15 PRIATIONS.—There are authorized to  
16 be appropriated to the Secretary such  
17 sums as are necessary to carry out  
18 this clause.

19 “(B) APPLICANT CODE OF CONDUCT FOR  
20 ENGAGEMENT WITH AFFECTED LAND-  
21 OWNERS.—

22 “(i) IN GENERAL.—Not later than 1  
23 year after the date of enactment of the  
24 FASTER Act of 2023, the Commission  
25 shall promulgate a final rule to establish

1 an applicant code of conduct for engage-  
2 ment with affected landowners.

3 “(ii) EFFECT OF COMPLIANCE.—For  
4 purposes of paragraph (1), the Commission  
5 shall consider a permit holder to have  
6 made good faith efforts to engage with af-  
7 fected landowners if the Commission deter-  
8 mines that the permit holder complied with  
9 the applicant code of conduct for engage-  
10 ment with affected landowners established  
11 under clause (i).

12 “(iii) EFFECT OF NONCOMPLIANCE.—  
13 Beginning on the effective date of the final  
14 rule promulgated under clause (i), the  
15 Commission may not make a determination  
16 that a permit holder has made good faith  
17 efforts to engage with affected landowners  
18 if the Commission determines that the per-  
19 mit holder substantially violated the appli-  
20 cant code of conduct for engagement with  
21 affected landowners established under that  
22 clause.

23 “(C) GOOD FAITH EFFORTS DETERMINA-  
24 TION.—



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

9           “(I) engaged, in good faith, in a  
10 meaningful process described in sub-  
11 paragraph (A)(i)(I), regardless of  
12 whether a community benefit agree-  
13 ment was entered into as a result of  
14 that process; and

15           “(II) complied with the applicant  
16 code of conduct for engagement with  
17 affected landowners established pursu-  
18 ant to subparagraph (B)(i).

19           “(ii) REQUIREMENT.—A permit hold-  
20 er that enters into a community benefit  
21 agreement described in subparagraph  
22 (A)(i)(II) shall be presumed to have com-  
23 plied with clause (i)(I).

24           “(iii) OTHER GOOD FAITH EF-  
25 FORTS.—For purposes of paragraph (1),

1 the Commission may determine that a per-  
2 mit holder that has not engaged in a pro-  
3 cess described in subparagraph (A)(i)(I) as  
4 described in clause (i)(I) has made good  
5 faith efforts to engage with affected land-  
6 owners and other stakeholders early in the  
7 applicable permitting process if the permit  
8 holder demonstrates, to the satisfaction of  
9 the Commission, that the permit holder  
10 has made good faith efforts pursuant to  
11 other means, subject to subparagraph  
12 (B)(iii).

13 “(D) EFFECT OF COMMUNITY BENEFIT  
14 AGREEMENT ON ELIGIBILITY FOR CERTAIN  
15 GRANTS.—

16 “(i) IN GENERAL.—For purposes of  
17 section 50152 of Public Law 117–169  
18 (commonly known as the ‘Inflation Reduc-  
19 tion Act of 2022’) (42 U.S.C. 18715a), if  
20 the sponsor of a project for which a permit  
21 is sought under subsection (c) has entered  
22 into a community benefit agreement—

23 “(I) the sponsor and any applica-  
24 ble agreement entity (as defined in  
25 subsection (a)(2)(B)) that is eligible

1 to apply for a grant under that sec-  
2 tion may jointly apply for such a  
3 grant; and

4 “(II) the sponsor may receive  
5 and use amounts made available pur-  
6 suant to such a grant in accordance  
7 with—

8 “(aa) any applicable provi-  
9 sions of the applicable community  
10 benefit agreement; and

11 “(bb) any applicable rules or  
12 conditions established by the Sec-  
13 retary.

14 “(ii) NEGOTIATED PROVISIONS.—A  
15 community benefit agreement may include  
16 provisions requiring the project sponsor—

17 “(I) to submit an application for  
18 a grant under section 50152 of Public  
19 Law 117–169 (42 U.S.C. 18715a) on  
20 behalf of, or jointly with, the applica-  
21 ble agreement entity or any other en-  
22 tity eligible to apply for a grant under  
23 that section; and

1                   “(II) to take any other actions  
2                   necessary to secure a grant under  
3                   that section.

4                   “(3) USE OF RIGHT-OF-WAY.—Any right-of-way  
5                   acquired under paragraph (1) shall be used exclu-  
6                   sively for the construction or modification of electric  
7                   transmission facilities within a reasonable period of  
8                   time after the acquisition.

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

16                  “(5) SAVINGS CLAUSE.—

17                         “(A) IN GENERAL.—Nothing in this sub-  
18                         section shall be construed to authorize the use  
19                         of eminent domain to acquire a right-of-way for  
20                         any purpose other than the construction, modi-  
21                         fication, operation, or maintenance of electric  
22                         transmission facilities and related facilities.

23                         “(B) RESTRICTION; TERMINATION.—A  
24                         right-of-way acquired under paragraph (1) shall  
25                         not be used for any other purpose, and the

1 right-of-way shall terminate on the termination  
2 of the use for which the right-of-way was ac-  
3 quired.

4 “(f) COMPENSATION.—

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

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

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

16 “(h) COORDINATION OF FEDERAL AUTHORIZATIONS  
17 FOR NATIONAL INTEREST ELECTRIC TRANSMISSION FA-  
18 CILITIES.—

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

22 “(A) all applicable Federal authorizations;

23 “(B) all applicable State or local author-  
24 izations; and

1           “(C) all related environmental reviews,  
2           pursuant to the National Environmental Policy  
3           Act of 1969 (42 U.S.C. 4321 et seq.) or any  
4           other Federal law.

5           “(2) COORDINATION.—

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

15          “(B) DEADLINES AND MILESTONES.—

16          “(i) IN GENERAL.—As the lead agen-  
17          cy, the Commission, in consultation with  
18          agencies responsible for Federal authoriza-  
19          tions and, as appropriate, with Indian  
20          Tribes, multistate entities, and State agen-  
21          cies that are willing to coordinate their  
22          own separate permitting and environ-  
23          mental reviews with the Federal authoriza-  
24          tion and environmental reviews, shall es-  
25          tablish prompt and binding intermediate

1 milestones and ultimate deadlines for the  
2 review of, and Federal authorization deci-  
3 sions relating to, the proposed facility, to  
4 ensure, to the maximum extent practicable,  
5 that the period described in clause (ii) does  
6 not exceed 3 years.

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

13 “(I) the date on which a notice to  
14 proceed is issued with respect to that  
15 facility; or

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

20 “(iii) CERTAIN DEADLINES.—The  
21 Commission shall ensure that, once an ap-  
22 plication has been submitted with such  
23 data as the Commission considers nec-  
24 essary, all permit decisions and related en-

1                   environmental reviews under all applicable  
2                   Federal laws shall be completed—

3                                 “(I) within 1 year; or

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

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

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

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

21                   “(4) SINGLE ENVIRONMENTAL REVIEW DOCU-  
22                   MENT.—

23                                 “(A) IN GENERAL.—As the lead agency,  
24                                 the Commission, in consultation with the af-  
25                                 fected agencies, shall prepare a single environ-



1           mental review document, which shall be used as  
2           the basis for all decisions on the qualifying  
3           project under Federal law.

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

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

18          “(5) APPEAL TO THE PRESIDENT.—

19          “(A) IN GENERAL.—If any agency has de-  
20          nied a Federal authorization required for a  
21          transmission facility, or has failed to act by the  
22          deadline established by the Commission pursu-  
23          ant to this section for deciding whether to issue  
24          the authorization, the applicant or any State in  
25          which the facility would be located may file an

1 appeal with the President, who shall, in con-  
2 sultation with the affected agency, review the  
3 denial or failure to take action on the pending  
4 application.

5 “(B) DECISION.—Based on the overall  
6 record and in consultation with the affected  
7 agency, the President may—

8 “(i) issue the necessary authorization  
9 with any appropriate conditions; or

10 “(ii) deny the application.

11 “(C) DEADLINE FOR DECISION.—The  
12 President shall issue a decision not later than  
13 90 days after the date of the filing of the ap-  
14 peal.

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

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

21 “(ii) the Endangered Species Act of  
22 1973 (16 U.S.C. 1531 et seq.);

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

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

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

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

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

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

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

23                         “(ii) except as otherwise provided in  
24                         this section (including paragraphs (1) and  
25                         (2)), title XLI of the FAST Act (42

1 U.S.C. 4370m et seq.) (including section  
2 41007 of that Act (42 U.S.C. 4370m–6))  
3 shall apply to the qualifying project in the  
4 same manner as any other covered project  
5 (as defined in section 41001 of that Act  
6 (42 U.S.C. 4370m)).

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

11 “(i) cooperate with the Commission  
12 and the project sponsor with respect to the  
13 review and permitting processes carried  
14 out under this section; and

15 “(ii) fully participate in those proc-  
16 esses.

17 “(C) USE OF ENVIRONMENTAL REVIEW IM-  
18 PROVEMENT FUND.—

19 “(i) DEFINITIONS.—In this subpara-  
20 graph:

21 “(I) AGENCY PARTICIPATING IN  
22 THE PREFILING PROCESS.—The term  
23 ‘agency participating in the prefilling  
24 process’ means a participating agency  
25 or cooperating agency that partici-

1 pates in the prefiling process with re-  
2 spect to a qualifying project.

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

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

16 “(I) by the Council, to cover the  
17 expenses of the Council relating to the  
18 qualifying project;

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

23 “(III) as the Council determines  
24 to be appropriate, by any other Fed-  
25 eral agency conducting an environ-

1                   mental review relating to the quali-  
2                   fying project, to cover the costs of  
3                   conducting that environmental review.

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

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

1           ating agency participated in the prefiling  
2           process with respect to that project.

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

10          “(7) PREFILING REQUIRED.—

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

17           “(B) PARTICIPATION.—

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

24           “(ii) STATE, TRIBAL, AND LOCAL  
25           AGENCIES.—The Commission shall facili-

1           tate and encourage State, Tribal, and local  
2           agencies, including any State commission  
3           or other entity described in subsection  
4           (c)(1), to participate in the prefiling proc-  
5           ess for a qualifying project.

6           “(C) RULEMAKING.—

7                 “(i) IN GENERAL.—Not later than 1  
8           year after the date of enactment of the  
9           FASTER Act of 2023, the Commission  
10          shall promulgate a final rule to establish a  
11          prefiling process for use in accordance with  
12          this section.

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

24          “(8) EXPEDITING APPLICATION PROCESSING.—



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

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

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

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

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

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

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

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

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

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

4 “(F) ACCOUNTABILITY.—

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

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

16 “(9) CATEGORICAL EXCLUSIONS.—

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

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

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

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

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

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

19           “(B) CATEGORICAL EXCLUSIONS OF  
20          OTHER AGENCIES.—Consistent with section 109  
21          of the National Environmental Policy Act of  
22          1969 (42 U.S.C. 4321 et seq.), the Commission  
23          may adopt a categorical exclusion listed in the  
24          procedures of another Federal agency under  
25          that Act for a category of proposed agency ac-

1           tions for which the categorical exclusion was es-  
2           tablished.

3           “(C) ADMINISTRATION.—

4           “(i) IN GENERAL.—In administering a  
5           categorical exclusion established under sub-  
6           paragraph (A)(ii), the Commission shall  
7           comply with the National Environmental  
8           Policy Act of 1969 (42 U.S.C. 4321 et  
9           seq.) (including regulations promulgated  
10          pursuant to that Act).

11          “(ii) EXTRAORDINARY CIR-  
12          CUMSTANCES.—In determining whether to  
13          use a categorical exclusion established  
14          under subparagraph (A)(ii), the Commis-  
15          sion shall apply—

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

19               “(II) any other regulation pro-  
20               mulgated by the Commission to estab-  
21               lish extraordinary circumstances pro-  
22               cedures described in section  
23               1507.3(e)(2)(ii) of title 40, Code of  
24               Federal Regulations (or a successor  
25               regulation).

- 1           “(D) ACTIVITIES DESCRIBED.—The activi-  
2           ties referred to in subparagraph (A) include—  
3           “(i) a geotechnical investigation;  
4           “(ii) off-road travel in an existing  
5           right-of-way;  
6           “(iii) adding a battery or other energy  
7           storage device to an existing or planned  
8           energy facility, if that storage resource is  
9           located within the physical footprint of the  
10          existing or planned energy facility;  
11          “(iv) any repair, maintenance, up-  
12          grade, optimization, or minor addition to  
13          existing transmission and distribution in-  
14          frastructure, including—  
15               “(I) operation, maintenance, or  
16               repair of power equipment and struc-  
17               tures within existing substations,  
18               switching stations, transmission lines,  
19               and distribution lines;  
20               “(II) the addition, modification,  
21               retirement, or replacement of break-  
22               ers, transmission towers, trans-  
23               formers, bushings, or relays;  
24               “(III) the voltage uprating, modi-  
25               fication, reconductoring with conven-

1 tional or advanced conductors, and  
2 clearance resolution of transmission  
3 lines;

4 “(IV) an activity to minimize fire  
5 risk, including vegetation manage-  
6 ment, routine fire mitigation, inspec-  
7 tion, and maintenance activities, and  
8 removal of hazard trees and other  
9 hazard vegetation within or adjacent  
10 to an existing right-of-way;

11 “(V) an improvement to or con-  
12 struction of 1 or more structure pads  
13 for that infrastructure; and

14 “(VI) access and access route  
15 maintenance, and any repair, associ-  
16 ated with any activity described in  
17 subclauses (I) through (V);

18 “(v) approval of, and activities con-  
19 ducted in accordance with, operating plans  
20 or agreements for transmission and dis-  
21 tribution facilities or under a special use  
22 authorization for an electric transmission  
23 and distribution facility right-of-way; and

1 “(vi) construction, maintenance, re-  
2 alignment, or repair of an existing perma-  
3 nent or temporary access road—

4 “(I) within an existing right-of-  
5 way or within a transmission or utility  
6 corridor established by Congress or in  
7 a land use plan; or

8 “(II) that serves an existing  
9 transmission line, distribution line, or  
10 energy facility.

11 “(E) OTHER CATEGORICAL EXCLUSIONS.—

12 “(i) IN GENERAL.—Not later than 1  
13 year after the date of enactment of the  
14 FASTER Act of 2023, the Commission  
15 shall—

16 “(I) review section 1021.410 of  
17 title 10, Code of Federal Regulations  
18 (as in effect on the date of enactment  
19 of the FASTER Act of 2023), and  
20 the applicable appendices of subpart  
21 D of that title; and

22 “(II) as the Commission deter-  
23 mines to be appropriate, promulgate  
24 comparable regulations pursuant to  
25 which the Commission may establish



1 categorical exclusions for, and apply  
2 categorical exclusions to, qualifying  
3 projects.

4 “(ii) TRANSITION PERIOD.—Until the  
5 date on which the regulations described in  
6 clause (i)(II) are promulgated by the Com-  
7 mission, the Commission may apply section  
8 1021.410 of title 10, Code of Federal Reg-  
9 ulations (or a successor regulation), to  
10 qualifying projects.

11 “(10) NEPA PROCESSES AND COMPLIANCE.—

12 “(A) PURPOSE.—The purpose of this para-  
13 graph is to ensure that there is no duplication  
14 of effort or processes with respect to environ-  
15 mental reviews relating to the siting, construc-  
16 tion, or modification of national interest electric  
17 transmission facilities in national interest elec-  
18 tric transmission corridors designated by the  
19 Secretary under paragraph (2) or (5) of sub-  
20 section (b).

21 “(B) NO ENVIRONMENTAL REVIEW RE-  
22 QUIRED FOR NIETC DESIGNATION.—Notwith-  
23 standing any other provision of law, the des-  
24 ignation of a national interest electric trans-  
25 mission corridor under paragraph (2) or (5) of

1 subsection (b) does not require the preparation  
2 of an environmental review document pursuant  
3 to the National Environmental Policy Act of  
4 1969 (42 U.S.C. 4321 et seq.) (including sec-  
5 tion 106 of that Act) or any other provision of  
6 Federal law.

7 “(C) ENVIRONMENTAL REVIEW REQUIRED  
8 FOR SITING, CONSTRUCTION, OR MODIFICATION  
9 OF FACILITIES.—With respect to any siting,  
10 construction, or modification of a national in-  
11 terest electric transmission facility in a national  
12 interest electric transmission corridor, the Com-  
13 mission, in accordance with this subsection—

14 “(i) shall be designated as the lead  
15 agency with respect to that siting, con-  
16 struction, or modification; and

17 “(ii) shall prepare an environmental  
18 review document for that siting, construc-  
19 tion, or modification, as applicable.

20 “(11) FEDERAL LAND USE AUTHORIZATIONS.—

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

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

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

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

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

19                 “(A) the Secretary;

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

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

25          “(i) INTERSTATE COMPACTS.—

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

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

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

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

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

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

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

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

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

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

14 (1) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

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

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

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

23 (4) ADDITIONAL ECONOMIC DEVELOPMENT  
24 FUNDING.—

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

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

17 (c) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

4           (c) COMPENSATION AUTHORITY.—

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

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

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

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

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

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

2 (a) DEFINITIONS.—In this section:

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

5 (A) public land; and

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

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

12 (ii) other Federal law.

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

15 (A) National Forest System land; and

16 (B) public land.

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

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

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

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

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

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

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

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

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

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

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

21 (2) beginning on January 1, 2040—

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

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

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

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

3 (c) PAYMENTS TO STATES AND COUNTIES.—

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

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

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

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

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

1 (A) restoring and protecting—

2 (i) fish and wildlife habitat for af-  
3 fected species;

4 (ii) fish and wildlife corridors for af-  
5 fected species; and

6 (iii) water resources in areas affected  
7 by projects for the siting, construction, or  
8 modification of electric transmission facili-  
9 ties; and

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

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

23 (4) INVESTMENT OF FUND.—

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



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

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

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

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

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

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

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

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

○