

## COMMITTEE PRINT

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[Showing the text of H.R. 1115, as forwarded by the Subcommittee on Energy, Climate, and Grid Security on February 28, 2023]

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1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Promoting Interagency  
3 Coordination for Review of Natural Gas Pipelines Act”.

4 **SEC. 2. FERC PROCESS COORDINATION FOR NATURAL GAS  
5 PIPELINE PROJECTS.**

6 (a) DEFINITIONS.—In this section:

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

9 (2) FEDERAL AUTHORIZATION.—The term  
10 “Federal authorization” has the meaning given that  
11 term in section 15(a) of the Natural Gas Act (15  
12 U.S.C. 717n(a)).

13 (3) NEPA REVIEW.—The term “NEPA review”  
14 means the process of reviewing a proposed Federal  
15 action under section 102 of the National Environ-  
16 mental Policy Act of 1969 (42 U.S.C. 4332).

17 (4) PROJECT-RELATED NEPA REVIEW.—The  
18 term “project-related NEPA review” means any  
19 NEPA review required to be conducted with respect

1 to the issuance of an authorization under section 3  
2 of the Natural Gas Act or a certificate of public con-  
3 venience and necessity under section 7 of such Act.

4 (b) COMMISSION NEPA REVIEW RESPONSIBIL-  
5 ITIES.—In acting as the lead agency under section  
6 15(b)(1) of the Natural Gas Act for the purposes of com-  
7 plying with the National Environmental Policy Act of  
8 1969 (42 U.S.C. 4321 et seq.) with respect to an author-  
9 ization under section 3 of the Natural Gas Act or a certifi-  
10 cate of public convenience and necessity under section 7  
11 of such Act, the Commission shall, in accordance with this  
12 section and other applicable Federal law—

13 (1) be the only lead agency;

14 (2) coordinate as early as practicable with each  
15 agency designated as a participating agency under  
16 subsection (d)(3) to ensure that the Commission de-  
17 velops information in conducting its project-related  
18 NEPA review that is usable by the participating  
19 agency in considering an aspect of an application for  
20 a Federal authorization for which the agency is re-  
21 sponsible; and

22 (3) take such actions as are necessary and  
23 proper to facilitate the expeditious resolution of its  
24 project-related NEPA review.

1           (c) DEFERENCE TO COMMISSION.—In making a deci-  
2 sion with respect to a Federal authorization required with  
3 respect to an application for authorization under section  
4 3 of the Natural Gas Act or a certificate of public conven-  
5 ience and necessity under section 7 of such Act, each agen-  
6 cy shall give deference, to the maximum extent authorized  
7 by law, to the scope of the project-related NEPA review  
8 that the Commission determines to be appropriate.

9           (d) PARTICIPATING AGENCIES.—

10           (1) IDENTIFICATION.—The Commission shall  
11 identify, not later than 30 days after the Commis-  
12 sion receives an application for an authorization  
13 under section 3 of the Natural Gas Act or a certifi-  
14 cate of public convenience and necessity under sec-  
15 tion 7 of such Act, any Federal or State agency,  
16 local government, or Indian Tribe that may issue a  
17 Federal authorization or is required by Federal law  
18 to consult with the Commission in conjunction with  
19 the issuance of a Federal authorization required for  
20 such authorization or certificate.

21           (2) INVITATION.—

22           (A) IN GENERAL.—Not later than 45 days  
23 after the Commission receives an application for  
24 an authorization under section 3 of the Natural  
25 Gas Act or a certificate of public convenience

1           and necessity under section 7 of such Act, the  
2           Commission shall invite any agency identified  
3           under paragraph (1) to participate in the review  
4           process for the applicable Federal authorization.

5           (B) DEADLINE.—An invitation issued  
6           under subparagraph (A) shall establish a dead-  
7           line by which a response to the invitation shall  
8           be submitted to the Commission, which may be  
9           extended by the Commission for good cause.

10          (3) DESIGNATION AS PARTICIPATING AGEN-  
11          CIES.—Not later than 60 days after the Commission  
12          receives an application for an authorization under  
13          section 3 of the Natural Gas Act or a certificate of  
14          public convenience and necessity under section 7 of  
15          such Act, the Commission shall designate an agency  
16          identified under paragraph (1) as a participating  
17          agency with respect to an application for authoriza-  
18          tion under section 3 of the Natural Gas Act or a  
19          certificate of public convenience and necessity under  
20          section 7 of such Act unless the agency informs the  
21          Commission, in writing, by the deadline established  
22          pursuant to paragraph (2)(B), that the agency—

23                 (A) has no jurisdiction or authority with  
24                 respect to the applicable Federal authorization;

1 (B) has no special expertise or information  
2 relevant to any project-related NEPA review; or

3 (C) does not intend to submit comments  
4 for the record for the project-related NEPA re-  
5 view conducted by the Commission.

6 (4) EFFECT OF NON-DESIGNATION.—

7 (A) EFFECT ON AGENCY.—Any agency  
8 that is not designated as a participating agency  
9 under paragraph (3) with respect to an applica-  
10 tion for an authorization under section 3 of the  
11 Natural Gas Act or a certificate of public con-  
12 venience and necessity under section 7 of such  
13 Act may not request or conduct a NEPA review  
14 that is supplemental to the project-related  
15 NEPA review conducted by the Commission,  
16 unless the agency—

17 (i) demonstrates that such review is  
18 legally necessary for the agency to carry  
19 out responsibilities in considering an as-  
20 pect of an application for a Federal au-  
21 thorization; and

22 (ii) requires information that could  
23 not have been obtained during the project-  
24 related NEPA review conducted by the  
25 Commission.

1 (B) COMMENTS; RECORD.—The Commis-  
2 sion shall not, with respect to an agency that is  
3 not designated as a participating agency under  
4 paragraph (3) with respect to an application for  
5 an authorization under section 3 of the Natural  
6 Gas Act or a certificate of public convenience  
7 and necessity under section 7 of such Act—

8 (i) consider any comments or other in-  
9 formation submitted by such agency for  
10 the project-related NEPA review conducted  
11 by the Commission; or

12 (ii) include any such comments or  
13 other information in the record for such  
14 project-related NEPA review.

15 (e) SCHEDULE.—

16 (1) DEADLINE FOR FEDERAL AUTHORIZA-  
17 TIONS.—A deadline for a Federal authorization re-  
18 quired with respect to an application for authoriza-  
19 tion under section 3 of the Natural Gas Act or a  
20 certificate of public convenience and necessity under  
21 section 7 of such Act set by the Commission under  
22 section 15(c)(1) of such Act shall be not later than  
23 90 days after the Commission completes its project-  
24 related NEPA review, unless an applicable schedule  
25 is otherwise established by Federal law.

1           (2) CONCURRENT REVIEWS.—Each Federal and  
2           State agency—

3                   (A) that may consider an application for a  
4           Federal authorization required with respect to  
5           an application for authorization under section 3  
6           of the Natural Gas Act or a certificate of public  
7           convenience and necessity under section 7 of  
8           such Act shall formulate and implement a plan  
9           for administrative, policy, and procedural mech-  
10          anisms to enable the agency to ensure comple-  
11          tion of Federal authorizations in compliance  
12          with schedules established by the Commission  
13          under section 15(c)(1) of such Act; and

14                   (B) in considering an aspect of an applica-  
15          tion for a Federal authorization required with  
16          respect to an application for authorization  
17          under section 3 of the Natural Gas Act or a  
18          certificate of public convenience and necessity  
19          under section 7 of such Act, shall—

20                           (i) formulate and implement a plan to  
21                           enable the agency to comply with the  
22                           schedule established by the Commission  
23                           under section 15(c)(1) of such Act;

24                           (ii) carry out the obligations of that  
25                           agency under applicable law concurrently,

1 and in conjunction with, the project-related  
2 NEPA review conducted by the Commis-  
3 sion, and in compliance with the schedule  
4 established by the Commission under sec-  
5 tion 15(c)(1) of such Act, unless the agen-  
6 cy notifies the Commission in writing that  
7 doing so would impair the ability of the  
8 agency to conduct needed analysis or oth-  
9 erwise carry out such obligations;

10 (iii) transmit to the Commission a  
11 statement—

12 (I) acknowledging receipt of the  
13 schedule established by the Commis-  
14 sion under section 15(c)(1) of the  
15 Natural Gas Act; and

16 (II) setting forth the plan formu-  
17 lated under clause (i) of this subpara-  
18 graph;

19 (iv) not later than 30 days after the  
20 agency receives such application for a Fed-  
21 eral authorization, transmit to the appli-  
22 cant a notice—

23 (I) indicating whether such appli-  
24 cation is ready for processing; and

1 (II) if such application is not  
2 ready for processing, that includes a  
3 comprehensive description of the in-  
4 formation needed for the agency to  
5 determine that the application is  
6 ready for processing;

7 (v) determine that such application  
8 for a Federal authorization is ready for  
9 processing for purposes of clause (iv) if  
10 such application is sufficiently complete for  
11 the purposes of commencing consideration,  
12 regardless of whether supplemental infor-  
13 mation is necessary to enable the agency to  
14 complete the consideration required by law  
15 with respect to such application; and

16 (vi) not less often than once every 90  
17 days, transmit to the Commission a report  
18 describing the progress made in consid-  
19 ering such application for a Federal au-  
20 thorization.

21 (3) FAILURE TO MEET DEADLINE.—If a Fed-  
22 eral or State agency, including the Commission, fails  
23 to meet a deadline for a Federal authorization set  
24 forth in the schedule established by the Commission  
25 under section 15(c)(1) of the Natural Gas Act, not

1 later than 5 days after such deadline, the head of  
2 the relevant Federal agency (including, in the case  
3 of a failure by a State agency, the Federal agency  
4 overseeing the delegated authority) shall notify Con-  
5 gress and the Commission of such failure and set  
6 forth a recommended implementation plan to ensure  
7 completion of the action to which such deadline ap-  
8 plied.

9 (f) CONSIDERATION OF APPLICATIONS FOR FEDERAL  
10 AUTHORIZATION.—

11 (1) ISSUE IDENTIFICATION AND RESOLU-  
12 TION.—

13 (A) IDENTIFICATION.—Federal and State  
14 agencies that may consider an aspect of an ap-  
15 plication for a Federal authorization shall iden-  
16 tify, as early as possible, any issues of concern  
17 that may delay or prevent an agency from  
18 working with the Commission to resolve such  
19 issues and granting such authorization.

20 (B) ISSUE RESOLUTION.—The Commission  
21 may forward any issue of concern identified  
22 under subparagraph (A) to the heads of the rel-  
23 evant agencies (including, in the case of an  
24 issue of concern that is a failure by a State

1           agency, the Federal agency overseeing the dele-  
2           gated authority, if applicable) for resolution.

3           (2) REMOTE SURVEYS.—If a Federal or State  
4           agency considering an aspect of an application for a  
5           Federal authorization requires the person applying  
6           for such authorization to submit data, the agency  
7           shall consider any such data gathered by aerial or  
8           other remote means that the person submits. The  
9           agency may grant a conditional approval for the  
10          Federal authorization based on data gathered by  
11          aerial or remote means, conditioned on the  
12          verification of such data by subsequent onsite in-  
13          spection.

14          (3) APPLICATION PROCESSING.—The Commis-  
15          sion, and Federal and State agencies, may allow a  
16          person applying for a Federal authorization to fund  
17          a third-party contractor to assist in reviewing the  
18          application for such authorization.

19          (g) ACCOUNTABILITY, TRANSPARENCY, EFFI-  
20          CIENCY.—For an application for an authorization under  
21          section 3 of the Natural Gas Act or a certificate of public  
22          convenience and necessity under section 7 of such Act that  
23          requires multiple Federal authorizations, the Commission,  
24          with input from any Federal or State agency considering  
25          an aspect of the application, shall track and make avail-

1 able to the public on the Commission's website information  
2 related to the actions required to complete the Federal au-  
3 thorizations. Such information shall include the following:

4 (1) The schedule established by the Commission  
5 under section 15(c)(1) of the Natural Gas Act.

6 (2) A list of all the actions required by each ap-  
7 plicable agency to complete permitting, reviews, and  
8 other actions necessary to obtain a final decision on  
9 the application.

10 (3) The expected completion date for each such  
11 action.

12 (4) A point of contact at the agency responsible  
13 for each such action.

14 (5) In the event that an action is still pending  
15 as of the expected date of completion, a brief expla-  
16 nation of the reasons for the delay.

17 **SEC. 3. PIPELINE SECURITY.**

18 In considering an application for an authorization  
19 under section 3 of the Natural Gas Act or a certificate  
20 of public convenience and necessity under section 7 of such  
21 Act, the Federal Energy Regulatory Commission shall  
22 consult with the Administrator of the Transportation Se-  
23 curity Administration regarding the applicant's compli-  
24 ance with security guidance and best practice rec-  
25 ommendations of the Administration regarding pipeline

- 1 infrastructure security, pipeline cybersecurity, pipeline
- 2 personnel security, and other pipeline security measures.