

AMENDMENT

OFFERED BY M____.

Page 13, beginning on line 11, strike “**CARBON DIOXIDE, HYDROGEN, AND PETROLEUM PIPELINE PERMITTING**” and insert “**LINEAR ENERGY INFRA-STRUCTURE PERMITTING**”.

Page 13, line 13, insert “(a) CARBON DIOXIDE, HYDROGEN, AND PETROLEUM PIPELINE PERMITTING.—” before “The Natural Gas Act”.

Page 18, after line 23, insert the following:

1 (b) SITING OF NATIONAL INTEREST HIGH-IMPACT
2 TRANSMISSION FACILITIES.—

3 (1) IN GENERAL.—Section 216 of the Federal
4 Power Act (16 U.S.C. 824p) is amended by adding
5 at the end the following:

6 “(l) SITING OF NATIONAL INTEREST HIGH-IMPACT
7 TRANSMISSION FACILITIES.—

8 “(1) DEFINITIONS.—In this subsection:

9 “(A) BULK-POWER SYSTEM.—The term
10 ‘bulk-power system’ has the meaning given the
11 term in section 215(a).

1 “(B) LOCAL AUTHORITY.—The term ‘local
2 authority’ means a unit of local government, in-
3 cluding a county, a municipality, a city, a town,
4 a township, and any other political subdivision
5 created by or pursuant to State law.

6 “(C) NATIONAL INTEREST HIGH-IMPACT
7 TRANSMISSION FACILITY.—The term ‘national
8 interest high-impact transmission facility’
9 means a transmission facility designated as a
10 national interest high-impact transmission facil-
11 ity under paragraph (2).

12 “(D) OUTER CONTINENTAL SHELF.—The
13 term ‘outer Continental Shelf’ has the meaning
14 given the term in section 2 of the Outer Conti-
15 nental Shelf Lands Act (43 U.S.C. 1331).

16 “(E) PROJECT SPONSOR.—The term
17 ‘project sponsor’ means an entity seeking to
18 construct, own, or operate a national interest
19 high-impact transmission facility.

20 “(F) PROJECT STATE.—The term ‘project
21 State’ means a State in which there is located
22 or is proposed to be located any portion of a
23 transmission facility designated or sought to be
24 designated as a national interest high-impact
25 transmission facility.

1 “(G) RELIABILITY STANDARD.—The term
2 ‘reliability standard’ has the meaning given the
3 term in section 215(a).

4 “(2) DESIGNATION OF NATIONAL INTEREST
5 HIGH-IMPACT TRANSMISSION FACILITIES.—

6 “(A) IN GENERAL.—A project sponsor or
7 project State may submit to the Secretary an
8 application to designate a transmission facility
9 as a national interest high-impact transmission
10 facility for purposes of paragraph (3).

11 “(B) CONTENTS OF APPLICATIONS.—An
12 application submitted under subparagraph (A)
13 shall provide information on—

14 “(i) a specific geographic area that is
15 experiencing, or is expected to experience,
16 electric energy transmission capacity con-
17 straints or congestion that adversely af-
18 fects consumers;

19 “(ii) how the proposed transmission
20 facility would alleviate the electric energy
21 transmission capacity constraints or con-
22 gestion described in clause (i);

23 “(iii) the boundary of the proposed
24 transmission facility and the rationale for
25 that boundary;

1 “(iv) the voltage, transmission capac-
2 ity, and route of the proposed transmission
3 facility;

4 “(v) how the proposed transmission
5 facility is expected to affect costs to con-
6 sumers to purchase electricity; and

7 “(vi) any other matter that the Sec-
8 retary determines necessary to carry out
9 subparagraph (C), including by providing
10 any data that the Secretary determines
11 necessary to carry out that subparagraph.

12 “(C) DEADLINE.—Not later than 90 days
13 after receiving a complete application under
14 subparagraph (A), the Secretary, after con-
15 sultation with affected States, local authorities,
16 and Indian Tribes, shall approve the application
17 and designate the applicable transmission facil-
18 ity as a national interest high-impact trans-
19 mission facility if the Secretary determines
20 that—

21 “(i) the proposed transmission facil-
22 ity—

23 “(I) is, or will be, in the national
24 interest, based on the criteria other-
25 wise applicable to a national interest

1 electric transmission corridor under
2 subsection (a)(4);

3 “(II) is, or will be after construc-
4 tion or modification, capable of trans-
5 mitting electricity at a voltage of not
6 less than 345 kilovolts;

7 “(III)(aa) adds not less than 750
8 megawatts of new transmission capac-
9 ity within a single linear path or
10 right-of-way; or

11 “(bb) would increase the existing
12 transmission capacity within a single
13 linear path or right-of-way by not less
14 than 750 megawatts;

15 “(IV) the proposed transmission
16 facility crosses or will cross—

17 “(aa) the exterior boundary
18 of not fewer than 2 States; or

19 “(bb) the exterior boundary
20 of at least 1 State and the outer
21 Continental Shelf; and

22 “(V) provides, or will provide
23 after construction or modification, for
24 the reliable operation of the bulk-
25 power system, including through com-

1 pliance with any applicable reliability
2 standard approved by the Commission
3 under section 215(d); and

4 “(ii) the project sponsor has met mile-
5 stones, established by the Secretary under
6 subparagraph (E), that demonstrate that
7 the project sponsor is capable of com-
8 pleting the construction or modification of
9 the proposed transmission facility.

10 “(D) APPLICABILITY OF THE NATIONAL
11 ENVIRONMENTAL POLICY ACT OF 1969.—The
12 designation of a transmission facility as a na-
13 tional interest high-impact transmission facility
14 under this paragraph shall not be considered a
15 major Federal action under section 102(2)(C)
16 of the National Environmental Policy Act of
17 1969 (42 U.S.C. 4332(2)(C)).

18 “(E) RULEMAKING.—

19 “(i) IN GENERAL.—Not later than
20 180 days after the date of enactment of
21 this subsection, the Secretary shall promul-
22 gate a regulation establishing a process to
23 evaluate applications submitted under sub-
24 paragraph (A), which shall include estab-

1 lishing milestones for purposes of subpara-
2 graph (C)(ii).

3 “(ii) MILESTONES.—In carrying out
4 clause (i), the Secretary may establish
5 milestones that are indicative of the real-
6 istic ability of a project sponsor to com-
7 plete the development process with respect
8 to a transmission project and make the ap-
9 plicable transmission facility operational,
10 such as development of a construction
11 plan, the making of investment decisions,
12 and other milestones that, in the deter-
13 mination of the Secretary, are pertinent to
14 the ability of a project sponsor to success-
15 fully make the applicable facility oper-
16 ational.

17 “(3) CONSTRUCTION PERMITS FOR NATIONAL
18 INTEREST HIGH-IMPACT TRANSMISSION FACILI-
19 TIES.—

20 “(A) PERMIT APPLICATIONS.—

21 “(i) IN GENERAL.—A project sponsor,
22 or a project State on behalf of a project
23 sponsor, may submit to the Commission an
24 application for a permit to construct or

1 modify a national interest high-impact
2 transmission facility.

3 “(ii) FORM.—Permit applications sub-
4 mitted under clause (i) shall be made in
5 writing to the Commission.

6 “(iii) RULEMAKING.—Not later than
7 180 days after the date of enactment of
8 this subsection, the Commission shall pro-
9 mulgate regulations specifying—

10 “(I) the form of, and information
11 to be included in, an application sub-
12 mitted under clause (i); and

13 “(II) the manner of service of no-
14 tice of the application on interested
15 persons.

16 “(B) PREAPPLICATION DISCUSSIONS; COM-
17 MISSION PROCEEDINGS.—With respect to an
18 application submitted under subparagraph
19 (A)(i), the Commission may carry out
20 preapplication discussions with the project
21 sponsor (and 1 or more project States, as appli-
22 cable) and initiate a Commission proceeding for
23 purposes of subparagraph (C) at the same time
24 that any State commission or other entity that
25 has authority to approve the siting of the appli-

1 cable transmission facility considers an applica-
2 tion for a permit to construct or modify the
3 transmission facility pursuant to applicable law.

4 “(C) CONSTRUCTION PERMIT.—Except as
5 provided in subsection (i), the Commission may,
6 after notice and an opportunity for a hearing
7 on an application submitted under subpara-
8 graph (A)(i), issue a permit for the construction
9 or modification of the national interest high-im-
10 pact transmission facility that is the subject of
11 the application if the Commission finds that
12 subparagraph (A), (B), or (C) of subsection
13 (b)(1) is satisfied with respect to the national
14 interest high-impact transmission facility.”.

15 (2) CONFORMING AMENDMENTS.—

16 (A) SITING OF INTERSTATE ELECTRIC
17 TRANSMISSION FACILITIES.—Section 216 of the
18 Federal Power Act (16 U.S.C. 824p) is amend-
19 ed—

20 (i) in subsection (d), by inserting “or
21 (l)(3)(C)” after “subsection (b)”;

22 (ii) in subsection (e)(1)—

23 (I) by inserting “or (l)(3)(C)”
24 after “subsection (b)”;

25 (II) by striking “or a State”; and

1 (iii) in subsection (i)(3), by inserting
2 “any national interest high-impact trans-
3 mission facilities designated under sub-
4 section (l)(2) and any” after “including”.

5 (B) PUBLIC-PRIVATE PARTNERSHIPS.—
6 Section 40106(h)(1) of the Infrastructure In-
7 vestment and Jobs Act (42 U.S.C.
8 18713(h)(1)) is amended—

9 (i) in subparagraph (A)—

10 (I) by striking “16 U.S.C.
11 824p(a)” and inserting “(16 U.S.C.
12 824p(a))”; and

13 (II) by striking “or” at the end;

14 (ii) in subparagraph (B), by inserting
15 “or” after the semicolon at the end; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(C) is a national interest high-impact
19 transmission facility designated under sub-
20 section (l)(2) of section 216 of the Federal
21 Power Act (16 U.S.C. 824p);”.

