

[DISCUSSION DRAFT]

1 **SEC. ____ . FERC PROCESS COORDINATION.**

2 Section 15 of the Natural Gas Act (15 U.S.C. 717n)
3 is amended—

4 (1) by amending subsection (b)(2) to read as
5 follows:

6 “(2) OTHER AGENCIES.—

7 “(A) IN GENERAL.—Each Federal and
8 State agency considering an aspect of an appli-
9 cation for Federal authorization shall cooperate
10 with the Commission and comply with the dead-
11 lines established by the Commission.

12 “(B) IDENTIFICATION.—The Commission
13 shall identify, as early as practicable after a
14 Federal authorization is requested, any Federal
15 or State agency, local government, or Indian
16 tribe that may consider an aspect of an applica-
17 tion for that Federal authorization.

18 “(C) INVITATION.—

19 “(i) IN GENERAL.—The Commission
20 shall invite any agency identified under
21 subparagraph (B) to cooperate or partici-
22 pate in the review process.

1 “(ii) DEADLINE.—An invitation
2 issued under clause (i) shall establish a
3 deadline by which a response to the invita-
4 tion shall be submitted, which may be ex-
5 tended by the Commission for good
6 cause.”;

7 (2) in subsection (c)—

8 (A) in paragraph (1)—

9 (i) by striking “and” at the end of
10 subparagraph (A);

11 (ii) by redesignating subparagraph
12 (B) as subparagraph (C); and

13 (iii) by inserting after subparagraph
14 (A) the following new subparagraph:

15 “(B) set deadlines for all such Federal au-
16 thorizations; and”;

17 (B) by striking paragraph (2); and

18 (C) by adding at the end the following new
19 paragraphs:

20 “(2) DEADLINE FOR FEDERAL AUTHORIZA-
21 TIONS.—A final decision on a Federal authorization
22 is due no later than 90 days after the Commission
23 issues its final environmental document, unless a
24 schedule is otherwise established by Federal law.

1 “(3) DEFERENCE TO COMMISSION.—When
2 making a decision with respect to a Federal author-
3 ization, each Federal and State agency shall give
4 deference, to the maximum extent allowed by law, to
5 the scope of environmental review that the Commis-
6 sion determines to be appropriate.

7 “(4) CONCURRENT REVIEWS.—Each Federal
8 and State agency considering an aspect of an appli-
9 cation for a Federal authorization shall—

10 “(A) carry out the obligations of that
11 agency under applicable law concurrently, and
12 in conjunction, with the review required by the
13 National Environmental Policy Act of 1969 (42
14 U.S.C. 4321 et seq.), unless doing so would im-
15 pair the ability of the agency to conduct needed
16 analysis or otherwise carry out those obliga-
17 tions;

18 “(B) formulate and implement administra-
19 tive, policy, and procedural mechanisms to en-
20 able the agency to ensure completion of re-
21 quired Federal authorizations no later than 90
22 days after the Commission issues its final envi-
23 ronmental document; and

24 “(C) transmit to the Commission a state-
25 ment—

1 “(i) acknowledging receipt of the
2 schedule established under paragraph (1);
3 and

4 “(ii) setting forth the plan formulated
5 under subparagraph (B) of this paragraph.

6 “(5) ISSUE IDENTIFICATION AND RESOLU-
7 TION.—

8 “(A) IDENTIFICATION.—Federal and State
9 agencies considering an aspect of an application
10 for Federal authorization shall identify, as early
11 as possible, any issues of concern that may
12 delay or prevent an agency from granting such
13 authorization.

14 “(B) ISSUE RESOLUTION MEETING.—

15 “(i) IN GENERAL.—Upon request of a
16 cooperating agency or applicant, the Com-
17 mission shall convene an issue resolution
18 meeting with the relevant cooperating
19 agencies and the applicant to resolve any
20 issues that may—

21 “(I) delay completion of the envi-
22 ronmental review document; or

23 “(II) result in the denial of any
24 Federal authorization.

1 “(ii) MEETING DATE.—A meeting re-
2 requested under this subparagraph shall be
3 held not later than 21 days after the date
4 on which the Commission receives the re-
5 quest for the meeting, unless the Commis-
6 sion determines that there is good cause to
7 extend that deadline.

8 “(iii) NOTIFICATION.—Upon receipt
9 of a request for a meeting under this sub-
10 paragraph, the Commission shall notify all
11 relevant participating and cooperating
12 agencies of the request, including the issue
13 to be resolved and the date for the meet-
14 ing.

15 “(C) ELEVATION OF ISSUE RESOLUTION.—
16 If resolution cannot be achieved within 30 days
17 after a meeting under this subparagraph, the
18 Commission shall forward the dispute to the
19 heads of the relevant agencies (including, in the
20 case of a failure by the State agency, the Fed-
21 eral agency overseeing the delegated authority)
22 for resolution.

23 “(6) FAILURE TO MEET SCHEDULE.—If a Fed-
24 eral or State agency does not complete a proceeding
25 for an approval that is required for a Federal au-

1 authorization in accordance with the schedule estab-
2 lished by the Commission under paragraph (1)—

3 “(A) the applicant may pursue remedies
4 under section 19(d); and

5 “(B) the head of the relevant Federal
6 agency (including, in the case of a failure by a
7 State agency, the Federal agency overseeing the
8 delegated authority) shall notify Congress and
9 the Commission of such failure and set forth an
10 implementation plan to ensure completion.”;

11 (3) by redesignating subsections (d) through (f)
12 as subsections (f) through (h), respectively; and

13 (4) by inserting after subsection (c) the fol-
14 lowing new subsections:

15 “(d) APPLICATION PROCESSING.—The Commission
16 may allow an applicant seeking Federal authorization to
17 fund a third party contractor or Commission staff to assist
18 the Commission in reviewing the application.

19 “(e) ACCOUNTABILITY, TRANSPARENCY, EFFI-
20 CIENCY.—For applications requiring multiple Federal au-
21 thorizations, the Commission, with input from any Federal
22 or State agency considering an aspect of an application,
23 shall track and make available to the public on the Com-
24 mission’s website information related to the actions re-

1 quired to complete permitting, reviews, and other actions
2 required. Such information shall include the following:

3 “(1) The schedule established by the Commis-
4 sion under subsection (c)(1).

5 “(2) A list of all the actions required by each
6 applicable agency to complete permitting, reviews,
7 and other actions necessary to obtain a final decision
8 on the Federal authorization.

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

11 “(4) A point of contact at the agency account-
12 able for each such action.

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