

**[DISCUSSION DRAFT]**

115TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To provide for Federal and State agency coordination in the approval of certain authorizations under the Natural Gas Act.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To provide for Federal and State agency coordination in the approval of certain authorizations under the Natural Gas Act.

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 “Promoting Interagency  
5 Coordination for Review of Natural Gas Pipelines Act”.

6 **SEC. 2. FERC PROCESS COORDINATION.**

7 Section 15 of the Natural Gas Act (15 U.S.C. 717n)

8 is amended—

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

3           “(2) OTHER AGENCIES.—

4           “(A) IN GENERAL.—Each Federal and  
5 State agency considering an aspect of an appli-  
6 cation for a Federal authorization shall cooper-  
7 ate with the Commission and comply with the  
8 deadlines established by the Commission.

9           “(B) IDENTIFICATION.—The Commission  
10 shall identify, as early as practicable after it is  
11 notified by a prospective applicant for an au-  
12 thorization under section 3 or a certificate of  
13 public convenience and necessity under section  
14 7, any Federal or State agency, local govern-  
15 ment, or Indian Tribe that may consider an as-  
16 pect of an application for a Federal authoriza-  
17 tion for such authorization or certificate.

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 for the applica-  
23 ble Federal authorization.

24           “(ii) DEADLINE.—An invitation  
25 issued under clause (i) shall establish a

1 deadline by which a response to the invita-  
2 tion shall be submitted to the Commission,  
3 which may be extended by the Commission  
4 for good cause.”;

5 (2) in subsection (c)—

6 (A) in paragraph (1)—

7 (i) by striking “and” at the end of  
8 subparagraph (A);

9 (ii) by redesignating subparagraph  
10 (B) as subparagraph (C); and

11 (iii) by inserting after subparagraph  
12 (A) the following new subparagraph:

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

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

16 (C) by adding at the end the following new  
17 paragraphs:

18 “(2) DEADLINE FOR FEDERAL AUTHORIZA-  
19 TIONS.—A deadline for a Federal authorization set  
20 by the Commission under paragraph (1) shall be not  
21 later than 90 days after the Commission issues its  
22 final environmental document, unless an applicable  
23 schedule is otherwise established by Federal law.

24 “(3) CONCURRENT REVIEWS.—Each Federal  
25 and State agency—

1           “(A) that may consider an application for  
2 a Federal authorization pursuant to this section  
3 shall formulate and implement a plan for ad-  
4 ministrative, policy, and procedural mechanisms  
5 to enable the agency to ensure completion of  
6 Federal authorizations in compliance with  
7 schedules established, in accordance with para-  
8 graph (2), by the Commission under paragraph  
9 (1); and

10           “(B) in considering an aspect of an appli-  
11 cation for a Federal authorization, shall—

12           “(i) formulate and implement a plan  
13 to enable the agency to comply with the  
14 schedule established by the Commission  
15 under paragraph (1);

16           “(ii) carry out the obligations of that  
17 agency under applicable law concurrently,  
18 and in conjunction with, the review re-  
19 quired by the National Environmental Pol-  
20 icy Act of 1969 (42 U.S.C. 4321 et seq.),  
21 and in compliance with the schedule estab-  
22 lished by the Commission under paragraph  
23 (1), unless the agency notifies the Commis-  
24 sion in writing that doing so would impair  
25 the ability of the agency to conduct needed

1 analysis or otherwise carry out such obliga-  
2 tions;

3 “(iii) transmit to the Commission a  
4 statement—

5 “(I) acknowledging receipt of the  
6 schedule established by the Commis-  
7 sion under paragraph (1); and

8 “(II) setting forth the plan for-  
9 mulated under clause (i) of this sub-  
10 paragraph; and

11 “(iv) not less often than once every 90  
12 days, transmit to the Commission a report  
13 describing the progress made in consid-  
14 ering such application for a Federal au-  
15 thorization.

16 “(4) ISSUE IDENTIFICATION AND RESOLU-  
17 TION.—

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

1           “(B) ISSUE RESOLUTION.—The Commis-  
2           sion may forward any issue of concern identi-  
3           fied under subparagraph (A) to the heads of  
4           the relevant agencies (including, in the case of  
5           a failure by the State agency, the Federal agen-  
6           cy overseeing the delegated authority) for reso-  
7           lution.

8           “(C) DEFERENCE TO COMMISSION.—In  
9           making a decision with respect to a Federal au-  
10          thorization, each agency shall give deference, to  
11          the maximum extent authorized by law, to the  
12          scope of environmental review that the Commis-  
13          sion determines to be appropriate.

14          “(5) FAILURE TO MEET DEADLINE.—If a Fed-  
15          eral or State agency does not complete a proceeding  
16          for an approval that is required for a Federal au-  
17          thorization in accordance with the schedule estab-  
18          lished by the Commission under paragraph (1)—

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

21                 “(B) not later than 15 days after the date  
22                 on which the schedule provided for such comple-  
23                 tion, the head of the relevant Federal agency  
24                 (including, in the case of a failure by a State  
25                 agency, the Federal agency overseeing the dele-

1 gated authority) shall notify Congress and the  
2 Commission of such failure and set forth a rec-  
3 ommended implementation plan to ensure com-  
4 pletion of the proceeding for an approval.”;

5 (3) by redesignating subsections (d) through (f)  
6 as subsections (g) through (i), respectively; and

7 (4) by inserting after subsection (c) the fol-  
8 lowing new subsections:

9 “(d) REMOTE SURVEYS.—If a Federal or State agen-  
10 cy considering an aspect of an application for a Federal  
11 authorization requires the applicant to submit environ-  
12 mental data, the agency shall consider any such data gath-  
13 ered by aerial or other remote means that the applicant  
14 submits. The agency may grant a conditional approval for  
15 the Federal authorization based on data gathered by aerial  
16 or remote means, conditioned on the verification of such  
17 data by subsequent onsite inspection.

18 “(e) APPLICATION PROCESSING.—The Commission,  
19 and Federal and State agencies, may allow an applicant  
20 seeking a Federal authorization to fund a third-party con-  
21 tractor to assist in reviewing the application.

22 “(f) ACCOUNTABILITY, TRANSPARENCY, EFFI-  
23 CIENCY.—For an application for an authorization under  
24 section 3, or a certificate of public convenience and neces-  
25 sity under section 7, that requires multiple Federal au-

1 thORIZATIONS, the Commission, with input from any Federal  
2 or State agency considering an aspect of the application,  
3 shall track and make available to the public on the Com-  
4 mission's website information related to the actions re-  
5 quired to complete the Federal authorizations. Such infor-  
6 mation shall include the following:

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

9           “(2) A list of all the actions required by each  
10 applicable agency to complete permitting, reviews,  
11 and other actions necessary to obtain a final decision  
12 on the application.

13           “(3) The expected completion date for each  
14 such action.

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

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