

114TH CONGRESS
1ST SESSION

S. _____

To establish the Department of Energy as the lead agency for coordinating all requirements under Federal law with respect to eligible clean coal and advanced coal technology generating projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. HEITKAMP (for herself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish the Department of Energy as the lead agency for coordinating all requirements under Federal law with respect to eligible clean coal and advanced coal technology generating projects, 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. COORDINATION OF CLEAN COAL AND AD-**
4 **VANCED COAL TECHNOLOGY GENERATING**
5 **PROJECTS.**

6 (a) DEFINITION OF ELIGIBLE PROJECT.—In this
7 section, the term “eligible project” means—

1 (1) any project undertaken to install and oper-
2 ate an advanced carbon capture and storage tech-
3 nology or carbon capture utilization and storage
4 technology at a new or existing steam generating
5 unit; or

6 (2) any project designed to increase the effi-
7 ciency of converting coal to useful energy or to a
8 feedstock for the manufacture of other products.

9 (b) LEAD AGENCY.—The Department of Energy
10 shall be the lead agency for the purposes of coordinating
11 all requirements under Federal law with respect to eligible
12 projects, including any requirements of—

13 (1) the Clean Air Act (42 U.S.C. 7401 et seq.);

14 (2) the Federal Water Pollution Control Act
15 (33 U.S.C. 1251 et seq.);

16 (3) the Endangered Species Act of 1973 (16
17 U.S.C. 1531 et seq.);

18 (4) the National Environmental Policy Act of
19 1969 (42 U.S.C. 4321 et seq.); and

20 (5) the Safe Drinking Water Act (42 U.S.C.
21 300f et seq.).

22 (c) SCHEDULE.—In carrying out subsection (b), the
23 Secretary of Energy shall establish a schedule for all Fed-
24 eral authorizations with respect to each eligible project,
25 including by—

1 (1) setting binding intermediate milestones and
2 deadlines to ensure expeditious completion of all pro-
3 ceedings and final action on all Federal authoriza-
4 tions relating to the eligible project;

5 (2) requiring that all permit decisions and re-
6 lated environmental reviews under applicable Federal
7 law shall be completed not later than 1 year after
8 the date on which a complete application for each
9 environmental review is submitted, or as soon as
10 practicable thereafter; and

11 (3) coordinating, to the maximum extent prac-
12 ticable, any State permitting and environmental re-
13 quirements.

14 (d) MEMORANDA OF UNDERSTANDING.—To stream-
15 line and expedite review of Federal authorizations for eli-
16 gible projects, the Secretary of Energy shall—

17 (1) enter into memoranda of understanding
18 with applicable Federal agencies;

19 (2) facilitate a pre-application review process
20 with applicable Federal agencies; and

21 (3) consolidate all environmental reviews of the
22 eligible project into a single environmental review
23 document.

24 (e) JUDICIAL REVIEW.—With respect to an applica-
25 tion for Federal authorization relating to an eligible

1 project, the applicable Federal circuit court may review
2 and remedy—

3 (1) any failure by a Federal agency to complete
4 action on the application by the date that is 1 year
5 after the date on which the complete application was
6 submitted to the agency; and

7 (2) any issuance of an action or order by a
8 Federal agency with respect to the application that
9 is inconsistent with applicable Federal law.