118TH CONGRESS  
2D Session

S. ______

To reform leasing, permitting, and judicial review for certain energy and minerals projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To reform leasing, permitting, and judicial review for certain energy and minerals projects, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Energy Permitting Reform Act of 2024”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ACCELERATING CLAIMS

Sec. 101. Accelerating claims.
TITLE II—FEDERAL ONSHORE ENERGY LEASING AND PERMITTING

Sec. 201. Onshore oil and gas leasing.
Sec. 202. Term of application for permit to drill.
Sec. 203. Permitting compliance on non-Federal land.
Sec. 204. Coal leases on Federal land.
Sec. 205. Rights-of-way across Indian land.
Sec. 206. Accelerating renewable energy permitting.
Sec. 207. Improving renewable energy coordination on Federal land.
Sec. 208. Geothermal leasing and permitting improvements.
Sec. 209. Electric grid projects.

TITLE III—FEDERAL OFFSHORE ENERGY LEASING AND PERMITTING

Sec. 301. Offshore oil and gas leasing.
Sec. 302. Offshore wind energy.

TITLE IV—ELECTRIC TRANSMISSION

Sec. 401. Transmission permitting.
Sec. 402. Transmission planning.

TITLE V—ELECTRIC RELIABILITY

Sec. 501. Reliability assessments.

TITLE VI—LIQUEFIED NATURAL GAS EXPORTS

Sec. 601. Action on applications.
Sec. 602. Supplemental reviews.

TITLE VII—HYDROPOWER

Sec. 701. Hydroelectric license extensions.

TITLE I—ACCELERATING CLAIMS

SEC. 101. ACCELERATING CLAIMS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZATION.—

(A) IN GENERAL.—The term “authorization” means any license, permit, approval, order, or other administrative decision that is required or authorized under Federal law (in-
cluding regulations) to design, plan, site, construct, reconstruct, or commence operations of a project.

(B) INCLUSIONS.—The term “authorization” includes—

(i) agency approvals of lease sales, permits, or plans required to explore for, develop, or produce minerals under—

(I) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(II) the Act of August 7, 1947 (commonly known as the “Mineral Leasing Act for Acquired Lands”) (30 U.S.C. 351 et seq.);


(IV) sections 2319 through 2344 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 22 et seq.);

(V) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);
(VI) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.); and
(ii) statements or permits for a project under sections 7 and 10 of the Endangered Species Act of 1973 (16 U.S.C. 1536, 1539).

(2) ENVIRONMENTAL DOCUMENT.—The term “environmental document” includes any of the following, as prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):

(A) An environmental assessment.
(B) A finding of no significant impact.
(C) An environmental impact statement.
(D) A record of decision.

(3) PROJECT.—The term “project” means a project—

(A) proposed for the construction of infrastructure—

(i) to develop, produce, generate, store, transport, or distribute energy;
(ii) to capture, remove, transport, or store carbon dioxide; or
(iii) to mine, extract, beneficiate, or process minerals; and
(B) subject to the requirements that—
(i) an environmental document be prepared; and
(ii) the applicable agency issue an authorization of the activity.

(4) PROJECT SPONSOR.—The term “project sponsor” means an entity, including any private, public, or public-private entity, seeking an authorization for a project.

(b) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, a civil action arising under Federal law seeking judicial review of a final agency action granting or denying an authorization shall be barred unless the civil action is filed by the date that is 150 days after the date on which the authorization was granted or denied, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

(c) EXPEDITED REVIEW.—A reviewing court shall set for expedited consideration any civil action arising under Federal law seeking judicial review of a final agency action granting or denying an authorization.

(d) REMANDED ACTIONS.—

(1) IN GENERAL.—If the reviewing court remands a final Federal agency action granting or denying an authorization to the Federal agency for further proceedings, whether on a motion by the
court, the agency, or another party, the court shall
set a reasonable schedule and deadline for the agen-
cy to act on remand, which shall not exceed 180
days from the date on which the order of the court
was issued, unless a longer time period is necessary
to comply with applicable law.

(2) EXPEDITED TREATMENT OF REMANDED AC-
tIONS.—The head of the Federal agency to which a
court remands a final Federal agency action under
paragraph (1) shall take such actions as may be nec-
essary to provide for the expeditious disposition of
the action on remand in accordance with the sched-
ule and deadline set by the court under that para-
graph.

(c) TREATMENT OF SUPPLEMENTAL OR REVISED
ENVIRONMENTAL DOCUMENTS.—For the purpose of sub-
section (b), the preparation of a supplemental or revised
environmental document, when required, shall be consid-
ered to be a separate final agency action.

(f) NOTICE.—Not later than 30 days after the date
on which an agency is served a copy of a petition for re-
view or a complaint in a civil action described in sub-
section (b), the head of the agency shall notify the project
sponsor of the filing of the petition or complaint.
TITLE II—FEDERAL ONSHORE ENERGY LEASING AND PERMITTING

SEC. 201. ONSHORE OIL AND GAS LEASING.

(a) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—Section 50265(b)(1)(B) of Public Law 117–169 (43 U.S.C. 3006(b)(1)(B)) is amended, in the matter preceding clause (i), by inserting “for which expressions of interest have been submitted that have been” after “sum of total acres”.

(b) MINERAL LEASING ACT REFORMS.—

(1) EXPRESSIONS OF INTEREST FOR OIL AND GAS LEASING.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended by adding at the end the following:

“(3) SUBDIVISION.—

“(A) IN GENERAL.—A parcel of land included in an expression of interest that the Secretary of the Interior offers for lease shall be leased as nominated and not subdivided into multiple parcels unless the Secretary of the Interior determines that a subpart of the submitted parcel is not open to oil or gas leasing under the approved resource management plan."
“(B) REQUIRED REVIEWS.—Nothing in this paragraph affects the obligations of the Secretary of the Interior to complete requirements and reviews established by other provisions of law before leasing a parcel of land.

“(4) RESOURCE MANAGEMENT PLANS.—

“(A) LEASE TERMS AND CONDITIONS.—A lease issued under this section shall be subject to the terms and conditions of the approved resource management plan.

“(B) EFFECT OF LEASING DECISION.—Notwithstanding section 1506.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), the Secretary may conduct a lease sale under an approved resource management plan while amendments to the approved plan are under consideration.”.

(2) REFUND OF EXPRESSION OF INTEREST FEE.—Section 17(q) of the Mineral Leasing Act (30 U.S.C. 226(q)) is amended—

(A) by striking “Secretary” each place it appears and inserting “Secretary of the Interior”;
(B) in paragraph (1), by striking “non-
refundable”; and

(C) by adding at the end the following:

“(3) REFUND FOR NONWINNING BID.—If a per-
son other than the person who submitted the expres-
sion of interest is the highest responsible qualified
bidder for a parcel of land covered by the applicable
expression of interest in a lease sale conducted
under this section—

“(A) as a condition of the issuance of the
lease, the person who is the highest responsible
qualified bidder shall pay to the Secretary of
the Interior an amount equal to the applicable
fee paid by the person who submitted the ex-
pression of interest; and

“(B) not later than 60 days after the date
of the lease sale, the Secretary of the Interior
shall refund to the person who submitted the
expression of interest an amount equal to the
amount of the initial fee paid.

“(4) REFUNDABILITY.—Except as provided in
paragraph (3)(B), the fee assessed under paragraph
(1) shall be nonrefundable.”.
SEC. 202. TERM OF APPLICATION FOR PERMIT TO DRILL.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

“(4) Term.—

“(A) In general.—A permit to drill approved under this subsection shall be valid for a single non-renewable 4-year period beginning on the date of the approval.

“(B) Retroactivity.—In addition to all approved applications for permits to drill submitted on or after the date of enactment of this paragraph, subparagraph (A) shall apply to—

“(i) all permits approved during the 2-year period preceding the date of enactment of this paragraph; and

“(ii) all pending applications for permit to drill submitted prior to the date of enactment of this paragraph.”.

SEC. 203. PERMITTING COMPLIANCE ON NON-FEDERAL LAND.

(a) In general.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), or subpart 3162 of part 3160 of title 43, Code of Federal Regulations (or successor regulations), but subject to any applicable State or Tribal requirements and
subsection (c), the Secretary of the Interior shall not re-
quire a permit to drill for an oil and gas lease under the
Mineral Leasing Act (30 U.S.C. 181 et seq.) for an action
occurring within an oil and gas drilling or spacing unit
if—

(1) the Federal Government—

(A) owns less than 50 percent of the min-
erals within the oil and gas drilling or spacing
unit; and

(B) does not own or lease the surface es-
tate within the area directly impacted by the
action;

(2) the well is located on non-Federal land over-
lying a non-Federal mineral estate, but some portion
of the wellbore enters and produces from the Fed-
eral mineral estate subject to the lease; or

(3) the well is located on non-Federal land over-
lying a non-Federal mineral estate, but some portion
of the wellbore traverses but does not produce from
the Federal mineral estate subject to the lease.

(b) NOTIFICATION.—For each State permit to drill
or drilling plan that would impact or extract oil and gas
owned by the Federal Government—

(1) each lessee of Federal minerals in the unit,
or designee of a lessee, shall—
(A) notify the Secretary of the Interior of
the submission of a State application for a per-
mit to drill or drilling plan on submission of the
application; and

(B) provide a copy of the application de-
scribed in subparagraph (A) to the Secretary of
the Interior not later than 5 days after the date
on which the permit or plan is submitted;

(2) each lessee, designee of a lessee, or applica-
table State shall notify the Secretary of the Interior of
the approved State permit to drill or drilling plan
not later than 45 days after the date on which the
permit or plan is approved; and

(3) each lessee or designee of a lessee shall pro-
vide, prior to commencing drilling operations, agree-
ments authorizing the Secretary of the Interior to
enter non-Federal land, as necessary, for inspection
and enforcement of the terms of the Federal lease.

(c) NONAPPLICABILITY TO INDIAN LANDS.—Sub-
section (a) shall not apply to Indian lands (as defined in
section 3 of the Federal Oil and Gas Royalty Management
Act of 1982 (30 U.S.C. 1702)).

(d) EFFECT.—Nothing in this section affects—
(1) other authorities of the Secretary of the Interior under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); or

(2) the amount of royalties due to the Federal Government from the production of the Federal minerals within the oil and gas drilling or spacing unit.

(e) AUTHORITY ON NON-FEDERAL LAND.—Section 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is amended—

(1) by striking the subsection designation and all that follows through “Secretary of the Interior, or” in the first sentence and inserting the following: “(g)(1) The Secretary of the Interior, or”; and

(2) by adding at the end the following:

“(2)(A) In the case of an oil and gas lease under this Act on land described in subparagraph (B) located within an oil and gas drilling or spacing unit, nothing in this Act authorizes the Secretary of the Interior—

“(i) to require a bond to protect non-Federal land;

“(ii) to enter non-Federal land without the consent of the applicable landowner;

“(iii) to impose mitigation requirements; or

“(iv) to require approval for surface reclamation.
“(B) Land referred to in subparagraph (A) is land where—

“(i) the Federal Government—

“(I) owns less than 50 percent of the minerals within the oil and gas drilling or spacing unit; and

“(II) does not own or lease the surface estate within the area directly impacted by the action;

“(ii) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore enters and produces from the Federal mineral estate subject to the lease; or

“(iii) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore traverses but does not produce from the Federal mineral estate subject to the lease.”.

SEC. 204. COAL LEASES ON FEDERAL LAND.

(a) DEADLINES.—

(1) IN GENERAL.—Section 2(a) of the Mineral Leasing Act (30 U.S.C. 201(a)) is amended—

(A) in paragraph (1), in the first sentence, by striking “he shall, in his discretion, upon the request of any qualified applicant or on his own
motion from time to time” and insert “the Sec-
retary shall, at the discretion of the Secretary
but subject to paragraph (6), on the request of
any qualified applicant or on a motion by the
Secretary”; and

(B) by adding at the end the following:

“(6) Deadlines.—

“(A) Applicant Motion.—Not later than
90 days after the date on which a request of a
qualified applicant is received for a lease sale
under paragraph (1), or for a lease modification
under section 3, the Secretary of the Interior
shall commence all necessary consultations and
reviews required under Federal law in accord-
ance with that paragraph or section, as applica-
able.

“(B) Decision.—Not later than 90 days
after the completion of an environmental impact
statement or environmental assessment con-
sistent with the requirements of the National
Environmental Policy Act of 1969 (42 U.S.C.
4321 et seq.) for a lease sale under paragraph
(1), or for a lease modification under section 3,
the Secretary of the Interior shall issue a
record of decision or a finding of no significant impact for the lease sale or lease modification.

“(C) Fair market value.—Not later than 30 days after the date on which the Secretary of the Interior issues a record of decision or a finding of no significant impact under subparagraph (B) for a lease sale under paragraph (1), or for a lease modification under section 3, the Secretary shall determine the fair market value of the coal subject to the lease.”.

(2) Lease modifications.—Section 3(b) of the Mineral Leasing Act (30 U.S.C. 203(b)) is amended by striking “The Secretary shall prescribe” and inserting “Subject to section 2(a)(6), the Secretary shall prescribe”.

(b) Conforming amendments.—Section 2(a)(1) of the Mineral Leasing Act (30 U.S.C. 201(a)(1)) is amended—

(1) in the first sentence—

(A) by striking “he finds appropriate” and inserting “the Secretary of the Interior finds appropriate”; and

(B) by striking “he deems appropriate” and inserting “the Secretary of the Interior determines to be appropriate”;
(2) in the sixth sentence, by striking “Prior to his determination” and inserting “Prior to a determination by the Secretary of the Interior”; 

(3) in the seventh sentence—

(A) by striking “to make public his judgment” and inserting “to make public the judgment of the Secretary of the Interior”; and

(B) by striking “comments he receives” and inserting “comments received by the Secretary of the Interior”; and

(4) in the eighth sentence, by striking “He is hereby authorized” and inserting “The Secretary of the Interior is authorized”.

(e) TECHNICAL CORRECTION.—Section 2(b)(3) of the Mineral Leasing Act (30 U.S.C. 201(b)(3)) is amended, in the first sentence, by striking “geophyscal” and inserting “geophysical”.

SEC. 205. RIGHTS-OF-WAY ACROSS INDIAN LAND.

The first section of the Act of February 5, 1948 (62 Stat. 17, chapter 45; 25 U.S.C. 323), is amended by adding at the end the following: “Any right-of-way granted by an Indian tribe for the purposes authorized under this section shall not require the approval of the Secretary of the Interior, on the condition that the right-of-way approval process by the Indian tribe substantially complies
with subsection (h) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(h)) or the Indian tribe has approved regulations under paragraph (1) of that subsection.”.

SEC. 206. ACCELERATING RENEWABLE ENERGY PERMITTING.

(a) Deadline for Consideration of Applications for Rights-of-way.—

(1) Completeness of review.—

(A) In general.—Not later than 30 days after the date on which the Secretary of the Interior or the Secretary of Agriculture, as applicable, receives an application for a right-of-way under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) for an eligible project (as defined in section 3101 of the Energy Act of 2020 (43 U.S.C. 3001)), the applicable Secretary shall—

(i) notify the applicant that the application is complete; or

(ii) notify the applicant that information is missing from the application and specify any information that is required to be submitted for the application to be complete.
(B) Environmental impact statement.—For an eligible project (as defined in section 3101 of the Energy Act of 2020 (43 U.S.C. 3001)) that requires an environmental impact statement for an application submitted under subparagraph (A), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall issue a notice of intent not later than 90 days after the date on which the applicable Secretary determines that an application is complete under subparagraph (A).

(2) Cost recovery and issuance or deferral.—

(A) In general.—Not later than 30 days after the date on which an applicant submits a complete application for a right-of-way under paragraph (1), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall, if a cost recovery agreement is required under section 2804.14 of title 43, Code of Federal Regulations (or successor regulations), or section 251.58 of title 36, Code of Federal Regulations (or successor regulations), issue a cost recovery agreement.
(B) DECISION.—Not later than 30 days after the date on which an applicant submits a complete application for a right-of-way under paragraph (1), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall—

(i) grant or deny the application, if the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable law have been completed; or

(ii) defer the decision on the application and provide to the applicant notice—

(I) that specifies steps that the applicant can take for the decision on the application to be issued; and

(II) of a list of actions that need to be taken by the agency in order to comply with applicable law, and timelines and deadlines for completing those actions.

(b) LOW DISTURBANCE ACTIVITIES FOR RENEWABLE ENERGY PROJECTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, to facilitate
timely permitting of eligible projects (as defined in section 3101 of the Energy Act of 2020 (43 U.S.C. 3001)), the Secretary of the Interior and the Secretary of Agriculture shall each promulgate regulations for the use of 1 or more categorical exclusions under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for low disturbance activities necessary for renewable energy projects.

(2) ACTIVITIES DESCRIBED.—Low disturbance activities referred to in paragraph (1) are the following:

(A) Individual surface disturbances of less than 5 acres that have undergone site-specific analysis in a document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that has been previously completed.

(B) Activities at a location at which the same type of activity has previously occurred within 5 years prior to the date of commencement of the activity.

(C) Activities on previously disturbed or developed (as defined in section 1021.410(g)(1) of title 10, Code of Federal Regulations (or successor regulations)) land for which an approved
land use plan or any environmental document
prepared pursuant to the National Environ-
mental Policy Act of 1969 (42 U.S.C. 4321 et
seq.) analyzed such activity as reasonably fore-
seeable, so long as such plan or document was
approved within 5 years prior to the date of the
activity.

(D) The installation, modification, opera-
tion, or decommissioning of commercially
available energy systems located on a building
or other structure (such as a rooftop, parking
lot, or facility, or mounted to signage, lighting,
gates, or fences).

(E) Maintenance of a minor activity, other
than any construction or major renovation, or a
building or facility.

(F) Preliminary geotechnical investiga-
tions.

(G) The installation and removal of tem-
porary meteorological stations.

SEC. 207. IMPROVING RENEWABLE ENERGY COORDINA-
TION ON FEDERAL LAND.

(a) National Goal for Renewable Energy Pro-
duction on Federal Land.—
(1) GOAL.—Not later than 180 days after the date of enactment of this Act, in accordance with section 3104 of the Energy Act of 2020 (43 U.S.C. 3004), the Secretary of the Interior, in consultation with the Secretary of Agriculture and other heads of relevant Federal agencies, shall establish a target date for the authorization of not less than 50 gigawatts of renewable energy production on Federal land by not later than 2030.

(2) PERIODIC GOAL REVISION.—Section 3104 of the Energy Act of 2020 (43 U.S.C. 3004) is amended—

(A) in subsection (a), by inserting “and periodically revise” after “establish”; and

(B) by adding at the end the following:

“(c) PERMITTING.—Subject to the limitations described in section 50265(b)(1) of Public Law 117–169 (43 U.S.C. 3006(b)(1)), the Secretary shall, in consultation with the heads of relevant Federal agencies, seek to issue permits that authorize, in total, sufficient electricity from eligible projects to meet or exceed the national goals established and revised under this section.”.

(b) DEFINITION OF ELIGIBLE PROJECT.—Paragraph (4) of section 3101 of the Energy Act of 2020 (43 U.S.C.
Section 3102 of the Energy Act of 2020 (43 U.S.C. 3002) is amended—

(1) in subsection (a), in the second sentence, by inserting “sufficient to achieve goals for renewable energy production on Federal land established under section 3104” before the period at the end;

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

“(f) RENEWABLE ENERGY PROJECT REVIEW STANDARDS.—Not later than 2 years after the date of enactment of the Energy Permitting Reform Act of 2024, for the purpose of encouraging standardized reviews and facilitating the permitting of eligible projects, the National Renewable Energy Coordination Office of the Bureau of Land Management shall promulgate renewable energy project review standards to be adopted by regional renewable energy coordination offices.

“(g) CLARIFICATION OF EXISTING AUTHORITY.—Under section 307 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737), the Secretary may
accept donations from renewable energy companies to improve community engagement for the permitting of energy projects.”

(d) SAVINGS CLAUSE.—Nothing in this section, or an amendment made by this section, modifies the limitations described in section 50265(b)(1) of Public Law 117–169 (43 U.S.C. 3006(b)(1)).

SEC. 208. GEOTHERMAL LEASING AND PERMITTING IMPROVEMENTS.

(a) PRELIMINARY GEOTHERMAL ACTIVITIES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall each promulgate regulations for the use of 1 or more categorical exclusions under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for individual disturbances of less than 10 acres for activities required to test, monitor, calibrate, explore, or confirm geothermal resources, provided those activities do not involve—

(1) the commercial production of geothermal resources;

(2) the use of geothermal resources for commercial operations; or

(3) construction of permanent roads.
(b) **ANNUAL LEASING.**—Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended—

1. In paragraph (2), by striking “every 2 years” and inserting “per year”; and
2. By adding at the end the following:

“(5) **REPLACEMENT SALES.**—If a lease sale under this section for a year is cancelled or delayed, the Secretary shall conduct a replacement sale not later than 180 days after the date of the cancellation or delay, as applicable, and the replacement sale may not be cancelled or delayed.”.

(c) **DEADLINES FOR CONSIDERATION OF GEO- THERMAL DRILLING PERMITS.**—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended by adding at the end the following:

“(h) **DEADLINES FOR CONSIDERATION OF GEO- THERMAL DRILLING PERMITS.**—

“(1) **IN GENERAL.**—Not later than 10 days after the date on which the Secretary receives an application for any geothermal drilling permit, the Secretary shall—

“(A) provide written notice to the applicant that the application is complete; or
“(B) notify the applicant that information is missing from the application and specify any information that is required to be submitted for the application to be complete.

“(2) DECISION.—Not later than 30 days after the date on which an applicant submits a complete application for a geothermal drilling permit under paragraph (1), the Secretary shall—

“(A) grant or deny the application, if the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable law have been completed; or

“(B) defer the decision on the application and provide to the applicant notice—

“(i) that specifies steps that the applicant can take for the decision on the application to be issued; and

“(ii) of a list of actions that need to be taken by the agency in order to comply with applicable law, and timelines and deadlines for completing those actions.”.

(d) COST RECOVERY AUTHORITY.—Section 24 of the Geothermal Steam Act of 1970 (30 U.S.C. 1023) is amended—
(1) by striking the section designation and all that follows through “The Secretary” and inserting the following:

“SEC. 24. RULES AND REGULATIONS.

“The Secretary”; and

(2) by adding at the end the following: “The Secretary shall, not later than 180 days after the date of enactment of the Energy Permitting Reform Act of 2024, promulgate rules for cost recovery, to be paid by permit applicants or lessees, to facilitate the timely coordination and processing of leases, permits, and authorizations and to reimburse the Secretary for all reasonable administrative costs incurred from the inspection and monitoring of activities thereunder.”.

(e) FEDERAL PERMITTING PROCESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations and establish a Federal permitting process to allow for simultaneous, concurrent consideration of multiple phases of a geothermal project, including—

(1) surface exploration;

(2) geophysical exploration;

(3) drilling; and

(4) power plant construction.
(f) **Geothermal Production Parity.**—Section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942) is amended—

1. in subsection (a)—
   
   (A) by striking “(NEPA)” and inserting “(42 U.S.C. 4321 et seq.) (referred to in this section as ‘NEPA’)”;
   
   (B) by inserting “(30 U.S.C. 181 et seq.)” after “Mineral Leasing Act”; and
   
   (C) by inserting “, or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) for the purpose of exploration or development of geothermal resources” before the period at the end; and

2. in subsection (b)—
   
   (A) in paragraph (2), by striking “oil or gas” and inserting “oil, gas, or geothermal resources”; and
   
   (B) in paragraph (3), by striking “oil or gas” and inserting “oil, gas, or geothermal resources”.

(g) **Geothermal Ombudsman.**—

1. **In General.**—Not later than 60 days after the date of enactment of this Act, the Secretary of
the Interior shall appoint within the Bureau of Land Management a Geothermal Ombudsman.

(2) DUTIES.—The Geothermal Ombudsman appointed under paragraph (1) shall—

(A) act as a liaison between the individual field offices of the Bureau of Land Management and the Director of the Bureau of Land Management;

(B) provide dispute resolution services between the individual field offices of the Bureau of Land Management and applicants for geothermal resource permits;

(C) monitor and facilitate permit processing practices and timelines across individual field offices of the Bureau of Land Management;

(D) develop best practices for the permitting and leasing process for geothermal resources; and

(E) coordinate with the Federal Permitting Improvement Steering Council.

(3) REPORT.—The Geothermal Ombudsman shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives
an annual report that describes the activities of the
Geothermal Ombudsman and evaluates the effectiveness
of geothermal permit processing during the preceding 1-year period.

SEC. 209. ELECTRIC GRID PROJECTS.

(a) Definition of Previously Disturbed or Developed.—In this section, the term “previously disturbed or developed” has the meaning given the term in section 1021.410(g)(1) of title 10, Code of Federal Regulations (or successor regulations).

(b) Rulemaking.—Not later than 180 days after the date of enactment of this Act, to facilitate timely permitting, the Secretary of the Interior and the Secretary of Agriculture shall each promulgate regulations for the use of 1 or more categorical exclusions under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the following activities:

(1) Placement of an electric transmission or distribution facility in an approved right-of-way corridor, if the corridor was approved during the 5-year period ending on the date of placement of the facility.

(2) Any repair, maintenance, replacement, upgrade, modification, optimization, or minor relocation of, or addition to, an existing electric trans-
mission or distribution facility or associated infra-
structure within an existing right-of-way or on oth-
erwise previously disturbed or developed land, in-
cluding reconductoring and installation of grid-en-
hancing technologies.

(3) Construction, operation, upgrade, or decom-
missioning of a battery or other energy storage tech-
nology on previously disturbed or developed land.

SEC. 210. HARDROCK MINING MILL SITES.

(a) MULTIPLE MILL SITES.—Section 2337 of the Re-
vised Statutes (30 U.S.C. 42) is amended by adding at
the end the following:

“(c) ADDITIONAL MILL SITES.—

“(1) DEFINITIONS.—In this subsection:

“(A) MILL SITE.—The term ‘mill site’
means a location of public land that is reason-
ably necessary for waste rock or tailings dis-
posal or other operations reasonably incident to
mineral development on, or production from
land included in a plan of operations.

“(B) OPERATIONS; OPERATOR.—The
terms ‘operations’ and ‘operator’ have the
meanings given those terms in section 3809.5
of title 43, Code of Federal Regulations (as in
33
effect on the date of enactment of this sub-
section).

“(C) PLAN OF OPERATIONS.—The term ‘plan of operations’ means a plan of operations that an operator must submit and the Secretary of the Interior or the Secretary of Agriculture, as applicable, must approve before an operator may begin operations, in accordance with, as applicable—

“(i) subpart 3809 of title 43, Code of Federal Regulations (or successor regulations establishing application and approval requirements); and

“(ii) part 228 of title 36, Code of Federal Regulations (or successor regulations establishing application and approval requirements).

“(D) PUBLIC LAND.—The term ‘public land’ means land owned by the United States that is open to location under sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.), including—

“(i) land that is mineral-in-character (as defined in section 3830.5 of title 43, Code of Federal Regulations (as in effect
on the date of enactment of this sub-
section));

“(ii) nonmineral land (as defined in
section 3830.5 of title 43, Code of Federal
Regulations (as in effect on the date of en-
actment of this subsection)); and

“(iii) land where the mineral char-
acter has not been determined.

“(2) In general.—Notwithstanding sub-
sections (a) and (b), where public land is needed by
the proprietor of a lode or placer claim for oper-
ations in connection with any lode or placer claim
within the proposed plan of operations, the propri-
etor may—

“(A) locate and include within the plan of
operations as many mill site claims under this
subsection as are reasonably necessary for its
operations; and

“(B) use or occupy public land in accord-
ance with an approved plan of operations.

“(3) Mill sites convey no mineral
rights.—A mill site under this subsection does not
convey mineral rights to the locator.
“(4) Size of mill sites.—A location of a single mill site under this subsection shall not exceed 5 acres.

“(5) Mill site and lode or placer claims on same tracts of public land.—A mill site may be located under this subsection on a tract of public land on which the claimant or operator maintains a previously located lode or placer claim.

“(6) Effect on mining claims.—The location of a mill site under this subsection shall not affect the validity of any lode or placer claim, or any rights associated with such a claim.

“(7) Patenting.—A mill site under this section shall not be eligible for patenting.

“(8) Savings provisions.—Nothing in this subsection—

“(A) diminishes any right (including a right of entry, use, or occupancy) of a claimant;

“(B) creates or increases any right (including a right of exploration, entry, use, or occupancy) of a claimant on land that is not open to location under the general mining laws;

“(C) modifies any provision of law or any prior administrative action withdrawing land from location or entry;
“(D) limits the right of the Federal Government to regulate mining and mining-related activities (including requiring claim validity examinations to establish the discovery of a valuable mineral deposit) in areas withdrawn from mining, including under—

“(i) the general mining laws;

“(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(iii) the Wilderness Act (16 U.S.C. 1131 et seq.);

“(iv) sections 100731 through 100737 of title 54, United States Code;

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

“(vi) division A of subtitle III of title 54, United States Code (commonly referred to as the ‘National Historic Preservation Act’); or

“(vii) section 4 of the Act of July 23, 1955 (commonly known as the ‘Surface Resources Act of 1955’) (69 Stat. 368, chapter 375; 30 U.S.C. 612);
“(E) restores any right (including a right of entry, use, or occupancy, or right to conduct operations) of a claimant that—

“(i) existed prior to the date on which the land was closed to, or withdrawn from, location under the general mining laws; and

“(ii) that has been extinguished by such closure or withdrawal; or

“(F) modifies section 404 of division E of the Consolidated Appropriations Act, 2024 (Public Law 118–42).”.

(b) ABANDONED HARDROCK MINE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account, to be known as the “Abandoned Hardrock Mine Fund” (referred to in this subsection as the “Fund”).

(2) SOURCE OF DEPOSITS.—Any amounts collected by the Secretary of the Interior pursuant to the claim maintenance fee under section 10101(a)(1) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(a)(1)) on mill sites located under subsection (c) of section 2337 of the Revised Stat-
utes (30 U.S.C. 42) shall be deposited into the Fund.

(3) Use.—The Secretary of the Interior may make expenditures from amounts available in the Fund, without further appropriations, only to carry out section 40704 of the Infrastructure Investment and Jobs Act (30 U.S.C. 1245).

(4) Allocation of Funds.—Amounts made available under paragraph (3)—

(A) shall be allocated in accordance with section 40704(e)(1) of the Infrastructure Investment and Jobs Act (30 U.S.C. 1245(e)(1)); and

(B) may be transferred in accordance with section 40704(e)(2) of that Act (30 U.S.C. 1245(e)(2)).

(c) Clerical Amendments.—Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended—

(1) by striking “the Mining Law of 1872 (30 U.S.C. 28–28e)” each place it appears and inserting “sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.”;

(2) in subsection (a)—

(A) in paragraph (1)—
(i) in the second sentence, by striking “Such claim maintenance fee” and inserting the following:
“(B) Fee.—The claim maintenance fee under subparagraph (A)”; and

(ii) in the first sentence, by striking “The holder of” and inserting the following:
“(A) In general.—The holder of”; and

(B) in paragraph (2)—

(i) in the second sentence, by striking “Such claim maintenance fee” and inserting the following:
“(B) Fee.—The claim maintenance fee under subparagraph (A)”; and

(ii) in the first sentence, by striking “The holder of” and inserting the following:
“(A) In general.—The holder of”; and

(3) in subsection (b)—

(A) in the second sentence, by striking “The location fee” and inserting the following:
“(2) Fee.—The location fee”; and
(B) in the first sentence, by striking “The claim main tenance fee” and inserting the following:

“(1) IN GENERAL.—The claim maintenance fee”.

**TITLE III—FEDERAL OFFSHORE ENERGY LEASING AND PERMITTING**

**SEC. 301. OFFSHORE OIL AND GAS LEASING.**

(a) **REQUIREMENT.**—Notwithstanding the 2024–2029 National Outer Continental Shelf Oil and Gas Leasing Program (and any successor leasing program that does not satisfy the requirements of this section), the Secretary of the Interior (referred to in this title as the “Secretary”) shall conduct not less than 1 oil and gas lease sale in each of calendar years 2025 through 2029, each of which shall be conducted not later than August 31 of the applicable calendar year.

(b) **TERMS AND CONDITIONS.**—The Secretary shall—

(1) conduct offshore oil and gas lease sales of sufficient acreage to meet the conditions described in section 50265(b)(2) of Public Law 117–169 (43 U.S.C. 3006(b)(2));
(2) with respect to an oil and gas lease sale conducted under subsection (a), offer the same lease form, lease terms, economic conditions, and stipulations as contained in the revised final notice of sale entitled “Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 261” (88 Fed. Reg. 80750 (November 20, 2023)); and

(3) if any acceptable bids have been received for any tract offered in an oil and gas lease sale conducted under subsection (a), issue such leases not later than 90 days after the lease sale to the highest bids on the tracts offered, subject to the procedures described in the Bureau of Ocean Energy Management document entitled “Summary of Procedures for Determining Bid Adequacy at Offshore Oil and Gas Lease Sales Effective March 2016, with Central Gulf of Mexico Sale 241 and Eastern Gulf of Mexico Sale 226”.

SEC. 302. OFFSHORE WIND ENERGY.

(a) Offshore Wind Lease Sale Requirement.—

Effective on the date of enactment of this Act, the Secretary shall—

(1) subject to the limitations described in section 50265(b)(2) of Public Law 117–169 (43 U.S.C. 3006(b)(2)), conduct not less than 1 offshore wind
lease sale in each of calendar years 2025 through 2029, each of which shall be conducted not later than August 31 of the applicable calendar year; and

(2) if any acceptable bids have been received for a tract offered in the lease sale, as determined by the Secretary, issue such leases not later than 90 days after the lease sale to the highest bidder on the offered tract.

(b) Area Offered for Leasing.—

(1) Total Acres for Lease.—Subject to paragraph (2), the Secretary shall offer for offshore wind leasing a sum total of not less than 400,000 acres per calendar year.

(2) Minimum Acreage.—An offshore wind lease issued by the Secretary that is less than 80,000 acres shall not be counted toward the acreage requirement under paragraph (1).

(c) Production Goal for Offshore Wind Energy.—

(1) Initial Goal.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an initial target date for an offshore wind energy production goal of 30 gigawatts.
(2) Periodic goal revision.—The Secretary shall, in consultation with the heads of other relevant Federal agencies, periodically revise national goals for offshore wind energy production on the outer Continental Shelf as initially established under paragraph (1).

(d) Outer Continental Shelf Lands Act.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) by striking paragraph (10) and inserting the following:

“(10) Applicability.—

“(A) In general.—Except as provided in subparagraph (B), this subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, the National Wildlife Refuge System, the National Marine Sanctuary System, or any National Monument.

“(B) Exception.—Notwithstanding subparagraph (A), the Secretary, in consultation with the Secretary of Commerce under section 304(d) of the National Marine Sanctuaries Act (16 U.S.C. 1434(d)), may grant rights-of-way on the outer Continental Shelf within units of
the National Marine Sanctuary System for the
transmission of electricity generated by or pro-
duced from renewable energy.”; and

(2) by adding at the end the following:

“(11) DURATION OF PERMITS IN MARINE SANC-
TUARIES.—Notwithstanding section 310(c)(2) of the
National Marine Sanctuaries Act (16 U.S.C.
1441(c)(2)), any permit or authorization granted
under that Act that authorizes the installation, oper-
ation, or maintenance of electric transmission cables
on a right-of-way granted by the Secretary described
in paragraph (10)(B) shall be issued for a term
equal to the duration of the right-of-way granted by
the Secretary.”.

(e) SAVINGS CLAUSE.—Nothing in this section, or an
amendment made by this section, modifies the limitations
described in section 50265(b)(2) of Public Law 117–169
(43 U.S.C. 3006(b)(2)).

TITLE IV—ELECTRIC
TRANSMISSION

SEC. 401. TRANSMISSION PERMITTING.

(a) DEFINITIONS.—Section 216 of the Federal Power
Act (16 U.S.C. 824p) is amended by striking subsection
(a) and inserting the following:

“(a) DEFINITIONS.—In this section:
“(1) COMMISSION.—The term ‘Commission’ means the Federal Energy Regulatory Commission.

“(2) IMPROVED RELIABILITY.—The term ‘improved reliability’ has the meaning given the term in section 225(a).

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(4) TRANSMISSION PLANNING REGION.—The term ‘transmission planning region’ has the meaning given the term in section 225(a).”.

(b) CONSTRUCTION PERMIT.—Section 216(b) of the Federal Power Act (16 U.S.C. 824p(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “Except” and all that follows through “finds that” and inserting “Except as provided in subsections (d)(1) and (i), the Commission may, after notice and an opportunity for hearing, issue one or more permits for the construction or modification of electric transmission facilities necessary in the national interest if the Commission finds that”;

(2) in paragraph (1)—

(A) in subparagraph (A)(i), by inserting “or modification” after “siting”; and

(B) in subparagraph (C)—
(i) in the matter preceding clause (i), by inserting “or modification” after “siting”; and

(ii) in clause (i), by striking “the later of” in the matter preceding subclause (I) and all that follows through the semicolon at the end of subclause (II) and inserting “the date on which the application was filed with the State commission or other entity”; and

(3) by striking paragraphs (2) through (6) and inserting the following:

“(2) the proposed facilities will be used for the transmission of electric energy in interstate (including transmission from the outer Continental Shelf to a State) or foreign commerce;

“(3) the proposed construction or modification is consistent with the public interest;

“(4) the proposed construction or modification will significantly reduce transmission congestion in interstate commerce, protect or benefit consumers, and provide improved reliability;

“(5) the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence;}
“(6) the electric transmission facilities are capable of transmitting electric energy at a voltage of not less than 100 kilovolts or, in the case of facilities that include advanced transmission conductors (including superconductors), as defined by the Commission, voltages determined to be appropriate by the Commission; and

“(7) the proposed modification (including reconductoring) will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers, structures, or rights-of-way.”.

(c) STATE SITING AND CONSULTATION.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (d) and inserting the following:

“(d) STATE SITING AND CONSULTATION.—

“(1) PRESERVATION OF STATE SITING AUTHORITY.—The Commission shall have no authority to issue a permit under subsection (b) for the construction or modification of an electric transmission facility within a State except as provided in paragraph (1) of that subsection.

“(2) CONSULTATION.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be
located, each affected Federal agency and Indian Tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.”.

(d) RIGHTS-OF-WAY.—Section 216(e)(3) of the Federal Power Act (16 U.S.C. 824p(e)(3)) is amended by striking “shall conform” and all that follows through the period at the end and inserting “shall be in accordance with rule 71.1 of the Federal Rules of Civil Procedure.”.

(e) COST ALLOCATION.—

(1) IN GENERAL.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (f) and inserting the following:

“(f) COST ALLOCATION.—

“(1) TRANSMISSION TARIFFS.—For the purposes of this section, any transmitting utility that owns, controls, or operates electric transmission facilities that the Commission finds to be consistent with the findings under paragraphs (2) through (6) and, if applicable, (7) of subsection (b) shall file a tariff or tariff revision with the Commission pursuant to section 205 and the regulations of the Commission allocating the costs of the new or modified transmission facilities.
“(2) TRANSMISSION BENEFITS.—The Commission shall require that tariffs or tariff revisions filed under this subsection are just and reasonable and allocate the costs of providing service to customers that benefit, in accordance with the cost-causation principle, including through—

“(A) improved reliability;

“(B) reduced congestion;

“(C) reduced power losses;

“(D) greater carrying capacity;

“(E) reduced operating reserve requirements; and

“(F) improved access to lower cost generation that achieves reductions in the cost of delivered power.

“(3) RATEPAYER PROTECTION.—Customers that receive no benefit, or benefits that are trivial in relation to the costs sought to be allocated, from electric transmission facilities constructed or modified under this section shall not be involuntarily allocated any of the costs of those transmission facilities.”.

(2) SAVINGS PROVISION.—If the Federal Energy Regulatory Commission finds that the considerations under paragraphs (2) through (6) and, if ap-
Aplicable, (7) of subsection (b) of section 216 of the Federal Power Act (16 U.S.C. 824p) (as amended by subsection (b)) are met, nothing in this section or the amendments made by this section shall be construed to exclude transmission facilities located on the outer Continental Shelf from being eligible for cost allocation established under subsection (f)(1) of that section (as amended by paragraph (1)).

(f) Coordination of Federal Authorizations for Transmission Facilities.—Section 216(h) of the Federal Power Act (16 U.S.C. 824p(h)) is amended—

(1) in paragraph (2), by striking the period at the end and inserting the following: “, except that—

“(A) the Commission shall act as the lead agency in the case of facilities permitted under subsection (b) and section 225; and

“(B) the Department of the Interior shall act as the lead agency in the case of facilities located on a lease, easement, or right-of-way granted by the Secretary of the Interior under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)).”;

(2) in each of paragraphs (3), (4)(B), (4)(C), (5)(B), (6)(A), (7)(A), (7)(B)(i), (8)(A)(i), and (9),
by striking “Secretary” each place it appears and inserting “lead agency”;

(3) in paragraph (4)(A), by striking “As head of the lead agency, the Secretary” and inserting “The lead agency”;

(4) in paragraph (5)(A), by striking “As lead agency head, the Secretary” and inserting “The lead agency”; and

(5) in paragraph (7)—

(A) in subparagraph (A), by striking “18 months after the date of enactment of this section” and inserting “18 months after the date of enactment of the Energy Permitting Reform Act of 2024”; and

(B) in subparagraph (B)(i), by striking “1 year after the date of enactment of this section” and inserting “18 months after the date of enactment of the Energy Permitting Reform Act of 2024”.

(g) INTERSTATE COMPACTS.—Section 216(i) of the Federal Power Act (16 U.S.C. 824p(i)) is amended—

(1) in paragraph (3), by striking “, including facilities in national interest electric transmission corridors”; and

(2) in paragraph (4)—
(A) in subparagraph (A), by striking “; and’’ and inserting a period;

(B) by striking subparagraph (B); and

(C) by striking “in disagreement” in the matter preceding subparagraph (A) and all that follows through “(A) the” in subparagraph (A) and inserting “unable to reach an agreement on an application seeking approval by the’’.

(h) Transmission Infrastructure Investment.—Section 219(b)(4) of the Federal Power Act (16 U.S.C. 824s(b)(4)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and’’; and

(3) by adding at the end the following:

“(C) all prudently incurred costs associated with payments to jurisdictions impacted by electric transmission facilities developed pursuant to section 216 or 225.”.

(i) Jurisdiction.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (k) and inserting the following:

“(k) Jurisdiction.—
“(1) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).

“(2) OTHER UTILITIES.—For the purposes of this section, the Commission shall have jurisdiction over all transmitting utilities, including transmitting utilities described in section 201(f), but excluding any ERCOT utility (as defined in section 212(k)(2)(B)).”.

(j) CONFORMING AMENDMENTS.—

(1) Section 50151(b) of Public Law 117–169 (42 U.S.C. 18715(b)) is amended by striking “facilities designated by the Secretary to be necessary in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a))” and inserting “facilities in a geographic area identified under section 224 of the Federal Power Act”.

(2) Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended—

(A) in subsection (a)(1)(A), by striking “in a national interest electric transmission corridor designated under section 216(a)” and inserting “in a geographic area identified under section 224”; and

(B) in subsection (b)(1)(A), by striking “in an area designated under section 216(a)” and
inserting “in a geographic area identified under section 224”.

(3) Section 40106(h)(1)(A) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18713(h)(1)(A)) is amended by striking “in an area designated as a national interest electric transmission corridor pursuant to section 216(a) of the Federal Power Act 16 U.S.C. 824p(a)” and inserting “in a geographic area identified under section 224 of the Federal Power Act”.

(k) SAVINGS PROVISION.—Nothing in this section or an amendment made by this section grants authority to the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) over sales of electric energy at retail or the local distribution of electricity.

SEC. 402. TRANSMISSION PLANNING.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

“SEC. 224. TRANSMISSION STUDY.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section and every 3 years thereafter, the Secretary of Energy (referred to in this section as the ‘Secretary’), in consultation with affected States
and Indian Tribes, shall conduct a study of electric transmission capacity constraints and congestion.

“(b) REPORT.—Not less frequently than once every 3 years, the Secretary, after considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States and Indian Tribes), shall issue a report, based on the study under subsection (a) or other information relating to electric transmission capacity constraints and congestion, which may identify any geographic area that—

“(1) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

“(2) is expected to experience such energy transmission capacity constraints or congestion.

“(c) CONSULTATION.—Not less frequently than once every 3 years, the Secretary, in conducting the study under subsection (a) and issuing the report under subsection (b), shall consult with affected transmission planning regions (as defined in section 225(a)) and any appropriate regional entity referred to in section 215.

“SEC. 225. PLANNING FOR TRANSMISSION FACILITIES THAT ENHANCE GRID RELIABILITY, AFFORDABILITY, AND RESILIENCE.

“(a) DEFINITIONS.—In this section:
“(1) COMMISSION.—The term ‘Commission’ means the Federal Energy Regulatory Commission.

“(2) ERO.—The term ‘ERO’ has the meaning given the term in section 215(a).

“(3) IMPROVED RELIABILITY.—The term ‘improved reliability’ means that, on balance, considering each of the matters described in subparagraphs (A) through (D), reliability is improved in a material manner that benefits customers through at least one of the following:

“(A) facilitating compliance with a mandatory standard for reliability approved by the Commission under section 215;

“(B) a reduction in expected unserved energy, loss of load hours, or loss of load probability (as defined by the ERO);

“(C) facilitating compliance with a tariff requirement or process for resource adequacy on file with the Commission; and

“(D) any other similar material improvement, including a reduction in correlated outage risk, such as achieved through increased geographic or resource diversification.
"(4) INTERREGIONAL TRANSMISSION FACILITY.—The term ‘interregional transmission facility’ means a transmission facility that—

“(A) is located within 2 or more neighboring transmission planning regions; or

“(B) significantly impacts the ability of 1 or more transmission planning regions to transmit electric energy among neighboring transmission planning regions.

“(5) TRANSMISSION PLANNING REGION.—

“(A) IN GENERAL.—The term ‘transmission planning region’—

“(i) when used in a geographical sense, means a region for which the Commission determines that electric transmission planning is appropriate, such as a region established in accordance with Order No. 1000 of the Commission, entitled ‘Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities’ (76 Fed. Reg. 49842 (August 11, 2011)); and

“(ii) when used in a corporate sense, means the Transmission Organization or other entity responsible for planning or op-
erating electric transmission facilities within a region described in clause (i).

“(B) EXCLUSION.—The term ‘transmission planning region’ does not include the Electric Reliability Council of Texas or the region served by members of the Electric Reliability Council of Texas.

“(b) JURISDICTION.—

“(1) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).

“(2) OTHER UTILITIES.—For the purposes of this section, the Commission shall have jurisdiction over all transmitting utilities, including transmitting utilities described in section 201(f), but excluding any ERCOT utility (as defined in section 212(k)(2)(B)).

“(c) RULEMAKING REQUIREMENT.—Not later than 180 days after the date of enactment of this section, the Commission shall, consistent with the requirements of this section, by rule—

“(1) require neighboring transmission planning regions to jointly plan with each other;

“(2) require each transmission planning region to submit to the Commission for approval a joint interregional transmission plan with each of its
neighboring transmission planning regions, which requirement may, at the discretion of the transmission planning region, be satisfied through the submission of—

“(A) a separate joint interregional transmission plan with each of its neighboring transmission planning regions; or

“(B) 1 or more joint interregional transmission plans, any of which may be submitted with any 1 or more of its neighboring transmission planning regions; and

“(3) establish rate treatments for interregional transmission planning and cost allocation.

“(d) PLAN ELEMENTS.—The Commission shall require, within the rule under subsection (c), that joint interregional transmission plans contain the following elements:

“(1) COMPATIBILITY.—A common set of input assumptions and models, on a consistent timeline, that—

“(A) allow for the joint identification and selection, by transmission planning regions, of specific interregional transmission facilities for construction or modification, including through the use of advanced transmission conductors
(including superconductors) and reconductoring;

“(B) consider, to the extent reasonable and economical, modifications that maximize the transmission capabilities of existing towers, structures, or rights-of-way; and

“(C) consider existing transmission plans.

“(2) TRANSMISSION BENEFITS.—A common set of benefits for interregional transmission planning and cost allocation, including—

“(A) improved reliability;

“(B) reduced congestion;

“(C) reduced power losses;

“(D) greater carrying capacity;

“(E) reduced operating reserve requirements; and

“(F) improved access to lower cost generation that achieves reductions in the cost of delivered power.

“(3) SELECTION CRITERIA.—Criteria governing the selection by transmission planning regions, for construction or modification, of interregional transmission facilities that—

“(A) provide improved reliability;

“(B) protect or benefit consumers; and
“(C) are consistent with the public interest.

“(e) DEADLINE; UPDATES.—The joint interregional transmission plans required to be submitted to the Commission pursuant to the rule under subsection (c) shall be—

“(1) submitted to the Commission not later than 2 years after the date of enactment of this section; and

“(2) updated not less frequently than once every 4 years.

“(f) COMMISSION REVIEW.—The Commission shall—

“(1) review each joint interregional transmission plan submitted pursuant to the rule under subsection (c); and

“(2) approve the joint interregional transmission plan if the Commission finds that the plan—

“(A) meets the requirements of subsection (d);

“(B) allocates costs in accordance with subsection (g);

“(C) ensures that all rates, charges, terms, and conditions will be just and reasonable and not unduly discriminatory or preferential; and
“(D) is consistent with the public interest.

“(g) Cost Allocation.—

“(1) Transmission Tariffs.—For the purposes of this section, any transmitting utility that owns, controls, or operates electric transmission facilities constructed or modified as a result of this section shall file a tariff or tariff revision with the Commission pursuant to section 205 and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

“(2) Requirement.—The Commission shall require that tariffs or tariff revisions filed under this section are just and reasonable and allocate the costs of providing service to customers that benefit, in accordance with the cost-causation principle, including through the benefits described in subsection (d)(2).

“(3) Ratepayer Protection.—Customers that receive no benefit, or benefits that are trivial in relation to the costs sought to be allocated, from electric transmission facilities constructed or modified under this section shall not be involuntarily allocated any of the costs of those transmission facilities.
“(h) CONSTRUCTION PERMIT.—For the purposes of obtaining a construction permit under section 216(b), a project that is selected by transmission planning regions pursuant to a joint interregional transmission plan shall be considered to satisfy paragraphs (2) through (6) and, if applicable, (7) of that section.

“(i) DISPUTE RESOLUTION.—In the event of a dispute between transmission planning regions with respect to a material element of a joint interregional transmission plan—

“(1) the transmission planning regions shall submit to the Commission their respective proposals for resolving the material element in dispute for resolution; and

“(2) not later than 60 days after the proposals are submitted under paragraph (1), the Commission shall issue an order directing a resolution to the dispute.

“(j) FAILURE TO SUBMIT PLAN.—In the event that neighboring transmission planning regions fail to submit to the Commission a joint interregional transmission plan under this section, the Commission shall, as the Commission determines to be appropriate—
“(1) grant a request to extend the time for submission of the joint interregional transmission plan; or

“(2) require, by order, the transmitting utilities within the affected transmission planning regions to comply with a joint interregional transmission plan approved by the Commission—

“(A) based on the record of the planning process conducted by the affected transmission planning regions; and

“(B) in accordance with the cost allocation provisions in subsection (g).

“(k) NEPA.—For purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

“(1) any approval of a joint interregional transmission plan under subsection (f) or (j) or order directing resolution of a dispute under subsection (i) shall not be considered a major Federal action; and

“(2) any permit granted under section 216(b) for a project that is selected by transmission planning regions pursuant to a joint interregional transmission plan shall be considered a major Federal action.

“(l) SAVINGS PROVISION.—Except as expressly provided in this section, nothing in this section shall be con-
strued as conferring, limiting, or impairing any authority of the Commission under any other provision of law.”.

(b) CONFORMING AMENDMENTS.—Section 201 of the Federal Power Act (16 U.S.C. 824) is amended—

(1) in subsection (b)(2)—

(A) in the first sentence, by striking “and 222” and inserting “222, and 225”; and

(B) in the second sentence, by striking “or 222” and inserting “222, or 225”; and

(2) in subsection (e)—

(A) by striking “206(f),”; and

(B) by striking “or 222” and inserting “222, or 225”.

(e) SAVINGS PROVISION.—Nothing in this section or an amendment made by this section grants authority to the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) over sales of electric energy at retail or the local distribution of electricity.

TITLE V—ELECTRIC RELIABILITY

SEC. 501. RELIABILITY ASSESSMENTS.

Section 215 of the Federal Power Act (16 U.S.C. 824o) is amended by striking subsection (g) and inserting the following:
“(g) Reliability Reports.—

“(1) Periodic Assessments.—The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

“(2) Reliability Assessments for Regulations.—(A) Whenever the Commission determines, on its own motion or on request from another Federal agency, an affected transmission organization, or any State commission, that a rule, regulation, or standard proposed by a Federal agency other than the Commission is likely to result in a violation of a tariff requirement or process for resource adequacy on file with the Commission or a mandatory standard for reliability approved by the Commission, the Commission shall require, by order, the ERO to assess and report on the effects of the proposed rule, regulation, or standard on the reliable operation of the bulk-power system.

“(B) An ERO reliability assessment ordered under subparagraph (A) shall—

“(i) identify any reasonably foreseeable significant adverse effects on the reliable operation of the bulk-power system that the ERO antici-
pates will result from the proposed rule, regulation, or standard;

“(ii) account for mitigations that will be available under existing rules, regulations, or tariffs governing facilities of the bulk-power system under this Act that will reduce or prevent significant adverse effects on the reliable operation of the bulk-power system from the proposed rule, regulation, or standard; and

“(iii) take into account the technical views of affected transmission organizations regarding effects on the reliable operation of the bulk-power system from the proposed rule, regulation, or standard.

“(C) The ERO shall—

“(i) submit the report required under subparagraph (A) to the public docket of the Federal agency proposing the rule, regulation, or standard, and, if practicable, make such submission within the time period established by such Federal agency for submission of public comments on the proposed rule, regulation, or standard;

“(ii) submit such report to the Commission; and
“(iii) publish such report in a publicly available format.

“(D) This paragraph shall apply to proposed rules, regulations, or standards pending on, or pro-
posed on or after, the date of enactment of this paragraph.”.

**TITLE VI—LIQUEFIED NATURAL GAS EXPORTS**

**SEC. 601. ACTION ON APPLICATIONS.**

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

(1) in subsection (e)(3)(A), by inserting “and subsection (g)” after “subparagraph (B)”; and

(2) by adding at the end the following:

“(g) Deadline to Act on Certain Export Applications.—

“(1) In general.—The Commission shall grant or deny an application under subsection (a) to export to a foreign country any natural gas from the United States not later than 90 days after the later of—

“(A) the date on which the notice of avail-

ability for each final review required under the National Environmental Policy Act of 1969 (42
U.S.C. 4321 et seq.) for the exporting facility is published with respect to an application—

“(i) under subsection (e); or

“(ii) for a license for the ownership, construction, or operation of a deepwater port, under section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503); and

“(B) the date of enactment of this subsection.

“(2) Applications to re-export.—The Commission shall grant or deny an application under subsection (a) to re-export to another foreign country any natural gas that has been exported from the United States to Canada or Mexico for liquefaction in Canada or Mexico, or the territorial waters of Canada or Mexico, not later than 90 days after the later of—

“(A) the date on which the notice of availability for each draft review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the application is published; and

“(B) the date of enactment of this subsection.
“(3) APPLICATIONS FOR EXTENSIONS.—The Commission shall grant or deny an application for an extension of a previously issued authorization to export natural gas described in paragraph (1) or (2) not later than 90 days after the later of—

“(A) the date the application for extension is received by the Commission; and

“(B) the date of enactment of this subsection.

“(4) FAILURE TO ACT.—If the Commission fails to grant or deny an application subject to this subsection by the applicable date required by this subsection, the application shall be considered to be granted and a final agency order.”.

SEC. 602. SUPPLEMENTAL REVIEWS.

(a) DEFINITIONS.—In this section:


(2) 2019 LIFE CYCLE GHG REVIEW.—The term “2019 Life Cycle GHG Review” means the report

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(4) SUPPLEMENTAL GREENHOUSE GAS REVIEW.—The term “supplemental greenhouse gas review” means a review prepared or commissioned by the Department of Energy and published after January 26, 2024, that analyzes the life cycle greenhouse gas emissions of liquefied natural gas exports from the United States, including consideration of the modeling parameters used in the 2019 Life Cycle GHG Review.

(5) SUPPLEMENTAL MACROECONOMIC REVIEW.—The term “supplemental macroeconomic review” means a review prepared or commissioned by the Department of Energy and published after January 26, 2024, that analyzes the macroeconomic outcomes of different levels of liquefied natural gas exports from the United States, including consideration of the natural gas market factors and macro-
economic factors analyzed in the 2018 LNG Export Study.

(6) Supplemental review.—The term “supplemental review” means a supplemental greenhouse gas review or a supplemental macroeconomic review.

(b) Requirements for Supplemental Reviews.—

(1) Notice and comment on proposed supplemental reviews.—Before finalizing a supplemental review, the Secretary shall publish a notice of availability of the proposed supplemental review in the Federal Register pursuant to the notice and comment provisions of section 553 of title 5, United States Code.

(2) Quality of supplemental reviews.—A supplemental review shall be subject to a peer review process consistent with the final bulletin of the Office of Management and Budget entitled “Final Information Quality Bulletin for Peer Review” (70 Fed. Reg. 2664 (January 14, 2005)) (or successor guidance).

(3) Pending applications.—For a review of an application to grant, deny, or extend an order under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) to export to a foreign country any
natural gas from an LNG terminal in the United States or from a facility subject to section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503), or to re-export to another foreign country any natural gas that has been exported from the United States to Canada or Mexico for liquefaction in Canada or Mexico, or the territorial waters of Canada or Mexico, the Secretary shall base any evaluation of—

(A) macroeconomic outcomes on the results of the 2018 LNG Export Study, or predecessor documents, unless and until the Secretary finalizes and implements a supplemental macroeconomic review; and

(B) life cycle greenhouse gas emissions on the results of the 2019 Life Cycle GHG Review, or predecessor documents, unless and until the Secretary finalizes and implements a supplemental greenhouse gas review.

**TITLE VII—HYDROPOWER**

**SEC. 701. HYDROPOWER LICENSE EXTENSIONS.**

(a) Definition of Covered Project.—In this section, the term “covered project” means a hydropower project with respect to which the Federal Energy Regulatory Commission issued a license before March 13, 2020.
(b) Authorization of Extension.—Notwithstanding section 13 of the Federal Power Act (16 U.S.C. 806), on the request of a licensee of a covered project, the Federal Energy Regulatory Commission may, after reasonable notice and for good cause shown, extend in accordance with subsection (c) the period during which the licensee is required to commence construction of the covered project for an additional 4 years beyond the 8 years authorized by that section.

(c) Period of Extension.—An extension of time to commence construction of a covered project under subsection (b) shall—

(1) begin on the date on which the final extension of the period for commencement of construction granted to the licensee under section 13 of the Federal Power Act (16 U.S.C. 806) expires; and

(2) end on the date that is 4 years after the latest date to which the Federal Energy Regulatory Commission is authorized to extend the period for commencement of construction under that section.

(d) Reinstatement of Expired License.—If the time period required under section 13 of the Federal Power Act (16 U.S.C. 806) to commence construction of a covered project expires after December 31, 2023, and before the date of enactment of this Act—
(1) the Commission may reinstate the license for the applicable project effective as of the date of expiration of the license; and

(2) the extension authorized under subsection (b) shall take effect on the date of that expiration.