

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 4753

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. MANCHIN (for himself and Mr. BARRASSO)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Energy Permitting Reform Act of 2024”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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.

2

- 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.
- Sec. 210. Hardrock mining mill sites.

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. Hydropower license extensions.
- Sec. 702. Identifying and removing market barriers to hydropower.
- Sec. 703. Regulations to align timetables.

TITLE VIII—HIRING AND RETENTION

- Sec. 801. Federal Energy Regulatory Commission staffing.
- Sec. 802. Compensation flexibility to address retention and hiring issues at the Bonneville Power Administration.
- Sec. 803. Northwest Power and Conservation Council.
- Sec. 804. Federal Energy Regulatory Commission personnel safety.

1 **TITLE I—ACCELERATING**
2 **CLAIMS**

3 **SEC. 101. ACCELERATING CLAIMS.**

4 (a) DEFINITIONS.—In this section:

5 (1) AUTHORIZATION.—

6 (A) IN GENERAL.—The term “authoriza-
7 tion” means any license, permit, approval,

1 order, or other administrative decision that is
2 required or authorized under Federal law (in-
3 cluding regulations) to design, plan, site, con-
4 struct, reconstruct, or commence operations of
5 a project.

6 (B) INCLUSIONS.—The term “authoriza-
7 tion” includes—

8 (i) agency approvals of lease sales,
9 permits, rights-of-way, or plans required to
10 explore for, develop, or produce energy or
11 minerals under—

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

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

18 (III) the Act of July 31, 1947
19 (commonly known as the “Materials
20 Act of 1947”) (61 Stat. 681, chapter
21 406; 30 U.S.C. 601 et seq.);

22 (IV) sections 2319 through 2344
23 of the Revised Statutes (commonly
24 known as the “Mining Law of 1872”)
25 (30 U.S.C. 22 et seq.);

1 (V) the Outer Continental Shelf
2 Lands Act (43 U.S.C. 1331 et seq.);

3 (VI) the Geothermal Steam Act
4 of 1970 (30 U.S.C. 1001 et seq.);

5 (VII) the Federal Land Policy
6 and Management Act of 1976 (43
7 U.S.C. 1701 et seq.); or

8 (VIII) title I of the Naval Petro-
9 leum Reserves Production Act (42
10 U.S.C. 6501 et seq.); and

11 (ii) statements or permits for a
12 project under sections 7 and 10 of the En-
13 dangered Species Act of 1973 (16 U.S.C.
14 1536, 1539).

15 (2) ENVIRONMENTAL DOCUMENT.—The term
16 “environmental document” includes any of the fol-
17 lowing, as prepared under the National Environ-
18 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.):

19 (A) An environmental assessment.

20 (B) A finding of no significant impact.

21 (C) An environmental impact statement.

22 (D) A record of decision.

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

1 (A) proposed for the construction of infra-
2 structure—

3 (i) to develop, produce, generate,
4 store, transport, or distribute energy;

5 (ii) to capture, remove, transport, or
6 store carbon dioxide; or

7 (iii) to mine, extract, beneficiate, or
8 process minerals; and

9 (B) subject to the requirements that—

10 (i) an environmental document be pre-
11 pared; and

12 (ii) the applicable agency issue an au-
13 thorization of the activity.

14 (4) PROJECT SPONSOR.—The term “project
15 sponsor” means an entity, including any private,
16 public, or public-private entity, seeking an authoriza-
17 tion for a project.

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

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

5 (d) REMANDED ACTIONS.—

6 (1) IN GENERAL.—If the reviewing court re-
7 mands a final Federal agency action granting or de-
8 nying an authorization to the Federal agency for
9 further proceedings, whether on a motion by the
10 court, the agency, or another party, the court shall
11 set a reasonable schedule and deadline for the agen-
12 cy to act on remand, which shall not exceed 180
13 days from the date on which the order of the court
14 was issued, unless a longer time period is necessary
15 to comply with applicable law.

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

24 (e) TREATMENT OF SUPPLEMENTAL OR REVISED
25 ENVIRONMENTAL DOCUMENTS.—For the purpose of sub-

1 section (b), the preparation of a supplemental or revised
2 environmental document, when required, shall be consid-
3 ered to be a separate final agency action.

4 (f) NOTICE.—Not later than 30 days after the date
5 on which an agency is served a copy of a petition for re-
6 view or a complaint in a civil action described in sub-
7 section (b), the head of the agency shall notify the project
8 sponsor of the filing of the petition or complaint.

9 (g) PERMITTING COUNCIL.—Nothing in this title pre-
10 cludes a project from being designated as a covered project
11 (as defined in section 41001 of the FAST Act (42 U.S.C.
12 4370m)) for the purposes of title XLI of that Act (42
13 U.S.C. 4370m et seq.).

14 **TITLE II—FEDERAL ONSHORE** 15 **ENERGY LEASING AND PER-** 16 **MITTING**

17 **SEC. 201. ONSHORE OIL AND GAS LEASING.**

18 (a) LIMITATION ON ISSUANCE OF CERTAIN LEASES
19 OR RIGHTS-OF-WAY.—Section 50265(b)(1)(B) of Public
20 Law 117–169 (43 U.S.C. 3006(b)(1)(B)) is amended, in
21 the matter preceding clause (i), by inserting “, including
22 only acres that were nominated in previously submitted
23 expressions of interest,” after “energy development”.

24 (b) MINERAL LEASING ACT REFORMS.—

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

5 “(3) SUBDIVISION.—

6 “(A) IN GENERAL.—A parcel of land in-
7 cluded in an expression of interest that the Sec-
8 retary of the Interior offers for lease shall be
9 leased as nominated and not subdivided into
10 multiple parcels unless the Secretary of the In-
11 terior determines that a subpart of the sub-
12 mitted parcel is not open to oil or gas leasing
13 under the approved resource management plan.

14 “(B) REQUIRED REVIEWS.—Nothing in
15 this paragraph affects the obligations of the
16 Secretary of the Interior to complete require-
17 ments and reviews established by other provi-
18 sions of law before leasing a parcel of land.

19 “(4) RESOURCE MANAGEMENT PLANS.—

20 “(A) LEASE TERMS AND CONDITIONS.—A
21 lease issued under this section shall be subject
22 to the terms and conditions of the approved re-
23 source management plan.

24 “(B) EFFECT OF LEASING DECISION.—
25 Notwithstanding section 1506.1 of title 40,

1 Code of Federal Regulations (as in effect on the
2 date of enactment of this paragraph), the Sec-
3 retary may conduct a lease sale under an ap-
4 proved resource management plan while amend-
5 ments to the approved plan are under consider-
6 ation.”.

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

10 (A) by striking “Secretary” each place it
11 appears and inserting “Secretary of the Inte-
12 rior”;

13 (B) in paragraph (1), by striking “non-
14 refundable”; and

15 (C) by adding at the end the following:

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

22 “(A) as a condition of the issuance of the
23 lease, the person who is the highest responsible
24 qualified bidder shall pay to the Secretary of
25 the Interior an amount equal to the applicable

1 fee paid by the person who submitted the ex-
2 pression of interest; and

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

8 “(4) REFUNDABILITY.—Except as provided in
9 paragraph (3)(B), the fee assessed under paragraph
10 (1) shall be nonrefundable.”.

11 **SEC. 202. TERM OF APPLICATION FOR PERMIT TO DRILL.**

12 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
13 226(p)) is amended by adding at the end the following:

14 “(4) TERM.—

15 “(A) IN GENERAL.—A permit to drill ap-
16 proved under this subsection shall be valid for
17 a single non-renewable 4-year period beginning
18 on the date of the approval.

19 “(B) RETROACTIVITY.—In addition to all
20 approved applications for permits to drill sub-
21 mitted on or after the date of enactment of this
22 paragraph, subparagraph (A) shall apply to—

23 “(i) all valid, unexpired permits in ef-
24 fect on the date of enactment of this para-
25 graph; and

1 “(ii) all pending applications for per-
2 mit to drill submitted prior to the date of
3 enactment of this paragraph.”.

4 **SEC. 203. PERMITTING COMPLIANCE ON NON-FEDERAL**
5 **LAND.**

6 (a) **IN GENERAL.**—Notwithstanding the Mineral
7 Leasing Act (30 U.S.C. 181 et seq.), the Federal Oil and
8 Gas Royalty Management Act of 1982 (30 U.S.C. 1701
9 et seq.), or subpart 3162 of part 3160 of title 43, Code
10 of Federal Regulations (or successor regulations), but sub-
11 ject to any applicable State or Tribal requirements and
12 subsection (c), the Secretary of the Interior shall not re-
13 quire a permit to drill for an oil and gas lease under the
14 Mineral Leasing Act (30 U.S.C. 181 et seq.) for an action
15 occurring within an oil and gas drilling or spacing unit
16 if—

17 (1) the Federal Government—

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

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

24 (2) the well is located on non-Federal land over-
25 lying a non-Federal mineral estate, but some portion

1 of the wellbore enters and produces from the Fed-
2 eral mineral estate subject to the lease; or

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

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

10 (1) each lessee of Federal minerals in the unit,
11 or designee of a lessee, shall—

12 (A) notify the Secretary of the Interior of
13 the submission of a State application for a per-
14 mit to drill or drilling plan on submission of the
15 application; and

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

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

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

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

10 (d) EFFECT.—Nothing in this section affects—

11 (1) other authorities of the Secretary of the In-
12 terior under the Federal Oil and Gas Royalty Man-
13 agement Act of 1982 (30 U.S.C. 1701 et seq.); or

14 (2) the amount of royalties due to the Federal
15 Government from the production of the Federal min-
16 erals within the oil and gas drilling or spacing unit.

17 (e) AUTHORITY ON NON-FEDERAL LAND.—Section
18 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is
19 amended—

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

24 (2) by adding at the end the following:

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

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

7 “(ii) to enter non-Federal land without the con-
8 sent of the applicable landowner;

9 “(iii) to impose mitigation requirements; or

10 “(iv) to require approval for surface reclama-
11 tion.

12 “(B) Land referred to in subparagraph (A) is land
13 where—

14 “(i) the Federal Government—

15 “(I) owns less than 50 percent of the min-
16 erals within the oil and gas drilling or spacing
17 unit; and

18 “(II) does not own or lease the surface es-
19 tate within the area directly impacted by the
20 action;

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

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

6 **SEC. 204. COAL LEASES ON FEDERAL LAND.**

7 (a) DEADLINES.—

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

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

18 (B) by adding at the end the following:

19 “(6) DEADLINES.—

20 “(A) APPLICANT MOTION.—Not later than
21 90 days after the date on which a request of a
22 qualified applicant is received for a lease sale
23 under paragraph (1), or for a lease modification
24 under section 3, the Secretary of the Interior
25 shall commence all necessary consultations and

1 reviews required under Federal law in accord-
2 ance with that paragraph or section, as applica-
3 ble.

4 “(B) DECISION.—Not later than 90 days
5 after the completion of an environmental impact
6 statement or environmental assessment con-
7 sistent with the requirements of the National
8 Environmental Policy Act of 1969 (42 U.S.C.
9 4321 et seq.) for a lease sale under paragraph
10 (1), or for a lease modification under section 3,
11 the Secretary of the Interior shall issue a
12 record of decision or a finding of no significant
13 impact for the lease sale or lease modification.

14 “(C) FAIR MARKET VALUE.—Not later
15 than 30 days after the date on which the Sec-
16 retary of the Interior issues a record of decision
17 or a finding of no significant impact under sub-
18 paragraph (B) for a lease sale under paragraph
19 (1), or for a lease modification under section 3,
20 the Secretary shall determine the fair market
21 value of the coal subject to the lease.”.

22 (2) LEASE MODIFICATIONS.—Section 3(b) of
23 the Mineral Leasing Act (30 U.S.C. 203(b)) is
24 amended by striking “The Secretary shall prescribe”

1 and inserting “Subject to section 2(a)(6), the Sec-
2 retary shall prescribe”.

3 (b) CONFORMING AMENDMENTS.—Section 2(a)(1) of
4 the Mineral Leasing Act (30 U.S.C. 201(a)(1)) is amend-
5 ed—

6 (1) in the first sentence—

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

10 (B) by striking “he deems appropriate”
11 and inserting “the Secretary of the Interior de-
12 termines to be appropriate”;

13 (2) in the sixth sentence, by striking “Prior to
14 his determination” and inserting “Prior to a deter-
15 mination by the Secretary of the Interior”;

16 (3) in the seventh sentence—

17 (A) by striking “to make public his judg-
18 ment” and inserting “to make public the judg-
19 ment of the Secretary of the Interior”; and

20 (B) by striking “comments he receives”
21 and inserting “comments received by the Sec-
22 retary of the Interior”; and

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

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

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

6 The Act of February 5, 1948 (62 Stat. 17, chapter
7 45), is amended—

8 (1) in the first section (62 Stat. 17, chapter 45;
9 25 U.S.C. 323), by striking “That the Secretary of
10 the Interior be, and he is hereby, empowered to”
11 and inserting the following:

12 **“SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS**
13 **INDIAN LAND.**

14 “The Secretary of the Interior may”;

15 (2) in section 2 (62 Stat. 18, chapter 45; 25
16 U.S.C. 324), by striking “organized under the Act
17 of June 18, 1934 (48 Stat. 984), as amended; the
18 Act of May 1, 1936 (49 Stat. 1250); or the Act of
19 June 26, 1936 (49 Stat. 1967),”; and

20 (3) by adding at the end the following:

21 **“SEC. 8. TRIBAL GRANTS OF RIGHTS-OF-WAY.**

22 “(a) RIGHTS-OF-WAY.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 an Indian tribe may grant a right-of-way over and

1 across the Tribal land of the Indian tribe for any
2 purpose.

3 “(2) AUTHORITY.—A right-of-way granted
4 under paragraph (1) shall not require the approval
5 of the Secretary of the Interior or a grant by the
6 Secretary of the Interior under section 1 if the right-
7 of-way granted under that paragraph is executed in
8 accordance with a Tribal regulation approved by the
9 Secretary of the Interior under subsection (b).

10 “(b) REVIEW OF TRIBAL REGULATIONS.—

11 “(1) TRIBAL REGULATION SUBMISSION AND AP-
12 PROVAL.—

13 “(A) SUBMISSION.—An Indian tribe seek-
14 ing to grant a right-of-way under subsection (a)
15 shall submit for approval a Tribal regulation
16 governing the granting of rights-of-way over
17 and across the Tribal land of the Indian tribe.

18 “(B) APPROVAL.—Subject to paragraph
19 (2), the Secretary of the Interior shall have the
20 authority to approve or disapprove any Tribal
21 regulation submitted under subparagraph (A).

22 “(2) CONSIDERATIONS FOR APPROVAL.—

23 “(A) IN GENERAL.—The Secretary of the
24 Interior shall approve a Tribal regulation sub-

1 the Indian tribe approves the
2 right-of-way.

3 “(B) APPLICABLE LAWS.—The Secretary
4 of the Interior, in making a decision to approve
5 a Tribal regulation under this subsection, shall
6 not be subject to—

7 “(i) the National Environmental Pol-
8 icy Act of 1969 (42 U.S.C. 4321 et seq.);

9 “(ii) section 306108 of title 54,
10 United States Code; or

11 “(iii) the Endangered Species Act of
12 1973 (16 U.S.C. 1531 et seq.).

13 “(3) REVIEW PROCESS.—

14 “(A) IN GENERAL.—Not later than 180
15 days after the date on which the Indian tribe
16 submits a Tribal regulation to the Secretary of
17 the Interior under paragraph (1)(A), the Sec-
18 retary of the Interior shall—

19 “(i) review the Tribal regulation;

20 “(ii) approve or disapprove the Tribal
21 regulation; and

22 “(iii) notify the Indian tribe that sub-
23 mitted the Tribal regulation of the ap-
24 proval or disapproval.

1 “(B) WRITTEN DOCUMENTATION.—If the
2 Secretary of the Interior disapproves a Tribal
3 regulation submitted under paragraph (1)(A),
4 the Secretary of the Interior shall include with
5 the disapproval notification under subparagraph
6 (A)(iii) written documentation describing the
7 basis for the disapproval.

8 “(C) EXTENSION.—The Secretary of the
9 Interior may, after consultation with the Indian
10 tribe that submitted a Tribal regulation under
11 paragraph (1)(A), extend the 180-day period
12 described in subparagraph (A).

13 “(4) FEDERAL ENVIRONMENTAL REVIEW.—
14 Notwithstanding paragraphs (2) and (3), if an In-
15 dian tribe carries out a project or activity funded by
16 a Federal agency, the Indian tribe may rely on the
17 environmental review process of the applicable Fed-
18 eral agency rather than any Tribal environmental re-
19 view process required under this subsection.

20 “(c) DOCUMENTATION.—An Indian tribe granting a
21 right-of-way under subsection (a) shall provide to the Sec-
22 retary of the Interior—

23 “(1) a copy of the right-of-way, including any
24 amendments or renewals; and

1 “(2) if the right-of-way allows for compensation
2 to be made directly to the Indian tribe, documenta-
3 tion of payments that are sufficient, as determined
4 by the Secretary of the Interior, as to enable the
5 Secretary of the Interior to discharge the trust re-
6 sponsibility of the United States under subsection
7 (d).

8 “(d) TRUST RESPONSIBILITY.—

9 “(1) IN GENERAL.—The United States shall
10 not be liable for losses sustained by any party to a
11 right-of-way granted under subsection (a).

12 “(2) AUTHORITY OF THE SECRETARY.—

13 “(A) IN GENERAL.—Pursuant to the au-
14 thority of the Secretary of the Interior to fulfill
15 the trust obligation of the United States to the
16 applicable Indian tribe under Federal law (in-
17 cluding regulations), the Secretary of the Inte-
18 rior may, on reasonable notice from the applica-
19 ble Indian tribe and at the discretion of the
20 Secretary of the Interior, enforce the provisions
21 of, or cancel, any right-of-way granted by the
22 Indian tribe under subsection (a).

23 “(B) AUTHORITY.—The enforcement or
24 cancellation of a right-of-way under subpara-

1 graph (A) shall be conducted using regulatory
2 procedures issued under section 6.

3 “(e) COMPLIANCE.—

4 “(1) IN GENERAL.—An interested party, after
5 exhaustion of any applicable Tribal remedies, may
6 submit a petition to the Secretary of the Interior, at
7 such time and in such form as determined by the
8 Secretary of the Interior, to review the compliance of
9 an applicable Indian tribe with a Tribal regulation
10 approved by the Secretary of the Interior under sub-
11 section (b).

12 “(2) VIOLATIONS.—If the Secretary of the Inte-
13 rior determines that a Tribal regulation was violated
14 after conducting a review under paragraph (1), the
15 Secretary of the Interior may take any action the
16 Secretary of the Interior determines to be necessary
17 to remedy the violation, including rescinding the ap-
18 proval of the Tribal regulation and reassuming re-
19 sponsibility for approving rights-of-way through the
20 trust land of the applicable Indian tribe.

21 “(3) DOCUMENTATION.—If the Secretary of the
22 Interior determines that a Tribal regulation was vio-
23 lated after conducting a review under paragraph (1),
24 the Secretary of the Interior shall—

1 “(A) provide written documentation, with
2 respect to the Tribal regulation that has been
3 violated, to the appropriate interested party and
4 Indian tribe;

5 “(B) provide the applicable Indian tribe
6 with a written notice of the alleged violation;
7 and

8 “(C) prior to the exercise of any remedy,
9 including rescinding the approval for the appli-
10 cable Tribal regulation or reassuming responsi-
11 bility for approving rights-of-way through the
12 trust land of the applicable Indian tribe, pro-
13 vide the applicable Indian tribe with—

14 “(i) a hearing that is on the record;
15 and

16 “(ii) a reasonable opportunity to cure
17 the alleged violation.

18 “(f) SAVINGS CLAUSE.—Nothing in this section af-
19 fects the application of any Tribal regulations issued
20 under Federal environmental law.

21 “(g) EFFECT OF TRIBAL REGULATIONS.—An ap-
22 proved Tribal regulation under subsection (b) shall not
23 preclude an Indian tribe from, in the discretion of the In-
24 dian tribe, consenting to the grant of a right-of-way by
25 the Secretary of the Interior under section 1.

1 “(h) **TERMS OF RIGHT-OF-WAY.**—The compensation
2 for, and terms of, a right-of-way granted under subsection
3 (a) will be determined by—

4 “(1) negotiations by the Indian tribe; or

5 “(2) the regulations of the Indian tribe.

6 “(i) **JURISDICTION.**—The grant of a right-of-way
7 under subsection (a) does not waive the sovereign immu-
8 nity of the Indian tribe or diminish the jurisdiction of that
9 Indian tribe over the Tribal land subject to the right-of-
10 way, unless otherwise provided in—

11 “(1) the grant of the right-of-way; or

12 “(2) the regulations of the Indian tribe.”.

13 **SEC. 206. ACCELERATING RENEWABLE ENERGY PERMIT-**
14 **TING.**

15 (a) **DEFINITIONS.**—In this section:

16 (1) **ELIGIBLE PROJECT.**—The term “eligible
17 project” has the meaning given the term in section
18 3101 of the Energy Act of 2020 (43 U.S.C. 3001).

19 (2) **PREVIOUSLY DISTURBED OR DEVELOPED.**—
20 The term “previously disturbed or developed” has
21 the meaning given the term in section
22 1021.410(g)(1) of title 10, Code of Federal Regula-
23 tions (or successor regulations).

24 (b) **DEADLINE FOR CONSIDERATION OF APPLICA-**
25 **TIONS FOR RIGHTS-OF-WAY.**—

1 (1) COMPLETENESS OF REVIEW.—

2 (A) IN GENERAL.—Not later than 30 days
3 after the date on which the Secretary of the In-
4 terior or the Secretary of Agriculture, as appli-
5 cable, receives an application for a right-of-way
6 under section 501 of the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C. 1761)
8 for an eligible project, the applicable Secretary
9 shall—

10 (i) notify the applicant that the appli-
11 cation is complete; or

12 (ii) notify the applicant that informa-
13 tion is missing from the application and
14 specify any information that is required to
15 be submitted for the application to be com-
16 plete.

17 (B) ENVIRONMENTAL IMPACT STATE-
18 MENT.—For an eligible project that requires an
19 environmental impact statement for an applica-
20 tion submitted under subparagraph (A), the
21 Secretary of the Interior or the Secretary of
22 Agriculture, as applicable, shall issue a notice of
23 intent not later than 90 days after the date on
24 which the applicable Secretary determines that

1 an application is complete under subparagraph
2 (A).

3 (2) COST RECOVERY AND ISSUANCE OR DEFER-
4 RAL.—

5 (A) IN GENERAL.—Not later than 30 days
6 after the date on which an applicant submits a
7 complete application for a right-of-way under
8 paragraph (1), the Secretary of the Interior or
9 the Secretary of Agriculture, as applicable,
10 shall, if a cost recovery agreement is required
11 under section 2804.14 of title 43, Code of Fed-
12 eral Regulations (or successor regulations), or
13 section 251.58 of title 36, Code of Federal Reg-
14 ulations (or successor regulations), issue a cost
15 recovery agreement.

16 (B) DECISION.—Not later than 30 days
17 after the date on which an applicant submits a
18 complete application for a right-of-way under
19 paragraph (1), the Secretary of the Interior or
20 the Secretary of Agriculture, as applicable,
21 shall—

22 (i) grant or deny the application, if
23 the requirements under the National Envi-
24 ronmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) and any other applicable law
2 have been completed; or

3 (ii) defer the decision on the applica-
4 tion and provide to the applicant notice—

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

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

13 (c) LOW DISTURBANCE ACTIVITIES FOR RENEWABLE
14 ENERGY PROJECTS.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, to facilitate
17 timely permitting of eligible projects, the Secretary
18 of the Interior and the Secretary of Agriculture shall
19 each develop or adopt 1 or more categorical exclu-
20 sions, including allowing for extraordinary cir-
21 cumstances under which the categorical exclusion
22 shall not be available, under the National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
24 for low disturbance activities necessary for renewable
25 energy projects.

1 (2) ACTIVITIES DESCRIBED.—Low disturbance
2 activities referred to in paragraph (1) are the fol-
3 lowing:

4 (A) Individual surface disturbances of less
5 than 5 acres that have undergone site-specific
6 analysis in a document prepared pursuant to
7 the National Environmental Policy Act of 1969
8 (42 U.S.C. 4321 et seq.) that has been pre-
9 viously completed.

10 (B) Activities at a location at which the
11 same type of activity has previously occurred
12 within 5 years prior to the date of commence-
13 ment of the activity.

14 (C) Activities on previously disturbed or
15 developed land for which an approved land use
16 plan or any environmental document prepared
17 pursuant to the National Environmental Policy
18 Act of 1969 (42 U.S.C. 4321 et seq.) analyzed
19 such activity as reasonably foreseeable, so long
20 as such plan or document was approved within
21 5 years prior to the date of the activity.

22 (D) The installation, modification, oper-
23 ation, or removal of commercially available solar
24 photovoltaic systems located on—

1 (i) a building or other structure (such
2 as a rooftop, parking lot, or facility, or
3 mounted to signage, lighting, gates, or
4 fences); or

5 (ii) previously disturbed or developed
6 land comprising less than 10 acres.

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

10 (F) Preliminary geotechnical investiga-
11 tions.

12 (G) The construction and removal of mete-
13 orological evaluation towers.

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

16 (a) NATIONAL GOAL FOR RENEWABLE ENERGY PRO-
17 Duction ON FEDERAL LAND.—

18 (1) GOAL.—Not later than 180 days after the
19 date of enactment of this Act, in accordance with
20 section 3104 of the Energy Act of 2020 (43 U.S.C.
21 3004), the Secretary of the Interior, in consultation
22 with the Secretary of Agriculture and other heads of
23 relevant Federal agencies, shall establish a target
24 date for the authorization of not less than 50

1 gigawatts of renewable energy production on Federal
2 land by not later than 2030.

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

6 (A) in subsection (a), by inserting “and pe-
7 riodically revise” after “establish”; and

8 (B) by adding at the end the following:

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

16 (b) DEFINITION OF ELIGIBLE PROJECT.—Paragraph
17 (4) of section 3101 of the Energy Act of 2020 (43 U.S.C.
18 3001) is amended by inserting “or store” after “gen-
19 erate”.

20 (c) RENEWABLE ENERGY PROJECT REVIEW STAND-
21 ARDS.—Section 3102 of the Energy Act of 2020 (43
22 U.S.C. 3002) is amended—

23 (1) in subsection (a), in the second sentence, by
24 inserting “sufficient to achieve goals for renewable

1 energy production on Federal land established under
2 section 3104” before the period at the end;

3 (2) by redesignating subsection (f) as sub-
4 section (h); and

5 (3) by inserting after subsection (e) the fol-
6 lowing:

7 “(f) RENEWABLE ENERGY PROJECT REVIEW STAND-
8 ARDS.—Not later than 2 years after the date of enactment
9 of the Energy Permitting Reform Act of 2024, for the pur-
10 pose of encouraging standardized reviews and facilitating
11 the permitting of eligible projects, the National Renewable
12 Energy Coordination Office of the Bureau of Land Man-
13 agement shall promulgate renewable energy project review
14 standards to be adopted by regional renewable energy co-
15 ordination offices.

16 “(g) CLARIFICATION OF EXISTING AUTHORITY.—
17 Under section 307 of the Federal Land Policy and Man-
18 agement Act of 1976 (43 U.S.C. 1737), the Secretary may
19 accept donations from renewable energy companies to im-
20 prove community engagement for the permitting of energy
21 projects.”.

22 (d) SAVINGS CLAUSE.—Nothing in this section, or an
23 amendment made by this section, modifies the limitations
24 described in section 50265(b)(1) of Public Law 117–169
25 (43 U.S.C. 3006(b)(1)).

1 **SEC. 208. GEOTHERMAL LEASING AND PERMITTING IM-**
2 **PROVEMENTS.**

3 (a) PRELIMINARY GEOTHERMAL ACTIVITIES.—Not
4 later than 180 days after the date of enactment of this
5 Act, the Secretary of the Interior and the Secretary of Ag-
6 riculture shall each develop or adopt 1 or more categorical
7 exclusions, including allowing for extraordinary cir-
8 cumstances under which the categorical exclusion shall not
9 be available, under the National Environmental Policy Act
10 of 1969 (42 U.S.C. 4321 et seq.) for individual disturb-
11 ances of less than 10 acres for activities required to test,
12 monitor, calibrate, explore, or confirm geothermal re-
13 sources, provided those activities do not involve—

14 (1) the commercial production of geothermal re-
15 sources;

16 (2) the use of geothermal resources for com-
17 mercial operations; or

18 (3) construction of permanent roads.

19 (b) ANNUAL LEASING.—Section 4(b) of the Geo-
20 thermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amend-
21 ed—

22 (1) in paragraph (2), by striking “every 2
23 years” and inserting “per year”; and

24 (2) by adding at the end the following:

25 “(5) REPLACEMENT SALES.—If a lease sale
26 under this section for a year is cancelled or delayed,

1 the Secretary shall conduct a replacement sale not
2 later than 180 days after the date of the cancellation
3 or delay, as applicable, and the replacement sale
4 may not be cancelled or delayed.”.

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

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

11 “(1) IN GENERAL.—Not later than 10 days
12 after the date on which the Secretary receives an ap-
13 plication for any geothermal drilling permit, the Sec-
14 retary shall—

15 “(A) provide written notice to the appli-
16 cant that the application is complete; or

17 “(B) notify the applicant that information
18 is missing from the application and specify any
19 information that is required to be submitted for
20 the application to be complete.

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

1 “(A) grant or deny the application, if the
2 requirements under the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4321 et seq.)
4 and any other applicable law have been com-
5 pleted; or

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

8 “(i) that specifies steps that the appli-
9 cant can take for the decision on the appli-
10 cation to be issued; and

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

15 (d) COST RECOVERY AUTHORITY.—Section 24 of the
16 Geothermal Steam Act of 1970 (30 U.S.C. 1023) is
17 amended—

18 (1) by striking the section designation and all
19 that follows through “The Secretary” and inserting
20 the following:

21 **“SEC. 24. RULES AND REGULATIONS.**

22 “‘The Secretary’; and

23 (2) by adding at the end the following: “The
24 Secretary shall, not later than 180 days after the
25 date of enactment of the Energy Permitting Reform

1 Act of 2024, promulgate rules for cost recovery, to
2 be paid by permit applicants or lessees, to facilitate
3 the timely coordination and processing of leases, per-
4 mits, and authorizations and to reimburse the Sec-
5 retary for all reasonable administrative costs in-
6 curred from the inspection and monitoring of activi-
7 ties thereunder.”.

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

14 (1) surface exploration;

15 (2) geophysical exploration (including well drill-
16 ing);

17 (3) production well drilling; and

18 (4) use of geothermal resources (including
19 power plant construction).

20 (f) GEOTHERMAL PRODUCTION PARITY.—Section
21 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942)
22 is amended—

23 (1) in subsection (a)—

1 (A) by striking “(NEPA)” and inserting
2 “(42 U.S.C. 4321 et seq.) (referred to in this
3 section as ‘NEPA’)”;

4 (B) by inserting “(30 U.S.C. 181 et seq.)”
5 after “Mineral Leasing Act”; and

6 (C) by inserting “, or the Geothermal
7 Steam Act of 1970 (30 U.S.C. 1001 et seq.) for
8 the purpose of exploration or development of
9 geothermal resources” before the period at the
10 end; and

11 (2) in subsection (b)—

12 (A) in paragraph (2), by striking “oil or
13 gas” and inserting “oil, gas, or geothermal re-
14 sources”; and

15 (B) in paragraph (3), by striking “oil or
16 gas” and inserting “oil, gas, or geothermal re-
17 sources”.

18 (g) GEOTHERMAL OMBUDSMAN.—

19 (1) IN GENERAL.—Not later than 60 days after
20 the date of enactment of this Act, the Secretary of
21 the Interior shall appoint within the Bureau of Land
22 Management a Geothermal Ombudsman.

23 (2) DUTIES.—The Geothermal Ombudsman ap-
24 pointed under paragraph (1) shall—

25 (A) act as a liaison between—

1 (i) the individual field offices of the
2 Bureau of Land Management;

3 (ii) the Division Chief of the National
4 Renewable Energy Coordination Office of
5 the Bureau of Land Management; and

6 (iii) the Director of the Bureau of
7 Land Management;

8 (B) provide dispute resolution services be-
9 tween the individual field offices of the Bureau
10 of Land Management and applicants for geo-
11 thermal resource permits;

12 (C) monitor and facilitate permit proc-
13 essing practices and timelines across individual
14 field offices of the Bureau of Land Manage-
15 ment;

16 (D) develop best practices for the permit-
17 ting and leasing process for geothermal re-
18 sources; and

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

21 (3) REPORT.—The Geothermal Ombudsman
22 shall submit to the Committee on Energy and Nat-
23 ural Resources of the Senate and the Committee on
24 Natural Resources of the House of Representatives
25 an annual report that describes the activities of the

1 Geothermal Ombudsman and evaluates the effective-
2 ness of geothermal permit processing during the pre-
3 ceding 1-year period.

4 **SEC. 209. ELECTRIC GRID PROJECTS.**

5 (a) DEFINITION OF PREVIOUSLY DISTURBED OR DE-
6 VELOPED.—In this section, the term “previously disturbed
7 or developed” has the meaning given the term in section
8 1021.410(g)(1) of title 10, Code of Federal Regulations
9 (or successor regulations).

10 (b) RULEMAKING.—Not later than 180 days after the
11 date of enactment of this Act, to facilitate timely permit-
12 ting, the Secretary of the Interior and the Secretary of
13 Agriculture develop or adopt 1 or more categorical exclu-
14 sions, including allowing for extraordinary circumstances
15 under which the categorical exclusion shall not be avail-
16 able, under the National Environmental Policy Act of
17 1969 (42 U.S.C. 4321 et seq.) for the following activities:

18 (1) Placement of an electric transmission or
19 distribution facility in an approved right-of-way cor-
20 ridor, if the corridor was approved during the 5-year
21 period ending on the date of placement of the facil-
22 ity.

23 (2) Any repair, maintenance, replacement, up-
24 grade, modification, optimization, or minor reloca-
25 tion of, or addition to, an existing electric trans-

1 mission or distribution facility or associated infra-
2 structure, including electrical substations, within an
3 existing right-of-way or on otherwise previously dis-
4 turbed or developed land, including reconductoring
5 and installation of grid-enhancing technologies.

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

9 **SEC. 210. HARDROCK MINING MILL SITES.**

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

13 “(c) ADDITIONAL MILL SITES.—

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

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

21 “(B) OPERATIONS; OPERATOR.—The
22 terms ‘operations’ and ‘operator’ have the
23 meanings given those terms in section 3809.5
24 of title 43, Code of Federal Regulations (as in

1 effect on the date of enactment of this sub-
2 section).

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

10 “(i) subpart 3809 of title 43, Code of
11 Federal Regulations (or successor regula-
12 tions establishing application and approval
13 requirements); and

14 “(ii) part 228 of title 36, Code of
15 Federal Regulations (or successor regula-
16 tions establishing application and approval
17 requirements).

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

23 “(i) land that is mineral-in-character
24 (as defined in section 3830.5 of title 43,
25 Code of Federal Regulations (as in effect

1 on the date of enactment of this sub-
2 section));

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

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

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

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

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

21 “(3) MILL SITES CONVEY NO MINERAL
22 RIGHTS.—A mill site under this subsection does not
23 convey mineral rights to the locator.

1 “(4) SIZE OF MILL SITES.—A location of a sin-
2 gle mill site under this subsection shall not exceed
3 5 acres.

4 “(5) MILL SITE AND LODE OR PLACER CLAIMS
5 ON SAME TRACTS OF PUBLIC LAND.—A mill site
6 may be located under this subsection on a tract of
7 public land on which the claimant or operator main-
8 tains a previously located lode or placer claim.

9 “(6) EFFECT ON MINING CLAIMS.—The loca-
10 tion of a mill site under this subsection shall not af-
11 fect the validity of any lode or placer claim, or any
12 rights associated with such a claim.

13 “(7) PATENTING.—A mill site under this sec-
14 tion shall not be eligible for patenting.

15 “(8) SAVINGS PROVISIONS.—Nothing in this
16 subsection—

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

19 “(B) creates or increases any right (includ-
20 ing a right of exploration, entry, use, or occu-
21 pancy) of a claimant on land that is not open
22 to location under the general mining laws;

23 “(C) modifies any provision of law or any
24 prior administrative action withdrawing land
25 from location or entry;

1 “(D) limits the right of the Federal Gov-
2 ernment to regulate mining and mining-related
3 activities (including requiring claim validity ex-
4 aminations to establish the discovery of a valu-
5 able mineral deposit) in areas withdrawn from
6 mining, including under—

7 “(i) the general mining laws;

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

11 “(iii) the Wilderness Act (16 U.S.C.
12 1131 et seq.);

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

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

17 “(vi) division A of subtitle III of title
18 54, United States Code (commonly re-
19 ferred to as the ‘National Historic Preser-
20 vation Act’); or

21 “(vii) section 4 of the Act of July 23,
22 1955 (commonly known as the ‘Surface
23 Resources Act of 1955’) (69 Stat. 368,
24 chapter 375; 30 U.S.C. 612);

1 “(E) restores any right (including a right
2 of entry, use, or occupancy, or right to conduct
3 operations) of a claimant that—

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

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

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

13 (b) ABANDONED HARDROCK MINE FUND.—

14 (1) ESTABLISHMENT.—There is established in
15 the Treasury of the United States a separate ac-
16 count, to be known as the “Abandoned Hardrock
17 Mine Fund” (referred to in this subsection as the
18 “Fund”).

19 (2) SOURCE OF DEPOSITS.—Any amounts col-
20 lected by the Secretary of the Interior pursuant to
21 the claim maintenance fee under section 10101(a)(1)
22 of the Omnibus Budget Reconciliation Act of 1993
23 (30 U.S.C. 28f(a)(1)) on mill sites located under
24 subsection (c) of section 2337 of the Revised Stat-

1 utes (30 U.S.C. 42) shall be deposited into the
2 Fund, to remain available until expended.

3 (3) USE.—The Secretary of the Interior may
4 make expenditures from amounts available in the
5 Fund, without further appropriations or fiscal year
6 limitation, only to carry out section 40704 of the In-
7 frastructure Investment and Jobs Act (30 U.S.C.
8 1245).

9 (4) ALLOCATION OF FUNDS.—Amounts made
10 available under paragraph (3)—

11 (A) shall be allocated in accordance with
12 section 40704(e)(1) of the Infrastructure In-
13 vestment and Jobs Act (30 U.S.C. 1245(e)(1));

14 (B) may be transferred in accordance with
15 section 40704(e)(2) of that Act (30 U.S.C.
16 1245(e)(2)); and

17 (C) may be used for the administration of
18 the Fund and section 40704 of the Infrastruc-
19 ture Investment and Jobs Act (30 U.S.C. 1245)
20 in amounts not to exceed 5 percent of amounts
21 deposited into the Fund.

22 (c) CLERICAL AMENDMENTS.—Section 10101 of the
23 Omnibus Budget Reconciliation Act of 1993 (30 U.S.C.
24 28f) is amended—

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

5 (2) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) in the second sentence, by striking
8 “Such claim maintenance fee” and insert-
9 ing the following:

10 “(B) FEE.—The claim maintenance fee
11 under subparagraph (A)”;

12 (ii) in the first sentence, by striking
13 “The holder of” and inserting the fol-
14 lowing:

15 “(A) IN GENERAL.—The holder of”;

16 (B) in paragraph (2)—

17 (i) in the second sentence, by striking
18 “Such claim maintenance fee” and insert-
19 ing the following:

20 “(B) FEE.—The claim maintenance fee
21 under subparagraph (A)”;

22 (ii) in the first sentence, by striking
23 “The holder of” and inserting the fol-
24 lowing:

25 “(A) IN GENERAL.—The holder of”;

1 (3) in subsection (b)—

2 (A) in the second sentence, by striking

3 “The location fee” and inserting the following:

4 “(2) FEE.—The location fee”; and

5 (B) in the first sentence, by striking “The

6 claim main tenance fee” and inserting the fol-

7 lowing:

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

10 **TITLE III—FEDERAL OFFSHORE**
11 **ENERGY LEASING AND PER-**
12 **MITTING**

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

14 (a) REQUIREMENT.—Notwithstanding the 2024–

15 2029 National Outer Continental Shelf Oil and Gas Leas-

16 ing Program (and any successor leasing program that does

17 not satisfy the requirements of this section), the Secretary

18 of the Interior (referred to in this title as the “Secretary”)

19 shall conduct not less than 1 oil and gas lease sale in each

20 of calendar years 2025 through 2029, each of which shall

21 be conducted not later than August 31 of the applicable

22 calendar year.

23 (b) TERMS AND CONDITIONS.—The Secretary

24 shall—

1 (1) conduct offshore oil and gas lease sales of
2 sufficient acreage to meet the conditions described in
3 section 50265(b)(2) of Public Law 117–169 (43
4 U.S.C. 3006(b)(2));

5 (2) with respect to an oil and gas lease sale
6 conducted under subsection (a), offer the same lease
7 form, lease terms, economic conditions, and stipula-
8 tions as contained in the revised final notice of sale
9 entitled “Gulf of Mexico Outer Continental Shelf Oil
10 and Gas Lease Sale 261” (88 Fed. Reg. 80750 (No-
11 vember 20, 2023)); and

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

1 **SEC. 302. OFFSHORE WIND ENERGY.**

2 (a) OFFSHORE WIND LEASE SALE REQUIREMENT.—

3 Effective on the date of enactment of this Act, the Sec-
4 retary shall—

5 (1) subject to the limitations described in sec-
6 tion 50265(b)(2) of Public Law 117–169 (43 U.S.C.
7 3006(b)(2)), conduct not less than 1 offshore wind
8 lease sale in each of calendar years 2025 through
9 2029, each of which shall be conducted not later
10 than August 31 of the applicable calendar year; and

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

16 (b) AREA OFFERED FOR LEASING.—

17 (1) TOTAL ACRES FOR LEASE.—Subject to
18 paragraph (2), the Secretary shall offer for offshore
19 wind leasing a sum total of not less than 400,000
20 acres per calendar year.

21 (2) MINIMUM ACREAGE.—An offshore wind
22 lease issued by the Secretary that is less than
23 80,000 acres shall not be counted toward the acre-
24 age requirement under paragraph (1).

25 (c) PRODUCTION GOAL FOR OFFSHORE WIND EN-
26 ERGY.—

1 (1) INITIAL GOAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall establish an initial target date for an
4 offshore wind energy production goal of 30
5 gigawatts.

6 (2) PERIODIC GOAL REVISION.—The Secretary
7 shall, in consultation with the heads of other rel-
8 evant Federal agencies, periodically revise national
9 goals for offshore wind energy production on the
10 outer Continental Shelf as initially established under
11 paragraph (1).

12 (d) OUTER CONTINENTAL SHELF LANDS ACT.—Sec-
13 tion 8(p) of the Outer Continental Shelf Lands Act (43
14 U.S.C. 1337(p)) is amended—

15 (1) in paragraph (4)(I), by striking “prevention
16 of interference with reasonable uses” and inserting
17 “prevention of unreasonable interference with other
18 uses”;

19 (2) by striking paragraph (10) and inserting
20 the following:

21 “(10) APPLICABILITY.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), this subsection does not
24 apply to any area on the outer Continental
25 Shelf within the exterior boundaries of any unit

1 of the National Park System, the National
2 Wildlife Refuge System, the National Marine
3 Sanctuary System, or any National Monument.

4 “(B) EXCEPTION.—Notwithstanding sub-
5 paragraph (A), the Secretary, in consultation
6 with the Secretary of Commerce under section
7 304(d) of the National Marine Sanctuaries Act
8 (16 U.S.C. 1434(d)), may grant rights-of-way
9 on the outer Continental Shelf within units of
10 the National Marine Sanctuary System for the
11 transmission of electricity generated by or pro-
12 duced from renewable energy.”; and

13 (3) by adding at the end the following:

14 “(11) DURATION OF PERMITS IN MARINE SANC-
15 TUARIES.—Notwithstanding section 310(c)(2) of the
16 National Marine Sanctuaries Act (16 U.S.C.
17 1441(c)(2)), any permit or authorization granted
18 under that Act that authorizes the installation, oper-
19 ation, or maintenance of electric transmission cables
20 on a right-of-way granted by the Secretary described
21 in paragraph (10)(B) shall be issued for a term
22 equal to the duration of the right-of-way granted by
23 the Secretary.”.

24 (e) SAVINGS CLAUSE.—Nothing in this section, or an
25 amendment made by this section, modifies the limitations

1 described in section 50265(b)(2) of Public Law 117–169
2 (43 U.S.C. 3006(b)(2)).

3 **TITLE IV—ELECTRIC** 4 **TRANSMISSION**

5 **SEC. 401. TRANSMISSION PERMITTING.**

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

9 “(a) DEFINITIONS.—In this section:

10 “(1) COMMISSION.—The term ‘Commission’
11 means the Federal Energy Regulatory Commission.

12 “(2) IMPROVED RELIABILITY.—The term ‘im-
13 proved reliability’ has the meaning given the term in
14 section 225(a).

15 “(3) LANDOWNER INPUT.—The term ‘land-
16 owner input’ means input received—

17 “(A) by the Commission;

18 “(B) from affected landowners, such as
19 farmers and ranchers, in the path of the pro-
20 posed construction or modification of an electric
21 transmission facility; and

22 “(C) pursuant to notification provided to,
23 and consultation with, those affected land-
24 owners, farmers, and ranchers by the Commis-
25 sion.

1 “(4) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Energy.”.

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

5 (1) in the matter preceding paragraph (1), by
6 striking “Except” and all that follows through
7 “finds that” and inserting “Except as provided in
8 subsections (d)(1) and (i), the Commission may,
9 after notice and an opportunity for hearing, includ-
10 ing a public comment period of at least 60 days,
11 issue one or more permits for the construction or
12 modification of electric transmission facilities nec-
13 essary in the national interest if the Commission
14 finds that”;

15 (2) in paragraph (1)—

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

18 (B) in subparagraph (C)—

19 (i) in the matter preceding clause (i),
20 by inserting “or modification” after
21 “siting”; and

22 (ii) in clause (i), by striking “the later
23 of” in the matter preceding subclause (I)
24 and all that follows through the semicolon
25 at the end of subclause (II) and inserting

1 “the date on which the application was
2 filed with the State commission or other
3 entity;”; and

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

6 “(2) the proposed facilities will be used for the
7 transmission of electric energy in interstate (includ-
8 ing transmission from the outer Continental Shelf to
9 a State) or foreign commerce;

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

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

16 “(5) the proposed construction or modification
17 is consistent with sound national energy policy and
18 will enhance energy independence;

19 “(6) the electric transmission facilities are ca-
20 pable of transmitting electric energy at a voltage of
21 not less than 100 kilovolts or, in the case of facilities
22 that include advanced transmission conductors (in-
23 cluding superconductors), as defined by the Commis-
24 sion, voltages determined to be appropriate by the
25 Commission; and

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

5 (c) STATE SITING AND CONSULTATION.—Section
6 216 of the Federal Power Act (16 U.S.C. 824p) is amend-
7 ed by striking subsection (d) and inserting the following:

8 “(d) STATE SITING AND CONSULTATION.—

9 “(1) PRESERVATION OF STATE SITING AUTHOR-
10 ITY.—The Commission shall have no authority to
11 issue a permit under subsection (b) for the construc-
12 tion or modification of an electric transmission facil-
13 ity within a State except as provided in paragraph
14 (1) of that subsection.

15 “(2) CONSULTATION.—In any proceeding be-
16 fore the Commission under subsection (b), the Com-
17 mission shall afford each State in which a trans-
18 mission facility covered by the permit is or will be
19 located, each affected Federal agency and Indian
20 Tribe, private property owners, and other interested
21 persons, a reasonable opportunity to present their
22 views and recommendations with respect to the need
23 for and impact of a facility covered by the permit.

24 “(3) LANDOWNER INPUT.—In authorizing the
25 construction or modification of an electric trans-

1 mission facility under subsection (b), the Commis-
2 sion shall take into account landowner input.”.

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

8 (e) COST ALLOCATION.—

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

12 “(f) COST ALLOCATION.—

13 “(1) TRANSMISSION TARIFFS.—For the pur-
14 poses of this section, any transmitting utility that
15 owns, controls, or operates electric transmission fa-
16 cilities that the Commission finds to be consistent
17 with the findings under paragraphs (2) through (6)
18 and, if applicable, (7) of subsection (b) shall file a
19 tariff or tariff revision with the Commission pursu-
20 ant to section 205 and the regulations of the Com-
21 mission allocating the costs of the new or modified
22 transmission facilities.

23 “(2) TRANSMISSION BENEFITS.—The Commis-
24 sion shall require that tariffs or tariff revisions filed
25 under this subsection are just and reasonable and al-

1 locate the costs of providing service to customers
2 that benefit, in accordance with the cost-causation
3 principle, including through—

4 “(A) improved reliability;

5 “(B) reduced congestion;

6 “(C) reduced power losses;

7 “(D) greater carrying capacity;

8 “(E) reduced operating reserve require-
9 ments; and

10 “(F) improved access to lower cost genera-
11 tion that achieves reductions in the cost of de-
12 livered power.

13 “(3) RATEPAYER PROTECTION.—Customers
14 that receive no benefit, or benefits that are trivial in
15 relation to the costs sought to be allocated, from
16 electric transmission facilities constructed or modi-
17 fied under this section shall not be involuntarily allo-
18 cated any of the costs of those transmission facili-
19 ties, provided, however, that nothing in this section
20 shall prevent a transmitting utility from recovering
21 such costs through voluntary agreement with its cus-
22 tomers.”.

23 (2) SAVINGS PROVISION.—If the Federal En-
24 ergy Regulatory Commission finds that the consider-
25 ations under paragraphs (2) through (6) and, if ap-

1 plicable, (7) of subsection (b) of section 216 of the
2 Federal Power Act (16 U.S.C. 824p) (as amended
3 by subsection (b)) are met, nothing in this section
4 or the amendments made by this section shall be
5 construed to exclude transmission facilities located
6 on the outer Continental Shelf from being eligible
7 for cost allocation established under subsection
8 (f)(1) of that section (as amended by paragraph
9 (1)).

10 (f) COORDINATION OF FEDERAL AUTHORIZATIONS
11 FOR TRANSMISSION FACILITIES.—Section 216(h) of the
12 Federal Power Act (16 U.S.C. 824p(h)) is amended—

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

15 “(A) the Commission shall act as the lead agen-
16 cy in the case of facilities permitted under sub-
17 section (b) and section 225; and

18 “(B) the Department of the Interior shall act
19 as the lead agency in the case of facilities located on
20 a lease, easement, or right-of-way granted by the
21 Secretary of the Interior under section 8(p)(1)(C) of
22 the Outer Continental Shelf Lands Act (43 U.S.C.
23 1337(p)(1)(C)).”;

24 (2) in each of paragraphs (3), (4)(B), (4)(C),
25 (5)(B), (6)(A), (7)(A), (7)(B)(i), (8)(A)(i), and (9),

1 by striking “Secretary” each place it appears and in-
2 sserting “lead agency”;

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

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

9 (5) in paragraph (7)—

10 (A) in subparagraph (A), by striking “18
11 months after the date of enactment of this sec-
12 tion” and inserting “18 months after the date
13 of enactment of the Energy Permitting Reform
14 Act of 2024”; and

15 (B) in subparagraph (B)(i), by striking “1
16 year after the date of enactment of this sec-
17 tion” and inserting “18 months after the date
18 of enactment of the Energy Permitting Reform
19 Act of 2024”.

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

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

25 (2) in paragraph (4)—

1 (A) in subparagraph (A), by striking “;
2 and” and inserting a period;

3 (B) by striking subparagraph (B); and

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

9 (h) TRANSMISSION INFRASTRUCTURE INVEST-
10 MENT.—Section 219(b)(4) of the Federal Power Act (16
11 U.S.C. 824s(b)(4)) is amended—

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

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

16 (3) by adding at the end the following:

17 “(C) all prudently incurred costs associ-
18 ated with payments to jurisdictions impacted by
19 electric transmission facilities developed pursu-
20 ant to section 216 or 225.”.

21 (i) JURISDICTION.—Section 216 of the Federal
22 Power Act (16 U.S.C. 824p) is amended by striking sub-
23 section (k) and inserting the following:

24 “(k) JURISDICTION.—

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

3 “(2) OTHER UTILITIES.—

4 “(A) IN GENERAL.—For the purposes of
5 this section, the Commission shall have jurisdic-
6 tion over all transmitting utilities, including
7 transmitting utilities described in section
8 201(f), but excluding any ERCOT utility (as
9 defined in section 212(k)(2)(B)).

10 “(B) CLARIFICATION.—Being subject to
11 Commission jurisdiction for the purposes of this
12 section shall not make an entity described in
13 section 201(f) a public utility for the purposes
14 of section 201(e).”.

15 (j) CONFORMING AMENDMENTS.—

16 (1) Section 50151(b) of Public Law 117–169
17 (42 U.S.C. 18715(b)) is amended by striking “facili-
18 ties designated by the Secretary to be necessary in
19 the national interest under section 216(a) of the
20 Federal Power Act (16 U.S.C. 824p(a))” and insert-
21 ing “facilities in a geographic area identified under
22 section 224 of the Federal Power Act”.

23 (2) Section 1222 of the Energy Policy Act of
24 2005 (42 U.S.C. 16421) is amended—

1 (A) in subsection (a)(1)(A), by striking “in
2 a national interest electric transmission corridor
3 designated under section 216(a)” and inserting
4 “in a geographic area identified under section
5 224”; and

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

10 (3) Section 40106(h)(1)(A) of the Infrastruc-
11 ture Investment and Jobs Act (42 U.S.C.
12 18713(h)(1)(A)) is amended by striking “in an area
13 designated as a national interest electric trans-
14 mission corridor pursuant to section 216(a) of the
15 Federal Power Act 16 U.S.C. 824p(a)” and insert-
16 ing “in a geographic area identified under section
17 224 of the Federal Power Act”.

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

1 **SEC. 402. TRANSMISSION PLANNING.**

2 (a) IN GENERAL.—Part II of the Federal Power Act
3 (16 U.S.C. 824 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 224. TRANSMISSION STUDY.**

6 “(a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this section and every 3 years there-
8 after, the Secretary of Energy (referred to in this section
9 as the ‘Secretary’), in consultation with affected States
10 and Indian Tribes, shall conduct a study of electric trans-
11 mission capacity constraints and congestion.

12 “(b) REPORT.—Not less frequently than once every
13 3 years, the Secretary, after considering alternatives and
14 recommendations from interested parties (including an op-
15 portunity for comment from affected States and Indian
16 Tribes), shall issue a report, based on the study under
17 subsection (a) or other information relating to electric
18 transmission capacity constraints and congestion, which
19 may identify any geographic area that—

20 “(1) is experiencing electric energy transmission
21 capacity constraints or congestion that adversely af-
22 fects consumers; or

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

25 “(c) CONSULTATION.—Not less frequently than once
26 every 3 years, the Secretary, in conducting the study

1 under subsection (a) and issuing the report under sub-
2 section (b), shall consult with affected transmission plan-
3 ning regions (as defined in section 225(a)) and any appro-
4 priate regional entity referred to in section 215.

5 “(d) ALASKA.—The Secretary—

6 “(1) shall, in consultation with the State of
7 Alaska and affected Indian Tribes, consider any
8 intrastate transmission capacity constraints and con-
9 gestion within the State of Alaska in the study
10 under subsection (a); and

11 “(2) in issuing the report under subsection (b),
12 may, subject to the approval of the Regulatory Com-
13 mission of Alaska, identify any geographic area in
14 the State of Alaska that—

15 “(A) is experiencing electric energy trans-
16 mission capacity constraints or congestion that
17 adversely affects consumers; or

18 “(B) is expected to experience such energy
19 transmission capacity constraints or congestion.

20 **“SEC. 225. PLANNING FOR TRANSMISSION FACILITIES THAT**
21 **ENHANCE GRID RELIABILITY, AFFORD-**
22 **ABILITY, AND RESILIENCE.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) COMMISSION.—The term ‘Commission’
25 means the Federal Energy Regulatory Commission.

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

3 “(3) IMPROVED RELIABILITY.—The term ‘im-
4 proved reliability’ means that, on balance, consid-
5 ering each of the matters described in subpara-
6 graphs (A) through (D), reliability is improved in a
7 material manner that benefits customers through at
8 least one of the following:

9 “(A) facilitating compliance with a manda-
10 tory standard for reliability approved by the
11 Commission under section 215;

12 “(B) a reduction in expected unserved en-
13 ergy, loss of load hours, or loss of load prob-
14 ability (as defined by the ERO);

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

18 “(D) any other similar material improve-
19 ment, including a reduction in correlated outage
20 risk, such as achieved through increased geo-
21 graphic or resource diversification.

22 “(4) INTERREGIONAL TRANSMISSION FACIL-
23 ITY.—The term ‘interregional transmission facility’
24 means a transmission facility that—

1 “(A) is located within 2 or more neigh-
2 boring transmission planning regions; or

3 “(B) significantly impacts the ability of 1
4 or more transmission planning regions to trans-
5 mit electric energy among neighboring trans-
6 mission planning regions.

7 “(5) TRANSMISSION PLANNING REGION.—

8 “(A) IN GENERAL.—The term ‘trans-
9 mission planning region’—

10 “(i) when used in a geographical
11 sense, means a region for which the Com-
12 mission determines that electric trans-
13 mission planning is appropriate, such as a
14 region established in accordance with
15 Order No. 1000 of the Commission, enti-
16 tled ‘Transmission Planning and Cost Allo-
17 cation by Transmission Owning and Oper-
18 ating Public Utilities’ (76 Fed. Reg. 49842
19 (August 11, 2011)); and

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

1 “(B) EXCLUSION.—The term ‘trans-
2 mission planning region’ does not include the
3 Electric Reliability Council of Texas or the re-
4 gion served by members of the Electric Reli-
5 ability Council of Texas.

6 “(b) JURISDICTION.—

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

9 “(2) OTHER UTILITIES.—

10 “(A) IN GENERAL.—For the purposes of
11 this section, the Commission shall have jurisdic-
12 tion over all transmitting utilities, including
13 transmitting utilities described in section
14 201(f), but excluding any ERCOT utility (as
15 defined in section 212(k)(2)(B)).

16 “(B) CLARIFICATION.—Being subject to
17 Commission jurisdiction for the purposes of this
18 section shall not make an entity described in
19 section 201(f) a public utility for the purposes
20 of section 201(e).

21 “(c) RULEMAKING REQUIREMENT.—Not later than
22 180 days after the date of enactment of this section, the
23 Commission shall, consistent with the requirements of this
24 section, by rule—

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

3 “(2) require each transmission planning region
4 to submit to the Commission for approval a joint
5 interregional transmission plan with each of its
6 neighboring transmission planning regions, which re-
7 quirement may, at the discretion of the transmission
8 planning region, be satisfied through the submission
9 of—

10 “(A) a separate joint interregional trans-
11 mission plan with each of its neighboring trans-
12 mission planning regions; or

13 “(B) 1 or more joint interregional trans-
14 mission plans, any of which may be submitted
15 with any 1 or more of its neighboring trans-
16 mission planning regions; and

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

19 “(d) PLAN ELEMENTS.—The Commission shall re-
20 quire, within the rule under subsection (c), that joint
21 interregional transmission plans contain the following ele-
22 ments:

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

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

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

12 “(C) consider existing transmission plans.

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

16 “(A) improved reliability;

17 “(B) reduced congestion;

18 “(C) reduced power losses;

19 “(D) greater carrying capacity;

20 “(E) reduced operating reserve require-
21 ments; and

22 “(F) improved access to lower cost genera-
23 tion that achieves reductions in the cost of de-
24 livered power.

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

5 “(A) provide improved reliability;

6 “(B) protect or benefit consumers; and

7 “(C) are consistent with the public inter-
8 est.

9 “(e) DEADLINE; UPDATES.—The joint interregional
10 transmission plans required to be submitted to the Com-
11 mission pursuant to the rule under subsection (c) shall
12 be—

13 “(1) submitted to the Commission not later
14 than 2 years after the date of enactment of this sec-
15 tion; and

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

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

19 “(1) review each joint interregional trans-
20 mission plan submitted pursuant to the rule under
21 subsection (c); and

22 “(2) approve the joint interregional trans-
23 mission plan if the Commission finds that the
24 plan—

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

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

5 “(C) ensures that all rates, charges, terms,
6 and conditions will be just and reasonable and
7 not unduly discriminatory or preferential; and

8 “(D) is consistent with the public interest.

9 “(g) COST ALLOCATION.—

10 “(1) TRANSMISSION TARIFFS.—For the pur-
11 poses of this section, any transmitting utility that
12 owns, controls, or operates electric transmission fa-
13 cilities constructed or modified as a result of this
14 section shall file a tariff or tariff revision with the
15 Commission pursuant to section 205 and the regula-
16 tions of the Commission allocating the costs of the
17 new or modified transmission facilities.

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

1 “(3) RATEPAYER PROTECTION.—Customers
2 that receive no benefit, or benefits that are trivial in
3 relation to the costs sought to be allocated, from
4 electric transmission facilities constructed or modi-
5 fied under this section shall not be involuntarily allo-
6 cated any of the costs of those transmission facili-
7 ties.

8 “(h) CONSTRUCTION PERMIT.—For the purposes of
9 obtaining a construction permit under section 216(b), a
10 project that is selected by transmission planning regions
11 pursuant to a joint interregional transmission plan shall
12 be considered to satisfy paragraphs (2) through (6) and,
13 if applicable, (7) of that section.

14 “(i) DISPUTE RESOLUTION.—In the event of a dis-
15 pute between transmission planning regions with respect
16 to a material element of a joint interregional transmission
17 plan—

18 “(1) the transmission planning regions shall
19 submit to the Commission their respective proposals
20 for resolving the material element in dispute for res-
21 olution; and

22 “(2) not later than 60 days after the proposals
23 are submitted under paragraph (1), the Commission
24 shall issue an order directing a resolution to the dis-
25 pute.

1 “(j) FAILURE TO SUBMIT PLAN.—In the event that
2 neighboring transmission planning regions fail to submit
3 to the Commission a joint interregional transmission plan
4 under this section, the Commission shall, as the Commis-
5 sion determines to be appropriate—

6 “(1) grant a request to extend the time for sub-
7 mission of the joint interregional transmission plan;
8 or

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

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

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

18 “(k) NEPA.—For purposes of the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

20 “(1) any approval of a joint interregional trans-
21 mission plan under subsection (f) or (j) or order di-
22 recting resolution of a dispute under subsection (i)
23 shall not be considered a major Federal action; and

24 “(2) any permit granted under section 216(b)
25 for a project that is selected by transmission plan-

1 ning regions pursuant to a joint interregional trans-
2 mission plan shall be considered a major Federal ac-
3 tion.

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

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

10 (1) in subsection (b)(2)—

11 (A) in the first sentence, by striking “and
12 222” and inserting “222, and 225”; and

13 (B) in the second sentence, by striking “or
14 222” and inserting “222, or 225”; and

15 (2) in subsection (e)—

16 (A) by striking “206(f),”; and

17 (B) by striking “or 222” and inserting
18 “222, or 225”.

19 (c) SAVINGS PROVISION.—Nothing in this section or
20 an amendment made by this section grants authority to
21 the Federal Energy Regulatory Commission under the
22 Federal Power Act (16 U.S.C. 791a et seq.) over sales
23 of electric energy at retail or the local distribution of elec-
24 tricity.

TITLE V—ELECTRIC RELIABILITY

3 SEC. 501. RELIABILITY ASSESSMENTS.

4 Section 215 of the Federal Power Act (16 U.S.C.
5 824o) is amended by striking subsection (g) and inserting
6 the following:

7 “(g) RELIABILITY REPORTS.—

8 “(1) PERIODIC ASSESSMENTS.—The ERO shall
9 conduct periodic assessments of the reliability and
10 adequacy of the bulk-power system in North Amer-
11 ica.

12 “(2) RELIABILITY ASSESSMENTS FOR REGULA-
13 TIONS.—(A) Whenever the Commission determines,
14 on its own motion or on request from another Fed-
15 eral agency, an affected transmission organization,
16 or any State commission, that a rule, regulation, or
17 standard proposed by a Federal agency other than
18 the Commission is likely to result in a violation of
19 a tariff requirement or process for resource ade-
20 quacy on file with the Commission or a mandatory
21 standard for reliability approved by the Commission,
22 the Commission shall require, by order, the ERO to
23 assess and report on the effects of the proposed rule,
24 regulation, or standard on the reliable operation of
25 the bulk-power system.

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

3 “(i) identify any reasonably foreseeable sig-
4 nificant adverse effects on the reliable operation
5 of the bulk-power system that the ERO antici-
6 pates will result from the proposed rule, regula-
7 tion, or standard;

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

15 “(iii) take into account the technical views
16 of affected transmission organizations regarding
17 effects on the reliable operation of the bulk-
18 power system from the proposed rule, regula-
19 tion, or standard.

20 “(C) The ERO shall—

21 “(i) submit the report required under sub-
22 paragraph (A) to the public docket of the Fed-
23 eral agency proposing the rule, regulation, or
24 standard, and, if practicable, make such sub-
25 mission within the time period established by

1 such Federal agency for submission of public
2 comments on the proposed rule, regulation, or
3 standard;

4 “(ii) submit such report to the Commis-
5 sion; and

6 “(iii) publish such report in a publicly
7 available format.

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

12 **TITLE VI—LIQUEFIED NATURAL** 13 **GAS EXPORTS**

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

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

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

19 (2) by adding at the end the following:

20 “(g) DEADLINE TO ACT ON CERTAIN EXPORT APPLI-
21 CATIONS.—

22 “(1) IN GENERAL.—The Commission shall
23 grant or deny an application under subsection (a) to
24 export to a foreign country any natural gas from the

1 United States not later than 90 days after the later
2 of—

3 “(A) the date on which the notice of avail-
4 ability for each final review required under the
5 National Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.) for the exporting facility
7 is published with respect to an application—

8 “(i) under subsection (e); or

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

13 “(B) the date of enactment of this sub-
14 section.

15 “(2) APPLICATIONS TO RE-EXPORT.—The Com-
16 mission shall grant or deny an application under
17 subsection (a) to re-export to another foreign coun-
18 try any natural gas that has been exported from the
19 United States to Canada or Mexico for liquefaction
20 in Canada or Mexico, or the territorial waters of
21 Canada or Mexico, not later than 90 days after the
22 later of—

23 “(A) the date on which the notice of avail-
24 ability for each draft review required under the
25 National Environmental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.) for the application is pub-
2 lished; and

3 “(B) the date of enactment of this sub-
4 section.

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

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

12 “(B) the date of enactment of this sub-
13 section.

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

19 **SEC. 602. SUPPLEMENTAL REVIEWS.**

20 (a) DEFINITIONS.—In this section:

21 (1) 2018 LNG EXPORT STUDY.—The term
22 “2018 LNG Export Study” means the report enti-
23 tled “Macroeconomic Outcomes of Market Deter-
24 mined Levels of U.S. LNG Exports”, prepared by
25 NERA Economic Consulting for the National En-

1 ergy Technology Laboratory of the Department of
2 Energy, published June 7, 2018.

3 (2) 2019 LIFE CYCLE GHG REVIEW.—The term
4 “2019 Life Cycle GHG Review” means the report
5 entitled “Life Cycle Greenhouse Gas Perspective on
6 Exporting Liquefied Natural Gas from the United
7 States”, prepared by S. Roman-White, S. Rai, J.
8 Littlefield, G. Cooney, and T. J. Skone for the Na-
9 tional Energy Technology Laboratory of the Depart-
10 ment of Energy, published September 12, 2019.

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

13 (4) SUPPLEMENTAL GREENHOUSE GAS RE-
14 VIEW.—The term “supplemental greenhouse gas re-
15 view” means a review prepared or commissioned by
16 the Department of Energy and published after Jan-
17 uary 26, 2024, that analyzes the life cycle green-
18 house gas emissions of liquefied natural gas exports
19 from the United States, including consideration of
20 the modeling parameters used in the 2019 Life
21 Cycle GHG Review.

22 (5) SUPPLEMENTAL MACROECONOMIC RE-
23 VIEW.—The term “supplemental macroeconomic re-
24 view” means a review prepared or commissioned by
25 the Department of Energy and published after Jan-

1 uary 26, 2024, that analyzes the macroeconomic
2 outcomes of different levels of liquefied natural gas
3 exports from the United States, including consider-
4 ation of the natural gas market factors and macro-
5 economic factors analyzed in the 2018 LNG Export
6 Study.

7 (6) SUPPLEMENTAL REVIEW.—The term “sup-
8 plemental review” means a supplemental greenhouse
9 gas review or a supplemental macroeconomic review.

10 (b) REQUIREMENTS FOR SUPPLEMENTAL RE-
11 VIEWS.—

12 (1) NOTICE AND COMMENT ON PROPOSED SUP-
13 PLEMENTAL REVIEWS.—Before finalizing a supple-
14 mental review, the Secretary shall publish a notice of
15 availability of the proposed supplemental review in
16 the Federal Register pursuant to the notice and
17 comment provisions of section 553 of title 5, United
18 States Code.

19 (2) QUALITY OF SUPPLEMENTAL REVIEWS.—A
20 supplemental review shall be subject to a peer review
21 process consistent with the final bulletin of the Of-
22 fice of Management and Budget entitled “Final In-
23 formation Quality Bulletin for Peer Review” (70
24 Fed. Reg. 2664 (January 14, 2005)) (or successor
25 guidance).

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

13 (A) macroeconomic outcomes on the re-
14 sults of the 2018 LNG Export Study, or prede-
15 cessor documents, unless and until the Sec-
16 retary finalizes and implements a supplemental
17 macroeconomic review; and

18 (B) life cycle greenhouse gas emissions on
19 the results of the 2019 Life Cycle GHG Review,
20 or predecessor documents, unless and until the
21 Secretary finalizes and implements a supple-
22 mental greenhouse gas review.

1 **TITLE VII—HYDROPOWER**

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

3 (a) **DEFINITION OF COVERED PROJECT.**—In this sec-
4 tion, the term “covered project” means a hydropower
5 project with respect to which the Federal Energy Regu-
6 latory Commission issued a license before March 13, 2020.

7 (b) **AUTHORIZATION OF EXTENSION.**—Notwith-
8 standing section 13 of the Federal Power Act (16 U.S.C.
9 806), on the request of a licensee of a covered project,
10 the Federal Energy Regulatory Commission may, after
11 reasonable notice and for good cause shown, extend in ac-
12 cordance with subsection (c) the period during which the
13 licensee is required to commence construction of the cov-
14 ered project for an additional 4 years beyond the 8 years
15 authorized by that section.

16 (c) **PERIOD OF EXTENSION.**—An extension of time
17 to commence construction of a covered project under sub-
18 section (b) shall—

19 (1) begin on the date on which the final exten-
20 sion of the period for commencement of construction
21 granted to the licensee under section 13 of the Fed-
22 eral Power Act (16 U.S.C. 806) expires; and

23 (2) end on the date that is 4 years after the lat-
24 est date to which the Federal Energy Regulatory

1 Commission is authorized to extend the period for
2 commencement of construction under that section.

3 (d) REINSTATEMENT OF EXPIRED LICENSE.—If the
4 time period required under section 13 of the Federal
5 Power Act (16 U.S.C. 806) to commence construction of
6 a covered project expires after December 31, 2023, and
7 before the date of enactment of this Act—

8 (1) the Federal Energy Regulatory Commission
9 may reinstate the license for the applicable project
10 effective as of the date of expiration of the license;
11 and

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

14 **SEC. 702. IDENTIFYING AND REMOVING MARKET BARRIERS**
15 **TO HYDROPOWER.**

16 (a) DEFINITIONS.—In this section:

17 (1) COMMISSION.—The term “Commission”
18 means the Federal Energy Regulatory Commission.

19 (2) WATER POWER TECHNOLOGIES.—The term
20 “water power technologies” means hydropower in all
21 its forms and modes of operation, including—

22 (A) conventional water power projects that
23 use dams, conduits, or similar infrastructure to
24 store, divert, or impound water to generate elec-
25 tricity; and

1 (B) marine and hydrokinetic technologies
2 that use—

3 (i) waves, tides, and currents; or

4 (ii) temperature differentials in
5 oceans, estuaries, tidal areas, rivers, lakes,
6 streams, or manmade channels.

7 (b) REPORT ON HYDROPOWER MARKET BAR-
8 RIERS.—

9 (1) IN GENERAL.—Not later than 270 days
10 after the date of enactment of this Act, the Commis-
11 sion, in consultation with the Secretary of Energy,
12 shall submit to the Committee on Energy and Nat-
13 ural Resources of the Senate and the Committee on
14 Energy and Commerce of the House of Representa-
15 tives a report—

16 (A) describing any market barriers to the
17 development and proper compensation of con-
18 ventional, storage, conduit, and emerging hy-
19 dropower technologies related to—

20 (i) rules of Transmission Organiza-
21 tions (as defined in section 3 of the Fed-
22 eral Power Act (16 U.S.C. 796));

23 (ii) regulations or policies—

24 (I) of the Commission; or

- 1 (II) under the Federal Power Act
2 (16 U.S.C. 791a et seq.); or
3 (iii) other Federal and State laws and
4 policies unique to hydropower development,
5 operation, and regulation, as compared to
6 other sources of electricity;
- 7 (B) containing recommendations of the
8 Commission for reducing market barriers de-
9 scribed in subparagraph (A);
- 10 (C) identifying and determining any regu-
11 latory, market, procurement, or cost recovery
12 mechanisms that would—
- 13 (i) encourage development of conven-
14 tional, storage, conduit, and emerging hy-
15 dropower technologies; and
- 16 (ii) properly compensate conventional,
17 storage, conduit, and emerging hydropower
18 technologies for the full range of services
19 provided to the electric grid, including—
- 20 (I) balancing electricity supply
21 and demand;
- 22 (II) ensuring grid reliability;
- 23 (III) providing ancillary services;

1 (IV) contributing to the
2 decarbonization of the electric grid;
3 and

4 (V) integrating intermittent
5 power sources into the grid in a cost-
6 effective manner; and

7 (D) identifying ownership and development
8 models that could reduce market barriers to the
9 development of conventional, storage, conduit,
10 and emerging hydropower technologies, includ-
11 ing—

12 (i) opportunities for risk-sharing
13 mechanisms and partnerships, including
14 co-ownership models; and

15 (ii) opportunities to foster lease-sale
16 and lease-back arrangements with publicly
17 owned electric utilities.

18 (2) TECHNICAL CONFERENCE AND PUBLIC
19 COMMENT.—In preparing the report under para-
20 graph (1), the Commission shall solicit public input,
21 including by convening a technical conference and
22 providing an opportunity for public submission of
23 written comments on a draft report.

1 **SEC. 703. REGULATIONS TO ALIGN TIMETABLES.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Federal Energy Regu-
4 latory Commission (referred to in this section as the
5 “Commission”) shall issue regulations under part I of the
6 Federal Power Act (16 U.S.C. 792 et seq.), as the Com-
7 mission determines to be appropriate, that seek to ensure
8 all original licensing and relicensing decisions under that
9 part may be made by the date that is not later than 180
10 days after the date on which an environmental document
11 prepared in compliance with the National Environmental
12 Policy Act of 1969 (42 U.S.C. 4321 et seq.) is published
13 with respect to the applicable project.

14 (b) REPORTS.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date on which the regulations required under
17 subsection (a) are issued, the Commission shall sub-
18 mit to Congress a report describing any regulations
19 outside of the jurisdiction of the Commission, and
20 any relevant statutory requirements, that would pre-
21 vent a project from meeting the timetables estab-
22 lished pursuant to those regulations.

23 (2) ANNUAL REPORT UNDER NEPA.—The Com-
24 mission shall include in each annual report sub-
25 mitted under section 107(h) of the National Envi-

1 ronmental Policy Act of 1969 (42 U.S.C. 4336a(h))
2 a description of—

3 (A) all licensing and relicensing applica-
4 tions that failed to meet the applicable time-
5 table established pursuant to subsection (a)
6 during the period covered by the report; and

7 (B) the reasons for each failure to meet
8 that timetable.

9 (c) EFFECT.—Nothing in this section modifies the
10 obligations of the Commission or any other agency
11 under—

12 (1) the National Environmental Policy Act of
13 1969 (42 U.S.C. 4321 et seq.);

14 (2) the Federal Power Act (16 U.S.C. 791a et
15 seq.); or

16 (3) any other Federal law.

17 **TITLE VIII—HIRING AND**
18 **RETENTION**

19 **SEC. 801. FEDERAL ENERGY REGULATORY COMMISSION**
20 **STAFFING.**

21 (a) CONSULTATION REQUIREMENT.—Section 401(k)
22 of the Department of Energy Organization Act (42 U.S.C.
23 7171(k)) is amended—

24 (1) by striking paragraph (6); and

1 (2) by redesignating paragraph (7) as para-
2 graph (6).

3 (b) **CERTIFICATION REQUIREMENTS.**—Section
4 401(k)(2)(A) of the Department of Energy Organization
5 Act (42 U.S.C. 7171(k)(2)(A)) is amended by striking “or
6 mathematical” and inserting “mathematical, economic, or
7 legal”.

8 **SEC. 802. COMPENSATION FLEXIBILITY TO ADDRESS RE-**
9 **TENTION AND HIRING ISSUES AT THE BON-**
10 **NEVILLE POWER ADMINISTRATION.**

11 Section 10 of the Act of August 20, 1937 (commonly
12 known as the “Bonneville Project Act of 1937”) (50 Stat.
13 736, chapter 720; 16 U.S.C. 832i), is amended by striking
14 the section designation and subsections (a) and (b) and
15 inserting the following:

16 **“SEC. 10. EMPLOYMENT OF PERSONNEL.**

17 “(a) **EMPLOYEE COMPENSATION PROGRAM.**—

18 “(1) **IN GENERAL.**—Notwithstanding any other
19 law, rule, regulation, or directive relating to the pay-
20 ment of Federal employees (other than chapter 83
21 of title 5, United States Code), the administrator
22 shall develop, implement, and, as appropriate, up-
23 date, based on the results of an annual review under
24 paragraph (4), a compensation plan that specifies
25 and fixes the compensation (including salary or any

1 other pay, bonuses, benefits, incentives, and any
2 other form of remuneration) for employees of the ad-
3 ministrator, including members of the Senior Execu-
4 tive Service (as defined in section 2101a of title 5,
5 United States Code).

6 “(2) INITIAL COMPENSATION PLAN.—

7 “(A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of the Energy Per-
9 mitting Reform Act of 2024, the administrator
10 shall, in consultation with the Director of the
11 Office of Personnel Management, and subject to
12 confirmation and approval by the Secretary of
13 Energy, which shall not be unreasonably with-
14 held, develop an initial compensation plan under
15 paragraph (1).

16 “(B) IMPLEMENTATION.—Not later than 1
17 year after the date on which the initial com-
18 pensation plan is developed under subparagraph
19 (A), the administrator shall implement the ini-
20 tial compensation plan.

21 “(3) REQUIREMENTS.—A compensation plan
22 developed under paragraph (1) shall—

23 “(A) be based on an annual survey of the
24 prevailing compensation for similar positions in
25 the public sectors of the electric industry;

1 “(B) be consistent with the approved an-
2 nual general and administrative budget of the
3 administrator and encourage the widest diversi-
4 fied use of electric power at the lowest possible
5 rates to consumers consistent with sound busi-
6 ness principles;

7 “(C) provide that education, experience,
8 level of responsibility, geographic differences,
9 and retention and recruitment needs are to be
10 taken into account in determining the com-
11 pensation of employees of the administrator;

12 “(D) provide that the individual total com-
13 pensation of the administrator and any em-
14 ployee of the administrator shall be comparable
15 to and competitive with similar positions among
16 consumer-owned utilities in the Western Inter-
17 connection.

18 “(4) ANNUAL REVIEW.—

19 “(A) IN GENERAL.—Annually, the admin-
20 istrator shall review and update, as appropriate,
21 the compensation plan developed under para-
22 graph (1).

23 “(B) COMPENSATION OF THE ADMINIS-
24 TRATOR.—Notwithstanding any other law, rule,
25 regulation, or directive relating to the payment

1 of the administrator (other than chapter 83 of
2 title 5, United States Code), the Secretary shall
3 periodically review and update, as appropriate,
4 the compensation of the administrator con-
5 sistent with paragraph (3)(D).

6 “(C) PUBLICATION OF INFORMATION.—
7 The administrator shall include in the quarterly
8 public business review of the administrator or
9 any other appropriate public review of the oper-
10 ations and finances of the administrator infor-
11 mation on the applicable annual compensation
12 plan review under subparagraph (A), including
13 information on the amount of salaries of any
14 employees whose annual salaries would exceed
15 the annual rate payable for positions at Level
16 IV of the Executive Schedule under section
17 5315 of title 5, United States Code.

18 “(5) ANNUAL PUBLICATION.—Annually, the ad-
19 ministrator shall publish the compensation plan de-
20 veloped under paragraph (1) or updated under para-
21 graph (4), as applicable.

22 “(b) APPOINTMENT; EMPLOYMENT.—

23 “(1) IN GENERAL.—The administrator may, as
24 the administrator determines to be necessary to

1 carry out this Act, subject to applicable civil service
2 laws—

3 “(A) appoint any officers and employees;

4 “(B) employ laborers, mechanics, and
5 workers for construction work or the operation
6 and maintenance of electrical facilities; and

7 “(C) fix the compensation of individuals
8 appointed under subparagraph (A) or (B), re-
9 spectively, consistent with the applicable com-
10 pensation plan developed under subsection
11 (a)(1).

12 “(2) EXEMPTION FROM CERTAIN CIVIL SERVICE
13 LAWS.—In carrying out the authority provided by
14 paragraph (1), the administrator shall be exempt
15 from chapters 34, 43, 51, 53, 57, and 59 of title 5,
16 United States Code.

17 “(3) APPLICATION OF MERIT SYSTEM PRIN-
18 CIPLES.—Employees of the administrator are sub-
19 ject to the application of the merit system principles
20 set forth in section 2301 of title 5, United States
21 Code, to the extent that the principles apply to a
22 wholly owned Government corporation.

23 “(4) EMPLOYMENT OF PHYSICIANS.—The ad-
24 ministrator may employ physicians, without regard
25 to the civil service laws (including regulations), to

1 perform physical examinations of employees of the
2 administrator or prospective employees of the ad-
3 ministrator who are or may become laborers, me-
4 chanics, and workers described in paragraph (1)(B).

5 “(5) EMPLOYMENT OF EXPERTS.—The admin-
6 istrator may appoint, without regard to the civil
7 service laws (including regulations), any experts that
8 the administrator determines to be necessary to
9 carry out the functions of the administrator under
10 this Act.”.

11 **SEC. 803. NORTHWEST POWER AND CONSERVATION COUN-**
12 **CIL.**

13 Section 4(c)(10)(B) of the Pacific Northwest Electric
14 Power Planning and Conservation Act (16 U.S.C.
15 839b(c)(10)(B)) is amended by striking the period at the
16 end and inserting “, adjusted for inflation since the date
17 of enactment of the Energy Permitting Reform Act of
18 2024.”.

19 **SEC. 804. FEDERAL ENERGY REGULATORY COMMISSION**
20 **PERSONNEL SAFETY.**

21 The Federal Energy Regulatory Commission may au-
22 thorize employees of the Federal Energy Regulatory Com-
23 mission to perform law enforcement duties as needed to
24 ensure the safety of the Chairman and Commissioners of
25 the Federal Energy Regulatory Commission in the per-

1 formance of the official duties of the Chairman and Com-
2 missioners, respectively.