

118TH CONGRESS
2D SESSION

S. 4027

To amend the Federal Power Act to authorize the Federal Energy Regulatory Commission to issue permits for the construction and modification of national interest high-impact transmission facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2024

Mr. HICKENLOOPER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Power Act to authorize the Federal Energy Regulatory Commission to issue permits for the construction and modification of national interest high-impact transmission facilities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Streamlining
5 Powerlines Essential to Electric Demand and Reliability
6 Act of 2024” or the “SPEED and Reliability Act of
7 2024”.

1 **SEC. 2. SITING OF NATIONAL INTEREST HIGH-IMPACT**
2 **TRANSMISSION FACILITIES.**

3 (a) IN GENERAL.—Section 216 of the Federal Power
4 Act (16 U.S.C. 824p) is amended by adding at the end
5 the following:

6 “(1) SITING OF NATIONAL INTEREST HIGH-IMPACT
7 TRANSMISSION FACILITIES.—

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

9 “(A) BULK-POWER SYSTEM.—The term
10 ‘bulk-power system’ has the meaning given the
11 term in section 215(a).

12 “(B) LOCAL AUTHORITY.—The term ‘local
13 authority’ means a unit of local government, in-
14 cluding a county, a municipality, a city, a town,
15 a township, and any other political subdivision
16 created by or pursuant to State law.

17 “(C) NATIONAL INTEREST HIGH-IMPACT
18 TRANSMISSION FACILITY.—The term ‘national
19 interest high-impact transmission facility’
20 means a transmission facility designated as a
21 national interest high-impact transmission facil-
22 ity under paragraph (2).

23 “(D) OUTER CONTINENTAL SHELF.—The
24 term ‘outer Continental Shelf’ has the meaning
25 given the term in section 2 of the Outer Conti-
26 nental Shelf Lands Act (43 U.S.C. 1331).

1 “(E) PROJECT SPONSOR.—The term
2 ‘project sponsor’ means an entity seeking to
3 construct, own, or operate a national interest
4 high-impact transmission facility.

5 “(F) PROJECT STATE.—The term ‘project
6 State’ means a State in which there is located
7 or is proposed to be located any portion of a
8 transmission facility designated or sought to be
9 designated as a national interest high-impact
10 transmission facility.

11 “(G) RELIABILITY STANDARD.—The term
12 ‘reliability standard’ has the meaning given the
13 term in section 215(a).

14 “(2) DESIGNATION OF NATIONAL INTEREST
15 HIGH-IMPACT TRANSMISSION FACILITIES.—

16 “(A) IN GENERAL.—A project sponsor or
17 project State may submit to the Secretary an
18 application to designate a transmission facility
19 as a national interest high-impact transmission
20 facility for purposes of paragraph (3).

21 “(B) CONTENTS OF APPLICATIONS.—An
22 application submitted under subparagraph (A)
23 shall provide information on—

24 “(i) a specific geographic area that is
25 experiencing, or is expected to experience,

1 electric energy transmission capacity con-
2 straints or congestion that adversely af-
3 fects consumers;

4 “(ii) how the proposed transmission
5 facility would alleviate the electric energy
6 transmission capacity constraints or con-
7 gestion described in clause (i);

8 “(iii) the boundary of the proposed
9 transmission facility and the rationale for
10 that boundary;

11 “(iv) the voltage, transmission capae-
12 ity, and route of the proposed transmission
13 facility;

14 “(v) how the proposed transmission
15 facility is expected to affect costs to con-
16 sumers to purchase electricity; and

17 “(vi) any other matter that the Sec-
18 retary determines necessary to carry out
19 subparagraph (C), including by providing
20 any data that the Secretary determines
21 necessary to carry out that subparagraph.

22 “(C) DEADLINE.—Not later than 90 days
23 after receiving a complete application under
24 subparagraph (A), the Secretary, after con-
25 sultation with affected States, local authorities,

1 and Indian Tribes, shall approve the application
2 and designate the applicable transmission facil-
3 ity as a national interest high-impact trans-
4 mission facility if the Secretary determines
5 that—

6 “(i) the proposed transmission facil-
7 ity—

8 “(I) is, or will be, in the national
9 interest, based on the criteria other-
10 wise applicable to a national interest
11 electric transmission corridor under
12 subsection (a)(4);

13 “(II) is, or will be after construc-
14 tion or modification, capable of trans-
15 mitting electricity at a voltage of not
16 less than 345 kilovolts;

17 “(III)(aa) adds not less than 750
18 megawatts of new transmission capac-
19 ity within a single linear path or
20 right-of-way; or

21 “(bb) would increase the existing
22 transmission capacity within a single
23 linear path or right-of-way by not less
24 than 750 megawatts;

1 “(IV) the proposed transmission
2 facility crosses or will cross—

3 “(aa) the exterior boundary
4 of not fewer than 2 States; or

5 “(bb) the exterior boundary
6 of at least 1 State and the outer
7 Continental Shelf; and

8 “(V) provides, or will provide
9 after construction or modification, for
10 the reliable operation of the bulk-
11 power system, including through com-
12 pliance with any applicable reliability
13 standard approved by the Commission
14 under section 215(d); and

15 “(ii) the project sponsor has met mile-
16 stones, established by the Secretary under
17 subparagraph (E), that demonstrate that
18 the project sponsor is capable of com-
19 pleting the construction or modification of
20 the proposed transmission facility.

21 “(D) APPLICABILITY OF THE NATIONAL
22 ENVIRONMENTAL POLICY ACT OF 1969.—The
23 designation of a transmission facility as a na-
24 tional interest high-impact transmission facility
25 under this paragraph shall not be considered a

1 major Federal action under section 102(2)(C)
2 of the National Environmental Policy Act of
3 1969 (42 U.S.C. 4332(2)(C)).

4 “(E) RULEMAKING.—

5 “(i) IN GENERAL.—Not later than
6 180 days after the date of enactment of
7 this subsection, the Secretary shall promul-
8 gate a regulation establishing a process to
9 evaluate applications submitted under sub-
10 paragraph (A), which shall include estab-
11 lishing milestones for purposes of subpara-
12 graph (C)(ii).

13 “(ii) MILESTONES.—In carrying out
14 clause (i), the Secretary may establish
15 milestones that are indicative of the real-
16 istic ability of a project sponsor to com-
17 plete the development process with respect
18 to a transmission project and make the ap-
19 plicable transmission facility operational,
20 such as development of a construction
21 plan, the making of investment decisions,
22 and other milestones that, in the deter-
23 mination of the Secretary, are pertinent to
24 the ability of a project sponsor to success-

1 fully make the applicable facility oper-
2 ational.

3 “(3) CONSTRUCTION PERMITS FOR NATIONAL
4 INTEREST HIGH-IMPACT TRANSMISSION FACILI-
5 TIES.—

6 “(A) PERMIT APPLICATIONS.—

7 “(i) IN GENERAL.—A project sponsor,
8 or a project State on behalf of a project
9 sponsor, may submit to the Commission an
10 application for a permit to construct or
11 modify a national interest high-impact
12 transmission facility.

13 “(ii) FORM.—Permit applications sub-
14 mitted under clause (i) shall be made in
15 writing to the Commission.

16 “(iii) RULEMAKING.—Not later than
17 180 days after the date of enactment of
18 this subsection, the Commission shall pro-
19 mulgate regulations specifying—

20 “(I) the form of, and information
21 to be included in, an application sub-
22 mitted under clause (i); and

23 “(II) the manner of service of no-
24 tice of the application on interested
25 persons.

1 “(B) PREAPPLICATION DISCUSSIONS; COM-
2 MISSION PROCEEDINGS.—With respect to an
3 application submitted under subparagraph
4 (A)(i), the Commission may carry out
5 preapplication discussions with the project
6 sponsor (and 1 or more project States, as appli-
7 cable) and initiate a Commission proceeding for
8 purposes of subparagraph (C) at the same time
9 that any State commission or other entity that
10 has authority to approve the siting of the appli-
11 cable transmission facility considers an applica-
12 tion for a permit to construct or modify the
13 transmission facility pursuant to applicable law.

14 “(C) CONSTRUCTION PERMIT.—Except as
15 provided in subsection (i), the Commission may,
16 after notice and an opportunity for a hearing
17 on an application submitted under subpara-
18 graph (A)(i), issue a permit for the construction
19 or modification of the national interest high-im-
20 pact transmission facility that is the subject of
21 the application if the Commission finds that
22 subparagraph (A), (B), or (C) of subsection
23 (b)(1) is satisfied with respect to the national
24 interest high-impact transmission facility.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) SITING OF INTERSTATE ELECTRIC TRANS-
2 MISSION FACILITIES.—Section 216 of the Federal
3 Power Act (16 U.S.C. 824p) is amended—

4 (A) in subsection (d), by inserting “or
5 (l)(3)(C)” after “subsection (b)”;

6 (B) in subsection (e)(1)—

7 (i) by inserting “or (l)(3)(C)” after
8 “subsection (b)”; and

9 (ii) by striking “or a State”; and

10 (C) in subsection (i)(3), by inserting “any
11 national interest high-impact transmission fa-
12 cilities designated under subsection (l)(2) and
13 any” after “including”.

14 (2) TRANSMISSION FACILITY FINANCING.—Sec-
15 tion 50151(b) of Public Law 117–169 (42 U.S.C.
16 18715(b)) is amended—

17 (A) by striking “facilities designated by the
18 Secretary to be necessary in the national inter-
19 est under section 216(a) of the Federal Power
20 Act (16 U.S.C. 824p(a)).” and inserting the
21 following: “facilities—

22 “(1) located in an area designated as a national
23 interest electric transmission corridor pursuant to
24 subsection (a) of section 216 of the Federal Power
25 Act (16 U.S.C. 824p); or

1 “(2) designated by the Secretary as national in-
2 terest high-impact transmission facilities under sub-
3 section (l)(2) of that section.”.

4 (3) PUBLIC-PRIVATE PARTNERSHIPS.—Section
5 40106(h)(1) of the Infrastructure Investment and
6 Jobs Act (42 U.S.C. 18713(h)(1)) is amended—

7 (A) in subparagraph (A)—

8 (i) by striking “16 U.S.C. 824p(a)”
9 and inserting “(16 U.S.C. 824p(a))”; and

10 (ii) by striking “or” at the end;

11 (B) in subparagraph (B), by inserting “or”
12 after the semicolon at the end; and

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

14 “(C) is a national interest high-impact trans-
15 mission facility designated under subsection (l)(2) of
16 section 216 of the Federal Power Act (16 U.S.C.
17 824p);”.

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