

119TH CONGRESS
1ST SESSION

H. R. 3668

AN ACT

To promote interagency coordination for reviewing certain authorizations under section 3 of the Natural Gas Act, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improving Interagency
3 Coordination for Pipeline Reviews Act”.

4 **SEC. 2. PROMOTING INTERAGENCY COORDINATION FOR**
5 **REVIEW OF NATURAL GAS PIPELINES.**

6 (a) DEFINITIONS.—In this section:

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

9 (2) FEDERAL AUTHORIZATION.—The term
10 “Federal authorization” has the meaning given that
11 term in section 15(a) of the Natural Gas Act (15
12 U.S.C. 717n(a)).

13 (3) NEPA REVIEW.—The term “NEPA review”
14 means the process of reviewing a proposed Federal
15 action under section 102 of the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4332).

17 (4) PROJECT-RELATED NEPA REVIEW.—The
18 term “project-related NEPA review” means any
19 NEPA review required to be conducted with respect
20 to the issuance of an authorization under section 3
21 of the Natural Gas Act or a certificate of public con-
22 venience and necessity under section 7 of such Act.

23 (b) COMMISSION NEPA REVIEW RESPONSIBIL-
24 ITIES.—In acting as the lead agency under section
25 15(b)(1) of the Natural Gas Act for the purposes of com-
26 plying with the National Environmental Policy Act of

1 1969 (42 U.S.C. 4321 et seq.) with respect to an author-
2 ization under section 3 of the Natural Gas Act or a certifi-
3 cate of public convenience and necessity under section 7
4 of such Act, the Commission shall, in accordance with this
5 section and other applicable Federal law—

6 (1) be the only lead agency;

7 (2) coordinate as early as practicable with each
8 agency designated as a participating agency under
9 subsection (d)(3) to ensure that the Commission de-
10 velops information in conducting its project-related
11 NEPA review that is usable by the participating
12 agency in considering an aspect of an application for
13 a Federal authorization for which the agency is re-
14 sponsible; and

15 (3) take such actions as are necessary and
16 proper to facilitate the expeditious resolution of its
17 project-related NEPA review.

18 (c) DEFERENCE TO COMMISSION.—In making a deci-
19 sion with respect to a Federal authorization required with
20 respect to an application for authorization under section
21 3 of the Natural Gas Act or a certificate of public conven-
22 ience and necessity under section 7 of such Act, each agen-
23 cy shall give deference, to the maximum extent authorized
24 by law, to the scope of the project-related NEPA review
25 that the Commission determines to be appropriate.

1 (d) PARTICIPATING AGENCIES.—

2 (1) IDENTIFICATION.—The Commission shall
3 identify, not later than 30 days after the Commis-
4 sion receives an application for an authorization
5 under section 3 of the Natural Gas Act or a certifi-
6 cate of public convenience and necessity under sec-
7 tion 7 of such Act, any Federal or State agency,
8 local government, or Indian Tribe that may issue a
9 Federal authorization or is required by Federal law
10 to consult with the Commission in conjunction with
11 the issuance of a Federal authorization required for
12 such authorization or certificate.

13 (2) INVITATION.—

14 (A) IN GENERAL.—Not later than 45 days
15 after the Commission receives an application for
16 an authorization under section 3 of the Natural
17 Gas Act or a certificate of public convenience
18 and necessity under section 7 of such Act, the
19 Commission shall invite any agency identified
20 under paragraph (1) to participate in the review
21 process for the applicable Federal authorization.

22 (B) DEADLINE.—An invitation issued
23 under subparagraph (A) shall establish a dead-
24 line by which a response to the invitation shall

1 be submitted to the Commission, which may be
2 extended by the Commission for good cause.

3 (3) DESIGNATION AS PARTICIPATING AGEN-
4 CIES.—Not later than 60 days after the Commission
5 receives an application for an authorization under
6 section 3 of the Natural Gas Act or a certificate of
7 public convenience and necessity under section 7 of
8 such Act, the Commission shall designate an agency
9 identified under paragraph (1) as a participating
10 agency with respect to an application for authoriza-
11 tion under section 3 of the Natural Gas Act or a
12 certificate of public convenience and necessity under
13 section 7 of such Act unless the agency informs the
14 Commission, in writing, by the deadline established
15 pursuant to paragraph (2)(B), that the agency—

16 (A) has no jurisdiction or authority with
17 respect to the applicable Federal authorization;

18 (B) has no special expertise or information
19 relevant to any project-related NEPA review; or

20 (C) does not intend to submit comments
21 for the record for the project-related NEPA re-
22 view conducted by the Commission.

23 (4) EFFECT OF NON-DESIGNATION.—

24 (A) EFFECT ON AGENCY.—Any agency
25 that is not designated as a participating agency

1 under paragraph (3) with respect to an applica-
2 tion for an authorization under section 3 of the
3 Natural Gas Act or a certificate of public con-
4 venience and necessity under section 7 of such
5 Act may not request or conduct a NEPA review
6 that is supplemental to the project-related
7 NEPA review conducted by the Commission,
8 unless the agency—

9 (i) demonstrates that such review is
10 legally necessary for the agency to carry
11 out responsibilities in considering an as-
12 pect of an application for a Federal au-
13 thorization; and

14 (ii) requires information that could
15 not have been obtained during the project-
16 related NEPA review conducted by the
17 Commission.

18 (B) COMMENTS; RECORD.—The Commis-
19 sion shall not, with respect to an agency that is
20 not designated as a participating agency under
21 paragraph (3) with respect to an application for
22 an authorization under section 3 of the Natural
23 Gas Act or a certificate of public convenience
24 and necessity under section 7 of such Act—

(i) consider any comments or other information submitted by such agency for the project-related NEPA review conducted by the Commission; or

(ii) include any such comments or other information in the record for such project-related NEPA review.

(e) WATER QUALITY IMPACTS.—

(1) IN GENERAL.—Notwithstanding section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), an applicant for a Federal authorization shall not be required to provide a certification under such section with respect to the Federal authorization.

(2) COORDINATION.—With respect to any NEPA review for a Federal authorization to conduct an activity that will directly result in a discharge into the navigable waters (within the meaning of the Federal Water Pollution Control Act), the Commission shall identify as an agency under subsection (d)(1) the State in which the discharge originates or will originate, or, if appropriate, the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate.

1 (3) PROPOSED CONDITIONS.—A State or inter-
2 state agency designated as a participating agency
3 pursuant to paragraph (2) may propose to the Com-
4 mission terms or conditions for inclusion in an au-
5 thorization under section 3 of the Natural Gas Act
6 or a certificate of public convenience and necessity
7 under section 7 of such Act that the State or inter-
8 state agency determines are necessary to ensure that
9 any activity described in paragraph (2) conducted
10 pursuant to such authorization or certification will
11 comply with the applicable provisions of sections
12 301, 302, 303, 306, and 307 of the Federal Water
13 Pollution Control Act.

14 (4) COMMISSION CONSIDERATION OF CONDI-
15 TIONS.—The Commission may include a term or
16 condition in an authorization under section 3 of the
17 Natural Gas Act or a certificate of public conven-
18 ience and necessity under section 7 of such Act pro-
19 posed by a State or interstate agency under para-
20 graph (3) only if the Commission finds that the term
21 or condition is necessary to ensure that any activity
22 described in paragraph (2) conducted pursuant to
23 such authorization or certification will comply with
24 the applicable provisions of sections 301, 302, 303,

1 306, and 307 of the Federal Water Pollution Con-
2 trol Act.

3 (f) SCHEDULE.—

4 (1) DEADLINE FOR FEDERAL AUTHORIZA-
5 TIONS.—A deadline for a Federal authorization re-
6 quired with respect to an application for authoriza-
7 tion under section 3 of the Natural Gas Act or a
8 certificate of public convenience and necessity under
9 section 7 of such Act set by the Commission under
10 section 15(c)(1) of such Act shall be not later than
11 90 days after the Commission completes its project-
12 related NEPA review, unless an applicable schedule
13 is otherwise established by Federal law.

14 (2) CONCURRENT REVIEWS.—Each Federal and
15 State agency—

16 (A) that may consider an application for a
17 Federal authorization required with respect to
18 an application for authorization under section 3
19 of the Natural Gas Act or a certificate of public
20 convenience and necessity under section 7 of
21 such Act shall formulate and implement a plan
22 for administrative, policy, and procedural mech-
23 anisms to enable the agency to ensure comple-
24 tion of Federal authorizations in compliance

1 with schedules established by the Commission
2 under section 15(c)(1) of such Act; and

3 (B) in considering an aspect of an applica-
4 tion for a Federal authorization required with
5 respect to an application for authorization
6 under section 3 of the Natural Gas Act or a
7 certificate of public convenience and necessity
8 under section 7 of such Act, shall—

9 (i) formulate and implement a plan to
10 enable the agency to comply with the
11 schedule established by the Commission
12 under section 15(c)(1) of such Act;

13 (ii) carry out the obligations of that
14 agency under applicable law concurrently,
15 and in conjunction with, the project-related
16 NEPA review conducted by the Commis-
17 sion, and in compliance with the schedule
18 established by the Commission under sec-
19 tion 15(c)(1) of such Act, unless the agen-
20 cy notifies the Commission in writing that
21 doing so would impair the ability of the
22 agency to conduct needed analysis or oth-
23 erwise carry out such obligations;

24 (iii) transmit to the Commission a
25 statement—

1 (I) acknowledging receipt of the
2 schedule established by the Commis-
3 sion under section 15(c)(1) of the
4 Natural Gas Act; and

5 (II) setting forth the plan formu-
6 lated under clause (i) of this subpara-
7 graph;

8 (iv) not later than 30 days after the
9 agency receives such application for a Fed-
10 eral authorization, transmit to the appli-
11 cant a notice—

12 (I) indicating whether such appli-
13 cation is ready for processing; and

14 (II) if such application is not
15 ready for processing, that includes a
16 comprehensive description of the in-
17 formation needed for the agency to
18 determine that the application is
19 ready for processing;

20 (v) determine that such application
21 for a Federal authorization is ready for
22 processing for purposes of clause (iv) if
23 such application is sufficiently complete for
24 the purposes of commencing consideration,
25 regardless of whether supplemental infor-

1 mation is necessary to enable the agency to
2 complete the consideration required by law
3 with respect to such application; and

4 (vi) not less often than once every 90
5 days, transmit to the Commission a report
6 describing the progress made in consid-
7 ering such application for a Federal au-
8 thorization.

9 (3) FAILURE TO MEET DEADLINE.—If a Fed-
10 eral or State agency, including the Commission, fails
11 to meet a deadline for a Federal authorization set
12 forth in the schedule established by the Commission
13 under section 15(c)(1) of the Natural Gas Act, not
14 later than 5 days after such deadline, the head of
15 the relevant Federal agency (including, in the case
16 of a failure by a State agency, the Federal agency
17 overseeing the delegated authority) shall notify Con-
18 gress and the Commission of such failure and set
19 forth a recommended implementation plan to ensure
20 completion of the action to which such deadline ap-
21 plied.

22 (g) CONSIDERATION OF APPLICATIONS FOR FED-
23 ERAL AUTHORIZATION.—

24 (1) ISSUE IDENTIFICATION AND RESOLU-
25 TION.—

1 (A) IDENTIFICATION.—Federal and State
2 agencies that may consider an aspect of an ap-
3 plication for a Federal authorization shall iden-
4 tify, as early as possible, any issues of concern
5 that may delay or prevent an agency from
6 working with the Commission to resolve such
7 issues and granting such authorization.

8 (B) ISSUE RESOLUTION.—The Commission
9 may forward any issue of concern identified
10 under subparagraph (A) to the heads of the rel-
11 evant agencies (including, in the case of an
12 issue of concern that is a failure by a State
13 agency, the Federal agency overseeing the dele-
14 gated authority, if applicable) for resolution.

15 (2) REMOTE SURVEYS.—If a Federal or State
16 agency considering an aspect of an application for a
17 Federal authorization requires the person applying
18 for such authorization to submit data, the agency
19 shall consider any such data gathered by aerial or
20 other remote means that the person submits. The
21 agency may grant a conditional approval for the
22 Federal authorization based on data gathered by
23 aerial or remote means, conditioned on the
24 verification of such data by subsequent onsite in-
25 spection.

1 (3) APPLICATION PROCESSING.—The Commis-
2 sion, and Federal and State agencies, may allow a
3 person applying for a Federal authorization to fund
4 a third-party contractor to assist in reviewing the
5 application for such authorization.

6 (h) ACCOUNTABILITY, TRANSPARENCY, EFFI-
7 CIENCY.—For an application for an authorization under
8 section 3 of the Natural Gas Act or a certificate of public
9 convenience and necessity under section 7 of such Act that
10 requires multiple Federal authorizations, the Commission,
11 with input from any Federal or State agency considering
12 an aspect of the application, shall track and make avail-
13 able to the public on the Commission’s website information
14 related to the actions required to complete the Federal au-
15 thorizations. Such information shall include the following:

16 (1) The schedule established by the Commission
17 under section 15(c)(1) of the Natural Gas Act.

18 (2) A list of all the actions required by each ap-
19 plicable agency to complete permitting, reviews, and
20 other actions necessary to obtain a final decision on
21 the application.

22 (3) The expected completion date for each such
23 action.

24 (4) A point of contact at the agency responsible
25 for each such action.

1 (5) In the event that an action is still pending
2 as of the expected date of completion, a brief expla-
3 nation of the reasons for the delay.

4 (i) PIPELINE SECURITY.—In considering an applica-
5 tion for an authorization under section 3 of the Natural
6 Gas Act or a certificate of public convenience and neces-
7 sity under section 7 of such Act, the Federal Energy Reg-
8 ulatory Commission shall consult with the Administrator
9 of the Transportation Security Administration regarding
10 the applicant’s compliance with security guidance and best
11 practice recommendations of the Administration regarding
12 pipeline infrastructure security, pipeline cybersecurity,
13 pipeline personnel security, and other pipeline security
14 measures.

 Passed the House of Representatives December 12,
2025.

Attest:

Clerk.

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