

112TH CONGRESS  
1ST SESSION

# H. R. 2133

To increase domestic energy production, reduce dependence on foreign oil,  
and diversify the energy portfolio of the United States.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2011

Mr. MATHESON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Science, Space, and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To increase domestic energy production, reduce dependence  
on foreign oil, and diversify the energy portfolio of the  
United States.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Fulfilling U.S. Energy Leadership Act” or the “FUEL  
6 Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—TRADITIONAL ENERGY PRODUCTION

### Subtitle A—Outer Continental Shelf

- Sec. 101. Implementation of inventory of Outer Continental Shelf resources.
- Sec. 102. Moratorium on oil and gas leasing in certain areas of Gulf of Mexico.
- Sec. 103. 2012–2017 5-year oil and gas leasing program deemed final.
- Sec. 104. Disposition of royalties.
- Sec. 105. Institute for Ocean Energy Safety.

### Subtitle B—Onshore Oil and Gas Production

- Sec. 111. Establishment of Federal Onshore Energy Development Task Force.
- Sec. 112. Hydraulic fracturing sense of Congress.

## TITLE II—RENEWABLE AND ALTERNATIVE ENERGY

### Subtitle A—Research and Development

- Sec. 201. Next Generation Energy and Efficiency Fund.

### Subtitle B—Public Land Renewable Energy Deployment

- Sec. 211. Renewable energy Federal permit coordination.
- Sec. 212. Extension of funding for implementation of Geothermal Steam Act of 1970.
- Sec. 213. Programmatic environmental impact statements and land use planning for development of renewable energy on public lands and National Forest System lands.
- Sec. 214. National Academy of Sciences study and report of siting, development, and management of renewable energy on public lands and National Forest System lands.
- Sec. 215. Renewable energy development on brownfield sites.
- Sec. 216. Development of solar and wind energy on public land.

### Subtitle C—Unconventional Fuels

- Sec. 221. Transparency for delayed loan guarantee applications.
- Sec. 222. Algae-based fuel incentives.
- Sec. 223. Loan guarantee eligible projects.

## TITLE III—NUCLEAR ENERGY

- Sec. 301. Objectives.
- Sec. 302. Funding.
- Sec. 303. Program objectives study.
- Sec. 304. Nuclear energy research and development programs.
- Sec. 305. Small modular reactor program.
- Sec. 306. Conventional improvements to nuclear power plants.
- Sec. 307. Fuel cycle research and development.
- Sec. 308. Nuclear energy enabling technologies program.
- Sec. 309. Emergency risk assessment and preparedness report.
- Sec. 310. Next generation nuclear plant.
- Sec. 311. Technical standards collaboration.
- Sec. 312. Evaluation of long-term operating needs.
- Sec. 313. Available facilities database.

Sec. 314. Nuclear waste disposal.

TITLE IV—ENERGY TRANSMISSION BARRIERS AND  
OPPORTUNITIES

Sec. 401. Siting of interstate electric transmission facilities.

1 **TITLE I—TRADITIONAL ENERGY**  
2 **PRODUCTION**  
3 **Subtitle A—Outer Continental**  
4 **Shelf**

5 **SEC. 101. IMPLEMENTATION OF INVENTORY OF OUTER**  
6 **CONTINENTAL SHELF RESOURCES.**

7 (a) IN GENERAL.—Section 357 of the Energy Policy  
8 Act of 2005 (42 U.S.C. 15912) is amended—

9 (1) in subsection (a)—

10 (A) by striking the first sentence of the  
11 matter preceding paragraph (1) and inserting  
12 the following: “The Secretary shall conduct a  
13 seismic inventory of oil and natural gas, and  
14 prepare a summary (the latter prepared with  
15 the assistance of, and based on information pro-  
16 vided by, the heads of appropriate Federal  
17 agencies) of the information obtained under  
18 paragraph (3), for the waters of the United  
19 States Outer Continental Shelf (referred to in  
20 this section as the ‘OUTER CONTINENTAL  
21 SHELF’) in the Atlantic Region, the Eastern  
22 Gulf of Mexico, and the Alaska Region.”;

23 (B) in paragraph (2)—

1 (i) by striking “3–D” and inserting  
2 “2–D and 3–D”; and

3 (ii) by adding “and” at the end; and

4 (C) by striking paragraphs (3) through (5)  
5 and inserting in the following:

6 “(3) use existing inventories and mapping of  
7 marine resources undertaken by the National Ocean-  
8 ographic and Atmospheric Administration and with  
9 the assistance of and based on information provided  
10 by the Department of Defense and other Federal  
11 and State agencies possessing relevant data, and use  
12 any available data regarding alternative energy po-  
13 tential, navigation uses, fisheries, aquiculture uses,  
14 recreational uses, habitat, conservation, and military  
15 uses.”; and

16 (2) by striking subsection (b) and inserting the  
17 following:

18 “(b) IMPLEMENTATION.—The Secretary shall carry  
19 out the inventory and analysis under subsection (a) in 3  
20 phases, with priority given to all or part of applicable plan-  
21 ning areas of the Outer Continental Shelf—

22 “(1) estimated to have the greatest potential for  
23 energy development in barrel of oil equivalent; and

24 “(2) outside of any leased area or area sched-  
25 uled for leasing prior to calendar year 2011 under

1 any outer Continental Shelf 5-year leasing program  
2 or amendment to the program under section 18 of  
3 the Outer Continental Shelf Lands Act (43 U.S.C.  
4 1344).

5 “(c) REPORTS.—

6 “(1) IN GENERAL.—Not later than 90 days  
7 after the date of enactment of this paragraph, the  
8 Secretary shall submit to the Committee on Energy  
9 and Natural Resources of the Senate and the Com-  
10 mittee on Natural Resources of the House of Rep-  
11 resentatives a report that provides a plan for exe-  
12 cuting the seismic inventories required under this  
13 section, including an estimate of the costs to com-  
14 plete the seismic inventory by region and environ-  
15 mental and permitting activities to facilitate expedi-  
16 tious completion.

17 “(2) FIRST PHASE.—Not later than 2 years  
18 after the date of enactment of this paragraph, the  
19 Secretary shall submit to Congress a report describ-  
20 ing the results of the first phase of the inventory  
21 and analysis under subsection (a).

22 “(3) SUBSEQUENT PHASES.—Not later than 2  
23 years after the date on which the report is submitted  
24 under paragraph (2) and 2 years thereafter, the Sec-  
25 retary shall submit to Congress a report describing

1 the results of the second and third phases, respec-  
2 tively, of the inventory and analysis under subsection  
3 (a).

4 “(4) PUBLIC AVAILABILITY.—A report sub-  
5 mitted under paragraph (2) or (3) shall be—

6 “(A) made publicly available; and

7 “(B) updated not less frequently than once  
8 every 5 years.”.

9 (b) RELATIONSHIP TO 5-YEAR PROGRAM.—The re-  
10 quirement that the Secretary of the Interior carry out the  
11 inventory required by the amendment made by subsection  
12 (a) shall not be considered to require, authorize, or provide  
13 a basis or justification for delay by the Secretary of the  
14 Interior or any other agency of the issuance of any outer  
15 Continental Shelf leasing program or amendment to the  
16 program under section 18 of the Outer Continental Shelf  
17 Lands Act (43 U.S.C. 1344), or any lease sale pursuant  
18 to that section.

19 (c) PERMITS.—Nothing in this section or an amend-  
20 ment made by this section precludes the issuance by the  
21 Secretary of the Interior of a permit to conduct geological  
22 and geophysical exploration of the outer Continental Shelf  
23 in accordance with the Outer Continental Shelf Lands Act  
24 (43 U.S.C. 1331 et seq.) and other applicable law.

1 (d) FUNDING.—Section 999H(d) of the Energy Pol-  
2 icy Act of 2005 (42 U.S.C. 16378(d)) is amended—

3 (1) by striking paragraph (1) and inserting the  
4 following:

5 “(1) 35 percent shall be used for activities  
6 under section 999A(b)(1), except that for each of  
7 fiscal years 2012 through 2017 the amount made  
8 available under this paragraph shall be used to carry  
9 out section 357 (for the completion of necessary en-  
10 vironmental analyses under the National Environ-  
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
12 with a priority given to completion of programmatic  
13 environmental impact statements necessary to carry  
14 out the seismic inventory or portions of the inven-  
15 tory required by section 357, and the use of seismic  
16 technology to obtain accurate resource estimates).”;  
17 and

18 (2) in paragraph (4)—

19 (A) by inserting “(A) except as provided in  
20 subparagraph (B),” before “25”; and

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

22 “(B) notwithstanding subparagraph (A),  
23 for each of fiscal years 2012 through 2017—

1                   “(i) 15 percent shall be used for the  
2                   purposes described in subparagraph (A);  
3                   and

4                   “(ii) 10 percent shall be used for the  
5                   activities described in paragraph (1).”.

6           (e) **AUTHORIZATION OF APPROPRIATIONS.**—There  
7 are authorized to be appropriated to carry out this section,  
8 to be available until expended without fiscal year limita-  
9 tion—

10                   (1) \$100,000,000 for each of fiscal years 2012  
11                   through 2017; and

12                   (2) \$50,000,000 for each of fiscal years 2018  
13                   through 2022.

14 **SEC. 102. MORATORIUM ON OIL AND GAS LEASING IN CER-**  
15 **TAIN AREAS OF GULF OF MEXICO.**

16           Section 104 of division C of the Tax Relief and  
17 Health Care Act of 2006 (Public Law 109–432; 120 Stat.  
18 3003) is repealed.

19 **SEC. 103. 2012–2017 5-YEAR OIL AND GAS LEASING PRO-**  
20 **GRAM DEEMED FINAL.**

21           The 2012–2017 5-year oil and gas leasing program  
22 issued by the Secretary of the Interior on March 31, 2010,  
23 is deemed to be final and in compliance with the National  
24 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
25 seq.) and all other Federal laws.

1 **SEC. 104. DISPOSITION OF ROYALTIES.**

2 (a) IN GENERAL.—Notwithstanding any other law, of  
3 the amounts received by the United States as bonuses,  
4 rents, and royalties under oil and gas leases for areas on  
5 the Outer Continental Shelf—

6 (1) 25 percent shall be paid to States that are  
7 affected States (as that term is defined in section 2  
8 of the Outer Continental Shelf Lands Act (43  
9 U.S.C. 1331)) with respect to the lease tracts under  
10 the leases;

11 (2) 75 percent shall retained by the Federal  
12 Government, of which—

13 (A) the amount described in subsection (b)  
14 shall be deposited each fiscal year in the Next  
15 Generation Energy and Efficiency Fund estab-  
16 lished by title II;

17 (B) 10 percent shall be available to provide  
18 financial assistance to States in accordance  
19 with section 6 of the Land and Water Con-  
20 servation Fund Act of 1965 (16 U.S.C. 460l-  
21 8), which shall be considered income to the  
22 Land and Water Conservation Fund for pur-  
23 poses of section 2 of that Act (16 U.S.C. 460l-  
24 5); and

25 (C) the remainder shall be deposited into  
26 the general fund.

1 (b) AMOUNT TO BE DEPOSITED INTO FUND.—The  
2 amount referred to in subsection (a)(2)(A) is 50 percent  
3 of the amount of bonuses, rents, and royalties received by  
4 the United States each fiscal year under oil and gas leases  
5 for areas on the Outer Continental Shelf awarded after  
6 the date of the enactment of this Act, except that the total  
7 amount deposited under subsection (a)(2)(A) shall not ex-  
8 ceed \$40,000,000,000.

9 **SEC. 105. INSTITUTE FOR OCEAN ENERGY SAFETY.**

10 (a) IN GENERAL.—There is established an Institute  
11 for Ocean Energy Safety that shall exercise independent  
12 statutory authority over technical and operational safety  
13 in all phases of Outer Continental Shelf energy resource  
14 development projects, including the planning, designing,  
15 constructing, operating, and decommissioning of facilities  
16 and projects, and shall have overall responsibility for fos-  
17 tering safe and environmentally sound offshore energy op-  
18 erations. The Institute shall oversee all non-economic as-  
19 pects of the operations and structures involved in drilling  
20 and production of oil and gas, pipelines, and wind towers,  
21 wave, tidal, and other renewable technologies located in  
22 the Federal offshore zone. The Institute shall also have  
23 the lead coordination role in relation to other regulators  
24 with independent authority over offshore oil and gas ac-  
25 tivities, including the Environmental Protection Agency,

1 the National Oceanic and Atmospheric Administration,  
2 and the Coast Guard.

3 (b) KEY RESPONSIBILITIES.—Key responsibilities of  
4 the Institute include the following:

5 (1) Inspecting all offshore operations by expert  
6 teams through scheduled and unannounced inspec-  
7 tions.

8 (2) Auditing or otherwise requiring certification  
9 of operator health, safety, and environmental man-  
10 agement systems.

11 (3) Evaluating eligibility for lessees based on  
12 safety qualifications.

13 (4) Reviewing and approving the safety and fea-  
14 sibility of any environmental mitigation activities  
15 prescribed by National Environmental Policy Act of  
16 1969 documents and other environmental consulta-  
17 tions, authorization, or permits in addition to enforce-  
18 ing such requirements over the duration of an oper-  
19 ation.

20 (5) Collecting and analyzing leading and lag-  
21 ging indicators from all active parties for full risk  
22 evaluation.

23 (6) Promulgating all structural integrity, proc-  
24 ess, and workplace safety rules and regulations in  
25 order to create a foundation of prescriptive regula-

1 tions to supplement performance-based (“safety  
2 case”) regulations.

3 (7) Providing technical review and comment on  
4 the five-year leasing program and individual lease  
5 sales.

6 (8) Providing technical review of spill response  
7 and containment plans.

8 (9) Reviewing and approving all spill response  
9 and containment plans and advising the new safety  
10 authority on environmental considerations.

11 (10) Investigating all accidents and other sig-  
12 nificant events that could have potentially turned  
13 catastrophic.

14 (c) DIRECTOR.—The Institute shall be headed by a  
15 Director, who shall be appointed by the President, by and  
16 with the consent of the Senate, from among individuals  
17 with relevant engineering or technical background. The  
18 term as Director shall be 5 years.

19 (d) ENGINEERING AND TECHNICAL STAFF AND IN-  
20 SPECTORS.—The Director may establish classifications  
21 and salary scales for engineering and technical staff and  
22 inspectors of the Institute that are substantially similar  
23 to those of the Nuclear Regulatory Commission.

24 (e) CONSULTATION AND COLLABORATION.—The In-  
25 stitute, in executing its responsibilities, shall consult and

1 collaborate with other government agencies, including in  
2 particular the Department of Energy and the Coast  
3 Guard, and with industry, academia, and scientific experts  
4 as appropriate.

## 5 **Subtitle B—Onshore Oil and Gas** 6 **Production**

### 7 **SEC. 111. ESTABLISHMENT OF FEDERAL ONSHORE ENERGY** 8 **DEVELOPMENT TASK FORCE.**

9 (a) ESTABLISHMENT.—There is established a Fed-  
10 eral Onshore Energy Development Task Force to coordi-  
11 nate permitting related to energy development on public  
12 lands.

13 (b) MEMBERSHIP.—The Task Force shall consist of  
14 the heads of the Bureau of Land Management, the Forest  
15 Service, the Environmental Protection Agency, the United  
16 States Fish and Wildlife Service, and the heads of regional  
17 offices of those agencies that are determined to be relevant  
18 by the heads of those agencies.

19 (c) PLAN.—

20 (1) IN GENERAL.—The Task Force shall—

21 (A) within 6 months after the date of en-  
22 actment of this Act, issue a draft plan for  
23 streamlining oil and gas leasing and permitting  
24 on Federal lands, including oil shale and tar  
25 sands leasing and permitting;

1 (B) provide a 60-day period for submission  
2 of comments on the plan by the public; and

3 (C) within 4 months after the end of such  
4 comment period, issue a final plan for such  
5 streamlining.

6 (2) CONSULTATION.—In drafting the plan the  
7 Task Force shall consult with other agencies in-  
8 volved in Federal permitting process.

9 (3) REQUIREMENTS FOR DRAFTING.—In draft-  
10 ing the plan the Task Force shall—

11 (A) evaluate the effectiveness of current  
12 statutory permitting timelines, including a dis-  
13 cussion of how often those timelines are exceed-  
14 ed and the factors that lead to delays in issuing  
15 permits to drill;

16 (B) consider ways to improve and better  
17 facilitate coordination and collaboration among  
18 Federal agencies throughout the permitting  
19 process;

20 (C) compare the Bureau of Land Manage-  
21 ment permitting process with Federal Energy  
22 Regulatory Commission permitting process, and  
23 evaluate whether a different process would be  
24 more efficient for fostering onshore oil and gas  
25 development;

1 (D) evaluate whether industry actors with  
2 positive safety and environmental records  
3 should be put allowed an expedited permit ap-  
4 proval process;

5 (E) include oil shale and tar sands permit-  
6 ting issues in plan; and

7 (F) provide specific recommendations for  
8 legislative action to implement a streamlined  
9 leasing plan.

10 (d) IMPLEMENTATION AND REPORTS.—The Task  
11 Force shall oversee implementation of plan and submit an-  
12 nual reports to Congress on such implementation.

13 **SEC. 112. HYDRAULIC FRACTURING SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) the Safe Drinking Water Act (42 U.S.C.  
16 300f et seq.) was not intended to regulate natural  
17 gas and oil well construction and stimulation;

18 (2) States, reflecting their unique needs, have  
19 effectively regulated natural gas and oil well con-  
20 struction and stimulation; and

21 (3) industry should be encouraged to voluntarily  
22 disclose chemicals used in the hydraulic fracturing  
23 process and this information should be made avail-  
24 able to the public.

1           **TITLE II—RENEWABLE AND**  
2                   **ALTERNATIVE ENERGY**  
3                   **Subtitle A—Research and**  
4                           **Development**

5   **SEC. 201. NEXT GENERATION ENERGY AND EFFICIENCY**  
6                   **FUND.**

7           (a) **ESTABLISHMENT.**—There is hereby established in  
8 the Treasury of the United States the “Next Generation  
9 Energy and Efficiency Fund” (in this section referred to  
10 as “the Fund”).

11          (b) **ADMINISTRATION.**—The Secretary of Energy  
12 shall be responsible for administering the Fund for the  
13 purpose of carrying out this section.

14          (c) **CONTENTS.**—The Fund shall consist of amounts  
15 deposited into the Fund under section 104(a)(2)(A). Such  
16 deposits shall cease after \$40,000,000,000 has been de-  
17 posited, or 10 years of deposits have been made, whichever  
18 occurs first.

19          (d) **PURPOSE.**—The Fund shall be used for the pur-  
20 pose of research and development of technologies that will  
21 significantly decrease America’s reliance on traditional  
22 fossil fuels and increase energy efficiencies, including wind  
23 energy, solar energy, marine and hydrokinetic energy, geo-  
24 thermal energy, hydrogen energy, vehicle energy efficiency  
25 and environmental performance, industrial processes en-

1 energy efficiencies, building and lighting energy efficiencies,  
2 smart grid technology, and energy storage systems to sup-  
3 port electric drive vehicles.

4 (e) IDENTIFICATION OF PROGRAMS.—Not later than  
5 18 months after the date of enactment of this Act, the  
6 Secretary of Energy shall identify programs of the Depart-  
7 ment of Energy described in subsection (d) for funding  
8 from the Fund, including the Advanced Research Projects  
9 Agency-Energy.

10 (f) AVAILABILITY OF FUND.—After the Secretary of  
11 Energy has completed the identification of programs  
12 under subsection (e), amounts in the Fund shall be avail-  
13 able, without further appropriation, for carrying out such  
14 programs.

15 **Subtitle B—Public Land**  
16 **Renewable Energy Deployment**

17 **SEC. 211. RENEWABLE ENERGY FEDERAL PERMIT COORDI-**  
18 **NATION.**

19 Section 365 of the Energy Policy Act of 2005 (42  
20 U.S.C. 15924) is amended by adding at the end the fol-  
21 lowing:

22 “(k) PILOT PROJECT OFFICES TO IMPROVE FED-  
23 ERAL PERMIT COORDINATION FOR RENEWABLE EN-  
24 ERGY.—

1           “(1) DEFINITION OF RENEWABLE ENERGY.—In  
2 this subsection, the term ‘renewable energy’ means  
3 energy derived from a wind, solar, or geothermal  
4 source.

5           “(2) FIELD OFFICES.—As part of the Pilot  
6 Project, the Secretary shall designate 1 field office  
7 of the Bureau of Land Management in each of the  
8 following States to serve as Renewable Energy Per-  
9 mit Coordination Offices for coordination of Federal  
10 permits for renewable energy projects and trans-  
11 mission involving Federal land facilitating the devel-  
12 opment of renewable energy:

13                   “(A) Alaska.

14                   “(B) Arizona.

15                   “(C) California.

16                   “(D) Colorado.

17                   “(E) Idaho.

18                   “(F) Oregon.

19                   “(G) New Mexico.

20                   “(H) Nevada.

21                   “(I) Montana.

22                   “(J) Utah.

23                   “(K) Washington.

24                   “(L) Wyoming.

25           “(3) MEMORANDUM OF UNDERSTANDING.—

1           “(A) IN GENERAL.—Not later than 90  
2           days after the date of enactment of this sub-  
3           section, the Secretary shall enter into an  
4           amended memorandum of understanding under  
5           subsection (b) to provide for the inclusion of the  
6           additional Renewable Energy Pilot Project Of-  
7           fices in the Pilot Project.

8           “(B) SIGNATURE OF SECRETARY.—The  
9           Secretary shall be a signatory of the amended  
10          memorandum of understanding.

11          “(C) SIGNATURES BY GOVERNORS.—The  
12          Secretary shall request that the Governors of  
13          each of the States described in paragraph (2)  
14          be signatories to the amended memorandum of  
15          understanding.

16          “(4) DESIGNATION OF QUALIFIED STAFF.—Not  
17          later than 30 days after the date of the signing of  
18          the amended memorandum of understanding, all  
19          Federal signatory parties shall, if appropriate, as-  
20          sign to each Renewable Energy Pilot Project Office  
21          designated under paragraph (2) an employee de-  
22          scribed in subsection (c) to carry out duties de-  
23          scribed in that subsection.

1           “(5) ADDITIONAL PERSONNEL.—The Secretary  
2 shall assign to each Renewable Energy Pilot Project  
3 Office additional personnel under subsection (f).

4           “(6) TRANSFER OF FUNDS.—To coordinate and  
5 process renewable energy authorizations on Federal  
6 land under the jurisdiction of a Pilot Project Office  
7 designated under paragraph (2), the Secretary may  
8 authorize the expenditure or transfer of such funds  
9 as are necessary to—

10                   “(A) any Federal agency described in sub-  
11 section (h); and

12                   “(B) any State described in paragraph (2).

13           “(7) FUNDING.—

14                   “(A) IN GENERAL.—The Federal share of  
15 any royalties, fees, rentals, bonus bids, or other  
16 payments from wind or solar development on  
17 land administered by the Secretary shall be de-  
18 posited in a special fund in the Treasury to be  
19 known as the ‘BLM Wind and Solar Energy  
20 Permit Processing Improvement Fund’ (re-  
21 ferred to in this subsection as ‘Fund’).

22                   “(B) AUTHORIZATION OF APPROPRIA-  
23 TIONS.—There is authorized to be appropriated  
24 from the Fund or, to the extent amounts are  
25 not available in the Fund, from the Treasury

1 for the costs of administering program oper-  
2 ations for wind and solar development under  
3 the Public Land Renewable Energy Deployment  
4 and Adjustment Act of 2009 and the Federal  
5 Land Policy and Management Act of 1976 (43  
6 U.S.C. 1701 et seq.) \$10,000,000 for each of  
7 fiscal years 2012 through 2022, to remain  
8 available without fiscal year limitation until ex-  
9 pended.”.

10 **SEC. 212. EXTENSION OF FUNDING FOR IMPLEMENTATION**  
11 **OF GEOTHERMAL STEAM ACT OF 1970.**

12 (a) IN GENERAL.—Section 234(a) of the Energy Pol-  
13 icy Act of 2005 (42 U.S.C. 15873(a)) is amended by strik-  
14 ing “in the first 5 fiscal years beginning after the date  
15 of enactment of this Act” and inserting “for each fiscal  
16 year through fiscal year 2022”.

17 (b) AUTHORIZATION.—Section 234(b) of the Energy  
18 Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

19 (1) by striking “Amounts” and inserting the  
20 following:

21 “(1) IN GENERAL.—Amounts”; and

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

23 “(2) AUTHORIZATION.—Effective for fiscal year  
24 2013 and each fiscal year thereafter, amounts de-  
25 posited under subsection (a) shall be available to the

1 Secretary of the Interior for expenditure, subject to  
2 appropriation and without fiscal year limitation, to  
3 implement the Geothermal Steam Act of 1970 (30  
4 U.S.C. 1001 et seq.) and this Act.”.

5 **SEC. 213. PROGRAMMATIC ENVIRONMENTAL IMPACT**  
6 **STATEMENTS AND LAND USE PLANNING FOR**  
7 **DEVELOPMENT OF RENEWABLE ENERGY ON**  
8 **PUBLIC LANDS AND NATIONAL FOREST SYS-**  
9 **TEM LANDS.**

10 (a) PUBLIC LANDS.—Not later than one year after  
11 the date of enactment of this Act, the Secretary of the  
12 Interior, acting through the Bureau of Land Management,  
13 shall—

14 (1) complete a programmatic environmental im-  
15 pact statement in accordance with the National En-  
16 vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
17 seq.) to analyze the potential impacts of—

18 (A) a program to develop solar, wind, and  
19 geothermal energy on public lands (as defined  
20 in section 103(e) of the Federal Land Policy  
21 and Management Act of 1976 (43 U.S.C.  
22 1702(e)); and

23 (B) any amendments to land use plans for  
24 public lands necessary to facilitate the program;  
25 and

1           (2) amend land use plans under section 202 of  
2 such Act (43 U.S.C. 1712) as necessary to provide  
3 for the development of solar, wind, and geothermal  
4 energy on public lands in areas considered appro-  
5 priate by the Secretary.

6           (b) NATIONAL FOREST SYSTEM LANDS.—Not later  
7 than one year after the date of enactment of this Act, the  
8 Secretary of Agriculture, acting through the Forest Serv-  
9 ice, shall—

10           (1) complete a programmatic environmental im-  
11 pact statement in accordance with the National En-  
12 vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
13 seq.) to analyze the potential impacts of—

14                   (A) a program to develop solar, wind, and  
15 geothermal energy on National Forest System  
16 lands (as defined in section 11(a) of the Forest  
17 and Rangeland Renewable Resources Planning  
18 Act of 1974 (16 U.S.C. 1609(a))); and

19                   (B) any necessary amendments to land and  
20 resource management plans for National Forest  
21 System lands necessary to facilitate the pro-  
22 gram; and

23           (2) amend land and resource management plans  
24 under section 6 of such Act (16 U.S.C. 1604) as  
25 necessary to provide for the development of solar,

1 wind, and geothermal energy on National Forest  
2 System lands in areas considered appropriate by the  
3 Secretary.

4 (c) EFFECT ON PROCESSING APPLICATIONS.—The  
5 requirement for completion of programmatic environ-  
6 mental impact statements under this section shall not re-  
7 sult in any delay in processing applications for solar, wind,  
8 and geothermal energy development on public lands or Na-  
9 tional Forest System lands.

10 **SEC. 214. NATIONAL ACADEMY OF SCIENCES STUDY AND**  
11 **REPORT OF SITING, DEVELOPMENT, AND**  
12 **MANAGEMENT OF RENEWABLE ENERGY ON**  
13 **PUBLIC LANDS AND NATIONAL FOREST SYS-**  
14 **TEM LANDS.**

15 (a) STUDY REQUIRED.—

16 (1) IN GENERAL.—Not later than 180 days  
17 after the date of enactment of this Act, the Sec-  
18 retary of the Interior, in consultation with the Sec-  
19 retary of Agriculture, shall enter into an arrange-  
20 ment with the National Academy of Sciences under  
21 which the Academy shall conduct a study on the  
22 siting, development, and management of projects for  
23 the production of wind, solar, and geothermal energy  
24 on—

1 (A) public lands (as defined in section  
2 103(e) of the Federal Land Policy and Manage-  
3 ment Act of 1976 (43 U.S.C. 1702(e))) that  
4 are available for energy development; and

5 (B) National Forest System lands (as de-  
6 fined in section 11(a) of the Forest and Range-  
7 land Renewable Resources Planning Act of  
8 1974 (16 U.S.C. 1609(a))) that are available  
9 for energy development.

10 (2) MATTERS TO BE ADDRESSED.—The study  
11 shall address—

12 (A) the effectiveness of—

13 (i) laws (including regulations) and  
14 policies in effect on the date of enactment  
15 of this Act in—

16 (I) facilitating the development of  
17 wind, solar, and geothermal energy  
18 projects on the land; and

19 (II) ensuring the public receives  
20 a fair return for the use of the land;

21 (ii) policies designed to discourage  
22 speculation in the development of wind,  
23 solar, and geothermal energy projects on  
24 the land;

1 (iii) the land use planning process in  
2 siting wind, solar, and geothermal energy  
3 facilities;

4 (iv) mitigation planning for wind,  
5 solar, and geothermal energy projects on  
6 the land, particularly with respect to fish  
7 and wildlife and water resources;

8 (v) best management practices devel-  
9 oped by the Secretary of the Interior and  
10 the Secretary of Agriculture for wind,  
11 solar, and geothermal energy projects; and

12 (vi) adaptive management of the im-  
13 pacts associated with wind, solar, and geo-  
14 thermal energy projects on the land; and

15 (B) the advantages and disadvantages of  
16 using—

17 (i) rights-of-way as a means of au-  
18 thorizing the use of the land for wind,  
19 solar, and geothermal energy development;  
20 and

21 (ii) a competitive or noncompetitive  
22 leasing system as a means of authorizing  
23 the use of the land for wind, solar, and  
24 geothermal energy development.

25 (b) RECOMMENDATIONS.—The study shall—

1           (1) analyze the matters described in subsection  
2           (a)(2); and

3           (2) make recommendations as to—

4                   (A) whether a competitive or noncompeti-  
5                   tive leasing system would be a more effective  
6                   means than the system in effect on the date of  
7                   enactment of this Act to authorize the use of  
8                   the Federal land described in subsection (a)(1)  
9                   to meet the goals of facilitating the development  
10                  of wind, solar, and geothermal energy projects  
11                  while achieving a fair return to the public;

12                  (B) the most effective system to authorize  
13                  the use of the land to meet the goals of facili-  
14                  tating the development of wind, solar, and geo-  
15                  thermal energy projects while achieving a fair  
16                  return to the public; and

17                  (C) changes, if any, to Federal law (includ-  
18                  ing regulations) or policy necessary to address  
19                  more effectively the siting, development, and  
20                  management of wind, solar, and geothermal en-  
21                  ergy projects on the land.

22           (c) COMPLETION OF STUDY.—Not later than 18  
23           months after the date of enactment of this Act, the Na-  
24           tional Academy of Sciences shall—

1           (1) submit to the Secretary of the Interior and  
2           the Secretary of Agriculture the findings and rec-  
3           ommendations of the study required under sub-  
4           sections (a) and (b); and

5           (2) make the results of the study available to  
6           the public.

7           (d) REPORT TO CONGRESS.—Not later than 180 days  
8           after the date of receipt of the findings and recommenda-  
9           tions of the study under subsection (c)(1), the Secretary  
10          of the Interior, in consultation with the Secretary of Agri-  
11          culture, shall submit to Congress a report on—

12           (1) the findings and recommendations of the  
13          study;

14           (2) the agreement or disagreement of the Secre-  
15          taries with respect to each of the findings and rec-  
16          ommendations of the National Academy of Sciences;

17           (3) the administrative actions to be taken by  
18          each of the Secretaries in response to the findings  
19          and recommendations; and

20           (4) any recommended changes in law.

21 **SEC. 215. RENEWABLE ENERGY DEVELOPMENT ON**  
22 **BROWNFIELD SITES.**

23           (a) DEFINITIONS.—In this section:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) BROWNFIELD SITE.—The term “brownfield  
5           site” has the meaning given such term in section  
6           101(39) of the Comprehensive Environmental Re-  
7           sponse, Compensation, and Liability Act of 1980 (42  
8           U.S.C. 9601(39)).

9           (3) RENEWABLE ENERGY.—The term “renew-  
10          able energy” means energy generated from a renew-  
11          able energy resource, including solar, wind, and geo-  
12          thermal energy, and biomass.

13          (4) SECRETARY.—The term “Secretary” means  
14          the Secretary of Energy.

15          (b) DEPARTMENT OF ENERGY AND ENVIRONMENTAL  
16          PROTECTION AGENCY EFFORTS.—The Secretary, in con-  
17          junction with the Administrator, shall—

18               (1) in partnership with the National Renewable  
19               Energy Laboratory, identify opportunities to  
20               prioritize renewable energy development on  
21               brownfield sites;

22               (2) provide to States, units of local govern-  
23               ments, project developers, and other stakeholders  
24               publicly available resources identifying potential

1 brownfield sites for renewable energy development,  
2 with an emphasis on non-Federal land; and

3 (3) provide technical assistance to State and  
4 local officials, interested project developers, and  
5 other stakeholders to expedite renewable energy pro-  
6 duction from brownfield sites identified under this  
7 subsection, with an emphasis on non-Federal land.

8 (c) REPORT.—Not later than 1 year after the date  
9 of enactment of this Act, the Secretary and Administrator  
10 shall submit to Congress a report that includes—

11 (1) proposals for Federal policies, incentives, or  
12 other means of encouraging renewable energy pro-  
13 duction on sites identified under subsection (b); and

14 (2) data on existing and potential job creation  
15 from, environmental benefits of, and energy produc-  
16 tion from renewable energy on brownfield sites.

17 (d) STAKEHOLDER FORUMS.—The Secretary, in con-  
18 junction with the Administrator, shall conduct stakeholder  
19 forums in each region of the United States to assist State  
20 and local officials, project developers, and other stake-  
21 holders with renewable energy project siting on brownfield  
22 sites, with an emphasis on non-Federal land.

23 (e) EFFECT.—Nothing in this section affects existing  
24 Federal efforts to promote the reuse and redevelopment  
25 of brownfield sites.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as are nec-  
3 essary to carry out this section for each of fiscal years  
4 2012 through 2016.

5 **SEC. 216. DEVELOPMENT OF SOLAR AND WIND ENERGY ON**  
6 **PUBLIC LAND.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVERED LAND.—The term “covered land”  
9 means land that is—

10 (A)(i) public land administered by the Sec-  
11 retary; or

12 (ii) National Forest System land adminis-  
13 tered by the Secretary of Agriculture; and

14 (B) designated for the development of  
15 solar or wind energy under a land use plan es-  
16 tablished under—

17 (i) the Federal Land Policy and Man-  
18 agement Act of 1976 (43 U.S.C. 1701 et  
19 seq.); or

20 (ii) the National Forest Management  
21 Act of 1976 (16 U.S.C. 1600 et seq.).

22 (2) PILOT PROGRAM.—The term “pilot pro-  
23 gram” means the wind and solar leasing pilot pro-  
24 gram established under subsection (b).

1           (3) PUBLIC LAND.—The term “public land”  
2           has the meaning given the term “public lands” in  
3           section 103 of the Federal Land Policy and Manage-  
4           ment Act of 1976 (43 U.S.C. 1702).

5           (4) SECRETARY.—The term “Secretary” means  
6           the Secretary of the Interior.

7           (b) PILOT PROGRAM.—

8           (1) IN GENERAL.—Not later than 180 days  
9           after the date of enactment of this Act, the Sec-  
10          retary shall establish a wind and solar leasing pilot  
11          program.

12          (2) SELECTION OF SITES.—

13           (A) IN GENERAL.—Not later than 90 days  
14           after the date the pilot program is established  
15           under this subsection, the Secretary shall select  
16           2 sites that are appropriate for the development  
17           of a solar energy project, and 2 sites that are  
18           appropriate for the development of a wind en-  
19           ergy project, on covered land as part of the  
20           pilot program.

21           (B) SITE SELECTION.—In carrying out  
22           subparagraph (A), the Secretary shall seek to  
23           select sites—

24                   (i) for which there is likely to be a  
25                   high level of industry interest; and

1 (ii) that are representative of sites on  
2 which solar or wind energy is likely to be  
3 developed on covered land.

4 (C) INELIGIBLE SITES.—The Secretary  
5 shall not select as part of the pilot program any  
6 site for which a right-of way for site testing or  
7 construction has been issued.

8 (3) LEASE SALES.—

9 (A) IN GENERAL.—Except as provided in  
10 subparagraph (C)(ii), not later than 180 days  
11 after the date sites are selected under para-  
12 graph (2), the Secretary shall offer each site for  
13 competitive leasing to qualified bidders under  
14 such terms and conditions as are required by  
15 the Secretary.

16 (B) BIDDING SYSTEMS.—In offering the  
17 sites for lease, the Secretary—

18 (i) may vary the bidding systems to be  
19 used at each lease sale; but

20 (ii) shall limit bidding to 1 round in  
21 any lease sale.

22 (C) LEASE TERMS.—

23 (i) IN GENERAL.—As part of the pilot  
24 program, the Secretary may vary the  
25 length of the lease terms and establish

1           such other lease terms and conditions as  
2           the Secretary considers appropriate.

3           (ii) DATA COLLECTION.—As part of  
4           the pilot program, the Secretary shall—

5                   (I) offer on a noncompetitive  
6                   basis on at least 1 site a short-term  
7                   lease for data collection; and

8                   (II) on the expiration of the  
9                   short-term lease, offer on a competi-  
10                  tive basis a long-term lease, giving  
11                  credit toward the bonus bid to the  
12                  holder of the short-term lease for any  
13                  qualified expenditures to collect data  
14                  to develop the site during the short-  
15                  term lease.

16           (4) COMPLIANCE WITH LAWS.—In offering for  
17           lease the selected sites under paragraph (3), the Sec-  
18           retary shall comply with all applicable environmental  
19           and other laws.

20           (5) REPORT.—The Secretary shall—

21                   (A) compile a report of the results of each  
22                   lease sale under the pilot program, including—

23                           (i) the level of competitive interest;

24                   and

1 (ii) a summary of bids and revenues  
2 received; and

3 (B) not later than 90 days after the final  
4 lease sale, submit to the Committee on Energy  
5 and Natural Resources of the Senate and the  
6 Committee on Natural Resources of the House  
7 of Representatives the report described in sub-  
8 paragraph (A).

9 (6) RIGHTS-OF-WAY.—During the pendency of  
10 the pilot program, the Secretary shall continue to  
11 issue rights-of-way, in compliance with authority in  
12 effect on the date of enactment of this Act, for avail-  
13 able sites not selected for the pilot program.

14 (c) SECRETARIAL DETERMINATION.—

15 (1) IN GENERAL.—Not later than 30 months  
16 after the date of enactment of this Act, the Sec-  
17 retary shall determine whether to establish a leasing  
18 program under this section for wind or solar energy.

19 (2) ESTABLISHMENT.—The Secretary shall es-  
20 tablish a leasing program if the Secretary deter-  
21 mines that the program—

22 (A) is in the public interest; and

23 (B) provides an effective means of devel-  
24 oping wind or solar energy on covered land.

1           (3) CONSULTATION.—In making the determina-  
2           tions required under this subsection, the Secretary  
3           shall consult with—

4                   (A) the Secretary of Agriculture;

5                   (B) the heads of other relevant Federal  
6           agencies;

7                   (C) affected States and Indian tribes;

8                   (D) representatives of the solar and wind  
9           industry;

10                  (E) representatives of the environmental  
11           and conservation community; and

12                  (F) the public.

13           (4) CONSIDERATIONS.—In making the deter-  
14           minations required under this subsection, the Sec-  
15           retary shall consider the results of the report pro-  
16           vided under subsection (b)(5) and the results of the  
17           pilot program.

18           (5) REGULATIONS.—Not later than 180 days  
19           after the date on which any determination is made  
20           to establish a leasing program, the Secretary shall  
21           promulgate final regulations to implement the pro-  
22           gram.

23           (6) REPORT.—If the Secretary determines that  
24           a leasing program should not be established, not  
25           later than 60 days after the date of the determina-

1       tion, the Secretary shall submit to the Committee on  
2       Energy and Natural Resources of the Senate and  
3       the Committee on Natural Resources of the House  
4       of Representatives a report describing the reasons  
5       and findings for the determination.

6       (d) TRANSITION.—

7           (1) IN GENERAL.—If the Secretary determines  
8       that a leasing program should be established, the  
9       Secretary shall continue to provide for the issuance  
10      of rights-of-way for the development of wind or solar  
11      energy in accordance with each requirement de-  
12      scribed in title V of the Federal Land Policy and  
13      Management Act of 1976 (43 U.S.C. 1761 et seq.)  
14      until the program is established and final regula-  
15      tions for the program are promulgated.

16          (2) ADMINISTRATION.—The Secretary shall by  
17      regulation provide for a reasonable transition from  
18      the use of rights-of-way to leases, taking into ac-  
19      count the status of the project (including whether  
20      rights-of-way for testing or construction have been  
21      granted or whether a plan of development has been  
22      submitted).

23          (e) LEASING PROGRAM.—If the Secretary determines  
24      under subsection (c) that a leasing program should be es-

1 tablished, the program shall be established in accordance  
2 with subsections (f) through (l).

3 (f) COMPETITIVE LEASES.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graph (2), leases for wind or solar energy develop-  
6 ment under this section shall be issued on a competi-  
7 tive basis with a single round of bidding in any lease  
8 sale.

9 (2) EXCEPTIONS.—Paragraph (1) shall not  
10 apply if the Secretary determines that—

11 (A) no competitive interest exists;

12 (B) the public interest would not be served  
13 by the competitive issuance of a lease or right-  
14 of-way; or

15 (C) the lease is for the placement and op-  
16 eration of a meteorological or data collection fa-  
17 cility or for the development or demonstration  
18 of a new wind or solar technology and has a  
19 term of not more than 5 years.

20 (g) PAYMENTS.—

21 (1) IN GENERAL.—The Secretary shall establish  
22 royalties, fees, rentals, bonuses, or other payments  
23 to ensure a fair return to the United States for any  
24 lease issued under this section.

1           (2) BONUS BIDS.—The Secretary may grant  
2 credit toward any bonus bid for a qualified expendi-  
3 ture by the holder of a lease described in subsection  
4 (f)(2)(C) in any competitive lease sale held for a  
5 long-term lease covering the same land covered by  
6 the lease described in subsection (f)(2)(C).

7           (3) ROYALTIES.—Any lease shall require the  
8 payment of a royalty established by the Secretary  
9 pursuant to rulemaking that shall be a percentage of  
10 the gross proceeds from the sale of electricity at a  
11 rate that—

12                   (A) encourages production of solar or wind  
13 energy; and

14                   (B) ensures a fair return to the public  
15 comparable to the return that would be ob-  
16 tained on State and private land.

17           (4) ROYALTY RELIEF.—To promote the great-  
18 est generation of renewable energy, the Secretary  
19 may—

20                   (A) reduce any royalty otherwise required  
21 on a showing by clear and convincing evidence  
22 by the person holding a lease under which the  
23 generation of energy has occurred that, without  
24 the reduction in royalty, generation would not  
25 occur; or

1           (B) provide that no royalty or a reduced  
2           royalty is required under a lease for a period  
3           not to exceed 5 years beginning on the date  
4           that generation initially commences.

5           (h) ELIGIBILITY.—To be eligible to hold a lease  
6           under this section, a person shall meet the eligibility re-  
7           quirements for leasing under the first section of the Min-  
8           eral Leasing Act (30 U.S.C. 181).

9           (i) REQUIREMENTS.—The Secretary shall ensure that  
10          any activity under a leasing program is carried out in a  
11          manner that—

12               (1) is consistent with all applicable land use  
13               planning, environmental, and other laws; and

14               (2) provides for—

15                     (A) safety;

16                     (B) protection of the environment;

17                     (C) prevention of waste;

18                     (D) diligent development of the resource;

19                     (E) coordination with applicable Federal  
20                     agencies;

21                     (F) a fair return to the United States for  
22                     any lease;

23                     (G) use of best management practices, in-  
24                     cluding planning and practices for mitigation of  
25                     impacts;

1 (H) public notice and comment on any pro-  
2 posal submitted for a lease under this section;  
3 and

4 (I) oversight, inspection, research, moni-  
5 toring, and enforcement relating to a lease  
6 under this section.

7 (j) LEASE DURATION, SUSPENSION, AND CANCELLA-  
8 TION.—The Secretary shall establish terms and conditions  
9 for the duration, issuance, transfer, renewal, suspension,  
10 and cancellation of a lease under this section.

11 (k) SECURITY.—The Secretary shall require the hold-  
12 er of a lease issued under this section—

13 (1) to furnish a surety bond or other form of  
14 security, as prescribed by the Secretary;

15 (2) to provide for the reclamation and restora-  
16 tion of the area covered by the lease; and

17 (3) to comply with such other requirements as  
18 the Secretary considers necessary to protect the in-  
19 terests of the public and the United States.

20 (l) DISPOSITION OF REVENUES.—The Secretary shall  
21 provide for the payment of 5 percent of the revenues re-  
22 ceived by the Federal Government as a result of leasing  
23 under this section or the issuance of rights-of-way for wind  
24 or solar development under title V of the Federal Land  
25 Policy and Management Act of 1976 (43 U.S.C. 1761 et

1 seq.) to the State within which the boundaries of the  
2 leased land or right-of-way are located.

### 3 **Subtitle C—Unconventional Fuels**

#### 4 **SEC. 221. TRANSPARENCY FOR DELAYED LOAN GUAR-** 5 **ANTEE APPLICATIONS.**

6 Section 1702 of the Energy Policy Act of 2005 (42  
7 U.S.C. 16512) is amended by adding at the end the fol-  
8 lowing:

9 “(l) REPORTING REQUIREMENT.—

10 “(1) IN GENERAL.—If the Secretary fails to  
11 make a final decision by the date that is 270 days  
12 after the date on which the Secretary selects an ap-  
13 plication to proceed to negotiations of terms and  
14 conditions for issuance of a conditional commitment  
15 for a loan guarantee application under this title for  
16 a substitute natural gas, chemical feedstock, or liq-  
17 uid transportation fuel project, not later than 7 days  
18 after that date, and for every 90-day period there-  
19 after, the Secretary shall—

20 “(A) prepare a status report for the period  
21 covered by the report; and

22 “(B) submit the status report to—

23 “(i) the Committee on Energy and  
24 Natural Resources of the Senate; and

1                   “(ii) the Committee on Energy and  
2                   Commerce of the House of Representa-  
3                   tives.

4                   “(2) CONTENTS.—The status report described  
5                   in paragraph (1) shall contain—

6                   “(A) a description of each reason for the  
7                   delay of the application;

8                   “(B) the name and office of the official  
9                   who, for the period covering the status report,  
10                  has reviewed the application; and

11                  “(C) a detailed schedule for completion of  
12                  the application review.”.

13 **SEC. 222. ALGAE-BASED FUEL INCENTIVES.**

14                  Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C.  
15                  7545(o)(2)(B)) is amended by adding at the end thereof  
16                  the following:

17                         “(vi) ALGAE-BASED FUEL INCEN-  
18                         TIVES.—In determining whether the appli-  
19                         cable volume of renewable fuel required by  
20                         this subsection is met in any calendar year,  
21                         the Administrator shall count each gallon  
22                         of renewable fuel produced from algae as  
23                         three gallons of renewable fuel if such  
24                         algae-based fuel was produced using car-  
25                         bon dioxide that was captured in a manner

1           that prevented its uncontrolled release into  
2           the atmosphere during a separate energy  
3           production process.”.

4 **SEC. 223. LOAN GUARANTEE ELIGIBLE PROJECTS.**

5           Section 1703(b) of the Energy Policy Act of 2005  
6 is amended by adding at the end the following:

7           “(11) Substitute natural gas production facili-  
8           ties, where the fuel produced—

9                   “(A) is a gas produced from a solid feed-  
10                  stock through a gasification process; and

11                   “(B) is produced in a manner that cap-  
12                  tures ninety percent or more of the carbon pro-  
13                  duced through the gasification process.”.

14 **TITLE III—NUCLEAR ENERGY**

15 **SEC. 301. OBJECTIVES.**

16           Section 951(a) of the Energy Policy Act of 2005 (42  
17 U.S.C. 16271(a)) is amended—

18           (1) by redesignating paragraphs (2) through  
19           (8) as paragraphs (5) through (11), respectively;

20           (2) by inserting after paragraph (1) the fol-  
21           lowing new paragraphs:

22                   “(2) Reducing the costs of nuclear reactor sys-  
23                  tems.

24                   “(3) Reducing used nuclear fuel and nuclear  
25                  waste products generated by civilian nuclear energy.

1           “(4) Supporting technological advances in areas  
2           that industry by itself is not likely to undertake be-  
3           cause of technical and financial uncertainty.”; and

4           (3) by inserting after paragraph (11), as so re-  
5           designated, the following new paragraph:

6           “(12) Researching and developing technologies  
7           and processes so as to improve and streamline the  
8           process by which nuclear power systems meet Fed-  
9           eral and State requirements and standards.”.

10 **SEC. 302. FUNDING.**

11           Section 951 of the Energy Policy Act of 2005 (42  
12 U.S.C. 16271) is further amended—

13           (1) in subsection (b), by striking paragraphs  
14           (1) through (3) and inserting the following:

15           “(1) \$419,000,000 for fiscal year 2012;

16           “(2) \$429,000,000 for fiscal year 2013; and

17           “(3) \$439,000,000 for fiscal year 2014.”; and

18           (2) in subsection (d)—

19           (A) by striking “under subsection (a)” and  
20           inserting “under subsection (b)”;

21           (B) by amending paragraph (1) to read as  
22           follows:

23           “(1) For activities under section 953—

24           “(A) \$201,000,000 for fiscal year 2012;

1 “(B) \$201,000,000 for fiscal year 2013;

2 and

3 “(C) \$201,000,000 for fiscal year 2014.”;

4 and

5 (C) by inserting after paragraph (3) the  
6 following new paragraphs:

7 “(4) For activities under section 952, other  
8 than those described in section 952(d)—

9 “(A) \$64,000,000 for fiscal year 2012;

10 “(B) \$64,000,000 for fiscal year 2013; and

11 “(C) \$64,000,000 for fiscal year 2014.

12 “(5) For activities under section 952(d)—

13 “(A) \$55,000,000 for fiscal year 2012;

14 “(B) \$65,000,000 for fiscal year 2013; and

15 “(C) \$75,000,000 for fiscal year 2014.

16 “(6) For activities under section 958—

17 “(A) \$99,000,000 for fiscal year 2012;

18 “(B) \$99,000,000 for fiscal year 2013; and

19 “(C) \$99,000,000 for fiscal year 2014.”.

20 **SEC. 303. PROGRAM OBJECTIVES STUDY.**

21 Section 951 of the Energy Policy Act of 2005 (42  
22 U.S.C. 16271) is amended by adding at the end the fol-  
23 lowing new subsection:

24 “(f) PROGRAM OBJECTIVES STUDY.—In furtherance  
25 of the program objectives listed in subsection (a) of this

1 section, the Secretary shall, within one year after the date  
2 of enactment of this subsection, transmit to the Congress  
3 a report on the results of a study on the scientific and  
4 technical merit of major State requirements and stand-  
5 ards, including moratoria, that delay or impede the further  
6 development and commercialization of nuclear power, and  
7 how the Department in implementing the programs can  
8 assist in overcoming such delays or impediments.”.

9 **SEC. 304. NUCLEAR ENERGY RESEARCH AND DEVELOP-**  
10 **MENT PROGRAMS.**

11 Section 952 of the Energy Policy Act of 2005 (42  
12 U.S.C. 16272) is amended by striking subsections (c)  
13 through (e) and inserting the following:

14 “(c) REACTOR CONCEPTS.—

15 “(1) IN GENERAL.—The Secretary shall carry  
16 out a program of research, development, demonstra-  
17 tion, and commercial application to advance nuclear  
18 power systems as well as technologies to sustain cur-  
19 rently deployed systems.

20 “(2) DESIGNS AND TECHNOLOGIES.—In con-  
21 ducting the program under this subsection, the Sec-  
22 retary shall examine advanced reactor designs and  
23 nuclear technologies, including those that—

24 “(A) are economically competitive with  
25 other electric power generation plants;

1           “(B) have higher efficiency, lower cost, and  
2           improved safety compared to reactors in oper-  
3           ation as of the date of enactment of the Ful-  
4           filling U.S. Energy Leadership Act;

5           “(C) utilize passive safety features;

6           “(D) minimize proliferation risks;

7           “(E) substantially reduce production of  
8           high-level waste per unit of output;

9           “(F) increase the life and sustainability of  
10          reactor systems currently deployed;

11          “(G) use improved instrumentation;

12          “(H) are capable of producing large-scale  
13          quantities of hydrogen or process heat; or

14          “(I) minimize water usage or use alter-  
15          natives to water as a cooling mechanism.

16          “(3) INTERNATIONAL COOPERATION.—In car-  
17          rying out the program under this subsection, the  
18          Secretary shall seek opportunities to enhance the  
19          progress of the program through international co-  
20          operation through such organizations as the Genera-  
21          tion IV International Forum, or any other inter-  
22          national collaboration the Secretary considers appro-  
23          priate.

24          “(4) EXCEPTIONS.—No funds authorized to be  
25          appropriated to carry out the activities described in

1       this subsection shall be used to fund the activities  
2       authorized under sections 641 through 645.”.

3 **SEC. 305. SMALL MODULAR REACTOR PROGRAM.**

4       Section 952 of the Energy Policy Act of 2005 (42  
5 U.S.C. 16272) is further amended by adding at the end  
6 the following new subsection:

7       “(d) SMALL MODULAR REACTOR PROGRAM.—

8               “(1) IN GENERAL.—

9                       “(A) The Secretary shall carry out a small  
10                      modular reactor program to promote research,  
11                      development, demonstration, and commercial  
12                      application of small modular reactors, including  
13                      through cost-shared projects for commercial ap-  
14                      plication of reactor systems designs.

15                     “(B) The Secretary shall consult with and  
16                     utilize the expertise of the Secretary of the  
17                     Navy in establishing and carrying out such pro-  
18                     gram.

19                     “(C) Activities may also include develop-  
20                     ment of advanced computer modeling and sim-  
21                     ulation tools, by Federal and non-Federal enti-  
22                     ties, which demonstrate and validate new design  
23                     capabilities of innovative small modular reactor  
24                     designs.

1           “(2) DEFINITION.—For the purposes of this  
2 subsection, the term ‘small modular reactor’ means  
3 a nuclear reactor—

4           “(A) with a rated capacity of less than 300  
5 electrical megawatts;

6           “(B) with respect to which most parts can  
7 be factory assembled and shipped as modules to  
8 a reactor plant site for assembly; and

9           “(C) that can be constructed and operated  
10 in combination with similar reactors at a single  
11 site.

12          “(3) LIMITATION.—Demonstration activities  
13 carried out under this section shall be limited to in-  
14 dividual technologies and systems, and shall not in-  
15 clude demonstration of full reactor systems or full  
16 plant operations.

17          “(4) ADMINISTRATION.—In conducting the  
18 small modular reactor program, the Secretary may  
19 enter into cooperative agreements to support small  
20 modular reactor designs that enable—

21           “(A) lower capital costs or increased access  
22 to private financing in comparison to current  
23 large reactor designs;

1           “(B) reduced long-term radiotoxicity,  
2 mass, or decay heat of the nuclear waste pro-  
3 duced by generation;

4           “(C) increased operating safety of nuclear  
5 facilities;

6           “(D) reduced dependence of reactor sys-  
7 tems on water resources;

8           “(E) increased seismic resistance of nu-  
9 clear generation;

10          “(F) reduced proliferation risks through  
11 integrated safeguards and security proliferation  
12 controls; and

13          “(G) increased efficiency in reactor manu-  
14 facturing and construction.

15          “(5) APPLICATION.—To be eligible to enter into  
16 a cooperative agreement with the Secretary under  
17 this subsection, an applicant shall submit to the Sec-  
18 retary a proposal for the small modular reactor  
19 project to be undertaken. The proposal shall docu-  
20 ment—

21           “(A) all partners and suppliers that will be  
22 active in the small modular reactor project, in-  
23 cluding a description of each partner or sup-  
24 plier’s anticipated domestic and international  
25 activities;

1           “(B) measures to be undertaken to enable  
2           cost-effective implementation of the small mod-  
3           ular reactor project;

4           “(C) an accounting structure approved by  
5           the Secretary;

6           “(D) all known assets that shall be con-  
7           tributed to satisfy the cost-sharing requirement  
8           under paragraph (6); and

9           “(E) the extent to which the proposal will  
10          increase domestic manufacturing activity, ex-  
11          ports, or employment.

12          “(6) COST SHARING.—Notwithstanding section  
13          988, the Secretary shall require the parties to a co-  
14          operative agreement under this subsection to be re-  
15          sponsible for not less than 50 percent of the costs  
16          of the small modular reactor project.

17          “(7) CALCULATION OF COST SHARING  
18          AMOUNT.—A recipient of financial assistance under  
19          this section may not satisfy the cost sharing require-  
20          ment under paragraph (6) by using funds received  
21          from the Federal Government through appropriation  
22          Acts.

23          “(8) PROJECT SELECTION CRITERIA.—The Sec-  
24          retary shall consider the following factors in entering  
25          into a cooperative agreement under this subsection:

1           “(A) The domestic manufacturing capabili-  
2 ties of the parties to the cooperative agreement  
3 and their partners and suppliers.

4           “(B) The viability of the reactor design  
5 and the business plan or plans of the parties to  
6 the cooperative agreement.

7           “(C) The parties to the cooperative agree-  
8 ment’s potential to continue the development of  
9 small modular reactors without Federal sub-  
10 sidies or loan guarantees.

11           “(D) The cost share to be provided.

12           “(E) The degree to which the following  
13 goals will be advanced:

14           “(i) Lower capital costs or increased  
15 access to private financing in comparison  
16 to current large reactor designs.

17           “(ii) Reduced long-term radiotoxicity,  
18 mass, or decay heat of the nuclear waste  
19 produced by generation.

20           “(iii) Increased operating safety of  
21 nuclear facilities.

22           “(iv) Reduced dependence of reactor  
23 systems on water resources.

24           “(v) Increased seismic resistance of  
25 nuclear generation.

1                   “(vi) Reduced proliferation risks  
2                   through integrated safeguards and security  
3                   proliferation controls.

4                   “(vii) Increased efficiency in reactor  
5                   manufacturing and construction.”.

6 **SEC. 306. CONVENTIONAL IMPROVEMENTS TO NUCLEAR**  
7 **POWER PLANTS.**

8           Section 952 of the Energy Policy Act of 2005 (42  
9 U.S.C. 16272) is further amended by adding at the end  
10 the following new subsection:

11           “(e) CONVENTIONAL IMPROVEMENTS TO NUCLEAR  
12 POWER PLANTS.—

13                   “(1) IN GENERAL.—The Secretary may carry  
14                   out a Nuclear Energy Research Initiative for re-  
15                   search and development related to steam-side im-  
16                   provements to nuclear power plants to promote the  
17                   research, development, demonstration, and commer-  
18                   cial application of—

19                           “(A) cooling systems;

20                           “(B) turbine technologies;

21                           “(C) heat exchangers and pump design;

22                           “(D) special coatings to improve lifetime of  
23                   components and performance of heat exchang-  
24                   ers; and

1           “(E) advanced power conversion systems  
2           for advanced reactor technologies.

3           “(2) ADMINISTRATION.—The Secretary may  
4           undertake initiatives under this subsection only when  
5           the goals are relevant and proper to enhance the  
6           performance of technologies developed under sub-  
7           section (c). Not more than \$10,000,000 of funds au-  
8           thorized for this section may be used for carrying  
9           out this subsection.”.

10 **SEC. 307. FUEL CYCLE RESEARCH AND DEVELOPMENT.**

11           (a) AMENDMENTS.—Section 953 of the Energy Pol-  
12           icy Act of 2005 (42 U.S.C. 16273) is amended—

13                   (1) in the section heading by striking “**AD-**  
14                   **VANCED FUEL CYCLE INITIATIVE**” and inserting  
15                   “**FUEL CYCLE RESEARCH AND DEVELOPMENT**”;

16                   (2) by striking subsection (a);

17                   (3) by redesignating subsections (b) through (d)  
18                   as subsections (e) through (g), respectively; and

19                   (4) by inserting before subsection (e), as so re-  
20                   designated by paragraph (3) of this subsection, the  
21                   following new subsections:

22           “(a) IN GENERAL.—The Secretary shall conduct a  
23           fuel cycle research, development, demonstration, and com-  
24           mercial application program (referred to in this section as  
25           the ‘program’) on fuel cycle options that improve uranium

1 resource utilization, maximize energy generation, minimize  
2 nuclear waste creation, improve safety, mitigate risk of  
3 proliferation, and improve waste management in support  
4 of a national strategy for spent nuclear fuel and the reac-  
5 tor concepts research, development, demonstration, and  
6 commercial application program under section 952(c).

7 “(b) FUEL CYCLE OPTIONS.—Under this section the  
8 Secretary may consider implementing the following initia-  
9 tives:

10 “(1) OPEN CYCLE.—Developing fuels, including  
11 the use of nonuranium materials, for use in reactors  
12 that increase energy generation and minimize the  
13 amount of nuclear waste produced in an open fuel  
14 cycle.

15 “(2) MODIFIED OPEN CYCLE.—Developing fuel  
16 forms, reactors, and limited separation and trans-  
17 mutation methods that increase fuel utilization and  
18 reduce nuclear waste in a modified open fuel cycle.

19 “(3) FULL RECYCLE.—Developing advanced re-  
20 cycling technologies, including Generation IV Reac-  
21 tors, to reduce the risk of proliferation, radiotoxicity,  
22 mass, and decay heat to the greatest extent possible.

23 “(4) ADVANCED STORAGE METHODS.—Devel-  
24 oping advanced storage technologies for both onsite  
25 and long-term storage that substantially prolong the

1 effective life of current storage devices or that sub-  
2 stantially improve upon existing nuclear waste stor-  
3 age technologies and methods, including repositories.

4 “(5) ALTERNATIVE AND DEEP BOREHOLE  
5 STORAGE METHODS.—Developing alternative storage  
6 methods for long-term storage, including deep  
7 boreholes into stable crystalline rock formations and  
8 mined repositories in a range of geologic media.

9 “(6) OTHER TECHNOLOGIES.—Developing any  
10 other technology or initiative that the Secretary de-  
11 termines is likely to advance the objectives of the  
12 program established under subsection (a).

13 “(c) ADDITIONAL ADVANCED RECYCLING AND  
14 CROSSCUTTING ACTIVITIES.—In addition to and in sup-  
15 port of the specific initiatives described in paragraphs (1)  
16 through (6), the Secretary may support the following ac-  
17 tivities:

18 “(1) Development and testing of integrated  
19 process flow sheets for advanced nuclear fuel recy-  
20 cling processes.

21 “(2) Research to characterize the byproducts  
22 and waste streams resulting from fuel recycling  
23 processes.

24 “(3) Research and development on reactor con-  
25 cepts or transmutation technologies that improve re-

1 source utilization or reduce the radiotoxicity of waste  
2 streams.

3 “(4) Research and development on waste treat-  
4 ment processes and separations technologies, ad-  
5 vanced waste forms, and quantification of prolifera-  
6 tion risks.

7 “(5) Identification and evaluation of test and  
8 experimental facilities necessary to successfully im-  
9 plement the advanced fuel cycle initiative.

10 “(6) Advancement of fuel cycle-related modeling  
11 and simulation capabilities.

12 “(d) BLUE RIBBON COMMISSION REPORT.—

13 “(1) In carrying out this section, the Secretary  
14 shall give consideration to the final report on a long-  
15 term nuclear waste solution produced by the Blue  
16 Ribbon Commission on America’s Nuclear Future.

17 “(2) Not later than 180 days after the release  
18 of the Blue Ribbon Commission on America’s Nu-  
19 clear Future final report, the Secretary shall trans-  
20 mit to Congress a report, which shall include—

21 “(A) any plans the Department may have  
22 to incorporate any relevant recommendations  
23 from this report into the program; and

24 “(B) how those recommendations for long-  
25 term nuclear waste solutions that will be incor-

1           porated into the plan compare with plans for a  
2           long-term nuclear waste solution of a repository  
3           at Yucca Mountain, that may or may not be in-  
4           corporated into the plan, with regard to the  
5           safety, security, legal, cost, and technological  
6           and site readiness factors associated with any  
7           recommendations related to final disposition  
8           pathways for spent nuclear fuel and high-level  
9           radioactive waste to the same factors associated  
10          with permanent deep geological disposal at the  
11          Yucca Mountain waste repository.

12           “(3) The analysis described in paragraph  
13          (2)(B) shall be conducted using scientific and tech-  
14          nical materials and information used to support pol-  
15          icy actions related to the Yucca Mountain project.”.

16          (b) CONFORMING AMENDMENT.—The item relating  
17          to section 953 in the table of contents of the Energy Policy  
18          Act of 2005 is amended to read as follows:

          “Sec. 953. Fuel cycle research and development.”.

19       **SEC. 308. NUCLEAR ENERGY ENABLING TECHNOLOGIES**  
20                               **PROGRAM.**

21          (a) AMENDMENT.—Subtitle E of title IX of the En-  
22          ergy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is  
23          amended by adding at the following new section:

1 **“SEC. 958. NUCLEAR ENERGY ENABLING TECHNOLOGIES.**

2       “(a) IN GENERAL.—The Secretary shall conduct a  
3 program to support the integration of activities under-  
4 taken through the reactor concepts research, development,  
5 demonstration, and commercial application program under  
6 section 952(c) and the fuel cycle research and development  
7 program under section 953, and support crosscutting nu-  
8 clear energy concepts. Activities commenced under this  
9 section shall be concentrated on broadly applicable re-  
10 search and development focus areas.

11       “(b) ACTIVITIES.—Activities conducted under this  
12 section may include research involving—

13               “(1) advanced reactor materials;

14               “(2) advanced radiation mitigation methods;

15               “(3) advanced proliferation and security risk  
16 assessment methods;

17               “(4) advanced sensors and instrumentation;

18               “(5) advanced nuclear manufacturing methods;

19       or

20               “(6) any crosscutting technology or trans-  
21 formative concept aimed at establishing substantial  
22 and revolutionary enhancements in the performance  
23 of future nuclear energy systems that the Secretary  
24 considers relevant and appropriate to the purpose of  
25 this section.

1       “(c) REPORT.—The Secretary shall submit, as part  
2 of the annual budget submission of the Department, a re-  
3 port on the activities of the program conducted under this  
4 section, which shall include a brief evaluation of each ac-  
5 tivity’s progress.”.

6       (b) CONFORMING AMENDMENT.—The table of con-  
7 tents of the Energy Policy Act of 2005 is amended by  
8 adding at the end of the items for subtitle E of title IX  
9 the following new item:

“Sec. 958. Nuclear energy enabling technologies.”.

10 **SEC. 309. EMERGENCY RISK ASSESSMENT AND PREPARED-**  
11 **NESS REPORT.**

12       Not later than 180 days after the date of enactment  
13 of this Act, the Secretary shall transmit to the Congress  
14 a report summarizing quantitative risks associated with  
15 the potential of a severe accident arising from the use of  
16 civilian nuclear energy technology, including reactor tech-  
17 nology deployed or likely to be deployed as of the date  
18 of enactment of this Act, and outlining the technologies  
19 currently available to mitigate the consequences of such  
20 an accident. The report shall include recommendations of  
21 areas of technological development that should be pursued  
22 to reduce the potential public harm arising from such an  
23 incident.

1 **SEC. 310. NEXT GENERATION NUCLEAR PLANT.**

2 (a) PROTOTYPE PLANT LOCATION.—Section  
3 642(b)(3) of the Energy Policy Act of 2005 (42 U.S.C.  
4 16022(b)(3)) is amended to read as follows:

5 “(3) PROTOTYPE PLANT LOCATION.—The pro-  
6 totype nuclear reactor and associated plant shall be  
7 constructed at a location determined by the consor-  
8 tium through an open and transparent competitive  
9 selection process.”.

10 (b) REPORT.—

11 (1) REQUIREMENT.—Not later than 1 year  
12 after the date of enactment of this Act, the Comp-  
13 troller General shall transmit to the Congress a re-  
14 port providing a status update of the Next Genera-  
15 tion Nuclear Plant program that provides analysis  
16 of—

17 (A) its progress;

18 (B) how Federal funds appropriated for  
19 the project have been distributed and spent;  
20 and

21 (C) the current and expected participation  
22 by non-Federal entities.

23 (2) CONTENTS.—The report shall include—

24 (A) an analysis of the proposed facility’s  
25 technical capabilities and remaining techno-

1           logical development challenges, and a cost esti-  
2           mate and construction schedule;

3           (B) an assessment of the advantages and  
4           disadvantages of funding a pilot-scale research  
5           reactor project in lieu of a full-scale commercial  
6           power reactor;

7           (C) an assessment of alternative construc-  
8           tion sites proposed by private industry;

9           (D) an assessment of the extent to which  
10          the Department of Energy is working with in-  
11          dustry and the Nuclear Regulatory Commission  
12          to ensure that the Next Generation Nuclear  
13          Plant program meets industry expectations for  
14          long-term application of technologies and ad-  
15          dresses potential licensing procedures for de-  
16          ployment;

17          (E) an assessment of the known or antici-  
18          pated challenges to securing private non-Fed-  
19          eral cost share funds and any measures to over-  
20          come these challenges, including any alternative  
21          funding approaches such as front loading the  
22          Federal share;

23          (F) an assessment of project risks, includ-  
24          ing those related to—

1 (i) project scope, schedule, and re-  
2 sources;

3 (ii) the formation of partnerships or  
4 agreements between the Department and  
5 the private sector necessary for the  
6 project's success; and

7 (iii) the Department's capabilities to  
8 identify and manage such risks; and

9 (G) an assessment of what is known about  
10 the potential impact of natural gas and other  
11 fossil fuel prices on private entity participation  
12 in the project.

13 **SEC. 311. TECHNICAL STANDARDS COLLABORATION.**

14 (a) IN GENERAL.—The Director of the National In-  
15 stitute of Standards and Technology shall establish a nu-  
16 clear energy standards committee (in this section referred  
17 to as the “technical standards committee”) to facilitate  
18 and support, consistent with the National Technology  
19 Transfer and Advancement Act of 1995, the development  
20 or revision of technical standards for new and existing nu-  
21 clear power plants and advanced nuclear technologies.

22 (b) MEMBERSHIP.—

23 (1) IN GENERAL.—The technical standards  
24 committee shall include representatives from appro-  
25 priate Federal agencies and the private sector, and

1 be open to materially affected organizations involved  
2 in the development or application of nuclear energy-  
3 related standards.

4 (2) CO-CHAIRS.—The technical standards com-  
5 mittee shall be co-chaired by a representative from  
6 the National Institute of Standards and Technology  
7 and a representative from a private sector standards  
8 organization.

9 (c) DUTIES.—The technical standards committee  
10 shall, in cooperation with appropriate Federal agencies—

11 (1) perform a needs assessment to identify and  
12 evaluate the technical standards that are needed to  
13 support nuclear energy, including those needed to  
14 support new and existing nuclear power plants and  
15 advanced nuclear technologies;

16 (2) formulate, coordinate, and recommend pri-  
17 orities for the development of new technical stand-  
18 ards and the revision of existing technical standards  
19 to address the needs identified under paragraph (1);

20 (3) facilitate and support collaboration and co-  
21 operation among standards developers to address the  
22 needs and priorities identified under paragraphs (1)  
23 and (2);

24 (4) as appropriate, coordinate with other na-  
25 tional, regional, or international efforts on nuclear

1 energy-related technical standards in order to avoid  
2 conflict and duplication and to ensure global com-  
3 patibility; and

4 (5) promote the establishment and maintenance  
5 of a database of nuclear energy-related technical  
6 standards.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated \$1,000,000 for each of  
9 fiscal years 2012 through 2014 to the Director of the Na-  
10 tional Institute for Standards and Technology for activi-  
11 ties under this section.

12 **SEC. 312. EVALUATION OF LONG-TERM OPERATING NEEDS.**

13 (a) IN GENERAL.—The Secretary of Energy shall  
14 enter into an arrangement with the National Academies  
15 to conduct an evaluation of the scientific and technological  
16 challenges to the long-term maintenance and safe oper-  
17 ation of currently deployed nuclear power reactors up to  
18 and beyond the specified design-life of reactor systems.

19 (b) REPORT.—Not later than 1 year after the date  
20 of enactment of this Act, the Secretary shall transmit to  
21 the Congress, and make publically available, the results  
22 of the evaluation undertaken by the Academies pursuant  
23 to subsection (a).

1 **SEC. 313. AVAILABLE FACILITIES DATABASE.**

2       The Secretary of Energy shall prepare a database of  
3 non-Federal user facilities receiving Federal funds that  
4 may be used for unclassified nuclear energy research.  
5 The Secretary shall make this database accessible on the  
6 Department of Energy’s Web site.

7 **SEC. 314. NUCLEAR WASTE DISPOSAL.**

8       To the extent consistent with the requirements of  
9 current law, the Department of Energy shall be respon-  
10 sible for disposal of high-level radioactive waste or spent  
11 nuclear fuel generated by reactors under the programs au-  
12 thorized in this title, or the amendments made by this  
13 title.

14 **TITLE IV—ENERGY TRANS-**  
15 **MISSION BARRIERS AND OP-**  
16 **PORTUNITIES**

17 **SEC. 401. SITING OF INTERSTATE ELECTRIC TRANSMISSION**  
18 **FACILITIES.**

19       Section 216 of the Federal Power Act (16 U.S.C.  
20 824p) is amended to read as follows:

21 **“SEC. 216. SITING OF INTERSTATE ELECTRIC TRANS-**  
22 **MISSION FACILITIES.**

23       “(a) **POLICY.**—It is the policy of the United States  
24 that the national interstate transmission system should be  
25 guided by the goal of maximizing the net benefits of the  
26 electricity system, taking into consideration—

1           “(1) support for the development of new renew-  
2           able energy generation capacity, including renewable  
3           energy generation located distant from load centers  
4           and other location-constrained resources;

5           “(2) opportunities for reduced emissions from  
6           regional power production;

7           “(3) cost savings resulting from—

8                 “(A) reduced transmission congestion;

9                 “(B) enhanced opportunities for  
10            intraregional and interregional electricity  
11            trades;

12                 “(C) reduced line losses;

13                 “(D) generation resource-sharing; and

14                 “(E) enhanced fuel diversity;

15           “(4) reliability benefits, including satisfying re-  
16           liability standards and guidelines for resource ade-  
17           quacy and system security;

18           “(5) diversification of risk relating to events af-  
19           fecting fuel supply or generating resources in a par-  
20           ticular region;

21           “(6) the enhancement of competition in elec-  
22           tricity markets and mitigation of market power;

23           “(7) the ability to collocate facilities on existing  
24           rights-of-way;

1           “(8) competing land use priorities, including  
2 land protected under Federal or State law;

3           “(9) the requirements of section 217(b)(4); and

4           “(10) the contribution of demand side manage-  
5 ment (including energy efficiency and demand re-  
6 sponse), energy storage, distributed generation re-  
7 sources, and smart grid investments.

8           “(b) DEFINITIONS.—In this section:

9           “(1) HIGH-PRIORITY NATIONAL TRANSMISSION  
10 PROJECT.—The term ‘high-priority national trans-  
11 mission project’ means an overhead or underground  
12 transmission facility, consisting of conductors or ca-  
13 bles, towers, manhole duct systems, phase shifting  
14 transformers, reactors, capacitors, and any ancillary  
15 facilities and equipment necessary for the proper op-  
16 eration of the facility, that—

17                   “(A)(i) operates at or above a voltage of—

18                           “(I) 345 kilovolts alternating current;

19                           or

20                           “(II) 300 kilovolts direct current;

21                   “(ii) is a very high current conductor or  
22 superconducting cable that operates at or above  
23 a power equivalent to the power of a conven-  
24 tional transmission cable operating at or above

1           345 kilovolts alternating current or 300 kilo-  
2           volts direct current; or

3           “(iii) is a renewable feeder line that trans-  
4           mits electricity directly to a transmission facil-  
5           ity under clause (i) or (ii); and

6           “(B) is included in a regional plan pursu-  
7           ant to subsection (e).

8           “(2) INDIAN LAND.—The term ‘Indian land’  
9           means land—

10           “(A) the title to which is held by the  
11           United States in trust for an Indian tribe or in-  
12           dividual Indian; or

13           “(B) that is held by an Indian tribe or in-  
14           dividual Indian subject to a restriction by the  
15           United States against alienation or encum-  
16           brance.

17           “(3) INDIAN TRIBE.—The term ‘Indian tribe’  
18           means any Indian tribe, band, nation, or other orga-  
19           nized group or community, including any Alaska Na-  
20           tive village or regional or village corporation (as de-  
21           fined in or established pursuant to the Alaska Na-  
22           tive Claims Settlement Act (43 U.S.C. 1601 et  
23           seq.)), which is recognized as eligible for the special  
24           programs and services provided by the United States  
25           to Indians because of their status as Indians.

1           “(4) LOAD-SERVING ENTITY.—Except as other-  
2           wise provided in this section, the term ‘load-serving  
3           entity’ means any person, Federal, State, or local  
4           agency or instrumentality, or electric cooperative  
5           that delivers electric energy to end-use customers.

6           “(5) LOCATION-CONSTRAINED RESOURCE.—

7           “(A) IN GENERAL.—The term ‘location-  
8           constrained resource’ means a low-carbon re-  
9           source used to produce electricity that is geo-  
10          graphically constrained such that the resource  
11          cannot be relocated to an existing transmission  
12          line.

13          “(B) INCLUSIONS.—The term ‘location-  
14          constrained resource’ includes the following  
15          types of resources described in subparagraph  
16          (A):

17                 “(i) Renewable energy, including off-  
18                 shore resources.

19                 “(ii) A fossil fuel electricity plant  
20                 equipped with carbon capture technology  
21                 that is located at a site that is appropriate  
22                 for carbon storage or beneficial reuse.

23          “(6) RENEWABLE ENERGY.—The term ‘renew-  
24          able energy’ means electric energy generated from—

25                 “(A) solar energy;

1 “(B) wind energy;

2 “(C) marine and hydrokinetic renewable  
3 energy;

4 “(D) geothermal energy;

5 “(E) hydropower;

6 “(F) biomass; or

7 “(G) landfill gas.

8 “(7) RENEWABLE FEEDER LINE.—The term  
9 ‘renewable feeder line’ means a transmission line  
10 that—

11 “(A) operates at a voltage of 100 kilovolts  
12 or greater; and

13 “(B) is identified in the applicable Inter-  
14 connection-wide transmission plan or by the  
15 Commission as a facility that is to be developed  
16 to facilitate collection of electric energy pro-  
17 duced by renewable energy.

18 “(8) SECRETARY.—The term ‘Secretary’ means  
19 the Secretary of Energy.

20 “(c) PLANS FOR NATIONAL INTERSTATE TRANS-  
21 MISSION SYSTEM.—

22 “(1) IN GENERAL.—The Commission shall co-  
23 ordinate regional planning to ensure that regional  
24 plans are integrated into an Interconnection-wide  
25 transmission plan with respect to high-priority na-

1 tional transmission projects, that achieves the policy  
2 established under subsection (a).

3 “(2) PLANNING PRINCIPLES.—

4 “(A) IN GENERAL.—Not later than 180  
5 days after the date of enactment of the Ful-  
6 filling U.S. Energy Leadership Act, the Com-  
7 mission shall issue, by rule, after notice and op-  
8 portunity for comment, national electricity grid  
9 planning principles pursuant to the policy es-  
10 tablished under subsection (a).

11 “(B) CONTENT.—The principles shall—

12 “(i) address how the utilities should  
13 fully incorporate consideration of the need  
14 for high-priority national transmission  
15 projects into planning efforts;

16 “(ii) address how the utilities should  
17 coordinate with each other, States, Indian  
18 tribes, and other planning efforts in the  
19 applicable Interconnection to effectively de-  
20 velop an Interconnection-wide analysis to  
21 identify needed additions or modifications  
22 to high-priority national transmission  
23 projects, with particular attention to iden-  
24 tifying needs that can be most efficiently  
25 and effectively addressed with high-priority

1 national transmission projects that cross  
2 multiple utilities, Regional Transmission  
3 Organizations, or Independent System Op-  
4 erators;

5 “(iii)(I) address alternatives to high-  
6 priority national transmission projects,  
7 based on the factors described in subpara-  
8 graph (C)(iii); and

9 “(II) determine whether alternative  
10 investments can provide a more expedient  
11 means of improving electricity system ca-  
12 pacity or reliability or reduced costs for  
13 end-users; and

14 “(iv) include mechanisms for soliciting  
15 input from the Secretary, Federal trans-  
16 mitting utilities, the Secretary of the Inte-  
17 rior, States, Indian tribes, electric reli-  
18 ability organizations, regional entities, enti-  
19 ties described in section 201(f), generators,  
20 load-serving entities, other interested par-  
21 ties, and the public.

22 “(C) FACTORS.—Plans for the develop-  
23 ment and improvement of high-priority national  
24 transmission projects into a national high-ca-

1           capacity transmission grid shall take into consid-  
2           eration—

3                   “(i) the location of load centers;

4                   “(ii) the location of generation and  
5                   potential generation development, including  
6                   location-constrained resources;

7                   “(iii) existing and potential demand  
8                   side management (including energy effi-  
9                   ciency and demand response), energy stor-  
10                   age, distributed generation resources, and  
11                   smart grid investments;

12                   “(iv) the plans of Regional Trans-  
13                   mission Organizations, Independent Sys-  
14                   tem Operators, State authorities, Indian  
15                   tribes, transmission owners, load-serving  
16                   entities, and others in the region;

17                   “(v) the needs and long-term rights  
18                   described in section 217(b); and

19                   “(vi) costs to consumers of high-pri-  
20                   ority national transmission projects, in-  
21                   cluding considering the cost of reasonable  
22                   alternatives.

23           “(3) SUBMISSION OF PLANS.—

24                   “(A) IN GENERAL.—

1           “(i) IN GENERAL.—One or more pub-  
2           lic utilities, transmitting utilities, Regional  
3           Transmission Organizations, Independent  
4           System Operators, regional entities (as de-  
5           fined in section 215(a)), or other  
6           multistate organizations or entities (includ-  
7           ing entities described in section 201(f))  
8           may develop a regional plan relating to 1  
9           or more high-priority national transmission  
10          projects that is consistent with the plan-  
11          ning principles established by the Commis-  
12          sion.

13          “(ii) OTHER PLANS.—

14                 “(I) IN GENERAL.—Any public  
15                 utility or transmitting utility that does  
16                 not participate in 1 of the regional  
17                 plans developed under clause (i) shall  
18                 develop its own plan relating to any  
19                 high-priority national transmission  
20                 project planned for the system of the  
21                 utility.

22                 “(II) PLANNING PRINCIPLES.—

23                 The plan shall be consistent with the  
24                 planning principles established by the  
25                 Commission.

1           “(iii) TIMING.—Any plan developed  
2           under clause (i) or (ii) shall be submitted  
3           to the Commission—

4                   “(I) as soon as practicable, but  
5                   not later than 2 years, after the date  
6                   of enactment of the Fulfilling U.S.  
7                   Energy Leadership Act; and

8                   “(II) periodically thereafter as  
9                   prescribed by the Commission.

10          “(B) COORDINATION.—

11                   “(i) JOINT SUBMISSIONS.—The re-  
12                   quirements of subparagraph (A) may be  
13                   satisfied by a joint submission.

14                   “(ii) SINGLE INTERCONNECTION-WIDE  
15                   PLAN.—The Commission shall encourage  
16                   coordination that would permit submission  
17                   of a single Interconnection-wide plan for  
18                   high-priority       national       transmission  
19                   projects.

20          “(C) MODIFICATIONS.—The Commission  
21          may require modification of a submitted plan to  
22          the extent that the Commission determines that  
23          the modification is necessary—

24                   “(i) to reconcile inconsistencies be-  
25                   tween plans submitted; or

1                   “(ii) to achieve the policy goals estab-  
2                   lished under subsection (a).

3                   “(4) APPLICABILITY.—The transmission plan-  
4                   ning principles and requirements of this subsection  
5                   shall apply to each transmission owner and trans-  
6                   mission planning entity in the United States portion  
7                   of the Eastern and Western Interconnections, in-  
8                   cluding an entity described in section 201(f).

9                   “(d) SITING.—

10                  “(1) PURPOSES.—The purposes of this section  
11                  is to ensure that high-priority national transmission  
12                  projects are in the public interest and advance the  
13                  policy established under subsection (a).

14                  “(2) DESIGNATION OF ELIGIBILITY.—The Com-  
15                  mission may grant an applicant that submits an ap-  
16                  plication for a proposed project a designation of eli-  
17                  gibility for consideration under this subsection if the  
18                  Commission finds that the proposed project is a  
19                  high-priority national transmission project.

20                  “(3) STATE REVIEW OF PROJECT SITING.—

21                  “(A) IN GENERAL.—No developer of a  
22                  high-priority national transmission project may  
23                  seek a certificate for construction under sub-  
24                  section (e) unless the developer first seeks au-  
25                  thorization to construct the high-priority na-

1           tional transmission project under applicable  
2           State law concerning authorization and routing  
3           of transmission facilities.

4           “(B) FEDERAL AUTHORITY.—The Com-  
5           mission may authorize, in accordance with sub-  
6           section (e), construction of a high-priority na-  
7           tional transmission project that the Commission  
8           finds to be in the public interest and in accord-  
9           ance with this section if a State—

10           “(i) fails to approve construction and  
11           authorize routing of a high-priority na-  
12           tional transmission project not later than 1  
13           year after the date the applicant submits a  
14           completed application for authorization to  
15           the State;

16           “(ii) rejects the application for a high-  
17           priority national transmission project; or

18           “(iii) authorizes the high-priority na-  
19           tional transmission project subject to con-  
20           ditions that unreasonably interfere with  
21           the development of a high-priority national  
22           transmission project contrary to the pur-  
23           poses of this section.

24           “(e) CONSTRUCTION.—

25           “(1) APPLICATION FOR CERTIFICATE.—

1           “(A) IN GENERAL.—An applicant for a  
2 high-priority national transmission project may  
3 apply to the Commission for a certificate of  
4 public convenience and necessity with respect to  
5 construction of the high-priority national trans-  
6 mission project within a State affected by the  
7 high-priority national transmission project if  
8 the State—

9           “(i) fails to authorize construction of  
10 the high-priority national transmission  
11 project under State law not later than 1  
12 year after the date the developer submits a  
13 completed application for authorization to  
14 the State;

15           “(ii) rejects the application for the  
16 high-priority national transmission project;  
17 or

18           “(iii) authorizes the high-priority na-  
19 tional transmission project subject to con-  
20 ditions that unreasonably interfere with  
21 the development of a high-priority national  
22 transmission project contrary to the pur-  
23 poses of this section.

24           “(B) FORM.—The application for a certifi-  
25 cate shall be made in writing in such form and

1 containing such information as the Commission  
2 may by regulation require.

3 “(C) HEARING.—On receipt of an applica-  
4 tion under this paragraph, the Commission—

5 “(i) shall provide notice to interested  
6 persons and opportunity for hearing; and

7 “(ii) may approve (with or without  
8 conditions) or disapprove the application,  
9 in accordance with paragraph (2).

10 “(2) GRANT OF CERTIFICATE.—

11 “(A) IN GENERAL.—A certificate shall be  
12 issued to a qualified applicant for a certificate  
13 authorizing the whole or partial operation, con-  
14 struction, acquisition, or modification covered  
15 by the application, only if the Commission de-  
16 termines that—

17 “(i) the applicant is able and will-  
18 ing—

19 “(I) to do the acts and to per-  
20 form the service proposed; and

21 “(II) to comply with this Act (in-  
22 cluding regulations); and

23 “(ii) the proposed operation, construc-  
24 tion, acquisition, or modification, to the ex-  
25 tent authorized by the certificate, is or will

1           be required by the present or future public  
2           convenience and necessity.

3           “(B) TERMS AND CONDITIONS.—The Com-  
4           mission shall have the power to attach to the  
5           issuance of a certificate under this paragraph  
6           and to the exercise of the rights granted under  
7           the certificate such reasonable terms and condi-  
8           tions as the public convenience and necessity  
9           may require.

10          “(C) USE OF STATE WORK.—If 1 or more  
11          States reject or fail to act on a high-priority na-  
12          tional transmission project and the Commission  
13          has siting authority for the high-priority na-  
14          tional transmission project under this section,  
15          the Commission shall give due weight to—

16               “(i) the environmental record and re-  
17               sults of the siting process of a State that  
18               did complete the siting process of the State  
19               under this section; and

20               “(ii) the information that had been  
21               submitted by an applicant to the State  
22               under this section.

23          “(D) EVALUATION OF ABILITIES OF APPLI-  
24          CANT.—

1           “(i) IN GENERAL.—In evaluating the  
2           ability of an applicant described in sub-  
3           paragraph (A)(i), the Commission shall  
4           consider whether the financial and tech-  
5           nical capabilities of the applicant are ade-  
6           quate to support construction and oper-  
7           ation of the high-priority national trans-  
8           mission project proposed in the application.

9           “(ii) JOINT OWNERSHIP PROJECTS.—  
10          In evaluating applications under paragraph  
11          (1), the Commission shall consider benefits  
12          from the greater diversification of financial  
13          risk inherent in the applications involving  
14          joint ownership projects by multiple load-  
15          serving entities.

16          “(E) PUBLIC CONVENIENCE AND NECES-  
17          SITY.—In making a determination with respect  
18          to public convenience and necessity described in  
19          subparagraph (A)(ii), the Commission shall—

20                 “(i) consider whether the facilities  
21                 covered by an application are included in  
22                 an Interconnection-wide transmission grid  
23                 plan for a high-priority national trans-  
24                 mission project developed pursuant to sub-  
25                 section (c); and

1                   “(ii) determine whether the facilities  
2                   covered by the application are in the public  
3                   interest.

4                   “(3) RIGHT OF EMINENT DOMAIN.—If any  
5                   holder of a certificate issued under paragraph (2)  
6                   cannot acquire by contract, or is unable to agree  
7                   with the owner of property on the compensation to  
8                   be paid for, the necessary right-of-way to construct,  
9                   operate, and maintain the high-priority national  
10                  transmission project to which the certificate relates,  
11                  and the necessary land or other property necessary  
12                  to the proper operation of the high-priority national  
13                  transmission project, the holder may acquire the  
14                  right-of-way by the exercise of the right of eminent  
15                  domain in—

16                  “(A) the United States district court for  
17                  the district in which the property is located; or

18                  “(B) a State court.

19                  “(4) STATE AND TRIBAL RECOMMENDA-  
20                  TIONS.—In granting a certificate under paragraph  
21                  (2), the Commission shall—

22                  “(A) permit State regulatory agencies and  
23                  affected Indian tribes to recommend mitigation  
24                  measures, based on habitat protection, environ-

1           mental considerations, or cultural site protec-  
2           tion; and

3           “(B)(i) incorporate those identified mitiga-  
4           tion measures as conditions on the certificate;  
5           or

6           “(ii) if the Commission determines that a  
7           recommended mitigation measure is incon-  
8           sistent with the purposes of this section, infea-  
9           sible, or not cost-effective—

10           “(I) consult with State regulatory  
11           agencies and affected Indian tribes to seek  
12           to resolve the issue;

13           “(II) incorporate as conditions on the  
14           certificate such recommended mitigation  
15           measures as are determined to be appro-  
16           priate by the Commission, based on con-  
17           sultation by the Commission with State  
18           regulatory agencies and affected Indian  
19           tribes, the purposes of this section, and the  
20           record before the Commission; and

21           “(III) if, after consultation, the Com-  
22           mission does not adopt in whole or in part  
23           a recommendation of an agency or affected  
24           Indian tribe, publish a statement of a find-  
25           ing that the adoption of the recommenda-

1           tion is infeasible, not cost-effective, or in-  
2           consistent with this section or other appli-  
3           cable provisions of law.

4           “(5) STATE OR LOCAL AUTHORIZATIONS.—An  
5           applicant receiving a certificate under this sub-  
6           section with respect to construction or modification  
7           of a high-priority national transmission project in a  
8           State shall not require a separate siting authoriza-  
9           tion from the State or any local authority within the  
10          State.

11          “(6) RIGHTS-OF-WAY OVER INDIAN LAND.—  
12          Notwithstanding paragraph (3), in the case of siting,  
13          construction, operation, and maintenance of a trans-  
14          mission facility to be located on or over Indian land,  
15          a certificate holder under this section shall comply  
16          with the requirements of Federal law for obtaining  
17          rights-of-way on or over Indian land.

18          “(f) COORDINATION OF FEDERAL AUTHORIZATIONS  
19          FOR TRANSMISSION FACILITIES.—

20          “(1) DEFINITION OF FEDERAL AUTHORIZA-  
21          TION.—In this subsection, the term ‘Federal author-  
22          ization’ means any authorization required under  
23          Federal law in order to site a transmission facility  
24          on Federal land, including such permits, special use  
25          authorizations, certifications, opinions, or other ap-

1       provals as may be required under Federal law in  
2       order to site a transmission facility.

3               “(2) LEAD AGENCY.—If a Federal authoriza-  
4       tion for a high-priority national transmission project  
5       involves land under the jurisdiction of the Depart-  
6       ment of the Interior and any other Federal agency,  
7       the Secretary of the Interior shall act as the lead  
8       agency for purposes of coordinating all applicable  
9       Federal authorizations and related environmental re-  
10      views.

11              “(3) COORDINATION.—To the maximum extent  
12      practicable under applicable Federal law, the Sec-  
13      retary of the Interior shall coordinate the Federal  
14      authorization and review process under this sub-  
15      section with the Commission, and with any Indian  
16      tribes, multistate entities, and State agencies that  
17      are responsible for conducting any separate permit-  
18      ting and environmental reviews of the facility, to en-  
19      sure timely and efficient review and permit deci-  
20      sions.

21              “(4) MILESTONES AND DEADLINES.—

22                      “(A) IN GENERAL.—As the lead agency,  
23              the Secretary of the Interior, in consultation  
24              with the Commission and any other agency re-  
25              sponsible for Federal authorizations and, as ap-

1 appropriate, with Indian tribes, multistate enti-  
2 ties, and State agencies that are willing to co-  
3 ordinate their own separate permitting and en-  
4 vironmental reviews with the Federal authoriza-  
5 tion and environmental reviews, shall establish  
6 prompt and binding intermediate milestones  
7 and ultimate deadlines for the review of, and  
8 Federal authorization decisions relating to, the  
9 proposed high-priority national transmission  
10 project.

11 “(B) DEADLINE.—The Secretary of the  
12 Interior shall ensure that, once an application  
13 has been submitted with such data as the Com-  
14 mission and the Secretaries with jurisdiction  
15 over the affected land consider necessary, all  
16 permit decisions and related environmental re-  
17 views under all applicable Federal laws shall be  
18 completed not later than 1 year after the date  
19 of submission.

20 “(C) PREAPPLICATION INFORMATION.—  
21 The Secretary of the Interior, in consultation  
22 with the Commission, shall provide an expedi-  
23 tious preapplication mechanism for prospective  
24 applicants to confer with the agencies involved  
25 to have each such agency determine and com-

1           municate to the prospective applicant not later  
2           than 60 days after the prospective applicant  
3           submits a request for such information con-  
4           cerning—

5                     “(i) the likelihood of approval for a  
6                     potential facility; and

7                     “(ii) key issues of concern to the  
8                     agencies and public.

9           “(5) ENVIRONMENTAL REVIEW DOCUMENT.—

10                    “(A) IN GENERAL.—As lead agency, the  
11                    Secretary of the Interior, in consultation with  
12                    the Commission and any affected agency, shall  
13                    prepare a single environmental review docu-  
14                    ment, which shall be used as the basis for all  
15                    decisions on the proposed high-priority national  
16                    transmission project under Federal law.

17                    “(B) STREAMLINING.—The Secretary of  
18                    the Interior and the Secretary of Agriculture, in  
19                    consultation with the Commission, shall stream-  
20                    line the review and permitting of transmission  
21                    within corridors designated under section 503  
22                    of the Federal Land Policy and Management  
23                    Act of 1976 (43 U.S.C. 1763) or section 368  
24                    of the Energy Policy Act of 2005 (42 U.S.C.

1 15926) by fully taking into account prior anal-  
2 yses and decisions relating to the corridors.

3 “(C) COMMENTS.—If the high-priority na-  
4 tional transmission project includes Federal  
5 land that is not under the jurisdiction of the  
6 Department of the Interior, the document shall  
7 include comments made by the Secretary with  
8 jurisdiction over the affected land on matters  
9 necessary for the protection of the land or re-  
10 quired under applicable law.

11 “(6) ISSUANCE OR DENIAL OF AUTHORIZATION  
12 BY PRESIDENT.—

13 “(A) IN GENERAL.—Subject to paragraph  
14 (7), if any agency has denied a Federal author-  
15 ization required for a transmission facility with-  
16 in an energy right-of-way corridor on Federal  
17 land designated pursuant to section 368 of the  
18 Energy Policy Act of 2005 (42 U.S.C. 15926),  
19 or has failed to act by the deadline established  
20 by the Secretary of the Interior pursuant to  
21 this section for deciding whether to issue the  
22 authorization, the applicant or any State in  
23 which the facility would be located may file an  
24 appeal with the President, who shall, in con-  
25 sultation with the affected agency, review the

1 denial or failure to take action on the pending  
2 application.

3 “(B) OPTIONS.—Based on the overall  
4 record and in consultation with the affected  
5 agency, the President may—

6 “(i) issue the necessary authorization  
7 with any appropriate conditions; or

8 “(ii) deny the application.

9 “(C) DEADLINE.—The President shall  
10 issue a decision not later than 90 days after the  
11 date of the filing of the appeal.

12 “(D) FEDERAL REQUIREMENTS.—In mak-  
13 ing a decision under this paragraph, the Presi-  
14 dent shall comply with applicable requirements  
15 of Federal law, including any requirements of—

16 “(i) the National Forest Management  
17 Act of 1976 (16 U.S.C. 1600 et seq.);

18 “(ii) the Endangered Species Act of  
19 1973 (16 U.S.C. 1531 et seq.);

20 “(iii) the Federal Water Pollution  
21 Control Act (33 U.S.C. 1251 et seq.);

22 “(iv) the National Environmental Pol-  
23 icy Act of 1969 (42 U.S.C. 4321 et seq.);

24 and

1                   “(v) the Federal Land Policy and  
2                   Management Act of 1976 (43 U.S.C. 1701  
3                   et seq.).

4                   “(7) APPLICABILITY OF ISSUANCE OR DENIAL  
5                   OF AUTHORIZATION BY PRESIDENT.—Paragraph (6)  
6                   shall not apply to—

7                   “(A) a unit of the National Park System;

8                   “(B) a unit of the National Wildlife Ref-  
9                   uge System;

10                  “(C) a component of the National Wild  
11                  and Scenic Rivers System;

12                  “(D) a component of the National Trails  
13                  System;

14                  “(E) a component of the National Wilder-  
15                  ness Preservation System;

16                  “(F) a National Monument;

17                  “(G) any part of the National Landscape  
18                  Conservation System;

19                  “(H) a National Preserve;

20                  “(I) a National Scenic Area; or

21                  “(J) a National Recreation Area.

22                  “(8) ENERGY RIGHT-OF-WAY CORRIDORS ON  
23                  FEDERAL LAND.—

24                  “(A) IN GENERAL.—In carrying out this  
25                  subsection, the Secretary with jurisdiction over

1 the land shall, to the maximum extent prac-  
2 ticable, use the energy right-of-way corridors  
3 designated in accordance with section 368 of  
4 the Energy Policy Act of 2005 (42 U.S.C.  
5 15926).

6 “(B) ADDITIONAL CORRIDORS.—If the  
7 Secretary is unable to use an energy right-of-  
8 way corridor described in subparagraph (A), the  
9 Secretary shall establish an additional corridor  
10 in accordance with section 368(c) of the Energy  
11 Policy Act of 2005 (42 U.S.C. 15926(c)).

12 “(9) DURATION.—

13 “(A) IN GENERAL.—Each Federal land  
14 use authorization for an electricity transmission  
15 facility shall be issued—

16 “(i) for a duration, as determined by  
17 the Secretary with jurisdiction over the  
18 land, commensurate with the anticipated  
19 use of the facility;

20 “(ii) with appropriate authority to  
21 manage the right-of-way for reliability and  
22 environmental protection; and

23 “(iii) consistent with the Federal  
24 Land Policy and Management Act of 1976

1 (43 U.S.C. 1701 et seq.) and other appli-  
2 cable law.

3 “(B) RENEWAL.—On the expiration of the  
4 authorization (including an authorization issued  
5 before the date of enactment of the Fulfilling  
6 U.S. Energy Leadership Act), the authorization  
7 shall be reviewed for renewal—

8 “(i) taking fully into account reliance  
9 on the electricity infrastructure; and

10 “(ii) recognizing the importance of the  
11 authorization for public health, safety, and  
12 economic welfare and as a legitimate use of  
13 Federal land.

14 “(10) CONSULTATION.—In exercising the re-  
15 sponsibilities under this section, the Secretary of the  
16 Interior and the Commission shall consult regularly  
17 with—

18 “(A) electric reliability organizations (in-  
19 cluding related regional entities) approved by  
20 the Commission;

21 “(B) Transmission Organizations approved  
22 by the Commission; and

23 “(C) transmission owners and users and  
24 other interested parties.

25 “(11) IMPLEMENTATION.—

1           “(A) REGULATIONS.—Not later than 18  
2           months after the date of enactment of the Ful-  
3           filling U.S. Energy Leadership Act, the Sec-  
4           retary of the Interior and the Commission shall  
5           issue any regulations necessary to carry out this  
6           subsection.

7           “(B) FEDERAL STAFF AND RESOURCES.—  
8           The head of each Federal agency with authority  
9           to issue a Federal authorization shall designate  
10          a senior official responsible for, and dedicate  
11          sufficient other staff and resources to ensure,  
12          full implementation of the regulations and  
13          memorandum required under this paragraph.

14          “(g) EVALUATION AND RECOMMENDATIONS.—The  
15          Commission shall—

16                 “(1) periodically evaluate whether high-priority  
17                 national transmission projects are being constructed  
18                 in accordance with the Interconnection-wide trans-  
19                 mission grid plan for high-priority national trans-  
20                 mission projects for both the Western and Eastern  
21                 Interconnection areas;

22                 “(2) take any necessary actions, pursuant to  
23                 applicable law, to address any identified obstacles to  
24                 investment, siting, and construction of high-priority

1 national transmission projects identified as needed  
2 under an Interconnection-wide plan; and

3 “(3) not later than 2 years after the date of en-  
4 actment of the Fulfilling U.S. Energy Leadership  
5 Act, submit to Congress recommendations for any  
6 further actions or authority needed to ensure the ef-  
7 fective and timely development of—

8 “(A) high-priority national transmission  
9 projects; and

10 “(B) transmission projects to access re-  
11 gional and offshore renewable energy genera-  
12 tion.

13 “(h) REPORT OF SECRETARY.—Not later than 2  
14 years after the date of enactment of the Fulfilling U.S.  
15 Energy Leadership Act, the Secretary shall submit to Con-  
16 gress recommendations for any further actions or author-  
17 ity needed to ensure the effective and timely development  
18 of—

19 “(1) demand response;

20 “(2) energy storage;

21 “(3) distributed generation;

22 “(4) energy efficiency; and

23 “(5) other areas necessary to carry out the pol-  
24 icy established under subsection (a).

25 “(i) COST ALLOCATION.—

1           “(1) IN GENERAL.—Not later than 270 days  
2 after the date of enactment of the Fulfilling U.S.  
3 Energy Leadership Act, the Commission—

4           “(A) shall establish by rule an appropriate  
5 methodology for allocation of the costs of high-  
6 priority national transmission projects, subject  
7 to the requirement that any cost allocation  
8 methodology, and any rates affected by the cost  
9 allocation methodology, shall be just, reason-  
10 able, and not unduly discriminatory or pref-  
11 erential;

12           “(B) may permit allocation of costs for  
13 high-priority national transmission projects to  
14 load-serving entities within all or a part of a re-  
15 gion, except that costs shall not be allocated to  
16 a region, or subregion, unless the costs are rea-  
17 sonably proportionate to measurable economic  
18 and reliability benefits;

19           “(C) may permit allocation of costs to gen-  
20 erators of electricity connected by a high-pri-  
21 ority national transmission project; and

22           “(D) shall provide for due deference to  
23 cost allocation proposals supported by broad  
24 agreement among affected States.

1           “(2) MECHANISM FOR COLLECTION OF  
2 COSTS.—The Commission shall adopt such rules and  
3 require inclusion of such provisions in transmission  
4 tariffs as are required to provide for—

5           “(A) the efficient collection of allocated  
6 costs for development and operation of high-pri-  
7 ority national transmission projects; and

8           “(B) the distribution of those revenues to  
9 owners of the high-priority national trans-  
10 mission projects.

11       “(j) RELATIONSHIP TO OTHER LAWS.—

12           “(1) IN GENERAL.—Except as specifically pro-  
13 vided in this section, nothing in this section affects  
14 any requirement of an environmental or historic  
15 preservation law of the United States, including—

16           “(A) the National Environmental Policy  
17 Act of 1969 (42 U.S.C. 4321 et seq.);

18           “(B) the Wilderness Act (16 U.S.C. 1131  
19 et seq.); or

20           “(C) the National Historic Preservation  
21 Act (16 U.S.C. 470 et seq.).

22           “(2) STATE LAW.—Nothing in this section pre-  
23 cludes any person from constructing or modifying  
24 any transmission facility in accordance with State  
25 law.

1       “(k) TRANSMISSION RIGHTS TO SUPPORT NEW GEN-  
2 ERATION DEVELOPMENT.—Subject to section 217(b)(4),  
3 it is the policy of the United States that long-term trans-  
4 mission rights of firmness and duration sufficient to sup-  
5 port generation investment (or equivalent tradable or fi-  
6 nancial long-term transmission rights), shall be available  
7 under appropriate terms and conditions to load-serving en-  
8 tities (as defined in section 217(a)(2)) for long-term power  
9 supply arrangements for new generation facilities using  
10 renewable energy.

11       “(l) RESOURCE ASSESSMENTS.—

12           “(1) IN GENERAL.—The Secretary shall con-  
13 duct nationwide assessments to identify areas with a  
14 significant potential for the development of location-  
15 constrained resources.

16           “(2) FORMATS.—The resource assessments  
17 shall be made available to the public in multiple for-  
18 mats, including in a geographical information system  
19 compatible format.

20           “(3) TIMING.—The Secretary shall—

21           “(A) make the initial resource assessment  
22 required under this subsection not later than  
23 180 days after the date of enactment of the  
24 Fulfilling U.S. Energy Leadership Act; and

1           “(B) refine the resource assessment on a  
2           regular basis that is consistent with regional  
3           planning cycles.

4           “(4) TECHNICAL ASSISTANCE.—The Secretary  
5           shall provide technical assistance to regional plan-  
6           ning authorities, on request, to assist the authorities  
7           in carrying out this subsection.

8           “(m) CONGESTION STUDIES.—Not later than 1 year  
9           after the date of enactment of the Fulfilling U.S. Energy  
10          Leadership Act and every 3 years thereafter, the Sec-  
11          retary, in consultation with affected States and Indian  
12          tribes, shall—

13           “(1) conduct a study of electric transmission  
14          congestion; and

15           “(2) submit to the appropriate committees of  
16          Congress a report that describes the results of the  
17          study.

18          “(n) APPLICABILITY.—

19           “(1) IN GENERAL.—Except as otherwise pro-  
20          vided in this subsection, the authority of the Com-  
21          mission under this section to approve transmission  
22          plans and to allocate costs incurred pursuant to the  
23          plans applies to all transmission providers, genera-  
24          tors, and users, owners, and operators of the power  
25          system within the Eastern and Western Interconnec-

1 tions of the United States, including entities de-  
2 scribed in section 201(f).

3 “(2) REGIONAL PLANNING ENTITIES.—The  
4 Commission shall have authority over regional plan-  
5 ning entities to the extent necessary to carry out  
6 this section.

7 “(3) PROJECT DEVELOPERS.—Nothing in this  
8 section precludes the development, subject to appli-  
9 cable regulatory requirements, of transmission  
10 projects that are not included in plans developed  
11 under this section.

12 “(4) COMMISSION-APPROVED PLANNING PROC-  
13 ESSES.—Nothing in this section affects the approval,  
14 siting, or cost allocation for a project that is author-  
15 ized pursuant to planning processes that have been  
16 approved by the Commission.

17 “(5) EXCLUSIONS.—This section does not apply  
18 in the State of Alaska or Hawaii or to the Electric  
19 Reliability Council of Texas, unless the State or the  
20 Council voluntarily elects to participate in a cost al-  
21 location plan under this section.”.

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