

119TH CONGRESS
1ST SESSION

S. 3324

To confirm and clarify the Federal Energy Regulatory Commission’s obligation to assess and mitigate the impacts to climate change and environmental justice communities from projects approved pursuant to the Natural Gas Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2025

Mr. DURBIN (for himself, Ms. BLUNT ROCHESTER, Ms. DUCKWORTH, Mr. MARKEY, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To confirm and clarify the Federal Energy Regulatory Commission’s obligation to assess and mitigate the impacts to climate change and environmental justice communities from projects approved pursuant to the Natural Gas Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FERC Greenhouse Gas
5 and Environmental Justice Policy Act of 2025”.

1 **SEC. 2. GREENHOUSE GAS AND ENVIRONMENTAL JUSTICE**
 2 **POLICY.**

3 (a) MITIGATION PROPOSAL.—Section 7(d) of the
 4 Natural Gas Act (15 U.S.C. 717f(d)) is amended by in-
 5 serting “, including a mitigation proposal described in sub-
 6 section (i)(3),” after “contain such information”.

7 (b) PRESENT OR FUTURE PUBLIC CONVENIENCE
 8 AND NECESSITY DETERMINATION.—Section 7 of the Nat-
 9 ural Gas Act (15 U.S.C. 717f) is amended by adding at
 10 the end the following:

11 “(i) PRESENT OR FUTURE PUBLIC CONVENIENCE
 12 AND NECESSITY DETERMINATION.—

13 “(1) IN GENERAL.—In finding whether a pro-
 14 posed action, to the extent that may be authorized
 15 by a certificate, is or will be required by the present
 16 or future public convenience and necessity under
 17 subsection (e), the Commission shall determine
 18 whether—

19 “(A) the environmental effects of such pro-
 20 posed action, including any effects relating to
 21 the environment of such proposed action on en-
 22 vironmental justice communities, are signifi-
 23 cant, and if such significant environmental ef-
 24 fects, if any, can be mitigated pursuant to a
 25 mitigation proposal required under subsection
 26 (d);

1 “(B) the significant environmental effects
 2 of the proposed action outweigh the benefits of
 3 the proposed action under paragraph (4); and

4 “(C) the proposed action is necessary to
 5 ensure energy reliability and affordability.

6 “(2) SIGNIFICANT ENVIRONMENTAL EF-
 7 FECTS.—

8 “(A) IN GENERAL.—In determining wheth-
 9 er the environmental effects of a proposed ac-
 10 tion are significant under paragraph (1)(A), the
 11 Commission shall, with respect to such pro-
 12 posed action—

13 “(i) evaluate such environmental ef-
 14 fects on environmental justice communities
 15 under subparagraph (B); and

16 “(ii) quantify reasonably foreseeable
 17 greenhouse gas emissions resulting from
 18 such proposed action under subparagraph
 19 (C).

20 “(B) ENVIRONMENTAL JUSTICE COMMU-
 21 NITIES.—The Commission shall evaluate the ef-
 22 fects of a proposed action on environmental jus-
 23 tice communities based on all evidence in the
 24 record, including—

1 “(i) existing environmental and public
2 health stressors;

3 “(ii) any adverse environmental and
4 public health stressors resulting from the
5 proposed action;

6 “(iii) the presence or absence of ad-
7 verse cumulative stressors;

8 “(iv) potential environmental and pub-
9 lic health stressors associated with the pro-
10 posed action; and

11 “(v) other factors, as identified by the
12 Commission and the affected environ-
13 mental justice communities following a
14 meaningful opportunity for public engage-
15 ment by those communities.

16 “(C) QUANTIFICATION OF GREENHOUSE
17 GAS EMISSIONS.—The Commission shall quan-
18 tify reasonably foreseeable greenhouse gas emis-
19 sions resulting from a proposed action based on
20 all evidence in the record, including—

21 “(i) the projected capacity of the rel-
22 evant pipelines to transport natural gas;

23 “(ii) the projected utilization rate of
24 the relevant pipelines;

1 “(iii) the construction and operation
2 of the proposed action;

3 “(iv) the projected downstream green-
4 house gas emissions and effects, including
5 cumulative effects, on environmental jus-
6 tice communities resulting from the pro-
7 posed action, including those resulting
8 from the combustion of the natural gas;

9 “(v) the projected upstream green-
10 house gas emissions and effects, including
11 cumulative effects, on environmental jus-
12 tice communities resulting from the pro-
13 posed action, including those resulting
14 from leakage or other release of the nat-
15 ural gas; and

16 “(vi) other factors, as identified by
17 the Commission.

18 “(D) THRESHOLD.—For purposes of de-
19 termining whether the environmental effects of
20 a proposed action are significant under this
21 paragraph, the Commission shall—

22 “(i) with respect to environmental ef-
23 fects described in subparagraph (B), con-
24 sider that—

1 “(I) no community should bear a
2 disproportionate share of the adverse
3 environmental and public health con-
4 sequences that results from the Com-
5 mission approving an application for a
6 certificate of public convenience or ne-
7 cessity; and

8 “(II) it is in the public interest
9 for the Commission, where appro-
10 priate, to limit the future placement
11 and expansion of a proposed action in
12 environmental justice communities;
13 and

14 “(ii) with respect to quantifying
15 greenhouse gas emissions under subpara-
16 graph (C), presume—

17 “(I) a proposed action that has
18 reasonably foreseeable emissions of at
19 least 100,000 metric tons per year of
20 carbon dioxide equivalent to have a
21 significant effect on climate change;
22 and

23 “(II) greenhouse gases other
24 than carbon dioxide shall be converted
25 to carbon dioxide equivalent using the

1 20-year global warming potentials
2 from the most recent assessment re-
3 port published by the Intergovern-
4 mental Panel on Climate Change.

5 “(3) MITIGATION.—

6 “(A) IN GENERAL.—Under subsection (d),
7 the Commission shall require an applicant for a
8 certificate to submit a proposal with the appli-
9 cable application that details how the applicant
10 will mitigate all or a portion of the environ-
11 mental effects of the proposed action, including
12 on climate change and environmental justice
13 communities.

14 “(B) CONDITIONS.—Upon reviewing the
15 mitigation proposal under subparagraph (A),
16 the Commission shall, to the extent practicable,
17 attach to the issuance of a certificate, and to
18 the exercise of the rights granted thereunder,
19 conditions that require the holder of such cer-
20 tificate to address any potential adverse effects
21 of any action authorized under such certificate
22 on climate change and environmental justice
23 communities.

24 “(C) ADDITIONAL REQUIREMENT.—For
25 any proposed action the Commission approves

1 for which it does not require conditions that
2 mitigate or offset the significant environmental
3 effects of the proposed action to below the sig-
4 nificance threshold described in paragraph
5 (2)(D), the Commission shall provide a detailed
6 explanation as to why such mitigation is not
7 practicable.

8 “(4) WEIGHING.—

9 “(A) IN GENERAL.—Under paragraph
10 (1)(B), the Commission shall weigh all environ-
11 mental effects, including significant environ-
12 mental effects, to the extent any significant en-
13 vironmental effects can be practicably mitigated
14 under the threshold described in paragraph
15 (2)(D) and determine whether the benefits of
16 the proposed action outweigh such environ-
17 mental effects.

18 “(B) LIMITATION.—In the event the Com-
19 mission finds that the proposed action is or will
20 be required by the present or future public con-
21 venience and necessity under subsection (e) de-
22 spite any significant environmental effects that
23 cannot be practicably mitigated, the Commis-
24 sion shall provide a detailed explanation as to
25 why the Commission finds the proposed action

1 to be nevertheless required by the present or fu-
 2 ture public convenience and necessity.

3 “(5) DEFINITIONS.—In this subsection:

4 “(A) CERTIFICATE.—The term ‘certificate’
 5 means a certificate of public convenience and
 6 necessity described in subsection (c).

7 “(B) ENVIRONMENTAL EFFECT.—The
 8 term ‘environmental effect’ means an effect
 9 caused by a proposed action on the environment
 10 and climate change.

11 “(C) ENVIRONMENTAL JUSTICE COMMU-
 12 NITY.—The term ‘environmental justice com-
 13 munity’ means any population of color, commu-
 14 nity of color, indigenous community, or low-in-
 15 come community that experiences a dispropor-
 16 tionate burden of the negative human health
 17 and environmental impacts of pollution or other
 18 environmental hazards.

19 “(D) PROPOSED ACTION.—The term ‘pro-
 20 posed action’ means a proposed service, sale,
 21 operation, construction, extension, or acquisi-
 22 tion, as described in subsection (e), in an appli-
 23 cation for a certificate.”.

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