

[DISCUSSION DRAFT]

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Natural Gas Act, Federal Power Act, Energy Policy Act of 2005, Energy Policy and Conservation Act, Public Utility Regulatory Policies Act of 1978, and Clean Air Act to provide for lower costs for hardworking families and for economic growth across communities by enabling predictable, efficient permitting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Natural Gas Act, Federal Power Act, Energy Policy Act of 2005, Energy Policy and Conservation Act, Public Utility Regulatory Policies Act of 1978, and Clean Air Act to provide for lower costs for hardworking families and for economic growth across communities by enabling predictable, efficient permitting, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Permitting Our Way to an Energy Resurgence Act” or
4 the “POWER Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—PIPELINES, POWER, AND TRANSMISSION

Sec. 101. Promoting interagency coordination for review of natural gas pipe-
lines.

Sec. 102. Best-available transmission conductor class.

Sec. 103. Commission review and comment for covered agency actions.

Sec. 104. Rulemaking to improve interconnection queue flexibility.

Sec. 105. Furnishing of adequate service; advance notice of planned retire-
ments.

Sec. 106. Federal standard relating to large-load customers.

Sec. 107. Regional joint boards to study electric load forecasting.

Sec. 108. PURPA standard on electric load forecasting.

Sec. 109. State energy conservation plans.

Sec. 110. State consideration of reliable generation.

Sec. 111. GAO report on effectiveness of integrated resource planning in ensur-
ing sufficient reliable generation facilities.

Sec. 112. Consideration of effects of State policies on reliable availability of
electric energy.

Sec. 113. Advanced transmission technology.

Sec. 114. Best practices for wildfire mitigation.

Sec. 115. Assessment on use of artificial intelligence and high-performance
computing technologies to enhance bulk-power system.

Sec. 116. Assessment and report on the supply chain for the generation and
transmission of electricity.

TITLE II—ECONOMIC EXPANSION AND JOBS

Sec. 201. Clean Air and Economic Advancement Reform.

Sec. 202. Clean Air and Building Infrastructure Improvement.

Sec. 203. New Source Review Permitting Improvement.

Sec. 204. Supporting critical manufacturing.

Sec. 205. Emissions beyond control.

Sec. 206. Reducing and Eliminating Duplicative Environmental Regulations.

Sec. 207. Air quality monitoring data influenced by exceptional events or ac-
tions to mitigate wildfire risk.

TITLE I—PIPELINES, POWER, AND TRANSMISSION

SEC. 101. PROMOTING INTERAGENCY COORDINATION FOR REVIEW OF NATURAL GAS PIPELINES.

(a) DEFINITIONS.—In this section:

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

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

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

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

(b) COMMISSION NEPA REVIEW RESPONSIBILITIES.—In acting as the lead agency under section 15(b)(1) of the Natural Gas Act for the purposes of complying with the National Environmental Policy Act of

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

6 (1) be the only lead agency;

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

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

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

1 (d) PARTICIPATING AGENCIES.—

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

13 (2) INVITATION.—

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

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

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

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

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

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

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

23 (4) EFFECT OF NON-DESIGNATION.—

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

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

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

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

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

1 (i) consider any comments or other in-
2 formation submitted by such agency for
3 the project-related NEPA review conducted
4 by the Commission; or

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

8 (e) WATER QUALITY IMPACTS.—

9 (1) IN GENERAL.—Notwithstanding section 401
10 of the Federal Water Pollution Control Act (33
11 U.S.C. 1341), an applicant for a Federal authoriza-
12 tion shall not be required to provide a certification
13 under such section with respect to the Federal au-
14 thorization.

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

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

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

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

3 (f) SCHEDULE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **SEC. 102. BEST-AVAILABLE TRANSMISSION CONDUCTOR**
16 **CLASS.**

17 The Federal Power Act is amended by inserting after
18 section 223 (16 U.S.C. 824w) the following:

19 **“SEC. 224. USE OF BEST-AVAILABLE TRANSMISSION CON-**
20 **DUCTORS.**

21 **“(a) USE OF BEST-AVAILABLE TRANSMISSION CON-**
22 **DUCTORS.**—In exercising its authority under sections 205
23 and 206, the Commission shall require that public utilities
24 use transmission conductors that are designated as part

1 of the best-available transmission conductor class when
2 carrying out covered projects.

3 “(b) REGULATIONS.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this section, the Commis-
6 sion shall issue regulations to carry out this section.

7 “(2) INCLUSIONS.—In issuing regulations
8 under paragraph (1), the Commission shall—

9 “(A) establish, in consultation with the
10 Secretary of Energy, a methodology to des-
11 ignate, as part of the best-available trans-
12 mission conductors class, transmission conduc-
13 tors that—

14 “(i) provide the greatest feasible and
15 commercially available energy-carrying ca-
16 pacity at a given voltage level;

17 “(ii) provide the highest feasible and
18 commercially available electrical efficiency
19 at that voltage level; and

20 “(iii) provide the greatest feasible and
21 commercially available level of mechanical
22 performance, taking into account relevant
23 factors, including reliability, safety, and af-
24 fordability;

1 “(B) using such methodology, designate
2 transmission conductors as part of the best-
3 available transmission conductor class;

4 “(C) establish filing requirements for pub-
5 lic utilities to demonstrate compliance with the
6 regulations, including (as applicable) such infor-
7 mation and data the Commission determines
8 necessary to demonstrate project-specific im-
9 pacts described in subparagraph (D); and

10 “(D) provide that the requirement to use
11 transmission conductors that are designated as
12 part of the best-available transmission con-
13 ductor class not apply—

14 “(i) to carrying out any covered
15 project for which a public utility, prior to
16 the date of enactment of this section,
17 has—

18 “(I) filed for any State or Fed-
19 eral permit required to carry out the
20 covered project; or

21 “(II) procured any transmission
22 conductors;

23 “(ii) to the emergency replacement or
24 repair of transmission facilities necessary
25 to restore service following a natural dis-

1 aster, act of terrorism, or other event des-
2 ignated as an emergency by a relevant
3 Federal or State authority;

4 “(iii) if such use would negatively im-
5 pact safety or violate a reliability standard;
6 or

7 “(iv) if the public utility carrying out
8 the covered project demonstrates such use
9 would significantly increase the cost per
10 kilowatt-hour of electricity without pro-
11 viding a material and commensurate in-
12 crease to capacity, efficiency, or mechan-
13 ical performance.

14 “(c) PERIODIC REVIEW AND UPDATES.—The Com-
15 mission may, to reflect improvements in technology, peri-
16 odically review and update—

17 “(1) the methodology for designating trans-
18 mission conductors as part of the best-available
19 transmission conductor class; and

20 “(2) the designation of transmission conductors
21 as part of the best-available transmission conductor
22 class.

23 “(d) DEFINITIONS.—In this section:

24 “(1) BEST-AVAILABLE TRANSMISSION CON-
25 DUCTOR CLASS.—The term ‘best-available trans-

1 mission conductor class’ means a class of trans-
2 mission conductors that are designated as part of
3 the class pursuant to this section.

4 “(2) COMMISSION.—The term ‘Commission’
5 means the Federal Energy Regulatory Commission.

6 “(3) COVERED PROJECT.—The term ‘covered
7 project’ means—

8 “(A) the construction of a new trans-
9 mission facility subject to the jurisdiction of the
10 Commission under section 201(b) that includes
11 a transmission conductor; or

12 “(B) any major (as determined by the
13 Commission) modification, upgrade, replace-
14 ment, or reconductoring of an existing trans-
15 mission conductor subject to such jurisdiction.

16 “(4) RELIABILITY STANDARD.—The term ‘reli-
17 ability standard’ has the meaning given such term in
18 section 215.”.

19 **SEC. 103. COMMISSION REVIEW AND COMMENT FOR COV-**
20 **ERED AGENCY ACTIONS.**

21 Section 215 of the Federal Power Act (16 U.S.C.
22 824o) is amended—

23 (1) in subsection (g)—

24 (A) by striking “The ERO” and inserting
25 the following:

1 “(1) IN GENERAL.—The ERO”; and

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

3 “(2) ANNUAL LONG-TERM ASSESSMENT.—The
4 assessments under paragraph (1) shall include an
5 annual long-term assessment, which shall include—

6 “(A) an analysis of the ability of the bulk-
7 power system to supply sufficient electric en-
8 ergy necessary to maintain an adequate level of
9 reliability, taking into account generation re-
10 source mix, transmission development, and elec-
11 tric energy demand trends;

12 “(B) an analysis of the risk of future elec-
13 tric energy supply shortfalls under normal and
14 extreme weather conditions, and the risk of any
15 such shortfalls within each region of the bulk-
16 power system; and

17 “(C) a determination of whether additional
18 generation resources are necessary to supply
19 sufficient electric energy to maintain an ade-
20 quate level of reliability during the assessment
21 period.

22 “(3) NOTICE OF GENERATION INADEQUACY.—
23 In conducting a long-term assessment under para-
24 graph (2), if the ERO finds that the bulk-power sys-
25 tem is at risk of not having adequate generation re-

1 sources to supply sufficient electric energy to main-
2 tain an adequate level of reliability, the ERO shall
3 publicly notify the Commission that the bulk-power
4 system is in a state of generation inadequacy.

5 “(4) DATA COLLECTION.—To conduct a long-
6 term assessment under paragraph (2), the ERO may
7 collect information and data from users, owners, and
8 operators of the bulk-power system.”;

9 (2) by redesignating subsections (h) through (k)
10 as subsections (i) through (l), respectively; and

11 (3) by inserting after subsection (g) the fol-
12 lowing:

13 “(h) COMMISSION REVIEW AND COMMENT FOR COV-
14 ERED AGENCY ACTIONS.—

15 “(1) NOTICE TO FEDERAL AGENCIES.—If the
16 ERO notifies the Commission under subsection
17 (g)(3) that the bulk-power system is in a state of
18 generation inadequacy, the Commission shall
19 promptly notify the Department of Energy, the En-
20 vironmental Protection Agency, and any other Fed-
21 eral agency the Commission determines appropriate
22 of such state of generation inadequacy.

23 “(2) SUBMISSION.—Upon receiving notice
24 under paragraph (1), the head of each Federal agen-
25 cy that received such notice shall provide to the

1 Commission for review and comment any covered
2 agency action by the Federal agency—

3 “(A) on the first date on which such cov-
4 ered agency action is provided to the Office of
5 Management and Budget or any other Federal
6 agency for review and comment; or

7 “(B) if such covered agency action is not
8 provided to the Office of Management and
9 Budget or any other Federal agency for review
10 and comment, not later than 90 days before the
11 date on which the covered agency action is pub-
12 lished in the Federal Register or is otherwise
13 made available for public inspection or com-
14 ment.

15 “(3) COMMISSION COMMENTS.—The Commis-
16 sion, in consultation with the ERO and transmission
17 organizations, shall, by order, provide to the agency
18 head that provided to the Commission a covered
19 agency action under paragraph (2)—

20 “(A) comments on such covered agency ac-
21 tion, which such comments may include an as-
22 sessment of the effect of the covered agency ac-
23 tion on rates, terms, and conditions for services
24 pursuant to the authority of the Commission
25 under sections 201 and 206; and

1 “(B) if applicable, recommendations for
2 modifications to the covered agency action to
3 prevent a significant negative impact on the
4 ability of the bulk-power system to supply suffi-
5 cient electric energy necessary to maintain an
6 adequate level of reliability.

7 “(4) AGENCY RESPONSE.—The head of a Fed-
8 eral agency may not finalize a covered agency action
9 that is provided to the Commission under paragraph
10 (2) until—

11 “(A) the agency head responds in writing
12 to the Commission with an explanation of how
13 the agency head modified, or why the agency
14 head determined not to modify, such covered
15 agency action in response to any comments and
16 recommendations provided by the Commission
17 under paragraph (3); and

18 “(B) the Commission finds that the cov-
19 ered agency action will not be likely to have a
20 significant negative impact on the ability of the
21 bulk-power system to supply sufficient electric
22 energy necessary to maintain an adequate level
23 of reliability.

24 “(5) PUBLIC AVAILABILITY OF COMMENTS AND
25 RESPONSES.—An agency head shall include any

1 comments, recommendations, and responses for the
2 covered agency action when—

3 “(A) submitting the covered agency action
4 to the Federal Register for publication; or

5 “(B) otherwise making the covered agency
6 action available for public inspection or com-
7 ment.

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

9 “(A) COVERED AGENCY ACTION.—The
10 term ‘covered agency action’ means a regulation
11 that—

12 “(i) relates to, or otherwise directly
13 affects, any generation resource in the
14 bulk-power system; and

15 “(ii) is under development to be pro-
16 posed or otherwise under consideration in
17 a rulemaking prior to finalization on the
18 date on which the Federal agency receives
19 notice from the Commission under para-
20 graph (1).

21 “(B) FEDERAL AGENCY.—The term ‘Fed-
22 eral agency’ means an Executive department
23 (as that term is defined in section 101 of title
24 5, United States Code) or any other Executive
25 agency that is in the President’s cabinet.”.

1 **SEC. 104. RULEMAKING TO IMPROVE INTERCONNECTION**
2 **QUEUE FLEXIBILITY.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Commission shall ini-
5 tiate a rulemaking—

6 (1) to address the inefficiencies and ineffective-
7 ness of existing procedures for processing inter-
8 connection requests to ensure that new dispatchable
9 power projects that improve grid reliability and re-
10 source adequacy can interconnect to the electric grid
11 quickly, cost-effectively, and reliably; and

12 (2) to amend the pro forma Large Generator
13 Interconnection Procedures and, as appropriate, the
14 pro forma Large Generator Interconnection Agree-
15 ment, promulgated pursuant to section 35.28(f) of
16 title 18, Code of Federal Regulations (or successor
17 regulations)—

18 (A) to authorize transmission providers to
19 submit proposals to the Commission to adjust
20 the interconnection queue of the transmission
21 provider to prioritize new dispatchable power
22 projects that will improve grid reliability and
23 resource adequacy by assigning those projects
24 higher positions in the interconnection queue;
25 and

26 (B) to require transmission providers—

1 (i) to provide in any proposal de-
2 scribed in subparagraph (A)—

3 (I) a demonstration of need for
4 prioritization of the relevant projects;
5 and

6 (II) a description of how the
7 prioritization of those projects will im-
8 prove grid reliability or grid resilience;

9 (ii) to provide a process for public
10 comment and stakeholder engagement be-
11 fore a proposal described in subparagraph
12 (A) is submitted to the Commission; and

13 (iii) to provide regular reporting to
14 the Commission on the state of grid reli-
15 ability and grid resilience, including report-
16 ing on any actions taken pursuant to this
17 Act.

18 (b) COMMISSION APPROVAL.—To ensure timely re-
19 sponses to grid reliability concerns, not later than 60 days
20 after a proposal is submitted pursuant to subsection
21 (a)(2), the Commission shall—

22 (1) review the proposal; and

23 (2) approve or deny the proposal.

24 (c) DEADLINE FOR FINAL RULE.—Not later than
25 180 days after the date of enactment of this Act, the Com-

1 mission shall promulgate final regulations to complete the
2 rulemaking initiated under subsection (a).

3 (d) PERIODIC REVIEW.—Not less frequently than
4 once every 5 years, the Commission shall review and, if
5 necessary, update the regulations promulgated under this
6 section to ensure that those regulations remain effective
7 and relevant to evolving grid reliability and grid resilience
8 challenges.

9 (e) DEFINITIONS.—In this section:

10 (1) BULK-POWER SYSTEM.—The term “bulk-
11 power system” has the meaning given the term in
12 section 215(a) of the Federal Power Act (16 U.S.C.
13 824o(a)).

14 (2) COMMISSION.—The term “Commission”
15 means the Federal Energy Regulatory Commission.

16 (3) DISPATCHABLE POWER.—The term
17 “dispatchable power” means an electric energy gen-
18 eration resource capable of providing known and
19 forecastable electric supply in time intervals nec-
20 essary to ensure grid reliability.

21 (4) GRID RELIABILITY.—The term “grid reli-
22 ability” means the ability of the electric grid to de-
23 liver an adequate, secure, and stable flow of elec-
24 tricity in the quantity and with the quality de-
25 manded by users, taking into account the ability of

1 the bulk-power system to withstand sudden disturb-
2 ances.

3 (5) GRID RESILIENCE.—The term “grid resil-
4 ience” means the ability of the electric grid to adapt
5 to changing physical conditions and withstand and
6 rapidly recover from significant disturbances, includ-
7 ing natural disasters, cyber-attacks, and other un-
8 foreseen events.

9 (6) INDEPENDENT SYSTEM OPERATOR.—The
10 term “Independent System Operator” has the mean-
11 ing given the term in section 3 of the Federal Power
12 Act (16 U.S.C. 796).

13 (7) REGIONAL TRANSMISSION ORGANIZATION.—
14 The term “Regional Transmission Organization”
15 has the meaning given the term in section 3 of the
16 Federal Power Act (16 U.S.C. 796).

17 (8) RESOURCE ADEQUACY.—The term “re-
18 source adequacy” means the ability of the electric
19 system to meet the aggregate electrical demand and
20 energy requirements of end-use customers at all
21 times, accounting for scheduled and reasonably ex-
22 pected unscheduled outages of bulk-power system
23 components.

24 (9) TRANSMISSION PROVIDER.—The term
25 “transmission provider” means—

- 1 (A) a public utility (as defined in section
2 201(e) of the Federal Power Act (16 U.S.C.
3 824(e))) that owns, operates, or controls 1 or
4 more transmission facilities;
- 5 (B) an Independent System Operator; and
- 6 (C) a Regional Transmission Organization.

7 **SEC. 105. FURNISHING OF ADEQUATE SERVICE; ADVANCE**
8 **NOTICE OF PLANNED RETIREMENTS.**

9 Section 207 of the Federal Power Act (16 U.S.C.
10 824f) is amended to read as follows:

11 **“SEC. 207. FURNISHING OF ADEQUATE SERVICE; ADVANCE**
12 **NOTICE OF PLANNED RETIREMENTS.**

13 “(a) FURNISHING OF ADEQUATE SERVICE.—

14 “(1) IN GENERAL.—Whenever the Commission,
15 upon complaint of a State commission or a Trans-
16 mission Organization, after notice to each State
17 commission and public utility affected, and after op-
18 portunity for hearing within 90 days of receipt of
19 such complaint, finds that any interstate service of
20 any public utility is inadequate or insufficient, or is
21 likely to become inadequate or insufficient within 5
22 years of receiving such complaint, the Commission
23 shall determine the proper, adequate, or sufficient
24 service to be furnished, and shall fix the same by
25 issuing an order, rule, or regulation.

1 “(2) REQUIREMENTS.—The Commission, in an
2 order, rule, or regulation issued under paragraph
3 (1)—

4 “(A) may not—

5 “(i) compel the enlargement of gener-
6 ating facilities; or

7 “(ii) compel the public utility to sell
8 or exchange electric energy when to do so
9 would impair its ability to render proper,
10 adequate, or sufficient service to its cus-
11 tomers;

12 “(B) may require continuing the operation
13 of an electric generating unit; and

14 “(C) shall determine—

15 “(i) any rate or charge necessary to
16 provide compensation for the additional
17 costs of the proper, adequate, or sufficient
18 service to be furnished, including com-
19 pensation to an owner or operator of an
20 electric generating unit that is required to
21 continue to operate under such order, rule,
22 or regulation; and

23 “(ii) the cost allocation of any rate or
24 charge.

1 “(3) TERM LENGTH.—Except as provided in
2 paragraph (4), an order, rule, or regulation issued
3 under paragraph (1) shall terminate on the date
4 that the Commission determines appropriate, which
5 may not be later than 5 years after the date on
6 which the Commission issues such order, rule, or
7 regulation.

8 “(4) EXTENSION.—

9 “(A) REQUEST FOR EXTENSION.—Not ear-
10 lier than the date that is 180 days prior to the
11 date on which an order, rule, or regulation ter-
12 minates, as determined under paragraph (3),
13 and not later than 60 days prior to such termi-
14 nation date, any affected State commission,
15 Transmission Organization, or public utility
16 may submit to the Commission a request to ex-
17 tend such order, rule, or regulation.

18 “(B) DEADLINE.—With respect to a re-
19 quest submitted under subparagraph (A), the
20 Commission shall—

21 “(i) not later than 14 days after the
22 date on which the Commission receives the
23 request, notify each affected State commis-
24 sion, Transmission Organization, and pub-
25 lic utility of the request;

1 “(ii) provide an opportunity for a
2 hearing on the request before accepting or
3 denying the request under clause (iii); and

4 “(iii) not later than 60 days after the
5 date on which the Commission receives the
6 request—

7 “(I) accept the request and ex-
8 tend the applicable order, rule, or reg-
9 ulation; or

10 “(II) deny the request.

11 “(C) TERM LENGTH.—An order, rule, or
12 regulation extended under subparagraph (B)
13 shall terminate on the date that the Commis-
14 sion determines appropriate, which may not be
15 later than 5 years after the date on which the
16 Commission extended such order, rule, or regu-
17 lation.

18 “(5) TREATMENT OF CERTAIN ACTIONS.—To
19 the extent an omission or action taken by a party,
20 that is necessary to comply with an order, rule, or
21 regulation issued or extended under this subsection,
22 including any omission or action taken to voluntarily
23 comply with such order, rule, or regulation, results
24 in noncompliance with, or causes such party to not
25 comply with, any Federal, State, or local environ-

1 mental law or regulation, such omission or action
2 shall not be considered a violation of such environ-
3 mental law or regulation, or subject such party to
4 any requirement, civil or criminal liability, or a cit-
5 izen suit under such environmental law or regula-
6 tion.

7 “(b) ADVANCE NOTICE OF PLANNED RETIRE-
8 MENTS.—

9 “(1) IN GENERAL.—If an owner or operator of
10 a generating facility plans to retire an electric gener-
11 ating unit that is a component of such facility, such
12 owner or operator shall submit to the Commission
13 and any affected State commission or Transmission
14 Organization a notice of such plan at least 5 years
15 before the date on which such owner or operator
16 plans to retire such electric generating unit.

17 “(2) UNPLANNED RETIREMENTS.—An owner or
18 operator of a generating facility that retires an elec-
19 tric generating unit due to an unplanned catas-
20 trophe, emergency, disaster, or similar event that
21 renders such electric generating unit inoperable is
22 not subject to the notice requirement described in
23 paragraph (1).

1 “(3) PUBLICLY AVAILABLE.—The Commission
2 shall make publicly available each notice submitted
3 under paragraph (1).

4 “(c) DEFINITIONS.—In this section:

5 “(1) BULK-POWER SYSTEM.—The term ‘bulk-
6 power system’ has the meaning given such term in
7 section 215(a).

8 “(2) ELECTRIC GENERATING UNIT.—The term
9 ‘electric generating unit’ means an electric energy
10 producing unit that—

11 “(A) is a component of a generating facil-
12 ity;

13 “(B) has a power production capacity of
14 not less than 5 megawatts; and

15 “(C) is interconnected to the bulk-power
16 system.

17 “(3) RETIRE.—The term ‘retire’, with respect
18 to an electric generating unit, means to, for an in-
19 definite period of time—

20 “(A) idle the electric generating unit;

21 “(B) disconnect the electric generating
22 unit from the bulk-power system; or

23 “(C) otherwise make unavailable for sale
24 all electric energy that is generated by the elec-
25 tric generating unit.”.

1 **SEC. 106. FEDERAL STANDARD RELATING TO LARGE-LOAD**
2 **CUSTOMERS.**

3 (a) FEDERAL STANDARD RELATING TO LARGE-LOAD
4 CUSTOMERS.—Section 111(d) of the Public Utility Regu-
5 latory Policies Act of 1978 (16 U.S.C. 2621(d)) is amend-
6 ed by adding at the end the following:

7 “(22) STANDARDS FOR LARGE-LOAD CUS-
8 TOMERS.—

9 “(A) RECOVERY OF FULL, INCREMENTAL
10 COST OF UPGRADES.—A rate charged, or en-
11 tered into, by an electric utility for providing
12 electric service to a large-load customer shall be
13 designed to recover from the large-load cus-
14 tomer the full, incremental cost of any genera-
15 tion, transmission, or distribution upgrade nec-
16 essary to serve the load of such large-load cus-
17 tomer, including in the event of such large-load
18 customer terminating a contract or other agree-
19 ment with the electric utility pertaining to the
20 sale of electric energy, or otherwise ceasing the
21 purchase of electric energy from the electric
22 utility.

23 “(B) FINANCIAL ASSURANCES AND CON-
24 TRIBUTIONS.—Before making any generation,
25 transmission, or distribution upgrade that is
26 necessary to serve the load of a large-load cus-

1 tomer, an electric utility shall require the large-
2 load customer provide to the electric utility fi-
3 nancial assurances or contributions to cover the
4 cost of such upgrade.

5 “(C) LARGE-LOAD CUSTOMER DEFINED.—

6 In this paragraph, the term ‘large-load cus-
7 tomer’ means a non-residential electric con-
8 sumer that, on or after the date of the enact-
9 ment of this paragraph, requests to enter into,
10 or enters into, a contract or other agreement
11 pertaining to the sale of electric energy for one
12 or more facilities that—

13 “(i) require electric energy primarily
14 to operate information technology infra-
15 structure and related systems pertaining to
16 data storage and computational applica-
17 tions and services; and

18 “(ii) have, in the aggregate, a peak
19 electric demand of 100 megawatts or more
20 at a single site or campus.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) OBLIGATIONS TO CONSIDER AND DETER-
23 MINE.—Section 112 of the Public Utility Regulatory
24 Policies Act of 1978 (16 U.S.C. 2622) is amended—

1 (A) in subsection (b), by adding at the end
2 the following:

3 “(9)(A) Not later than 1 year after the date of
4 enactment of this paragraph, each State regulatory
5 authority (with respect to each electric utility for
6 which the State has ratemaking authority) and each
7 nonregulated electric utility shall commence consid-
8 eration under section 111, or set a hearing date for
9 consideration, with respect to the standard estab-
10 lished by paragraph (22) of section 111(d).

11 “(B) Not later than 2 years after the date of
12 enactment of this paragraph, each State regulatory
13 authority (with respect to each electric utility for
14 which the State has ratemaking authority) and each
15 nonregulated electric utility shall complete the con-
16 sideration and make the determination under section
17 111 with respect to the standard established by
18 paragraph (22) of section 111(d).”;

19 (B) in subsection (c)—

20 (i) by striking “subsection (b)(2)” and
21 inserting “subsection (b)”; and

22 (ii) by inserting “In the case of the
23 standard established by paragraph (22) of
24 section 111(d), the reference contained in
25 this subsection to the date of enactment of

1 this Act shall be deemed to be a reference
2 to the date of enactment of that paragraph
3 (22).” after “paragraph (21).”; and

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

5 “(i) OTHER PRIOR STATE ACTIONS.—Subsections
6 (b) and (c) shall not apply to the standard established by
7 paragraph (22) of section 111(d) in the case of any elec-
8 tric utility in a State if, before the date of enactment of
9 this subsection—

10 “(1) the State has implemented for the electric
11 utility the standard (or a comparable standard);

12 “(2) the State regulatory authority for the
13 State or the relevant nonregulated electric utility has
14 conducted a proceeding to consider implementation
15 of the standard (or a comparable standard) for the
16 electric utility; or

17 “(3) the State legislature has voted on the im-
18 plementation of the standard (or a comparable
19 standard) for the electric utility.”.

20 (2) PRIOR AND PENDING PROCEEDINGS.—Sec-
21 tion 124 of the Public Utility Regulatory Policies
22 Act of 1978 (16 U.S.C. 2634) is amended by adding
23 at the end the following: “In the case of the stand-
24 ard established by paragraph (22) of section 111(d),
25 the reference contained in this section to the date of

1 enactment of this Act shall be deemed to be a ref-
2 erence to the date of enactment of that paragraph
3 (22).”.

4 **SEC. 107. REGIONAL JOINT BOARDS TO STUDY ELECTRIC**
5 **LOAD FORECASTING.**

6 (a) IN GENERAL.—

7 (1) ESTABLISHMENT.—Not later than 90 days
8 after the date of enactment of this Act, the Federal
9 Energy Regulatory Commission shall establish—

10 (A) regions determined appropriate by the
11 Commission for purposes of studying electric
12 load forecasting; and

13 (B) a joint board for each such region.

14 (2) REGIONS.—In carrying out paragraph (1),
15 the Commission shall ensure that each State is in-
16 cluded in a region established under such paragraph.

17 (b) MEMBERSHIP.—Each joint board established
18 under this section shall be composed of—

19 (1) 1 representative from each State commis-
20 sion in the region for which the joint board is estab-
21 lished; and

22 (2) 1 member of the Commission, who shall
23 serve as chair of the joint board.

24 (c) DUTIES.—Each joint board established under this
25 section shall—

1 (1) study issues relevant to identifying best
2 practices for electric load forecasting that enhance
3 the reliability and affordability of electric service to
4 customers in the region for which the joint board is
5 established, including, with respect to the region for
6 which the joint board is established—

7 (A) the effects of electric load forecasting
8 on the affordability of electric service;

9 (B) the reliability and resilience of electric
10 service;

11 (C) the methods used for collecting and
12 modeling data relating to electric load fore-
13 casting;

14 (D) the transparency of the data and
15 methodologies used to forecast electric loads
16 and the accuracy of such forecasts;

17 (E) stakeholder engagement relating to
18 electric load forecasting;

19 (F) economic development projections that
20 may affect the electric load;

21 (G) the best available technologies, meth-
22 odologies, and procedures for forecasting elec-
23 tric loads; and

24 (H) an evaluation of requests for electric
25 service by industrial or commercial facilities

1 with large loads, including whether such facili-
2 ties have made financial commitments to an
3 electric utility;

4 (2) identify such best practices; and

5 (3) report on such best practices to the Com-
6 mission.

7 (d) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of enactment of this Act, the Commission
9 shall publish and submit to Congress a report that in-
10 cludes—

11 (1) the best practices reported under subsection
12 (c); and

13 (2) recommendations for the consistent use
14 across States of any such best practices by electric
15 utilities.

16 (e) TERMINATION.—Each joint board established
17 under this section shall terminate on the day after the date
18 on which the Commission submits the report under sub-
19 section (d).

20 (f) DEFINITIONS.—In this section, the terms “elec-
21 tric utility”, “State”, and “State commission” have the
22 meanings given such terms, respectively, in section 3 of
23 the Federal Power Act (16 U.S.C. 796).

1 **SEC. 108. PURPA STANDARD ON ELECTRIC LOAD FORE-**
2 **CASTING.**

3 (a) IN GENERAL.—Section 111 of the Public Utility
4 Regulatory Policies Act of 1978 (16 U.S.C. 2621) is fur-
5 ther amended—

6 (1) in subsection (d), by adding at the end the
7 following:

8 “(23) ELECTRIC LOAD FORECASTING.—The
9 procedures used to forecast electric loads shall incor-
10 porate the recommendations published in the report
11 of the Federal Energy Regulatory Commission pur-
12 suant to section 107 of the Permitting Our Way to
13 an Energy Resurgence Act.”; and

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

15 “(e) CONSIDERATION AND DETERMINATION BY NON-
16 REGULATED ELECTRIC UTILITIES.—The requirement for
17 consideration and determination referred to in the first
18 sentence of subsection (a) shall not apply to a nonregu-
19 lated electric utility with respect to the standard estab-
20 lished by paragraph (23) of subsection (d).”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) OBLIGATIONS TO CONSIDER AND DETER-
23 MINE.—Section 112 of the Public Utility Regulatory
24 Policies Act of 1978 (16 U.S.C. 2622) is further
25 amended—

1 (A) in subsection (b), by adding at the end
2 the following:

3 “(10)(A) Not later than 1 year after the date
4 of enactment of this paragraph, each State regu-
5 latory authority (with respect to each electric utility
6 for which the State has ratemaking authority) shall
7 commence consideration under section 111, or set a
8 hearing date for consideration, with respect to the
9 standard established by paragraph (23) of section
10 111(d).

11 “(B) Not later than 2 years after the date of
12 enactment of this paragraph, each State regulatory
13 authority (with respect to each electric utility for
14 which the State has ratemaking authority) shall
15 complete the consideration and make the determina-
16 tion under section 111 with respect to the standard
17 established by paragraph (23) of section 111(d).”;

18 (B) in subsection (c), by adding at the end
19 the following: “In the case of the standard es-
20 tablished by paragraph (23) of section 111(d),
21 the reference contained in this subsection to the
22 date of enactment of this Act shall be deemed
23 to be a reference to the date of enactment of
24 that paragraph (23).”; and

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

1 “(j) OTHER PRIOR STATE ACTIONS.—Subsections
2 (b) and (c) shall not apply to the standard established by
3 paragraph (23) of section 111(d) in the case of any State
4 regulated electric utility in a State if, before the date of
5 enactment of this subsection—

6 “(1) the State has implemented for the State
7 regulated electric utility the standard (or a com-
8 parable standard);

9 “(2) the State regulatory authority for the
10 State has conducted a proceeding to consider imple-
11 mentation of the standard (or a comparable stand-
12 ard) for the State regulated electric utility; or

13 “(3) the State legislature has voted on the im-
14 plementation of the standard (or a comparable
15 standard) for the State regulated electric utility dur-
16 ing the 3-year period ending on that date of enact-
17 ment.”.

18 (2) PRIOR AND PENDING PROCEEDINGS.—Sec-
19 tion 124 of the Public Utility Regulatory Policies
20 Act of 1978 (16 U.S.C. 2634) is further amended by
21 adding at the end the following: “In the case of the
22 standard established by paragraph (23) of section
23 111(d), the reference contained in this section to the
24 date of enactment of this Act shall be deemed to be

1 a reference to the date of enactment of paragraph
2 (23).”.

3 **SEC. 109. STATE ENERGY CONSERVATION PLANS.**

4 Section 362(c) of the Energy Policy and Conservation
5 Act (42 U.S.C. 6322(c)) is amended—

6 (1) in paragraph (6), by striking “and” at the
7 end;

8 (2) in paragraph (7), by striking the period at
9 the end and inserting “; and”; and

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

11 “(8) procedures and programs to improve the
12 accuracy, oversight, and transparency to stake-
13 holders of the forecasting of electric loads by electric
14 utilities (as such term is defined in section 3 of the
15 Federal Power Act (16 U.S.C. 796)).”.

16 **SEC. 110. STATE CONSIDERATION OF RELIABLE GENERA-**
17 **TION.**

18 (a) IN GENERAL.—Section 111(d) of the Public Util-
19 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
20 is further amended by adding at the end the following:

21 “(24) ENSURING ELECTRIC RELIABILITY WITH
22 RELIABLE GENERATION FACILITIES.—

23 “(A) IN GENERAL.—Each State regulated
24 electric utility that employs integrated resource
25 planning shall establish, as part of such inte-

1 grated resource planning, measures, sufficient
2 to ensure the reliable availability of electric en-
3 ergy over a 10-year period, to maintain—

4 “(i) the operation of reliable genera-
5 tion facilities; or

6 “(ii) the procurement of electric en-
7 ergy from reliable generation facilities.

8 “(B) RELIABLE GENERATION FACILITY
9 DEFINED.—In this paragraph, the term ‘reli-
10 able generation facility’ means an electric gen-
11 eration facility that ensures the reliable avail-
12 ability of electric energy by—

13 “(i) having operational characteristics
14 to enable the generation of electric energy
15 on a continuous basis for a period of not
16 fewer than 30 days;

17 “(ii) having—

18 “(I) adequate fuel, or a continu-
19 ously available energy source, on-site
20 to enable the generation of electric en-
21 ergy on a continuous basis for a pe-
22 riod of not fewer than 30 days; or

23 “(II) contractual obligations that
24 ensure adequate fuel supply to achieve
25 the generation of electric energy on a

1 continuous basis for a period of not
2 fewer than 30 days;

3 “(iii) having operational characteris-
4 tics to enable the generation of electric en-
5 ergy during emergency and severe weather
6 conditions; and

7 “(iv) providing essential services re-
8 lated to the reliable availability of electric
9 energy, including frequency support and
10 voltage support.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) OBLIGATIONS TO CONSIDER AND DETER-
13 MINE.—Section 112 of the Public Utility Regulatory
14 Policies Act of 1978 (16 U.S.C. 2622) is further
15 amended—

16 (A) in subsection (b), by adding at the end
17 the following:

18 “(11)(A) Not later than 1 year after the date
19 of enactment of this paragraph, each State regu-
20 latory authority (with respect to each State regu-
21 lated electric utility for which the State has rate-
22 making authority) shall commence consideration
23 under section 111, or set a hearing date for consid-
24 eration, with respect to the standard established by
25 paragraph (24) of section 111(d).

1 “(B) Not later than 2 years after the date of
2 enactment of this paragraph, each State regulatory
3 authority (with respect to each State regulated elec-
4 tric utility for which the State has ratemaking au-
5 thority) shall complete the consideration and make
6 the determination under section 111 with respect to
7 the standard established by paragraph (24) of sec-
8 tion 111(d).”;

9 (B) in subsection (c), by adding at the end
10 the following: “In the case of the standard es-
11 tablished by paragraph (24) of section 111(d),
12 the reference contained in this subsection to the
13 date of enactment of this Act shall be deemed
14 to be a reference to the date of enactment of
15 that paragraph (24).”; and

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

17 “(k) OTHER PRIOR STATE ACTIONS.—Subsections
18 (b) and (c) shall not apply to the standard established by
19 paragraph (24) of section 111(d) in the case of any State
20 regulated electric utility in a State if, before the date of
21 enactment of this subsection—

22 “(1) the State has implemented for the State
23 regulated electric utility the standard (or a com-
24 parable standard);

1 “(2) the State regulatory authority for the
2 State has conducted a proceeding to consider imple-
3 mentation of the standard (or a comparable stand-
4 ard) for the State regulated electric utility; or

5 “(3) the State legislature has voted on the im-
6 plementation of the standard (or a comparable
7 standard) for the State regulated electric utility dur-
8 ing the 3-year period ending on that date of enact-
9 ment.”.

10 (2) PRIOR AND PENDING PROCEEDINGS.—Sec-
11 tion 124 of the Public Utility Regulatory Policies
12 Act of 1978 (16 U.S.C. 2634) is further amended by
13 adding at the end the following: “In the case of the
14 standard established by paragraph (24) of section
15 111(d), the reference contained in this section to the
16 date of enactment of this Act shall be deemed to be
17 a reference to the date of enactment of that para-
18 graph (24).”.

19 **SEC. 111. GAO REPORT ON EFFECTIVENESS OF INTE-**
20 **GRATED RESOURCE PLANNING IN ENSURING**
21 **SUFFICIENT RELIABLE GENERATION FACILI-**
22 **TIES.**

23 (a) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Comptroller General of the
25 United States shall submit to Congress a report on the

1 effectiveness of integrated resource planning employed by
2 State regulated electric utilities prior to the implementa-
3 tion of section 111(d)(24) of the Public Utility Regulatory
4 Policies Act of 1978, as added by this Act, in ensuring
5 sufficient reliable generation facilities to maintain the reli-
6 ability, stability, and affordability of electric service for
7 electric consumers.

8 (b) DEFINITIONS.—In this section:

9 (1) ELECTRIC CONSUMER; INTEGRATED RE-
10 SOURCE PLANNING; STATE REGULATED ELECTRIC
11 UTILITY.—The terms “electric consumer”, “inte-
12 grated resource planning”, and “State regulated
13 electric utility” have the meanings given such terms,
14 respectively, in section 3 of the Public Utility Regu-
15 latory Policies Act of 1978 (16 U.S.C. 2602).

16 (2) RELIABLE GENERATION FACILITY.—The
17 term “reliable generation facility” has the meaning
18 given such term in section 111(d)(24) of the Public
19 Utility Regulatory Policies Act of 1978, as added by
20 this Act.

1 **SEC. 112. CONSIDERATION OF EFFECTS OF STATE POLI-**
2 **CIES ON RELIABLE AVAILABILITY OF ELEC-**
3 **TRIC ENERGY.**

4 Section 111(d) of the Public Utility Regulatory Poli-
5 cies Act of 1978 (16 U.S.C. 2621(d)) is amended by add-
6 ing at the end the following:

7 “(25) EVALUATION OF EFFECTS OF STATE
8 POLICIES ON RELIABLE AVAILABILITY OF ELECTRIC
9 ENERGY.—

10 “(A) IN GENERAL.—Each State regulatory
11 authority that implements an intermittent en-
12 ergy policy shall conduct, and make publicly
13 available, a general evaluation of—

14 “(i) the effects of implementing the
15 intermittent energy policy on the reliability
16 of the bulk-power system in the State, in-
17 cluding an assessment of the adequacy of
18 available electric energy resources over a
19 10-year period;

20 “(ii) the ability of electric energy re-
21 sources that comply with the requirements
22 of the intermittent energy policy to meet
23 electric energy demand during emer-
24 gencies, periods of high demand, or ex-
25 treme weather events;

1 “(iii) the effects of implementing the
2 intermittent energy policy on rates charged
3 by electric utilities;

4 “(iv) whether reliable generation fa-
5 cilities that are removed from service in
6 order to comply with the requirements of
7 the intermittent energy policy can be re-
8 placed with sufficient electric generation
9 facilities meeting such requirements, which
10 have a capacity accreditation that is equiv-
11 alent to the capacity accreditation of the
12 removed facilities, to maintain the reli-
13 ability of the bulk-power system in the
14 State; and

15 “(v) the extent to which implementa-
16 tion of the intermittent energy policy re-
17 quires electric utilities in the State to use
18 replacement electric energy supplies that
19 are generated by reliable generation facili-
20 ties located outside the State in order to
21 maintain the reliability of the bulk-power
22 system in the State.

23 “(B) PRIOR STATE ACTIONS.—Notwith-
24 standing section 124 and paragraphs (1) and
25 (2) of section 112(a), each State regulatory au-

1 thority shall consider and make a determination
2 concerning the standard set out in subpara-
3 graph (A) in accordance with the requirements
4 of subsections (a) and (b) of this section, with-
5 out regard to any proceedings commenced prior
6 to the enactment of this paragraph.

7 “(C) TIME LIMITATION.—Notwithstanding
8 subsections (b) and (c) of section 112, each
9 State regulatory authority shall consider and
10 make a determination concerning whether it is
11 appropriate to implement the standard set out
12 in subparagraph (A) not later than 1 year after
13 the date of enactment of this paragraph.

14 “(D) PUBLIC AVAILABILITY.—A State reg-
15 ulatory authority that has made a determina-
16 tion concerning whether to implement, and is
17 implementing, the standard set out in subpara-
18 graph (A) shall make publicly available the gen-
19 eral evaluation described in such subpara-
20 graph—

21 “(i) if the applicable State has adopt-
22 ed an intermittent energy policy before the
23 date on which the State regulatory author-
24 ity makes such determination, not later

1 than 1 year after such date of determina-
2 tion; and

3 “(ii) if the applicable State adopts an
4 intermittent energy policy after the date on
5 which the State regulatory authority makes
6 such determination, not later than 1 year
7 after the date of such adoption.

8 “(E) DEFINITIONS.—In this paragraph:

9 “(i) BULK-POWER SYSTEM.—The
10 term ‘bulk-power system’ has the meaning
11 given that term in section 215 of the Fed-
12 eral Power Act (16 U.S.C. 824o).

13 “(ii) INTERMITTENT ENERGY POL-
14 ICY.—The term ‘intermittent energy policy’
15 means any requirement of a State, en-
16 forced by a State regulatory authority,
17 that a State regulated electric utility en-
18 sure that a specified portion of the electric
19 energy sold by such electric utility is gen-
20 erated by facilities that are not reliable
21 generation facilities.

22 “(iii) RELIABLE GENERATION FACIL-
23 ITY.—The term ‘reliable generation facil-
24 ity’ means an electric generation facility

1 that ensures the reliable availability of
2 electric energy by—

3 “(I) having operational charac-
4 teristics to enable the generation of
5 electric energy on a continuous basis
6 for a period of not fewer than 30
7 days;

8 “(II) having—

9 “(aa) adequate fuel, or a
10 continuously available energy
11 source, on-site to enable the gen-
12 eration of electric energy on a
13 continuous basis for a period of
14 not fewer than 30 days; or

15 “(bb) contractual obligations
16 that ensure adequate fuel supply
17 to achieve the generation of elec-
18 tric energy on a continuous basis
19 for a period of not fewer than 30
20 days;

21 “(III) having operational charac-
22 teristics to enable the generation of
23 electric energy during emergency and
24 severe weather conditions; and

1 “(IV) providing essential services
2 related to the reliable availability of
3 electric energy, including frequency
4 support and voltage support.”.

5 **SEC. 113. ADVANCED TRANSMISSION TECHNOLOGY.**

6 (a) CLEARINGHOUSE; TECHNICAL ASSISTANCE.—
7 Section 1223 of the Energy Policy Act of 2005 (42 U.S.C.
8 16422) is amended by adding at the end the following:

9 “(c) CLEARINGHOUSE; TECHNICAL ASSISTANCE.—

10 “(1) CLEARINGHOUSE FOR ADVANCED TRANS-
11 MISSION TECHNOLOGY.—Not later than 1 year after
12 the date of enactment of this subsection, the Sec-
13 retary shall establish and maintain a publicly avail-
14 able clearinghouse that includes—

15 “(A) a list of projects, and activities, car-
16 ried out or funded by the Department relating
17 to advanced transmission technology;

18 “(B) a list of authorities relating to finan-
19 cial assistance available for the deployment of
20 advanced transmission technology;

21 “(C) analyses of the effects of deploying
22 advanced transmission technology on the effi-
23 cient transmission of electricity, including anal-
24 yses of any—

25 “(i) expanded transmission capacity;

1 “(ii) reduction of transmission conges-
2 tion;

3 “(iii) optimized use of transmission
4 infrastructure;

5 “(iv) improvement to the visibility of
6 the electric grid and automation of key
7 processes relating to the transmission of
8 electricity; and

9 “(v) such effects due to the projects
10 and activities described in subparagraph
11 (A);

12 “(D) analyses of any costs and benefits ac-
13 crued to electric utilities and ratepayers due to
14 the deployment of advanced transmission tech-
15 nology; and

16 “(E) analyses of how geography or weather
17 affect the cost-effective deployment and utiliza-
18 tion of advanced transmission technologies.

19 “(2) TECHNICAL ASSISTANCE.—

20 “(A) ELECTRIC UTILITIES.—Upon the re-
21 quest of an electric utility, the Secretary may
22 provide technical assistance to the electric util-
23 ity for the purpose of using the clearinghouse
24 established under paragraph (1) and accessing

1 financial assistance identified under subpara-
2 graph (B) of such paragraph.

3 “(B) TRANSMISSION ORGANIZATIONS.—
4 Upon the request of a transmission organiza-
5 tion, the Secretary may provide technical assist-
6 ance to the transmission organization for the
7 purpose of including advanced transmission
8 technologies in the transmission planning prac-
9 tices of the transmission organization.

10 “(C) STATE REGULATORY AUTHORITIES.—
11 Upon the request of a State regulatory author-
12 ity, the Secretary may provide technical assist-
13 ance to the State regulatory authority for the
14 purpose of developing a regulatory framework
15 for advanced transmission technologies in the
16 applicable State and carrying out a cost-benefit
17 analysis of the deployment and utilization of ad-
18 vanced transmission technologies in the applica-
19 ble State.

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

21 “(A) ELECTRIC UTILITY.—The term ‘elec-
22 tric utility’ has the meaning given such term in
23 section 3 of the Federal Power Act (16 U.S.C.
24 796).

1 “(B) TRANSMISSION ORGANIZATION.—The
2 term ‘transmission organization’ has the mean-
3 ing given such term in section 215(a) of the
4 Federal Power Act (16 U.S.C. 824o(a)).

5 “(C) STATE REGULATORY AUTHORITY.—
6 The term ‘State regulatory authority’ has the
7 meaning given such term in section 3 of the
8 Public Utility Regulatory Policies Act of 1978
9 (16 U.S.C. 2602).

10 “(4) SAVINGS.—Nothing in this subsection pro-
11 vides authority for the Secretary or the Federal En-
12 ergy Regulatory Commission to require an electric
13 utility to use any advanced transmission tech-
14 nology.”.

15 (b) STATE ENERGY CONSERVATION PLANS.—Section
16 362(d) of the Energy Policy and Conservation Act (42
17 U.S.C. 6322(d)) is amended—

18 (1) in paragraph (17), by striking “and” at the
19 end;

20 (2) in paragraph (18), by striking the period at
21 the end and inserting “; and”; and

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

23 “(19) programs to facilitate the deployment of
24 advanced transmission technology (as such term is

1 defined in section 1223 of the Energy Policy Act of
2 2005 (42 U.S.C. 16422)).”.

3 (c) EXEMPTION OF ACTIONS RELATING TO AD-
4 VANCED TRANSMISSION TECHNOLOGY FROM NEPA.—

5 (1) EXEMPTION.—A covered action may not be
6 considered a major Federal action under section
7 102(2)(C) of the National Environmental Policy Act
8 of 1969 (42 U.S.C. 4332(2)(C)).

9 (2) COVERED ACTION DEFINED.—In this sec-
10 tion, the term “covered action” means the provision
11 of funding by the Secretary, including a loan, a
12 grant, or a cooperative agreement, for the deploy-
13 ment of advanced transmission technology (as such
14 term is defined in section 1223(a) of the Energy
15 Policy Act of 2005 (42 U.S.C. 16422(a))).

16 **SEC. 114. BEST PRACTICES FOR WILDFIRE MITIGATION.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Secretary of Energy
19 shall establish, within the Office of Electricity and in con-
20 sultation with electric utilities, the electric reliability orga-
21 nization, and transmission organizations, best practices
22 that electric utilities may use to reduce the risk of wildfire
23 ignition from the bulk-power system.

1 (b) REQUIRED INCLUSIONS.—The best practices es-
2 tablished pursuant to subsection (a) shall include practices
3 for—

4 (1) vegetation management and removal of for-
5 est-hazardous fuels along transmission lines;

6 (2) improved engineering approaches to reduce
7 the risk of wildfire ignition from the bulk-power sys-
8 tem; and

9 (3) safer operational practices to reduce the
10 risk of wildfire ignition from the bulk-power system.

11 (c) DEFINITIONS.—In this section:

12 (1) BULK-POWER SYSTEM.—The term “bulk-
13 power system” has the meaning given such term in
14 section 215(a) of the Federal Power Act (16 U.S.C.
15 824o(a)).

16 (2) ELECTRIC RELIABILITY ORGANIZATION.—
17 The term “electric reliability organization” has the
18 meaning given such term in section 215(a) of the
19 Federal Power Act (16 U.S.C. 824o(a)).

20 (3) ELECTRIC UTILITY.—The term “electric
21 utility” has the meaning given such term in section
22 3 of the Federal Power Act (16 U.S.C. 796).

23 (4) TRANSMISSION ORGANIZATION.—The term
24 “transmission organization” has the meaning given

1 such term in section 215(a) of the Federal Power
2 Act (16 U.S.C. 824o(a)).

3 (d) SAVINGS.—Nothing in this section provides au-
4 thority for the Secretary or the Federal Energy Regu-
5 latory Commission to require an electric utility to use any
6 best practice established pursuant to subsection (a).

7 **SEC. 115. ASSESSMENT ON USE OF ARTIFICIAL INTEL-**
8 **LIGENCE AND HIGH-PERFORMANCE COM-**
9 **PUTING TECHNOLOGIES TO ENHANCE BULK-**
10 **POWER SYSTEM.**

11 (a) ASSESSMENT.—Not later than 90 days after the
12 date of enactment of this Act, the Secretary of Energy,
13 in consultation with the Federal Energy Regulatory Com-
14 mission and the Electric Reliability Organization, shall
15 conduct an assessment on the use of artificial intelligence
16 and high-performance computing technologies, including
17 an assessment of the employment of probabilistic oper-
18 ating techniques by artificial intelligence and high-per-
19 formance computing technologies, to enhance the capacity,
20 reliable operation, and operational efficiency of the bulk-
21 power system.

22 (b) MATTERS.—The assessment conducted under
23 subsection (a) shall include an assessment of—

24 (1) the current applications, and levels of adop-
25 tion, of artificial intelligence and high-performance

1 computing technologies with respect to the operation
2 of the bulk-power system; and

3 (2) any technical, regulatory, cybersecurity, or
4 operational limitation affecting such adoption.

5 (c) REPORT.—Not later than one year after the date
6 of enactment of this Act, the Secretary of Energy shall
7 submit to the Committee on Energy and Commerce of the
8 House of Representatives and the Committee on Energy
9 and Natural Resources of the Senate a report on the as-
10 sessment conducted under subsection (a), including rec-
11 ommendations to—

12 (1) overcome any limitation assessed under sub-
13 section (b)(2); and

14 (2) facilitate the adoption and integration of ar-
15 tificial intelligence and high-performance computing
16 technologies with respect to the operation of the
17 bulk-power system.

18 (d) DEFINITIONS.—In this section, the terms “bulk-
19 power system”, “Electric Reliability Organization”, and
20 “reliable operation” have the meanings given those terms
21 in section 215(a) of the Federal Power Act (16 U.S.C.
22 824o(a)).

1 **SEC. 116. ASSESSMENT AND REPORT ON THE SUPPLY**
2 **CHAIN FOR THE GENERATION AND TRANS-**
3 **MISSION OF ELECTRICITY.**

4 (a) ASSESSMENT.—In carrying out the requirements
5 of the Department of Energy Organization Act (42 U.S.C.
6 7101 et seq.), the Secretary shall, for purposes of moni-
7 toring the supply chain for the generation and trans-
8 mission of electricity and in consultation with relevant
9 stakeholders, prepare periodic assessments on such supply
10 chain that—

11 (1) include information on—

12 (A) efforts and opportunities to strength-
13 en, secure, and expand such supply chain, in-
14 cluding with respect to overcoming obstacles to
15 broader deployment of advanced transmission
16 technologies, including advanced conductors and
17 other technologies that can be installed to in-
18 crease the transfer capacity, efficiency, afford-
19 ability, reliability, or resiliency of transmission
20 infrastructure;

21 (B) any trends, risks, and vulnerabilities in
22 the supply, demand, and availability of compo-
23 nents for or related to generating or transmit-
24 ting electricity, including components that are
25 necessary for the construction or deployment of
26 facilities that generate or transmit electricity or

1 can support advanced transmission tech-
2 nologies, including advanced conductors and
3 other technologies that can be installed to in-
4 crease the transfer capacity, efficiency, afford-
5 ability, reliability, or resiliency of transmission
6 infrastructure;

7 (C) national security and energy security
8 considerations for strengthening, securing, and
9 expanding such supply chain, including efforts
10 of any foreign entity of concern to exploit sup-
11 ply chain disruptions for the purposes of under-
12 mining United States leadership in artificial in-
13 telligence development;

14 (D) barriers to expanding the capacity
15 to—

16 (i) manufacture, deliver, and install
17 components for or related to generating or
18 transmitting electricity in the United
19 States; and

20 (ii) process critical materials in the
21 United States;

22 (E) domestic policies that deter or other-
23 wise inhibit greater investment into such supply
24 chain;

1 (F) the effects of any reliance of the
2 United States on any foreign entity of concern
3 for—

4 (i) components for or related to gener-
5 ating or transmitting electricity; and

6 (ii) the exploration, development, or
7 production of critical materials necessary
8 for manufacturing such components;

9 (G) workforce challenges affecting such
10 supply chain;

11 (H) any vulnerabilities from the employ-
12 ment of any non-United States citizen at a fa-
13 cility located in the United States that gen-
14 erates or transmits electricity; and

15 (I) opportunities to expand participation in
16 the workforce supporting such supply chain by
17 veterans, transitioning servicemembers, and
18 military spouses, including any barriers to entry
19 in such workforce and opportunities for en-
20 hanced Federal coordination;

21 (2) identify emerging issues in such supply
22 chain; and

23 (3) include recommendations to—

24 (A) address any emerging issues identified
25 under paragraph (2); and

1 (B) secure and expand such supply chain.

2 (b) REPORT.—Not later than one year after the date
3 of enactment of this Act, and periodically thereafter, the
4 Secretary shall submit to the appropriate committees of
5 Congress a report on the most recent assessment prepared
6 under subsection (a).

7 (c) DEFINITIONS.—In this section:

8 (1) APPROPRIATE COMMITTEES OF CON-
9 GRESS.—The term “appropriate committees of Con-
10 gress” means—

11 (A) the Committee on Energy and Com-
12 merce of the House of Representatives; and

13 (B) the Committee on Energy and Natural
14 Resources of the Senate.

15 (2) CRITICAL MATERIAL.—The term “critical
16 material” has the meaning given such term in sec-
17 tion 7002(a) of the Energy Act of 2020 (30 U.S.C.
18 1606(a)).

19 (3) ELECTRIC RELIABILITY ORGANIZATION.—
20 The term “Electric Reliability Organization” has the
21 meaning given such term in section 215(a) of the
22 Federal Power Act (42 U.S.C. 824o(a)).

23 (4) ELECTRIC UTILITY.—The term “electric
24 utility” has the meaning given such term in section
25 3 of the Federal Power Act (16 U.S.C. 796).

1 (5) FOREIGN ENTITY OF CONCERN.—The term
2 “foreign entity of concern” has the meaning given
3 such term in section 40207(a) of the Infrastructure
4 Investment and Jobs Act (42 U.S.C. 18741(a)).

5 (6) RELEVANT STAKEHOLDER.—The term “rel-
6 evant stakeholder”—

7 (A) means a stakeholder that is involved
8 in—

9 (i) the generation, storage, trans-
10 mission, or distribution of electricity; or

11 (ii) the supply chain for such genera-
12 tion, storage, transmission, or distribution;
13 and

14 (B) includes an electric utility, an electric
15 grid component manufacturer, a person who
16 constructs an electric generating facility, an
17 electric power system cybersecurity expert, the
18 Electric Reliability Organization, a ratepayer
19 advocacy stakeholder, and any other related pri-
20 vate sector stakeholder.

21 (7) SECRETARY.—The term “Secretary” means
22 the Secretary of Energy.

TITLE II—ECONOMIC EXPANSION AND JOBS

SEC. 201. CLEAN AIR AND ECONOMIC ADVANCEMENT RE- FORM.

(a) FACILITATING STATE IMPLEMENTATION OF NA-
TIONAL AMBIENT AIR QUALITY STANDARDS.—

(1) TIMELINE FOR REVIEW OF NATIONAL AMBI-
ENT AIR QUALITY STANDARDS.—Paragraphs (1) and
(2)(B) of section 109(d) of the Clean Air Act (42
U.S.C. 7409(d)) are amended by striking “five-year
intervals” each place it appears and inserting “10-
year intervals”.

(2) CONSIDERATION OF ATTAINABILITY.—Sec-
tion 109(b)(1) of the Clean Air Act (42 U.S.C.
7409(b)(1)) is amended by inserting after the first
sentence the following: “If the Administrator, in
consultation with the independent scientific review
committee appointed under subsection (d), finds that
a range of levels of air quality for an air pollutant
are requisite to protect public health with an ade-
quate margin of safety, as described in the preceding
sentence, the Administrator may, as a secondary
consideration in establishing and revising the na-
tional primary ambient air quality standard for such

1 air pollutant, consider likely attainability of the
2 standard.”.

3 (3) OPPORTUNITY FOR STATES TO CORRECT
4 DEFICIENCY PRIOR TO PROMULGATION OF FEDERAL
5 IMPLEMENTATION PLAN.—Section 110(c)(1) of the
6 Clean Air Act (42 U.S.C. 7410(c)(1)) is amended—

7 (A) by striking “at any time”; and

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

9 “Before promulgating the Federal implementa-
10 tion plan, the Administrator shall give the State
11 at least one year after such finding or dis-
12 approval to submit a plan or plan revision to
13 correct the deficiency. If the State submits a
14 plan or plan revision to correct the deficiency,
15 the Administrator may, notwithstanding the 2-
16 year deadline under this paragraph to promul-
17 gate a Federal implementation plan, take up to
18 3 years after such finding or disapproval to pro-
19 mulgate a Federal implementation plan.”.

20 (4) CONTINGENCY MEASURES FOR EXTREME
21 OZONE NONATTAINMENT AREAS.—Section 172(c)(9)
22 of the Clean Air Act (42 U.S.C. 7502(c)(9)) is
23 amended by adding at the end the following: “Not-
24 withstanding the preceding sentences and any other
25 provision of this Act, such measures shall not be re-

1 quired for any nonattainment area for ozone classi-
2 fied as an Extreme Area.”.

3 (5) PLAN SUBMISSIONS AND REQUIREMENTS
4 FOR OZONE NONATTAINMENT AREAS.—Section 182
5 of the Clean Air Act (42 U.S.C. 7511a) is amend-
6 ed—

7 (A) in subsection (b)(1)(A)(ii)(III), by in-
8 serting “and economic feasibility” after “tech-
9 nological achievability”;

10 (B) in subsection (c)(2)(B)(ii), by inserting
11 “and economic feasibility” after “technological
12 achievability”;

13 (C) in subsection (e), in the matter pre-
14 ceding paragraph (1)—

15 (i) by striking “The provisions of
16 clause (ii) of subsection (c)(2)(B) (relating
17 to reductions of less than 3 percent), the
18 provisions of paragraphs” and inserting
19 “The provisions of paragraphs”; and

20 (ii) by striking “, and the provisions
21 of clause (ii) of subsection (b)(1)(A) (relat-
22 ing to reductions of less than 15 percent)”;
23 and

24 (D) in paragraph (5) of subsection (e), by
25 striking “, if the State demonstrates to the sat-

1 isfaction of the Administrator that—” and all
2 that follows through the end of the paragraph
3 and inserting a period.

4 (6) PLAN REVISIONS FOR MILESTONES FOR
5 PARTICULATE MATTER NONATTAINMENT AREAS.—
6 Section 189(c)(1) of the Clean Air Act (42 U.S.C.
7 7513a(c)(1)) is amended by inserting “, which take
8 into account technological achievability and economic
9 feasibility,” before “and which demonstrate reason-
10 able further progress”.

11 (b) CLEAN AIR SCIENTIFIC ADVISORY COM-
12 MITTEE.—

13 (1) COMPOSITION OF INDEPENDENT SCI-
14 ENTIFIC REVIEW COMMITTEE.—Section
15 109(d)(2)(A) of the Clean Air Act (42 U.S.C.
16 7409(d)(2)(A)) is amended—

17 (A) by striking “one person representing
18 State air pollution control agencies” and insert-
19 ing “three persons representing State air pollu-
20 tion control agencies”; and

21 (B) by adding at the end the following:
22 “The persons representing State air pollution
23 control agencies shall be from geographically di-
24 verse areas with at least one person rep-
25 resenting a State located in Region 1, 2, 3, or

1 5 of the Environmental Protection Agency, one
2 person representing a State located in Region
3 4, 6, or 7 of the Environmental Protection
4 Agency, and one person representing a State lo-
5 cated in Region 8, 9, or 10 of the Environ-
6 mental Protection Agency.”.

7 (2) CONSIDERATION OF ADVERSE PUBLIC
8 HEALTH, WELFARE, SOCIAL, ECONOMIC, OR ENERGY
9 EFFECTS.—Section 109(d)(2) of the Clean Air Act
10 (42 U.S.C. 7409(d)(2)) is amended by adding at the
11 end the following:

12 “(D) Prior to establishing or revising a national am-
13 bient air quality standard, the Administrator shall re-
14 quest, and such committee, after receiving public com-
15 ments, shall assess and provide advice under subpara-
16 graph (C)(iv) regarding any adverse public health, welfare,
17 social, economic, or energy effects which may result from
18 various strategies for attainment and maintenance of such
19 national ambient air quality standard.”.

20 **SEC. 202. CLEAN AIR AND BUILDING INFRASTRUCTURE IM-**
21 **PROVEMENT.**

22 (a) PRECONSTRUCTION PERMITS.—Section 109 of
23 the Clean Air Act (42 U.S.C. 7409) is amended by adding
24 at the end the following:

1 “(e) TIMELY ISSUANCE OF IMPLEMENTING REGULA-
2 TIONS AND GUIDANCE.—

3 “(1) IN GENERAL.—In publishing any final rule
4 establishing or revising a national ambient air qual-
5 ity standard, the Administrator shall, to assist
6 States, permitting authorities, and permit appli-
7 cants, concurrently publish final regulations and
8 guidance for implementing the standard, including
9 information relating to submission and consideration
10 of a preconstruction permit application under the
11 new or revised standard.

12 “(2) APPLICABILITY OF STANDARD TO
13 PRECONSTRUCTION PERMITTING.—If the Adminis-
14 trator fails to publish final regulations and guidance
15 under paragraph (1) that include information relat-
16 ing to submission and consideration of a
17 preconstruction permit application under a new or
18 revised national ambient air quality standard con-
19 currently with such standard, then such standard
20 shall not apply to the review and disposition of a
21 preconstruction permit application until the Admin-
22 istrator has published such final regulations and
23 guidance.

24 “(3) RULES OF CONSTRUCTION.—

1 “(A) Nothing in this subsection shall be
2 construed to preclude the Administrator from
3 issuing regulations and guidance to assist
4 States, permitting authorities, and permit appli-
5 cants in implementing a national ambient air
6 quality standard subsequent to publishing regu-
7 lations and guidance for such standard under
8 paragraph (1).

9 “(B) Nothing in this subsection shall be
10 construed to eliminate the obligation of a
11 preconstruction permit applicant to install best
12 available control technology and lowest achiev-
13 able emission rate technology, as applicable.

14 “(C) Nothing in this subsection shall be
15 construed to limit the authority of a State,
16 local, or Tribal permitting authority to impose
17 more stringent emissions requirements pursu-
18 ant to State, local, or Tribal law than national
19 ambient air quality standards.

20 “(4) DEFINITIONS.—In this subsection:

21 “(A) The term ‘best available control tech-
22 nology’ has the meaning given to that term in
23 section 169(3).

1 “(B) The term ‘lowest achievable emission
2 rate’ has the meaning given to that term in sec-
3 tion 171(3).

4 “(C) The term ‘preconstruction permit’—
5 “(i) means a permit that is required
6 under this title for the construction or
7 modification of a stationary source; and

8 “(ii) includes any such permit issued
9 by the Environmental Protection Agency
10 or a State, local, or Tribal permitting au-
11 thority.”.

12 (b) CERTAIN PRECONSTRUCTION PERMITS.—

13 (1) IN GENERAL.—The 2024 Primary Annual
14 Particulate Matter_{2.5} Standard shall not apply to the
15 review and disposition of a preconstruction permit
16 application if—

17 (A) the Administrator or the State, local,
18 or Tribal permitting authority, as applicable,
19 determines the application to be complete on or
20 before the date of promulgation of the final des-
21 ignation of the area involved under section
22 107(d) of the Clean Air Act (42 U.S.C.
23 7407(d)) with respect to the 2024 Primary An-
24 nual Particulate Matter_{2.5} Standard; or

1 (B) the Administrator or the State, local,
2 or Tribal permitting authority, as applicable,
3 publishes a public notice of a preliminary deter-
4 mination or draft permit for the application be-
5 fore the date that is 60 days after the date of
6 promulgation of the final designation of the
7 area involved under section 107(d) of the Clean
8 Air Act (42 U.S.C. 7407(d)) with respect to the
9 2024 Primary Annual Particulate Matter_{2.5}
10 Standard.

11 (2) RULES OF CONSTRUCTION.—Nothing in
12 this section shall be construed to—

13 (A) eliminate the obligation of a
14 preconstruction permit applicant to install best
15 available control technology and lowest achiev-
16 able emission rate technology, as applicable; or

17 (B) limit the authority of a State, local, or
18 Tribal permitting authority to impose more
19 stringent emissions requirements pursuant to
20 State, local, or Tribal law than national ambi-
21 ent air quality standards.

22 (3) DEFINITIONS.—In this section:

23 (A) ADMINISTRATOR.—The term “Admin-
24 istrator” means the Administrator of the Envi-
25 ronmental Protection Agency.

1 (B) BEST AVAILABLE CONTROL TECH-
2 NOLOGY.—The term “best available control
3 technology” has the meaning given to that term
4 in section 169(3) of the Clean Air Act (42
5 U.S.C. 7479(3)).

6 (C) LOWEST ACHIEVABLE EMISSION
7 RATE.—The term “lowest achievable emission
8 rate” has the meaning given to that term in
9 section 171(3) of the Clean Air Act (42 U.S.C.
10 7501(3)).

11 (D) NATIONAL AMBIENT AIR QUALITY
12 STANDARD.—The term “national ambient air
13 quality standard” means a national ambient air
14 quality standard promulgated under section 109
15 of the Clean Air Act (42 U.S.C. 7409).

16 (E) PRECONSTRUCTION PERMIT.—The
17 term “preconstruction permit”—

18 (i) means a permit that is required
19 under title I of the Clean Air Act (42
20 U.S.C. 7401 et seq.) for the construction
21 or modification of a stationary source; and

22 (ii) includes any such permit issued by
23 the Environmental Protection Agency or a
24 State, local, or Tribal permitting authority.

1 (F) 2024 PRIMARY ANNUAL PARTICULATE
2 MATTER_{2.5} STANDARD.—The term “2024 Pri-
3 mary Annual Particulate Matter_{2.5} Standard”
4 means the final rule titled “Reconsideration of
5 the National Ambient Air Quality Standards for
6 Particulate Matter” published in the Federal
7 Register on March 6, 2024 (89 Fed. Reg.
8 16202).

9 **SEC. 203. NEW SOURCE REVIEW PERMITTING IMPROVE-**
10 **MENT.**

11 (a) CLARIFICATION OF DEFINITION OF A MODIFICA-
12 TION: EMISSION RATE INCREASES, POLLUTION CONTROL,
13 EFFICIENCY, SAFETY, AND RELIABILITY PROJECTS.—
14 Paragraph (4) of section 111(a) of the Clean Air Act (42
15 U.S.C. 7411(a)) is amended—

- 16 (1) by inserting “(A)” before “The term”;
- 17 (2) by inserting before the period at the end the
18 following: “. For purposes of the preceding sentence,
19 a change increases the amount of any air pollutant
20 emitted by such source only if the maximum hourly
21 emission rate of an air pollutant that is achievable
22 by such source after the change is higher than the
23 maximum hourly emission rate of such air pollutant
24 that was achievable by such source during any hour

1 in the 10-year period immediately preceding the
2 change”; and

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

4 “(B) Notwithstanding subparagraph (A), the
5 term ‘modification’ does not include a change at a
6 stationary source that is designed—

7 “(i) to reduce the amount of any air pol-
8 lutant emitted by the source per unit of produc-
9 tion; or

10 “(ii) to restore, maintain, or improve the
11 reliability of operations at, or the safety of, the
12 source,

13 except, with respect to either clause (i) or (ii), when
14 the change would be a modification as defined in
15 subparagraph (A) and the Administrator determines
16 that the increase in the maximum achievable hourly
17 emission rate of a pollutant from such change would
18 cause an adverse effect on human health or the envi-
19 ronment.”.

20 (b) CLARIFICATION OF DEFINITION OF CONSTRU-
21 CTION AND APPLICABILITY OF PRECONSTRUCTION RE-
22 QUIREMENTS FOR PREVENTION OF SIGNIFICANT DETE-
23 RIORATION.—

24 (1) APPLICABILITY TO CONSTRUCTION ACTIVI-
25 TIES.—Section 165 of the Clean Air Act (42 U.S.C.

1 7475) is amended by adding at the end the fol-
2 lowing:

3 “(f) APPLICABILITY TO CONSTRUCTION.—

4 “(1) IN GENERAL.—The requirements of sub-
5 section (a) that apply with respect to authorizing
6 construction of a major emitting facility shall apply
7 only with respect to construction that involves phys-
8 ical construction of the discrete parts of an emis-
9 sions unit at a major emitting facility, regardless of
10 whether the construction involves other physical on-
11 site activities at the major emitting facility, includ-
12 ing any such other physical on-site activity that—

13 “(A) may be costly;

14 “(B) may significantly alter the site;

15 “(C) is permanent in nature; or

16 “(D) is to accommodate an installation to
17 an emissions unit.

18 “(2) DEFINITION OF EMISSIONS UNIT.—In this
19 subsection, the term ‘emissions unit’ means any part
20 of a stationary source that emits, or has the poten-
21 tial to emit, any air pollutant that is regulated under
22 this title.”.

23 (2) DEFINITION.—Subparagraph (C) of section
24 169(2) of the Clean Air Act (42 U.S.C. 7479(2)) is
25 amended to read as follows:

1 “(C) The term ‘construction’, when used in con-
2 nection with a major emitting facility, includes a
3 modification (as defined in section 111(a)) at such
4 facility, except that for purposes of this subpara-
5 graph a modification does not include a change at
6 a major emitting facility that does not result in a
7 significant emissions increase, or a significant net
8 emissions increase, in annual actual emissions at
9 such facility.”.

10 (c) CLARIFICATION OF DEFINITION OF MODIFICA-
11 TIONS AND MODIFIED AND APPLICABILITY TO CONSTRUC-
12 TION FOR NONATTAINMENT AREAS.—

13 (1) DEFINITION.—Paragraph (4) of section 171
14 of the Clean Air Act (42 U.S.C. 7501) is amended
15 to read as follows:

16 “(4) The terms ‘modifications’ and ‘modified’
17 mean a modification as defined in section 111(a)(4),
18 except that such terms do not include a change at
19 a major emitting facility that does not result in a
20 significant emissions increase, or a significant net
21 emissions increase, in annual actual emissions at
22 such facility.”.

23 (2) APPLICABILITY TO CONSTRUCTION.—Sec-
24 tion 172(c)(5) of the Clean Air Act (42 U.S.C.
25 7502(c)(5)) is amended by adding at the end the fol-

1 lowing: “The construction for which a permit is re-
2 quired under this paragraph is construction that in-
3 volves physical construction of the discrete parts of
4 an emissions unit (as defined in section 165(f)(2))
5 at a major stationary source, regardless of whether
6 the construction involves other physical on-site ac-
7 tivities at the major stationary source, including any
8 such other physical on-site activity that—

9 “(A) may be costly;

10 “(B) may significantly alter the site;

11 “(C) is permanent in nature; or

12 “(D) is to accommodate an installation to
13 an emissions unit.”.

14 (d) **RULE OF CONSTRUCTION.**— Nothing in this sec-
15 tion or the amendments made by this section shall be con-
16 strued to treat any change as a modification for purposes
17 of any provision of the Clean Air Act (42 U.S.C. 7401
18 et seq.) if such change would not have been so treated
19 as of the day before the date of enactment of this Act.

20 **SEC. 204. SUPPORTING CRITICAL MANUFACTURING.**

21 Section 173 of the Clean Air Act (42 U.S.C. 7503)
22 is amended—

23 (1) in subsection (c), by adding at the end the
24 following:

1 “(3) NATIONAL SECURITY WAIVER.—Upon applica-
2 tion by the owner or operator of a new or modified ad-
3 vanced manufacturing facility or critical mineral facility
4 (as such terms are defined in subsection (f)(2)), the Presi-
5 dent may waive, in whole or in part, any requirement that
6 is in effect under this part for such advanced manufac-
7 turing facility or critical mineral facility to offset increased
8 emissions of any air pollutant if the President determines
9 it is in the national security interests of the United States
10 to waive such requirement. The President may not dele-
11 gate such a determination to any other person.”; and

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

13 “(f) ALTERNATIVE REQUIREMENTS FOR ADVANCED
14 MANUFACTURING FACILITIES AND CRITICAL MINERAL
15 FACILITIES.—

16 “(1) IN GENERAL.—The permitting authority of
17 a State shall allow a new or modified major sta-
18 tionary source that is an advanced manufacturing
19 facility or a critical mineral facility to offset emis-
20 sions from such source by alternative or innovative
21 means under the following conditions:

22 “(A) The source demonstrates to the satis-
23 faction of the permitting authority of the State
24 that it has used all reasonable means to obtain
25 and utilize offsets, as determined on an annual

1 basis, for the emissions increases beyond allow-
2 able levels, that all available offsets are being
3 used, and that sufficient offsets are not avail-
4 able to the source.

5 “(B) The source will comply with an alter-
6 native measure, imposed by the permitting au-
7 thority, designed to offset any emission in-
8 creases beyond permitted levels not directly off-
9 set by the source. In lieu of imposing any alter-
10 native offset measures, the permitting authority
11 may impose an emissions fee to be paid to such
12 authority of a State which shall be an amount
13 no greater than 1.5 times the average cost of
14 stationary source control measures adopted in
15 that area during the previous 3 years. The per-
16 mitting authority shall utilize the fees in a man-
17 ner that maximizes the emissions reductions in
18 that area.

19 “(2) DEFINITIONS.—In this subsection:

20 “(A) ADVANCED MANUFACTURING FACIL-
21 ITY.—The term ‘advanced manufacturing facil-
22 ity’ means a facility the primary purpose of
23 which is the manufacturing of semiconductors
24 or semiconductor manufacturing equipment.

1 “(B) CRITICAL MINERAL FACILITY.—The
2 term ‘critical mineral facility’ means a facility
3 the primary purpose of which is the extraction,
4 processing, refining, or milling of a critical min-
5 eral (as designated by the Secretary of the Inte-
6 rior).”.

7 **SEC. 205. EMISSIONS BEYOND CONTROL.**

8 (a) CLARIFICATION OF EMISSIONS COVERED.—Sec-
9 tion 179B of the Clean Air Act (42 U.S.C. 7509a) is
10 amended—

11 (1) by inserting “(regardless of whether such
12 emissions result from human activity)” after “but
13 for emissions emanating from outside of the United
14 States” each place it appears; and

15 (2) in subsection (d), by inserting “(regardless
16 of whether such emissions result from human activ-
17 ity)” after “but for emissions emanating from out-
18 side the United States”.

19 (b) DESIGNATIONS.—Section 179B of the Clean Air
20 Act (42 U.S.C. 7509a) is further amended by adding at
21 the end the following:

22 “(e) DESIGNATIONS.—Notwithstanding any other
23 provision of law, an area within a State may not be des-
24 ignated as a nonattainment area with respect to any new
25 or revised primary or secondary national ambient air qual-

1 ity standard for a pollutant if such State establishes to
2 the satisfaction of the Administrator that such area would
3 be in attainment with such national ambient air quality
4 standard for such pollutant but for emissions emanating
5 from outside of the United States (regardless of whether
6 such emissions result from human activity).”.

7 (c) APPLICABILITY OF SANCTIONS AND FEES IF
8 EMISSIONS BEYOND CONTROL.—The Clean Air Act (42
9 U.S.C. 7401 et seq.) is amended by inserting after section
10 179B the following new section:

11 **“SEC. 179C. APPLICABILITY OF SANCTIONS AND FEES IF**
12 **EMISSIONS BEYOND CONTROL.**

13 “(a) IN GENERAL.—Notwithstanding any other pro-
14 vision of this Act, with respect to any nonattainment area
15 that is classified under section 181 as a Severe Area or
16 an Extreme Area for ozone or under section 188 as a Seri-
17 ous Area for particulate matter, no sanction or fee under
18 section 179 or 185 shall apply with respect to a State (or
19 an area or source therein) on the basis of a deficiency de-
20 scribed in section 179(a), or the failure to attain a na-
21 tional ambient air quality standard for ozone or particu-
22 late matter by the applicable attainment date, if the State
23 demonstrates that the State would have avoided such defi-
24 ciency, or such standard would have been attained, but
25 for one or more of the following:

1 “(1) Emissions emanating from outside the
2 nonattainment area.

3 “(2) Emissions from an exceptional event (as
4 defined in section 319(b)(1)).

5 “(3) Emissions from mobile sources to the ex-
6 tent the State demonstrates that—

7 “(A) such emissions are beyond the control
8 of the State to reduce or eliminate; and

9 “(B) the State is fully implementing such
10 measures as are within the authority of the
11 State to control emissions from the mobile
12 sources.

13 “(b) NO EFFECT ON UNDERLYING STANDARDS.—
14 The inapplicability of sanctions or fees with respect to a
15 State (or an area or source therein) pursuant to sub-
16 section (a) does not affect the obligation of a State, area,
17 source, or other entity under other provisions of this Act
18 to establish and implement measures to attain a national
19 ambient air quality standard for ozone or particulate mat-
20 ter.

21 “(c) PERIODIC RENEWAL OF DEMONSTRATION.—
22 For subsection (a) to continue to apply with respect to
23 a State (or an area or source therein), the State involved
24 shall renew the demonstration required by subsection (a)
25 at least once every 5 years.”.

1 **SEC. 206. REDUCING AND ELIMINATING DUPLICATIVE EN-**
2 **VIRONMENTAL REGULATIONS.**

3 Section 309 of the Clean Air Act (42 U.S.C. 7609)
4 is amended—

5 (1) in subsection (a)—

6 (A) by striking “and comment in writing”
7 and inserting “, and comment in writing,”;

8 (B) by striking “Administrator,” and in-
9 serting “Administrator”;

10 (C) by striking “(1)”; and

11 (D) by striking “, (2) newly authorized
12 Federal projects for construction and any major
13 Federal agency action (other than a project for
14 construction) to which section 102(2)(C) of
15 Public Law 91–190 applies, and (3) proposed
16 regulations published by any department or
17 agency of the Federal Government”; and

18 (2) in subsection (b), by striking “, action, or
19 regulation”.

20 **SEC. 207. AIR QUALITY MONITORING DATA INFLUENCED BY**
21 **EXCEPTIONAL EVENTS OR ACTIONS TO MITI-**
22 **GATE WILDFIRE RISK.**

23 Section 319(b) of the Clean Air Act (42 U.S.C.
24 7619(b)) is amended—

1 (1) in the subsection heading, by inserting “OR
2 ACTIONS TO MITIGATE WILDFIRE RISK” after
3 “EVENTS”;

4 (2) in paragraph (1)—

5 (A) in the paragraph heading, by striking
6 “DEFINITION OF EXCEPTIONAL EVENT” and in-
7 serting “DEFINITIONS”;

8 (B) in subparagraph (A), by redesignating
9 clauses (i) through (iv), as subclauses (I)
10 through (IV), respectively;

11 (C) by striking “(A)” and all that follows
12 through “an event that—” and inserting the
13 following:

14 “(A) EXCEPTIONAL EVENT.—

15 “(i) IN GENERAL.—The term ‘excep-
16 tional event’ means an event that—”;

17 (D) by amending subclause (III) of sub-
18 paragraph (A)(i), as redesignated, to read as
19 follows:

20 “(III) is an event that is—

21 “(aa) a natural event;

22 “(bb) caused by a human
23 activity that is intended to mirror
24 the occurrence or reoccurrence of
25 a natural event; or

1 “(cc) caused by a human ac-
2 tivity that is unlikely to recur;
3 and”;

4 (E) by striking subparagraph (B) and in-
5 serting the following:

6 “(ii) EXCLUSIONS.—In this sub-
7 section, the term ‘exceptional event’ does
8 not include—

9 “(I) ordinarily occurring stagna-
10 tion of air masses;

11 “(II) meteorological inversions;
12 or

13 “(III) air pollution relating to
14 source noncompliance.”; and

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

16 “(B) ACTION TO MITIGATE WILDFIRE
17 RISK.—The term ‘action to mitigate wildfire
18 risk’ means a prescribed fire or similar meas-
19 ure, undertaken in accordance with State ap-
20 proved practices, to reduce the risk and severity
21 of wildfires.”;

22 (3) in paragraph (2)—

23 (A) in subparagraph (A)—

24 (i) by striking “March 1, 2006” and
25 inserting “18 months after the date of en-

1 actment of the Permitting Our Way to an
2 Energy Resurgence Act”;

3 (ii) by inserting “revisions to” before
4 “regulations”; and

5 (iii) by adding “or actions to mitigate
6 wildfire risk” before the period at the end;
7 (B) in subparagraph (B)—

8 (i) by inserting “including proposed
9 revisions to regulations,” after “subpara-
10 graph (A),”;

11 (ii) by inserting “or action to mitigate
12 wildfire risk” after “an exceptional event”;
13 and

14 (iii) by striking “paragraph (3)” and
15 inserting “this section”; and

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

17 “(C) REGIONAL ANALYSIS.—When more
18 than one State notifies the Administrator of its
19 intent to submit a petition pursuant to this sec-
20 tion for an exceptional event or an action to
21 mitigate wildfire risk for the same air quality
22 event, or, if the Administrator determines such
23 a multistate air quality event has occurred, the
24 Administrator shall conduct regional modeling
25 and analysis sufficient to satisfy the demonstra-

tion required for an exceptional event or an action to mitigate wildfire risk petition for such air quality event.

“(D) TRANSPARENCY.—Not later than 12 months after the date of enactment of the Permitting Our Way to an Energy Resurgence Act, the Administrator shall establish, and thereafter update monthly, a public website describing the status of all petitions submitted pursuant to this section for exceptional events and actions to mitigate wildfire risk.”;

(4) in paragraph (3)(A)—

(A) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(B) by inserting after clause (i) the following:

“(ii) the principle that actions to mitigate wildfire risk can play an important role in reducing the magnitude and frequency of wildfires;”;

(5) in paragraph (3)(B)—

(A) in clause (i), by inserting “or action to mitigate wildfire risk” before “must be”;

1 (B) by amending clause (ii) to read as fol-
2 lows:

3 “(ii) a clear causal relationship must
4 exist, or be reasonably expected to exist,
5 between the measured exceedances of a na-
6 tional ambient air quality standard and the
7 exceptional event or action to mitigate
8 wildfire risk to demonstrate that the excep-
9 tional event or action to mitigate wildfire
10 risk caused a specific air pollution con-
11 centration at a particular air quality moni-
12 toring location;” and

13 (C) by amending clause (iv) to read as fol-
14 lows:

15 “(iv) there are criteria and procedures
16 for the Governor of a State to petition the
17 Administrator to exclude air quality moni-
18 toring data that is directly due to excep-
19 tional events or actions to mitigate wildfire
20 risk from use in determinations by the Ad-
21 ministrator with respect to—

22 “(I) area or source exceedances
23 or violations of the national ambient
24 air quality standards;

1 “(II) the designation, redesigna-
2 tion, classification, or reclassification
3 of an area;

4 “(III) the demonstration by a
5 State of attainment of a national am-
6 bient air quality standard;

7 “(IV) attainment determinations;

8 “(V) attainment date extensions;

9 “(VI) finding a State implemen-
10 tation plan to be inadequate; or

11 “(VII) preconstruction dem-
12 onstrations under section 165(a)(3).”;

13 and

14 (6) by striking paragraph (4).