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RULES COMMITTEE PRINT 115–28
TEXT OF H. R. 2910, PROMOTING INTERAGENCY
COORDINATION FOR REVIEW OF NATURAL
GAS PIPELINES ACT

[Showing the text of H.R. 2910 as ordered reported by the
Committee on Energy and Commerce.]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Promoting Interagency
3 Coordination for Review of Natural Gas Pipelines Act”.

4 **SEC. 2. FERC PROCESS COORDINATION FOR NATURAL GAS**
5 **PIPELINE PROJECTS.**

6 (a) **DEFINITIONS.**—In this section:

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

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

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

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

7 (b) COMMISSION NEPA REVIEW RESPONSIBIL-
8 ITIES.—In acting as the lead agency under section
9 15(b)(1) of the Natural Gas Act for the purposes of com-
10 plying with the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.) with respect to an author-
12 ization under section 3 of the Natural Gas Act or a certifi-
13 cate of public convenience and necessity under section 7
14 of such Act, the Commission shall, in accordance with this
15 section and other applicable Federal law—

16 (1) be the only lead agency;

17 (2) coordinate as early as practicable with each
18 agency designated as a participating agency under
19 subsection (d)(3) to ensure that the Commission de-
20 velops information in conducting its project-related
21 NEPA review that is usable by the participating
22 agency in considering an aspect of an application for
23 a Federal authorization for which the agency is re-
24 sponsible; and

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

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

12 (d) PARTICIPATING AGENCIES.—

13 (1) IDENTIFICATION.—The Commission shall
14 identify, as early as practicable after it is notified by
15 a person applying for an authorization under section
16 3 of the Natural Gas Act or a certificate of public
17 convenience and necessity under section 7 of such
18 Act, any Federal or State agency, local government,
19 or Indian Tribe that may issue a Federal authoriza-
20 tion or is required by Federal law to consult with
21 the Commission in conjunction with the issuance of
22 a Federal authorization required for such authoriza-
23 tion or certificate.

24 (2) INVITATION.—

1 (A) IN GENERAL.—The Commission shall
2 invite any agency identified under paragraph
3 (1) to participate in the review process for the
4 applicable Federal authorization.

5 (B) DEADLINE.—An invitation issued
6 under subparagraph (A) shall establish a dead-
7 line by which a response to the invitation shall
8 be submitted to the Commission, which may be
9 extended by the Commission for good cause.

10 (3) DESIGNATION AS PARTICIPATING AGEN-
11 CIES.—The Commission shall designate an agency
12 identified under paragraph (1) as a participating
13 agency with respect to an application for authoriza-
14 tion under section 3 of the Natural Gas Act or a
15 certificate of public convenience and necessity under
16 section 7 of such Act unless the agency informs the
17 Commission, in writing, by the deadline established
18 pursuant to paragraph (2)(B), that the agency—

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

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

23 (C) does not intend to submit comments
24 for the record for the project-related NEPA re-
25 view conducted by the Commission.

1 (4) EFFECT OF NON-DESIGNATION.—

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

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

17 (ii) requires information that could
18 not have been obtained during the project-
19 related NEPA review conducted by the
20 Commission.

21 (B) COMMENTS; RECORD.—The Commis-
22 sion shall not, with respect to an agency that is
23 not designated as a participating agency under
24 paragraph (3) with respect to an application for
25 an authorization under section 3 of the Natural

1 Gas Act or a certificate of public convenience
2 and necessity under section 7 of such Act—

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

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

10 (e) SCHEDULE.—

11 (1) DEADLINE FOR FEDERAL AUTHORIZA-
12 TIONS.—A deadline for a Federal authorization re-
13 quired with respect to an application for authoriza-
14 tion under section 3 of the Natural Gas Act or a
15 certificate of public convenience and necessity under
16 section 7 of such Act set by the Commission under
17 section 15(c)(1) of such Act shall be not later than
18 90 days after the Commission completes its project-
19 related NEPA review, unless an applicable schedule
20 is otherwise established by Federal law.

21 (2) CONCURRENT REVIEWS.—Each Federal and
22 State agency—

23 (A) that may consider an application for a
24 Federal authorization required with respect to
25 an application for authorization under section 3

1 of the Natural Gas Act or a certificate of public
2 convenience and necessity under section 7 of
3 such Act shall formulate and implement a plan
4 for administrative, policy, and procedural mech-
5 anisms to enable the agency to ensure comple-
6 tion of Federal authorizations in compliance
7 with schedules established by the Commission
8 under section 15(c)(1) of such Act; and

9 (B) in considering an aspect of an applica-
10 tion for a Federal authorization required with
11 respect to an application for authorization
12 under section 3 of the Natural Gas Act or a
13 certificate of public convenience and necessity
14 under section 7 of such Act, shall—

15 (i) formulate and implement a plan to
16 enable the agency to comply with the
17 schedule established by the Commission
18 under section 15(c)(1) of such Act;

19 (ii) carry out the obligations of that
20 agency under applicable law concurrently,
21 and in conjunction with, the project-related
22 NEPA review conducted by the Commis-
23 sion, and in compliance with the schedule
24 established by the Commission under sec-
25 tion 15(c)(1) of such Act, unless the agen-

1 cy notifies the Commission in writing that
2 doing so would impair the ability of the
3 agency to conduct needed analysis or oth-
4 erwise carry out such obligations;

5 (iii) transmit to the Commission a
6 statement—

7 (I) acknowledging receipt of the
8 schedule established by the Commis-
9 sion under section 15(c)(1) of the
10 Natural Gas Act; and

11 (II) setting forth the plan formu-
12 lated under clause (i) of this subpara-
13 graph;

14 (iv) not later than 30 days after the
15 agency receives such application for a Fed-
16 eral authorization, transmit to the appli-
17 cant a notice—

18 (I) indicating whether such appli-
19 cation is ready for processing; and

20 (II) if such application is not
21 ready for processing, that includes a
22 comprehensive description of the in-
23 formation needed for the agency to
24 determine that the application is
25 ready for processing;

1 (v) determine that such application
2 for a Federal authorization is ready for
3 processing for purposes of clause (iv) if
4 such application is sufficiently complete for
5 the purposes of commencing consideration,
6 regardless of whether supplemental infor-
7 mation is necessary to enable the agency to
8 complete the consideration required by law
9 with respect to such application; and

10 (vi) not less often than once every 90
11 days, transmit to the Commission a report
12 describing the progress made in consid-
13 ering such application for a Federal au-
14 thorization.

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

1 completion of the action to which such deadline ap-
2 plied.

3 (f) CONSIDERATION OF APPLICATIONS FOR FEDERAL
4 AUTHORIZATION.—

5 (1) ISSUE IDENTIFICATION AND RESOLU-
6 TION.—

7 (A) IDENTIFICATION.—Federal and State
8 agencies that may consider an aspect of an ap-
9 plication for a Federal authorization shall iden-
10 tify, as early as possible, any issues of concern
11 that may delay or prevent an agency from
12 working with the Commission to resolve such
13 issues and granting such authorization.

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

21 (2) REMOTE SURVEYS.—If a Federal or State
22 agency considering an aspect of an application for a
23 Federal authorization requires the person applying
24 for such authorization to submit data, the agency
25 shall consider any such data gathered by aerial or

1 other remote means that the person submits. The
2 agency may grant a conditional approval for the
3 Federal authorization based on data gathered by
4 aerial or remote means, conditioned on the
5 verification of such data by subsequent onsite in-
6 spection.

7 (3) APPLICATION PROCESSING.—The Commis-
8 sion, and Federal and State agencies, may allow a
9 person applying for a Federal authorization to fund
10 a third-party contractor to assist in reviewing the
11 application for such authorization.

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

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

24 (2) A list of all the actions required by each ap-
25 plicable agency to complete permitting, reviews, and

1 other actions necessary to obtain a final decision on
2 the application.

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

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

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

