

114TH CONGRESS
1ST SESSION

S. _____

To provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to oil and gas production and distribution.

IN THE SENATE OF THE UNITED STATES

Mrs. CAPITO introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to oil and gas production and distribution.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as [the “_____ Act
5 of _____”].

6 **SEC. 2. FERC PROCESS COORDINATION WITH RESPECT TO**
7 **REGULATORY APPROVAL OF OIL AND GAS**
8 **PROJECTS.**

9 (a) DEFINITIONS.—In this section:

1 (1) AGENCY.—The term “agency” means a
2 Federal or State agency or unit of local government
3 identified under subsection (b).

4 **[(2) COMMISSION.—The term “Commission”**
5 means the Federal Energy Regulatory Commission
6 or the Secretary of Energy, as applicable.]

7 (3) FEDERAL AUTHORIZATION.—

8 (A) IN GENERAL.—The term “Federal au-
9 thorization” means any authorization required
10 under Federal law with respect to an applica-
11 tion for authorization or a certificate of public
12 convenience and necessity relating to oil and
13 gas production and distribution.

14 (B) INCLUSIONS.—The term “Federal au-
15 thorization” includes any permits, special use
16 authorizations, certifications, opinions, or other
17 approvals as may be required under Federal law
18 with respect to an application for authorization
19 or a certificate of public convenience and neces-
20 sity relating to oil and gas production and dis-
21 tribution.

22 (b) IDENTIFICATION.—As soon as practicable after
23 an application for Federal authorization is submitted, the
24 Commission shall identify each Federal or State agency

1 or unit of local government that may consider an aspect
2 of that application.

3 (c) INVITATION.—

4 (1) IN GENERAL.—The Commission shall invite
5 each agency identified under subsection (b) to co-
6 operate or participate in the review process for the
7 application.

8 (2) DEADLINE.—An invitation issued under
9 paragraph (1) shall establish a deadline by which a
10 response to the invitation shall be submitted, which
11 may be extended by the Commission for good cause.

12 (d) DEADLINE FOR FEDERAL AUTHORIZATION.—
13 Each agency delegated the authority to review an aspect
14 of the application under subsection (c)(1) shall make a
15 final decision on the aspect of the Federal authorization
16 under consideration by that agency by not later than 90
17 days after the date on which the Commission issues the
18 final environmental document of the Commission, unless
19 a different schedule is otherwise established by Federal
20 law.

21 (e) DEFERENCE TO COMMISSION.—In making a deci-
22 sion with respect to a Federal authorization, each agency
23 shall give deference, to the maximum extent authorized
24 by law, to the scope of environmental review that the Com-
25 mission determines to be appropriate.

1 (f) CONCURRENT REVIEWS.—Each agency consid-
2 ering an aspect of an application for Federal authorization
3 shall—

4 (1) carry out the obligations of that agency
5 under applicable law concurrently and in conjunction
6 with the review required by the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
8 unless doing so would impair the ability of the agen-
9 cy to conduct needed analysis or otherwise carry out
10 those obligations;

11 (2) formulate and implement administrative,
12 policy, and procedural mechanisms to enable the
13 agency to complete the required Federal authoriza-
14 tions by the deadline described in subsection (d);
15 and

16 (3) transmit to the Commission a statement—

17 (A) acknowledging notice of the deadline
18 under subsection (d); and

19 (B) describing the plan formulated under
20 paragraph (2).

21 (g) ISSUE IDENTIFICATION AND RESOLUTION.—

22 (1) IDENTIFICATION.—Each agency considering
23 an aspect of an application for Federal authorization
24 shall identify, as soon as practicable, any issues of

1 concern that may delay or prevent the agency from
2 granting the authorization.

3 (2) ISSUE RESOLUTION MEETING.—

4 (A) IN GENERAL.—On request of an agen-
5 cy or applicant, the Commission shall convene
6 a meeting with the relevant agencies and the
7 applicant to resolve any issues that may—

8 (i) delay completion of the environ-
9 mental review document; or

10 (ii) result in the denial of any Federal
11 authorization.

12 (B) MEETING DATE.—A meeting requested
13 under subparagraph (A) shall be held not later
14 than 21 days after the date on which the Com-
15 mission receives the request for the meeting,
16 unless the Commission determines that there is
17 good cause to extend the deadline.

18 (C) NOTIFICATION.—On receipt of a re-
19 quest for a meeting under subparagraph (A),
20 the Commission shall notify all relevant agen-
21 cies of—

22 (i) the request for the meeting;

23 (ii) the nature of the issue to be re-
24 solved; and

25 (iii) the date for the meeting.

1 (3) ELEVATION OF ISSUE RESOLUTION.—

2 (A) IN GENERAL.—If the issue is not re-
3 solved within 30 days after a meeting under
4 this paragraph, the Commission shall forward
5 for resolution the dispute to the heads of the
6 relevant agencies.

7 (B) INCLUSION.—In the case of a failure
8 to achieve resolution by a State agency or unit
9 of local government, the Commission shall for-
10 ward for resolution the dispute to the head of
11 the Federal agency overseeing the delegated au-
12 thority.

13 (h) FAILURE TO MEET DEADLINE.—If an agency
14 does not complete a proceeding for an approval that is
15 required for a Federal authorization by the deadline de-
16 scribed in subsection (d), the head of the relevant Federal
17 agency (including, in the case of a failure by the State
18 agency or unit of local government, the Federal agency
19 overseeing the delegated authority) shall—

20 (1) notify Congress and the Commission of the
21 failure; and

22 (2) describe in that notification an implementa-
23 tion plan to ensure completion.

24 (i) APPLICATION PROCESSING.—The Commission
25 may allow an applicant seeking Federal authorization to

1 fund a third party contractor or Commission staff to assist
2 the Commission in reviewing the application.

3 (j) ACCOUNTABILITY; TRANSPARENCY; EFFI-
4 CIENCY.—

5 (1) IN GENERAL.—For applications requiring
6 multiple Federal authorizations, the Commission, in
7 consultation with any agency considering an aspect
8 of the application, shall track and make available to
9 the public on the website of the Commission infor-
10 mation relating to the actions required to complete
11 permitting, reviews, and other requirements.

12 (2) INCLUSIONS.—Information tracked under
13 paragraph (1) shall include the following:

14 (A) The deadline described in subsection
15 (d).

16 (B) A list of all the actions required by
17 each applicable agency to complete permitting,
18 reviews, and other requirements necessary to
19 obtain a final decision on the Federal author-
20 ization.

21 (C) The expected completion date for each
22 action listed under subparagraph (B).

23 (D) A point of contact at the agency ac-
24 countable for each action listed under subpara-
25 graph (B).

1 (E) In the event that an action is still
2 pending as of the expected date of completion,
3 a brief explanation of the reason for the delay.