

## [DISCUSSION DRAFT]

1 **SEC. \_\_\_\_ . FERC PROCESS COORDINATION.**

2 Section 15 of the Natural Gas Act (15 U.S.C. 717n)  
3 is amended—

4 (1) by amending subsection (b)(2) to read as  
5 follows:

6 “(2) OTHER AGENCIES.—

7 “(A) IN GENERAL.—Each Federal and  
8 State agency considering an aspect of an appli-  
9 cation for Federal authorization shall cooperate  
10 with the Commission and comply with the dead-  
11 lines established by the Commission.

12 “(B) IDENTIFICATION.—The Commission  
13 shall identify, as early as practicable after a  
14 Federal authorization is requested, any Federal  
15 or State agency, local government, or Indian  
16 tribe that may consider an aspect of an applica-  
17 tion for that Federal authorization.

18 “(C) INVITATION.—

19 “(i) IN GENERAL.—The Commission  
20 shall invite any agency identified under  
21 subparagraph (B) to cooperate or partici-  
22 pate in the review process.

1                   “(ii) DEADLINE.—An invitation  
2                   issued under clause (i) shall establish a  
3                   deadline by which a response to the invita-  
4                   tion shall be submitted, which may be ex-  
5                   tended by the Commission for good  
6                   cause.”;

7                   (2) in subsection (c)—

8                   (A) in paragraph (1)—

9                   (i) by striking “and” at the end of  
10                  subparagraph (A);

11                  (ii) by redesignating subparagraph  
12                  (B) as subparagraph (C); and

13                  (iii) by inserting after subparagraph  
14                  (A) the following new subparagraph:

15                  “(B) set deadlines for all such Federal au-  
16                  thorizations; and”;

17                  (B) by striking paragraph (2); and

18                  (C) by adding at the end the following new  
19                  paragraphs:

20                  “(2) DEADLINE FOR FEDERAL AUTHORIZA-  
21                  TIONS.—A final decision on a Federal authorization  
22                  is due no later than 90 days after the Commission  
23                  issues its final environmental document, unless a  
24                  schedule is otherwise established by Federal law.

1           “(3) DEFERENCE TO COMMISSION.—When  
2           making a decision with respect to a Federal author-  
3           ization, each Federal and State agency shall give  
4           deference, to the maximum extent allowed by law, to  
5           the scope of environmental review that the Commis-  
6           sion determines to be appropriate.

7           “(4) CONCURRENT REVIEWS.—Each Federal  
8           and State agency considering an aspect of an appli-  
9           cation for a Federal authorization shall—

10                   “(A) carry out the obligations of that  
11                   agency under applicable law concurrently, and  
12                   in conjunction, with the review required by the  
13                   National Environmental Policy Act of 1969 (42  
14                   U.S.C. 4321 et seq.), unless doing so would im-  
15                   pair the ability of the agency to conduct needed  
16                   analysis or otherwise carry out those obliga-  
17                   tions;

18                   “(B) formulate and implement administra-  
19                   tive, policy, and procedural mechanisms to en-  
20                   able the agency to ensure completion of re-  
21                   quired Federal authorizations no later than 90  
22                   days after the Commission issues its final envi-  
23                   ronmental document; and

24                   “(C) transmit to the Commission a state-  
25                   ment—

1                   “(i) acknowledging receipt of the  
2                   schedule established under paragraph (1);  
3                   and

4                   “(ii) setting forth the plan formulated  
5                   under subparagraph (B) of this paragraph.

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

8                   “(A) IDENTIFICATION.—Federal and State  
9                   agencies considering an aspect of an application  
10                  for Federal authorization shall identify, as early  
11                  as possible, any issues of concern that may  
12                  delay or prevent an agency from granting such  
13                  authorization.

14                  “(B) ISSUE RESOLUTION MEETING.—

15                  “(i) IN GENERAL.—Upon request of a  
16                  cooperating agency or applicant, the Com-  
17                  mission shall convene an issue resolution  
18                  meeting with the relevant cooperating  
19                  agencies and the applicant to resolve any  
20                  issues that may—

21                               “(I) delay completion of the envi-  
22                               ronmental review document; or

23                               “(II) result in the denial of any  
24                               Federal authorization.

1                   “(ii) MEETING DATE.—A meeting re-  
2                   requested under this subparagraph shall be  
3                   held not later than 21 days after the date  
4                   on which the Commission receives the re-  
5                   quest for the meeting, unless the Commis-  
6                   sion determines that there is good cause to  
7                   extend that deadline.

8                   “(iii) NOTIFICATION.—Upon receipt  
9                   of a request for a meeting under this sub-  
10                  paragraph, the Commission shall notify all  
11                  relevant participating and cooperating  
12                  agencies of the request, including the issue  
13                  to be resolved and the date for the meet-  
14                  ing.

15                  “(C) ELEVATION OF ISSUE RESOLUTION.—  
16                  If resolution cannot be achieved within 30 days  
17                  after a meeting under this subparagraph, the  
18                  Commission shall forward the dispute to the  
19                  heads of the relevant agencies (including, in the  
20                  case of a failure by the State agency, the Fed-  
21                  eral agency overseeing the delegated authority)  
22                  for resolution.

23                  “(6) FAILURE TO MEET SCHEDULE.—If a Fed-  
24                  eral or State agency does not complete a proceeding  
25                  for an approval that is required for a Federal au-

1 authorization in accordance with the schedule estab-  
2 lished by the Commission under paragraph (1)—

3 “(A) the applicant may pursue remedies  
4 under section 19(d); and

5 “(B) the head of the relevant Federal  
6 agency (including, in the case of a failure by a  
7 State agency, the Federal agency overseeing the  
8 delegated authority) shall notify Congress and  
9 the Commission of such failure and set forth an  
10 implementation plan to ensure completion.”;

11 (3) by redesignating subsections (d) through (f)  
12 as subsections (f) through (h), respectively; and

13 (4) by inserting after subsection (c) the fol-  
14 lowing new subsections:

15 “(d) APPLICATION PROCESSING.—The Commission  
16 may allow an applicant seeking Federal authorization to  
17 fund a third party contractor or Commission staff to assist  
18 the Commission in reviewing the application.

19 “(e) ACCOUNTABILITY, TRANSPARENCY, EFFI-  
20 CIENCY.—For applications requiring multiple Federal au-  
21 thorizations, the Commission, with input from any Federal  
22 or State agency considering an aspect of an application,  
23 shall track and make available to the public on the Com-  
24 mission’s website information related to the actions re-

1 quired to complete permitting, reviews, and other actions  
2 required. Such information shall include the following:

3           “(1) The schedule established by the Commis-  
4 sion under subsection (c)(1).

5           “(2) A list of all the actions required by each  
6 applicable agency to complete permitting, reviews,  
7 and other actions necessary to obtain a final decision  
8 on the Federal authorization.

9           “(3) The expected completion date for each  
10 such action.

11           “(4) A point of contact at the agency account-  
12 able for each such action.

13           “(5) In the event that an action is still pending  
14 as of the expected date of completion, a brief expla-  
15 nation of the reasons for the delay.”.