

# H. \_\_\_\_\_

To promote the progress of clean energy infrastructure across the country.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

AUGUST 30, 2022

---

## A BILL

Title: The Promoting Regional Opportunity, Growth, Resilience and Energy Security, Safely, or The PROGRESS Act.

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

3  
4 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

5  
6 (a) Short Title.—This Act may be cited as the “Promoting Regional Opportunity, Growth,  
7 Resilience and Energy Security, Safely” or the “PROGRESS Act.”

8 (b) Table of Contents.—The table of contents for this Act is as follows:

9 SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

10 SEC. 2. DEFINITIONS

11 TITLE I— INTERSTATE ELECTRICITY GENERATION AND TRANSMISSION AND  
12 RENEWABLE ENERGY TRANSPORTATION

13 SEC. 101. ELECTRICAL TRANSMISSION SITING AUTHORITY

14 SEC. 102. CATEGORICAL EXCLUSION FOR GENERATION AND TRANSMISSION  
15 UPGRADES

16 SEC. 103. HYDROGEN STORAGE AND PIPELINE SITING

17 SEC. 104. CARBON DIOXIDE PIPELINE SITING

18 SEC. 105. NEPA REVIEW FOR GEOTHERMAL EXPLORATION ON FEDERAL LANDS

19 TITLE II—JUDICIAL REVIEW

20 SEC. 201. LIMITATIONS ON JUDICIAL DELAYS

21 SEC. 202. LIMITATIONS ON CLAIMS

22 TITLE III—SUPPORTING PERMITTING OF WHOLE HOME EFFICIENCY  
23 IMPROVEMENTS

24 SEC. 301. PILOT PROGRAM FOR EXPANSION OF SOLAR APP

25 TITLE IV— DESIGNATION OF ENERGY SECURITY CORRIDORS

26 SEC. 401. PURPOSE

27 SEC. 402. DESIGNATION OF ENERGY SECURITY CORRIDORS

28 SEC 403. APPROPRIATIONS

29

30 **SEC. 2. DEFINITIONS**

31

32 (a) AGENCY.—The term “agency” means any agency, department, or other unit of Federal,  
33 State, local, or Tribal government;

34 (b) CARBON DIOXIDE.—The term “carbon dioxide” means refers to carbon dioxide captured  
35 through carbon removal and storage technologies including but not limited to direct air  
36 capture or carbon sequestration.

37 (c) CATEGORICAL EXCLUSION.—The term “categorical exclusion” means a categorical  
38 exclusion within the meaning of NEPA.

39 (d) COMMISSION.—The term “commission” means the Federal Energy Regulatory  
40 Commission.

41 (e) ELECTRICITY COMPANY.—The term “electricity company” means any private or public  
42 entity engaged in the generation or transmission of electricity for commercial purposes.

43 (f) ENERGY INFRASTRUCTURE.—The term “energy infrastructure” means a construction  
44 project, facility, and any associated equipment that is used for—

45 (1) The generation or transmission of electric energy; or

46 (2) The production, processing, and delivery of fossil fuels, fuels derived from  
47 petroleum, or petrochemical feedstocks.

48 (g) WHOLE HOME EFFICIENCY IMPROVEMENT.—The term “whole home efficiency  
49 improvement,” in this Act, shall mean any action or activity taken by an individual or other  
50 entity that:

51 (1) improves the energy efficiency of residential property; and

52 (2) that requires a license, permit, approval, finding, or other administrative decision by a  
53 state or local agency in order to design, plan, site, construct, reconstruct, or  
54 commence the improvement.

55

56 **TITLE I— INTERSTATE ELECTRICITY GENERATION AND**  
57 **TRANSMISSION AND RENEWABLE ENERGY**

58 **TRANSPORTATION**

59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97

**SEC. 101. ELECTRICAL TRANSMISSION SITING AUTHORITY**

16 U.S.C. § 824p is amended by striking subsections (a) through (f), and replacing it with the following:

“(a) Certificate of public convenience and necessity

(1)

(A) No electricity company or person which will be an electricity company upon completion of any proposed construction or extension shall engage in the transportation or sale of electricity, subject to the jurisdiction of the Commission, or undertake the construction or extension of any facilities therefor, or acquire or operate any such facilities or extensions thereof, unless there is in force with respect to such electricity company a certificate of public convenience and necessity issued by the Commission authorizing such acts or operations. Pending the determination of any such application, the continuance of such operation shall be lawful.

(B) In all other cases the Commission shall set the matter for hearing and shall give such reasonable notice of the hearing thereon to all interested persons as in its judgment may be necessary under rules and regulations to be prescribed by the Commission; and the application shall be decided in accordance with the procedure provided in subsection (e) of this section and such certificate shall be issued or denied accordingly: Provided, however, that the Commission may issue a temporary certificate in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate, and may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required in the public interest.

(2) The Commission may issue a certificate of public convenience and necessity to an electricity company for the transportation in interstate commerce of electricity used by any person for one or more high-priority uses, as defined, by rule, by the Commission, in the case of—

- (A) electricity sold by the producer to such person; and
- (B) electricity produced by such person.

98 (b) Application for certificate of public convenience and necessity.—Application for certificates  
99 shall be made in writing to the Commission, be verified under oath, and shall be in such  
100 form, contain such information, and notice thereof shall be served upon such interested  
101 parties and in such manner as the Commission shall, by regulation, require.  
102

103 (c) Granting of certificate of public convenience and necessity  
104

105 (1) Except in the cases governed by the provisos contained in subsection (a)(1) of this  
106 section, a certificate shall be issued to any qualified applicant therefor, authorizing the  
107 whole or any part of the operation, sale, service, construction, extension, or  
108 acquisition covered by the application, if it is found that the applicant is able and  
109 willing properly to do the acts and to perform the service proposed and to conform to  
110 the provisions of this chapter and the requirements, rules, and regulations of the  
111 Commission thereunder, and that the proposed service, sale, operation, construction,  
112 extension, or acquisition, to the extent authorized by the certificate, is or will be  
113 required by the present or future public convenience and necessity; otherwise such  
114 application shall be denied. The Commission shall have the power to attach to the  
115 issuance of the certificate and to the exercise of the rights granted thereunder such  
116 reasonable terms and conditions as the public convenience and necessity may require.  
117

118 (d) Determination of service area; jurisdiction of transportation to ultimate consumers  
119

120 (1) The Commission, after a hearing had upon its own motion or upon application, may  
121 determine the service area to which each authorization under this section is to be  
122 limited. Within such service area as determined by the Commission an electricity  
123 company may enlarge or extend its facilities for the purpose of supplying increased  
124 market demands in such service area without further authorization; and  
125

126 (2) If the Commission has determined a service area pursuant to this subsection,  
127 transportation to ultimate consumers in such service area by the holder of such  
128 service area determination, even if across State lines, shall be subject to the exclusive  
129 jurisdiction of the State commission in the State in which the electricity is consumed.  
130 This section shall not apply to the transportation of electricity to another electricity  
131 company.  
132

133 (e) Certificate of public convenience and necessity for service of area already being served.—  
134 Nothing contained in this section shall be construed as a limitation upon the power of the  
135 Commission to grant certificates of public convenience and necessity for service of an area  
136 already being served by another electricity company.  
137

138 (f) Right of eminent domain for construction of electrical transmission infrastructure, etc.—  
139 When any holder of a certificate of public convenience and necessity cannot acquire by  
140 contract, or is unable to agree with the owner of property to the compensation to be paid for,  
141 the necessary right-of-way to construct, operate, and maintain a transmission line or  
142 transmission lines for the transportation of electricity, and the necessary land or other  
143 property, in addition to right-of-way, for the location of compressor stations, pressure  
144 apparatus, or other stations or equipment necessary to the proper operation of such  
145 transmission line or transmission lines, it may acquire the same by the exercise of the right of  
146 eminent domain in the district court of the United States for the district in which such  
147 property may be located, or in the State courts. The practice and procedure in any action or  
148 proceeding for that purpose in the district court of the United States shall conform as nearly  
149 as may be with the practice and procedure in similar action or proceeding in the courts of the  
150 State where the property is situated: Provided, That the United States district courts shall  
151 only have jurisdiction of cases when the amount claimed by the owner of the property to be  
152 condemned exceeds \$3,000.”

153

154 **SEC. 102. CATEGORICAL EXCLUSION FOR GENERATION AND TRANSMISSION**  
155 **UPGRADES**

156

157 16 U.S.C. § 824s is amended by adding at the end the following:

158

159 “

160 (e) In general.—Not later than 365 days after the enactment of this Act, the Secretary of Energy  
161 shall develop a categorical exclusion for the requirements for any detailed statement required  
162 under the National Energy Policy Act of 1969 (42 U.S.C. 4321 et seq.) or Section 1501.4 of  
163 title 40, Code of Federal Regulations (or a successor regulation) for electricity companies to  
164 make improvements that upgrade capacity by a predetermined level of kV for electrical  
165 generation or transmission.

166 (f) Administration.—In developing and administering the categorical exclusion under paragraph  
167 (a), the Secretary of Energy shall—

168 (1) Proscribe an upper limitation for an upgrade that balance the urgent need to build out  
169 our nation’s electrical transmission infrastructure to support the transition to a clean  
170 energy economy with necessity to avoid and minimize, to the maximum extent  
171 practicable, and offset, to the extent appropriate and practicable, sensitive  
172 environmental areas and cultural heritage.”

173

174 **SEC. 103. HYDROGEN STORAGE AND PIPELINE SITING**

175

176 (a) Sole Authority for Hydrogen Gas Storage, Transportation and Regulation.— [365 days] after  
177 enactment of this Act, the sole authority for siting of hydrogen gas or blended hydrogen gas

178 storage facilities or pipelines, for the regulation of storage or transport of hydrogen gas or  
179 blended hydrogen gas, shall reside with the Federal Energy Regulatory Commission.

180 (b) Transfer of Authority.—[365 days] after enactment of this act, all functions and authorities  
181 vested in other agencies or departments for the regulation of hydrogen gas or blended  
182 hydrogen gas storage, transport or siting shall be transferred to the Federal Energy  
183 Regulatory Commission.

184 (c) Applicability.—The provisions of this section shall apply to the storage of hydrogen gas or  
185 blended hydrogen gas transported through interstate commerce, transportation of hydrogen  
186 gas or blended hydrogen gas in interstate commerce, to the sale in interstate commerce of  
187 hydrogen gas or blended hydrogen gas for resale for ultimate public consumption for  
188 domestic, commercial, industrial, or any other use, and to hydrogen gas or blended hydrogen  
189 gas companies engaged in such transportation or sale, and to the importation or exportation  
190 of hydrogen gas or blended hydrogen gas in foreign commerce and to persons engaged in  
191 such importation or exportation, but shall not apply to any other transportation or sale of  
192 hydrogen gas or blended hydrogen gas, or to the local distribution of hydrogen gas or  
193 blended hydrogen gas.

194 (d) Exemptions; certification from State commission as conclusive evidence.—The provisions of  
195 this chapter shall not apply to any person engaged in or legally authorized to engage in the  
196 storage or transportation in interstate commerce or the sale in interstate commerce for resale,  
197 of hydrogen gas or blended hydrogen gas received by such person from another person  
198 within or at the boundary of a State if all the hydrogen gas or blended hydrogen gas so  
199 received is ultimately consumed within such State, or to any facilities used by such person  
200 for such transportation or sale, provided that the rates and service of such person and  
201 facilities be subject to regulation by a State commission. The matters exempted from the  
202 provisions of this chapter by this subsection are declared to be matters primarily of local  
203 concern and subject to regulation by the several States. A certification from such State  
204 commission to the Federal Energy Regulatory Commission that such State commission has  
205 regulatory jurisdiction over rates and service of such person and facilities and is exercising  
206 such jurisdiction shall constitute conclusive evidence of such regulatory power or  
207 jurisdiction.

208 (e) Vehicular hydrogen gas jurisdiction

209 (1) The provisions of this chapter shall not apply to any person solely by reason of, or  
210 with respect to, any sale or transportation of vehicular hydrogen gas or blended  
211 hydrogen gas if such person is—

212 (A) not otherwise a hydrogen gas or blended hydrogen gas company; or  
213 (B) subject primarily to regulation by a State commission, whether or not such  
214 State commission has, or is exercising, jurisdiction over the sale, sale for  
215 resale, or transportation of vehicular hydrogen gas or blended hydrogen gas.

216

217 (f) Certificate of public convenience and necessity

218

219 (1)

220 (A) No hydrogen gas company or person which will be a hydrogen gas company  
221 upon completion of any proposed construction or extension shall engage in  
222 the storage, transportation, or sale of hydrogen gas or blended hydrogen gas,  
223 subject to the jurisdiction of the Commission, or undertake the construction  
224 or extension of any facilities therefor, or acquire or operate any such  
225 facilities or extensions thereof, unless there is in force with respect to such  
226 hydrogen gas or blended hydrogen gas company a certificate of public  
227 convenience and necessity issued by the Commission authorizing such acts  
228 or operation. Pending the determination of any such application, the  
229 continuance of such operation shall be lawful.

230

231 (B) In all other cases the Commission shall set the matter for hearing and shall  
232 give such reasonable notice of the hearing thereon to all interested persons  
233 as in its judgment may be necessary under rules and regulations to be  
234 prescribed by the Commission; and the application shall be decided in  
235 accordance with the procedure provided in subsection (e) of this section and  
236 such certificate shall be issued or denied accordingly: Provided, however,  
237 That the Commission may issue a temporary certificate in cases of  
238 emergency, to assure maintenance of adequate service or to serve particular  
239 customers, without notice or hearing, pending the determination of an  
240 application for a certificate, and may by regulation exempt from the  
241 requirements of this section temporary acts or operations for which the  
242 issuance of a certificate will not be required in the public interest.

243

244 (2) The Commission may issue a certificate of public convenience and necessity to a  
245 hydrogen gas or blended hydrogen gas company for the storage of or transportation in  
246 interstate commerce of hydrogen gas or blended hydrogen gas used by any person for  
247 one or more high-priority uses, as defined, by rule, by the Commission, in the case  
248 of—

249

250 (A) Hydrogen gas or blended hydrogen gas sold by the producer to such person;  
251 and

252 (B) Hydrogen gas or blended hydrogen gas produced by such person.

253

254 (g) Application for certificate of public convenience and necessity.—Application for certificates  
255 shall be made in writing to the Commission, be verified under oath, and shall be in such  
256 form, contain such information, and notice thereof shall be served upon such interested



257 parties and in such manner as the Commission shall, by regulation, require.  
258

259 (h) Granting of certificate of public convenience and necessity  
260

261 (1) Except in the cases governed by the provisos contained in subsection (f)(1) of this  
262 section, a certificate shall be issued to any qualified applicant therefor, authorizing the  
263 whole or any part of the operation, sale, service, construction, extension, or  
264 acquisition covered by the application, if it is found that the applicant is able and  
265 willing properly to do the acts and to perform the service proposed and to conform to  
266 the provisions of this chapter and the requirements, rules, and regulations of the  
267 Commission thereunder, and that the proposed service, sale, operation, construction,  
268 extension, or acquisition, to the extent authorized by the certificate, is or will be  
269 required by the present or future public convenience and necessity; otherwise such  
270 application shall be denied. The Commission shall have the power to attach to the  
271 issuance of the certificate and to the exercise of the rights granted thereunder such  
272 reasonable terms and conditions as the public convenience and necessity may require.  
273

274 (i) Determination of service area; jurisdiction of transportation to ultimate consumers  
275

276 (1) The Commission, after a hearing had upon its own motion or upon application, may  
277 determine the service area to which each authorization under this section is to be  
278 limited. Within such service area as determined by the Commission a hydrogen gas  
279 company may enlarge or extend its facilities for the purpose of supplying increased  
280 market demands in such service area without further authorization; and  
281

282 (2) If the Commission has determined a service area pursuant to this subsection,  
283 transportation to ultimate consumers in such service area by the holder of such  
284 service area determination, even if across State lines, shall be subject to the exclusive  
285 jurisdiction of the State commission in the State in which the hydrogen gas or blended  
286 hydrogen gas is consumed. This section shall not apply to the transportation of  
287 hydrogen gas or blended hydrogen gas to another hydrogen gas or blended hydrogen  
288 gas company.  
289

290 (j) Certificate of public convenience and necessity for service of area already being served.—  
291 Nothing contained in this section shall be construed as a limitation upon the power of the  
292 Commission to grant certificates of public convenience and necessity for service of an area  
293 already being served by another hydrogen gas or blended hydrogen gas company.  
294

295 (k) Right of eminent domain for construction of pipelines, etc.—When any holder of a certificate  
296 of public convenience and necessity cannot acquire by contract, or is unable to agree with the



297 owner of property to the compensation to be paid for, the necessary right-of-way to construct,  
298 operate, and maintain a storage facility, or pipeline or pipelines for the transportation of  
299 hydrogen gas or blended hydrogen gas, and the necessary land or other property, in addition  
300 to right-of-way, for the location of compressor stations, pressure apparatus, or other stations  
301 or equipment necessary to the proper operation of such pipeline or pipelines, it may acquire  
302 the same by the exercise of the right of eminent domain in the district court of the United  
303 States for the district in which such property may be located, or in the State courts. The  
304 practice and procedure in any action or proceeding for that purpose in the district court of the  
305 United States shall conform as nearly as may be with the practice and procedure in similar  
306 action or proceeding in the courts of the State where the property is situated: Provided, That  
307 the United States district courts shall only have jurisdiction of cases when the amount  
308 claimed by the owner of the property to be condemned exceeds \$3,000.

- 309 (l) Authority to Regulate.—the Commission is hereby authorized to issue rules as necessary to  
310 carry out this section.

311  
312 **SEC. 104. CARBON DIOXIDE PIPELINE SITING**

- 313  
314 (a) Sole Authority for Carbon Dioxide Transportation and Regulation.— [365 days] after  
315 enactment of this Act, the sole authority for siting of carbon dioxide pipelines or storage  
316 facilities and for the regulation of transport of carbon dioxide, shall reside with the Federal  
317 Energy Regulatory Commission.
- 318 (b) Transfer of Authority.—[365 days] after enactment of this act, all functions and authorities  
319 vested in other agencies or departments for the regulation of carbon dioxide transport or  
320 siting shall be transferred to the Federal Energy Regulatory Commission.
- 321 (c) Applicability.—The provisions of this section shall apply to transportation of carbon dioxide  
322 in interstate commerce or storage of carbon dioxide that has been transported through  
323 interstate commerce but shall not apply to any other transportation or storage of carbon  
324 dioxide.
- 325 (d) Exemptions; certification from State commission as conclusive evidence.—The provisions of  
326 this chapter shall not apply to any person engaged in or legally authorized to engage in the  
327 transportation in interstate commerce or the sale in interstate commerce for resale, of carbon  
328 dioxide received by such person from another person within or at the boundary of a State if  
329 all the carbon dioxide so received is ultimately consumed within such State, or to any  
330 facilities used by such person for such transportation or sale, provided that the rates and  
331 service of such person and facilities be subject to regulation by a State commission. The  
332 matters exempted from the provisions of this chapter by this subsection are declared to be  
333 matters primarily of local concern and subject to regulation by the several States. A  
334 certification from such State commission to the Federal Energy Regulatory Commission that  
335 such State commission has regulatory jurisdiction over rates and service of such person and

336 facilities and is exercising such jurisdiction shall constitute conclusive evidence of such  
337 regulatory power or jurisdiction.

338 (e) Certificate of public convenience and necessity

339

340 (1)

341 (A) No carbon dioxide transportation or storage company or person which will  
342 be a carbon dioxide transportation or storage company upon completion of  
343 any proposed construction or extension shall engage in the storage,  
344 transportation, or sale of carbon dioxide, subject to the jurisdiction of the  
345 Commission, or undertake the construction or extension of any facilities  
346 therefor, or acquire or operate any such facilities or extensions thereof,  
347 unless there is in force with respect to such carbon dioxide transportation or  
348 storage company a certificate of public convenience and necessity issued by  
349 the Commission authorizing such acts or operation. Pending the  
350 determination of any such application, the continuance of such operation  
351 shall be lawful.

352

353 (B) In all other cases the Commission shall set the matter for hearing and shall  
354 give such reasonable notice of the hearing thereon to all interested persons  
355 as in its judgment may be necessary under rules and regulations to be  
356 prescribed by the Commission; and the application shall be decided in  
357 accordance with the procedure provided in subsection (e) of this section and  
358 such certificate shall be issued or denied accordingly: Provided, however,  
359 That the Commission may issue a temporary certificate in cases of  
360 emergency, without notice or hearing, pending the determination of an  
361 application for a certificate, and may by regulation exempt from the  
362 requirements of this section temporary acts or operations for which the  
363 issuance of a certificate will not be required in the public interest.

364

365 (2) The Commission may issue a certificate of public convenience and necessity to a  
366 carbon dioxide transportation or storage company for the storage or transportation in  
367 interstate commerce of carbon dioxide used by any person for one or more high-  
368 priority uses, as defined, by rule, by the Commission, in the case of—

369

370 (A) Carbon dioxide sold by the producer to such person; and

371 (B) Carbon dioxide produced by such person.

372

373 (f) Application for certificate of public convenience and necessity.—Application for certificates  
374 shall be made in writing to the Commission, be verified under oath, and shall be in such  
375 form, contain such information, and notice thereof shall be served upon such interested

376 parties and in such manner as the Commission shall, by regulation, require.

377  
378 (g) Granting of certificate of public convenience and necessity

379  
380 (1) Except in the cases governed by the provisos contained in subsection (f)(1) of this  
381 section, a certificate shall be issued to any qualified applicant therefor, authorizing the  
382 whole or any part of the operation, sale, service, construction, extension, or  
383 acquisition covered by the application, if it is found that the applicant is able and  
384 willing properly to do the acts and to perform the service proposed and to conform to  
385 the provisions of this chapter and the requirements, rules, and regulations of the  
386 Commission thereunder, and that the proposed service, sale, operation, construction,  
387 extension, or acquisition, to the extent authorized by the certificate, is or will be  
388 required by the present or future public convenience and necessity; otherwise such  
389 application shall be denied. The Commission shall have the power to attach to the  
390 issuance of the certificate and to the exercise of the rights granted thereunder such  
391 reasonable terms and conditions as the public convenience and necessity may require.

392  
393 (h) Certificate of public convenience and necessity for service of area already being served.—  
394 Nothing contained in this section shall be construed as a limitation upon the power of the  
395 Commission to grant certificates of public convenience and necessity for service of an area  
396 already being served by another carbon dioxide transportation or storage gas company.

397  
398 (i) Right of eminent domain for construction of pipelines, etc.—When any holder of a certificate  
399 of public convenience and necessity cannot acquire by contract, or is unable to agree with the  
400 owner of property to the compensation to be paid for, the necessary right-of-way to construct,  
401 operate, and maintain a storage facility, or pipeline or pipelines for the transportation of  
402 carbon dioxide, and the necessary land or other property, in addition to right-of-way, for the  
403 location of compressor stations, pressure apparatus, or other stations or equipment necessary  
404 to the proper operation of such pipeline or pipelines, it may acquire the same by the exercise  
405 of the right of eminent domain in the district court of the United States for the district in  
406 which such property may be located, or in the State courts. The practice and procedure in any  
407 action or proceeding for that purpose in the district court of the United States shall conform  
408 as nearly as may be with the practice and procedure in similar action or proceeding in the  
409 courts of the State where the property is situated: Provided, That the United States district  
410 courts shall only have jurisdiction of cases when the amount claimed by the owner of the  
411 property to be condemned exceeds \$3,000

412 (j) Authority to Regulate.—the Commission is hereby authorized to issue rules as necessary to  
413 carry out this section.

414

415 **SEC. 105. NEPA REVIEW FOR GEOTHERMAL EXPLORATION ON FEDERAL**  
416 **LANDS**

417

418 Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) (as amended by the National  
419 Energy Policy Act of 2005) is amended by adding at the end the following:

420

421 “(h) NEPA Review.—

422

423 (1) Action by the Secretary of the Interior in managing the public lands, or the Secretary  
424 of Agriculture in managing National Forest System Lands, or by any other agency  
425 head or department head with authority over any activity described in subsection (2)  
426 shall be subject to a rebuttable presumption that the use of a categorical exclusion  
427 under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.]  
428 (NEPA) would apply.

429

430 (2) Activities.—

431

(A) Any activity related to the exploration or development of geothermal  
432 energy, including activities pursuant to the Geothermal Steam Act of 1970  
433 [30 U.S.C. 1001 et seq.], as long as the activity:

434

(i) causes—

435

(a) Less than 5 acres of soil or vegetation disruption at the location  
436 of each geothermal exploration well;

437

(b) Not more than an additional 5 acres of soil or vegetation  
438 disruption during access or egress to the test site; and

439

(ii) is developed—

440

(a) less than [12 inches] in diameter;

441

(b) less than [300 feet] in depth;

442

(c) in a manner that does not require off-road motorized access  
443 other than to and from the well site along an identified off-road  
444 route;

445

(d) without construction of new roads other than upgrading of  
446 existing drainage crossings for safety purposes;

447

(e) with the use of rubber-tired digging or drilling equipment  
448 vehicles; and

449

(f) without the use of high-pressure well stimulation; and

450

(iii) is completed in less than [90 days], including the removal of any  
451 surface infrastructure from the site; and

452

(iv) requires the restoration of the project site within 3 years of the date of  
453 first exploration drilling to approximately the condition that existed at

454 the time the project began, unless the site is subsequently used as part  
455 of geothermal energy development under the lease.

456 (B) Individual surface disturbances of less than 5 acres so long as the total  
457 surface disturbance on the lease is not greater than 150 acres and site-  
458 specific analysis in a document prepared pursuant to NEPA has been  
459 previously completed.

460 (C) [Drilling a geothermal well] at a location or [well pad site] at which drilling  
461 has occurred previously within 5 years prior to the date the proposed  
462 exploration.

463 (D) [Drilling a geothermal well] within a developed field for which an approved  
464 land use plan or any environmental document prepared pursuant to NEPA  
465 analyzed such drilling as a reasonably foreseeable activity, so long as such  
466 plan or document was approved within 5 years prior to the date of the  
467 proposed exploration.

468 (E) Maintenance of a minor activity, other than any construction or major  
469 renovation or a building or facility.”

470

## 471 **TITLE II—JUDICIAL REVIEW**

472

### 473 **SEC. 201. LIMITATIONS ON JUDICIAL DELAYS**

474

475 Section 41007 of the Fixing America’s Surface Transportation Act of the FAST Act of 2015  
476 (Pub. Law 114-94) is amended by adding at the end the following:

477

478 “(f) For any detailed statement required by the National Energy Policy Act of 1969 (42 U.S.C. §  
479 4332(C)), including but not limited to the covered projects under this Title—

480

481 (1) Certification.—the responsible Federal official shall certify a start date for drafting  
482 the detailed statement and shall later certify a date on which the detailed statement  
483 was finished.

484 (2) Limitation on judicial actions.—

485 (A) If the responsible Federal official has certified a date on which the detailed  
486 statement was finished and more than [two] years have passed since the  
487 certified start date for drafting the detailed statement, no court may vacate,  
488 enjoin, or otherwise delay the Federal action for failure to comply with this  
489 section. After [enactment of this act], any court order to enjoin, vacate, or  
490 otherwise delay a Federal action for failure to comply with this section must  
491 expire within [two] years after the certified start date for the detailed  
492 statement required for that action; and any existing order enjoining,  
493 vacating, or otherwise delaying a Federal action for failure to comply with

494 this section is of no force and effect once [two] years have passed from the  
495 certified start date for the detailed statement required for that action.

496 (3) Reviewability.—Nothing in this title shall affect the reviewability of any final Federal  
497 agency action in a court of competent jurisdiction.

498

## 499 **SEC. 202. LIMITATIONS ON CLAIMS**

500

501 Section 41007 of the Fixing America’s Surface Transportation Act of the FAST Act of 2015  
502 (Pub. Law 114-94) is amended by adding at the end the following

503

504 “(g) Requirements for Standing.—Notwithstanding any other provision of law, a claim arising  
505 under Federal law pertaining to an environmental review conducted under the National Energy  
506 Policy Act of 1969 (42 U.S.C. §§ 4331 et seq.) shall be barred unless—

507

508 (1) the claim is filed by a party that submitted a comment during the environmental  
509 review; and

510 (2) any commenter filed a sufficiently detailed comment so as to put the lead agency on  
511 notice of the issue on which the party seeks judicial review, or the lead agency did not  
512 provide a reasonable opportunity for such a comment on that issue.

513

## 514 **TITLE III—SUPPORTING PERMITTING OF WHOLE HOME** 515 **EFFICIENCY IMPROVEMENTS**

516

### 517 **SEC. 301. PILOT PROGRAM FOR EXPANSION OF SOLAR APP**

518

519 (a) In general.—Not later than 365 days after enactment of this Act, the Secretary of Energy  
520 shall, in conjunction with the National Renewable Energy Laboratory, establish a pilot  
521 program to expand the “SolarAPP” application to include more jurisdictions and to expand  
522 its scope to qualified whole home efficiency improvements.

523 (b) Eligible Activities.—The funds appropriated under this may be used for the following  
524 activities:

525 (1) Efforts by the Department of Energy to develop the SolarAPP;

526 (2) To use streamlined critical pay authority to:

527 (A) hire individuals for positions that are necessary to carry out this section and  
528 require expertise of an extremely high level in an administrative, technical  
529 or professional field; or

530 (B) or to recruit or retain an individual exceptionally well qualified for the  
531 position as long as:

532 (i) the number of such positions does not exceed 50 at any one time;

533 (ii) the designation of such positions are approved by the Secretary;

- 534 (iii)the terms of such appointments end prior to five years after enactment  
535 of this Act;
- 536 (iv)appointees to such positions were not Department of Energy  
537 employees prior to enactment of this Act; and
- 538 (v) total annual compensation for any appointee to such positions does not  
539 exceed the highest total annual compensation payable at the rate  
540 determined under section 104 of title 3.
- 541 (C) All such positions are excluded from the collective bargaining unit and  
542 individuals appointed under this section shall not be considered to be  
543 employees for purposes of subchapter II of chapter 75.
- 544 (3) To provide grants, loans or technical support to local or state jurisdictions  
545
- 546 (c) Eligible Improvements.—Not later than 365 days after enactment of this Act, the Secretary  
547 of Energy shall publish in the Federal Register a list of eligible activities that will be included  
548 in the SolarAPP including but not limited to:
- 549
- 550 (1) Any activity eligible for the “Energy Efficient Home Improvement Credit” described  
551 in 26 U.S. Code § 25C(g)(2); and
- 552 (2) Any activity eligible for the Residential Clean Energy Credit described in 26 U.S.  
553 Code § 25D.
- 554
- 555 (d) Appropriations.—[\$500,000,000] is hereby appropriated to the Secretary of Energy to carry  
556 out this section.  
557

## 558 **TITLE IV— DESIGNATION OF ENERGY SECURITY** 559 **CORRIDORS**

### 560 **SEC. 401. PURPOSE**

- 561
- 562
- 563 (a) Statement of Purpose.— It shall be the policy of the United State to designate “high-energy  
564 corridors” to:
- 565 (1) Encourage efficient permitting for the construction of infrastructure critical for our  
566 nation’s long-term energy security;
- 567 (2) Promote nationwide economic dynamism;
- 568 (3) Support the development of regional energy hubs;
- 569 (4) Enhance the energy independence or energy security of the United States;
- 570

### 571 **SEC. 402. DESIGNATION OF ENERGY SECURITY CORRIDORS**

572



573 (a) In General.—No later than [365 days/two years/three years] after the enactment of this Act,  
574 the President, in consultation with the Secretary of Energy, Secretary of the Interior, the  
575 Chair of the Federal Energy Regulatory Commission, and the Administrator of the  
576 Environmental Protection Agency, and the heads of any other relevant Federal departments  
577 or agencies, as determined by the President, shall publish in the Federal Register a set of  
578 standards and requirements for application to be designated an Energy Security Corridor.  
579

580 (b) Requirements.—In determining the standards and requirements set forth in subsection (a),  
581 the President shall take into account the following considerations:  
582

583 (1) The potential for a designated area to contribute to our nation’s long-term energy  
584 security;

585 (2) The necessity to avoid and minimize, to the maximum extent practicable, and offset,  
586 to the extent appropriate and practicable, sensitive environmental areas and cultural  
587 heritage;

588 (3) Whether state and local laws are conducive to building energy infrastructure;

589 (4) The need to promote the development of renewable, clean energy; and

590 (5) The possibility that the costs of energy infrastructure development in the designated  
591 area will outweigh the benefits from reducing the regulatory barriers to building new  
592 energy infrastructure.  
593

594 (c) NEPA Review.—Within 365 days of publication of the standards and requirements described  
595 in subsection (a), all relevant heads of agencies shall publish a list of actions or activities that  
596 shall be subject to a rebuttable presumption that the use of a categorical exclusion under the  
597 National Environmental Policy Act of 1969 42 U.S.C. 4321 et seq.] (NEPA) would apply.  
598

## 599 **SEC 403. APPROPRIATIONS**

600  
601 (a) Authorization of Appropriations.—There is authorized to be appropriated to carry out this  
602 section \$50,000,000 for each of the fiscal years 2022 through 2032.