

119TH CONGRESS  
1ST SESSION

# H. R. 3668

To promote interagency coordination for reviewing certain authorizations under section 3 of the Natural Gas Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2025

Mr. HUDSON (for himself and Mr. BALDERSON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To promote interagency coordination for reviewing certain authorizations under section 3 of the Natural Gas Act, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Interagency  
5 Coordination for Pipeline Reviews Act”.

6 **SEC. 2. PROMOTING INTERAGENCY COORDINATION FOR**  
7 **REVIEW OF NATURAL GAS PIPELINES.**

8 (a) DEFINITIONS.—In this section:

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

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

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

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

17           (b) COMMISSION NEPA REVIEW RESPONSIBIL-  
18 ITIES.—In acting as the lead agency under section  
19 15(b)(1) of the Natural Gas Act for the purposes of com-  
20 plying with the National Environmental Policy Act of  
21 1969 (42 U.S.C. 4321 et seq.) with respect to an author-  
22 ization under section 3 of the Natural Gas Act or a certifi-  
23 cate of public convenience and necessity under section 7  
24 of such Act, the Commission shall, in accordance with this  
25 section and other applicable Federal law—

1 (1) be the only lead agency;

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

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

13 (c) DEFERENCE TO COMMISSION.—In making a deci-  
14 sion with respect to a Federal authorization required with  
15 respect to an application for authorization under section  
16 3 of the Natural Gas Act or a certificate of public conven-  
17 ience and necessity under section 7 of such Act, each agen-  
18 cy shall give deference, to the maximum extent authorized  
19 by law, to the scope of the project-related NEPA review  
20 that the Commission determines to be appropriate.

21 (d) PARTICIPATING AGENCIES.—

22 (1) IDENTIFICATION.—The Commission shall  
23 identify, not later than 30 days after the Commis-  
24 sion receives an application for an authorization  
25 under section 3 of the Natural Gas Act or a certifi-

1       cate of public convenience and necessity under sec-  
2       tion 7 of such Act, any Federal or State agency,  
3       local government, or Indian Tribe that may issue a  
4       Federal authorization or is required by Federal law  
5       to consult with the Commission in conjunction with  
6       the issuance of a Federal authorization required for  
7       such authorization or certificate.

8               (2) INVITATION.—

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

17                     (B) DEADLINE.—An invitation issued  
18                     under subparagraph (A) shall establish a dead-  
19                     line by which a response to the invitation shall  
20                     be submitted to the Commission, which may be  
21                     extended by the Commission for good cause.

22               (3) DESIGNATION AS PARTICIPATING AGEN-  
23       CIES.—Not later than 60 days after the Commission  
24       receives an application for an authorization under  
25       section 3 of the Natural Gas Act or a certificate of

1 public convenience and necessity under section 7 of  
2 such Act, the Commission shall designate an agency  
3 identified under paragraph (1) as a participating  
4 agency with respect to an application for authoriza-  
5 tion under section 3 of the Natural Gas Act or a  
6 certificate of public convenience and necessity under  
7 section 7 of such Act unless the agency informs the  
8 Commission, in writing, by the deadline established  
9 pursuant to paragraph (2)(B), that the agency—

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

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

14 (C) does not intend to submit comments  
15 for the record for the project-related NEPA re-  
16 view conducted by the Commission.

17 (4) EFFECT OF NON-DESIGNATION.—

18 (A) EFFECT ON AGENCY.—Any agency  
19 that is not designated as a participating agency  
20 under paragraph (3) with respect to an applica-  
21 tion for an authorization under section 3 of the  
22 Natural Gas Act or a certificate of public con-  
23 venience and necessity under section 7 of such  
24 Act may not request or conduct a NEPA review  
25 that is supplemental to the project-related

1 NEPA review conducted by the Commission,  
2 unless the agency—

3 (i) demonstrates that such review is  
4 legally necessary for the agency to carry  
5 out responsibilities in considering an as-  
6 pect of an application for a Federal au-  
7 thorization; and

8 (ii) requires information that could  
9 not have been obtained during the project-  
10 related NEPA review conducted by the  
11 Commission.

12 (B) COMMENTS; RECORD.—The Commis-  
13 sion shall not, with respect to an agency that is  
14 not designated as a participating agency under  
15 paragraph (3) with respect to 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—

19 (i) consider any comments or other in-  
20 formation submitted by such agency for  
21 the project-related NEPA review conducted  
22 by the Commission; or

23 (ii) include any such comments or  
24 other information in the record for such  
25 project-related NEPA review.

1 (e) WATER QUALITY IMPACTS.—

2 (1) IN GENERAL.—Notwithstanding section 401  
3 of the Federal Water Pollution Control Act (33  
4 U.S.C. 1341), an applicant for a Federal authoriza-  
5 tion shall not be required to provide a certification  
6 under such section with respect to the Federal au-  
7 thorization.

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

19 (3) PROPOSED CONDITIONS.—A State or inter-  
20 state agency designated as a participating agency  
21 pursuant to paragraph (2) may propose to the Com-  
22 mission terms or conditions for inclusion in an au-  
23 thorization under section 3 of the Natural Gas Act  
24 or a certificate of public convenience and necessity  
25 under section 7 of such Act that the State or inter-

1 state agency determines are necessary to ensure that  
2 any activity described in paragraph (2) conducted  
3 pursuant to such authorization or certification will  
4 comply with the applicable provisions of sections  
5 301, 302, 303, 306, and 307 of the Federal Water  
6 Pollution Control Act.

7 (4) COMMISSION CONSIDERATION OF CONDI-  
8 TIONS.—The Commission may include a term or  
9 condition in an authorization under section 3 of the  
10 Natural Gas Act or a certificate of public conven-  
11 ience and necessity under section 7 of such Act pro-  
12 posed by a State or interstate agency under para-  
13 graph (3) only if the Commission finds that the term  
14 or condition is necessary to ensure that any activity  
15 described in paragraph (2) conducted pursuant to  
16 such authorization or certification will comply with  
17 the applicable provisions of sections 301, 302, 303,  
18 306, and 307 of the Federal Water Pollution Con-  
19 trol Act.

20 (f) SCHEDULE.—

21 (1) DEADLINE FOR FEDERAL AUTHORIZA-  
22 TIONS.—A deadline for a Federal authorization re-  
23 quired with respect to an application for authoriza-  
24 tion under section 3 of the Natural Gas Act or a  
25 certificate of public convenience and necessity under

1 section 7 of such Act set by the Commission under  
2 section 15(c)(1) of such Act shall be not later than  
3 90 days after the Commission completes its project-  
4 related NEPA review, unless an applicable schedule  
5 is otherwise established by Federal law.

6 (2) CONCURRENT REVIEWS.—Each Federal and  
7 State agency—

8 (A) that may consider an application for a  
9 Federal authorization required with respect to  
10 an application for authorization under section 3  
11 of the Natural Gas Act or a certificate of public  
12 convenience and necessity under section 7 of  
13 such Act shall formulate and implement a plan  
14 for administrative, policy, and procedural mech-  
15 anisms to enable the agency to ensure comple-  
16 tion of Federal authorizations in compliance  
17 with schedules established by the Commission  
18 under section 15(c)(1) of such Act; and

19 (B) in considering an aspect of an applica-  
20 tion for a Federal authorization required with  
21 respect to an application for authorization  
22 under section 3 of the Natural Gas Act or a  
23 certificate of public convenience and necessity  
24 under section 7 of such Act, shall—

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

5 (ii) carry out the obligations of that  
6 agency under applicable law concurrently,  
7 and in conjunction with, the project-related  
8 NEPA review conducted by the Commis-  
9 sion, and in compliance with the schedule  
10 established by the Commission under sec-  
11 tion 15(c)(1) of such Act, unless the agen-  
12 cy notifies the Commission in writing that  
13 doing so would impair the ability of the  
14 agency to conduct needed analysis or oth-  
15 erwise carry out such obligations;

16 (iii) transmit to the Commission a  
17 statement—

18 (I) acknowledging receipt of the  
19 schedule established by the Commis-  
20 sion under section 15(c)(1) of the  
21 Natural Gas Act; and

22 (II) setting forth the plan formu-  
23 lated under clause (i) of this subpara-  
24 graph;

1 (iv) not later than 30 days after the  
2 agency receives such application for a Fed-  
3 eral authorization, transmit to the appli-  
4 cant a notice—

5 (I) indicating whether such appli-  
6 cation is ready for processing; and

7 (II) if such application is not  
8 ready for processing, that includes a  
9 comprehensive description of the in-  
10 formation needed for the agency to  
11 determine that the application is  
12 ready for processing;

13 (v) determine that such application  
14 for a Federal authorization is ready for  
15 processing for purposes of clause (iv) if  
16 such application is sufficiently complete for  
17 the purposes of commencing consideration,  
18 regardless of whether supplemental infor-  
19 mation is necessary to enable the agency to  
20 complete the consideration required by law  
21 with respect to such application; and

22 (vi) not less often than once every 90  
23 days, transmit to the Commission a report  
24 describing the progress made in consid-

1           ering such application for a Federal au-  
2           thorization.

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

16          (g) CONSIDERATION OF APPLICATIONS FOR FED-  
17          ERAL AUTHORIZATION.—

18               (1) ISSUE IDENTIFICATION AND RESOLU-  
19               TION.—

20                   (A) IDENTIFICATION.—Federal and State  
21                   agencies that may consider an aspect of an ap-  
22                   plication for a Federal authorization shall iden-  
23                   tify, as early as possible, any issues of concern  
24                   that may delay or prevent an agency from

1 working with the Commission to resolve such  
2 issues and granting such authorization.

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

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

21 (3) APPLICATION PROCESSING.—The Commis-  
22 sion, and Federal and State agencies, may allow a  
23 person applying for a Federal authorization to fund  
24 a third-party contractor to assist in reviewing the  
25 application for such authorization.

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

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

13           (2) A list of all the actions required by each ap-  
14           plicable agency to complete permitting, reviews, and  
15           other actions necessary to obtain a final decision on  
16           the application.

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

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

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

24           (i) PIPELINE SECURITY.—In considering an applica-  
25           tion for an authorization under section 3 of the Natural

1 Gas Act or a certificate of public convenience and neces-  
2 sity under section 7 of such Act, the Federal Energy Reg-  
3 ulatory Commission shall consult with the Administrator  
4 of the Transportation Security Administration regarding  
5 the applicant's compliance with security guidance and best  
6 practice recommendations of the Administration regarding  
7 pipeline infrastructure security, pipeline cybersecurity,  
8 pipeline personnel security, and other pipeline security  
9 measures.

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