

**AMENDMENT TO H.R. 3221**  
**OFFERED BY MR. GRIJALVA OF ARIZONA**

In title VII, at the end of subtitle A add the following:

1 **SEC. \_\_\_\_ . ENERGY RIGHTS-OF-WAY CORRIDORS ON FED-**  
2 **ERAL LAND.**

3 (a) **REPEAL OF REQUIREMENTS TO DESIGNATE EN-**  
4 **ERGY RIGHTS-OF-WAY CORRIDORS ON FEDERAL LAND.—**

5 Section 368 of the Energy Policy Act of 2005 (Public Law  
6 109-58; 42 U.S.C.15926) is amended—

7 (1) in subsection (a), by striking “Not later  
8 than 2 years after the date of enactment of this Act,  
9 the” and inserting “The”; and

10 (2) in subsection (b), by striking “Not later  
11 than 4 years after the date of enactment of this Act,  
12 the” and inserting “The”.

13 (b) **STUDY.—**

14 (1) **STUDY.—**Not later than 6 months after the  
15 date of enactment of this Act, the Secretary of Agri-  
16 culture, the Secretary of Commerce, the Secretary of  
17 Defense, the Secretary of Energy, and the Secretary  
18 of the Interior (in this subsection referred to collec-

1 tively as “the Secretaries”) shall, in consultation  
2 with affected States, complete a study of—

3 (A) congestion and constraints in trans-  
4 mission of electricity, carbon dioxide captured  
5 from coal-fired powerplants and coal-to-liquids  
6 plants, liquid fuels derived from coal, oil, gas,  
7 and hydrogen;

8 (B) barriers to access for transmission  
9 from renewable energy sources, such as large  
10 and small conventional hydropower, wind en-  
11 ergy, and solar energy; and

12 (C) the need for energy corridors on public  
13 lands to address identified congestion or con-  
14 straints.

15 (2) CONSIDERATIONS.—In performing the  
16 study, the Secretaries—

17 (A) shall take into account the studies of  
18 electrical transmission congestion completed  
19 under section 216(a)(1) of the Federal Power  
20 Act (16 U.S.C. 824(p)(a)(1)), other projects  
21 authorized or under consideration on public  
22 lands and such projects outside public lands,  
23 and alternatives, individually and in concert,  
24 that could be implemented to address the needs  
25 identified, including an analysis of demand re-

1           duction, available new technology, and distrib-  
2           uted generation measures that could be taken;

3           (B) shall not consider as available for des-  
4           ignation as a corridor, any area that is—

5                   (i) within one mile of any place des-  
6                   ignated or otherwise identified by State or  
7                   Federal law or any applicable Federal or  
8                   State land use plan for recognition or pro-  
9                   tection of scenic, natural, cultural, or his-  
10                  toric resources; or

11                   (ii) in a sensitive ecological area, in-  
12                   cluding any area that is designated as crit-  
13                   ical habitat under the Endangered Species  
14                   Act of 1973 or otherwise identified as sen-  
15                   sitive or crucial habitat, including seasonal  
16                   habitat, by the United States Fish and  
17                   Wildlife Service, by a State agency respon-  
18                   sible for managing wildlife or wildlife habi-  
19                   tat, or in a Federal or State land use plan;

20           (C) identify opportunities to mitigate to  
21           the maximum extent practicable the potential  
22           impact of designating energy corridors, and of  
23           the reasonably foreseeable uses of those cor-  
24           ridors for power lines, pipelines, and other  
25           transmission facilities, on natural, scenic, cul-

1 tural, and historic values and areas referred to  
2 in subparagraph (B), the protection of which is  
3 in the national interest, including opportunities  
4 to minimize the width of corridors, limiting the  
5 types and numbers of uses of corridors, and  
6 placement of facilities underground; and

7 (D) identify opportunities to improve ac-  
8 cess to the national electric power grid for gen-  
9 erators of renewable energy, such as wind, hy-  
10 dropower, biomass, hydrogen, geothermal, and  
11 solar.

12 (3) UPDATES.—The Secretaries shall periodi-  
13 cally update the results of the study as they consider  
14 appropriate.

15 (4) REPORTS.—After considering recommenda-  
16 tions from interested persons (including an oppor-  
17 tunity for comment from the public and affected  
18 States), the Secretaries shall issue—

19 (A) a report presenting the results of the  
20 study; and

21 (B) a report on each update of the study  
22 under paragraph (3).

23 (c) DEFERRAL OF DESIGNATION OF ENERGY COR-  
24 RIDORS PENDING COMPLETION OF STUDY.—

1           (1) **LIMITATION ON ACTIONS PENDING COMPLE-**  
2           **TION OF STUDY.**—The Secretaries shall not des-  
3           ignate energy corridors on public lands, including  
4           those corridors under consideration based on section  
5           368 of the Energy Policy Act of 2005 (Public Law  
6           109-58) as in effect prior to the enactment of this  
7           Act, and shall not authorize specific rights-of-way or  
8           projects in such corridors, until the study under sub-  
9           section (b) is completed.

10           (2) **USE OF STUDY RESULTS FOR ACTIONS**  
11           **AFTER COMPLETION OF STUDY.**—

12                   (A) **IN GENERAL.**—Subject to subpara-  
13                   graph (B), after completion of the study under  
14                   subsection (b), the Secretaries shall use the re-  
15                   sults of the study to inform subsequent deci-  
16                   sions to grant rights-of-way, including under  
17                   title V of the Federal Land Policy and Manage-  
18                   ment Act of 1976 (43 U.S.C. 1761 et seq.), and  
19                   to amend land use plans to designate energy  
20                   corridors or authorize rights-of-way, in any area  
21                   for which no such designation or authorization  
22                   currently exists.

23                   (B) **LIMITATION ON USE.**—The results of  
24                   the study shall not affect the Secretaries' obli-  
25                   gations to analyze the environmental con-

1 sequences of a designation or authorization re-  
2 ferred to in subparagraph (A), or to otherwise  
3 comply with applicable laws.

4 (d) **AUTHORITY TO AUTHORIZE RIGHTS-OF-WAY.—**

5 Nothing in this section shall limit the ability of the Secre-  
6 taries to authorize rights-of-way for energy transmission  
7 projects that are consistent with the governing land use  
8 plan, after completion of environmental analysis and com-  
9 pliance with applicable laws.