

118TH CONGRESS
2D SESSION

S. _____

To support communities that host transmission lines and to promote conservation and recreation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To support communities that host transmission lines and to promote conservation and recreation, 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 “Energizing Our Com-
5 munities Act”.

6 **SEC. 2. COMMUNITY ECONOMIC DEVELOPMENT TRANS-**
7 **MISSION FUND.**

8 (a) DEFINITIONS.—In this section:

1 (1) COVERED LOAN.—The term “covered loan”
2 means any of the following issued after the date of
3 enactment of this Act:

4 (A) A loan issued under section
5 40106(e)(1)(B) of the Infrastructure Invest-
6 ment and Jobs Act (42 U.S.C.
7 18713(e)(1)(B)).

8 (B) A direct loan provided under section
9 50151 of Public Law 117–169 (commonly
10 known as the “Inflation Reduction Act of
11 2022”) (42 U.S.C. 18715).

12 (C) A loan made for an eligible project de-
13 scribed in paragraph (2)(C) under the Trans-
14 mission Infrastructure Program of the Western
15 Area Power Administration.

16 (D) Any other loan made under a Depart-
17 ment of Energy loan program identified in the
18 report required under subsection (f)(1) with re-
19 spect to electric power transmission lines that
20 are capable of transmitting 999 megawatts or
21 more.

22 (2) ELIGIBLE PROJECT.—The term “eligible
23 project” means—

24 (A) an eligible project (as defined in sec-
25 tion 40106(a) of the Infrastructure Investment

1 and Jobs Act (42 U.S.C. 18713(a))) that is
2 carried out using a covered loan described in
3 paragraph (1)(A);

4 (B) a project for the construction or modi-
5 fication of electric transmission facilities that is
6 carried out using a covered loan described in
7 paragraph (1)(B);

8 (C) a project for the purpose of con-
9 structing, financing, facilitating, planning, oper-
10 ating, or maintaining, or studying the construc-
11 tion of, new or upgraded electric power trans-
12 mission lines and related facilities with at least
13 1 terminus within the service territory of the
14 Western Area Power Administration that is car-
15 ried out using a covered loan described in para-
16 graph (1)(C); or

17 (D) a project with respect to electric power
18 transmission lines capable of transmitting 999
19 megawatts or more that is carried out using a
20 covered loan described in paragraph (1)(D).

21 (3) FUND.—The term “Fund” means the Com-
22 munity Economic Development Transmission Fund
23 established under subsection (b).

24 (4) HOST COMMUNITY.—The term “host com-
25 munity” means—

1 (A) a local government, such as a municipi-
2 pality, town, or county, with jurisdiction over
3 any land on which an eligible project is or will
4 be carried out; or

5 (B) an Indian Tribe with jurisdiction over
6 any land on which an eligible project is or will
7 be carried out.

8 (5) INDIAN TRIBE.—The term “Indian Tribe”
9 has the meaning given the term in section 4 of the
10 Indian Self-Determination and Education Assistance
11 Act (25 U.S.C. 5304).

12 (6) SECRETARY.—The term “Secretary” means
13 the Secretary of Energy.

14 (b) ESTABLISHMENT.—There is established in the
15 Treasury a fund, to be known as the “Community Eco-
16 nomic Development Transmission Fund”—

17 (1) consisting of such amounts as may be de-
18 posited in the Fund pursuant to subsection (c); and

19 (2) that shall be managed and administered by
20 the Secretary to make payments, in accordance with
21 this section, to host communities.

22 (c) DEPOSITS IN THE FUND.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, a portion, determined in accordance
25 with paragraph (2), of the interest charged and col-

1 lected with respect to a covered loan each fiscal year
2 shall be deposited in the Fund to carry out the pro-
3 visions of this Act.

4 (2) DETERMINATION OF PORTION.—The Sec-
5 retary, in consultation with the Secretary of the
6 Treasury, shall determine the portion of interest
7 charged and collected each fiscal year that shall be
8 deposited in the Fund under this subsection.

9 (d) EXPENDITURES FROM THE FUND.—

10 (1) AVAILABILITY OF AMOUNTS.—Amounts in
11 the Fund shall be available, as provided in appro-
12 priation Acts, for making payments as described in
13 subsection (b)(2).

14 (2) PAYMENTS.—

15 (A) IN GENERAL.—The Secretary shall
16 make a payment to a host community under
17 this section not later than 18 months after con-
18 struction of the applicable eligible project com-
19 mences.

20 (B) SINGLE SUM.—For any 1 eligible
21 project, the Secretary may make not more than
22 1 payment under this section to each host com-
23 munity eligible to receive a payment relating to
24 that eligible project.

1 (3) ELIGIBILITY.—A host community shall be
2 eligible to receive a payment under this section if the
3 host community—

4 (A) submits a request to the Secretary not
5 later than 1 year after the host community re-
6 ceives notice under paragraph (4); and

7 (B) certifies to the Secretary that the
8 funds will be used for an eligible purpose de-
9 scribed in subsection (e).

10 (4) NOTICE.—The Secretary shall provide host
11 communities notice of the availability of payments
12 under this section as part of the Federal siting and
13 permitting processes for the applicable eligible
14 project.

15 (5) PAYMENT AMOUNT.—In determining the
16 amount of a payment to a host community under
17 this section, the Secretary shall—

18 (A) develop and use a formula for dis-
19 bursement of funds that, to the extent prac-
20 ticable, ensures the long-term solvency of the
21 Fund; and

22 (B) in developing that formula—

23 (i) take into account input from host
24 communities and stakeholder groups re-

1 guarding the impacts of eligible projects on
2 host communities; and

3 (ii) include a small-population commu-
4 nity minimum as part of the formula.

5 (6) PAYMENTS IN LIEU OF TAXES.—Any
6 amount received by a host community from a pay-
7 ment made under this section shall be in addition to
8 any payment in lieu of taxes received by the host
9 community under chapter 69 of title 31, United
10 States Code.

11 (e) ELIGIBLE USE OF FUNDS.—

12 (1) COMMUNITY SUPPORT.—A host community
13 may use up to 80 percent of the amounts received
14 by that host community from a payment under this
15 section to develop, deliver, or support—

16 (A) services, projects, or programs that—

17 (i) improve existing infrastructure or
18 implement essential public services, includ-
19 ing services, projects, or programs relating
20 to—

21 (I) public schools;

22 (II) public libraries;

23 (III) public hospitals;

24 (IV) roads, bridges, or public
25 transportation;

1 (V) community centers or parks;

2 (VI) firefighting or search and

3 rescue services; or

4 (VII) law enforcement;

5 (ii) provide or expand access to—

6 (I) broadband telecommuni-

7 cations services at local community

8 anchor institutions (as defined in sec-

9 tion 60302 of the Digital Equity Act

10 of 2021 (47 U.S.C. 1721));

11 (II) technology or connectivity

12 needed for students to use a digital

13 learning tool at or outside of a local

14 school campus; or

15 (III) farmers markets or other

16 agricultural support;

17 (iii) support local agricultural proc-

18 essing or distribution infrastructure;

19 (iv) support workforce training pro-

20 grams for technical training, skill mastery,

21 or business opportunities across the spec-

22 trum of careers in renewable energy, with

23 emphasis on historically underrepresented

24 communities in the renewable energy work-

25 force; or

1 (v) address public health by increasing
2 outdoor recreation opportunities, including
3 construction of new parks, for people of all
4 backgrounds and abilities; or
5 (B) other, similar services, projects, or pro-
6 grams.

7 (2) CONSERVATION, STEWARDSHIP, AND
8 RECREATION.—A host community shall use at least
9 20 percent of the amounts received by that host
10 community from a payment under this section for
11 conservation, stewardship, or recreation purposes,
12 including—

13 (A) restoring or protecting—

14 (i) fish or wildlife habitat;

15 (ii) fish or wildlife corridors; or

16 (iii) wetlands, streams, rivers, or other
17 natural water bodies in areas affected by
18 transmission development;

19 (B) preserving or improving recreational
20 access to public land or water through an ease-
21 ment, right-of-way, or other instrument from
22 willing landowners for the purpose of enhancing
23 public access to existing Federal land or water
24 that is inaccessible or restricted;

1 (C) developing new or renovating existing
2 outdoor recreation facilities that provide out-
3 door recreation opportunities to the public;

4 (D) creating or significantly enhancing ac-
5 cess to park or recreational opportunities in a
6 neighborhood or community;

7 (E) engaging or empowering underserved
8 communities or youth;

9 (F) facilitating public-private partnerships
10 to enhance public outdoor recreational access,
11 infrastructure improvements, or conservation
12 efforts;

13 (G) for natural climate solutions, including
14 programs that—

15 (i) accommodate biochar or other na-
16 ture-based opportunities for carbon seques-
17 tration;

18 (ii) support wildfire resilience to en-
19 sure healthy and resilient forests or grass-
20 lands;

21 (iii) promote the planting, growing, or
22 restoring of trees or forests;

23 (iv) support resilience against natural
24 disasters to ensure healthy and resilient
25 communities;

1 (v) empower farmers in the United
2 States to incorporate conservation or cli-
3 mate co-benefits in their agricultural prac-
4 tices; or

5 (vi) support or implement traditional
6 ecological knowledge; or

7 (H) other, similar services, projects, or
8 programs.

9 (f) REPORTS.—

10 (1) COVERAGE.—Not later than 90 days after
11 the date of enactment of this Act, the Secretary
12 shall submit to the Committee on Energy and Nat-
13 ural Resources of the Senate and the Committee on
14 Energy and Commerce of the House of Representa-
15 tives a report detailing the loan programs within the
16 Department of Energy that fund electric power
17 transmission lines and related infrastructure that
18 are capable of transmitting 999 megawatts or more.

19 (2) ANNUAL REPORT.—

20 (A) IN GENERAL.—Not later than 60 days
21 after the end of each fiscal year, the Secretary
22 shall submit to the Committee on Energy and
23 Natural Resources of the Senate and the Com-
24 mittee on Energy and Commerce of the House

1 of Representatives a report on the operation of
2 the Fund during that fiscal year.

3 (B) REPORT REQUIREMENTS.—Each re-
4 port submitted under subparagraph (A) shall
5 include—

6 (i) a statement of—

7 (I) the amounts deposited in the
8 Fund during the applicable fiscal
9 year; and

10 (II) the balance remaining in the
11 Fund at the end of that fiscal year;
12 and

13 (ii) a list of—

14 (I) host communities that re-
15 ceived amounts made available from
16 the Fund during that fiscal year;

17 (II) the associated eligible
18 projects carried out in those host com-
19 munities; and

20 (III) the amount that each of
21 those host communities received.

22 (g) SAVINGS PROVISION.—Nothing in this section, in-
23 cluding the receipt of amounts made available from the
24 Fund—

1 (1) precludes a host community from entering
2 into a community benefit agreement with an owner
3 of transmission infrastructure; or

4 (2) otherwise affects the authority of a host
5 community or an owner of transmission infrastruc-
6 ture with respect to any community benefit agree-
7 ment.