

119TH CONGRESS
1ST 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 (for himself and Mr. HICKENLOOPER) 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 loan made for an eligible project de-
9 scribed in paragraph (2)(B) under the Trans-
10 mission Infrastructure Program of the Western
11 Area Power Administration.

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

18 (2) ELIGIBLE PROJECT.—The term “eligible
19 project” means—

20 (A) an eligible project (as defined in sec-
21 tion 40106(a) of the Infrastructure Investment
22 and Jobs Act (42 U.S.C. 18713(a))) that is
23 carried out using a covered loan described in
24 paragraph (1)(A);

1 (B) a project for the purpose of con-
2 structing, financing, facilitating, planning, oper-
3 ating, or maintaining, or studying the construc-
4 tion of, new or upgraded electric power trans-
5 mission lines and related facilities with at least
6 1 terminus within the service territory of the
7 Western Area Power Administration that is car-
8 ried out using a covered loan described in para-
9 graph (1)(B); or

10 (C) a project with respect to electric power
11 transmission lines capable of transmitting 999
12 megawatts or more that is carried out using a
13 covered loan described in paragraph (1)(C).

14 (3) FUND.—The term “Fund” means the Com-
15 munity Economic Development Transmission Fund
16 established under subsection (b).

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

19 (A) a local government, such as a munici-
20 pality, town, or county, with jurisdiction over
21 any land on which an eligible project is or will
22 be carried out; or

23 (B) an Indian Tribe with jurisdiction over
24 any land on which an eligible project is or will
25 be carried out.

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

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

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

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

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

15 (c) DEPOSITS IN THE FUND.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, a portion, determined in accordance
18 with paragraph (2), of the interest charged and col-
19 lected with respect to a covered loan each fiscal year
20 shall be deposited in the Fund to carry out the pro-
21 visions of this Act.

22 (2) DETERMINATION OF PORTION.—The Sec-
23 retary, in consultation with the Secretary of the
24 Treasury, shall determine the portion of interest

1 charged and collected each fiscal year that shall be
2 deposited in the Fund under this subsection.

3 (d) EXPENDITURES FROM THE FUND.—

4 (1) AVAILABILITY OF AMOUNTS.—Amounts in
5 the Fund shall be available, as provided in appro-
6 priation Acts, for making payments as described in
7 subsection (b)(2).

8 (2) PAYMENTS.—

9 (A) IN GENERAL.—The Secretary shall
10 make a payment to a host community under
11 this section not later than 18 months after con-
12 struction of the applicable eligible project com-
13 mences.

14 (B) SINGLE SUM.—For any 1 eligible
15 project, the Secretary may make not more than
16 1 payment under this section to each host com-
17 munity eligible to receive a payment relating to
18 that eligible project.

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

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

1 (B) certifies to the Secretary that the
2 funds will be used for an eligible purpose de-
3 scribed in subsection (e).

4 (4) NOTICE.—The Secretary shall provide host
5 communities notice of the availability of payments
6 under this section as part of the Federal siting and
7 permitting processes for the applicable eligible
8 project.

9 (5) PAYMENT AMOUNT.—In determining the
10 amount of a payment to a host community under
11 this section, the Secretary shall—

12 (A) develop and use a formula for dis-
13 bursement of funds that, to the extent prac-
14 ticable, ensures the long-term solvency of the
15 Fund; and

16 (B) in developing that formula—

17 (i) take into account input from host
18 communities and stakeholder groups re-
19 garding the impacts of eligible projects on
20 host communities; and

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

23 (6) PAYMENTS IN LIEU OF TAXES.—Any
24 amount received by a host community from a pay-
25 ment made under this section shall be in addition to

1 any payment in lieu of taxes received by the host
2 community under chapter 69 of title 31, United
3 States Code.

4 (e) ELIGIBLE USE OF FUNDS.—

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

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

10 (i) improve existing infrastructure or
11 implement essential public services, includ-
12 ing services, projects, or programs relating
13 to—

14 (I) public schools;

15 (II) public libraries;

16 (III) public hospitals;

17 (IV) roads, bridges, or public
18 transportation;

19 (V) community centers or parks;

20 (VI) firefighting or search and
21 rescue services; or

22 (VII) law enforcement;

23 (ii) provide or expand access to—

24 (I) broadband telecommuni-
25 cations services at local community

1 anchor institutions (as defined in sec-
2 tion 60302 of the Digital Equity Act
3 of 2021 (47 U.S.C. 1721));

4 (II) technology or connectivity
5 needed for students to use a digital
6 learning tool at or outside of a local
7 school campus; or

8 (III) farmers markets or other
9 agricultural support;

10 (iii) support local agricultural proc-
11 essing or distribution infrastructure;

12 (iv) support workforce training pro-
13 grams for technical training, skill mastery,
14 or business opportunities across the spec-
15 trum of careers in renewable energy, with
16 emphasis on historically underrepresented
17 communities in the renewable energy work-
18 force; or

19 (v) address public health by increasing
20 outdoor recreation opportunities, including
21 construction of new parks, for people of all
22 backgrounds and abilities; or

23 (B) other, similar services, projects, or pro-
24 grams.

1 (2) CONSERVATION, STEWARDSHIP, AND
2 RECREATION.—A host community shall use at least
3 20 percent of the amounts received by that host
4 community from a payment under this section for
5 conservation, stewardship, or recreation purposes,
6 including—

7 (A) restoring or protecting—

8 (i) fish or wildlife habitat;

9 (ii) fish or wildlife corridors; or

10 (iii) wetlands, streams, rivers, or other
11 natural water bodies in areas affected by
12 transmission development;

13 (B) preserving or improving recreational
14 access to public land or water through an ease-
15 ment, right-of-way, or other instrument from
16 willing landowners for the purpose of enhancing
17 public access to existing Federal land or water
18 that is inaccessible or restricted;

19 (C) developing new or renovating existing
20 outdoor recreation facilities that provide out-
21 door recreation opportunities to the public;

22 (D) creating or significantly enhancing ac-
23 cess to park or recreational opportunities in a
24 neighborhood or community;

1 (E) engaging or empowering underserved
2 communities or youth;

3 (F) facilitating public-private partnerships
4 to enhance public outdoor recreational access,
5 infrastructure improvements, or conservation
6 efforts;

7 (G) for natural climate solutions, including
8 programs that—

9 (i) accommodate biochar or other na-
10 ture-based opportunities for carbon seques-
11 tration;

12 (ii) support wildfire resilience to en-
13 sure healthy and resilient forests or grass-
14 lands;

15 (iii) promote the planting, growing, or
16 restoring of trees or forests;

17 (iv) support resilience against natural
18 disasters to ensure healthy and resilient
19 communities;

20 (v) empower farmers in the United
21 States to incorporate conservation or cli-
22 mate co-benefits in their agricultural prac-
23 tices; or

24 (vi) support or implement traditional
25 ecological knowledge; or

1 (H) other, similar services, projects, or
2 programs.

3 (f) REPORTS.—

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

13 (2) ANNUAL REPORT.—

14 (A) IN GENERAL.—Not later than 60 days
15 after the end of each fiscal year, the Secretary
16 shall submit to the Committee on Energy and
17 Natural Resources of the Senate and the Com-
18 mittee on Energy and Commerce of the House
19 of Representatives a report on the operation of
20 the Fund during that fiscal year.

21 (B) REPORT REQUIREMENTS.—Each re-
22 port submitted under subparagraph (A) shall
23 include—

24 (i) a statement of—

1 (I) the amounts deposited in the
2 Fund during the applicable fiscal
3 year; and

4 (II) the balance remaining in the
5 Fund at the end of that fiscal year;
6 and

7 (ii) a list of—

8 (I) host communities that re-
9 ceived amounts made available from
10 the Fund during that fiscal year;

11 (II) the associated eligible
12 projects carried out in those host com-
13 munities; and

14 (III) the amount that each of
15 those host communities received.

16 (g) SAVINGS PROVISION.—Nothing in this section, in-
17 cluding the receipt of amounts made available from the
18 Fund—

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

22 (2) otherwise affects the authority of a host
23 community or an owner of transmission infrastruc-
24 ture with respect to any community benefit agree-
25 ment.