

118TH CONGRESS  
2D SESSION

# S. 3855

To interconnect the Electric Reliability Council of Texas to its neighbors,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 29, 2024

Mr. MARKEY introduced the following bill; which was read twice and referred  
to the Committee on Energy and Natural Resources

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## A BILL

To interconnect the Electric Reliability Council of Texas  
to its neighbors, 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 “Connect the Grid Act  
5 of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ABANDONED MINE LAND.**—The term  
9 “abandoned mine land” means land, water, or a wa-  
10 tershed that is contaminated or scarred by extrac-

1 tion, beneficiation, or processing of ores or minerals  
2 (which may include phosphate, but does not include  
3 coal).

4 (2) BROWNFIELD SITE.—The term “brownfield  
5 site” has the meaning given the term in section 101  
6 of the Comprehensive Environmental Response,  
7 Compensation, and Liability Act of 1980 (42 U.S.C.  
8 9601).

9 (3) COMMISSION.—The term “Commission”  
10 means the Federal Energy Regulatory Commission.

11 (4) ELECTRIC RELIABILITY ORGANIZATION.—  
12 The term “Electric Reliability Organization” has the  
13 meaning given the term in section 215(a) of the  
14 Federal Power Act (16 U.S.C. 824o(a)).

15 (5) ENVIRONMENTAL JUSTICE COMMUNITY.—  
16 The term “environmental justice community” means  
17 a community with significant representation of com-  
18 munities of color, low-income communities, or Tribal  
19 and Indigenous communities that experiences, or is  
20 at risk of experiencing, higher or more adverse  
21 human health or environmental effects.

22 (6) ERCOT.—The term “ERCOT” means the  
23 Electric Reliability Council of Texas.

24 (7) GRID-ENHANCING TECHNOLOGY.—The term  
25 “grid-enhancing technology” means a solution that

1 increases the transfer capability of high-voltage  
2 transmission facilities.

3 (8) MISO.—The term “MISO” means the  
4 Midcontinent Independent System Operator trans-  
5 mission organization.

6 (9) NATIONAL PRIORITIES LIST.—The term  
7 “National Priorities List” means the National Prior-  
8 ities List developed by the President in accordance  
9 with section 105(a)(8)(B) of the Comprehensive En-  
10 vironmental Response, Compensation, and Liability  
11 Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

12 (10) REGISTERED APPRENTICESHIP PRO-  
13 GRAM.—The term “registered apprenticeship pro-  
14 gram” means an apprenticeship program registered  
15 under the Act of August 16, 1937 (commonly known  
16 as the “National Apprenticeship Act”; 50 Stat. 664,  
17 chapter 663; 29 U.S.C. 50 et seq.), that meets the  
18 standards of subpart A of part 29, and part 30, of  
19 title 29, Code of Federal Regulations (or successor  
20 regulations).

21 (11) RELIABILITY STANDARD.—The term “reli-  
22 ability standard” has the meaning given the term in  
23 section 215(a) of the Federal Power Act (16 U.S.C.  
24 824o(a)).

1           (12) SPP.—The term “SPP” means the South-  
2 west Power Pool transmission organization.

3           (13) TOTAL TRANSFER CAPABILITY.—The term  
4 “total transfer capability” has the meaning given the  
5 term in section 37.6(b)(1)(vi) of title 18, Code of  
6 Federal Regulations (as in effect on the date of en-  
7 actment of this Act).

8           (14) TRANSMISSION FACILITY.—The term  
9 “transmission facility” means a facility that is used  
10 for the transmission of electric energy in interstate  
11 commerce, including a transmission line.

12           (15) TRANSMISSION ORGANIZATION.—The term  
13 “transmission organization” has the meaning given  
14 the term in section 215(a) of the Federal Power Act  
15 (16 U.S.C. 824o(a)).

16           (16) TRIBAL AND INDIGENOUS COMMUNITY.—  
17 The term “Tribal and Indigenous community”  
18 means a population of people who are members of—

19                   (A) a federally recognized Indian Tribe;

20                   (B) a State-recognized Indian Tribe;

21                   (C) an Alaska Native or Native Hawaiian  
22 community or organization; or

23                   (D) any other community of Indigenous  
24 people located in a State.

1           (17) TRIBAL GOVERNMENT.—The term “Tribal  
2           government” means the governing body of an Indian  
3           Tribe.

4           (18) WESTERN INTERCONNECTION.—The term  
5           “Western Interconnection” means the synchronously  
6           operated electric transmission grid located in the  
7           western part of North America, including parts of  
8           Montana, Nebraska, New Mexico, South Dakota,  
9           Texas, Wyoming, and Mexico, and all of Arizona,  
10          California, Colorado, Idaho, Nevada, Oregon, Utah,  
11          Washington, and the Canadian Provinces of British  
12          Columbia and Alberta.

13 **SEC. 3. JURISDICTION WITH RESPECT TO ERCOT.**

14          (a) APPLICATION OF PART II OF THE FEDERAL  
15          POWER ACT.—Section 201(b)(2) of the Federal Power  
16          Act (16 U.S.C. 824(b)(2)) is amended—

17               (1) in the first sentence, by striking “section  
18               201(f)” and inserting “subsection (f)”; and

19               (2) in the second sentence—

20                     (A) by striking “210, 211, 211A, 212,”;

21                     and

22                     (B) by striking “an electric utility or other  
23                     entity” and inserting “any entity that is other-  
24                     wise exempt under subsection (f)”.

1 (b) DEFINITION OF PUBLIC UTILITY.—Section  
2 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is  
3 amended by striking “210, 211, 211A, 212,”.

4 (c) REPEAL OF ERCOT EXEMPTIONS.—

5 (1) Section 212 of the Federal Power Act (16  
6 U.S.C. 824k) is amended by striking subsection (k).

7 (2) Section 216 of the Federal Power Act (16  
8 U.S.C. 824p) is amended by striking subsection (k).

9 (3) Section 217 of the Federal Power Act (16  
10 U.S.C. 824q) is amended—

11 (A) by striking subsection (h); and

12 (B) by redesignating subsections (i)  
13 through (k) as subsections (h) through (j), re-  
14 spectively.

15 (4) Section 220 of the Federal Power Act (16  
16 U.S.C. 824t) is amended by striking subsection (f).

17 (d) TECHNICAL CONFERENCE.—Not later than 180  
18 days after the date of enactment of this Act, the Commis-  
19 sion shall convene a technical conference to assist entities  
20 affected by the amendments made by this section with  
21 compliance with any requirements made applicable to  
22 those entities pursuant to those amendments, including by  
23 publishing the steps necessary for such compliance.

1 **SEC. 4. ELECTRIC RELIABILITY.**

2 (a) AMENDMENTS.—Section 215 of the Federal  
3 Power Act (16 U.S.C. 824o) is amended—

4 (1) in subsection (a)(3), in the second sentence,  
5 by striking “enlarge such facilities or to construct  
6 new transmission capacity or generation capacity”  
7 and inserting “construct new generation capacity”;  
8 and

9 (2) in subsection (i)(2), by striking “or trans-  
10 mission”.

11 (b) RELIABILITY STANDARD FOR TOTAL TRANSFER  
12 CAPABILITY.—

13 (1) IN GENERAL.—Not later than 30 days after  
14 the date of enactment of this Act, the Commission  
15 shall order the Electric Reliability Organization to  
16 submit to the Commission a proposed reliability  
17 standard that requires minimum total transfer capa-  
18 bility of—

19 (A) between 4.3 and 12.6 gigawatts be-  
20 tween the area under functional control of  
21 ERCOT and the area under functional control  
22 of SPP;

23 (B) between 2.5 and 16.2 gigawatts be-  
24 tween the area under functional control of  
25 ERCOT and the area under functional control  
26 of MISO; and

1 (C) between 2.6 and 7.9 gigawatts between  
2 the area under functional control of ERCOT  
3 and the Western Interconnection.

4 (2) CONTENTS.—The Commission may only ap-  
5 prove a proposed reliability standard described in  
6 paragraph (1) if that reliability standard—

7 (A) requires minimum total transfer capa-  
8 bility as described in paragraph (1); and

9 (B) requires each of ERCOT and SPP,  
10 ERCOT and MISO, and ERCOT and 1 or  
11 more neighboring balancing authorities in the  
12 Western Interconnection (as determined by the  
13 Electric Reliability Organization) to jointly sub-  
14 mit, not later than 1 year after the date of en-  
15 actment of this Act, a plan that—

16 (i) designates 1 or more entities to  
17 site and construct new transmission facili-  
18 ties, or modify existing transmission facili-  
19 ties, to achieve the applicable minimum  
20 total transfer capability; and

21 (ii) includes a timeline for that siting  
22 and construction or modification, which  
23 timeline shall include that such siting and  
24 construction or modification be completed  
25 by January 1, 2035.



1           (3) PRIORITY.—Any plan for the siting and  
2 construction or modification of transmission facili-  
3 ties described in paragraph (2)(B) shall prioritize—

4                   (A) the use of grid-enhancing technologies;

5                   (B) the use of existing rights-of-ways, such  
6 as highways and railroads, to site and construct  
7 new transmission facilities;

8                   (C) the siting and construction of new  
9 transmission facilities on degraded land, includ-  
10 ing sites on the National Priorities List,  
11 brownfield sites, landfills, abandoned mine land,  
12 and contaminated or abandoned agricultural  
13 land;

14                   (D) the siting and construction of new  
15 transmission facilities in a manner that expands  
16 access to renewable energy sources, including  
17 wind, solar, and geothermal sources;

18                   (E) providing meaningful community in-  
19 volvement opportunities, including by con-  
20 ducting outreach to—

21                           (i) environmental justice communities,  
22 including by conducting planning meetings,  
23 set at times and places to maximize the  
24 number of community members who can  
25 conveniently attend, with appropriate serv-

1           ices, including translation and interpreting  
2           services and virtual attendance, in those  
3           environmental justice communities;

4                 (ii) Tribal and Indigenous commu-  
5           nities;

6                 (iii) Tribal governments; and

7                 (iv) relevant labor organizations; and

8                 (F) the use of registered apprenticeship  
9           programs and prevailing wages, as determined  
10          by the Secretary of Labor in accordance with  
11          subchapter IV of chapter 31 of title 40, United  
12          States Code.

13                 (4) ENVIRONMENTAL REVIEW.—Any project to  
14          site, construct, or modify transmission facilities that  
15          is conducted to comply with the reliability standard  
16          described in paragraph (1) shall be subject to the re-  
17          quirements of the National Environmental Policy  
18          Act of 1969 (42 U.S.C. 4321 et seq.) and the En-  
19          dangered Species Act of 1973 (16 U.S.C. 1531 et  
20          seq.).

21                 (5) SAVINGS PROVISION.—Nothing in this sub-  
22          section overrides or inhibits the authority of the  
23          Commission to require minimum interregional trans-  
24          fer between regions in a pair or grouping of regions

1 other than a pair or grouping of regions described  
 2 in subparagraph (A), (B), or (C) of paragraph (1).

3 (c) CONSIDERATION FOR NATIONAL INTEREST  
 4 ELECTRIC TRANSMISSION CORRIDORS.—In carrying out  
 5 section 216 of the Federal Power Act (16 U.S.C. 824p),  
 6 the Secretary of Energy shall consider designating as a  
 7 national interest electric transmission corridor any area  
 8 in which transmission facilities will be sited and con-  
 9 structed or modified pursuant to this section.

10 **SEC. 5. INCREASED BORROWING AUTHORITY UNDER THE**  
 11 **TRANSMISSION FACILITATION PROGRAM.**

12 Section 40106(d)(2) of the Infrastructure Investment  
 13 and Jobs Act (42 U.S.C. 18713(d)(2)) is amended by  
 14 striking “\$2,500,000,000” and inserting  
 15 “\$13,500,000,000”.

16 **SEC. 6. STUDY AND REPORT ON BENEFITS OF INTER-**  
 17 **CONNECTION WITH MEXICO.**

18 (a) DEFINITION OF COVERED FACILITY.—In this  
 19 section, the term “covered facility” means a facility for  
 20 the generation, transmission, or sale of electric energy.

21 (b) STUDY AND REPORT.—Not later than 1 year  
 22 after the date of enactment of this Act, the Secretary of  
 23 Energy shall conduct a study and submit to Congress a  
 24 report on—

1           (1) the reliability, climate, and cost benefits of  
2           the interconnection of covered facilities in the United  
3           States with covered facilities in Mexico; and

4           (2) the siting and construction, or modification,  
5           of covered facilities that will bring the most cumu-  
6           lative benefits.

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