

119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself and Mr. MERKLEY) introduced the following bill;
which was read twice and referred to the Committee on

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 2026”.

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.