

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To streamline permitting under the Natural Gas Act, the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. ARMSTRONG introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## A BILL

To streamline permitting under the Natural Gas Act, the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969, 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 “American Energy and  
5       Mineral Infrastructure Act of 2026”.

6       **SEC. 2. PROMOTING INTERAGENCY COORDINATION FOR**  
7                               **REVIEW OF NATURAL GAS PIPELINES.**

8       (a) **DEFINITIONS.**—In this section:

1           (1) COMMISSION.—The term “Commission”  
2 means the Federal Energy Regulatory Commission.

3           (2) ENVIRONMENTAL REVIEW.—The term “en-  
4 vironmental review” means the process of preparing,  
5 for a proposed agency action in accordance with the  
6 National Environmental Policy Act of 1969 (42  
7 U.S.C. 4321 et seq.)—

8                   (A) an environmental impact statement;

9                   (B) an environmental assessment;

10                  (C) a categorical exclusion; and

11                  (D) a finding of no significant impact.

12           (3) FEDERAL AUTHORIZATION.—The term  
13 “Federal authorization” has the meaning given that  
14 term in section 15(a) of the Natural Gas Act (15  
15 U.S.C. 717n(a)).

16           (4) PROJECT-RELATED ENVIRONMENTAL RE-  
17 VIEW.—The term “project-related environmental re-  
18 view” means any environmental review required to  
19 be conducted with respect to the issuance of an au-  
20 thorization under section 3 of the Natural Gas Act  
21 (15 U.S.C. 717b) or a certificate of public conven-  
22 ience and necessity under section 7 of that Act (15  
23 U.S.C. 717f).

24           (b) COMMISSION RESPONSIBILITIES.—In acting as  
25 the lead agency under section 15(b)(1) of the Natural Gas

1 Act (15 U.S.C. 717n(b)(1)) for the purposes of complying  
2 with the National Environmental Policy Act of 1969 (42  
3 U.S.C. 4321 et seq.) with respect to an authorization  
4 under section 3 of the Natural Gas Act (15 U.S.C. 717b)  
5 or a certificate of public convenience and necessity under  
6 section 7 of that Act (15 U.S.C. 717f), the Commission  
7 shall, in accordance with this section and other applicable  
8 Federal law—

- 9           (1) be the only lead agency;
- 10           (2) coordinate as early as practicable with each  
11 agency designated as a participating agency under  
12 subsection (d)(3) to ensure that the Commission de-  
13 velops information in conducting its project-related  
14 environmental review that is usable by the partici-  
15 pating agency in considering an aspect of an appli-  
16 cation for a Federal authorization for which the  
17 agency is responsible; and
- 18           (3) take such actions as are necessary and  
19 proper to facilitate the expeditious resolution of its  
20 project-related environmental review.

21       (c) DEFERENCE TO COMMISSION.—In making a deci-  
22 sion with respect to a Federal authorization required with  
23 respect to an application for an authorization under sec-  
24 tion 3 of the Natural Gas Act (15 U.S.C. 717b) or a cer-  
25 tificate of public convenience and necessity under section

1 7 of that Act (15 U.S.C. 717f), each agency shall give  
2 deference, to the maximum extent authorized by law, to  
3 the scope of the project-related environmental review that  
4 the Commission determines to be appropriate.

5 (d) PARTICIPATING AGENCIES.—

6 (1) IDENTIFICATION.—The Commission shall  
7 identify, not later than 30 days after the Commis-  
8 sion receives an application for an authorization  
9 under section 3 of the Natural Gas Act (15 U.S.C.  
10 717b) or a certificate of public convenience and ne-  
11 cessity under section 7 of that Act (15 U.S.C. 717f),  
12 any Federal or State agency, local government, or  
13 Indian Tribe that may issue a Federal authorization  
14 or is required by Federal law to consult with the  
15 Commission in conjunction with the issuance of a  
16 Federal authorization required for such authoriza-  
17 tion or certificate.

18 (2) INVITATION.—

19 (A) IN GENERAL.—Not later than 45 days  
20 after the Commission receives an application for  
21 an authorization under section 3 of the Natural  
22 Gas Act (15 U.S.C. 717b) or a certificate of  
23 public convenience and necessity under section  
24 7 of that Act (15 U.S.C. 717f), the Commission  
25 shall invite any agency identified under para-

1 graph (1) to participate in the review process  
2 for the applicable Federal authorization.

3 (B) DEADLINE.—An agency invited under  
4 subparagraph (A) shall submit a response to  
5 the Commission by not later than 30 days after  
6 the date the invitation is received, which may be  
7 extended by the Commission for good cause for  
8 a period of not more than 15 days.

9 (C) FAILURE TO MEET DEADLINE.—If an  
10 agency invited under subparagraph (A) fails to  
11 meet the deadline described in subparagraph  
12 (B), the agency shall not be considered a par-  
13 ticipating or cooperating agency.

14 (3) DESIGNATION AS PARTICIPATING AGEN-  
15 CIES.—Not later than 60 days after the Commission  
16 receives an application for an authorization under  
17 section 3 of the Natural Gas Act (15 U.S.C. 717b)  
18 or a certificate of public convenience and necessity  
19 under section 7 of that Act (15 U.S.C. 717f), the  
20 Commission shall designate an agency identified  
21 under paragraph (1) as a participating agency with  
22 respect to that application unless the agency informs  
23 the Commission, in writing, by the deadline estab-  
24 lished pursuant to paragraph (2)(B), that the agen-  
25 cy—

1 (A) has no jurisdiction or authority with  
2 respect to the applicable Federal authorization;

3 (B) has no special expertise or information  
4 relevant to any project-related environmental  
5 review; or

6 (C) does not intend to submit comments  
7 for the record for the project-related environ-  
8 mental review conducted by the Commission.

9 (e) COMMENT DEADLINE.—The Commission is not  
10 required to respond to comments regarding a Federal au-  
11 thorization submitted after the applicable comment period  
12 is over.

13 (f) WATER QUALITY IMPACTS.—

14 (1) IN GENERAL.—Notwithstanding section 401  
15 of the Federal Water Pollution Control Act (33  
16 U.S.C. 1341), a certification under such section  
17 shall not be required with respect to a Federal au-  
18 thorization.

19 (2) COORDINATION.—With respect to any envi-  
20 ronmental review for a Federal authorization to con-  
21 duct an activity that will directly result in a dis-  
22 charge into the navigable waters (within the mean-  
23 ing of the Federal Water Pollution Control Act (33  
24 U.S.C. 1251 et seq.)), the Commission shall identify  
25 as an agency under subsection (d)(1) the State in

1       which the discharge originates or will originate, or,  
2       if appropriate, the interstate water pollution control  
3       agency having jurisdiction over the navigable waters  
4       at the point where the discharge originates or will  
5       originate.

6               (3) PROPOSED CONDITIONS.—A State or inter-  
7       state agency designated as a participating agency  
8       pursuant to paragraph (2) may propose to the Com-  
9       mission terms or conditions for inclusion in an au-  
10      thorization under section 3 of the Natural Gas Act  
11      (15 U.S.C. 717b) or a certificate of public conven-  
12      ience and necessity under section 7 of that Act (15  
13      U.S.C. 717f) that the State or interstate agency de-  
14      termines are necessary to ensure that any discharge  
15      described in paragraph (2) conducted pursuant to  
16      such authorization or certification will comply with  
17      the applicable provisions of sections 301, 302, 303,  
18      306, and 307 of the Federal Water Pollution Con-  
19      trol Act (33 U.S.C. 1311, 1312, 1313, 1316, 1317).

20              (4) COMMISSION CONSIDERATION OF CONDI-  
21      TIONS.—The Commission may include a term or  
22      condition in an authorization under section 3 of the  
23      Natural Gas Act (15 U.S.C. 717b) or a certificate  
24      of public convenience and necessity under section 7  
25      of that Act (15 U.S.C. 717f) proposed by a State or

1 interstate agency under paragraph (3) only if the  
2 Commission finds with clear and convincing evidence  
3 that the term or condition is necessary to ensure  
4 that any discharge described in paragraph (2) con-  
5 ducted pursuant to such authorization or certifi-  
6 cation will comply with the applicable provisions of  
7 sections 301, 302, 303, 306, and 307 of the Federal  
8 Water Pollution Control Act (33 U.S.C. 1311, 1312,  
9 1313, 1316, 1317).

10 (5) COMMISSION DENIAL OF CERTIFICATE.—

11 The Commission may deny an authorization under  
12 section 3 of the Natural Gas Act (15 U.S.C. 717b)  
13 or a certificate of public convenience and necessity  
14 under section 7 of that Act (15 U.S.C. 717f) based  
15 on water quality concerns only if the Commission  
16 finds with clear and convincing evidence that the  
17 proposed project cannot comply with the applicable  
18 provisions of sections 301, 302, 303, 306, and 307  
19 of the Federal Water Pollution Control Act (33  
20 U.S.C. 1311, 1312, 1313, 1316, 1317).

21 (g) SCHEDULE.—

22 (1) DEADLINE FOR FEDERAL AUTHORIZA-  
23 TIONS.—A deadline for a Federal authorization re-  
24 quired with respect to an application for an author-  
25 ization under section 3 of the Natural Gas Act (15

1 U.S.C. 717b) or a certificate of public convenience  
2 and necessity under section 7 of that Act (15 U.S.C.  
3 717f) set by the Commission under section 15(c)(1)  
4 of that Act (15 U.S.C. 717n(c)(1)) shall be not later  
5 than 90 days after the Commission completes its  
6 project-related environmental review, unless an ap-  
7 plicable schedule is otherwise established by Federal  
8 law.

9 (2) CONCURRENT REVIEWS.—Each Federal and  
10 State agency that may consider an aspect of an ap-  
11 plication for a Federal authorization required with  
12 respect to an application for authorization under  
13 section 3 of the Natural Gas Act (15 U.S.C. 717b)  
14 or a certificate of public convenience and necessity  
15 under section 7 of that Act (15 U.S.C. 717f) shall—

16 (A) carry out the obligations of that agen-  
17 cy under applicable law; and

18 (B) in considering an aspect of an applica-  
19 tion for a Federal authorization required with  
20 respect to an application for an authorization  
21 under section 3 of the Natural Gas Act (15  
22 U.S.C. 717b) or a certificate of public conven-  
23 ience and necessity under section 7 of that Act  
24 (15 U.S.C. 717f), shall—

1 (i) carry out the obligations of that  
2 agency under applicable law concurrently,  
3 and in conjunction with, the project-related  
4 environmental review conducted by the  
5 Commission, pursuant to a schedule estab-  
6 lished by the Commission not to exceed  
7 270 days, but subject to the condition that  
8 the Commission may, at the request of the  
9 agency and for good cause, grant a single  
10 60-day extension; and

11 (ii) not less often than once every 90  
12 days, transmit to the Commission a report  
13 describing the progress made in consid-  
14 ering such application for a Federal au-  
15 thorization.

16 (3) FAILURE TO MEET DEADLINE.—If a Fed-  
17 eral or State agency, including the Commission, fails  
18 to meet a deadline for a Federal authorization set  
19 forth in the schedule established by the Commission  
20 under section 15(c)(1) of the Natural Gas Act (15  
21 U.S.C. 717n(c)(1)), not later than 5 days after such  
22 deadline, the head of the relevant Federal agency  
23 (including, in the case of a failure by a State agency,  
24 the Federal agency overseeing the delegated author-  
25 ity) shall notify Congress and the Commission of

1 such failure and set forth a recommended implemen-  
2 tation plan to ensure completion of the action to  
3 which such deadline applied.

4 (h) CONSIDERATION OF APPLICATIONS FOR FED-  
5 ERAL AUTHORIZATION.—

6 (1) ISSUE IDENTIFICATION AND RESOLU-  
7 TION.—

8 (A) IDENTIFICATION.—Federal and State  
9 agencies that may consider an aspect of an ap-  
10 plication for a Federal authorization shall iden-  
11 tify, as early as possible and not later than 90  
12 days after receipt of a request for the Federal  
13 authorization, any issues of concern that may  
14 delay or prevent an agency from working with  
15 the Commission to resolve such issues and  
16 granting the Federal authorization.

17 (B) ISSUE RESOLUTION.—The Commission  
18 may forward any issue of concern identified  
19 under subparagraph (A) to the heads of the rel-  
20 evant agencies (including, in the case of an  
21 issue of concern that is a failure by a State  
22 agency, the Federal agency overseeing the dele-  
23 gated authority, if applicable) for resolution.

24 (2) REMOTE SURVEYS.—

1           (A) IN GENERAL.—If a Federal or State  
2           agency considering an aspect of an application  
3           for a Federal authorization requires the person  
4           applying for the Federal authorization to sub-  
5           mit data, the agency shall—

6                   (i) consider any such data gathered by  
7                   aerial or other remote means that the per-  
8                   son submits; and

9                   (ii) accept aerial surveys in absence of  
10                  clear and convincing evidence.

11           (B) CONDITIONAL APPROVAL.—The agen-  
12           cy may grant a conditional approval for a Fed-  
13           eral authorization based on data gathered by  
14           aerial or remote means, conditioned on the  
15           verification of such data by subsequent onsite  
16           inspection if the Commission determines that  
17           an onsite inspection is likely to materially alter  
18           the final determination of the Commission or  
19           the grant of the certificate.

20           (3) APPLICATION PROCESSING.—The Commis-  
21           sion, and Federal and State agencies, may allow a  
22           person applying for a Federal authorization to fund  
23           a third-party contractor to assist in reviewing the  
24           application for the Federal authorization.

1 (i) ACCOUNTABILITY, TRANSPARENCY, EFFI-  
2 CIENCY.—

3 (1) IN GENERAL.—For an application for an  
4 authorization under section 3 of the Natural Gas  
5 Act (15 U.S.C. 717b) or a certificate of public con-  
6 venience and necessity under section 7 of that Act  
7 (15 U.S.C. 717f) that requires multiple Federal au-  
8 thorizations, the Commission, with input from any  
9 Federal or State agency considering an aspect of the  
10 application, shall track and make available to the  
11 public on the website of the Commission information  
12 related to the actions required to complete the Fed-  
13 eral authorizations.

14 (2) INCLUSIONS.—The information described in  
15 paragraph (1) shall include the following:

16 (A) The schedule established by the Com-  
17 mission under section 15(e)(1) of the Natural  
18 Gas Act (15 U.S.C. 717n(e)(1)).

19 (B) A list of all the actions required by  
20 each applicable agency to complete permitting,  
21 reviews, and other actions necessary to obtain a  
22 final decision on the application.

23 (C) The expected completion date for each  
24 action described in subparagraph (B).

1 (D) A point of contact at the agency re-  
2 sponsible for each such action.

3 (E) In the event that an action is still  
4 pending as of the expected date of completion,  
5 a brief explanation of the reasons for the delay.

6 (j) STRENGTHENING JUDICIAL REVIEW OF NATURAL  
7 GAS ACT PROJECTS.—Section 19 of the Natural Gas Act  
8 (15 U.S.C. 717r) is amended—

9 (1) in subsection (b), in the eighth sentence, by  
10 striking “certification” and all that follows through  
11 the period at the end and inserting “certification as  
12 provided in section 1254 of title 28, United States  
13 Code.”; and

14 (2) in subsection (d)—

15 (A) in paragraph (3), in the first sentence,  
16 by striking “If the Court finds” and inserting  
17 the following: “Except as provided in paragraph  
18 (6), if the Court finds”; and

19 (B) by adding at the end the following:

20 “(6) EXCEPTION FOR CERTAIN ORDERS OR AC-  
21 TIONS.—

22 “(A) IN GENERAL.—Notwithstanding any  
23 other provision of this section, for petitions  
24 challenging an order or action taken by the  
25 Commission under section 3 or section 7, the

1 court may not set aside, vacate, or otherwise  
2 void that order or action.

3 “(B) COURT ACTION.—Notwithstanding  
4 chapter 7 of title 5, United States Code, the  
5 Court shall remand the proceeding, without  
6 vacatur or injunction, to the applicable Federal  
7 or State agency to take appropriate action if  
8 the Court finds that an order or action de-  
9 scribed in paragraph (1)—

10 “(i) would prevent the construction,  
11 expansion, or operation of the facility sub-  
12 ject to section 3 or 7; and

13 “(ii)(I) is inconsistent with applicable  
14 Federal law; or

15 “(II) is not supported by clear and  
16 convincing evidence.”.

17 **SEC. 3. IMPROVING WATER QUALITY CERTIFICATIONS.**

18 Section 401 of the Federal Water Pollution Control  
19 Act (33 U.S.C. 1341) is amended—

20 (1) in subsection (a)—

21 (A) by striking “(a)(1) Any applicant” and  
22 all that follows through “No license” in the  
23 sixth sentence of paragraph (1) and inserting  
24 the following:

1       “(a) COMPLIANCE WITH APPLICABLE REQUIRE-  
2 MENTS.—

3               “(1) CERTIFICATION REQUIRED.—

4                       “(A) IN GENERAL.—Any applicant for a  
5 Federal license or permit to conduct any activ-  
6 ity, including the construction or operation of  
7 facilities, which may result in a discharge di-  
8 rectly into the navigable waters shall provide  
9 the licensing or permitting agency a certifi-  
10 cation from the State in which the discharge  
11 originates or will originate or, if appropriate,  
12 from the interstate water pollution control  
13 agency having jurisdiction over the navigable  
14 waters at the point where the discharge origi-  
15 nates or will originate, that any such discharge  
16 will comply with the applicable provisions of  
17 sections 301, 302, 303, 306, and 307.

18                       “(B) CERTIFICATION OF NO APPLICABLE  
19 LIMITATION.—In the case of any discharge de-  
20 scribed in subparagraph (A) for which there is  
21 not an applicable effluent limitation or other  
22 limitation under sections 301(b) and 302, and  
23 there is not an applicable standard under sec-  
24 tions 306 and 307, the State, interstate water  
25 pollution control agency, or Administrator, as

1 applicable, shall so certify, except that any such  
2 certification shall not be deemed to satisfy sec-  
3 tion 511(e).

4 “(C) CERTIFICATION BY THE ADMINIS-  
5 TRATOR.—In any case in which a State or  
6 interstate water pollution control agency has no  
7 authority to give a certification under subpara-  
8 graph (A)—

9 “(i) the certification shall be from the  
10 Administrator; and

11 “(ii) subsection (d) shall apply to the  
12 request for certification.

13 “(D) PROCEDURES REQUIRED.—

14 “(i) IN GENERAL.—The Administrator  
15 and each State and interstate water pollu-  
16 tion control agency that has authority to  
17 give a certification under this subsection  
18 shall establish procedures for public notice  
19 in the case of all requests for certification  
20 under this subsection by the State, inter-  
21 state water pollution control agency, or  
22 Administrator, as applicable, and, to the  
23 extent that the State, interstate water pol-  
24 lution control agency, or Administrator de-  
25 termines it appropriate, procedures for

1 public hearings in connection with specific  
2 requests.

3 “(ii) DECISION CRITERIA.—A decision  
4 to grant or deny a request for certification  
5 under this subsection shall be based solely  
6 on whether the discharge complies with the  
7 applicable provisions of sections 301, 302,  
8 303, 306, and 307, and the grounds for  
9 that decision shall be set forth in writing  
10 and provided to the applicant.

11 “(iii) DEADLINE FOR REQUESTING  
12 ADDITIONAL INFORMATION.—Not later  
13 than 90 days after the date on which a  
14 State, an interstate water pollution control  
15 agency, or the Administrator, as applica-  
16 ble, receives a request for certification  
17 under this subsection, the State, interstate  
18 water pollution control agency, or Adminis-  
19 trator shall identify in writing any specific  
20 additional materials or information nec-  
21 essary for the request for certification to  
22 be considered complete pursuant to sub-  
23 section (d).

24 “(iv) PUBLICATION REQUIREMENT.—  
25 Not later than 30 days after the date of

1 enactment of this clause, the Adminis-  
2 trator and each State and interstate water  
3 pollution control agency that has authority  
4 to give a certification under this subsection  
5 shall publish the requirements for a certifi-  
6 cation under this subsection for an appli-  
7 cant to use to demonstrate to the Adminis-  
8 trator, State, or interstate water pollution  
9 control agency, as applicable, compliance  
10 with the applicable provisions of sections  
11 301, 302, 303, 306, and 307.

12 “(E) DECISIONMAKING.—

13 “(i) DEFINITION OF RECEIPT.—In  
14 this subparagraph, the term ‘receipt’, with  
15 respect to a request for certification under  
16 this subsection, means the date on which  
17 the State, interstate water pollution control  
18 agency, or Administrator, as applicable,  
19 initially receives the request for certifi-  
20 cation, regardless of whether the request  
21 for certification is determined to be com-  
22 plete or additional information is requested  
23 pursuant to subparagraph (D)(iii).

24 “(ii) ACTIONS ON A REQUEST.—The  
25 State, interstate water pollution control

1 agency, or Administrator, as applicable,  
2 may—

3 “(I) grant a request for certifi-  
4 cation under this subsection with or  
5 without conditions;

6 “(II) deny the request; or

7 “(III) waive the requirement for  
8 certification under this subsection  
9 with respect to the application for the  
10 Federal license or permit.

11 “(iii) FAILURE TO ACT.—

12 “(I) IN GENERAL.—If a State,  
13 an interstate water pollution control  
14 agency, or the Administrator, as ap-  
15 plicable, fails to act on a request for  
16 certification in accordance with clause  
17 (ii) within a reasonable period of time  
18 to be determined by the Federal li-  
19 censing or permitting agency (which  
20 shall not exceed 1 year after receipt of  
21 the request), the requirement for cer-  
22 tification under this subsection shall  
23 be deemed to be waived with respect  
24 to the application for the Federal li-  
25 cense or permit.

1                   “(II) NO JUDICIAL REVIEW.—  
2                   Notwithstanding any other provision  
3                   of law, a finding of a waiver by the  
4                   Federal licensing or permitting agency  
5                   under subclause (I) shall not be sub-  
6                   ject to judicial review.

7                   “(iv) NO TOLLING.—The 1-year pe-  
8                   riod described in clause (iii) may not be  
9                   tolled, paused, or extended for any reason,  
10                  including through requests for additional  
11                  information, solicitation of public com-  
12                  ment, or environmental reviews.

13                  “(F) NO ACTION.—No license”; and

14                  (B) in paragraph (4), in the first sentence,  
15                  by striking “any discharge into the navigable  
16                  waters” and inserting “a discharge directly into  
17                  the navigable waters”;

18                  (2) in subsection (b), by striking “(b) Nothing”  
19                  and inserting the following:

20                  “(b) COMPLIANCE WITH OTHER PROVISIONS OF  
21                  LAW SETTING APPLICABLE WATER QUALITY REQUIRE-  
22                  MENTS.—Except as provided in subsection (e), nothing”;

23                  (3) in subsection (e), by striking “(c) In order”  
24                  and inserting the following:

1       “(c) AUTHORITY OF SECRETARY OF THE ARMY TO  
2 PERMIT SPOIL DISPOSAL AREAS BY FEDERAL LICENSEES  
3 OR PERMITTEES.—In order”;

4               (4) by striking subsection (d) and inserting the  
5 following:

6       “(d) CERTIFICATION REQUEST REQUIREMENTS.—

7               “(1) WRITTEN REQUEST REQUIRED.—A re-  
8 quest for certification under subsection (a) shall be  
9 made in writing to the State, interstate water pollu-  
10 tion control agency, or Administrator, as applicable.

11               “(2) REQUIREMENTS FOR COMPLETE RE-  
12 QUEST.—A completed request for certification under  
13 subsection (a) shall consist of—

14                       “(A) an identification of each applicant for  
15 the Federal license or permit with respect to  
16 which certification is requested;

17                       “(B) a statement that information in-  
18 cluded in the request for certification is truth-  
19 ful, accurate, and complete, to the best knowl-  
20 edge of each applicant;

21                       “(C) in the case of a request for certifi-  
22 cation with respect to an individual permit or li-  
23 cense—

24                               “(i) an identification of the Federal li-  
25 cense or permit that is the subject of the

1 application with respect to which the cer-  
2 tification is requested;

3 “(ii) an identification, based on the  
4 reasonable belief of the applicant at the  
5 time the application is submitted, of any  
6 activity the conduct of which is subject to  
7 the Federal license or permit identified  
8 under clause (i);

9 “(iii) an identification of—

10 “(I) the location, point of origin,  
11 and characteristics of any discharge  
12 that may directly enter the navigable  
13 waters; and

14 “(II) the location of the specific  
15 navigable waters that would receive  
16 such a discharge;

17 “(iv) a description of the means that  
18 may be used to monitor, control, or man-  
19 age a discharge identified under clause  
20 (iii); and

21 “(v) a list of all other Federal, inter-  
22 state, Tribal, State, or local agency author-  
23 izations required for the conduct of an ac-  
24 tivity identified under clause (ii), including  
25 a description of any authorizations de-

1           scribed in that list that are already re-  
2           ceived; and

3           “(D) in the case of a request for certifi-  
4           cation with respect to the issuance of a general  
5           license or a general permit—

6                   “(i) an identification of the proposed  
7                   categories of activities to be covered by the  
8                   general license or general permit;

9                   “(ii) a description of the proposed  
10                  general license or general permit, which  
11                  may include a draft of the proposed gen-  
12                  eral license or general permit; and

13                  “(iii) an estimate of the number of  
14                  discharges expected to result from the pro-  
15                  posed general license or general permit an-  
16                  nually.

17           “(3) PROHIBITION.—No State or interstate  
18           water pollution control agency, nor the Adminis-  
19           trator, may, for purposes of a request for certifi-  
20           cation under subsection (a), require the inclusion of  
21           information beyond the information described in  
22           paragraph (2).

23           “(e) CERTIFICATION CONDITIONS.—

24                   “(1) IN GENERAL.—A certification obtained  
25                  under subsection (a) shall set forth any effluent limi-

1 tations and other limitations and monitoring require-  
2 ments necessary to ensure that any discharge sub-  
3 ject to a certification under that subsection will com-  
4 ply with the applicable provisions of sections 301,  
5 302, 303, 306, and 307, and any such limitation or  
6 requirement shall be imposed by the Federal licens-  
7 ing or permitting agency as a condition on the appli-  
8 cable Federal license or permit subject to the provi-  
9 sions of this section.

10 “(2) REQUIREMENTS FOR CONDITIONS.—A cer-  
11 tifying State or interstate water pollution control  
12 agency, or the Administrator, as applicable, may  
13 only include a condition on a certification under sub-  
14 section (a) that requires the applicant to modify an  
15 activity of the applicant which may result in a dis-  
16 charge directly into the navigable waters if the  
17 State, interstate water pollution control agency, or  
18 Administrator determines, based on clear and con-  
19 vincing evidence, that the modification is—

20 “(A) necessary for the activity to avoid vio-  
21 lating an applicable provision of section 301,  
22 302, 303, 306, or 307;

23 “(B) least burdensome for the applicant,  
24 as compared to other possible modifications,  
25 taking into account—

1 “(i) technical feasibility;

2 “(ii) cost;

3 “(iii) the purpose of the applicant in  
4 proposing the activity;

5 “(iv) impacts on the schedule for the  
6 activity; and

7 “(v) the commercial viability of the  
8 proposed condition; and

9 “(C) consistent with the requirements for  
10 the Federal license or permit for which the cer-  
11 tification is sought.

12 “(3) LIMITATIONS ON CONDITIONS FOR HYDRO-  
13 ELECTRIC PROJECTS.—A certification obtained  
14 under subsection (a) for a hydroelectric project may  
15 not include conditions relating to the quantity, tim-  
16 ing, or rate of water flow over, through, or around  
17 that project.

18 “(f) REQUIREMENTS FOR DENIAL.—A certifying  
19 State or interstate water pollution control agency, or the  
20 Administrator, as applicable, may only deny a request for  
21 certification under subsection (a) if the State, interstate  
22 water pollution control agency, or Administrator deter-  
23 mines, based on clear and convincing evidence, that there  
24 is no modification to or reasonable condition on the activi-  
25 ties of the applicant that could make it possible for the

1 activity to avoid violating an applicable provision of section  
2 301, 302, 303, 306, or 307.

3 “(g) ENFORCEMENT.—Notwithstanding section 505,  
4 any condition imposed on a Federal license or permit by  
5 a Federal licensing or permitting agency under this sec-  
6 tion may only be enforced by that Federal licensing or per-  
7 mitting agency.

8 “(h) JUDICIAL REVIEW.—

9 “(1) SCOPE.—This subsection applies to any  
10 civil action for the review of a certification under  
11 subsection (a).

12 “(2) JURISDICTION.—

13 “(A) IN GENERAL.—Notwithstanding sec-  
14 tion 19(d)(1) of the Natural Gas Act (15  
15 U.S.C. 717r(d)(1)) or any other provision of  
16 law, a civil action subject to this subsection  
17 shall be filed in a court of appeals of the United  
18 States for—

19 “(i) the judicial circuit in which the  
20 applicant is located or has its principal  
21 place of business;

22 “(ii) the judicial circuit for the State  
23 in which the project for which the certifi-  
24 cation under subsection (a) would be  
25 issued is or will be located; or

1 “(iii) the District of Columbia Circuit.

2 “(B) ORIGINAL AND EXCLUSIVE JURISDIC-  
3 TION.—A court of appeals described in subpara-  
4 graph (A) shall have original and exclusive ju-  
5 risdiction over the applicable civil action.

6 “(C) STANDING.—Notwithstanding any  
7 other provision of law, no court shall have juris-  
8 diction to review a civil action subject to this  
9 subsection unless the civil action is filed—

10 “(i) not later than 60 days after the  
11 date on which final action on the certifi-  
12 cation under subsection (a) is taken; and

13 “(ii) by—

14 “(I) the applicant; or

15 “(II) a person who has suffered,  
16 or likely and imminently will suffer,  
17 direct and irreparable economic harm  
18 from the certification, subject to the  
19 condition that an organization or as-  
20 sociation shall satisfy the requirement  
21 of this clause only if each member of  
22 the organization or association satis-  
23 fies the requirement.

24 “(3) EXPEDITED CONSIDERATION.—

1           “(A) IN GENERAL.—In reviewing a civil  
2           action subject to this subsection, a court shall—

3                   “(i) set any petition for review under  
4                   that civil action for expedited consider-  
5                   ation; and

6                   “(ii) subject to subparagraph (B),  
7                   issue a final decision not later than 120  
8                   days after the date on which the civil ac-  
9                   tion is filed.

10           “(B) EXTRAORDINARY CIRCUMSTANCES.—

11           If a court finds that there are extraordinary cir-  
12           cumstances that apply to a civil action subject  
13           to this subsection, the court may extend the  
14           120-day period described in subparagraph  
15           (A)(ii) by an additional 60 days.

16           “(4) STANDARD OF REVIEW.—In reviewing the  
17           denial of a certification under subsection (a), a court  
18           shall find the denial unlawful unless the court finds,  
19           based on clear and convincing evidence, that—

20                   “(A) the certifying State or interstate  
21                   water pollution control agency or the Adminis-  
22                   trator, as applicable, has demonstrated that no  
23                   condition would achieve compliance with the ap-  
24                   plicable provisions of section 301, 302, 303,  
25                   306, or 307; and

1           “(B) the certifying State or interstate  
2 water pollution control agency or the Adminis-  
3 trator, as applicable, considered specific alter-  
4 native conditions, including alternatives offered  
5 by the applicant, and determined that those al-  
6 ternative conditions would not achieve compli-  
7 ance with applicable provisions of section 301,  
8 302, 303, 306, or 307.

9           “(5) NONAPPLICANT CHALLENGES.—If a party  
10 other than the applicant brings a civil action subject  
11 to this subsection against a certification obtained  
12 under subsection (a), the nonapplicant party shall  
13 demonstrate, with clear and convincing evidence,  
14 that the project or activity for which the certification  
15 was granted fails to achieve compliance with applica-  
16 ble provisions of section 301, 302, 303, 306, or 307.

17           “(6) REMEDY.—

18           “(A) NO VACATUR.—Notwithstanding any  
19 other provision of law, no court shall have the  
20 authority to set aside, vacate, nullify, or other-  
21 wise render unenforceable any certification  
22 under subsection (a).

23           “(B) LIMITED REMEDIES.—In a review of  
24 a certification under subsection (a), a court  
25 may only affirm or modify the certification, and

1           may remand the certification to the State,  
2           interstate water pollution control agency, or the  
3           Administrator, as applicable, for corrective ac-  
4           tion.

5           “(i) DESCRIPTION OF APPLICABLE PROVISIONS.—  
6 For purposes of this section, the applicable provisions of  
7 sections 301, 302, 303, 306, and 307 are any applicable  
8 effluent limitations and other limitations under section  
9 301 or 302, any water quality standard in effect for a  
10 State under section 303, any standard of performance  
11 under section 306, and any prohibition, effluent standard,  
12 or pretreatment standard under section 307.”.

13 **SEC. 4. NATIONAL POLLUTANT DISCHARGE ELIMINATION**  
14 **SYSTEM.**

15           (a) IMPROVING WATER QUALITY GENERAL PER-  
16 MITS.—Section 402(a) of the Federal Water Pollution  
17 Control Act (33 U.S.C. 1342(a)) is amended by adding  
18 at the end the following:

19           “(6) GENERAL PERMITS.—

20           “(A) PERMITS AUTHORIZED.—The Admin-  
21           istrator may issue general permits under this  
22           section on a State, regional, or nationwide  
23           basis, or for a delineated area, for discharges  
24           associated with any category of activities the

1 discharges of which are of similar types and  
2 from similar sources.

3 “(B) PERMIT EXPIRATION NOTIFICA-  
4 TION.—If the Administrator does not intend to  
5 issue a general permit under this paragraph  
6 that covers discharges that are substantially  
7 similar to discharges covered by a previously  
8 issued general permit, not later than the date  
9 that is 2 years before the date on which the  
10 previously issued general permit will expire, the  
11 Administrator shall publish in the Federal Reg-  
12 ister a notice of the decision not to reissue the  
13 general permit.

14 “(C) APPLICATION OF PERMIT TERMS OF  
15 AN EXPIRED PERMIT.—

16 “(i) IN GENERAL.—If a general per-  
17 mit issued under this paragraph expires  
18 and the Administrator has not published a  
19 notice under subparagraph (B), the Ad-  
20 ministrator shall, until the date described  
21 in clause (ii)—

22 “(I) continue to apply the terms,  
23 conditions, and requirements of the  
24 expired general permit to any dis-

1 charge that was covered by the ex-  
2 pired general permit; and

3 “(II) apply those terms, condi-  
4 tions, and requirements to any dis-  
5 charge that would have been covered  
6 by the expired general permit (in ac-  
7 cordance with any relevant require-  
8 ments for that coverage) if the dis-  
9 charge had occurred before that expi-  
10 ration.

11 “(ii) DATE DESCRIBED.—The date re-  
12 ferred to in clause (i) is the date that is  
13 the earlier of—

14 “(I) the date on which the Ad-  
15 ministrator issues a new general per-  
16 mit for discharges substantially simi-  
17 lar to those covered by the expired  
18 general permit; and

19 “(II) the date that is 2 years  
20 after the date on which the Adminis-  
21 trator publishes in the Federal Reg-  
22 ister a notice described in subpara-  
23 graph (B).”.

24 (b) NPDES PERMIT TERMS.—Section 402(b)(1)(B)  
25 of the Federal Water Pollution Control Act (33 U.S.C.

1 1342(b)(1)(B)) is amended by striking “five years” and  
2 inserting “10 years”.

3 **SEC. 5. PROVIDING CERTAINTY TO PERMITS FOR DREDGED**  
4 **OR FILL MATERIAL.**

5 (a) REDUCING PERMITTING UNCERTAINTY.—

6 (1) IN GENERAL.—Section 404(c) of the Fed-  
7 eral Water Pollution Control Act (33 U.S.C.  
8 1344(c)) is amended—

9 (A) in the third sentence—

10 (i) by striking “his findings and his  
11 reasons” and inserting “the findings and  
12 reasons of the Administrator”; and

13 (ii) by striking “The Administrator”  
14 and inserting the following:

15 “(4) WRITTEN DETERMINATION.—The Admin-  
16 istrator”;

17 (B) in the second sentence, by striking  
18 “Before making such determination,” and in-  
19 serting the following:

20 “(3) CONSULTATION.—Before making a deter-  
21 mination under paragraph (1),”;

22 (C) by striking “(c) The Administrator”  
23 and inserting the following:

24 “(c) SPECIFICATION OR USE OF DEFINED AREA.—

25 “(1) IN GENERAL.—The Administrator”;

1 (D) in paragraph (1) (as so designated)—

2 (i) by striking “he is authorized”; and

3 (ii) by striking “he determines, after

4 notice and opportunity for public hear-

5 ings,” and inserting “the Administrator

6 determines, during the period described in

7 paragraph (2) and after notice and oppor-

8 tunity for public hearings,”; and

9 (E) by inserting after paragraph (1) (as so

10 designated) the following:

11 “(2) PERIOD OF PROHIBITION.—The period

12 during which the Administrator may prohibit the

13 specification (including the withdrawal of specifica-

14 tion) of a defined area as a disposal site, or deny or

15 restrict the use of a defined area for specification

16 (including the withdrawal of specification) as a dis-

17 posal site, under paragraph (1) is the period that—

18 “(A) begins on the date on which an appli-

19 cant submits all the information required to

20 complete an application for a permit under this

21 section; and

22 “(B) ends on the date on which the Sec-

23 retary issues the permit.”.

24 (2) APPLICABILITY.—The amendments made

25 by paragraph (1) shall apply to a permit application

1 submitted under section 404 of the Federal Water  
2 Pollution Control Act (33 U.S.C. 1344) after the  
3 date of enactment of this Act.

4 (b) NATIONWIDE PERMITTING IMPROVEMENT.—

5 (1) IN GENERAL.—Section 404(e) of the Fed-  
6 eral Water Pollution Control Act (33 U.S.C.  
7 1344(e)) is amended—

8 (A) by striking “(e)(1) In carrying out his  
9 functions” and inserting the following:

10 “(e) GENERAL PERMITS.—

11 “(1) PERMITS AUTHORIZED.—In carrying out  
12 the functions of the Secretary”;

13 (B) in paragraph (2)—

14 (i) by striking “(2) No general” and  
15 inserting the following:

16 “(2) TERM.—No general”; and

17 (ii) by striking “five years” and in-  
18 serting “10 years”; and

19 (C) by adding at the end the following:

20 “(3) CONSIDERATIONS.—In determining the en-  
21 vironmental effects of an activity under paragraph  
22 (1) or (2), the Secretary—

23 “(A) shall consider only the effects of any  
24 discharge of dredged or fill material resulting  
25 from the activity;

1           “(B) shall consider any effects of a dis-  
2 charge of dredged or fill material into less than  
3 3 acres of navigable waters to be a minimal ad-  
4 verse environmental effect; and

5           “(C) may consider any effects of a dis-  
6 charge of dredged or fill material into 3 acres  
7 or more of navigable waters to be a minimal ad-  
8 verse environmental effect.

9           “(4) NATIONWIDE PERMITS FOR LINEAR  
10 PROJECTS.—

11           “(A) DEFINITIONS.—In this paragraph:

12           “(i) LINEAR INFRASTRUCTURE  
13 PROJECT.—The term ‘linear infrastructure  
14 project’ means a project to carry out any  
15 activity required for—

16           “(I) the construction, expansion,  
17 maintenance, modification, or removal  
18 of infrastructure and associated facili-  
19 ties for the transmission from a point  
20 of origin to a terminal point of com-  
21 munications or electricity; or

22           “(II) the transportation from a  
23 point of origin to a terminal point of  
24 people, water, or wastewater.

1                   “(ii) LINEAR PIPELINE PROJECT.—

2                   The term ‘linear pipeline project’ means a  
3                   project to carry out any activity required  
4                   for the construction, expansion, mainte-  
5                   nance, modification, or removal of infra-  
6                   structure and associated facilities for the  
7                   transportation from a point of origin to a  
8                   terminal point of carbon dioxide, fuel, or  
9                   hydrocarbons, in the form of a liquid, li-  
10                  quescent, gaseous, or slurry substance or  
11                  supercritical fluid, including oil and gas  
12                  pipeline facilities.

13                  “(iii) SINGLE AND COMPLETE  
14                  PROJECT.—The term ‘single and complete  
15                  project’ has the meaning given the term in  
16                  section 330.2 of title 33, Code of Federal  
17                  Regulations (as in effect on the date of en-  
18                  actment of this paragraph).

19                  “(B) RULE.—Notwithstanding any other  
20                  provision of this section, the Secretary shall  
21                  issue and maintain general permits on a nation-  
22                  wide basis under this subsection for—

23                  “(i) linear infrastructure projects that  
24                  result in a discharge of dredged or fill ma-  
25                  terial into less than 3 acres of navigable

1           waters for each single and complete  
2           project; and

3                   “(ii) linear pipeline projects that do  
4           not result in the loss of navigable waters in  
5           an area that is greater than 0.5 acres for  
6           each single and complete project.

7                   “(C) PIPELINE THRESHOLD FLOOR.—  
8           Nothing in subparagraph (B)(ii) limits the au-  
9           thority of the Secretary to authorize pipeline-re-  
10          lated discharges of dredged or fill material into  
11          areas of navigable waters that are greater than  
12          0.5 acres but below the 3-acre threshold de-  
13          scribed in subparagraph (B)(i).

14                   “(5) REISSUANCE OF NATIONWIDE PERMITS.—  
15          In determining whether to reissue a general permit  
16          issued under this subsection on a nationwide basis—

17                   “(A) no consultation with an applicable  
18          State pursuant to section 6(a) of the Endan-  
19          gered Species Act of 1973 (16 U.S.C. 1535(a))  
20          is required;

21                   “(B) no consultation with a Federal agen-  
22          cy pursuant to section 7(a)(2) of that Act (16  
23          U.S.C. 1536(a)(2)) is required; and

24                   “(C) the requirements of section 102(2)(C)  
25          of the National Environmental Policy Act of

1           1969 (42 U.S.C. 4332(2)(C)) shall be satisfied  
2           by preparing an environmental assessment (as  
3           defined in section 111 of that Act (42 U.S.C.  
4           4336e)) with respect to the general permit.”.

5           (2) REGULATORY REVISIONS REQUIRED.—The  
6           Secretary of the Army, acting through the Chief of  
7           Engineers, shall expeditiously revise the regulations  
8           applicable to carrying out section 404(e) of the Fed-  
9           eral Water Pollution Control Act (33 U.S.C.  
10          1344(e)) in order to streamline the processes for  
11          issuing general permits under that section to pro-  
12          mote efficient and consistent implementation of that  
13          section.

14          (3) ADMINISTRATION OF NATIONWIDE PERMIT  
15          PROGRAM.—In carrying out section 404(e) of the  
16          Federal Water Pollution Control Act (33 U.S.C.  
17          1344(e)), including in revising regulations pursuant  
18          to paragraph (2), the Secretary of the Army, acting  
19          through the Chief of Engineers, may not finalize or  
20          implement any modification to—

21                  (A) general condition 15 (relating to single  
22                  and complete projects), as included in the final  
23                  rule of the Corps of Engineers entitled  
24                  “Reissuance and Modification of Nationwide

1 Permits” (86 Fed. Reg. 2744 (January 13,  
2 2021));

3 (B) the definition of the term “single and  
4 complete linear project”, as included in the  
5 final rule described in subparagraph (A); or

6 (C) the definition of the term “single and  
7 complete project” under section 330.2 of title  
8 33, Code of Federal Regulations (as in effect on  
9 the date of enactment of this Act).

10 (c) JUDICIAL REVIEW.—Section 404 of the Federal  
11 Water Pollution Control Act (33 U.S.C. 1344) is amend-  
12 ed—

13 (1) in subsection (t), by striking “(t) Nothing  
14 in the section” and inserting the following:

15 “(u) SAVINGS PROVISION.—Nothing in this section”;

16 and

17 (2) by inserting after subsection (s) the fol-  
18 lowing:

19 “(t) JUDICIAL REVIEW.—

20 “(1) STATUTE OF LIMITATIONS.—Notwith-  
21 standing any applicable provision of law—

22 “(A) an action seeking judicial review of  
23 the approval by the Administrator of a State  
24 permit program pursuant to this section shall

1 be filed not later than 60 days after the date  
2 on which the approval was issued;

3 “(B) an action seeking judicial review of  
4 an individual permit or general permit issued  
5 under this section shall be filed not later than  
6 60 days after the date on which the permit was  
7 issued; and

8 “(C) an action seeking judicial review of a  
9 verification that an activity involving the dis-  
10 charge of dredged or fill material is authorized  
11 by a general permit issued under this section  
12 shall be filed not later than 60 days after the  
13 date on which the verification was issued.

14 “(2) LIMITATION ON COMMENCEMENT OF CER-  
15 TAIN ACTIONS.—Notwithstanding any other provi-  
16 sion of law, no action described in subparagraph (A)  
17 or (B) of paragraph (1) may be commenced unless  
18 the action—

19 “(A) is filed by a party that submitted a  
20 comment—

21 “(i) during the public comment period  
22 for the administrative proceedings related  
23 to the action; and

24 “(ii) which was sufficiently detailed to  
25 put the Administrator, the Secretary, or

1 the State, as applicable, on notice of the  
2 issue on which the party seeks judicial re-  
3 view; and

4 “(B) is related to that comment.

5 “(3) JURISDICTION.—

6 “(A) IN GENERAL.—Unless otherwise pro-  
7 vided by law, a civil action subject to this sub-  
8 section shall be filed in a court of appeals of the  
9 United States for—

10 “(i) the judicial circuit in which, as  
11 applicable—

12 “(I) the applicant for the applica-  
13 ble permit is located or has its prin-  
14 cipal place of business; or

15 “(II) the person seeking the ap-  
16 plicable verification is located or has  
17 its principal place of business;

18 “(ii) the judicial circuit for the State,  
19 as applicable—

20 “(I) for which the approval for a  
21 State permit program pursuant to  
22 this section was sought; or

23 “(II) in which—

1                   “(aa) the activity for which  
2                   the permit was sought would be  
3                   carried out; or

4                   “(bb) the activity for which  
5                   the verification was sought would  
6                   be carried out; or

7                   “(iii) the District of Columbia Circuit.

8                   “(B) ORIGINAL AND EXCLUSIVE JURISDIC-  
9                   TION.—A court of appeals described in subpara-  
10                  graph (A) shall have original and exclusive ju-  
11                  risdiction over the applicable civil action.

12                  “(C) STANDING.—Notwithstanding any  
13                  other provision of law, no court shall have juris-  
14                  diction to review a civil action subject to this  
15                  subsection unless the civil action is filed—

16                  “(i) not later than 60 days after the  
17                  date on which the challenged action was fi-  
18                  nalized; and

19                  “(ii) by—

20                  “(I) the applicant; or

21                  “(II) a person who has suffered,  
22                  or likely and imminently will suffer,  
23                  direct and irreparable economic harm  
24                  from the approval, permit, or  
25                  verification, subject to the condition

1                   that an organization or association  
2                   shall satisfy the requirement of this  
3                   clause only if each member of the or-  
4                   ganization or association satisfies the  
5                   requirement.

6                   “(4) STANDARD OF REVIEW.—In reviewing the  
7                   denial of a permit under this section, a court shall  
8                   find the denial unlawful unless the court finds, based  
9                   on clear and convincing evidence, that—

10                   “(A) the Secretary has demonstrated that  
11                   no condition on the permit would achieve com-  
12                   pliance with the applicable provisions of section  
13                   301, 302, 303, 306, or 307; and

14                   “(B) the Secretary considered specific al-  
15                   ternative conditions, including alternatives of-  
16                   fered by the applicant, and determined that  
17                   those alternative conditions would not achieve  
18                   compliance with this section.

19                   “(5) NONAPPLICANT CHALLENGES.—If a party  
20                   other than the applicant brings a civil action subject  
21                   to this subsection seeking review of a permit under  
22                   this section, the nonapplicant party shall dem-  
23                   onstrate, with clear and convincing evidence, that, as  
24                   applicable, the approval of the State permit pro-  
25                   gram, the project for which the permit was granted,

1 or the project for which verification was provided  
2 fails to achieve compliance with this section.

3 “(6) REMEDIES.—

4 “(A) ACTIONS RELATING TO PERMIT PRO-  
5 GRAMS.—If a court determines that the Admin-  
6 istrator, in issuing the approval of a State per-  
7 mit program under this section, did not comply  
8 with this section—

9 “(i) the court shall remand the matter  
10 to the Administrator for further pro-  
11 ceedings consistent with the determination  
12 of the court; and

13 “(ii) the court may not vacate, revoke,  
14 enjoin, or otherwise limit the authority of  
15 the State to issue permits under that State  
16 permit program.

17 “(B) ACTIONS RELATING TO PERMITS.—If  
18 a court determines that the Secretary or a  
19 State, as applicable, did not comply with the re-  
20 quirements of this section in issuing an indi-  
21 vidual or general permit under this section, or  
22 in verifying that an activity involving a dis-  
23 charge of dredged or fill material is authorized  
24 by a general permit issued under this section,  
25 as applicable—

1           “(i) the court shall remand the matter  
2 to the Secretary or the State, as applica-  
3 ble, for further proceedings consistent with  
4 the determination of the court;

5           “(ii) with respect to a determination  
6 regarding the issuance of an individual or  
7 general permit under this section—

8           “(I) the court may not vacate, re-  
9 voke, enjoin, or otherwise limit the  
10 permit unless the court finds that ac-  
11 tivities authorized under the permit  
12 would present an imminent and sub-  
13 stantial danger to human health or  
14 the environment for which there is no  
15 other equitable remedy available  
16 under the law; and

17           “(II) any injunction or other lim-  
18 itation ordered pursuant to subclause  
19 (I)—

20           “(aa) shall be narrowly tai-  
21 lored to the specific crossing, dis-  
22 charge, segment, or activity  
23 found to present an imminent  
24 and substantial danger; and

1                   “(bb) may not extend to un-  
2                   related crossings, spreads, or  
3                   project segments that are inde-  
4                   pendently authorized and not the  
5                   source of the alleged harm; and

6                   “(iii) with respect to a determination  
7                   regarding a verification that an activity in-  
8                   volving a discharge of dredged or fill mate-  
9                   rial is authorized by a general permit  
10                  issued under this section, the court may  
11                  not enjoin or otherwise limit the discharge  
12                  unless the court finds that activities au-  
13                  thorized under the permit would present  
14                  an imminent and substantial danger to  
15                  human health or the environment for  
16                  which there is no other equitable remedy  
17                  available under the law.

18                  “(7) TIMELINE TO ACT ON COURT ORDER.—If  
19                  a court remands a matter under paragraph (6), the  
20                  court shall set and enforce a reasonable schedule  
21                  and deadline, which may not exceed 180 days from  
22                  the date on which the court remands the matter ex-  
23                  cept as otherwise required by law, for the Adminis-  
24                  trator, the Secretary, or a State, as applicable, to  
25                  take such actions as the court may order.”.

1 **SEC. 6. HARDROCK MINING MILL SITES.**

2 (a) MULTIPLE MILL SITES.—Section 2337 of the Re-  
3 vised Statutes (30 U.S.C. 42) is amended by adding at  
4 the end the following:

5 “(c) ADDITIONAL MILL SITES.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) MILL SITE.—The term ‘mill site’  
8 means a location of public land that is reason-  
9 ably necessary for waste rock or tailings dis-  
10 posal or other operations reasonably incident to  
11 mineral development on, or production from  
12 land included in a plan of operations.

13 “(B) OPERATIONS; OPERATOR.—The  
14 terms ‘operations’ and ‘operator’ have the  
15 meanings given those terms in section 3809.5  
16 of title 43, Code of Federal Regulations (as in  
17 effect on the date of enactment of this sub-  
18 section).

19 “(C) PLAN OF OPERATIONS.—The term  
20 ‘plan of operations’ means a plan of operations  
21 that an operator must submit and the Secretary  
22 of the Interior or the Secretary of Agriculture,  
23 as applicable, must approve before an operator  
24 may begin operations, in accordance with, as  
25 applicable—

1                   “(i) subpart 3809 of title 43, Code of  
2                   Federal Regulations (or successor regula-  
3                   tions establishing application and approval  
4                   requirements); and

5                   “(ii) part 228 of title 36, Code of  
6                   Federal Regulations (or successor regula-  
7                   tions establishing application and approval  
8                   requirements).

9                   “(D) PUBLIC LAND.—The term ‘public  
10                  land’ means land owned by the United States  
11                  that is open to location under sections 2319  
12                  through 2344 of the Revised Statutes (30  
13                  U.S.C. 22 et seq.), including—

14                  “(i) land that is mineral-in-character  
15                  (as defined in section 3830.5 of title 43,  
16                  Code of Federal Regulations (as in effect  
17                  on the date of enactment of this sub-  
18                  section));

19                  “(ii) nonmineral land (as defined in  
20                  section 3830.5 of title 43, Code of Federal  
21                  Regulations (as in effect on the date of en-  
22                  actment of this subsection)); and

23                  “(iii) land where the mineral char-  
24                  acter has not been determined.

1           “(2) IN GENERAL.—Notwithstanding sub-  
2 sections (a) and (b), where public land is needed by  
3 the proprietor of a lode or placer claim for oper-  
4 ations in connection with any lode or placer claim  
5 within the proposed plan of operations, the propri-  
6 etor may—

7           “(A) locate and include within the plan of  
8 operations as many mill site claims under this  
9 subsection as are reasonably necessary for its  
10 operations; and

11           “(B) use or occupy public land in accord-  
12 ance with an approved plan of operations.

13           “(3) MILL SITES CONVEY NO MINERAL  
14 RIGHTS.—A mill site under this subsection does not  
15 convey mineral rights to the locator.

16           “(4) SIZE OF MILL SITES.—A location of a sin-  
17 gle mill site under this subsection shall not exceed  
18 5 acres.

19           “(5) MILL SITE AND LODE OR PLACER CLAIMS  
20 ON SAME TRACTS OF PUBLIC LAND.—A mill site  
21 may be located under this subsection on a tract of  
22 public land on which the claimant or operator main-  
23 tains a previously located lode or placer claim.

24           “(6) EFFECT ON MINING CLAIMS.—The loca-  
25 tion of a mill site under this subsection shall not af-

1       fect the validity of any lode or placer claim, or any  
2       rights associated with such a claim.

3           “(7) PATENTING.—A mill site under this sec-  
4       tion shall not be eligible for patenting.

5           “(8) SAVINGS PROVISIONS.—Nothing in this  
6       subsection—

7           “(A) diminishes any right (including a  
8       right of entry, use, or occupancy) of a claimant;

9           “(B) creates or increases any right (includ-  
10      ing a right of exploration, entry, use, or occu-  
11      pancy) of a claimant on land that is not open  
12      to location under the general mining laws;

13          “(C) modifies any provision of law or any  
14      prior administrative action withdrawing land  
15      from location or entry;

16          “(D) limits the right of the Federal Gov-  
17      ernment to regulate mining and mining-related  
18      activities (including requiring claim validity ex-  
19      aminations to establish the discovery of a valu-  
20      able mineral deposit) in areas withdrawn from  
21      mining, including under—

22           “(i) the general mining laws;

23           “(ii) the Federal Land Policy and  
24      Management Act of 1976 (43 U.S.C. 1701  
25      et seq.);

1 “(iii) the Wilderness Act (16 U.S.C.  
2 1131 et seq.);

3 “(iv) sections 100731 through 100737  
4 of title 54, United States Code;

5 “(v) the Endangered Species Act of  
6 1973 (16 U.S.C. 1531 et seq.);

7 “(vi) division A of subtitle III of title  
8 54, United States Code (commonly re-  
9 ferred to as the ‘National Historic Preser-  
10 vation Act’); or

11 “(vii) section 4 of the Act of July 23,  
12 1955 (commonly known as the ‘Surface  
13 Resources Act of 1955’) (69 Stat. 368,  
14 chapter 375; 30 U.S.C. 612);

15 “(E) restores any right (including a right  
16 of entry, use, or occupancy, or right to conduct  
17 operations) of a claimant that—

18 “(i) existed prior to the date on which  
19 the land was closed to, or withdrawn from,  
20 location under the general mining laws;  
21 and

22 “(ii) that has been extinguished by  
23 such closure or withdrawal; or

1                   “(F) modifies section 404 of division E of  
2                   the Consolidated Appropriations Act, 2024  
3                   (Public Law 118–42).”.

4                   (b) ABANDONED HARDROCK MINE FUND.—

5                   (1) ESTABLISHMENT.—There is established in  
6                   the Treasury of the United States a separate ac-  
7                   count, to be known as the “Abandoned Hardrock  
8                   Mine Fund” (referred to in this subsection as the  
9                   “Fund”).

10                  (2) SOURCE OF DEPOSITS.—Any amounts col-  
11                  lected by the Secretary of the Interior pursuant to  
12                  the claim maintenance fee under section 10101(a)(1)  
13                  of the Omnibus Budget Reconciliation Act of 1993  
14                  (30 U.S.C. 28f(a)(1)) on mill sites located under  
15                  subsection (c) of section 2337 of the Revised Stat-  
16                  utes (30 U.S.C. 42) shall be deposited into the  
17                  Fund.

18                  (3) USE.—The Secretary of the Interior may  
19                  make expenditures from amounts available in the  
20                  Fund, without further appropriations, only to carry  
21                  out section 40704 of the Infrastructure Investment  
22                  and Jobs Act (30 U.S.C. 1245).

23                  (4) ALLOCATION OF FUNDS.—Amounts made  
24                  available under paragraph (3)—

1 (A) shall be allocated in accordance with  
2 section 40704(e)(1) of the Infrastructure In-  
3 vestment and Jobs Act (30 U.S.C. 1245(e)(1));  
4 and

5 (B) may be transferred in accordance with  
6 section 40704(e)(2) of that Act (30 U.S.C.  
7 1245(e)(2)).

8 (c) CLERICAL AMENDMENTS.—Section 10101 of the  
9 Omnibus Budget Reconciliation Act of 1993 (30 U.S.C.  
10 28f) is amended—

11 (1) by striking “the Mining Law of 1872 (30  
12 U.S.C. 28–28e)” each place it appears and inserting  
13 “sections 2319 through 2344 of the Revised Stat-  
14 utes (30 U.S.C. 22 et seq.)”;

15 (2) in subsection (a)—

16 (A) in paragraph (1)—

17 (i) in the second sentence, by striking  
18 “Such claim maintenance fee” and insert-  
19 ing the following:

20 “(B) FEE.—The claim maintenance fee  
21 under subparagraph (A)”;

22 (ii) in the first sentence, by striking  
23 “The holder of” and inserting the fol-  
24 lowing:

25 “(A) IN GENERAL.—The holder of”; and

1 (B) in paragraph (2)—

2 (i) in the second sentence—

3 (I) by striking “the Mining Law  
4 of 1872 (30 U.S.C. 28 to 28e)” and  
5 inserting “sections 2319 through  
6 2344 of the Revised Statutes (30  
7 U.S.C. 22 et seq.)”; and

8 (II) by striking “Such claim  
9 maintenance fee” and inserting the  
10 following:

11 “(B) FEE.—The claim maintenance fee  
12 under subparagraph (A)”; and

13 (ii) in the first sentence, by striking  
14 “The holder of” and inserting the fol-  
15 lowing:

16 “(A) IN GENERAL.—The holder of”; and

17 (3) in subsection (b)—

18 (A) in the second sentence, by striking  
19 “The location fee” and inserting the following:  
20 “(2) FEE.—The location fee”; and

21 (B) in the first sentence, by striking “The  
22 claim main tenance fee” and inserting the fol-  
23 lowing:

24 “(1) IN GENERAL.—The claim maintenance  
25 fee”.

1 **SEC. 7. AMENDMENTS TO NEPA.**

2 (a) PURPOSES.—Section 2 of the National Environ-  
3 mental Policy Act of 1969 (42 U.S.C. 4321) is amended—

4 (1) by striking the section designation and  
5 heading and all that follows through “are: To” and  
6 inserting the following:

7 **“SEC. 2. PURPOSES.**

8 “(a) PURPOSES.—The purposes of this Act are to”;  
9 and

10 (2) by adding at the end the following:

11 “(b) INTENT.—This Act—

12 “(1) is a procedural statute intended to ensure  
13 Federal agencies consider the environmental impacts  
14 of their actions during the decisionmaking process;

15 “(2) does not mandate particular results; and

16 “(3) only prescribes a purely procedural pro-  
17 cess.

18 “(c) EFFECT.—Nothing in this Act—

19 “(1) mandates any specific environmental out-  
20 come or result; or

21 “(2) confers substantive rights or imposes sub-  
22 stantive duties beyond procedural requirements.”.

23 (b) PROCEDURE FOR DETERMINATION OF LEVEL OF  
24 REVIEW.—Section 106 of the National Environmental  
25 Policy Act of 1969 (42 U.S.C. 4336) is amended—

1 (1) in the section heading, by inserting “;  
2 **SCOPE OF REVIEW**” after “**LEVEL OF REVIEW**”;

3 (2) in subsection (a)—

4 (A) in paragraph (2), by striking “109 of  
5 this Act,” and inserting “109, a categorical ex-  
6 clusion established by Congress,”;

7 (B) in paragraph (3), by striking “or”;

8 (C) in paragraph (4), by striking the pe-  
9 riod at the end and inserting a semicolon; and

10 (D) by adding at the end the following:

11 “(5) the proposed agency action is an action for  
12 which such agency’s compliance with another stat-  
13 ute’s requirements serve a similar function as the re-  
14 quirements of this Act with respect to such action;  
15 or

16 “(6) the proposed agency action—

17 “(A) relates to a project or action that has  
18 already been reviewed pursuant to a State or  
19 Tribal environmental review statute, ordinance,  
20 resolution, regulation, or formally adopted pol-  
21 icy; and

22 “(B) the lead agency determines such re-  
23 view meets the requirements of this Act.”;

24 (3) in subsection (b)—

1 (A) in paragraph (2), in the first sen-  
2 tence—

3 (i) by striking “does not” and insert-  
4 ing “is not likely to”; and

5 (ii) by striking “109 of this Act,” and  
6 inserting “109, a categorical exclusion es-  
7 tablished by Congress,”; and

8 (B) in paragraph (3), by striking subpara-  
9 graph (B) and inserting the following:

10 “(B) is not required to undertake new sci-  
11 entific or technical research—

12 “(i) unless the new scientific or tech-  
13 nical research is essential to a reasoned  
14 choice among alternatives, and the overall  
15 costs and time frame of obtaining it are  
16 not unreasonable; or

17 “(ii) after the receipt of an applica-  
18 tion, as applicable, with respect to such  
19 proposed agency action.”; and

20 (4) by adding at the end the following:

21 “(c) SCOPE OF REVIEW.—In preparing an environ-  
22 mental document for a proposed agency action, a Federal  
23 agency—

24 “(1) may only consider effects that share a rea-  
25 sonably close causal relationship to, and are proxi-

1 mately caused by, the immediate project or action  
2 under consideration; and

3 “(2) may not consider effects that are specula-  
4 tive, attenuated from the project or action, separate  
5 in time or place from the project or action, or in re-  
6 lation to separate existing or potential future  
7 projects or actions.

8 “(d) PRESUMPTION OF NEGATIVE IMPACTS OF TAK-  
9 ING NO ACTION RELATING TO TRIBAL TRUST RE-  
10 SOURCES.—For any proposed agency action carried out  
11 on, or directly affecting, Tribal trust resources (including  
12 land and minerals) that is initiated by the federally recog-  
13 nized Indian Tribe for which the United States holds the  
14 affected resources in trust, and for which an environ-  
15 mental document was prepared that included consider-  
16 ation of a no action alternative, there shall be a presump-  
17 tion that the effects of taking no action will be negative  
18 for the federally recognized Indian Tribe.

19 “(e) EFFECT OF THRESHOLD DETERMINATIONS ON  
20 OTHER AGENCIES.—If a lead agency determines that an  
21 environmental document is not required to be prepared  
22 with respect to a proposed agency action under subsection  
23 (a), no other Federal agency may prepare an environ-  
24 mental document with respect to the proposed agency ac-  
25 tion.”.

1 (c) TIMELY AND UNIFIED FEDERAL REVIEWS.—

2 (1) LEAD AGENCY.—Section 107(a) of the Na-  
3 tional Environmental Policy Act of 1969 (42 U.S.C.  
4 4336a(a)) is amended—

5 (A) in paragraph (2)—

6 (i) in subparagraph (B), by striking  
7 “at the earliest practicable time” and in-  
8 serting “in accordance with subsection  
9 (g)(2)”;

10 (ii) in subparagraph (D), by striking  
11 “carry out the proposed agency action”  
12 and inserting “carry out the proposed  
13 agency action in accordance with the dead-  
14 lines described in subsection (g)”;

15 (iii) in subparagraph (E)—

16 (I) by striking “a review” and in-  
17 serting “an environmental review”;  
18 and

19 (II) by striking “such review”  
20 and inserting “such environmental re-  
21 view”;

22 (B) in paragraph (3)—

23 (i) in the first sentence, by inserting  
24 “(including counties, boroughs, parishes,

1           and other political subdivisions of a  
2           State)” after “local agency”; and

3                   (ii) by adding at the end the fol-  
4           lowing: “Such comments from Federal co-  
5           operating agencies shall be limited to mat-  
6           ters relating to the proposed agency action  
7           with respect to which the Federal cooper-  
8           ating agency has jurisdiction by law.”.

9           (2) ONE DOCUMENT.—Section 107(b) of the  
10          National Environmental Policy Act of 1969 (42  
11          U.S.C. 4336a(b)) is amended—

12                   (A) by striking “To the extent prac-  
13          ticable,” and inserting the following:

14                   “(1) DOCUMENT.—To the extent practicable,”;  
15          and

16                   (B) by adding at the end the following:

17                   “(2) CONSIDERATION TIMING.—

18                   “(A) IN GENERAL.—In preparing an envi-  
19          ronmental document for a proposed agency ac-  
20          tion, no Federal agency shall be required to  
21          consider any scientific or technical research  
22          that becomes publicly available after the earlier  
23          of, as applicable—

1                   “(i) the date of receipt of an applica-  
2                   tion with respect to such proposed agency  
3                   action; and

4                   “(ii) the date of publication of a no-  
5                   tice of intent or decision to prepare such  
6                   environmental document for such proposed  
7                   agency action.

8                   “(B) APPLICABILITY TO OTHER LAW.—  
9                   Nothing in this paragraph affects any review of  
10                  information required under subchapter II of  
11                  chapter 5 of title 5, United States Code, with  
12                  respect to comments received during the public  
13                  comment period as applicable.

14                  “(C) DELAY.—A Federal agency may not  
15                  delay the issuance of an environmental docu-  
16                  ment or a final agency action, including any de-  
17                  cision or determination, on the basis of awaiting  
18                  new scientific or technical research or informa-  
19                  tion that was not available as of the earlier of  
20                  the dates described in subparagraph (A).”.

21                  (3) STATEMENT OF PURPOSE AND NEED.—Sec-  
22                  tion 107(d) of the National Environmental Policy  
23                  Act of 1969 (42 U.S.C. 4336a(d)) is amended by  
24                  striking the period at the end and inserting “, which

1 shall, where applicable, meet the goals of the appli-  
2 cant.”.

3 (4) DEADLINES.—Section 107(g) of the Na-  
4 tional Environmental Policy Act of 1969 (42 U.S.C.  
5 4336a(g)) is amended—

6 (A) by redesignating paragraphs (1), (2),  
7 and (3) as paragraphs (3), (5), and (6), respec-  
8 tively;

9 (B) by inserting before paragraph (3) (as  
10 so redesignated) the following:

11 “(1) APPLICATIONS FOR AUTHORIZATIONS.—

12 “(A) NOTIFICATION OF COMPLETE OR IN-  
13 COMPLETE APPLICATION.—Unless a shorter  
14 deadline is specified by law, in connection with  
15 a proposed agency action for which an applicant  
16 submitted an application for an authorization to  
17 an agency, not later than 60 days after the date  
18 on which the applicant submits the application  
19 to the agency, the agency shall document re-  
20 ceipt of the application and—

21 “(i) notify the applicant that the ap-  
22 plication is complete; or

23 “(ii) notify the applicant that the ap-  
24 plication is incomplete and request, in writ-

1 ing, any additional information that the  
2 agency needs—

3 “(I) to determine that the appli-  
4 cation is complete; and

5 “(II) to begin preparation of an  
6 environmental document.

7 “(B) AGENCY DETERMINATION.—

8 “(i) COMPLETE DETERMINATION.—If  
9 an agency determines that an application  
10 is complete under subparagraph (A)(i), the  
11 agency shall, not later than 60 days after  
12 the date on which the agency makes such  
13 determination—

14 “(I) notify the applicant that the  
15 agency has determined that—

16 “(aa) the proposed agency  
17 action is excluded pursuant to 1  
18 of the agency’s categorical exclu-  
19 sions;

20 “(bb) the proposed agency  
21 action is not a major Federal ac-  
22 tion; or

23 “(cc) no further agency ac-  
24 tion is required;

1                   “(II) issue a notice of intent to  
2                   prepare an environmental impact  
3                   statement for the proposed agency ac-  
4                   tion; or

5                   “(III) notify the applicant that  
6                   the agency has determined that prepa-  
7                   ration of an environmental assessment  
8                   is necessary.

9                   “(ii) INCOMPLETE DETERMINATION.—  
10                  If an agency requests additional informa-  
11                  tion under subparagraph (A)(ii), the dead-  
12                  line described in clause (i) shall be based  
13                  on the date on which the agency receives  
14                  the additional information instead of the  
15                  date on which the determination is made.

16                  “(2) COOPERATING AGENCIES.—

17                  “(A) IN GENERAL.—Not later than 21  
18                  days after the date on which a lead agency  
19                  issues a notice of intent under paragraph  
20                  (1)(B)(i)(II) or notifies an applicant under  
21                  paragraph (1)(B)(i)(III) with respect to a pro-  
22                  posed agency action, the lead agency shall—

23                  “(i) identify all agencies that are like-  
24                  ly to have environmental review, authoriza-

1                   tion, or other responsibilities with respect  
2                   to the proposed agency action; and

3                   “(ii) invite each agency to become a  
4                   cooperating agency.

5                   “(B) DEADLINE TO ACCEPT INVITATION.—  
6                   Not later than 21 days after the date on which  
7                   an agency receives an invitation to become a co-  
8                   operating agency under subparagraph (A)(ii),  
9                   the agency shall accept or deny the invitation.

10                  “(C) CONVENING OF COOPERATING AGEN-  
11                  CIES.—Not later than 7 days after the deadline  
12                  described in subparagraph (B) has passed for  
13                  each agency that received an invitation to be-  
14                  come a cooperating agency under subparagraph  
15                  (A)(ii), the lead agency that sent each invitation  
16                  shall convene each agency that accepts such an  
17                  invitation to coordinate on developing the  
18                  schedule under subsection (a)(2)(D) for the ap-  
19                  plicable proposed agency action.

20                  “(D) UNIDENTIFIED AGENCIES.—If an  
21                  agency that has jurisdiction by law or special  
22                  expertise with respect to any environmental im-  
23                  pact involved in a proposed agency action is not  
24                  identified under subparagraph (A)(i), the lead

1 agency with respect to the proposed agency ac-  
2 tion shall—

3 “(i) invite such unidentified agency to  
4 become a cooperating agency by not later  
5 than 7 days after the date on which the  
6 lead agency becomes aware that the agency  
7 has jurisdiction by law or special expertise;  
8 and

9 “(ii) if such agency accepts the invita-  
10 tion, incorporate such agency into the  
11 schedule developed under subsection  
12 (a)(2)(D) and update such schedule ac-  
13 cordingly by not later than 14 days after  
14 the date on which the agency accepts the  
15 invitation.”;

16 (C) in paragraph (3) (as so redesign-  
17 nated)—

18 (i) in the paragraph heading, by strik-  
19 ing “IN GENERAL” and inserting “REVIEW  
20 TIMELINE”; and

21 (ii) in the matter preceding subpara-  
22 graph (A), by striking “paragraph (2)”  
23 and inserting “paragraph (5)”;

24 (D) by inserting after paragraph (3) (as so  
25 redesignated) the following:

1 “(4) DEADLINE FOR FINAL AGENCY ACTION.—

2 “(A) IN GENERAL.—For any proposed  
3 agency action for which an applicant submitted  
4 an application for an authorization to an agen-  
5 cy, not later than 30 days after completing an  
6 environmental impact statement or an environ-  
7 mental assessment for the proposed agency ac-  
8 tion, the lead agency, and any cooperating  
9 agency, shall issue a final agency action.

10 “(B) PERFORMANCE SCHEDULE.—The  
11 agency issuing the final agency action under  
12 subparagraph (A) shall include, in the final  
13 agency action, a performance schedule for the  
14 completion of any other outstanding authoriza-  
15 tions.”;

16 (E) in paragraph (5) (as so redesign-  
17 nated)—

18 (i) by striking “the deadline described  
19 in paragraph (1)” and inserting “a dead-  
20 line described in this subsection”; and

21 (ii) by striking “, in consultation with  
22 the applicant, to” and inserting “if the ap-  
23 plicant approves such extension. If the ap-  
24 plicant approves such extension, the lead  
25 agency shall”;

1 (F) in paragraph (6) (as so redesignated)—  
2

3 (i) in subparagraph (A), by striking  
4 “A project sponsor may” and inserting  
5 “Except as provided in subparagraph (C),  
6 a project sponsor may”; and

7 (ii) by adding at the end the following:  
8

9 “(C) EXCEPTION.—A project sponsor that  
10 approved an extension of a deadline under paragraph (5) may not obtain judicial review of a  
11 failure to act in accordance with such deadline  
12 under subparagraph (A) unless the lead agency  
13 fails to meet the new deadline or is delaying for  
14 reasons other than those necessary to complete  
15 its review.”; and  
16

17 (G) by adding at the end the following:

18 “(7) CONCURRENT REVIEW.—In carrying out  
19 an environmental review, the lead agency and each  
20 cooperating agency shall carry out the obligations of  
21 that agency under other applicable laws concurrently, and in conjunction, with other required reviews for the proposed agency action, pursuant to  
22 the requirements of applicable law, including, if applicable, this Act.”.  
23  
24  
25

1 (d) PROGRAMMATIC ENVIRONMENTAL DOCU-  
2 MENTS.—Section 108 of the National Environmental Pol-  
3 icy Act of 1969 (42 U.S.C. 4336b) is amended—

4 (1) in the matter preceding paragraph (1), by  
5 striking “When an agency prepares” and inserting  
6 the following:

7 “(a) PROGRAMMATIC ENVIRONMENTAL DOCU-  
8 MENTS.—When an agency prepares”;

9 (2) in subsection (a) (as so designated)—

10 (A) in paragraph (1), by striking “5” and  
11 inserting “10”; and

12 (B) in paragraph (2), by striking “5” and  
13 inserting “10”; and

14 (3) by adding at the end the following:

15 “(b) RELIANCE ON PREVIOUSLY COMPLETED ENVI-  
16 RONMENTAL REVIEWS.—

17 “(1) ACTIONS THAT ARE SUBSTANTIALLY THE  
18 SAME.—A lead agency may satisfy the requirements  
19 of this Act with respect to a major Federal action  
20 by relying on an environmental assessment, environ-  
21 mental impact statement, or a categorical exclusion  
22 determination that the lead agency, another Federal  
23 agency, or a project sponsor under the supervision of  
24 a Federal agency completed for another major Fed-  
25 eral action if the lead agency determines that—

1           “(A) the new major Federal action is sub-  
2           stantially the same as the other major Federal  
3           action or, if applicable, an alternative analyzed  
4           in such environmental assessment or environ-  
5           mental impact statement; and

6           “(B) if applicable, the effects of the new  
7           major Federal action are substantially the same  
8           as the effects analyzed in such environmental  
9           assessment or environmental impact statement.

10          “(2) ACTIONS THAT ARE NOT SUBSTANTIALLY  
11          THE SAME.—

12           “(A) IN GENERAL.—If a new major Fed-  
13           eral action is not substantially the same as an-  
14           other major Federal action or an alternative  
15           analyzed in an environmental assessment or en-  
16           vironmental impact statement completed by the  
17           lead agency, another Federal agency, or a  
18           project sponsor under the supervision of a Fed-  
19           eral agency, the lead agency may modify or  
20           augment any such previously completed envi-  
21           ronmental assessment or environmental impact  
22           statement as necessary to satisfy the require-  
23           ments of this Act with respect to the new major  
24           Federal action.

1           “(B) PUBLIC AVAILABILITY.—The lead  
2           agency shall make any environmental assess-  
3           ment or environmental impact statement modi-  
4           fied under subparagraph (A) publicly available  
5           as a new environmental assessment or environ-  
6           mental impact statement.”.

7           (e) ADOPTION OF CATEGORICAL EXCLUSIONS.—Sec-  
8           tion 109 of the National Environmental Policy Act of  
9           1969 (42 U.S.C. 4336c) is amended—

10           (1) in the matter preceding paragraph (1), in  
11           the first sentence, by inserting “, or that was legisla-  
12           tively enacted by Congress,” after “procedures”;

13           (2) in paragraph (1), by inserting “, or that  
14           was established by Congress,” after “procedures”;  
15           and

16           (3) in paragraph (2), by inserting “if applica-  
17           ble,” before “consult”.

18           (f) DEFINITIONS.—Section 111 of the National Envi-  
19           ronmental Policy Act of 1969 (42 U.S.C. 4336e) is  
20           amended—

21           (1) in paragraph (1), by inserting “, or Con-  
22           gress deems by statute,” after “Federal agency has  
23           determined”;

24           (2) by redesignating paragraphs (1), (2), (3),  
25           (4), (5), (6), (7), (8), (11), (12), and (13) as para-

1 graphs (2), (3), (4), (5), (6), (7), (8), (11), (12),  
2 (13), and (15), respectively, and moving all para-  
3 graphs of the section so as to appear in numerical  
4 order;

5 (3) by inserting before paragraph (2) (as so re-  
6 designated) the following:

7 “(1) AUTHORIZATION.—The term ‘authoriza-  
8 tion’ means any lease, right-of-way, easement, li-  
9 cense, permit, approval, finding, determination, or  
10 other administrative decision issued by an agency, or  
11 any interagency consultation, that is required or au-  
12 thorized under Federal law in order to construct,  
13 modify, or operate a project.”;

14 (4) in paragraph (10)—

15 (A) in subparagraph (B)—

16 (i) in clause (iii)—

17 (I) by inserting “grants (includ-  
18 ing capitalization grants), cost share  
19 awards,” after “loan guarantees,”;

20 (II) by striking “sufficient” and  
21 inserting “complete”; and

22 (III) by striking “subsequent use  
23 of such financial assistance or the”;

24 (ii) in clause (iv), by striking “section  
25 7(a) or (b) and of the Small Business Act

1 ( U.S.C. 636(a)), or” and inserting “sub-  
2 section (a) or (b) of section 7 of the Small  
3 Business Act (15 U.S.C. 636) or”;

4 (iii) by redesignating clauses (iv)  
5 through (vii) as clauses (vi) through (ix),  
6 respectively;

7 (iv) by inserting after clause (iii) the  
8 following:

9 “(iv) farm ownership and operating  
10 loan guarantees by the Farm Service  
11 Agency pursuant to section 305 and sub-  
12 title B of the Consolidated Farm and  
13 Rural Development Act (7 U.S.C. 1925,  
14 1941 et seq.);

15 “(v) the issuance of a permit or other  
16 authorization by a Federal agency where  
17 the proposal under consideration is other-  
18 wise being evaluated or was previously  
19 evaluated by the lead agency in compliance  
20 with this Act;” and

21 (v) in clause (viii) (as so redesi-  
22 gnated), by striking “entirely”; and

23 (B) by adding at the end the following:

24 “(C) ADDITIONAL EXCLUSIONS.—An agen-  
25 cy action may not be determined to be a major

1 Federal action solely on the basis of the provi-  
2 sion of Federal funds, including a grant, loan,  
3 loan guarantee, and funding assistance.”; and  
4 (5) by inserting after paragraph (13) (as so re-  
5 designated) the following:

6 “(14) REASONABLY FORESEEABLE.—

7 “(A) IN GENERAL.—The term ‘reasonably  
8 foreseeable’, with respect to environmental ef-  
9 fects of a proposed agency action, means effects  
10 that share a reasonably close causal relationship  
11 to, and are proximately caused by, the imme-  
12 diate project or action under consideration.

13 “(B) EXCLUSIONS.—The term ‘reasonably  
14 foreseeable’, with respect to environmental ef-  
15 fects of a proposed agency action, does not in-  
16 clude effects that are—

17 “(i) speculative;

18 “(ii) attenuated from the proposed  
19 agency action;

20 “(iii) separate in time or place from  
21 the proposed agency action; or

22 “(iv) in relation to separate existing  
23 or potential future projects.”.

24 (g) DUTIES OF THE COUNCIL.—Section 204(4) of the  
25 National Environmental Policy Act of 1969 (42 U.S.C.

1 4344(4)) is amended by inserting “energy,” after  
2 “health,”.

3 (h) JUDICIAL REVIEW.—Title I of the National Envi-  
4 ronmental Policy Act of 1969 is amended—

5 (1) by redesignating section 112 (42 U.S.C.  
6 4336f) as section 110A, and moving the section so  
7 as to appear after section 110; and

8 (2) by inserting before section 111 the fol-  
9 lowing:

10 **“SEC. 110B. JUDICIAL REVIEW.**

11 “(a) ROLE OF THE COURT.—In reviewing a claim or  
12 petition for review of whether a final agency action com-  
13 plies with the requirements of this Act, a court—

14 “(1) shall afford substantial deference to the  
15 agency; and

16 “(2) may not substitute its judgment for that  
17 of the agency with respect to the environmental ef-  
18 fects included in the final agency action or the envi-  
19 ronmental document.

20 “(b) REMAND.—

21 “(1) IN GENERAL.—If a court holds, under sec-  
22 tion 706(2)(A) of title 5, United States Code, that  
23 a final agency action does not comply with the re-  
24 quirements of this Act, the only remedy the court  
25 may order, notwithstanding chapter 7 of that title,

1 is to remand, without vacatur or injunction, the final  
2 agency action to the agency with—

3 “(A) specific instruction to correct the er-  
4 rors or deficiencies found by the court; and

5 “(B) a reasonable schedule and deadline to  
6 correct such errors or deficiencies, which such  
7 deadline may not exceed—

8 “(i) with respect to an order entered  
9 on or after the date of enactment of this  
10 section, the date that is 180 days after the  
11 date on which the order was entered; and

12 “(ii) with respect to an order entered  
13 before the date of enactment of this sec-  
14 tion, the date that is 180 days after that  
15 date of enactment.

16 “(2) CONTINUED EFFECT OF FINAL AGENCY  
17 ACTION.—A final agency action remanded under  
18 paragraph (1) shall remain in effect while the Fed-  
19 eral agency corrects any errors or deficiencies found  
20 by the court.

21 “(3) PROHIBITION.—No court may issue a tem-  
22 porary restraining order or preliminary injunction  
23 during consideration of a claim or petition for review  
24 described in subsection (a).

1           “(c) LIMITATIONS ON CLAIMS AND PETITIONS FOR  
2 REVIEW.—

3           “(1) IN GENERAL.—Notwithstanding any other  
4 provision of law (except as provided in subparagraph  
5 (A) with respect to a shorter deadline), a claim or  
6 petition for review described in subsection (a) shall  
7 be barred unless—

8           “(A) the claim or petition for review is  
9 filed not later than 150 days after the date on  
10 which the final agency action is made public,  
11 unless a shorter deadline is specified under  
12 Federal law;

13           “(B) in the case of a final agency action  
14 or petition for review for which there was a  
15 public comment period on an environmental  
16 document, the claim or petition for review—

17           “(i) is filed by a party that submitted  
18 a substantive and unique comment during  
19 the public comment period by the noticed  
20 comment deadline for the environmental  
21 document and the comment was suffi-  
22 ciently detailed to put the applicable Fed-  
23 eral agency on notice of the issue on which  
24 the party seeks review; and

1                   “(ii) concerns the same subject matter  
2                   raised in the comment submitted during  
3                   the public comment period;

4                   “(C) the claim or petition for review is  
5                   filed by a party that has suffered or imminently  
6                   will suffer direct harm from the final agency ac-  
7                   tion; and

8                   “(D) the claim or petition for review does  
9                   not challenge the establishment of a categorical  
10                  exclusion.

11                  “(2) SUPPLEMENTAL ENVIRONMENTAL DOCU-  
12                  MENTS.—

13                  “(A) IN GENERAL.—If an agency issues a  
14                  supplemental environmental document in re-  
15                  sponse to a court order remanding a final agen-  
16                  cy action, the deadline described in paragraph  
17                  (1)(A) shall be the date on which the agency  
18                  makes public the agency action for which the  
19                  supplemental environmental document is pre-  
20                  pared.

21                  “(B) LIMITATION.—A claim for review of  
22                  a final agency action described in subparagraph  
23                  (A) shall be limited to information contained in  
24                  the final supplemental environmental document

1           that was not contained in a previous environ-  
2           mental document for the final agency action.

3           “(3) ACTIONS FOR USE OF TRIBAL TRUST RE-  
4           SOURCES.—

5                   “(A) IN GENERAL.—For any final agency  
6           action that authorizes or affects the use of land,  
7           minerals, or other resources already held in  
8           trust at the time of the final agency action by  
9           the United States for the benefit of a federally  
10          recognized Indian Tribe, except as provided in  
11          subparagraph (B), there shall be no administra-  
12          tive or judicial review of the final agency action  
13          or petition for review based on a claim of fail-  
14          ure to comply with the requirements of this Act.

15                   “(B) LIMITATION.—Subparagraph (A)  
16          shall not apply to actions for administrative or  
17          judicial review—

18                           “(i) brought by a federally recognized  
19          Indian Tribe for which the United States  
20          holds the land, minerals, or other resources  
21          in trust; or

22                           “(ii) that involve reasonably foresee-  
23          able effects of the final agency action that  
24          occur outside the land, minerals, or other  
25          resources held in trust by the United

1 States for the benefit of a federally recog-  
2 nized Indian Tribe.

3 “(d) DEADLINE FOR RESOLUTION.—

4 “(1) IN GENERAL.—A court shall issue a final  
5 judgment on a claim or petition for review described  
6 in subsection (a)—

7 “(A) as expeditiously as practicable; and

8 “(B) unless a shorter deadline is specified  
9 under Federal law, not later than the date that  
10 is 180 days after the date on which the agency  
11 record for the review is filed with the reviewing  
12 court, which shall not be more than 60 days  
13 after the filing of the claim or petition for re-  
14 view.

15 “(2) ACCELERATED DEADLINES.—Nothing in  
16 this subsection prevents a court from further expe-  
17 diting review of a claim or petition for review de-  
18 scribed in subsection (a).

19 “(3) APPEALS.—

20 “(A) FILING.—

21 “(i) IN GENERAL.—A notice of appeal  
22 of a final judgment described in this sub-  
23 section shall be filed not later than 60 days  
24 after the final judgment is issued.

1                   “(ii) REMANDED ACTIONS.—In the  
2                   case of a final agency action remanded  
3                   under subsection (b), the agency and, if  
4                   applicable, the applicant, shall have the  
5                   right to appeal during the pendency of the  
6                   remand.

7                   “(B) DEADLINE FOR REVIEW.—A court  
8                   shall issue a final decision on an appeal filed  
9                   under subparagraph (A)—

10                   “(i) as expeditiously as practicable;  
11                   and

12                   “(ii) not later than the date that is  
13                   180 days after the date on which the ap-  
14                   peal is filed.

15                   “(e) NO EFFECT ON REVIEW OF COMPLIANCE WITH  
16 OTHER DEADLINES.—Nothing in this section affects the  
17 right to obtain review under section 107(g)(6).”.