



AMERICAN ENERGY AND MINERAL INFRASTRUCTURE ACT OF 2026

Section-by-Section

Section 1. The American Energy and Mineral Infrastructure Act of 2026

Section 2. Promoting Interagency Coordination for Review of Natural Gas Pipelines

This section centralizes federal permitting authority for Natural Gas Act (NGA) Section 3 (LNG import/export facilities) and Section 7 (pipelines) projects by designating FERC as the sole lead agency for National Environmental Policy Act (NEPA) review, requiring early coordination with relevant agencies, and giving FERC's environmental-scoping decisions maximum lawful deference. The section streamlines reviews by incorporating Clean Water Act (CWA) Section 401 processes for NGA projects into FERC-led NEPA reviews, setting unified and enforceable timelines for all authorizations. This section enhances transparency by requiring FERC to publicly track authorizations that require multiple agency approvals and provides certainty by preventing courts from vacating FERC orders under NGA Sections 3 or 7, and limits other agencies' ability to block FERC-approved projects unless supported by clear and convincing evidence.

Section 3. Improving Water Quality Certifications and American Energy Infrastructure

This section streamlines the Clean Water Act Section 401 certification process by restricting state review to direct, point-source discharges into navigable waters and ensuring the analysis focuses solely on those discharges, rather than on the broader activity. Decisions must also rely solely on compliance with federal water quality standards. It imposes strict, nonextendable timelines, including a one-year certification window, and prevents states from delaying reviews through procedural tactics or excessive information requests. Conditions on certificates may be imposed or denials issued only when supported by clear and convincing evidence, and conditions must be the least burdensome option. Judicial review is consolidated in federal appeals courts under expedited timelines, a higher burden of proof is required to uphold a denial by the certifying authority, standing requirements are refined, and courts are prevented from vacating certifications.

Section 4. National Pollutant Discharge Elimination System

This section codifies EPA's authority to issue general permits under Clean Water Act Section 402, requires EPA to give two years' notice before allowing a general permit to expire, and ensures that expired permit terms remain in effect for existing covered discharges unless a non-renewal notice is issued. It reaffirms EPA's and approved states' roles in issuing NPDES permits for point-source discharges and extends the maximum permit duration from five to ten years to provide greater regulatory certainty for permit holders.

Section 5. Providing Certainty to Permits for Dredged or Fill Material

This section narrows EPA's ability to veto dredge-and-fill permits by limiting vetoes to the period between a complete permit application and the Corps' final decision. This section also provides certainty to the Army Corps' nationwide permitting program by broadening its general-permit authority, extending permit terms to ten years, and requiring nationwide permits for pipelines and other linear infrastructure under defined impact thresholds. It restricts environmental review to impacts directly caused by dredged or fill

material, treats impacts under three acres as minimal, and allows permit reissuance without new ESA consultations or full NEPA review. To reduce litigation risk, it sets strict judicial deadlines, refines standing to directly harmed parties who raised detailed comments during permitting, requires challenges to be filed in federal courts of appeals, permit denials face a higher evidentiary standard, and generally bars courts from vacating or blocking permits.

Section 6. Hardrock Mining Mill Sites

This section reaffirms traditional mining practices by allowing operators to use federal lands for essential mining-related activities, overturning court restrictions that required proven mineral deposits for such uses, and permitting as many mill site claims as are reasonably necessary to support operations. It authorizes the use and occupancy of public lands consistent with approved plans of operation and creates a new Abandoned Hardrock Mine Fund, financed by fees from mill site claims, which the Department of the Interior must use to clean up and reclaim abandoned hardrock mines.

Section 7. Amendments to NEPA

This section modernizes and streamlines NEPA by reaffirming its purely procedural role, narrowing the scope of environmental review to proximate and nonspeculative impacts, and allowing agencies to rely on other regulatory reviews instead of preparing new NEPA documents. It strengthens coordination by requiring early completeness determinations, unified schedules, and faster final decisions, while limiting cooperating agencies' comments to matters within their jurisdiction. The section improves efficiency by extending the lifespan of programmatic analyses, enabling reuse of prior documents, and expanding categorical exclusions. It updates key statutory definitions to limit what constitutes a major federal action and refine what counts as reasonably foreseeable impacts. Finally, it reforms judicial review by imposing strict deadlines, refining standing, barring vacatur and injunctions, and requiring courts to defer to agency decisions, collectively creating a more predictable, time-bound, and certainty-oriented NEPA process.