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In the Senate of the United States,

November 19, 2026.

Resolved, That the bill from the House of Representatives (H.R. 2347) entitled ''An Act to amend the Internal Revenue Code of 1986 to exclude from gross income any damages, other than punitive damages, received on account of any sexual acts or sexual contact.'', do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan American Affordability and Jobs Act of 2026''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

TITLE I—NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Subtitle A—Declaration of Environmental Policy

Sec. 1101. Purposes; procedure; savings provision.

Sec. 1102. Definitions.
Sec. 1103. Implementing procedures.
Sec. 1104. Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts.
Sec. 1105. Procedure for determination of level of review.
Sec. 1106. Timely and unified Federal reviews.
Sec. 1107. Programmatic environmental document.
Sec. 1108. Use of categorical exclusions by other agencies.
Sec. 1109. Applications for authorizations.
Sec. 1110. Judicial review.

Subtitle B—Council on Environmental Quality

Sec. 1121. Council on Environmental Quality.

Subtitle C—Federal Permitting Improvement

Sec. 1131. Definitions.
Sec. 1132. Environmental Review and Permitting Tracker.
Sec. 1133. Permitting Improvement Fund.
Sec. 1134. Limitation on claims for FAST-41 covered projects.

TITLE II—CLEAN WATER ACT

Sec. 1201. Water quality criteria.
Sec. 1202. Clean Water Act permitting and State certification.
Sec. 1203. Permit term for NPDES permits.
Sec. 1204. Permits for dredged or fill material.
Sec. 1205. Judicial review timeline clarity.

TITLE III—ENDANGERED SPECIES ACT OF 1973

Sec. 1301. Definitions.
Sec. 1302. Timeline for Section 7 consultations.
Sec. 1303. Projects in the operational right-of-way.
Sec. 1304. State assumption of consultation responsibilities.
Sec. 1305. Judicial review.
Sec. 1306. Listing determinations.
Sec. 1307. Authorization of appropriations.
Sec. 1308. National Fish and Wildlife Foundation Coastal State Fund.
Sec. 1309. State wildlife action plans.

TITLE IV—PROJECT CERTAINTY

Sec. 1401. Maintaining Federal authorizations or permits for projects with non-Federal sponsors.
Sec. 1402. Ensuring fairness for specific types of covered projects.
Sec. 1403. Avoiding unreasonable delays in permitting.

TITLE V—NUCLEAR ENERGY LICENSING

Sec. 1501. Updating Hearing Procedures.
Sec. 1502. Licensing of uranium enrichment facilities.
Sec. 1503. Applicability of deadlines to certain nuclear facilities.
Sec. 1504. Compensation authority for career appointees.

TITLE VI—OTHER ENVIRONMENTAL MATTERS

Sec. 1601. Wildfire emissions prevention.
Sec. 1602. Brownfields revitalization.

DIVISION B—COMMITTEE ON ENERGY AND NATURAL RESOURCES

TITLE I—ELECTRIC TRANSMISSION

Sec. 2101. Transmission permitting.
Sec. 2102. Reconductoring and other activities in existing rights-of-way.
Sec. 2103. Transmission planning.
Sec. 2104. Improvements relating to local transmission planning and development.
Sec. 2105. Prohibition of right of first refusal.
Sec. 2106. Consolidated planning process.
Sec. 2107. Ratepayer protection.
Sec. 2108. Dispatchable energy systems market access.
Sec. 2109. Grid-enhancing advanced transmission technologies.
Sec. 2110. Expediting generator interconnection queues.
Sec. 2111. Grid data access.
Sec. 2112. Power marketing administrations.
Sec. 2113. FERC fee assessments.
Sec. 2114. Collection of data on computational load entities.
Sec. 2115. De novo review of civil penalties under the Natural Gas Act.
Sec. 2116. Transmission Organization governance.
Sec. 2117. Data Center Community Assistance Program.
Sec. 2118. Conforming amendments; savings provision.

TITLE II—ENERGY PERMITTING

Subtitle A—Accelerating Claims

Sec. 2201. Accelerating claims.

Subtitle B—Federal Onshore Energy Leasing and Permitting

Sec. 2211. Permitting compliance on non-Federal land.
Sec. 2212. Modification of Tribal leases and rights-of-way across Indian land.
Sec. 2213. Accelerating renewable energy permitting.
Sec. 2214. Electric grid projects.
Sec. 2215. Hardrock mining mill sites.

Subtitle C—Geothermal Leasing and Permitting

Sec. 2221. Geothermal observation test projects.
Sec. 2222. Geothermal royalties.
Sec. 2223. Geothermal leasing reform.
Sec. 2224. Geothermal Ombudsman and Permitting Task Force.
Sec. 2225. No Federal permit required for geothermal activities on certain land.
Sec. 2226. Effect of pending civil actions on processing applications relating to geothermal leasing.
Sec. 2227. Cost recovery from geothermal leasing, permitting, and inspections.
Sec. 2228. Publication of Gold Book for geothermal operations on Federal land.
Sec. 2229. NEPA review.

Subtitle D—Hydropower

Sec. 2231. Identifying and removing market barriers to hydropower.
Sec. 2232. Certain conditions on issuance of licenses.
Sec. 2233. Hydropower maintenance and temporary adjustments.
Sec. 2234. Micro hydrokinetic energy projects.

Subtitle E—Hiring and Retention

Sec. 2241. Federal Energy Regulatory Commission staffing.
Sec. 2242. Federal Energy Regulatory Commission personnel safety.

Subtitle F—Offshore Energy

Sec. 2251. Offshore energy.
Sec. 2252. Offshore energy transmission.

Subtitle G—Department of Energy Nuclear Transparency Act

Sec. 2261. Public announcement requirements for Department of Energy actions relating to certain nuclear facilities.

TITLE III—HISTORIC PRESERVATION

Sec. 2301. Historic preservation.
Sec. 2302. Funding for the Historic Preservation Fund; grants for Tribal Historic Preservation officers; additional funding.

DIVISION C—SURVIVOR JUSTICE TAX PREVENTION ACT

Sec. 3001. Exclusion from gross income of any damages, other than punitive damages, received on account of sexual acts or sexual contact.

DIVISION A—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

TITLE I—NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Subtitle A—Declaration of Environmental Policy

SEC. 1101. PURPOSES; PROCEDURE; SAVINGS PROVISION.

Section 2 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) is amended—

(1) by striking the section heading and designation and all that follows through "are: To declare" and inserting the following:

"SEC. 2. PURPOSES; PROCEDURE; SAVINGS PROVISION.

"(a) PURPOSES.—The purposes of this Act are—

"(1) to declare";

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

(A) in paragraph (1) (as so designated), by striking "to promote" and inserting the following:

"(2) to promote";

(B) in paragraph (2) (as so designated), by striking "to enrich" and inserting the following:

"(3) to enrich"; and

(C) in paragraph (3) (as so designated), by striking "to establish a Council on Environmental Quality" and inserting the following:

"(4) to establish a Council on Environmental Quality"; and

(3) by adding at the end the following:

"(b) PROCEDURE.—This Act prescribes a procedure by which Federal agencies shall consider and inform the public about the reasonably foreseeable environmental effects of major Federal actions on the human environment of the United States, the result of which shall be an informational

document for the purposes of consideration in Federal decisionmaking.

"(c) SAVINGS PROVISION.—Nothing in this Act mandates a particular outcome as a result of the use of the procedure described in subsection (b).".

SEC. 1102. DEFINITIONS.

(a) IN GENERAL.—The National Environmental Policy Act of 1969 is amended by inserting after section 2 (42 U.S.C. 4321) the following:

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) AGENCY CERPO.—The term 'agency CERPO' means the chief environmental review and permitting officer of each key permitting agency, as appointed by the head of the key permitting agency.

"(2) AUTHORIZATION.—The term 'authorization' means any lease, right-of-way, easement, license, permit, approval, finding, determination, or other administrative decision issued by a Federal agency or any interagency consultation that is required or authorized under Federal law to implement a proposed agency action.

"(3) CATEGORICAL EXCLUSION.—The term 'categorical exclusion' means a category of actions that a Federal agency has determined, or Congress has

deemed by statute, normally does not significantly affect the quality of the human environment, within the meaning of section 102(2)(C).

"(4) CHAIRMAN.—The term 'Chairman' means the Chairman of the Council.

"(5) COOPERATING AGENCY.—The term 'cooperating agency' means any Federal, State, Tribal, or local agency (including a county, borough, parish, city, and any other political subdivision of a State) that has been designated as a cooperating agency under section 107(a)(2)(A).

"(6) COUNCIL.—The term 'Council' means the Council on Environmental Quality established by section 202.

"(7) ENEPA TECHNOLOGIES.—The term 'eNEPA technologies' means digital tools, applications, and other technological capabilities used by agencies to support the responsibilities of the agency with respect to environmental review or other types of authorizations.

"(8) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' means an environmental assessment prepared under section 106(b)(1)(A).

"(9) ENVIRONMENTAL DOCUMENT.—The term 'environmental document' means an environmental

impact statement, an environmental assessment, or a finding of no significant impact.

"(10) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed written statement that is required by section 102(2)(C).

"(11) ENVIRONMENTAL INFRASTRUCTURE PROGRAM OR AUTHORITY.—

"(A) IN GENERAL.—The term 'environmental infrastructure program or authority' means a program or authority of the Secretary of the Army to provide assistance to a non-Federal interest for carrying out civil works water-related environmental infrastructure or environmental assistance and resource protection and development projects.

"(B) INCLUSIONS.—The term 'environmental infrastructure program or authority' includes—

"(i) section 1113 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4232; 110 Stat. 3719, 136 Stat. 3781; 138 Stat. 3161);

"(ii) section 217 of the Water Resources Development Act of 1992 (43 U.S.C. 390h–4 note; Public Law 102–580);

"(iii) section 218 of the Water Resources Development Act of 1992 (43 U.S.C. 390h–5 note; Public Law 102–580);

"(iv) section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835);

"(v) section 220 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4836);

"(vi) section 313 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4845);

"(vii) section 324 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4849);

"(viii) section 340 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4856);

"(ix) section 522 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3766);

"(x) section 531 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3773);

"(xi) section 552 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3779);

"(xii) section 566 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3786);

"(xiii) section 584 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3791);

"(xiv) section 569 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 368);

"(xv) section 570 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 369);

"(xvi) section 571 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 371);

"(xvii) section 573 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 372);

"(xviii) section 592 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 379);

"(xix) section 593 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 380);

"(xx) section 594 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 381);

"(xxi) section 595 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 383);

"(xxii) section 528 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2657);

"(xxiii) section 542 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2671);

"(xxiv) section 5039 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1206);

"(xxv) section 5061 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1215);

"(xxvi) section 5065 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1217);

"(xxvii) section 5074 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1223);

"(xxviii) section 5082 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1226);

"(xxix) section 5085 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1228);

"(xxx) section 5113 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1237);

"(xxxi) section 5130 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1247);

"(xxxii) section 5138 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1250);

"(xxxiii) section 5140 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1251);

"(xxxiv) section 8319 of the Water Resources Development Act of 2022 (Public Law 117–263; 136 Stat. 3784);

"(xxxv) section 8353 of the Water Resources Development Act of 2022 (Public Law 117–263; 136 Stat. 3800);

"(xxxvi) section 8359 of the Water Resources Development Act of 2022 (Public Law 117–263; 136 Stat. 3802);

"(xxxvii) section 1332 of the Water Resources Development Act of 2024 (Public Law 118–272; 138 Stat. 3145);

"(xxxviii) section 1340 of the Water Resources Development Act of 2024 (Public Law 118–272; 138 Stat. 3149);

"(xxxix) section 1344 of the Water Resources Development Act of 2024 (Public Law 118–272; 138 Stat. 3153);

"(xl) section 1348 of the Water Resources Development Act of 2024 (Public Law 118–272; 138 Stat. 3157);

"(xli) section 1349 of the Water Resources Development Act of 2024 (Public Law 118–272; 138 Stat. 3158); and

"(xlii) any other similar program or authority that the Secretary of the Army determines to be appropriate.

"(12) ENVIRONMENTAL REVIEW.—The term 'environmental review' means the agency procedures and processes for preparing an environmental document for a proposed agency action under this Act.

"(13) FINDING OF NO SIGNIFICANT IMPACT.—The term 'finding of no significant impact' means a determination that a proposed agency action does not require the issuance of an environmental impact statement.

"(14) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(15) KEY PERMITTING AGENCY.—

"(A) IN GENERAL.—The term 'key permitting agency' means a Federal agency that commonly engages in environmental review or other types of authorizations.

"(B) INCLUSIONS.—The term 'key permitting agency' includes—

"(i) the Department of Agriculture;

"(ii) the Department of Commerce;

"(iii) the Department of the Interior;

"(iv) the Department of Energy;

"(v) the Department of Transportation;

"(vi) the Department of Defense;

"(vii) the Environmental Protection Agency;

"(viii) the Federal Energy Regulatory Commission;

"(ix) the Nuclear Regulatory Commission;

"(x) the Department of Homeland Security;

"(xi) the Department of Housing and Urban Development;

"(xii) the Corps of Engineers;

"(xiii) the Advisory Council on Historic Preservation; and

"(xiv) any other Federal agency, as determined by the Chairman.

"(16) LEAD AGENCY.—The term 'lead agency' means, with respect to a proposed agency action—

"(A) the Federal agency that proposed such action under section 107(a)(1)(A)(i);

"(B) the Federal agency designated under section 107(a)(1)(A)(ii);

"(C) the Federal agency designated by the Chairman under section 107(a)(1)(B)(ii); or

"(D) a State or Tribal government agency conducting an environmental review of such action pursuant to authority granted under Federal law.

"(17) MADE PUBLIC; MAKE PUBLIC.—The terms 'made public' and 'make public', with respect to a document, mean that the document is published in a single location on the primary website of the applicable Federal agency with—

"(A) hyperlinks to the document prominently displayed on the website; and

"(B) the date of initial publication of the document displayed and maintained on the website.

"(18) MAJOR FEDERAL ACTION.—

"(A) IN GENERAL.—The term 'major Federal action' means a proposed agency action subject to the requirements of this Act that the agency carrying out the proposed agency action determines is subject to substantial Federal control and responsibility.

"(B) EXCLUSIONS.—The term 'major Federal action' does not include—

"(i) a proposed agency action associated with a non-Federal project or undertaking—

"(I) with no or minimal Federal funding;

"(II) with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project or undertaking; or

"(III) for which the only Federal involvement is a loan guarantee or loan, excluding assistance under chapter 6 of title 23 or chapter 224 of title 49, United States Code;

"(ii) funding assistance solely in the form of general revenue-sharing funds which do not provide Federal agency compliance or enforcement responsibility over the subsequent use of such funds;

"(iii) grants (including capitalization grants), cost-share awards, or other forms of financial assistance where a Federal agency does not exercise predominant control and

responsibility over the subsequent use of such financial assistance or the environmental effect of the action;

"(iv) any proposed agency action, including any Federal permit, license, easement, right-of-way, lease, or other approval or authorization for a project, that is—

"(I) for the deployment of a broadband service (as defined in section 60102(a)(2) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702(a)(2)) provided to end-user locations through wireline facilities;

"(II) on a previously analyzed right-of-way; and

"(III) funded in whole or in part through Federal grants (including capitalization grants), loans, loan guarantees, cost-share awards, or other forms of Federal financial assistance;

"(v) business loan guarantees provided by the Small Business Administration pursuant to subsection (a) or (b) of section 7 of the Small Business Act (15 U.S.C. 636) or

title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

"(vi) bringing judicial or administrative civil or criminal enforcement actions;

"(vii) extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the territory of the United States or the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), subject to the condition that nothing in this clause alters, limits, supersedes, or otherwise affects any requirement under the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 et seq.);

"(viii) activities or decisions that are non-discretionary and made in accordance with the statutory authority of the agency;

"(ix) routine agency actions that are administrative in nature, including actions relating to personnel and fiscal management, training, recordkeeping, procurement, budgeting, travel, the repair of Federal facilities to return those facilities to their pre-

vious condition, or the maintenance of Federal facilities, subject to the condition that the cost of the action does not exceed $10,000,000;

"(x) notwithstanding any other provision of law, any proposed agency action associated with a project to repair, reconstruct, restore, retrofit, or replace lifeline infrastructure (as defined in section 4 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703) and referred to in this clause as 'lifeline infrastructure'), if the head of the relevant Federal agency determines the repair, reconstruction, restoration, retrofit, or replacement is in the immediate vicinity of the lifeline infrastructure and does not alter the function or increase the capacity of the lifeline infrastructure by more than 20 percent as compared to the capacity of the original condition of the lifeline infrastructure, subject to the conditions that—

"(I) in the case of lifeline infrastructure that is a highway or bridge, the repair, reconstruction, restoration,

retrofit, or replacement of that highway or bridge does not result in additional through travel lanes; and

"(II) in the case of lifeline infrastructure that is a wireline communications facility, the limitation on an increase in capacity shall not apply to the repair, reconstruction, restoration, retrofit, or replacement of existing fiber-optic cable or the replacement of existing copper or coaxial cable with fiber-optic cable;

"(xi) notwithstanding any other provision of law, any proposed agency action associated with a geothermal observation test project (as defined in section 30(a) of the Geothermal Steam Act of 1970);

"(xii) notwithstanding any other provision of law, any proposed agency action associated with transmission activities described in section 216A(b) of the Federal Power Act;

"(xiii) notwithstanding any other provision of law, any proposed agency action associated with a covered activity (as de-

fined in subsection (i)(1) of section 7 of the Natural Gas Act (15 U.S.C. 717f));

"(xiv) a proposed agency action, the effects of which were previously evaluated by another agency in compliance with this Act; or

"(xv) any proposed agency action associated with a project—

"(I) carried out under—

"(aa) a continuing authority program (as defined in section 7001(c)(1)(D)(iii) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(c)(1)(D)(iii))); or

"(bb) an environmental infrastructure program or authority; and

"(II) for which the Federal share of the cost of that project does not exceed $50,000,000.

"(C) RULE OF CONSTRUCTION WITH RESPECT TO TRANSPORTATION PROJECTS.—For the purpose of clause (iii) of subparagraph (B), the Department of Transportation shall be consid-

ered to have predominant control and responsibility over the subsequent use of financial assistance described in that clause for the purpose of any project that receives more than $10,000,000 of financial assistance from the Department of Transportation.

"(19) PROGRAMMATIC ENVIRONMENTAL DOCUMENT.—The term 'programmatic environmental document' means an environmental assessment or environmental impact statement analyzing all or some of the environmental effects of a policy, program, plan, or group of related actions.

"(20) PROJECT SPONSOR.—The term 'project sponsor' means an entity, including any Federal, private, public-private, State, local (including a county, borough, parish, city, and any other political subdivision of a State), or Tribal entity, that seeks an authorization for a proposed agency action.

"(21) RECORD OF DECISION.—The term 'record of decision' means a document, which may be issued concurrent with or following a final environmental document, that explains the decision of an agency with respect to a proposed agency action.

"(22) RECORD OF STAKEHOLDER ENGAGEMENT.—The term 'record of stakeholder engagement'

means a document, not to exceed 20 pages, including any citations or appendices, detailing pre-application engagement of a project sponsor with local governmental, Tribal, and community entities relating to an authorization for a proposed agency action for which the preparation of an environmental document is required under this Act that only includes the following:

"(A) A brief list of pre-application engagement by the project sponsor with Federal agencies relating to the authorization for the proposed agency action, including the dates of meetings with the Federal agencies.

"(B) A list of pre-application engagement by the project sponsor with State, local, and Tribal officials and local community entities relating to the authorization for the proposed agency action, including the date of meetings with those officials, a brief summary of any feedback received, and any ways in which feedback from stakeholders was incorporated into the proposed agency action.

"(23) SPECIAL EXPERTISE.—The term 'special expertise' means statutory responsibility, agency mission, or related program experience.

"(24) STATE.—The term 'State' means—

"(A) each of the several States of the United States;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico;

"(D) Guam;

"(E) American Samoa;

"(F) the Commonwealth of the Northern Mariana Islands; and

"(G) the United States Virgin Islands.

"(25) STATE AGENCY.—The term 'State agency' means any agency, department, board, commission, or other government entity of a State.

"(26) STATEMENT OF PURPOSE AND NEED.—The term 'statement of purpose and need' means a brief summary by the lead agency that clearly explains—

"(A) the underlying purpose of the proposed agency action;

"(B) the need for the proposed agency action; and

"(C) the goals of the project sponsor, as applicable.".

(b) CONFORMING AMENDMENTS.—

(1) The National Environmental Policy Act of 1969 is amended by striking section 111 (42 U.S.C. 4336e).

(2) Section 9909(c)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4659(c)(1)) is amended by striking "section 111 of NEPA (42 U.S.C. 4336e)" and inserting "section 3 of NEPA".

(3) Section 4(l)(2)(F)(i) of the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (30 U.S.C. 1245 note; Public Law 118–155) is amended by striking "section 111 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336e)" and inserting "section 3 of the National Environmental Policy Act of 1969".

(4) Section 2232(a) of the Economic Development Reauthorization Act of 2024 (42 U.S.C. 3211 note; Public Law 118–272) is amended by striking "section 111 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336e)" and inserting "section 3 of the National Environmental Policy Act of 1969".

(5) The Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (Public Law 118–159) is amended—

(A) in section 1412(b)(2) (50 U.S.C. 98b note), by striking "section 111 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336e)" and inserting "section 3 of the National Environmental Policy Act of 1969"; and

(B) in section 3511(c)(3)(A) (46 U.S.C. 50505 note), by striking "section 111 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336e)" and inserting "section 3 of the National Environmental Policy Act of 1969".

SEC. 1103. IMPLEMENTING PROCEDURES.

Section 103 of the National Environmental Policy Act of 1969 (42 U.S.C. 4333) is amended—

(1) by striking the section designation and all that follows through "All agencies" and inserting the following:

"SEC. 103. IMPLEMENTING PROCEDURES.

"(a) INITIAL REVIEW.—All agencies"; and

(2) by adding at the end the following:

"(b) IMPLEMENTATION REQUIREMENTS.—Not later than 180 days after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, each agency of the Federal Government shall make any changes to the existing regulations, guidance documents, procedures, or policies of the agency that are necessary to implement the

intent, purposes, and procedures set forth in this Act (including the amendments made to this Act by the Bipartisan American Affordability and Jobs Act of 2026).

"(c) CONSISTENCY.—To the maximum extent practicable, the Chairman shall work to standardize the procedures of all agencies of the Federal Government to implement this Act.

"(d) TECHNICAL ASSISTANCE.—At the request of an agency of the Federal Government, the Chairman may provide technical assistance to that agency in carrying out subsection (b).".

SEC. 1104. COOPERATION OF AGENCIES; REPORTS; AVAILABILITY OF INFORMATION; RECOMMENDATIONS; INTERNATIONAL AND NATIONAL COORDINATION OF EFFORTS.

Section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) is amended—

(1) by striking subparagraph (B) and inserting the following:

"(B) identify and develop methods and procedures, to implement the requirements of this Act, in consultation with the Chairman, that—

"(i) will ensure that presently unquantified environmental amenities and values may be given appropriate consider-

ation in decisionmaking along with economic and technical considerations; and

"(ii) are consistent with the requirements for minimum functional requirements and data and technology standards for agency implementation of eNEPA technologies;";

(2) in subparagraph (C)—

(A) in the matter preceding clause (i), by striking "responsible official" and inserting "lead agency";

(B) by indenting clauses (i) through (v) appropriately;

(C) in clause (ii), by striking "proposal" and inserting "proposed agency action";

(D) in clause (v), by striking the period at the end and inserting a semicolon; and

(E) in the undesignated matter following clause (v), in the second sentence—

(i) by striking "Council on Environmental Quality" and inserting "Council"; and

(ii) by striking "proposal" and inserting "proposed agency action"; and

(3) in subparagraph (L), by striking "Council on Environmental Quality established by title II of this Act" and inserting "Council".

SEC. 1105. PROCEDURE FOR DETERMINATION OF LEVEL OF REVIEW.

Section 106 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking "one of the agency's categorical exclusions" and inserting "1 or a combination of multiple categorical exclusions (excluding multiple applications of the same or similar categorical exclusions that are based on size, acreage, or dollar amount thresholds) of the agency"; and

(ii) by inserting "a categorical exclusion established by Congress," after "section 109 of this Act,";

(B) in paragraph (3), by striking "or" at the end;

(C) in paragraph (4), by striking "proposed action." and inserting "proposed agency action;"; and

(D) by adding at the end the following:

"(5) the proposed agency action relates to a project or action that has been reviewed pursuant to a State environmental review statute or a Tribal environmental review statute, ordinance, resolution, regulation, or formally adopted policy and the lead agency determines that the review serves a similar function as Federal agency compliance with this Act; or

"(6) the agency determines the proposed agency action is an action for which compliance by the agency with the requirements of another Federal law serves a similar function as compliance by the agency with this Act with respect to the action.";

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively, and moving the paragraphs so as to appear in numerical order; and

(B) in paragraph (1) (as so redesignated)—

(i) in the first sentence, by striking "An agency" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), a lead agency";

(ii) in subparagraph (A) (as so designated)—

(I) in the first sentence—

(aa) by striking "one of the agency's categorical exclusions" and inserting "1 or a combination of multiple categorical exclusions (excluding multiple applications of the same or similar categorical exclusions that are based on size, acreage, or dollar amount thresholds) of the agency"; and

(bb) by inserting "a categorical exclusion established by Congress," after "section 109 of this Act,"; and

(II) in the second sentence, by striking "a Federal" and inserting "the lead"; and

(iii) by adding at the end the following:

"(B) PROJECT SPONSOR REQUEST.—At the request of a project sponsor, if a lead agency has begun the preparation of an environmental assessment pursuant to subparagraph (A), the lead agency shall discontinue the preparation of the environmental assessment and proceed to the

preparation of an environmental impact statement for the applicable proposed agency action.''; and

(3) by adding at the end the following:

''(c) EFFECT OF THRESHOLD DETERMINATION ON OTHER AGENCIES.—If a lead agency determines that an environmental document is not required to be prepared with respect to a proposed agency action under subsection (a), no agency shall prepare an environmental document with respect to the proposed agency action.''.

SEC. 1106. TIMELY AND UNIFIED FEDERAL REVIEWS.

Section 107 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a) is amended—

(1) by striking subsections (a) through (c) and inserting the following:

''(a) DETERMINATION OF AGENCY ROLES AND RESPONSIBILITIES.—

''(1) LEAD AGENCY.—

''(A) DESIGNATION.—

''(i) IN GENERAL.—The Federal agency that proposed the proposed agency action shall be the lead agency.

''(ii) TWO OR MORE AGENCIES.—If there are 2 or more Federal agencies that are required by law to make a decision re-

lating to an authorization for which an environmental review is required under this Act, those agencies shall determine, by letter or memorandum, which Federal agency shall be the lead agency for that environmental review based on consideration of—

"(I) the magnitude of the involvement of the Federal agencies;

"(II) the project approval or disapproval authority of those Federal agencies;

"(III) the expertise concerning the environmental effects of the proposed agency action;

"(IV) the duration of involvement of the Federal agencies with respect to that proposed agency action; and

"(V) the sequence of the involvement of the Federal agencies with respect to that proposed agency action.

"(iii) JOINT LEAD AGENCIES.—

"(I) IN GENERAL.—In making a determination under clause (ii), the Federal agencies participating in the environmental review may appoint

such State, Tribal, or local agencies as joint lead agencies, as those Federal agencies determine to be appropriate.

"(II) RESPONSIBILITIES.—Joint lead agencies appointed under subclause (I) shall jointly fulfill the role described in subparagraph (C).

"(B) DELAY IN DESIGNATION.—

"(i) REQUEST FOR DESIGNATION.—

"(I) IN GENERAL.—Any Federal, State, Tribal, or local agency or project sponsor that is substantially affected by the lack of a designation of a lead agency with respect to a proposed agency action under subparagraph (A) may submit a written request to a Federal agency participating in the environmental review for the designation of a lead agency.

"(II) TRANSMISSION.—A Federal agency that receives a request under subclause (I) shall transmit that request to each Federal agency participating in the environmental review and to the Chairman.

"(ii) CHAIRMAN DESIGNATION.—

"(I) REQUEST.—If the Federal agencies participating in the environmental review are unable to agree on the designation of a lead agency not later than 21 days after the date on which the request was transmitted to a Federal agency participating in the environmental review under clause (i)(II), the Federal, State, Tribal, or local agency or project sponsor that is substantially affected by the lack of a designation of a lead agency may submit to the Chairman a request to designate a lead agency, which request shall consist of—

"(aa) a precise description of the nature and extent of the proposed agency action; and

"(bb) a detailed statement with respect to each Federal agency participating in the environmental review and each factor described in subparagraph (A)(ii)

regarding which Federal agency shall serve as lead agency.

"(II) TRANSMISSION.—The Chairman shall transmit a request received under subclause (I) to each Federal agency participating in the environmental review.

"(III) RESPONSE.—A Federal agency participating in an environmental review may, not later than 14 days after the date of the transmission of a request under subclause (II), submit to the Chairman a response to the request for consideration by the Chairman.

"(IV) DESIGNATION.— Not later than 21 days after the date of the transmission of a request under subclause (II), the Chairman shall designate the lead agency with respect to the applicable proposed agency action.

"(V) FINAL AND CONCLUSIVE; NO JUDICIAL REVIEW.—Any action taken by the Chairman to designate a lead agency under this clause—

"(aa) shall be final and conclusive; and

"(bb) shall not be subject to judicial review.

"(C) ROLE OF LEAD AGENCY.—A lead agency shall, with respect to a proposed agency action—

"(i) supervise the preparation of an environmental document if, with respect to such proposed agency action, there is more than 1 Federal agency participating in the environmental review;

"(ii) request the participation of each cooperating agency at the earliest practicable time;

"(iii) in preparing an environmental document, give consideration to any analysis or proposal created, if applicable, by a cooperating agency;

"(iv) develop a schedule, in consultation with each cooperating agency, the project sponsor, and such other entities as the lead agency determines appropriate, for completion of any environmental document

or authorization required to carry out the proposed agency action;

"(v) meet with a cooperating agency that requests such a meeting;

"(vi) define and determine, as appropriate, the purpose and need, the reasonable alternatives, and the reasonably foreseeable environmental effects of the proposed agency action subject to the jurisdiction of the lead agency by law, subject to the condition that the alternatives may include the use of land under the jurisdiction of another Federal agency that has been designated as a cooperating agency;

"(vii) if the lead agency determines that an environmental document or authorization will not be completed in accordance with the schedule developed under clause (iv), submit a notification of any authorization or action by another Federal agency responsible for the possible failure to meet that schedule to the Chairman;

"(viii) presume that the effects of a no-action alternative will be negative for any proposed agency action carried out on, or

directly affecting, Tribal trust resources (including lands and minerals) when the action is initiated by the Indian Tribe for which the United States holds the affected Tribal resources in trust; and

"(ix) eliminate from consideration any alternative (except for a no-action alternative) that does not—

"(I) fulfill the purpose and need of the proposed agency action; and

"(II) meet the goals of an applicable non-Federal project sponsor.

"(2) COOPERATING AGENCIES.—

"(A) DESIGNATION.—

"(i) IN GENERAL.—The lead agency may, with respect to a proposed agency action, designate any Federal, State, Tribal, or local agency (including a county, borough, parish, city, and any other political subdivision of a State) that has jurisdiction by law with respect to any environmental effect involved in a proposed agency action to serve as a cooperating agency.

"(ii) REQUIREMENTS.—Not later than 30 days after the date on which the lead

agency issues, consistent with section 110, a notice of intent to prepare an environmental impact statement or informs the project sponsor that an environmental assessment is necessary, the lead agency shall—

"(I) identify all Federal and non-Federal agencies and governmental entities likely to require or provide authorization with respect to a proposed agency action; and

"(II) invite each agency identified under subclause (I) to become a cooperating agency.

"(iii) ACCEPTANCE OR DENIAL.—An agency invited under clause (ii)(II) shall accept or deny the invitation not later than 7 days after the date on which the agency receives the invitation.

"(iv) LIMITATIONS.—The designation of a cooperating agency under this subparagraph shall not—

"(I) give such cooperating agency authority or jurisdiction over the proposed agency action; or

"(II) expand any jurisdiction or authority such cooperating agency may have over the proposed agency action.

"(v) UNIDENTIFIED AGENCIES.—In the event that an agency that has jurisdiction by law with respect to any environmental impact involved in a proposed agency action is not identified as a potential cooperating agency under clause (ii)(I), the lead agency shall—

"(I) invite such unidentified agency to become a cooperating agency by not later than 7 days after becoming aware that the agency has jurisdiction by law with respect to the proposed agency action; and

"(II) if such agency accepts the invitation, incorporate such agency into the schedule developed under paragraph (1)(C)(iv) and update such schedule accordingly by not later than 14 days after the date on which such agency accepts the invitation.

"(B) ROLE OF COOPERATING AGENCIES.—

"(i) IN GENERAL.—A cooperating agency may, not later than a date specified in the schedule established by the lead agency under paragraph (1)(C)(iv), submit comments to the lead agency.

"(ii) REQUIREMENTS.—Comments submitted by a cooperating agency under clause (i) shall be limited to matters relating to the jurisdiction by law of the cooperating agency with respect to—

"(I) the reasonably foreseeable environmental effects of the proposed agency action; and

"(II) any applicable authorization required of the cooperating agency.

"(iii) ASSISTANCE.—A cooperating agency may, with the agreement of the lead agency, assist in the preparation of an environmental document.

"(iv) SUFFICIENCY OF ANALYSIS.—For the purpose of compliance with the requirements of this Act, a cooperating agency shall be bound by the purpose and need of the proposed agency action and consider

only those alternatives to the proposed agency action that the lead agency has, consistent with paragraph (1)(C), determined are reasonable.

"(b) COORDINATION OF AGENCIES PARTICIPATING IN AN ENVIRONMENTAL REVIEW.—

"(1) IN GENERAL.—Not later than 30 days after the date described in clause (iii) of subsection (a)(2)(A) with respect to each agency invited to be a cooperating agency pursuant to clause (ii)(II) of that subsection, the lead agency shall develop the schedule under subsection (a)(1)(C)(iv) for the applicable proposed agency action.

"(2) REQUIREMENTS.—To the maximum extent practicable, if a proposed agency action will require action by more than 1 Federal agency and the lead agency has determined that the proposed agency action requires preparation of an environmental document, the lead agency and cooperating agencies shall—

"(A) evaluate the proposed agency action in a single environmental document;

"(B) carry out the obligations of each respective agency, including requirements under Federal law for a Federal agency to comment on

an applicable environmental document, concurrently, and in conjunction with, other environmental reviews and authorizations being conducted by other Federal agencies, unless the lead agency or a cooperating agency, as applicable, determines that doing so would impair the ability of the agency to carry out the statutory obligations of the agency; and

"(C) formulate and implement administrative, policy, and procedural mechanisms to ensure that the environmental review is coordinated, environmentally responsible, and enables the lead agency to comply with the deadlines described in subsection (g).

"(3) CONSIDERATION OF TIMING.—

"(A) IN GENERAL.—No Federal agency shall be required to consider any scientific or technical research that becomes publicly available after the date of publication of a notice of intent or decision to prepare an environmental document for a proposed agency action.

"(B) DELAY.—A Federal agency may not delay the issuance of an environmental document or authorization beyond the deadline for the proposed agency action under subsection (g) on the

basis of awaiting comment by a Federal agency required by Federal law, new scientific or technical research, or information that was not available as of the date described in subparagraph (A) for the proposed agency action.

"(C) APPLICABILITY TO OTHER LAW.—Nothing in this paragraph affects any review of information required under subchapter II of chapter 5 of title 5, United States Code, with respect to comments received during a public comment period, as applicable.

"(c) PUBLIC REVIEW.—

"(1) PUBLICATION IN FEDERAL REGISTER.—Each notice of intent to prepare an environmental impact statement under section 102 shall be published by the lead agency in the Federal Register.

"(2) PUBLIC COMMENT.—

"(A) REQUIREMENTS.—Each notice of intent to prepare an environmental impact statement under section 102 shall include—

"(i) a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action; and

"(ii) a concise description of the general location of the proposed agency action and a summary of geospatial information for the proposed agency action, if available.

"(B) COMMENT PERIOD.—The lead agency shall establish a comment period of not less than 45 days and not more than 60 days after the date on which the notice to prepare an environmental impact statement is published in the Federal Register, unless the lead agency and project sponsor agree to a longer deadline, which shall not exceed 75 days.";

(2) in subsection (e), by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively, and moving the paragraphs so as to appear in numerical order;

(3) in subsection (f)—

(A) in the subsection heading, by inserting "AND USE OF EXISTING DOCUMENTS" after "PREPARATION";

(B) by striking "A lead agency" and inserting the following:

"(1) IN GENERAL.—A lead agency"; and

(C) by adding at the end the following:

"(2) EXISTING DOCUMENTS.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt, tier to, or incorporate by reference, the analysis and documentation prepared for a proposed agency action or similar agency action under Federal law or the laws and procedures of a State or an Indian Tribe as the documentation, or part of the documentation, required to complete an environmental review, if the analysis and documentation were developed pursuant to Federal law or the laws and procedures of the State or Indian Tribe that serve a similar function as compliance by the lead agency with this Act, as determined by the lead agency.";

(4) in subsection (g)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—

"(A) ENVIRONMENTAL ASSESSMENTS.—

"(i) IN GENERAL.—Except as provided in section 106(b)(1)(B) or paragraph (2), with respect to a proposed agency action, a lead agency shall complete and make public the environmental assessment, if applicable,

not later than the date that is 1 year after the earlier of, as applicable—

"(I) the date on which the lead agency determines that section 106(b)(1)(A) requires the preparation of an environmental assessment with respect to the proposed agency action; and

"(II) the date on which the lead agency notifies the project sponsor that the application for the proposed agency action is complete.

"(ii) ADDITIONAL REQUIREMENTS.—On completion of an environmental assessment—

"(I)(aa) not later than 7 days after the date on which the lead agency completes and makes public the environmental assessment, the lead agency shall issue a finding of no significant impact;

"(bb) not later than 90 days after the date on which the lead agency completes and makes public the environmental assessment, all Federal agencies

participating in the environmental review shall issue and make public a decision on all outstanding authorizations for the proposed agency action; and

"(cc) not later than 120 days after the date on which the lead agency completes and makes public the environmental assessment, all Federal agencies not participating in the environmental review shall issue and make public a decision on all outstanding authorizations for the proposed agency action; or

"(II) not later than 7 days after the date on which the lead agency completes the environmental assessment, the lead agency shall publish a notice of intent to prepare an environmental impact statement.

"(B) ENVIRONMENTAL IMPACT STATEMENTS.—

"(i) IN GENERAL.—Except as provided in paragraph (2), with respect to a proposed agency action, the lead agency shall

publish an environmental impact statement, if applicable, not later than the date that is 2 years after the earlier of, as applicable—

"(I) the date on which the lead agency determines that section 102(2)(C) requires the issuance of an environmental impact statement with respect to the proposed agency action; and

"(II) the date on which the lead agency notifies the project sponsor that the application for the proposed agency action is complete.

"(ii) ADDITIONAL REQUIREMENTS.—

"(I) RECORD OF DECISION.—Not later than 45 days after the date on which the lead agency publishes an environmental impact statement for a proposed agency action, the lead agency shall issue a record of decision.

"(II) ISSUANCE OF AUTHORIZATIONS.—

"(aa) IN GENERAL.—Not later than 90 days after the date on which the lead agency pub-

lishes an environmental impact statement for a proposed agency action, all Federal agencies participating in the environmental review shall issue a decision on all outstanding authorizations for the proposed agency action.

"(bb) FEDERAL AGENCIES NOT PARTICIPATING.—Not later than 120 days after the date on which the lead agency publishes an environmental impact statement for a proposed agency action, all Federal agencies not participating in the environmental review shall issue and make public a decision on all outstanding authorizations for the proposed agency action.

"(iii) SAVINGS PROVISION.—Nothing in this subparagraph prohibits an agency from issuing an environmental impact statement and record of decision in a single document.

"(C) DISPUTE RESOLUTION.—

"(i) DEFINITION OF ELIGIBLE DISPUTE OR DELAY.—In this subparagraph, the term 'eligible dispute or delay' means a dispute or delay with respect to the preparation of an environmental document, a comment by a Federal agency required by Federal law, or an authorization involving more than 1 Federal agency for which a project sponsor sends a notification to the Chairman under clause (ii).

"(ii) NOTIFICATION OF DISPUTE.—The Chairman, in consultation with each Federal agency participating in the preparation of an environmental document for a proposed agency action, shall, to the maximum extent practicable to meet the deadlines established under this subsection and the schedule developed under subsection (a)(1)(C)(iv), facilitate resolution of an eligible dispute or delay, including an anticipated delay, between those Federal agencies with respect to preparation of an environmental document, a comment by a Federal agency required by Federal law, or an authorization not later than 30 days after the

date of receipt of a notification from a project sponsor.

"(iii) DETERMINATION OF RESOLUTION.—If an eligible dispute or delay, including an anticipated delay, described in clause (ii) remains unresolved by the date that is 30 days after the date on which a notification is received under that clause, the Chairman, not later than 14 days after that date, shall determine a resolution and order the relevant agencies to the eligible dispute or delay, including an anticipated delay, to act in accordance with that determination as soon as practicable.

"(iv) FINAL RESOLUTION.—Notwithstanding any other provision of law, any order given or action taken by the Chairman in resolution of an eligible dispute or delay, including an anticipated delay, under clause (iii)—

"(I) shall be final and conclusive;

"(II) shall not be subject to judicial review; and

"(III) shall, for purposes of judicial review of the ultimate agency ac-

tion and all other Federal law, constitute full compliance with and satisfaction of any requirement for interagency consultation, interagency coordination, interagency concurrence, interagency authorization, or other interagency procedural obligation under Federal law that is the subject of the dispute or delay.";

(B) in paragraph (2)—

(i) by inserting "applicable" before "deadline described in paragraph (1)";

(ii) by striking "in consultation with the applicant" and inserting "with the approval of the project sponsor"; and

(iii) by striking "such environmental impact statement or environmental assessment" and inserting "the applicable environmental document"; and

(C) by striking paragraph (3) and inserting the following:

"(3) FAILURE TO ACT.—

"(A) IN GENERAL.—If, after 30 days have passed from the date on which the Chairman determines that a key permitting agency has not

acted in accordance with a determination under subparagraph (C)(iii) of paragraph (1) and causes a failure to comply with a deadline in accordance with that paragraph or an extended deadline in accordance with paragraph (2), each relevant agency CERPO of the key permitting agency and each career employee of the key permitting agency within the Senior Executive Service (as defined in section 2101a of title 5, United States Code) that has supervisory authority over personnel in the key permitting agency and that has a substantive role or responsibility in reviewing the applicable environmental document or authorization that remains unpublished or unissued, shall spend not less than 50 percent of the workweek, as determined pursuant to title 5, United States Code, or other applicable law, to remedy the failure.

"(B) NO TRAVEL OUTSIDE DUTY STATION.—

"(i) IN GENERAL.—If, after 60 days have passed from the date on which a deadline described in paragraph (1) or (2) was failed to be met and the key permitting agency has not published or made public the applicable environmental document and has

not issued all outstanding authorizations, as described in those paragraphs, with respect to a proposed agency action, the head of the relevant key permitting agency shall not travel more than 25 miles from their official duty station for the purposes of official business until the key permitting agency has published or made public the applicable environmental document and issued all outstanding authorizations related to the proposed agency action that are not in compliance with the requirements of this subsection.

"(ii) CORPS OF ENGINEERS.—For purposes of clause (i), the Assistant Secretary of the Army for Civil Works shall be considered to be the head of the Corps of Engineers.

"(C) EXCEPTION.—This paragraph shall not apply to the Secretary of Defense.

"(4) CAUSES OF ACTION.—

"(A) DEFINITION OF COURT OF COMPETENT JURISDICTION.—In this paragraph, the term 'court of competent jurisdiction' means—

"(i) if a court has jurisdiction over an applicable proposed agency action pursuant to any other provision of Federal law other than this Act, such court; or

"(ii) if no such court exists under clause (i)—

"(I) the district court of the United States for the district in which a substantial part of the applicable proposed agency action is situated; or

"(II) the United States District Court for the District of Columbia.

"(B) RIGHT TO PETITION.—A project sponsor may obtain judicial review of the compliance by a Federal agency with the relevant deadline established under paragraph (1) or (2) by filing a written petition in a court of competent jurisdiction.

"(C) EXCEPTIONS.—The failure of a Federal agency to publish in the Federal Register or make public an environmental document or issue a decision on all necessary authorizations shall not be considered failure to comply with the deadlines established under paragraph (1) or (2) if the Federal agency proves by clear and con-

vincing evidence that the failure was caused by—

"(i) a natural disaster, act of God, or act of war that reasonably impaired the ability of the Federal agency to comply with the relevant deadline established under paragraph (1) or (2);

"(ii) a national emergency for which the only available response is to delay the publication or making public the environmental document or withhold decisions on the relevant authorizations by the relevant deadline established under paragraph (1) or (2);

"(iii) the publication or making public of the environmental document or issuance of the authorization violating the statutory obligations of the Federal agency;

"(iv) the completed application of the project sponsor under section 110 being based on fraud or material misrepresentations of fact;

"(v) the project sponsor withholding information necessary to the ability of the Federal agency to comply with its statutory

obligations in publishing or making public an environmental document or issuing a decision on all necessary authorizations, after the Federal agency has made a reasonable and timely request for such information; or

"(vi) a lapse in appropriations of more than 2 weeks affecting 1 or more of the relevant agencies involved in the preparation of the environmental documents or authorizations.

"(D) REMEDY.—If a court of competent jurisdiction finds that a Federal agency has failed to act in accordance with this subsection, the court shall provide injunctive relief, as appropriate, to give effect to this section and retain jurisdiction to ensure compliance with any such relief.

"(E) EXPEDITED PROCEDURES; TIME TO DECIDE.—The reviewing court shall—

"(i) establish an expedited schedule for briefing and disposition;

"(ii) issue a decision as expeditiously as practicable, but not later than 120 days after the date on which the petition is filed, absent extraordinary circumstances; and

"(iii) if the petition for relief is granted, issue an order requiring a decision on the covered application not later than 60 days after the date on which the order is issued."; and

(5) in subsection (h)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate" and inserting "the Chairman, not later than April 15 of each year,"; and

(ii) by striking subparagraphs (A) and (B) and inserting the following:

"(A) identifies each environmental document that was not completed by each lead agency by the deadline described in subsection (g) and provides an explanation for the failure to meet the deadline;

"(B) identifies each environmental document the preparation of which commenced before the date of enactment of the Fiscal Responsibility Act of 2023 (Public Law 118–5; 137 Stat. 10)

and is not yet complete at the time of the report and provides an explanation for the failure to complete the environmental document;

"(C) details the on-time completion rate of each key permitting agency in adhering to applicable deadlines described in subsection (g); and

"(D) details the progress of each key permitting agency in adhering to those deadlines as compared to the completion rate during the preceding year.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "such environmental assessment and environmental impact statement" and inserting "applicable environmental document";

(ii) by striking subparagraph (B) and inserting the following:

"(B) the earlier of—

"(i) with respect to an environmental assessment, as applicable—

"(I) the date on which the lead agency determines that section 106(b)(1)(A) requires the preparation of an environmental assessment with

respect to the proposed agency action; and

"(II) the date on which the lead agency notifies the project sponsor that the application for the proposed agency action is complete; and

"(ii) with respect to an environmental impact statement, as applicable—

"(I) the date on which the lead agency determines that section 102(2)(C) requires the issuance of an environmental impact statement with respect to the proposed agency action; and

"(II) the date on which the lead agency notifies the project sponsor that the application for the proposed agency action is complete; and"; and

(iii) in subparagraph (C), by striking "environmental assessment and environmental impact statement" and inserting "environmental document"; and

(C) by adding at the end the following:

"(3) COMPILATION.—The Chairman shall—

"(A) compile the reports received by the heads of lead agencies under paragraph (1) each year;

"(B) provide recommendations on how to improve the performance of Federal agencies in adhering to the deadlines described in subsection (g); and

"(C) submit that compilation of those reports and those recommendations to the Committee on Environment and Public Works of the Senate and Committee on Natural Resources of the House of Representatives by not later than June 15 of the applicable year.".

SEC. 1107. PROGRAMMATIC ENVIRONMENTAL DOCUMENT.

Section 108 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336b) is amended, in each of paragraphs (1) and (2), by striking "5 years" and inserting "10 years".

SEC. 1108. USE OF CATEGORICAL EXCLUSIONS BY OTHER AGENCIES.

Section 109 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336c) is amended to read as follows:

"SEC. 109. USE OF CATEGORICAL EXCLUSIONS BY OTHER AGENCIES.

"(a) AGENCY NOTIFICATION TO COUNCIL.—

"(1) AVAILABLE CATEGORICAL EXCLUSIONS.—Not later than 30 days after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, each Federal agency shall submit to the Council a notification of all categorical exclusions of the agency, specifying whether the categorical exclusion was administratively created, established by Congress, or adopted pursuant to subsection (c).

"(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 7 days after the date on which a Federal agency administratively creates a categorical exclusion, a categorical exclusion under the jurisdiction of the applicable Federal agency is established by Congress, or the Federal agency adopts a categorical exclusion of another Federal agency pursuant to subsection (c), the Federal agency shall submit to the Chairman a notification of the creation, establishment, or adoption, as applicable, of that categorical exclusion.

"(b) RECORD OF CATEGORICAL EXCLUSIONS.—The Council shall maintain, on the website of the Council, an accurate and publicly available record of each categorical exclusion that—

"(1) is created by a Federal agency;

"(2) has been established by Congress; or

"(3) has been adopted by a Federal agency pursuant to subsection (c).

"(c) ADOPTION OF CATEGORICAL EXCLUSIONS BY OTHER AGENCIES.—

"(1) IN GENERAL.—A Federal agency may adopt a categorical exclusion of another Federal agency listed in the record required under subsection (b) for which the categorical exclusion was established consistent with this subsection.

"(2) REQUIREMENTS.—In adopting a categorical exclusion under paragraph (1), a Federal agency shall—

"(A) identify the categorical exclusion included on the record described in subsection (b) that covers a category of proposed agency actions or related actions;

"(B) consult with the Federal agency that established the categorical exclusion or carries out a categorical exclusion established by Congress to ensure that the proposed adoption of the categorical exclusion to a category of proposed agency actions is appropriate; and

"(C) publicly document adoption of the categorical exclusion.".

SEC. 1109. APPLICATIONS FOR AUTHORIZATIONS.

Section 110 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336d) is amended to read as follows:

"SEC. 110. APPLICATIONS FOR AUTHORIZATIONS.

"(a) APPLICATION SUFFICIENCY.—

"(1) NOTIFICATION OF COMPLETE OR INCOMPLETE APPLICATION.—Unless a shorter deadline is specified by law, in connection with a proposed agency action for which a project sponsor submitted an application for an authorization to a Federal agency, not later than 60 days after the date on which the project sponsor submits the application, the Federal agency shall—

"(A) document receipt of the application; and

"(B)(i) notify the project sponsor that the application is complete; or

"(ii) notify the project sponsor that the application is incomplete and request, in writing, any additional information that the Federal agency needs to determine that the application is complete.

"(2) AGENCY DETERMINATION.—

"(A) COMPLETE DETERMINATION.—If a Federal agency determines that an application is complete under paragraph (1)(B)(i), the Federal

agency shall, not later than 60 days after the date on which the Federal agency makes that determination, unless a shorter period is provided for by law—

"(i) notify the project sponsor that the Federal agency has determined that—

"(I) the proposed agency action—

"(aa) is excluded pursuant to a categorical exclusion; or

"(bb) is not a major Federal action; or

"(II) no further agency action is required;

"(ii) notify the project sponsor that the agency has determined that preparation of an environmental assessment is necessary; or

"(iii) issue a notice of intent to prepare an environmental impact statement for the proposed agency action.

"(B) INCOMPLETE DETERMINATION.—If a Federal agency requests additional information under paragraph (1)(B)(ii), the deadlines described in subparagraph (A) shall be based on the date on which the Federal agency receives the

additional information instead of the date on which the determination is made.

"(3) APPLICABILITY TO OTHER LAW.—If a law provides for a shorter period with respect to a determination by a Federal agency that an application submitted by a project sponsor to the Federal agency is complete—

"(A) nothing in this Act supersedes such shorter period; and

"(B) the Federal agency shall commence its reviews under sections 106 and 107 and paragraph (2)(A) on receipt of a notice of staking or similar pre-permit submission notification.

"(b) ADDITIONAL APPLICATION INFORMATION.—Unless otherwise required by law, in addition to any information required by a Federal agency for an application for authorization for a proposed agency action requiring the preparation of an environmental document, a project sponsor shall submit to the applicable Federal agency—

"(1) a list of each known Federal, State, Tribal, or local authorization required to complete the proposed agency action;

"(2) a record of stakeholder engagement for the proposed agency action as of the date of the application; and

"(3) a brief description of a statement of purpose and need for the proposed agency action, including, to the extent practicable, the location of the project and any known alternatives.".

SEC. 1110. JUDICIAL REVIEW.

Title I of the National Environmental Policy Act of 1969 (as amended by section 1102(b)(1)) is amended by inserting after section 110 (42 U.S.C. 4336d) the following:

"SEC. 111. JUDICIAL REVIEW.

"(a) DEFINITION OF CLAIM.—In this section, the term 'claim' means a claim that—

"(1) is filed on or after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026; and

"(2) seeks judicial review under any provision of Federal law of an authorization based on a claim that an environmental review failed to be properly conducted pursuant to the requirements of this Act.

"(b) LIMITATIONS ON CLAIMS.—Notwithstanding any other provision of law, a claim shall be barred unless the claim—

"(1) is filed not later than 150 days after the date on which, unless a shorter deadline is specified under Federal law—

"(A) in the case of a claim in which an environmental impact statement was prepared, the applicable authorization was published in the Federal Register; and

"(B) in the case of any other claim, the authorization was made public;

"(2) in the case of an authorization for which an opportunity for comment was provided, and for which the opportunity for public comment occurs after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, the claim is filed by a party that submitted a substantive comment during a public comment period associated with that authorization, with such comment being sufficiently detailed to put the applicable Federal agency on notice of the particular issue on which the party seeks judicial review; and

"(3) is filed by a party alleging (or has an individual member alleging) an actual or imminent injury in fact amounting to a direct harm.

"(c) PROCEDURAL MATTERS FOR CLAIMS.—

"(1) ORIGINAL JURISDICTION.—

"(A) IN GENERAL.—Except as provided in section 9(b) of the Natural Gas Act (15 U.S.C. 717r(b)) and section 313(b) of the Federal Power

Act (16 U.S.C. 825l(b)), and subject to subparagraph (B), the court of appeals of the United States for the circuit in which a project subject to an authorization will be constructed, expanded, or operated shall have original and exclusive jurisdiction over a claim.

"(B) EXCEPTIONS.—The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over each of the following claims:

"(i) A claim challenging a rule issued by a Federal agency on the basis of compliance with this Act.

"(ii) A claim challenging an authorization for a project that has no physical location.

"(2) SUPPLEMENTAL JURISDICTION.—The courts of appeals of the United States shall have supplemental jurisdiction over other claims related to the validity of the authorization at issue in the claim within the original jurisdiction of the court of appeals.

"(3) RANDOM ASSIGNMENT OF CASES.—To the maximum extent practicable, a court of appeals of the United States shall randomly assign judges ap-

pointed, designated, or assigned to sit as judges of the court to hear claims in a manner to avoid the appearance of favoritism or bias.

"(4) DEADLINES FOR RESOLUTION.—A court of appeals of the United States shall render a final judgment with respect to a claim as expeditiously as possible.

"(5) REMEDY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and notwithstanding any other provision of law, if a court determines that an authorization does not comply with the requirements of this Act, the only remedy the court may order to redress that violation is to remand, without vacatur or issuance of an injunction, the applicable authorization to the agency with—

"(i) specific instructions to correct errors or deficiencies found by the court; and

"(ii) a reasonable schedule and deadline for the agency to act on remand, which shall not exceed 180 days after the date on which the order of the court was entered.

"(B) PRELIMINARY INJUNCTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A) and subject to clause (ii),

a court may issue a preliminary injunction for the applicable authorization when—

"(I) there is a substantial likelihood the authorization violates a Federal law other than—

"(aa) this Act; or

"(bb) division A of subtitle III of title 54, United States Code;

"(II) necessary to prevent irreparable harm to the plaintiff;

"(III) the balance of equities favors the plaintiff; and

"(IV) a preliminary injunction is in the public interest.

"(ii) REQUIREMENTS.—A preliminary injunction issued by a court under clause (i) shall last no longer than the time the court finds is reasonably necessary—

"(I) for the correction of the violation described in clause (i)(I); and

"(II) to prevent the irreparable harm described in clause (i)(II).

"(6) REMANDED ACTIONS.—

"(A) CONTINUED EFFECT OF AUTHORIZATION.—An authorization remanded under paragraph (5)(A) shall remain in effect while the Federal agency corrects any errors or deficiencies found by the reviewing court.

"(B) FEDERAL ACTION DURING REMAND.—The activity that is the subject of an authorization remanded under paragraph (5)(A) may, notwithstanding that remand, be carried out, including during the time prescribed by the applicable court to correct the applicable errors or deficiencies.

"(7) TREATMENT OF SUPPLEMENTAL OR REVISED ENVIRONMENTAL DOCUMENTS.—

"(A) IN GENERAL.—For purposes of a claim—

"(i) a supplemental or revised environmental document for an authorization, when required by court order, shall be considered to be a separate environmental document; and

"(ii) the deadline for filing a claim for judicial review of an authorization described in clause (i) shall be the date that is 150 days after the date on which the au-

thorization for which the supplemental environmental document is prepared is made public by the agency, unless a shorter time is specified in the Federal law pursuant to which judicial review is authorized.

"(B) LIMITATION.—A claim for review of an authorization described in subparagraph (A)(i) shall be limited to information contained in the final supplemental environmental documents that was not contained in a previous environmental document for the authorization.

"(8) ACTIONS FOR USE OF TRIBAL TRUST RESOURCES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for any action that authorizes the use of lands, minerals, or other resources held in trust at the time of a final agency action by the United States for the benefit of an Indian Tribe, there shall be no administrative or judicial review of such final agency action based on a claim of failure to comply with the requirements of this Act.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to an action for administrative or judicial review—

"(i) brought by the Indian Tribe for which the United States holds the lands, minerals, or other resources in trust; or

"(ii) that involves reasonably foreseeable effects of the final agency action that occur outside the lands, minerals, or other resources held in trust by the United States for the benefit of an Indian Tribe.

"(d) ROLE OF COURT.—In reviewing a claim of whether an authorization complies with the requirements of this Act, a court shall afford substantial deference to the agency relating to the scope and contents of an environmental document.

"(e) PROHIBITION ON CERTAIN CLAIMS AND JUDICIAL REVIEW.—Notwithstanding any other provision of law, there shall not be a claim or judicial review of whether a final agency action complies with the requirements of this Act for any omission from the list described in section 3(22)(B).

"(f) EFFECT.—Nothing in this section—

"(1) establishes a cause of action or a right to judicial review;

"(2) places any limit on filing a claim that a person has violated the terms of an authorization; or

"(3) affects the right to obtain review under section 107(g)(4).".

Subtitle B—Council on Environmental Quality

SEC. 1121. COUNCIL ON ENVIRONMENTAL QUALITY.

(a) IN GENERAL.—Title II of the National Environmental Policy Act of 1969 is amended by striking section 209 (42 U.S.C. 4347) and inserting the following:

"SEC. 209. ENEPA TECHNOLOGIES.

"(a) DEFINITIONS.—In this section:

"(1) AUTHORIZATION DATA.—The term 'authorization data' means—

"(A) any data relevant for a Federal agency—

"(i) to determine the effect on the environment of an action for which an authorization is required by the Federal agency; and

"(ii) to determine whether to issue such authorization; and

"(B) any community input or public comment on such determinations.

"(2) DATA ARCHITECTURE.—The term 'data architecture' means the design and organization of data

systems, including frameworks for data storage, processing, and exchange.

"(3) DATA STANDARDS.—The term 'data standards' means agreed-on specifications for data formats, structures, and definitions to ensure consistency and vendor-neutral interoperability, as established under subsection (b)(1).

"(4) MINIMUM FUNCTIONAL REQUIREMENTS.—The term 'minimum functional requirements' means the requirements published under subsection (b)(2)(A)(ii).

"(b) ESTABLISHMENT OF DATA STANDARDS AND PUBLICATION OF IMPLEMENTATION GUIDANCE.—

"(1) ESTABLISHMENT OF STANDARDS.—

"(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, the Chairman, in consultation with the Chief Information Officers Council, the Office of Management and Budget, the Federal Permitting Improvement Steering Council, and each key permitting agency, shall develop, publish, and iteratively update data standards for the collection and curation of authorization data by Federal agencies, which shall be used—

"(i) to assist with environmental reviews and authorizations;

"(ii) to organize, define, and standardize various concepts, formats, and protocols that are included in environmental reviews and authorizations; and

"(iii) to reduce the need for redundant environmental reviews by creating a shared vocabulary and software systems that will support vendor neutrality, data interoperability, workflow automation, and automatic data exchange between Federal agencies.

"(B) INCLUSIONS.—The data standards shall include—

"(i) a standardized taxonomy that allows Federal agencies to identify and track data types, relationships, and values; and

"(ii) comprehensive categories for data, such as—

"(I) projects;

"(II) processes;

"(III) environmental documents;

"(IV) public comments;

"(V) geospatial information;

"(VI) public engagement events, as applicable by process or Federal agency;

"(VII) case events; and

"(VIII) milestones to ensure clarity and uniformity.

"(2) PUBLICATION OF GUIDANCE FOR IMPLEMENTATION OF DATA STANDARDS AND MINIMUM FUNCTIONAL REQUIREMENTS.—

"(A) PUBLICATION.—Not later than 120 days after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, the Chairman shall publish guidance for how each Federal agency responsible for environmental reviews or authorizations shall implement the following:

"(i) The data standards.

"(ii) The following minimum functional requirements:

"(I) Application data sharing that enables automated transfer of relevant environmental review and authorization data among Federal agencies.

"(II) Automated project screening to assist frontline staff with reviewing project sponsor-provided information for completeness and accuracy and determining if a categorical exclusion or other general authorization applies to an action, subject to the condition that such automated project screening may not be used by the Chairman or a Federal agency to unlawfully restrict any activity on Federal land.

"(III) Public availability of screening criteria and related decision models.

"(IV) Automated case or project management tools that include a repository of relevant data and metadata that enable advanced tracking, reporting, and optimization to aid workflows.

"(V) Integrated geographic information system analysis tools that incorporate geospatial data layers and models for each resource analyzed as

part of an environmental review or authorization for a given study area.

"(VI) Document management tools that preserve metadata associated with geospatial analysis, modeling, and other analytic processes conducted during an environmental review or authorization for purposes of supporting future environmental reviews and enabling artificial intelligence-assisted analysis of past decisions.

"(VII) Automated comment compilation and analysis tools, including services for comment categorization and response that handle the lifecycle of comment submission, analysis, categorization, and response with artificial intelligence support where appropriate.

"(VIII) Administrative record management tools that maintain portable document formats and data-rich repositories accessible to machine and human users.

"(IX) Common or interoperable Federal agency services that integrate shared services, shared applications, and common user experiences for Federal agency staff, project sponsors, and the public.

"(B) INCLUSIONS.—The guidance published under subparagraph (A) shall include the following:

"(i) Guidelines for cloud-based storage, data sharing protocols, and application programming interfaces to enable the Chairman to work with Federal agencies to use authorization data—

"(I) to aid Federal agencies in modernizing their environmental reviews and authorizations; and

"(II) for iterative development of the authorization portal described in subsection (d)(2)(B).

"(ii) Provisions that support scalability and adaptability of the minimum requirements to emerging technologies.

"(c) AGENCY IMPLEMENTATION.—

"(1) IMPLEMENTATION.—The head of each key permitting agency shall—

"(A) not later than 90 days after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026—

"(i) compare existing Federal agency systems for environmental reviews and authorizations under the authority of the agency with the data standards and minimum functional requirements and report findings from such comparison to the Chairman;

"(ii) assess whether existing Federal agency technological capabilities are consistent with the data standards and the minimum functional requirements;

"(iii) submit to the Chairman a report that estimates the completion dates for implementing the data standards and the minimum functional requirements; and

"(iv) submit to the Chairman an implementation plan that—

"(I) describes how the Federal agency will implement the data stand-

ards and the minimum functional requirements; and

"(II) describes how, to the extent the Federal agency determines necessary to meet relevant statutory requirements, the Federal agency will adopt or implement the prototype tools tested, designed, and built under subsection (d)(1); and

"(B) not later than 180 days after that date of enactment, begin implementing the data standards published and the minimum functional requirements.

"(2) REPORT.—Not less frequently than twice each year, the Chief Information Officer of each key permitting agency, in consultation with the CERPO of each key permitting agency, shall submit to the Chairman and the Director of the Office of Management and Budget a report on the progress of the key permitting agency towards meeting the requirements described in paragraph (1).

"(d) DEVELOPMENT OF ENEPA TECHNOLOGIES.—

"(1) PROTOTYPE TOOLS.—

"(A) IN GENERAL.—The Chairman, in consultation with the Administrator of General

Services, the Chief Information Officers Council, the Director of the Office of Management and Budget, the Federal Permitting Improvement Steering Council, and each key permitting agency shall design, test, and build prototype tools for environmental reviews and authorizations that will assist Federal agencies in implementing the minimum functional requirements.

"(B) PRIORITY.—The Chairman shall prioritize designing, testing, and building tools under this paragraph that—

"(i) support authorization case or project management systems that—

"(I) manage tasks, milestones, and activities associated with environmental reviews and authorizations; and

"(II) provide Federal agencies more data and insight into such reviews and authorizations;

"(ii) enable—

"(I) application submission and tracking portals used by project sponsors, enabling greater transparency; and

"(II) public comment opportunity tracking portals to increase transparency;

"(iii) facilitate automated applications, environmental reviews, and authorizations;

"(iv) allow data exchange between Federal agency systems; and

"(v) accelerate complex environmental reviews.

"(2) EPERMIT UNIFIED INTERAGENCY DATA SYSTEM.—

"(A) EPERMIT UNIFIED INTERAGENCY DATA SYSTEM.—To the maximum extent practicable, the Chairman and the head of each key permitting agency shall iteratively develop and maintain a unified interagency data system consisting of interconnected Federal agency systems and shared services for environmental reviews and authorizations.

"(B) AUTHORIZATION PORTAL.—

"(i) IN GENERAL.—The shared services developed and maintained under subparagraph (A) shall include a common inter-

active, digital, cloud-based authorization portal, which shall—

"(I) be designed in a manner consistent with—

"(aa) the recommendations of the Chairman included in the study entitled 'Council on Environmental Quality Report to Congress on the Potential for Online and Digital Technologies to Address Delays in Reviews and Improve Public Accessibility and Transparency under 42 U.S.C. 4332(2)(C)'; and

"(bb) the minimum functional requirements;

"(II) serve as a platform for tracking and displaying real-time data on environmental reviews and authorizations made available through application programming interfaces or other reporting mechanisms from Federal agency systems that are compliant with the data standards and data architecture described in this section;

"(III) be supported by a decentralized, cross-network digital infrastructure software that ensures vendor neutrality and interoperability of data and models across Federal agencies;

"(IV) include a mechanism for the dissemination of relevant information (such as a notice of intent for public comment, public meetings, project statuses, or a notice of intent to prepare an environmental document) to local communities, as applicable;

"(V) allow a project sponsor to submit all necessary documentation for environmental reviews and authorizations in 1 unified and secure portal;

"(VI) support interactive, digital, and cloud-based tools enabling project sponsors to edit documents and collaborate with relevant Federal agencies in real time;

"(VII) support visual features, including video, animation, geographic information system displays, inter-

active maps, and three-dimensional renderings;

"(VIII) provide for the exchange of information to and from Federal agency data systems via an application programming interface or another reporting mechanisms;

"(IX) allow for the submission of geospatial data associated with project location, footprint, and impact;

"(X) support automatic documentation of submission and process timelines; and

"(XI) allow certain metrics to be tracked over time, including—

"(aa) estimates of achieved efficiencies, such as reductions in the time between receipt of applications and final authorization decisions;

"(bb) comparisons of authorization timelines before and after the implementation of the Bipartisan American Affordability and Jobs Act of 2026;

"(cc) usage of the authorization portal and other statistics from the Digital Analytics Program of the General Services Administration;

"(dd) metrics on the number of public comments received, responses provided, and community meetings held;

"(ee) the number of projects subject to litigation based on authorization deficiencies or inefficiencies;

"(ff) a list of Federal agencies that are not yet fully compliant with the data standards and the minimum functional requirements, including their progress toward compliance; and

"(gg) examples or repositories of Federal agency-developed digital workflows enabled by the implementation of this Act, including visualizations of data sharing, authorizations and deci-

sion logic, and environmental reviews.

"(ii) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall host the authorization portal as a shared service for Congress, Federal agencies, and the public.

"(iii) ACCESSIBILITY.—The authorization portal shall be accessible to Congress, Federal agencies, and the public, with appropriate safeguards to protect sensitive or classified information and information restricted by user type as appropriate.

"(iv) PUBLIC ACCESSIBILITY.—To the extent practicable and consistent with other law, the authorization portal shall provide public access to non-sensitive data, including authorization timelines, location, project type, environmental reviews, and mitigation measures.

"(v) CONGRESSIONAL ACCESS AND OVERSIGHT.—

"(I) IN GENERAL.—The authorization portal shall provide Congress with direct access to aggregated per-

formance data and other analytics to enable real-time oversight of Federal agencies.

"(II) ARTIFICIAL INTELLIGENCE SUPPORT SYSTEMS AND TRAINING MATERIALS.—Congress shall have access to the data, fine-tuning procedures, and prompt configurations specifically created or adapted for artificial intelligence systems used to support environmental review or authorization activities, excluding proprietary or general pre-training materials unrelated to such agency-specific customization.

"(III) TECHNICAL ASSISTANCE.—The Chairman shall provide to Congress technical assistance, on request, to ensure effective use of the authorization portal and artificial intelligence systems for oversight purposes.

"(C) CYBERSECURITY AND COMPLIANCE CONSIDERATIONS.—The authorization portal shall be designed to promote vendor neutral interoperability, reduce redundancy, and ensure

compliance and coordination with other laws, including—

"(i) section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974');

"(ii) subchapter II of chapter 35 of title 44, United States Code;

"(iii) the Federal Risk and Authorization Management Program established by section 3608 of title 44, United States Code; and

"(iv) the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, in any case in which a project is in coordination with a Federal agency with stringent security requirements.

"(3) DEADLINES.—

"(A) SHARED SERVICES PILOT.—Not later than 1 year after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, the Chairman shall oversee piloting of shared services for environmental reviews and authorizations, including the authorization portal under paragraph (2)(B).

"(B) UNIFIED SYSTEM DEVELOPMENT AND IMPLEMENTATION.—To the maximum extent practicable, not later than December 1, 2028, the Chairman shall develop and implement the ePermit unified interagency data system under paragraph (2).

"(e) AGENCY AND PERSONNEL PERFORMANCE.—

"(1) IN GENERAL.—The Chairman shall develop outcome-based performance measures to assess Federal agency performance and Federal agency personnel performance with respect to environmental reviews or other types of authorizations.

"(2) REQUIREMENTS.—In developing the performance measures under paragraph (1), the Chairman shall—

"(A) coordinate with—

"(i) the agency CERPO for each key permitting agency;

"(ii) the Performance Improvement Officer for each key permitting agency;

"(iii) the Chief Human Capital Officer for each key permitting agency;

"(iv) the Director of the Office of Management and Budget; and

"(B) consider how eNEPA technologies assist in the assessment of—

"(i) areas of high performance among key permitting agencies for the purpose of identifying successful strategies for meeting performance goals that may be replicated by other key permitting agencies;

"(ii) areas of poor performance among the department, program, district, field, region, and other subsidiaries of each key permitting agency for the purpose of providing additional support and oversight;

"(iii) areas of high performance among the department, program, district, field, region, and other subsidiaries of each key permitting agency for the purpose of identifying successful strategies for meeting performance goals that may be replicated within other offices of the Federal agency; and

"(iv) opportunities for the Chairman to expend funds from the Permitting Improvement Fund established by section 1133(a) of the Bipartisan American Affordability and Jobs Act of 2026 to facilitate higher performance of agencies and agency

personnel with respect to environmental reviews and authorizations.

"(f) AUTHORITY TO ENTER INTO CONTRACTS.—Subject to the availability of appropriations, the Chairman may enter into contracts and other arrangements for analyses, services, and products with Federal agencies, private organizations, and businesses, and make such payments as determined necessary by the Chairman to carry out this section.

"(g) ANNUAL REPORT.—Not less frequently than annually, the Chairman, in consultation with the Chief Information Officers Council, the Federal Permitting Improvement Steering Council, and other relevant Federal agencies, as determined by the Chairman, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on—

"(1) the progress of the Chairman in developing the ePermit unified interagency data system under subsection (d)(2); and

"(2) the performance of each key permitting agency under subsection (e), as compared to the previous year.

"(h) SAVINGS PROVISIONS.—

"(1) IN GENERAL.—Nothing in this section authorizes the Chairman or a Federal agency to impose additional regulatory processes or requirements beyond those expressly stipulated under this Act or any other law.

"(2) NO RESTRICTION.—To the extent that a data system, technology, or tool developed or incorporated into a unified interagency data system under this section is not limited by project type, the data system, technology, or tool shall not have its use be restricted by project type.

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act $5,000,000 for each fiscal year.".

(b) TECHNICAL AMENDMENT.—Section 202 of the National Environmental Policy Act of 1969 (42 U.S.C. 4342) is amended, in the first sentence, by striking "(hereinafter referred to as the 'Council')".

Subtitle C—Federal Permitting Improvement

SEC. 1131. DEFINITIONS.

In this subtitle:

(1) APPLICABLE DEADLINES.—The term "applicable deadlines" means the deadlines described in sec-

tion 107(g) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g)).

(2) APPLICABLE SCHEDULE.—The term "applicable schedule" means the schedule established for a transparency project under subsection (a)(1)(C)(iv) of section 107 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a).

(3) FAST ACT TERMS.—The terms "covered project", "Dashboard", and "Executive Director" have the meanings given those terms in section 41001 of the FAST Act (42 U.S.C. 4370m).

(4) NEPA TERMS.—The terms "authorization", "Chairman", "Council", "environmental assessment", "environmental document", "environmental impact statement", "environmental review", "key permitting agency", "lead agency", "project sponsor", and "statement of purpose and need" have the meanings given those terms in section 3 of the National Environmental Policy Act of 1969.

(5) TRACKER.—The term "Tracker" means the Environmental Review and Permitting Tracker required under section 1132.

(6) TRANSPARENCY PROJECT.—The term "transparency project" means—

(A) a proposed agency action requiring the preparation of an environmental impact statement; or

(B) a proposed agency action requiring the preparation of an environmental assessment that has not been completed by the date that is 13 months after the deadline established for the project under paragraph (1)(A) of section 107(g) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g)).

SEC. 1132. ENVIRONMENTAL REVIEW AND PERMITTING TRACKER.

(a) IN GENERAL.—The Executive Director, in coordination with the Chairman and the General Services Administration, shall maintain, as a component of the Dashboard, an online database, to be known as the "Environmental Review and Permitting Tracker", to track the status of Federal environmental documents and authorizations for each transparency project.

(b) LIST OF TRANSPARENCY PROJECTS.—The Tracker shall include an up-to-date list of all transparency projects.

(c) CREATION OF TRACKER ENTRIES.—

(1) IN GENERAL.—The Chairman shall create a specific entry on the Tracker for a transparency project not later than—

(A) in the case of a transparency project described in section 1131(6)(A), the date that is 14 days after the date on which a notice of intent to prepare an environmental impact statement for that transparency project is published in the Federal Register in accordance with section 107(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(c)); and

(B) in the case of a transparency project described in section 1131(6)(B), the date that is 13 months and 14 days after the deadline established for that transparency project under paragraph (1)(A) of section 107(g) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g)).

(2) SPECIFIC AND SEARCHABLE ENTRY.—Each entry of the Tracker shall include a specific and searchable entry for each transparency project listed on the Tracker in accordance with paragraph (1).

(3) EXCLUSIONS.—Any environmental review relating to an action taken by a Federal agency to develop a rule under subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as "Administrative Procedure Act"), shall not be included on the Tracker.

(d) CONTENT OF TRACKER POSTINGS.—

(1) TRANSPARENCY PROJECTS.—For each transparency project added to the Tracker under subsection (c)(1), the Executive Director shall post the most up-to-date information, including—

(A) a description of the location and major features of the transparency project;

(B) the statement of purpose and need for the transparency project, consistent with section 107(d) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(d));

(C) contact information, including the email address, of—

(i) a representative of the project sponsor of the transparency project; and

(ii) a representative of the lead agency for the transparency project;

(D) the status of the compliance of each agency with respect to the applicable schedule and applicable deadlines for the transparency project, to be updated quarterly, including each modification of the applicable schedule, which shall describe—

(i) an explanation of each modification, including whether the modification is

due to a delay on the part of an agency or the project sponsor;

(ii) the time period modified from the originally projected applicable schedule; and

(iii) any subsequent modifications from prior modifications, including whether such subsequent modification is due to a delay on the part of an agency or the project sponsor; and

(E) a description of the status of any litigation that is directly related to the transparency project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court.

(2) PUBLICATION.—All information described in this subsection shall be posted on the Dashboard not later than 7 days after the date on which the lead agency or the Executive Director receives the information.

(e) COVERED PROJECTS.—In the case of a transparency project that is a covered project—

(1) the entry for the covered project on the Dashboard under section 41003(b) of the FAST Act (42 U.S.C. 4370m-2(b)) shall serve as the entry for the transparency project on the Tracker;

(2) the Executive Director shall ensure that the entry includes the information described in subsection (d)(1); and

(3) no Federal agency or project sponsor shall be required to submit information for the Tracker that duplicates information submitted for the Dashboard under section 41003(b) of the FAST Act (42 U.S.C. 4370m-2(b)).

SEC. 1133. PERMITTING IMPROVEMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Permitting Improvement Fund" (referred to in this section as the "Fund").

(b) PURPOSE.—The purpose of the Fund is to improve the performance of key permitting agencies with respect to timely environmental reviews and authorizations required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) TRANSFER AUTHORITY.—Amounts in the Fund shall be available to the Chairman to transfer to a key permitting agency for 1 or more uses described in subsection (d).

(d) USE OF AMOUNTS.—Amounts transferred under subsection (c) shall be used by a key permitting agency—

(1) to support interagency detailee and rotation opportunities;

(2) to facilitate professional development;

(3) to enhance support for agency project managers;

(4) to support standardizing processes among regional and field offices;

(5) to improve opportunities for public engagement; or

(6) for any other use, as determined by the Chairman, consistent with the purpose of the Fund.

(e) EFFECT ON DECISIONMAKING.—The use of funds under subsection (d) by a key permitting agency shall not impact the impartial decisionmaking of the key permitting agency with respect to environmental reviews or authorizations, either procedurally or substantively.

(f) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Fund $20,000,000 for each of fiscal years 2027 through 2033.

SEC. 1134. LIMITATION ON CLAIMS FOR FAST-41 COVERED PROJECTS.

(a) IN GENERAL.—Section 41007(a) of the FAST Act (42 U.S.C. 4370m-6(a)) is amended—

(1) in paragraph (1)(A), by striking "2 years" and inserting "150 days"; and

(2) in paragraph (2)(B), by striking "2 years" and inserting "150 days".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to a claim seeking judicial review of an authorization for which the notice of final agency action is published in the Federal Register on or after the date of enactment of this Act.

TITLE II—CLEAN WATER ACT

SEC. 1201. WATER QUALITY CRITERIA.

(a) ADMINISTRATIVE PROCEDURE.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

"(10) ADMINISTRATIVE PROCEDURE.—In developing any criterion under this subsection, the Administrator shall carry out a rulemaking under section 553 of title 5, United States Code.".

(b) JUDICIAL REVIEW.—Section 509(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1369(b)(1)) is amended, in the first sentence—

(1) by striking "402, and (G)" and inserting "402, (G)"; and

(2) by inserting "(H) in finalizing any criteria under section 304(a), and (I) in defining the scope of the term 'waters of the United States' for purposes of this Act," after "section 304(l),".

SEC. 1202. CLEAN WATER ACT PERMITTING AND STATE CERTIFICATION.

Section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) is amended by adding at the end the following:

"(e) CERTIFICATION PROCEDURES, REQUIREMENTS, AND LIMITATIONS.—

"(1) EFFECT OF CERTAIN CERTIFICATION ACTIONS.—

"(A) CERTIFICATION OR WAIVER.—If a certifying authority grants a certification application or if a certifying authority waives the certification requirement for a certification application, the agency with jurisdiction over the Federal license or permit for which the certification application was made shall consider water quality requirements satisfied for the purpose of considering the application for the Federal license or permit.

"(B) CERTIFICATION WITH CONDITIONS.—

"(i) IN GENERAL.—If a certifying authority grants a certification application with conditions, the agency with jurisdiction over the Federal license or permit for which the certification application was made shall consider water quality require-

ments satisfied for the purpose of considering the application for the Federal license or permit, subject to the conditions included in the certification.

"(ii) SAVINGS CLAUSE.—Nothing in this subparagraph affects paragraph (2)(B).

"(2) SCOPE OF CERTIFICATION.—

"(A) IN GENERAL.—The scope of a certification provided under this section shall be limited to ensuring compliance with water quality requirements.

"(B) PROHIBITION.—In reviewing a certification application, no certifying authority may—

"(i) deny certification for any reason other than making a determination by clear and convincing evidence that—

"(I) no modification to or reasonable condition on the certification would make it possible to grant the certification without violating water quality requirements; or

"(II) after the certifying authority has sent the communication described in clause (v)(II) of paragraph (3)(C)

and given the applicant a reasonable opportunity to provide the additional materials or information described in that communication, the application continues to lack the information required under clause (ii) and, if applicable, clause (iii) of that paragraph; or

"(ii) grant certification with conditions, except for conditions that the certifying authority determines by clear and convincing evidence are—

"(I) necessary to ensure compliance with water quality requirements; and

"(II) the least burdensome conditions to ensure compliance with water quality requirements.

"(C) SAVINGS PROVISION.—Nothing in this paragraph allows a Federal licensing or permitting agency to refuse to include conditions from a certifying authority in a Federal license or permit if the certifying authority determines the conditions are necessary to ensure compliance with water quality requirements.

"(3) REQUIRED PROCEDURES.—

"(A) NOTICE AND HEARINGS.—Taking into account State or Tribal law, as appropriate, and the review period described in paragraph (4), each certifying authority shall establish procedures for—

"(i) public notice in the case of all certification applications;

"(ii) to the extent the certifying authority determines to be appropriate, public hearings in connection with specific certification applications; and

"(iii) a prefiling meeting as described in subparagraph (B).

"(B) PREFILING MEETING.—

"(i) REQUEST.—Before submitting a certification application, the prospective applicant may request a prefiling meeting with the certifying authority—

"(I) to ensure that the certifying authority receives early notification of projects for which a certification under subsection (a) is necessary; and

"(II) to discuss informational needs with the certifying authority before submitting the application.

"(ii) RESPONSE REQUIRED.—If a prospective applicant requests a prefiling meeting with a certifying authority pursuant to clause (i), the certifying authority shall—

"(I) respond to the request not later than 30 days after the date on which the request is received; and

"(II) hold the prefiling meeting with the prospective applicant not later than 60 days after the date on which the request is received.

"(C) CERTIFICATION APPLICATIONS.—

"(i) APPLICATION IN WRITING.—A certification application shall be made in writing to the applicable certifying authority.

"(ii) REQUIREMENTS FOR COMPLETE APPLICATION.—A complete certification application shall consist of the following:

"(I) Identification of each applicant for the Federal license or permit with respect to which the certification application is made.

"(II) A statement that information included in the certification application is truthful, accurate, and com-

plete, to the best knowledge of each such applicant.

"(III) In the case of a certification application with respect to an individual permit or license—

"(aa) identification of the Federal license or permit that is the subject of the certification application with respect to which the certification is requested;

"(bb) identification of any activity the conduct of which is subject to the Federal license or permit;

"(cc) identification of the location and nature of any discharge that may result from the activity, and the location of the receiving waters;

"(dd) a description of means that may be used to monitor, control, or manage any such discharge; and

"(ee) a list of all other Federal, interstate, Tribal, State, or

local agency authorizations related to the requirement for a certification under subsection (a), and any approval or denial of such an authorization already received.

"(IV) Any additional materials required by the applicable certifying authority pursuant to clause (iii), subject to the condition that the additional materials shall only be required with respect to certification applications submitted after the date on which the regulation described in that clause has been promulgated.

"(iii) ADDITIONAL MATERIALS.—

"(I) IN GENERAL.—A certifying authority may promulgate regulations establishing materials to be required in completed certification applications in addition to the materials described in subclauses (I) through (III) of clause (ii) that the certifying authority determines are necessary to demonstrate to

the certifying authority compliance with water quality requirements.

"(II) REQUIREMENT.—In promulgating regulations under subclause (I), a certifying authority shall only base the determination regarding what additional materials are needed on what can reasonably be expected of an applicant at the time at which a certification application is submitted.

"(III) EFFECT OF FAILURE TO PROMULGATE.—Beginning on or after December 31, 2027, if a certifying authority fails to promulgate regulations under subclause (I), a certification application to that certifying authority shall be considered complete if the certification application includes all of the items described in subclauses (I) through (III) of clause (ii).

"(IV) TRANSITION.—Prior to December 31, 2027, a certifying authority may require materials beyond the materials described in subclauses (I) through (III) of clause (ii) without

promulgating regulations under subclause (I) through a single written notice applicable to all applicants submitting certification applications if the certifying authority determines that those additional materials are necessary to demonstrate to the certifying authority compliance with water quality requirements and the additional materials are those that can be reasonably expected of an applicant at the time at which a certification application is submitted.

"(iv) ACKNOWLEDGMENT OF RECEIPT.—Not later than 3 days after the date on which an applicant submits to a certifying authority a certification application for an individual Federal license or permit, the certifying authority shall acknowledge receipt of the certification application in writing.

"(v) NOTIFICATION OF COMPLETE APPLICATION OR IDENTIFICATION OF MISSING MATERIALS.—Not later than 90 days after the date on which a certifying authority ac-

knowledges receipt of a certification application under clause (iv), the certifying authority shall—

"(I) provide the applicant a written notification that the certification application is complete; or

"(II) identify to the applicant in writing all specific additional materials or information described in clauses (ii) and, if applicable, (iii) necessary for the certification application to be considered complete, including, for each such additional piece of material or information, a description of the water quality requirement for which the additional material or information is needed in order to evaluate compliance with that water quality requirement.

"(vi) PETITION TO COURT.—

"(I) RIGHT TO PETITION.—An applicant may petition for judicial review of an alleged failure by a certifying authority to act in accordance with clauses (ii) through (v) by filing

a written petition in a court of competent jurisdiction.

"(II) CONSIDERATIONS.—In reviewing a petition under this subclause, a reviewing court shall consider—

"(aa) the administrative record, which shall consist of the materials required to be submitted under clause (ii);

"(bb) any materials or information identified by certifying authority as missing pursuant to a notification under clause (v)(II);

"(cc) the information submitted by the applicant to the certifying authority; and

"(dd) any evidence presented to the court by the applicant that suggests that the defense of the certifying authority to the petition is pretextual.

"(III) COURT ORDER.—If a court, in reviewing a petition under this

clause, finds that a certifying authority has failed to act in accordance with any of clauses (ii), (iv), and (v), the court shall provide injunctive relief, as appropriate, to give effect to this section.

"(D) DENIALS OF CERTIFICATION FOR INDIVIDUAL LICENSE OR PERMIT.—If a certifying authority denies a certification application for an individual license or permit, the certifying authority shall provide to the applicant and the applicable Federal licensing or permitting agency—

"(i) the specific water quality requirements that the certifying authority determined will be violated if certification were granted;

"(ii) a statement explaining why the certifying authority determined the identified water quality requirements will be violated; and

"(iii) if the denial is due to insufficient information, a description of the specific water quality data or information, if any, that would be needed to evaluate

whether granting certification will comply with water quality requirements.

"(4) REVIEW PERIOD.—

"(A) IN GENERAL.—Subject to subparagraph (C) and in consultation with each certifying authority, a licensing or permitting agency shall, categorically or on a case-by-case basis for each certification application, establish a reasonable period of time (not to exceed 1 year from the date of receipt of the certification application) within which a certifying authority shall issue a final action on the certification application, which shall account for time required under applicable State or Tribal law for public notice and comment periods, if any.

"(B) FAILURE TO ACT.—If a certifying authority fails or refuses to issue a final action as described in paragraph (6) on a certification application by the end of the reasonable period of time established under subparagraph (A) and the reasonable period of time has not been extended in accordance with subparagraph (C), the requirement for a certification under subsection (a) shall be waived, except that the reasonable period of time shall restart in the event that the

certification application is voluntarily withdrawn by the applicant and the applicant submits a new certification application.

"(C) REQUIREMENT FOR EXTENSION.—With respect to a certification application, the reasonable period of time established under subparagraph (A) may only be extended if—

"(i) the extension is requested, in writing, by the applicant; and

"(ii) the certifying authority concurs, in writing, with the extension.

"(5) WAIVER OF CERTIFICATION REQUIREMENT.—

"(A) IN GENERAL.—A certifying authority may, at any time during the reasonable period of time described in paragraph (4), affirmatively waive the requirement for a certification under subsection (a).

"(B) NO JUDICIAL REVIEW.—Notwithstanding any other provision of Federal law, including any provision of this section, a waiver of the requirement for a certification under this section shall not be subject to judicial review.

"(6) FINAL ACTION.—Not later than the date on which the reasonable period of time established under

paragraph (4) for a certification application ends or on the date of a waiver pursuant to paragraph (5)(A), as applicable, the certifying authority shall apply only 1 of the following final actions to the certification application:

"(A) The certification application is granted.

"(B) The certification application is granted with conditions.

"(C) The certification application is denied.

"(D) The certification requirements under subsection (a) have been waived in accordance with paragraph (4) or (5) with respect to the certification application.

"(f) JUDICIAL REVIEW.—

"(1) BURDENS OF PROOF.—When reviewing a denial of a certification under this section, a court shall place the burden of proof on the certifying authority to demonstrate, by clear and convincing evidence, that no reasonable modifications to or reasonable conditions on the certification would make it possible to grant the certification without violating water quality requirements.

"(2) CONDITIONS.—When reviewing a challenge to 1 or more conditions required by a certifying au-

thority under this section, a court shall place the burden of proof on the certifying authority to demonstrate, by clear and convincing evidence, that the 1 or more challenged conditions are—

"(A) necessary to allow the certification to be made without violating water quality requirements; and

"(B) the least burdensome condition or set of conditions for avoiding violation of water quality requirements.

"(g) SPECIAL RULE FOR CERTAIN CERTIFICATIONS.—

"(1) DEFINITION OF INTERSTATE TRANSMISSION LINE PROJECT.—In this subsection, the term 'interstate transmission line project' means a project for the construction, modification, or upgrade of a transmission facility that is part of the bulk-power system (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a))).

"(2) LIMITATION ON CERTIFICATION REQUIREMENTS FOR CERTAIN INTERSTATE LINEAR INFRASTRUCTURE.—Notwithstanding the first sentence of subsection (a)(1), any applicant for a certificate of public convenience and necessity for a project under section 7 of the Natural Gas Act (15 U.S.C. 717f) or a Federal authorization or permit required to con-

struct, modify, or operate an interstate transmission line project that may result in a direct point source discharge into the waters of the United States shall provide to the Federal licensing or permitting agency a certification from a certifying authority that such direct point source discharge complies with water quality requirements or a waiver pursuant to this section.

"(3) CERTIFICATION OF NO LIMITATION AND STANDARD.—In the case of any direct point source discharge described in this subsection for which there is not an applicable effluent limitation or other limitation under sections 301(b) and 302 and for which there is not an applicable standard under sections 306 and 307, the certifying authority shall so certify, except that such a certification shall not satisfy section 511(c).

"(4) REVIEW FOR COMPLIANCE.—Notwithstanding subsection (a)(4)—

"(A) prior to the initial operation of any federally licensed or permitted facility or activity that may result in a direct point source discharge into the waters of the United States and with respect to which a certification has been obtained pursuant to this subsection, which facility

or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for the certifying authority to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated;

"(B) on notification by the certifying authority that the operation of any federally licensed or permitted facility or activity described in subparagraph (A) will violate applicable effluent limitations or other limitations or other water quality requirements, the applicable Federal agency may, after public hearing, suspend the Federal license or permit; and

"(C) if a Federal license or permit is suspended pursuant to subparagraph (B), the Federal license or permit shall remain suspended until notification is received from the certifying authority that there is reasonable assurance that the facility or activity will not violate the applicable provisions of sections 301, 302, 303, 306, and 307.

"(5) LIMITATION AND MONITORING REQUIREMENTS OF CERTAIN LINEAR INFRASTRUCTURE CERTIFICATIONS.—Notwithstanding subsection (d)—

"(A) any certification provided under this subsection shall set forth any effluent limitations and other limitations and monitoring requirements necessary to assure that any direct point source discharge subject to this subsection will comply with the applicable provisions of sections 301, 302, 303, 306, and 307; and

"(B) any limitations and requirements set forth pursuant to subparagraph (A) shall be imposed by the licensing or permitting agency as a condition on any Federal license or permit subject to the provisions of this section.

"(6) REASONABLE PERIOD OF TIME.—Notwithstanding the periods of time in subsections (a)(1) and (e)(4), a licensing or permitting agency shall, categorically or on a case-by-case basis for each certification application, establish a reasonable period of time (not to exceed 9 months from the date of receipt of the certification application) within which a certifying authority shall issue a final action on the certification application under this subsection, which shall account for the time required under applicable

State or Tribal law for public notice and comment periods.

"(h) DEFINITIONS.—In this section:

"(1) CERTIFICATION APPLICATION.—The term 'certification application' means a request from an applicant for a certification described in subsection (a).

"(2) CERTIFYING AUTHORITY.—The term 'certifying authority', with respect to a certification application, means, as applicable—

"(A) the State or interstate agency to which the certification application was submitted, including an Indian Tribe that is treated as a State for purposes of this section pursuant to section 131.8 of title 40, Code of Federal Regulations; or

"(B) if no State or interstate agency has the authority to provide the certification described in subsection (a), the Administrator.

"(3) WATER QUALITY REQUIREMENTS.—The term 'water quality requirements' means—

"(A) the applicable provisions of sections 301, 302, 303, 306, and 307; and

"(B) any Federal and State or Tribal laws (including regulations) implementing sections

301, 302, 303, 306, and 307 that are applicable to discharges into waters of the United States.".

SEC. 1203. PERMIT TERM FOR NPDES PERMITS.

Section 402(b)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(1)(B)) is amended by striking "five years" and inserting "10 years".

SEC. 1204. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) REDUCING PERMITTING UNCERTAINTY.—

(1) IN GENERAL.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended—

(A) by striking "(c) The Administrator" and inserting the following:

"(c) SPECIFICATION OR USE OF DEFINED AREA.—

"(1) IN GENERAL.—The Administrator";

(B) in paragraph (1) (as so designated), by inserting "during the period described in paragraph (2) and" before "after notice and opportunity for public hearings"; and

(C) by adding at the end the following:

"(2) PERIOD OF PROHIBITION.—The Administrator may act pursuant to paragraph (1) only during the period that—

"(A) begins on the date on which an applicant submits a complete application under this section; and

"(B) ends on the date on which the Secretary issues the permit.".

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to a permit application submitted under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) after the date of enactment of this Act.

(b) NATIONWIDE PERMITTING IMPROVEMENT.—Section 404(e) of the Federal Water Pollution Control Act (33 U.S.C. 1344(e)) is amended—

(1) by striking "(e)(1) In carrying" and inserting the following:

"(e) GENERAL PERMITS ON STATE, REGIONAL, OR NATIONWIDE BASIS.—

"(1) PERMITS AUTHORIZED.—In carrying";

(2) in paragraph (2)—

(A) by striking "(2) No general" and inserting the following:

"(2) TERM.—

"(A) IN GENERAL.—No general";

(B) in subparagraph (A) (as so designated), by striking "five years" and inserting "10 years"; and

(C) by adding at the end the following:

"(B) TIMING OF MODIFICATION.—The Secretary may modify a general permit pursuant to subparagraph (A) during the term of the general permit or during the renewal of the general permit."; and

(3) by adding at the end the following:

"(3) CONSIDERATIONS.—In determining the environmental effects of an activity under paragraph (1) or (2), the Secretary—

"(A) shall consider only the effects on compliance with water quality requirements (as defined in section 401(h)) of any discharge of dredged or fill material resulting from the activity; and

"(B) shall consider any effects of a discharge of dredged or fill material into less than 2 acres of navigable waters to be a minimal adverse environmental effect.

"(4) NATIONWIDE PERMITS FOR ACTIVITIES.—

"(A) GENERAL PERMITS AUTHORIZED.—Notwithstanding any other provision of this sec-

tion, the Secretary shall maintain general permits on a nationwide basis for activities described in subparagraph (B).

"(B) ACTIVITIES DESCRIBED.—An activity referred to in subparagraph (A) is an activity—

"(i) authorized under Nationwide Permit 12, Nationwide Permit 14, Nationwide Permit 27, Nationwide Permit 43, Nationwide Permit 57, or Nationwide Permit 58, as those nationwide permits are described in and reissued pursuant to the final rule of the Corps of Engineers entitled 'Reissuance and Modification of Nationwide Permits' (91 Fed. Reg. 768 (January 8, 2026)); and

"(ii) that results in a discharge of dredged or fill material into less than 2 acres of navigable waters for each single and complete project (as defined in section 330.2 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), including a single and complete linear project and a single and complete non-linear project (as those terms are defined in the final rule of the Corps of

Engineers entitled 'Reissuance and Modification of Nationwide Permits' (91 Fed. Reg. 768 (January 8, 2026))).

"(C) RETENTION OF GENERAL AND INDIVIDUAL PERMITTING AUTHORITY.—Nothing in this paragraph prohibits the Secretary from issuing—

"(i) general permits on a regional or State basis; or

"(ii) individual permits for linear infrastructure projects.

"(5) REISSUANCE OF NATIONWIDE PERMITS.—

"(A) IN GENERAL.—Subject to subparagraph (B), in determining whether to reissue a general permit issued on a nationwide basis under this subsection—

"(i) no consultation with an applicable State pursuant to section 6(a) of the Endangered Species Act of 1973 (16 U.S.C. 1535(a)) is required;

"(ii) no consultation with a Federal agency pursuant to section 7(a)(2) of that Act (16 U.S.C. 1536(a)(2)) is required;

"(iii) the requirements of section 102(2)(C) of the National Environmental

Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall be satisfied by preparing a programmatic environmental assessment with respect to the general permit; and

"(iv) no consultation under section 306108 of title 54, United States Code, is required.

"(B) REQUIREMENT.—Clauses (i) through (iv) of subparagraph (A) shall only apply to a general permit being reissued pursuant to that subparagraph if the general permit does not—

"(i) narrow or eliminate preconstruction requirements; or

"(ii) raise the threshold for such preconstruction requirements.".

SEC. 1205. JUDICIAL REVIEW TIMELINE CLARITY.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) in subsection (t), by striking "(t) Nothing in this section" and inserting the following:

"(u) SAVINGS PROVISION.—Nothing in this section"; and

(2) by inserting after subsection (s) the following:

"(t) JUDICIAL REVIEW.—

"(1) STATUTE OF LIMITATIONS.—Notwithstanding any applicable provision of law relating to statutes of limitations—

"(A) an action seeking judicial review, under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act'), or any other applicable provision of law, of the approval by the Administrator of a State permit program pursuant to this section shall be filed not later than the date that is 150 days after the date on which the approval was issued, unless a shorter time period is otherwise provided for by law;

"(B) an action seeking judicial review, under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act'), or any other applicable provision of law, of an individual permit or general permit issued under this section shall be filed not later than the date that is 150 days after the date on which the permit was issued, unless a shorter time period is otherwise provided for by law; and

"(C) an action seeking judicial review, under subchapter II of chapter 5, and chapter 7,

of title 5, United States Code (commonly known as the 'Administrative Procedure Act'), or any other applicable provision of law, of a verification that an activity involving a discharge of dredged or fill material is authorized by a general permit issued under this section shall be filed not later than the date that is 150 days after the date on which the verification was issued, unless a shorter time period is otherwise provided for by law.

"(2) LIMITATION ON COMMENCEMENT OF CERTAIN ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law but subject to subparagraph (B), no action described in subparagraph (A) or (B) of paragraph (1) may be commenced unless the action—

"(i) is filed by a party that submitted a comment—

"(I) during the public comment period for the administrative proceedings related to the action; and

"(II) that is sufficiently detailed to put the Administrator, the Secretary, or the State, as applicable, on

notice of the issue on which the party seeks judicial review; and

"(ii) is related to that comment.

"(B) LIMITATION.—The limitation under subparagraph (A) shall only apply to actions for which—

"(i) a draft of the action was published in the Federal Register; and

"(ii)(I) the applicable agency provided a public comment period of not less than 30 days; and

"(II) such public comment period occurred after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026.

"(3) REMEDIES FOR ACTIONS RELATING TO PERMITS.—If a court determines that the Secretary or a State, as applicable, did not comply with the requirements of this section in issuing an individual or general permit under this section, or in verifying that an activity involving a discharge of dredged or fill material is authorized by a general permit issued under this section, or otherwise was arbitrary and capricious under subchapter II of chapter 5, and chapter

7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act'), as applicable—

"(A) the court shall remand the matter to the Secretary or the State, as applicable, for further proceedings consistent with the determination of the court;

"(B) with respect to a determination regarding the issuance of an individual or general permit under this section, the court may not vacate, revoke, enjoin, or otherwise limit the permit unless the court finds that activities authorized under the permit would present an imminent and substantial danger to human health or the environment for which there is no other equitable remedy available under the law; and

"(C) with respect to a determination regarding a verification that an activity involving a discharge of dredged or fill material is authorized by a general permit issued under this section, the court may not enjoin or otherwise limit the discharge unless the court finds that the activity would present an imminent and substantial danger to human health or the environment for which there is no other equitable remedy available under the law.

"(4) TIMELINE TO ACT ON COURT ORDER.—If a court remands a matter under paragraph (3), the court shall set and enforce a reasonable schedule and deadline, which may not exceed 180 days from the date on which the court remands the matter, except as otherwise required by law, for the Administrator, the Secretary, or the State, as applicable, to take such actions as the court may order.".

TITLE III—ENDANGERED SPECIES ACT OF 1973

SEC. 1301. DEFINITIONS.

Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(1) by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively;

(2) by inserting after paragraph (1) the following:

"(2) The terms 'best scientific and commercial data available' and 'best scientific data available'—

"(A) mean all relevant and objective scientific and commercial information available at the time of the agency action; and

"(B) include credible and reliable data, quantitative analyses, conceptual and numerical models, and model results that—

"(i) account for known or potential sources of error;

"(ii) are applied using prevailing principles, methods, tools, and professional standards of practice; and

"(iii) are impartially gathered and objectively applied without presumptions or policy prescriptions that bias the application."; and

(3) in paragraph (17), by striking "the Trust Territory of the Pacific Islands" and inserting "the Commonwealth of the Northern Mariana Islands".

SEC. 1302. TIMELINE FOR SECTION 7 CONSULTATIONS.

Section 7(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(1)) is amended—

(1) in subparagraph (A), by striking "90-day" and inserting "60-day";

(2) in subparagraph (B)—

(A) in the matter preceding clause (i)—

(i) by striking "90 days" and inserting "60 days"; and

(ii) by striking "90th day" and inserting "60th day";

(B) in clause (i), in the matter preceding subclause (I), by striking "150th day" and inserting "100th day";

(C) in clause (ii), by striking "150 or more" and inserting "100 or more"; and

(D) in the undesignated matter following clause (ii)—

(i) by striking "the preceding sentence" and inserting "subparagraph (B)"; and

(ii) by striking "The Secretary" and inserting the following:

"(C) The Secretary"; and

(3) by inserting after subparagraph (C) (as so designated) the following:

"(D) If the consultation period proposed to be agreed to between the Secretary and the Federal agency under subparagraph (B) extends beyond 145 days and the Secretary and the Federal agency have not provided a written statement to, or obtained consent from, a permit or license applicant under clause (i) or (ii), as applicable, of that subparagraph during such period, the applicant shall be eligible for relief under section 706(1) of title 5, United States Code.

"(E)(i) In the case of an agency action that requires the preparation of an environmental document

(as defined in section 3 of the National Environmental Policy Act of 1969), the consultation process under subsection (a)(2) shall be completed by not later than the date on which the applicable environmental document (as so defined) for the agency action is completed in accordance with section 107(g) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g)), unless the Secretary approves an extension of the deadline due to extraordinary circumstances beyond the control, and not due to any action, of the consulting parties.

"(ii) The requirement under clause (i) shall not be construed to extend the deadlines described in subparagraphs (A) through (D).".

SEC. 1303. PROJECTS IN THE OPERATIONAL RIGHT-OF-WAY.

Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) is amended by adding at the end the following:

"(q) PROJECTS IN THE OPERATIONAL RIGHT-OF-WAY.—Notwithstanding subsections (g) and (h), any project that is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to section 1316 of the Moving Ahead for Progress in the 21st Century Act (23 U.S.C. 109 note; Public Law 112–141) shall be exempt from paragraphs (2), (3), and (4) of subsection (a).".

SEC. 1304. STATE ASSUMPTION OF CONSULTATION RESPONSIBILITIES.

The Endangered Species Act of 1973 is amended by inserting after section 7 (16 U.S.C. 1536) the following:

"SEC. 7A. STATE ASSUMPTION OF CONSULTATION RESPONSIBILITIES.

"(a) DEFINITIONS.—In this section:

"(1) PROGRAM.—The term 'program' means the program carried out by the Secretary pursuant to this section.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(3) STATE AGENCY.—The term 'State agency' means any agency, department, board, commission, or other governmental entity in a State with primary jurisdiction over environmental or wildlife management matters in the State, as determined by the Governor of the State.

"(b) PROGRAM.—

"(1) IN GENERAL.—Except as provided in this subsection, the Secretary shall carry out a program under which the Secretary may assign the consultation responsibilities of the Secretary described in paragraph (4)(A) to States.

"(2) LIMITATIONS ON ASSUMPTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not assign the consultation responsibilities of the Secretary described in paragraph (4)(A) to any State for a project or agency action (as referred to in section 7) that exceeds the boundaries of the State.

"(B) LIMITATION.—For any project or agency action (as referred to in section 7) that is solely within the boundaries of 1 State, but that is within an area affected that exceeds the boundaries of the State, a State that assumes responsibility under paragraph (4) for the project or agency action (as referred to in section 7) shall consult with—

"(i) if any other State has assumed responsibility under that paragraph, the jurisdiction of which is within that area affected, such State; or

"(ii) if there is no State described in clause (i), the Secretary.

"(3) IMPLEMENTING REGULATION.—

"(A) IN GENERAL.—Not later than 270 days after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, the Secretary shall issue a proposed rule to

establish a program that would comply with the requirements of this section and ensure that approved State assumption programs adequately carry out the consultation requirements under section 7 (referred to in this section as the 'implementing regulation').

"(B) PUBLIC COMMENT.—The proposed rule issued under subparagraph (A) shall be made available for public comment for a period of not less than 60 days, during which the Secretary shall solicit comment from States on the proposed rule.

"(C) LIMITATION.—The rule issued under subparagraph (A) shall not include any requirement that is not necessary to carry out this section.

"(4) ASSUMPTION OF RESPONSIBILITY.—

"(A) IN GENERAL.—Subject to the requirements of this section and the implementing regulation, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the Secretary may assign, and the State may assume, the consultation responsibilities of the Secretary

within the boundary of the State under subsections (a), (b), and (c) of section 7.

"(B) CERTAIN PROJECTS AND AGENCY ACTIONS.—A State may not assume responsibility under the program until the date on which—

"(i) the implementing regulation takes effect; and

"(ii) the State certifies to the Secretary that the State has secured the financial, legal, personnel, and other resources described in subsection (c)(2)(B).

"(C) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary not explicitly assumed by the State by written agreement under the program shall remain the responsibility of the Secretary.

"(c) STATE PARTICIPATION.—

"(1) REQUIREMENTS FOR PARTICIPATING STATES.—Each State is eligible to participate in the program if the State meets each requirement described in this section and the implementing regulation.

"(2) APPLICATION.—

"(A) IN GENERAL.—A State seeking to participate in the program shall submit to the Secretary an application at such time, in such

manner, and containing such information as the Secretary may require, in accordance with subparagraph (B).

"(B) REQUIREMENTS.—As part of the implementing regulation, the Secretary shall establish requirements relating to applications submitted by States under subparagraph (A), including, at a minimum, requirements that a State provide—

"(i) verification of the financial and legal resources necessary to carry out the authority that may be granted to the State under the program;

"(ii) verification of the personnel resources or a plan to hire the personnel, not later than 1 year after the date on which the application is approved, necessary to carry out the authority that may be granted to the State under the program;

"(iii) verification that the State will waive sovereign immunity for the responsibilities assumed by the State under the program; and

"(iv) evidence of the notice and solicitation of public comment by the State relat-

ing to participation of the State in the program, including—

"(I) copies of comments received from that solicitation;

"(II) a brief summary of those comments; and

"(III) a description of ways in which those comments will be incorporated by the State during the participation of the State in the program.

"(C) DENIAL.—On denial of an application submitted by a State under subparagraph (A)—

"(i) the Secretary shall—

"(I) respond to the State, in writing, identifying the reasons for the denial, subject to the condition that such reasons shall only include a determination by the Secretary that the State did not demonstrate the legal, financial, or personnel capability to assume responsibility under the program; and

"(II) at the request of the State, provide technical assistance to the State to address the reasons identified under subclause (I); and

"(ii) the State may reapply in accordance with the requirements of subparagraphs (A) and (B).

"(3) PUBLIC NOTICE.—

"(A) IN GENERAL.—Not less than 60 days before the date of submission of an application of a State under paragraph (2)(A), the State shall, in accordance with the applicable public notice law of the State—

"(i) publish the complete application of the State; and

"(ii) provide an opportunity for public comment on the application for a period of not less than 30 days.

"(B) RESPONSE TO COMMENTS.—Notwithstanding any other provision of law, a State shall be required to respond to public comments received under subparagraph (A)(ii).

"(4) SELECTION CRITERIA.—The Secretary shall approve the application of a State submitted under paragraph (2)(A) if—

"(A) the Secretary determines that the State has demonstrated the legal, financial, and current or future personnel capability to assume the responsibility;

"(B) the Secretary has made an affirmative determination that the State has met the requirements to implement the program, as described in this section and the implementing regulation; and

"(C) the head of the State agency enters into a written agreement with the Secretary described in subsection (d)(1).

"(5) FAILURE TO APPROVE OR DENY APPLICATION.—If the Secretary fails to make a determination with respect to any application submitted under paragraph (2)(A) within 180 days after the date on which the Secretary receives that application, the inaction shall be considered a failure to act under section 107(g)(3) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g)(3)).

"(d) WRITTEN AGREEMENT.—

"(1) IN GENERAL.—A written agreement referred to in subsection (c)(4)(C) shall—

"(A) be executed by the Governor or the head of the State agency that would assume responsibility under the program;

"(B) be in such form as the Secretary may prescribe;

"(C) provide that the State—

"(i) agrees to assume all responsibilities of the Secretary described in subsection (b)(4);

"(ii) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State;

"(iii) certifies that State laws (including regulations) are in effect that—

"(I) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

"(II) are comparable to section 552 of title 5, United States Code, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction;

"(iv) agrees to maintain the legal resources, financial resources, and personnel capacity and expertise necessary to carry out the responsibilities being assumed; and

"(v) agrees to meet the same deadlines for consultations that the Secretary would be required to meet under—

"(I) section 7; and

"(II) section 107 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a);

"(D) require the State to provide to the Secretary any information the Secretary reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

"(E) be renewable;

"(F) have a term of not more than 10 years; and

"(G) be published in the Federal Register not later than 15 days after execution.

"(2) ROLE OF SECRETARY.—The Secretary shall not delegate the responsibilities of the Secretary with respect to entering into a written agreement with a State under paragraph (1).

"(e) JURISDICTION.—

"(1) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction over any civil action against a State for failure to carry

out any responsibility of the State under the program.

"(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

"(3) INTERVENTION.—The Secretary shall have the right to intervene in any action described in paragraph (1).

"(f) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—

"(1) IN GENERAL.—A State that assumes responsibility under subsection (b)(4) shall be solely responsible for carrying out, in lieu of and without further approval of the Secretary, the responsibilities assumed under that subsection, until the Secretary or the State, as applicable, terminates the participation of the State in the program in accordance with paragraph (1) or (2) of subsection (k), as applicable.

"(2) PERMIT OR LICENSE APPLICANT ELECTION.—Notwithstanding a State assumption of responsibility under subsection (b)(4), a permit or license applicant may elect for the relevant Federal agency to consult with the Secretary within the boundary of the State under subsections (a), (b), and

(c) of section 7 rather than with the State under the program.

"(g) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

"(h) AUDITS.—

"(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c)(4)(C) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (b)(4)), for each State participating in the program, the Secretary shall—

"(A) not later than 180 days after the date of execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

"(B) conduct annual audits during each of the first 4 years of State participation; and

"(C) ensure that the time period for completing an audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

"(2) PUBLIC AVAILABILITY AND COMMENT.—

"(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

"(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends—

"(i) the Secretary shall respond to public comments received under subparagraph (A); and

"(ii) to the extent necessary, the applicable State agency may respond to those comments.

"(3) AUDIT TEAM.—

"(A) IN GENERAL.—Subject to subparagraph (C), an audit conducted under paragraph (1) shall be carried out by an audit team determined by the Secretary, in consultation with the State, in accordance with subparagraph (B).

"(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.

"(C) LIMITATION.—An audit team shall only include—

"(i) qualified staff of regional and headquarters offices of the United States Fish and Wildlife Service;

"(ii) staff of the Department of the Interior Office of Inspector General; and

"(iii) staff of the applicable State agency.

"(i) MONITORING.—

"(1) IN GENERAL.—After the fourth year of the participation of a State in the program, the Secretary shall monitor compliance by the State with the written agreement entered into under subsection (c)(4)(C), including the provision by the State of financial resources to carry out the written agreement.

"(2) RESUMPTION OF ANNUAL AUDITS.—If the Secretary determines that there is reasonable cause to believe that a State is not complying with a written agreement entered into under subsection (c)(4)(C) pursuant to monitoring under paragraph (1), the Secretary may require the resumption of annual audits under subsection (h).

"(j) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives an annual report that de-

scribes the administration of the program, which shall include an identification of—

"(1) a list of active written agreements entered into under subsection (c)(4)(C) being carried out;

"(2) a list of pending written agreements entered into under that subsection;

"(3) a list of applications denied under subsection (c)(2)(C) and the reasons for those denials, if any; and

"(4) the results of any audits completed pursuant to subsection (h) in the year covered by the report.

"(k) TERMINATION.—

"(1) TERMINATION BY THE SECRETARY.—The Secretary shall terminate the participation of a State in the program if—

"(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

"(B) the Secretary provides to the State—

"(i) a notification of the determination of noncompliance;

"(ii) a period of not less than 120 days to take corrective action as the Secretary de-

termines to be necessary to comply with the applicable written agreement; and

"(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action relating to an inadequacy identified under subparagraph (A); and

"(C) the State, after the notification and period provided under subparagraph (B)(i), fails to take satisfactory corrective action, as determined by the Secretary.

"(2) TERMINATION BY THE STATE.—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice not later than the date that is 90 days before the date of termination, subject to such terms and conditions as the Secretary may provide.

"(l) OUTREACH AND CAPACITY BUILDING.—

"(1) OUTREACH.—The Secretary shall require the Director of the United States Fish and Wildlife Service (referred to in this subsection as the 'Director') to conduct outreach and education activities to States with respect to the program.

"(2) CAPACITY BUILDING.—The Director, in cooperation with relevant State officials, shall provide

education, training, peer-exchange, and other initiatives as appropriate—

"(A) to assist States in developing the capacity to participate in the program; and

"(B) to promote information sharing and collaboration among States with respect to the program.

"(3) DELEGATION.—The Director may delegate the outreach and education activities and capacity building requirements under this subsection to a relevant field or regional office of the United States Fish and Wildlife Service.

"(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under a written agreement under the program shall be deemed to be an agency for the purposes of section 2412 of title 28, United States Code.".

SEC. 1305. JUDICIAL REVIEW.

Section 7(n) of the Endangered Species Act of 1973 (16 U.S.C. 1536(n)) is amended—

(1) in the first sentence, by striking "Any person, as defined by section 3(13) of this Act," and inserting the following:

"(1) IN GENERAL.—Any person";

(2) in paragraph (1) (as so designated), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) PETITION FOR REVIEW.—

"(A) IN GENERAL.—Except as provided in section 111 of the National Environmental Policy Act of 1969 and section 306108(c)(9)(E) of title 54, United States Code, and subject to subparagraph (B), any person may obtain judicial review under chapter 7 of title 5, United States Code, of any opinion issued by the Secretary under subsection (b) in the United States Court of Appeals for the District of Columbia Circuit by filing in such court not later than 150 days after the date on which the opinion is made public a written petition for review.

"(B) LIMITATION.—If an opinion issued by the Secretary under subsection (b) relates to an agency action for which venue for judicial review of such action is provided by section 111 of the National Environmental Policy Act of 1969 or section 306108(c)(9)(E) of title 54, United States Code, such venue shall control.

"(3) DEFINITION OF MADE PUBLIC.—In this subsection, the term 'made public', with respect to an opinion issued by the Secretary under subsection (b), means that the opinion is published in a single location on the primary website of the applicable Federal agency with—

"(A) hyperlinks to the document prominently displayed on the website; and

"(B) the date of initial publication of the document displayed and maintained on the website.".

SEC. 1306. LISTING DETERMINATIONS.

Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended by adding at the end the following:

"(j) STATE DATA.—In making a determination to list, or delist, a species as a threatened species or an endangered species under this section, the Secretary shall accept and integrate State-collected data, subject to the condition that the State-collected data meets the definition of 'best scientific and commercial data available'.".

SEC. 1307. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $150,000,000 for each of fiscal years 2027 through 2031—

(1) to carry out section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); and

(2) to support State participation in the program under section 7A of that Act.

SEC. 1308. NATIONAL FISH AND WILDLIFE FOUNDATION COASTAL STATE FUND.

(a) DEFINITIONS.—In this section:

(1) COASTAL COUNTY.—The term "coastal county" has the meaning given the term by the National Oceanic and Atmospheric Administration in the document entitled "NOAA's List of Coastal Counties for the Bureau of the Census" (or a similar successor document).

(2) COASTAL STATE.—The term "coastal State" has the meaning given the term "coastal state" in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) FOUNDATION.—The term "Foundation" means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(4) PROGRAM.—The term "program" means the National Fish and Wildlife Foundation Coastal State Fund established under subsection (b).

(5) TIDAL SHORELINE.—The term "tidal shoreline" means the length of tidal shoreline or Great

Lake shoreline based on the most recently available data from or accepted by the Office of Coast Survey of the National Oceanic and Atmospheric Administration.

(b) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, subject to the availability of appropriations, the Foundation shall establish and carry out a program, to be known as the "National Fish and Wildlife Foundation Coastal State Fund", to award grants to coastal States to support State programs and activities that implement natural and nature-based infrastructure, habitat restoration and protection, and related capacity building and planning.

(c) ALLOCATION OF AMOUNTS.—Of the amounts made available to carry out the program each fiscal year, subject to subsection (d), such amounts shall be allocated to grants for coastal States under the program in accordance with the following:

(1) 70 percent shall be allocated equally among coastal States.

(2) 15 percent shall be allocated on the basis of the ratio of tidal shoreline in a coastal State to the tidal shoreline of all coastal States.

(3) 15 percent shall be allocated on the basis of the ratio of population density of the coastal counties

of a coastal State to the average population density of all coastal counties based on the most recent data available from the Bureau of the Census.

(d) LIMITATION FOR SINGLE COASTAL STATE.—

(1) IN GENERAL.—Notwithstanding subsection (c), not more than 5 percent of the total amounts allocated under that subsection may be allocated to any single coastal State, and any amount exceeding that limitation shall be reallocated, in accordance with paragraph (2), equally among the remaining coastal States.

(2) REALLOCATION LIMITATION.—If a reallocation of amounts under paragraph (1) results in another coastal State exceeding the limitation described in that paragraph, such amounts shall be reallocated among the remaining coastal States that have not reached that limitation.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Foundation to carry out the program $50,000,000 for each of fiscal years 2028 through 2032.

(2) ADDITIONAL FUNDING.—In addition to the amounts made available pursuant to paragraph (1),

the Foundation may use such additional amounts as may be made available to carry out the program.

(3) TIMELY TRANSFER; AVAILABILITY.—Federal funds appropriated for purposes of the program shall—

(A) be distributed by the Secretary of the Treasury to the Foundation not later than 60 days after the date on which the appropriation is made; and

(B) remain available until expended.

SEC. 1309. STATE WILDLIFE ACTION PLANS.

Section 4(e)(3) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(e)(3)) is amended—

(1) by striking the paragraph designation and all that follows through "If the Secretary" and inserting the following:

"(3)(A) If the Secretary";

(2) in subparagraph (A) (as so designated)—

(A) by inserting ", not later than 180 days after the date on which the State submitted the comprehensive plan," after ", the Secretary"; and

(B) by striking ", as redesignated"; and

(3) by adding at the end the following:

"(B) Upon submission of a comprehensive plan by a State under paragraph (1), the Secretary shall—

"(i) conditionally authorize the implementation of the wildlife conservation and restoration program of the State; and

"(ii) set aside amounts as described in subparagraph (A).

"(C) The Secretary, in consultation with the States, shall develop a process to ensure sufficient and timely review of comprehensive plans submitted by States under paragraph (1) and final approval of the wildlife conservation and restoration program of such States not later than 180 days after the date on which a State submits such a comprehensive plan.

"(D) It is the intent of Congress that the Secretary prioritize—

"(i) the timely review of comprehensive plans submitted by States under paragraph (1); and

"(ii) the approval of the wildlife conservation and restoration programs of such States.

"(E) Not later than June 1 of the year immediately following the year in which a State submits a comprehensive plan under paragraph (1), if the Secretary does not approve the wildlife conservation

and restoration program of the State under subparagraph (A) within the time described in that subparagraph, the Secretary shall submit to the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of such comprehensive plan, which shall include the reason why the wildlife conservation and restoration program was not so approved.".

TITLE IV—PROJECT CERTAINTY

SEC. 1401. MAINTAINING FEDERAL AUTHORIZATIONS OR PERMITS FOR PROJECTS WITH NON-FEDERAL SPONSORS.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT OR ACTION.—The term "covered project or action" means a project or action with a non-Federal project sponsor that has secured all necessary Federal authorizations or permits for construction or operation.

(2) FEDERAL AUTHORIZATION OR PERMIT.—The term "Federal authorization or permit" means an authorization, permit, record of decision, right-of-way, finding of no significant impact, verification, extension, construction and operations plan, biological

opinion, incidental take statement, concurrence, variance, departure, determination, or any other similar approval or order that is necessary, including any determination by a Federal department or agency that additional authorizations or permits are not necessary, for the construction or operation at normal capacity of a project.

(b) MAINTENANCE OF AUTHORIZATIONS AND PERMITS.—

(1) IN GENERAL.—For covered projects or actions, a Federal department or agency shall not take any new action that would revoke, rescind, withdraw, terminate, suspend, vacate, remand, reopen, materially amend, or materially alter a Federal authorization or permit in effect on or after November 6, 2026, or take any other action to interfere with or prevent the construction or operation at normal capacity of a project that has secured all necessary Federal authorizations and permits, unless—

(A) the Federal department or agency takes such action in response to an order by a court of competent jurisdiction;

(B) the holder of the Federal authorization or permit has materially breached the terms of

the Federal authorization or permit or otherwise materially violated applicable law;

(C) the Federal authorization or permit was obtained through fraud, intentional concealment, or material misrepresentation;

(D) such action is necessary to prevent immediate, specific, urgent, substantial, and proximate harm or damage to life, property, human health, the environment, national security, or defense that is based on new information that was not considered in the underlying environmental review process or final agency action for the Federal authorization or permit;

(E) the Federal department or agency has received a request from the holder of the Federal authorization or permit for the covered project or action to take such action; or

(F) such action is taken pursuant to any applicable law or regulation.

(2) REQUIREMENT.—If a Federal department or agency takes an action under paragraph (1) in response to a matter described in subparagraph (D) of that paragraph, the action shall be narrowly tailored in scope, duration, and degree only so much as is nec-

essary to remedy the specific issue the action is intended to address.

(3) NOTICE.—Before a Federal department or agency takes an action under paragraph (1), the Federal department or agency shall notify the holder of the Federal authorization or permit for a covered project or action, in writing, of such action, including by—

(A) providing a detailed explanation of the action;

(B) identifying the statutory authority relied on for the action; and

(C) providing the evidence supporting the action.

(4) JUDICIAL REVIEW.—

(A) VENUE.—Unless another provision of law provides for direct review in a court of appeals of the United States, a holder of a Federal authorization or permit for a covered project or action seeking judicial review of an action taken by a Federal department or agency under paragraph (1) may obtain review of such action in—

(i) a United States district court in which the project is at least partially located; or

(ii) the United States District Court for the District of Columbia.

(B) STANDARD OF REVIEW.—In reviewing an action taken by a Federal department or agency under paragraph (1) under subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the "Administrative Procedure Act"), or any other provision of law, the reviewing court shall, notwithstanding subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the "Administrative Procedure Act"), or any other provision of law, place the burden of proof on the Federal department or agency to demonstrate that 1 or more of the matters described in subparagraphs (A) through (F) of that paragraph applies.

(C) REVIEW OF CLASSIFIED INFORMATION.—If any portion of the information that is a basis for the agency action being reviewed under this paragraph is classified or otherwise protected from public disclosure under Federal law, the head of the Federal department or agency shall submit that portion of the information to the applicable court under seal or in camera,

and the applicable court shall review and refer to that portion of the information in accordance with applicable procedures governing classified or protected information.

(D) RELIEF.—

(i) IN GENERAL.—If, at the conclusion of its review of an action taken by a Federal department or agency under paragraph (1), the court concludes that the Federal department or agency has not met its burden under subparagraph (B), the holder of the Federal authorization or permit for a covered project or action shall be entitled to—

(I) the reinstatement of the Federal authorization or permit and the termination of any action by the Federal department or agency preventing the construction or operation of the covered project or action;

(II) injunctive relief preventing a Federal department or agency from taking any new action that would revoke, rescind, withdraw, terminate, suspend, vacate, remand, reopen, materially amend, or materially alter a

previously granted Federal authorization or permit or take any other action to interfere with or prevent the construction or operation at normal capacity of the covered project or action without first obtaining a court order to that effect from—

(aa) the same judge that heard the original matter, assuming that judge continues to sit in the same district; or

(bb) if that judge is no longer sitting in the same district, from another judge in the same district;

(III) reasonable attorney fees and costs of litigation, as the court determines appropriate;

(IV) any costs associated with the applicable delay in the construction or operation of the covered project or action, as the court determines appropriate; and

(V) on a showing that 1 or more Federal agencies interfered with a Federal authorization or permit in bad

faith or interfered in bad faith with the construction or operation of a project that has secured all necessary Federal authorizations or permits, costs in an amount not less than 25 percent and not more than 50 percent of the total of all development and construction costs incurred by the holder of the Federal authorization or permit for a covered project or action in connection with the project as of the date of the action and not otherwise recovered under subclause (III) or (IV), which amount shall be determined by the court by taking into consideration—

(aa) the degree to which the Federal interference in the project occurred due to bad faith;

(bb) the degree to which there exists a pattern of similar Federal interference in other projects; and

(cc) the actual degree of economic harm to the project sponsor or operator.

(ii) SAVINGS CLAUSE.—Nothing in this subparagraph limits or supersedes any existing equitable authority of a court to grant any available form of temporary or injunctive relief against the Federal department or agency.

(iii) MOTION FOR TEMPORARY OR PRELIMINARY RELIEF.—Notwithstanding any other provision of this section, on a motion for temporary or preliminary relief, the reviewing court shall not consider available cost recovery under subclause (III), (IV), or (V) of clause (i) in considering whether harm to the holder of a Federal authorization or permit is irreparable.

(E) SPECIAL RULE.—If, within 2 years prior to the date of enactment of this Act, a Federal department or agency has issued a stop-work order that would interfere with or prevent the construction or operation at normal capacity of a project and such order has been enjoined or stayed by a court of competent jurisdiction, then, if a Federal department or agency takes or acquiesces to any action that would revoke, rescind, withdraw, terminate, suspend, vacate, remand,

reopen, materially amend, or materially alter a previously granted Federal authorization or permit or takes or acquiesces to any other action to interfere with or prevent the construction or operation at normal capacity of such project, such action shall have no force or effect until the Federal department or agency has first obtained a court order to that effect from—

(i) the same judge that issued the preliminary injunction or stay, assuming that judge continues to sit in the same district; or

(ii) if that judge is no longer sitting in the same district, from another judge in the same district who shall also have jurisdiction to hear any subsequent complaint or motion under this section.

(F) SOURCE OF FUNDS.—

(i) IN GENERAL.—Amounts awarded under subparagraph (D)(i)—

(I) shall be paid from the fund described in section 1304 of title 31, United States Code; and

(II) shall not be subject to the availability of appropriations.

(ii) LIMITATION ON PAYMENTS.—

(I) IN GENERAL.—No payment shall be issued under clause (i) or from any other source to resolve any dispute related to a Federal authorization or permit, or to Federal interference in the construction or operation of a project, in the absence of a final judgment from a Federal court of competent jurisdiction authorizing the payment.

(II) FINAL JUDGMENT.—For the purposes of subclause (I), a final judgment includes a court-approved settlement or consent decree, subject to the condition that the settlement or consent decree is accompanied by a determination by the court that the settlement or consent decree—

(aa) arises from and resolves a dispute within the subject matter jurisdiction of the court;

(bb) furthers the objectives of this section, including that the

interfered-with project be built and operated; and

(cc) is fair, reasonable, and consistent with the public interest.

(G) LIMITATION ON JURISDICTION.—Notwithstanding sections 1346 and 1491 of title 28, United States Code, the United States Court of Federal Claims shall not have jurisdiction over any claim for, or in respect to, this section—

(i) during the consideration of a petition for relief under this section; and

(ii) in perpetuity if relief is granted under subparagraph (D)(i).

(c) SAVINGS CLAUSE.—Nothing in this section limits or modifies any authority under any applicable law, compact, or treaty.

SEC. 1402. ENSURING FAIRNESS FOR SPECIFIC TYPES OF COVERED PROJECTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all Federal agencies shall treat all applications for Federal authorizations or permits fairly and efficiently; and

(2) this section shall serve as a guarantee that fair and efficient decisionmaking shall occur after the date of enactment of this Act.

(b) DEFINITIONS.—In this section:

(1) COVERED APPLICATION.—The term "covered application" means a complete application for 1 or more Federal authorizations or permits.

(2) FEDERAL AUTHORIZATION OR PERMIT.—The term "Federal authorization or permit" means an authorization, permit, record of decision, right-of-way, finding of no significant impact, verification, extension, construction and operations plan, biological opinion, incidental take statement, variance, departure, determination, concurrence, or any other similar approval or order that is necessary, including any determination by a Federal department or agency that additional authorizations or permits are not necessary, for the construction or operation at normal capacity of a specific type of covered project.

(3) PATTERN OF DISPARATE TREATMENT.—The term "pattern of disparate treatment" means, with respect to 1 specific type of covered project, an empirically demonstrated statistical pattern that—

(A) shows a substantial increase, compared against the 10 most recent calendar years of em-

pirical data on Federal authorization or permit decisions and delays for that specific type of covered project, in—

(i) the percentage of Federal authorizations or permits for that 1 specific type of covered project that are unreasonably delayed beyond the applicable timeline as described in subsection (d)(1)(A)(ii); or

(ii) the percentage of Federal authorizations or permits for that 1 specific type of covered project that are denied;

(B) persists—

(i) for a Federal authorization or permit for which an environmental impact statement or environmental assessment (as those terms are defined in section 3 of the National Environmental Policy Act of 1969) are not required, over a minimum period of 180 days, at least 180 days of which occurred after the date of enactment of this Act; or

(ii) for a Federal authorization or permit for which an environmental impact statement or environmental assessment (as so defined) are required, over a minimum

period of 280 days, at least 280 days of which occurred after the date of enactment of this Act; and

(C) is the result of an intentional course of action undertaken by the Federal Government to create such a pattern.

(4) SPECIFIC TYPE OF COVERED PROJECT.—The term ''specific type of covered project'' means 1 of the following types of projects:

(A) A project to produce electricity from onshore wind.

(B) A project to produce electricity from offshore wind.

(C) A project to produce electricity from solar.

(D) An energy storage project.

(E) A project to produce electricity from coal.

(F) A project to produce electricity from natural gas.

(G) A project to produce electricity from oil.

(H) A project to produce electricity from a nuclear fission reactor.

(I) A project to produce electricity from geothermal.

(J) An onshore electricity transmission project.

(K) An offshore electricity transmission project.

(L) A natural gas pipeline project.

(M) An oil pipeline project.

(N) A hydrogen pipeline project.

(O) A carbon dioxide pipeline project.

(P) A natural gas liquids pipeline project.

(Q) A project to produce coal.

(R) A project to produce onshore natural gas.

(S) A project to produce offshore natural gas.

(T) A project to produce onshore oil.

(U) A project to produce offshore oil.

(V) A hardrock mining project to produce minerals, with hardrock mining projects that produce the same mineral to be considered the same specific type of covered project for purposes of this paragraph.

(W) A hardrock mineral processing project to produce or expand production of hardrock minerals.

(X) A project to produce electricity from hydrogen.

(Y) A project to produce electricity from biomass.

(Z) A project to refine or process petroleum products.

(AA) A project to produce biomass.

(BB) A hydropower project.

(CC) A pumped storage hydropower project.

(DD) A project to produce electricity from a fusion machine.

(EE) A project to produce uranium.

(FF) A project to enrich, convert, fabricate, reprocess, or store source material or special nuclear material (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)).

(GG) A project to export or import liquefied natural gas.

(HH) A project to liquefy natural gas or to regasify liquefied natural gas.

(II) A project to export or import crude oil.

(JJ) A project to export or import refined petroleum products.

(KK) A project to export or import coal.

(LL) A geologic carbon dioxide sequestration or storage project, including an injection well.

(MM) An enhanced oil or natural gas recovery project, including a project using carbon dioxide, water, or other injectants.

(NN) Long-duration battery storage.

(OO) A project to refine or process crude oil.

(PP) A project to refine natural gas or natural gas liquids.

(QQ) An ammonia pipeline project.

(RR) A produced water pipeline project.

(SS) A helium pipeline project.

(TT) A coal gasification project.

(UU) Any other specific type of energy related project not described in subparagraphs (A) through (TT) that a United States district court of competent jurisdiction certifies shares common industrial characteristics, taking into account the specificity of the covered project types described in subparagraphs (A) through (TT).

(c) JUDICIAL REVIEW.—

(1) CAUSE OF ACTION.—

(A) IN GENERAL.—The applicant seeking a Federal authorization or permit for a specific type of covered project may bring an action in a United States district court in which the project is at least partially located, or the United States District Court for the District of Columbia, alleging, subject to subparagraph (B), that after the date of enactment of this Act 1 or more Federal authorizations or permits for that specific type of covered project were—

(i) denied in bad faith as part of a pattern of disparate treatment by the Federal Government against the specific type of covered project at issue; or

(ii) unreasonably delayed as part of a pattern of disparate treatment by the Federal Government against the specific type of covered project at issue by more than 60 days beyond the applicable deadline described in—

(I) section 107(g)(1)(A) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g)(1)(A));

(II) section 107(g)(1)(B) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g)(1)(B)); or

(III) section 1403(b).

(B) REQUIREMENT.—

(i) IN GENERAL.—In a cause of action brought under subparagraph (A), the applicant shall have the burden of proof of showing that—

(I) the relevant application satisfies all applicable Federal law;

(II) the applicable Federal authorizations or permits would not, if granted, be subject to cancellation—

(aa) for a violation of applicable Federal law; or

(bb) because the Federal authorization or permit would have been obtained through fraud, intentional concealment, or material misrepresentation; and

(III) the Federal authorizations or permits were denied in bad faith or unreasonably delayed as part of a pattern of disparate treatment by the Fed-

eral Government against the specific type of covered project at issue that occurred after the date of enactment of this Act.

(ii) PRIMA FACIE EVIDENCE.—

(I) EVIDENCE.—The following shall be considered by a court as prima facie evidence of a pattern of disparate treatment under clause (i)(III):

(aa) EMPIRICAL EVIDENCE.—

(AA) IN GENERAL.—Empirical evidence demonstrating a pattern of denial or unreasonable delay with respect to the specific type of covered project at issue compared to the previous rate at which other Federal authorizations or permits were delivered for that same specific type of covered project prior to the commencement of the alleged pattern of delayed or denied

Federal authorizations or permits.

(BB) RATE OF DENIAL.—In the case of a substantial increase in the rate of denied Federal authorizations or permits under subitem (AA), evidence of bad faith.

(bb) SUPPORTING EVIDENCE.—In support of the empirical evidence described in item (aa), an applicant may provide supporting evidence, including a pattern of statements made by executive branch officials, Federal department and agency policies, Executive orders, or other official guidance that demonstrates a bias in the permitting regime against the specific type of covered project at issue, except as provided in subclause (II).

(II) EXCLUSION.—Statements, policies, Executive orders, or other

guidance that expresses a preference for, or opposition to, 1 or more specific types of covered projects, but is unrelated to the permitting of such projects, shall not be considered by a court as supporting evidence of a pattern of disparate treatment under subclause (I)(bb).

(iii) REBUTTAL EVIDENCE.—Once an applicant has made a prima facie case of disparate treatment, the Federal Government shall bear the burden of either—

(I) disproving the case by the applicant; or

(II) putting forth evidence of a lawful basis for the pattern of disparate treatment demonstrated by the applicant.

(iv) BURDEN OF EVIDENTIARY PRODUCTION.—

(I) IN GENERAL.—In a cause of action brought under this paragraph, if the applicant produces prima facie evidence of a pattern of disparate treatment under clause (i), the Federal

Government shall have the burden to provide to the applicant and the court raw statistical data for the calendar year in which the action is brought and the preceding 10 calendar years showing, with respect to the specific type of covered project at issue—

(aa) the number and percentage of projects that received all necessary Federal authorizations or permits;

(bb) the number and percentage of projects that were denied 1 or more Federal authorizations or permits; and

(cc) the number and percentage of projects for which 1 or more covered applications were pending for more than 60 days beyond the applicable deadline described in subsection (c).

(II) FAILURE TO PRODUCE.—A failure of the Federal Government to produce the data described in subclause (I) shall result in an adverse inference

against the 1 or more Federal agencies named in the cause of action.

(C) RECORD FOR REVIEW.—The court shall hear a cause of action brought under this paragraph solely on—

(i) the evidence produced by the applicant or the Federal Government;

(ii) the administrative record before the agency; and

(iii) any raw statistical data required to be provided under subparagraph (B)(iv).

(2) REMEDY.—

(A) IN GENERAL.—If the applicant for a specific type of covered project successfully proves that the applicable Federal authorizations or permits were denied in bad faith or unreasonably delayed under paragraph (1), the applicant shall be entitled to—

(i) injunctive relief, as provided by applicable Federal law;

(ii) reasonable attorney fees and costs of litigation, as the court determines appropriate;

(iii) economic damages, including any costs associated with the applicable denial

or delay, as the court determines appropriate; and

(iv) damages in an amount equal to not less than 50 percent and not more than 100 percent of the total reasonably expected cost of construction of the project, which amount shall be determined by the court taking into consideration—

(I) the degree to which the Federal interference in the applicable specific type of covered project occurred due to bad faith;

(II) the degree to which there exists a pattern of similar Federal interference in specific types of covered projects; and

(III) the actual degree of economic harm to the project sponsor or operator.

(B) REQUIREMENT.—To receive a remedy under subparagraph (A), the applicant shall demonstrate the technical and financial ability to construct the project that is the subject of the litigation, as well as any other projects for which

the applicant has applied for 1 or more Federal authorizations or permits.

(3) PROJECT COMPLETION.—An applicant that receives a remedy under paragraph (2) shall, after obtaining all necessary Federal authorizations or permits and absent a showing of impossibility caused in substantial part by Federal Government interference—

(A) complete the applicable specific type of covered project; or

(B) repay all remedies received under paragraph (2).

(4) SOURCE OF FUNDS.—

(A) IN GENERAL.—Amounts awarded under paragraph (2)—

(i) shall be paid from the fund described in section 1304 of title 31, United States Code; and

(ii) shall not be subject to the availability of appropriations.

(B) LIMITATION ON PAYMENTS.—

(i) IN GENERAL.—No payment shall be issued under subparagraph (A) or from any other source to resolve any dispute related to a Federal authorization or permit for a

specific type of covered project in the absence of a final judgment from a Federal court of competent jurisdiction authorizing the payment.

(ii) FINAL JUDGMENT.—For the purposes of clause (i), a final judgment includes a court-approved settlement or consent decree, subject to the condition that the settlement or consent decree is accompanied by a determination by the court that the settlement or consent decree—

(I) arises from and resolves a dispute within the subject matter jurisdiction of the court;

(II) furthers the objectives of this section, including the permitting, construction, and operation of the specific type of covered project; and

(III) is fair, reasonable, and consistent with the public interest.

(5) PROHIBITION ON CLASS ACTIONS.—Rule 23 of the Federal Rules of Civil Procedure shall not apply to any action brought under this section, and no party with a claim under this section or any other person may sue as a representative party on behalf

of any member of a specific type of covered project subject to Rule 23 of the Federal Rules of Civil Procedure.

(6) LIMITATION ON BRINGING CLAIMS.—With respect to a claim filed under this section after the date of enactment of this Act—

(A) no claim related to a Federal authorization or permit for which an environmental impact statement or environmental assessment (as those terms are defined in section 3 of the National Environmental Policy Act of 1969) is required may be filed until the date that is 280 days after that date of enactment; and

(B) no claim related to a Federal authorization or permit for which an environmental impact statement or environmental assessment (as so defined) is not required may be filed until the date that is 180 days after that date of enactment.

SEC. 1403. AVOIDING UNREASONABLE DELAYS IN PERMITTING.

(a) DEFINITIONS.—In this section:

(1) COVERED APPLICATION.—The term "covered application" means a complete application for 1 or more Federal authorizations or permits.

(2) FEDERAL AUTHORIZATION OR PERMIT.—The term "Federal authorization or permit" means an authorization, permit, record of decision, right-of-way, finding of no significant impact, verification, extension, construction and operations plan, biological opinion, incidental take statement, variance, departure, determination, concurrence, or any other similar approval or order that is necessary, including any determination by a Federal department or agency that additional authorizations or permits are not necessary, for the construction or operation at normal capacity of a project.

(b) TIMELINE FOR ISSUANCE OF CERTAIN AUTHORIZATIONS OR PERMITS NOT SUBJECT TO THE PREPARATION OF AN ENVIRONMENTAL DOCUMENT.—

(1) IN GENERAL.—For any Federal authorizations or permits that are not agency actions for which an environmental impact statement or environmental assessment (as those terms are defined in section 3 of the National Environmental Policy Act of 1969) is required, all Federal agencies shall render decisions on all applicable covered applications not later than 1 year after the date on which the latest of the covered applications was submitted.

(2) EFFECT OF REHEARING PROVISIONS.—If applicable Federal law provides for a rehearing on a Federal authorization or permit, the 1-year period described in paragraph (1) shall begin on—

(A) the day after the rehearing is complete; or

(B) in the event a rehearing is not pursued, the day after the deadline to seek a rehearing expires.

(c) RIGHT TO PETITION.—An applicant seeking a Federal authorization or permit for which an environmental impact statement or environmental assessment (as those terms are defined in section 3 of the National Environmental Policy Act of 1969) is not required may obtain judicial review of the compliance by a Federal department or agency with the deadline established under subsection (b) with respect to the covered application by filing a complaint in—

(1) a United States district court in which the applicable project is at least partially located; or

(2) the United States District Court for the District of Columbia.

(d) EXCEPTIONS.—The failure of a Federal department or agency to comply with the deadline established under subsection (b) with respect to a covered application

shall not be considered a failure to comply if the Federal department or agency proves by clear and convincing evidence that the failure was caused by—

(1) a natural disaster, act of God, or act of war that reasonably impaired the ability of the Federal department or agency to comply with the relevant deadline established under subsection (b);

(2) a national emergency for which the only available response is to delay the decision on the Federal authorization or permit beyond the applicable deadline;

(3) the covered application being based on fraud or material misrepresentations of fact;

(4) the applicant withholding information necessary to the ability of the Federal department or agency to comply with the statutory obligations of the Federal department or agency in issuing a decision on the Federal authorization or permit after the Federal department or agency has made a reasonable and timely request for such information; or

(5) a lapse in appropriations of more than 14 days affecting 1 or more of the relevant Federal agencies with decisionmaking authority over the Federal authorization or permit.

(e) REMEDY.—If a court of competent jurisdiction finds that a Federal department or agency has failed to act in accordance with this section, the court shall—

(1) provide injunctive relief, as appropriate, to give effect to this section; and

(2) retain jurisdiction to ensure compliance with any such injunctive relief provided.

(f) EXPEDITED PROCEDURES; TIME TO DECIDE.—A reviewing court shall—

(1) establish an expedited schedule for briefing and disposition under this section; and

(2) issue a decision under this section as expeditiously as practicable, but not later than 120 days, after the date on which the petition is filed under subsection (b), absent extraordinary circumstances.

(g) ORDER.—A court awarding injunctive relief under subsection (e)(1) shall issue an order requiring a decision on the covered application not later than 60 days after the date on which the order is issued.

TITLE V—NUCLEAR ENERGY LICENSING

SEC. 1501. UPDATING HEARING PROCEDURES.

(a) HEARINGS AND JUDICIAL REVIEW.—Section 189 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "In any proceeding under this Act" and inserting "(i) In any proceeding under this Act"; and

(ii) in clause (i) (as so designated), by striking "The Commission shall hold a hearing" and all that follows through "upon a determination by the Commission that the amendment involves no significant hazards consideration." and inserting the following:

"(ii) The Commission may, in the absence of a request for a hearing by any person whose interest may be affected, issue a construction permit, an operating license, a combined construction permit and operating license, an amendment to a construction permit, an amendment to an operating license, or an amendment to a combined construction permit and operating license under section 103, 104 b., 104 c., or 185 b. for a facility or a testing facility, without a hearing, but upon thirty days notice and publication once in the Federal Register of its intent to do so. The Commission may dispense with such thirty days notice and publication with respect to any application for an amendment to a construction permit, an amendment to an operating license, or an amendment to a combined construction per-

mit and operating license upon a determination by the Commission that the amendment involves no significant hazards consideration.

"(iii) The Commission shall use informal adjudicatory procedures for any hearing held by the Commission pursuant to this subparagraph."; and

(B) in subparagraph (B)(iv)—

(i) by inserting "informal" before "hearing procedures"; and

(ii) by striking ", whether informal or formal adjudicatory,"; and

(2) in paragraph (2)(A), in the second sentence, by striking "required hearing" and inserting "hearing held by the Commission under this section".

(b) CONSTRUCTION PERMITS AND OPERATING LICENSES.—Section 185 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2235(b)) is amended by striking "After holding a public hearing under section 189 a. (1)(A)," and inserting "After the thirty days notice and publication period or holding a hearing, as applicable, under section 189 a. (1)(A),".

(c) APPLICABILITY.—The amendments made by this section shall apply to all applications and proceedings pending before the Nuclear Regulatory Commission on or after the date of enactment of this section.

SEC. 1502. LICENSING OF URANIUM ENRICHMENT FACILITIES.

(a) IN GENERAL.—Section 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2243) is amended—

(1) by striking subsections (a) through (c) and inserting the following:

"(a) AT-RISK CONSTRUCTION.—

"(1) IN GENERAL.—Construction of a uranium enrichment facility prior to the issuance of a license under sections 53 and 63 for that facility shall be permitted under the same terms and conditions applicable to other fuel cycle facilities licensed under those sections.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) may not be construed to modify the licensing and regulatory authority of the Commission to issue a license under sections 53 and 63 for a uranium enrichment facility, including the authority to deny an application for such a license for the failure of an applicant to meet regulatory requirements."; and

(2) by redesignating subsections (d) through (f) as subsections (b) through (d), respectively.

(b) NOTIFICATION OF ENRICHMENT CONSTRUCTION.—As part of an application for a license under sections 53 and 63 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093) for operation of a uranium enrichment facility, the

Nuclear Regulatory Commission (referred to in this section as the "Commission") shall require that an applicant submit a certification that, not fewer than 15 days before commencing construction of the uranium enrichment facility pursuant to subsection (a) of section 193 of that Act (42 U.S.C. 2243), the applicant will submit a written notification with respect to commencing construction to—

(1) the Governor of the State in which the uranium enrichment facility is to be located;

(2) the chief executive and governing body of each unit of local government in which the facility is to be located; and

(3) the governing body of each Indian Tribe with an offsite response organization that would be notified by the applicant in the event of an emergency, as described in the emergency plan of the applicant pursuant to section 70.22(i)(3)(viii) of title 10, Code of Federal Regulations (or a successor regulation), if applicable.

(c) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall issue or revise regulations to carry out this section and the amendments made by this section.

(d) RULE OF CONSTRUCTION.—None of the amendments made by this section shall be construed to affect—

(1) the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to the issuance of a license under section 53 or 63 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093) for a uranium enrichment facility;

(2) the right of any person whose interest may be affected by a proceeding under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) to a hearing under section 189 of that Act (42 U.S.C. 2239); or

(3) the authority of the Commission to conduct inspections of uranium enrichment facilities.

SEC. 1503. APPLICABILITY OF DEADLINES TO CERTAIN NUCLEAR FACILITIES.

Section 102 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively;

(2) by inserting after subsection (d) the following:

"(e) LICENSING DEADLINES.—

"(1) DEFINITION OF COVERED DEADLINE.—In this subsection, the term 'covered deadline' means—

"(A) with respect to environmental assessments, items (bb) and (cc) of paragraph (1)(A)(ii)(I) of section 107(g) of the National

Environmental Policy Act of 1969 (42 U.S.C. 4336a(g));

"(B) with respect to environmental impact statements, paragraph (1)(B)(ii)(II) of that section; and

"(C) with respect to Federal authorizations and permits, section 1403(b) of the Bipartisan American Affordability and Jobs Act of 2026.

"(2) APPLICABILITY.—Notwithstanding any other provision of law, the covered deadlines shall not apply with respect to certifications, permits, approvals, licenses, license amendments, certificates of compliance, or other authorizations issued—

"(A) for a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

"(B) pursuant to sections 53, 63, or 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, 2111); or

"(C) under parts 60 or 61 of title 10, Code of Federal Regulations (or successor regulations).''; and

(3) in subsection (g) (as so redesignated), by striking "subsection (c)," inserting "subsection (c) and except with respect to subsection (e),".

SEC. 1504. COMPENSATION AUTHORITY FOR CAREER APPOINTEES.

(a) IN GENERAL.—Section 161B of the Atomic Energy Act of 1954 (42 U.S.C. 2201b) is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by inserting after subsection (c) the following:

"(d) COMPENSATION AUTHORITY FOR CAREER APPOINTEES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Chairman may fix the compensation of a career appointee at an annual rate of basic pay that is not greater than 110 percent of the maximum annual rate of basic pay for Senior Executive Service positions within the Commission established under section 5382 of title 5, United States Code.

"(2) APPLICABILITY.—The authority to fix the compensation of a career appointee under paragraph (1) shall apply regardless of when the career appointee was appointed.

"(3) EFFECT ON CERTAIN CERTIFICATION.—The exercise of the authority to fix the compensation of a career appointee under paragraph (1) may not affect the certification of any performance appraisal system of the Commission under section 5307(d) of title 5, United States Code.

"(4) CAREER APPOINTEE DEFINED.—In this subsection, the term 'career appointee' has the meaning given the term in section 3132(a) of title 5, United States Code.";

(3) in subsection (g) (as so redesignated), in paragraph (2)(C)—

(A) in clause (ii)—

(i) in each of subclauses (I) and (III), by striking "subsection (g)(1)" each place it appears and inserting "subsection (h)(1)"; and

(ii) in each of subclauses (II) and (IV), by striking "subsection (g)(2)" each place it appears and inserting "subsection (h)(2)";

(B) in clause (iv), by striking "and" at the end;

(C) by redesignating clause (v) as clause (vi); and

(D) by inserting after clause (iv) the following:

"(v) the total number of career appointees that have their compensation fixed pursuant to subsection (d); and"; and

(4) in subsection (i) (as so redesignated)—

(A) in each of paragraphs (1) and (3), by striking "subsections (a) and (b)" each place it appears and inserting "subsections (a), (b), and (d)";

(B) in paragraph (2), by striking "or both subsections" and inserting "subsection (d), or any combination of those subsections"; and

(C) in paragraph (3)—

(i) by inserting ", or a career appointee," after "compensation of an employee or other personnel serving in a covered position"; and

(ii) by striking "subsection (a) or (b)" and inserting "subsection (a), (b), or (d)".

(b) CONFORMING AMENDMENT RELATING TO GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 502(b) of the ADVANCE Act of 2024 (Public Law 118–67; 138 Stat. 1476) is amended by striking "subsections (a), (b),

and (c)" each place it appears and inserting "subsections (a), (b), (c), and (d)".

TITLE VI—OTHER ENVIRONMENTAL MATTERS

SEC. 1601. WILDFIRE EMISSIONS PREVENTION.

(a) AIR QUALITY MONITORING DATA INFLUENCED BY EXCEPTIONAL EVENTS.—

(1) IN GENERAL.—Section 319(b) of the Clean Air Act (42 U.S.C. 7619(b)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "In this subsection, the" and inserting "The"; and

(II) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(ii) by redesignating subparagraph (B) as clause (ii) and indenting appropriately;

(iii) by striking the paragraph designation and heading and all that follows through "exceptional event." at the end of subparagraph (A)(iv) and inserting the following:

"(1) DEFINITIONS.—In this subsection:

"(A) EXCEPTIONAL EVENT.—

"(i) IN GENERAL.—The term 'exceptional event' means an event—

"(I)(aa) that—

"(AA) affects air quality;

"(BB) is not reasonably controllable or preventable; and

"(CC) is an event caused by human activity that is unlikely to recur at a particular location or a natural event; or

"(bb) that is a prescribed fire; and

"(II) that is—

"(aa) determined by the Administrator, through the process established in the regulations revised under paragraph (2)(B), to be an exceptional event; or

"(bb) deemed to be an exceptional event pursuant to a State petition deemed to be approved pursuant to paragraph (3)(B)(v).'; and

(iv) by adding at the end the following:

"(B) PRESCRIBED FIRE.—

"(i) IN GENERAL.—The term 'prescribed fire' means a fire deliberately ignited in accordance with applicable law (including regulations) to burn wildland fuels in a natural or modified state under specified environmental conditions that are intended to allow the fire to be confined to a predetermined area and produce the fireline intensity and rate of spread required to attain planned resource management objectives.

"(ii) INCLUSION.—The term 'prescribed fire' includes cultural burning activities, as determined by an Indian tribe.";

(B) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) REVISION OF REGULATIONS.—

"(i) PROPOSED REVISIONS.—Not later than 270 days after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, the Administrator, after consultation with Federal land managers, State air pollution control agencies, State foresters, State fish and wildlife agen-

cies, and Indian tribes, shall publish in the Federal Register any necessary revisions to existing regulations promulgated under this section—

"(I) to reduce the burden and cost for States to demonstrate an exceptional event;

"(II) to clarify the eligibility of prescribed fires as exceptional events pursuant to the definition in paragraph (1)(A); and

"(III) to establish the procedure for the review of State petitions described in paragraph (3)(B)(iv).

"(ii) FINAL REVISIONS.—Not later than 180 days after the date on which the Administrator publishes proposed revisions to regulations promulgated under this section under clause (i), and after providing an opportunity for interested persons to make oral presentations of views, data, and arguments regarding the proposed revisions, the Administrator shall finalize those revisions to govern air quality monitoring data

influenced by exceptional events that are consistent with paragraph (3).";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively;

(II) by inserting after clause (i) the following:

"(ii) the principle that prescribed fire can play an important role in reducing the magnitude and frequency of wildfires;"; and

(III) in clause (iv) (as so redesignated), by striking "manner, an appropriate" and inserting "manner in an appropriate"; and

(ii) in subparagraph (B)—

(I) in clause (ii), by inserting "or, for prescribed fire, be reasonably expected to exist," after "must exist";

(II) in clause (iii), by striking "and" at the end;

(III) in clause (iv)—

(aa) by striking "with respect to exceedances" and insert-

ing the following: "with respect to—

"(I) exceedances";

(bb) in subclause (I) (as so designated), by striking the period at the end and inserting "; and"; and

(cc) by adding at the end the following:

"(II) the designation, redesignation, classification, or reclassification of an area, the determination of attainment of a national ambient air quality standard, or other determinations by the Administrator for determining compliance with this Act; and"; and

(IV) by adding at the end the following:

"(v)(I) a State petition described in clause (iv) be approved, disapproved, or approved-in-part and disapproved-in-part by the Administrator by the date that is 1 year after the date on which the petition is submitted; and

"(II) if the Administrator does not act on a State petition described in clause (iv) by that date, the State petition be deemed approved unless the Administrator, through the process established in the regulations revised under paragraph (2)(B), subsequently determines that the event is not an exceptional event."; and

(D) by striking paragraph (4) and inserting the following:

"(4) REGIONAL, NATIONAL, OR INTERNATIONAL EXCEPTIONAL EVENTS.—At the request of multiple State or local government agencies or Tribal authorities, the Administrator shall conduct analyses or otherwise collaborate with such agencies or authorities to lead the development of regional, national, or international exceptional event demonstrations when exceptional events impact multijurisdictional areas.".

(2) SAVINGS PROVISION.—Nothing in this subsection or an amendment made by this subsection makes stationary source (as defined in section 51.491 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) emissions that did not qualify as an exceptional event (as defined in section 319(b)(1) of the Clean Air Act (42 U.S.C.

7619(b)(1))) on the day before the date of enactment of this Act an exceptional event under that section after that date of enactment.

(b) SMOKE READY COMMUNITIES PROGRAM.—

(1) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") may make competitive grants under section 103(b)(3) of the Clean Air Act (42 U.S.C. 7403(b)(3)) to eligible entities for the assessment, prevention, control, or abatement of wildfire smoke hazards in community buildings, including school buildings (as defined in section 11 of the Asbestos School Hazard Detection and Control Act of 1980 (20 U.S.C. 3610)), and related activities.

(2) ELIGIBLE ENTITIES.—The entities eligible for a grant under paragraph (1) are—

(A) States;

(B) federally recognized Indian Tribes; and

(C) any entities eligible for grants under section 103(b)(3) of the Clean Air Act (42 U.S.C. 7403(b)(3)).

(3) COST SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of an activity

carried out using a grant under paragraph (1) shall be not more than 90 percent.

(B) WAIVER.—The Administrator may waive the cost-share requirement under subparagraph (A) if the facility that is the subject of the activity for which the grant is provided is in an economically distressed community.

(4) LIMITATION.—Of the amounts made available each fiscal year for grants under this section, not more than 25 percent may be awarded to recipients in any 1 State.

SEC. 1602. BROWNFIELDS REVITALIZATION.

(a) BROWNFIELDS REVITALIZATION FUNDING.—

(1) DEFINITION OF ELIGIBLE ENTITY.—Section 104(k)(1)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)(I)) is amended by inserting "or 501(c)(6)" after "section 501(c)(3)".

(2) GRANTS AND LOANS FOR BROWNFIELD REMEDIATION.—Section 104(k)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by striking "$500,000" and all that follows through the period at the end and inserting "$1,000,000 for each site to be remediated.".

(3) MULTIPURPOSE BROWNFIELDS GRANTS.—Section 104(k)(4)(B)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)(i)) is amended by striking "$1,000,000" and inserting "$2,000,000".

(4) GENERAL PROVISIONS.—Section 104(k)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(5)) is amended—

(A) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT.—A grant under paragraph (2) may be awarded to an eligible entity on a community-wide or site-by-site basis, and shall not exceed, for any individual brownfield site covered by the grant, $500,000."; and

(B) by adding at the end the following:

"(F) DEMOLITION.—A recipient of a grant or loan under paragraph (2), (3), or (4) may use up to 10 percent of the amounts made available under the grant or loan for demolition activities as needed to carry out the purpose for which the

grant or loan was provided, subject to the approval of the Administrator.".

(5) RANKING CRITERIA.—Section 104(k)(6)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(6)(C)) is amended by adding at the end the following:

"(xiii) The extent to which a grant would facilitate the redevelopment and reuse of a brownfield site located in whole or in part on a former military installation.

"(xiv) The extent to which a grant could facilitate the remediation and reuse of a brownfield site for any activity described in the matter preceding clause (i) of section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) (regardless of whether the activity is described in any of clauses (i) through (iv) of that section).".

(6) IMPLEMENTATION OF BROWNFIELDS PROGRAMS.—Section 104(k)(7) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(7)) is amended—

(A) in subparagraph (A)—

(i) by striking "The Administrator may provide" and inserting the following: "The Administrator—

"(i) may provide";

(ii) in clause (i) (as so designated), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) shall provide, on a noncompetitive basis, 1 grant to a covered entity in each of fiscal years 2028 and 2029, which grant shall be used to provide technical assistance to 5 covered applicants, selected by the Administrator, for purposes of applying for a grant under this subsection for activities to be carried out in a small community."; and

(B) by adding at the end the following:

"(C) DEFINITIONS.—In this paragraph:

"(i) COVERED APPLICANT.—The term 'covered applicant' means an eligible entity—

"(I) that applied for, but did not receive, a grant under this subsection

in the fiscal year immediately preceding the fiscal year for which the Administrator is selecting covered applicants under subparagraph (A)(ii) for activities to be carried out in a small community; and

"(II) for which the provision of technical assistance under this paragraph would help secure a grant under this subsection.

"(ii) COVERED ENTITY.—The term 'covered entity' means an eligible entity or nonprofit organization with relevant experience and expertise in applying for and securing Federal assistance that is receiving funding under subparagraph (A)(i).

"(iii) SMALL COMMUNITY.—The term 'small community' has the meaning given the term in section 128(a)(1)(B)(iv).".

(7) AUDITS.—Section 104(k)(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(8)) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, and every 2 years thereafter, the Inspector General of the Environmental Protection Agency shall conduct reviews or audits of the use of—

"(i) Federal funds by the Administrator under this subsection;

"(ii) grants and loans made under this subsection; and

"(iii) grants made to a State or Indian tribe under section 128(a) and activities carried out using such grants, including grants made to a State or Indian tribe using amounts made available under paragraph (7) to carry out section 128(a)(1)(B)(ii)(III).''; and

(B) in subparagraph (D), by striking "September 30, 2022" and inserting "2 years after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, and every 2 years thereafter".

(8) AGREEMENTS.—Section 104(k)(10)(B)(iii) of the Comprehensive Environmental Response, Com-

pensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(10)(B)(iii)) is amended—

(A) by inserting "the eligible entity is located in a small community or disadvantaged area (as those terms are defined in section 128(a)(1)(B)(iv)) or" after "unless"; and

(B) by inserting ", in which case the Administrator shall waive the matching share requirement under this clause" before "; and".

(9) AUTHORIZATION OF APPROPRIATIONS.—Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended by striking paragraph (13) and inserting the following:

"(13) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $200,000,000 for each of fiscal years 2027 through 2031.

"(B) FUNDING FOR OVERSIGHT.—Of the amounts made available under this paragraph for each fiscal year, 0.5 percent shall be available to carry out paragraph (8).".

(b) REAUTHORIZATION OF FUNDING FOR CERTAIN ASSISTANCE TO STATES.—Section 128(a) of the Comprehen-

sive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(C) BROWNFIELDS INVENTORY.—Each State or Indian tribe receiving a grant under this subsection shall maintain, update not less than annually, and make available to the public, by location, an inventory of all brownfield sites within that State on which activities authorized and funded pursuant to that grant have occurred."; and

(2) in paragraph (3), by striking "subsection $50,000,000 for each of fiscal years 2019 through 2023." and inserting the following: "subsection—

"(A) $60,000,000 for fiscal year 2027;

"(B) $65,000,000 for fiscal year 2028;

"(C) $70,000,000 for fiscal year 2029;

"(D) $75,000,000 for fiscal year 2030; and

"(E) $80,000,000 for fiscal year 2031.".

(c) STUDIES, REPORTS, AND GUIDANCE.—

(1) CAPITALIZATION OF REVOLVING LOAN FUNDS STUDY.—Not later than September 30, 2028, the Comptroller General of the United States shall submit to Congress a report containing a review of revolving

loan funds that were capitalized using a grant received under subparagraph (A)(i) of section 104(k)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)) during any of fiscal years 2015 through 2025, including information on—

(A) the status and balance of each such revolving loan fund;

(B) each loan or grant provided by an eligible entity under subparagraph (B) of that section; and

(C) any barriers to the eligible entity providing additional loans or grants under that subparagraph.

(2) REPORT ON FUNDING FOR COVERED ENTITIES AND COVERED APPLICANTS.—

(A) IN GENERAL.—Not later than September 30, 2030, the Administrator shall submit to Congress a report on—

(i) the effect of providing a grant under clause (ii) of section 104(k)(7)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(7)(A)) (as amended by subsection (a)(6));

(ii) the covered applicants selected by the Administrator under that clause; and

(iii) the status of—

(I) any applications for a grant under section 104(k) of that Act (42 U.S.C. 9604(k)) submitted by a covered applicant that received technical assistance pursuant to that clause; and

(II) any activities for which a grant was provided pursuant to such an application.

(B) UPDATED REPORT.—Not later than September 30, 2032, the Administrator shall submit to Congress an update to the report submitted under subparagraph (A).

(3) REPORT ON LOAN PROGRAMS FOR ASSESSMENT, REMEDIATION, AND REUSE OF BROWNFIELD SITES.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

(i) an analysis of whether establishing and implementing a loan program for the assessment, remediation, and reuse of brownfield sites, consistent with section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)), would be feasible and useful, including consideration of—

(I) the demand for larger loans for which the amount of the loan is equal to or greater than the largest loan currently offered by eligible entities under paragraph (3)(B) of that section;

(II) the extent to which such a program would facilitate the remediation and reuse of brownfield sites at which potential contamination is particularly extensive or complex; and

(III) the extent to which such a program could facilitate the remediation and reuse of 1 or more brownfield sites at an earlier date than

such activities would otherwise proceed; and

(ii) if the Administrator finds such a program will be feasible and useful, recommendations for statutory changes needed to authorize such a program.

(B) CONSULTATION.—In carrying out this paragraph, the Administrator shall consult with other Federal agencies, eligible entities, site owners, site developers, and any other entities the Administrator considers appropriate.

(4) NATIONAL PRIORITIES LIST DELETION STUDY.—The Comptroller General of the United States shall conduct a study with respect to the process for the deletion or partial deletion of sites from the National Priorities List established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) in order to identify any barriers to such deletion or partial deletion, including a review of the following:

(A) The process of coordination between Federal and State entities with respect to that deletion or partial deletion.

(B) Any impediments to timely and efficient deletion or partial deletion of sites.

(C) Opportunities to expedite the deletion or partial deletion of sites with respect to which applicable remedial action has been completed.

(5) GUIDANCE FOR PERMITTING ON BROWNFIELD SITES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop guidance to assist Federal agencies in more efficiently issuing Federal authorizations, and conducting environmental reviews for such authorizations, with respect to projects relating to brownfield sites.

(B) CONSIDERATIONS.—In developing or updating guidance under this paragraph, the Administrator shall consider matters related to—

(i) the availability of historic site-specific environmental data;

(ii) previously completed environmental reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(iii) data or information collected as part of assessment or remediation activities under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k));

(iv) community engagement and historical experience with previous uses; and

(v) any other matters the Administrator determines appropriate.

(C) UPDATES.—The Administrator shall update the guidance developed under this paragraph periodically.

(6) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(B) BROWNFIELD SITE.—The term "brownfield site" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(C) FEDERAL AUTHORIZATION.—The term "Federal authorization", with respect to a project—

(i) means any authorization required under Federal law for the project; and

(ii) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law for such project.

(D) REMEDIAL ACTION.—The term "remedial action" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

DIVISION B—COMMITTEE ON ENERGY AND NATURAL RESOURCES

TITLE I—ELECTRIC TRANSMISSION

SEC. 2101. TRANSMISSION PERMITTING.

(a) DEFINITIONS.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED LANDOWNER.—The term 'affected landowner' includes each owner of a property interest in affected property, including—

"(A) the Federal Government;

"(B) a State, local, or Tribal government; and

"(C) each owner noted in the most recent county or city tax record as receiving the relevant tax notice with respect to that interest.

"(2) AFFECTED PROPERTY.—The term 'affected property' means any land or other property—

"(A) that is or will be crossed by the energy transmission facility proposed to be constructed or modified under the applicable permit under subsection (b);

"(B) that is or will be used as a facility site with respect to the energy transmission facility proposed to be constructed or modified under the applicable permit under subsection (b);

"(C) that abuts any boundary of an existing right-of-way or other facility site that—

"(i) is owned by an electric utility; and

"(ii) is located not more than 500 feet from the energy transmission facility to be constructed or modified under the applicable permit under subsection (b);

"(D) that abuts the boundary of a proposed facility site for the energy transmission facility

to be constructed or modified under the applicable permit under subsection (b);

"(E) that is crossed by, or abuts any boundary of, an existing or proposed right-of-way that—

"(i) will be used for the energy transmission facility to be constructed or modified under the applicable permit under subsection (b); and

"(ii) is located not more than 500 feet from the proposed location of that energy transmission facility; or

"(F) on which a residence is located not more than 500 feet from the boundary of any right-of-way for that energy transmission facility.

"(3) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(4) IMPROVED RELIABILITY.—The term 'improved reliability' has the meaning given the term in section 225(a).

"(5) LANDOWNER INPUT.—The term 'landowner input' means input received—

"(A) by the Commission;

"(B) from affected landowners, such as farmers and ranchers, in the path of the proposed construction or modification of an electric transmission facility; and

"(C) pursuant to notification provided to, and consultation with, those affected landowners, farmers, and ranchers by the Commission.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Energy.".

(b) CONSTRUCTION PERMIT.—Section 216(b) of the Federal Power Act (16 U.S.C. 824p(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "Except" and all that follows through "finds that" and inserting "Except as provided in subsections (d)(1) and (i), the Commission shall, after notice and an opportunity for hearing, including a public comment period of at least 45 days, issue one or more permits to individual or joint applicants for the construction or modification of electric transmission facilities necessary in the national interest if the Commission finds that";

(2) in paragraph (1)—

(A) in subparagraph (A)(i), by inserting "or modification" after "siting"; and

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting "or modification" after "siting"; and

(ii) in clause (i), by striking "the later of" in the matter preceding subclause (I) and all that follows through the semicolon at the end of subclause (II) and inserting "the date on which the application was filed with the State commission or other entity;"; and

(3) by striking paragraphs (2) through (6) and inserting the following:

"(2) the proposed facilities will be used for the transmission of electric energy in interstate or foreign commerce;

"(3) the proposed construction or modification is consistent with the public interest;

"(4) the proposed construction or modification will protect or benefit consumers, provide improved reliability, and facilitate just and reasonable rates;

"(5) the electric transmission facilities—

"(A) are—

"(i) capable of transmitting electric energy at a voltage of not less than 230 kilovolts; or

"(ii) necessary to safely and reliably interconnect 1 or more facilities described in clause (i) for which the permit is provided; or

"(B) in the case of facilities that include advanced transmission conductors (including superconductors), as defined by the Commission, are capable of transmitting electric energy at voltages determined to be appropriate by the Commission for facilities of a comparable throughput specifically with respect to an application for an individual project under this section; and

"(6) if applicable, the proposed modification (including reconductoring) will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers, structures, or rights-of-way.".

(c) STATE SITING AND CONSULTATION.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (d) and inserting the following:

"(d) STATE SITING AND CONSULTATION.—

"(1) PRESERVATION OF STATE SITING AUTHORITY.—The Commission shall have no authority to issue a permit under subsection (b) for the construction or modification of an electric transmission facil-

ity within a State except as provided in paragraph (1) of that subsection.

"(2) CONSULTATION.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian Tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.

"(3) LANDOWNER INPUT.—In authorizing the construction or modification of an electric transmission facility under subsection (b), the Commission shall take into account landowner input.

"(4) STATE RECORD.—In any proceeding before the Commission under subsection (b), each State in which a transmission facility covered by the permit is or will be located may file with the Commission, and the Commission shall consider, any part of the State record, if applicable, that the State finds to be relevant to the determination of the Commission.

"(5) PRE-FILING PROCESSES.—Any Commission-related pre-filing processes relating to an application submitted under subsection (c) may commence

before, but shall commence no later than, an application is submitted to the applicable State commission or other entity that has authority to approve the siting of the applicable facility.".

(d) RIGHTS-OF-WAY.—Section 216(e) of the Federal Power Act (16 U.S.C. 824p(e)) is amended by striking "or a State" in paragraph (1) and by striking "shall conform as nearly as practicable to the practice and procedure in a similar action or proceeding in the courts of the State in which the property is located" in paragraph (3) and inserting "shall be in accordance with rule 71.1 of the Federal Rules of Civil Procedure.".

(e) COST ALLOCATION.—

(1) IN GENERAL.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (f) and inserting the following:

"(f) COST ALLOCATION.—

"(1) TRANSMISSION TARIFFS.—For the purposes of this section and except as provided in paragraph (2), any transmitting utility that owns, controls, or operates, or proposes to construct, electric transmission facilities with respect to which the Commission finds that the criteria set forth in paragraphs (2) through (5) and, if applicable, (6) of subsection (b) are satisfied, and any entity that will become a trans-

mitting utility on completion of 1 or more proposed electric transmission facilities with respect to which the Commission finds that those criteria are satisfied, shall file a tariff or tariff revision with the Commission pursuant to section 205 and the regulations of the Commission allocating the costs of those new or modified electric transmission facilities. The issuance of a permit under subsection (b) shall not be required to make, or otherwise act as a prerequisite to making, that filing pursuant to section 205, provided that the Commission finds that the criteria set forth in paragraphs (2) through (5) and, if applicable, (6) of subsection (b) are satisfied with respect to the applicable facilities.

"(2) EXCEPTION.—In the case of an exempt transmitting utility (as defined in section 225(a)) that owns, controls, or operates electric transmission facilities described in paragraph (1), the Commission, notwithstanding section 211A(c), shall require the exempt transmitting utility to provide transmission services over such facilities pursuant to section 211A and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

"(3) TRANSMISSION BENEFITS.—The Commission shall require that tariffs or tariff revisions filed

under this section are just and reasonable and allocate the costs of providing service to customers that benefit, in accordance with the cost-causation principle and at least roughly commensurate with the benefits, including through—

"(A) improved reliability;

"(B) reduced congestion;

"(C) reduced power losses;

"(D) greater carrying capacity that delivers improved reliability or reductions in the cost of delivered power;

"(E) reduced operating reserve requirements; and

"(F) improved access to generation that achieves reductions in the cost of delivered power.

"(4) RATEPAYER PROTECTION.—Customers that receive no benefit, or benefits that are trivial in relation to the costs sought to be allocated, from existing or proposed electric transmission facilities the costs of which are allocated pursuant to paragraph (1) shall not be involuntarily allocated any of the costs of those transmission facilities, provided, however, that nothing in this section shall prevent a transmitting utility from recovering all or part of such costs through voluntary agreement with its customers and allo-

cating any remaining costs in accordance with this subsection.".

(2) SAVINGS PROVISION.—If the Federal Energy Regulatory Commission finds that the considerations under paragraphs (2) through (5) and, if applicable, (6) of subsection (b) of section 216 of the Federal Power Act (16 U.S.C. 824p) (as amended by subsection (b)) are satisfied, nothing in this section or the amendments made by this section shall be construed to exclude transmission facilities located on the outer Continental Shelf from being eligible for cost allocation established under subsection (f)(1) of that section (as amended by paragraph (1)).

(f) COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.—Section 216(h) of the Federal Power Act (16 U.S.C. 824p(h)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(C) The term 'Federal authorization' includes a certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) from a certifying authority (as defined in subsection (h) of that section) and any other permit, license, concurrence, or approval of a State administrative agency required under Federal law, other than the Coastal Zone Man-

agement Act of 1972 (16 U.S.C. 1451 et seq.), in order to site a transmission facility.";

(2) in paragraph (2), by striking the period at the end and inserting the following: ", except that—

"(A) the Commission shall act as the lead agency in the case of facilities permitted under subsection (b) or section 225; and

"(B) the Department of the Interior shall act as the lead agency in the case of facilities located on a lease, easement, or right-of-way granted by the Secretary of the Interior under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)).";

(3) in each of paragraphs (3), (4)(B), (4)(C), (5)(B), (6)(A), (7)(A), (7)(B)(i), (8)(A)(i), and (9), by striking "Secretary" each place it appears and inserting "lead agency";

(4) in paragraph (4)(A), by striking "As head of the lead agency, the Secretary" and inserting "The lead agency";

(5) in paragraph (5)(A), by striking "As lead agency head, the Secretary" and inserting "The lead agency";

(6) in paragraph (7)—

(A) in subparagraph (A), by striking "18 months after the date of enactment of this section" and inserting "18 months after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026"; and

(B) in subparagraph (B)(i), by striking "1 year after the date of enactment of this section" and inserting "18 months after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026"; and

(7) by adding at the end the following:

"(10) Any order or action of a Federal agency or State administrative agency acting pursuant to Federal law to issue, condition, or deny a Federal authorization shall be subject to judicial review in the same courts in which an order of the Commission is subject to judicial review under section 313, and a court shall have jurisdiction over the action in accordance with the third sentence of subsection (b) of that section, the courts described in that section having original and exclusive jurisdiction over such actions.".

(g) INTERSTATE COMPACTS.—Section 216(i) of the Federal Power Act (16 U.S.C. 824p(i)) is amended—

(1) in paragraph (3), by striking ", including facilities in national interest electric transmission corridors"; and

(2) in paragraph (4)—

(A) in subparagraph (A), by striking "; and" and inserting a period;

(B) by striking subparagraph (B); and

(C) by striking "in disagreement" in the matter preceding subparagraph (A) and all that follows through "(A) the" in subparagraph (A) and inserting "unable to reach an agreement on an application seeking approval by the".

(h) TRANSMISSION INFRASTRUCTURE INVESTMENT.—Section 219(b)(4) of the Federal Power Act (16 U.S.C. 824s(b)(4)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) all prudently incurred costs associated with payments to jurisdictions impacted by electric transmission facilities developed pursuant to section 216 or 225.".

(i) JURISDICTION.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (k) and inserting the following:

"(k) JURISDICTION.—

"(1) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).

"(2) OTHER UTILITIES.—

"(A) IN GENERAL.—For the purposes of this section, the Commission shall have jurisdiction over all transmitting utilities, including transmitting utilities described in section 201(f), but excluding any ERCOT utility (as defined in section 212(k)(2)(B)) and any exempt transmitting utility (as defined in section 225(a)) that does not voluntarily subject itself to Commission jurisdiction for the purposes of this section.

"(B) CLARIFICATION.—Being subject to Commission jurisdiction for the purposes of this section shall not make an entity described in section 201(f) a public utility for the purposes of section 201(e).".

(j) CONFORMING AMENDMENTS.—

(1) Section 50151(b) of Public Law 117–169 (42 U.S.C. 18715(b)) is amended by striking "facilities designated by the Secretary to be necessary in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a))" and inserting "facilities in a geographic area identified under section 224 of the Federal Power Act".

(2) Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended—

(A) in subsection (a)(1)(A), by striking "in a national interest electric transmission corridor designated under section 216(a)" and inserting "in a geographic area identified under section 224"; and

(B) in subsection (b)(1)(A), by striking "in an area designated under section 216(a)" and inserting "in a geographic area identified under section 224".

(3) Section 40106(h)(1)(A) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18713(h)(1)(A)) is amended by striking "in an area designated as a national interest electric transmission corridor pursuant to section 216(a) of the Federal Power Act 16 U.S.C. 824p(a)" and inserting "in a geographic area identified under section 224 of the Federal Power Act".

SEC. 2102. RECONDUCTORING AND OTHER ACTIVITIES IN EXISTING RIGHTS-OF-WAY.

(a) CATEGORICAL EXCLUSION FOR RECONDUCTORING.—The Federal Power Act is amended by inserting after section 216 (16 U.S.C. 824p) the following:

"SEC. 216A. GRID CAPACITY EXPANSION IN EXISTING RIGHTS-OF-WAY.

"(a) DEFINITIONS.—In this section:

"(1) APPLICABLE ELECTRICAL STANDARD.—The term 'applicable electrical standard' includes—

"(A) a reliability standard (as defined in section 215(a)); and

"(B) an applicable clause of the National Electrical Safety Code published by the Institute of Electrical and Electronics Engineers Standards Association.

"(2) COVERED AREA.—The term 'covered area' means an area—

"(A) within an existing right-of-way; or

"(B) within the minimum additional area adjacent to an existing right-of-way, provided that the total additional area is not more than ¼ mile from the boundary of the right-of-way, that is necessary—

"(i) to comply with applicable electrical standards; or

"(ii) to complete an activity described in subsection (b).

"(3) COVERED FACILITY.—The term 'covered facility' means an existing electric transmission or distribution facility or associated infrastructure (includ-

ing an electrical substation) that is located within a covered area.

"(b) EXEMPTIONS.—

"(1) IN GENERAL.—Activities to maintain or increase the transmission capacity of the electric grid within a covered area, and any Federal agency action authorizing such activities shall not be considered to be—

"(A) a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

"(B) an undertaking for purposes of section 306108 of title 54, United States Code.

"(2) INCLUSIONS.—The activities described in paragraph (1) include—

"(A) any repair, maintenance, replacement, upgrade, rebuilding, modification, optimization, minor relocation of, or addition to, a covered facility, including—

"(i) reconductoring;

"(ii) an increase in operating voltage;

"(iii) a circuit addition or adjustment;

"(iv) installation of advanced transmission technologies (as defined in section

1223(a) of the Energy Policy Act of 2005 (42 U.S.C. 16422(a))); and

"(v) installation of grid-enhancing advanced transmission technologies (as defined in section 232(a));

"(B) any minimum widening of an existing right-of-way associated with an activity described in subparagraph (A) that—

"(i) is necessary to comply with applicable electrical standards; or

"(ii) remains within a covered area;

"(C) an addition of energy storage at or near a covered facility; and

"(D) the addition of a parallel circuit within an existing right-of-way.".

(b) INTERSTATE NATURAL GAS PIPELINE MODERNIZATION WITHIN EXISTING CORRIDORS.—Section 7 of the Natural Gas Act (15 U.S.C. 717f) is amended by adding at the end the following:

"(i) COVERED PIPELINE ACTIVITIES.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED ACTIVITY.—The term 'covered activity' means any repair, maintenance, replacement, upgrade, rebuilding, modification, optimization, minor relocation, looping, com-

pression, capacity-enhancement project, or addition to a covered facility.

"(B) COVERED AREA.—The term 'covered area' means—

"(i) an existing right-of-way; and

"(ii) the footprint of original construction previously authorized and environmentally reviewed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), together with any minimum additional area adjacent to an existing right-of-way, provided that the total additional area is not more than ¼ mile from the boundary of the right-of-way, that is necessary to complete a covered activity.

"(C) COVERED FACILITY.—The term 'covered facility' means an existing interstate natural gas pipeline or associated infrastructure, including a compressor station, meter station, regulator station, valve site, launcher, receiver, storage-related facility, or similar facility located within a covered area.

"(2) ENVIRONMENTAL REVIEW.—A covered activity and any Federal agency action authorizing that covered activity—

"(A) shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the covered activity remains within a covered area; and

"(B) shall not be considered an undertaking for purposes of section 306108 of title 54, United States Code, if the covered activity remains within a covered area.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection affects the applicability of any requirement under—

"(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the 'Clean Water Act');

"(B) the Clean Air Act (42 U.S.C. 7401 et seq.); or

"(C) any other applicable Federal law not expressly addressed by this subsection.".

SEC. 2103. TRANSMISSION PLANNING.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 224. TRANSMISSION STUDY.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section and every 3 years there-

after, the Secretary of Energy (referred to in this section as the 'Secretary'), in consultation with affected States and Indian Tribes, shall conduct a study of electric transmission capacity constraints and congestion.

"(b) REPORT.—

"(1) IN GENERAL.—Not less frequently than once every 3 years, the Secretary shall issue a report based on the study under subsection (a) or other information relating to electric transmission capacity constraints and congestion.

"(2) OPPORTUNITY FOR COMMENT.—Before issuing a report under paragraph (1), the Secretary shall—

"(A) provide an opportunity for comment to affected States and Indian Tribes; and

"(B) take into consideration any comments received under subparagraph (A) in preparing the report.

"(3) IDENTIFICATION OF AREAS WITH CAPACITY CONSTRAINTS AND CONGESTION.—After considering alternatives and recommendations from interested parties (including any comments received from affected States and Indian Tribes), the Secretary may identify in a report issued under paragraph (1) any geographic area that—

"(A) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

"(B) is expected to experience such energy transmission capacity constraints or congestion.

"(c) CONSULTATION.—Not less frequently than once every 3 years, the Secretary, in conducting the study under subsection (a) and issuing the report under subsection (b), shall consult with affected transmission planning regions (as defined in section 225(a)) and any appropriate regional entity referred to in section 215.

"(d) ALASKA.—The Secretary—

"(1) shall, in consultation with the State of Alaska and affected Indian Tribes, consider any intrastate transmission capacity constraints and congestion within the State of Alaska in the study under subsection (a); and

"(2) in issuing the report under subsection (b), may, subject to the approval of the Regulatory Commission of Alaska, identify any geographic area in the State of Alaska that—

"(A) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

"(B) is expected to experience such energy transmission capacity constraints or congestion.

"SEC. 225. PLANNING FOR TRANSMISSION FACILITIES THAT ENHANCE GRID RELIABILITY, AFFORDABILITY, AND RESILIENCE.

"(a) DEFINITIONS.—In this section:

"(1) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(2) ERO.—The term 'ERO' has the meaning given the term in section 215(a).

"(3) EXEMPT TRANSMITTING UTILITY.—The term 'exempt transmitting utility' means a transmitting utility that is a State or any political subdivision of a State, an electric cooperative that receives financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) or that sells less than 4,000,000 megawatt hours of electricity per year, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned, directly or indirectly, by any one or more of the foregoing.

"(4) IMPROVED RELIABILITY.—The term 'improved reliability' means that, on balance, considering each of the matters described in subparagraphs (A) through (D), reliability is improved in a material

manner that benefits customers through at least one of the following:

"(A) Facilitating compliance with a mandatory standard for reliability approved by the Commission under section 215.

"(B) A reduction in expected unserved energy, loss of load hours, or loss of load probability (as defined by the ERO).

"(C) Facilitating compliance with a tariff requirement or process for resource adequacy on file with the Commission.

"(D) Any other similar material improvement, including a reduction in correlated outage risk.

"(5) INTERREGIONAL TRANSMISSION FACILITY.—The term 'interregional transmission facility' means a transmission facility that—

"(A) is located within 2 or more neighboring transmission planning regions; or

"(B) significantly impacts the ability of 1 or more transmission planning regions to transmit electric energy among neighboring transmission planning regions.

"(6) REGIONAL TRANSMISSION FACILITY.—The term 'regional transmission facility' means a transmission facility that—

"(A) is located within 1 transmission planning region; and

"(B) is not an interregional transmission facility.

"(7) TRANSMISSION PLANNING REGION.—

"(A) IN GENERAL.—The term 'transmission planning region'—

"(i) when used in a geographical sense, means a region for which the Commission determines that electric transmission planning is appropriate, such as a region established in accordance with Order No. 1000 of the Commission, entitled 'Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities' (76 Fed. Reg. 49842 (August 11, 2011)); and

"(ii) when used in a corporate sense, means the Transmission Organization or other entity responsible for planning or operating electric transmission facilities within a region described in clause (i).

"(B) EXCLUSION.—The term 'transmission planning region' does not include the Electric Reliability Council of Texas or the region served by members of the Electric Reliability Council of Texas.

"(b) JURISDICTION.—

"(1) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).

"(2) OTHER UTILITIES.—

"(A) IN GENERAL.—For the purposes of this section, the Commission shall have jurisdiction over all transmitting utilities, including transmitting utilities described in section 201(f), but excluding any ERCOT utility (as defined in section 212(k)(2)(B)) and any exempt transmitting utility that does not voluntarily subject itself to Commission jurisdiction for the purposes of this section.

"(B) CLARIFICATION.—Being subject to Commission jurisdiction for the purposes of this section shall not make an entity described in section 201(f) a public utility for the purposes of section 201(e).

"(c) RULEMAKING REQUIREMENT.—Not later than 180 days after the date of enactment of this section, the

Commission shall, consistent with the requirements of this section, by rule—

"(1) require each transmission planning region to establish a process for planning for regional transmission facilities in accordance with this section;

"(2) require neighboring transmission planning regions to jointly establish a process for planning interregional transmission facilities in accordance with this section;

"(3) require each transmission planning region to submit to the Commission for approval—

"(A) a regional transmission planning process; and

"(B) a joint interregional transmission planning process with each of its neighboring transmission planning regions, which requirement may, at the discretion of the transmission planning region, be satisfied through the submission of—

"(i) a separate joint interregional transmission planning process with each of its neighboring transmission planning regions; or

"(ii) 1 or more joint interregional transmission planning processes, any of

which may be submitted with any 1 or more of its neighboring transmission planning regions; and

"(4) establish rate treatments for regional and interregional transmission planning and cost allocation.

"(d) TRANSMISSION PLANNING PROCESS ELEMENTS.—The Commission shall require, within the rule under subsection (c), that regional and joint interregional transmission planning processes contain the following elements:

"(1) COMPATIBILITY.—A common set of input assumptions and models, on a consistent timeline, that—

"(A) allow for the joint identification and selection of specific interregional transmission facilities, and individual identification and selection of specific regional transmission facilities, by transmission planning regions, for construction or modification, including through the use of advanced transmission conductors (including superconductors) and reconductoring;

"(B) consider, to the extent reasonable and economical, modifications that maximize the

transmission capabilities of existing towers, structures, or rights-of-way; and

"(C) consider interactions with existing regional, interregional, and supplemental transmission plans and planning processes, including the consolidated planning process established under section 228(a).

"(2) TRANSMISSION BENEFITS.—A common set of benefits for regional and interregional transmission planning and cost allocation, including—

"(A) improved reliability;

"(B) reduced congestion;

"(C) reduced power losses;

"(D) greater carrying capacity that delivers improved reliability or reductions in the cost of delivered power;

"(E) reduced operating reserve requirements; and

"(F) improved access to generation that achieves reductions in the cost of delivered power.

"(3) SELECTION CRITERIA.—Criteria governing the selection by transmission planning regions, for construction or modification, of regional and interregional transmission facilities that—

"(A) provide improved reliability;

"(B) protect or benefit consumers; and

"(C) are consistent with the public interest.

"(4) STATE AND TRIBAL PARTICIPATION.—Any right, role, engagement period, or opportunity afforded to States or political subdivisions of a State under a rule issued under subsection (c), or under any order described in subsection (h)(1), shall be afforded on a commensurate basis to Indian Tribes or subdivisions of Indian Tribes.

"(e) DEADLINE; PLANNING CYCLES.—The regional and joint interregional transmission planning processes required to be submitted to the Commission pursuant to the rule under subsection (c) shall be—

"(1) submitted to the Commission not later than 2 years after the date of enactment of this section; and

"(2) conducted, including the identification of transmission needs and the evaluation and selection of transmission facilities in accordance with subsection (d), not less frequently than once every 4 years, with the first planning cycle commencing not later than 1 year after the date on which the Commission approves the applicable planning process under subsection (f)(2).

"(f) COMMISSION REVIEW.—The Commission shall—

"(1) review each regional and joint interregional transmission planning process submitted pursuant to the rule under subsection (c); and

"(2) approve the regional or joint interregional transmission planning process if the Commission finds that the process—

"(A) meets the requirements of subsection (d);

"(B) allocates costs in accordance with subsection (g);

"(C) meets the requirement of sections 205 and 206 that all rates, charges, terms, and conditions will be just and reasonable and not unduly discriminatory or preferential; and

"(D) is consistent with the public interest.

"(g) COST ALLOCATION.—

"(1) TRANSMISSION TARIFFS.—For the purposes of this section and except as provided in paragraph (2), any transmitting utility that owns, controls, or operates, or proposes to construct, electric transmission facilities selected in a regional or joint interregional transmission plan for the purposes of cost allocation pursuant to a transmission planning process approved under subsection (f)(2) or described in subsection (h)(1) shall file a tariff or tariff revision with

the Commission pursuant to section 205 and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

"(2) EXCEPTION.—In the case of an exempt transmitting utility that owns, controls, or operates electric transmission facilities described in paragraph (1), the Commission, notwithstanding section 211A(c), shall require the exempt transmitting utility to provide transmission services over such facilities pursuant to section 211A and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

"(3) REQUIREMENT.—The Commission shall require that tariffs or tariff revisions filed under this section are just and reasonable and allocate the costs of providing service to customers that benefit, in accordance with the cost-causation principle and at least roughly commensurate with the benefits, including through the benefits described in subsection (d)(2).

"(4) RATEPAYER PROTECTION.—Customers that receive no benefit, or benefits that are trivial in relation to the costs sought to be allocated, from electric transmission facilities constructed or modified under this section shall not be involuntarily allocated any of the costs of those transmission facilities.

"(h) COMPLIANCE WITH THIS SECTION.—A Commission order or rulemaking regarding transmission planning that is effective as of the date of enactment of this section, including orders published in the Federal Register on April 28, 2025, December 6, 2024, and June 11, 2024, shall constitute compliance with the regional transmission planning and cost allocation requirements of this section and relieves the Commission of the requirements under subsection (c)(1).

"(i) CONSTRUCTION PERMIT.—For the purposes of obtaining a construction permit under section 216(b), a project that is selected by 1 or more transmission planning regions pursuant to a regional or joint interregional transmission plan in accordance with this section shall be considered to satisfy paragraphs (2) through (5) and, if applicable, (6) of that section.

"(j) FAILURE TO SUBMIT PLANNING PROCESS.—In the event that neighboring transmission planning regions (in the case of an interregional planning process) or a single planning region (in the case of a regional planning process) fails to submit to the Commission a regional or joint interregional transmission planning process, as applicable, under this section, the Commission shall, as the Commission determines to be appropriate, grant a request to extend the time for submission of the planning process for

not more than 6 months after the deadline the Commission requires for compliance with the rule under subsection (c).

"(k) NEPA.—For purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

"(1) any approval of a regional or joint interregional transmission planning process under subsection (f) shall not be considered a major Federal action; and

"(2) any permit granted under section 216(b) for a project that is selected by transmission planning regions pursuant to a joint interregional transmission plan shall be considered a major Federal action.

"(l) SAVINGS PROVISION.—Except as expressly provided in this section, nothing in this section shall be construed as conferring, limiting, or impairing any authority of the Commission under any other provision of law.".

SEC. 2104. IMPROVEMENTS RELATING TO LOCAL TRANSMISSION PLANNING AND DEVELOPMENT.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 2103) is amended by adding at the end the following:

"SEC. 226. OVERSIGHT OF LOCAL TRANSMISSION PLANNING AND DEVELOPMENT.

"(a) DEFINITIONS.—In this section:

"(1) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(2) LOCAL TRANSMISSION FACILITY.—The term 'local transmission facility' means an electric transmission facility—

"(A) that is located solely within the retail distribution service territory or footprint of a public utility transmission provider; and

"(B) is not selected in a regional transmission plan for purposes of cost allocation.

"(3) REFERRING STATE.—The term 'referring State' means 1 or more States with jurisdiction over a referring State commission that has jurisdiction over the referred public utility.

"(4) REFERRING STATE COMMISSION.—The term 'referring State commission' means 1 or more State commissions making a referral under subsection (b).

"(5) REGIONAL TRANSMISSION FACILITY.—The term 'regional transmission facility' means an electric transmission facility the cost of which is recovered from transmission customers located within more than 1 service territory but within a single transmission planning region.

"(6) TRANSMISSION PLANNING REGION.—The term 'transmission planning region' means a region

for which the Commission determines that electric transmission planning is appropriate, such as a region established in accordance with Order No. 1000 of the Commission, entitled 'Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities' (76 Fed. Reg. 49842 (August 11, 2011)).

"(b) STATE COMMISSION REFERRAL AUTHORITY.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Commission shall, by rule, establish procedures by which 1 or more State commissions may refer a public utility over which those State commissions have jurisdiction to the Commission for an investigation into the processes used by the public utility for planning, developing, and replacing local transmission facilities.

"(2) REQUIREMENTS.—A referral under paragraph (1) shall include, at a minimum—

"(A) a description of the 1 or more processes used by the public utility for local transmission planning, development, and replacement about which the referring State commission is concerned;

"(B) a description of the harm that those processes may be causing to wholesale or retail electric customers within the referring State; and

"(C) a description of the efforts that the referring State commission has taken to resolve its concerns about the identified local transmission planning, development, and replacement processes prior to referral to the Commission.

"(c) COMMISSION ACTION TO EXERCISE OVERSIGHT OF LOCAL TRANSMISSION PLANNING, DEVELOPMENT, AND REPLACEMENT.—

"(1) IN GENERAL.—On receipt of a referral under subsection (b) from a referring State commission, the Commission shall—

"(A) dismiss the referral as unsupported and make public the reasons for that dismissal, in accordance with the rulemaking under paragraph (1) of that subsection and the requirements described in paragraph (2) of that subsection; or

"(B)(i) notice for initial public comment the initiation of an investigation; and

"(ii) concurrently with that notice, establish an investigative team to be composed of—

"(I) 1 or more non-decisional individuals from an office designated by the Chairman of the Commission; and

"(II) up to 3 representatives appointed by the referring State commission.

"(2) AUTHORITY OF INVESTIGATIVE TEAM.—An investigative team established under paragraph (1)(B)(ii) shall have all investigative authorities that would be available to the Commission or Commission staff in proceedings under or relating to the authority of the Commission under section 307.

"(3) PRELIMINARY FINDINGS REPORT AND RECOMMENDATION.—

"(A) PRELIMINARY FINDINGS REPORT.—Not later than 120 days after notice for initial public comment of the initiation of an investigation under paragraph (1)(B)(i), the investigative team established under paragraph (1)(B)(ii) shall issue a preliminary findings report.

"(B) FINAL REPORT AND RECOMMENDATION.—If an investigative team established under paragraph (1)(B)(ii) concludes that the processes used by a public utility for planning, developing, and replacing local transmission facilities are not resulting in the selection of the

more efficient or cost-effective local transmission facilities or that those processes are interfering with the processes of the relevant transmission planning region for planning, developing, and replacing regional transmission facilities, the investigative team shall issue a final report and recommendation to the Commission explaining that conclusion and recommending a remedy.

"(4) COMMISSION RESPONSE TO REPORT.—

"(A) NOTICE AND COMMENT.—Not later than 14 business days after receiving a final report and recommendation under paragraph (3)(B), the Commission shall notice the report for comment.

"(B) ORDER.—After reviewing the record, including any comments received under subparagraph (A), and not later than 120 days after issuing the notice for comment under subparagraph (A), the Commission shall issue an order taking any such action that the Commission determines to be appropriate, which may include 1 or more of the following remedies:

"(i) Requiring changes to the processes used by the applicable public utility for planning local transmission facilities.

"(ii) Reducing the return on equity of the public utility with respect to local transmission facilities.

"(iii) Eliminating the presumption of prudence for local transmission facilities planned, developed, or replaced by the public utility.

"(iv) A civil penalty, credited to the transmission customers who bore the costs of the applicable local transmission facility, of up to $5,000,000 for each local transmission facility—

"(I) that was developed or energized during the period beginning 60 days before the referral under subsection (b) and ending on the date on which the order under this subparagraph is issued; and

"(II) the development or energizing of which the Commission determines—

"(aa) was imprudent; and

"(bb) caused financial harm to wholesale or retail electric customers within the referring State.

"(v) Any other appropriate remedy.

"(d) SAVINGS PROVISION.—Nothing in this section limits or impairs any authority of the Commission under any other provision of law.

"(e) JUDICIAL REVIEW.—Orders issued by the Commission pursuant to subsection (c)(4)(B) shall be subject to rehearing and judicial review pursuant to section 313, except that any such order imposing a civil penalty pursuant to subsection (c)(4)(B)(iv) shall be issued and reviewed in accordance with the provisions of section 31(d).".

SEC. 2105. PROHIBITION OF RIGHT OF FIRST REFUSAL.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 2104) is amended by adding at the end the following:

"SEC. 227. PROHIBITION OF RIGHT OF FIRST REFUSAL.

"Except as otherwise provided by any rule or order of the Federal Energy Regulatory Commission in effect as of the date of enactment of this section, a Federal right of first refusal is prohibited with respect to a transmission facility selected in a regional or interregional transmission plan for the purposes of cost allocation.".

SEC. 2106. CONSOLIDATED PLANNING PROCESS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 2105) is amended by adding at the end the following:

"SEC. 228. CONSOLIDATED PLANNING PROCESS.

"(a) CONSOLIDATED GENERATION AND TRANSMISSION PLANNING.—Not later than 18 months after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, the Federal Energy Regulatory Commission (referred to in this section as the 'Commission') shall issue a rule requiring each Transmission Organization to file a consolidated interconnection and regional transmission planning process that—

"(1) jointly evaluates electric transmission facilities and the generating capacity reasonably anticipated to be needed over the next 20 years to meet both forecasted demand and forecasted generation;

"(2) routinely identifies and publishes—

"(A) resource and fuel-neutral planned interconnection locations for—

"(i) generating and storage capacity; and

"(ii) transmission capacity for customers; and

"(B) an upfront, fixed, subregional, per-megawatt fee for each planned generation and storage interconnection location;

"(3) establishes a streamlined generator interconnection and transmission service request study process with—

"(A) a single decision point;

"(B) meaningful and nonrefundable financial security; and

"(C) withdrawal penalties after the determination of total costs of interconnection and any limitations from contingencies are provided to the customer that are sufficient to deter speculative projects; and

"(4) aims to co-optimize solutions to cost-effectively address electricity demand growth while integrating new generation and storage resources.

"(b) DEADLINE; PLANNING CYCLES.—The consolidated interconnection and regional transmission planning process required to be filed with the Commission pursuant to the rule under subsection (a) shall be—

"(1) filed with the Commission not later than 2 years after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026; and

"(2) conducted not less frequently than once every 2 years.

"(c) COMMISSION REVIEW.—The Commission shall—

"(1) review each consolidated interconnection and regional transmission planning process filed pursuant to the rule under subsection (a); and

"(2) approve the consolidated interconnection and regional transmission planning process if the Commission finds that the process—

"(A) as adopted pursuant to this section, including any revisions to the rule issued under subsection (a), meets the requirement of sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential; and

"(B) is consistent with the rule issued under subsection (a).

"(d) SAVINGS PROVISION.—Nothing in this section prevents the Commission from finding—

"(1) that the current generator interconnection and regional transmission planning processes are compliant with the rule issued under subsection (a); or

"(2) that a Transmission Organization achieves the objectives of this section through comparable processes that meet the objectives of the rule issued under subsection (a) during the Commission review pursuant to subsection (c).".

SEC. 2107. RATEPAYER PROTECTION.

(a) FERC PRICING POLICY FOR TRANSMISSION SERVICES PROVIDED BY PUBLIC UTILITIES AND TRANSMITTING UTILITIES.—

(1) FINDINGS.—Congress finds that—

(A) it is the policy of the United States that computational load owners and computational load operators bear the full cost of any electric service that they require and the full cost of any infrastructure built to serve them, regardless of whether they take the electric service that they request, so that such costs are not borne by other customers, including residential customers;

(B) it is not just and reasonable within the meaning of sections 205 and 206 of the Federal Power Act (16 U.S.C. 824d, 824e) for any public utility or transmitting utility to maintain rates, terms, or conditions of service that, by their terms, charge less than the embedded costs and incremental expansion costs to eligible computational load customers seeking transmission service on behalf of computational load owners and computational load operators;

(C) transmission costs incurred in response to transmission service from eligible computational load customers should be fully assigned to

such customers so as to minimize or avoid the cost burden on other customers; and

(D) computational load owners and computational load operators should incur the full cost of the transmission service they require.

(2) DEFINITIONS.—In this subsection:

(A) 1994 TRANSMISSION PRICING POLICY STATEMENT.—The term "1994 transmission pricing policy statement" means the policy statement issued by the Commission on October 26, 1994, and published in the Federal Register on November 3, 1994, relating to "Inquiry Concerning the Commission's Pricing Policy for Transmission Services Provided by Public Utilities Under the Federal Power Act; Policy Statement" (59 Fed. Reg. 55031).

(B) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(C) COMPUTATIONAL LOAD OPERATOR.—The term "computational load operator" means an entity that operates a computational load site.

(D) COMPUTATIONAL LOAD OWNER.—The term "computational load owner" means an entity that owns a computational load site.

(E) COMPUTATIONAL LOAD SITE.—

(i) IN GENERAL.—The term "computational load site" means 1 or more buildings, structures, or installations at a single location that—

(I) primarily contain information technology infrastructure used for—

(aa) creating, executing, and delivering software applications and services;

(bb) artificial intelligence training, deployment, and delivery;

(cc) cryptocurrency mining; or

(dd) other computational activities at a data center; and

(II) are supplied through electrical equipment that is connected to the bulk-power system (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a))).

(ii) EXCLUSION.—The term "computational load site" does not include computing or data storage equipment that is ancillary to a facility the primary purpose of which is a commercial or industrial activity other than an activity described in subparagraph (A).

(F) ELIGIBLE COMPUTATIONAL LOAD CUSTOMER.—The term "eligible computational load customer" has the meaning given the term by the Commission by rule or order.

(G) PUBLIC UTILITY.—The term "public utility" has the meaning given the term in section 201(e) of the Federal Power Act (16 U.S.C. 824(e)).

(H) TRANSMITTING UTILITY.—The term "transmitting utility" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(3) REVISIONS OF POLICY STATEMENT.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commission shall—

(i) revise the 1994 transmission pricing policy statement—

(I) to require public utilities and transmitting utilities to charge eligible computational load customers seeking transmission service on behalf of computational load owners and computational load operators the embedded cost and a reasonable assessment, as determined by the Commission, of the incremental cost of transmission service;

(II) to ensure that any incremental costs paid are credited to the annual transmission revenue requirement of the applicable public utility or transmitting utility to prevent double recovery from other customers; and

(III) to provide for a lower cost of transmission service for eligible computational load customers seeking transmission service on behalf of computational load owners and computational load operators that elect non-firm transmission service; and

(ii) issue a notice of proposed rulemaking requiring public utilities and transmitting utilities—

(I) to establish or revise transmission rates for eligible computational load customers seeking transmission service on behalf of computational load owners and computational load operators in accordance with that revised transmission pricing policy statement;

(II) to conduct a standardized analysis to identify a reasonable assessment of the incremental costs of transmission service to eligible computational load customers;

(III) to conduct a standardized analysis to identify and evaluate cost reduction options;

(IV) to provide a transmission rate that includes the embedded cost and a reasonable assessment of the incremental cost of transmission service to eligible computational load customers; and

(V) to establish or revise transmission rates for existing customers to go into effect following the issuance of

the final rule under subparagraph (B), consistent with subclauses (I) through (IV).

(B) FINAL RULE.—Not later than 1 year after the date on which the notice of proposed rulemaking described in subparagraph (A)(ii) is issued, the Commission shall issue a final rule requiring public utilities and transmitting utilities to establish or revise transmission rates for eligible computational load customers seeking transmission service on behalf of computational load owners and computational load operators.

(C) COST ASSIGNMENT.—In revising the 1994 transmission pricing policy statement and issuing a notice of proposed rulemaking and final rule under this paragraph, the Commission may treat eligible computational load customers seeking transmission service on behalf of computational load owners and computational load operators as a customer class and assign some or all costs to the class rather than to individual customers.

(D) COORDINATION.—

(i) REGIONAL AND INTERREGIONAL TRANSMISSION PLANS.—For transmission

facilities subject to section 216(f) of the Federal Power Act, selected under section 225 of that Act, or pursuant to a Commission rule or order, a reasonable assessment of the incremental cost shall be such costs assigned under each respective section or Commission rule or order.

(ii) CONSOLIDATED PLANNING PROCESS.—For transmission facilities selected pursuant to section 228 of the Federal Power Act, a reasonable assessment of the incremental cost shall be such costs assigned under such section or an applicable Commission rule or order.

(b) RATEPAYER PROTECTION WITH RESPECT TO DATA CENTERS.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 2106) is amended by adding at the end the following:

"SEC. 229. RATEPAYER PROTECTION WITH RESPECT TO DATA CENTERS.

"(a) DEFINITIONS.—In this section:

"(1) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(2) COMPUTATIONAL LOAD OPERATOR.—The term 'computational load operator' means an entity that operates a computational load site.

"(3) COMPUTATIONAL LOAD OWNER.—The term 'computational load owner' means an entity that owns a computational load site.

"(4) COMPUTATIONAL LOAD SITE.—

"(A) IN GENERAL.—The term 'computational load site' means 1 or more buildings, structures, or installations at a single location that primarily contain information technology infrastructure used for—

"(i) creating, executing, and delivering software applications and services;

"(ii) artificial intelligence training, deployment, and delivery;

"(iii) cryptocurrency mining; or

"(iv) other computational activities at a data center.

"(B) EXCLUSION.—The term 'computational load site' does not include computing or data storage equipment that is ancillary to a facility the primary purpose of which is a commercial or industrial activity other than an activity described in subparagraph (A).

"(5) RETAIL EMBEDDED COST.—The term 'retail embedded cost' means the average cost of retail service reflected in the rates otherwise in effect for the customer class that would apply to the applicable computational load owner or computational load operator.

"(6) RETAIL INCREMENTAL COST.—The term 'retail incremental cost' means a reasonable assessment of costs that would be avoided had a specific computational load owner or computational load operator not been served by an electric utility, including all costs to construct, own, and operate power generation or storage resources and electric transmission and distribution services associated with serving the computational load site.

"(7) STATE.—The term 'State' includes—

"(A) an applicable State commission; and

"(B) any other State authority with jurisdiction over retail electric service.

"(8) TRANSMISSION SERVICE CATEGORY.—The term 'transmission service category' means a class of transmission service provided under a tariff on file with the Commission, including—

"(A) network integration transmission service;

"(B) point-to-point transmission service; and

"(C) any interim, non-firm, contract demand, or other service that limits—

"(i) the quantity of energy a load may withdraw from the transmission system; or

"(ii) the conditions under which the load may withdraw energy from the transmission system.

"(b) RATEPAYER PROTECTION FLOOR.—

"(1) NO SUBSIDY OF DATA CENTERS.—No portion of the retail incremental cost may be allocated to, or recovered in the rates of, any customer other than a computational load owner or a computational load operator.

"(2) SURPLUS PERMITTED.—Paragraph (1) does not limit the authority of a State under subsection (c)—

"(A) to recover from a computational load owner or computational load operator amounts in excess of the retail incremental cost; or

"(B) to credit those amounts to other customers as a rebate or a reduction to the electric utility costs that are used as a basis for the calculation of customer rates.

"(3) CONTINUING RECOVERY ON EXIT.—A rate, charge, or agreement for service to a computational load site shall be designed to recover from the computational load owner or computational load operator the full retail incremental cost of the electric utility, and such recovery shall continue notwithstanding the termination by the computational load owner or computational load operator of a contract or other agreement pertaining to the sale of electric energy, or the cessation by the computational load owner or computational load operator of the purchase of electric energy, before that retail incremental cost has been fully recovered.

"(4) FINANCIAL ASSURANCE.—Before constructing, or making an upgrade to, a generation, transmission, or distribution facility necessary to serve a computational load site, an electric utility shall require the computational load owner or computational load operator to provide reasonable financial assurances or contributions sufficient to cover the expected cost of, or upgrade to, the computational load site, subject to the condition that any financial assurances or contributions provided by the applicable computational load owner or computational load operator to a public utility or Transmission Organi-

zation for the same computational load site or upgrade shall be credited against the requirement of this paragraph.

"(c) STATE AUTHORITY TO HOLD OPEN SEASONS AND COMPETITIVE SOLICITATIONS AND SET CERTAIN RATES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, in accordance with subsection (b)(3), a State may, with respect to retail electric service to computational load owners and computational load operators—

"(A) establish rates, charges, or contract terms that recover more than the retail embedded cost, and more than the retail incremental cost, of serving a computational load site;

"(B) require that revenue collected from a computational load owner or computational load operator in excess of retail incremental cost be credited or applied to reduce the rates of other retail customers;

"(C) in effectuating the policy described in this paragraph, use an open season or competitive solicitation to allocate among computational load owners and computational load operators the opportunity to obtain and contract for retail electric service, making awards in such manner

as returns the greatest benefit to other ratepayers on a net present value basis, notwithstanding the order in which applications or requests for service are received from computational load owners or computational load operators or any other basis for making such awards, subject to the condition that each award under such an open season or competitive solicitation shall specify the maximum quantity of firm demand awarded, in megawatts, and the transmission service category on the basis of which the computational load site is to be served;

"(D) condition the provision of retail electric service to a computational load site on the procurement, construction, or contracting by the computational load owner or computational load operator for new generation resources sufficient to serve the demand of the computational load site; and

"(E) condition the provision of retail electric service to a computational load site on the computational load owner or computational load operator taking, or agreeing to take, a transmission service category that limits—

"(i) the quantity of energy the computational load site may withdraw from the transmission system; or

"(ii) the conditions under which the computational load site may withdraw energy from the transmission system.

"(2) PRIORITY OF OPEN SEASONS AND STATE COMPETITIVE SOLICITATIONS.—

"(A) BROAD DISCRETION.—For purposes of an open season or competitive solicitation under paragraph (1), a State shall, with respect to retail electric service to a computational load owner or computational load operator, be afforded broad discretion to conduct, to authorize an electric utility to conduct, or to require an electric utility to conduct an open season or competitive solicitation to allocate the opportunity to interconnect, or to obtain service for, a computational load owner or computational load operator.

"(B) ELECTRIC UTILITY FILING.—An electric utility may file with a State an application to conduct an open season or competitive solicitation under subparagraph (A).

"(C) AUTHORITY TO REQUIRE.—A State may require an electric utility to conduct an open season or competitive solicitation under subparagraph (A).

"(d) PROTECTION OF AMERICAN INDUSTRY.—A State may—

"(1) treat computational load owners and computational load operators as a separate class of retail electric service; and

"(2) establish rates, charges, terms, conditions, and interconnection or service priorities for computational load owners and computational load operators that differ from, and that are less favorable than, those applicable to other large industrial, manufacturing, or commercial loads.

"(e) RULES OF CONSTRUCTION.—

"(1) STATE AND FEDERAL AUTHORITY.—Nothing in this section expands or diminishes the jurisdiction of the Commission or any State, including—

"(A) State authority over retail electric service, rate design, and resource planning; and

"(B) Commission authority over rates, terms, and conditions of service with respect to transmission service of electric energy in interstate commerce.

"(2) RECOGNITION OF RESERVED STATE AUTHORITY.—

"(A) IN GENERAL.—The authority described in subsection (c)(1) is an attribute of the reserved authority of the States over retail electric service.

"(B) CLARIFICATION.—This section—

"(i) recognizes and confirms the authority described in subparagraph (A); and

"(ii) is not the source of that authority.

"(f) APPLICABILITY.—

"(1) PROSPECTIVE APPLICATION.—Subsections (b) and (c) apply to any computational load site that interconnects on or after the date of enactment of this section.

"(2) EXISTING ARRANGEMENTS.—

"(A) IN GENERAL.—Any arrangement to serve a computational load site that was approved by a State before the date of enactment of this section shall remain in effect, subject to subparagraph (B).

"(B) STATE REVISIONS.—To the extent permissible under applicable State law, a State may revise an arrangement described in sub-

paragraph (A) to achieve consistency, beginning on the effective date of the revision, with subsections (b) and (c).".

SEC. 2108. DISPATCHABLE ENERGY SYSTEMS MARKET ACCESS.

(a) DEFINITIONS.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended by adding at the end the following:

"(30) QUALIFYING BEHIND-THE-METER DISTRIBUTED ENERGY SYSTEM FACILITY; QUALIFYING BTM DES FACILITY.—The term 'qualifying behind-the-meter distributed energy system facility' or 'qualifying BTM DES facility' means a facility that—

"(A) is an energy storage system (including a battery energy storage system), a fuel cell system, a generator, or other resource—

"(i) that can deliver electricity within 15 minutes of being called on for deployment; and

"(ii) the output of which can be dispatched and adjusted at the signal of the system operator;

"(B) is located behind the meter of a retail customer of a distribution utility (as defined in section 217(a));

"(C) has a rated capacity of not less than 5 kilowatts and not more than 5 megawatts; and

"(D) maintains metering and telemetry capabilities that—

"(i) are sufficient to dispatch the facility, account for withdrawals from and injections to the grid, and communicate all relevant operational data from the facility; and

"(ii) are not required to include equipment owned or installed by the distribution utility (as so defined), and may include the use of device-level equipment, including inverters.

"(31) QUALIFYING BEHIND-THE-METER DISTRIBUTED ENERGY SYSTEM AGGREGATION; QUALIFYING BTM DES AGGREGATION.—The term 'qualifying behind-the-meter distributed energy system aggregation' or 'qualifying BTM DES aggregation' means an aggregation of 2 or more qualifying BTM DES facilities—

"(A) with a combined capacity of not less than 100 kilowatts; and

"(B) that maintains aggregation-level metering and telemetry capabilities sufficient to fa-

cilitate the dispatch and market settlement of the aggregation.".

(b) RULE OF CONSTRUCTION.—Section 201 of the Federal Power Act (16 U.S.C. 824) is amended by adding at the end the following:

"(h) QUALIFYING BTM DES FACILITIES AND AGGREGATIONS.—The designation of a facility as a qualifying BTM DES facility or an aggregation of 2 or more facilities as a qualifying BTM DES aggregation does not, of itself, subject any of the following to the jurisdiction of the Commission:

"(1) The facility or aggregation.

"(2) The retail electric service provided to or for the facility or aggregation.

"(3) The distribution service on which the facility or aggregation relies.".

(c) WHOLESALE MARKET ACCESS FOR QUALIFYING BTM DES AGGREGATIONS.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 2107(b)) is amended by adding at the end the following:

"SEC. 230. WHOLESALE MARKET ACCESS FOR QUALIFYING BTM DES AGGREGATIONS.

"(a) DEFINITIONS.—In this section:

"(1) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(2) DOUBLE COMPENSATION.—The term 'double compensation' means payment through or by both a wholesale market and a State-jurisdictional retail market or program for providing the same service during the same time interval.

"(b) JUST AND REASONABLE PRACTICES.—Effective on the date that is 18 months after the date of enactment of this section, it shall not be just and reasonable within the meaning of sections 205 and 206 for any Transmission Organization to maintain rates, terms, or conditions of service that, by their terms and to the extent that such rates, terms, and conditions directly affect wholesale rates, prevent the participation of any qualifying BTM DES aggregation in wholesale energy, capacity, or ancillary services markets administered by the Transmission Organization.

"(c) PROHIBITED PRACTICES.—

"(1) IN GENERAL.—Effective on the date that is 18 months after the date of enactment of this section, the following practices shall not be considered to be just and reasonable within the meaning of sections 205 and 206:

"(A) Imposing metering, telemetry, or equipment requirements that are more stringent than the definitions of the terms 'qualifying

BTM DES facility' and 'qualifying BTM DES aggregation' in section 3.

"(B) Requiring a qualifying BTM DES facility or qualifying BTM DES aggregation to participate in the energy market with compensation as a precondition to participating in the capacity market on equal terms, subject to paragraph (2).

"(C) Requiring the joint participation with any resource co-located with a Qualifying BTM DES facility as a condition for inclusion in a qualifying BTM DES aggregation.

"(D) Any other practice otherwise described in subsection (b).

"(2) SAVINGS PROVISION.—Nothing in this section prohibits a Transmission Organization from establishing performance rules for qualifying BTM DES aggregations that participate in capacity markets but not energy markets, subject to the condition that such rules are narrowly tailored to the purpose of ensuring the performance of such resources when called upon.

"(d) COMPLIANCE FILINGS.—

"(1) TRANSMISSION ORGANIZATION FILINGS.—Not later than 180 days after the date of enactment

of this section, each Transmission Organization that administers a wholesale market subject to the jurisdiction of the Commission shall file with the Commission proposed rates, terms, and conditions of service that comply with the requirements of this section.

"(2) COMMISSION ACTION.—Not later than 180 days after the filing of a proposal under paragraph (1), the Commission shall—

"(A) approve the proposal if the Commission determines that the proposal complies with this section; or

"(B) require or impose such changes that are—

"(i) consistent with the requirement of sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential; and

"(ii) in compliance with this section.

"(e) COMPLAINTS.—

"(1) IN GENERAL.—The Commission shall act on the merits of any complaint alleging noncompliance with this section not later than 180 days after the date on which the complaint is filed.

"(2) CONSOLIDATION.—To maximize administrative efficiency, the Commission may consolidate and act upon related complaints with respect to a given Transmission Organization.

"(f) DUAL PARTICIPATION; PROHIBITION ON DOUBLE COMPENSATION.—

"(1) PRESERVATION OF STATE PROGRAM ELIGIBILITY.—Participation by a qualifying BTM DES facility in a State-jurisdictional retail market or program shall not disqualify the qualifying BTM DES facility from participating in a wholesale market administered by a Transmission Organization, and nothing in this section requires a qualifying BTM DES facility to participate in any wholesale market.

"(2) PROHIBITION ON DOUBLE COMPENSATION.—No qualifying BTM DES facility or qualifying BTM DES aggregation shall receive double compensation.

"(3) QUALIFYING BTM DES RATE FILING.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, each Transmission Organization shall file with the Commission under section 205 revisions to its tariff establishing settlement, metering, and telemetry protocols that exclude from wholesale

market settlement the quantity of energy, ancillary service, or capacity, evaluated on a service-by-service basis, for which a qualifying BTM DES facility has received or will receive compensation under a State-jurisdictional retail market or program.

"(B) ELECTRIC UTILITIES.—Each public utility that provides distribution service to a qualifying BTM DES facility shall provide to the applicable Transmission Organization and aggregator, in a form and on a schedule established by the Transmission Organization, the interval metering data and program-participation information necessary to implement subparagraph (A), subject to such protections for customer-specific information as the applicable State commission may require.

"(C) CERTIFICATION.—

"(i) IN GENERAL.—Each aggregator shall certify to the applicable Transmission Organization, on a schedule established by the Commission—

"(I) each State-jurisdictional retail market or program from which

each qualifying BTM DES facility has received compensation; and

"(II) on the basis of final determinations made by the Commission arising from the proceedings initiated under subparagraph (A), that no qualifying BTM DES facility in its aggregation has retained double compensation during the certification period.

"(ii) TREATMENT.—A certification under this subparagraph shall constitute a statement made to the Commission for purposes of sections 316 and 316A.

"(4) COMPLAINT WITH RESPECT TO DOUBLE COMPENSATION.—

"(A) IN GENERAL.—Any person, electric utility, State, municipality, or State commission aggrieved by alleged double compensation may file a complaint pursuant to section 206.

"(B) PROCEDURE.—In a proceeding initiated pursuant to a complaint under subparagraph (A), if a qualifying BTM DES facility or qualifying BTM DES aggregation that is the subject of the complaint meets the eligibility re-

quirements of both a wholesale market and a State-jurisdictional program, the complainant in that proceeding shall—

"(i) bear the burden of proof before the Commission; and

"(ii) demonstrate that—

"(I) double compensation has in fact occurred or is imminent; and

"(II) such double compensation could not be avoided through reasonable adjustments to—

"(aa) wholesale market compensation received by the applicable qualifying BTM DES facility or qualifying BTM DES aggregation; or

"(bb) the retail bill associated with the qualifying BTM DES facility or qualifying BTM DES aggregation, using metering and telemetry data that meets the requirements of the wholesale market.

"(C) LIMITATION.—A complaint under subparagraph (A) shall be filed not later than 5

years after the date on which the alleged double compensation was received.

"(5) WHOLESALE MARKET COMPENSATION ADJUSTMENT.—If the Commission determines that double compensation could be avoided through an adjustment to a rate, term, or condition of service under the jurisdiction of the Commission pursuant to section 205, the Commission may initiate a proceeding consistent with section 206 to eliminate double compensation.

"(6) DISGORGEMENT; PENALTIES.—

"(A) DISGORGEMENT.—If the Commission finds that double compensation has occurred, the Commission shall order disgorgement of the full amount of the double compensation received.

"(B) PENALTIES.—If the Commission determines that double compensation has been knowingly retained, the Commission may order penalties, which may include—

"(i) monetary penalties of up to 3 times the amount of the double compensation received, without regard to the limitations described in section 206(b); and

"(ii) suspension or termination of the participation of a qualifying BTM DES fa-

cility, qualifying BTM DES aggregation, or aggregator in a wholesale market administered by a Transmission Organization.

"(g) ANNUAL REPORTING.—Each qualifying BTM DES facility and qualifying BTM DES aggregation participating in a wholesale market under this section shall submit to the Commission, not later than March 30 of each year, a public report that summarizes and quantifies all services provided by the qualifying BTM DES facility or qualifying BTM DES aggregation during the preceding calendar year to—

"(1) wholesale markets subject to the jurisdiction of the Commission; and

"(2) State-jurisdictional retail markets and programs within regions subject to the jurisdiction of the Commission.".

(d) DISTRIBUTION UTILITY INTERCONNECTION AND NON-INTERFERENCE.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by subsection (c)) is amended by adding at the end the following:

"SEC. 231. DISTRIBUTION UTILITY OBLIGATIONS WITH RESPECT TO QUALIFYING BTM DES FACILITIES AND QUALIFYING BTM DES AGGREGATIONS.

"(a) DEFINITIONS.—In this section:

"(1) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(2) DISTRIBUTION UTILITY; LOAD-SERVING ENTITY.—The terms 'distribution utility' and 'load-serving entity' have the meanings given those terms in section 217(a).

"(b) INTERCONNECTION OBLIGATION.—

"(1) IN GENERAL.—Except as otherwise provided by State law or by the State regulatory authority with jurisdiction over the distribution utility, any distribution utility located within the geographic footprint of an organized wholesale market administered by a Transmission Organization shall interconnect any behind-the-meter resource that is eligible to participate in that wholesale market, including any qualifying BTM DES facility or qualifying BTM DES aggregation, in a timely fashion and with rates, terms, and conditions of service that—

"(A) allow the behind-the-meter resource to export energy to the grid, if applicable; and

"(B) do not prevent, impede, or unreasonably condition the participation of the behind-the-meter resource in the wholesale market.

"(2) SAVINGS PROVISION.—Nothing in this subsection authorizes the Commission to prescribe the

rates, terms, or conditions of distribution-level interconnection service.

"(c) ACCEPTANCE OF WHOLESALE MARKET METERING DATA.—

"(1) IN GENERAL.—Any distribution utility or load-serving entity providing retail electric service to a customer at whose premises a qualifying BTM DES facility or qualifying BTM DES aggregation is located shall accept the same metering and telemetry data used by the wholesale market for purposes of market participation by that qualifying BTM DES facility or qualifying BTM DES aggregation.

"(2) REQUIREMENT.—The manner in which the data described in paragraph (1) is used to adjust the retail bill of a customer, including any adjustment to account for energy exported or withdrawn, shall be determined by the State regulatory authority having jurisdiction over retail rates.

"(d) SAVINGS PROVISION.—Nothing in this section limits a distribution utility from taking actions reasonably necessary to maintain the safety, reliability, or operations of the distribution system.

"(e) COMMISSION ENFORCEMENT.—

"(1) IN GENERAL.—The Commission shall have authority to enforce the provisions of this section, and

any person may file with the Commission a complaint alleging a violation of this section.

"(2) REQUIREMENT.—The Commission shall act on the merits of any complaint filed under paragraph (1) not later than 180 days after the date on which the complaint is filed.

"(f) APPLICABILITY TO PUBLIC POWER AND CERTAIN COOPERATIVES.—Except to the extent that compliance is required under State law, the requirements of subsections (b) and (c) shall be voluntary with respect to distribution utilities that are entities described in section 201(f).".

(e) ESTABLISHMENT OF PROGRAM TO FACILITATE VOLUNTARY STREAMLINED PROCESS FOR LOCAL PERMITTING OF QUALIFYING DISTRIBUTED ENERGY SYSTEMS.—

(1) DEFINITIONS.—In this subsection:

(A) AUTHORITY HAVING JURISDICTION.—The term "authority having jurisdiction" means any State, county, local, or Tribal office or official with jurisdiction—

(i) to issue permits relating to qualifying distributed energy systems;

(ii) to conduct inspections to enforce the requirements of a relevant code or standard relating to qualifying distributed energy systems; or

(iii) to approve the installation of, or the equipment and materials used in the installation of, qualifying distributed energy systems.

(B) QUALIFYING DISTRIBUTED ENERGY SYSTEM.—The term "qualifying distributed energy system" means any equipment or materials installed in, on, or near a building or premises to support onsite or local energy use, the primary function of which is—

(i) to generate electricity from distributed renewable energy sources, including solar photovoltaic systems or similar solar energy technologies;

(ii) to store and discharge electricity from batteries with a capacity of at least 2 kilowatt hours;

(iii) to charge a plug-in electric drive vehicle at a power rate of at least 2 kilowatts; or

(iv) to refuel a hydrogen fuel cell electric vehicle.

(C) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with trade associations and other entities representing distributed energy system installers, organizations representing State, local, and Tribal governments engaged in permitting, and other interested stakeholders, shall carry out a program to further develop, expand, and support the adoption of a voluntary streamlined permitting and inspection process for authorities having jurisdiction to use for the permitting of qualifying distributed energy systems.

(3) ACTIVITIES OF THE PROGRAM.—In carrying out the program established under paragraph (2), the Secretary shall—

(A) further develop and expand an exemplary streamlined permitting process that includes an online permitting platform—

(i) for expediting, standardizing, and streamlining permitting; and

(ii) that authorities having jurisdiction may voluntarily use to receive, review, and approve permit applications relating to qualifying distributed energy systems;

(B) establish targets for the adoption of a streamlined, expedited permitting process by authorities having jurisdiction;

(C) provide technical assistance and training directly or indirectly to authorities having jurisdiction on using and adopting the exemplary streamlined permitting process described in subparagraph (A), including the adoption of any necessary building codes;

(D) develop a voluntary inspection protocol and related tools to expedite, standardize, and streamline the inspection of qualifying distributed energy systems, including—

(i) by investigating the potential for using remote inspections;

(ii) by investigating the potential for sample-based inspection for distributed energy system installers with a demonstrated track record of high-quality work; and

(iii) by investigating opportunities to integrate the voluntary inspection protocol into the online permitting platform described in subparagraph (A) and the platforms of government software providers; and

(E) take any other action to expedite, standardize, streamline, or improve the process for permitting, inspecting, or interconnecting qualifying distributed energy systems.

(4) SUPPORT SERVICES.—The Secretary shall—

(A) support the provision of technical assistance to authorities having jurisdiction, any administrator of the online permitting platform described in paragraph (3)(A), government software providers, and any other entity determined appropriate by the Secretary in carrying out the activities described in paragraph (3); and

(B) provide such financial assistance as the Secretary determines appropriate from any funds appropriated to carry out this subsection.

(5) AUTHORITY HAVING JURISDICTION CERTIFICATION PROGRAM.—

(A) IN GENERAL.—The Secretary may certify authorities having jurisdiction that implement the exemplary streamlined permitting process described in paragraph (3)(A).

(B) PROCESS.—The Secretary may confer a certification under subparagraph (A) through existing programs within the Department of Energy.

(C) PRIZES.—The Secretary may award prizes to authorities having jurisdiction, using funds appropriated to the Secretary to carry out this subsection, to encourage authorities having jurisdiction to adopt the exemplary streamlined permitting process or the voluntary inspection protocol established under subparagraphs (A) and (D) of paragraph (3), respectively.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $20,000,000 for each of fiscal years 2026 through 2031.

SEC. 2109. GRID-ENHANCING ADVANCED TRANSMISSION TECHNOLOGIES.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 2108(d)) is amended by adding at the end the following:

"SEC. 232. USE OF GRID-ENHANCING ADVANCED TRANSMISSION TECHNOLOGIES.

"(a) DEFINITIONS.—In this section:

"(1) BEST-AVAILABLE CLASS OF TRANSMISSION CONDUCTOR.—The term 'best-available class of transmission conductor' means a class of high-performance transmission conductors that, as determined by the Commission—

"(A) provides the greatest feasible and commercially available energy-carrying capacity at a given voltage level;

"(B) provides the highest feasible and commercially available electrical efficiency at that voltage level;

"(C) provides the greatest feasible and commercially available level of mechanical performance, taking into account relevant factors, including reliability, safety, and affordability; and

"(D) provides an economically reasonable alternative to a transmission conductor that is not a high-performance transmission conductor.

"(2) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(3) COVERED PROJECT.—The term 'covered project' means the construction of a new, or the modification, upgrade, replacement, or reconductoring of an existing, transmission facility subject to the jurisdiction of the Commission under section 201(b).

"(4) GRID-ENHANCING ADVANCED TRANSMISSION TECHNOLOGY.—The term 'grid-enhancing advanced transmission technology' means—

"(A) dynamic line rating;

"(B) advanced power flow control;

"(C) transmission topology optimization; and

"(D) high-performance transmission conductors.

"(b) USE OF GRID-ENHANCING ADVANCED TRANSMISSION TECHNOLOGIES.—In exercising its authority under sections 205 and 206, the Commission shall require that public utilities—

"(1) evaluate their transmission systems to assess all technically achievable opportunities to deploy grid-enhancing advanced transmission technologies, including the costs and benefits of such deployment; and

"(2) when carrying out covered projects, use grid-enhancing advanced transmission technologies, including transmission conductors in the best-available class of transmission conductors, whenever the benefits of doing so would exceed the costs.

"(c) PRESUMPTION OF PRUDENCE FOR GRID-ENHANCING ADVANCED TRANSMISSION TECHNOLOGIES.—In any filing seeking to recover the cost of a grid-enhancing advanced transmission technology for a covered project, and in any proceeding to determine whether that cost may be recovered through rates, the Commission shall presume that—

"(1) the use of a grid-enhancing advanced transmission technology is a prudent practice;

"(2) the costs associated with the use of a grid-enhancing advanced transmission technology are just and reasonable; and

"(3) the costs associated with the use of a grid-enhancing advanced transmission technology provide an economically reasonable alternative to the use of transmission technologies that are not grid-enhancing advanced transmission technologies.

"(d) APPLICABILITY.—The requirements of this section apply only to public utilities and only with respect to covered projects.

"(e) RULEMAKING.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Commission shall issue an order or rule to implement this section.

"(2) REQUIREMENTS.—In issuing an order or rule under paragraph (1), the Commission shall—

"(A) require that each public utility conducts, on Commission-established timelines, a recurring evaluation of the transmission systems of the public utility—

"(i) to determine when the benefits associated with deploying grid-enhancing ad-

vanced transmission technologies through covered projects, including benefits to the current transmission system of the public utility, outweigh the costs (such that the applicable benefit-cost ratio is greater than 1);

"(ii) that evaluates whether the costs for which recovery is sought achieve the highest net benefit at least cost for the applicable covered projects; and

"(iii) that considers planning and construction timelines and outages for new transmission assets and risks and impacts of potential delays;

"(B) require that, for any covered project for which the benefits of deploying a grid-enhancing advanced transmission technology outweigh the costs (such that the applicable benefit-cost ratio is greater than 1), the applicable public utility shall deploy the grid-enhancing advanced transmission technology based on general schedules for deployment, as determined by the Commission;

"(C) require that decisions on whether to implement grid-enhancing advanced transmission technologies based on the recurring eval-

uations under subparagraph (A) are reported to the Commission, in a manner determined by the Commission;

"(D) in consultation with the Secretary of Energy, establish a methodology for determining whether a transmission conductor is in the best-available class of transmission conductors for purposes of this section;

"(E) provide for periodic review and updating of the methodology established under subparagraph (D) not less frequently than annually to reflect improvements in technology, materials, and system performance; and

"(F) determine a penalty for any public utility that fails to deploy the relevant grid-enhancing advanced transmission technologies when the applicable benefit-cost ratio is greater than 1 in a timeframe determined by the Commission, including a reduction of the effective return on equity for the transmission system of the public utility.".

SEC. 2110. EXPEDITING GENERATOR INTERCONNECTION QUEUES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Energy Regulatory

Commission shall initiate a rulemaking to revise the pro forma Large Generator Interconnection Procedures promulgated pursuant to section 35.28(f) of title 18, Code of Federal Regulations (or a successor regulation), to require public utility transmission providers to share and employ, as appropriate, queue management practices with respect to the use of computing technologies, including artificial intelligence, machine learning, and automation, in evaluating and processing interconnection requests, in order to expedite study results with respect to those requests.

(b) REQUIREMENT.—The Federal Energy Regulatory Commission shall initiate and finalize a rulemaking pursuant to subsection (a) not less frequently than once every 4 years to determine whether additional steps are required to ensure that public utility transmission providers are adequately deploying advanced computing technologies.

SEC. 2111. GRID DATA ACCESS.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 2109) is amended by adding at the end the following:

"SEC. 233. GRID DATA ACCESS.

"(a) DEFINITIONS.—In this section:

"(1) BULK-POWER SYSTEM.—The term 'bulk-power system' has the meaning given the term in section 215(a).

"(2) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(3) COVERED STUDY.—The term 'covered study' includes—

"(A) a generation or load interconnection study, facilities study, feasibility study, or affected-system study required under a tariff on file with the Commission; and

"(B) a study or analysis under section 224, 225, 226, 228, 229, or 232.

"(4) GRID DATA.—

"(A) IN GENERAL.—The term 'grid data' means data, in any format, reasonably necessary for a covered study, including models, assumptions, forecasts, facility data, operating data, and other study inputs.

"(B) INCLUSIONS.—The term 'grid data' includes any data category identified by the Commission, in consultation with the Secretary of Energy, the Electric Reliability Organization (as defined in section 215(a)), transmission providers, National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), and entities with automated

grid-study software experience, for purposes of this section.

"(5) TRANSMISSION PROVIDER.—

"(A) IN GENERAL.—The term 'transmission provider' means—

"(i) a public utility, Regional Transmission Organization, Independent System Operator, or other entity administering an open access transmission tariff; or

"(ii) for purposes of paragraphs (2) and (3) of subsection (b), an entity legally responsible for a covered study.

"(B) EXCLUSION.—The term 'transmission provider' does not include an exempt transmitting utility (as defined in section 225(a)) that does not voluntarily subject itself to Commission jurisdiction for the purposes of this section.

"(b) GRID DATA DUTIES.—

"(1) DATA SUFFICIENCY.—Each transmission provider shall obtain, assemble, and maintain the grid data regarding its transmission system that is necessary for the transmission provider to conduct covered studies.

"(2) REPRESENTATIVE OR TOOL.—A transmission provider may designate a person or tool as-

sisting the transmission provider in a covered study as its representative for the purpose of making any requests in accordance with paragraph (3), subject to paragraph (6).

"(3) DATA REQUESTS.—

"(A) IN GENERAL.—A transmission provider may request the grid data necessary to complete a covered study from any relevant user, owner, or operator of the bulk-power system that possesses or controls such data.

"(B) REQUIREMENT.—Subject to subparagraph (C), any person from whom grid data is requested under subparagraph (A) shall provide requested grid data not later than 15 days after receiving the request.

"(C) ALTERNATIVE TIMELINE.—The Commission may establish, by data category, alternative timelines for providing grid data in response to a request under subparagraph (A).

"(4) DATA INTEROPERABILITY.—Grid data maintained pursuant to paragraph (1) and provided pursuant to paragraph (3) shall be provided in a format that is usable or convertible by the requesting party with no impact on the scope or level of granularity in which the data is maintained or used, in-

cluding by direct data transfer, application programming interface access, or secure compute-over-data access.

"(5) DATA CURRENCY.—Each person providing grid data under paragraph (3) shall—

"(A) provide accurate, complete, and current grid data; and

"(B) report, on Commission-established timelines, any material changes needed to maintain the accuracy of the grid data or any related models or studies, including covered studies.

"(6) DATA SAFEGUARDS.—

"(A) IN GENERAL.—Grid data under this section shall be handled under applicable law and Commission-approved confidentiality and data security requirements.

"(B) MANNER OF ACCESS.—The requirements described in subparagraph (A) may govern the manner of access to grid data, but may not be used to withhold grid data if access can be provided consistent with those requirements.

"(7) COST RECOVERY.—A public utility or transmission provider may file rates, charges, or tariffs pursuant to section 205 to recover the costs of complying with this section.

"(c) ENFORCEMENT.—

"(1) RELIABILITY AND PENALTIES.—Failure to comply with the duties under subsection (b) shall be subject to civil penalties as specified in section 316A.

"(2) COMPLIANCE ORDERS.—The Commission may, by order, require compliance with this section by any person required to provide or make available grid data under this section.

"(3) EXPEDITED COMPLAINT.—Not later than 60 days after a complaint alleging a violation of this section is filed, the Commission shall, if the Commission determines that a violation has occurred, issue an order requiring compliance, including interim relief needed to prevent unreasonable delay in a covered study.

"(d) IMPLEMENTATION.—

"(1) IN GENERAL.—The Commission may issue such rules or orders, including pursuant to section 206, as are necessary to carry out this section.

"(2) REQUIREMENT.—The Commission shall issue at least 1 rule or order described in paragraph (1) not later than 1 year after the date of enactment of this section.".

(b) AUTOMATED STUDY REFERENCE SPECIFICATION.—

(1) PUBLICATION.—Not later than 1 year after the date of enactment of this Act, the Federal Energy Regulatory Commission and the Secretary of Energy, in consultation with the Electric Reliability Organization (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a))), transmission providers (as defined in section 233(a) of that Act), National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), and entities with automated grid-study software experience, shall publish a reference specification identifying the data categories, formats or conversion standards, update frequencies, and validation standards needed to enable full automation of interconnection studies, including system impact studies, without supplemental data requests during the study.

(2) EFFECT.—This section, including the pendency of publication of the reference specification described in paragraph (1), shall not delay, limit, or narrow the application of section 233 of the Federal Power Act.

(3) UPDATES.—The Federal Energy Regulatory Commission may update the reference specification published under paragraph (1) through a noticed proceeding not more frequently than once every 3 years.

SEC. 2112. POWER MARKETING ADMINISTRATIONS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 2111(a)) is amended by adding at the end the following:

"SEC. 234. COMPENSATION FLEXIBILITY TO ADDRESS RETENTION AND HIRING ISSUES AT THE FEDERAL POWER MARKETING ADMINISTRATIONS.

"(a) EMPLOYEE COMPENSATION PROGRAM.—

"(1) IN GENERAL.—Except as otherwise provided in this section, the Administrator of each Federal power marketing administration (referred to in this section as an 'Administrator') shall develop, implement, and, as appropriate, update, based on the results of an annual review under paragraph (4), a compensation plan that specifies and fixes the compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) for employees of the Federal power marketing administration, including members of the Senior Executive Service (as defined in section 2101a of title 5, United States Code).

"(2) INITIAL COMPENSATION PLAN.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, each Administrator shall, in consultation with

the Director of the Office of Personnel Management, and subject to confirmation and approval by the Secretary of Energy, which shall not be unreasonably withheld, develop an initial compensation plan under paragraph (1).

"(B) IMPLEMENTATION.—Not later than 1 year after the date on which the initial compensation plan is developed under subparagraph (A), each Administrator shall implement the initial compensation plan.

"(3) REQUIREMENTS.—A compensation plan developed under paragraph (1) shall—

"(A) be based on an annual survey of the prevailing compensation for similar positions in the electric industry in the locality in which the Federal power marketing administration is located;

"(B) be consistent with the approved annual general and administrative budget of the applicable Federal power marketing administration and encourage the widest diversified use of electric power at the lowest possible rates to consumers consistent with sound business principles;

"(C) provide that education, experience, level of responsibility, geographic differences, and

retention and recruitment needs are to be taken into account in determining the compensation of employees of the applicable Federal power marketing administration; and

"(D) provide that the individual total compensation of the applicable Administrator and any employee of the applicable Federal power marketing administration shall be comparable to and competitive with similar positions among utilities in—

"(i) the Western Interconnection, if the Federal power marketing administration is located in the Western Interconnection; or

"(ii) the Eastern Interconnection, if the Federal power marketing administration is located in the Eastern Interconnection.

"(4) ANNUAL REVIEW.—

"(A) IN GENERAL.—Annually, each Administrator shall review and update, as appropriate, the compensation plan developed under paragraph (1).

"(B) COMPENSATION OF ADMINISTRATORS.—Notwithstanding any other law, rule, regulation, or directive relating to the payment

of an Administrator (other than chapter 83 of title 5, United States Code), the Secretary of Energy shall periodically review and update, as appropriate, the compensation of each Administrator consistent with paragraph (3)(D).

"(C) PUBLICATION OF INFORMATION.—Each Administrator shall include in the quarterly public business review of the Administrator or any other appropriate public review of the operations and finances of the applicable Federal power marketing administration information on the applicable annual compensation plan review under subparagraph (A), including information on the amount of salaries of any employees whose annual salaries would exceed the annual rate payable for positions at Level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(5) ANNUAL PUBLICATION.—Annually, each Administrator shall publish the compensation plan developed under paragraph (1) or updated under paragraph (4), as applicable.

"(b) APPOINTMENT; EMPLOYMENT.—

"(1) IN GENERAL.—An Administrator may, as the Administrator determines to be necessary to carry

out the functions of the Administrator under applicable law, subject to applicable civil service laws—

"(A) appoint any officers and employees;

"(B) employ laborers, mechanics, and workers for construction work or the operation and maintenance of electrical facilities; and

"(C) fix the compensation of individuals appointed under subparagraph (A) or (B), respectively, consistent with the applicable compensation plan developed under subsection (a)(1).

"(2) EXEMPTION FROM CERTAIN CIVIL SERVICE LAWS.—Except as otherwise provided in this section, in carrying out the authority provided by paragraph (1), an Administrator shall be exempt from chapters 34, 43, 51, 53, 57, and 59 of title 5, United States Code.

"(3) APPLICATION OF MERIT SYSTEM PRINCIPLES.—Employees of a Federal power marketing administration are subject to the application of the merit system principles set forth in section 2301 of title 5, United States Code, to the extent that the principles apply to a wholly owned Government corporation.

"(4) EMPLOYMENT OF PHYSICIANS.—An Administrator may employ physicians, without regard to the civil service laws (including regulations), to perform physical examinations of employees or prospective employees of the applicable Federal power marketing administration who are or may become laborers, mechanics, and workers described in paragraph (1)(B).

"(5) EMPLOYMENT OF EXPERTS.—An Administrator may appoint, without regard to the civil service laws (including regulations), any experts that the Administrator determines to be necessary to carry out the functions of the Administrator under applicable law.

"(c) EXCEPTIONS.—Nothing in this section shall be interpreted or construed to conflict with section 9(b) of Public Law 92–392 (5 U.S.C. 5343 note) or section 704 of the Civil Service Reform Act of 1978 (5 U.S.C. 5343 note; Public Law 95–454), which remain in full force and effect. This section shall not apply to any employee of a Federal power marketing administration whose position, prior to March 27, 2025, was governed by a collective bargaining agreement that is subject to section 9(b) of Public Law 92–392 (5 U.S.C. 5343 note) or section 704 of the Civil Service

Reform Act of 1978 (5 U.S.C. 5343 note; Public Law 95–454).

"(d) RESTORATION OF BARGAINING RIGHTS.—The provisions of chapter 71 of title 5, United States Code, shall apply to all employees of any Federal power marketing administration in the same manner that those provisions applied on March 26, 2025, notwithstanding any intervening law, rule, or order to the contrary. Any collective bargaining agreement in effect as of March 26, 2025, applicable to the employees of any Federal power marketing administration shall have full force and effect through the stated term of the applicable agreement.".

SEC. 2113. FERC FEE ASSESSMENTS.

Part III of the Federal Power Act is amended by inserting after section 317 (16 U.S.C. 825p) the following:

"SEC. 318. PERIODIC REVIEW OF FEES AND CHARGES.

"Not less frequently than once every 5 years, the Federal Energy Regulatory Commission (referred to in this section as the 'Commission') shall—

"(1) undertake a review to determine whether the fees and charges the Commission assesses under this Act and other laws, including section 3401 of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178), are sufficient to allow the Commission to handle its workload in an expedient manner; and

"(2) submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report describing that review and the results of that review.".

SEC. 2114. COLLECTION OF DATA ON COMPUTATIONAL LOAD ENTITIES.

(a) DEFINITION OF COMPUTATIONAL LOAD SITE.—

(1) IN GENERAL.—In this section, the term "computational load site" means 1 or more buildings, structures, or installations at a single location that primarily contain information technology infrastructure used for—

(A) creating, executing, and delivering software applications and services;

(B) artificial intelligence training, deployment, and delivery;

(C) cryptocurrency mining; or

(D) other computational activities at a data center.

(2) EXCLUSION.—In this section, the term "computational load site" does not include computing or data storage equipment that is ancillary to a facility

the primary purpose of which is a commercial or industrial activity other than an activity described in paragraph (1).

(b) DATA COLLECTION.—Not later than 90 days before the first April 1 after the date of enactment of this Act, the Administrator of the Energy Information Administration shall revise Form 861 (or any successor form) of the Energy Information Administration to separately include information from computational load sites.

SEC. 2115. DE NOVO REVIEW OF CIVIL PENALTIES UNDER THE NATURAL GAS ACT.

Section 22(b) of the Natural Gas Act (15 U.S.C. 717t–1(b)) is amended by inserting ", in accordance with the same procedures as are applicable under section 31(d) of the Federal Power Act (16 U.S.C. 823b(d)) in the case of civil penalties assessed under section 31 of that Act (16 U.S.C. 823b)" before the period at the end.

SEC. 2116. TRANSMISSION ORGANIZATION GOVERNANCE.

(a) SECTION 205.—Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

"(h) CLARIFICATION.—For purposes of this section, the Commission has jurisdiction over the corporate governance of a Transmission Organization.".

(b) SECTION 206.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

"(f) CLARIFICATION.—For purposes of this section, the Commission has jurisdiction over the corporate governance of a Transmission Organization.".

SEC. 2117. DATA CENTER COMMUNITY ASSISTANCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMPUTATIONAL LOAD SITE.—

(A) IN GENERAL.—The term "computational load site" means 1 or more buildings, structures, or installations at a single location that primarily contain information technology infrastructure used for—

(i) creating, executing, and delivering software applications and services;

(ii) artificial intelligence training, deployment, and delivery;

(iii) cryptocurrency mining; or

(iv) other computational activities at a data center.

(B) EXCLUSION.—The term "computational load site" does not include computing or data storage equipment that is ancillary to a facility

the primary purpose of which is a commercial or industrial activity other than an activity described in subparagraph (A).

(2) PROGRAM.—The term "program" means the Data Center Community Assistance Program established under subsection (b)(1).

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) DATA CENTER COMMUNITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the "Data Center Community Assistance Program", under which the Secretary shall provide State, local, and Tribal governments, on request, with objective and technically sound information, resources, and technical assistance regarding the potential energy, water, infrastructure, economic, and other community impacts associated with computational load site development.

(2) COMMUNITY TECHNICAL ASSISTANCE.—Assistance by the Secretary under the program may include providing information and analysis relating to—

(A) projected electricity demand, including peak and annual demand;

(B) existing electric generation, transmission, and distribution capacity and any additional infrastructure needed to serve the computational load site;

(C) anticipated costs of electric infrastructure upgrades, including which persons are expected to pay those costs, and potential impacts on other ratepayers;

(D) projected water withdrawals and consumption, including average and peak water use;

(E) proposed water sources and the relationship between projected use and available local water supplies;

(F) proposed cooling technologies and associated energy and water requirements, including potential alternative technologies;

(G) backup and onsite generation, including capacity, fuel source, and anticipated use;

(H) expected economic impacts, including construction jobs, permanent jobs, and other employment effects;

(I) anticipated State and local tax revenues and any tax abatements, credits, grants, infrastructure assistance, or other public incentives;

(J) suggested information for communities to request from computational load site developers, electric utilities, water utilities, and other relevant entities;

(K) information and examples from similarly situated communities, including agreements, infrastructure arrangements, resource-use practices, and other approaches to computational load site development; and

(L) other relevant information relating to the potential energy, water, infrastructure, and economic impacts of computational load site development.

(c) DATA CENTER COMMUNITY TOOLKIT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a Data Center Community Toolkit, which shall be publicly accessible and specifically written for nontechnical local officials in plain English.

(2) CONTENTS.—The Data Center Community Toolkit developed under paragraph (1) shall include—

(A) model questions to ask computational load site developers and utilities, including questions relating to infrastructure costs;

(B) explanations or definitions, as applicable, of the terms ''megawatt'', ''megawatt-hours'', ''power usage effectiveness'', and ''water usage effectiveness'';

(C) examples of cooling systems;

(D) explanations of utility rate structures;

(E) case studies from other communities relating to computational load site development; and

(F) a guide to potential benefits and trade-offs of hosting a computational load site.

(d) INDEPENDENT PROJECT ANALYSIS.—

(1) IN GENERAL.—At the request of a State, local, or Tribal government, the Secretary may—

(A) request the applicable computational load site developer to voluntarily provide to the Secretary information, data, analyses, models, assumptions, estimates, projections, and other materials relating to the proposed computational load site; and

(B) independently assess that information and those materials, including by evaluating—

(i) the reasonableness of the assumptions and methodologies used;

(ii) the reliability of the data;

(iii) whether estimates and projections are adequately supported by the information provided; and

(iv) the technical reasonableness of the conclusions reached.

(2) TIMELINESS.—The Secretary shall make every reasonable effort to provide information and analysis under paragraph (1)(B) in a timely manner, taking into consideration the timeline of the applicable State, local, or Tribal government for consideration of the proposed computational load site.

(e) NEUTRALITY.—In carrying out activities under this section, the Secretary—

(1) shall clearly identify material assumptions, limitations, and uncertainties associated with any analysis provided; and

(2) shall not make any recommendation to a State, local, or Tribal government regarding whether any particular computational load site should be approved, rejected, permitted, or otherwise authorized.

(f) RULES OF CONSTRUCTION.—Nothing in this Act—

(1) authorizes the Secretary to approve, disapprove, condition, delay, or otherwise participate in a State, local, or Tribal decision regarding the siting or development of a computational load site; or

(2) limits the authority of the Secretary under any other provision of law to provide financial assistance, including grants, loans, loan guarantees, or other assistance, for a project or to an entity associated with a computational load site.

SEC. 2118. CONFORMING AMENDMENTS; SAVINGS PROVISION.

(a) CONFORMING AMENDMENTS.—Section 201 of the Federal Power Act (16 U.S.C. 824) is amended—

(1) in subsection (b)(2)—

(A) in the first sentence, by striking "and 222" and inserting "222, 225, 226, 226A, 227, 228, 229, 230, 231, 232, 233, and 234"; and

(B) in the second sentence, by striking "or 222" and inserting "222, 225, 226, 226A, 227, 228, 229, 230, 231, 232, 233, or 234"; and

(2) in subsection (e)—

(A) by striking "206(f),"; and

(B) by striking "or 222" and inserting "222, 225, 226, 226A, 227, 228, 229, 230, 231, 232, 233, or 234".

(b) SAVINGS PROVISION.—Nothing in this title or an amendment made by this title grants authority to the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) over sales of electric energy at retail or the local distribution of electricity.

TITLE II—ENERGY PERMITTING

Subtitle A—Accelerating Claims

SEC. 2201. ACCELERATING CLAIMS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZATION.—

(A) IN GENERAL.—The term "authorization" means any lease, right-of-way, easement, permit, approval, order, finding, determination, or other administrative decision that is required or authorized under Federal law (including regulations) to design, plan, site, construct, reconstruct, or commence operations of a project, including any determination by a Federal department or agency that additional authorizations are not necessary.

(B) INCLUSIONS.—The term "authorization" includes—

(i) agency approvals of lease sales, permits, rights-of-way, or plans required to ex-

plore for, develop, or produce energy or minerals under—

(I) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(II) the Act of August 7, 1947 (commonly known as the "Mineral Leasing Act for Acquired Lands") (30 U.S.C. 351 et seq.);

(III) the Act of July 31, 1947 (commonly known as the "Materials Act of 1947") (61 Stat. 681, chapter 406; 30 U.S.C. 601 et seq.);

(IV) sections 2319 through 2344 of the Revised Statutes (commonly known as the "Mining Law of 1872") (30 U.S.C. 22 et seq.);

(V) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(VI) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(VII) title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.); or

(VIII) title I of the Naval Petroleum Reserves Production Act (42 U.S.C. 6501 et seq.);

(ii) statements or permits for a project under sections 7 and 10 of the Endangered Species Act of 1973 (16 U.S.C. 1536, 1539); and

(iii) agency approvals under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.) of hazardous fuel reduction and forest restoration projects.

(2) ENVIRONMENTAL DOCUMENT.—The term "environmental document" includes any of the following, as prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):

(A) An environmental assessment.

(B) A finding of no significant impact.

(C) An environmental impact statement.

(3) PROJECT.—The term "project" means a project—

(A) proposed for—

(i) the construction or operation of infrastructure—

(I) to develop, produce, generate, store, transport, or distribute energy;

(II) to capture, remove, transport, or store carbon dioxide; or

(III) to mine, extract, beneficiate, or process minerals; or

(ii) hazardous fuel reduction and forest restoration for the protection of infrastructure or communities from wildfire; and

(B) subject to the requirements that—

(i) an environmental document be prepared; and

(ii) the applicable agency issue an authorization of the activity.

(4) PROJECT SPONSOR.—The term "project sponsor" means an entity, including any private, public, or public-private entity, seeking an authorization for a project.

(b) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, a civil action arising under Federal law seeking judicial review of a final agency action granting or denying an authorization shall be barred unless the civil action is filed by the date that is 150 days after the date on which the grant or denial of the authorization is required to be made public under subsection (c), unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

(c) DATE.—For the purpose of subsection (b), a final agency action granting or denying an authorization shall be made public not later than 3 days after that final agency action is taken.

(d) EXPEDITED REVIEW.—A reviewing court shall set for expedited consideration any civil action arising under Federal law seeking judicial review of a final agency action granting or denying an authorization.

(e) REMANDED ACTIONS.—

(1) IN GENERAL.—If the reviewing court remands a final Federal agency action granting or denying an authorization to the Federal agency for further proceedings, whether on a motion by the court, the agency, or another party, the court shall set a reasonable schedule and deadline for the agency to act on remand, which shall not exceed 180 days from the date on which the order of the court was issued, unless a longer time period is necessary to comply with applicable law.

(2) EXPEDITED TREATMENT OF REMANDED ACTIONS.—The head of the Federal agency to which a court remands a final Federal agency action under paragraph (1) shall take such actions as may be necessary to provide for the expeditious disposition of the

action on remand in accordance with the schedule and deadline set by the court under that paragraph.

(f) TREATMENT OF SUPPLEMENTAL OR REVISED ENVIRONMENTAL DOCUMENTS.—For the purpose of subsection (b), granting or denying an authorization following the preparation of a supplemental or revised environmental document, when required, shall be considered to be a separate final agency action.

(g) NOTICE.—Not later than 30 days after the date on which an agency is served a copy of a petition for review or a complaint in a civil action described in subsection (b), the head of the agency shall notify the project sponsor of the filing of the petition or complaint.

(h) PERMITTING COUNCIL.—Nothing in this title precludes a project from being designated as a covered project (as defined in section 41001 of the FAST Act (42 U.S.C. 4370m)) for the purposes of title XLI of that Act (42 U.S.C. 4370m et seq.).

Subtitle B—Federal Onshore Energy Leasing and Permitting

SEC. 2211. PERMITTING COMPLIANCE ON NON-FEDERAL LAND.

(a) IN GENERAL.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.),

or subpart 3162 of part 3160 of title 43, Code of Federal Regulations (or successor regulations), but subject to any applicable State or Tribal requirements and subsection (c), the Secretary of the Interior shall not require a permit to drill for an oil and gas lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) for an action occurring within an oil and gas drilling or spacing unit if—

(1) the well is located on non-Federal land and the Federal Government owns less than 50 percent of the oil and gas minerals within the oil and gas drilling or spacing unit;

(2) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore enters and produces from the Federal mineral estate subject to the lease; or

(3) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore traverses but does not produce from the Federal mineral estate subject to the lease.

(b) NOTIFICATION.—For each State permit to drill or drilling plan that would impact or extract oil and gas owned by the Federal Government—

(1) each lessee of Federal minerals in the unit, or designee of a lessee, shall—

(A) notify the Secretary of the Interior of the submission of a State application for a permit to drill or drilling plan on submission of the application; and

(B) provide a copy of the application described in subparagraph (A) to the Secretary of the Interior not later than 5 days after the date on which the permit or plan is submitted; and

(2) each lessee, designee of a lessee, or applicable State shall notify the Secretary of the Interior of the approved State permit to drill or drilling plan not later than 45 days after the date on which the permit or plan is approved.

(c) NONAPPLICABILITY TO INDIAN LANDS.—Subsection (a) shall not apply to—

(1) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; or

(2) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(A) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(B) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(C) by a dependent Indian community.

(d) EFFECT.—Nothing in this section affects—

(1) other authorities of the Secretary of the Interior under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); or

(2) the amount of royalties due to the Federal Government from the production of the Federal minerals within the oil and gas drilling or spacing unit.

(e) AUTHORITY ON NON-FEDERAL LAND.—Section 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is amended—

(1) by striking the subsection designation and all that follows through "Secretary of the Interior, or" in the first sentence and inserting the following:

"(g)(1) The Secretary of the Interior, or"; and

(2) by adding at the end the following:

"(2)(A) In the case of an oil and gas lease under this Act on land described in subparagraph (B) located within an oil and gas drilling or spacing unit, nothing in this Act authorizes the Secretary of the Interior—

"(i) to require a bond to protect non-Federal land;

"(ii) to enter non-Federal land without the consent of the applicable landowner;

"(iii) to impose mitigation requirements; or

"(iv) to require approval for surface reclamation.

"(B) Land referred to in subparagraph (A) is land where—

"(i) the well is located on non-Federal land and the Federal Government owns less than 50 percent of the minerals within the oil and gas drilling or spacing unit;

"(ii) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore enters and produces from the Federal mineral estate subject to the lease; or

"(iii) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore traverses but does not produce from the Federal mineral estate subject to the lease.".

SEC. 2212. MODIFICATION OF TRIBAL LEASES AND RIGHTS-OF-WAY ACROSS INDIAN LAND.

(a) LEASES OF TRUST OR RESTRICTED LANDS.—The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) (commonly known as the "Long-Term Leasing Act"), is amended—

(1) in subsection (a), in the second sentence, by inserting ", land held in trust for any other Indian tribe included on the most recent list published by the Secretary pursuant to section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a))" after "Chehalis Reservation";

(2) by striking "That (a) any" and inserting the following:

"SECTION 1. LEASES OF TRUST OR RESTRICTED LANDS.

"(a) AUTHORIZED PURPOSES; TERM; APPROVAL BY SECRETARY.—Any"; and

(3) in subsection (h)(1)—

(A) in the matter preceding subparagraph (A), by striking "and the term of the lease does not exceed—" and inserting a period; and

(B) by striking subparagraphs (A) and (B).

(b) TECHNICAL CORRECTION.—Section 2 of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415a) (commonly known as the "Long-Term Leasing Act"), is amended by inserting "of the Interior" after "Secretary" each place it appears.

(c) MODIFICATIONS OF RIGHTS-OF-WAY ACROSS INDIAN LAND.—The Act of February 5, 1948 (62 Stat. 17, chapter 45), is amended—

(1) in the first section (62 Stat. 17, chapter 45; 25 U.S.C. 323), by striking "That the Secretary of the Interior be, and he is hereby, empowered to" and inserting the following:

"SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS INDIAN LAND.

"(a) RIGHTS-OF-WAY.—The Secretary of the Interior may";

(2) in section 2 (62 Stat. 18, chapter 45; 25 U.S.C. 324), by striking "organized under the Act of June 18, 1934 (48 Stat. 984), as amended; the Act of May 1, 1936 (49 Stat. 1250); or the Act of June 26, 1936 (49 Stat. 1967),"; and

(3) by adding at the end the following:

"SEC. 8. TRIBAL GRANTS OF RIGHTS-OF-WAY.

"(a) RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Subject to paragraph (2), an Indian tribe may grant a right-of-way over and across the Tribal land of the Indian tribe for any purpose.

"(2) AUTHORITY.—A right-of-way granted under paragraph (1) shall not require the approval of the Secretary of the Interior or a grant by the Secretary of the Interior under section 1 if the right-of-way granted under paragraph (1) is executed in accord-

ance with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

"(b) REVIEW OF TRIBAL REGULATIONS.—

"(1) TRIBAL REGULATION SUBMISSION AND APPROVAL.—

"(A) SUBMISSION.—An Indian tribe seeking to grant a right-of-way under subsection (a) shall submit for approval a Tribal regulation governing the granting of rights-of-way over and across the Tribal land of the Indian tribe.

"(B) APPROVAL.—Subject to paragraph (2), the Secretary of the Interior shall have the authority to approve or disapprove any Tribal regulation submitted under subparagraph (A).

"(2) CONSIDERATIONS FOR APPROVAL.—

"(A) IN GENERAL.—The Secretary of the Interior shall approve a Tribal regulation submitted under paragraph (1)(A), if the Tribal regulation—

"(i) is consistent with any regulations (or successor regulations) issued by the Secretary of the Interior under section 4;

"(ii) provides for an environmental review process that includes—

"(I) the identification and evaluation of any significant impacts the proposed action may have on the environment; and

"(II) a process for ensuring—

"(aa) that the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe under subclause (I); and

"(bb) the Indian tribe provides a response to each relevant and substantive public comment on the significant environmental impacts identified by the Indian tribe under subclause (I) before the Indian tribe approves the right-of-way.

"(B) STATUTORY EXEMPTIONS.—The Secretary of the Interior, in making an approval decision under this subsection, shall not be subject to—

"(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(ii) section 306108 of title 54, United States Code; or

"(iii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

"(3) REVIEW PROCESS.—

"(A) IN GENERAL.—Not later than 180 days after the date on which the Indian tribe submits a Tribal regulation to the Secretary of the Interior under paragraph (1)(A), the Secretary of the Interior shall—

"(i) review the Tribal regulation;

"(ii) approve or disapprove the Tribal regulation; and

"(iii) notify the Indian tribe that submitted the Tribal regulation of the approval or disapproval.

"(B) WRITTEN DOCUMENTATION.—If the Secretary of the Interior disapproves a Tribal regulation submitted under paragraph (1)(A), the Secretary of the Interior shall include with the disapproval notification under subparagraph (A)(iii) written documentation describing the basis for the disapproval.

"(C) EXTENSION.—The Secretary of the Interior may, after consultation with the Indian tribe that submitted a Tribal regulation under paragraph (1)(A), extend the 180-day period described in subparagraph (A).

"(4) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (2) and (3), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe may rely on the environmental review process of the applicable Federal agency rather than any Tribal environmental review process required under this subsection.

"(c) DOCUMENTATION.—An Indian tribe granting a right-of-way under subsection (a) shall provide to the Secretary of the Interior—

"(1) a copy of the right-of-way, including any amendments or renewals; and

"(2) if the right-of-way allows for compensation to be made directly to the Indian tribe, documentation of payments that are sufficient, as determined by the Secretary of the Interior, as to enable the Secretary of the Interior to discharge the trust responsibility of the United States under subsection (d).

"(d) TRUST RESPONSIBILITY.—

"(1) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a right-of-way granted under subsection (a).

"(2) AUTHORITY OF THE SECRETARY.—

"(A) IN GENERAL.—Pursuant to the authority of the Secretary of the Interior to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary of the Interior may, on reasonable notice from the applicable Indian tribe and at the discretion of the Secretary of the Interior, enforce the provisions of, or cancel, any right-of-way granted by the Indian tribe under subsection (a).

"(B) AUTHORITY.—The enforcement or cancellation of a right-of-way under subparagraph (A) shall be conducted using regulatory procedures issued under section 6.

"(e) COMPLIANCE.—

"(1) IN GENERAL.—An interested party, after exhaustion of any applicable Tribal remedies, may submit a petition to the Secretary of the Interior, at such time and in such form as determined by the Secretary of the Interior, to review the compliance of an appli-

cable Indian tribe with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

"(2) VIOLATIONS.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior may take any action the Secretary of the Interior determines to be necessary to remedy the violation, including rescinding the approval of the Tribal regulation and reassuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe.

"(3) DOCUMENTATION.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior shall—

"(A) provide written documentation, with respect to the Tribal regulation that has been violated, to the appropriate interested party and Indian tribe;

"(B) provide the applicable Indian tribe with a written notice of the alleged violation; and

"(C) prior to the exercise of any remedy, including rescinding the approval for the applicable Tribal regulation or reassuming responsi-

bility for approving rights-of-way through the trust land of the applicable Indian tribe, provide the applicable Indian tribe with—

"(i) a hearing that is on the record; and

"(ii) a reasonable opportunity to cure the alleged violation.

"(f) SAVINGS CLAUSE.—Nothing in this section affects the application of any Tribal regulations issued under Federal environmental law.

"(g) EFFECT OF TRIBAL REGULATIONS.—An approved Tribal regulation under subsection (b) shall not preclude an Indian tribe from, in the discretion of the Indian tribe, consenting to the grant of a right-of-way by the Secretary of the Interior under section 1.

"(h) TERMS OF RIGHT-OF-WAY.—The compensation for, and terms of, a right-of-way granted under subsection (a) will be determined by—

"(1) negotiations by the Indian tribe; or

"(2) the regulations of the Indian tribe.

"(i) JURISDICTION.—The grant of a right-of-way under subsection (a) does not waive the sovereign immunity of the Indian tribe or diminish the jurisdiction of that Indian tribe over the Tribal land subject to the right-of-way, unless otherwise provided in—

"(1) the grant of the right-of-way; or

"(2) the regulations of the Indian tribe.".

SEC. 2213. ACCELERATING RENEWABLE ENERGY PERMITTING.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PROJECT.—The term "eligible project" has the meaning given the term in section 3101 of the Energy Act of 2020 (43 U.S.C. 3001) (as amended by subsection (d)).

(2) PREVIOUSLY DISTURBED OR DEVELOPED.—The term "previously disturbed or developed" has the meaning given the term in section 1021.410(g)(1) of title 10, Code of Federal Regulations (as in effect on July 2, 2025).

(b) DEADLINE FOR CONSIDERATION OF APPLICATIONS FOR RIGHTS-OF-WAY.—

(1) COMPLETENESS OF REVIEW.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary of the Interior or the Secretary of Agriculture, as applicable, receives an application for a right-of-way under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) for an eligible project, the applicable Secretary shall—

(i) notify the applicant that the application is complete; or

(ii) notify the applicant that information is missing from the application and specify any information that is required to be submitted for the application to be complete.

(B) ENVIRONMENTAL IMPACT STATEMENT.—For an eligible project that requires an environmental impact statement for an application submitted under subparagraph (A), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall issue a notice of intent not later than 90 days after the date on which the applicable Secretary determines that an application is complete under subparagraph (A).

(2) COST RECOVERY AND ISSUANCE OR DEFERRAL.—

(A) IN GENERAL.—Not later than 30 days after the date on which an applicant submits a complete application for a right-of-way under paragraph (1), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall, if a cost recovery agreement is required under

section 2804.14 of title 43, Code of Federal Regulations (or successor regulations), or section 251.58 of title 36, Code of Federal Regulations (or successor regulations), issue a cost recovery agreement.

(B) DECISION.—Not later than 30 days after the date on which an applicant submits a complete application for a right-of-way under paragraph (1), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall—

(i) grant or deny the application, if the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable law have been completed; or

(ii) defer the decision on the application and provide to the applicant notice—

(I) that specifies steps that the applicant can take for the decision on the application to be issued; and

(II) of a list of actions that need to be taken by the agency in order to comply with applicable law, and

timelines and deadlines for completing those actions.

(c) LOW DISTURBANCE ACTIVITIES FOR RENEWABLE ENERGY PROJECTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, to facilitate timely permitting of eligible projects, the Secretary of the Interior and the Secretary of Agriculture shall each develop or adopt 1 or more categorical exclusions, including allowing for extraordinary circumstances under which the categorical exclusion shall not be available, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for low disturbance activities necessary for renewable energy projects.

(2) ACTIVITIES DESCRIBED.—Low disturbance activities referred to in paragraph (1) are the following:

(A) Individual surface disturbances of less than 5 acres that have undergone site-specific analysis in a document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that has been previously completed.

(B) Activities at a location at which the same type of activity has previously occurred within 5 years prior to the date of commencement of the activity.

(C) Activities on previously disturbed or developed land for which an approved land use plan or any environmental document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed such activity as reasonably foreseeable, so long as such plan or document was approved within 5 years prior to the date of the activity.

(D) The installation, modification, operation, or removal of commercially available solar photovoltaic systems located on—

(i) a building or other structure (such as a rooftop, parking lot, or facility, or mounted to signage, lighting, gates, or fences); or

(ii) previously disturbed or developed land comprising less than 10 acres.

(E) Maintenance of a minor activity, other than any construction or major renovation, or a building or facility.

(F) Preliminary geotechnical investigations.

(G) The construction and removal of meteorological evaluation towers.

(d) DEFINITION OF ELIGIBLE PROJECT.—Paragraph (4) of section 3101 of the Energy Act of 2020 (43 U.S.C. 3001) is amended by inserting "or store" after "generate".

(e) RENEWABLE ENERGY PROJECT REVIEW STANDARDS.—Section 3102 of the Energy Act of 2020 (43 U.S.C. 3002) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) RENEWABLE ENERGY PROJECT REVIEW STANDARDS.—Not later than 2 years after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, for the purpose of encouraging standardized reviews and facilitating the permitting of eligible projects, the National Renewable Energy Coordination Office of the Bureau of Land Management shall promulgate renewable energy project review standards to be adopted by regional renewable energy coordination offices.".

SEC. 2214. ELECTRIC GRID PROJECTS.

(a) DEFINITION OF PREVIOUSLY DISTURBED OR DEVELOPED.—In this section, the term "previously disturbed or developed" has the meaning given the term in section

1021.410(g)(1) of title 10, Code of Federal Regulations (or successor regulations).

(b) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, to facilitate timely permitting, the Secretary of the Interior and the Secretary of Agriculture shall each develop or adopt 1 or more categorical exclusions, including allowing for extraordinary circumstances under which the categorical exclusion shall not be available, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the following activities:

(1) Placement of an electric transmission or distribution facility in an approved right-of-way corridor, including a corridor designated under section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926).

(2) Any repair, maintenance, replacement, upgrade, modification, optimization, or minor relocation of, or addition to, an existing electric transmission or distribution facility or associated infrastructure, including electrical substations, within an existing right-of-way or on otherwise previously disturbed or developed land, including reconductoring and installation of grid-enhancing technologies.

(3) Construction, operation, upgrade, or decommissioning of a battery or other energy storage technology on previously disturbed or developed land.

SEC. 2215. HARDROCK MINING MILL SITES.

(a) MULTIPLE MILL SITES.—Section 2337 of the Revised Statutes (30 U.S.C. 42) is amended by adding at the end the following:

"(c) ADDITIONAL MILL SITES.—

"(1) DEFINITIONS.—In this subsection:

"(A) MILL SITE.—The term 'mill site' means a location of public land that is reasonably necessary for waste rock or tailings disposal or other operations reasonably incident to mineral development on, or production from land included in a plan of operations.

"(B) OPERATIONS; OPERATOR.—The terms 'operations' and 'operator' have the meanings given those terms in section 3809.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

"(C) PLAN OF OPERATIONS.—The term 'plan of operations' means a plan of operations that an operator must submit and the Secretary of the Interior or the Secretary of Agriculture, as applicable, must approve before an operator may

begin operations, in accordance with, as applicable—

"(i) subpart 3809 of part 3800 of title 43, Code of Federal Regulations (or successor regulations establishing application and approval requirements); and

"(ii) part 228 of title 36, Code of Federal Regulations (or successor regulations establishing application and approval requirements).

"(D) PUBLIC LAND.—The term 'public land' means land owned by the United States that is open to location under sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.), including—

"(i) land that is mineral-in-character (as defined in section 3830.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection));

"(ii) nonmineral land (as defined in section 3830.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection)); and

"(iii) land where the mineral character has not been determined.

"(2) AUTHORIZATION.—Notwithstanding subsections (a) and (b), where public land is needed by the proprietor of a lode or placer claim for operations in connection with any lode or placer claim within the proposed plan of operations, the proprietor may—

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

"(B) use or occupy public land in accordance with an approved plan of operations.

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

"(4) SIZE OF MILL SITES.—A location of a single mill site under this subsection shall not exceed 5 acres.

"(5) MILL SITE AND LODE OR PLACER CLAIMS ON SAME TRACTS OF PUBLIC LAND.—A mill site may be located under this subsection on a tract of public land on which the claimant or operator maintains a previously located lode or placer claim.

"(6) EFFECT ON MINING CLAIMS.—The location of a mill site under this subsection shall not affect the

validity of any lode or placer claim, or any rights associated with such a claim.

"(7) PATENTING.—A mill site under this section shall not be eligible for patenting.

"(8) SAVINGS PROVISIONS.—Nothing in this subsection—

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

"(B) creates or increases any right (including a right of exploration, entry, use, or occupancy) of a claimant on land that is not open to location under the general mining laws;

"(C) modifies any provision of law or any prior administrative action withdrawing land from location or entry;

"(D) limits the right of the Federal Government to regulate mining and mining-related activities (including requiring claim validity examinations to establish the discovery of a valuable mineral deposit) in areas withdrawn from mining, including under—

"(i) the general mining laws;

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

"(iii) the Wilderness Act (16 U.S.C. 1131 et seq.);

"(iv) sections 100731 through 100737 of title 54, United States Code;

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

"(vi) division A of subtitle III of title 54, United States Code (commonly referred to as the 'National Historic Preservation Act'); or

"(vii) section 4 of the Act of July 23, 1955 (commonly known as the 'Surface Resources Act of 1955') (69 Stat. 368, chapter 375; 30 U.S.C. 612);

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

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

"(ii) that has been extinguished by such closure or withdrawal; or

"(F) modifies section 404 of division E of the Consolidated Appropriations Act, 2024 (Public Law 118–42).".

(b) CLAIM MAINTENANCE FEE FOR ADDITIONAL MILL SITES.—Section 10101(a)(1) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(a)(1)) is amended, in the first sentence, by inserting ", except the holders of each mill site located under subsection (c) of section 2337 of the Revised Statutes (30 U.S.C. 42) shall pay to the Secretary of the Interior, on or before September 1 of each year, to the extent provided in advance in appropriations Acts, a claim maintenance fee of $400 per site" after "respectively".

(c) APPLICATION OF MINERAL LEASING ACT FOR ACQUIRED LANDS TO HARDROCK MINERALS.—

(1) HARDROCK MINERALS.—Section 2 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351) is amended—

(A) in the sixth sentence, by striking "The term" and all that follows through "embrace" and inserting the following:

"(5) OIL.—The term 'oil' means";

(B) in the fifth sentence, by striking "'Lease'" and inserting the following:

"(3) LEASE.—The term 'lease'";

(C) by striking the fourth sentence and inserting the following:

"(4) MINERAL LEASING LAWS.—The term 'mineral leasing laws' means—

"(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

"(B) the Act of April 17, 1926 (44 Stat. 301, chapter 158; 30 U.S.C. 271 et seq.);

"(C) the Act of February 7, 1927 (44 Stat. 1057, chapter 66; 30 U.S.C. 281 et seq.); and

"(D) all Acts amendatory or supplementary to any of the Acts described in subparagraphs (A) through (C).";

(D) in the third sentence, by striking "'Secretary'" and inserting the following:

"(6) SECRETARY.—The term 'Secretary'";

(E) in the second sentence—

(i) by striking "(36 Stat." and all that follows through the period at the end and inserting "(commonly known as the 'Weeks Law') (36 Stat. 961, chapter 186; 16 U.S.C. 552 et seq.).''; and

(ii) by striking "'Acquired lands' or 'lands acquired by the United States' include" and inserting the following:

"(1) ACQUIRED LANDS; LANDS ACQUIRED BY THE UNITED STATES.—The terms 'acquired lands' and 'lands acquired by the United States' mean";

(F) in the first sentence, by striking "As used in this Act 'United States'" and inserting the following: "In this Act:

"(7) UNITED STATES.—The term 'United States'";

(G) by moving the paragraphs so as to appear in numerical order; and

(H) by inserting after paragraph (1) (as so designated) the following:

"(2) HARDROCK MINERAL.—

"(A) IN GENERAL.—The term 'hardrock mineral' includes deposits of—

"(i) minerals found in sedimentary or other rocks;

"(ii) base metals;

"(iii) precious metals;

"(iv) industrial minerals; and

"(v) precious and semi-precious gemstones.

"(B) EXCLUSIONS.—The term 'hardrock mineral' does not include deposits of—

"(i) coal;

"(ii) oil;

"(iii) oil shale;

"(iv) gas;

"(v) sodium;

"(vi) potassium;

"(vii) sulfur; or

"(viii) mineral materials subject to disposition under the Act of July 31, 1947 (commonly known as the 'Materials Act of 1947') (61 Stat. 681, chapter 406; 30 U.S.C. 601 et seq.).".

(2) DEPOSITS SUBJECT TO LEASE.—Section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352) is amended, in the first sentence, by striking "and sulfur" and inserting "sulfur, and hardrock minerals".

(d) ABANDONED HARDROCK MINE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account, to be known as the "Abandoned Hardrock Mine Fund" (referred to in this subsection as the "Fund").

(2) SOURCE OF DEPOSITS.—

(A) IN GENERAL.—Any amounts collected by the Secretary of the Interior pursuant to the claim maintenance fee under section 10101(a)(1)

of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(a)(1)) on mill sites located under subsection (c) of section 2337 of the Revised Statutes (30 U.S.C. 42) shall be deposited into the Fund.

(B) HARDROCK MINERALS.—Section 6(a) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(a)) is amended by adding at the end the following: "Beginning on the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, any receipts derived from leases of hardrock minerals pursuant to section 3 that would otherwise be paid into the Treasury shall be deposited into the Abandoned Hardrock Mine Fund established by section 2215(d) of the Bipartisan American Affordability and Jobs Act of 2026.".

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

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

(A) shall be allocated in accordance with section 40704(e)(1) of the Infrastructure Investment and Jobs Act (30 U.S.C. 1245(e)(1));

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

(C) may be used for the administration of the Fund and section 40704 of the Infrastructure Investment and Jobs Act (30 U.S.C. 1245) in amounts not to exceed 5 percent of amounts deposited into the Fund.

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

(1) by striking "the Mining Law of 1872 (30 U.S.C. 28–28e)" each place it appears and inserting "sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.)";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in the second sentence, by striking "Such claim maintenance fee" and inserting the following:

"(B) FEE.—The claim maintenance fee under subparagraph (A)"; and

(ii) in the first sentence, by striking "The holder of" and inserting the following: "(A) IN GENERAL.—The holder of"; and

(B) in paragraph (2)—

(i) in the second sentence—

(I) by striking "the Mining Law of 1872 (30 U.S.C. 28 to 28e)" and inserting "sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.)"; and

(II) by striking "Such claim maintenance fee" and inserting the following:

"(B) FEE.—The claim maintenance fee under subparagraph (A)"; and

(ii) in the first sentence, by striking "The holder of" and inserting the following: "(A) IN GENERAL.—The holder of"; and

(3) in subsection (b)—

(A) in the second sentence, by striking "The location fee" and inserting the following: "(2) FEE.—The location fee"; and

(B) in the first sentence, by striking "The claim main tenance fee" and inserting the following:

"(1) IN GENERAL.—The claim maintenance fee".

Subtitle C—Geothermal Leasing and Permitting

SEC. 2221. GEOTHERMAL OBSERVATION TEST PROJECTS.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"SEC. 30. GEOTHERMAL OBSERVATION TEST PROJECTS.

"(a) DEFINITIONS.—In this section:

"(1) CASUAL USE.—The term 'casual use', with respect to a geothermal observation test project, means activities ordinarily resulting in no or negligible disturbance of public land or resources.

"(2) CATEGORICAL EXCLUSION.—The term 'categorical exclusion' has the meaning given the term in section 3 of the National Environmental Policy Act of 1969.

"(3) DOWNHOLE.—The term 'downhole' means a well or borehole dug or drilled into the subsurface of the earth for the purposes of resource confirmation or potential use.

"(4) GEOTHERMAL OBSERVATION TEST PROJECT.—The term 'geothermal observation test project' means using geothermal technologies to drill a test, monitor, calibration, or other similar type of exploratory drilling process well for geothermal re-

sources on land for which the Secretary concerned has issued a lease under this Act, that—

"(A) causes an allowable amount of total disturbance;

"(B) does not include any permanent roads;

"(C) is developed—

"(i) with the deepest cemented casing string less than 12 inches of downhole size in diameter;

"(ii) in a manner that does not require off-road motorized access other than to and from the well site along an identified off-road route;

"(iii) with temporary road access, if needed to enable access to the geothermal observation test project location, subject to the requirement that—

"(I) construction of the temporary road access is remediated as close as reasonably practicable to original condition following completion of the geothermal observation test project work; or

"(II) the temporary road access, with any additional permanent im-

provements, is included as part of the full review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the leaseholder intends to proceed with geothermal energy use for—

"(aa) the production of electricity;

"(bb) industrial processes;

"(cc) agricultural processes;

"(dd) brine mineral extraction;

"(ee) direct heating and cooling uses; or

"(ff) any combination of items (aa) through (ee); and

"(iv) with the use of rubber-tired digging or drilling equipment vehicles;

"(D) is completed in less than 1 year—

"(i) including the removal of any surface infrastructure from the site, unless—

"(I) the party conducting the geothermal observation test project submits to the Secretary concerned by not later than 60 days after the date of

first exploration drilling an extension request for additional time to complete the observation project, in which the request provides justification indicating why granting an extension is necessary; and

"(II) the Secretary concerned grants an extension under subclause (I), if requested; or

"(ii) not including removal of any surface infrastructure from the site so long as the geothermal developer intends to proceed with resource development directly following the test phase of the project and into processes required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(E) requires the restoration of the project site as part of any new review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) within 3 years of the date of first exploration drilling to approximately the condition that existed at the time the project began, unless the site is subsequently used as part of energy development under the lease.

"(5) GEOTHERMAL TECHNOLOGY.—The term 'geothermal technology' means technology designed to extract heat from the subsurface of the earth and that is used to drill—

"(A) hydrothermal project test wells;

"(B) enhanced geothermal system monitoring wells;

"(C) closed loop geothermal system calibration wells; and

"(D) similar types of subsurface disturbances through non-production wells to assess the viability of the heat resources of the earth.

"(6) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture, with respect to National Forest System land; and

"(B) the Secretary, with respect to public lands.

"(7) SURFACE INFRASTRUCTURE.—The term 'surface infrastructure' means all equipment, materials, facilities, and other items used in the drilling of a geothermal observation test project.

"(8) TOTAL DISTURBANCE.—

"(A) IN GENERAL.—The term 'total disturbance' means a geothermal observation test project

that causes not more than 10 acres of disturbance from—

"(i) soil or vegetation disruption at the location of each geothermal observation test project; and

"(ii) soil or vegetation disruption during access or egress to the geothermal observation test project site.

"(B) ALLOWANCE.—

"(i) MULTIPLE PROJECTS.—For instances of multiple geothermal observation test projects, the acres of total disturbance allowed shall—

"(I) be equal to the total number of geothermal observation test projects multiplied by 10 acres; and

"(II) not exceed 100 total acres.

"(ii) ACCESS OR EGRESS.—For soil or vegetation disruption during access or egress to a geothermal observation test project site, the acres of total soil or vegetation disruption allowed shall be equal to the acres of total disturbance allowed minus the acres of soil or vegetation disruption caused by the geothermal observation test project.

"(b) CATEGORICAL EXCLUSION.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary concerned shall develop a categorical exclusion for geothermal observation test projects.

"(2) ADMINISTRATION.—In developing and administering the categorical exclusion under paragraph (1), the Secretary concerned shall—

"(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(B) apply any applicable extraordinary circumstance under section 46.215 of title 43, Code of Federal Regulations (or a successor regulation), in determining whether to use the categorical exclusion.

"(c) NON-MAJOR FEDERAL ACTION.—

"(1) IN GENERAL.—Activities that are casual use shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) NOTICE OF INTENT.—A party wishing to conduct activities that are casual use shall provide to the Secretary a notice of intent to carry out those activities before the start of the activities.".

SEC. 2222. GEOTHERMAL ROYALTIES.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001) is amended—

(A) in the matter preceding subsection (a), by striking "As used in this Act, the term—" and inserting "In this Act:";

(B) in each of subsections (a) through (d), by striking the semicolon at the end and inserting a period;

(C) in subsection (e), by striking "geothermal steam or associated";

(D) in subsection (f)—

(i) in the matter preceding paragraph (1), by striking "Significant" and inserting "significant"; and

(ii) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(E) in subsection (g), by striking "; and" and inserting a period;

(F) by redesignating subsections (a) through (g) as paragraphs (8), (4), (5), (1), (7), (9), and (2), respectively, indenting the paragraphs ap-

propriately, and moving the paragraphs so as to appear in numerical order;

(G) in each of paragraphs (1), (2), (4), (5), (7), (8), and (9)—

(i) by inserting "The term" after the paragraph designation; and

(ii) by inserting a paragraph heading, the text of which comprises the term defined in that paragraph;

(H) by inserting after paragraph (2) (as so redesignated) the following:

"(3) GEOTHERMAL ELECTRIC GENERATING FACILITY.—

"(A) IN GENERAL.—The term 'geothermal electric generating facility' means a facility, including all necessary equipment or structures (including turbines, cooling equipment, and other equipment), that converts geothermal resources into electricity.

"(B) SEPARATE FACILITIES.—A plant or site of a facility described in subparagraph (A) shall be considered a new or separate facility from the facility described in subparagraph (A) only if no turbines are shared with that existing facility."; and

(I) by inserting after paragraph (5) (as so redesignated) the following:

"(6) IN-SERVICE DATE.—The term 'in-service date', with respect to a geothermal electric generating facility, means the date on which the geothermal electric generating facility begins operating.".

(2) CONFORMING AMENDMENTS.—

(A) Section 6(i) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(i)) is amended by striking "as defined in section 2(c) herein".

(B) Section 28(a)(1) of the Geothermal Steam Act of 1970 (30 U.S.C. 1026(a)(1)) is amended in the matter preceding subparagraph (A) by striking ", as defined in section 2(f),".

(b) GEOTHERMAL ROYALTIES.—Section 5(a)(1) of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by inserting "with respect to a geothermal electric generating facility producing electricity from geothermal resources," before "not less than";

(B) by inserting "by such facility" after "produced"; and

(C) by striking "the first 10 years of production under the lease" and inserting "each year of the 10-year period following the in-service date of the geothermal electric generating facility"; and

(2) in subparagraph (B)—

(A) by inserting "with respect to a geothermal electric generating facility producing electricity from geothermal resources," before "not less than";

(B) by inserting "by such facility" after "produced"; and

(C) by striking "such 10-year period" and inserting "the 10-year period described in subparagraph (A)".

SEC. 2223. GEOTHERMAL LEASING REFORM.

(a) ANNUAL LEASING.—Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended—

(1) in paragraph (2), by striking "2 years" and inserting "year";

(2) by adding at the end the following:

"(5) REPLACEMENT SALES.—If a lease sale under paragraph (1) for a year is cancelled or delayed, the Secretary shall conduct a replacement sale during the same year.".

(b) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended by adding at the end the following:

"(h) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—

"(1) NOTICE.—Not later than 30 days after the date on which the Secretary receives an application for any geothermal drilling permit, the Secretary shall—

"(A) provide written notice to the applicant that the application is complete; or

"(B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

"(2) ISSUANCE OR DEFERRAL.—

"(A) IN GENERAL.—Not later than 30 days after the Secretary has provided written notice to an applicant for a geothermal drilling permit that the application for such permit is complete pursuant to paragraph (1)(A), the Secretary shall—

"(i) issue the permit, if the requirements under the National Environmental

Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable law have been completed within the timeframe; or

"(ii) defer the decision on the permit and provide to the applicant a notice—

"(I) that specifies any steps that the applicant could take for the permit to be issued; and

"(II) that includes a list of actions that need to be taken by the agency to comply with applicable law, together with timelines and deadlines for taking those actions, which shall not exceed the deadlines specified in section 107(g) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g)).

"(B) DEADLINE FOR DEFERRED DECISIONS.—If the Secretary defers a decision on a permit under subparagraph (A)(ii), the Secretary shall issue a decision on the permit not later than 10 days after—

"(i) the applicant takes any steps specified under subparagraph (A)(ii)(I); and

"(ii) the agency takes the actions described in subparagraph (A)(ii)(II) in accordance with any applicable timelines and deadlines.".

SEC. 2224. GEOTHERMAL OMBUDSMAN AND PERMITTING TASK FORCE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term "Bureau" means the Bureau of Land Management.

(2) GEOTHERMAL AUTHORIZATION.—The term "geothermal authorization" means any license, permit, approval, finding, determination, or other administrative decision issued by the Bureau (including any interagency consultation) that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operation of a project that—

(A) is located in whole or in part on land subject to geothermal leasing under section 3 of the Geothermal Steam Act of 1970 (30 U.S.C. 1002); and

(B) uses geothermal energy to generate heat or electricity.

(3) GEOTHERMAL OMBUDSMAN.—The term "Geothermal Ombudsman" means the Geothermal Ombudsman appointed under subsection (b)(1).

(4) TASK FORCE.—The term "Task Force" means the Geothermal Permitting Task Force established under subsection (c)(1).

(b) GEOTHERMAL OMBUDSMAN.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall appoint from within the Bureau an individual to serve as Geothermal Ombudsman.

(2) DUTIES.—The Geothermal Ombudsman shall—

(A) act as a liaison between—

(i) the individual field, district, and State offices of the Bureau;

(ii) the Division Chief of the National Renewable Energy Coordination Office of the Bureau; and

(iii) the Director of the Bureau;

(B) provide dispute resolution services for disputes between the individual field, district, and State offices of the Bureau and applicants for geothermal authorizations;

(C) monitor and facilitate permit processing practices and timelines across individual field offices of the Bureau;

(D) develop best practices for the permitting and leasing process for geothermal resources; and

(E) coordinate with the Federal Permitting Improvement Steering Council.

(c) GEOTHERMAL PERMITTING TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall establish within the Bureau a task force, to be known as the "Geothermal Permitting Task Force".

(2) LEADERSHIP.—The Task Force shall be headed by the Geothermal Ombudsman.

(3) PERMITTING SUPPORT.—The Task Force shall support the duties of the Geothermal Ombudsman under subsection (b).

(4) CROSS-OFFICE PERSONNEL ASSIGNMENTS.—

(A) IN GENERAL.—The Geothermal Ombudsman, acting as head of the Task Force, may coordinate with any bureau or office of the Department of the Interior to assign personnel with relevant expertise to assist with the completion of geothermal authorizations in Bureau field, dis-

trict, or State offices other than the official duty stations at which such personnel are located if—

(i) the applicable bureau or office determines that such an assignment will not materially delay ongoing completion of geothermal authorizations within the applicable official duty station; and

(ii) approval is received from the head of that official duty station.

(B) ASSIGNED PERSONNEL REQUIREMENTS.—An employee assigned to assist with the completion of geothermal authorizations pursuant to subparagraph (A) shall—

(i) work in-person full-time at an official office of the Department of the Interior;

(ii) as the Geothermal Ombudsman determines to be necessary, travel to the Bureau field, district, or State office with jurisdiction over the geothermal authorizations to which the employee has been assigned;

(iii) participate as part of the team of personnel working on geothermal authorizations to which the employee has been assigned; and

(iv) regularly report to the head of the Bureau field, district, or State office with jurisdiction over the geothermal authorizations to which the employee has been assigned.

(C) RETENTION ALLOWANCES.—

(i) IN GENERAL.—Subject to the availability of appropriations, the Geothermal Ombudsman may pay a retention allowance to an employee assigned to assist with the completion of geothermal authorizations under subparagraph (A).

(ii) REQUIREMENTS.—A retention allowance under clause (i)—

(I) shall be stated as the percentage of the rate of basic pay of the applicable employee, subject to the condition that such an allowance may not exceed 25 percent of that rate of basic pay;

(II) may not be considered to be part of the basic pay of the employee;

(III) may not be appealed on reduction or elimination; and

(IV) shall be paid at the same time and in the same manner as the basic pay of the employee is paid.

(iii) FACTORS FOR CONSIDERATION.—In paying a retention allowance under clause (i), the Geothermal Ombudsman shall take into consideration—

(I) any specialized expertise of the applicable employee relating to geothermal authorizations;

(II) the demonstrated need to retain an employee to meet the performance improvement objectives for geothermal authorization timelines and develop best practices for completion of geothermal authorizations; and

(III) the difficulty in recruiting or replacing qualified personnel with relevant expertise relating to geothermal authorizations.

(D) SAVINGS CLAUSE.—The assignment of personnel pursuant to this paragraph shall not alter the underlying jurisdiction of any office of the Bureau with respect to geothermal authorizations.

(d) REPORT.—The Geothermal Ombudsman shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report that—

(1) describes the activities of the Task Force during the preceding year; and

(2) evaluates the effectiveness of geothermal authorization processing during the preceding year.

SEC. 2225. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) (as amended by section 2221) is amended by adding at the end the following:

"SEC. 31. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

"(a) EXPLORATION AND PRODUCTION ACTIVITIES.—The Secretary shall not require an operator to obtain a Federal drilling permit for geothermal exploration and production activities conducted on a non-Federal surface estate, provided that—

"(1) the United States holds an ownership interest of less than 50 percent of the subsurface geothermal resources to be accessed by the proposed action;

"(2) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore enters and produces from the Federal mineral estate subject to the lease; or

"(3) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore traverses but does not produce from the Federal minerals or mineral estate subject to the lease.

"(b) NOTIFICATION.—For each State permit to drill or drilling plan that would impact or extract geothermal resources owned by the Federal Government—

"(1) each lessee of Federal geothermal resources in the unit, or designee of a lessee, shall—

"(A) notify the Secretary of the submission of a State application for a permit to drill or drilling plan on submission of the application; and

"(B) provide a copy of the application described in subparagraph (A) to the Secretary not later than 5 days after the date on which the permit or plan is submitted; and

"(2) each lessee, designee of a lessee, or applicable State shall notify the Secretary of the approved State permit to drill or drilling plan not later than

45 days after the date on which the permit or plan is approved.

"(c) NONAPPLICABILITY TO INDIAN LAND.—Subsection (a) shall not apply to—

"(1) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; or

"(2) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

"(A) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

"(B) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

"(C) by a dependent Indian community.

"(d) EFFECT.—

"(1) IN GENERAL.—Nothing in this section shall affect the amount of royalties due to the United States under this Act from the production of electricity using geothermal resources (other than direct use of geothermal resources) or the production of any byproducts.

"(2) ONSITE REVIEWS AND INSPECTIONS.—The Secretary may conduct onsite reviews and inspections

to ensure proper accountability, measurement, and reporting of the production described in subsection (a), and payment of royalties.".

SEC. 2226. EFFECT OF PENDING CIVIL ACTIONS ON PROCESSING APPLICATIONS RELATING TO GEOTHERMAL LEASING.

Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) (as amended by section 2223(b)) is amended by adding at the end the following:

"(i) EFFECT OF PENDING CIVIL ACTIONS ON PROCESSING APPLICATIONS RELATING TO GEOTHERMAL LEASING.—

"(1) DEFINITION OF AUTHORIZATION.—In this subsection, the term 'authorization' means any license, permit, approval, finding, determination, or other administrative decision issued by a Federal agency, or any interagency consultation, that is required or authorized under Federal law (including regulations) in order to site, construct, reconstruct, or commence operation of a geothermal project administered by a Federal agency.

"(2) REQUIREMENT TO PROCESS APPLICATIONS.—Notwithstanding any pending civil action that affects an application for a geothermal drilling permit, sundry notice, notice to proceed, right-of-way,

or any other authorization under a valid existing geothermal lease, the Secretary shall, unless a Federal court vacates or provides injunctive relief for the applicable geothermal lease, geothermal drilling permit, sundry notice, notice to proceed, right-of-way, or other authorization, approve and issue, or deny, each such application not later than 60 days after completing all requirements under applicable Federal laws (including regulations), including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and division A of subtitle III of title 54, United States Code.

"(3) NO NEW AUTHORITY FOR FEDERAL COURTS.—Nothing in this subsection modifies any existing authority of a Federal court to vacate or provide injunctive relief for a geothermal lease, geothermal drilling permit, sundry notice, notice to proceed, right-of-way, or other authorization.".

SEC. 2227. COST RECOVERY FROM GEOTHERMAL LEASING, PERMITTING, AND INSPECTIONS.

(a) IN GENERAL.—Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by adding at the end the following:

"(j) COST RECOVERY.—

"(1) IN GENERAL.—During the period beginning on the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026 and ending on September 30, 2033, the Secretary may require an applicant for, or holder of, a geothermal lease to reimburse the United States for all reasonable administrative and other costs incurred by the United States from—

"(A) processing the application for the geothermal lease, including any application for an operations plan, geothermal drilling permit, utilization plan, site license, facility construction permit, commercial use permit, and any other approval associated with a geothermal lease; and

"(B) inspecting and monitoring—

"(i) geophysical exploration activities;

"(ii) the drilling, plugging, or abandonment of wells; and

"(iii) the construction, operation, termination, or reclamation of any well site or facility for the utilization of geothermal resources pursuant to the geothermal lease.

"(2) FACTOR FOR CONSIDERATION.—In determining whether to require reimbursement under paragraph (1), the Secretary shall take into consider-

ation whether there is in existence a cooperative cost-share agreement between the United States and the holder of a geothermal lease.

"(3) ADJUSTMENTS.—The Secretary may reduce the amount required to be reimbursed under paragraph (1) if the Secretary determines that—

"(A) full reimbursement would impose on the applicant an economic hardship; or

"(B) a less-than-full reimbursement is necessary to promote the greatest use of geothermal resources.

"(4) USE.—The amounts reimbursed under this subsection shall be—

"(A) credited to the currently applicable appropriation, account, or fund of the Department of the Interior as discretionary offsetting collections; and

"(B) available only to the extent provided in advance in appropriations Acts for—

"(i) processing applications for geothermal leases, including any applications for operations plans, geothermal drilling permits, utilization plans, site licenses, facility construction permits, commercial use

permits, and any other approval associated with geothermal leases; and

"(ii) inspecting and monitoring—

"(I) geophysical exploration activities;

"(II) the drilling, plugging, or abandonment of wells; and

"(III) the construction, operation, termination, or reclamation of any well site or facility for the utilization of geothermal resources pursuant to geothermal leases.".

(b) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior, in consultation with representatives of the geothermal industry and other stakeholders, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and make publicly available on the website of the Department of the Interior, a report that includes—

(A) an assessment of how the amendment made by subsection (a) affected the geothermal program of the Bureau of Land Management;

(B) any recommendations for reauthorization of subsection (j) of section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) (as added by subsection (a)); and

(C) any other recommendations for updates to—

(i) subsection (j) of section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) (as so added); or

(ii) the geothermal program of the Bureau of Land Management.

(2) CONSIDERATIONS.—In developing the report under paragraph (1), the Secretary of the Interior shall solicit facts or information from representatives of the geothermal industry and other stakeholders.

SEC. 2228. PUBLICATION OF GOLD BOOK FOR GEOTHERMAL OPERATIONS ON FEDERAL LAND.

(a) IDENTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior, in consultation with other relevant Federal agencies, shall identify standard procedures and guidelines for efficient and environmentally responsible geothermal leasing and permitting to the extent such standard procedures and guidelines are not addressed in the fourth edition of the document of the Bureau of Land Management entitled "Sur-

face Operating Standards and Guidelines for Oil and Gas Exploration and Development", commonly known as the "Gold Book", and most recently revised in 2007.

(b) PUBLICATION.—

(1) IN GENERAL.—Not later than 270 days after identifying standard procedures and guidelines under subsection (a), the Secretary of the Interior shall publish an updated version of the Gold Book, incorporating any changes necessary to support efficient and environmentally responsible geothermal leasing and permitting, for use by the field offices of the Bureau of Land Management and geothermal operators.

(2) RENAMING.—The Secretary of the Interior shall rename the Gold Book as the Secretary determines to be appropriate to reflect the incorporation of standard procedures and guidelines relating to geothermal development.

(c) CONSULTATION.—Before publishing an updated version of the Gold Book under subsection (b)(1), the Secretary of the Interior shall consult with—

(1) other relevant Federal agencies, including field offices of the Bureau of Land Management; and

(2) outside stakeholders, including developers and other experts.

(d) PERIODIC REVISION.—The Secretary of the Interior shall—

(1) not less frequently than once every 5 years, review the most recent version of the Gold Book (or a successor to that book); and

(2) as the Secretary of the Interior determines to be necessary to support efficient and environmentally responsible geothermal leasing and permitting, publish an updated version of the Gold Book (or a successor).

(e) INCLUSIONS.—Each updated version of the Gold Book (or a successor to that book) shall include standard procedures and guidelines for ensuring the efficient review and approval of environmentally responsible geothermal development, including—

(1) exploration and geophysical operations;

(2) permitting lease operations;

(3) compliance with all applicable laws (including regulations);

(4) construction and maintenance; and

(5) drilling, production, and utilization operations.

SEC. 2229. NEPA REVIEW.

Section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) NEPA REVIEW.—Action by the Secretary of the Interior in managing public land, or the Secretary of Agriculture in managing National Forest System land, with respect to an activity described in subsection (b) shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the activity is conducted pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) for the purpose of exploration or development of oil, gas, or geothermal resources.";

(2) in subsection (b)—

(A) in paragraph (2), by striking "or gas" and inserting ", gas, or geothermal";

(B) in paragraph (3), by striking "or gas" and inserting ", gas, or geothermal";

(C) by striking "NEPA" each place it appears and inserting "the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)";

(D) in paragraph (4), by striking "5" and inserting "10";

(E) by redesignating paragraph (5) as paragraph (6); and

(F) by inserting after paragraph (4) the following:

"(5) For the purposes of geothermal, placement of an electric transmission or distribution line of not more than 20 miles in length in an approved right-of-way corridor, so long as the corridor was approved within 10 years prior to the date of placement of the transmission or distribution line."; and

(3) by adding at the end the following:

"(c) EFFECT.—

"(1) IN GENERAL.—Nothing in this section affects the requirement for a drilling permit for the conduct of any activity described in subsection (b) pursuant to—

"(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.); or

"(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

"(2) REQUIREMENTS.—Notwithstanding section 17(p)(2)(A) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)(A)), subsection (h)(2)(A)(i) of section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003), or title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.), activities described in subsection (b) that require a drilling per-

mit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or a geothermal drilling permit under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall not have any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

Subtitle D—Hydropower

SEC. 2231. IDENTIFYING AND REMOVING MARKET BARRIERS TO HYDROPOWER.

(a) DEFINITION OF COMMISSION.—In this section, the term ''Commission'' means the Federal Energy Regulatory Commission.

(b) REPORT ON HYDROPOWER MARKET BARRIERS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission, in consultation with the Secretary of Energy, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report—

(A) describing any market barriers to the development and proper compensation of conventional, storage, conduit, and emerging hydropower technologies related to—

(i) rules of Transmission Organizations (as defined in section 3 of the Federal Power Act (16 U.S.C. 796));

(ii) regulations or policies—

(I) of the Commission; or

(II) under the Federal Power Act (16 U.S.C. 791a et seq.); or

(iii) other Federal and State laws and policies unique to hydropower development, operation, and regulation, as compared to other sources of electricity;

(B) containing recommendations of the Commission for reducing market barriers described in subparagraph (A);

(C) identifying and determining any regulatory, market, procurement, or cost recovery mechanisms that would—

(i) encourage development of conventional, storage, conduit, and emerging hydropower technologies; and

(ii) properly compensate conventional, storage, conduit, and emerging hydropower technologies for the full range of services provided to the electric grid, including—

(I) balancing electricity supply and demand;

(II) ensuring grid reliability;

(III) providing ancillary services;

(IV) contributing to the decarbonization of the electric grid; and

(V) integrating intermittent power sources into the grid in a cost-effective manner; and

(D) identifying ownership and development models that could reduce market barriers to the development of conventional, storage, conduit, and emerging hydropower technologies, including—

(i) opportunities for risk-sharing mechanisms and partnerships, including co-ownership models; and

(ii) opportunities to foster lease-sale and lease-back arrangements with publicly owned electric utilities.

(2) TECHNICAL CONFERENCE AND PUBLIC COMMENT.—In preparing the report under paragraph (1), the Commission shall solicit public input, including by convening a technical conference and providing an

opportunity for public submission of written comments on a draft report.

SEC. 2232. CERTAIN CONDITIONS ON ISSUANCE OF LICENSES.

Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended, in the first proviso, by inserting "and are reasonably related to the effects of the project" after "of such reservation".

SEC. 2233. HYDROPOWER MAINTENANCE AND TEMPORARY ADJUSTMENTS.

(a) ALTERATIONS IN PROJECT WORKS.—Section 10(b) of the Federal Power Act (16 U.S.C. 803(b)) is amended by adding at the end the following: "Except as previously provided in this subsection, the Commission shall require prior approval of a 'substantial alteration or addition' to project works or to project operations consisting of any significant modification of the project works or operation of the project that is not in conformity with the project plans previously approved by the Commission. The Commission shall not require approval of any alteration or addition as determined pursuant to regulations promulgated under section 2233(c) of the Bipartisan American Affordability and Jobs Act of 2026 or any temporary variance to the project operations necessitated by circumstances beyond the reasonable control of the licensee, including extreme weather, nat-

ural disasters, equipment failures, or other unforeseen circumstances.".

(b) MAINTENANCE AND REPAIR OF PROJECT WORKS.—Section 10(c) of the Federal Power Act (16 U.S.C. 803(c)) is amended by inserting after the first sentence the following: "The Commission shall not require approval or an amendment to a project license for any routine maintenance, repair, or replacement of any portion of a project works necessary to maintain the project works in accordance with this subsection.".

(c) GUIDANCE AND PROCESS.—

(1) GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall issue a notice of proposed rulemaking proposing a process or considerations for determining a "substantial alteration or addition", "nonsubstantial alteration or addition", and "routine maintenance, repair, or replacement" to a hydropower project works based on the results of the Notice of Inquiry of the Federal Energy Regulatory Commission entitled "Authorizations for Certain Post-Licensing Activities at Hydroelectric Projects" (90 Fed. Reg. 53310; Docket No. RM26-3-000) issued on November 20, 2025, initially scheduled to close on

January 26, 2026, but extended and officially closed on February 10, 2026.

(2) PROCESS.—Not later than 180 days after the date of the issuance of the notice of proposed rulemaking under paragraph (1), and after public notice and opportunity for comment, the Federal Energy Regulatory Commission shall promulgate a final rule establishing—

(A) standards for determining a "substantial alteration or addition", "nonsubstantial alteration or addition", and "routine maintenance, repair, or replacement" to a hydropower project works; and

(B) a formal process, as appropriate, for determining whether a proposed alteration or addition constitutes a "substantial alteration or addition" under the final rule that requires approval of the Federal Energy Regulatory Commission under section 10(b) of the Federal Power Act (16 U.S.C. 803(b)).

(3) EFFECT.—The rule promulgated under paragraph (2) shall establish a process or considerations for determining which licensee-requested project alterations require the approval of the Federal Energy Regulatory Commission.

(d) SAVINGS CLAUSE.—Nothing in this section or an amendment made by this section—

(1) affects any authority of the Commission—

(A) to require notice from a licensee under subsection (a) or (b) of section 10 of the Federal Power Act (16 U.S.C. 803); or

(B) to enforce requirements of that section or the terms of a license issued under part I of the Federal Power Act (16 U.S.C. 792 et seq.) with respect to the safety of any dam and appurtenant works and structures; or

(2)(A) precludes any prompt, informal consultation between the licensee and the Commission, at the request of the licensee or the Commission, with respect to the safety of any dam and appurtenant works and structures in advance of work to be undertaken under section 10 of the Federal Power Act (16 U.S.C. 803); or

(B) affects any authority of the Commission to require changes in advance of the work described in subparagraph (A) to protect the safety of any dam and appurtenant works and structures.

SEC. 2234. MICRO HYDROKINETIC ENERGY PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 38. LICENSING OF MICRO HYDROKINETIC ENERGY PROJECTS.

"(a) DEFINITION OF MICRO HYDROKINETIC ENERGY PROJECT.—In this section, the term 'micro hydrokinetic energy project'—

"(1) means a project that—

"(A) has an installed capacity of not more than 5 megawatts; and

"(B) converts to electric energy the hydrokinetic energy from a generator driven by a turbine from—

"(i) waves, tides, or currents in oceans, estuaries, or tidal areas; or

"(ii) free flowing water in rivers, lakes, streams, or man-made channels; and

"(2) does not include a project that impounds water to generate electricity.

"(b) AUTHORIZATION.—The Commission may issue a license in accordance with this section for a term of not less than 10, and not more than 20, years for the construction, operation, and maintenance of project works for a micro hydrokinetic energy project.

"(c) EXPEDITED LICENSING PROCESS.—

"(1) NOTIFICATION OF INTENT.—

"(A) FILING OF NOTIFICATION.—An applicant for a license under this section shall com-

mence the licensing process by filing a notification of intent with the Commission.

"(B) EXISTING LICENSE DEADLINE.—Notwithstanding section 15(b)(1), an applicant for a license under this section shall file a notification of intent under subparagraph (A) not later than 2 years before the expiration of an existing license, if applicable.

"(2) FILING OF APPLICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant for a license under this section shall submit to the Commission an application not later than 1 year after the date on which the applicant files a notification of intent under paragraph (1).

"(B) EXISTING LICENSE DEADLINE.—Notwithstanding section 15(c)(1), an applicant for a license under this section shall file an application with the Commission not later than 1 year before the date of expiration of the term of an existing license, if applicable.

"(3) DEADLINE FOR ISSUANCE.—The Commission shall take final action on an application for a license under this section not later than 1 year after

the date on which the application is filed under paragraph (2).

"(4) SCHEDULE FOR FINAL ACTION.—To the extent reasonably practicable, the Commission and any applicable conditioning or permitting agencies shall establish, with respect to each micro hydrokinetic energy project that is the subject of a notification of intent to apply for a license under this section, a joint schedule that permits the timely completion of decisions required to be made with respect to, and the timely issuance of, authorizations required under Federal law by the Commission and the conditioning or permitting agencies, subject to the requirement that any joint schedule established under this paragraph shall comply with the deadline for final action established under paragraph (3).

"(d) REGULATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate regulations to implement this section in a manner that expedites the deployment of micro hydrokinetic energy projects while ensuring the safe operation of the micro hydrokinetic energy project in compliance with applicable Federal and State laws.

"(2) INCLUSION.—The regulations promulgated under paragraph (1) shall provide for the use of 1 or more categorical exclusions, including allowing for extraordinary circumstances under which the categorical exclusion shall not be available, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for low disturbance activities necessary for micro hydrokinetic energy projects.

"(e) REPORT TO CONGRESS.—The Commission shall submit to Congress a report describing the impacts of the micro hydrokinetic energy projects licensed under this section on the environment, the economy, and the reliability and affordability of electricity not later than the earlier of—

"(1) the date that is 5 years after the date of enactment of this section; and

"(2) the date on which the first 50 micro hydrokinetic energy projects licensed under this section have been operational for not less than 1 year.

"(f) SAVINGS CLAUSE.—Nothing in this section affects any authority of the Commission, at the election of an applicant, to license the construction, operation, and maintenance of project works for a micro hydrokinetic energy project under any other provision of this part.".

Subtitle E—Hiring and Retention

SEC. 2241. FEDERAL ENERGY REGULATORY COMMISSION STAFFING.

Section 401(k) of the Department of Energy Organization Act (42 U.S.C. 7171(k)) is amended—

(1) by striking paragraphs (1) through (6) and inserting the following:

"(1) EMPLOYEE COMPENSATION PROGRAM.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, rule, regulation, or directive relating to the payment of Federal employees (other than chapters 83 and 84 of title 5, United States Code), the Chairman of the Commission (referred to in this subsection as the 'Chairman') shall develop, implement, and, as appropriate, update based on the results of an annual review under paragraph (4), a compensation plan that specifies and fixes the compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) for employees of the Commission.

"(B) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, the Chairman shall develop and implement

the initial compensation plan under subparagraph (A).

"(2) REQUIREMENTS.—A compensation plan developed under paragraph (1) shall—

"(A) be informed by an annual survey of prevailing compensation for positions comparable to those of the Commission in relevant public- and private-sector labor markets;

"(B) be consistent with the approved annual budget of the Commission;

"(C) take into account education, experience, level of responsibility, geographic differences, labor market conditions, scarcity of specialized expertise, and recruitment and retention needs;

"(D) seek to maintain total compensation for each position that is competitive with compensation for comparable positions in the labor markets most relevant to that position, as determined by the Chairman based on the survey under subparagraph (A); and

"(E) support the timely, efficient, and effective performance of the functions of the Commission.

"(3) AUTHORITY TO FIX COMPENSATION.—In developing and implementing the compensation plan under paragraph (1), the Chairman may classify positions and fix compensation without regard to chapter 51, subchapter III of chapter 53, and sections 5307 and 5373 of title 5, United States Code, or any other civil service law to the extent that such a law governs position classification, rates of basic pay, bonuses, awards, incentives, allowances, benefits, or aggregate limitations on compensation.

"(4) ANNUAL REVIEW.—

"(A) IN GENERAL.—Annually, the Chairman shall review and update, as appropriate, the compensation plan developed under paragraph (1).

"(B) REVIEW CONSIDERATIONS.—In conducting the annual review, the Chairman shall consider—

"(i) workforce vacancies and hiring needs;

"(ii) recruitment and retention outcomes;

"(iii) changes in relevant labor market compensation;

"(iv) internal compensation equity;

"(v) mission-critical workforce requirements; and

"(vi) the availability of amounts appropriated to the Commission.

"(5) APPLICATION OF OTHER CIVIL SERVICE LAWS.—

"(A) IN GENERAL.—Except as expressly provided in this subsection, employees of the Commission shall remain subject to otherwise-applicable civil service laws, including merit system principles and prohibited personnel practices under sections 2301 and 2302 of title 5, United States Code.

"(B) EFFECT.—Nothing in this subsection affects the eligibility of any employee of the Commission for, or the application to such an employee of, chapter 83, 84, 87, 89, 89A, 89B, or 90 of title 5, United States Code."; and

(2) by redesignating paragraph (7) as paragraph (6).

SEC. 2242. FEDERAL ENERGY REGULATORY COMMISSION PERSONNEL SAFETY.

The Federal Energy Regulatory Commission may authorize employees of the Federal Energy Regulatory Commission to perform law enforcement duties, and to exercise

the powers necessary to perform such duties, as needed to ensure the safety of the Chairman and Commissioners of the Federal Energy Regulatory Commission in the performance of the official duties of the Chairman and Commissioners, respectively.

Subtitle F—Offshore Energy

SEC. 2251. OFFSHORE ENERGY.

(a) OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) in paragraph (4)(I), by striking "prevention of interference with reasonable uses" and inserting "prevention of unreasonable interference with other uses";

(2) by striking paragraph (10) and inserting the following:

"(10) APPLICABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, the National Wildlife Refuge System, the National Marine Sanctuary System, or any National Monument.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary, in consultation with the Secretary of Commerce under section 304(d) of the National Marine Sanctuaries Act (16 U.S.C. 1434(d)), may grant rights-of-way on the outer Continental Shelf within units of the National Marine Sanctuary System for the transmission of electricity."; and

(3) by adding at the end the following:

"(11) DURATION OF PERMITS IN MARINE SANCTUARIES.—Notwithstanding section 310(c)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1441(c)(2)), any permit or authorization granted under that Act that authorizes the installation, operation, or maintenance of electric transmission cables on a right-of-way granted by the Secretary described in paragraph (10)(B) shall be issued for a term equal to the duration of the right-of-way granted by the Secretary.".

(b) SAVINGS CLAUSE.—Nothing in this section, or an amendment made by this section, modifies the limitations described in section 50265(b)(2) of Public Law 117–169 (43 U.S.C. 3006(b)(2)).

SEC. 2252. OFFSHORE ENERGY TRANSMISSION.

(a) DEFINITIONS.—In this section:

(1) BACKBONE LINE.—The term "backbone line" means a transmission line that connects multiple offshore transmission substations.

(2) FEDERAL AUTHORIZATION.—

(A) IN GENERAL.—The term "Federal authorization" means any authorization required under Federal law in order to site an offshore transmission facility.

(B) INCLUSIONS.—The term "Federal authorization" includes such permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law in order to site an offshore transmission facility.

(3) OFFSHORE GENERATION FACILITY.—The term "offshore generation facility" means a facility that—

(A) is located on the outer Continental Shelf; and

(B) produces electric energy.

(4) OFFSHORE TRANSMISSION FACILITY.—

(A) IN GENERAL.—The term "offshore transmission facility" means a facility, such as a line or cable, and any related infrastructure or equipment, such as a substation or converter sta-

tion, that is used for the transmission of electric energy—

(i) between 2 or more offshore generation facilities, including—

(I) offshore generation facilities within a single offshore energy project; and

(II) offshore generation facilities in different offshore energy projects; or

(ii) between 1 or more offshore generation facilities and an interconnection with an onshore electric grid.

(B) INCLUSIONS.—The term "offshore transmission facility" includes a radial line, a backbone line, and any transmission line.

(5) OPTIMAL POINT OF INTERCONNECTION.—The term "optimal point of interconnection" means a point of interconnection that minimizes—

(A) delays;

(B) local impacts; and

(C) the need for grid updates.

(6) OUTER CONTINENTAL SHELF.—The term "outer Continental Shelf" has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(7) RADIAL LINE.—The term "radial line" means a transmission line that is used to link 1 or more offshore energy projects to the bulk-power system (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a))).

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(b) IDENTIFICATION OF PREFERRED ROUTES.—

(1) IN GENERAL.—

(A) INITIAL IDENTIFICATION.—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of Energy (referred to in this subsection as the "Secretaries"), in coordination with relevant Federal agencies involved in the permitting of offshore generation facilities and offshore transmission facilities, shall identify preferred routes on the outer Continental Shelf for transmission cables and sub-seabed infrastructure (where such routes have not yet been identified), including—

(i) between offshore generation facilities; and

(ii) between offshore generation facilities and optimal points of interconnection with onshore electric grids.

(B) PERIODIC REVIEW.—Not less frequently than once every 3 years after the initial identification of preferred routes in accordance with subparagraph (A), the Secretaries, in coordination with relevant Federal agencies involved in the permitting of offshore generation facilities and offshore transmission facilities, shall—

(i) determine whether additional preferred routes are needed; and

(ii) if applicable, identify any additional preferred routes.

(2) CONSIDERATIONS.—In identifying preferred routes under paragraph (1), the Secretaries shall take into account—

(A) existing rights-of-way and existing subseabed infrastructure;

(B) the optimal points of interconnection between offshore generation facilities and onshore electric grids; and

(C) impacts on the marine environment, including critical habitats or protected areas, marine organisms, including protected or endan-

gered species, and other ocean users, including fisheries.

(c) SITING, PERMITTING, AND AUTHORIZATIONS.—

(1) LEAD AGENCY.—With respect to an offshore transmission facility, the Department of the Interior shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility.

(2) RULEMAKING.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in coordination with other relevant Federal agencies, shall issue, pursuant to section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334), a final rule relating to Federal authorizations for offshore transmission facilities.

(B) CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall consider—

(i) establishing 1 or more procedures for soliciting information about existing and potential rights-of-way;

(ii) establishing a process for determining interest in the use of 1 or more rights-of-way, including backboned or meshed rights-of-way;

(iii) establishing a process for the issuance of rights-of-way, on a competitive or noncompetitive basis, as appropriate, which may include consideration of whether a developer—

(I) has an award from a State via a competitive process;

(II) has an existing agreement to interconnect a transmission project; or

(III) has submitted an interconnection request in accordance with the pro forma Large Generator Interconnection Procedures promulgated pursuant to section 35.28(f) of title 18, Code of Federal Regulations (or successor regulations);

(iv) any requirements relating to environmental reviews for—

(I) independent transmission projects; and

(II) transmission projects within existing rights-of-way; and

(v) the requirements described in section 8(p)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(4)).

(3) AMENDMENT.—Section 8(p)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(3)) is amended—

(A) by striking ", the Secretary shall issue a lease, easement, or right-of-way" and inserting the following: "(43 U.S.C. 1337 note; Public Law 109–58), the Secretary—

"(A) shall issue a lease or easement"; and

(B) in subparagraph (A) (as so designated)—

(i) by striking "lease, easement, or right-of-way" and inserting "lease or easement"; and

(ii) by striking the period at the end and inserting the following: "; and

"(B) may issue a right-of-way on a competitive or noncompetitive basis, as the Secretary determines to be appropriate.".

Subtitle G—Department of Energy Nuclear Transparency Act

SEC. 2261. PUBLIC ANNOUNCEMENT REQUIREMENTS FOR DEPARTMENT OF ENERGY ACTIONS RELATING TO CERTAIN NUCLEAR FACILITIES.

(a) ALTERATIONS TO DIRECTIVES AND SAFETY STANDARDS.—

(1) PUBLIC ANNOUNCEMENT.—Not later than 72 hours after altering a directive or safety standard relating to covered DOE nuclear facilities, the Secretary of Energy shall post, on a publicly accessible website of the Department of Energy, an announcement regarding such alteration.

(2) INCLUSION.—Each announcement under paragraph (1) shall include a summary of how the relevant directive or safety standard was altered.

(b) DOCUMENTED SAFETY ANALYSIS.—

(1) PUBLIC ANNOUNCEMENT.—Not later than 72 hours after issuing any preliminary documented safety analysis or documented safety analysis with respect to a covered DOE nuclear facility, the Secretary of Energy shall post, on a publicly accessible website of the Department of Energy, an announcement regarding the issuance of such preliminary documented safety analysis or documented safety analysis.

(2) INCLUSION.—

(A) ANALYSIS.—Subject to subparagraph (B), each announcement under paragraph (1) shall include the relevant preliminary documented safety analysis or documented safety analysis.

(B) COMMERCIALLY SENSITIVE OR CONTROLLED INFORMATION.—The Secretary of Energy may modify a preliminary documented safety analysis or documented safety analysis included in an announcement under paragraph (1) only to ensure that such preliminary documented safety analysis or documented safety analysis does not include any commercially sensitive information, classified information, unclassified controlled nuclear information, or controlled unclassified information.

(c) AUTHORIZATIONS.—Not later than 72 hours after entering into an agreement to authorize a covered DOE nuclear facility, the Secretary of Energy shall post, on a publicly accessible website of the Department of Energy, an announcement regarding such agreement, including information regarding any conditions applying to such agreement.

(d) REPORT.—Not later than January 31 of each year, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing any activities the Secretary of Energy took to authorize covered DOE nuclear facilities during the previous calendar year.

(e) DEFINITIONS.—In this section:

(1) COVERED DOE NUCLEAR FACILITY.—The term "covered DOE nuclear facility" means any of the Hazard Category 1, 2, and 3 DOE nuclear facilities (as such term is defined in section 830.3(a) of title 10, Code of Federal Regulations (or a successor regulation)) that the Secretary of Energy holds authority over pursuant to section 110 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2140(a)).

(2) DOCUMENTED SAFETY ANALYSIS; PRELIMINARY DOCUMENTED SAFETY ANALYSIS.—The terms "documented safety analysis" and "preliminary documented safety analysis" have the meanings given such terms, respectively, in section 830.3(a) of title 10, Code of Federal Regulations (or a successor regulation).

TITLE III—HISTORIC PRESERVATION

SEC. 2301. HISTORIC PRESERVATION.

(a) PROGRAM EVALUATION.—

(1) STATE PROGRAMS.—Section 302302 of title 54, United States Code, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking "Occcur" and inserting "Occur"; and

(ii) by striking "4" and inserting "2";

(B) in subsection (b)—

(i) by striking "If" and inserting the following:

"(1) IN GENERAL.—If";

(ii) in paragraph (1) (as so designated), by striking "within a reasonable period of time" and inserting "within 2 years of the date of the disapproval"; and

(iii) by adding at the end the following:

"(2) COMPLIANCE WITH TIMELINES.—A State program shall not be considered consistent with this division under paragraph (1) if the applicable State Historic Preservation Officer does not regularly comply with timelines for consultation, complete consultation expeditiously, or meet required metrics under this division.

"(3) DISAPPROVAL.—If the Secretary disapproves of a State program or a major aspect of a State program under paragraph (1), the Secretary shall require the suspension in whole or in part of—

"(A) any contracts and cooperative agreements among the Secretary and the applicable State and State Historic Preservation Officer; and

"(B) any grants distributed through the Historic Preservation Fund to the applicable State and State Historic Preservation Officer.

"(4) REVIEW.—If the Secretary determines under paragraph (1) that a State program remains not consistent, or has not made acceptable progress towards becoming consistent, with this division within the 2-year timeline described in that paragraph, the Secretary shall assume all or part of the functions of the State Historic Preservation Officer until the date on which the State Historic Preservation Officer demonstrates that the State program is consistent under paragraph (1).''; and

(C) in subsection (d)(2)—

(i) in the matter preceding subparagraph (A), by inserting ''shall'' after ''Secretary'';

(ii) in subparagraph (A)—

(I) by striking ''may conduct periodic fiscal audits'' and inserting ''not less frequently than every 4 years, conduct fiscal audits''; and

(II) by striking ''as needed''; and

(iii) in subparagraph (B), by striking ''shall''.

(2) TRIBAL PROGRAMS.—

(A) IN GENERAL.—Chapter 3027 of title 54, United States Code, is amended by adding at the end the following:

"§ 302707. Program evaluation

"(a) WHEN EVALUATION SHOULD OCCUR.—Periodically, but not less frequently than every 2 years after the date on which a tribal program has been approved to assume functions and responsibilities under section 302702, the Secretary, in consultation with the Council under applicable provisions of this division, and in cooperation with the Tribal Historic Preservation Officer, shall evaluate the tribal program to determine whether the tribal program is consistent with this division.

"(b) DISAPPROVAL OF PROGRAM.—

"(1) IN GENERAL.—If, at any time, the Secretary determines that a major aspect of a tribal program is not consistent with this division, the Secretary shall disapprove the tribal program and suspend in whole or in part contracts or cooperative agreements with the Indian tribe and the Tribal Historic Preservation Officer under this division.

"(2) COMPLIANCE WITH TIMELINES.—A tribal program shall not be considered consistent with this division under paragraph (1) if the applicable Tribal

Historic Preservation Officer does not regularly comply with timelines for consultation, complete consultation expeditiously, or meet required metrics under this division.

"(3) CORRECTIVE ACTION.—Before the Secretary disapproves of a major aspect of a tribal program or suspends in whole or in part any contract or cooperative agreement with an Indian tribe and the Tribal Historic Preservation Officer pursuant to paragraph (1), the Secretary shall—

"(A) provide to the Indian tribe and the Tribal Historic Preservation Officer a written determination, including an explanation and reasoning for the determination, with respect to the finding that is the basis for possible disapproval;

"(B) offer relevant technical assistance to the Indian tribe and the Tribal Historic Preservation Officer to aid the Indian tribe and the Tribal Historic Preservation Officer in becoming consistent with this division;

"(C) allow at least 180 days for the Indian tribe and the Tribal Historic Preservation Officer to submit to the Secretary a corrective action plan to return the tribal program to consistency

with this division within 2 years of the date on which the determination is provided under subparagraph (A); and

"(D) provide to the Indian tribe and the Tribal Historic Preservation Officer a reasonable opportunity to implement an accepted corrective action plan.

"(4) DISAPPROVAL.—If, after the corrective action plan in paragraph (3) is implemented, the Secretary determines a major aspect of a tribal program remains inconsistent with this division on the date that is 2 years after the date of the determination under paragraph (3)(A), the Secretary shall require the suspension in whole or in part of—

"(A) any contracts or cooperative agreements among the Secretary and the applicable Indian tribe and Tribal Historic Preservation Officer funded under section 303102 or 302703; and

"(B) any grants distributed through the Historic Preservation Fund to the applicable Indian tribe and Tribal Historic Preservation Officer funded under section 303102 or 302703.

"(5) REINSTATEMENT.—The Secretary shall establish a process under which an Indian tribe or Tribal Historic Preservation Officer may—

"(A) demonstrate that a tribal program has been brought into compliance with this division; and

"(B) obtain—

"(i) reinstatement of the tribal program; and

"(ii) restoration of eligibility for any contracts, cooperative agreements, and grants suspended under paragraph (4).

"(6) SAVINGS PROVISION.—Nothing in this subsection—

"(A) authorizes the Secretary to consult on behalf of an Indian tribe; or

"(B) relieves a Federal agency of the obligation to consult with an Indian tribe under section 302706(b).

"(c) OVERSIGHT.—

"(1) IN GENERAL.—The Secretary, in consultation with Tribal Historic Preservation Officers, shall establish oversight methods to ensure tribal program consistency and quality without imposing undue re-

view burdens on Tribal Historic Preservation Officers.

"(2) TECHNICAL ASSISTANCE.—At the request of an Indian tribe, the Secretary, in consultation with the applicable Tribal Historic Preservation Officer, shall provide technical assistance, training, and capacity support to achieve the purpose described in paragraph (1).

"(d) FISCAL AUDIT AND MANAGEMENT SYSTEM.—

"(1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the discretion of the Secretary, a system of fiscal audit and management of the Indian tribe may be substituted for comparable Federal systems, subject to the conditions that the system of the Indian tribe—

"(A) establishes and maintains substantially similar accountability standards; and

"(B) provides for independent professional peer review.

"(2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary shall—

"(A) not less frequently than every 4 years, conduct periodic fiscal audits of tribal programs approved under this chapter; and

"(B) ensure that the tribal programs meet applicable accountability standards.

"(3) ISDEAA AUDIT SUBSTITUTION.—An audit conducted to meet the requirements of section 5 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5305) of a tribal program shall meet the requirements of this subsection, subject to the requirement that the audit shall be submitted to each of the Director, the Director of the Bureau of Indian Affairs, and the Council.".

(3) CONFORMING AMENDMENT.—Section 302702 of title 54, United States Code, is amended, in the matter preceding paragraph (1), by striking "302302 and 302303" and inserting "302303 and 302707".

(4) CLERICAL AMENDMENT.—The table of sections for chapter 3027 of title 54, United States Code, is amended by adding at the end the following:

"302707. Program evaluation.".

(b) EFFECT OF UNDERTAKING ON HISTORIC PROPERTY.—Section 306108 of title 54, United States Code, is amended—

(1) in the second sentence, by striking "The head of the Federal agency" and inserting the following:

"(2) OPPORTUNITY TO COMMENT.—The head of any Federal agency described in paragraph (1)";

(2) in the first sentence, by striking "The head of any Federal agency having direct or indirect" and inserting the following:

"(b) ADVERSE EFFECT OF THE UNDERTAKING.—

"(1) IN GENERAL.—The head of any Federal agency having direct";

(3) by inserting before subsection (b) (as so designated) the following:

"(a) DEFINITIONS.—In this section:

"(1) ADVERSE EFFECT OF THE UNDERTAKING.—

"(A) IN GENERAL.—The term 'adverse effect of the undertaking' means a consequence of an undertaking that—

"(i) is reasonably foreseeable; and

"(ii) directly alters the characteristics of a historic property in a manner that would diminish the integrity of the location, design, setting, materials, workmanship, or association of the historic property.

"(B) EXCLUSIONS.—The term 'adverse effect of the undertaking' does not include—

"(i) any visual, atmospheric, or audible element, unless the visual, atmospheric, or audible element would have a direct impact on a historic property that would sig-

nificantly diminish the eligible characteristics of the historic property;

"(ii) any temporary alteration to a historic property that is limited to the time it takes to complete an undertaking; or

"(iii) any effect on a portion of the historic property other than an adverse effect to the character-defining features, such as contributing elements, cultural-use locations, or access points, that significantly contribute to the qualification of the property for inclusion on the National Register.

"(2) AREA OF POTENTIAL EFFECTS.—

"(A) IN GENERAL.—The term 'area of potential effects' means the area within which an undertaking may cause an effect described in paragraph (1)(A).

"(B) EXCLUSION.—The term 'area of potential effects' does not include any geographic area affected solely by a portion of a project, activity, or program that is not subject to Federal control and responsibility.

"(3) MADE PUBLIC.—The term 'made public', with respect to a final agency action, means that the final agency action is published in a single location

on the primary website of the applicable Federal agency with—

"(A) hyperlinks to the final agency action prominently displayed on the website; and

"(B) the date of initial publication of the final agency action displayed and maintained on the website.

"(4) REASONABLY FORESEEABLE.—

"(A) IN GENERAL.—The term 'reasonably foreseeable', with respect to an adverse effect of the undertaking, means an effect of the undertaking that shares a reasonably close causal relationship to, and is proximately caused by, the undertaking being considered.

"(B) EXCLUSIONS.—The term 'reasonably foreseeable', with respect to an adverse effect of the undertaking, does not include—

"(i) any adverse effect of the undertaking that is speculative or attenuated from the undertaking; or

"(ii) any adverse effect of the undertaking relating to an unrelated prior, separate existing, or potential future undertaking.

"(5) STATE HISTORIC PRESERVATION OFFICER.—The term 'State Historic Preservation Officer' means—

"(A) the official designated and appointed pursuant to section 302301(1) to administer the State Historic Preservation Program; or

"(B) a representative designated to act for the official described in subparagraph (A).

"(6) TRIBAL HISTORIC PRESERVATION OFFICER.—The term 'Tribal Historic Preservation Officer' means the Tribal official designated pursuant to section 302702(2) who has assumed the duties of the State Historic Preservation Officer for purposes of compliance with subsection (b) within the boundaries of the applicable tribal land.

"(7) UNDERTAKING.—

"(A) IN GENERAL.—The term 'undertaking' means a project, activity, or program that—

"(i) requires a Federal permit, license, or approval; and

"(ii) is subject to substantial Federal control and responsibility.

"(B) EXCLUSION.—The term 'undertaking' does not include—

"(i) any portion of a project, activity, or program over which a Federal agency does not exercise substantial control or responsibility over the outcome;

"(ii) a project, activity, or program for which the only Federal involvement is a loan, loan guarantee, grant (including a capitalization grant), cost-share award, or other form of financial assistance that is not for the primary purpose of historic preservation, subject to the condition that this clause shall not apply to a project that receives more than $10,000,000 of financial assistance from the Department of Transportation;

"(iii) a project, activity, or program that consists of minor or routine restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, structure hardening, provision of handicapped access, or other similar minor or routine projects that do not diminish the integrity of a historic property;

"(iv) a project, activity, or program that is a survey or work completed to conduct consultations;

"(v) a project, activity, or program that—

"(I) is any alteration to a historic property that is necessary for public safety; and

"(II) does not diminish the integrity of the historic property;

"(vi) an activity or decision that is non-discretionary and made in accordance with the statutory authority of the Federal agency;

"(vii) any—

"(I) renewal of a special use permit on the expiration of the special use permit if no substantive changes are made from the original special use permit; or

"(II) transfer of ownership of a special use permit;

"(viii) the implementation of, or any act or omission under, a memorandum of agreement, programmatic agreement, or

other instrument executed in connection with compliance with this section, after the date on which a determination has been made under subsection (c); or

"(ix) the continuation, operation, maintenance, or post-approval implementation of a project, activity, or program after the determination has been made under subsection (c), except that a subsequent discrete decision of a Federal agency to amend or materially modify a determination made under subsection (c) is itself an undertaking, to the extent provided in this section."; and

(4) by adding at the end the following:

"(c) CONSULTATION.—

"(1) IN GENERAL.—The responsibilities of a Federal agency under this section shall be limited to historic properties within the area of potential effects identified by the Federal agency.

"(2) INITIATION AND REPORT.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Not later than 30 days after the date of receipt of a request for review of a proposed project, activity, or

program under this section, the applicable Federal official shall determine whether the proposed project, activity, or program is an undertaking subject to the requirements of this section.

"(ii) POTENTIAL EFFECT.—If an applicable Federal official determines that the applicable undertaking is a type of activity that does not have the potential to cause any effect on a historic property (assuming a historic property is present), the applicable Federal official shall have no further obligation under this section.

"(iii) APPLICABILITY OF OTHER PROVISIONS.—Subject to paragraph (7)(B)(ii), if the review of an undertaking is governed by a Federal agency program alternative established under section 800.14 of title 36, Code of Federal Regulations (or a successor regulation), or this section, including an alternate procedure, programmatic agreement, exempted category, standard treatment, or program comment, the applicable Federal official shall carry out this paragraph in accordance with that program alternative,

subject to paragraph (4), subparagraphs (A) and (B) of paragraph (5), and paragraph (6).

"(B) REPORT ON UNDERTAKING.—

"(i) IN GENERAL.—If the applicable Federal official determines under subparagraph (A) that the proposed project, activity, or program is an undertaking, the applicable Federal official shall prepare a report that includes—

"(I) a determination regarding the area of potential effects for the undertaking;

"(II) identification of any historic properties within the area of potential effects; and

"(III) description of the adverse effects, if any, of the undertaking on historic properties within the area of potential effects.

"(ii) MANDATORY SOLICITATION OF INFORMATION.—On making a determination under subparagraph (A)(i), the applicable Federal official shall seek, discuss, as appropriate, and incorporate, as applicable, in-

formation from each applicable State Historic Preservation Officer, Tribal Historic Preservation Officer, Indian tribe, or Native Hawaiian organization, local government, and project, activity, or program applicant, if the information is communicated to the applicable Federal official not later than 30 days after the date on which the Federal official submits a request for such information.

"(iii) CONSULTATION.—

"(I) IN GENERAL.—If the applicable Federal official determines under subparagraph (A) that a proposed project, activity, or program is an undertaking that is not subject to clause (ii) or (iii) of subparagraph (A), not later than 60 days after the date of the determination under subparagraph (A), the applicable Federal official shall complete the report in accordance with subclause (II) and initiate consultation by submitting the report for review to the applicable State Historic Preservation Officer, Tribal Historic

Preservation Officer, Indian tribe, Native Hawaiian organization, local government, and project, activity, or program applicant under this division.

"(II) REQUIREMENTS.—A complete report under this clause—

"(aa) shall identify the area of potential effects for the undertaking;

"(bb) shall identify whether any historic properties are present within the applicable area of potential effects;

"(cc) if a historic property is present within the area of potential effects, shall—

"(AA) consider only the portion of the property within the area of potential effects;

"(BB) document any adverse effects of the undertaking, or determine that the proposed project, activity, or program is an undertaking

for which there are no adverse effects of the undertaking;

"(CC) identify prudent and feasible measures within the area of potential effects to avoid, minimize, or mitigate any adverse effects of the undertaking; and

"(DD) identify and explain any case in which, as applicable, the applicable Federal official has decided not to require such prudent and feasible measures because, in the sole discretion of the applicable Federal official and as otherwise allowed by law, other considerations outweigh the consideration of historic preservation as to any or all adverse effects of the undertaking; and

"(dd) shall not identify measures described in item

(cc)(CC) that are not prudent or would occur outside the area of potential effects, unless the project, activity, or program applicant has submitted a written request for alternative mitigation measures.

"(3) DETERMINATION.—

"(A) IN GENERAL.—Not later than 90 days after the date of submission of a report under paragraph (2)(B)(iii)(I), unless a shorter timeline is agreed to by the State Historic Preservation Officer or Tribal Historic Preservation Officer and each applicable Indian tribe, Native Hawaiian organization, and local government, the applicable Federal official, in consultation with the applicable State Historic Preservation Officer and Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organization, and local government under this division, shall—

"(i) determine, based on the report, that—

"(I)(aa) historic properties are not present; and

"(bb) the obligations of the applicable Federal official under this section shall be satisfied;

"(II)(aa) the adverse effects of the undertaking would not so diminish the integrity of the historic property to the extent that the historic property would be made ineligible for listing on the National Register; and

"(bb) the obligations of the Federal official under this section shall be satisfied; or

"(III)(aa) in the sole discretion of the Federal official and as otherwise allowed by law, other considerations outweigh the consideration of historic preservation as to any or all adverse effects of the undertaking; and

"(bb) the obligations of the Federal official under this section shall be satisfied; or

"(ii) reach an agreement with the applicable State Historic Preservation Officer and Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organiza-

tion, local government, and project, activity, or program applicant that describes how the adverse effects of the undertaking would be avoided, minimized, or mitigated.

"(B) NO AGREEMENT.—

"(i) CONSULTATION PERIOD.—If an agreement is not reached under clause (ii) of subparagraph (A) within the 90-day period described in that subparagraph, during the 60-day period beginning immediately after the end of that 90-day period, there shall be a period of consultation among the applicable Federal official, State Historic Preservation Officer and Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organization, and local government.

"(ii) FORMAL ADVISORY COMMENTS.—

"(I) REQUEST.—If an agreement is not reached under clause (i) within the 60-day period described in that clause, the head of the Federal agency shall request formal advisory comments from the Council with respect to the applicable undertaking.

"(II) RESPONSE.—Not later than 45 days after the date on which the Council receives a request under subclause (I), the Council shall submit to the head of the Federal agency the formal advisory comments requested.

"(III) FINAL DETERMINATION.—Not later than 30 days after the date on which the head of the Federal agency receives the formal advisory comments from the Council under subclause (II), the head of the Federal agency (or an agency official delegated by the head of the Federal agency) shall make a final determination on the undertaking that demonstrates how the formal advisory comments were considered.

"(IV) SATISFACTION OF OBLIGATIONS.—Effective on the date on which a final determination is made under subclause (III), the obligations of the applicable Federal agency under this section shall be satisfied.

"(C) MULTIPLE DETERMINATIONS.—If an undertaking involves multiple corridors or large land areas, the applicable Federal official may issue multiple determinations under subparagraph (A) in a phased process.

"(4) LEAD FEDERAL AGENCY.—

"(A) IN GENERAL.—If more than 1 Federal agency has jurisdiction over a project, activity, or program that is determined to be an undertaking, the 1 or more applicable Federal agencies shall designate a lead Federal agency to comply with the requirements of this subsection.

"(B) PRESUMPTION.—If a lead Federal agency has been designated for purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the lead Federal agency designated for purposes of complying with that Act shall serve as the lead Federal agency for purposes of this subsection unless the applicable Federal agencies jointly determine that another Federal agency is better suited to carry out the responsibilities of the lead Federal agency under this subsection.

"(C) WRITTEN REQUEST; DESIGNATION BY SECRETARY.—If the 1 or more applicable Fed-

eral agencies do not designate a lead Federal agency under subparagraph (A) by the date that is 15 days after the date on which the applicable Federal agencies receive notice of a proposed undertaking—

"(i) in the case of an undertaking initiated by an applicant, the applicant may submit to the Secretary a written request for the Secretary to designate a lead Federal agency; or

"(ii) in the case of an undertaking initiated by the Federal Government, the Secretary shall designate a lead Federal agency.

"(D) FAILURE TO SIGN PROGRAMMATIC AGREEMENT.—The failure of the head of a Federal agency that is not the lead Federal agency to be a signatory to a programmatic agreement under this subsection shall not affect the conduct of the project, activity, or program subject to the programmatic agreement.

"(5) TIMELINES FOR CONSULTATION.—

"(A) INITIATION.—If a project, activity, or program requires the preparation of an environmental document under the National Environ-

mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), any consultation with respect to the project, activity, or program required for purposes of this subsection shall initiate not later than the date of initiation of the environmental review.

"(B) COMPLETION.—

"(i) IN GENERAL.—The consultation process initiated under subparagraph (A) shall be completed not later than the date on which the applicable environmental document under section 107(g) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g)) is completed with respect to the undertaking, unless the Secretary approves an extension of the deadline due to extraordinary circumstances beyond the control, and not due to any actions, of the consulting parties.

"(ii) FAILURE TO COMPLETE BY DEADLINE.—If the consultation process initiated under subparagraph (A) is not complete by the later of the deadline established under clause (i) or the date extended under that clause, the consultation requirement for

purposes of this subsection, each employee within the Senior Executive Service (as defined in section 2101a of title 5) that has supervisory authority over personnel in a relevant Federal agency that has a substantive role or responsibility in the consultation, shall spend not less than 50 percent of the workweek, as determined pursuant to title 5 or other applicable law, to remedy the failure.

"(iii) CAUSES OF ACTION.—

"(I) RIGHT TO PETITION.—A project, activity, or program applicant may obtain judicial review of the compliance by a Federal agency with the deadline established under clause (i) by filing a complaint with a court of competent jurisdiction in which a substantial part of the applicable proposed project, activity, or program is situated.

"(II) REMEDY.—If a court of competent jurisdiction under this clause finds that a Federal agency has

failed to act in accordance with this subsection, the court shall—

"(aa) provide injunctive relief, as appropriate, to give effect to this subsection;

"(bb) retain jurisdiction to ensure compliance with any such relief; and

"(cc) set a schedule and deadline for the Federal agency to act as soon as practicable with respect to the injunctive relief, which shall not exceed 90 days from the date on which the applicable order of the court is issued.

"(III) EXPEDITED PROCEDURES; TIME TO DECIDE.—The reviewing court under this clause shall—

"(aa) establish an expedited schedule for briefing and disposition; and

"(bb) issue a decision as expeditiously as practicable, but not later than 120 days, after the date on which the applicable complaint

is filed under subclause (I), absent extraordinary circumstances.

"(C) PARTICIPATION OF STATE HISTORIC PRESERVATION OFFICER OR TRIBAL HISTORIC PRESERVATION OFFICER.—

"(i) IN GENERAL.—If the State Historic Preservation Officer, Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organization, or local government fails to respond within 30 days of receipt of a request for review of any report or finding by the applicable Federal official, the applicable Federal official shall proceed to the determination under paragraph (3)(A).

"(ii) SUBSEQUENT INVOLVEMENT.—If a State Historic Preservation Officer, Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organization, or local government that fails to respond by the deadline described in clause (i) re-enters the consultation process required for purposes of this subsection, the applicable Federal official—

"(I) shall not be required to reconsider any previous report or finding; and

"(II) may consult with the Council in lieu of the State Historic Preservation Officer or Tribal Historic Preservation Officer.

"(iii) NO SUBSTANTIVE OBJECTIONS.—If the State Historic Preservation Officer, Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organization, local government, or Council, as applicable, has entered the consultation process required for purposes of this subsection, but does not provide any substantive objections by the date that is 45 days after the date of receipt of a report or finding, the applicable Federal official shall proceed to the determination under paragraph (3)(A).

"(iv) SUBSTANTIVE OBJECTIONS.—If the State Historic Preservation Officer, Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organization, local government, or Council, as applicable, has entered the consultation process required for

purposes of this subsection and provides substantive objections with respect to any of the matters included in the applicable report under subitems (AA) through (DD) of paragraph (2)(B)(iii)(II)(cc) by the date that is 45 days after the date of receipt of the report, not later than 30 days after the date of receipt of the objections, the applicable Federal official—

"(I) shall provide a response explaining how the Federal agency has considered the substantive objections in the report; and

"(II) may provide a supplemental report.

"(v) FULFILLMENT OF CONSULTING OBLIGATIONS.—On the provision of a response under clause (iv)(I), the obligation of the applicable Federal official to consult for purposes of this subsection shall be considered to be fulfilled with respect to the report.

"(vi) AGREEMENT.—If a State Historic Preservation Officer or Tribal Historic Preservation Officer fails to respond to an agreement under this subparagraph, the ap-

plicable Federal official may enter into the agreement with the Council in lieu of the State Historic Preservation Officer or Tribal Historic Preservation Officer.

"(vii) NOTICE OF FINAL AGENCY ACTION.—For any undertaking for which a report under paragraph (2)(B) is required, the applicable Federal official that completed the report and conducted consultation pursuant to that paragraph shall notify, as applicable, each applicable State Historic Preservation Officer, Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organization, and local government of the final agency action with respect to which the report was prepared.

"(6) COORDINATION WITH NEPA.—For any undertaking subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the applicable Federal official may use the preparation of a draft environmental document that the Federal agency prepares under that Act to comply with the report required under paragraph (2)(B) if the applicable Federal official—

"(A) has notified each applicable State Historic Preservation Officer or Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organization, local government, and the Council of the intent to use the environmental document for that purpose; and

"(B) determines that the draft environmental document includes each of the components required to be in the report under paragraph (2)(B).

"(7) PROGRAM ALTERNATIVES.—

"(A) BY FEDERAL AGENCY.—The head of any Federal agency shall, in consultation with the Council, develop and implement program alternatives, including an alternate procedure, programmatic agreement, exempted category, standard treatment, or program comment, to govern categories of undertakings that are—

"(i) determined to normally have no adverse effects of the undertaking;

"(ii) similar and repetitive in nature; or

"(iii) routine management activities undertaken at Federal installations, facilities, or other land management units.

"(B) BY STATE AND TRIBAL HISTORIC PRESERVATION OFFICERS.—

"(i) IN GENERAL.—A State Historic Preservation Officer or a Tribal Historic Preservation Officer may develop and implement program alternatives similar to those developed by Federal agencies under section 800.14 of title 36, Code of Federal Regulations (or a successor regulation), including an alternate procedure, programmatic agreement, exempted category, standard treatment, or program comment, within their applicable jurisdiction to govern categories of undertakings that are—

"(I) determined to normally have no adverse effects of the undertaking; or

"(II) similar and repetitive in nature.

"(ii) MULTIPLE PROGRAM ALTERNATIVES.—If a Federal program alternative is developed under section 800.14 of title 36, Code of Federal Regulations (or a successor regulation), and a State Historic Preservation Officer or Tribal Historic Preservation Officer develops a program alternative

under clause (i) to govern the same type of undertakings, the Federal agency shall apply the State or Tribal program alternative, unless the applicable State Historic Preservation Officer or Tribal Historic Preservation Officer agrees to the application of the Federal program alternative.

"(8) QUALIFIED HISTORIC PRESERVATION OFFICERS.—The Secretary shall collaborate with Tribal Historic Preservation Officers, tribal leaders, and relevant nonprofit organizations to develop standard requirements for Tribal Historic Preservation Officers that reflects the traditional knowledge, expertise, and access to traditional cultural leaders required for a successful tribal historic preservation program.

"(9) JUDICIAL REVIEW.—

"(A) DEFINITION OF AGENCY ACTION.—In this paragraph, the term 'agency action' has the meaning given the term in section 551 of title 5.

"(B) ROLE OF THE COURT.—In reviewing a claim of whether an undertaking complies with the requirements of this division, a court—

"(i) shall afford substantial deference to the agency; and

"(ii) may not substitute the judgment of the court for the judgment of the agency.

"(C) REMEDY.—

"(i) IN GENERAL.—Except as provided in clause (ii) and notwithstanding any other provision of law, if a court determines that an agency action does not comply with the requirements of this division, the only remedy the court may order is to remand, without vacatur or issuance of an injunction, the applicable agency action to the Federal agency with—

"(I) specific instructions to correct errors or deficiencies found by the court; and

"(II) a reasonable schedule and deadline for the agency to act on remand, which shall not exceed 180 days after the date on which the order of the court was entered.

"(ii) PRELIMINARY INJUNCTIONS.—

"(I) IN GENERAL.—Notwithstanding clause (i) and subject to subclause (II), a court may issue a pre-

liminary injunction for the applicable agency action when—

"(aa) there is a substantial likelihood the agency action violates a Federal law (other than this division or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.));

"(bb) necessary to prevent irreparable harm to the plaintiff;

"(cc) the balance of equities favors the plaintiff; and

"(dd) a preliminary injunction is in the public interest.

"(II) REQUIREMENTS.—The effective period of a preliminary injunction issued by a court under subclause (I) shall be not longer than the time the court finds is reasonably necessary—

"(aa) for the correction of the violation described in subclause (I)(aa); and

"(bb) to prevent the irreparable harm described in subclause (I)(bb).

"(D) LIMITATIONS ON CLAIMS.—

"(i) IN GENERAL.—Notwithstanding chapter 7 of title 5, a claim described in subparagraph (B) shall be barred unless—

"(I) except in a case in which a shorter deadline is specified under Federal law, the claim is filed not later than 150 days after the later of—

"(aa) the date on which the final agency action is made public; and

"(bb) the applicable State Historic Preservation Officer, Tribal Historic Preservation Officer, Indian tribe, Native Hawaiian organization, or local government is notified of the final agency action under paragraph (5)(C)(vii);

"(II) the claim is filed by a party that has suffered or imminently will suffer direct harm from the agency action; and

"(III) in the case of an agency action for which there was a public com-

ment period with respect to the agency action for which the comment period occurred after the date of enactment of the Bipartisan American Affordability and Jobs Act of 2026, the claim—

"(aa) is filed by a party that submitted a substantive comment (excluding a form letter)—

"(AA) during the public comment period by the noticed comment deadline; and

"(BB) that was sufficiently detailed to put the applicable Federal agency on notice of the issue for which the party seeks review; and

"(bb) concerns the same subject matter raised in the comment submitted during the public comment period.

"(ii) APPLICATION.—The requirements of subclauses (II) and (III) of clause (i) shall not apply with respect to a claim in which a State Historic Preservation Officer, Tribal Historic Preservation Officer, Indian

tribe, Native Hawaiian organization, or local government has provided detailed notice in writing during the consultation process, if such a process occurred, that—

"(I) puts the applicable Federal agency on notice of the agency action; and

"(II) sufficiently identifies any issues relating to that agency action for which the party seeks review under this paragraph.

"(iii) SUPPLEMENTAL FINDINGS DOCUMENTS.—

"(I) IN GENERAL.—If an agency issues a supplemental findings document in response to a court order remanding an agency action, the deadline described in clause (i)(I) shall be the date on which the agency makes public the supplemental findings document.

"(II) LIMITATION.—A claim for review of an agency action described in subparagraph (B) shall be limited to information contained in the final sup-

plemental findings document that was not contained in a previous findings document.

"(E) PROCEDURAL MATTERS FOR CLAIMS.—

"(i) ORIGINAL JURISDICTION.—Except with respect to a claim brought under paragraph (5)(B)(iii), and except as provided in section 19(b) of the Natural Gas Act (15 U.S.C. 717r(b)) or section 313(b) of the Federal Power Act (16 U.S.C. 825l(b)), the court of appeals of the United States circuit in which the applicable undertaking is located shall have original and exclusive jurisdiction over a claim for review of an agency action described in subparagraph (B).

"(ii) SUPPLEMENTAL JURISDICTION.—The courts of appeals of the United States shall have supplemental jurisdiction over other claims related to the validity of the final agency action at issue in the claim within the original jurisdiction of the court of appeals.

"(iii) RANDOM ASSIGNMENT OF CASES.—To the maximum extent practicable, a court of appeals of the United States shall randomly assign judges appointed, designated, or assigned to sit as judges of the court to hear claims in a manner to avoid the appearance of favoritism or bias.

"(iv) DEADLINE FOR RESOLUTION.—A court of appeals of the United States shall render a final judgment with respect to a claim for review of an agency action described in subparagraph (B) as expeditiously as possible.

"(10) CHALLENGES TO PROGRAMMATIC AGREEMENTS.—

"(A) IN GENERAL.—A party that is not a signatory to a programmatic agreement entered into for purposes of this subsection may not bring a civil action to challenge the implementation of the programmatic agreement.

"(B) JUDICIAL REVIEW.—No court shall have jurisdiction to hear or consider any action pertaining to the implementation of a programmatic agreement entered into for purposes

of this subsection that is brought by a party described in subparagraph (A).

"(d) NO POST-DEADLINE REQUIREMENT FOR REINITIATION.—The identification of a property for, nomination of a property to, or listing of a property on the National Register after the date on which the head of the Federal agency initiates a review under this section shall not require the head of the Federal agency to delay, reopen, supplement, or otherwise modify the review or consultation process under this section.".

(c) CONFORMING AMENDMENT.—Section 306114 of title 54, United States Code, is amended by striking the second sentence.

SEC. 2302. FUNDING FOR THE HISTORIC PRESERVATION FUND; GRANTS FOR TRIBAL HISTORIC PRESERVATION OFFICERS; ADDITIONAL FUNDING.

(a) FUNDING FOR HISTORIC PRESERVATION FUND.—Section 303102 of title 54, United States Code, is amended to read as follows:

"§ 303102. Funding

"For each of fiscal years 2027 through 2036, there is authorized to be appropriated, from the unappropriated balance of the Historic Preservation Fund on September 30, 2026, or the general fund of the Treasury, $200,000,000 for deposit in the Historic Preservation Fund.".

(b) GRANTS FOR TRIBAL HISTORIC PRESERVATION OFFICERS.—Section 302703 of title 54, United States Code, is amended—

(1) by striking "In consultation" and inserting the following:

"(a) IN GENERAL.—In consultation"; and

(2) by adding at the end the following:

"(b) GRANT PROGRAM FOR TRIBAL HISTORIC PRESERVATION OFFICERS.—

"(1) IN GENERAL.—The Secretary shall establish a competitive grant program under which the Secretary shall award to Tribal Historic Preservation Officers grants to develop an online database to maintain—

"(A) all records relating to the assumption by the applicable Indian tribe of the functions of the State Historic Preservation Officer under section 302702, including all determinations, findings, or agreements, and all supporting documentation; and

"(B) a comprehensive list of properties of traditional religious or cultural importance to the Indian tribe.

"(2) COORDINATION REQUIRED.—Tribal Historic Preservation Officers shall coordinate with the heads

of Federal agencies and State Historic Preservation Officers to establish a system in which the database developed under paragraph (1) may be accessed by relevant Federal officials and State Historic Preservation Officers to conduct consultation under section 306108.

"(3) LIMITATION.—Nothing in this section requires a recipient of a grant under this subsection to disclose information to the public about the location, character, or ownership of a historic property or property of traditional cultural or religious importance if the disclosure of the information may—

"(A) cause significant harm or risk to the integrity of the property; or

"(B) in the case of a property of traditional cultural or religious importance, impede the use of the property by practitioners.

"(4) REVIEW.—Not later than 90 days after the end of the fiscal year in which funds from a grant are provided to a Tribal Historic Preservation Officer under this subsection, the applicable Tribal Historic Preservation Officer shall submit to the Secretary a report that describes—

"(A) the use of the funds; and

"(B) the status of the development of the online database using the grant funds.

"(5) PRIVACY.—Notwithstanding any other provision of law, information submitted to a database developed under this subsection and accessed by, shared among, or transmitted to or from an agency or State Historic Preservation Officer shall be exempt from disclosure under section 552(b)(3)(B) of title 5.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $20,000,000 for each of fiscal years 2027 through 2030.".

DIVISION C—SURVIVOR JUSTICE TAX PREVENTION ACT

SEC. 3001. EXCLUSION FROM GROSS INCOME OF ANY DAMAGES, OTHER THAN PUNITIVE DAMAGES, RECEIVED ON ACCOUNT OF SEXUAL ACTS OR SEXUAL CONTACT.

(a) IN GENERAL.—Section 104(a)(2) of the Internal Revenue Code of 1986 is amended by striking "on account of personal physical injuries or physical sickness;" and inserting "on account of—

"(A) personal physical injuries or physical sickness, or

"(B) any sexual act (as defined in paragraph (2) of section 2246 of title 18, United States Code, as in effect on the date of the enactment of this subparagraph) or sexual contact (as defined in paragraph (3) of such section, as so in effect), whether or not there are medical records or observable injuries of such act or contact;".

(b) BURDEN OF PROOF WITH RESPECT TO WHETHER DAMAGES ARE ON ACCOUNT OF SEXUAL ACT OR SEXUAL CONTACT.—Section 104 of such Code is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) BURDEN OF PROOF WITH RESPECT TO WHETHER DAMAGES ARE ON ACCOUNT OF SEXUAL ACT OR SEXUAL CONTACT.—For purposes of subsection (a)(2), if a decision or agreement states that any damages received therefrom are on account of a sexual act or sexual contact referred to in subsection (a)(2)(B)—

"(1) such statement shall be treated as credible evidence that such damages are so on account for purposes of section 7491(a), and

"(2) the taxpayer shall be treated as having met the requirements of section 7491(a)(2) with respect to the issue of whether such damages are so on account.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts received pursuant to decisions made, and agreements entered into, after the date of the enactment of this Act.

(2) SPECIAL RULE FOR DECISIONS.—For purposes of paragraph (1), a decision shall be treated as made after the date of the enactment of this Act if the first payment pursuant to such decision is received after such date.

(3) SPECIAL RULE FOR AGREEMENTS.—For purposes of paragraph (1), an agreement shall not be treated as entered into after the date of the enactment of this Act if such agreement replaces, supersedes, or revises an agreement entered into on or before such date.

(d) NO INFERENCE WITH RESPECT TO EFFECT OF MEDICAL RECORDS OR OBSERVABLE INJURIES ON DETERMINATIONS WITH RESPECT TO PERSONAL PHYSICAL INJURIES OR PHYSICAL SICKNESS.—No inference may be drawn from the amendment made by subsection (a) (or from section 104(a)(2)(B) of the Internal Revenue Code of 1986, as amended by subsection (a)) with respect to whether the term "personal physical injuries or physical sickness" as used in section 104(a)(2) of such Code includes injuries or sick-

ness with respect to which there are no medical records or observable injuries.

(e) PROMOTION OF PUBLIC AWARENESS OF EXCLUSION.—The Secretary of the Treasury (or the Secretary's delegate), in consultation with the Department of Justice Office on Violence Against Women and other relevant Federal agencies, shall conduct a program to promote public awareness of the exclusion from gross income provided by section 104(a)(2)(B) of the Internal Revenue Code of 1986, as amended by this section.

Attest:

Secretary.

119TH CONGRESS
2D SESSION

H.R. 2347

AMENDMENT