

1 **TITLE \_\_\_\_\_ —ENERGY INDEPEND-**  
2 **ENCE AND SECURITY ACT OF**  
3 **2022**

4 **SEC. \_\_\_ 01. SHORT TITLE.**

5 This title may be cited as the “Energy Independence  
6 and Security Act of 2022”.

7 **Subtitle A—Accelerating Agency**  
8 **Reviews**

9 **SEC. \_\_\_ 11. DEFINITIONS.**

10 In this subtitle:

11 (1) AGENCY.—The term “agency” means any  
12 agency, department, or other unit of Federal, State,  
13 local, or Tribal government.

14 (2) AUTHORIZATION.—The term “authoriza-  
15 tion” means any license, permit, approval, finding,  
16 or other administrative decision that is required or  
17 authorized under Federal law (including regulations)  
18 to design, plan, site, construct, reconstruct, or com-  
19 mence operations of a project.

20 (3) COOPERATING AGENCY.—The term “cooper-  
21 ating agency” means any Federal agency (and a  
22 State, Tribal, or local agency if agreed on by the  
23 lead agency), other than a lead agency, that has ju-

1 jurisdiction by law or special expertise with respect to  
2 an environmental impact relating to a project.

3 (4) ENVIRONMENTAL DOCUMENT.—The term  
4 “environmental document” includes any of the fol-  
5 lowing, as prepared under NEPA:

6 (A) An environmental assessment.

7 (B) A finding of no significant impact.

8 (C) An environmental impact statement.

9 (D) A record of decision.

10 (5) ENVIRONMENTAL IMPACT STATEMENT.—  
11 The term “environmental impact statement” means  
12 the detailed statement of environmental impacts of  
13 a project required to be prepared under NEPA.

14 (6) ENVIRONMENTAL REVIEW PROCESS.—The  
15 term “environmental review process” means the  
16 process for preparing an environmental impact state-  
17 ment, environmental assessment, categorical exclu-  
18 sion, or other document required to be prepared to  
19 achieve compliance with NEPA, including pre-appli-  
20 cation consultation and scoping processes.

21 (7) INDIAN TRIBE.—The term “Indian Tribe”  
22 has the meaning given the term in section 102 of the  
23 Federally Recognized Indian Tribe List Act of 1994  
24 (25 U.S.C. 5130).

1           (8) LEAD AGENCY.—The term “lead agency”,  
2           with respect to a project, means—

3                   (A) the Federal agency preparing, or as-  
4                   suming primary responsibility for, the author-  
5                   ization or review of the project; and

6                   (B) if applicable, any State, local, or Trib-  
7                   al government entity serving as a joint lead  
8                   agency for the project.

9           (9) NEPA.—The term “NEPA” means the Na-  
10           tional Environmental Policy Act of 1969 (42 U.S.C.  
11           4321 et seq.) (including NEPA implementing regu-  
12           lations).

13           (10) NEPA IMPLEMENTING REGULATIONS.—  
14           The term “NEPA implementing regulations” means  
15           the regulations in subpart A of chapter V of title 40,  
16           Code of Federal Regulations (or successor regula-  
17           tions).

18           (11) PARTICIPATING AGENCY.—The term “par-  
19           ticipating agency” means an agency participating in  
20           an environmental review or authorization for a  
21           project.

22           (12) PROJECT SPONSOR.—The term “project  
23           sponsor” means an entity, including any private,  
24           public, or public-private entity, seeking an authoriza-  
25           tion for a project.

1 **SEC. \_\_\_12. STREAMLINING PROCESS FOR AUTHORIZA-**  
2 **TIONS AND REVIEWS OF ENERGY AND NAT-**  
3 **URAL RESOURCES PROJECTS.**

4 (a) DEFINITIONS.—In this section:

5 (1) CATEGORICAL EXCLUSION.—The term “cat-  
6 egorical exclusion” means a categorical exclusion  
7 within the meaning of NEPA.

8 (2) MAJOR PROJECT.—The term “major  
9 project” means a project—

10 (A) for which multiple authorizations, re-  
11 views, or studies are required under a Federal  
12 law other than NEPA; and

13 (B) with respect to which the head of the  
14 lead agency has determined that—

15 (i) an environmental impact statement  
16 is required; or

17 (ii) an environmental assessment is  
18 required, and the project sponsor requests  
19 that the project be treated as a major  
20 project.

21 (3) PROJECT.—The term “project” means a  
22 project—

23 (A) proposed for the construction of infra-  
24 structure—

25 (i) to produce, generate, store, or  
26 transport energy;

1 (ii) to capture, remove, transport, or  
2 store carbon dioxide; or

3 (iii) to mine, extract, beneficiate, or  
4 process minerals; and

5 (B) that, if implemented as proposed by  
6 the project sponsor, would be subject to the re-  
7 quirements that—

8 (i) an environmental document be pre-  
9 pared; and

10 (ii) the applicable agency issue an au-  
11 thorization of the activity.

12 (4) SECRETARY CONCERNED.—The term “Sec-  
13 retary concerned” means, as appropriate—

14 (A) the Secretary of Agriculture, with re-  
15 spect to the Forest Service;

16 (B) the Secretary of Energy;

17 (C) the Secretary of the Interior;

18 (D) the Federal Energy Regulatory Com-  
19 mission;

20 (E) the Secretary of the Army, with re-  
21 spect to the Corps of Engineers; and

22 (F) the Secretary of Transportation, with  
23 respect to the Maritime Administration.

24 (b) APPLICABILITY.—

1           (1) IN GENERAL.—The project development  
2 procedures under this section—

3           (A) shall apply to—

4                 (i) all projects for which an environ-  
5 mental impact statement is prepared; and

6                 (ii) all major projects;

7           (B) may be applied, as requested by a  
8 project sponsor and to the extent determined  
9 appropriate by the Secretary concerned, to  
10 other projects for which an environmental docu-  
11 ment is prepared; and

12           (C) shall not apply to—

13                 (i) any project subject to section 139  
14 of title 23, United States Code;

15                 (ii) any project that is a water re-  
16 sources development project of the Corps  
17 of Engineers; or

18                 (iii) any authorization of the Corps of  
19 Engineers if that authorization is for a  
20 project that alters or modifies a water re-  
21 sources development project of the Corps  
22 of Engineers.

23           (2) FLEXIBILITY.—Any authority provided by  
24 this section may be exercised, and any requirement

1 established under this section may be satisfied, for  
2 a project, class of projects, or program of projects.

3 (3) SAVINGS PROVISION.—Nothing in this sec-  
4 tion—

5 (A) precludes the use of an authority pro-  
6 vided under any other provision of law, includ-  
7 ing for a covered project under title XLI of the  
8 FAST Act (42 U.S.C. 4370m et seq.); or

9 (B) supersedes any applicable requirement,  
10 agency deadline, or authority provided under  
11 any other provision of law.

12 (c) LEAD AGENCIES.—

13 (1) JOINT LEAD AGENCIES.—Nothing in this  
14 section precludes an agency from serving as a joint  
15 lead agency for a project, in accordance with NEPA.

16 (2) ROLES AND RESPONSIBILITY.—With respect  
17 to the environmental review process for a project,  
18 the lead agency shall have the authority and respon-  
19 sibility—

20 (A) to take such actions as are necessary  
21 and appropriate to facilitate the expeditious res-  
22 olution of the environmental review process for  
23 the project;

24 (B) to prepare any required environmental  
25 impact statement or other environmental docu-

1           ment, or to ensure that such an environmental  
2           impact statement or environmental document is  
3           completed, in accordance with this section and  
4           applicable Federal law;

5           (C) not later than 45 days after the date  
6           of publication of a notice of intent to prepare  
7           an environmental impact statement, or the initi-  
8           ation of an environmental assessment, as appli-  
9           cable, for a project—

10           (i) to identify any other agencies that  
11           may have financing, environmental review,  
12           authorization, or other responsibilities with  
13           respect to the project;

14           (ii) to invite the identified agencies to  
15           become participating agencies in the envi-  
16           ronmental review process for the project;  
17           and

18           (iii) to establish, as part of the invita-  
19           tion, a deadline for the submission of a re-  
20           sponse, which may be extended by the lead  
21           agency for good cause;

22           (D) to consider and respond to comments  
23           timely received from participating agencies re-  
24           lating to matters within the special expertise or  
25           jurisdiction of those agencies;



1           (E) to consider, and, as appropriate, rely  
2           on, adopt, or incorporate by reference, baseline  
3           data, analyses, and documentation that have  
4           been prepared for the project under the laws  
5           and procedures of a State or an Indian Tribe  
6           if the lead agency determines that—

7                   (i) those laws and procedures are of  
8                   equal or greater rigor, as compared to each  
9                   applicable Federal law and procedure; and

10                   (ii) the baseline data, analysis, or doc-  
11                   umentation, as applicable, was prepared  
12                   under circumstances that allowed for—

13                           (I) opportunities for public par-  
14                           ticipation;

15                           (II) consideration of alternatives  
16                           and environmental consequences; and

17                           (III) other required analyses that  
18                           are substantially equivalent to the  
19                           analyses that would have been pre-  
20                           pared if the baseline data, analysis, or  
21                           documentation was prepared by the  
22                           lead agency pursuant to NEPA; and

23           (F)(i) to ensure that the project sponsor  
24           complies with design and mitigation commit-

1           ments for the project made jointly by the lead  
2           agency and the project sponsor; and

3                   (ii) to ensure that environmental docu-  
4           ments are appropriately supplemented if  
5           changes become necessary with respect to the  
6           project.

7           (d) PARTICIPATING AGENCIES.—

8                   (1) APPLICABILITY.—

9                           (A) INAPPLICABILITY TO COVERED  
10           PROJECTS.—The procedures under this sub-  
11           section shall not apply to a covered project (as  
12           defined in section 41001 of the FAST Act (42  
13           U.S.C. 4370m))—

14                                   (i) for which a project initiation notice  
15           has been submitted pursuant to section  
16           41003(a) of that Act (42 U.S.C. 4370m-  
17           2(a)); and

18                                   (ii) that is carried out in accordance  
19           with the procedures described in that no-  
20           tice.

21                           (B) DESIGNATIONS FOR CATEGORIES OF  
22           PROJECTS.—The Secretary concerned may exer-  
23           cise the authority under this subsection with re-  
24           spect to—

25                                   (i) a project;

1 (ii) a class of projects; or

2 (iii) a program of projects.

3 (2) FEDERAL PARTICIPATING AGENCIES.—Any  
4 Federal agency that is invited by a lead agency to  
5 participate in the environmental review process for a  
6 project shall be designated as a participating agency  
7 by the lead agency, unless the invited agency in-  
8 forms the lead agency, in writing, by the deadline  
9 specified in the invitation, that the invited agency  
10 has no responsibility for or interest in the project.

11 (3) FEDERAL COOPERATING AGENCIES.—A  
12 Federal agency that has not been invited by a lead  
13 agency to participate in the environmental review  
14 process for a project, but that is required to make  
15 an authorization or carry out an action for a project,  
16 shall—

17 (A) notify the lead agency of the financing,  
18 environmental review, authorization, or other  
19 responsibilities of the notifying Federal agency  
20 with respect to the project; and

21 (B) work with the lead agency to ensure  
22 that the agency making the authorization or  
23 carrying out the action is treated as a cooper-  
24 ating agency for the project.

1           (4) RESPONSIBILITIES.—A participating agency  
2 participating in the environmental review process for  
3 a project shall—

4           (A) provide comments, responses, studies,  
5 or methodologies relating to the areas within  
6 the special expertise or jurisdiction of the agen-  
7 cy; and

8           (B) use the environmental review process  
9 to address any environmental issues of concern  
10 to the agency.

11           (5) EFFECT OF DESIGNATION.—

12           (A) REQUIREMENT.—A participating agen-  
13 cy for a project shall comply with the applicable  
14 requirements of this section.

15           (B) NO IMPLICATION.—Designation as a  
16 participating agency under this subsection shall  
17 not imply that the participating agency—

18           (i) has made a determination to sup-  
19 port or deny any project; or

20           (ii) has any jurisdiction over, or spe-  
21 cial expertise with respect to evaluation of,  
22 the applicable project.

23           (6) COOPERATING AGENCY DESIGNATION.—Any  
24 agency designated as a cooperating agency shall also  
25 be designated by the applicable lead agency as a par-

1        participating agency under the NEPA implementing  
2        regulations.

3        (e) COORDINATION OF REQUIRED REVIEWS; ENVI-  
4        RONMENTAL DOCUMENTS.—

5            (1) IN GENERAL.—The lead agency and each  
6        participating agency for a project shall apply the re-  
7        quirements of section 41005 of the FAST Act (42  
8        U.S.C. 4370m-4) to the project, subject to the con-  
9        dition that any reference contained in that section to  
10       a “covered project” shall be considered to be a ref-  
11       erence to the project under this section.

12           (2) SINGLE ENVIRONMENTAL DOCUMENT.—

13            (A) IN GENERAL.—Except as provided in  
14        subparagraph (C), to the maximum extent prac-  
15        ticable and consistent with Federal law, to  
16        achieve compliance with NEPA, all Federal au-  
17        thorizations and reviews that are necessary for  
18        a project shall rely on a single environmental  
19        document for each type of environmental docu-  
20        ment prepared under NEPA under the leader-  
21        ship of the lead agency.

22            (B) USE OF DOCUMENT.—

23            (i) IN GENERAL.—To the maximum  
24        extent practicable, the lead agency shall  
25        develop environmental documents sufficient

1 to satisfy the NEPA requirements for any  
2 authorization or other Federal action re-  
3 quired for the project.

4 (ii) COOPERATION OF PARTICIPATING  
5 AGENCIES.—Each participating agency  
6 shall cooperate with the lead agency and  
7 provide timely information to assist the  
8 lead agency to carry out subparagraph (A).

9 (C) EXCEPTIONS.—A lead agency may  
10 waive the application of subparagraph (A) with  
11 respect to a project if—

12 (i) the project sponsor requests that  
13 agencies issue separate environmental doc-  
14 uments;

15 (ii) the obligations of a cooperating  
16 agency or participating agency under  
17 NEPA have already been satisfied with re-  
18 spect to the project; or

19 (iii) the lead agency determines that  
20 reliance on a single environmental docu-  
21 ment described in that subparagraph  
22 would not facilitate timely completion of  
23 the environmental review process or au-  
24 thorization process for the project.

1 (f) ERRATA FOR ENVIRONMENTAL IMPACT STATE-  
2 MENTS.—

3 (1) IN GENERAL.—In preparing a final environ-  
4 mental impact statement for a project, if the lead  
5 agency modifies the draft environmental impact  
6 statement in response to comments, the lead agency  
7 may write on errata sheets attached to the environ-  
8 mental impact statement in lieu of rewriting the  
9 draft environmental impact statement, subject to the  
10 conditions described in paragraph (2).

11 (2) CONDITIONS.—The conditions referred to in  
12 paragraph (1) are as follows:

13 (A) The comments to which the applicable  
14 modification responds shall be minor.

15 (B) The modifications shall be confined  
16 to—

17 (i) minor factual corrections; or

18 (ii) an explanation of the reasons why  
19 the comments do not warrant additional  
20 response from the lead agency.

21 (C) The errata sheets shall—

22 (i) cite the sources, authorities, and  
23 reasons that support the position of the  
24 lead agency; and

1 (ii) if appropriate, indicate the cir-  
2 cumstances that would trigger reappraisal  
3 or further response by the lead agency.

4 (3) SAVINGS PROVISION.—Nothing in this sub-  
5 section precludes a lead agency from responding to  
6 comments in a final environmental impact statement  
7 in accordance with procedures described in section  
8 1503.4(c) of the NEPA implementing regulations.

9 (g) COORDINATION AND SCHEDULING.—

10 (1) COORDINATION PLAN.—

11 (A) IN GENERAL.—Not later than 90 days  
12 after the date of publication of a notice of in-  
13 tent to prepare an environmental impact state-  
14 ment, or the initiation of an environmental as-  
15 sessment, as applicable, for a project, the lead  
16 agency shall establish a plan for coordinating  
17 public and agency participation in, and com-  
18 ment regarding, the environmental review proc-  
19 ess and authorization decisions for the project  
20 or applicable category of projects.

21 (B) INCORPORATION INTO MEMO-  
22 RANDUM.—A coordination plan under subpara-  
23 graph (A) may be incorporated into a memo-  
24 randum of understanding with the project spon-  
25 sor, lead agency, and any other appropriate en-





1 (cc) a schedule for each au-  
2 thorization under item (aa) or  
3 (bb), including any pre-applica-  
4 tion consultations, applications,  
5 interim milestones, public com-  
6 ment periods, draft decisions, or  
7 final decisions; and

8 (III) is established—

9 (aa) after consultation with,  
10 and the concurrence of, each par-  
11 ticipating agency for the project;  
12 and

13 (bb) with the participation  
14 of the project sponsor.

15 (ii) MAJOR PROJECT SCHEDULES.—

16 To the maximum extent practicable and  
17 consistent with applicable Federal law, in  
18 the case of a major project, the lead agen-  
19 cy shall develop, with the concurrence of  
20 each participating agency for the major  
21 project and in consultation with the project  
22 sponsor, a schedule for the major project  
23 that is consistent with completing—

24 (I) the environmental review  
25 process—

1 (aa) in the case of major  
2 projects for which the lead agen-  
3 cy determines an environmental  
4 impact statement is required, an  
5 average of not later than 2 years  
6 after the date of publication by  
7 the lead agency of a notice of in-  
8 tent to prepare an environmental  
9 impact statement to the record of  
10 decision; and

11 (bb) in the case of major  
12 projects for which the lead agen-  
13 cy determines an environmental  
14 assessment is required, an aver-  
15 age of not later than 1 year after  
16 the date on which the head of the  
17 lead agency determines that an  
18 environmental assessment is re-  
19 quired to a finding of no signifi-  
20 cant impact; and

21 (II) any outstanding authoriza-  
22 tion required for project construction  
23 not later than 180 days after the date  
24 of an issuance of a record of decision

1 or a finding of no significant impact  
2 under subclause (I).

3 (D) FACTORS FOR CONSIDERATION.—In  
4 establishing a schedule under subparagraph  
5 (C), a Federal lead agency shall consider fac-  
6 tors such as—

7 (i) the responsibilities of participating  
8 agencies or cooperating agencies under ap-  
9 plicable law;

10 (ii) resources available to the partici-  
11 pating agencies or cooperating agencies;

12 (iii) the overall size and complexity of  
13 the project;

14 (iv) the overall time required by an  
15 agency to conduct the environmental re-  
16 view process and make decisions under ap-  
17 plicable Federal law relating to a project  
18 (including the issuance or denial of a per-  
19 mit or license);

20 (v) the cost of the project;

21 (vi) the sensitivity of the natural and  
22 historic resources that could be affected by  
23 the project; and

1 (vii) timelines and deadlines estab-  
2 lished in this section and other applicable  
3 law.

4 (E) CONSISTENCY WITH OTHER TIME PE-  
5 RIODS.—A schedule under subparagraph (C)  
6 shall be consistent with any other relevant time  
7 periods established under Federal law.

8 (F) MODIFICATIONS.—

9 (i) IN GENERAL.—Except as provided  
10 in clause (iii), the lead agency may length-  
11 en or shorten a schedule established for a  
12 project under subparagraph (C) for good  
13 cause, in accordance with clause (ii).

14 (ii) GOOD CAUSE.—Good cause to  
15 lengthen a schedule under clause (i) may  
16 include—

17 (I) Federal law prohibiting the  
18 lead agency or another agency from  
19 issuing an approval or permit within  
20 the period required under subpara-  
21 graph (C);

22 (II) a request from the project  
23 sponsor that the permit or approval  
24 follow a different timeline; or

1 (III) a determination by the lead  
2 agency, with the concurrence of the  
3 project sponsor, that an extension  
4 would facilitate completion of the en-  
5 vironmental review process and au-  
6 thorization process of the project.

7 (iii) EXCEPTIONS FOR MAJOR  
8 PROJECTS.—In the case of a major project,  
9 the lead agency may lengthen a schedule  
10 under clause (i) for a Federal participating  
11 agency by not more than 1 year after the  
12 latest deadline established for the major  
13 project by the lead agency.

14 (iv) SHORTENING OF TIME PERIOD.—  
15 A lead agency may shorten a schedule  
16 under clause (i), with the concurrence of  
17 the project sponsor and any participating  
18 agencies, unless shortening the schedule  
19 would impair the ability of a participating  
20 agency—

21 (I) to conduct any necessary  
22 analysis; or

23 (II) otherwise to carry out any  
24 relevant obligation of the agency for  
25 the project.

1 (G) FAILURE TO MEET SCHEDULE OR  
2 DEADLINE.—If a participating Federal agency  
3 fails to meet a schedule or deadline established  
4 under subparagraph (C), the participating Fed-  
5 eral agency shall notify the Office of Manage-  
6 ment and Budget and the Secretary concerned  
7 regarding that failure.

8 (H) DISSEMINATION.—A copy of a sched-  
9 ule for a project under subparagraph (C), and  
10 any modifications to such a schedule, shall be—

11 (i) provided to—

12 (I) all participating agencies; and

13 (II) the project sponsor; and

14 (ii) in the case of a schedule for a  
15 major project under that subparagraph,  
16 made available to the public pursuant to  
17 subsection (l).

18 (I) NO DELAY IN DECISIONMAKING.—No  
19 agency shall seek to encourage a sponsor of a  
20 project to withdraw or resubmit an application  
21 to delay decisionmaking within the timelines  
22 under this subsection.

23 (2) COMMENT DEADLINES.—The lead agency  
24 shall establish the following deadlines for comment

1 during the environmental review process for a  
2 project:

3 (A) For comments by agencies and the  
4 public on a draft environmental impact state-  
5 ment, a period of not more than 60 days after  
6 publication in the Federal Register of a notice  
7 of the date of public availability of the draft,  
8 unless—

9 (i) a different deadline is established  
10 by agreement of the lead agency, the  
11 project sponsor, and all participating agen-  
12 cies; or

13 (ii) the deadline is extended by the  
14 lead agency for good cause, together with  
15 a documented and publicly available expla-  
16 nation of the need for an extended com-  
17 ment period.

18 (B) For all other comment periods estab-  
19 lished by the lead agency for agency or public  
20 comment for a Federal authorization or in the  
21 environmental review process, a period of not  
22 more than 45 days beginning on the first date  
23 of availability of the materials regarding which  
24 comment is requested, unless a different dead-  
25 line of not more than 60 days is established by



1 agreement of the lead agency and all partici-  
2 pating agencies, in consultation with the project  
3 sponsor.

4 (3) PUBLIC INVOLVEMENT.—Nothing in this  
5 subsection—

6 (A) reduces any time period provided for—

7 (i) public comment in the environ-  
8 mental review process; or

9 (ii) an authorization for a project  
10 under applicable Federal law;

11 (B) creates a requirement for an additional  
12 public comment opportunity in addition to any  
13 public comment opportunity required for a  
14 project under applicable Federal law; or

15 (C) creates a new requirement for public  
16 comment on a project for which an environ-  
17 mental assessment is being prepared.

18 (4) CATEGORICAL EXCLUSIONS.—Nothing in  
19 this subsection affects or creates new requirements  
20 for a project or activity that is eligible for a categor-  
21 ical exclusion.

22 (h) ISSUE IDENTIFICATION AND RESOLUTION.—

23 (1) COOPERATION.—The lead agency and each  
24 participating agency shall work cooperatively in ac-

1 cordance with this section to identify and resolve  
2 issues that could—

3 (A) delay final decisionmaking for any au-  
4 thorization for a project;

5 (B) delay completion of the environmental  
6 review process for a project; or

7 (C) result in the denial of any authoriza-  
8 tion required for the project under applicable  
9 law.

10 (2) ACCELERATED ISSUE RESOLUTION AND RE-  
11 FERRAL.—

12 (A) IN GENERAL.—A participating agency,  
13 project sponsor, or the Governor of a State in  
14 which a project is located may request an issue  
15 resolution meeting to be conducted by the lead  
16 agency to resolve issues relating to a project  
17 that could—

18 (i) delay final decisionmaking for any  
19 authorization for a project;

20 (ii) significantly delay completion of  
21 the environmental review process for a  
22 project; or

23 (iii) result in the denial of any author-  
24 ization required for the project under ap-  
25 plicable law.

1 (B) INITIAL MEETING.—Not later than 30  
2 days after the date of receipt of a request under  
3 subparagraph (A), the lead agency shall con-  
4 vene an issue resolution meeting, which shall in-  
5 clude—

- 6 (i) the relevant participating agencies;  
7 (ii) the project sponsor; and  
8 (iii) the Governor of a State in which  
9 the project is located, if the Governor re-  
10 quested the issue resolution meeting under  
11 that subparagraph.

12 (C) ELEVATION.—If issue resolution is not  
13 achieved by 30 days after the date of the initial  
14 meeting under subparagraph (B), the issue  
15 shall be elevated to the head of the lead agency,  
16 who shall—

- 17 (i) notify—  
18 (I) the heads of the relevant par-  
19 ticipating agencies;  
20 (II) the project sponsor; and  
21 (III) the Governor of a State in  
22 which the project is located, if the  
23 Governor requested the issue resolu-  
24 tion meeting under subparagraph (A);  
25 and

1 (ii) convene a leadership issue resolu-  
2 tion meeting not later than 90 days after  
3 the date of the initial meeting under sub-  
4 paragraph (B) with—

5 (I) the heads of the relevant par-  
6 ticipating agencies, including any rel-  
7 evant Secretaries;

8 (II) the project sponsor; and

9 (III) the Governor of a State in  
10 which the project is located, if the  
11 Governor requested the issue resolu-  
12 tion meeting under subparagraph (A).

13 (D) CONVENTION BY LEAD AGENCY.—A  
14 lead agency may convene an issue resolution  
15 meeting at any time to resolve issues relating to  
16 an authorization or environmental review proc-  
17 ess for a project, without the request of a par-  
18 ticipating agency, project sponsor, or the Gov-  
19 ernor of a State in which the project is located.

20 (E) REFERRAL OF ISSUE RESOLUTION FOR  
21 MAJOR PROJECTS.—

22 (i) REFERRAL TO COUNCIL ON ENVI-  
23 RONMENTAL QUALITY.—

24 (I) IN GENERAL.—If issue reso-  
25 lution for a major project is not

1 achieved by 30 days after the date on  
2 which a leadership issue resolution  
3 meeting is convened under subpara-  
4 graph (C), the head of the lead agen-  
5 cy shall refer the matter to the Coun-  
6 cil on Environmental Quality.

7 (II) MEETING.—Not later than  
8 30 days after the date of receipt of a  
9 referral from the head of the lead  
10 agency under subclause (I), the Coun-  
11 cil on Environmental Quality shall  
12 convene an issue resolution meeting  
13 with—

14 (aa) the head of the lead  
15 agency;

16 (bb) the heads of relevant  
17 participating agencies;

18 (cc) the project sponsor; and

19 (dd) the Governor of a State  
20 in which the major project is lo-  
21 cated, if the Governor requested  
22 the issue resolution meeting  
23 under subparagraph (A).

24 (ii) REFERRAL TO THE PRESIDENT.—

25 If issue resolution is not achieved by 30

1 days after the date of the meeting con-  
2 vened by the Council on Environmental  
3 Quality under clause (i)(II), the head of  
4 the lead agency shall refer the matter di-  
5 rectly to the President.

6 (F) CONSISTENCY WITH OTHER LAW.—An  
7 agency shall implement the requirements of this  
8 paragraph—

9 (i) unless doing so would prevent the  
10 compliance of the agency with existing law;  
11 and

12 (ii) consistent with, to the maximum  
13 extent permitted by law, any dispute reso-  
14 lution process established in an applicable  
15 law, regulation, or legally binding agree-  
16 ment.

17 (G) EFFECT OF PARAGRAPH.—Nothing in  
18 this paragraph limits the application of section  
19 41003 of the FAST Act (42 U.S.C. 4370m–2)  
20 to a covered project (as defined in section  
21 41001 of that Act (42 U.S.C. 4370m)) that is  
22 a project subject to the requirements of this  
23 section, including with respect to dispute resolu-  
24 tion procedures regarding a permitting time-  
25 table.

1 (i) ENHANCED TECHNICAL ASSISTANCE FROM LEAD  
2 AGENCY.—

3 (1) DEFINITION OF COVERED PROJECT.—In  
4 this subsection, the term “covered project” means a  
5 project—

6 (A) that has a pending environmental re-  
7 view or authorization under NEPA; and

8 (B) for which the lead agency determines  
9 a delay to the schedule established under sub-  
10 section (g) is likely.

11 (2) TECHNICAL ASSISTANCE.—At the request of  
12 a project sponsor, participating agency, or the Gov-  
13 ernor of a State in which a covered project is lo-  
14 cated, the head of the lead agency may provide tech-  
15 nical assistance to resolve any outstanding issues  
16 that are resulting in project delay for the covered  
17 project, including by—

18 (A) providing additional staff, training,  
19 and expertise;

20 (B) facilitating interagency coordination;

21 (C) promoting more efficient collaboration;

22 and

23 (D) supplying specialized onsite assistance.

24 (3) SCOPE OF WORK.—In providing technical  
25 assistance for a covered project under this sub-

1 section, the head of the lead agency shall establish  
2 a scope of work that describes the actions that the  
3 head of the lead agency will take to resolve the out-  
4 standing issues and project delays.

5 (4) CONSULTATION.—In providing technical as-  
6 sistance for a covered project under this subsection,  
7 the head of the lead agency shall consult, if appro-  
8 priate, with participating agencies on all methods  
9 available to resolve any outstanding issues and  
10 project delays for a covered project as expeditiously  
11 as practicable.

12 (j) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

13 (1) JUDICIAL REVIEW.—Except as provided in  
14 subsection (k), nothing in this section affects the  
15 reviewability of any final Federal agency action in a  
16 court of—

17 (A) the United States; or

18 (B) any State.

19 (2) SAVINGS CLAUSE.—Nothing in this sec-  
20 tion—

21 (A) supersedes, amends, or modifies  
22 NEPA or any other Federal environmental law;  
23 or



1 (B) affects the responsibility of any Fed-  
2 eral officer to comply with or enforce any Fed-  
3 eral law.

4 (3) LIMITATIONS.—Nothing in this section pre-  
5 empts or interferes with—

6 (A) any practice of seeking, considering, or  
7 responding to public comment;

8 (B) any power, jurisdiction, responsibility,  
9 or authority of a Federal, State, or local gov-  
10 ernment agency, Indian Tribe, or project spon-  
11 sor with respect to carrying out a project; or

12 (C) any other provision of law applicable to  
13 a project, plan, or program.

14 (k) EFFICIENCY OF CLAIMS.—

15 (1) IN GENERAL.—Notwithstanding any other  
16 provision of law, a claim arising under Federal law  
17 seeking judicial review of an authorization issued or  
18 denied by a Federal agency for a project shall be  
19 barred unless the claim is filed by 150 days after the  
20 later of the date on which the authorization is final  
21 in accordance with the law under which the agency  
22 action is taken and the date of publication of a no-  
23 tice that the environmental document is final in ac-  
24 cordance with NEPA, unless a shorter time is speci-

1       fied in the Federal law pursuant to which judicial  
2       review is allowed.

3               (2) REMANDED ACTIONS.—

4                       (A) IN GENERAL.—If a court of competent  
5       jurisdiction remands a final Federal agency ac-  
6       tion for a project to the Federal agency, the  
7       court shall set a reasonable schedule and dead-  
8       line for the agency to act on remand, which  
9       shall not exceed 180 days from the date on  
10      which the order of the court was issued, unless  
11      a longer time period is necessary to comply with  
12      applicable law.

13                      (B) EXPEDITED TREATMENT OF RE-  
14      MANDED ACTIONS.—The head of the Federal  
15      agency to which a court remands a final Fed-  
16      eral agency action under subparagraph (A)  
17      shall take such actions as may be necessary to  
18      provide for the expeditious disposition of the ac-  
19      tion on remand in accordance with the schedule  
20      and deadline set by the court under that sub-  
21      paragraph.

22               (3) RANDOM ASSIGNMENT OF CASES.—To the  
23      maximum extent practicable, district courts of the  
24      United States and courts of appeals of the United  
25      States shall randomly assign cases seeking judicial

1 review of any authorization issued by a Federal  
2 agency for a project to judges appointed, designated,  
3 or assigned to sit as judges of the court in a manner  
4 to avoid the appearance of favoritism or bias.

5 (4) EFFECT OF SUBSECTION.—Nothing in this  
6 subsection—

7 (A) establishes a right to judicial review;

8 or

9 (B) places any limit on filing a claim that  
10 a person has violated the terms of an authoriza-  
11 tion.

12 (5) TREATMENT OF SUPPLEMENTAL OR RE-  
13 VISED ENVIRONMENTAL DOCUMENTS.—With respect  
14 to a project—

15 (A) the preparation of a supplemental or  
16 revised environmental document for the project,  
17 when required, shall be considered to be a sepa-  
18 rate final agency action for purposes of the  
19 deadline under subparagraph (B); and

20 (B) the deadline for filing a claim for judi-  
21 cial review of that action shall be the date that  
22 is 150 days after the date of publication of a  
23 notice in the Federal Register announcing the  
24 final agency action, unless a shorter time is

1 specified in the Federal law pursuant to which  
2 judicial review is authorized.

3 (l) IMPROVING TRANSPARENCY IN PROJECT STA-  
4 TUS.—

5 (1) IN GENERAL.—Not later than 120 days  
6 after the date of enactment of this Act, the Sec-  
7 retary concerned shall—

8 (A) use the searchable Internet website  
9 maintained under section 41003(b) of the  
10 FAST Act (42 U.S.C. 4370m–2(b)) to make  
11 publicly available—

12 (i) the status, schedule, and progress  
13 of each major project with respect to com-  
14 pliance with the applicable requirements of  
15 NEPA, any authorization, and any other  
16 Indian Tribe, State, or local agency au-  
17 thorization required for the major project;  
18 and

19 (ii) a list of the participating agencies  
20 for each major project; and

21 (B) establish such reporting standards as  
22 are necessary to meet the requirements of sub-  
23 paragraph (A), which shall include require-  
24 ments—

1 (i) to track major projects from initi-  
2 ation through the date that final author-  
3 izations required to begin construction are  
4 issued or the major project is withdrawn;  
5 and

6 (ii) to update the status, schedule,  
7 and progress of major projects to reflect  
8 any changes to the project status or sched-  
9 ular, including changes resulting from liti-  
10 gation (including any injunctions, vacatur  
11 of authorizations, and timelines for any ad-  
12 ditional authorization or environmental re-  
13 view process that is required as a result of  
14 litigation).

15 (2) FEDERAL, STATE, AND LOCAL AGENCY PAR-  
16 TICIPATION.—

17 (A) FEDERAL AGENCIES.—A Federal  
18 agency participating in the environmental re-  
19 view process or authorization process for a  
20 major project shall provide to the Secretary  
21 concerned information relating to the status  
22 and progress of the authorization of the major  
23 project for publication on the Internet website  
24 referred to in paragraph (1)(A), consistent with

1 the standards established under paragraph  
2 (1)(B).

3 (B) STATE AND LOCAL AGENCIES.—The  
4 Secretary concerned shall encourage State and  
5 local agencies participating in the environ-  
6 mental review process or authorization process  
7 for a major project to provide information relat-  
8 ing to the status and progress of the authoriza-  
9 tion of the major project for publication on the  
10 Internet website referred to in paragraph  
11 (1)(A).

12 (m) ACCOUNTABILITY AND REPORTING FOR MAJOR  
13 PROJECTS.—Each Secretary concerned shall—

14 (1) not later than 1 year after the date of en-  
15 actment of this Act, establish a performance ac-  
16 countability system for the agency represented by  
17 the Secretary concerned; and

18 (2) on establishment of the performance ac-  
19 countability system under paragraph (1), and not  
20 less frequently than annually thereafter, publish a  
21 report describing performance accountability for  
22 each major project authorization and review con-  
23 ducted during the preceding year by the agency rep-  
24 resented by the Secretary concerned, including—

1 (A) for each major project for which that  
2 agency serves as a lead agency or a partici-  
3 pating agency, the extent to which the agency  
4 is achieving compliance with each schedule es-  
5 tablished under this section for an authoriza-  
6 tion, environmental review process, or consulta-  
7 tion;

8 (B) for each major project for which that  
9 agency serves as a lead agency, information re-  
10 garding the average time required to complete  
11 each applicable authorization and the environ-  
12 mental review process; and

13 (C) for each major project for which that  
14 agency serves as a participating agency with ju-  
15 risdiction over an authorization, information re-  
16 garding the average time required to complete  
17 the authorization process.

18 (n) PROGRAMMATIC COMPLIANCE.—

19 (1) IN GENERAL.—The Secretary concerned  
20 shall allow for the use of programmatic approaches  
21 to conduct environmental reviews that—

22 (A) eliminate repetitive discussions of the  
23 same issue;

24 (B) focus on the issues ripe for analysis at  
25 each level of review; and

1 (C) are consistent with—

2 (i) NEPA; and

3 (ii) other applicable laws.

4 (2) REQUIREMENTS.—In carrying out this sub-  
5 section, each lead agency shall ensure that pro-  
6 grammatic approaches to conduct environmental re-  
7 view processes—

8 (A) promote transparency, including the  
9 transparency of—

10 (i) the analyses and data used in the  
11 environmental review process;

12 (ii) the treatment of any deferred  
13 issues raised by agencies or the public; and

14 (iii) the temporal and spatial scales to  
15 be used to analyze issues under clauses (i)  
16 and (ii);

17 (B) use accurate and timely information,  
18 including through the establishment of—

19 (i) criteria for determining the general  
20 duration of the usefulness of the environ-  
21 mental review process; and

22 (ii) a timeline for updating any out-of-  
23 date environmental review process;

24 (C) describe—



1 (i) the relationship between any pro-  
2 grammatic analysis and future tiered anal-  
3 ysis; and

4 (ii) the role of the public in the cre-  
5 ation of future tiered analyses;

6 (D) are available to other relevant Federal  
7 and State agencies, Indian Tribes, and the pub-  
8 lic; and

9 (E) provide notice and public comment op-  
10 portunities consistent with applicable require-  
11 ments.

12 (o) DEVELOPMENT OF CATEGORICAL EXCLU-  
13 SIONS.—

14 (1) IN GENERAL.—Not later than 180 days  
15 after the date of enactment of this Act, and not less  
16 frequently than once every 4 years thereafter, each  
17 Secretary concerned, in consultation with the Chair  
18 of the Council on Environmental Quality, shall—

19 (A) in consultation with the other agencies  
20 described in paragraph (2), as applicable, iden-  
21 tify each categorical exclusion available to such  
22 an agency that would accelerate delivery of a  
23 project if the categorical exclusion was available  
24 to the Secretary concerned; and

1           (B) collect existing documentation and  
2           substantiating information relating to each cat-  
3           egorical exclusion identified under subpara-  
4           graph (A).

5           (2) DESCRIPTION OF AGENCIES.—The agencies  
6           referred to in paragraph (1) are—

7           (A) the Department of Agriculture;

8           (B) the Department of the Army;

9           (C) the Department of Commerce;

10          (D) the Department of Defense;

11          (E) the Department of Energy;

12          (F) the Department of the Interior;

13          (G) the Federal Energy Regulatory Com-  
14          mission; and

15          (H) any other Federal agency that has  
16          participated in an environmental review process  
17          for a project, as determined by the Chair of the  
18          Council on Environmental Quality.

19          (3) ADOPTION OF CATEGORICAL EXCLU-  
20          SIONS.—Not later than 1 year after the date on  
21          which categorical exclusions are identified under  
22          paragraph (1)(A), each Secretary concerned shall—

23                 (A) determine whether any such categor-  
24                 ical exclusion meets the applicable criteria for a  
25                 categorical exclusion under—

1 (i) the NEPA implementing regula-  
2 tions; and

3 (ii) any relevant regulations of the  
4 agency represented by the Secretary con-  
5 cerned; and

6 (B) publish a notice of proposed rule-  
7 making to propose the adoption of any identi-  
8 fied categorical exclusion that—

9 (i) is applicable to the agency rep-  
10 resented by the Secretary concerned; and

11 (ii) meets the applicable criteria de-  
12 scribed in subparagraph (A).

13 (p) ADDITIONS TO CATEGORICAL EXCLUSIONS.—

14 (1) IN GENERAL.—Not later than 180 days  
15 after the date of enactment of this Act, and not  
16 later than 5 years thereafter, each Secretary con-  
17 cerned shall—

18 (A) conduct a survey regarding the use by  
19 the agency represented by the Secretary con-  
20 cerned of categorical exclusions for projects  
21 during the 5-year period preceding the date of  
22 the survey;

23 (B) publish a review of the survey under  
24 subparagraph (A) that includes a description  
25 of—

1 (i) the types of actions eligible for  
2 each categorical exclusion covered by the  
3 survey; and

4 (ii) any requests previously received  
5 by the Secretary concerned for new cat-  
6 egorical exclusions; and

7 (C) solicit requests for new categorical ex-  
8 clusions.

9 (2) NEW CATEGORICAL EXCLUSIONS.—Not  
10 later than 120 days after the date of a solicitation  
11 of requests under paragraph (1)(C), the Secretary  
12 concerned shall publish a notice of proposed rule-  
13 making to propose the adoption of any such new cat-  
14 egorical exclusions, to the extent that the categorical  
15 exclusions meet the applicable criteria for a categor-  
16 ical exclusions under—

17 (A) the NEPA implementing regulations;  
18 and

19 (B) any relevant regulations of the agency  
20 represented by the Secretary concerned.

21 **SEC. \_\_\_ 13. PRIORITIZING ENERGY PROJECTS OF STRA-**  
22 **TEGIC NATIONAL IMPORTANCE.**

23 (a) DEFINITIONS.—In this section:

24 (1) CRITICAL MINERAL.—The term “critical  
25 mineral” has the meaning given the term in section

1       7002(a) of the Energy Act of 2020 (30 U.S.C.  
2       1606(a)).

3           (2) DESIGNATED PROJECT.—The term “des-  
4       ignated project” means an energy project of stra-  
5       tegic national importance designated for priority  
6       Federal review under subsection (b).

7       (b) DESIGNATION OF PROJECTS.—

8           (1) IN GENERAL.—Not later than 90 days after  
9       the date of enactment of this Act, the President, in  
10      consultation with the Secretary of Energy, the Sec-  
11      retary of the Interior, the Administrator of the Envi-  
12      ronmental Protection Agency, the Federal Energy  
13      Regulatory Commission, and the heads of any other  
14      relevant Federal departments or agencies, as deter-  
15      mined by the President, shall—

16           (A) designate 25 energy projects of stra-  
17      tegic national importance for priority Federal  
18      review, in accordance with this section; and

19           (B) publish a list of those designated  
20      projects in the Federal Register.

21       (2) UPDATES.—Not later than 180 days after  
22      the date on which the President publishes the list  
23      under paragraph (1)(B), and every 180 days there-  
24      after during the 10-year period beginning on that

1 date, the President shall publish an updated list,  
2 which shall—

3 (A) include not less than 25 designated  
4 projects; and

5 (B) include each previously designated  
6 project until—

7 (i) a final decision has been issued for  
8 each authorization for the designated  
9 project; or

10 (ii) the project sponsor withdraws its  
11 request for authorization.

12 (3) PROJECT TYPES; FIRST 7 YEARS.—During  
13 the 7-year period beginning on the date on which the  
14 President publishes the list under paragraph (1)(B),  
15 of the list of designated projects maintained on an  
16 ongoing basis pursuant to this subsection, not fewer  
17 than—

18 (A) 4 shall be projects for the mining, ex-  
19 traction, beneficiation, or processing of critical  
20 minerals—

21 (i) of which not fewer than 3 shall in-  
22 clude new mining or extraction of critical  
23 minerals; and

24 (ii) for which critical mineral produc-  
25 tion may occur as a byproduct;

1 (B) 6 shall be projects—

2 (i) to generate electricity or store en-  
3 ergy without the use of fossil fuels; or

4 (ii) to manufacture clean energy  
5 equipment;

6 (C) 5 shall be projects to produce, process,  
7 transport, or store fossil fuel products, or  
8 biofuels, including projects to export or import  
9 those products from nations described in sub-  
10 section (c)(3)(A)(vi);

11 (D) 2 shall be electric transmission  
12 projects or projects using grid-enhancing tech-  
13 nology;

14 (E) 2 shall be projects to capture, trans-  
15 port, or store carbon dioxide, which may include  
16 the utilization of captured or displaced carbon  
17 dioxide emissions; and

18 (F) 1 shall be a project to produce, trans-  
19 port, or store clean hydrogen, including projects  
20 to export or import those products from nations  
21 described in subsection (c)(3)(A)(vi).

22 (4) PROJECT TYPES; PHASE-DOWN.—During  
23 the 3-year period beginning 7 years after the date on  
24 which the President publishes the list under para-  
25 graph (1)(B), of the list of designated projects main-

1       tained on an ongoing basis pursuant to this sub-  
2       section, not fewer than—

3               (A) 2 shall be projects for the mining, ex-  
4       traction, beneficiation, or processing of critical  
5       minerals;

6               (B) 3 shall be projects described in para-  
7       graph (3)(B);

8               (C) 3 shall be projects described in para-  
9       graph (3)(C);

10              (D) 1 shall be a project described in para-  
11       graph (3)(D);

12              (E) 1 shall be a project described in para-  
13       graph (3)(E); and

14              (F) 1 shall be a project described in para-  
15       graph (3)(F).

16              (5) LIST OF PROJECTS MEETING EACH CAT-  
17       EGORY THRESHOLD; INSUFFICIENT APPLICA-  
18       TIONS.—

19              (A) IN GENERAL.—Subject to subpara-  
20       graph (B), during the 10-year period beginning  
21       on the date on which the President publishes  
22       the list under paragraph (1)(B), the President  
23       shall maintain a list of designated projects that  
24       meet the minimum threshold for the applicable



1 category of projects under each subparagraph  
2 of paragraph (3) or (4), as applicable.

3 (B) INSUFFICIENT APPLICATIONS.—If the  
4 number of applications submitted that meet the  
5 requirements for a designated project for a cat-  
6 egory of projects under a subparagraph of para-  
7 graph (3) or (4), as applicable, is not sufficient  
8 to meet the minimum threshold under that sub-  
9 paragraph, the minimum threshold under that  
10 subparagraph shall not apply until a sufficient  
11 number of applications meeting the require-  
12 ments for a designated project has been sub-  
13 mitted.

14 (c) SELECTION AND PRIORITY REQUIREMENTS.—

15 (1) IN GENERAL.—The President shall carry  
16 out subsection (b) based on a review of applications  
17 for authorizations or other reviews submitted to the  
18 Corps of Engineers, the Department of Defense, the  
19 Department of Energy, the Department of the Inte-  
20 rior, the Forest Service, the Federal Energy Regu-  
21 latory Commission, the Nuclear Regulatory Commis-  
22 sion, the Maritime Administration, and the Federal  
23 Permitting Improvement Steering Council.

1           (2) REQUIREMENT.—The President shall des-  
2           ignate under subsection (b) only projects that the  
3           President determines are likely—

4                   (A) to require an environmental assess-  
5                   ment or environmental impact statement under  
6                   NEPA;

7                   (B) to require review by more than 2 Fed-  
8                   eral or State agencies;

9                   (C) to have a total project cost of more  
10                  than \$250,000,000; and

11                  (D) to have sufficient financial support  
12                  from the project sponsor to ensure project com-  
13                  pletion.

14           (3) PRIORITY.—

15                   (A) IN GENERAL.—In considering projects  
16                   to designate under subsection (b), the President  
17                   shall give priority to projects the completion of  
18                   which will significantly advance 1 or more of  
19                   the following objectives:

20                           (i) Reducing energy prices in the  
21                           United States.

22                           (ii) Reducing greenhouse gas emis-  
23                           sions.

24                           (iii) Improving electric reliability in  
25                           North America.

1 (iv) Advancing emerging energy tech-  
2 nologies.

3 (v) Improving the domestic supply  
4 chains for, and manufacturing of, energy  
5 products, energy equipment, and critical  
6 minerals.

7 (vi) Increasing energy trade between  
8 the United States and—

9 (I) nations that are signatories to  
10 free trade agreements with the United  
11 States that cover the trade of energy  
12 products;

13 (II) members of the North Atlan-  
14 tic Treaty Organization;

15 (III) members of the Organiza-  
16 tion for Economic Cooperation and  
17 Development;

18 (IV) nations with a transmission  
19 system operator that is included in  
20 the European Network of Trans-  
21 mission System Operators for Elec-  
22 tricity, including as an observer mem-  
23 ber; or

1 (V) any other country designated  
2 as an ally or partner nation by the  
3 President for purposes of this section.

4 (vii) Reducing the reliance of the  
5 United States on the supply chains of for-  
6 eign entities of concern (as defined in sec-  
7 tion 40207(a) of the Infrastructure Invest-  
8 ment and Jobs Act (42 U.S.C. 18741(a))).

9 (viii) To the extent practicable, mini-  
10 mizing development impacts through the  
11 use of existing—

12 (I) rights-of-way;

13 (II) facilities; or

14 (III) other infrastructure.

15 (ix) Creating jobs—

16 (I) with wages at rates not less  
17 than those prevailing on similar  
18 projects in the locality, as determined  
19 by the Secretary of Labor in accord-  
20 ance with subchapter IV of chapter 31  
21 of title 40, United States Code (com-  
22 monly referred to as the “Davis-  
23 Bacon Act”); and

24 (II) with consideration of the  
25 magnitude and timing of the direct

1                   and indirect employment impacts of  
2                   carrying out the project.

3                   (B) OTHER PRIORITY.—In considering  
4                   projects to designate for the category of  
5                   projects described in subsection (b)(3)(C), in  
6                   addition to the priorities specified in subpara-  
7                   graph (A), the President shall give priority to  
8                   projects the completion of which will signifi-  
9                   cantly reduce greenhouse gas emissions, includ-  
10                  ing projects that involve or enable—

11                   (i) switching from a higher-emitting  
12                   energy source to a lower-emitting energy  
13                   source; or

14                   (ii) replacing a higher-emitting facility  
15                   with a lower-emitting facility, including  
16                   through modernization of an existing facil-  
17                   ity.

18                  (d) REVIEWS OF DESIGNATED PROJECTS.—

19                   (1) IN GENERAL.—The President shall, in con-  
20                   sultation with the applicable department and agency  
21                   heads, the Director of the Office of Management and  
22                   Budget, the Chair of the Council on Environmental  
23                   Quality, and the Federal Permitting Improvement  
24                   Steering Council, direct Federal agencies through  
25                   executive order to prioritize the completion of the

1 environmental review process and authorizations for  
2 designated projects.

3 (2) TIMELINES.—To the maximum extent prac-  
4 ticable and consistent with applicable Federal law,  
5 the President shall seek to complete—

6 (A) the environmental review process—

7 (i) in the case of a designated project  
8 for which the lead agency determines an  
9 environmental impact statement is re-  
10 quired, not later than 2 years after the  
11 date of publication by the lead agency of a  
12 notice of intent to prepare an environ-  
13 mental impact statement to the record of  
14 decision; and

15 (ii) in the case of a designated project  
16 for which the lead agency determines an  
17 environmental assessment is required, not  
18 later than 1 year after the date on which  
19 the head of the lead agency determines  
20 that an environmental assessment is re-  
21 quired to a finding of no significant im-  
22 pact; and

23 (B) any outstanding authorization required  
24 for project construction within 180 days of the

1           issuance of a record of decision or finding of no  
2           significant impact under subparagraph (A).

3           (3) STREAMLINING REVIEW PROCESS.—A des-  
4           ignated project shall be considered a major project  
5           (as defined in section [\_\_\_\_\_12(a)]) subject to  
6           the requirements of that section.

7           (4) JUDICIAL REMAND OR VACATUR.—The  
8           President shall ensure that any Federal review or  
9           authorization for a designated project that is re-  
10          manded or vacated by a court of law is prioritized  
11          for further agency action.

12          (e) NEPA.—

13           (1) IN GENERAL.—Nothing in this section  
14          modifies NEPA.

15           (2) DESIGNATION OF PROJECTS.—The act of  
16          designating a project under subsections (b) and (c)  
17          shall not be subject to NEPA.

18          (f) REPORT.—Not later than 180 days after the date  
19          of enactment of this Act, and every 90 days thereafter,  
20          the President shall submit to the Committee on Energy  
21          and Natural Resources of the Senate and the Committee  
22          on Energy and Commerce and the Committee on Natural  
23          Resources of the House of Representatives a report de-  
24          scribing—

1           (1) each designated project and the basis for  
2           designating that project pursuant to subsection (c);

3           (2) for each designated project, all outstanding  
4           authorizations, environmental reviews, consultations,  
5           public comment periods, or other Federal, State, or  
6           local reviews required for project completion; and

7           (3) for each authorization, environmental re-  
8           view, consultation, public comment period, or other  
9           review under paragraph (2)—

10                   (A) an estimated completion date; and

11                   (B) an explanation of—

12                           (i) any delays meeting the timelines  
13                           established in this section or in applicable  
14                           Federal, State, or local law; and

15                           (ii) any changes to the date described  
16                           in subparagraph (A) from a report pre-  
17                           viously submitted under this subsection.

18           (g) FUNDING.—

19           (1) IN GENERAL.—Out of amounts appro-  
20           priated under section 70007 of Public Law 117–169  
21           to the Environmental Review Improvement Fund es-  
22           tablished under section 41009(d)(1) of the FAST  
23           Act (42 U.S.C. 4370m–8(d)(1)), \$250,000,000 shall  
24           be used to provide funding to agencies to support



1 more efficient, accurate, and timely reviews of des-  
2 ignated projects in accordance with paragraph (2).

3 (2) USE OF FUNDS.—The Federal Permitting  
4 Improvement Steering Council shall prescribe the  
5 use of funds provided to agencies under paragraph  
6 (1), which may include—

7 (A) the hiring and training of personnel;

8 (B) the development of programmatic doc-  
9 uments;

10 (C) the procurement of technical or sci-  
11 entific services for environmental reviews;

12 (D) the development of data or informa-  
13 tion systems;

14 (E) stakeholder and community engage-  
15 ment;

16 (F) the purchase of new equipment for  
17 analysis; and

18 (G) the development of geographic infor-  
19 mation systems and other analytical tools, tech-  
20 niques, and guidance to improve agency trans-  
21 parency, accountability, and public engagement.

22 (3) LIMITATION.—Of the amounts made avail-  
23 able under paragraph (1) for a fiscal year, not more  
24 than \$1,500,000 shall be allocated to support the re-  
25 view of a single designated project.



1 (b) TRANSPARENCY.—Section 41003(b)(2)(A)(iii) of  
2 the FAST Act (42 U.S.C. 4370m–2(b)(2)(A)(iii)) is  
3 amended by adding at the end the following:

4 “(III) OUTER CONTINENTAL  
5 SHELF LANDS ACT.—The Secretary of  
6 the Interior shall create and maintain  
7 a specific entry on the Dashboard for  
8 the preparation and revision of the oil  
9 and gas leasing program required  
10 under section 18 of the Outer Conti-  
11 nental Shelf Lands Act (43 U.S.C.  
12 1344).

13 “(IV) ADDITIONAL ENERGY  
14 PROJECTS.—The Secretary of the In-  
15 terior or the Secretary of Energy, as  
16 applicable, shall create and maintain a  
17 specific entry on the Dashboard for  
18 any project that is a designated  
19 project (as defined in section  
20 **【\_\_\_\_13(a)】** of the Energy Independ-  
21 ence and Security Act of 2022) for  
22 which a notice of initiation under sub-  
23 section (a)(1)(A) has not been sub-  
24 mitted, unless the project is already

1 included on the Dashboard as a cov-  
2 ered project.”.

## 3 **Subtitle B—Modernizing** 4 **Permitting Laws**

5 **SEC. \_\_\_\_\_ 21. STATE CERTIFICATION UNDER THE CLEAN**  
6 **WATER ACT.**

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

9 (1) in subsection (a)—

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

12 (i) by striking “such discharge” and  
13 inserting “such activity”; and

14 (ii) by striking “of this Act.” and in-  
15 sserting “and any other appropriate water  
16 quality requirement of State law.”; and

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

18 “(7) SAVINGS PROVISION.—Nothing in this sec-  
19 tion allows a State, interstate agency, or the Admin-  
20 istrator to deny or condition a certification based on  
21 non-water quality impacts, including those associ-  
22 ated with air emissions.”;

23 (2) by striking the section designation and  
24 heading and all that follows through “Any appli-

1 cant” in the first sentence of subsection (a)(1) and  
2 inserting the following:

3 **“SEC. 401. CERTIFICATION.**

4 “(a) STATE CERTIFICATIONS.—

5 “(1) CERTIFICATIONS REQUIRED.—

6 “(A) COMPLIANCE WITH LIMITATIONS.—

7 “(i) IN GENERAL.—Any applicant”;

8 (3) in subsection (a) (as so amended)—

9 (A) in paragraph (1) (as so amended)—

10 (i) in subparagraph (A) (as so des-  
11 ignated)—

12 (I) in clause (i) (as so des-  
13 ignated)—

14 (aa) in the seventh sen-  
15 tence—

16 (AA) by striking “cer-  
17 tification” and inserting  
18 “the certification required  
19 by this section”; and

20 (BB) by striking “No  
21 license” and inserting the  
22 following:

23 “(E) EFFECT OF DENIAL.—No license”;

24 (bb) in the sixth sentence—

1 (AA) by striking “the  
2 preceding sentence” and in-  
3 sserting “clause (iii)”; and

4 (BB) by striking “No  
5 license” and inserting the  
6 following:

7 “(iv) REQUIREMENT.—No license”;

8 (cc) in the fifth sentence—

9 (AA) by striking “for  
10 certification” and all that  
11 follows through “such re-  
12 quest,” and inserting “for a  
13 certification required by this  
14 section within the applicable  
15 period described in clause  
16 (i),”; and

17 (BB) by striking “If  
18 the State” and inserting the  
19 following:

20 “(D) REVIEW PERIOD.—

21 “(i) ESTABLISHMENT OF REVIEW PE-  
22 RIOD.—

23 “(I) CERTIFICATION BY STATE  
24 OR INTERSTATE AGENCY.—

1                   “(aa) IN GENERAL.—Not  
2 later than 30 days after the date  
3 on which a State or interstate  
4 agency receives an application for  
5 a certification required by this  
6 section, the State or interstate  
7 agency may enter into a written  
8 agreement with the Federal agen-  
9 cy issuing the license or permit  
10 to act on the application as de-  
11 scribed in subparagraph (A)(iv),  
12 including a process and timeline  
13 under which the State or inter-  
14 state agency will notify the appli-  
15 cant of any specific additional  
16 materials or information that are  
17 necessary to make a final deci-  
18 sion with respect to the applica-  
19 tion, within a reasonable period  
20 of time (which, subject to item  
21 (bb)(BB), shall not exceed 1 year  
22 from the date on which the appli-  
23 cation was received).

24                   “(bb) FAILURE TO ENTER  
25 AN AGREEMENT.—If, with re-

1           spect to an application for a cer-  
2           tification required by this section,  
3           a State or interstate agency fails  
4           to enter into a written agreement  
5           pursuant to item (aa), the State  
6           or interstate agency shall—

7                       “(AA) notify the appli-  
8                       cant of any specific addi-  
9                       tional materials or informa-  
10                      tion that are necessary to  
11                      make a final decision with  
12                      respect to the application by  
13                      the date that is 60 days  
14                      after the date on which the  
15                      application was received,  
16                      subject to the condition that  
17                      a State or interstate agency  
18                      may request specific addi-  
19                      tional materials or informa-  
20                      tion after the 60-day period  
21                      if information received after  
22                      the 60-day period or  
23                      changed circumstances fol-  
24                      lowing the 60-day period  
25                      render the additional mate-



1                   rials or information nec-  
2                   essary to make a final deci-  
3                   sion with respect to the ap-  
4                   plication; and

5                   “(BB) subject to item  
6                   (cc), act on the application  
7                   as described in subpara-  
8                   graph (A)(iv) by the date  
9                   that is 180 days after the  
10                  date on which the applica-  
11                  tion was received.

12                  “(cc) PROCEDURES FOR  
13                  PUBLIC NOTICE.—If a State or  
14                  interstate agency has established,  
15                  pursuant to subparagraph (B)(i),  
16                  that an application for a certifi-  
17                  cation required by this section  
18                  shall be subject to procedures for  
19                  public notice that extend to a  
20                  date that is after the 180-day pe-  
21                  riod described in item (bb)(BB),  
22                  the State or interstate agency  
23                  shall act on the application as de-  
24                  scribed in subparagraph (A)(iv)  
25                  by the date that is 15 days after

1 the date on which the public no-  
2 tice procedures, including any  
3 public hearing or response to  
4 public comment, conclude (which  
5 in no case shall exceed 1 year  
6 from the date on which the appli-  
7 cation was received).

8 “(II) CERTIFICATION BY THE  
9 ADMINISTRATOR.—

10 “(aa) IN GENERAL.—If the  
11 Administrator is the certifying  
12 authority pursuant to subpara-  
13 graph (C), not later than 30 days  
14 after the date on which the Ad-  
15 ministrator receives an applica-  
16 tion for a certification required  
17 by this section, the Administrator  
18 shall set a reasonable period of  
19 time within which to act on the  
20 application as described in sub-  
21 paragraph (A)(iv) (which, subject  
22 to item (bb), shall not exceed 1  
23 year from the date on which the  
24 application was received).

1                   “(bb) FAILURE TO SET TIME  
2                   PERIOD.—If the Administrator  
3                   fails to set a reasonable period of  
4                   time under item (aa), the Admin-  
5                   istrator shall act on the applica-  
6                   tion as described in subpara-  
7                   graph (A)(iv) by the date that is  
8                   180 days after the date on which  
9                   the application was received.

10                   “(ii) NOTIFICATION TO APPLICANT.—  
11                   Not later than 35 days after the date on  
12                   which a State, an interstate agency, or the  
13                   Administrator receives an application for a  
14                   certification required by this section—

15                   “(I) in the case of an application  
16                   received by a State or interstate agen-  
17                   cy, the State or interstate agency  
18                   shall notify the applicant, in writing—

19                   “(aa) of the reasonable pe-  
20                   riod of time established by the  
21                   written agreement for the appli-  
22                   cation entered into pursuant to  
23                   clause (i)(I)(aa); or

1 “(bb) that no written agree-  
2 ment described in item (aa) was  
3 entered into; and

4 “(II) in the case of an applica-  
5 tion received by the Administrator,  
6 the Administrator shall notify the ap-  
7 plicant, in writing—

8 “(aa) of the reasonable pe-  
9 riod of time set by the Adminis-  
10 trator for the application pursu-  
11 ant to clause (i)(II)(aa); or

12 “(bb) that no reasonable pe-  
13 riod of time described in item  
14 (aa) was set.

15 “(iii) WAIVER BY INACTION.—If the  
16 State”;

17 (dd) in the fourth sen-  
18 tence—

19 (AA) by striking “such  
20 a certification” and insert-  
21 ing “a certification required  
22 by this section”; and

23 (BB) by striking “In  
24 any case” and inserting the  
25 following:

1                   “(C) CERTIFICATION BY THE ADMINIS-  
2                   TRATOR.—In any case”;

3                                   (ee) in the third sentence—

4   (AA) by inserting “and  
5                   pre-filing meetings under  
6                   clause (ii)” after “public  
7                   hearings”;

8                                   (BB) by striking “cer-  
9                   tification” and inserting “a  
10                  certification required by this  
11                  section”; and

12                                   (CC) by striking “Such  
13                  State” and inserting the fol-  
14                  lowing:

15                   “(B) REQUIRED PROCEDURES.—

16                                   “(i) IN GENERAL.—A State”; and

17                                   (ff) in the second sentence—

18   (AA) by striking “of  
19                  this Act”; and

20                                   (BB) by striking “In  
21                  the case of any such activ-  
22                  ity” and inserting the fol-  
23                  lowing:

1                   “(ii) CERTIFICATION OF NO LIMITA-  
2                   TION.—In the case of any activity de-  
3                   scribed in clause (i)”; and

4                   (II) by adding at the end the fol-  
5                   lowing:

6                   “(iii) SCOPE OF REVIEW.—In review-  
7                   ing an application for a certification re-  
8                   quired by this section, no State or inter-  
9                   state agency, nor the Administrator,  
10                  may—

11                  “(I) deny the application for any  
12                  reason other than the failure of the  
13                  application to demonstrate that the  
14                  applicable activity will comply with  
15                  clause (i); or

16                  “(II) grant the application with  
17                  conditions, except for conditions that  
18                  are—

19                         “(aa) necessary to ensure  
20                         that the applicable activity will  
21                         comply with clause (i); or

22                         “(bb) authorized under sub-  
23                         section (d).

24                  “(iv) FINAL ACTION REQUIRED.—In  
25                  acting on an application for a certification

1 required by this section, a State, an inter-  
2 state agency, or the Administrator, as ap-  
3 plicable, shall set forth the final decision in  
4 writing and may only—

5 “(I) grant the application;

6 “(II) grant the application with  
7 conditions;

8 “(III) deny the application; or

9 “(IV) waive the certifications re-  
10 quired by this section.”;

11 (ii) in subparagraph (B) (as so des-  
12 ignated), by adding at the end the fol-  
13 lowing:

14 “(ii) PRE-FILING MEETINGS.—

15 “(I) REQUEST.—

16 “(aa) IN GENERAL.—Sub-  
17 ject to item (bb), not less than  
18 30 days before the date on which  
19 an applicant intends to submit an  
20 application for a certification re-  
21 quired by this section, the appli-  
22 cant may request a pre-filing  
23 meeting with the State, interstate  
24 agency, or Administrator, as ap-  
25 plicable.

1                   “(bb) MODIFICATION OF  
2                   TIMELINE.—A State, an inter-  
3                   state agency, or the Adminis-  
4                   trator, as applicable, may, by  
5                   agreement with the applicant—

6                                 “(AA) waive the pre-fil-  
7                                 ing meeting; or

8                                 “(BB) reduce the 30-  
9                                 day period described in item  
10                                (aa).

11                   “(II) MEETING REQUIRED.—Not  
12                   later than 30 days after receiving a  
13                   request for a pre-filing meeting pursu-  
14                   ant to subclause (I), a State, an inter-  
15                   state agency, or the Administrator, as  
16                   applicable, shall hold the pre-filing  
17                   meeting with the applicant to ex-  
18                   change information concerning the ap-  
19                   plication, unless the pre-filing meeting  
20                   was waived pursuant to subclause  
21                   (I)(bb)(AA).

22                                 “(iii) APPLICATION MATERIALS.—  
23                   When submitting an application for a cer-  
24                   tification required by this section, the ap-  
25                   plicant shall submit with the application—





1 publish the regulations required under  
2 that subclause.”; and

3 (iii) in subparagraph (D) (as so des-  
4 ignated), by inserting after clause (iv) (as  
5 so designated) the following:

6 “(v) PROHIBITION.—With respect to  
7 an application for a certification required  
8 by this section, no State or interstate  
9 agency, nor the Administrator, as applica-  
10 ble, may stop, pause, or restart the reason-  
11 able period of time agreed to pursuant to  
12 clause (i)(I), or fail to act by a deadline  
13 otherwise established by clause (i), by re-  
14 quiring the applicant to withdraw the ap-  
15 plication.”;

16 (B) in paragraph (2)—

17 (i) in the second sentence, by striking  
18 “Whenever” and all that follows through  
19 “such other” and inserting “Within 30  
20 days of the date of notice of such applica-  
21 tion and certification for the Federal li-  
22 cense or permit, the Administrator shall  
23 determine whether any discharge described  
24 in the application or certification may af-

1                   fect the quality of waters of any other  
2                   State and, if so, notify the other”; and

3                   (ii) by striking “(2) Upon receipt”  
4                   and inserting the following:

5                   “(2) NOTICE TO ADMINISTRATOR; EFFECT ON  
6                   OTHER STATES.—Upon receipt”;

7                   (C) in each of paragraphs (3), (4), and  
8                   (5), by striking “of this Act” each place it ap-  
9                   pears and inserting “and any other appropriate  
10                  water quality requirement of State law”;

11                  (D) in paragraph (3), by striking “(3) The  
12                  certification” and inserting the following:

13                  “(3) FULFILLMENT OF REQUIREMENTS.—The  
14                  certification”;

15                  (E) in paragraph (4), by striking “(4)  
16                  Prior to” and inserting the following:

17                  “(4) REVIEW FOR COMPLIANCE.—Prior to”;

18                  (F) in paragraph (5), by striking “(5) Any  
19                  Federal” and inserting the following:

20                  “(5) SUSPENSION AND REVOCATION.—Any  
21                  Federal”; and

22                  (G) in paragraph (6), by striking “(6) Ex-  
23                  cept with” and inserting the following:

24                  “(6) APPLICABILITY TO CERTAIN FACILITIES.—  
25                  Except with”;

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

3 “(b) COMPLIANCE WITH OTHER PROVISIONS OF  
4 LAW SETTING APPLICABLE WATER QUALITY REQUIRE-  
5 MENTS.—Nothing”;

6 (5) in subsection (c), by striking “(c) In order”  
7 and inserting the following:

8 “(c) AUTHORITY OF SECRETARY OF THE ARMY TO  
9 PERMIT USE OF SPOIL DISPOSAL AREAS BY FEDERAL  
10 LICENSEES OR PERMITTEES.—In order”; and

11 (6) in subsection (d)—

12 (A) by striking “of this Act” each place it  
13 appears;

14 (B) by inserting “water quality” after  
15 “other appropriate”; and

16 (C) by striking “(d) Any certification” and  
17 inserting the following:

18 “(d) LIMITATIONS AND MONITORING REQUIRE-  
19 MENTS OF CERTIFICATION.—Any certification”.

20 **SEC. \_\_\_\_ 22. TRANSMISSION.**

21 (a) ENSURING AN ABUNDANT SUPPLY OF ELEC-  
22 TRICITY.—Section 202(a) of the Federal Power Act (16  
23 U.S.C. 824a(a)) is amended, in the third sentence, by  
24 striking “such districts.” and inserting “such districts,  
25 and the construction or modification of electric trans-

1 mission facilities needed to ensure an abundant supply of  
2 electric energy throughout the United States.”.

3 (b) ORDERING CONSTRUCTION OF ADDITIONAL FA-  
4 CILITIES.—Section 202(b) of the Federal Power Act (16  
5 U.S.C. 824a(b)) is amended, in the first sentence, in the  
6 matter preceding the proviso, by striking “such persons:”  
7 and inserting “such persons, or to construct or modify ad-  
8 ditional electric transmission facilities determined by the  
9 Secretary of Energy to be necessary in the national inter-  
10 est under section 216:”.

11 (c) DESIGNATION OF NATIONAL INTEREST FACILI-  
12 TIES.—Section 216 of the Federal Power Act (16 U.S.C.  
13 824p) is amended by striking subsection (a) and inserting  
14 the following:

15 “(a) DESIGNATION OF NATIONAL INTEREST FACILI-  
16 TIES.—

17 “(1) DESIGNATION.—The Secretary of Energy  
18 (referred to in this section as the ‘Secretary’) may,  
19 on application by the Federal Energy Regulatory  
20 Commission (referred to in this section as the ‘Com-  
21 mission’), designate any electric transmission facility  
22 proposed to be constructed or modified to be nec-  
23 essary in the national interest, conditioned on the  
24 completion of any required environmental review as-  
25 sociated with any construction permit issued by the

1 Commission under subsection (b) or any lease, ease-  
2 ment, or right-of-way issued by the Secretary of the  
3 Interior, as applicable, if, after notice to each State  
4 commission affected by the designation and each  
5 person engaged in the transmission or sale of elec-  
6 tric energy affected by the designation, and after op-  
7 portunity for hearing, the Secretary finds the des-  
8 ignation to be necessary or appropriate in the public  
9 interest.

10 “(2) CONSIDERATIONS.—In determining wheth-  
11 er to designate an electric transmission facility to be  
12 necessary in the national interest under paragraph  
13 (1), the Secretary shall consider whether the pro-  
14 posed electric transmission facility will—

15 “(A) serve an area that is experiencing or  
16 is expected to experience electric energy capac-  
17 ity constraints or congestion that adversely af-  
18 fects consumers;

19 “(B) enhance the energy independence or  
20 energy security of the United States;

21 “(C) be in the interest of national energy  
22 policy;

23 “(D) enhance national defense and home-  
24 land security;

1           “(E) enhance the ability of facilities that  
2           generate or transmit firm or intermittent en-  
3           ergy to connect to the electric grid;

4           “(F) maximize use of existing rights-of-  
5           way;

6           “(G) avoid and minimize, to the maximum  
7           extent practicable, and offset, to the extent ap-  
8           propriate and practicable, sensitive environ-  
9           mental areas and cultural heritage sites; and

10           “(H) reduce the cost of electric energy to  
11           consumers.”.

12           (d) CONSTRUCTION PERMIT.—Section 216 of the  
13 Federal Power Act (16 U.S.C. 824p) is amended by strik-  
14 ing subsection (b) and inserting the following:

15           “(b) CONSTRUCTION PERMIT.—The Commission  
16 may, after notice and an opportunity for hearing, issue  
17 1 or more permits for the construction or modification of  
18 electric transmission facilities conditionally designated by  
19 the Secretary to be necessary in the national interest  
20 under subsection (a) if the Commission finds that—

21           “(1) the proposed facilities will be used for the  
22           transmission of electric energy in interstate or for-  
23           eign commerce;

24           “(2) the proposed construction or modification  
25           is consistent with the public interest;

1           “(3) the proposed construction or modification  
2 will—

3           “(A) significantly reduce transmission con-  
4 gestion in interstate commerce; and

5           “(B) protect or benefit consumers;

6           “(4) the proposed construction or modifica-  
7 tion—

8           “(A) is consistent with sound national en-  
9 ergy policy; and

10           “(B) will enhance energy independence;  
11 and

12           “(5) the proposed modification will maximize,  
13 to the extent reasonable and economical, the trans-  
14 mission capabilities of existing towers or struc-  
15 tures.”.

16       (e) RIGHTS-OF-WAY.—Section 216(e) of the Federal  
17 Power Act (16 U.S.C. 824p(e)) is amended—

18           (1) in paragraph (1), by striking “or a State”;

19       and

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

21           “(5) Compensation for property taken under this sub-  
22 section shall be determined and awarded by the district  
23 court of the United States in accordance with section  
24 3114(c) of title 40, United States Code.”.

25       (f) COST ALLOCATION.—



1           (1) IN GENERAL.—Section 216 of the Federal  
2 Power Act (16 U.S.C. 824p) is amended by striking  
3 subsection (f) and inserting the following:

4           “(f) COST ALLOCATION.—

5           “(1) TRANSMISSION TARIFFS.—For the pur-  
6 poses of this section, any public utility that owns,  
7 controls, or operates electric transmission facilities  
8 found by the Commission to be consistent with the  
9 findings under paragraphs (1) through (5) of sub-  
10 section (b) shall file a tariff with the Commission in  
11 accordance with section 205 and the regulations of  
12 the Commission allocating the costs of new regional  
13 or interregional transmission facilities.

14           “(2) COST ALLOCATION PRINCIPLES.—The  
15 Commission shall require that tariffs filed under this  
16 subsection take into account and fairly allocate both  
17 the broad range of reliability, economic, and other  
18 reasonably anticipated benefits and the specifically  
19 identifiable benefits of the electric transmission fa-  
20 cilities described in paragraph (1) in accordance  
21 with cost allocation principles of the Commission.

22           “(3) COST CAUSATION PRINCIPLE.—The cost of  
23 electric transmission facilities described in para-  
24 graph (1) shall be allocated to customers within the  
25 transmission planning region or regions that benefit

1 from the facilities in a manner that is at least  
2 roughly commensurate with the estimated benefits  
3 described in paragraph (2).”.

4 (2) SAVINGS CLAUSE.—If the Federal Energy  
5 Regulatory Commission finds that the considerations  
6 under paragraphs (1) through (5) of subsection (b)  
7 of section 216 of the Federal Power Act (16 U.S.C.  
8 824p) (as amended by subsection (d)) are met, noth-  
9 ing in this section or the amendments made by this  
10 section shall be construed to exclude transmission  
11 facilities located on the outer Continental Shelf from  
12 being eligible for cost allocation established under  
13 subsection (f)(1) of that section (as amended by  
14 paragraph (1)).

15 (g) COORDINATION OF FEDERAL AUTHORIZATIONS  
16 FOR TRANSMISSION FACILITIES.—Section 216(h) of the  
17 Federal Power Act (16 U.S.C. 824p(h)) is amended—

18 (1) in paragraph (2), by striking the period at  
19 the end and inserting the following: “, except with  
20 respect to facilities conditionally designated by the  
21 Secretary to be necessary in the national interest  
22 under subsection (a), in which case—

23 “(A) the Commission shall act as the lead  
24 agency in the case of facilities permitted under  
25 subsection (b); and

1           “(B) the Department of the Interior shall  
2           act as the lead agency in the case of facilities  
3           located on a lease, easement, or right-of-way  
4           granted by the Secretary of the Interior under  
5           section 8(p)(1)(C) of the Outer Continental  
6           Shelf Lands Act (42 U.S.C. 1337(p)(1)(C)).”;

7           (2) in each of paragraphs (3), (4)(B), (4)(C),  
8           (5)(B), (6)(A), (7)(A), (7)(B)(i), (8)(A)(i), and (9),  
9           by striking “Secretary” each place it appears and in-  
10          serting “lead agency”;

11          (3) in paragraph (4)(A), by striking “As head  
12          of the lead agency, the Secretary” and inserting  
13          “The lead agency”;

14          (4) in paragraph (5)(A), by striking “As lead  
15          agency head, the Secretary” and inserting “The lead  
16          agency”;

17          (5) in paragraph (7)—

18                (A) in subparagraph (A), by striking “18  
19                months after the date of enactment of this sec-  
20                tion” and inserting “18 months after the date  
21                of enactment of the Energy Independence and  
22                Security Act of 2022”; and

23                (B) in subparagraph (B)(i), by striking “1  
24                year after the date of enactment of this sec-  
25                tion” and inserting “18 months after the date

1 of enactment of the Energy Independence and  
2 Security Act of 2022”; and

3 (6) in paragraph (9)(A), by striking “Federal  
4 Energy Regulatory Commission” and inserting  
5 “Commission, except with respect to facilities condi-  
6 tionally designated by the Secretary to be necessary  
7 in the national interest under subsection (a), in  
8 which case, the Secretary”.

9 (h) TRANSMISSION INFRASTRUCTURE INVEST-  
10 MENT.—Section 219(b)(4) of the Federal Power Act (16  
11 U.S.C. 824s(b)(4)) is amended—

12 (1) in subparagraph (A), by striking “and”  
13 after the semicolon at the end;

14 (2) in subparagraph (B), by striking the period  
15 at the end and inserting “; and”; and

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

17 “(C) all prudently incurred costs associ-  
18 ated with payments to jurisdictions impacted by  
19 electric transmission facilities designated by the  
20 Secretary to be necessary in the national inter-  
21 est under section 216(a).”.

22 (i) CONFORMING AMENDMENTS.—

23 (1) Section 216(i) of the Federal Power Act (16  
24 U.S.C. 824p(i)) is amended—

1 (A) in paragraph (3), by striking “in na-  
2 tional interest electric transmission corridors”  
3 and inserting “designated by the Secretary to  
4 be in the national interest under subsection  
5 (a)”; and

6 (B) in paragraph (4)(B), by striking “the  
7 relevant national interest electric transmission  
8 corridor was designated by the Secretary” and  
9 inserting “the Secretary designates an electric  
10 transmission facility to be in the national inter-  
11 est”.

12 (2) Section 1222 of the Energy Policy Act of  
13 2005 (42 U.S.C. 16421) is amended—

14 (A) in subsection (a)(1)(A), by striking “is  
15 located in a national interest electric trans-  
16 mission corridor designated under” and insert-  
17 ing “is necessary in the national interest pursu-  
18 ant to”; and

19 (B) in subsection (b)(1)(A), by striking “is  
20 located in an area designated under” and in-  
21 sserting “is necessary in the national interest  
22 pursuant to”.

23 (3) Section 40106(h)(1)(A) of the Infrastruc-  
24 ture Investment and Jobs Act (42 U.S.C.  
25 18713(h)(1)(A)) is amended by striking “is located

1 in an area designated as a national interest electric  
2 transmission corridor” and inserting “is necessary in  
3 the national interest”.

4 **SEC. \_\_\_\_ 23. DEFINITION OF NATURAL GAS UNDER THE**  
5 **NATURAL GAS ACT.**

6 Section 2 of the Natural Gas Act (15 U.S.C. 717a)  
7 is amended by striking paragraph (5) and inserting the  
8 following:

9 “(5) ‘Natural gas’ means—  
10 “(A) natural gas unmixed;  
11 “(B) any mixture of natural and artificial  
12 gas; or  
13 “(C) hydrogen mixed or unmixed with nat-  
14 ural gas.”.

15 **SEC. \_\_\_\_ 24. AUTHORIZATION OF MOUNTAIN VALLEY**  
16 **PIPELINE.**

17 (a) FINDING.—Congress finds that the timely com-  
18 pletion of the construction of the Mountain Valley Pipe-  
19 line—

20 (1) is necessary—

21 (A) to ensure an adequate and reliable  
22 supply of natural gas to consumers at reason-  
23 able prices;

24 (B) to facilitate an orderly transition of  
25 the energy industry to cleaner fuels; and

1 (C) to reduce carbon emissions; and

2 (2) is in the national interest.

3 (b) PURPOSE.—The purpose of this section is to re-  
4 quire the appropriate Federal officers and agencies to take  
5 all necessary actions to permit the timely completion of  
6 the construction and operation of the Mountain Valley  
7 Pipeline without further administrative or judicial delay  
8 or impediment.

9 (c) DEFINITIONS.—In this section:

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

12 (2) MOUNTAIN VALLEY PIPELINE.—The term  
13 “Mountain Valley Pipeline” means the Mountain  
14 Valley Pipeline Project, as generally described and  
15 approved in Federal Energy Regulatory Commission  
16 Docket Nos. CP16–10 and CP19–477.

17 (3) SECRETARY CONCERNED.—The term “Sec-  
18 retary concerned” means, as applicable—

19 (A) the Secretary of Agriculture;

20 (B) the Secretary of the Interior; or

21 (C) the Secretary of the Army.

22 (d) AUTHORIZATION OF NECESSARY APPROVALS.—

23 (1) BIOLOGICAL OPINION AND INCIDENTAL  
24 TAKE STATEMENT.—Notwithstanding any other pro-  
25 vision of law, not later than 30 days after the date

1 of enactment of this Act, the Secretary of the Inte-  
2 rior shall issue a biological opinion and incidental  
3 take statement for the Mountain Valley Pipeline,  
4 substantially in the form of the biological opinion  
5 and incidental take statement for the Mountain Val-  
6 ley Pipeline issued by the United States Fish and  
7 Wildlife Service on September 4, 2020.

8 (2) ADDITIONAL AUTHORIZATIONS.—Notwith-  
9 standing any other provision of law, not later than  
10 30 days after the date of enactment of this Act—

11 (A) the Secretary of the Interior shall issue  
12 all rights-of-way, permits, leases, and other au-  
13 thorizations that are necessary for the construc-  
14 tion, operation, and maintenance of the Moun-  
15 tain Valley Pipeline, substantially in the form  
16 approved in the record of decision of the Bu-  
17 reau of Land Management entitled “Mountain  
18 Valley Pipeline and Equitrans Expansion  
19 Project Decision to Grant Right-of-Way and  
20 Temporary Use Permit” and dated January 14,  
21 2021;

22 (B) the Secretary of Agriculture shall  
23 amend the Land and Resource Management  
24 Plan for the Jefferson National Forest as nec-  
25 essary to permit the construction, operation,



1 and maintenance of the Mountain Valley Pipe-  
2 line within the Jefferson National Forest, sub-  
3 stantially in the form approved in the record of  
4 decision of the Forest Service entitled “Record  
5 of Decision for the Mountain Valley Pipeline  
6 and Equitrans Expansion Project” and dated  
7 January 2021;

8 (C) the Secretary of the Army shall issue  
9 all permits and verifications necessary to permit  
10 the construction, operation, and maintenance of  
11 the Mountain Valley Pipeline across waters of  
12 the United States; and

13 (D) the Commission shall—

14 (i) approve any amendments to the  
15 certificate of public convenience and neces-  
16 sity issued by the Commission on October  
17 13, 2017 (161 FERC 61,043); and

18 (ii) grant any extensions necessary to  
19 permit the construction, operation, and  
20 maintenance of the Mountain Valley Pipe-  
21 line.

22 (e) **AUTHORITY TO MODIFY PRIOR DECISIONS OR**  
23 **APPROVALS.**—In meeting the applicable requirements of  
24 subsection (d), a Secretary concerned may modify the ap-  
25 plicable prior biological opinion, incidental take statement,

1 right-of-way, amendment, permit, verification, or other au-  
2 thorization described in that subsection if the Secretary  
3 concerned determines that the modification is necessary—

4 (1) to correct a deficiency in the record; or

5 (2) to protect the public interest or the environ-  
6 ment.

7 (f) RELATIONSHIP TO OTHER LAWS.—

8 (1) DETERMINATION TO ISSUE OR GRANT.—

9 The requirements of subsection (d) shall supersede  
10 the provisions of any law (including regulations) re-  
11 lating to an administrative determination as to  
12 whether the biological opinion, incidental take state-  
13 ment, right-of-way, amendment, permit, verification,  
14 or other authorization shall be issued for the Moun-  
15 tain Valley Pipeline.

16 (2) SAVINGS PROVISION.—Nothing in this sec-  
17 tion limits the authority of a Secretary concerned or  
18 the Commission to administer a right-of-way or en-  
19 force any permit or other authorization issued under  
20 subsection (d) in accordance with applicable laws  
21 (including regulations).

22 (g) JUDICIAL REVIEW.—

23 (1) IN GENERAL.—The actions of the Secre-  
24 taries concerned and the Commission pursuant to  
25 subsection (d) that are necessary for the construc-

1       tion and initial operation at full capacity of the  
2       Mountain Valley Pipeline shall not be subject to ju-  
3       dicial review.

4               (2) OTHER ACTIONS.—The United States Court  
5       of Appeals for the District of Columbia Circuit shall  
6       have original and exclusive jurisdiction over—

7               (A) any claim alleging—

8                       (i) the invalidity of this section; or

9                       (ii) that an action is beyond the scope  
10       of authority conferred by this section; and

11               (B) any claim relating to any action taken  
12       by a Secretary concerned or the Commission re-  
13       lating to the Mountain Valley Pipeline other  
14       than an action described in paragraph (1).