TITLE __—[TO BE SUPPLIED]

SEC. __. DEFINITIONS.

In this title:

(1) AGENCY.—The term "agency" means any agency, department, or other unit of Federal, State, local, or Tribal government.

(2) AUTHORIZATION.—The term "authorization" means any license, permit, approval, finding, or other administrative decision that is required or authorized under Federal law (including regulations) to design, plan, site, construct, reconstruct, or commence operations of a project.

(3) COOPERATING AGENCY.—The term "cooperating agency" means any Federal agency (and a State, Tribal, or local agency if agreed on by the lead agency), other than a lead agency, that has jurisdiction by law or special expertise with respect to an environmental impact relating to a project.

(4) ENVIRONMENTAL DOCUMENT.—The term "environmental document" includes any of the following, as prepared under NEPA:

(A) An environmental assessment.

(B) A finding of no significant impact.

(C) A notice of intent.

(D) An environmental impact statement.

(E) A record of decision.

(5) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means the detailed statement of environmental impacts of a project required to be prepared under NEPA.

(6) ENVIRONMENTAL REVIEW PROCESS.—The term "environmental review process" means the process for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document required to be prepared to achieve compliance with NEPA, including pre-application consultation and scoping processes.

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

(8) LEAD AGENCY.—The term "lead agency", with respect to a project, means—

(A) the Federal agency preparing, or assuming primary responsibility for, the authorization or review of the project; and

(B) if applicable, any State, local, or Tribal government entity serving as a joint lead agency for the project.

(9) NEPA.—The term "NEPA" means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including NEPA implementing regulations).

(10) NEPA IMPLEMENTING REGULATIONS.—The term "NEPA implementing regulations" means the regulations in subpart A of chapter V of title 40, Code of Federal Regulations (or successor regulations).

(11) PARTICIPATING AGENCY.—The term "participating agency" means an agency participating in an environmental review or authorization for a project.

(12) PROJECT SPONSOR.—The term "project sponsor" means the agency or other entity, including any private or public-private entity, that seeks authorization for a project.

SEC. __. STREAMLINING PROCESS FOR AUTHORIZATIONS AND REVIEWS OF ENERGY AND NATURAL RESOURCES PROJECTS.

(a) Definitions.—In this section:

(1) CATEGORICAL EXCLUSION.—The term "categorical exclusion" means a categorical exclusion within the meaning of NEPA.

(2) MAJOR PROJECT.—The term "major project" means a project—

(A) for which multiple authorizations, reviews, or studies are required under a Federal law other than NEPA; and

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

(i) an environmental impact statement is required; or

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

(3) PROJECT.—The term "project" means a project—

(A) proposed for the construction of infrastructure—

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

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

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

(B) that, if implemented as proposed by the project sponsor, would be subject to the requirements that—

(i) an environmental document be prepared; and

(ii) the applicable agency issue an authorization of the activity.

(4) SECRETARY CONCERNED.—The term "Secretary concerned" means, as appropriate—

(A) the Secretary of Agriculture, with respect to the Forest Service;

(B) the Secretary of Energy;

(C) the Secretary of the Interior; and

(D) the Federal Energy Regulatory Commission.

(b) Applicability.—

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

(A) shall apply to—

(i) all projects for which an environmental impact statement is prepared; and

(ii) all major projects;

(B) may be applied, as requested by a project sponsor and to the extent determined appropriate by the Secretary concerned, to other projects for which an environmental document is prepared; and

(C) shall not apply to—

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

(ii) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

(2) FLEXIBILITY.—Any authority provided by this section may be exercised, and any requirement established under this section may be satisfied, for a project, class of projects, or program of projects.

(3) SAVINGS PROVISION.—Nothing in this section—

(A) precludes the use of an authority provided under any other provision of law, including for a covered project under title XLI of the FAST Act (42 U.S.C. 4370m et seq.); or

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

(c) Lead Agencies.—

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

(2) ROLES AND RESPONSIBILITY.—With respect to the environmental review process for a project, the lead agency shall have the authority and responsibility—

(A) to take such actions as are necessary and appropriate to facilitate the expeditious resolution of the environmental review process for the project;

(B) to prepare any required environmental impact statement or other environmental document, or to ensure that such an environmental impact statement or environmental document is completed, in accordance with this section and applicable Federal law;

(C) not later than 45 days after the date of publication of a notice of intent to prepare an environmental impact statement, or the initiation of an environmental assessment, as applicable, for a project—

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

(ii) to invite the identified agencies to become participating agencies in the environmental review process for the project; and

(iii) to establish, as part of the invitation, a deadline for the submission of a

response, which may be extended by the lead agency for good cause;

(D) to consider and respond to comments received from participating agencies relating to matters within the special expertise or jurisdiction of those agencies;

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

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

(ii) the baseline data, analysis, or documentation, as applicable, was prepared under circumstances that allowed for—

(I) opportunities for public participation;

(II) consideration of alternatives and environmental consequences; and

(III) other required analyses that are substantially equivalent to the analyses that would have been prepared if the baseline data, analysis, or documentation was prepared by the lead agency pursuant to NEPA; and

(F)(i) to ensure that the project sponsor complies with all design and mitigation commitments made jointly by the lead agency and the project sponsor in any environmental document prepared by the project sponsor; and

(ii) to ensure that the environmental document described in clause (i) is appropriately supplemented if changes become necessary with respect to the project.

(d) Participating Agencies.—

(1) APPLICABILITY.—

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

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

(ii) that is carried out in accordance with the procedures described in that notice.

(B) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary concerned may exercise the authority under this subsection with respect to—

(i) a project;

(ii) a class of projects; or

(iii) a program of projects.

(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by a lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency, unless the invited agency informs the lead

agency, in writing, by the deadline specified in the invitation, that the invited agency has no responsibility for or interest in the project.

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

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

(B) work with the lead agency to ensure that the agency making the authorization or carrying out the action is treated as a cooperating agency for the project.

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

(A) provide comments, responses, studies, or methodologies relating to the areas within the special expertise or jurisdiction of the agency; and

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

(5) EFFECT OF DESIGNATION.—

(A) REQUIREMENT.—A participating agency for a project shall comply with the applicable requirements of this section.

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

(i) has made a determination to support or deny any project; or

(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the applicable project.

(6) COOPERATING AGENCY DESIGNATION.—Any agency designated as a cooperating agency shall also be designated by the applicable lead agency as a participating agency under the NEPA implementing regulations.

(e) Coordination of Required Reviews; Environmental Documents.—

(1) IN GENERAL.—The lead agency and each participating agency for a project shall apply the requirements of section 41005 of the FAST Act (42 U.S.C. 4370m–4) to the project, subject to the condition that any reference contained in that section to a "covered project" shall be considered to be a reference to the project under this section.

(2) SINGLE ENVIRONMENTAL DOCUMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (C), to the maximum extent practicable and consistent with Federal law, to achieve compliance with NEPA, all Federal authorizations and reviews that are necessary for a project shall rely on a single environmental document for each type of environmental document prepared under NEPA under the leadership of the lead agency.

(B) USE OF DOCUMENT.—

(i) IN GENERAL.—To the maximum extent practicable, the lead agency shall

develop environmental documents sufficient to satisfy the NEPA requirements for any authorization or other Federal action required for the project.

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

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

(i) the project sponsor requests that agencies issue separate environmental documents;

(ii) the obligations of a cooperating agency or participating agency under NEPA have already been satisfied with respect to the project; or

(iii) the lead agency determines that reliance on a single environmental document described in that subparagraph would not facilitate timely completion of the environmental review process or authorization process for the project.

(3) ADOPTION AND USE OF EXISTING DOCUMENTS.—Any environmental document prepared for a project in accordance with this section may be adopted or used by any Federal agency making an authorization to the same extent that the Federal agency could adopt or use any document prepared by another Federal agency.

(f) Errata for Environmental Impact Statements.—

(1) IN GENERAL.—In preparing a final environmental impact statement for a project, if the lead agency modifies the draft environmental impact statement in response to comments, the lead agency may write on errata sheets attached to the environmental impact statement in lieu of rewriting the draft environmental impact statement, subject to the conditions described in paragraph (2).

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

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

(B) The modifications shall be confined to—

(i) minor factual corrections; or

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

(C) The errata sheets shall—

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

(ii) if appropriate, indicate the circumstances that would trigger reappraisal or further response by the lead agency.

(g) Coordination and Scheduling.—

(1) COORDINATION PLAN.—

(A) IN GENERAL.—Not later than 90 days after the date of publication of a notice of

intent to prepare an environmental impact statement, or the initiation of an environmental assessment, as applicable, for a project, the lead agency shall establish a plan for coordinating public and agency participation in, and comment regarding, the environmental review process and authorization decisions for the project or applicable category of projects.

(B) INCORPORATION INTO MEMORANDUM.—A coordination plan under subparagraph (A) may be incorporated into a memorandum of understanding with the project sponsor, lead agency, and any other appropriate entity to accomplish the coordination activities described in this subsection.

(C) SCHEDULE.—

(i) IN GENERAL.—As part of a coordination plan for a project under subparagraph (A), the lead agency shall establish and maintain a schedule for completion of the environmental review process and authorization decisions for the project that—

(I) includes the date of project initiation or earliest Federal agency contact for the project, including any pre-application consultation;

(II) includes—

(aa) any Federal authorization, action required as part of the environmental review process, consultation, or similar process that is required through project completion;

(bb) to the maximum extent practicable, any Indian Tribe, State, or local agency authorization, review, consultation, or similar process; and

(cc) milestones for each authorization under item (aa) or (bb), including any pre-application consultations, applications, interim milestones, public comment periods, draft decisions, or final decisions; and

(III) is established—

(aa) after consultation with, and the concurrence of, each participating agency for the project; and

(bb) with the participation of the project sponsor.

(ii) MAJOR PROJECT SCHEDULES.—To the maximum extent practicable and consistent with applicable Federal law, in the case of a major project, the lead agency shall develop, with the concurrence of each participating agency for the major project and in consultation with the project sponsor, a schedule for the major project that is consistent with completing—

(I) the environmental review process—

(aa) in the case of major projects for which the lead agency determines an environmental impact statement is required, an average of not later than 2 years after the date of publication by the lead agency of a notice of intent to prepare an environmental impact statement to the

record of decision; and

(bb) in the case of major projects for which the lead agency determines an environmental assessment is required, an average of not later than 1 year after the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact; and

(II) any outstanding authorization required for project completion not later than 180 days after the date of an issuance of a record of decision or a finding of no significant impact under subclause (I).

(D) FACTORS FOR CONSIDERATION.—In establishing a schedule under subparagraph (C), a Federal lead agency shall consider factors such as—

(i) the responsibilities of participating agencies or cooperating agencies under applicable law;

(ii) resources available to the participating agencies or cooperating agencies;

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

(iv) the overall time required by an agency to conduct the environmental review process and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license);

(v) the cost of the project;

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

(vii) timelines and deadlines established in this section and other applicable law.

(E) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (C) shall be consistent with any other relevant time periods established under Federal law.

(F) MODIFICATIONS.—

(i) IN GENERAL.—Except as provided in clause (iii), the lead agency may lengthen or shorten a schedule established for a project under subparagraph (C) for good cause, in accordance with clause (ii).

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

(I) Federal law prohibiting the lead agency or another agency from issuing an approval or permit within the period required under subparagraph (C);

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

(III) a determination by the lead agency, with the concurrence of the project sponsor, that an extension would facilitate completion of the environmental review process and authorization process of the project.

(iii) EXCEPTIONS FOR MAJOR PROJECTS.—In the case of a major project, the lead

agency may lengthen a schedule under clause (i) for a Federal participating agency by not more than 1 year after the latest deadline established for the major project by the lead agency.

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

(I) to conduct any necessary analysis; or

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

(G) FAILURE TO MEET DEADLINE.—If a participating Federal agency fails to meet a deadline established under subparagraph (C), the participating Federal agency shall notify the Office of Management and Budget and the Secretary concerned regarding that failure.

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

(i) provided to—

(I) all participating agencies; and

(II) the project sponsor; and

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

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

(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of a notice of the date of public availability of the draft, unless—

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause, together with a documented and publicly available explanation of the need for an extended comment period.

(B) For all other comment periods established by the lead agency for agency or public comment for a Federal authorization or in the environmental review process, a period of not more than 30 days beginning on the first date of availability of the materials regarding which comment is requested, unless a different deadline of not more than 60 days is established by agreement of the lead agency and all participating agencies, in consultation with the project sponsor.

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

(A) reduces any time period provided for—

(i) public comment in the environmental review process; or

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

(B) creates a requirement for an additional public comment opportunity in addition to any public comment opportunity required for a project under applicable Federal law.

(h) Issue Identification and Resolution.—

(1) COOPERATION.—The lead agency and each participating agency shall work cooperatively in accordance with this section to identify and resolve issues that could—

(A) delay final decisionmaking for any authorization for a project;

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

(C) result in the denial of any authorization required for the project under applicable law.

(2) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—

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

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

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

(iii) result in the denial of any authorization required for the project under applicable law.

(B) INITIAL MEETING.—Not later than 30 days after the date of receipt of a request under subparagraph (A), the lead agency shall convene an issue resolution meeting, which shall include—

(i) the relevant participating agencies;

(ii) the project sponsor; and

(iii) the Governor of a State in which the project is located, if the Governor requested the issue resolution meeting under that subparagraph.

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

(i) notify—

(I) the heads of the relevant participating agencies;

(II) the project sponsor; and

(III) the Governor of a State in which the project is located, if the

Governor requested the issue resolution meeting under subparagraph (A); and

(ii) convene a leadership issue resolution meeting not later than 90 days after the date of the initial meeting under subparagraph (B) with—

(I) the heads of the relevant participating agencies, including any relevant Secretaries;

(II) the project sponsor; and

(III) the Governor of a State in which the project is located, if the Governor requested the issue resolution meeting under subparagraph (A).

(D) CONVENTION BY LEAD AGENCY.—A lead agency may convene an issue resolution meeting at any time to resolve issues relating to an authorization or environmental review process for a project, without the request of a participating agency, project sponsor, or the Governor of a State in which the project is located.

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

(i) REFERRAL TO COUNCIL ON ENVIRONMENTAL QUALITY.—

(I) IN GENERAL.—If issue resolution for a major project is not achieved by 30 days after the date on which a leadership issue resolution meeting is convened under subparagraph (C), the head of the lead agency shall refer the matter to the Council on Environmental Quality.

(II) MEETING.—Not later than 30 days after the date of receipt of a referral from the head of the lead agency under subclause (I), the Council on Environmental Quality shall convene an issue resolution meeting with—

(aa) the head of the lead agency;

(bb) the heads of relevant participating agencies;

(cc) the project sponsor; and

(dd) the Governor of a State in which the major project is located, if the Governor requested the issue resolution meeting under subparagraph (A).

(ii) REFERRAL TO THE PRESIDENT.—If issue resolution is not achieved by 30 days after the date of the meeting convened by the Council on Environmental Quality under clause (i)(II), the head of the lead agency shall refer the matter directly to the President.

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

(i) unless doing so would impair the ability of the agency to comply with existing authorities and obligations; and

(ii) consistent with, to the maximum extent permitted by law, any dispute resolution process established in an applicable law, regulation, or legally binding agreement.

(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits the application of section 41003 of the FAST Act (42 U.S.C. 4370m–2) to a covered project (as defined in section 41001 of that Act (42 U.S.C. 4370m)) that is a project subject to the requirements of this section, including with respect to dispute resolution procedures regarding a permitting timetable.

(i) Enhanced Technical Assistance From Lead Agency.—

(1) DEFINITION OF COVERED PROJECT.—In this subsection, the term "covered project" means a project—

(A) that has a pending environmental review or authorization under NEPA; and

(B) for which the lead agency determines a delay to the schedule established under subsection (g) is likely.

(2) TECHNICAL ASSISTANCE.—At the request of a project sponsor, participating agency, or the Governor of a State in which a covered project is located, the head of the lead agency may provide technical assistance to resolve any outstanding issues that are resulting in project delay for the covered project, including by—

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

(B) facilitating interagency coordination;

(C) promoting more efficient collaboration; and

(D) supplying specialized onsite assistance.

(3) SCOPE OF WORK.—In providing technical assistance for a covered project under this subsection, the head of the lead agency shall establish a scope of work that describes the actions that the head of the lead agency will take to resolve the outstanding issues and project delays.

(4) CONSULTATION.—In providing technical assistance for a covered project under this subsection, the head of the lead agency shall consult, if appropriate, with participating agencies on all methods available to resolve any outstanding issues and project delays for a covered project as expeditiously as practicable.

(j) Judicial Review and Savings Clause.—

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

(A) the United States; or

(B) any State.

(2) SAVINGS CLAUSE.—Nothing in this section—

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

(B) affects the responsibility of any Federal officer to comply with or enforce any Federal law.

(3) LIMITATIONS.—Nothing in this section preempts or interferes with—

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

(B) any power, jurisdiction, responsibility, or authority of a Federal, State, or local government agency, Indian Tribe, or project sponsor with respect to carrying out a project; or

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

(k) Efficiency of Claims.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of an authorization issued or denied by a Federal agency for a project shall be barred unless the claim is filed by 150 days after the later of the date on which the authorization is final in accordance with the law under which the agency action is taken and the date of publication of a notice that the environmental document is final in accordance with NEPA, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection—

(A) establishes a right to judicial review; or

(B) places any limit on filing a claim that a person has violated the terms of an authorization.

(3) [TREATMENT OF] SUPPLEMENTAL OR REVISED ENVIRONMENTAL DOCUMENTS.—With respect to a project—

(A) the preparation of a supplemental or revised environmental document for the project, when required, shall be considered to be a separate final agency action; and

(B) the deadline for filing a claim for judicial review of that action shall be the date that is 150 days after the date of publication of a notice in the Federal Register announcing the action.

(l) Improving Transparency in Project Status.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary concerned shall—

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

(i) the status, schedule, and progress of each major project with respect to compliance with the applicable requirements of NEPA, any authorization, and any other Indian Tribe, State, or local agency authorization required for the major project; and

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

(B) establish such reporting standards as are necessary to meet the requirements of subparagraph (A), which shall include requirements—

(i) to track major projects from initiation through the date that final authorizations required to begin construction are issued or the major project is withdrawn; and

(ii) to update the status, schedule, and progress of major projects to reflect any changes to the project status or schedule, including changes resulting from litigation (including any injunctions, vacatur of authorizations, and timelines for any additional authorization or environmental review process that is required as a result of litigation).

(2) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.—

(A) FEDERAL AGENCIES.—A Federal agency participating in the environmental review process or authorization process for a major project shall provide to the Secretary concerned information relating to the status and progress of the authorization of the major project for publication on the Internet website referred to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

(B) STATE AND LOCAL AGENCIES.—The Secretary concerned shall encourage State and local agencies participating in the environmental review process or authorization process for a major project to provide information relating to the status and progress of the authorization of the major project for publication on the Internet website referred to in paragraph (1)(A).

(m) Accountability and Reporting for Major Projects.—Each Secretary concerned shall—

(1) not later than 1 year after the date of enactment of this Act, establish a performance accountability system for the agency represented by the Secretary concerned; and

(2) on establishment of the performance accountability system under paragraph (1), and not less frequently than annually thereafter, publish a report describing performance accountability for each major project authorization and review conducted during the preceding year by the agency represented by the Secretary concerned, including—

(A) for each major project for which that agency serves as a lead agency or a participating agency, the extent to which the agency is achieving compliance with each schedule established under this section for an authorization, environmental review process, or consultation;

(B) for each major project for which that agency serves as a lead agency, information regarding the average time required to complete each applicable authorization and the environmental review process; and

(C) for each major project for which that agency serves as a participating agency with jurisdiction over an authorization, information regarding the average time required to complete the authorization process.

(n) Programmatic Compliance.—

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

(A) eliminate repetitive discussions of the same issue;

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

(C) are consistent with—

(i) NEPA; and

(ii) other applicable laws.

(2) REQUIREMENTS.—In carrying out this subsection, each lead agency shall ensure that programmatic approaches to conduct environmental review processes—

(A) promote transparency, including the transparency of—

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

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

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

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

(i) criteria for determining the general duration of the usefulness of the environmental review process; and

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

(C) describe—

(i) the relationship between any programmatic analysis and future tiered analysis; and

(ii) the role of the public in the creation of future tiered analyses;

(D) are available to other relevant Federal and State agencies, Indian Tribes, and the public; and

(E) provide notice and public comment opportunities consistent with applicable requirements.

(o) Development of Categorical Exclusions.—

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

(A) in consultation with the other agencies described in paragraph (2), as applicable, identify each categorical exclusion available to such an agency that would accelerate delivery of a project if the categorical exclusion was available to the Secretary concerned; and

(B) collect existing documentation and substantiating information relating to each categorical exclusion identified under subparagraph (A).

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

(A) the Department of Agriculture;

(B) the Department of the Army;

(C) the Department of Commerce;

(D) the Department of Defense;

(E) the Department of Energy;

(F) the Department of the Interior;

(G) the Federal Energy Regulatory Commission; and

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

(3) ADOPTION OF CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date on which categorical exclusions are identified under paragraph (1)(A), each Secretary concerned shall—

(A) determine whether any such categorical exclusion meets the applicable criteria for a categorical exclusion under—

(i) the NEPA implementing regulations; and

(ii) any relevant regulations of the agency represented by the Secretary concerned; and

(B) publish a notice of proposed rulemaking to propose the adoption of any identified categorical exclusion that—

(i) is applicable to the agency represented by the Secretary concerned; and

(ii) meets the applicable criteria described in subparagraph (A).

(p) Additions to Categorical Exclusions.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each Secretary concerned shall—

(A) conduct a survey regarding the use by the agency represented by the Secretary concerned of categorical exclusions for projects during the 5-year period preceding the date of the survey;

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

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

(ii) any requests previously received by the Secretary concerned for new categorical exclusions; and

(C) solicit from relevant project sponsors requests for new categorical exclusions.

(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of the solicitation of requests under paragraph (1)(C), the Secretary concerned shall publish a notice of proposed rulemaking to propose the adoption of any such new categorical exclusions, to the extent that the categorical exclusions meet the applicable criteria for a categorical exclusions under—

(A) the NEPA implementing regulations; and

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

SEC. __. PRIORITIZING ENERGY PROJECTS OF STRATEGIC NATIONAL IMPORTANCE.

(a) Definitions.—In this section:

(1) CRITICAL MINERAL.—The term "critical mineral" has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) DESIGNATED PROJECT.—The term "designated project" means an energy project of strategic national importance designated for priority Federal review under subsection (b).

(b) Designation of Projects.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President, in consultation with the Secretary of Energy, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Federal Energy Regulatory Commission, and the heads of any other relevant Federal departments or agencies, as determined by the President, shall—

(A) designate 25 energy projects of strategic national importance for priority Federal review, in accordance with this section; and

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

(2) UPDATES.—Not later than 180 days after the date on which the President publishes the list under paragraph (1)(B), and every 180 days thereafter during the 10-year period beginning on that date, the President shall publish an updated list, which shall—

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

(B) include each previously designated project until—

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

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

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

(A) 4 shall be projects for the mining, extraction, beneficiation, or processing of critical minerals—

(i) of which not fewer than 3 shall include new mining or extraction of critical minerals; and

(ii) for which critical mineral production may occur as a byproduct;

(B) 6 shall be projects—

(i) to generate electricity or store energy without the use of fossil fuels; or

(ii) to manufacture clean energy equipment;

(C) 5 shall be projects to produce, process, transport, or store fossil fuel products, or biofuels, including projects to export or import those products from nations described

in subsection (c)(3)(A)(vi);

(D) 2 shall be electric transmission projects or projects using grid-enhancing technology;

(E) 2 shall be projects to capture, transport, or store carbon dioxide, which may include the utilization of captured or displaced carbon dioxide emissions; and

(F) 1 shall be a project to produce, transport, or store clean hydrogen, including projects to export or import those products from nations described in subsection (c)(3)(A)(vi).

(4) PROJECT TYPES; PHASE-DOWN.—During the 3-year period beginning 7 years after the date on which the President publishes the list under paragraph (1)(B), of the list of designated projects maintained on an ongoing basis pursuant to this subsection, not fewer than—

(A) 2 shall be projects for the mining, extraction, beneficiation, or processing of critical minerals;

(B) 3 shall be projects described in paragraph (3)(B);

(C) 3 shall be projects described in paragraph (3)(C);

(D) 1 shall be a project described in paragraph (3)(D);

(E) 1 shall be a project described in paragraph (3)(E); and

(F) 1 shall be a project described in paragraph (3)(F).

(5) LIST OF PROJECTS MEETING EACH CATEGORY THRESHOLD; INSUFFICIENT APPLICATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), during the 10-year period beginning on the date on which the President publishes the list under paragraph (1)(B), the President shall maintain a list of designated projects that meet the minimum threshold for the applicable category of projects under each subparagraph of paragraph (3) or (4), as applicable.

(B) INSUFFICIENT APPLICATIONS.—If the number of applications submitted that meet the requirements for a designated project for a category of projects under a subparagraph of paragraph (3) or (4), as applicable, is not sufficient to meet the minimum threshold under that subparagraph, the minimum threshold under that subparagraph shall not apply until a sufficient number of applications meeting the requirements for a designated project has been submitted.

(c) Selection and Priority Requirements.—

(1) IN GENERAL.—The President shall carry out subsection (b) based on a review of applications for authorizations or other reviews submitted to the Corps of Engineers, the Department of Defense, the Department of Energy, the Department of the Interior, the Forest Service, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, and the Federal Permitting Improvement Steering Council.

(2) REQUIREMENT.—The President shall designate under subsection (b) only projects that the President determines are likely—

(A) to require an environmental assessment or environmental impact statement under NEPA;

(B) to require review by more than 2 Federal or State agencies;

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

(D) to have sufficient financial support from the project sponsor to ensure project completion.

(3) PRIORITY.—

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

(i) Reducing energy prices in the United States.

(ii) Reducing greenhouse gas emissions.

(iii) Improving electric reliability in North America.

(iv) Advancing emerging energy technologies.

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

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

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

(II) members of the North Atlantic Treaty Organization;

(III) National Technology and Industrial Base member countries;

(IV) nations with a transmission system operator that is included in the European Network of Transmission System Operators for Electricity, including as an observer member; or

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

(vii) Reducing the reliance of the United States on the supply chains of [foreign entities of concern (as defined in section 40207(a) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)))].

(viii) To the extent practicable, minimizing development impacts through the use of existing—

(I) rights-of-way;

(II) facilities; or

(III) other infrastructure.

(ix) Creating jobs—

(I) with wages at rates not less than those prevailing on similar projects in

the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the "Davis-Bacon Act"); and

(II) with consideration of the magnitude and timing of the direct and indirect employment impacts of carrying out the project.

(B) OTHER PRIORITY.—In considering projects to designate for the category of projects described in subsection (b)(3)(C), in addition to the priorities specified in subparagraph (A), the President shall give priority to projects the completion of which will significantly reduce greenhouse gas emissions, including projects that involve or enable—

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

(ii) replacing a higher-emitting facility with a lower-emitting facility, including through modernization of an existing facility.

(d) Reviews of Designated Projects.—

(1) IN GENERAL.—The President shall, in consultation with the applicable department and agency heads, the Director of the Office of Management and Budget, the Chair of the Council on Environmental Quality, and the Federal Permitting Improvement Steering Council, direct Federal agencies through executive order to prioritize the completion of the environmental review process and authorizations for designated projects.

(2) TIMELINES.—To the maximum extent practicable and consistent with applicable Federal law, the President shall seek to complete—

(A) the environmental review process—

(i) in the case of a designated project for which the lead agency determines an environmental impact statement is required, not later than 2 years after the date of publication by the lead agency of a notice of intent to prepare an environmental impact statement to the record of decision; and

(ii) in the case of a designated project for which the lead agency determines an environmental assessment is required, not later than 1 year after the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact; and

(B) any outstanding authorization required for project completion within 180 days of the issuance of a record of decision or finding of no significant impact under subparagraph (A).

(3) STREAMLINING REVIEW PROCESS.—A designated project shall be considered a major project (as defined in section [____2(a)]) subject to the requirements of that section.

(4) JUDICIAL INJUNCTION, REMAND, OR VACATUR.—The President shall ensure that any Federal review or authorization for a designated project that is enjoined, remanded, or vacated by a court of law is prioritized for further agency action.

(e) NEPA.—

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

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

(f) Report.—Not later than 180 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives a report describing—

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

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

(3) for each authorization, environmental review, consultation, public comment period, or other review under paragraph (2)—

(A) an estimated completion date; and

(B) an explanation of—

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

(ii) any changes to the date described in subparagraph (A) from a report previously submitted under this subsection.

(g) Funding.—

(1) IN GENERAL.—In addition to amounts otherwise made available, out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2022 to the Environmental Review Improvement Fund established under section 41009(d)(1) of the FAST Act (42 U.S.C. 4370m–8(d)(1)), [$250,000,000], to remain available through September 30, 2031, to provide funding to agencies to support more efficient, accurate, and timely reviews of designated projects in accordance with paragraph (2).

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

(A) the hiring and training of personnel;

(B) the development of programmatic documents;

(C) the procurement of technical or scientific services for environmental reviews;

(D) the development of data or information systems;

(E) stakeholder and community engagement;

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

(G) the development of geographic information systems and other analytical tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

(3) LIMITATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, not more than $1,500,000 shall be allocated to support the review of a single designated project.

(4) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this subsection shall be used in addition to existing funding mechanisms, including agency user fees and application fees.

SEC. __. EMPOWERING THE FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL AND IMPROVING REVIEWS.

(a) Definition of Covered Project.—Section 41001(6) of the FAST Act (42 U.S.C. 4370m(6)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting "critical mineral mining, production, beneficiation, or processing," before "electricity transmission"; and

(B) in clause (i), by striking subclause (II) and inserting the following:

"(II) is likely to require a total investment of—

"(aa) more than $200,000,000; or

"(bb) in the case of a project for the construction, production, transportation, storage, or generation of energy, more than $50,000,000; and"; and

(2) by adding at the end the following:

"(D) ADDITIONAL COVERED PROJECTS.—Notwithstanding subparagraph (A), the term 'covered project' includes any project that is a designated project under section [__] of [the __ Act].".

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

"(III) OUTER CONTINENTAL SHELF LANDS ACT.—The Secretary of the Interior shall create and maintain a specific entry on the Dashboard for the preparation and revision of the oil and gas leasing program required under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

"(IV) ADDITIONAL ENERGY PROJECTS.—The Secretary of the Interior or the Secretary of Energy, as applicable, shall create and maintain a specific entry on the Dashboard for any project that is a designated project under section [__3] of [the __ Act] for which a notice of initiation under subsection (a)(1)(A) has not been submitted, unless the project is already included on the Dashboard as a covered project.".

(c) Mandatory Funding.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Environmental Review Improvement Fund established by section 41009(d)(1) of the FAST Act (42 U.S.C. 4370m–8(d)(1)), out of any money in the Treasury not otherwise

appropriated, [$20,000,000] for each of fiscal years 2022 through 2026.

(2) AVAILABILITY.—Notwithstanding section 41009(d)(2) of the FAST Act (42 U.S.C. 4370m–8(d)(2)), funds appropriated under paragraph (1) for a fiscal year shall remain available for the following 5 fiscal years.

SEC. ___. STATE CERTIFICATION UNDER THE CLEAN WATER ACT.

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

(1) in subsection (a)(1), in the first sentence—

(A) by striking "such discharge" and inserting "such activity"; and

(B) by striking "of this Act." and inserting "and any other appropriate water quality requirement of State law.";

(2) by striking the section designation and heading and all that follows through "Any applicant" in the first sentence of subsection (a)(1) and inserting the following:

"SEC. 401. CERTIFICATION.

"(a) State Certifications.—

"(1) CERTIFICATIONS REQUIRED.—

"(A) COMPLIANCE WITH LIMITATIONS.—

"(i) IN GENERAL.—Any applicant";

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

(A) in paragraph (1) (as so amended)—

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

(I) in clause (i) (as so designated)—

(aa) in the seventh sentence—

(AA) by striking "certification" and inserting "the certification required by this section"; and

(BB) by striking "No license" and inserting the following:

"(E) EFFECT OF DENIAL.—No license";

(bb) in the sixth sentence—

(AA) by striking "the preceding sentence" and inserting "clause (iii)"; and

(BB) by striking "No license" and inserting the following:

"(iv) REQUIREMENT.—No license";

(cc) in the fifth sentence—

(AA) by striking "for certification" and all that follows through

"such request," and inserting "for a certification required by this section within the applicable period described in clause (i),"

(BB) by striking "If the State" and inserting the following:

"(D) REVIEW PERIOD.—

"(i) ESTABLISHMENT OF REVIEW PERIOD.—

"(I) CERTIFICATION BY STATE OR INTERSTATE AGENCY.—

"(aa) IN GENERAL.—Not later than 30 days after the date on which a State or interstate agency receives an application for a certification required by this section, the State or interstate agency may enter into a written agreement with the Federal agency issuing the license or permit to act on the application as described in subparagraph (A)(iv) within a reasonable period of time (which, subject to item (bb), shall not exceed 1 year from the date on which the application was received).

"(bb) FAILURE TO ENTER AN AGREEMENT.—

"(AA) IN GENERAL.—Subject to subitem (BB), if, with respect to an application for a certification required by this section, a State or interstate agency fails to enter into a written agreement pursuant to item (aa), the State or interstate agency shall act on the application as described in subparagraph (A)(iv) by the date that is 180 days after the date on which the application was received.

"(BB) PROCEDURES FOR PUBLIC NOTICE.—If a State or interstate agency has established, pursuant to subparagraph (B)(i), that an application for a certification required by this section shall be subject to procedures for public notice that extend to a date that is after the 180-day period described in subitem (AA), the State or interstate agency shall act on the application as described in subparagraph (A)(iv) by the date that is 15 days after the date on which the public notice procedures, including any public hearing or response to public comment, conclude (which in no case shall exceed 1 year from the date on which the application was received).

"(II) CERTIFICATION BY THE ADMINISTRATOR.—

"(aa) IN GENERAL.—If the Administrator is the certifying authority pursuant to subparagraph (C), not later than 30 days after the date on which the Administrator receives an application for a certification required by this section, the Administrator shall set a reasonable period of time within which to act on the application as described in subparagraph (A)(iv) (which, subject to item (bb), shall not exceed 1 year from the date on which the application was received).

"(bb) FAILURE TO SET TIME PERIOD.—If the Administrator fails to set a reasonable period of time under item (aa), the Administrator shall act on the application as described in subparagraph (A)(iv) by the date that is 180 days after the date on which the application was received.

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

"(I) in the case of an application received by a State or interstate agency, the State or interstate agency shall notify the applicant, in writing—

"(aa) of the reasonable period of time established by the written agreement for the application entered into pursuant to clause (i)(I)(aa); or

"(bb) that no written agreement described in item (aa) was entered into; and

"(II) in the case of an application received by the Administrator, the Administrator shall notify the applicant, in writing—

"(aa) of the reasonable period of time set by the Administrator for the application pursuant to clause (i)(II)(aa); or

"(bb) that no reasonable period of time described in item (aa) was set.

"(iii) WAIVER BY INACTION.—If the State";

(dd) in the fourth sentence—

(AA) by striking "such a certification" and inserting "a certification required by this section"; and

(BB) by striking "In any case" and inserting the following:

"(C) CERTIFICATION BY THE ADMINISTRATOR.—In any case";

(ee) in the third sentence—

(AA) by inserting "and pre-filing meetings under clause (ii)" after "public hearings";

(BB) by striking "certification" and inserting "a certification required by this section"; and

(CC) by striking "Such State" and inserting the following:

"(B) REQUIRED PROCEDURES.—

"(i) IN GENERAL.—A State"; and

(ff) in the second sentence—

(AA) by striking "of this Act"; and

(BB) by striking "In the case of any such activity" and inserting the following:

"(ii) CERTIFICATION OF NO LIMITATION.—In the case of any activity described in clause (i)"; and

(II) by adding at the end the following:

"(iii) SCOPE OF REVIEW.—In reviewing an application for a certification required by this section, no State or interstate agency, nor the Administrator, may—

"(I) deny the application for any reason other than the failure of the application to demonstrate that the applicable activity will comply with clause (i); or

"(II) grant the application with conditions, except for conditions that are—

"(aa) necessary to ensure that the applicable activity will comply with clause (i); or

"(bb) authorized under subsection (d).

"(iv) FINAL ACTION REQUIRED.—In acting on an application for a certification required by this section, a State, an interstate agency, or the Administrator, as applicable, shall set forth the final decision in writing and may only—

"(I) grant the application;

"(II) grant the application with conditions;

"(III) deny the application; or

"(IV) waive the certifications required by this section.";

(ii) in subparagraph (B) (as so designated), by adding at the end the following:

"(ii) PRE-FILING MEETINGS.—

"(I) REQUEST.—

"(aa) IN GENERAL.—Subject to item (bb), not less than 30 days before the date on which an applicant intends to submit an application for a certification required by this section, the applicant may request a pre-filing meeting with the State, interstate agency, or Administrator, as applicable.

"(bb) MODIFICATION OF TIMELINE.—A State, an interstate agency, or the Administrator, as applicable, may, by agreement with the applicant—

"(AA) waive the pre-filing meeting; or

"(BB) reduce the 30-day period described in item (aa).

"(II) MEETING REQUIRED.—Not later than 30 days after receiving a request for a pre-filing meeting pursuant to subclause (I), a State, an interstate agency, or the Administrator, as applicable, shall hold the pre-filing meeting with the applicant to exchange information concerning the application, unless the pre-filing meeting was waived pursuant to subclause (I)(bb)(AA).

"(iii) APPLICATION MATERIALS.—When submitting an application for a certification required by this section, the applicant shall submit with the application—

"(I) the applicable application for a Federal license or permit; and

"(II) any relevant data or other information on potential water quality impacts that may support the certification process.

"(iv) PUBLICATION OF REQUIREMENTS.—

"(I) IN GENERAL.—States, interstate agencies, and the Administrator shall publish regulations establishing the contents required for applications for the certification required by this section, which shall include—

"(aa) a requirement to include the documents described in clause (iii), including a discussion of specific documents required under subclause (II) of that clause; and

"(bb) a process and timeline under which the State, interstate agency, or Administrator, as applicable, will notify the applicant of any specific additional materials or information that are necessary to make a final decision with respect to the application that is consistent with the review period established pursuant to subparagraph (D).

"(II) EFFECT OF FAILURE TO PUBLISH.—The application requirements established by the Administrator under the regulations required under subclause (I) shall apply to a State or interstate agency that fails to publish the regulations required under that subclause."; and

(iii) in subparagraph (D) (as so designated), by inserting after clause (iv) (as so designated) the following:

"(v) PROHIBITION.—With respect to an application for a certification required by this section, no State or interstate agency, nor the Administrator, as applicable, may stop, pause, or restart the reasonable period of time agreed to pursuant to clause (i)(I), or fail to act by a deadline otherwise established by clause (i), by requiring the applicant to withdraw the application.";

(B) in paragraph (2)—

(i) in the second sentence, by striking "Whenever" and all that follows through "such other" and inserting "Within 30 days of the date of notice of such application and certification for the Federal license or permit, the Administrator shall determine whether any discharge described in the application or certification may affect the quality of waters of any other State and, if so, notify the other"; and

(ii) by striking "(2) Upon receipt" and inserting the following:

"(2) NOTICE TO ADMINISTRATOR; EFFECT ON OTHER STATES.—Upon receipt";

(C) in each of paragraphs (3), (4), and (5), by striking "of this Act" each place it appears and inserting "and any other appropriate water quality requirement of State law";

(D) in paragraph (3), by striking "(3) The certification" and inserting the following:

"(3) FULFILLMENT OF REQUIREMENTS.—The certification";

(E) in paragraph (4), by striking "(4) Prior to" and inserting the following:

"(4) REVIEW FOR COMPLIANCE.—Prior to";

(F) in paragraph (5), by striking "(5) Any Federal" and inserting the following:

"(5) SUSPENSION AND REVOCATION.—Any Federal"; and

(G) in paragraph (6), by striking "(6) Except with" and inserting the following:

"(6) APPLICABILITY TO CERTAIN FACILITIES.—Except with";

(4) in subsection (b), by striking "(b) Nothing" and inserting the following:

"(b) Compliance With Other Provisions of Law Setting Applicable Water Quality Requirements.—Nothing";

(5) in subsection (c), by striking "(c) In order" and inserting the following:

"(c) Authority of Secretary of the Army to Permit Use of Spoil Disposal Areas by Federal Licensees or Permittees.—In order"; and

(6) in subsection (d)—

(A) by striking "of this Act" each place it appears;

(B) by inserting "water quality" after "other appropriate"; and

(C) by striking "(d) Any certification" and inserting the following:

"(d) Limitations and Monitoring Requirements of Certification.—Any certification".

SEC. _____. TRANSMISSION.

(a) Ensuring an Abundant Supply of Electricity.—Section 202(a) of the Federal Power Act (16 U.S.C. 824a(a)) is amended, in the third sentence, by striking "such districts." and inserting "such districts, and the construction or modification of electric transmission facilities needed to ensure an abundant supply of electric energy throughout the United States."

(b) Ordering Construction of Additional Facilities.—Section 202(b) of the Federal Power Act (16 U.S.C. 824a(b)) is amended, in the first sentence, in the matter preceding the proviso, by striking "such persons:" and inserting "such persons, or to construct or modify additional electric transmission facilities determined by the Secretary of Energy to be necessary in the national interest under section 216:".

(c) Designation of National Interest Facilities.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (a) and inserting the following:

"(a) Designation of National Interest Facilities.—

"(1) DESIGNATION.—The Secretary of Energy (referred to in this section as the 'Secretary') may, on application by the Commission, designate any electric transmission facility proposed to be constructed or modified within a regional district or between regional districts under section 202(a) to be necessary in the national interest if, after notice to each State commission affected by the designation and each person engaged in the transmission or sale of electric energy affected by the designation, and after opportunity for hearing, the Secretary finds the designation to be necessary or appropriate in the public

interest.

"(2) CONSIDERATIONS.—In determining whether to designate an electric transmission facility to be necessary in the national interest under paragraph (1), the Secretary shall consider whether the proposed electric transmission facility will—

"(A) serve an area that is experiencing or is expected to experience electric energy capacity constraints or congestion that adversely affects consumers;

"(B) enhance the energy independence or energy security of the United States;

"(C) be in the interest of national energy policy;

"(D) enhance national defense and homeland security;

"(E) enhance the ability of facilities that generate or transmit firm or intermittent energy to connect to the electric grid;

"(F) maximize use of existing rights-of-way;

"(G) avoid and minimize, to the maximum extent practicable, and offset, to the extent appropriate and practicable, sensitive environmental areas and cultural heritage sites; and

"(H) reduce the cost of electric energy to consumers.".

(d) Construction Permit.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (b) and inserting the following:

"(b) Construction Permit.—The Federal Energy Regulatory Commission (referred to in this subsection as the 'Commission') may, after notice and an opportunity for hearing, issue 1 or more permits for the construction or modification of electric transmission facilities designated by the Secretary to be necessary in the national interest under subsection (a) if the Commission finds that—

"(1) the facilities to be authorized by the permit will be used for the transmission of electric energy in interstate or foreign commerce;

"(2) the proposed construction or modification is consistent with the public interest;

"(3) the proposed construction or modification will—

"(A) significantly reduce transmission congestion in interstate commerce; and

"(B) protect or benefit consumers;

"(4) the proposed construction or modification—

"(A) is consistent with sound national energy policy; and

"(B) will enhance energy independence; and

"(5) the proposed modification will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers or structures.".

(e) Rights-of-way.—Section 216(e) of the Federal Power Act (16 U.S.C. 824p(e)) is amended—

(1) in paragraph (1), by striking "or a State"; and

(2) by adding at the end the following:

"(5) Compensation for property taken under this subsection shall be determined and awarded by the district court of the United States in accordance with section 3114(c) of title 40, United States Code.".

(f) Cost Allocation.—Section 216 of the Federal Power Act (16 U.S.C. 824p(f)) is amended by striking subsection (f) and inserting the following:

"(f) Cost Allocation.—

"(1) TRANSMISSION TARIFFS.—Any public utility that owns, controls, or operates electric transmission facilities constructed or modified under this section shall file a tariff with the Federal Energy Regulatory Commission (referred to in this subsection as the 'Commission') in accordance with section 205 and the regulations of the Commission allocating the costs of new regional or interregional transmission facilities constructed or modified under this section.

"(2) COST ALLOCATION PRINCIPLES.—The Commission shall require that tariffs filed under this subsection take into account and fairly allocate both the broad range of reliability, economic, and other reasonably anticipated benefits and the specifically identifiable benefits of the electric transmission facilities permitted under this section in accordance with cost allocation principles of the Commission.

"(3) COST CAUSATION PRINCIPLE.—The cost of electric transmission facilities permitted under this section shall be allocated to customers within the transmission planning region that benefit from the facilities in a manner that is at least roughly commensurate with the estimated benefits described in paragraph (2).".

(g) Coordination of Federal Authorizations for Transmission Facilities.—Section 216(h) of the Federal Power Act (16 U.S.C. 824p(h)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) (as so redesignated) the following:

"(A) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.";

(2) in paragraph (2), by striking "Department of Energy" and inserting "Commission";

(3) in each of paragraphs (3) thorough (9), by striking "Secretary" each place it appears and inserting "Commission";

(4) in paragraph (4)(A), by striking "head of"

(5) in paragraph (5)(A), by striking "head";

(6) in paragraph (7)—

(A) in subparagraph (A), by striking "18 months after the date of enactment of this section" and inserting "18 months after the date of enactment of the _____ Act"; and

(B) in subparagraph (B)(i), by striking "1 year after the date of enactment of this

section" and inserting "18 months after the date of enactment of the _____ Act"; and

(7) in paragraph (9)(A), by striking "Federal Energy Regulatory Commission" and inserting "Secretary".

(h) Transmission Infrastructure Investment.—Section 219(b)(4) of the Federal Power Act (16 U.S.C. 824s(b)(4)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) all prudently incurred costs associated with payments to jurisdictions impacted by electric transmission facilities designated by the Secretary to be necessary in the national interest under section 216(a).".

(i) Conforming Amendments.—

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

(A) in paragraph (3), by striking "in national interest electric transmission corridors" and inserting "designated by the Secretary to be in the national interest under subsection (a)"; and

(B) in paragraph (4)(B), by striking "the relevant national interest electric transmission corridor was designated by the Secretary" and inserting "the Secretary designates an electric transmission facility to be in the national interest".

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

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "an electric power transmission facility and related facilities" and inserting "an electric transmission facility designated by the Secretary to be in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a))";

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "electric power transmission facility and related facilities" and inserting "electric transmission facility designated by the Secretary to be in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a))";

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(3) Section 40106(h) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18713(h)) is amended—

(A) in the matter preceding paragraph (1), by striking "if the Secretary" and inserting "if the eligible project is an electric transmission facility designated by the Secretary to be in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)) and the Secretary";

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

SEC. ____. JUDICIAL REVIEW.

Section 41007(c) of the FAST Act (42 U.S.C. 4370m-6(c)) is amended to read as follows:

"(c) JUDICIAL REVIEW.—

"(1) REVIEWABILITY.—Except as provided in subsection (a), nothing in this title affects the reviewability of any final Federal agency action in a court of competent jurisdiction.

"(2) REMANDED ORDERS OR ACTIONS.—If a court remands a Federal agency action to the agency, the court shall set a reasonable schedule and deadline for the agency to act on remand, which shall not exceed 180 days from the date of the court's order, unless a longer time period is necessary to comply with applicable law.

"(3) EXPEDITED TREATMENT OF REMANDED ACTIONS.—The head of the Federal agency to which a court remands an action shall take such actions as may be necessary to provide for the expeditious disposition of the action on remand in conformance with the court's schedule and deadline.

"(4) RANDOM ASSIGNMENT OF CASES.—United States District Courts and United States Courts of Appeal shall randomly assign cases seeking judicial review of any Federal authorization of a covered project to the maximum extent practicable to avoid the appearance of favoritism or bias."