

119TH CONGRESS
2D SESSION

H. R. 9855

To amend the Federal Water Pollution Control Act to make certain reforms with respect to permits and licenses under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2026

Mr. GRAY (for himself and Mr. ROUZER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to make certain reforms with respect to permits and licenses under such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Certainty and Uniform
5 Reviews for Reliable Energy and Transmission Act” or the
6 “CURRENT Act”.

7 **SEC. 2. AMENDMENTS TO SECTION 401 OF THE FEDERAL**
8 **WATER POLLUTION CONTROL ACT.**

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

1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) in the first sentence, by striking
4 “may result” and inserting “may directly
5 result”;

6 (ii) in the second sentence, by striking
7 “activity” and inserting “discharge”;

8 (iii) in the third sentence, by striking
9 “applications” each place it appears and
10 inserting “requests”;

11 (iv) by inserting after the fourth sen-
12 tence the following: “Not later than 30
13 days after the date of enactment of this
14 Act, each State and interstate agency that
15 has authority to give such a certification,
16 and the Administrator, shall publish re-
17 quirements for certification to demonstrate
18 to such State, such interstate agency, or
19 the Administrator, as the case may be,
20 compliance with the applicable provisions
21 of sections 301, 302, 303, 306, and 307.
22 A decision to grant or deny a request for
23 certification shall be based only on compli-
24 ance with the applicable provisions of sec-
25 tions 301, 302, 303, 306, and 307, and

1 the grounds for the decision shall be set
2 forth in writing and provided to the appli-
3 cant. Not later than 90 days after receipt
4 of a request for certification, the State,
5 interstate agency, or Administrator, as the
6 case may be, shall identify in writing all
7 specific additional materials or information
8 necessary for the request for certification
9 to be complete, as described in subsection
10 (f). The State, interstate agency, or the
11 Administrator, as the case may be, may
12 grant a request for certification with or
13 without conditions, deny a request for cer-
14 tification, or waive the requirement for cer-
15 tification under this subsection with re-
16 spect to such Federal application.”;

17 (v) in the fifth sentence, by striking
18 “act on a request for certification, within
19 a reasonable period of time (which shall
20 not exceed one year) after receipt of such
21 request, the certification requirements of
22 this subsection” and inserting “grant the
23 request for certification with or without
24 conditions, deny the request for certifi-
25 cation, or waive the requirement for certifi-

1 cation under this subsection with respect
2 to such Federal application, within a rea-
3 sonable period of time to be determined by
4 the licensing or permitting agency (which
5 shall not exceed one year after receipt of
6 such request), the requirement for certifi-
7 cation under this subsection”;

8 (vi) by inserting after the fifth sen-
9 tence the following: “For purposes of this
10 paragraph, receipt of a request for certifi-
11 cation shall be determined by the date on
12 which the State, interstate agency, or Ad-
13 ministrator, as the case may be, receives
14 the request, regardless of whether the
15 State, interstate agency, or Administrator
16 deems the request complete. The require-
17 ment that the period determined by the li-
18 censing or permitting agency may not ex-
19 ceed one year shall be absolute and may
20 not be tolled, paused, or extended for any
21 reason, including through requests for ad-
22 ditional information, solicitation of public
23 comment, or environmental reviews, except
24 that the agency may extend the period at
25 the request of the applicant.”; and

(vii) in the sixth sentence, by striking “waived as provided in the preceding sentence” and inserting “waived under this paragraph”;

(B) in paragraph (2)—

(i) in the second sentence, by striking “notice of application for such Federal license or permit” and inserting “receipt of a notice under the preceding sentence”;

(ii) in the third sentence—

(I) by striking “any water quality requirement in such State” and inserting “any water quality standard in effect for the State under section 303”; and

(II) by inserting before the period “at a time that is agreed to by such State and the applicant”;

(iii) in the fifth sentence, by striking “insure compliance with applicable water quality requirements.” and inserting “ensure compliance with the applicable provisions of sections 301, 302, 303, 306, and 307.”;

1 (iv) in the final sentence, by striking
2 “insure” and inserting “ensure”;

3 (v) by striking the first sentence and
4 inserting “On receipt of a request for cer-
5 tification, the certifying State or interstate
6 agency, as applicable, shall immediately
7 notify the Administrator of the request.”;
8 and

9 (vi) by inserting after the second sen-
10 tence the following: “If the Administrator
11 determines under the preceding sentence
12 that such a discharge will not affect the
13 waters of any other State, no such notifica-
14 tion is required.”;

15 (C) in paragraph (3)—

16 (i) in the first sentence, by striking
17 “there will be compliance” and inserting
18 “any such discharge will comply”; and

19 (ii) in the second sentence, by striking
20 “section” and inserting “any applicable
21 provision of section”;

22 (D) in paragraph (4)—

23 (i) in the first sentence—

24 (I) by inserting “directly” before
25 “result in any discharge”; and

1 (II) by striking “applicable efflu-
2 ent limitations or other limitations or
3 other applicable water quality require-
4 ments will not be violated” and insert-
5 ing “no applicable provision of section
6 301, 302, 303, 306, or 307 will be
7 violated”;

8 (ii) in the second sentence, by striking
9 “will violate applicable effluent limitations
10 or other limitations or other water quality
11 requirements” and inserting “will directly
12 result in a discharge that violates an appli-
13 cable provision of section 301, 302, 303,
14 306, or 307,”; and

15 (iii) in the third sentence, by striking
16 “such facility or activity will not violate the
17 applicable provisions” and inserting “oper-
18 ation of such facility or activity will not di-
19 rectly result in a discharge that violates
20 any applicable provision”; and

21 (E) in paragraph (5)—

22 (i) by striking “the applicable provi-
23 sions” and inserting “any applicable provi-
24 sion”; and

1 (ii) by adding at the end the fol-
2 lowing: “A certification obtained under this
3 section may not be reopened, modified,
4 supplemented, withdrawn, or otherwise re-
5 vised except in response to a request by
6 the applicant or an order by a court of ju-
7 risdiction that is specific to the certifi-
8 cation.”;

9 (2) in subsection (b), by striking “Nothing in
10 this section” and inserting “Except as provided in
11 subsection (e), nothing in this section”;

12 (3) by striking subsection (d) and inserting the
13 following:

14 “(d) CONDITIONS.—

15 “(1) IN GENERAL.—Any certification provided
16 under this section shall set forth any effluent limita-
17 tions and other limitations, and monitoring require-
18 ments necessary to assure that any discharge subject
19 to this section will comply with the applicable provi-
20 sions of sections 301, 302, 303, 306, and 307, and
21 any such limitations or requirements shall be im-
22 posed by the licensing or permitting agency as a
23 condition on any Federal license or permit subject to
24 the provisions of this section.

1 “(2) REQUIREMENTS FOR DENIALS AND CONDI-
2 TIONED CERTIFICATIONS.—The State, interstate
3 agency, or the Administrator, as the case may be,
4 may not deny a request for certification with respect
5 to an application for a Federal license or permit
6 under subsection (a), or impose a condition on such
7 license or permit, unless the State, interstate agency,
8 or the Administrator, as applicable, demonstrates,
9 by clear and convincing evidence, that—

10 “(A) there is no reasonable condition upon
11 the activity proposed to be carried out under
12 such license or permit that meets the require-
13 ments of this paragraph that could make it pos-
14 sible for the discharge subject to this section to
15 comply with the applicable provisions of section
16 301, 302, 303, 306, or 307 of this Act; or

17 “(B) such a condition—

18 “(i) is the least burdensome of pos-
19 sible conditions, taking into account—

20 “(I) technical feasibility;

21 “(II) cost;

22 “(III) the purposes of the pro-
23 posed activity;

1 “(IV) impacts of the condition on
2 the schedule for such proposed activ-
3 ity; and

4 “(V) the commercial viability of
5 such proposed activity; and

6 “(ii) is consistent with the require-
7 ments of the Federal license or permit that
8 is the subject of the certification.

9 “(3) ENFORCEMENT.—Notwithstanding section
10 505, any condition imposed on a Federal license or
11 permit by a licensing or permitting agency under
12 this section may be enforced only by such licensing
13 or permitting agency.

14 “(4) EXCEPTION FOR HYDROELECTRIC
15 PROJECTS.—Notwithstanding paragraph (1), a cer-
16 tification provided under this section may not in-
17 clude conditions relating to the quantity, timing, or
18 rate of water flow over, through, or around a hydro-
19 electric project.”; and

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

21 “(e) APPLICABLE PROVISIONS.—For purposes of this
22 section, the applicable provisions of sections 301, 302,
23 303, 306, and 307 are any applicable effluent limitations
24 and other limitations under section 301 or 302, any water
25 quality standard in effect for a State under section 303,

1 any standard of performance under section 306, and any
2 prohibition, effluent standard, or pretreatment standard
3 under section 307.

4 “(f) REQUIREMENTS FOR REQUESTS FOR CERTIFI-
5 CATION.—A request for certification under this section
6 shall be made in writing to the State, interstate agency,
7 or Administrator, as the case may be. A complete request
8 for certification shall consist of the following:

9 “(1) Identification of each applicant for the
10 Federal license or permit with respect to which the
11 certification is requested.

12 “(2) A statement that information included in
13 the request for certification is truthful, accurate,
14 and complete, to the best knowledge of each such
15 applicant.

16 “(3) In the case of a request for certification
17 with respect to an individual permit or license—

18 “(A) identification of the Federal license or
19 permit that is the subject of the application
20 with respect to which the certification is re-
21 quested;

22 “(B) identification of any activity the con-
23 duct of which is subject to such Federal license
24 or permit;

1 “(C) identification of the location and na-
2 ture of any discharge that may directly result
3 from such activity, and the location of the re-
4 ceiving waters;

5 “(D) a description of means that may be
6 used to monitor, control, or manage any such
7 discharge; and

8 “(E) a list of all other Federal, interstate,
9 Tribal, State, or local agency authorizations re-
10 quired for the conduct of such activity, and any
11 approval or denial of such an authorization al-
12 ready received.

13 “(4) In the case of a request for certification
14 with respect to the issuance of a general license or
15 general permit—

16 “(A) identification of the proposed cat-
17 egories of activities to be covered by the general
18 license or general permit for which certification
19 is requested;

20 “(B) a description of the proposed general
21 license or general permit, which may include a
22 draft of the proposed general license or permit;
23 and

1 “(C) an estimate of the number of dis-
 2 charges expected to result from the proposed
 3 general license or general permit annually.

4 “(g) JUDICIAL REVIEW.—

5 “(1) AFFECTED CERTIFICATION ACTIONS.—

6 This subsection shall apply to any civil action for the
 7 review of a certification action with respect to an ap-
 8 plicant for a license or permit—

9 “(A) for the construction or operation of
 10 facilities for the transmission of electric energy
 11 or energy fuels or the transportation of carbon
 12 dioxide (including pipelines or associated infra-
 13 structure) in interstate or foreign commerce; or

14 “(B) from the Federal Energy Regulatory
 15 Commission.

16 “(2) JURISDICTION.—

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

22 “(i) for the circuit in which the appli-
 23 cant is located or has its place of business;

24 “(ii) for the circuit for the State for
 25 which the certification action applies; or

1 “(iii) for the District of Columbia Cir-
2 cuit.

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

7 “(3) EXPEDITED CONSIDERATION.—A court de-
8 scribed in paragraph (2) shall—

9 “(A) set any civil action subject to this
10 subsection for expedited consideration; and

11 “(B) issue a final decision not later than
12 120 days after the filing of the civil action, un-
13 less the court finds extraordinary cir-
14 cumstances, in which case the court may take
15 up to 60 additional days to issue a final deci-
16 sion.

17 “(4) STANDARD OF REVIEW.—A court shall
18 hold unlawful a denial of certification under this sec-
19 tion if the State, interstate agency, or Adminis-
20 trator, as the case may be, fails to demonstrate by
21 clear and convincing evidence that no reasonable
22 condition upon the applicant’s activity that meets
23 the requirements of subsection (d)(2) exists that
24 could make it possible for the activity to avoid vio-

1 lating the applicable provisions of section 301, 302,
2 303, 306, or 307 of this Act.”.

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