S.J. RES. 196

At the request of Mr. MERKLEY, the names of the Senator from New Mexico (Mr. LUJÁN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S.J. Res. 196, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ''Reimagining and Improving Student Education-Federal Student Loan Program Final Regulations''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Ms. LUMMIS):

S. 4765. A bill to provide for certain energy development, permitting reforms, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD. as follows:

S. 4765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Let America Build Act of 2026''.

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

TITLE I—OIL AND GAS LEASING AND PERMITTING

Subtitle A—Onshore and Offshore Oil and Gas Leasing

SEC. 1101. ONSHORE OIL AND GAS LEASING.

(a) MINERAL LEASING ACT REFORMS.—

(1) PROTESTED LEASE SALES.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended by inserting after the seventh sentence the following: ''The Secretary of the Interior shall resolve any protest to a lease sale within 60 days following such payment. Notwithstanding any other provision of law, if the Secretary of the Interior denies a protest to a lease sale, any lease subject to the protest shall not be subject to further environmental review by the Secretary of the Interior pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

(2) EFFECT OF LITIGATION.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(r) EFFECT OF LITIGATION.—

''(1) IN GENERAL.—A civil action relating to an environmental review under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), division A of subtitle III of title 54, United States Code (formerly known as the 'National Historic Preservation Act'), or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a lease sale conducted under this section shall not—

''(A) affect the validity of a lease issued under the lease sale that is the subject of the civil action; or

''(B) except as provided in paragraph (3)(B), cause a delay in the timelines established under subsection (p)(2) for the consideration of an application for permit to drill with respect to a lease issued under the lease sale that is the subject of the civil action.

''(2) REMAND; PROCESSING OF APPLICATIONS FOR PERMIT TO DRILL.—If, in a civil action described in paragraph (1), the environmental review for a lease sale is found by the applicable court to violate the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

''(A) notwithstanding chapter 5 or 7 of title 5, United States Code (commonly referred to as the 'Administrative Procedure Act'), the applicable court shall not set aside the lease sale and vacate the leases issued pursuant to the sale but instead remand the matter to the Secretary of the Interior to resolve the violation; and

''(B) the Secretary of the Interior shall continue to process all applicable applications for permit to drill pursuant to subsection (p)(2).

''(3) NOTICE.—

''(A) IN GENERAL.—Not later than 60 days after the date on which a civil action described in paragraph (1) is filed, the Secretary of the Interior shall notify the holder of any lease issued under the lease sale that is the subject of the civil action of the filing of the civil action.

''(B) TIMELINE.—Not later than 90 days after the date of receipt of a notice under subparagraph (A), the leaseholder may file with the Secretary of the Interior a request to pause the timeline under subsection (e)(1) with respect to the term of the lease during any period in which the civil action is pending.''.

(3) LEASE CANCELLATION.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) (as amended by paragraph (2)) is amended by adding at the end the following:

''(s) LEASE CANCELLATION.—A lease issued under this section shall be considered to be valid and not subject to cancellation by the Secretary of the Interior for any reason, except for—

''(1) the express written agreement to the cancellation by the lessee; or

''(2) a determination by the Secretary of the Interior that cancellation is appropriate in accordance with section 3108.30 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection), subject to the limitation that a lease may not be determined to be improperly issued under that section based on a finding by a Federal court that the environmental review for the lease sale pursuant to which the lease was issued was in violation of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), division A of subtitle III of title 54, United States Code (formerly known as the 'National Historic Preservation Act'), or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

(4) LIMITATIONS FOR FILING OIL AND GAS CONTESTS.—Section 42 of the Mineral Leasing Act (30 U.S.C. 226–2) is amended by striking the section designation and all that follows through the period at the end of the second sentence, and inserting the following:

''SEC. 42. LIMITATIONS FOR FILING OIL AND GAS CONTESTS.

''(a) IN GENERAL.—Notwithstanding chapter 5 or 7 of title 5, United States Code (commonly referred to as the 'Administrative Procedure Act'), no action contesting a decision of the Secretary involving any oil and gas lease sale, individual lease, or individual permit shall be maintained unless the action is commenced or taken by not later than 60 days after the date on which the final decision of the Secretary relating to the action was made.

''(b) JURISDICTION.—An action contesting a decision of the Secretary may only be commenced—

''(1) for an individual lease or permit, in the district court of the United States for the district in which the property, or some part thereof, is located; and

''(2) for a lease sale, in a district court of the United States in the State in which the sale occurred.

''(c) REMOVAL.—A defendant or defendant intervenor in an action challenging a lease sale, lease, or permit in multiple States may remove the action to the district court of the United States for the district in which the property is located pursuant to section 1441(c) of title 28, United States Code.''.

SEC. 1102. OFFSHORE OIL AND GAS LEASING.

(a) LEASE OR PERMIT CANCELLATION.—

(1) IN GENERAL.—Section 5(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''any lease or permit—'' and all that follows through the end of subparagraph (B) and inserting the following: ''any lease or permit—

''(A) that the lease or permit shall be considered to be valid and not subject to cancellation by the Secretary for any reason, except for—

''(i) the express written agreement to the cancellation by the lessee or permittee; or

''(ii) a determination by the Secretary that cancellation is appropriate (including cancellation under subsection (c), section 8(o), section 11(c)(1), and subsections (h)(2)(C) and (j) of section 25), in accordance with the regulations prescribed under this section, subject to the limitation that a lease or permit may not be cancelled by the Secretary based on a finding by a Federal court that the environmental review for the lease sale pursuant to which the lease was issued was in violation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and''; and

(B) by redesignating subparagraph (C) as subparagraph (B).

(2) CONFORMING AMENDMENTS.—

(A) Section 11(c)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c)(1)) is amended—

(i) in the fourth sentence, by striking ''result in any condition described in section 5(a)(2)(A)(i) of this Act'' and inserting ''probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral (in areas leased or not leased), to the national security or defense, or to the marine, coastal, or human environment''; and

(ii) in the fifth sentence—

(I) by striking '', subject to section 5(a)(2)(B) of this Act,''; and

(II) by striking ''section 5(a)(2)(C) (i) or (ii) of this Act'' and inserting ''section 5(a)(2)(B)''.

(B) Section 25(h)(2)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1351(h)(2)(C)) is amended, in the first sentence, by striking ''section 5(a)(2)(C) of this Act'' and inserting ''section 5(a)(2)(B)''.

(b) EFFECT OF LITIGATION.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) EFFECT OF LITIGATION.—

''(1) IN GENERAL.—A civil action relating to an environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a lease sale conducted under this section shall not—

''(A) affect the validity of a lease issued under the lease sale that is the subject of the civil action; or

''(B) except as provided in paragraph (3)(B), cause a delay in the timelines for the consideration of an application for permit to drill with respect to a lease issued under the lease sale that is the subject of the civil action.

''(2) REMAND; PROCESSING OF APPLICATIONS FOR PERMIT TO DRILL.—If, in a civil action described in paragraph (1), the environmental review for a lease sale is found by the applicable court to violate the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

''(A) notwithstanding chapter 5 or 7 of title 5, United States Code (commonly referred to as the 'Administrative Procedure Act'), the applicable court shall not set aside the lease sale and vacate the leases issued pursuant to the sale but instead remand the matter to the Secretary to resolve the violation; and

''(B) the Secretary shall continue to process all applicable applications for permit to drill in accordance with this Act.

''(3) NOTICE.—

''(A) IN GENERAL.—Not later than 60 days after the date on which a civil action described in paragraph (1) is filed, the Secretary shall notify the holder of any lease issued under the lease sale that is the subject of the civil action of the filing of the civil action.

''(B) TIMELINE.—Not later than 90 days after the date of receipt of a notice under subparagraph (A), the leaseholder may file with the Secretary a request to pause the timeline with respect to the term of the lease during any period in which the civil action is pending.''.

Subtitle B—Permitting of Federal Oil and Gas Minerals

SEC. 1201. COOPERATIVE FEDERALISM IN OIL AND GAS PERMITTING ON AVAILABLE FEDERAL LAND.

(a) IN GENERAL.—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended—

(1) by redesignating section 44 as section 46; and

(2) by inserting after section 43 the following:

''SEC. 44. COOPERATIVE FEDERALISM IN OIL AND GAS PERMITTING ON AVAILABLE FEDERAL LAND.

''(a) DEFINITIONS.—In this section:

''(1) APD.—The term 'APD' means a permit—

''(A) that grants authority to drill for oil and gas; and

''(B) for which an application has been received that includes—

''(i) a drilling plan; and

''(ii) evidence of bond coverage.

''(2) AVAILABLE FEDERAL LAND.—The term 'available Federal land' means any Federal land that—

''(A) is located within the boundaries of a State;

''(B) is not held by the United States in trust for the benefit of a federally recognized Indian Tribe or a member of a federally recognized Indian Tribe;

''(C) is not a unit of the National Park System;

''(D) is not a unit of the National Wildlife Refuge System, other than a unit of the National Wildlife Refuge System for which oil and gas drilling is allowed under law;

''(E) is not a congressionally approved wilderness area under the Wilderness Act (16 U.S.C. 1131 et seq.); and

''(F) has been identified as land available for lease, or has been leased, for the exploration, development, and production of oil and gas—

''(i) by the Bureau of Land Management under—

''(I) a resource management plan under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

''(II) an integrated activity plan with respect to the National Petroleum Reserve-Alaska; or

''(ii) by the Forest Service under a National Forest management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

''(3) DRILLING PLAN.—The term 'drilling plan' means a plan described in section 3162.3–1(e) of title 43, Code of Federal Regulations (or a successor regulation).

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

''(5) STATE APPLICANT.—The term 'State applicant' means a State that submits an application under subsection (c).

''(6) STATE PROGRAM.—The term 'State program' means a program in a State under which the State may—

''(A) issue APDs, approve drilling plans, approve sundry notices, approve suspensions of operations or production, or grant rights-of-way on available Federal land; and

''(B) impose sanctions for violations of State laws, regulations, or any condition of an issued APD or approved drilling plan, as applicable.

''(7) SUNDRY NOTICE.—The term 'sundry notice' means a written request submitted pursuant to section 3173.10 of title 43, Code of Federal Regulations (or successor regulations).

''(8) SUSPENSION OF OPERATIONS OR PRODUCTION.—The term 'suspension of operations or production' means a suspension of operations or production described in section 17 or section 39.

''(b) AUTHORIZATIONS.—

''(1) IN GENERAL.—On receipt of an application under subsection (c), the Secretary may delegate to a State exclusive authority—

''(A) to issue an APD on available Federal land;

''(B) to approve drilling plans on available Federal land;

''(C) to approve sundry notices relating to work performed on available Federal land;

''(D) to approve suspensions of operations or production; and

''(E) to grant rights-of-way in accordance with paragraph (3).

''(2) INSPECTION AND ENFORCEMENT.—On request of a State for which authority is delegated under paragraph (1), the authority delegated may include the authority to inspect and enforce an APD, drilling plan, or right-of-way, as applicable.

''(3) RIGHTS-OF-WAY.—The authority to grant a right-of-way delegated to a State under paragraph (1)(E) shall be the authority of the Secretary or the Secretary of Agriculture, as applicable, under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and section 28 of this Act, to grant, issue, or renew rights-of-way over, upon, under, or through available Federal land.

''(4) EFFECT OF FEDERAL ENVIRONMENTAL REVIEWS.—A State for which authority is delegated under paragraph (1) shall continue processing applications for an APD, applications for approval of a drilling plan, applications for approval of a sundry notice, and applications to grant a right-of-way, regardless of whether the Federal Government is carrying out any review related to the APD, drilling plan, sundry notice, or right-of-way under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

''(5) EFFECT OF STATE ENFORCEMENT ACTION.—If a State for which authority is delegated under paragraph (1) imposes a sanction for violating a condition of an issued APD or approved drilling plan, the Secretary may not issue a penalty for the same violation under section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719).

''(c) STATE APPLICATION PROCESS.—

''(1) SUBMISSION OF APPLICATION.—A State seeking a delegation of authority under subparagraph (A), (B), (C), (D), or (E) of subsection (b)(1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the State program that the State proposes to administer under State law.

''(2) DEADLINE FOR APPROVAL OR DISAPPROVAL.—Not later than 180 days after the date on which an application under paragraph (1) is received, the Secretary shall approve or disapprove the application.

''(3) REQUIREMENTS FOR APPROVAL.—

''(A) IN GENERAL.—The Secretary may approve an application received under paragraph (1) only if the Secretary determines that—

''(i) the State applicant would be at least as effective as the Secretary in issuing APDs, approving drilling plans, approving sundry notices, approving suspensions of operations or production, or granting rights-of-way, as applicable;

''(ii) the State program of the State applicant—

''(I) complies with this Act; and

''(II) provides for the termination or modification of an issued APD, approved drilling plan, approved sundry notice, approved suspension of operations or production, or

granted right-of-way, as applicable, for cause, including for—

''(aa) the violation of any condition of the issued APD, approved drilling plan, approved sundry notice, approved suspension of operations or production, or granted right-of-way;

''(bb) obtaining the issued APD, approved drilling plan, approved sundry notice, approved suspension of operations or production, or granted right-of-way by misrepresentation; or

''(cc) failure to fully disclose in the application all relevant facts;

''(iii) the State applicant has sufficient administrative and technical personnel and sufficient funding to carry out the State program; and

''(iv) approval of the application would not result in decreased royalty payments owed to the United States under section 35(a).

''(B) MEMORANDA OF UNDERSTANDING.—With respect to a State applicant seeking authority under subsection (b)(2) to inspect and enforce APDs, drilling plans, or rights-of-way, as applicable, before approving the application of the State applicant, the Secretary shall enter into a memorandum of understanding with the State applicant under paragraph (6) that describes the Federal and State responsibilities with respect to the inspection and enforcement.

''(C) PUBLIC NOTICE.—Before approving an application received under paragraph (1), the Secretary shall—

''(i) provide public notice of the application;

''(ii) solicit public comment for the application; and

''(iii) hold a public hearing for the application in the State.

''(4) DISAPPROVAL.—If the Secretary disapproves an application submitted under paragraph (1), the Secretary shall provide to the State applicant written notification of—

''(A) the reasons for the disapproval, including any information, data, or analysis on which the disapproval is based; and

''(B) any revisions or modifications necessary to obtain approval.

''(5) RESUBMITTAL OF APPLICATION.—A State may resubmit an application under paragraph (1) at any time.

''(6) STATE MEMORANDA OF UNDERSTANDING.—Before a State submits an application under paragraph (1), the Secretary, on request of the State, may enter into a memorandum of understanding with the State regarding the proposed State program—

''(A) to describe the Federal and State responsibilities for oil and gas regulations;

''(B) to provide technical assistance; and

''(C) to share best management practices.

''(d) ADMINISTRATIVE FEES FOR APDS.—

''(1) IN GENERAL.—A State for which authority has been delegated under subsection (b)(1)(A) may collect a fee for each application for an APD that is submitted to the State.

''(2) NO COLLECTION OF FEE BY SECRETARY.—The Secretary may not collect a fee from the applicant or from the State for an application for an APD that is submitted to a State for which authority has been delegated under subsection (b)(1)(A).

''(3) USE.—A State shall use 100 percent of the fees collected under this subsection for the administration of the approved State program of the State.

''(e) VOLUNTARY TERMINATION OF AUTHORITY.—

''(1) IN GENERAL.—After providing written notice to the Secretary, a State may voluntarily terminate any authority delegated to the State under subsection (b)(1) on expiration of the 60-day period beginning on the date on which the Secretary receives the written notice.

''(2) RESUMPTION BY SECRETARY.—On termination of the authority delegated to a State under paragraph (1), the Secretary shall resume any activities for which authority was delegated to the State under subsection (b)(1).

''(f) APPEAL OF DENIAL OF APPLICATION.—If a State for which the Secretary has delegated authority under subsection (b)(1) denies an application submitted under subsection (c)(1), the applicant may appeal the decision to the Office of Hearings and Appeals of the Department of the Interior.

''(g) FEDERAL ADMINISTRATION OF STATE PROGRAM.—

''(1) NOTIFICATION.—If the Secretary has reason to believe that a State is not administering or enforcing an approved State program, the Secretary shall notify the relevant State regulatory authority of any possible deficiencies.

''(2) STATE RESPONSE.—Not later than 30 days after the date on which a State receives notification of a possible deficiency under paragraph (1), the State shall—

''(A) take appropriate action to correct the possible deficiency; and

''(B) notify the Secretary of the action in writing.

''(3) DETERMINATION.—

''(A) IN GENERAL.—On expiration of the 30-day period described in paragraph (2), the Secretary shall issue public notice of any determination of the Secretary that—

''(i) a violation of all or any part of an approved State program has resulted from a failure of the State to administer or enforce the approved State program of the State; or

''(ii) the State has not demonstrated the capability and intent of the State to administer or enforce the State program of the State.

''(B) APPEAL.—A State may appeal the determination of the Secretary under subparagraph (A) in the applicable district court of the United States.

''(C) RESUMPTION BY SECRETARY PENDING APPEAL.—The Secretary may not resume activities under paragraph (4) if an appeal under subparagraph (B) is pending.

''(4) RESUMPTION BY SECRETARY.—Except as provided in paragraph (3)(C), if the Secretary has made a determination under paragraph (3)(A), the Secretary shall resume any activities for which authority was delegated to the State during the period—

''(A) beginning on the date on which the Secretary issues the public notice under paragraph (3)(A); and

''(B) ending on the date on which the Secretary determines that the State may administer or enforce, as applicable, the approved State program of the State.

''(5) STANDING.—A State with an approved regulatory program shall have standing to sue the Secretary for any action taken under this subsection.''.

(b) EXISTING AUTHORITIES.—Section 390(a) of the Energy Policy Act of 2005 (42 U.S.C. 15942(a)) is amended—

(1) by striking ''Action by the Secretary'' and inserting ''The Secretary'';

(2) by striking ''with respect to any of the activities described in subsection (b) shall be subject to a rebuttable presumption that the use of'' and inserting ''shall apply''; and

(3) by striking ''would apply if the activity'' and inserting ''for each action described in subsection (b) if the action''.

SEC. 1202. PERMITTING COMPLIANCE ON NON-FEDERAL LAND.

(a) IN GENERAL.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), or subpart 3162 of part 3160 of title 43, Code of Federal Regulations (or successor regulations), but subject to any applicable State or Tribal requirements and subsection (c), the Secretary of the Interior shall not require a permit to drill for an oil and gas lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) for an action occurring within an oil and gas drilling or spacing unit if—

(1) the Federal Government—

(A) owns less than 50 percent of the minerals within the oil and gas drilling or spacing unit; and

(B) does not own or lease the surface estate within the area directly impacted by the action;

(2) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore enters and produces from the Federal mineral estate subject to the lease; or

(3) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore traverses but does not produce from the Federal mineral estate subject to the lease.

(b) NOTIFICATION.—For each State permit to drill or drilling plan that would impact or extract oil and gas owned by the Federal Government—

(1) each lessee of Federal minerals in the unit, or designee of a lessee, shall—

(A) notify the Secretary of the Interior of the submission of a State application for a permit to drill or drilling plan on submission of the application; and

(B) provide a copy of the application described in subparagraph (A) to the Secretary of the Interior not later than 5 days after the date on which the permit or plan is submitted;

(2) each lessee, designee of a lessee, or applicable State shall notify the Secretary of the Interior of the approved State permit to drill or drilling plan not later than 45 days after the date on which the permit or plan is approved; and

(3) each lessee or designee of a lessee shall provide, prior to commencing drilling operations, agreements authorizing the Secretary of the Interior to enter non-Federal land, as necessary, for inspection and enforcement of the terms of the Federal lease.

(c) NONAPPLICABILITY TO INDIAN LANDS.—Subsection (a) shall not apply to Indian lands (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)).

(d) EFFECT.—Nothing in this section affects—

(1) other authorities of the Secretary of the Interior under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); or

(2) the amount of royalties due to the Federal Government from the production of the Federal minerals within the oil and gas drilling or spacing unit.

(e) AUTHORITY ON NON-FEDERAL LAND.—Section 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is amended—

(1) by striking the subsection designation and all that follows through ''Secretary of the Interior, or'' in the first sentence and inserting the following:

''(g)(1) The Secretary of the Interior, or''; and

(2) by adding at the end the following:

''(2)(A) In the case of an oil and gas lease under this Act on land described in subparagraph (B) located within an oil and gas drilling or spacing unit, nothing in this Act authorizes the Secretary of the Interior—

''(i) to require a bond to protect non-Federal land;

''(ii) to enter non-Federal land without the consent of the applicable landowner;

''(iii) to impose mitigation requirements; or

''(iv) to require approval for surface reclamation.

''(B) Land referred to in subparagraph (A) is—

''(i) land with respect to which the Federal Government—

''(I) owns less than 50 percent of the minerals within the oil and gas drilling or spacing unit; and

''(II) does not own or lease the surface estate within the area directly impacted by the action;

''(ii) non-Federal land overlying a non-Federal mineral estate on which the applicable well is located, but some portion of the wellbore enters and produces from the Federal mineral estate subject to the lease; or

''(iii) non-Federal land overlying a non-Federal mineral estate on which the well is located, but some portion of the wellbore traverses but does not produce from the Federal mineral estate subject to the lease.''.

SEC. 1203. STATE AND TRIBAL AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by inserting after section 44 (as added by section 1201(a)(2)) the following:

''SEC. 45. STATE AND TRIBAL AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

''(a) DEFINITIONS.—In this section:

''(1) HYDRAULIC FRACTURING.—The term 'hydraulic fracturing' means the process of creating small cracks or fractures in underground geological formations for well stimulation purposes of bringing hydrocarbons into the wellbore and to the surface for capture.

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

''(b) ENFORCEMENT OF FEDERAL REGULATIONS.—The Secretary shall not enforce any Federal regulation, guidance, or permit requirement regarding hydraulic fracturing relating to oil, gas, or geothermal production activities on or under any land in any State that has regulations, guidance, or permit requirements for that activity.

''(c) STATE AUTHORITY.—The Secretary shall defer to State regulations, guidance, and permit requirements for all activities regarding hydraulic fracturing relating to oil, gas, or geothermal production activities on Federal land.

''(d) TRANSPARENCY OF STATE REGULATIONS.—

''(1) IN GENERAL.—Each State shall submit to the Bureau of Land Management a copy of the regulations of the State that apply to hydraulic fracturing operations on Federal land, including the regulations that require disclosure of chemicals used in hydraulic fracturing operations.

''(2) AVAILABILITY.—The Secretary shall make available to the public on the website of the Secretary the regulations submitted under paragraph (1).

''(e) TRIBAL AUTHORITY ON TRUST LAND.—The Secretary shall not enforce any Federal regulation, guidance, or permit requirement with respect to hydraulic fracturing on any land held in trust or restricted status for the benefit of a federally recognized Indian Tribe or a member of a federally recognized Indian Tribe, except with the express consent of the beneficiary on whose behalf the land is held in trust or restricted status.''.

Subtitle C—Liquefied Natural Gas Exports

SEC. 1301. ACTION ON APPLICATIONS TO EXPORT LIQUEFIED NATURAL GAS.

(a) DEFINITIONS.—In this section:

(1) COVERED APPLICATION.—The term ''covered application'' means an application submitted with respect to a covered facility for an authorization to export natural gas under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)).

(2) COVERED FACILITY.—The term ''covered facility'' means a liquefied natural gas export facility for which a proposal to site, construct, expand, or operate is required to be approved by—

(A) the Secretary; and

(B)(i) the Federal Energy Regulatory Commission; or

(ii) the Maritime Administration.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) DECISION DEADLINE.—The Secretary shall issue a final decision on a covered application not later than 45 days after the later of—

(1) the date on which each review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the siting, construction, expansion, or operation of the covered facility that is the subject of the covered application is concluded in accordance with subsection (c); and

(2) the date of enactment of this Act.

(c) CONCLUSION OF REVIEW.—For purposes of subsection (b), a review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be concluded on the date on which the lead agency, as applicable—

(1) publishes a notice of availability of the final environmental impact statement, for a covered facility requiring an environmental impact statement;

(2) publishes a notice of availability of the environmental assessment and associated finding of no significant impact, for a covered facility for which an environmental assessment has been prepared; or

(3) determines that the covered application is eligible for a categorical exclusion pursuant to the implementing regulations of that Act.

(d) UNTIMELY FINAL DECISION.—

(1) IN GENERAL.—If the Secretary fails to issue a final decision under subsection (b) by the applicable date required under that subsection, the covered application shall be considered approved, and the environmental review issued by the lead agency under subsection (c) shall be considered sufficient to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) FINAL AGENCY ACTION.—A determination under paragraph (1) shall be considered to be a final agency action.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—Except for review in the Supreme Court of the United States, the court of appeals of the United States for the circuit in which a covered facility is, or will be, located pursuant to a covered application shall have original and exclusive jurisdiction over any civil action for the review of an order issued by the Secretary with respect to the covered application.

(2) EXPEDITED REVIEW.—The applicable United States Court of Appeals shall—

(A) set any civil action brought under this subsection for expedited review; and

(B) set the action on the docket as soon as practicable after the filing date of the initial pleading.

(3) TRANSFER OF EXISTING ACTIONS.—In the case of a covered application for which a petition for review has been filed as of the date of enactment of this Act, the petition shall be—

(A) on a motion by the applicant, transferred to the court of appeals of the United States in which the covered facility that is the subject of the covered application is, or will be, located; and

(B) adjudicated in accordance with this subsection.

SEC. 1302. SMALL SCALE LNG ACCESS.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by striking subsection (c) and inserting the following:

''(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

''(1) IN GENERAL.—For purposes of subsection (a), the following actions shall be considered to be consistent with the public interest, and applications for each of the following actions shall be granted without modification or delay:

''(A) The importation of natural gas referred to in subsection (b).

''(B) The exportation of natural gas in a volume of not more than 51,750,000,000 cubic feet per year, subject to the last sentence of subsection (a).

''(C) The exportation of natural gas to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas.

''(2) EXCLUSION.—Subparagraphs (B) and (C) of paragraph (1) shall not apply to any nation subject to sanctions imposed by the United States.''.

TITLE II—MINERAL LEASING AND PERMITTING

SEC. 2001. LAND USE PLAN CRITERIA UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.

Section 202(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9)(A) review a mineral resource assessment applicable to the public lands covered by the land use plan that was completed during the 10-year period ending on the effective date of the land use plan; and

''(B) in consultation with the Secretary of Energy and the Secretary of Defense, determine the significance of the minerals located within the public lands to energy security, national security, and economic security, in accordance with subparagraph (A); and''.

SEC. 2002. CONGRESSIONAL APPROVAL OF WITHDRAWALS UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.

Section 204(c)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(c)(1)) is amended in the second sentence by striking ''no later than its effective date'' and all that follows through ''approve the withdrawal'' and inserting ''not later than 90 days before the effective date of the withdrawal and the withdrawal shall terminate and become ineffective if Congress has not enacted a joint resolution approving the withdrawal prior to the effective date of the withdrawal''.

SEC. 2003. PROHIBITION OF THE ESTABLISHMENT OF NEW CATEGORIES OF FEDERAL LAND DESIGNATIONS BY THE HEADS OF FEDERAL LAND MANAGEMENT AGENCIES.

The head of a Federal land management agency may not establish a new category of Federal land designations that is not otherwise expressly authorized by Federal statute.

SEC. 2004. COAL LEASES ON FEDERAL LAND.

(a) ENVIRONMENTAL REQUIREMENTS FOR NEW COAL LEASES.—The environmental assessment prepared by the Bureau of Land Management entitled ''Lifting the Pause on the Issuance of New Federal Coal Leases for Thermal (Steam) Coal'' (DOI–BLM–WO–WO2100–2019–0001–EA) is deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for purposes of the issuance of new coal leases on Federal land.

(b) OFFERING OF LEASES; ACCEPTANCE OF BIDS.—Section 2(a)(1) of the Mineral Leasing Act (30 U.S.C. 201(a)(1)) is amended—

(1) in the first sentence—

(A) by striking ''he finds'' and inserting ''the Secretary of the Interior finds''; and

(B) by striking ''he shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer'' and inserting ''the Secretary of the Interior, not later than 90 days after the date of receipt of the request of any qualified applicant, or on the motion of the Secretary of the Interior not fewer than 4 times each calendar year, shall offer''; and

(2) in the fifth sentence, by striking ''No bid shall be accepted which is less than the fair market value, as determined by the Secretary,'' and inserting ''No bid shall be accepted that is less than the fair market value, as determined by the Secretary of the Interior by the date that is 45 days after the date of receipt of the bid,''.

SEC. 2005. MODIFICATION TO DEFINITIONS OF CRITICAL MATERIAL AND CRITICAL MINERAL AND CRITICAL MINERAL DESIGNATION CRITERIA.

(a) DEFINITIONS OF CRITICAL MATERIAL AND CRITICAL MINERAL.—

(1) DEFINITION OF CRITICAL MATERIAL.—Section 7002(a)(2)(A) of the Energy Act of 2020 (30 U.S.C. 1606(a)(2)(A)) is amended, in the matter preceding clause (i), by striking ''nonfuel''.

(2) DEFINITION OF CRITICAL MINERAL.—Section 7002(a)(3)(B)(i) of the Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is amended by striking ''fuel minerals'' and inserting ''oil, oil shale, coal (excluding metallurgical coal), or natural gas''.

(b) MODIFICATION TO CRITICAL MINERAL DESIGNATION CRITERIA.—Section 7002(c)(4)(A)(ii) of the Energy Act of 2020 (30 U.S.C. 1606(c)(4)(A)(ii)) is amended by inserting ''significant projected domestic production decline,'' after ''abrupt demand growth,''.

SEC. 2006. PERMITTING PROCESS IMPROVEMENTS.

(a) DEFINITIONS.—In this section:

(1) BYPRODUCT.—The term ''byproduct'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

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

(3) MINERAL.—The term ''mineral'' means any mineral subject to sections 2319 through 2344 of the Revised Statutes (commonly known as the ''Mining Law of 1872'') (30 U.S.C. 22 et seq.), and minerals located on lands acquired by the United States (as defined in section 2 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351)).

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

(5) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

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

(G) the United States Virgin Islands.

(b) MINERALS SUPPLY CHAIN AND RELIABILITY.—Section 40206 of the Infrastructure Investment and Jobs Act (30 U.S.C. 1607) is amended—

(1) in the section heading, by striking ''**CRITICAL MINERALS**'' and inserting ''**MINERALS**'';

(2) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) LEAD AGENCY.—The term 'lead agency' means the Federal agency with primary responsibility for issuing a mineral exploration or mine permit or lease for a mineral project.

''(2) MINERAL.—The term 'mineral' has the meaning given the term in section 2006(a) of the Let America Build Act of 2026.

''(3) MINERAL EXPLORATION OR MINE PERMIT.—The term 'mineral exploration or mine permit' means—

''(A) an authorization of the Bureau of Land Management or the Forest Service, as applicable, for exploration for minerals that require analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) a plan of operations for a mineral project approved by the Bureau of Land Management or the Forest Service; or

''(C) any other Federal permit or authorization for a mineral project.

''(4) MINERAL PROJECT.—The term 'mineral project' means a project that—

''(A) is located on—

''(i) a mining claim, millsite claim, or tunnel site claim for any mineral;

''(ii) lands open to mineral entry; or

''(iii) a Federal mineral lease; and

''(B) is for the purposes of exploring for or producing minerals.'';

(3) in subsection (b), by striking ''critical'' each place it appears;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''critical mineral production on Federal land'' and inserting ''mineral projects''; and

(ii) by striking ''practicable, shall complete the'' and inserting ''practicable, and in accordance with subsection (h), shall complete those'';

(B) in paragraph (1), by striking ''critical mineral-related activities on Federal land'' and inserting ''mineral projects'';

(C) in paragraph (8), by striking ''and'' at the end;

(D) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(10) deferring to and relying on baseline data, analyses, and reviews performed by State agencies with jurisdiction over the environmental or reclamation permits for the proposed mineral project.'';

(5) in subsection (d)—

(A) by striking ''critical'' each place it appears; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by striking ''mineral-related activities on Federal land'' and inserting ''mineral projects'';

(6) in subsection (e), by striking ''critical'';

(7) in subsection (f), by striking ''critical'' each place it appears;

(8) in subsection (g), by striking ''critical''; and

(9) by adding at the end the following:

''(h) OTHER REQUIREMENTS.—

''(1) MEMORANDUM OF AGREEMENT.—To maximize efficiency and effectiveness of the Federal permitting and review processes described in subsection (c), the lead agency in the Federal permitting and review processes of a mineral project shall enter into a memorandum of agreement with a project applicant on request by the applicant to carry out the activities described in that subsection.

''(2) CONSULTATION.—A lead agency described in paragraph (1) shall carry out that paragraph in consultation with—

''(A) any other Federal agency involved in the applicable Federal permitting and review processes; and

''(B) on request of the project applicant, an affected State government, local government, Indian Tribe, or other entity that the lead agency determines appropriate.

''(3) TIMELINES AND SCHEDULES.—

''(A) DEADLINES.—Any timeline or schedule established under subsection (c)(1) relating to a review under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall require that the review process not exceed—

''(i) 1 year for an environmental assessment; and

''(ii) 2 years for an environmental impact statement.

''(B) EXTENSION.—A project applicant may enter into 1 or more agreements with a lead agency to extend 1 or more of the deadlines described in subparagraph (A) by not more than 6 months.

''(C) ADJUSTMENT OF TIMELINES.—At the request of a project applicant, the lead agency and any other entity that is a signatory to a memorandum of agreement under paragraph (1) may, by unanimous agreement, adjust—

''(i) any deadlines described in subparagraph (A); and

''(ii) any deadlines extended under subparagraph (B).

''(D) DEADLINE FOR ISSUANCE OF AUTHORIZATIONS.—For a proposed agency action with a timeline or schedule established under subsection (c)(1) and a review process established in accordance with subparagraph (A), the record of decision prepared for the proposed agency action and all authorizations required under any other Federal law with respect to the proposed agency action shall be issued not later than 90 days after the date on which the applicable environmental impact statement or environmental assessment is published in the Federal Register.

''(4) DOCUMENT PREPARED BY PROJECT APPLICANT.—The lead agency with respect to a mineral project may adopt an environmental impact statement or environmental assessment prepared by or for a project applicant with respect to the mineral project if that document fulfills the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

''(5) EFFECT ON PENDING APPLICATIONS.—On a written request by a project applicant, the requirements of this subsection shall apply to any application for a mineral exploration or mine permit or mineral lease that was submitted before the date of enactment of the Let America Build Act of 2026.''.

(c) FEDERAL REGISTER PROCESS IMPROVEMENT.—Section 7002(f) of the Energy Act of 2020 (30 U.S.C. 1606(f)) is amended—

(1) in paragraph (2), by striking ''critical'' in each place it appears; and

(2) by striking paragraph (4).

(d) DESIGNATION OF MINING AS A COVERED SECTOR FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.—Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended in the matter preceding clause (i) by inserting ''minerals production,'' before ''or any other sector''.

(e) MINERAL EXPLORATION ACTIVITIES WITH LIMITED SURFACE DISTURBANCE.—

(1) DEFINITION OF SECRETARY CONCERNED.—In this subsection, the term ''Secretary concerned'' means—

(A) the Secretary, with respect to land under the jurisdiction of the Secretary; or

(B) the Secretary of Agriculture, with respect to land of the National Forest System.

(2) NOTICE.—An operator may submit to the Secretary concerned a notice requesting to carry out mineral exploration activities other than casual use, which shall include a description of the mineral exploration activities and subsequent reclamation activities intended to be carried out.

(3) APPROVAL.—Notwithstanding any other provision of law, not later than 15 calendar days after receiving a notice under paragraph (2), the Secretary concerned shall allow the activities described in the notice to proceed if—

(A) the surface disturbance on Federal land will not exceed 25 acres;

(B) the Secretary concerned determines that the notice is complete; and

(C) financial assurance is provided.

(f) HARDROCK MINING MILL SITES.—

(1) MULTIPLE MILL SITES.—Section 2337 of the Revised Statutes (30 U.S.C. 42) is amended by adding at the end the following:

''(c) ADDITIONAL MILL SITES.—

''(1) DEFINITIONS.—In this subsection:

''(A) MILL SITE.—The term 'mill site' means a location of public land that is reasonably necessary for waste rock or tailings disposal or other operations reasonably incident to mineral development on, or production from land included in a plan of operations.

''(B) OPERATIONS; OPERATOR.—The terms 'operations' and 'operator' have the meanings given those terms in section 3809.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

''(C) PLAN OF OPERATIONS.—The term 'plan of operations' means a plan of operations that an operator must submit and the Secretary of the Interior or the Secretary of Agriculture, as applicable, must approve before an operator may begin operations, in accordance with, as applicable—

''(i) subpart 3809 of part 3800 of title 43, Code of Federal Regulations (or successor regulations establishing application and approval requirements); and

''(ii) part 228 of title 36, Code of Federal Regulations (or successor regulations establishing application and approval requirements).

''(D) PUBLIC LAND.—The term 'public land' means land owned by the United States that is open to location under sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.), including—

''(i) land that is mineral-in-character (as defined in section 3830.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection));

''(ii) nonmineral land (as defined in section 3830.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection)); and

''(iii) land where the mineral character has not been determined.

''(2) USE OF PUBLIC LAND.—Notwithstanding subsections (a) and (b), where public land is needed by the proprietor of a lode or placer claim for operations in connection with any lode or placer claim within the proposed plan of operations, the proprietor may—

''(A) locate and include within the plan of operations as many mill site claims under this subsection as are reasonably necessary for its operations; and

''(B) use or occupy public land in accordance with an approved plan of operations.

''(3) MILL SITES CONVEY NO MINERAL RIGHTS.—A mill site under this subsection does not convey mineral rights to the locator.

''(4) SIZE OF MILL SITES.—A location of a single mill site under this subsection shall not exceed 5 acres.

''(5) MILL SITE AND LODE OR PLACER CLAIMS ON SAME TRACTS OF PUBLIC LAND.—A mill site may be located under this subsection on a tract of public land on which the claimant or operator maintains a previously located lode or placer claim.

''(6) EFFECT ON MINING CLAIMS.—The location of a mill site under this subsection shall not affect the validity of any lode or placer claim, or any rights associated with such a claim.

''(7) PATENTING.—A mill site under this subsection shall not be eligible for patenting.

''(8) SAVINGS PROVISIONS.—Nothing in this subsection—

''(A) diminishes any right (including a right of entry, use, or occupancy) of a claimant;

''(B) creates or increases any right (including a right of exploration, entry, use, or occupancy) of a claimant on land that is not open to location under the general mining laws;

''(C) modifies any provision of law or any prior administrative action withdrawing land from location or entry;

''(D) limits the right of the Federal Government to regulate mining and mining-related activities (including requiring claim validity examinations to establish the discovery of a valuable mineral deposit) in areas withdrawn from mining, including under—

''(i) the general mining laws;

''(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

''(iii) the Wilderness Act (16 U.S.C. 1131 et seq.);

''(iv) subchapter III of chapter 1007 of title 54, United States Code;

''(v) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(vi) division A of subtitle III of title 54, United States Code (commonly referred to as the 'National Historic Preservation Act'); or

''(vii) section 4 of the Act of July 23, 1955 (commonly known as the 'Surface Resources Act of 1955') (69 Stat. 368, chapter 375; 30 U.S.C. 612);

''(E) restores any right (including a right of entry, use, or occupancy, or right to conduct operations) of a claimant that—

''(i) existed prior to the date on which the land was closed to, or withdrawn from, location under the general mining laws; and

''(ii) that has been extinguished by such closure or withdrawal; or

''(F) modifies section 404 of division E of the Consolidated Appropriations Act, 2024 (Public Law 118–42; 138 Stat. 284).''.

(2) ABANDONED HARDROCK MINE FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account, to be known as the ''Abandoned Hardrock Mine Fund'' (referred to in this paragraph as the ''Fund'').

(B) SOURCE OF DEPOSITS.—Any amounts collected by the Secretary of the Interior pursuant to the claim maintenance fee under section 10101(a)(1) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(a)(1)) on mill sites located under subsection (c) of section 2337 of the Revised Statutes (30 U.S.C. 42) shall be deposited into the Fund.

(C) USE.—The Secretary of the Interior may make expenditures from amounts available in the Fund, without further appropriations, only to carry out section 40704 of the Infrastructure Investment and Jobs Act (30 U.S.C. 1245).

(D) ALLOCATION OF FUNDS.—Amounts made available under subparagraph (C)—

(i) shall be allocated in accordance with paragraph (1) of section 40704(e) of the Infrastructure Investment and Jobs Act (30 U.S.C. 1245(e)); and

(ii) may be transferred in accordance with paragraph (2) of that section.

(3) CLERICAL AMENDMENTS.—Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended—

(A) by striking ''the Mining Law of 1872 (30 U.S.C. 28–28e)'' each place it appears and inserting ''sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.)'';

(B) in subsection (a)—

(i) in paragraph (1)—

(I) in the second sentence, by striking ''Such claim maintenance fee'' and inserting the following:

''(B) FEE.—The claim maintenance fee under subparagraph (A)''; and

(II) in the first sentence, by striking ''The holder of'' and inserting the following:

''(A) IN GENERAL.—The holder of''; and

(ii) in paragraph (2)—

(I) in the second sentence—

(aa) by striking ''the Mining Law of 1872 (30 U.S.C. 28 to 28e)'' and inserting ''sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.)''; and

(bb) by striking ''Such claim maintenance fee'' and inserting the following:

''(B) FEE.—The claim maintenance fee under subparagraph (A)''; and

(II) in the first sentence, by striking ''The holder of'' and inserting the following:

''(A) IN GENERAL.—The holder of''; and

(C) in subsection (b)—

(i) in the second sentence, by striking ''The location fee'' and inserting the following:

''(2) FEE.—The location fee''; and

(ii) in the first sentence, by striking ''The claim main tenance fee'' and inserting the following:

''(1) IN GENERAL.—The claim maintenance fee''.

(g) LIMITATION ON JUDICIAL REVIEW.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a lead agency (as defined in section 40206(a) of the Infrastructure Investment and Jobs Act (30 U.S.C. 1607(a))) for a mining project shall be barred unless it is filed not later than 60 days after the date of publication of a notice in the Federal Register announcing that the permit, license, or approval is final in accordance with the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

(2) SAVINGS CLAUSE.—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 a permit, license, or approval.

(h) REMAND.—Notwithstanding any other provision of law, no approval of a mineral exploration or mine permit (as defined in section 40206(a) of the Infrastructure Investment and Jobs Act (30 U.S.C. 1607(a))) shall be vacated or otherwise limited, delayed, or enjoined unless the applicable court concludes that—

(1) allowing the proposed action will pose a risk of an imminent and substantial environmental harm; and

(2) there is no other equitable remedy available as a matter of law.

TITLE III—FEDERAL ENERGY REGULATORY COMMISSION

SEC. 3001. FEDERAL AUTHORIZATIONS UNDER THE NATURAL GAS ACT.

Section 15 of the Natural Gas Act (15 U.S.C. 717n) is amended—

(1) in subsection (a), by striking ''(a) In this section,'' and inserting the following:

''(a) DEFINITION OF FEDERAL AUTHORIZATION.—In this section,'';

(2) in subsection (e)—

(A) in the second sentence, by striking ''In any proceeding'' and inserting the following:

''(2) PROCEEDINGS.—In any proceeding''; and

(B) by striking ''(e) Hearings under this act'' and inserting the following:

''(e) HEARINGS AND PROCEEDINGS.—

''(1) HEARINGS.—Hearings under this Act'';

(3) in subsection (f)—

(A) in the second sentence, by striking ''No informality'' and inserting the following:

''(2) INFORMALITIES.—No informality''; and

(B) by striking ''(f) All hearings,'' and inserting the following:

''(f) GOVERNING RULES.—

''(1) IN GENERAL.—All hearings,''; and

(4) by inserting after subsection (f) the following:

''(g) ADDITIONAL REQUIREMENTS.—

''(1) DEFINITION OF EFFECTS.—In conducting a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) relating to any Federal authorization (or to any other decision relating to the issuance of an order or certificate, or the approval or denial of an application, under section 3 or 7), the Commission shall consider the term 'effects', as used in that Act with respect to impacts and effects, to mean physical changes to the human environment as a result of a proposed action or alternative action to be carried out by a Federal agency that—

''(A) are reasonably foreseeable, not speculative, and not remote in time or geographically remote;

''(B) have a reasonably close causal relationship that is not the product of a lengthy causal chain to the proposed action or alternative action, respectively, as determined by the Commission;

''(C) the Commission has the ability to prevent and that would not occur absent the proposed action or alternative action; and

''(D) do not constitute potential effects from emissions upstream or downstream of the facility that is the subject of the application under section 3 or 7.

''(2) REQUIREMENT.—For purposes of paragraph (1)(B), a 'but for' causal relationship is insufficient to establish a reasonably close causal relationship.

''(3) ALTERNATIVES.—In conducting a review described in paragraph (1), any alternatives required to be analyzed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the Commission shall—

''(A) meet the purpose and need for the proposed action;

''(B) where applicable, meet the goals of the applicant; and

''(C) be within the authority of the Federal agency to control.

''(4) NO USE OF SOCIAL COST METRICS.—In conducting a review described in paragraph (1), the Commission shall not consider or apply any metric that purports to estimate the monetized damages or benefits associated with incremental increases or decreases in greenhouse gas emissions.''.

SEC. 3002. FEDERAL AUTHORIZATIONS UNDER SECTION 216 OF THE FEDERAL POWER ACT.

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

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''(B) The term'' and inserting the following:

''(B) INCLUSIONS.—In this subsection, the term''; and

(B) by striking ''(1) In this subsection'' and all that follows through ''The term'' in subparagraph (A) and inserting the following:

''(1) DEFINITION OF FEDERAL AUTHORIZATION.—

''(A) IN GENERAL.—In this subsection, the term''; and

(2) by adding at the end the following:

''(10) ADDITIONAL REQUIREMENTS.—

''(A) DEFINITION OF EFFECTS.—In conducting a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) relating to any Federal authorization (or to any other decision relating to the issuance of a Federal authorization, or the approval or denial of an application, under this section), the Commission shall consider the term 'effects', as used in that Act with respect to impacts and effects, to mean physical changes to the human environment as a result of a proposed action or alternative action to be carried out by a Federal agency that—

''(i) are reasonably foreseeable, not speculative, and not remote in time or geographically remote;

''(ii) have a reasonably close causal relationship that is not the product of a lengthy causal chain to the proposed action or alternative action, respectively, as determined by the Commission;

''(iii) the Commission has the ability to prevent and that would not occur absent the proposed action or alternative action; and

''(iv) do not constitute potential effects from emissions upstream or downstream of the facility that is the subject of the application under this section.

''(B) REQUIREMENT.—For purposes of subparagraph (A)(ii), a 'but for' causal relationship is insufficient to establish a reasonably close causal relationship.

''(C) ALTERNATIVES.—In conducting a review described in subparagraph (A), any alternatives required to be analyzed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the Commission shall—

''(i) meet the purpose and need for the proposed action;

''(ii) where applicable, meet the goals of the applicant; and

''(iii) be within the authority of the Federal agency to control.

''(D) NO USE OF SOCIAL COST METRICS.—In conducting a review described in subparagraph (A), the Commission shall not consider or apply any metric that purports to estimate the monetized damages or benefits associated with incremental increases or decreases in greenhouse gas emissions.''.

SEC. 3003. PROMOTING INTERAGENCY COORDINATION FOR REVIEW OF NATURAL GAS PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) ENVIRONMENTAL REVIEW.—The term ''environmental review'' means the process of preparing, for a proposed agency action in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

(A) an environmental impact statement;

(B) an environmental assessment;

(C) a categorical exclusion;

(D) a finding of no significant impact; and

(E) a record of decision.

(3) FEDERAL AUTHORIZATION.—The term ''Federal authorization'' has the meaning given that term in section 15(a) of the Natural Gas Act (15 U.S.C. 717n(a)).

(4) PROJECT-RELATED ENVIRONMENTAL REVIEW.—The term ''project-related environmental review'' means any environmental review required to be conducted with respect to the issuance of an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f).

(b) COMMISSION RESPONSIBILITIES.—In acting as the lead agency under section 15(b)(1) of the Natural Gas Act (15 U.S.C. 717n(b)(1)) for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f), the Commission shall, in accordance with this section and other applicable Federal law—

(1) be the only lead agency;

(2) coordinate as early as practicable with each agency designated as a participating agency under subsection (d)(3) to ensure that the Commission develops information in conducting its project-related environmental review that is usable by the participating agency in considering an aspect of an application for a Federal authorization for which the agency is responsible; and

(3) take such actions as are necessary and proper to facilitate the expeditious resolution of its project-related environmental review.

(c) DEFERENCE TO COMMISSION.—In making a decision with respect to a Federal authorization required with respect to an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f), each agency shall give deference, to the maximum extent authorized by law, to the scope of the project-related environmental review that the Commission determines to be appropriate.

(d) PARTICIPATING AGENCIES.—

(1) IDENTIFICATION.—The Commission shall identify, not later than 30 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f), any Federal or State agency, local government, or Indian Tribe that may issue a Federal authorization or is required by Federal law to consult with the Commission in conjunction with the issuance of a Federal authorization required for such authorization or certificate.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f), the Commission shall invite any agency identified under paragraph (1) to participate in the review process for the applicable Federal authorization.

(B) DEADLINE.—An invitation issued under subparagraph (A) shall establish a deadline by which a response to the invitation shall be submitted to the Commission, which may be extended by the Commission for good cause.

(3) DESIGNATION AS PARTICIPATING AGENCIES.—Not later than 60 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f), the Commission shall designate an agency identified under paragraph (1) as a participating agency with respect to that application unless the agency informs the Commission, in writing, by the deadline established pursuant to paragraph (2)(B), that the agency—

(A) has no jurisdiction or authority with respect to the applicable Federal authorization;

(B) has no special expertise or information relevant to any project-related environmental review; or

(C) does not intend to submit comments for the record for the project-related environmental review conducted by the Commission.

(4) EFFECT OF NON-DESIGNATION.—

(A) EFFECT ON AGENCY.—Any agency that is not designated as a participating agency under paragraph (3) with respect to an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f) may not request or conduct an environmental review that is supplemental to the project-related environmental review conducted by the Commission, unless the agency—

(i) demonstrates that such review is legally necessary for the agency to carry out responsibilities in considering an aspect of an application for a Federal authorization; and

(ii) requires information that could not have been obtained during the project-related environmental review conducted by the Commission.

(B) COMMENTS; RECORD.—The Commission shall not, with respect to an agency that is not designated as a participating agency under paragraph (3) with respect to an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f)—

(i) consider any comments or other information submitted by such agency for the project-related environmental review conducted by the Commission; or

(ii) include any such comments or other information in the record for such project-related environmental review.

(e) SCHEDULE.—

(1) DEADLINE FOR FEDERAL AUTHORIZATIONS.—A deadline for a Federal authorization required with respect to an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f) set by the Commission under section 15(c)(1) of that Act (15 U.S.C. 717n(c)(1)) shall be not later than 90 days after the Commission completes its project-related environmental review, unless an applicable schedule is otherwise established by Federal law.

(2) CONCURRENT REVIEWS.—Each Federal and State agency—

(A) that may consider an application for a Federal authorization required with respect to an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f) shall formulate and implement a plan for administrative, policy, and procedural mechanisms to enable the agency to ensure completion of Federal authorizations in compliance with schedules established by the Commission under section 15(c)(1) of that Act (15 U.S.C. 717n(c)(1)); and

(B) in considering an aspect of an application for a Federal authorization required with respect to an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f), shall—

(i) formulate and implement a plan to enable the agency to comply with the schedule established by the Commission under section 15(c)(1) of that Act (15 U.S.C. 717n(c)(1));

(ii) carry out the obligations of that agency under applicable law concurrently, and in conjunction with, the project-related environmental review conducted by the Commission, and in compliance with that schedule, unless the agency notifies the Commission in writing that doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out such obligations;

(iii) transmit to the Commission a statement—

(I) acknowledging receipt of the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act (15 U.S.C. 717n(c)(1)); and

(II) setting forth the plan formulated under clause (i);

(iv) not later than 30 days after the agency receives such application for a Federal authorization, transmit to the applicant a notice—

(I) indicating whether such application is ready for processing; and

(II) if such application is not ready for processing, that includes a comprehensive description of the information needed for the agency to determine that the application is ready for processing;

(v) determine that such application for a Federal authorization is ready for processing for purposes of clause (iv) if such application is sufficiently complete for the purposes of commencing consideration, regardless of whether supplemental information is necessary to enable the agency to complete the consideration required by law with respect to such application; and

(vi) not less often than once every 90 days, transmit to the Commission a report describing the progress made in considering such application for a Federal authorization.

(3) FAILURE TO MEET DEADLINE.—If a Federal or State agency, including the Commission, fails to meet a deadline for a Federal authorization set forth in the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act (15 U.S.C. 717n(c)(1)), not later than 5 days after such deadline, the head of the relevant Federal agency (including, in the case of a failure by a State agency, the Federal agency overseeing the delegated authority) shall notify Congress and the Commission of such failure and set forth a recommended implementation plan to ensure completion of the action to which such deadline applied.

(f) CONSIDERATION OF APPLICATIONS FOR FEDERAL AUTHORIZATION.—

(1) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) IDENTIFICATION.—Federal and State agencies that may consider an aspect of an application for a Federal authorization shall identify, as early as possible, any issues of concern that may delay or prevent an agency from working with the Commission to resolve such issues and granting the Federal authorization.

(B) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under subparagraph (A) to the heads of the relevant agencies (including, in the case of an issue of concern that is a failure by a State agency, the Federal agency overseeing the delegated authority, if applicable) for resolution.

(2) REMOTE SURVEYS.—

(A) IN GENERAL.—If a Federal or State agency considering an aspect of an application for a Federal authorization requires the person applying for the Federal authorization to submit data, the agency shall consider any such data gathered by aerial or other remote means that the person submits.

(B) CONDITIONAL APPROVAL.—The agency may grant a conditional approval for a Federal authorization based on data gathered by aerial or remote means, conditioned on the verification of such data by subsequent onsite inspection.

(3) APPLICATION PROCESSING.—The Commission, and Federal and State agencies, may allow a person applying for a Federal authorization to fund a third-party contractor to assist in reviewing the application for the Federal authorization.

(g) ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.—

(1) IN GENERAL.—For an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f) that requires multiple Federal authorizations, the Commission, with input from any Federal or State agency considering an aspect of the application, shall track and make available to the public on the website of the Commission information related to the actions required to complete the Federal authorizations.

(2) INCLUSIONS.—The information described in paragraph (1) shall include the following:

(A) The schedule established by the Commission under section 15(c)(1) of the Natural Gas Act (15 U.S.C. 717n(c)(1)).

(B) A list of all the actions required by each applicable agency to complete permitting, reviews, and other actions necessary to obtain a final decision on the application.

(C) The expected completion date for each action described in subparagraph (B).

(D) A point of contact at the agency responsible for each action described in subparagraph (B).

(E) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reasons for the delay.

(h) PIPELINE SECURITY.—In considering an application for an authorization under section 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate of public convenience and necessity under section 7 of that Act (15 U.S.C. 717f), the Commission shall consult with the Administrator of the Transportation Security Administration regarding the compliance of the applicant with security guidance and best practice recommendations of the Transportation Security Administration regarding pipeline infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures.

SEC. 3004. TOLLING ORDER REFORM FOR THE NATURAL GAS ACT.

Section 19(a) of the Natural Gas Act (15 U.S.C. 717r(a)) is amended, in the fourth sentence, by striking ''thirty'' and inserting ''60''.

SEC. 3005. TOLLING ORDER REFORM FOR THE FEDERAL POWER ACT.

Section 313(a) of the Federal Power Act (16 U.S.C. 825l(a)) is amended, in the fourth sentence, by striking ''thirty'' and inserting ''60''.

SEC. 3006. DE NOVO REVIEW OF CIVIL PENALTIES UNDER THE NATURAL GAS ACT.

Section 22(b) of the Natural Gas Act (15 U.S.C. 717t–1(b)) is amended by inserting before the period at the end the following: '', in accordance with the same provisions as are applicable under section 31(d) of the Federal Power Act (16 U.S.C. 823b(d)) in the case of civil penalties assessed under that section of that Act (16 U.S.C. 823b)''.

SEC. 3007. JUDICIAL REVIEW.

Section 19(d)(3) of the Natural Gas Act (15 U.S.C. 717r(d)(3)) is amended, in the first sentence, by inserting '', is not supported by clear and convincing evidence,'' after ''such permit''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 766—ACKNOWLEDGING AND APOLOGIZING FOR THE MISTREATMENT OF, AND DISCRIMINATION AGAINST, LESBIAN, GAY, BISEXUAL, AND TRANSGENDER INDIVIDUALS WHO SERVED THE UNITED STATES IN THE UNIFORMED SERVICES, THE FOREIGN SERVICE, AND THE FEDERAL CIVIL SERVICE AND COMMITTING TO THE PURSUIT OF EQUAL RIGHTS, PROTECTIONS, AND RESPECT FOR ALL LGBT SERVICEMEMBERS AND FEDERAL CIVIL SERVANTS

Mr. KAINE (for himself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. COONS, Mr. DURBIN, Mr. FETTERMAN, Mr. GALLEGO, Mrs. GILLIBRAND, Mr. KING, Mr. MARKEY, Mr. MERKLEY, Mrs. MURRAY, Mr. PADILLA, Mr. SCHATZ, Mr. SCHIFF, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs: