within or against the Islamic Republic of Iran that have not been authorized by Congress.

AMENDMENT NO. 5841

At the request of Mrs. BLACKBURN, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Utah (Mr. CURTIS) were added as cosponsors of amendment No. 5841 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5847

At the request of Mr. KIM, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of amendment No. 5847 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5853

At the request of Mr. CRUZ, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 5853 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5860

At the request of Mr. YOUNG, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of amendment No. 5860 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5868

At the request of Mr. CORNYN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 5868 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5878

At the request of Mr. MCCORMICK, the names of the Senator from Ohio (Mr. HUSTED) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of amendment No. 5878 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5879

At the request of Mr. MCCORMICK, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 5879 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5886

At the request of Mr. MCCORMICK, the name of the Senator from Arizona (Mr. GALLEGO) was added as a cosponsor of amendment No. 5886 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5898

At the request of Ms. DUCKWORTH, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Massachusetts (Ms. WARREN), the Senator from Nevada (Ms. ROSEN), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Colorado (Mr. BENNET), the Senator from Virginia (Mr. KAINE) and the Senator from New Jersey (Mr. KIM) were added as cosponsors of amendment No. 5898 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5902

At the request of Mr. MCCORMICK, the names of the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from West Virginia (Mr. JUSTICE), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from West Virginia (Mrs. CAPITO) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of amendment No. 5902 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5905

At the request of Mr. GRASSLEY, the names of the Senator from California (Mr. PADILLA), the Senator from Illinois (Ms. DUCKWORTH) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of amendment No. 5905 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5906

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 5906 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5925

At the request of Ms. DUCKWORTH, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Indiana (Mr. BANKS) were added as cosponsors of amendment No. 5925 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5933

At the request of Mr. WELCH, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 5933 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5944

At the request of Mr. WARNOCK, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of amendment No. 5944 intended to be proposed to S. 4784, an original bill to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 4903. A bill to improve the point-in-time count conducted by the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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:

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

SECTION 1. IMPROVEMENTS TO POINT-IN-TIME COUNT.

(a) IN GENERAL.—Section 427(b)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386a(b)(3)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) LIMITATION ON SCOPE.—The Secretary''; and

(2) by adding at the end the following:

''(B) ANNUAL POINT-IN-TIME COUNT.—

''(i) DEFINITION.—In this subparagraph, the term 'annual point-in-time count' means the annual point-in-time count of homeless individuals required under clause (ii).

''(ii) REQUIREMENT.—

''(I) IN GENERAL.—The Secretary shall require each recipient to participate in an annual point-in-time count of homeless individuals during the last 10 days of April of each year beginning after the date of enactment of this subparagraph

''(II) SUPPLEMENTAL COUNTS.—Authorization from the Secretary shall not be required in order for a recipient to conduct a supplemental point-in-time count of homeless individuals during a different time of year than the annual count described in subclause (I).

''(iii) USE OF STANDARDIZED TOOLS.—In conducting the annual point-in-time count, a recipient shall use a community-wide homeless management information system (commonly known as an 'HMIS') for client-level data collection.

''(iv) TECHNICAL ASSISTANCE AND SUPPORT FOR RURAL AND RESOURCE-LIMITED CONTINUUMS OF CARE.—The Secretary shall provide training in HMIS integration to rural or resource-limited recipients for purposes of conducting the annual point-in-time count.

''(v) REPORTING AND COMPLIANCE.—

''(I) CONTINUUM OF CARE STANDARDIZED HMIS REPORTING REQUIREMENTS.—The Secretary shall establish standardized HMIS reporting requirements for recipients conducting the annual point-in-time count with respect to the geographic scope and spatial analysis of unsheltered and sheltered populations.

''(II) HUD REPORT.—The Secretary shall submit an annual report to Congress on—

''(aa) compliance by recipients with the data collection, HMIS reporting, and annual point-in-time count requirements under this subparagraph;

''(bb) technical assistance and guidance provided by the Secretary to recipients to support implementation of the requirements described in item (aa); and

''(cc) improvements in the consistency, accuracy, and quality of data collected through the annual point-in-time count.

''(vi) ROLLING HMIS UPDATES AND MIDPOINT HMIS DATA.—

''(I) HMIS UPDATES.—A recipient shall maintain up-to-date HMIS data year-round regarding participation in homelessness assistance projects funded by the Secretary, including entries into and exits from emergency shelters, homeless street outreach programs, transitional housing, and other eligible activities under this subtitle.

''(II) MIDPOINT HMIS DATA.—A recipient shall collect and maintain HMIS data on unsheltered and sheltered homeless populations as of the midway point between each annual point-in-time count (in this subparagraph referred to as 'midpoint HMIS data').

''(III) PURPOSES.—The purposes of the midpoint HMIS data collected under subclause (II) are to—

''(aa) track seasonal or emerging trends;

''(bb) inform planning for programs carried out under this subtitle; and

''(cc) supplement, but not replace, the annual point-in-time count.

''(vii) GUIDANCE FOR RURAL AND RESOURCE-LIMITED CONTINUUMS OF CARE.—The Secretary shall provide guidance for rural or resource-limited recipients regarding—

''(I) standardized data collection methodologies for the annual point-in-time count;

''(II) implementation and integration of HMIS tools for mapping sheltered and unsheltered populations;

''(III) midpoint HMIS data collection and spatial mapping requirements under this subparagraph; and

''(IV) staffing, training, and technology best practices necessary to comply with the requirements of this subparagraph.

''(viii) FUNDING FLEXIBILITY.—The Secretary may—

''(I) allow a recipient to use assistance received under subtitle B to support the training of employees or volunteers in HMIS integration; and

''(II) provide guidance on ensuring that the use of assistance under subclause (I) does not disrupt service delivery to homeless shelters.''.

(b) GAO STUDY.—

(1) DEFINITION.—In this subsection, the term ''Continuum of Care'' means a recipient, as that term is defined in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

(2) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) conduct a study of the annual point-in-time count conducted by the Department of Housing and Urban Development (in this subsection referred to as the ''Department''), including the methodology used by the Department; and

(B) submit to Congress a report that contains—

(i) the results of the study conducted under subparagraph (A); and

(ii) as appropriate, recommendations on how to modernize the annual point-in-time count in a way that leads to greater accuracy in counting the homeless, including how the Department can—

(I) standardize collection methodology across Continuums of Care; and

(II) increase consistency, modernization, and efficiency of data collection and reporting processes with respect to the annual point-in-time count within each Continuum of Care.

By Mr. ARMSTRONG (for himself, Ms. LUMMIS, Mr. SCOTT of Florida, and Mrs. BRITT):

S. 4944. A bill to streamline permitting under the Natural Gas Act, the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969, and for other purposes; to the Committee on Environment and Public Works.

Mr. ARMSTRONG. 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. 4944

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Energy and Mineral Infrastructure Act of 2026''.

SEC. 2. PROMOTING INTERAGENCY COORDINATION FOR REVIEW OF NATURAL GAS PIPELINES.

(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; and

(D) a finding of no significant impact.

(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 agency invited under subparagraph (A) shall submit a response to the Commission by not later than 30 days after the date the invitation is received, which may be extended by the Commission for good cause for a period of not more than 15 days.

(C) FAILURE TO MEET DEADLINE.—If an agency invited under subparagraph (A) fails to meet the deadline described in subparagraph (B), the agency shall not be considered a participating or cooperating agency.

(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.

(e) COMMENT DEADLINE.—The Commission is not required to respond to comments regarding a Federal authorization submitted after the applicable comment period is over.

(f) WATER QUALITY IMPACTS.—

(1) IN GENERAL.—Notwithstanding section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), a certification under such section shall not be required with respect to a Federal authorization.

(2) COORDINATION.—With respect to any environmental review for a Federal authorization to conduct an activity that will directly result in a discharge into the navigable waters (within the meaning of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)), the Commission shall identify as an agency under subsection (d)(1) the State in which the discharge originates or will originate, or, if appropriate, the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate.

(3) PROPOSED CONDITIONS.—A State or interstate agency designated as a participating agency pursuant to paragraph (2) may propose to the Commission terms or conditions for inclusion in 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 the State or interstate agency determines are necessary to ensure that any discharge described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C. 1311, 1312, 1313, 1316, 1317).

(4) COMMISSION CONSIDERATION OF CONDITIONS.—The Commission may include a term or condition in 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) proposed by a State or interstate agency under paragraph (3) only if the Commission finds with clear and convincing evidence that the term or condition is necessary to ensure that any discharge described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C. 1311, 1312, 1313, 1316, 1317).

(5) COMMISSION DENIAL OF CERTIFICATE.—The Commission may deny 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) based on water quality concerns only if the Commission finds with clear and convincing evidence that the proposed project cannot comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C. 1311, 1312, 1313, 1316, 1317).

(g) 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 that may consider an aspect of an application for a Federal authorization required with respect to an application for 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—

(A) carry out the obligations of that agency under applicable law; 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) carry out the obligations of that agency under applicable law concurrently, and in conjunction with, the project-related environmental review conducted by the Commission, pursuant to a schedule established by the Commission not to exceed 270 days, but subject to the condition that the Commission may, at the request of the agency and for good cause, grant a single 60-day extension; and

(ii) 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.

(h) 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 and not later than 90 days after receipt of a request for the Federal authorization, 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—

(i) consider any such data gathered by aerial or other remote means that the person submits; and

(ii) accept aerial surveys in absence of clear and convincing evidence.

(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 if the Commission determines that an onsite inspection is likely to materially alter the final determination of the Commission or the grant of the certificate.

(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.

(i) 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 such action.

(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.

(j) STRENGTHENING JUDICIAL REVIEW OF NATURAL GAS ACT PROJECTS.—Section 19 of the Natural Gas Act (15 U.S.C. 717r) is amended—

(1) in subsection (b), in the eighth sentence, by striking ''certification'' and all that follows through the period at the end and inserting ''certification as provided in section 1254 of title 28, United States Code.''; and

(2) in subsection (d)—

(A) in paragraph (3), in the first sentence, by striking ''If the Court finds'' and inserting the following: ''Except as provided in paragraph (6), if the Court finds''; and

(B) by adding at the end the following:

''(6) EXCEPTION FOR CERTAIN ORDERS OR ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, for petitions challenging an order or action taken by the Commission under section 3 or section 7, the court may not set aside, vacate, or otherwise void that order or action.

''(B) COURT ACTION.—Notwithstanding chapter 7 of title 5, United States Code, the Court shall remand the proceeding, without vacatur or injunction, to the applicable Federal or State agency to take appropriate action if the Court finds that an order or action described in paragraph (1)—

''(i) would prevent the construction, expansion, or operation of the facility subject to section 3 or 7; and

''(ii)(I) is inconsistent with applicable Federal law; or

''(II) is not supported by clear and convincing evidence.''.

SEC. 3. IMPROVING WATER QUALITY CERTIFICATIONS.

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

(1) in subsection (a)—

(A) by striking ''(a)(1) Any applicant'' and all that follows through ''No license'' in the sixth sentence of paragraph (1) and inserting the following:

''(a) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—

''(1) CERTIFICATION REQUIRED.—

''(A) IN GENERAL.—Any applicant for a Federal license or permit to conduct any activity, including the construction or operation of facilities, which may result in a discharge directly into the navigable waters shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307.

''(B) CERTIFICATION OF NO APPLICABLE LIMITATION.—In the case of any discharge described in subparagraph (A) for which there is not an applicable effluent limitation or other limitation under sections 301(b) and 302, and there is not an applicable standard under sections 306 and 307, the State, interstate water pollution control agency, or Administrator, as applicable, shall so certify, except that any such certification shall not be deemed to satisfy section 511(c).

''(C) CERTIFICATION BY THE ADMINISTRATOR.—In any case in which a State or interstate water pollution control agency has no authority to give a certification under subparagraph (A)—

''(i) the certification shall be from the Administrator; and

''(ii) subsection (d) shall apply to the request for certification.

''(D) PROCEDURES REQUIRED.—

''(i) IN GENERAL.—The Administrator and each State and interstate water pollution control agency that has authority to give a certification under this subsection shall establish procedures for public notice in the case of all requests for certification under this subsection by the State, interstate water pollution control agency, or Administrator, as applicable, and, to the extent that the State, interstate water pollution control agency, or Administrator determines it appropriate, procedures for public hearings in connection with specific requests.

''(ii) DECISION CRITERIA.—A decision to grant or deny a request for certification under this subsection shall be based solely on whether the discharge complies with the applicable provisions of sections 301, 302, 303, 306, and 307, and the grounds for that decision shall be set forth in writing and provided to the applicant.

''(iii) DEADLINE FOR REQUESTING ADDITIONAL INFORMATION.—Not later than 90 days after the date on which a State, an interstate water pollution control agency, or the Administrator, as applicable, receives a request for certification under this subsection, the State, interstate water pollution control agency, or Administrator shall identify in writing any specific additional materials or information necessary for the request for certification to be considered complete pursuant to subsection (d).

''(iv) PUBLICATION REQUIREMENT.—Not later than 30 days after the date of enactment of this clause, the Administrator and each State and interstate water pollution control agency that has authority to give a certification under this subsection shall publish the requirements for a certification under this subsection for an applicant to use to demonstrate to the Administrator, State, or interstate water pollution control agency, as applicable, compliance with the applicable provisions of sections 301, 302, 303, 306, and 307.

''(E) DECISIONMAKING.—

''(i) DEFINITION OF RECEIPT.—In this subparagraph, the term 'receipt', with respect to a request for certification under this subsection, means the date on which the State, interstate water pollution control agency, or Administrator, as applicable, initially receives the request for certification, regardless of whether the request for certification is determined to be complete or additional information is requested pursuant to subparagraph (D)(iii).

''(ii) ACTIONS ON A REQUEST.—The State, interstate water pollution control agency, or Administrator, as applicable, may—

''(I) grant a request for certification under this subsection with or without conditions;

''(II) deny the request; or

''(III) waive the requirement for certification under this subsection with respect to the application for the Federal license or permit.

''(iii) FAILURE TO ACT.—

''(I) IN GENERAL.—If a State, an interstate water pollution control agency, or the Administrator, as applicable, fails to act on a request for certification in accordance with clause (ii) within a reasonable period of time to be determined by the Federal licensing or permitting agency (which shall not exceed 1 year after receipt of the request), the requirement for certification under this subsection shall be deemed to be waived with respect to the application for the Federal license or permit.

''(II) NO JUDICIAL REVIEW.—Notwithstanding any other provision of law, a finding of a waiver by the Federal licensing or permitting agency under subclause (I) shall not be subject to judicial review.

''(iv) NO TOLLING.—The 1-year period described in clause (iii) may not be tolled, paused, or extended for any reason, including through requests for additional information, solicitation of public comment, or environmental reviews.

''(F) NO ACTION.—No license''; and

(B) in paragraph (4), in the first sentence, by striking ''any discharge into the navigable waters'' and inserting ''a discharge directly into the navigable waters'';

(2) in subsection (b), by striking ''(b) Nothing'' and inserting the following:

''(b) COMPLIANCE WITH OTHER PROVISIONS OF LAW SETTING APPLICABLE WATER QUALITY REQUIREMENTS.—Except as provided in subsection (e), nothing'';

(3) in subsection (c), by striking ''(c) In order'' and inserting the following:

''(c) AUTHORITY OF SECRETARY OF THE ARMY TO PERMIT SPOIL DISPOSAL AREAS BY FEDERAL LICENSEES OR PERMITTEES.—In order''; and

(4) by striking subsection (d) and inserting the following:

''(d) CERTIFICATION REQUEST REQUIREMENTS.—

''(1) WRITTEN REQUEST REQUIRED.—A request for certification under subsection (a) shall be made in writing to the State, interstate water pollution control agency, or Administrator, as applicable.

''(2) REQUIREMENTS FOR COMPLETE REQUEST.—A completed request for certification under subsection (a) shall consist of—

''(A) an identification of each applicant for the Federal license or permit with respect to which certification is requested;

''(B) a statement that information included in the request for certification is truthful, accurate, and complete, to the best knowledge of each applicant;

''(C) in the case of a request for certification with respect to an individual permit or license—

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

''(ii) an identification, based on the reasonable belief of the applicant at the time the application is submitted, of any activity the conduct of which is subject to the Federal license or permit identified under clause (i);

''(iii) an identification of—

''(I) the location, point of origin, and characteristics of any discharge that may directly enter the navigable waters; and

''(II) the location of the specific navigable waters that would receive such a discharge;

''(iv) a description of the means that may be used to monitor, control, or manage a discharge identified under clause (iii); and

''(v) a list of all other Federal, interstate, Tribal, State, or local agency authorizations required for the conduct of an activity identified under clause (ii), including a description of any authorizations described in that list that are already received; and

''(D) in the case of a request for certification with respect to the issuance of a general license or a general permit—

''(i) an identification of the proposed categories of activities to be covered by the general license or general permit;

''(ii) a description of the proposed general license or general permit, which may include a draft of the proposed general license or general permit; and

''(iii) an estimate of the number of discharges expected to result from the proposed general license or general permit annually.

''(3) PROHIBITION.—No State or interstate water pollution control agency, nor the Administrator, may, for purposes of a request for certification under subsection (a), require the inclusion of information beyond the information described in paragraph (2).

''(e) CERTIFICATION CONDITIONS.—

''(1) IN GENERAL.—A certification obtained under subsection (a) shall set forth any effluent limitations and other limitations and monitoring requirements necessary to ensure that any discharge subject to a certification under that subsection will comply

with the applicable provisions of sections 301, 302, 303, 306, and 307, and any such limitation or requirement shall be imposed by the Federal licensing or permitting agency as a condition on the applicable Federal license or permit subject to the provisions of this section.

''(2) REQUIREMENTS FOR CONDITIONS.—A certifying State or interstate water pollution control agency, or the Administrator, as applicable, may only include a condition on a certification under subsection (a) that requires the applicant to modify an activity of the applicant which may result in a discharge directly into the navigable waters if the State, interstate water pollution control agency, or Administrator determines, based on clear and convincing evidence, that the modification is—

''(A) necessary for the activity to avoid violating an applicable provision of section 301, 302, 303, 306, or 307;

''(B) least burdensome for the applicant, as compared to other possible modifications, taking into account—

''(i) technical feasibility;

''(ii) cost;

''(iii) the purpose of the applicant in proposing the activity;

''(iv) impacts on the schedule for the activity; and

''(v) the commercial viability of the proposed condition; and

''(C) consistent with the requirements for the Federal license or permit for which the certification is sought.

''(3) LIMITATIONS ON CONDITIONS FOR HYDROELECTRIC PROJECTS.—A certification obtained under subsection (a) for a hydroelectric project may not include conditions relating to the quantity, timing, or rate of water flow over, through, or around that project.

''(f) REQUIREMENTS FOR DENIAL.—A certifying State or interstate water pollution control agency, or the Administrator, as applicable, may only deny a request for certification under subsection (a) if the State, interstate water pollution control agency, or Administrator determines, based on clear and convincing evidence, that there is no modification to or reasonable condition on the activities of the applicant that could make it possible for the activity to avoid violating an applicable provision of section 301, 302, 303, 306, or 307.

''(g) ENFORCEMENT.—Notwithstanding section 505, any condition imposed on a Federal license or permit by a Federal licensing or permitting agency under this section may only be enforced by that Federal licensing or permitting agency.

''(h) JUDICIAL REVIEW.—

''(1) SCOPE.—This subsection applies to any civil action for the review of a certification under subsection (a).

''(2) JURISDICTION.—

''(A) IN GENERAL.—Notwithstanding section 19(d)(1) of the Natural Gas Act (15 U.S.C. 717r(d)(1)) or any other provision of law, a civil action subject to this subsection shall be filed in a court of appeals of the United States for—

''(i) the judicial circuit in which the applicant is located or has its principal place of business;

''(ii) the judicial circuit for the State in which the project for which the certification under subsection (a) would be issued is or will be located; or

''(iii) the District of Columbia Circuit.

''(B) ORIGINAL AND EXCLUSIVE JURISDICTION.—A court of appeals described in subparagraph (A) shall have original and exclusive jurisdiction over the applicable civil action.

''(C) STANDING.—Notwithstanding any other provision of law, no court shall have jurisdiction to review a civil action subject to this subsection unless the civil action is filed—

''(i) not later than 60 days after the date on which final action on the certification under subsection (a) is taken; and

''(ii) by—

''(I) the applicant; or

''(II) a person who has suffered, or likely and imminently will suffer, direct and irreparable economic harm from the certification, subject to the condition that an organization or association shall satisfy the requirement of this clause only if each member of the organization or association satisfies the requirement.

''(3) EXPEDITED CONSIDERATION.—

''(A) IN GENERAL.—In reviewing a civil action subject to this subsection, a court shall—

''(i) set any petition for review under that civil action for expedited consideration; and

''(ii) subject to subparagraph (B), issue a final decision not later than 120 days after the date on which the civil action is filed.

''(B) EXTRAORDINARY CIRCUMSTANCES.—If a court finds that there are extraordinary circumstances that apply to a civil action subject to this subsection, the court may extend the 120-day period described in subparagraph (A)(ii) by an additional 60 days.

''(4) STANDARD OF REVIEW.—In reviewing the denial of a certification under subsection (a), a court shall find the denial unlawful unless the court finds, based on clear and convincing evidence, that—

''(A) the certifying State or interstate water pollution control agency or the Administrator, as applicable, has demonstrated that no condition would achieve compliance with the applicable provisions of section 301, 302, 303, 306, or 307; and

''(B) the certifying State or interstate water pollution control agency or the Administrator, as applicable, considered specific alternative conditions, including alternatives offered by the applicant, and determined that those alternative conditions would not achieve compliance with applicable provisions of section 301, 302, 303, 306, or 307.

''(5) NONAPPLICANT CHALLENGES.—If a party other than the applicant brings a civil action subject to this subsection against a certification obtained under subsection (a), the nonapplicant party shall demonstrate, with clear and convincing evidence, that the project or activity for which the certification was granted fails to achieve compliance with applicable provisions of section 301, 302, 303, 306, or 307.

''(6) REMEDY.—

''(A) NO VACATUR.—Notwithstanding any other provision of law, no court shall have the authority to set aside, vacate, nullify, or otherwise render unenforceable any certification under subsection (a).

''(B) LIMITED REMEDIES.—In a review of a certification under subsection (a), a court may only affirm or modify the certification, and may remand the certification to the State, interstate water pollution control agency, or the Administrator, as applicable, for corrective action.

''(i) DESCRIPTION OF APPLICABLE PROVISIONS.—For purposes of this section, the applicable provisions of sections 301, 302, 303, 306, and 307 are any applicable effluent limitations and other limitations under section 301 or 302, any water quality standard in effect for a State under section 303, any standard of performance under section 306, and any prohibition, effluent standard, or pretreatment standard under section 307.''.

SEC. 4. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) IMPROVING WATER QUALITY GENERAL PERMITS.—Section 402(a) of the Federal Water Pollution Control Act (33 U.S.C. 1342(a)) is amended by adding at the end the following:

''(6) GENERAL PERMITS.—

''(A) PERMITS AUTHORIZED.—The Administrator may issue general permits under this section on a State, regional, or nationwide basis, or for a delineated area, for discharges associated with any category of activities the discharges of which are of similar types and from similar sources.

''(B) PERMIT EXPIRATION NOTIFICATION.—If the Administrator does not intend to issue a general permit under this paragraph that covers discharges that are substantially similar to discharges covered by a previously issued general permit, not later than the date that is 2 years before the date on which the previously issued general permit will expire, the Administrator shall publish in the Federal Register a notice of the decision not to reissue the general permit.

''(C) APPLICATION OF PERMIT TERMS OF AN EXPIRED PERMIT.—

''(i) IN GENERAL.—If a general permit issued under this paragraph expires and the Administrator has not published a notice under subparagraph (B), the Administrator shall, until the date described in clause (ii)—

''(I) continue to apply the terms, conditions, and requirements of the expired general permit to any discharge that was covered by the expired general permit; and

''(II) apply those terms, conditions, and requirements to any discharge that would have been covered by the expired general permit (in accordance with any relevant requirements for that coverage) if the discharge had occurred before that expiration.

''(ii) DATE DESCRIBED.—The date referred to in clause (i) is the date that is the earlier of—

''(I) the date on which the Administrator issues a new general permit for discharges substantially similar to those covered by the expired general permit; and

''(II) the date that is 2 years after the date on which the Administrator publishes in the Federal Register a notice described in subparagraph (B).''.

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

SEC. 5. PROVIDING CERTAINTY TO PERMITS FOR DREDGED OR FILL MATERIAL.

(a) REDUCING PERMITTING UNCERTAINTY.—

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

(A) in the third sentence—

(i) by striking ''his findings and his reasons'' and inserting ''the findings and reasons of the Administrator''; and

(ii) by striking ''The Administrator'' and inserting the following:

''(4) WRITTEN DETERMINATION.—The Administrator'';

(B) in the second sentence, by striking ''Before making such determination,'' and inserting the following:

''(3) CONSULTATION.—Before making a determination under paragraph (1),'';

(C) by striking ''(c) The Administrator'' and inserting the following:

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

''(1) IN GENERAL.—The Administrator'';

(D) in paragraph (1) (as so designated)—

(i) by striking ''he is authorized''; and

(ii) by striking ''he determines, after notice and opportunity for public hearings,'' and inserting ''the Administrator determines, during the period described in paragraph (2) and after notice and opportunity for public hearings,''; and

(E) by inserting after paragraph (1) (as so designated) the following:

''(2) PERIOD OF PROHIBITION.—The period during which the Administrator may prohibit the specification (including the withdrawal of specification) of a defined area as a disposal site, or deny or restrict the use of a defined area for specification (including the withdrawal of specification) as a disposal site, under paragraph (1) is the period that—

''(A) begins on the date on which an applicant submits all the information required to complete an application for a permit under this section; and

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

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

(b) NATIONWIDE PERMITTING IMPROVEMENT.—

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

(A) by striking ''(e)(1) In carrying out his functions'' and inserting the following:

''(e) GENERAL PERMITS.—

''(1) PERMITS AUTHORIZED.—In carrying out the functions of the Secretary'';

(B) in paragraph (2)—

(i) by striking ''(2) No general'' and inserting the following:

''(2) TERM.—No general''; and

(ii) by striking ''five years'' and inserting ''10 years''; and

(C) by adding at the end the following:

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

''(A) shall consider only the effects of any discharge of dredged or fill material resulting from the activity;

''(B) shall consider any effects of a discharge of dredged or fill material into less than 3 acres of navigable waters to be a minimal adverse environmental effect; and

''(C) may consider any effects of a discharge of dredged or fill material into 3 acres or more of navigable waters to be a minimal adverse environmental effect.

''(4) NATIONWIDE PERMITS FOR LINEAR PROJECTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) LINEAR INFRASTRUCTURE PROJECT.—The term 'linear infrastructure project' means a project to carry out any activity required for—

''(I) the construction, expansion, maintenance, modification, or removal of infrastructure and associated facilities for the transmission from a point of origin to a terminal point of communications or electricity; or

''(II) the transportation from a point of origin to a terminal point of people, water, or wastewater.

''(ii) LINEAR PIPELINE PROJECT.—The term 'linear pipeline project' means a project to carry out any activity required for the construction, expansion, maintenance, modification, or removal of infrastructure and associated facilities for the transportation from a point of origin to a terminal point of carbon dioxide, fuel, or hydrocarbons, in the form of a liquid, liquescent, gaseous, or slurry substance or supercritical fluid, including oil and gas pipeline facilities.

''(iii) SINGLE AND COMPLETE PROJECT.—The term 'single and complete project' has the meaning given the term in section 330.2 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) RULE.—Notwithstanding any other provision of this section, the Secretary shall issue and maintain general permits on a nationwide basis under this subsection for—

''(i) linear infrastructure projects that result in a discharge of dredged or fill material into less than 3 acres of navigable waters for each single and complete project; and

''(ii) linear pipeline projects that do not result in the loss of navigable waters in an area that is greater than 0.5 acres for each single and complete project.

''(C) PIPELINE THRESHOLD FLOOR.—Nothing in subparagraph (B)(ii) limits the authority of the Secretary to authorize pipeline-related discharges of dredged or fill material into areas of navigable waters that are greater than 0.5 acres but below the 3-acre threshold described in subparagraph (B)(i).

''(5) REISSUANCE OF NATIONWIDE PERMITS.—In determining whether to reissue a general permit issued under this subsection on a nationwide basis—

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

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

''(C) the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall be satisfied by preparing an environmental assessment (as defined in section 111 of that Act (42 U.S.C. 4336e)) with respect to the general permit.''.

(2) REGULATORY REVISIONS REQUIRED.—The Secretary of the Army, acting through the Chief of Engineers, shall expeditiously revise the regulations applicable to carrying out section 404(e) of the Federal Water Pollution Control Act (33 U.S.C. 1344(e)) in order to streamline the processes for issuing general permits under that section to promote efficient and consistent implementation of that section.

(3) ADMINISTRATION OF NATIONWIDE PERMIT PROGRAM.—In carrying out section 404(e) of the Federal Water Pollution Control Act (33 U.S.C. 1344(e)), including in revising regulations pursuant to paragraph (2), the Secretary of the Army, acting through the Chief of Engineers, may not finalize or implement any modification to—

(A) general condition 15 (relating to single and complete projects), as included in the final rule of the Corps of Engineers entitled ''Reissuance and Modification of Nationwide Permits'' (86 Fed. Reg. 2744 (January 13, 2021));

(B) the definition of the term ''single and complete linear project'', as included in the final rule described in subparagraph (A); or

(C) the definition of the term ''single and complete project'' under section 330.2 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this Act).

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

(1) in subsection (t), by striking ''(t) Nothing in the section'' and inserting the following:

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

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

''(t) JUDICIAL REVIEW.—

''(1) STATUTE OF LIMITATIONS.—Notwithstanding any applicable provision of law—

''(A) an action seeking judicial review of the approval by the Administrator of a State permit program pursuant to this section shall be filed not later than 60 days after the date on which the approval was issued;

''(B) an action seeking judicial review of an individual permit or general permit issued under this section shall be filed not later than 60 days after the date on which the permit was issued; and

''(C) an action seeking judicial review of a verification that an activity involving the discharge of dredged or fill material is authorized by a general permit issued under this section shall be filed not later than 60 days after the date on which the verification was issued.

''(2) LIMITATION ON COMMENCEMENT OF CERTAIN ACTIONS.—Notwithstanding any other provision of law, no action described in subparagraph (A) or (B) of paragraph (1) may be commenced unless the action—

''(A) is filed by a party that submitted a comment—

''(i) during the public comment period for the administrative proceedings related to the action; and

''(ii) which was sufficiently detailed to put the Administrator, the Secretary, or the State, as applicable, on notice of the issue on which the party seeks judicial review; and

''(B) is related to that comment.

''(3) JURISDICTION.—

''(A) IN GENERAL.—Unless otherwise provided by law, a civil action subject to this subsection shall be filed in a court of appeals of the United States for—

''(i) the judicial circuit in which, as applicable—

''(I) the applicant for the applicable permit is located or has its principal place of business; or

''(II) the person seeking the applicable verification is located or has its principal place of business;

''(ii) the judicial circuit for the State, as applicable—

''(I) for which the approval for a State permit program pursuant to this section was sought; or

''(II) in which—

''(aa) the activity for which the permit was sought would be carried out; or

''(bb) the activity for which the verification was sought would be carried out; or

''(iii) the District of Columbia Circuit.

''(B) ORIGINAL AND EXCLUSIVE JURISDICTION.—A court of appeals described in subparagraph (A) shall have original and exclusive jurisdiction over the applicable civil action.

''(C) STANDING.—Notwithstanding any other provision of law, no court shall have jurisdiction to review a civil action subject to this subsection unless the civil action is filed—

''(i) not later than 60 days after the date on which the challenged action was finalized; and

''(ii) by—

''(I) the applicant; or

''(II) a person who has suffered, or likely and imminently will suffer, direct and irreparable economic harm from the approval, permit, or verification, subject to the condition that an organization or association shall satisfy the requirement of this clause only if each member of the organization or association satisfies the requirement.

''(4) STANDARD OF REVIEW.—In reviewing the denial of a permit under this section, a court shall find the denial unlawful unless the court finds, based on clear and convincing evidence, that—

''(A) the Secretary has demonstrated that no condition on the permit would achieve compliance with the applicable provisions of section 301, 302, 303, 306, or 307; and

''(B) the Secretary considered specific alternative conditions, including alternatives offered by the applicant, and determined that those alternative conditions would not achieve compliance with this section.

''(5) NONAPPLICANT CHALLENGES.—If a party other than the applicant brings a civil action subject to this subsection seeking review of a permit under this section, the nonapplicant party shall demonstrate, with

clear and convincing evidence, that, as applicable, the approval of the State permit program, the project for which the permit was granted, or the project for which verification was provided fails to achieve compliance with this section.

''(6) REMEDIES.—

''(A) ACTIONS RELATING TO PERMIT PROGRAMS.—If a court determines that the Administrator, in issuing the approval of a State permit program under this section, did not comply with this section—

''(i) the court shall remand the matter to the Administrator for further proceedings consistent with the determination of the court; and

''(ii) the court may not vacate, revoke, enjoin, or otherwise limit the authority of the State to issue permits under that State permit program.

''(B) ACTIONS RELATING TO PERMITS.—If a court determines that the Secretary or a State, as applicable, did not comply with the requirements of this section in issuing an individual or general permit under this section, or in verifying that an activity involving a discharge of dredged or fill material is authorized by a general permit issued under this section, as applicable—

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

''(ii) with respect to a determination regarding the issuance of an individual or general permit under this section—

''(I) the court may not vacate, revoke, enjoin, or otherwise limit the permit unless the court finds that activities authorized under the permit would present an imminent and substantial danger to human health or the environment for which there is no other equitable remedy available under the law; and

''(II) any injunction or other limitation ordered pursuant to subclause (I)—

''(aa) shall be narrowly tailored to the specific crossing, discharge, segment, or activity found to present an imminent and substantial danger; and

''(bb) may not extend to unrelated crossings, spreads, or project segments that are independently authorized and not the source of the alleged harm; and

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

''(7) TIMELINE TO ACT ON COURT ORDER.—If a court remands a matter under paragraph (6), the court shall set and enforce a reasonable schedule and deadline, which may not exceed 180 days from the date on which the court remands the matter except as otherwise required by law, for the Administrator, the Secretary, or a State, as applicable, to take such actions as the court may order.''.

SEC. 6. HARDROCK MINING MILL SITES.

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

''(c) ADDITIONAL MILL SITES.—

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

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

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

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

''(i) subpart 3809 of 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) IN GENERAL.—Notwithstanding subsections (a) and (b), where public land is needed by the proprietor of a lode or placer claim for operations in connection with any lode or placer claim within the proposed plan of operations, the proprietor may—

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

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

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

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

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

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

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

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

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

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

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

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

''(i) the general mining laws;

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

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

''(iv) sections 100731 through 100737 of title 54, United States Code;

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

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

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

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

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

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

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

(b) ABANDONED HARDROCK MINE FUND.—

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

(2) SOURCE OF DEPOSITS.—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.

(3) 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).

(4) ALLOCATION OF FUNDS.—Amounts made available under paragraph (3)—

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

(B) may be transferred in accordance with section 40704(e)(2) of that Act (30 U.S.C. 1245(e)(2)).

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

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

(2) in subsection (a)—

(A) in paragraph (1)—

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

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

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

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

(B) in paragraph (2)—

(i) in the second sentence—

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

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

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

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

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

(3) in subsection (b)—

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

''(2) FEE.—The location fee''; and

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

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

SEC. 7. AMENDMENTS TO NEPA.

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

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

''SEC. 2. PURPOSES.

''(a) PURPOSES.—The purposes of this Act are to''; and

(2) by adding at the end the following:

''(b) INTENT.—This Act—

''(1) is a procedural statute intended to ensure Federal agencies consider the environmental impacts of their actions during the decisionmaking process;

''(2) does not mandate particular results; and

''(3) only prescribes a purely procedural process.

''(c) EFFECT.—Nothing in this Act—

''(1) mandates any specific environmental outcome or result; or

''(2) confers substantive rights or imposes substantive duties beyond procedural requirements.''.

(b) PROCEDURE FOR DETERMINATION OF LEVEL OF REVIEW.—Section 106 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336) is amended—

(1) in the section heading, by inserting ''**; SCOPE OF REVIEW**'' after ''**LEVEL OF REVIEW**'';

(2) in subsection (a)—

(A) in paragraph (2), by striking ''109 of this Act,'' and inserting ''109, a categorical exclusion established by Congress,'';

(B) in paragraph (3), by striking ''or'';

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(5) the proposed agency action is an action for which such agency's compliance with another statute's requirements serve a similar function as the requirements of this Act with respect to such action; or

''(6) the proposed agency action—

''(A) relates to a project or action that has already been reviewed pursuant to a State or Tribal environmental review statute, ordinance, resolution, regulation, or formally adopted policy; and

''(B) the lead agency determines such review meets the requirements of this Act.'';

(3) in subsection (b)—

(A) in paragraph (2), in the first sentence—

(i) by striking ''does not'' and inserting ''is not likely to''; and

(ii) by striking ''109 of this Act,'' and inserting ''109, a categorical exclusion established by Congress,''; and

(B) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) is not required to undertake new scientific or technical research—

''(i) unless the new scientific or technical research is essential to a reasoned choice among alternatives, and the overall costs and time frame of obtaining it are not unreasonable; or

''(ii) after the receipt of an application, as applicable, with respect to such proposed agency action.''; and

(4) by adding at the end the following:

''(c) SCOPE OF REVIEW.—In preparing an environmental document for a proposed agency action, a Federal agency—

''(1) may only consider effects that share a reasonably close causal relationship to, and are proximately caused by, the immediate project or action under consideration; and

''(2) may not consider effects that are speculative, attenuated from the project or action, separate in time or place from the project or action, or in relation to separate existing or potential future projects or actions.

''(d) PRESUMPTION OF NEGATIVE IMPACTS OF TAKING NO ACTION RELATING TO TRIBAL TRUST RESOURCES.—For any proposed agency action carried out on, or directly affecting, Tribal trust resources (including land and minerals) that is initiated by the federally recognized Indian Tribe for which the United States holds the affected resources in trust, and for which an environmental document was prepared that included consideration of a no action alternative, there shall be a presumption that the effects of taking no action will be negative for the federally recognized Indian Tribe.

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

(c) TIMELY AND UNIFIED FEDERAL REVIEWS.—

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

(A) in paragraph (2)—

(i) in subparagraph (B), by striking ''at the earliest practicable time'' and inserting ''in accordance with subsection (g)(2)'';

(ii) in subparagraph (D), by striking ''carry out the proposed agency action'' and inserting ''carry out the proposed agency action in accordance with the deadlines described in subsection (g)''; and

(iii) in subparagraph (E)—

(I) by striking ''a review'' and inserting ''an environmental review''; and

(II) by striking ''such review'' and inserting ''such environmental review''; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting ''(including counties, boroughs, parishes, and other political subdivisions of a State)'' after ''local agency''; and

(ii) by adding at the end the following: ''Such comments from Federal cooperating agencies shall be limited to matters relating to the proposed agency action with respect to which the Federal cooperating agency has jurisdiction by law.''.

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

(A) by striking ''To the extent practicable,'' and inserting the following:

''(1) DOCUMENT.—To the extent practicable,''; and

(B) by adding at the end the following:

''(2) CONSIDERATION TIMING.—

''(A) IN GENERAL.—In preparing an environmental document for a proposed agency action, no Federal agency shall be required to consider any scientific or technical research that becomes publicly available after the earlier of, as applicable—

''(i) the date of receipt of an application with respect to such proposed agency action; and

''(ii) the date of publication of a notice of intent or decision to prepare such environmental document for such proposed agency action.

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

''(C) DELAY.—A Federal agency may not delay the issuance of an environmental document or a final agency action, including any decision or determination, on the basis of awaiting new scientific or technical research or information that was not available as of the earlier of the dates described in subparagraph (A).''.

(3) STATEMENT OF PURPOSE AND NEED.—Section 107(d) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(d)) is amended by striking the period at the end and inserting '', which shall, where applicable, meet the goals of the applicant.''.

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

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (5), and (6), respectively;

(B) by inserting before paragraph (3) (as so redesignated) the following:

''(1) APPLICATIONS FOR AUTHORIZATIONS.—

''(A) NOTIFICATION OF COMPLETE OR INCOMPLETE APPLICATION.—Unless a shorter deadline is specified by law, in connection with a proposed agency action for which an applicant submitted an application for an authorization to an agency, not later than 60 days after the date on which the applicant submits the application to the agency, the agency shall document receipt of the application and—

''(i) notify the applicant that the application is complete; or

''(ii) notify the applicant that the application is incomplete and request, in writing, any additional information that the agency needs—

''(I) to determine that the application is complete; and

''(II) to begin preparation of an environmental document.

''(B) AGENCY DETERMINATION.—

''(i) COMPLETE DETERMINATION.—If an agency determines that an application is complete under subparagraph (A)(i), the agency shall, not later than 60 days after the date on which the agency makes such determination—

''(I) notify the applicant that the agency has determined that—

''(aa) the proposed agency action is excluded pursuant to 1 of the agency's categorical exclusions;

''(bb) the proposed agency action is not a major Federal action; or

''(cc) no further agency action is required;

''(II) issue a notice of intent to prepare an environmental impact statement for the proposed agency action; or

''(III) notify the applicant that the agency has determined that preparation of an environmental assessment is necessary.

''(ii) INCOMPLETE DETERMINATION.—If an agency requests additional information under subparagraph (A)(ii), the deadline described in clause (i) shall be based on the date on which the agency receives the additional information instead of the date on which the determination is made.

''(2) COOPERATING AGENCIES.—

''(A) IN GENERAL.—Not later than 21 days after the date on which a lead agency issues a notice of intent under paragraph (1)(B)(i)(II) or notifies an applicant under paragraph (1)(B)(i)(III) with respect to a proposed agency action, the lead agency shall—

''(i) identify all agencies that are likely to have environmental review, authorization, or other responsibilities with respect to the proposed agency action; and

''(ii) invite each agency to become a cooperating agency.

''(B) DEADLINE TO ACCEPT INVITATION.—Not later than 21 days after the date on which an agency receives an invitation to become a cooperating agency under subparagraph

(A)(ii), the agency shall accept or deny the invitation.

''(C) CONVENING OF COOPERATING AGENCIES.—Not later than 7 days after the deadline described in subparagraph (B) has passed for each agency that received an invitation to become a cooperating agency under subparagraph (A)(ii), the lead agency that sent each invitation shall convene each agency that accepts such an invitation to coordinate on developing the schedule under subsection (a)(2)(D) for the applicable proposed agency action.

''(D) UNIDENTIFIED AGENCIES.—If an agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed agency action is not identified under subparagraph (A)(i), the lead agency with respect to the proposed agency action shall—

''(i) invite such unidentified agency to become a cooperating agency by not later than 7 days after the date on which the lead agency becomes aware that the agency has jurisdiction by law or special expertise; and

''(ii) if such agency accepts the invitation, incorporate such agency into the schedule developed under subsection (a)(2)(D) and update such schedule accordingly by not later than 14 days after the date on which the agency accepts the invitation.'';

(C) in paragraph (3) (as so redesignated)—

(i) in the paragraph heading, by striking ''IN GENERAL'' and inserting ''REVIEW TIMELINE''; and

(ii) in the matter preceding subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraph (5)'';

(D) by inserting after paragraph (3) (as so redesignated) the following:

''(4) DEADLINE FOR FINAL AGENCY ACTION.—

''(A) IN GENERAL.—For any proposed agency action for which an applicant submitted an application for an authorization to an agency, not later than 30 days after completing an environmental impact statement or an environmental assessment for the proposed agency action, the lead agency, and any cooperating agency, shall issue a final agency action.

''(B) PERFORMANCE SCHEDULE.—The agency issuing the final agency action under subparagraph (A) shall include, in the final agency action, a performance schedule for the completion of any other outstanding authorizations.'';

(E) in paragraph (5) (as so redesignated)—

(i) by striking ''the deadline described in paragraph (1)'' and inserting ''a deadline described in this subsection''; and

(ii) by striking '', in consultation with the applicant, to'' and inserting ''if the applicant approves such extension. If the applicant approves such extension, the lead agency shall'';

(F) in paragraph (6) (as so redesignated)—

(i) in subparagraph (A), by striking ''A project sponsor may'' and inserting ''Except as provided in subparagraph (C), a project sponsor may''; and

(ii) by adding at the end the following:

''(C) EXCEPTION.—A project sponsor that approved an extension of a deadline under paragraph (5) may not obtain judicial review of a failure to act in accordance with such deadline under subparagraph (A) unless the lead agency fails to meet the new deadline or is delaying for reasons other than those necessary to complete its review.''; and

(G) by adding at the end the following:

''(7) CONCURRENT REVIEW.—In carrying out an environmental review, the lead agency and each cooperating agency shall carry out the obligations of that agency under other applicable laws concurrently, and in conjunction, with other required reviews for the proposed agency action, pursuant to the requirements of applicable law, including, if applicable, this Act.''.

(d) PROGRAMMATIC ENVIRONMENTAL DOCUMENTS.—Section 108 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336b) is amended—

(1) in the matter preceding paragraph (1), by striking ''When an agency prepares'' and inserting the following:

''(a) PROGRAMMATIC ENVIRONMENTAL DOCUMENTS.—When an agency prepares'';'

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

(A) in paragraph (1), by striking ''5'' and inserting ''10''; and

(B) in paragraph (2), by striking ''5'' and inserting ''10''; and

(3) by adding at the end the following:

''(b) RELIANCE ON PREVIOUSLY COMPLETED ENVIRONMENTAL REVIEWS.—

''(1) ACTIONS THAT ARE SUBSTANTIALLY THE SAME.—A lead agency may satisfy the requirements of this Act with respect to a major Federal action by relying on an environmental assessment, environmental impact statement, or a categorical exclusion determination that the lead agency, another Federal agency, or a project sponsor under the supervision of a Federal agency completed for another major Federal action if the lead agency determines that—

''(A) the new major Federal action is substantially the same as the other major Federal action or, if applicable, an alternative analyzed in such environmental assessment or environmental impact statement; and

''(B) if applicable, the effects of the new major Federal action are substantially the same as the effects analyzed in such environmental assessment or environmental impact statement.

''(2) ACTIONS THAT ARE NOT SUBSTANTIALLY THE SAME.—

''(A) IN GENERAL.—If a new major Federal action is not substantially the same as another major Federal action or an alternative analyzed in an environmental assessment or environmental impact statement completed by the lead agency, another Federal agency, or a project sponsor under the supervision of a Federal agency, the lead agency may modify or augment any such previously completed environmental assessment or environmental impact statement as necessary to satisfy the requirements of this Act with respect to the new major Federal action.

''(B) PUBLIC AVAILABILITY.—The lead agency shall make any environmental assessment or environmental impact statement modified under subparagraph (A) publicly available as a new environmental assessment or environmental impact statement.''.

(e) ADOPTION OF CATEGORICAL EXCLUSIONS.—Section 109 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336c) is amended—

(1) in the matter preceding paragraph (1), in the first sentence, by inserting '', or that was legislatively enacted by Congress,'' after ''procedures'';

(2) in paragraph (1), by inserting '', or that was established by Congress,'' after ''procedures''; and

(3) in paragraph (2), by inserting ''if applicable,'' before ''consult''.

(f) DEFINITIONS.—Section 111 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336e) is amended—

(1) in paragraph (1), by inserting '', or Congress deems by statute,'' after ''Federal agency has determined'';

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (11), (12), and (13) as paragraphs (2), (3), (4), (5), (6), (7), (8), (11), (12), (13), and (15), respectively, and moving all paragraphs of the section so as to appear in numerical order;

(3) by inserting before paragraph (2) (as so redesignated) the following:

''(1) AUTHORIZATION.—The term 'authorization' means any lease, right-of-way, easement, license, permit, approval, finding, determination, or other administrative decision issued by an agency, or any interagency consultation, that is required or authorized under Federal law in order to construct, modify, or operate a project.'';

(4) in paragraph (10)—

(A) in subparagraph (B)—

(i) in clause (iii)—

(I) by inserting ''grants (including capitalization grants), cost share awards,'' after ''loan guarantees,'';

(II) by striking ''sufficient'' and inserting ''complete''; and

(III) by striking ''subsequent use of such financial assistance or the'';

(ii) in clause (iv), by striking ''section 7(a) or (b) and of the Small Business Act (U.S.C. 636(a)), or'' and inserting ''subsection (a) or (b) of section 7 of the Small Business Act (15 U.S.C. 636) or'';

(iii) by redesignating clauses (iv) through (vii) as clauses (vi) through (ix), respectively;

(iv) by inserting after clause (iii) the following:

''(iv) farm ownership and operating loan guarantees by the Farm Service Agency pursuant to section 305 and subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925, 1941 et seq.);

''(v) the issuance of a permit or other authorization by a Federal agency where the proposal under consideration is otherwise being evaluated or was previously evaluated by the lead agency in compliance with this Act;''; and

(v) in clause (viii) (as so redesignated), by striking ''entirely''; and

(B) by adding at the end the following:

''(C) ADDITIONAL EXCLUSIONS.—An agency action may not be determined to be a major Federal action solely on the basis of the provision of Federal funds, including a grant, loan, loan guarantee, and funding assistance.''; and

(5) by inserting after paragraph (13) (as so redesignated) the following:

''(14) REASONABLY FORESEEABLE.—

''(A) IN GENERAL.—The term 'reasonably foreseeable', with respect to environmental effects of a proposed agency action, means effects that share a reasonably close causal relationship to, and are proximately caused by, the immediate project or action under consideration.

''(B) EXCLUSIONS.—The term 'reasonably foreseeable', with respect to environmental effects of a proposed agency action, does not include effects that are—

''(i) speculative;

''(ii) attenuated from the proposed agency action;

''(iii) separate in time or place from the proposed agency action; or

''(iv) in relation to separate existing or potential future projects.''.

(g) DUTIES OF THE COUNCIL.—Section 204(4) of the National Environmental Policy Act of 1969 (42 U.S.C. 4344(4)) is amended by inserting ''energy,'' after ''health,''.

(h) JUDICIAL REVIEW.—Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 112 (42 U.S.C. 4336f) as section 110A, and moving the section so as to appear after section 110; and

(2) by inserting before section 111 the following:

''SEC. 110B. JUDICIAL REVIEW.

''(a) ROLE OF THE COURT.—In reviewing a claim or petition for review of whether a final agency action complies with the requirements of this Act, a court—

''(1) shall afford substantial deference to the agency; and

''(2) may not substitute its judgment for that of the agency with respect to the environmental effects included in the final agency action or the environmental document.

''(b) REMAND.—

''(1) IN GENERAL.—If a court holds, under section 706(2)(A) of title 5, United States Code, that a final agency action does not comply with the requirements of this Act, the only remedy the court may order, notwithstanding chapter 7 of that title, is to remand, without vacatur or injunction, the final agency action to the agency with—

''(A) specific instruction to correct the errors or deficiencies found by the court; and

''(B) a reasonable schedule and deadline to correct such errors or deficiencies, which such deadline may not exceed—

''(i) with respect to an order entered on or after the date of enactment of this section, the date that is 180 days after the date on which the order was entered; and

''(ii) with respect to an order entered before the date of enactment of this section, the date that is 180 days after that date of enactment.

''(2) CONTINUED EFFECT OF FINAL AGENCY ACTION.—A final agency action remanded under paragraph (1) shall remain in effect while the Federal agency corrects any errors or deficiencies found by the court.

''(3) PROHIBITION.—No court may issue a temporary restraining order or preliminary injunction during consideration of a claim or petition for review described in subsection (a).

''(c) LIMITATIONS ON CLAIMS AND PETITIONS FOR REVIEW.—

''(1) IN GENERAL.—Notwithstanding any other provision of law (except as provided in subparagraph (A) with respect to a shorter deadline), a claim or petition for review described in subsection (a) shall be barred unless—

''(A) the claim or petition for review is filed not later than 150 days after the date on which the final agency action is made public, unless a shorter deadline is specified under Federal law;

''(B) in the case of a final agency action or petition for review for which there was a public comment period on an environmental document, the claim or petition for review—

''(i) is filed by a party that submitted a substantive and unique comment during the public comment period by the noticed comment deadline for the environmental document and the comment was sufficiently detailed to put the applicable Federal agency on notice of the issue on which the party seeks review; and

''(ii) concerns the same subject matter raised in the comment submitted during the public comment period;

''(C) the claim or petition for review is filed by a party that has suffered or imminently will suffer direct harm from the final agency action; and

''(D) the claim or petition for review does not challenge the establishment of a categorical exclusion.

''(2) SUPPLEMENTAL ENVIRONMENTAL DOCUMENTS.—

''(A) IN GENERAL.—If an agency issues a supplemental environmental document in response to a court order remanding a final agency action, the deadline described in paragraph (1)(A) shall be the date on which the agency makes public the agency action for which the supplemental environmental document is prepared.

''(B) LIMITATION.—A claim for review of a final agency action described in subparagraph (A) shall be limited to information contained in the final supplemental environmental document that was not contained in a previous environmental document for the final agency action.

''(3) ACTIONS FOR USE OF TRIBAL TRUST RESOURCES.—

''(A) IN GENERAL.—For any final agency action that authorizes or affects the use of land, minerals, or other resources already held in trust at the time of the final agency action by the United States for the benefit of a federally recognized Indian Tribe, except as provided in subparagraph (B), there shall be no administrative or judicial review of the final agency action or petition for review based on a claim of failure to comply with the requirements of this Act.

''(B) LIMITATION.—Subparagraph (A) shall not apply to actions for administrative or judicial review—

''(i) brought by a federally recognized Indian Tribe for which the United States holds the land, minerals, or other resources in trust; or

''(ii) that involve reasonably foreseeable effects of the final agency action that occur outside the land, minerals, or other resources held in trust by the United States for the benefit of a federally recognized Indian Tribe.

''(d) DEADLINE FOR RESOLUTION.—

''(1) IN GENERAL.—A court shall issue a final judgment on a claim or petition for review described in subsection (a)—

''(A) as expeditiously as practicable; and

''(B) unless a shorter deadline is specified under Federal law, not later than the date that is 180 days after the date on which the agency record for the review is filed with the reviewing court, which shall not be more than 60 days after the filing of the claim or petition for review.

''(2) ACCELERATED DEADLINES.—Nothing in this subsection prevents a court from further expediting review of a claim or petition for review described in subsection (a).

''(3) APPEALS.—

''(A) FILING.—

''(i) IN GENERAL.—A notice of appeal of a final judgment described in this subsection shall be filed not later than 60 days after the final judgment is issued.

''(ii) REMANDED ACTIONS.—In the case of a final agency action remanded under subsection (b), the agency and, if applicable, the applicant, shall have the right to appeal during the pendency of the remand.

''(B) DEADLINE FOR REVIEW.—A court shall issue a final decision on an appeal filed under subparagraph (A)—

''(i) as expeditiously as practicable; and

''(ii) not later than the date that is 180 days after the date on which the appeal is filed.

''(e) NO EFFECT ON REVIEW OF COMPLIANCE WITH OTHER DEADLINES.—Nothing in this section affects the right to obtain review under section 107(g)(6).''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 787—CELEBRATING THE HISTORIC ANNIVERSARY OF THE JUNE 24, 2022, DECISION OF THE SUPREME COURT OF THE UNITED STATES IN DOBBS V. JACKSON WOMEN'S HEALTH ORGANIZATION

Mr. DAINES (for himself, Mr. LANKFORD, Mr. MARSHALL, Mr. TUBERVILLE, Mr. BUDD, Mr. RICKETTS, Mr. HAWLEY, Mrs. HYDE-SMITH, Mr. RISCH, Mrs. BRITT, Mr. CORNYN, Mrs. FISCHER, Mr. GRAHAM, Mr. ROUNDS, Mr. SCOTT of Florida, and Mr. BANKS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 787

Whereas the Declaration of Independence announces the self-evident truth that ''all men are created equal'' and ''are endowed by their Creator with certain unalienable Rights'';

Whereas the first of those unalienable rights is the right to life;

Whereas modern science has illuminated our understanding of the humanity of unborn life;

Whereas the Supreme Court of the United States committed a grave injustice in Roe v. Wade, 410 U.S. 113 (1973) (referred to in this preamble as ''Roe''), by inventing a constitutional right to abortion, thereby denying a class of innocent people their right to life;

Whereas more than 63,000,000 unborn lives were lost to abortion under Roe;

Whereas, on June 24, 2022, the Supreme Court of the United States, in Dobbs v. Jackson Women's Health Organization, 597 U.S. 215 (2022) (referred to in this preamble as ''Dobbs''), corrected the grave injustice committed in Roe, by holding that ''the Constitution does not confer a right to abortion'' and that ''Roe and Casey must be overruled, and the authority to regulate abortion must be returned to the people and their elected representatives'';

Whereas many States have taken historic steps to protect unborn life since the ruling of the Supreme Court of the United States in Dobbs;

Whereas the Supreme Court of the United States in Dobbs reaffirmed that authority to regulate abortion belongs to the people and their elected representatives, yet the dangerous mail-order abortion drug policy advanced by the Biden Administration undermined and continues to undermine the ability of States to enforce laws enacted to protect unborn life;

Whereas, after the Dobbs decision, more than 2,700 pregnancy centers across the United States have continued to help meet the physical, psychological, emotional, and spiritual needs of millions of women and families navigating pregnancy and to offer life-affirming alternatives to abortion; and

Whereas many millions of people in the United States continue to press to protect unborn life and strengthen support for families charged with protecting that life: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates 4 years since the ruling of the Supreme Court of the United States in Dobbs v. Jackson Women's Health Organization, 597 U.S. 215 (2022) (referred to in this resolution as ''Dobbs'');

(2) celebrates the millions of lives that will be saved as a result of the ruling in Dobbs;

(3) commits to protecting the unalienable right to life and guarding unborn lives against lethal violence;

(4) commits to supporting families, including new and expectant mothers and their children;

(5) recognizes that the promise of Dobbs requires respect for the authority of the people and their elected representatives to enact and enforce laws protecting unborn life; and

(6) commits to proclaiming the humanity of the unborn, consistent with the findings of modern science and the unswerving demands of justice.