

119TH CONGRESS
2D SESSION

S. _____

To provide for certain energy development, permitting reforms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BARRASSO introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for certain energy development, permitting reforms, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Let America Build Act of 2026”.

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

Sec. 1. Short title; table of contents.

TITLE I—OIL AND GAS LEASING AND PERMITTING

Subtitle A—Onshore and Offshore Oil and Gas Leasing

Sec. 1101. Onshore oil and gas leasing.

Sec. 1102. Offshore oil and gas leasing.

Subtitle B—Permitting of Federal Oil and Gas Minerals

- Sec. 1201. Cooperative federalism in oil and gas permitting on available Federal land.
- Sec. 1202. Permitting compliance on non-Federal land.
- Sec. 1203. State and Tribal authority for hydraulic fracturing regulation.

Subtitle C—Liquefied Natural Gas Exports

- Sec. 1301. Action on applications to export liquefied natural gas.
- Sec. 1302. Small scale LNG access.

TITLE II—MINERAL LEASING AND PERMITTING

- Sec. 2001. Land use plan criteria under the Federal Land Policy and Management Act of 1976.
- Sec. 2002. Congressional approval of withdrawals under the Federal Land Policy and Management Act of 1976.
- Sec. 2003. Prohibition of the establishment of new categories of Federal land designations by the heads of Federal land management agencies.
- Sec. 2004. Coal leases on Federal land.
- Sec. 2005. Modification to definitions of critical material and critical mineral and critical mineral designation criteria.
- Sec. 2006. Permitting process improvements.

TITLE III—FEDERAL ENERGY REGULATORY COMMISSION

- Sec. 3001. Federal authorizations under the Natural Gas Act.
- Sec. 3002. Federal authorizations under section 216 of the Federal Power Act.
- Sec. 3003. Promoting interagency coordination for review of natural gas projects.
- Sec. 3004. Tolling order reform for the Natural Gas Act.
- Sec. 3005. Tolling order reform for the Federal Power Act.
- Sec. 3006. De novo review of civil penalties under the Natural Gas Act.
- Sec. 3007. Judicial review.

1 **TITLE I—OIL AND GAS LEASING**
 2 **AND PERMITTING**

3 **Subtitle A—Onshore and Offshore**
 4 **Oil and Gas Leasing**

5 **SEC. 1101. ONSHORE OIL AND GAS LEASING.**

6 (a) MINERAL LEASING ACT REFORMS.—

- 7 (1) PROTESTED LEASE SALES.—Section
 8 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.
 9 226(b)(1)(A)) is amended by inserting after the sev-

1 enth sentence the following: “The Secretary of the
2 Interior shall resolve any protest to a lease sale
3 within 60 days following such payment. Notwith-
4 standing any other provision of law, if the Secretary
5 of the Interior denies a protest to a lease sale, any
6 lease subject to the protest shall not be subject to
7 further environmental review by the Secretary of the
8 Interior pursuant to the National Environmental
9 Policy Act of 1969 (42 U.S.C. 4321 et seq.).”.

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

13 “(r) EFFECT OF LITIGATION.—

14 “(1) IN GENERAL.—A civil action relating to an
15 environmental review under the Federal Land Policy
16 and Management Act of 1976 (43 U.S.C. 1701 et
17 seq.), division A of subtitle III of title 54, United
18 States Code (formerly known as the ‘National His-
19 toric Preservation Act’), or the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
21 with respect to a lease sale conducted under this sec-
22 tion shall not—

23 “(A) affect the validity of a lease issued
24 under the lease sale that is the subject of the
25 civil action; or

1 “(B) except as provided in paragraph
2 (3)(B), cause a delay in the timelines estab-
3 lished under subsection (p)(2) for the consider-
4 ation of an application for permit to drill with
5 respect to a lease issued under the lease sale
6 that is the subject of the civil action.

7 “(2) REMAND; PROCESSING OF APPLICATIONS
8 FOR PERMIT TO DRILL.—If, in a civil action de-
9 scribed in paragraph (1), the environmental review
10 for a lease sale is found by the applicable court to
11 violate the National Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.)—

13 “(A) notwithstanding chapter 5 or 7 of
14 title 5, United States Code (commonly referred
15 to as the ‘Administrative Procedure Act’), the
16 applicable court shall not set aside the lease
17 sale and vacate the leases issued pursuant to
18 the sale but instead remand the matter to the
19 Secretary of the Interior to resolve the viola-
20 tion; and

21 “(B) the Secretary of the Interior shall
22 continue to process all applicable applications
23 for permit to drill pursuant to subsection
24 (p)(2).

25 “(3) NOTICE.—

1 “(A) IN GENERAL.—Not later than 60
2 days after the date on which a civil action de-
3 scribed in paragraph (1) is filed, the Secretary
4 of the Interior shall notify the holder of any
5 lease issued under the lease sale that is the sub-
6 ject of the civil action of the filing of the civil
7 action.

8 “(B) TIMELINE.—Not later than 90 days
9 after the date of receipt of a notice under sub-
10 paragraph (A), the leaseholder may file with the
11 Secretary of the Interior a request to pause the
12 timeline under subsection (e)(1) with respect to
13 the term of the lease during any period in
14 which the civil action is pending.”.

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

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

23 “(1) the express written agreement to the can-
24 cellation by the lessee; or

1 the ‘Administrative Procedure Act’), no action contesting
2 a decision of the Secretary involving any oil and gas lease
3 sale, individual lease, or individual permit shall be main-
4 tained unless the action is commenced or taken by not
5 later than 60 days after the date on which the final deci-
6 sion of the Secretary relating to the action was made.

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

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

13 “(2) for a lease sale, in a district court of the
14 United States in the State in which the sale oc-
15 curred.

16 “(c) REMOVAL.—A defendant or defendant inter-
17 venor in an action challenging a lease sale, lease, or permit
18 in multiple States may remove the action to the district
19 court of the United States for the district in which the
20 property is located pursuant to section 1441(e) of title 28,
21 United States Code.”.

22 **SEC. 1102. OFFSHORE OIL AND GAS LEASING.**

23 (a) LEASE OR PERMIT CANCELLATION.—

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

4 (A) in the matter preceding subparagraph
5 (A), by striking “any lease or permit—” and all
6 that follows through the end of subparagraph
7 (B) and inserting the following: “any lease or
8 permit—

9 “(A) that the lease or permit shall be con-
10 sidered to be valid and not subject to cancella-
11 tion by the Secretary for any reason, except
12 for—

13 “(i) the express written agreement to
14 the cancellation by the lessee or permittee;
15 or

16 “(ii) a determination by the Secretary
17 that cancellation is appropriate (including
18 cancellation under subsection (c), section
19 8(o), section 11(e)(1), and subsections
20 (h)(2)(C) and (j) of section 25), in accord-
21 ance with the regulations prescribed under
22 this section, subject to the limitation that
23 a lease or permit may not be cancelled by
24 the Secretary based on a finding by a Fed-
25 eral court that the environmental review

1 for the lease sale pursuant to which the
2 lease was issued was in violation of the
3 National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.); and”;
5 (B) by redesignating subparagraph (C) as
6 subparagraph (B).

7 (2) CONFORMING AMENDMENTS.—

8 (A) Section 11(c)(1) of the Outer Conti-
9 nental Shelf Lands Act (43 U.S.C. 1340(c)(1))
10 is amended—

11 (i) in the fourth sentence, by striking
12 “result in any condition described in sec-
13 tion 5(a)(2)(A)(i) of this Act” and insert-
14 ing “probably cause serious harm or dam-
15 age to life (including fish and other aquatic
16 life), to property, to any mineral (in areas
17 leased or not leased), to the national secu-
18 rity or defense, or to the marine, coastal,
19 or human environment”;
20 and

21 (ii) in the fifth sentence—

22 (I) by striking “, subject to sec-
23 tion 5(a)(2)(B) of this Act,”; and

24 (II) by striking “section
25 5(a)(2)(C) (i) or (ii) of this Act” and
inserting “section 5(a)(2)(B)”.

1 (B) Section 25(h)(2)(C) of the Outer Con-
2 tinental Shelf Lands Act (43 U.S.C.
3 1351(h)(2)(C)) is amended, in the first sen-
4 tence, by striking “section 5(a)(2)(C) of this
5 Act” and inserting “section 5(a)(2)(B)”.

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

9 “(q) EFFECT OF LITIGATION.—

10 “(1) IN GENERAL.—A civil action relating to an
11 environmental review under the National Environ-
12 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
13 with respect to a lease sale conducted under this sec-
14 tion shall not—

15 “(A) affect the validity of a lease issued
16 under the lease sale that is the subject of the
17 civil action; or

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

23 “(2) REMAND; PROCESSING OF APPLICATIONS
24 FOR PERMIT TO DRILL.—If, in a civil action de-
25 scribed in paragraph (1), the environmental review

1 for a lease sale is found by the applicable court to
2 violate the National Environmental Policy Act of
3 1969 (42 U.S.C. 4321 et seq.)—

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

11 “(B) the Secretary shall continue to proc-
12 ess all applicable applications for permit to drill
13 in accordance with this Act.

14 “(3) NOTICE.—

15 “(A) IN GENERAL.—Not later than 60
16 days after the date on which a civil action de-
17 scribed in paragraph (1) is filed, the Secretary
18 shall notify the holder of any lease issued under
19 the lease sale that is the subject of the civil ac-
20 tion of the filing of the civil action.

21 “(B) TIMELINE.—Not later than 90 days
22 after the date of receipt of a notice under sub-
23 paragraph (A), the leaseholder may file with the
24 Secretary a request to pause the timeline with

1 respect to the term of the lease during any pe-
2 riod in which the civil action is pending.”.

3 **Subtitle B—Permitting of Federal**
4 **Oil and Gas Minerals**

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

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

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

11 (2) by inserting after section 43 the following:

12 **“SEC. 44. COOPERATIVE FEDERALISM IN OIL AND GAS PER-**
13 **MITTING ON AVAILABLE FEDERAL LAND.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) APD.—The term ‘APD’ means a permit—

16 “(A) that grants authority to drill for oil
17 and gas; and

18 “(B) for which an application has been re-
19 ceived that includes—

20 “(i) a drilling plan; and

21 “(ii) evidence of bond coverage.

22 “(2) AVAILABLE FEDERAL LAND.—The term
23 ‘available Federal land’ means any Federal land
24 that—

1 “(A) is located within the boundaries of a
2 State;

3 “(B) is not held by the United States in
4 trust for the benefit of a federally recognized
5 Indian Tribe or a member of a federally recog-
6 nized Indian Tribe;

7 “(C) is not a unit of the National Park
8 System;

9 “(D) is not a unit of the National Wildlife
10 Refuge System, other than a unit of the Na-
11 tional Wildlife Refuge System for which oil and
12 gas drilling is allowed under law;

13 “(E) is not a congressionally approved wil-
14 derness area under the Wilderness Act (16
15 U.S.C. 1131 et seq.); and

16 “(F) has been identified as land available
17 for lease, or has been leased, for the explo-
18 ration, development, and production of oil and
19 gas—

20 “(i) by the Bureau of Land Manage-
21 ment under—

22 “(I) a resource management plan
23 under the Federal Land Policy and
24 Management Act of 1976 (43 U.S.C.
25 1701 et seq.); or

1 “(II) an integrated activity plan
2 with respect to the National Petro-
3 leum Reserve-Alaska; or

4 “(ii) by the Forest Service under a
5 National Forest management plan under
6 the Forest and Rangeland Renewable Re-
7 sources Planning Act of 1974 (16 U.S.C.
8 1600 et seq.).

9 “(3) DRILLING PLAN.—The term ‘drilling plan’
10 means a plan described in section 3162.3–1(e) of
11 title 43, Code of Federal Regulations (or a successor
12 regulation).

13 “(4) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of the Interior.

15 “(5) STATE APPLICANT.—The term ‘State ap-
16 plicant’ means a State that submits an application
17 under subsection (c).

18 “(6) STATE PROGRAM.—The term ‘State pro-
19 gram’ means a program in a State under which the
20 State may—

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

1 “(B) impose sanctions for violations of
2 State laws, regulations, or any condition of an
3 issued APD or approved drilling plan, as appli-
4 cable.

5 “(7) SUNDRY NOTICE.—The term ‘sundry no-
6 tice’ means a written request submitted pursuant to
7 section 3173.10 of title 43, Code of Federal Regula-
8 tions (or successor regulations).

9 “(8) SUSPENSION OF OPERATIONS OR PRODUC-
10 TION.—The term ‘suspension of operations or pro-
11 duction’ means a suspension of operations or pro-
12 duction described in section 17 or section 39.

13 “(b) AUTHORIZATIONS.—

14 “(1) IN GENERAL.—On receipt of an applica-
15 tion under subsection (c), the Secretary may dele-
16 gate to a State exclusive authority—

17 “(A) to issue an APD on available Federal
18 land;

19 “(B) to approve drilling plans on available
20 Federal land;

21 “(C) to approve sundry notices relating to
22 work performed on available Federal land;

23 “(D) to approve suspensions of operations
24 or production; and

1 “(E) to grant rights-of-way in accordance
2 with paragraph (3).

3 “(2) INSPECTION AND ENFORCEMENT.—On re-
4 quest of a State for which authority is delegated
5 under paragraph (1), the authority delegated may
6 include the authority to inspect and enforce an
7 APD, drilling plan, or right-of-way, as applicable.

8 “(3) RIGHTS-OF-WAY.—The authority to grant
9 a right-of-way delegated to a State under paragraph
10 (1)(E) shall be the authority of the Secretary or the
11 Secretary of Agriculture, as applicable, under section
12 501 of the Federal Land Policy and Management
13 Act of 1976 (43 U.S.C. 1761) and section 28 of this
14 Act, to grant, issue, or renew rights-of-way over,
15 upon, under, or through available Federal land.

16 “(4) EFFECT OF FEDERAL ENVIRONMENTAL
17 REVIEWS.—A State for which authority is delegated
18 under paragraph (1) shall continue processing appli-
19 cations for an APD, applications for approval of a
20 drilling plan, applications for approval of a sundry
21 notice, and applications to grant a right-of-way, re-
22 gardless of whether the Federal Government is car-
23 rying out any review related to the APD, drilling
24 plan, sundry notice, or right-of-way under the Na-
25 tional Environmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) or the Endangered Species Act of
2 1973 (16 U.S.C. 1531 et seq.).

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

11 “(c) STATE APPLICATION PROCESS.—

12 “(1) SUBMISSION OF APPLICATION.—A State
13 seeking a delegation of authority under subpara-
14 graph (A), (B), (C), (D), or (E) of subsection (b)(1)
15 shall submit to the Secretary an application at such
16 time, in such manner, and containing such informa-
17 tion as the Secretary may require, including a de-
18 scription of the State program that the State pro-
19 poses to administer under State law.

20 “(2) DEADLINE FOR APPROVAL OR DIS-
21 APPROVAL.—Not later than 180 days after the date
22 on which an application under paragraph (1) is re-
23 ceived, the Secretary shall approve or disapprove the
24 application.

25 “(3) REQUIREMENTS FOR APPROVAL.—

1 “(A) IN GENERAL.—The Secretary may
2 approve an application received under para-
3 graph (1) only if the Secretary determines
4 that—

5 “(i) the State applicant would be at
6 least as effective as the Secretary in
7 issuing APDs, approving drilling plans, ap-
8 proving sundry notices, approving suspen-
9 sions of operations or production, or grant-
10 ing rights-of-way, as applicable;

11 “(ii) the State program of the State
12 applicant—

13 “(I) complies with this Act; and

14 “(II) provides for the termination
15 or modification of an issued APD, ap-
16 proved drilling plan, approved sundry
17 notice, approved suspension of oper-
18 ations or production, or granted right-
19 of-way, as applicable, for cause, in-
20 cluding for—

21 “(aa) the violation of any
22 condition of the issued APD, ap-
23 proved drilling plan, approved
24 sundry notice, approved suspen-

1 sion of operations or production,
2 or granted right-of-way;

3 “(bb) obtaining the issued
4 APD, approved drilling plan, ap-
5 proved sundry notice, approved
6 suspension of operations or pro-
7 duction, or granted right-of-way
8 by misrepresentation; or

9 “(cc) failure to fully disclose
10 in the application all relevant
11 facts;

12 “(iii) the State applicant has suffi-
13 cient administrative and technical per-
14 sonnel and sufficient funding to carry out
15 the State program; and

16 “(iv) approval of the application
17 would not result in decreased royalty pay-
18 ments owed to the United States under
19 section 35(a).

20 “(B) MEMORANDA OF UNDERSTANDING.—

21 With respect to a State applicant seeking au-
22 thority under subsection (b)(2) to inspect and
23 enforce APDs, drilling plans, or rights-of-way,
24 as applicable, before approving the application
25 of the State applicant, the Secretary shall enter

1 into a memorandum of understanding with the
2 State applicant under paragraph (6) that de-
3 scribes the Federal and State responsibilities
4 with respect to the inspection and enforcement.

5 “(C) PUBLIC NOTICE.—Before approving
6 an application received under paragraph (1),
7 the Secretary shall—

8 “(i) provide public notice of the appli-
9 cation;

10 “(ii) solicit public comment for the
11 application; and

12 “(iii) hold a public hearing for the ap-
13 plication in the State.

14 “(4) DISAPPROVAL.—If the Secretary dis-
15 approves an application submitted under paragraph
16 (1), the Secretary shall provide to the State appli-
17 cant written notification of—

18 “(A) the reasons for the disapproval, in-
19 cluding any information, data, or analysis on
20 which the disapproval is based; and

21 “(B) any revisions or modifications nec-
22 essary to obtain approval.

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

1 “(6) STATE MEMORANDA OF UNDER-
2 STANDING.—Before a State submits an application
3 under paragraph (1), the Secretary, on request of
4 the State, may enter into a memorandum of under-
5 standing with the State regarding the proposed
6 State program—

7 “(A) to describe the Federal and State re-
8 sponsibilities for oil and gas regulations;

9 “(B) to provide technical assistance; and

10 “(C) to share best management practices.

11 “(d) ADMINISTRATIVE FEES FOR APDS.—

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

16 “(2) NO COLLECTION OF FEE BY SEC-
17 RETARY.—The Secretary may not collect a fee from
18 the applicant or from the State for an application
19 for an APD that is submitted to a State for which
20 authority has been delegated under subsection
21 (b)(1)(A).

22 “(3) USE.—A State shall use 100 percent of
23 the fees collected under this subsection for the ad-
24 ministration of the approved State program of the
25 State.

1 “(e) VOLUNTARY TERMINATION OF AUTHORITY.—

2 “(1) IN GENERAL.—After providing written no-
3 tice to the Secretary, a State may voluntarily termi-
4 nate any authority delegated to the State under sub-
5 section (b)(1) on expiration of the 60-day period be-
6 ginning on the date on which the Secretary receives
7 the written notice.

8 “(2) RESUMPTION BY SECRETARY.—On termi-
9 nation of the authority delegated to a State under
10 paragraph (1), the Secretary shall resume any ac-
11 tivities for which authority was delegated to the
12 State under subsection (b)(1).

13 “(f) APPEAL OF DENIAL OF APPLICATION.—If a
14 State for which the Secretary has delegated authority
15 under subsection (b)(1) denies an application submitted
16 under subsection (c)(1), the applicant may appeal the de-
17 cision to the Office of Hearings and Appeals of the De-
18 partment of the Interior.

19 “(g) FEDERAL ADMINISTRATION OF STATE PRO-
20 GRAM.—

21 “(1) NOTIFICATION.—If the Secretary has rea-
22 son to believe that a State is not administering or
23 enforcing an approved State program, the Secretary
24 shall notify the relevant State regulatory authority
25 of any possible deficiencies.

1 “(2) STATE RESPONSE.—Not later than 30
2 days after the date on which a State receives notifi-
3 cation of a possible deficiency under paragraph (1),
4 the State shall—

5 “(A) take appropriate action to correct the
6 possible deficiency; and

7 “(B) notify the Secretary of the action in
8 writing.

9 “(3) DETERMINATION.—

10 “(A) IN GENERAL.—On expiration of the
11 30-day period described in paragraph (2), the
12 Secretary shall issue public notice of any deter-
13 mination of the Secretary that—

14 “(i) a violation of all or any part of an
15 approved State program has resulted from
16 a failure of the State to administer or en-
17 force the approved State program of the
18 State; or

19 “(ii) the State has not demonstrated
20 the capability and intent of the State to
21 administer or enforce the State program of
22 the State.

23 “(B) APPEAL.—A State may appeal the
24 determination of the Secretary under subpara-

1 graph (A) in the applicable district court of the
2 United States.

3 “(C) RESUMPTION BY SECRETARY PEND-
4 ING APPEAL.—The Secretary may not resume
5 activities under paragraph (4) if an appeal
6 under subparagraph (B) is pending.

7 “(4) RESUMPTION BY SECRETARY.—Except as
8 provided in paragraph (3)(C), if the Secretary has
9 made a determination under paragraph (3)(A), the
10 Secretary shall resume any activities for which au-
11 thority was delegated to the State during the pe-
12 riod—

13 “(A) beginning on the date on which the
14 Secretary issues the public notice under para-
15 graph (3)(A); and

16 “(B) ending on the date on which the Sec-
17 retary determines that the State may admin-
18 ister or enforce, as applicable, the approved
19 State program of the State.

20 “(5) STANDING.—A State with an approved
21 regulatory program shall have standing to sue the
22 Secretary for any action taken under this sub-
23 section.”.

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

4 (1) by striking “Action by the Secretary” and
5 inserting “The Secretary”;

6 (2) by striking “with respect to any of the ac-
7 tivities described in subsection (b) shall be subject to
8 a rebuttable presumption that the use of” and in-
9 serting “shall apply”; and

10 (3) by striking “would apply if the activity” and
11 inserting “for each action described in subsection (b)
12 if the action”.

13 **SEC. 1202. PERMITTING COMPLIANCE ON NON-FEDERAL**
14 **LAND.**

15 (a) IN GENERAL.—Notwithstanding the Mineral
16 Leasing Act (30 U.S.C. 181 et seq.), the Federal Oil and
17 Gas Royalty Management Act of 1982 (30 U.S.C. 1701
18 et seq.), or subpart 3162 of part 3160 of title 43, Code
19 of Federal Regulations (or successor regulations), but sub-
20 ject to any applicable State or Tribal requirements and
21 subsection (c), the Secretary of the Interior shall not re-
22 quire a permit to drill for an oil and gas lease under the
23 Mineral Leasing Act (30 U.S.C. 181 et seq.) for an action
24 occurring within an oil and gas drilling or spacing unit
25 if—

1 (1) the Federal Government—

2 (A) owns less than 50 percent of the min-
3 erals within the oil and gas drilling or spacing
4 unit; and

5 (B) does not own or lease the surface es-
6 tate within the area directly impacted by the
7 action;

8 (2) the well is located on non-Federal land over-
9 lying a non-Federal mineral estate, but some portion
10 of the wellbore enters and produces from the Fed-
11 eral mineral estate subject to the lease; or

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

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

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

21 (A) notify the Secretary of the Interior of
22 the submission of a State application for a per-
23 mit to drill or drilling plan on submission of the
24 application; and

1 (B) provide a copy of the application de-
2 scribed in subparagraph (A) to the Secretary of
3 the Interior not later than 5 days after the date
4 on which the permit or plan is submitted;

5 (2) each lessee, designee of a lessee, or applica-
6 ble State shall notify the Secretary of the Interior of
7 the approved State permit to drill or drilling plan
8 not later than 45 days after the date on which the
9 permit or plan is approved; and

10 (3) each lessee or designee of a lessee shall pro-
11 vide, prior to commencing drilling operations, agree-
12 ments authorizing the Secretary of the Interior to
13 enter non-Federal land, as necessary, for inspection
14 and enforcement of the terms of the Federal lease.

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

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

20 (1) other authorities of the Secretary of the In-
21 terior under the Federal Oil and Gas Royalty Man-
22 agement Act of 1982 (30 U.S.C. 1701 et seq.); or

23 (2) the amount of royalties due to the Federal
24 Government from the production of the Federal min-
25 erals within the oil and gas drilling or spacing unit.

1 (e) AUTHORITY ON NON-FEDERAL LAND.—Section
2 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is
3 amended—

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

7 “(g)(1) The Secretary of the Interior, or”; and

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

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

13 “(i) to require a bond to protect non-Federal
14 land;

15 “(ii) to enter non-Federal land without the con-
16 sent of the applicable landowner;

17 “(iii) to impose mitigation requirements; or

18 “(iv) to require approval for surface reclama-
19 tion.

20 “(B) Land referred to in subparagraph (A) is—

21 “(i) land with respect to which the Federal
22 Government—

23 “(I) owns less than 50 percent of the min-
24 erals within the oil and gas drilling or spacing
25 unit; and

1 “(II) does not own or lease the surface es-
2 tate within the area directly impacted by the
3 action;

4 “(ii) non-Federal land overlying a non-Federal
5 mineral estate on which the applicable well is lo-
6 cated, but some portion of the wellbore enters and
7 produces from the Federal mineral estate subject to
8 the lease; or

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

14 **SEC. 1203. STATE AND TRIBAL AUTHORITY FOR HYDRAULIC**
15 **FRACTURING REGULATION.**

16 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is
17 amended by inserting after section 44 (as added by section
18 1201(a)(2)) the following:

19 **“SEC. 45. STATE AND TRIBAL AUTHORITY FOR HYDRAULIC**
20 **FRACTURING REGULATION.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) HYDRAULIC FRACTURING.—The term ‘hy-
23 draulic fracturing’ means the process of creating
24 small cracks or fractures in underground geological
25 formations for well stimulation purposes of bringing

1 hydrocarbons into the wellbore and to the surface
2 for capture.

3 “(2) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of the Interior.

5 “(b) ENFORCEMENT OF FEDERAL REGULATIONS.—
6 The Secretary shall not enforce any Federal regulation,
7 guidance, or permit requirement regarding hydraulic frac-
8 turing relating to oil, gas, or geothermal production activi-
9 ties on or under any land in any State that has regula-
10 tions, guidance, or permit requirements for that activity.

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

16 “(d) TRANSPARENCY OF STATE REGULATIONS.—

17 “(1) IN GENERAL.—Each State shall submit to
18 the Bureau of Land Management a copy of the reg-
19 ulations of the State that apply to hydraulic frac-
20 turing operations on Federal land, including the reg-
21 ulations that require disclosure of chemicals used in
22 hydraulic fracturing operations.

23 “(2) AVAILABILITY.—The Secretary shall make
24 available to the public on the website of the Sec-

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

3 (ii) the Maritime Administration.

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of Energy.

6 (b) DECISION DEADLINE.—The Secretary shall issue
7 a final decision on a covered application not later than
8 45 days after the later of—

9 (1) the date on which each review required
10 under the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.) with respect to the
12 siting, construction, expansion, or operation of the
13 covered facility that is the subject of the covered ap-
14 plication is concluded in accordance with subsection
15 (c); and

16 (2) the date of enactment of this Act.

17 (c) CONCLUSION OF REVIEW.—For purposes of sub-
18 section (b), a review required under the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall
20 be concluded on the date on which the lead agency, as
21 applicable—

22 (1) publishes a notice of availability of the final
23 environmental impact statement, for a covered facil-
24 ity requiring an environmental impact statement;

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

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

8 (d) **UNTIMELY FINAL DECISION.**—

9 (1) **IN GENERAL.**—If the Secretary fails to
10 issue a final decision under subsection (b) by the ap-
11 plicable date required under that subsection, the cov-
12 ered application shall be considered approved, and
13 the environmental review issued by the lead agency
14 under subsection (c) shall be considered sufficient to
15 satisfy all requirements of the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

20 (e) **JUDICIAL REVIEW.**—

21 (1) **IN GENERAL.**—Except for review in the Su-
22 preme Court of the United States, the court of ap-
23 peals of the United States for the circuit in which
24 a covered facility is, or will be, located pursuant to
25 a covered application shall have original and exclu-

1 sive jurisdiction over any civil action for the review
2 of an order issued by the Secretary with respect to
3 the covered application.

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

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

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

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

15 (A) on a motion by the applicant, trans-
16 ferred to the court of appeals of the United
17 States in which the covered facility that is the
18 subject of the covered application is, or will be,
19 located; and

20 (B) adjudicated in accordance with this
21 subsection.

22 **SEC. 1302. SMALL SCALE LNG ACCESS.**

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

1 “(c) EXPEDITED APPLICATION AND APPROVAL
2 PROCESS.—

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

8 “(A) The importation of natural gas re-
9 ferred to in subsection (b).

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

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

18 “(2) EXCLUSION.—Subparagraphs (B) and (C)
19 of paragraph (1) shall not apply to any nation sub-
20 ject to sanctions imposed by the United States.”.

1 **TITLE II—MINERAL LEASING**
2 **AND PERMITTING**

3 **SEC. 2001. LAND USE PLAN CRITERIA UNDER THE FEDERAL**
4 **LAND POLICY AND MANAGEMENT ACT OF**
5 **1976.**

6 Section 202(c) of the Federal Land Policy and Man-
7 agement Act of 1976 (43 U.S.C. 1712(c)) is amended—

8 (1) in paragraph (8), by striking “and” at the
9 end;

10 (2) by redesignating paragraph (9) as para-
11 graph (10); and

12 (3) by inserting after paragraph (8) the fol-
13 lowing:

14 “(9)(A) review a mineral resource assessment
15 applicable to the public lands covered by the land
16 use plan that was completed during the 10-year pe-
17 riod ending on the effective date of the land use
18 plan; and

19 “(B) in consultation with the Secretary of En-
20 ergy and the Secretary of Defense, determine the
21 significance of the minerals located within the public
22 lands to energy security, national security, and eco-
23 nomic security, in accordance with subparagraph
24 (A); and”.

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

4 Section 204(c)(1) of the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C. 1714(c)(1)) is
6 amended in the second sentence by striking “no later than
7 its effective date” and all that follows through “approve
8 the withdrawal” and inserting “not later than 90 days be-
9 fore the effective date of the withdrawal and the with-
10 drawal shall terminate and become ineffective if Congress
11 has not enacted a joint resolution approving the with-
12 drawal prior to the effective date of the withdrawal”.

13 **SEC. 2003. PROHIBITION OF THE ESTABLISHMENT OF NEW**
14 **CATEGORIES OF FEDERAL LAND DESIGNA-**
15 **TIONS BY THE HEADS OF FEDERAL LAND**
16 **MANAGEMENT AGENCIES.**

17 The head of a Federal land management agency may
18 not establish a new category of Federal land designations
19 that is not otherwise expressly authorized by Federal stat-
20 ute.

21 **SEC. 2004. COAL LEASES ON FEDERAL LAND.**

22 (a) ENVIRONMENTAL REQUIREMENTS FOR NEW
23 COAL LEASES.—The environmental assessment prepared
24 by the Bureau of Land Management entitled “Lifting the
25 Pause on the Issuance of New Federal Coal Leases for
26 Thermal (Steam) Coal” (DOI–BLM–WO–WO2100–

1 2019–0001–EA) is deemed to satisfy the requirements of
2 the National Environmental Policy Act of 1969 (42 U.S.C.
3 4321 et seq.) for purposes of the issuance of new coal
4 leases on Federal land.

5 (b) OFFERING OF LEASES; ACCEPTANCE OF BIDS.—
6 Section 2(a)(1) of the Mineral Leasing Act (30 U.S.C.
7 201(a)(1)) is amended—

8 (1) in the first sentence—

9 (A) by striking “he finds” and inserting
10 “the Secretary of the Interior finds”; and

11 (B) by striking “he shall, in his discretion,
12 upon the request of any qualified applicant or
13 on his own motion, from time to time, offer”
14 and inserting “the Secretary of the Interior, not
15 later than 90 days after the date of receipt of
16 the request of any qualified applicant, or on the
17 motion of the Secretary of the Interior not
18 fewer than 4 times each calendar year, shall
19 offer”; and

20 (2) in the fifth sentence, by striking “No bid
21 shall be accepted which is less than the fair market
22 value, as determined by the Secretary,” and insert-
23 ing “No bid shall be accepted that is less than the
24 fair market value, as determined by the Secretary of

1 the Interior by the date that is 45 days after the
2 date of receipt of the bid.”.

3 **SEC. 2005. MODIFICATION TO DEFINITIONS OF CRITICAL**
4 **MATERIAL AND CRITICAL MINERAL AND**
5 **CRITICAL MINERAL DESIGNATION CRITERIA.**

6 (a) DEFINITIONS OF CRITICAL MATERIAL AND CRIT-
7 ICAL MINERAL.—

8 (1) DEFINITION OF CRITICAL MATERIAL.—Sec-
9 tion 7002(a)(2)(A) of the Energy Act of 2020 (30
10 U.S.C. 1606(a)(2)(A)) is amended, in the matter
11 preceding clause (i), by striking “non-fuel”.

12 (2) DEFINITION OF CRITICAL MINERAL.—Sec-
13 tion 7002(a)(3)(B)(i) of the Energy Act of 2020 (30
14 U.S.C. 1606(a)(3)(B)(i)) is amended by striking
15 “fuel minerals” and inserting “oil, oil shale, coal
16 (excluding metallurgical coal), or natural gas”.

17 (b) MODIFICATION TO CRITICAL MINERAL DESIGNA-
18 TION CRITERIA.—Section 7002(c)(4)(A)(ii) of the Energy
19 Act of 2020 (30 U.S.C. 1606(c)(4)(A)(ii)) is amended by
20 inserting “significant projected domestic production de-
21 cline,” after “abrupt demand growth,”.

22 **SEC. 2006. PERMITTING PROCESS IMPROVEMENTS.**

23 (a) DEFINITIONS.—In this section:

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

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

8 (3) MINERAL.—The term “mineral” means any
9 mineral subject to sections 2319 through 2344 of
10 the Revised Statutes (commonly known as the “Min-
11 ing Law of 1872”) (30 U.S.C. 22 et seq.), and min-
12 erals located on lands acquired by the United States
13 (as defined in section 2 of the Mineral Leasing Act
14 for Acquired Lands (30 U.S.C. 351)).

15 (4) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (5) STATE.—The term “State” means—

18 (A) a State;

19 (B) the District of Columbia;

20 (C) the Commonwealth of Puerto Rico;

21 (D) Guam;

22 (E) American Samoa;

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

25 (G) the United States Virgin Islands.

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

4 (1) in the section heading, by striking “**CRIT-**
5 **ICAL MINERALS**” and inserting “**MINERALS**”;

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

8 “(a) DEFINITIONS.—In this section:

9 “(1) LEAD AGENCY.—The term ‘lead agency’
10 means the Federal agency with primary responsi-
11 bility for issuing a mineral exploration or mine per-
12 mit or lease for a mineral project.

13 “(2) MINERAL.—The term ‘mineral’ has the
14 meaning given the term in section 2006(a) of the
15 Let America Build Act of 2026.

16 “(3) MINERAL EXPLORATION OR MINE PER-
17 MIT.—The term ‘mineral exploration or mine permit’
18 means—

19 “(A) an authorization of the Bureau of
20 Land Management or the Forest Service, as ap-
21 plicable, for exploration for minerals that re-
22 quire analysis under the National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4321 et
24 seq.);

1 “(B) a plan of operations for a mineral
2 project approved by the Bureau of Land Man-
3 agement or the Forest Service; or

4 “(C) any other Federal permit or author-
5 ization for a mineral project.

6 “(4) MINERAL PROJECT.—The term ‘mineral
7 project’ means a project that—

8 “(A) is located on—

9 “(i) a mining claim, millsite claim, or
10 tunnel site claim for any mineral;

11 “(ii) lands open to mineral entry; or

12 “(iii) a Federal mineral lease; and

13 “(B) is for the purposes of exploring for or
14 producing minerals.”;

15 (3) in subsection (b), by striking “critical” each
16 place it appears;

17 (4) in subsection (c)—

18 (A) in the matter preceding paragraph

19 (1)—

20 (i) by striking “critical mineral pro-
21 duction on Federal land” and inserting
22 “mineral projects”; and

23 (ii) by striking “practicable, shall
24 complete the” and inserting “practicable,

1 and in accordance with subsection (h),
2 shall complete those”;

3 (B) in paragraph (1), by striking “critical
4 mineral-related activities on Federal land” and
5 inserting “mineral projects”;

6 (C) in paragraph (8), by striking “and” at
7 the end;

8 (D) in paragraph (9), by striking the pe-
9 riod at the end and inserting “; and”; and

10 (E) by adding at the end the following:

11 “(10) deferring to and relying on baseline data,
12 analyses, and reviews performed by State agencies
13 with jurisdiction over the environmental or reclama-
14 tion permits for the proposed mineral project.”;

15 (5) in subsection (d)—

16 (A) by striking “critical” each place it ap-
17 pears; and

18 (B) in paragraph (3), in the matter pre-
19 ceding subparagraph (A), by striking “mineral-
20 related activities on Federal land” and inserting
21 “mineral projects”;

22 (6) in subsection (e), by striking “critical”;

23 (7) in subsection (f), by striking “critical” each
24 place it appears;

25 (8) in subsection (g), by striking “critical”; and

1 (9) by adding at the end the following:

2 “(h) OTHER REQUIREMENTS.—

3 “(1) MEMORANDUM OF AGREEMENT.—To
4 maximize efficiency and effectiveness of the Federal
5 permitting and review processes described in sub-
6 section (c), the lead agency in the Federal permit-
7 ting and review processes of a mineral project shall
8 enter into a memorandum of agreement with a
9 project applicant on request by the applicant to
10 carry out the activities described in that subsection.

11 “(2) CONSULTATION.—A lead agency described
12 in paragraph (1) shall carry out that paragraph in
13 consultation with—

14 “(A) any other Federal agency involved in
15 the applicable Federal permitting and review
16 processes; and

17 “(B) on request of the project applicant,
18 an affected State government, local government,
19 Indian Tribe, or other entity that the lead agen-
20 cy determines appropriate.

21 “(3) TIMELINES AND SCHEDULES.—

22 “(A) DEADLINES.—Any timeline or sched-
23 ule established under subsection (c)(1) relating
24 to a review under section 102(2)(C) of the Na-
25 tional Environmental Policy Act of 1969 (42

1 U.S.C. 4332(2)(C)) shall require that the re-
2 view process not exceed—

3 “(i) 1 year for an environmental as-
4 sessment; and

5 “(ii) 2 years for an environmental im-
6 pact statement.

7 “(B) EXTENSION.—A project applicant
8 may enter into 1 or more agreements with a
9 lead agency to extend 1 or more of the dead-
10 lines described in subparagraph (A) by not
11 more than 6 months.

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

17 “(i) any deadlines described in sub-
18 paragraph (A); and

19 “(ii) any deadlines extended under
20 subparagraph (B).

21 “(D) DEADLINE FOR ISSUANCE OF AU-
22 THORIZATIONS.—For a proposed agency action
23 with a timeline or schedule established under
24 subsection (c)(1) and a review process estab-
25 lished in accordance with subparagraph (A), the

1 record of decision prepared for the proposed
2 agency action and all authorizations required
3 under any other Federal law with respect to the
4 proposed agency action shall be issued not later
5 than 90 days after the date on which the appli-
6 cable environmental impact statement or envi-
7 ronmental assessment is published in the Fed-
8 eral Register.

9 “(4) DOCUMENT PREPARED BY PROJECT APPLI-
10 CANT.—The lead agency with respect to a mineral
11 project may adopt an environmental impact state-
12 ment or environmental assessment prepared by or
13 for a project applicant with respect to the mineral
14 project if that document fulfills the requirements of
15 section 102(2)(C) of the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

17 “(5) EFFECT ON PENDING APPLICATIONS.—On
18 a written request by a project applicant, the require-
19 ments of this subsection shall apply to any applica-
20 tion for a mineral exploration or mine permit or
21 mineral lease that was submitted before the date of
22 enactment of the Let America Build Act of 2026.”.

23 (c) FEDERAL REGISTER PROCESS IMPROVEMENT.—
24 Section 7002(f) of the Energy Act of 2020 (30 U.S.C.
25 1606(f)) is amended—

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

3 (2) by striking paragraph (4).

4 (d) DESIGNATION OF MINING AS A COVERED SECTOR
5 FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.—

6 Section 41001(6)(A) of the FAST Act (42 U.S.C.
7 4370m(6)(A)) is amended in the matter preceding clause
8 (i) by inserting “minerals production,” before “or any
9 other sector”.

10 (e) MINERAL EXPLORATION ACTIVITIES WITH LIM-
11 ITED SURFACE DISTURBANCE.—

12 (1) DEFINITION OF SECRETARY CONCERNED.—

13 In this subsection, the term “Secretary concerned”
14 means—

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

17 (B) the Secretary of Agriculture, with re-
18 spect to land of the National Forest System.

19 (2) NOTICE.—An operator may submit to the
20 Secretary concerned a notice requesting to carry out
21 mineral exploration activities other than casual use,
22 which shall include a description of the mineral ex-
23 ploration activities and subsequent reclamation ac-
24 tivities intended to be carried out.

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

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

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

10 (C) financial assurance is provided.

11 (f) HARDROCK MINING MILL SITES.—

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

15 “(c) ADDITIONAL MILL SITES.—

16 “(1) DEFINITIONS.—In this subsection:

17 “(A) MILL SITE.—The term ‘mill site’
18 means a location of public land that is reason-
19 ably necessary for waste rock or tailings dis-
20 posal or other operations reasonably incident to
21 mineral development on, or production from
22 land included in a plan of operations.

23 “(B) OPERATIONS; OPERATOR.—The
24 terms ‘operations’ and ‘operator’ have the
25 meanings given those terms in section 3809.5

1 of title 43, Code of Federal Regulations (as in
2 effect on the date of enactment of this sub-
3 section).

4 “(C) PLAN OF OPERATIONS.—The term
5 ‘plan of operations’ means a plan of operations
6 that an operator must submit and the Secretary
7 of the Interior or the Secretary of Agriculture,
8 as applicable, must approve before an operator
9 may begin operations, in accordance with, as
10 applicable—

11 “(i) subpart 3809 of part 3800 of title
12 43, Code of Federal Regulations (or suc-
13 cessor regulations establishing application
14 and approval requirements); and

15 “(ii) part 228 of title 36, Code of
16 Federal Regulations (or successor regula-
17 tions establishing application and approval
18 requirements).

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

24 “(i) land that is mineral-in-character
25 (as defined in section 3830.5 of title 43,

1 Code of Federal Regulations (as in effect
2 on the date of enactment of this sub-
3 section));

4 “(ii) nonmineral land (as defined in
5 section 3830.5 of title 43, Code of Federal
6 Regulations (as in effect on the date of en-
7 actment of this subsection)); and

8 “(iii) land where the mineral char-
9 acter has not been determined.

10 “(2) USE OF PUBLIC LAND.—Notwithstanding
11 subsections (a) and (b), where public land is needed
12 by the proprietor of a lode or placer claim for oper-
13 ations in connection with any lode or placer claim
14 within the proposed plan of operations, the propri-
15 etor may—

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

20 “(B) use or occupy public land in accord-
21 ance with an approved plan of operations.

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

1 “(4) SIZE OF MILL SITES.—A location of a sin-
2 gle mill site under this subsection shall not exceed
3 5 acres.

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

9 “(6) EFFECT ON MINING CLAIMS.—The loca-
10 tion of a mill site under this subsection shall not af-
11 fect the validity of any lode or placer claim, or any
12 rights associated with such a claim.

13 “(7) PATENTING.—A mill site under this sub-
14 section shall not be eligible for patenting.

15 “(8) SAVINGS PROVISIONS.—Nothing in this
16 subsection—

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

19 “(B) creates or increases any right (includ-
20 ing a right of exploration, entry, use, or occu-
21 pancy) of a claimant on land that is not open
22 to location under the general mining laws;

23 “(C) modifies any provision of law or any
24 prior administrative action withdrawing land
25 from location or entry;

1 “(D) limits the right of the Federal Gov-
2 ernment to regulate mining and mining-related
3 activities (including requiring claim validity ex-
4 aminations to establish the discovery of a valu-
5 able mineral deposit) in areas withdrawn from
6 mining, including under—

7 “(i) the general mining laws;

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

11 “(iii) the Wilderness Act (16 U.S.C.
12 1131 et seq.);

13 “(iv) subchapter III of chapter 1007
14 of title 54, United States Code;

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

17 “(vi) division A of subtitle III of title
18 54, United States Code (commonly re-
19 ferred to as the ‘National Historic Preser-
20 vation Act’); or

21 “(vii) section 4 of the Act of July 23,
22 1955 (commonly known as the ‘Surface
23 Resources Act of 1955’) (69 Stat. 368,
24 chapter 375; 30 U.S.C. 612);

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

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

8 “(ii) that has been extinguished by
9 such closure or withdrawal; or

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

13 (2) ABANDONED HARDROCK MINE FUND.—

14 (A) ESTABLISHMENT.—There is estab-
15 lished in the Treasury of the United States a
16 separate account, to be known as the “Aban-
17 doned Hardrock Mine Fund” (referred to in
18 this paragraph as the “Fund”).

19 (B) SOURCE OF DEPOSITS.—Any amounts
20 collected by the Secretary of the Interior pursu-
21 ant to the claim maintenance fee under section
22 10101(a)(1) of the Omnibus Budget Reconcili-
23 ation Act of 1993 (30 U.S.C. 28f(a)(1)) on mill
24 sites located under subsection (c) of section

1 2337 of the Revised Statutes (30 U.S.C. 42)
2 shall be deposited into the Fund.

3 (C) USE.—The Secretary of the Interior
4 may make expenditures from amounts available
5 in the Fund, without further appropriations,
6 only to carry out section 40704 of the Infra-
7 structure Investment and Jobs Act (30 U.S.C.
8 1245).

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

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

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

17 (3) CLERICAL AMENDMENTS.—Section 10101
18 of the Omnibus Budget Reconciliation Act of 1993
19 (30 U.S.C. 28f) is amended—

20 (A) by striking “the Mining Law of 1872
21 (30 U.S.C. 28–28e)” each place it appears and
22 inserting “sections 2319 through 2344 of the
23 Revised Statutes (30 U.S.C. 22 et seq.)”;

24 (B) in subsection (a)—

25 (i) in paragraph (1)—

1 (I) in the second sentence, by
2 striking “Such claim maintenance
3 fee” and inserting the following:

4 “(B) FEE.—The claim maintenance fee
5 under subparagraph (A)”; and

6 (II) in the first sentence, by
7 striking “The holder of” and inserting
8 the following:

9 “(A) IN GENERAL.—The holder of”; and
10 (ii) in paragraph (2)—

11 (I) in the second sentence—

12 (aa) by striking “the Mining
13 Law of 1872 (30 U.S.C. 28 to
14 28e)” and inserting “sections
15 2319 through 2344 of the Re-
16 vised Statutes (30 U.S.C. 22 et
17 seq.)”; and

18 (bb) by striking “Such claim
19 maintenance fee” and inserting
20 the following:

21 “(B) FEE.—The claim maintenance fee
22 under subparagraph (A)”; and

23 (II) in the first sentence, by
24 striking “The holder of” and inserting
25 the following:

1 “(A) IN GENERAL.—The holder of”; and

2 (C) in subsection (b)—

3 (i) in the second sentence, by striking

4 “The location fee” and inserting the fol-
5 lowing:

6 “(2) FEE.—The location fee”; and

7 (ii) in the first sentence, by striking

8 “The claim main tenance fee” and insert-
9 ing the following:

10 “(1) IN GENERAL.—The claim maintenance
11 fee”.

12 (g) LIMITATION ON JUDICIAL REVIEW.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, a claim arising under Federal law
15 seeking judicial review of a permit, license, or ap-
16 proval issued by a lead agency (as defined in section
17 40206(a) of the Infrastructure Investment and Jobs
18 Act (30 U.S.C. 1607(a))) for a mining project shall
19 be barred unless it is filed not later than 60 days
20 after the date of publication of a notice in the Fed-
21 eral Register announcing that the permit, license, or
22 approval is final in accordance with the law under
23 which the agency action is taken, unless a shorter
24 time is specified in the Federal law pursuant to
25 which judicial review is allowed.

1 (2) SAVINGS CLAUSE.—Nothing in this sub-
2 section—

3 (A) establishes a right to judicial review;

4 or

5 (B) places any limit on filing a claim that
6 a person has violated the terms of a permit, li-
7 cense, or approval.

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

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

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

19 **TITLE III—FEDERAL ENERGY**
20 **REGULATORY COMMISSION**

21 **SEC. 3001. FEDERAL AUTHORIZATIONS UNDER THE NAT-**
22 **URAL GAS ACT.**

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

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

3 “(a) DEFINITION OF FEDERAL AUTHORIZATION.—In
4 this section,”;

5 (2) in subsection (e)—

6 (A) in the second sentence, by striking “In
7 any proceeding” and inserting the following:

8 “(2) PROCEEDINGS.—In any proceeding”; and

9 (B) by striking “(e) Hearings under this
10 act” and inserting the following:

11 “(e) HEARINGS AND PROCEEDINGS.—

12 “(1) HEARINGS.—Hearings under this Act”;

13 (3) in subsection (f)—

14 (A) in the second sentence, by striking
15 “No informality” and inserting the following:

16 “(2) INFORMALITIES.—No informality”; and

17 (B) by striking “(f) All hearings,” and in-
18 serting the following:

19 “(f) GOVERNING RULES.—

20 “(1) IN GENERAL.—All hearings,”; and

21 (4) by inserting after subsection (f) the fol-
22 lowing:

23 “(g) ADDITIONAL REQUIREMENTS.—

24 “(1) DEFINITION OF EFFECTS.—In conducting
25 a review under the National Environmental Policy

1 Act of 1969 (42 U.S.C. 4321 et seq.) relating to any
2 Federal authorization (or to any other decision relat-
3 ing to the issuance of an order or certificate, or the
4 approval or denial of an application, under section 3
5 or 7), the Commission shall consider the term ‘ef-
6 fects’, as used in that Act with respect to impacts
7 and effects, to mean physical changes to the human
8 environment as a result of a proposed action or al-
9 ternative action to be carried out by a Federal agen-
10 cy that—

11 “(A) are reasonably foreseeable, not specu-
12 lative, and not remote in time or geographically
13 remote;

14 “(B) have a reasonably close causal rela-
15 tionship that is not the product of a lengthy
16 causal chain to the proposed action or alter-
17 native action, respectively, as determined by the
18 Commission;

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

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

1 “(2) REQUIREMENT.—For purposes of para-
2 graph (1)(B), a ‘but for’ causal relationship is insuf-
3 ficient to establish a reasonably close causal relation-
4 ship.

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

10 “(A) meet the purpose and need for the
11 proposed action;

12 “(B) where applicable, meet the goals of
13 the applicant; and

14 “(C) be within the authority of the Federal
15 agency to control.

16 “(4) NO USE OF SOCIAL COST METRICS.—In
17 conducting a review described in paragraph (1), the
18 Commission shall not consider or apply any metric
19 that purports to estimate the monetized damages or
20 benefits associated with incremental increases or de-
21 creases in greenhouse gas emissions.”.

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

24 Section 216(h) of the Federal Power Act (16 U.S.C.
25 824p(h)) is amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (B), by striking “(B)

3 The term” and inserting the following:

4 “(B) INCLUSIONS.—In this subsection, the
5 term”; and

6 (B) by striking “(1) In this subsection”

7 and all that follows through “The term” in sub-

8 paragraph (A) and inserting the following:

9 “(1) DEFINITION OF FEDERAL AUTHORIZA-
10 TION.—

11 “(A) IN GENERAL.—In this subsection, the
12 term”; and

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

14 “(10) ADDITIONAL REQUIREMENTS.—

15 “(A) DEFINITION OF EFFECTS.—In con-
16 ducting a review under the National Environ-
17 mental Policy Act of 1969 (42 U.S.C. 4321 et
18 seq.) relating to any Federal authorization (or
19 to any other decision relating to the issuance of
20 a Federal authorization, or the approval or de-
21 nial of an application, under this section), the
22 Commission shall consider the term ‘effects’, as
23 used in that Act with respect to impacts and ef-
24 fects, to mean physical changes to the human
25 environment as a result of a proposed action or

1 alternative action to be carried out by a Federal
2 agency that—

3 “(i) are reasonably foreseeable, not
4 speculative, and not remote in time or geo-
5 graphically remote;

6 “(ii) have a reasonably close causal
7 relationship that is not the product of a
8 lengthy causal chain to the proposed action
9 or alternative action, respectively, as deter-
10 mined by the Commission;

11 “(iii) the Commission has the ability
12 to prevent and that would not occur absent
13 the proposed action or alternative action;
14 and

15 “(iv) do not constitute potential ef-
16 fects from emissions upstream or down-
17 stream of the facility that is the subject of
18 the application under this section.

19 “(B) REQUIREMENT.—For purposes of
20 subparagraph (A)(ii), a ‘but for’ causal rela-
21 tionship is insufficient to establish a reasonably
22 close causal relationship.

23 “(C) ALTERNATIVES.—In conducting a re-
24 view described in subparagraph (A), any alter-
25 natives required to be analyzed under the Na-

1 tional Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.) by the Commission shall—

3 “(i) meet the purpose and need for
4 the proposed action;

5 “(ii) where applicable, meet the goals
6 of the applicant; and

7 “(iii) be within the authority of the
8 Federal agency to control.

9 “(D) NO USE OF SOCIAL COST METRICS.—
10 In conducting a review described in subpara-
11 graph (A), the Commission shall not consider or
12 apply any metric that purports to estimate the
13 monetized damages or benefits associated with
14 incremental increases or decreases in green-
15 house gas emissions.”.

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

18 (a) DEFINITIONS.—In this section:

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

21 (2) ENVIRONMENTAL REVIEW.—The term “en-
22 vironmental review” means the process of preparing,
23 for a proposed agency action in accordance with the
24 National Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.)—

- 1 (A) an environmental impact statement;
2 (B) an environmental assessment;
3 (C) a categorical exclusion;
4 (D) a finding of no significant impact; and
5 (E) a record of decision.

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

10 (4) PROJECT-RELATED ENVIRONMENTAL RE-
11 VIEW.—The term “project-related environmental re-
12 view” means any environmental review required to
13 be conducted with respect to the issuance of an au-
14 thorization under section 3 of the Natural Gas Act
15 (15 U.S.C. 717b) or a certificate of public conven-
16 ience and necessity under section 7 of that Act (15
17 U.S.C. 717f).

18 (b) COMMISSION RESPONSIBILITIES.—In acting as
19 the lead agency under section 15(b)(1) of the Natural Gas
20 Act (15 U.S.C. 717n(b)(1)) for the purposes of complying
21 with the National Environmental Policy Act of 1969 (42
22 U.S.C. 4321 et seq.) with respect to an authorization
23 under section 3 of the Natural Gas Act (15 U.S.C. 717b)
24 or a certificate of public convenience and necessity under
25 section 7 of that Act (15 U.S.C. 717f), the Commission

1 shall, in accordance with this section and other applicable
2 Federal law—

3 (1) be the only lead agency;

4 (2) coordinate as early as practicable with each
5 agency designated as a participating agency under
6 subsection (d)(3) to ensure that the Commission de-
7 velops information in conducting its project-related
8 environmental review that is usable by the partici-
9 pating agency in considering an aspect of an appli-
10 cation for a Federal authorization for which the
11 agency is responsible; and

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

15 (c) DEFERENCE TO COMMISSION.—In making a deci-
16 sion with respect to a Federal authorization required with
17 respect to an application for an authorization under sec-
18 tion 3 of the Natural Gas Act (15 U.S.C. 717b) or a cer-
19 tificate of public convenience and necessity under section
20 7 of that Act (15 U.S.C. 717f), each agency shall give
21 deference, to the maximum extent authorized by law, to
22 the scope of the project-related environmental review that
23 the Commission determines to be appropriate.

24 (d) PARTICIPATING AGENCIES.—

1 (1) IDENTIFICATION.—The Commission shall
2 identify, not later than 30 days after the Commis-
3 sion receives an application for an authorization
4 under section 3 of the Natural Gas Act (15 U.S.C.
5 717b) or a certificate of public convenience and ne-
6 cessity under section 7 of that Act (15 U.S.C. 717f),
7 any Federal or State agency, local government, or
8 Indian Tribe that may issue a Federal authorization
9 or is required by Federal law to consult with the
10 Commission in conjunction with the issuance of a
11 Federal authorization required for such authoriza-
12 tion or certificate.

13 (2) INVITATION.—

14 (A) IN GENERAL.—Not later than 45 days
15 after the Commission receives an application for
16 an authorization under section 3 of the Natural
17 Gas Act (15 U.S.C. 717b) or a certificate of
18 public convenience and necessity under section
19 7 of that Act (15 U.S.C. 717f), the Commission
20 shall invite any agency identified under para-
21 graph (1) to participate in the review process
22 for the applicable Federal authorization.

23 (B) DEADLINE.—An invitation issued
24 under subparagraph (A) shall establish a dead-
25 line by which a response to the invitation shall

1 be submitted to the Commission, which may be
2 extended by the Commission for good cause.

3 (3) DESIGNATION AS PARTICIPATING AGEN-
4 CIES.—Not later than 60 days after the Commission
5 receives an application for an authorization under
6 section 3 of the Natural Gas Act (15 U.S.C. 717b)
7 or a certificate of public convenience and necessity
8 under section 7 of that Act (15 U.S.C. 717f), the
9 Commission shall designate an agency identified
10 under paragraph (1) as a participating agency with
11 respect to that application unless the agency informs
12 the Commission, in writing, by the deadline estab-
13 lished pursuant to paragraph (2)(B), that the agen-
14 cy—

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

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

20 (C) does not intend to submit comments
21 for the record for the project-related environ-
22 mental review conducted by the Commission.

23 (4) EFFECT OF NON-DESIGNATION.—

24 (A) EFFECT ON AGENCY.—Any agency
25 that is not designated as a participating agency

1 under paragraph (3) with respect to an applica-
2 tion for an authorization under section 3 of the
3 Natural Gas Act (15 U.S.C. 717b) or a certifi-
4 cate of public convenience and necessity under
5 section 7 of that Act (15 U.S.C. 717f) may not
6 request or conduct an environmental review
7 that is supplemental to the project-related envi-
8 ronmental review conducted by the Commission,
9 unless the agency—

10 (i) demonstrates that such review is
11 legally necessary for the agency to carry
12 out responsibilities in considering an as-
13 pect of an application for a Federal au-
14 thorization; and

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

19 (B) COMMENTS; RECORD.—The Commis-
20 sion shall not, with respect to an agency that is
21 not designated as a participating agency under
22 paragraph (3) with respect to an application for
23 an authorization under section 3 of the Natural
24 Gas Act (15 U.S.C. 717b) or a certificate of

1 public convenience and necessity under section
2 7 of that Act (15 U.S.C. 717f)—

3 (i) consider any comments or other in-
4 formation submitted by such agency for
5 the project-related environmental review
6 conducted by the Commission; or

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

10 (e) SCHEDULE.—

11 (1) DEADLINE FOR FEDERAL AUTHORIZA-
12 TIONS.—A deadline for a Federal authorization re-
13 quired with respect to an application for an author-
14 ization under section 3 of the Natural Gas Act (15
15 U.S.C. 717b) or a certificate of public convenience
16 and necessity under section 7 of that Act (15 U.S.C.
17 717f) set by the Commission under section 15(e)(1)
18 of that Act (15 U.S.C. 717n(c)(1)) shall be not later
19 than 90 days after the Commission completes its
20 project-related environmental review, unless an ap-
21 plicable schedule is otherwise established by Federal
22 law.

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

1 (A) that may consider an application for a
2 Federal authorization required with respect to
3 an application for an authorization under sec-
4 tion 3 of the Natural Gas Act (15 U.S.C. 717b)
5 or a certificate of public convenience and neces-
6 sity under section 7 of that Act (15 U.S.C.
7 717f) shall formulate and implement a plan for
8 administrative, policy, and procedural mecha-
9 nisms to enable the agency to ensure completion
10 of Federal authorizations in compliance with
11 schedules established by the Commission under
12 section 15(c)(1) of that Act (15 U.S.C.
13 717n(c)(1)); and

14 (B) in considering an aspect of an applica-
15 tion for a Federal authorization required with
16 respect to an application for an authorization
17 under section 3 of the Natural Gas Act (15
18 U.S.C. 717b) or a certificate of public conven-
19 ience and necessity under section 7 of that Act
20 (15 U.S.C. 717f), shall—

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

1 (II) if such application is not
2 ready for processing, that includes a
3 comprehensive description of the in-
4 formation needed for the agency to
5 determine that the application is
6 ready for processing;

7 (v) determine that such application
8 for a Federal authorization is ready for
9 processing for purposes of clause (iv) if
10 such application is sufficiently complete for
11 the purposes of commencing consideration,
12 regardless of whether supplemental infor-
13 mation is necessary to enable the agency to
14 complete the consideration required by law
15 with respect to such application; and

16 (vi) not less often than once every 90
17 days, transmit to the Commission a report
18 describing the progress made in consid-
19 ering such application for a Federal au-
20 thorization.

21 (3) FAILURE TO MEET DEADLINE.—If a Fed-
22 eral or State agency, including the Commission, fails
23 to meet a deadline for a Federal authorization set
24 forth in the schedule established by the Commission
25 under section 15(c)(1) of the Natural Gas Act (15

1 U.S.C. 717n(c)(1)), not later than 5 days after such
2 deadline, the head of the relevant Federal agency
3 (including, in the case of a failure by a State agency,
4 the Federal agency overseeing the delegated author-
5 ity) shall notify Congress and the Commission of
6 such failure and set forth a recommended implemen-
7 tation plan to ensure completion of the action to
8 which such deadline applied.

9 (f) CONSIDERATION OF APPLICATIONS FOR FEDERAL
10 AUTHORIZATION.—

11 (1) ISSUE IDENTIFICATION AND RESOLU-
12 TION.—

13 (A) IDENTIFICATION.—Federal and State
14 agencies that may consider an aspect of an ap-
15 plication for a Federal authorization shall iden-
16 tify, as early as possible, any issues of concern
17 that may delay or prevent an agency from
18 working with the Commission to resolve such
19 issues and granting the Federal authorization.

20 (B) ISSUE RESOLUTION.—The Commission
21 may forward any issue of concern identified
22 under subparagraph (A) to the heads of the rel-
23 evant agencies (including, in the case of an
24 issue of concern that is a failure by a State

1 agency, the Federal agency overseeing the dele-
2 gated authority, if applicable) for resolution.

3 (2) REMOTE SURVEYS.—

4 (A) IN GENERAL.—If a Federal or State
5 agency considering an aspect of an application
6 for a Federal authorization requires the person
7 applying for the Federal authorization to sub-
8 mit data, the agency shall consider any such
9 data gathered by aerial or other remote means
10 that the person submits.

11 (B) CONDITIONAL APPROVAL.—The agen-
12 cy may grant a conditional approval for a Fed-
13 eral authorization based on data gathered by
14 aerial or remote means, conditioned on the
15 verification of such data by subsequent onsite
16 inspection.

17 (3) APPLICATION PROCESSING.—The Commis-
18 sion, and Federal and State agencies, may allow a
19 person applying for a Federal authorization to fund
20 a third-party contractor to assist in reviewing the
21 application for the Federal authorization.

22 (g) ACCOUNTABILITY, TRANSPARENCY, EFFI-
23 CIENCY.—

24 (1) IN GENERAL.—For an application for an
25 authorization under section 3 of the Natural Gas

1 Act (15 U.S.C. 717b) or a certificate of public con-
2 venience and necessity under section 7 of that Act
3 (15 U.S.C. 717f) that requires multiple Federal au-
4 thorizations, the Commission, with input from any
5 Federal or State agency considering an aspect of the
6 application, shall track and make available to the
7 public on the website of the Commission information
8 related to the actions required to complete the Fed-
9 eral authorizations.

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

12 (A) The schedule established by the Com-
13 mission under section 15(c)(1) of the Natural
14 Gas Act (15 U.S.C. 717n(c)(1)).

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

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

21 (D) A point of contact at the agency re-
22 sponsible for each action described in subpara-
23 graph (B).

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

4 (h) PIPELINE SECURITY.—In considering an applica-
5 tion for an authorization under section 3 of the Natural
6 Gas Act (15 U.S.C. 717b) or a certificate of public conven-
7 ience and necessity under section 7 of that Act (15 U.S.C.
8 717f), the Commission shall consult with the Adminis-
9 trator of the Transportation Security Administration re-
10 garding the compliance of the applicant with security guid-
11 ance and best practice recommendations of the Transpor-
12 tation Security Administration regarding pipeline infra-
13 structure security, pipeline cybersecurity, pipeline per-
14 sonnel security, and other pipeline security measures.

15 **SEC. 3004. TOLLING ORDER REFORM FOR THE NATURAL**
16 **GAS ACT.**

17 Section 19(a) of the Natural Gas Act (15 U.S.C.
18 717r(a)) is amended, in the fourth sentence, by striking
19 “thirty” and inserting “60”.

20 **SEC. 3005. TOLLING ORDER REFORM FOR THE FEDERAL**
21 **POWER ACT.**

22 Section 313(a) of the Federal Power Act (16 U.S.C.
23 8251(a)) is amended, in the fourth sentence, by striking
24 “thirty” and inserting “60”.

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

3 Section 22(b) of the Natural Gas Act (15 U.S.C.
4 717t-1(b)) is amended by inserting before the period at
5 the end the following: “, in accordance with the same pro-
6 visions as are applicable under section 31(d) of the Fed-
7 eral Power Act (16 U.S.C. 823b(d)) in the case of civil
8 penalties assessed under that section of that Act (16
9 U.S.C. 823b)”.

10 **SEC. 3007. JUDICIAL REVIEW.**

11 Section 19(d)(3) of the Natural Gas Act (15 U.S.C.
12 717r(d)(3)) is amended, in the first sentence, by inserting
13 “, is not supported by clear and convincing evidence,”
14 after “such permit”.