

119TH CONGRESS
2D SESSION

S. _____

To improve Federal permitting, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To improve Federal permitting, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unlock American En-
5 ergy and Jobs Act of 2026”.

6 **SEC. 2. ENERGY INFRASTRUCTURE UNDER THE FEDERAL**
7 **WATER POLLUTION CONTROL ACT.**

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

1 (1) by striking the heading and section designa-
2 tion and all that follows through “may be.” at the
3 end of subsection (a)(1) and inserting the following:

4 **“SEC. 401. CERTIFICATION.**

5 “(a) STATE CERTIFICATIONS.—

6 “(1) CERTIFICATION REQUIRED.—

7 “(A) DEFINITIONS.—In this paragraph:

8 “(i) CERTIFICATION APPLICATION.—

9 The term ‘certification application’ means
10 a request from an applicant for a certifi-
11 cation described in subparagraph (B).

12 “(ii) CERTIFYING AUTHORITY.—The
13 term ‘certifying authority’, with respect to
14 a certification described in subparagraph
15 (B), means the applicable entity described
16 in subclause (I), (II), or (III) of subpara-
17 graph (B)(i).

18 “(iii) DISCHARGE.—The term ‘dis-
19 charge’, without any qualification, means
20 the discharge of a pollutant from a point
21 source.

22 “(B) COMPLIANCE WITH LIMITATIONS.—

23 “(i) IN GENERAL.—Any applicant for
24 a Federal license or permit to conduct an
25 activity, including the construction or oper-

1 under sections 301(b) and 302 and
2 for which there is not an applicable
3 standard under sections 306 and 307,
4 the certifying authority shall so cer-
5 tify.

6 “(II) EFFECT.—A certification
7 under subclause (I) does not satisfy
8 section 511(c).

9 “(iii) CERTIFICATION REQUIRED.—

10 “(I) CONSTRUCTION PROHIBITED
11 UNTIL CERTIFICATION.—Construction
12 for which a certification is required
13 under this subparagraph may not
14 begin until the certification has been
15 obtained, unless the requirement for
16 the certification has been waived in
17 accordance with this paragraph.

18 “(II) EFFECT OF DENIAL.—If a
19 certifying authority denies a certifi-
20 cation application, the Federal license
21 or permit for which the certification
22 application was made may not be
23 granted.

24 “(iv) SCOPE OF CERTIFICATION.—In
25 determining whether to issue a certification

1 under this subparagraph and in deter-
2 mining what conditions to impose on a cer-
3 tification under this subparagraph, a certi-
4 fying authority may only consider whether
5 the point source discharge for which the
6 certification application was made complies
7 with applicable water quality requirements.

8 “(C) REQUIRED PROCEDURES.—

9 “(i) NOTICE AND HEARINGS.—Each
10 certifying authority shall establish proce-
11 dures for—

12 “(I) public notice in the case of
13 all certification applications;

14 “(II) to the extent the certifying
15 authority determines to be appro-
16 priate, public hearings in connection
17 with specific certification applications;
18 and

19 “(III) a prefiling meeting as de-
20 scribed in clause (ii).

21 “(ii) PREFILING MEETING.—

22 “(I) REQUEST.—Before submit-
23 ting a certification application, the
24 prospective applicant may request a

1 prefiling meeting with the certifying
2 authority—

3 “(aa) to ensure that the cer-
4 tifying authority receives early
5 notification of projects for which
6 a certification under subpara-
7 graph (B) is necessary; and

8 “(bb) to discuss informa-
9 tional needs with the certifying
10 authority before submitting the
11 application.

12 “(II) RESPONSE REQUIRED.—If
13 a prospective applicant requests a pre-
14 filing meeting with a certifying au-
15 thority pursuant to subclause (I), the
16 certifying authority shall—

17 “(aa) respond to the request
18 not later than 30 days after the
19 date on which the request is re-
20 ceived; and

21 “(bb) hold the prefiling
22 meeting with the prospective ap-
23 plicant by not later than 60 days
24 after the date on which the re-
25 quest is received.

1 “(bb) the least burdensome
2 of possible modifications for the
3 applicant, taking into account—

4 “(AA) technical feasi-
5 bility;

6 “(BB) cost;

7 “(CC) the purpose of
8 the applicant in proposing
9 the activity;

10 “(DD) impacts on the
11 schedule for the activity; and

12 “(EE) commercial via-
13 bility of the activity; and

14 “(cc) consistent with the re-
15 quirements of the Federal license
16 or permit that is the subject of
17 the certification.

18 “(III) INDIVIDUAL LICENSES
19 AND PERMITS.—If a certifying author-
20 ity denies a certification application
21 for an individual license or permit, the
22 certifying authority shall provide to
23 the applicable Federal licensing or
24 permitting agency—

1 “(aa) the specific applicable
2 water quality requirements with
3 which the discharge will not com-
4 ply;

5 “(bb) a statement explaining
6 why the discharge will not comply
7 with the identified applicable
8 water quality requirements; and

9 “(cc) if the denial is due to
10 insufficient information, a de-
11 scription of the specific water
12 quality data or information, if
13 any, that would be needed to en-
14 sure that the discharge from the
15 proposed project will comply with
16 applicable water quality require-
17 ments.

18 “(IV) GENERAL LICENSES OR
19 PERMITS.—If a certifying authority
20 denies a certification application for a
21 general license or permit, the certi-
22 fying authority shall provide to the
23 applicable Federal licensing or permit-
24 ting agency—

1 “(aa) the specific applicable
2 water quality requirements with
3 which discharges that could be
4 authorized by the general license
5 or permit will not comply;

6 “(bb) a statement explaining
7 why discharges that could be au-
8 thorized by the general license or
9 permit will not comply with the
10 identified applicable water quality
11 requirements; and

12 “(cc) if the denial is due to
13 insufficient information, a de-
14 scription of the specific water
15 quality data or information, if
16 any, that would be needed to as-
17 sure that the range of discharges
18 that could be authorized by the
19 general license or permit from
20 potential projects will comply
21 with applicable water quality re-
22 quirements.

23 “(iv) REVIEW.—

24 “(I) IN GENERAL.—Not later
25 than 60 days after the date on which

1 a Federal licensing or permitting
2 agency receives a notice described in
3 clause (iii) or a certification under
4 subparagraph (B) that includes condi-
5 tions to that certification, the Federal
6 licensing or permitting agency shall
7 complete a review of the process un-
8 dertaken by the certifying authority in
9 reviewing the applicable certification
10 application to determine whether the
11 certifying authority established a rea-
12 sonable period of time within which to
13 review that certification application in
14 accordance with subparagraph (D)(ii).

15 “(II) DENIALS.—If, after car-
16 rying out a review under subclause (I)
17 of the process undertaken by a certi-
18 fying authority with respect to a de-
19 nial of a certification application, a
20 Federal licensing or permitting agency
21 determines that the certifying author-
22 ity did not, in determining the reason-
23 able period of time within which to re-
24 view the certification application, con-
25 sider all of the factors described in

1 subclause (I), (II), or (III) of sub-
2 paragraph (D)(ii), the Federal licens-
3 ing or permitting agency shall—

4 “(aa) deem the certifying
5 authority to have failed to act on
6 the certification application; and

7 “(bb) pursuant to subpara-
8 graph (D)(iii), consider the re-
9 quirement for a certification
10 under subparagraph (B) waived.

11 “(III) CONDITIONS.—If, after
12 carrying out a review under subclause
13 (I) of the process undertaken by a
14 certifying authority with respect to in-
15 cluding conditions to a certification
16 under subparagraph (B), a Federal li-
17 censing or permitting agency deter-
18 mines that the certifying authority did
19 not, in determining the reasonable pe-
20 riod of time within which to review
21 the applicable certification application,
22 consider all of the factors described in
23 subclauses (I), (II), and (III) of sub-
24 paragraph (D)(ii), the Federal licens-

1 able period of time under clause (i)(I), a
2 certifying authority shall consider—

3 “(I) the complexity of the project
4 described in the certification applica-
5 tion;

6 “(II) the nature of any potential
7 discharge from that project; and

8 “(III) the potential need for ad-
9 ditional study or evaluation of water
10 quality effects from the discharge.

11 “(iii) FAILURE TO ACT WITHIN PE-
12 RIOD.—If a certifying authority fails or re-
13 fuses to issue a final action on a certifi-
14 cation application by the end of the reason-
15 able period of time established under this
16 subparagraph, the requirement for a cer-
17 tification under subparagraph (B) shall be
18 waived.

19 “(iv) NO PAUSING OR TOLLING.—The
20 reasonable period of time established for a
21 certification application under this sub-
22 paragraph may not be paused or tolled for
23 any reason.

24 “(E) FINAL ACTION.—

1 “(i) IN GENERAL.—After completion
2 of the reasonable period of time established
3 under subparagraph (D) and any review
4 that may be required under subparagraph
5 (C)(iv) for a certification application, the
6 certifying authority or Federal licensing or
7 permitting authority, as applicable, shall
8 apply only 1 of the following final actions
9 to the certification application:

10 “(I) The certification application
11 is granted.

12 “(II) The certification application
13 is granted with conditions.

14 “(III) The certification applica-
15 tion is denied.

16 “(IV) The certification require-
17 ments under subparagraph (B) have
18 been waived in accordance with this
19 paragraph with respect to the activity
20 for which the certification application
21 was submitted.

22 “(ii) NO OTHER FINAL ACTIONS.—No
23 other final action may apply to a certifi-
24 cation application except as described in
25 clause (i).

1 “(F) ENFORCEMENT OF CONDITIONS.—
2 The Federal licensing or permitting authority
3 to which a certification under this subsection
4 was issued shall be responsible for enforcing
5 any conditions included with that certifi-
6 cation.”;

7 (2) in subsection (a) (as so amended)—

8 (A) in paragraph (2), by striking “(2)
9 Upon receipt” and inserting the following:

10 “(2) NOTICE TO ADMINISTRATOR; EFFECT ON
11 OTHER STATES.—On receipt”;

12 (B) in paragraph (3), by striking “(3) The
13 certification” and inserting the following:

14 “(3) FULFILLMENT OF REQUIREMENTS.—The
15 certification”;

16 (C) in paragraph (4), by striking “(4)
17 Prior to” and inserting the following:

18 “(4) REVIEW FOR COMPLIANCE.—Prior to”;

19 (D) in paragraph (5), by striking “(5) Any
20 Federal” and inserting the following:

21 “(5) SUSPENSION AND REVOCATION.—Any
22 Federal”; and

23 (E) in paragraph (6), by striking “(6) Ex-
24 cept with” and inserting the following:

1 “(6) APPLICABILITY TO CERTAIN FACILITIES.—

2 Except with”;

3 (3) in subsection (b), by striking “(b) Nothing”

4 and inserting the following:

5 “(b) COMPLIANCE WITH OTHER PROVISIONS OF

6 LAW SETTING APPLICABLE WATER QUALITY REQUIRE-

7 MENTS.—Nothing”;

8 (4) in subsection (c), by striking “(c) In order”

9 and inserting the following:

10 “(c) AUTHORITY OF SECRETARY OF THE ARMY TO

11 PERMIT USE OF SPOIL DISPOSAL AREAS BY FEDERAL

12 LICENSEES OR PERMITTEES.—In order”;

13 (5) by striking subsection (d) and inserting the

14 following:

15 “(d) LIMITATIONS AND MONITORING REQUIRE-

16 MENTS OF CERTIFICATION.—Any certification provided

17 under this section shall set forth any effluent limitations

18 and other limitations and monitoring requirements nec-

19 essary to ensure that any discharge into navigable waters

20 will comply with applicable water quality requirements and

21 shall become a condition on any Federal license or permit

22 subject to the provisions of this section.”; and

23 (6) by adding at the end the following:

24 “(e) JUDICIAL REVIEW.—

25 “(1) ENERGY PROJECTS.—

1 section (a) is located or has its place
2 of business;

3 “(II) for the circuit for the State
4 for which the affected certification ac-
5 tion applies; or

6 “(III) for the District of Colum-
7 bia Circuit.

8 “(ii) ORIGINAL AND EXCLUSIVE JU-
9 RISDICTION.—The court of appeals in
10 which an affected certification action is
11 filed pursuant to clause (i) shall have origi-
12 nal and exclusive jurisdiction over the af-
13 fected certification action.

14 “(iii) STANDING AND FILING DEAD-
15 LINE.—Notwithstanding any other provi-
16 sion of law, no court shall have jurisdiction
17 over an affected certification action unless
18 the affected certification action has been
19 filed not later than 30 days after the date
20 on which final action was taken on the cer-
21 tification under subsection (a) for which
22 review was sought by—

23 “(I) the applicant for the under-
24 lying Federal license or permit; or

1 “(II) a person who has suffered,
2 or likely and imminently will suffer,
3 direct and irreparable economic harm
4 from the authorization, certification
5 under subsection (a), Federal license
6 or permit for which a certification
7 under subsection (a) was sought, or
8 activity for which that certification
9 was sought.

10 “(C) EXPEDITED CONSIDERATION.—

11 “(i) IN GENERAL.—With respect to an
12 affected certification action, a court
13 shall—

14 “(I) set any petition for review
15 for expedited consideration; and

16 “(II) subject to clause (ii), issue
17 a final decision not later than 120
18 days after the date on which the af-
19 fected certification action was filed.

20 “(ii) EXTENSION.—A court may ex-
21 tend the 120-day period under clause
22 (i)(II) by not more than 60 days if the
23 court determines that extraordinary cir-
24 cumstances exist that warrant the ex-
25 tended period.

1 “(iii) FAILURE TO COMPLY WITH
2 DEADLINE.—With respect to an affected
3 certification action seeking review of a cer-
4 tification under subsection (a)(1) the cer-
5 tification application (as defined in sub-
6 section (a)(1)) for which was granted, if a
7 court fails to issue a final decision on the
8 affected certification action by the end of
9 the period described in clause (i)(II) and,
10 if applicable, extended under clause (ii),
11 the affected certification action shall be
12 dismissed with prejudice.

13 “(2) TIMELINE FOR ACTION.—If a Federal
14 court remands a civil action for the judicial review
15 of a certification under subsection (a)(1) for a Fed-
16 eral license or permit, the Federal court shall set
17 and enforce a reasonable schedule and deadline, not
18 to exceed 180 days from the date on which the Fed-
19 eral court remands the certification, for the certi-
20 fying agency to act on the remand.

21 “(f) DEFINITION OF APPLICABLE WATER QUALITY
22 REQUIREMENTS.—In this section, the term ‘applicable
23 water quality requirements’ means the applicable provi-
24 sions of sections 301, 302, 303, 306, and 307.”.

25 (b) PERMITS FOR DREDGED OR FILL MATERIAL.—

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

4 (A) by striking the heading and section
5 designation and all that follows through “(a)
6 The Secretary” and inserting the following:

7 **“SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.**

8 “**(a) DISCHARGE INTO NAVIGABLE WATERS AT**
9 **SPECIFIED DISPOSAL SITES.—**

10 “**(1) IN GENERAL.—The Secretary**”;

11 (B) in subsection (a)(1) (as so designated),
12 in the second sentence—

13 (i) by striking “this subsection” each
14 place it appears and inserting “paragraph
15 (1)”; and

16 (ii) by striking “Not later than the fif-
17 teenth day” and inserting the following:

18 “**(2) NOTICE.—Not later than the 15th day**”;

19 (C) in subsection (c)—

20 (i) in the third sentence—

21 (I) by striking “his finding and
22 his reasons” and inserting “the find-
23 ings and reasons of the Adminis-
24 trator”; and

1 (II) by striking “The Adminis-
2 trator” and inserting the following:

3 “(4) FINDINGS AND REASONING.—The Admin-
4 istrator”;

5 (ii) in the second sentence, by striking
6 “Before making such determination” and
7 inserting the following:

8 “(3) CONSULTATION.—Before making a deter-
9 mination under paragraph (1)”;

10 (iii) by striking “(c) The Adminis-
11 trator” and inserting the following:

12 “(c) PROHIBITION OF SPECIFICATION OF AREAS AS
13 DISPOSAL SITES.—

14 “(1) IN GENERAL.—Subject to paragraph (2),
15 the Administrator”;

16 (iv) by inserting after paragraph (1)
17 (as so designated) the following:

18 “(2) LIMITATION.—The Administrator may not
19 prohibit the specification of a defined area as a dis-
20 posal site, or otherwise deny or restrict the use of
21 a defined area as a disposal site after a permit
22 under this section for the area has been issued by
23 the Secretary.”;

24 (D) in subsection (e)—

1 (i) in paragraph (1), in the second
2 sentence—

3 (I) by striking “subsection (b)(1)
4 of this section, and (B) set forth” and
5 inserting the following: “subsection
6 (b)(1); and
7 “(ii) set forth”;

8 (II) by striking “shall (A) be
9 based” and inserting the following:
10 “shall—
11 “(i) be based”; and

12 (III) by striking “Any general”
13 and inserting the following:

14 “(B) REQUIREMENTS FOR ISSUANCE.—
15 Any general”;

16 (ii) by striking “(e)(1) In carrying”
17 and inserting the following:

18 “(e) GENERAL PERMITS ON STATE, REGIONAL, OR
19 NATIONWIDE BASIS.—

20 “(1) PERMITS AUTHORIZED.—

21 “(A) IN GENERAL.—In carrying”;

22 (iii) in paragraph (2)—

23 (I) by striking “(2) No general”
24 and inserting the following:

25 “(2) TERM.—No general”; and

1 (II) by striking “five years” and
2 inserting “10 years”; and
3 (iv) by adding at the end the fol-
4 lowing:

5 “(3) CONSIDERATIONS.—In determining the en-
6 vironmental effects of an activity under paragraph
7 (1) or (2), the Secretary—

8 “(A) shall consider only the effects of any
9 discharge of dredged or fill material resulting
10 from the activity;

11 “(B) shall consider any effects of a dis-
12 charge of dredged or fill material into fewer
13 than 3 acres of navigable waters to be a mini-
14 mal adverse environmental effect; and

15 “(C) may consider any effects of a dis-
16 charge of dredged or fill material into 3 acres
17 or more of navigable waters to be a minimal ad-
18 verse environmental effect.

19 “(4) SINGLE AND COMPLETE PROJECTS.—

20 “(A) DEFINITION OF SINGLE AND COM-
21 PLETE PROJECT.—

22 “(i) IN GENERAL.—In this paragraph,
23 the term ‘single and complete project’, with
24 respect to a project for which the Secretary
25 is determining whether a general permit

1 issued under this subsection applies, means
2 that portion of the total project proposed
3 or accomplished by—

4 “(I) a single owner or developer;

5 “(II) a partnership of 1 or more
6 owners or developers; or

7 “(III) an association of owners or
8 developers.

9 “(ii) LINEAR PROJECTS.—

10 “(I) DEFINITION.—In this
11 clause, the term ‘linear project’ means
12 a project constructed for the purpose
13 of getting people, goods, energy, or
14 services from a point of origin to a
15 terminal point, which may involve
16 multiple crossings of 1 or more waters
17 of the United States at separate and
18 distant locations.

19 “(II) GENERAL RULE.—For pur-
20 poses of this paragraph, with respect
21 to projects described in clause (i) that
22 are linear projects—

23 “(aa) the crossings of sepa-
24 rate waters of the United States
25 at a specific location shall be con-

1 sidered 1 single and complete
2 project; but

3 “(bb) each crossing of a sin-
4 gle water of the United States
5 shall be considered a separate
6 single and complete project if
7 those crossings are at separate
8 and distant locations.

9 “(III) ADDITIONAL EXCLU-
10 SIONS.—For purposes of subclause
11 (II), individual channels in a braided
12 stream or river, individual arms of a
13 large, irregularly-shaped wetland or
14 lake, and other, similar bodies of
15 water shall not be considered to be
16 separate waters of the United States.

17 “(B) REQUIREMENT.—In determining
18 whether a general permit issued under this sub-
19 section applies to an activity, the Secretary
20 shall consider the estimated total of all losses of
21 waters of the United States expected to result
22 from the single and complete project.

23 “(C) USE OF MULTIPLE PERMITS.—The
24 Secretary may combine 2 or more general per-
25 mits issued under this subsection to authorize a

1 single and complete project, but the same gen-
2 eral permit issued under this subsection may
3 not be used more than once for a single and
4 complete project.

5 “(5) REISSUANCE OF NATIONWIDE PERMITS.—

6 In determining whether to reissue a general permit
7 issued under this subsection on a nationwide basis—

8 “(A) no consultation with an applicable
9 State pursuant to section 6(a) of the Endan-
10 gered Species Act of 1973 (16 U.S.C. 1535(a))
11 is required;

12 “(B) no consultation with a Federal agen-
13 cy pursuant to section 7(a)(2) of that Act (16
14 U.S.C. 1536(a)(2)) is required; and

15 “(C) for purposes of carrying out the Na-
16 tional Environmental Policy Act of 1969 (42
17 U.S.C. 4321 et seq.) with respect to that
18 reissuance, conducting an environmental assess-
19 ment on a nationwide basis is sufficient for pur-
20 poses of compliance with that Act.

21 “(6) NATIONWIDE PERMIT FOR OIL AND NAT-
22 URAL GAS PIPELINES.—Notwithstanding any other
23 provision of this section, the Secretary shall main-
24 tain a nationwide permit for the activities required
25 for the construction, maintenance, repair, operation,

1 and removal of oil and natural gas pipelines and as-
2 sociated facilities that result in the loss of, with re-
3 spect to waters of the United States, an area of
4 fewer than 3 acres for each single and complete
5 project (as defined in paragraph (3)(A)), which shall
6 be known as ‘nationwide permit 12’.”;

7 (E) in subsection (h)—

8 (i) in paragraph (1), by adding at the
9 end the following:

10 “(I) To issue permits not later than the date
11 that is 1 year after the date on which the State re-
12 ceives an application for the permit, which may not
13 be paused or tolled for any reason.

14 “(J) To ensure that, if the State does not issue
15 a final action with respect to an application for a
16 permit within the 1-year period described in sub-
17 paragraph (I), the application is considered to be ap-
18 proved.

19 “(K) To carry out a programmatic review of
20 the program annually to ensure that the program
21 does not exceed the authority granted to the State
22 under this section.”; and

23 (ii) by adding at the end the fol-
24 lowing:

25 “(6) ACTION REQUIRED.—

1 “(A) IN GENERAL.—A State with a permit pro-
2 gram approved under this subsection shall issue a
3 final action with respect to an application for a per-
4 mit described in subsection (g)(1) not later than 1
5 year after the date of receipt of the application.

6 “(B) FAILURE TO ACT.—An application for a
7 permit described in subsection (g)(1) submitted to a
8 State with a permit program approved under this
9 subsection shall be considered to be approved if the
10 State fails to issue a final action with respect to the
11 application by the end of the 1-year period described
12 in subparagraph (A).

13 “(C) NO PAUSING OR TOLLING.—The 1-year
14 period described in subparagraph (A) may not be
15 paused or tolled for any reason.”;

16 (F) in subsection (s)(3), in the third sen-
17 tence, by striking “acton” and inserting “ac-
18 tion”;

19 (G) in subsection (t), by striking “(t)
20 Nothing” and inserting the following:

21 “(u) SAVINGS PROVISION.—Nothing”; and

22 (H) by inserting after subsection (s) the
23 following:

24 “(t) JUDICIAL REVIEW.—

25 “(1) STATUTE OF LIMITATIONS.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, an action seeking judi-
3 cial review of an individual or general permit
4 issued under this section shall be filed not later
5 than the date that is 60 days after the date on
6 which the permit was issued.

7 “(B) SAVINGS PROVISION.—Nothing in
8 subparagraph (A) authorizes an action seeking
9 judicial review of the structure of or authoriza-
10 tion for a State permit program approved pur-
11 suant to this section.

12 “(2) TIMELINE TO ACT ON REMAND.—If a Fed-
13 eral court remands a permit under this section, the
14 Federal court shall set and enforce a reasonable
15 schedule and deadline, which may not exceed 180
16 days from the date on which the Federal court re-
17 mands the permit, for the issuer of the permit to act
18 on that remand.”.

19 (2) RATIFICATION OF CURRENT PERMITS.—
20 Notwithstanding any other provision of law, each
21 category of activities authorized by a general permit
22 issued under section 404(e) of the Federal Water
23 Pollution Control Act (33 U.S.C. 1344(e)) (including
24 nationwide permit 12) or under section 10 of the
25 Act of March 3, 1899 (33 U.S.C. 403), that is in

1 effect on the date of enactment of this Act shall,
2 consistent with subparagraph (A) of section
3 404(e)(1) of the Federal Water Pollution Control
4 Act (33 U.S.C. 1344(e)(1)), be considered to
5 cause—

6 (A) not more than minimal adverse envi-
7 ronmental effects when actions authorized
8 under those permits are carried out separately;
9 and

10 (B) not more than minimal cumulative ad-
11 verse effects on the environment.

12 (3) SAVINGS PROVISION.—Nothing in this sub-
13 section or the amendments made by this subsection
14 requires a State (including an Indian tribe that is
15 treated as a State pursuant to section 518(e) of the
16 Federal Water Pollution Control Act (33 U.S.C.
17 1377(e))) for which the Administrator of the Envi-
18 ronmental Protection Agency has approved a permit
19 program pursuant to subsections (g) and (h) of sec-
20 tion 404 of the Federal Water Pollution Control Act
21 (33 U.S.C. 1344) to seek reapproval of the permit
22 program in accordance with those subsections.

23 **SEC. 3. LNG TERMINALS.**

24 Section 3 of the Natural Gas Act (15 U.S.C. 717b)
25 is amended—

1 (1) in subsection (e)(3)—

2 (A) in subparagraph (A), by striking
3 “find” and inserting “finds”;

4 (B) in subparagraph (B), in the matter
5 preceding clause (i), by striking “Before Janu-
6 ary 1, 2025, the” and inserting “The”; and

7 (C) by striking subparagraph (C); and

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

9 “(g) PUBLIC INTEREST FINDING.—In carrying out
10 a finding of public interest under subsection (a), the Com-
11 mission may not consider any environmental factors pur-
12 suant to the National Environmental Policy Act of 1969
13 (42 U.S.C. 4321 et seq.).”.

14 **SEC. 4. NUCLEAR ENERGY LICENSING.**

15 (a) EXTENSION OF LICENSE TERMS FOR COMMER-
16 CIAL REACTORS.—Section 103 c. of the Atomic Energy
17 Act of 1954 (42 U.S.C. 2133(c)) is amended—

18 (1) by striking “c. Each such license” and in-
19 serting the following:

20 “c. (1) Except as provided in paragraph (2), each
21 such license”; and

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

23 “(2) In the case of a license issued under this section
24 for a utilization facility for the generation of electrical or
25 thermal energy, the period of the license shall not exceed

1 60 years from the authorization to commence operations,
2 and may be renewed on expiration of that period.”.

3 (b) EARLY SITE PERMITS.—Not later than 1 year
4 after the date of enactment of this Act, the Nuclear Regu-
5 latory Commission shall finalize a rulemaking amending
6 section 52.26 of title 10, Code of Federal Regulations, to
7 provide that—

8 (1) an early site permit issued after the date of
9 enactment of this Act does not expire;

10 (2) an early site permit issued before the date
11 of enactment of this Act shall, without further re-
12 view or approval by the Nuclear Regulatory Commis-
13 sion, remain in effect indefinitely on the request of
14 the permit holder or any other entity that references
15 the early site permit in an application for a con-
16 struction permit or combined license; and

17 (3) an early site permit, regardless of when the
18 permit is issued, may be revoked only on a finding
19 by the Nuclear Regulatory Commission, supported
20 by clear and convincing evidence, that—

21 (A) significant new information has arisen
22 since the issuance of the early site permit with
23 respect to the radiological, seismic, meteorolog-
24 ical, hydrologic, geologic, or demographic char-
25 acteristics of the site that was not considered

1 during the original permitting proceeding and
2 that renders the site unsuitable for the con-
3 struction and operation of a nuclear power fa-
4 cility; or

5 (B) revocation is necessary to ensure ade-
6 quate protection of public health and safety or
7 the common defense and security.

8 (c) CATEGORICAL EXCLUSION.—The construction
9 and operation of a new nuclear reactor at a site for which
10 the Nuclear Regulatory Commission has previously issued,
11 or is currently reviewing an application for, a construction
12 permit, operating license, or combined license under the
13 Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) shall
14 be categorically excluded from the requirements of the Na-
15 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
16 et seq.).

17 **SEC. 5. JUDICIAL REVIEW UNDER NEPA.**

18 Title I of the National Environmental Policy Act of
19 1969 is amended—

20 (1) by redesignating section 112 (42 U.S.C.
21 4336f) as section 110A, and moving the section so
22 as to appear after section 110; and

23 (2) by inserting after section 110A (as so reded-
24 ignated) the following:

1 **“SEC. 110B. JUDICIAL REVIEW.**

2 “(a) REMAND.—

3 “(1) IN GENERAL.—If a court holds, under sec-
4 tion 706(2)(A) of title 5, United States Code, that
5 a final agency action does not comply with the re-
6 quirements of this Act, the only remedy the court
7 may order, notwithstanding chapter 7 of that title,
8 is to remand, without vacatur or injunction, the final
9 agency action to the Federal agency with—

10 “(A) specific instruction to correct the er-
11 rors or deficiencies found by the court; and

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

15 “(i) with respect to an order entered
16 before the date of enactment of this sec-
17 tion, the date that is 180 days after that
18 date of enactment; and

19 “(ii) with respect to an order entered
20 on or after the date of enactment of this
21 section, the date that is 180 days after the
22 date on which the order was entered.

23 “(2) CONTINUED EFFECT OF FINAL AGENCY
24 ACTION.—A final agency action remanded under
25 paragraph (1) shall remain in effect while the Fed-

1 eral agency corrects any errors or deficiencies found
2 by the court.

3 “(b) LIMITATIONS ON CLAIMS.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, a claim relating to whether a final
6 agency action complies with the requirements of this
7 Act shall be barred unless—

8 “(A) the claim is filed not later than 150
9 days after the final agency action is made pub-
10 lic, unless a shorter deadline is specified under
11 Federal law;

12 “(B) in the case of a final agency action
13 for which there was a public comment period on
14 an environmental document, the claim—

15 “(i) is filed by a party that submitted
16 a substantive and unique comment during
17 that public comment period by the noticed
18 comment deadline for the environmental
19 document and the comment was suffi-
20 ciently detailed to put the applicable Fed-
21 eral agency on notice of the issue on which
22 the party seeks review; and

23 “(ii) concerns the same subject matter
24 raised in the comment submitted during
25 the public comment period;

1 “(C) the claim is filed by a party that has
2 suffered or imminently will suffer direct harm
3 from the final agency action; and

4 “(D) the claim does not challenge the es-
5 tablishment of a categorical exclusion.

6 “(2) SUPPLEMENTAL ENVIRONMENTAL DOCU-
7 MENTS.—

8 “(A) IN GENERAL.—If a Federal agency
9 issues a supplemental environmental document
10 in response to a court order remanding a final
11 agency action, the deadline described in para-
12 graph (1)(A) shall be the date on which the
13 Federal agency makes public the agency action
14 for which the supplemental environmental docu-
15 ment is prepared.

16 “(B) LIMITATION.—A claim for review of
17 a final agency action described in subparagraph
18 (A) shall be limited to information contained in
19 the final supplemental environmental document
20 that was not contained in a previous environ-
21 mental document for the final agency action.

22 “(3) ACTIONS FOR USE OF TRIBAL TRUST RE-
23 SOURCES.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), for any final agency action

1 that authorizes or affects the use of land, min-
2 erals, or other resources held in trust at the
3 time of the final agency action by the United
4 States for the benefit of a federally recognized
5 Indian Tribe, there shall be no administrative
6 or judicial review of the final agency action
7 based on a claim of failure to comply with the
8 requirements of this Act.

9 “(B) EXCEPTION.—Subparagraph (A)
10 shall not apply to actions for administrative or
11 judicial review—

12 “(i) brought by the federally recog-
13 nized Indian Tribe for which the United
14 States holds the land, minerals, or other
15 resources in trust; or

16 “(ii) that involve reasonably foresee-
17 able effects of the final agency action that
18 occur outside the land, minerals, or other
19 resources held in trust by the United
20 States for the benefit of a federally recog-
21 nized Indian Tribe.

22 “(c) DEADLINE FOR RESOLUTION.—

23 “(1) IN GENERAL.—A court shall issue a final
24 judgment on a claim relating to whether a final

1 agency action complies with the requirements of this
2 Act—

3 “(A) as expeditiously as practicable; and

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

10 “(2) ACCELERATED DEADLINES.—Nothing in
11 this subsection prevents a court from further expe-
12 diting review of a claim relating to whether a final
13 agency action complies with the requirements of this
14 Act.

15 “(3) APPEALS.—

16 “(A) FILING.—

17 “(i) IN GENERAL.—A notice of appeal
18 of a final judgment described in this sub-
19 section shall be filed not later than 60 days
20 after the final judgment is issued.

21 “(ii) REMANDED ACTIONS.—In the
22 case of a final agency action remanded
23 under subsection (a)(1), the Federal agen-
24 cy and, if applicable, the applicant shall

1 have the right to appeal during the pend-
2 ency of the remand.

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

6 “(i) as expeditiously as practicable;
7 and

8 “(ii) not later than the date that is
9 180 days after the date on which the no-
10 tice of the appeal is filed.

11 “(d) NO EFFECT ON REVIEW OF COMPLIANCE WITH
12 OTHER DEADLINES.—Nothing in this section affects the
13 right to obtain review under section 107(g)(3).”.