Energy Permitting Provisions

Designate and prioritize projects of strategic national importance.

- Direct the President to designate and periodically update a list of at least 25 high-priority energy infrastructure projects and prioritize permitting for these projects.
- Require a balanced list of project types, including: critical minerals, nuclear, hydrogen, fossil fuels, electric transmission, renewables, and carbon capture, sequestration, storage, and removal.
- Criteria for selecting designated projects includes: reducing consumer energy costs, improving energy reliability, decarbonization potential, and promoting energy trade with our allies.

Set maximum timelines for permitting reviews, including two years for NEPA reviews for major projects and one year for lower-impact projects.

- Require a single inter-agency environmental review document and concurrent agency review processes.
- Designate a lead agency to coordinate inter-agency review.
- Expand eligibility for the Federal Permitting Improvement Steering Council (FPISC) streamlining and transparency programs to ensure smaller energy projects, critical minerals and mining, and other key programs can benefit from FPISC. Provide FPISC funds to accelerate permitting.
- Improve the process for developing categorical exclusions under NEPA.

Improve Section 401 of the Clean Water Act by incorporating improvements from both the Trump and Biden administrations.

- Require one of four final actions within one year of certification requests: grant, grant with conditions, deny, or waive certification.
- Clarify that the basis of review is water quality impacts from the permitted activity, based on federal, State, and Tribal standards.
- Require certification applications to include available information on potential water quality impacts.
- Prohibit State or Tribal agencies from requesting project applicants to withdraw applications to stop/pause/restart the certification clock.
- Require States and Tribes to publish clear requirements for water quality certification requests, or else default to federal requirements.

Address excessive litigation delays.

- Set statute of limitations for court challenges.
- Require that if a federal court remands or vacates a permit for energy infrastructure, the court must set and enforce a reasonable schedule and deadline, not to exceed 180 days, for the agency to act on remand.
- Require random assignment of judges for all federal circuit courts.

Clarify FERC jurisdiction regarding the regulation of interstate hydrogen pipeline, storage, import, and export facilities.

Enhance federal government permitting authority for interstate electric transmission facilities that have been determined by the Secretary of Energy to be in the national interest.

- Replace DOE's national interest electric transmission corridor process with a national interest determination by the Secretary of Energy that allows FERC to issue a construction permit.
- Require FERC to ensure costs for transmission projects are allocated to customers that benefit.
- Allow FERC to approve payments from utilities to jurisdictions impacted by a transmission project.

Complete the Mountain Valley Pipeline. Require the relevant agencies to take all necessary actions to permit the construction and operation of the Mountain Valley Pipeline and give the DC Circuit jurisdiction over any further litigation.