SA 6517. Mr. SCHUMER proposed an amendment to amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, supra.

SA 6518. Mr. SCHUMER proposed an amendment to amendment SA 6517 proposed by Mr. SCHUMER to the amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, supra.

SA 6519. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 4926, to amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation.

TEXT OF AMENDMENTS

SA 6512. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION L—OTHER ENERGY MATTERS

TITLE CXXI—MOUNTAIN VALLEY PIPELINE

SEC. 12101. AUTHORIZATION OF MOUNTAIN VALLEY PIPELINE.

(a) FINDING.—Congress finds that the timely completion of the construction of the Mountain Valley Pipeline—

(1) is necessary—

(A) to ensure an adequate and reliable supply of natural gas to consumers at reasonable prices;

(B) to facilitate an orderly transition of the energy industry to cleaner fuels; and

(C) to reduce carbon emissions; and

(2) is in the national interest.

(b) PURPOSE.—The purpose of this section is to require the appropriate Federal officers and agencies to take all necessary actions to permit the timely completion of the construction and operation of the Mountain Valley Pipeline without further administrative or judicial delay or impediment.

(c) DEFINITIONS.—In this section:

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

(2) MOUNTAIN VALLEY PIPELINE.—The term ''Mountain Valley Pipeline'' means the Mountain Valley Pipeline Project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16–10 and CP19–477.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as applicable—

(A) the Secretary of Agriculture;

(B) the Secretary of the Interior; or

(C) the Secretary of the Army.

(d) AUTHORIZATION OF NECESSARY APPROVALS.—

(1) BIOLOGICAL OPINION AND INCIDENTAL TAKE STATEMENT.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall issue a biological opinion and incidental take statement for the Mountain Valley Pipeline, substantially in the form of the biological opinion and incidental take statement for the Mountain Valley Pipeline issued by the United States Fish and Wildlife Service on September 4, 2020.

(2) ADDITIONAL AUTHORIZATIONS.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act—

(A) the Secretary of the Interior shall issue all rights-of-way, permits, leases, and other authorizations that are necessary for the construction, operation, and maintenance of the Mountain Valley Pipeline, substantially in the form approved in the record of decision of the Bureau of Land Management entitled ''Mountain Valley Pipeline and Equitrans Expansion Project Decision to Grant Right-of-Way and Temporary Use Permit'' and dated January 14, 2021;

(B) the Secretary of Agriculture shall amend the Land and Resource Management Plan for the Jefferson National Forest as necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline within the Jefferson National Forest, substantially in the form approved in the record of decision of the Forest Service entitled ''Record of Decision for the Mountain Valley Pipeline and Equitrans Expansion Project'' and dated January 2021;

(C) the Secretary of the Army shall issue all permits and verifications necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline across waters of the United States; and

(D) the Commission shall—

(i) approve any amendments to the certificate of public convenience and necessity issued by the Commission on October 13, 2017 (161 FERC 61,043); and

(ii) grant any extensions necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline.

(e) AUTHORITY TO MODIFY PRIOR DECISIONS OR APPROVALS.—In meeting the applicable requirements of subsection (d), a Secretary concerned may modify the applicable prior biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization described in that subsection if the Secretary concerned determines that the modification is necessary—

(1) to correct a deficiency in the record; or

(2) to protect the public interest or the environment.

(f) RELATIONSHIP TO OTHER LAWS.—

(1) DETERMINATION TO ISSUE OR GRANT.—The requirements of subsection (d) shall supersede the provisions of any law (including regulations) relating to an administrative determination as to whether the biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization shall be issued for the Mountain Valley Pipeline.

(2) SAVINGS PROVISION.—Nothing in this section limits the authority of a Secretary concerned or the Commission to administer a right-of-way or enforce any permit or other authorization issued under subsection (d) in accordance with applicable laws (including regulations).

(g) JUDICIAL REVIEW.—

(1) IN GENERAL.—The actions of the Secretaries concerned and the Commission pursuant to subsection (d) that are necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline shall not be subject to judicial review.

(2) OTHER ACTIONS.—The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over—

(A) any claim alleging—

(i) the invalidity of this section; or

(ii) that an action is beyond the scope of authority conferred by this section; and

(B) any claim relating to any action taken by a Secretary concerned or the Commission relating to the Mountain Valley Pipeline other than an action described in paragraph (1).

SA 6513. Mr. SCHUMER (for Mr. MANCHIN) proposed an amendment to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

At the end, add the following:

DIVISION L—OTHER ENERGY MATTERS

TITLE CXXI—BUILDING AMERICAN ENERGY SECURITY ACT OF 2022

SEC. 12101. SHORT TITLE.

This title may be cited as the ''Building American Energy Security Act of 2022''.

Subtitle A—Accelerating Agency Reviews

SEC. 12111. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' means any agency, department, or other unit of Federal, State, local, or Tribal government.

(2) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the meaning given the term ''Native Corporation'' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(3) AUTHORIZATION.—The term ''authorization'' means any license, permit, approval, finding, determination, interagency consultation, or other administrative decision that is required or authorized under Federal law (including regulations) to design, plan, site, construct, reconstruct, or commence operations of a project, including any authorization described in section 41001(3) of the FAST Act (42 U.S.C. 4370m(3)).

(4) COOPERATING AGENCY.—The term ''cooperating agency'' means any Federal agency (and a State, Tribal, or local agency if agreed on by the lead agency), other than a lead agency, that has jurisdiction by law or special expertise with respect to an environmental impact relating to a project.

(5) ENVIRONMENTAL DOCUMENT.—The term ''environmental document'' includes any of the following, as prepared under NEPA:

(A) An environmental assessment.

(B) A finding of no significant impact.

(C) An environmental impact statement.

(D) A record of decision.

(6) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed statement of environmental impacts of a project required to be prepared under NEPA.

(7) ENVIRONMENTAL REVIEW PROCESS.—The term ''environmental review process'' means the process for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document required to be prepared to achieve compliance with NEPA, including pre-application consultation and scoping processes.

(8) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130).

(9) LEAD AGENCY.—The term ''lead agency'', with respect to a project, means—

(A) the Federal agency preparing, or assuming primary responsibility for, the authorization or review of the project; and

(B) if applicable, any State, local, or Tribal government entity serving as a joint lead agency for the project.

(10) NEPA.—The term ''NEPA'' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including NEPA implementing regulations).

(11) NEPA IMPLEMENTING REGULATIONS.—The term ''NEPA implementing regulations'' means the regulations in subpart A of chapter V of title 40, Code of Federal Regulations (or successor regulations).

(12) PARTICIPATING AGENCY.—The term ''participating agency'' means an agency participating in an environmental review or authorization for a project.

(13) PROJECT SPONSOR.—The term ''project sponsor'' means an entity, including any private, public, or public-private entity, seeking an authorization for a project.

SEC. 12112. STREAMLINING PROCESS FOR AUTHORIZATIONS AND REVIEWS OF ENERGY AND NATURAL RESOURCES PROJECTS.

(a) DEFINITIONS.—In this section:

(1) CATEGORICAL EXCLUSION.—The term ''categorical exclusion'' means a categorical exclusion within the meaning of NEPA.

(2) MAJOR PROJECT.—The term ''major project'' means a project—

(A) for which multiple authorizations, reviews, or studies are required under a Federal law other than NEPA; and

(B) with respect to which the head of the lead agency has determined that—

(i) an environmental impact statement is required; or

(ii) an environmental assessment is required, and the project sponsor requests that the project be treated as a major project.

(3) PROJECT.—The term ''project'' means a project—

(A) proposed for the construction of infrastructure—

(i) to develop, produce, generate, store, transport, or distribute energy;

(ii) to capture, remove, transport, or store carbon dioxide; or

(iii) to mine, extract, beneficiate, or process minerals; and

(B) that, if implemented as proposed by the project sponsor, would be subject to the requirements that—

(i) an environmental document be prepared; and

(ii) the applicable agency issue an authorization of the activity.

(4) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as appropriate—

(A) the Secretary of Agriculture, with respect to the Forest Service;

(B) the Secretary of Energy;

(C) the Secretary of the Interior;

(D) the Federal Energy Regulatory Commission;

(E) the Secretary of the Army, with respect to the Corps of Engineers; and

(F) the Secretary of Transportation, with respect to the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration.

(b) APPLICABILITY.—

(1) IN GENERAL.—The project development procedures under this section—

(A) shall apply to—

(i) all projects for which an environmental impact statement is prepared;

(ii) all major projects; and

(iii) to the maximum extent practicable, projects described in clause (i) or (ii) for which an authorization is being sought or that are subject to an environmental review process initiated prior to the date of enactment of this Act.

(B) may be applied, as requested by a project sponsor and to the extent determined appropriate by the Secretary concerned, to other projects for which an environmental document is prepared; and

(C) shall not apply to—

(i) any project subject to section 139 of title 23, United States Code;

(ii) any project that is a water resources development project of the Corps of Engineers; or

(iii) any authorization of the Corps of Engineers if that authorization is for a project that alters or modifies a water resources development project of the Corps of Engineers.

(2) FLEXIBILITY.—Any authority provided by this section may be exercised, and any requirement established under this section may be satisfied, for a project, class of projects, or program of projects.

(3) SAVINGS PROVISION.—Nothing in this section—

(A) precludes the use of an authority provided under any other provision of law, including for a covered project under title XLI of the FAST Act (42 U.S.C. 4370m et seq.);

(B) supersedes or modifies any applicable requirement, authority, or agency responsibility provided under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other provision of law; or

(C) shall be considered an abbreviated authorization or environmental review process for purposes of section 41001(6)(A)(i)(III) of the FAST Act (42 U.S.C. 4370m(6)(A)(i)(III)).

(c) LEAD AGENCIES.—

(1) JOINT LEAD AGENCIES.—Nothing in this section precludes an agency from serving as a joint lead agency for a project, in accordance with NEPA.

(2) ROLES AND RESPONSIBILITIES.—With respect to the environmental review process for a project, the lead agency shall have the authority and responsibility—

(A) to take such actions as are necessary and appropriate to facilitate the expeditious resolution of the environmental review process for the project;

(B) to prepare any required environmental impact statement or other environmental document, or to ensure that such an environmental impact statement or environmental document is completed, in accordance with this section and applicable Federal law;

(C) not later than 45 days after the date of publication of a notice of intent to prepare an environmental impact statement, or the initiation of an environmental assessment, as applicable, for a project—

(i) to identify any other agencies that may have financing, environmental review, authorization, or other responsibilities with respect to the project;

(ii) to invite the identified agencies to become participating agencies in the environmental review process for the project; and

(iii) to establish, as part of the invitation, a deadline for the submission of a response, which may be extended by the lead agency for good cause;

(D) to consider and respond to comments timely received from participating agencies relating to matters within the special expertise or jurisdiction of those agencies;

(E) to consider, and, as appropriate, rely on, adopt, or incorporate by reference, baseline data, analyses, and documentation that have been prepared for the project under the laws and procedures of a State or an Indian Tribe if the lead agency determines that—

(i) those laws and procedures are of equal or greater rigor, as compared to each applicable Federal law and procedure; and

(ii) the baseline data, analysis, or documentation, as applicable, was prepared under circumstances that allowed for—

(I) opportunities for public participation;

(II) consideration of alternatives and environmental consequences; and

(III) other required analyses that are substantially equivalent to the analyses that would have been prepared if the baseline data, analysis, or documentation was prepared by the lead agency pursuant to NEPA; and

(F)(i) to ensure that the project sponsor complies with design and mitigation commitments for the project made jointly by the lead agency and the project sponsor; and

(ii) to ensure that environmental documents are appropriately supplemented if changes become necessary with respect to the project.

(d) PARTICIPATING AGENCIES.—

(1) APPLICABILITY.—

(A) INAPPLICABILITY TO COVERED PROJECTS.—The procedures under this subsection shall not apply to a covered project (as defined in section 41001 of the FAST Act (42 U.S.C. 4370m))—

(i) for which a project initiation notice has been submitted pursuant to section 41003(a) of that Act (42 U.S.C. 4370m–2(a)); and

(ii) that is carried out in accordance with the procedures described in that notice.

(B) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary concerned may exercise the authority under this subsection with respect to—

(i) a project;

(ii) a class of projects; or

(iii) a program of projects.

(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by a lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency, unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation, that the invited agency has no responsibility for or interest in the project.

(3) FEDERAL COOPERATING AGENCIES.—A Federal agency that has not been invited by a lead agency to participate in the environmental review process for a project, but that is required to make an authorization or carry out an action for a project, shall—

(A) notify the lead agency of the financing, environmental review, authorization, or other responsibilities of the notifying Federal agency with respect to the project; and

(B) work with the lead agency to ensure that the agency making the authorization or carrying out the action is treated as a cooperating agency for the project.

(4) RESPONSIBILITIES.—A participating agency participating in the environmental review process for a project shall—

(A) provide comments, responses, studies, or methodologies relating to the areas within the special expertise or jurisdiction of the agency; and

(B) use the environmental review process to address any environmental issues of concern to the agency.

(5) EFFECT OF DESIGNATION.—

(A) REQUIREMENT.—A participating agency for a project shall comply with the applicable requirements of this section.

(B) NO IMPLICATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

(i) has made a determination to support or deny any project; or

(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the applicable project.

(6) COOPERATING AGENCY DESIGNATION.—Any agency designated as a cooperating agency shall also be designated by the applicable lead agency as a participating agency under the NEPA implementing regulations.

(e) COORDINATION OF REQUIRED REVIEWS; ENVIRONMENTAL DOCUMENTS.—

(1) IN GENERAL.—The lead agency and each participating agency for a project shall apply the requirements of section 41005 of the FAST Act (42 U.S.C. 4370m–4) to the project, subject to the condition that any reference contained in that section to a ''covered project'' shall be considered to be a reference to the project under this section.

(2) SINGLE ENVIRONMENTAL DOCUMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (C), to the maximum extent practicable and consistent with Federal law, to achieve compliance with NEPA, all Federal authorizations and reviews that are necessary for a project shall rely on a single environmental document for each type of environmental document prepared under NEPA under the leadership of the lead agency.

(B) USE OF DOCUMENT.—

(i) IN GENERAL.—To the maximum extent practicable, the lead agency shall develop

environmental documents sufficient to satisfy the NEPA requirements for any authorization or other Federal action required for the project.

(ii) COOPERATION OF PARTICIPATING AGENCIES.—Each participating agency shall cooperate with the lead agency and provide timely information to assist the lead agency to carry out subparagraph (A).

(C) EXCEPTIONS.—A lead agency may waive the application of subparagraph (A) with respect to a project if—

(i) the project sponsor requests that agencies issue separate environmental documents;

(ii) the obligations of a cooperating agency or participating agency under NEPA have already been satisfied with respect to the project; or

(iii) the lead agency determines, and provides justification in the coordination plan established under subsection (g)(1), that multiple environmental documents are more efficient for the environmental review process or authorization process for the project.

(D) PAGE LIMITS.—

(i) IN GENERAL.—Notwithstanding any other provision of law and except as provided in clause (ii), to the maximum extent practicable, the text of the items described in paragraphs (4) through (6) of section 1502.10(a) of title 40, Code of Federal Regulations (or successor regulations), of an environmental impact statement for a project shall be not more than 150 pages.

(ii) EXCEPTIONS.—The text described in clause (i)—

(I) shall be not more than 300 pages in the case of a proposal of unusual scope or complexity; and

(II) may exceed 300 pages if the lead agency establishes a new page limit for the environmental impact statement for that project.

(f) ERRATA FOR ENVIRONMENTAL IMPACT STATEMENTS.—

(1) IN GENERAL.—In preparing a final environmental impact statement for a project, if the lead agency modifies the draft environmental impact statement in response to comments, the lead agency may write on errata sheets attached to the environmental impact statement in lieu of rewriting the draft environmental impact statement, subject to the conditions described in paragraph (2).

(2) CONDITIONS.—The conditions referred to in paragraph (1) are as follows:

(A) The comments to which the applicable modification responds shall be minor.

(B) The modifications shall be confined to—

(i) minor factual corrections; or

(ii) an explanation of the reasons why the comments do not warrant additional response from the lead agency.

(C) The errata sheets shall—

(i) cite the sources, authorities, and reasons that support the position of the lead agency; and

(ii) if appropriate, indicate the circumstances that would trigger reappraisal or further response by the lead agency.

(3) SAVINGS PROVISION.—Nothing in this subsection precludes a lead agency from responding to comments in a final environmental impact statement in accordance with procedures described in section 1503.4(c) of the NEPA implementing regulations.

(g) COORDINATION AND SCHEDULING.—

(1) COORDINATION PLAN.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement, or the initiation of an environmental assessment, as applicable, for a project, the lead agency shall establish a plan for coordinating public and agency participation in, and comment regarding, the environmental review process and authorization decisions for the project or applicable category of projects (referred to in this paragraph as the ''coordination plan'').

(B) OTHER DATE.—If the project sponsor requests the establishment of a coordination plan for a project by a date earlier than the deadline described in subparagraph (A), the lead agency shall establish the coordination plan not later than 90 days after the request is received by the head of the lead agency.

(C) INCORPORATION INTO MEMORANDUM.—A coordination plan may be incorporated into a memorandum of understanding with the project sponsor, lead agency, and any other appropriate entity to accomplish the coordination activities described in this subsection.

(D) SCHEDULE.—

(i) IN GENERAL.—As part of a coordination plan for a project, the lead agency shall establish and maintain a schedule for completion of the environmental review process and authorization decisions for the project that—

(I) includes the date of project initiation or earliest Federal agency contact for the project, including any pre-application consultation;

(II) includes any programmatic environmental document or agreement that is a prerequisite or predecessor for the environmental review process for the project;

(III) includes—

(aa) any Federal authorization, action required as part of the environmental review process, consultation, or similar process that is required through project completion;

(bb) to the maximum extent practicable, any Indian Tribe, Alaska Native Corporation, State, or local agency authorization, review, consultation, or similar process; and

(cc) a schedule for each authorization under item (aa) or (bb), including any pre-application consultations, applications, interim milestones, public comment periods, draft decisions, final decisions, and final authorizations necessary to begin construction; and

(IV) is established—

(aa) after consultation with, and the concurrence of, each participating agency for the project; and

(bb) with the participation of the project sponsor.

(ii) MAJOR PROJECT SCHEDULES.—To the maximum extent practicable and consistent with applicable Federal law, in the case of a major project, the lead agency shall develop, with the concurrence of each participating agency for the major project and in consultation with the project sponsor, a schedule for the major project that is consistent with completing—

(I) the environmental review process—

(aa) in the case of major projects for which the lead agency determines an environmental impact statement is required, not later than 2 years after the date of publication by the lead agency of a notice of intent to prepare an environmental impact statement to the record of decision; and

(bb) in the case of major projects for which the lead agency determines an environmental assessment is required, not later than 1 year after the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact; and

(II) any outstanding authorization required for project construction not later than 150 days after the date of an issuance of a record of decision or a finding of no significant impact under subclause (I).

(E) FACTORS FOR CONSIDERATION.—In establishing a schedule under subparagraph (D), a Federal lead agency shall consider factors such as—

(i) the responsibilities of participating agencies or cooperating agencies under applicable law;

(ii) resources available to the participating agencies or cooperating agencies;

(iii) the overall size and complexity of the project;

(iv) the overall time required by an agency to conduct the environmental review process and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license);

(v) the cost of the project;

(vi) the sensitivity of the natural and historic resources that could be affected by the project; and

(vii) timelines and deadlines established in this section and other applicable law.

(F) MODIFICATIONS.—

(i) IN GENERAL.—Except as provided in clause (iii), the lead agency may lengthen—

(I) a schedule established for a project under subparagraph (D) for good cause, in accordance with clause (ii); or

(II) shorten a schedule established for a project under subparagraph (D) if the lead agency has—

(aa) good cause; and

(bb) the concurrence of the project sponsor and any participating agencies.

(ii) GOOD CAUSE.—Good cause to lengthen a schedule under clause (i)(I) may include—

(I) Federal law prohibiting the lead agency or another agency from issuing an approval or permit within the period required under subparagraph (D);

(II) a request from the project sponsor that the permit or approval follow a different timeline; or

(III) a determination by the lead agency, with the concurrence of the project sponsor, that an extension would facilitate completion of the environmental review process and authorization process of the project.

(iii) EXCEPTIONS.—

(I) SHORTENING OF TIME PERIOD.—A lead agency may not shorten a schedule under clause (i)(II) if shortening the schedule would impair the ability of a participating agency—

(aa) to conduct any necessary analysis; or

(bb) to otherwise carry out any relevant obligation of the participating agency for the project.

(II) MAJOR PROJECTS.—In the case of a major project, the lead agency may lengthen a schedule for a project under subparagraph (D) for a Federal participating agency by not more than 1 year after the latest deadline established for the major project by the lead agency.

(III) COORDINATION PLANS PRIOR TO NOTICE OF INTENT.—In the case of a schedule established for a project under subparagraph (D) prior to the publication of a notice of intent, the lead agency may adjust the schedule, with the concurrence of participating agencies and the participation of the project sponsor, until the date of publication of the notice of intent.

(G) FAILURE TO MEET SCHEDULE OR DEADLINE.—If a participating Federal agency fails to meet a schedule or deadline established under subparagraph (D), not later than 30 days after the missed schedule or deadline, the participating Federal agency shall—

(i) notify—

(I) the Director of the Office of Management and Budget;

(II) the Executive Director of the Federal Permitting Improvement Steering Council;

(III) the Secretary concerned;

(IV) the Committee on Energy and Natural Resources of the Senate;

(V) the Committee on Environment and Public Works of the Senate;

(VI) the Committee on Natural Resources of the House of Representatives; and

(VII) the Committee on Energy and Commerce of the House of Representatives; and

(ii) include in the notifications under clause (i)—

(I) a description of the cause for the failure; and

(II) a new schedule or deadline agreed on by the project sponsor, the lead agency, and cooperating agencies.

(H) DISSEMINATION.—A copy of a schedule for a project under subparagraph (D), and any modifications to such a schedule, shall be—

(i) provided to—

(I) all participating agencies; and

(II) the project sponsor; and

(ii) in the case of a schedule for a major project under that subparagraph, made available to the public pursuant to subsection (l).

(I) NO DELAY IN DECISIONMAKING.—No agency shall seek to encourage a sponsor of a project to withdraw or resubmit an application to delay decisionmaking within the timelines under this subsection.

(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of a notice of the date of public availability of the draft, unless—

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause, together with a documented and publicly available explanation of the need for an extended comment period.

(B) For all other comment periods established by the lead agency for agency or public comment for a Federal authorization or in the environmental review process, a period of not more than 45 days beginning on the first date of availability of the materials regarding which comment is requested, unless a different deadline of not more than 60 days is established by agreement of the lead agency and all participating agencies, in consultation with the project sponsor.

(3) PUBLIC INVOLVEMENT.—Nothing in this section—

(A) reduces any time period provided for—

(i) public comment in the environmental review process; or

(ii) an authorization for a project under applicable Federal law;

(B) creates a requirement for an additional public comment opportunity in addition to any public comment opportunity required for a project under applicable Federal law; or

(C) creates a new requirement for public comment on a project for which an environmental assessment is being prepared.

(4) CATEGORICAL EXCLUSIONS.—Nothing in this subsection affects or creates new requirements for a project or activity that is eligible for a categorical exclusion.

(5) DEADLINE ENFORCEMENT.—

(A) DEFINITION OF APPLICABLE DEADLINE.—In this paragraph, the term ''applicable deadline'' means a deadline—

(i) for the environmental review process for a major project required under paragraph (1)(D)(ii)(I);

(ii) for a decision on an authorization for a major project required under paragraph (1)(D)(ii)(II); or

(iii) described in clause (i) or (ii) that has been modified under paragraph (1)(F).

(B) PETITION TO COURT.—A project sponsor may obtain a review of an alleged failure by a Federal agency, or a State agency acting pursuant to Federal law, to act in accordance with an applicable deadline under this section by filing a written petition with a court of competent jurisdiction seeking an order under subparagraph (C).

(C) COURT ORDER.—If a court of competent jurisdiction finds that a Federal agency, or a State agency acting pursuant to Federal law, has failed to act in accordance with an applicable deadline, the court shall set a schedule and deadline for the agency to act as soon as practicable, which shall not exceed 90 days from the date on which the order of the court is issued, unless the court determines a longer time period is necessary to comply with applicable law.

(D) JURISDICTION.—The United States Court of Appeals for the District of Columbia shall have original jurisdiction over any civil action brought pursuant to subparagraph (B), in addition to any court of competent jurisdiction under any other Federal law.

(E) EXPEDITED CONSIDERATION.—A court of competent jurisdiction shall set for expedited consideration any action brought under this subsection.

(h) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and each participating agency shall work cooperatively in accordance with this section to facilitate the timely completion of the environmental review and authorization process by identifying and resolving issues that could—

(A) delay final decisionmaking for any authorization for a project;

(B) delay completion of the environmental review process for a project; or

(C) result in the denial of any authorization required for the project under applicable law.

(2) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—

(A) IN GENERAL.—A participating agency, project sponsor, or the Governor of a State in which a project is located may request an issue resolution meeting to resolve issues relating to a project that could—

(i) delay final decisionmaking for any authorization for a project;

(ii) significantly delay completion of the environmental review process for a project; or

(iii) result in the denial of any authorization required for the project under applicable law.

(B) INITIAL MEETING.—Not later than 30 days after the date of receipt of a request under subparagraph (A), the lead agency shall convene an issue resolution meeting, which shall include—

(i) the relevant participating agencies;

(ii) the project sponsor; and

(iii) the Governor of a State in which the project is located, if the Governor requested the issue resolution meeting under that subparagraph.

(C) ELEVATION.—If issue resolution is not achieved by 30 days after the date of the initial meeting under subparagraph (B), the issue shall be elevated to the head of the lead agency, who shall—

(i) notify—

(I) the heads of the relevant participating agencies;

(II) the project sponsor; and

(III) the Governor of a State in which the project is located, if the Governor requested the issue resolution meeting under subparagraph (A); and

(ii) convene a leadership issue resolution meeting not later than 90 days after the date of the initial meeting under subparagraph (B) with—

(I) the heads of the relevant participating agencies, including any relevant Secretaries;

(II) the project sponsor; and

(III) the Governor of a State in which the project is located, if the Governor requested the issue resolution meeting under subparagraph (A).

(D) CONVENTION BY LEAD AGENCY.—A lead agency may convene an issue resolution meeting at any time to resolve issues relating to an authorization or environmental review process for a project, without the request of a participating agency, project sponsor, or the Governor of a State in which the project is located.

(E) REFERRAL OF ISSUE RESOLUTION FOR MAJOR PROJECTS TO COUNCIL ON ENVIRONMENTAL QUALITY.—

(i) IN GENERAL.—If issue resolution for a major project is not achieved by 30 days after the date on which a leadership issue resolution meeting is convened under subparagraph (C), the head of the lead agency shall refer the matter to the Council on Environmental Quality.

(ii) MEETING.—Not later than 30 days after the date of receipt of a referral from the head of the lead agency under clause (i), the Council on Environmental Quality shall convene an issue resolution meeting with—

(I) the head of the lead agency;

(II) the heads of relevant participating agencies;

(III) the project sponsor; and

(IV) the Governor of a State in which the major project is located, if the Governor requested the issue resolution meeting under subparagraph (A).

(F) CONSISTENCY WITH OTHER LAW.—An agency shall implement the requirements of this paragraph—

(i) unless doing so would prevent the compliance of the agency with existing law; and

(ii) consistent with, to the maximum extent permitted by law, any dispute resolution process established in an applicable law, regulation, or legally binding agreement.

(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits the application of section 41003 of the FAST Act (42 U.S.C. 4370m–2) to a covered project (as defined in section 41001 of that Act (42 U.S.C. 4370m)) that is a project subject to the requirements of this section, including with respect to dispute resolution procedures regarding a permitting timetable.

(i) ENHANCED TECHNICAL ASSISTANCE FROM LEAD AGENCY.—

(1) DEFINITION OF COVERED PROJECT.—In this subsection, the term ''covered project'' means a project—

(A) that has a pending environmental review or authorization under NEPA; and

(B) for which the lead agency determines a delay to the schedule established under subsection (g) is likely.

(2) TECHNICAL ASSISTANCE.—At the request of a project sponsor, participating agency, or the Governor of a State in which a covered project is located, the head of the lead agency may provide technical assistance to resolve any outstanding issues that are resulting in project delay for the covered project, including by—

(A) providing additional staff, training, and expertise;

(B) facilitating interagency coordination;

(C) promoting more efficient collaboration; and

(D) supplying specialized onsite assistance.

(3) SCOPE OF WORK.—In providing technical assistance for a covered project under this subsection, the head of the lead agency shall establish a scope of work that describes the actions that the head of the lead agency will take to resolve the outstanding issues and project delays.

(4) CONSULTATION.—In providing technical assistance for a covered project under this subsection, the head of the lead agency shall consult, if appropriate, with participating agencies on all methods available to resolve any outstanding issues and project delays for

a covered project as expeditiously as practicable.

(j) JUDICIAL REVIEW.—Except as provided in subsection (k), nothing in this section affects the reviewability of any final Federal agency action in a court of—

(1) the United States; or

(2) any State.

(k) EFFICIENCY OF CLAIMS.—

(1) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of an authorization issued or denied by a Federal agency for a project shall be barred unless the claim is filed by 150 days after the later of the date on which the authorization is final in accordance with the law under which the agency action is taken and the date of publication of a notice that the environmental document is final in accordance with NEPA, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

(2) EXPEDITED REVIEW.—A court of competent jurisdiction shall set for expedited consideration any claim arising under Federal law seeking judicial review of an authorization issued or denied by a Federal agency, or a State agency acting pursuant to Federal law, for a project.

(3) REMANDED ACTIONS.—

(A) IN GENERAL.—If a court of competent jurisdiction remands a final Federal agency action for a project to the Federal agency, the court shall set a reasonable schedule and deadline for the agency to act on remand, which shall not exceed 180 days from the date on which the order of the court was issued, unless a longer time period is necessary to comply with applicable law.

(B) EXPEDITED TREATMENT OF REMANDED ACTIONS.—The head of the Federal agency to which a court remands a final Federal agency action under subparagraph (A) shall take such actions as may be necessary to provide for the expeditious disposition of the action on remand in accordance with the schedule and deadline set by the court under that subparagraph.

(4) RANDOM ASSIGNMENT OF CASES.—To the maximum extent practicable, district courts of the United States and courts of appeals of the United States shall randomly assign cases seeking judicial review of any authorization issued by a Federal agency for a project to judges appointed, designated, or assigned to sit as judges of the court in a manner to avoid the appearance of favoritism or bias.

(5) EFFECT OF SUBSECTION.—Nothing in this subsection—

(A) establishes a right to judicial review; or

(B) places any limit on filing a claim that a person has violated the terms of an authorization.

(6) TREATMENT OF SUPPLEMENTAL OR REVISED ENVIRONMENTAL DOCUMENTS.—With respect to a project—

(A) the preparation of a supplemental or revised environmental document for the project, when required, shall be considered to be a separate final agency action for purposes of the deadline under subparagraph (B); and

(B) the deadline for filing a claim for judicial review of that action shall be the date that is 150 days after the date of publication of a notice in the Federal Register announcing the final agency action, unless a shorter time is specified in the Federal law pursuant to which judicial review is authorized.

(l) IMPROVING TRANSPARENCY IN PROJECT STATUS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary concerned shall—

(A) use the searchable Internet website maintained under section 41003(b) of the FAST Act (42 U.S.C. 4370m–2(b)) to make publicly available—

(i) the status, schedule, and progress of each major project, including a project for which an authorization is being sought or that is subject to an environmental review process initiated prior to the date of enactment of this Act, with respect to compliance with the applicable requirements of NEPA, any authorization, and any other Indian Tribe, State, or local agency authorization required for the major project; and

(ii) a list of the participating agencies for each major project; and

(B) establish such reporting standards as are necessary to meet the requirements of subparagraph (A), which shall include requirements—

(i) to track major projects from initiation through the date that final authorizations required to begin construction are issued or the major project is withdrawn; and

(ii) to update the status, schedule, and progress of major projects to reflect any changes to the project status or schedule, including changes resulting from litigation (including any injunctions, vacatur of authorizations, and timelines for any additional authorization or environmental review process that is required as a result of litigation).

(2) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.—

(A) FEDERAL AGENCIES.—A Federal agency participating in the environmental review process or authorization process for a major project shall provide to the Secretary concerned information relating to the status and progress of the authorization of the major project for publication on the Internet website referred to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

(B) STATE AND LOCAL AGENCIES.—The Secretary concerned shall encourage State and local agencies participating in the environmental review process or authorization process for a major project to provide information relating to the status and progress of the authorization of the major project for publication on the Internet website referred to in paragraph (1)(A).

(m) ACCOUNTABILITY AND REPORTING FOR MAJOR PROJECTS.—Each Secretary concerned shall—

(1) not later than 1 year after the date of enactment of this Act, establish a performance accountability system for the agency represented by the Secretary concerned; and

(2) on establishment of the performance accountability system under paragraph (1), and not less frequently than annually thereafter, publish a report describing performance accountability for each major project authorization and review conducted during the preceding year by the agency represented by the Secretary concerned, including—

(A) for each major project for which that agency serves as a lead agency or a participating agency, the extent to which the agency is achieving compliance with each schedule established under this section for an authorization, environmental review process, or consultation;

(B) for each major project for which that agency serves as a lead agency, information regarding the average time required to complete each applicable authorization and the environmental review process; and

(C) for each major project for which that agency serves as a participating agency with jurisdiction over an authorization, information regarding the average time required to complete the authorization process.

(n) PROGRAMMATIC COMPLIANCE.—

(1) IN GENERAL.—The Secretary concerned shall allow for the use of programmatic approaches to conduct environmental reviews that—

(A) eliminate repetitive discussions of the same issue;

(B) focus on the issues ripe for analysis at each level of review; and

(C) are consistent with—

(i) NEPA; and

(ii) other applicable laws.

(2) REQUIREMENTS.—In carrying out this subsection, each lead agency shall ensure that programmatic approaches to conduct environmental review processes—

(A) promote transparency, including the transparency of—

(i) the analyses and data used in the environmental review process;

(ii) the treatment of any deferred issues raised by agencies or the public; and

(iii) the temporal and spatial scales to be used to analyze issues under clauses (i) and (ii);

(B) use accurate and timely information, including through the establishment of—

(i) criteria for determining the general duration of the usefulness of the environmental review process; and

(ii) a timeline for updating any out-of-date environmental review process;

(C) describe—

(i) the relationship between any programmatic analysis and future tiered analysis; and

(ii) the role of the public in the creation of future tiered analyses;

(D) are available to other relevant Federal and State agencies, Indian Tribes, Alaska Native Corporations, and the public; and

(E) provide notice and public comment opportunities consistent with applicable requirements.

(o) DEVELOPMENT OF CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and not less frequently than once every 4 years thereafter, each Secretary concerned, in consultation with the Chair of the Council on Environmental Quality, shall—

(A) in consultation with the other agencies described in paragraph (2), as applicable, identify each categorical exclusion available to such an agency that would accelerate delivery of a project if the categorical exclusion was available to the Secretary concerned; and

(B) collect existing documentation and substantiating information relating to each categorical exclusion identified under subparagraph (A).

(2) DESCRIPTION OF AGENCIES.—The agencies referred to in paragraph (1) are—

(A) the Department of Agriculture;

(B) the Department of the Army;

(C) the Department of Commerce;

(D) the Department of Defense;

(E) the Department of Energy;

(F) the Department of the Interior;

(G) the Federal Energy Regulatory Commission; and

(H) any other Federal agency that has participated in an environmental review process for a project, as determined by the Chair of the Council on Environmental Quality.

(3) ADOPTION OF CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date on which categorical exclusions are identified under paragraph (1)(A), each Secretary concerned shall—

(A) determine whether any such categorical exclusion meets the applicable criteria for a categorical exclusion under—

(i) the NEPA implementing regulations; and

(ii) any relevant regulations of the agency represented by the Secretary concerned; and

(B) publish a notice of proposed rulemaking to propose the adoption of any identified categorical exclusion that—

(i) is applicable to the agency represented by the Secretary concerned; and

(ii) meets the applicable criteria described in subparagraph (A).

(p) ADDITIONS TO CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and not later than 5 years thereafter, each Secretary concerned shall—

(A) conduct a survey regarding the use by the agency represented by the Secretary concerned of categorical exclusions for projects during the 5-year period preceding the date of the survey;

(B) publish a review of the survey under subparagraph (A) that includes a description of—

(i) the types of actions eligible for each categorical exclusion covered by the survey; and

(ii) any requests previously received by the Secretary concerned for new categorical exclusions; and

(C) solicit requests for new categorical exclusions.

(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of a solicitation of requests under paragraph (1)(C), the Secretary concerned shall publish a notice of proposed rulemaking to propose the adoption of any such new categorical exclusions, to the extent that the categorical exclusions meet the applicable criteria for a categorical exclusions under—

(A) the NEPA implementing regulations; and

(B) any relevant regulations of the agency represented by the Secretary concerned.

SEC. 12113. PRIORITIZING ENERGY PROJECTS OF STRATEGIC NATIONAL IMPORTANCE.

(a) DEFINITIONS.—In this section:

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

(2) DESIGNATED PROJECT.—The term ''designated project'' means an energy project of strategic national importance designated for priority Federal review under subsection (b).

(b) DESIGNATION OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President, in consultation with the Secretary of Energy, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Federal Energy Regulatory Commission, and the heads of any other relevant Federal departments or agencies, as determined by the President, shall—

(A) designate 25 energy projects of strategic national importance for priority Federal review, in accordance with this section; and

(B) publish a list of those designated projects in the Federal Register.

(2) UPDATES.—Not later than 180 days after the date on which the President publishes the list under paragraph (1)(B), and every 180 days thereafter during the 10-year period beginning on that date, the President shall publish an updated list, which shall—

(A) include not less than 25 designated projects; and

(B) include each previously designated project until—

(i) a final decision has been issued for each authorization for the designated project; or

(ii) the project sponsor withdraws its request for authorization.

(3) PROJECT TYPES; FIRST 7 YEARS.—During the 7-year period beginning on the date on which the President publishes the list under paragraph (1)(B), of the list of designated projects maintained on an ongoing basis pursuant to this subsection, not fewer than—

(A) 5 shall be projects for the mining, extraction, beneficiation, or processing of critical minerals—

(i) of which not fewer than 3 shall include new mining or extraction of critical minerals; and

(ii) for which critical mineral production may occur as a byproduct;

(B) 7 shall be projects—

(i) to generate electricity or store energy without the use of fossil fuels; or

(ii) to manufacture clean energy equipment;

(C) 6 shall be projects to produce, process, transport, or store fossil fuel products, or biofuels, including projects to export or import those products from nations described in subsection (c)(3)(A)(vi);

(D) 3 shall be electric transmission projects or projects using grid-enhancing technology;

(E) 2 shall be projects to capture, transport, or store carbon dioxide, which may include the utilization of captured or displaced carbon dioxide emissions; and

(F) 2 shall be a project to produce, transport, or store clean hydrogen, including projects to export or import those products from nations described in subsection (c)(3)(A)(vi).

(4) PROJECT TYPES; PHASE-DOWN.—During the 3-year period beginning 7 years after the date on which the President publishes the list under paragraph (1)(B), of the list of designated projects maintained on an ongoing basis pursuant to this subsection, not fewer than—

(A) 2 shall be projects for the mining, extraction, beneficiation, or processing of critical minerals;

(B) 3 shall be projects described in paragraph (3)(B);

(C) 3 shall be projects described in paragraph (3)(C);

(D) 1 shall be a project described in paragraph (3)(D);

(E) 1 shall be a project described in paragraph (3)(E); and

(F) 1 shall be a project described in paragraph (3)(F).

(5) LIST OF PROJECTS MEETING EACH CATEGORY THRESHOLD; INSUFFICIENT APPLICATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), during the 10-year period beginning on the date on which the President publishes the list under paragraph (1)(B), the President shall maintain a list of designated projects that meet the minimum threshold for the applicable category of projects under each subparagraph of paragraph (3) or (4), as applicable.

(B) INSUFFICIENT APPLICATIONS.—If the number of applications submitted that meet the requirements for a designated project for a category of projects under a subparagraph of paragraph (3) or (4), as applicable, is not sufficient to meet the minimum threshold under that subparagraph, the President shall designate the maximum number of applications submitted that meet the requirements for a designated project for the applicable category until a sufficient number of applications meeting the requirements for a designated project for such category has been submitted.

(c) SELECTION AND PRIORITY REQUIREMENTS.—

(1) IN GENERAL.—The President shall carry out subsection (b) based on a review of applications for authorizations or other reviews submitted to the Corps of Engineers, the Department of Defense, the Department of Energy, the Department of the Interior, the Environmental Protection Agency, the Forest Service, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Maritime Administration, the Pipeline and Hazardous Materials Safety Administration, and the Federal Permitting Improvement Steering Council.

(2) REQUIREMENT.—The President shall designate under subsection (b) only projects that the President determines are likely—

(A) to require an environmental assessment or environmental impact statement under NEPA;

(B) to require review by more than 2 Federal or State agencies;

(C) to have a total project cost of more than $250,000,000; and

(D) to have sufficient financial support from the project sponsor to ensure project completion.

(3) PRIORITY.—

(A) IN GENERAL.—In considering projects to designate under subsection (b), the President shall give priority to projects the completion of which will significantly advance 1 or more of the following objectives:

(i) Reducing energy prices in the United States.

(ii) Reducing greenhouse gas emissions.

(iii) Improving electric reliability in North America.

(iv) Advancing emerging energy technologies.

(v) Improving the domestic supply chains for, and manufacturing of, energy products, energy equipment, and critical minerals.

(vi) Increasing energy trade between the United States and—

(I) nations that are signatories to free trade agreements with the United States that cover the trade of energy products;

(II) members of the North Atlantic Treaty Organization;

(III) members of the Organization for Economic Cooperation and Development;

(IV) nations with a transmission system operator that is included in the European Network of Transmission System Operators for Electricity, including as an observer member; or

(V) any other country designated as an ally or partner nation by the President for purposes of this section.

(vii) Reducing the reliance of the United States on the supply chains of foreign entities of concern (as defined in section 40207(a) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a))).

(viii) To the extent practicable, minimizing development impacts through the use of existing—

(I) rights-of-way;

(II) facilities; or

(III) other infrastructure.

(ix) Creating jobs—

(I) with wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act''); and

(II) with consideration of the magnitude and timing of the direct and indirect employment impacts of carrying out the project.

(B) OTHER PRIORITY.—In considering projects to designate for the category of projects described in subsection (b)(3)(C), in addition to the priorities specified in subparagraph (A), the President shall give priority to projects the completion of which will significantly reduce greenhouse gas emissions.

(d) REVIEWS OF DESIGNATED PROJECTS.—

(1) IN GENERAL.—The President shall, in consultation with the applicable department and agency heads, the Director of the Office of Management and Budget, the Chair of the Council on Environmental Quality, and the

Federal Permitting Improvement Steering Council, direct Federal agencies through executive order to prioritize the completion of the environmental review process and decisions on authorizations for designated projects.

(2) TIMELINES.—To the maximum extent practicable and consistent with applicable Federal law, the President shall complete—

(A) the environmental review process—

(i) in the case of a designated project for which the lead agency determines an environmental impact statement is required, not later than 2 years after the date of publication by the lead agency of a notice of intent to prepare an environmental impact statement to the record of decision; and

(ii) in the case of a designated project for which the lead agency determines an environmental assessment is required, not later than 1 year after the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact; and

(B) decisions on any outstanding authorization required for project construction within 180 days of the issuance of a record of decision or finding of no significant impact under subparagraph (A).

(3) STREAMLINING REVIEW PROCESS.—A designated project shall be considered a major project (as defined in section 12112(a)) subject to the requirements of that section.

(e) NEPA.—

(1) IN GENERAL.—Nothing in this section supersedes or modifies any applicable requirement, authority, or agency responsibility provided under NEPA.

(2) DESIGNATION OF PROJECTS.—The act of designating a project under subsections (b) and (c) shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives a report describing—

(1) each designated project and the basis for designating that project pursuant to subsection (c);

(2) for each designated project, all outstanding authorizations, environmental reviews, consultations, public comment periods, or other Federal, State, or local reviews required for project completion; and

(3) for each authorization, environmental review, consultation, public comment period, or other review under paragraph (2)—

(A) an estimated completion date; and

(B) an explanation of—

(i) any delays meeting the timelines established in this section or in applicable Federal, State, or local law; and

(ii) any changes to the date described in subparagraph (A) from a report previously submitted under this subsection.

(g) FUNDING.—

(1) IN GENERAL.—Out of amounts appropriated under section 70007 of Public Law 117–169 to the Environmental Review Improvement Fund established under section 41009(d)(1) of the FAST Act (42 U.S.C. 4370m–8(d)(1)), $250,000,000 shall be used to provide funding to agencies to support more efficient, accurate, and timely reviews of designated projects in accordance with paragraph (2).

(2) USE OF FUNDS.—The Federal Permitting Improvement Steering Council shall prescribe the use of funds provided to agencies under paragraph (1), which may include—

(A) the hiring and training of personnel;

(B) the development of programmatic documents;

(C) the procurement of technical or scientific services for environmental reviews;

(D) the development of data or information systems;

(E) stakeholder and community engagement;

(F) the purchase of new equipment for analysis; and

(G) the development of geographic information systems and other analytical tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

(3) LIMITATION.—Of the amounts made available under paragraph (1) for a fiscal year, not more than $1,500,000 shall be allocated to support the review of a single designated project.

(4) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this subsection shall be used in addition to existing funding mechanisms, including agency user fees and application fees.

SEC. 12114. EMPOWERING THE FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL AND IMPROVING REVIEWS.

(a) DEFINITION OF COVERED PROJECT.—Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended—

(1) in the matter preceding clause (i), by inserting ''critical mineral mining, production, beneficiation, or processing,'' before ''electricity transmission''; and

(2) in clause (i), by striking subclause (II) and inserting the following:

''(II) is likely to require a total investment of—

''(aa) more than $200,000,000; or

''(bb) in the case of a project for the construction, production, transportation, storage, or generation of energy, more than $50,000,000; and''.

(b) TRANSPARENCY.—Section 41003(b)(2)(A)(iii) of the FAST Act (42 U.S.C. 4370m–2(b)(2)(A)(iii)) is amended by adding at the end the following:

''(III) OUTER CONTINENTAL SHELF LANDS ACT.—The Secretary of the Interior shall create and maintain a specific entry on the Dashboard for the preparation and revision of the oil and gas leasing program required under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

''(IV) ADDITIONAL ENERGY PROJECTS.—The Secretary of the Interior or the Secretary of Energy, as applicable, shall create and maintain a specific entry on the Dashboard for any project that is a designated project (as defined in section 12113(a) of the Building American Energy Security Act of 2022) for which a notice of initiation under subsection (a)(1)(A) has not been submitted, unless the project is already included on the Dashboard as a covered project.''.

SEC. 12115. LITIGATION TRANSPARENCY.

(a) DEFINITIONS.—In this section:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action—

(A) seeking to compel agency action affecting a project, as defined under section 12112 of this Act; and

(B) brought under—

(i) chapter 7 of title 5, United States Code; or

(ii) any other statute authorizing such an action.

(2) COVERED CONSENT DECREE.—The term ''covered consent decree'' means a consent decree entered into in a covered civil action.

(3) COVERED CONSENT DECREE OR SETTLEMENT AGREEMENT.—The term ''covered consent decree or settlement agreement'' means a covered consent decree and a covered settlement agreement.

(4) COVERED SETTLEMENT AGREEMENT.—The term ''covered settlement agreement'' means a settlement agreement entered into in a covered civil action.

(b) TRANSPARENCY.—

(1) PLEADINGS AND PRELIMINARY MATTERS.—

(A) IN GENERAL.—In any covered civil action, the agency against which the covered civil action is brought shall publish the notice of intent to sue and the complaint in a readily accessible manner, including by making the notice of intent to sue and the complaint available online not later than 15 days after receiving service of the notice of intent to sue or complaint, respectively.

(B) ENTRY OF A COVERED CONSENT DECREE OR SETTLEMENT AGREEMENT.—A party may not make a motion for entry of a covered consent decree or to dismiss a civil action pursuant to a covered settlement agreement until after the requirements of subparagraph (A) have been met.

(2) PUBLICATION OF COVERED CONSENT DECREES OR SETTLEMENT AGREEMENTS; PUBLIC COMMENT.—Not later than 30 days before the date on which a covered consent decree or settlement agreement is filed with a court, the agency seeking to enter the covered consent decree or settlement agreement shall—

(A) publish online the proposed covered consent decree or settlement agreement; and

(B) provide a reasonable opportunity by notice in the Federal Register to persons who are not named as parties or interveners to the covered civil action to comment in writing.

(c) CONSIDERATION OF PUBLIC COMMENT.—An agency seeking to enter a covered consent decree or settlement agreement shall promptly consider any written comments received under subsection (b)(2)(B) and may withdraw or withhold consent to the proposed consent decree or settlement agreement if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with any provision of law.

Subtitle B—Modernizing Permitting Laws

SEC. 12121. TRANSMISSION.

(a) CONSTRUCTION PERMIT.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (b) and inserting the following:

''(b) CONSTRUCTION PERMIT.—Except as provided in subsections (d)(1) and (i), the Commission may, after notice and an opportunity for hearing, issue 1 or more permits for the construction or modification of electric transmission facilities necessary in the national interest if the Commission finds that—

''(1)(A) a State in which the transmission facilities are to be constructed or modified does not have authority to—

''(i) approve the siting of the facilities; or

''(ii) consider the interstate benefits or interregional benefits expected to be achieved by the proposed construction or modification of transmission facilities in the State;

''(B) the applicant for a permit is a transmitting utility under this Act but does not qualify to apply for a permit or siting approval for the proposed project in a State because the applicant does not serve end-use customers in the State; or

''(C) a State commission or other entity that has authority to approve the siting of the facilities—

''(i) has not made a determination on an application seeking approval pursuant to applicable law by the date that is 1 year after the date on which the application was filed with the State commission or other entity;

''(ii) has conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission capacity constraints or congestion in interstate commerce or is not economically feasible; or

''(iii) has denied an application seeking approval pursuant to applicable law;

''(2) the proposed facilities will be used for the transmission of electric energy in interstate (including transmission from the outer Continental Shelf to a State) or foreign commerce;

''(3) the proposed construction or modification is consistent with the public interest;

''(4) the proposed construction or modification will—

''(A) significantly reduce transmission congestion in interstate commerce; and

''(B) protect or benefit consumers;

''(5) the proposed construction or modification—

''(A) is consistent with sound national energy policy; and

''(B) will enhance energy independence; and

''(6) the proposed modification will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers or structures.''.

(b) STATE SITING AND CONSULTATION.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (d) and inserting the following:

''(d) STATE SITING AND CONSULTATION.—

''(1) PRESERVATION OF STATE SITING AUTHORITY.—The Commission shall have no authority to issue a permit under subsection (b) for the construction or modification of an electric transmission facility within a State except as provided in paragraph (1) of that subsection.

''(2) CONSULTATION.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian Tribe, private property owners, and other interested persons a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.''.

(c) RIGHTS-OF-WAY.—Section 216(e) of the Federal Power Act (16 U.S.C. 824p(e)) is amended—

(1) in paragraph (1), by striking ''or a State''; and

(2) by adding at the end the following:

''(5) Compensation for property taken under this subsection shall be determined and awarded by the district court of the United States in accordance with section 3114(c) of title 40, United States Code.''.

(d) COST ALLOCATION.—

(1) IN GENERAL.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (f) and inserting the following:

''(f) COST ALLOCATION.—

''(1) TRANSMISSION TARIFFS.—For the purposes of this section, any transmitting utility that owns, controls, or operates electric transmission facilities that the Commission finds to be consistent with the findings under paragraphs (2) through (5) and, if applicable, (6) of subsection (b) shall file a tariff with the Commission in accordance with section 205 and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

''(2) COST ALLOCATION PRINCIPLES.—The Commission shall require that tariffs filed under this subsection fairly reflect and allocate the costs of providing service to each class of customers, including improved reliability, reduced congestion, reduced power losses, greater carrying capacity, reduced operating reserve requirements, and improved access to generation, in accordance with cost allocation principles of the Commission.

''(3) COST CAUSATION PRINCIPLE.—The cost of electric transmission facilities described in paragraph (1) shall be allocated to customers within the transmission planning region or regions that benefit from the facilities in a manner that is at least roughly commensurate with the estimated benefits described in paragraph (2).''.

(2) SAVINGS CLAUSE.—If the Federal Energy Regulatory Commission finds that the considerations under paragraphs (2) through (5) and, if applicable, (6) of subsection (b) of section 216 of the Federal Power Act (16 U.S.C. 824p) (as amended by subsection (a)) are met, nothing in this section or the amendments made by this section shall be construed to exclude transmission facilities located on the outer Continental Shelf from being eligible for cost allocation established under subsection (f)(1) of that section (as amended by paragraph (1)).

(e) COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.—Section 216(h) of the Federal Power Act (16 U.S.C. 824p(h)) is amended—

(1) in paragraph (2), by striking the period at the end and inserting the following: '', except that—

''(A) the Commission shall act as the lead agency in the case of facilities permitted under subsection (b); and

''(B) the Department of the Interior shall act as the lead agency in the case of facilities located on a lease, easement, or right-of-way granted by the Secretary of the Interior under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (42 U.S.C. 1337(p)(1)(C)).'';

(2) in each of paragraphs (3), (4)(B), (4)(C), (5)(B), (6)(A), (7)(A), (7)(B)(i), (8)(A)(i), and (9), by striking ''Secretary'' each place it appears and inserting ''lead agency'';

(3) in paragraph (4)(A), by striking ''As head of the lead agency, the Secretary'' and inserting ''The lead agency'';

(4) in paragraph (5)(A), by striking ''As lead agency head, the Secretary'' and inserting ''The lead agency''; and

(5) in paragraph (7)—

(A) in subparagraph (A), by striking ''18 months after the date of enactment of this section'' and inserting ''18 months after the date of enactment of the Building American Energy Security Act of 2022''; and

(B) in subparagraph (B)(i), by striking ''1 year after the date of enactment of this section'' and inserting ''18 months after the date of enactment of the Building American Energy Security Act of 2022''.

(f) INTERSTATE COMPACTS.—Section 216(i)(4) of the Federal Power Act (16 U.S.C. 824p(i)(4)) is amended by striking ''in disagreement'' in the matter preceding subparagraph (A) and all that follows through the period at the end of subparagraph (B) and inserting ''unable to reach an agreement on an application seeking approval by the date that is 1 year after the date on which the application for the facility was filed.''.

(g) TRANSMISSION INFRASTRUCTURE INVESTMENT.—Section 219(b)(4) of the Federal Power Act (16 U.S.C. 824s(b)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) all prudently incurred costs associated with payments to jurisdictions impacted by electric transmission facilities developed pursuant to section 216.''.

(h) CONFORMING AMENDMENT.—Section 50151(b) of Public Law 117–169 (42 U.S.C. 18715(b)) is amended by striking ''facilities designated by the Secretary to be necessary in the national interest'' and inserting ''facilities in national interest electric transmission corridors designated by the Secretary''.

SEC. 12122. DEFINITION OF NATURAL GAS UNDER THE NATURAL GAS ACT.

(a) IN GENERAL.—Section 2 of the Natural Gas Act (15 U.S.C. 717a) is amended by striking paragraph (5) and inserting the following:

''(5) 'Natural gas' means—

''(A) natural gas unmixed;

''(B) any mixture of natural and artificial gas; or

''(C) hydrogen mixed or unmixed with natural gas.''.

(b) CONFORMING AMENDMENTS.—Section 7(c)(1)(A) of the Natural Gas Act (15 U.S.C. 717f(c)(1)(A)) is amended, in the first sentence, in the proviso—

(1) by inserting ''or, in the case of any person engaged in the transportation of natural gas described in section 2(5)(C), on the date of enactment of the Building American Energy Security Act of 2022,'' before ''over the route''; and

(2) by striking ''within ninety days after the effective date of this amendatory Act'' and inserting ''within 90 days after the effective date of this amendatory Act, or, in the case of any person engaged in the transportation of natural gas described in section 2(5)(C), within 90 days after the date of enactment of the Building American Energy Security Act of 2022''.

(c) SAVINGS CLAUSE.—Nothing in this section or an amendment made by this section authorizes the Federal Energy Regulatory Commission—

(1) to order a natural-gas company under section 7(a) of the Natural Gas Act (15 U.S.C. 717f(a)) to extend or modify the transportation facilities of the natural-gas company used for natural gas described in subparagraph (A) or (B) of section 2(5) of that Act (15 U.S.C. 717a(5)) to transport natural gas described in subparagraph (C) of that section; or

(2) to attach to a certificate of public convenience and necessity issued under section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)) any requirement that transportation facilities used for natural gas described in subparagraph (A) or (B) of section 2(5) of that Act (15 U.S.C. 717a(5)) be capable of transporting natural gas described in subparagraph (C) of that section.

SEC. 12123. AUTHORIZATION OF MOUNTAIN VALLEY PIPELINE.

(a) FINDING.—Congress finds that the timely completion of the construction of the Mountain Valley Pipeline—

(1) is necessary—

(A) to ensure an adequate and reliable supply of natural gas to consumers at reasonable prices;

(B) to facilitate an orderly transition of the energy industry to cleaner fuels; and

(C) to reduce carbon emissions; and

(2) is in the national interest.

(b) PURPOSE.—The purpose of this section is to require the appropriate Federal officers and agencies to take all necessary actions to permit the timely completion of the construction and operation of the Mountain Valley Pipeline without further administrative or judicial delay or impediment.

(c) DEFINITIONS.—In this section:

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

(2) MOUNTAIN VALLEY PIPELINE.—The term ''Mountain Valley Pipeline'' means the Mountain Valley Pipeline Project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16–10 and CP19–477.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as applicable—

(A) the Secretary of Agriculture;

(B) the Secretary of the Interior; or

(C) the Secretary of the Army.

(d) AUTHORIZATION OF NECESSARY APPROVALS.—

(1) BIOLOGICAL OPINION AND INCIDENTAL TAKE STATEMENT.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall issue a biological opinion and incidental take statement for the Mountain Valley Pipeline, substantially in the form of the biological opinion and incidental take statement for the Mountain Valley Pipeline issued by the United States Fish and Wildlife Service on September 4, 2020.

(2) ADDITIONAL AUTHORIZATIONS.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act—

(A) the Secretary of the Interior shall issue all rights-of-way, permits, leases, and other authorizations that are necessary for the construction, operation, and maintenance of the Mountain Valley Pipeline, substantially in the form approved in the record of decision of the Bureau of Land Management entitled ''Mountain Valley Pipeline and Equitrans Expansion Project Decision to Grant Right-of-Way and Temporary Use Permit'' and dated January 14, 2021;

(B) the Secretary of Agriculture shall amend the Land and Resource Management Plan for the Jefferson National Forest as necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline within the Jefferson National Forest, substantially in the form approved in the record of decision of the Forest Service entitled ''Record of Decision for the Mountain Valley Pipeline and Equitrans Expansion Project'' and dated January 2021;

(C) the Secretary of the Army shall issue all permits and verifications necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline across waters of the United States; and

(D) the Commission shall—

(i) approve any amendments to the certificate of public convenience and necessity issued by the Commission on October 13, 2017 (161 FERC 61,043); and

(ii) grant any extensions necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline.

(e) AUTHORITY TO MODIFY PRIOR DECISIONS OR APPROVALS.—In meeting the applicable requirements of subsection (d), a Secretary concerned may modify the applicable prior biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization described in that subsection if the Secretary concerned determines that the modification is necessary—

(1) to correct a deficiency in the record; or

(2) to protect the public interest or the environment.

(f) RELATIONSHIP TO OTHER LAWS.—

(1) DETERMINATION TO ISSUE OR GRANT.—The requirements of subsection (d) shall supersede the provisions of any law (including regulations) relating to an administrative determination as to whether the biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization shall be issued for the Mountain Valley Pipeline.

(2) SAVINGS PROVISION.—Nothing in this section limits the authority of a Secretary concerned or the Commission to administer a right-of-way or enforce any permit or other authorization issued under subsection (d) in accordance with applicable laws (including regulations).

(g) JUDICIAL REVIEW.—

(1) IN GENERAL.—The actions of the Secretaries concerned and the Commission pursuant to subsection (d) that are necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline shall not be subject to judicial review.

(2) OTHER ACTIONS.—The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over—

(A) any claim alleging—

(i) the invalidity of this section; or

(ii) that an action is beyond the scope of authority conferred by this section; and

(B) any claim relating to any action taken by a Secretary concerned or the Commission relating to the Mountain Valley Pipeline other than an action described in paragraph (1).

SEC. 12124. RIGHTS-OF-WAY ACROSS INDIAN LAND.

The first section of the Act of February 5, 1948 (62 Stat. 17, chapter 45; 25 U.S.C. 323) is amended by adding at the end the following: ''Any right-of-way granted by an Indian tribe for the purposes authorized under this section shall not require the approval of the Secretary of the Interior, on the condition that the right-of-way approval process by the Indian tribe substantially complies with subsection (h) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(h)) or the Indian tribe has approved regulations under paragraph (1) of that subsection.''.

SEC. 12125. FEDERAL ENERGY REGULATORY COMMISSION STAFFING.

(a) CONSULTATION DEADLINE.—Section 401(k)(6) of the Department of Energy Organization Act (42 U.S.C. 7171(k)(6)) is amended—

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

''(A) IN GENERAL.—The Chairman''; and

(2) by adding at the end the following:

''(B) DEADLINE.—The requirement under subparagraph (A) shall be considered met if the Director of the Office of Personnel Management has not taken final action on a plan for applying authorities under this subsection within 120 days of submission of the plan by the Chairman to the Director of the Office of Personnel Management.''.

(b) ELIMINATION OF REPORTING SUNSET.—Section 11004(b)(1) of the Energy Act of 2020 (42 U.S.C. 7171 note; Public Law 116–260) is amended by striking ''thereafter for 10 years,'' and inserting ''thereafter,''.

SA 6514. Mr. JOHNSON (for himself, Mr. CRUZ, Mr. RISCH, Mr. MARSHALL, Mr. BRAUN, Mr. CRAPO, Mr. DAINES, Mrs. HYDE-SMITH, Mr. PAUL, Mr. HOEVEN, Mr. HAWLEY, Ms. LUMMIS, Mr. GRAHAM, Mr. LEE, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 525 the following:

SEC. 525A. REMEDIES FOR MEMBERS OF THE ARMED FORCES DISCHARGED OR SUBJECT TO PUNISHMENT UNDER THE COVID–19 VACCINE MANDATE.

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary of Defense may not issue any COVID–19 vaccine mandate as a replacement for the rescinded mandates under this Act absent a further act of Congress expressly authorizing a replacement mandate.

(b) REMEDIES.—Section 736 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 1161 note prec.) is amended—

(1) in the section heading, by striking ''**TO OBEY LAWFUL ORDER TO RECEIVE**'' and inserting ''**TO RECEIVE**'';

(2) in subsection (a)—

(A) by striking ''a lawful order'' and inserting ''an order''; and

(B) by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be an honorable discharge.'';

(3) by redesignating subsection (b) as subsection (e); and

(4) by inserting after subsection (a) the following new subsections:

''(b) PROHIBITION ON ADVERSE ACTION.—The Secretary of Defense may not take any adverse action against a covered member based solely on the refusal of such member to receive a vaccine for COVID–19.

''(c) REMEDIES AVAILABLE FOR A COVERED MEMBER DISCHARGED OR PUNISHED BASED ON COVID–19 STATUS.—At the election of a covered member and upon application through a process established by the Secretary of Defense, the Secretary shall—

''(1) adjust to 'honorable discharge' the status of the member if—

''(A) the member was separated from the Armed Forces based solely on the failure of the member to obey an order to receive a vaccine for COVID–19; and

''(B) the discharge status of the member would have been an 'honorable discharge' but for the refusal to obtain such vaccine;

''(2) reinstate the member at the grade held by the member immediately prior to the involuntary separation or any other punishment received by the member based on the member's vaccine status;

''(3) expunge from the service record of the member any reference to any adverse action based solely on COVID–19 status, including involuntary separation; and

''(4) include the time of involuntary separation of the member reinstated under paragraph (2) in the computation of the retired or retainer pay of the member.

''(d) ATTEMPT TO AVOID DISCHARGE.—The Secretary of Defense shall make every effort to retain members of the Armed Forces who are not vaccinated against COVID–19.''.

(c) IMMEDIATE RESCISSION OF MANDATE.—Notwithstanding the deadline provided for in section 525, the rescission of the COVID–19 mandate shall take effect immediately.

SA 6515. Mr. SCHUMER proposed an amendment to amendment SA 6513 proposed by Mr. SCHUMER (for Mr. MANCHIN) to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

At the end the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enachment of this Act.

SA 6516. Mr. SCHUMER proposed an amendment to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE

This Act shall take effect on the date that is 2 days after the date of enactment of this Act.

SA 6517. Mr. SCHUMER proposed an amendment to amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United

States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

On page 1, line 3, strike ''2'' and insert ''3''.

SA 6518. Mr. SCHUMER proposed an amendment to amendment SA 6517 proposed by Mr. SCHUMER to the amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

On page 1, strike ''3'' and insert ''4''.

SA 6519. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 4926, to amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Respect for Child Survivors Act''.

SEC. 2. MULTIDISCIPLINARY TEAMS.

(a) AMENDMENT.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

''§ 540D. Multidisciplinary teams

''(a) DEFINITIONS.—In this section—

''(1) the term 'child sexual abuse material' means a visual depiction described in section 2256(8)(A) of title 18;

''(2) the term 'covered investigation' means any investigation of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation;

''(3) the term 'Director' means the Director of the Federal Bureau of Investigation;

''(4) the term 'multidisciplinary team' means a multidisciplinary team established or used under subsection (b)(2);

''(5) the term 'relevant children's advocacy center personnel' means children's advocacy center staff that regularly participate in multidisciplinary child support settings, including the director of the children's advocacy center, the coordinator of a multidisciplinary team, forensic interviewers, victim advocates, forensic medical evaluators, physicians, sexual assault nurse examiners, and mental health clinicians; and

''(6) the term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of a victim services program.

''(b) FBI VICTIM SUPPORT REQUIREMENTS.—

''(1) IN GENERAL.—To carry out the functions described in subsection (c) in connection with each covered investigation conducted by the Federal Bureau of Investigation, the Director shall, unless unavailable or otherwise inconsistent with applicable Federal law—

''(A) use a multidisciplinary team; and

''(B) in accordance with paragraph (3), use—

''(i) a trained Federal Bureau of Investigation child adolescent forensic interviewer; or

''(ii) in the absence of a trained Federal Bureau of Investigation child adolescent forensic interviewer, a trained forensic interviewer at a children's advocacy center.

''(2) USE AND COORDINATION.—The Director shall use and coordinate with children's advocacy center-based multidisciplinary teams as necessary to carry out paragraph (1).

''(3) CHILDREN'S ADVOCACY CENTERS.—The Director—

''(A) may work with children's advocacy centers to implement a multidisciplinary team approaches for purposes of covered investigations; and

''(B) shall allow, facilitate, and encourage multidisciplinary teams to collaborate with a children's advocacy center with regard to availability, provision, and use of services to and by victims and families that are participants in or affected by the actions at issue in a covered investigation.

''(4) REPORT.—The Director shall submit to the Attorney General an annual report identifying any interview of a victim reporting child sexual abuse material or child trafficking that took place—

''(A) without the use of—

''(i) a multidisciplinary approach;

''(ii) a trained forensic interviewer; or

''(iii) either the use of a multidisciplinary approach or a trained forensic interviewer; and

''(B) for each interview identified under subparagraph (A), describing the exigent circumstances that existed with respect to the interview, in accordance with paragraph (1).

''(5) MEMORANDA OF UNDERSTANDING.—The Director shall seek to enter into a memorandum of understanding with a reputable national accrediting organization for children's advocacy centers—

''(A) under which—

''(i) the children's advocacy services of the national organization are made available to field offices of the Federal Bureau of Investigation in the United States; and

''(ii) special agents and other employees of the Federal Bureau of Investigation are made aware of the existence of such memoranda and its purposes; and

''(B) which shall reflect a trauma-informed, victim-centered approach and provide for case review.

''(c) FUNCTIONS.—The functions described in this subsection are the following:

''(1) To provide for the sharing of information among the members of a multidisciplinary team, when such a team is used, and with other appropriate personnel regarding the progress of a covered investigation by the Federal Bureau of Investigation.

''(2) To provide for and enhance collaborative efforts among the members of a multidisciplinary team, when such a team is used, and other appropriate personnel regarding a covered investigation.

''(3) To enhance the social services available to victims in connection with a covered investigation, including through the enhancement of cooperation among specialists and other personnel providing such services in connection with a covered investigation.

''(4) To carry out other duties regarding the response to investigations of child sexual abuse or trafficking.

''(d) PERSONNEL.—

''(1) IN GENERAL.—Each multidisciplinary team shall be composed of the following:

''(A) Appropriate investigative personnel.

''(B) Appropriate mental health professionals.

''(C) Appropriate medical personnel.

''(D) Victim advocates or victim specialists.

''(E) Relevant children's advocacy center personnel, with respect to covered investigations in which the children's advocacy center or personnel of the children's advocacy center were used in the course of the covered investigation.

''(F) Prosecutors, as appropriate.

''(2) EXPERTISE AND TRAINING.—

''(A) IN GENERAL.—Any individual assigned to a multidisciplinary team shall possess such expertise, and shall undertake such training as is required to maintain such expertise, in order to ensure that members of the team remain appropriately qualified to carry out the functions of the team under this section.

''(B) REQUIREMENT.—The training and expertise required under subparagraph (A) shall include training and expertise on special victims' crimes, including child sexual abuse.

''(e) SHARING OF INFORMATION.—

''(1) ACCESS TO INFORMATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), relevant children's advocacy center personnel who are assigned to work on a covered investigation under this section shall be granted access to the case information necessary to perform their role conducting forensic interviews and providing mental health treatment, medical care, and victim advocacy for Federal Bureau of Investigation cases.

''(B) INCLUDED INFORMATION.—The case information described in subparagraph (A) to which relevant children's advocacy center personnel shall be granted access includes—

''(i) case outcome of forensic interviews;

''(ii) medical evaluation outcomes;

''(iii) mental health treatment referrals and treatment completion;

''(iv) safety planning and child protection issues;

''(v) victim service needs and referrals addressed by the victim advocate;

''(vi) case disposition;

''(vii) case outcomes; and

''(viii) any other information required for a children's advocacy centers as a part of the standards of practice of the children's advocacy center; and

''(C) EXEMPT INFORMATION.—The case information described in subparagraph (A) does not include—

''(i) classified information;

''(ii) the identity of confidential informants; or

''(iii) other investigative information not included as a part of the standards of practice of the children's advocacy center.

''(2) SHARING INFORMATION WITH FBI.—Children's advocacy centers shall provide the Federal Bureau of Investigation with forensic interview recordings and documentation, medical reports, and other case information on Federal Bureau of Investigation-related cases.

''(3) SECURITY CLEARANCES.—

''(A) IN GENERAL.—The Federal Bureau of Investigation may provide security clearances to relevant children's advocacy center personnel for purposes of case review by multidisciplinary teams, if it is determined that those personnel are eligible and possess a need-to-know specific classified information to perform or assist in a lawful and authorized government function.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out subparagraph (A).

''(f) USE OF TEAMS.—Multidisciplinary teams used under this section shall be made available to victims reporting child sexual abuse or child trafficking in covered investigations, regardless of the age of the victim making the report.

''(g) CASE REVIEW BY MULTIDISCIPLINARY TEAM.—Throughout a covered investigation, a multidisciplinary team supporting an investigation under this section shall, at regularly scheduled times, convene to—

''(1) share information about case progress;

''(2) address any investigative or prosecutorial barriers; and

''(3) ensure that victims receive support and needed treatment.

''(h) AVAILABILITY OF ADVOCATES.—The Director shall make advocates available to each victim who reports child sexual abuse or child trafficking in connection with an investigation by the Federal Bureau of Investigation.

''(i) RULES OF CONSTRUCTION.—

''(1) INVESTIGATIVE AUTHORITY.—Nothing in this section shall be construed to augment any existing investigative authority of the Federal Bureau of Investigation or to expand the jurisdiction of any Federal law enforcement agency.

''(2) PROTECTING INVESTIGATIONS.—Nothing in this section shall be construed to limit the legal obligations of the Director under any other provision of law, including section 552a of title 5 (commonly known as the 'Privacy Act of 1974'), or require the sharing of classified information with unauthorized persons.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540C the following:

''540D. Multidisciplinary teams.''.

SEC. 3. IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

The Victims of Child Abuse Act of 1990 (34 U.S.C. 20301 et seq.) is amended—

(1) in section 211 (34 U.S.C. 20301)—

(A) in paragraph (1)—

(i) by striking ''3,300,000'' and inserting ''3,400,000''; and

(ii) by striking '', and drug abuse is associated with a significant portion of these'';

(B) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;

(C) by inserting afer paragraph (2) the following:

''(3) a key to a child victim healing from abuse is access to supportive and healthy families and communities;''; and

(D) in paragraph (9)(B), as so redesignated, by inserting '', and operations of centers'' before the period at the end;

(2) in section 212 (34 U.S.C. 20302)—

(A) in paragraph (5), by inserting ''coordinated team'' before ''response''; and

(B) in paragraph (8), by inserting ''organizational capacity'' before ''support'';

(3) in section 213 (34 U.S.C. 20303)—

(A) in subsection (a)—

(i) in the heading, by inserting ''AND MAINTENANCE'' after ''ESTABLISHMENT'';

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

(I) by striking '', in coordination with the Director of the Office of Victims of Crime,''; and

(II) by inserting ''and maintain'' after ''establish'';

(iii) in paragraph (3)—

(I) by striking ''and victim advocates'' and inserting ''victim advocates, multidisciplinary team leadership, and children's advocacy center staff''; and

(II) by striking ''and'' at the end;

(iv) by redesignating paragraph (4) as paragraph (5);

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

''(4) provide technical assistance, training, coordination, and organizational capacity support for State chapters; and''; and

(vi) in paragraph (5), as so redesignated, by striking ''and oversight to'' and inserting ''organizational capacity support, and oversight of'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by inserting ''and maintain'' after ''establish''; and

(II) in the matter following subparagraph (B), by striking ''and technical assistance to aid communities in establishing'' and inserting ''training and technical assistance to aid communities in establishing and maintaining''; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in clause (ii), by inserting ''Center'' after ''Advocacy''; and

(bb) in clause (iii), by striking ''of, assessment of, and intervention in'' and inserting ''and intervention in child''; and

(II) in subparagraph (B), by striking ''centers and interested communities'' and inserting ''centers, interested communities, and chapters''; and

(C) in subsection (c)—

(i) in paragraph (2)—

(I) in subparagraph (B), by striking ''evaluation, intervention, evidence gathering, and counseling'' and inserting ''investigation and intervention in child abuse''; and

(II) in subparagraph (E), by striking ''judicial handling of child abuse and neglect'' and inserting ''multidisciplinary response to child abuse'';

(ii) in paragraph (3)(A)(i), by striking ''so that communities can establish multidisciplinary programs that respond to child abuse'' and inserting ''and chapters so that communities can establish and maintain multidisciplinary programs that respond to child abuse and chapters can establish and maintain children's advocacy centers in their State'';

(iii) in paragraph (4)(B)—

(I) in clause (iii), by striking ''and'' at the end;

(II) in by redesignating clause (iv) as clause (v); and

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

''(iv) best result in supporting chapters in each State; and''; and

(iv) in paragraph (6), by inserting ''under this Act'' after ''recipients'';

(4) in section 214 (34 U.S.C. 20304)—

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

''(a) IN GENERAL.—The Administrator shall make grants to—

''(1) establish and maintain a network of care for child abuse victims where investigation, prosecutions, and interventions are continually occurring and coordinating activities within local children's advocacy centers and multidisciplinary teams;

''(2) develop, enhance, and coordinate multidisciplinary child abuse investigations, intervention, and prosecution activities;

''(3) promote the effective delivery of the evidence-based, trauma-informed Children's Advocacy Center Model and the multidisciplinary response to child abuse; and

''(4) develop and disseminate practice standards for care and best practices in programmatic evaluation, and support State chapter organizational capacity and local children's advocacy center organizational capacity and operations in order to meet such practice standards and best practices.'';

(B) in subsection (b), by striking '', in coordination with the Director of the Office of Victims of Crime,'';

(C) in subsection (c)(2)—

(i) in subparagraph (C), by inserting ''to the greatest extent practicable, but in no case later than 72 hours,'' after ''hours''; and

(ii) by striking subparagraphs (D) through (I) and inserting the following:

''(D) Forensic interviews of child victims by trained personnel that are used by law enforcement, health, and child protective service agencies to interview suspected abuse victims about allegations of abuse.

''(E) Provision of needed follow up services such as medical care, mental healthcare, and victims advocacy services.

''(F) A requirement that, to the extent practicable, all interviews and meetings with a child victim occur at the children's advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, prosecution, and intervention services.

''(G) Coordination of each step of the investigation process to eliminate duplicative forensic interviews with a child victim.

''(H) Designation of a director for the children's advocacy center.

''(I) Designation of a multidisciplinary team coordinator.

''(J) Assignment of a volunteer or staff advocate to each child in order to assist the child and, when appropriate, the child's family, throughout each step of intervention and judicial proceedings.

''(K) Coordination with State chapters to assist and provide oversight, and organizational capacity that supports local children's advocacy centers, multidisciplinary teams, and communities working to implement a multidisciplinary response to child abuse in the provision of evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.

''(L) Such other criteria as the Administrator shall establish by regulation.''; and

(D) by striking subsection (f) and inserting the following:

''(f) GRANTS TO STATE CHAPTERS FOR ASSISTANCE TO LOCAL CHILDREN'S ADVOCACY CENTERS.—In awarding grants under this section, the Administrator shall ensure that a portion of the grants is distributed to State chapters to enable State chapters to provide oversight, training, and technical assistance to local centers on evidence-informed initiatives including mental health, counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.'';

(5) in section 214A (34 U.S.C. 20305)—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''attorneys and other allied'' and inserting ''prosecutors and other attorneys and allied''; and

(ii) in paragraph (2)(B), by inserting ''Center'' after ''Advocacy''; and

(B) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

''(A) a significant connection to prosecutors who handle child abuse cases in State courts, such as a membership organization or support service providers; and''; and

(6) by striking 214B (34 U.S.C. 20306) and inserting the following:

''SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out sections 213, 214, and 214A, $40,000,000 for each of fiscal years 2022 through 2028.''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Mr. President, I have nine requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to