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Bipartisan American Affordability and Jobs Act (BAAJA) of 2026: Summary of All Sections

November 5, 2026

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R49506

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SUMMARY

R49506

November 5, 2026

Corrie E. Clark, Coordinator
Specialist in Energy Policy

Bipartisan American Affordability and Jobs Act (BAAJA) of 2026: Summary of All Sections

On September 30, 2026, Senator Capito, on behalf of herself, Senator Heinrich, Senator Lee, and Senator Whitehouse, introduced S. 5653—the Bipartisan American Affordability and Jobs Act of 2026 (BAAJA). BAAJA contains seven titles within two divisions, each with some provisions that directly or indirectly relate to energy infrastructure or permitting. The bill would reform certain federal environmental review and permitting processes to potentially expedite infrastructure projects.

The bill is organized according to two divisions.

Division A—Committee on Environment and Public Works—has four titles:

- National Environmental Policy Act of 1969
- Clean Water Act
- Endangered Species Act of 1973
- Project Certainty

Division B—Committee on Energy and Natural Resources—has three titles:

- Electric Transmission
- Energy Permitting
- Historic Preservation

This report identifies the provisions contained within BAAJA, with abbreviated information about their content and the citations to relevant existing law, where applicable.

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Overview

On September 30, 2026, Senator Capito, on behalf of herself, Senator Heinrich, Senator Lee, and Senator Whitehouse, introduced S. 5653—the Bipartisan American Affordability and Jobs Act of 2026 (BAAJA). The bill would address numerous aspects of infrastructure permitting—especially for electricity and energy projects—including federal processes for environmental considerations and historic preservation.

The bill is organized according to two divisions.

Division A—Committee on Environment and Public Works—has four titles:

- National Environmental Policy Act of 1969
- Clean Water Act
- Endangered Species Act of 1973
- Project Certainty

Division B—Committee on Energy and Natural Resources—has three titles:

- Electric Transmission
- Energy Permitting
- Historic Preservation

This report provides a short summary of each provision of BAAJA as introduced; citations to relevant existing law that would be amended by the provisions, where applicable; relevant CRS background reports, where applicable; and CRS experts and points of contact that congressional clients may contact for additional information. For provisions with affected U.S.C. citations, the citations are listed in order of appearance in the bill.

Division A—Committee on Environment and Public Works

Title I—National Environmental Policy Act of 1969[1]

Subtitle A—Declaration of Environmental Policy

Section 1101. Purposes; procedure; savings provision.

Summary of provision. Section 1101 would amend the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. §§4321 et seq.) to specify that it prescribe a procedure to inform the public about environmental effects of major federal actions and require the result of the NEPA process to be an informational document used in federal decisionmaking. It would state that NEPA does not mandate a particular outcome in decisionmaking.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §4321

[1] Summaries of Title I provisions were authored by Heather McPherron, CRS Analyst in Environmental Policy, and Kristen Hite, CRS Legislative Attorney.

CRS product. For related information, see the following CRS product:

- CRS Legal Sidebar LSB11333, *"Deference Squared": Supreme Court Limits NEPA's Scope and Courts' Reach in Seven County Infrastructure Coalition*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

Section 1102. Definitions.

Summary of provision. Section 1102 would reorganize NEPA's definitions from Section 111 to a new Section 3 and make them applicable to both of NEPA's titles.[2] It would remove two existing definitions, modify several existing definitions, add 15 new definitions, and make conforming amendments. For example, it would expand the list of exclusions in the definition of "major federal action," remove the definition of "participating Federal agencies," and add definitions for terms such as "authorization" and "make public."

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 42 U.S.C. §4336e
- 15 U.S.C. §4659(c)(1)
- 30 U.S.C. §1245 note
- 42 U.S.C. §3211 note
- 50 U.S.C. §98b note
- 46 U.S.C. §50505 note

CRS products. For related information, see the following CRS products:

- CRS In Focus IF12560, *National Environmental Policy Act: An Overview*
- CRS Report R48595, *Legislative Categorical Exclusions Under the National Environmental Policy Act*
- CRS In Focus IF13180, *H.R. 4776, Standardizing Permitting and Expediting Economic Development Act (SPEED Act), as Passed by the House*
- CRS Report R49485, *Amending the National Environmental Policy Act: Analysis of the SPEED Act (H.R. 4776)*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

[2] Current definitions within the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. §§4321 et seq.) apply to the NEPA's environmental review process as outlined in Subchapter 1 of NEPA (§§101-110) but do not apply to the Council of Environmental Quality's authorities in NEPA Subchapter 2 (§§201-207).

Section 1103. Implementing procedures.

Summary of provision. Section 1103 would require each federal agency to revise its NEPA regulations, procedures, or policies within 180 days after enactment of BAAJA and would direct the Council on Environmental Quality (CEQ) to promote standardized implementation of NEPA across federal agencies.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §4333

CRS product. For related information, see the following CRS product:

- CRS In Focus IF12960, *Council on Environmental Quality Rescinds NEPA Regulations: Legal and Policy Considerations*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

Section 1104. Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts.

Summary of provision. Section 1104 would require that federal agencies' methods and procedures for implementing NEPA be consistent with minimum functional requirements and data and technology standards for agency implementation of eNEPA technologies (see Section 1121 for more information). It would also replace "responsible official" with "lead agency," replace "proposal" with "proposed agency action," and make other terminology and cross-reference changes.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §4332(2)

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

Section 1105. Procedure for determination of level of review.

Summary of provision. Section 1105 would amend the process for determining whether an action requires an environmental document (i.e., a threshold determination) and which level of review applies. It would authorize the use of two or more categorical exclusions (CEs) on a proposed agency action—excluding overlapping CEs based on size, acreage, or dollar amount thresholds—and recognize statutory CEs; it would add state, tribal, and non-NEPA federal reviews that are functionally equivalent to NEPA reviews as threshold grounds for not preparing an environmental document; it would allow a sponsor to request an environmental impact statement (EIS) in place of an environmental assessment (EA); and it would bind other agencies to a lead agency's threshold determination.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §4336

CRS product. For related information, see the following CRS product:

- CRS In Focus IF12560, *National Environmental Policy Act: An Overview*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

Section 1106. Timely and unified Federal reviews.

Summary of provision. Section 1106 would revise and expand NEPA Section 107, which currently governs many of the procedural elements of agency environmental reviews. Section 1106 would expand requirements governing roles and responsibilities of lead, joint lead, and cooperating agencies for federal decisions "relating to an authorization." Among other changes, the section would expand lead agency duties in managing a schedule for environmental review and needed authorizations; specify aspects of CEQ's role in resolving disputes associated with participating agencies and deadlines; and add interagency scheduling and coordination requirements. The section would also eliminate consideration of certain alternatives to a proposed action; place limitations on when an agency is required to consider new scientific or technical research; and facilitate the use of state and tribal environmental review documents.

Additionally, Section 1106 would limit the scope and timing of cooperating agency comments and prescribe certain public comment periods for environmental impact statements. The section would establish deadlines for authorization decisions following completion of the NEPA process, and it would provide administrative consequences if an agency misses a deadline for environmental reviews and authorizations. The section would expand judicial review for missed deadlines for NEPA and related authorization decisions.

It would specify annual reporting requirements for agencies and CEQ that include information related to missed deadlines for environmental documents, progress toward adhering to deadlines year over year, and recommendations on how to improve agency adherence to deadlines.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §4336a

CRS product. For related information, see the following CRS product:

- CRS In Focus IF12560, *National Environmental Policy Act: An Overview*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

Section 1107. Programmatic environmental document.

Summary of provision. Section 1107 would extend the timeline for reliance on programmatic environmental documents from 5 years to 10 years.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §4336b

CRS product. For related information, see the following CRS product:

- CRS In Focus IF12560, *National Environmental Policy Act: An Overview*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

Section 1108. Use of categorical exclusions by other agencies.

Summary of provision. Section 1108 would require agencies to report CEs to CEQ within 30 days of the enactment of BAAJA and would require that CEQ maintain a central public record of all CEs across federal agencies, including those established by Congress. It would authorize the adoption by another agency of any CE listed on CEQ's central public record, provided that certain requirements are met.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §4336c

CRS products. For related information, see the following CRS products:

- CRS Report R48595, *Legislative Categorical Exclusions Under the National Environmental Policy Act*
- CRS In Focus IF12560, *National Environmental Policy Act: An Overview*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

Section 1109. Applications for authorizations.

Summary of provision. Section 1109 would replace NEPA Section 110—which required CEQ to conduct a study and report to Congress on developing a permitting portal—with new requirements governing applications for federal authorizations. Section 1109 would add requirements for project sponsors to submit specified permitting, stakeholder engagement, and project information in addition to other application information required by a federal agency. It would also establish deadlines for agencies to assess application completeness and determine the applicable level of NEPA review.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §4336d

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

Section 1110. Judicial review.

Summary of provision. Section 1110 would affect the timing, venue, available remedies, and other considerations associated with judicial review of NEPA and potentially related claims. This would include a statute of limitations to file a claim of NEPA noncompliance 150 days after an EIS is published in the *Federal Register* or an authorization is "made public"; limits on who can file a claim; requirements that claims be filed in a federal court of appeals; and a general prohibition on any judicial remedy awarding vacatur or injunctive relief unless certain criteria are met beyond finding of a NEPA violation.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new Section 111 to NEPA (42 U.S.C. §§4321 et seq.)

CRS products. For related information, see the following CRS products:

- CRS In Focus IF11932, *National Environmental Policy Act: Judicial Review and Remedies*
- CRS Report R48717, *Judicial Review and the National Environmental Policy Act (NEPA)*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Kristen Hite

Subtitle B—Council on Environmental Quality

Section 1121. Council on Environmental Quality.

Summary of provision. Section 1121 would establish a statutory framework for and direct CEQ to lead development of electronic tools for federal environmental reviews (i.e., "eNEPA technologies") and authorizations. It would direct the CEQ chair to, among other things, establish data standards and minimum technological functions, require "key permitting agencies" to begin implementing those functions, establish an interconnected federal data system (i.e., "ePermit unified interagency data system") with a common authorization portal, provide public access to certain information, and require "key permitting agencies" to submit biannual reports on the status of meeting the implementation requirements. It would also direct the CEQ chair to develop performance measures for agencies and personnel, authorize contracts supporting implementation, and require annual reports to certain congressional committees.[3] It would also amend NEPA to increase the authorization of appropriations from $1 million to $5 million annually.

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 42 U.S.C. §4347
- 42 U.S.C. §4342

[3] For Section 1121, the committees are the Senate Committee on Environment and Public Works and the House Committee on Natural Resources.

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Kristen Hite

Subtitle C—Federal Permitting Improvement

Section 1131. Definitions.

Summary of provision. Section 1131 would define terms for the federal permitting improvement subtitle including "applicable deadlines," "applicable schedule," "NEPA terms," "tracker," and "transparency project."

Affected U.S.C. citations. Not applicable (N/A).

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron

Section 1132. Environmental Review and Permitting Tracker.

Summary of provision. Section 1132 would require CEQ, in coordination with the General Services Administration (GSA), to maintain an online database tracking environmental reviews and authorizations for transparency projects. A "transparency project" would be defined in Section 1131 as any proposed agency action requiring an EIS or any proposed agency action requiring an EA that has not been completed by 13 months after the deadline established in Section 107(g) of NEPA, as amended by BAAJA. Entries on the tracker would identify information such as project location, major features, purpose and need, agency contact information, schedule and compliance status, and description of any litigation directly related to the project.

Affected U.S.C. citations. N/A.

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron

Section 1133. Permitting Improvement Fund.

Summary of provision. Section 1133 would establish a Permitting Improvement Fund and authorize $20 million annually for FY2027 through FY2033. The fund would be authorized for CEQ's chair to administer for the purpose of "improv[ing] the performance of key permitting agencies with respect to timely environmental reviews and authorizations required under [NEPA]."

Affected U.S.C. citations. N/A.

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron

Title II—Clean Water Act[4]

Section 1201. Water quality criteria.

Summary of provision. Section 1201 would formally require the Environmental Protection Agency (EPA) to issue water quality criteria through notice and comment rulemaking. It would specify the judicial review provision applicable to issuance of water quality criteria and regulations defining the scope of "waters of the United States."

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 33 U.S.C. §1314(a)
- 33 U.S.C. §1369(b)(1)

CRS product. For related information, see the following CRS product:

- CRS Report R49492, *Bipartisan American Affordability and Jobs Act (BAAJA) of 2026: Analysis of Clean Water Act Provisions*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Laura Gatz
- Kate R. Bowers

Section 1202. Clean Water Act permitting and State certification.

Summary of provision. Section 1202 would amend the Clean Water Act (CWA; 33 U.S.C. §§1251 et seq.) Section 401 to narrow the scope of what certifying authorities (typically states) could consider in their water quality certification reviews and the scope of conditions they could include when granting certifications generally. It would further narrow the scope of certification reviews and conditions for certain projects, including interstate transmission line and natural gas pipeline projects. It would also narrow the bases on which certification may be denied and would amend several aspects of Section 401 certification timelines, processes, and judicial review.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 33 U.S.C. §1341

CRS products. For related information, see the following CRS products:

- CRS Report R49492, *Bipartisan American Affordability and Jobs Act (BAAJA) of 2026: Analysis of Clean Water Act Provisions*
- CRS Report R46615, *Clean Water Act Section 401: Overview and Recent Developments*
- CRS Report R49486, *Clean Water Act Permitting: Overview and Policy Issues*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Laura Gatz

[4] Summaries of Title II provisions were authored by Laura Gatz, CRS Specialist in Environmental Policy, and Kate R. Bowers, CRS Supervisory Attorney.

- Kate R. Bowers

Section 1203. Permit term for NPDES permits.

Summary of provision. Section 1203 would extend the permit term limit for National Pollutant Discharge Elimination System (NPDES) permits from 5 years to 10 years.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 33 U.S.C. §1342(b)(1)(B)

CRS products. For related information, see the following CRS products:

- CRS Report R49492, *Bipartisan American Affordability and Jobs Act (BAAJA) of 2026: Analysis of Clean Water Act Provisions*
- CRS Report R49486, *Clean Water Act Permitting: Overview and Policy Issues*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Laura Gatz

Section 1204. Permits for dredged or fill material.

Summary of provision. Section 1204 would limit the period of time during which EPA could issue a Section 404(c) "veto" of a Section 404 permit for the discharge of dredged or fill material into waters of the United States. It would extend the permit term limit for Section 404 general permits from 5 years to 10 years. It would specify that the U.S. Army Corps of Engineers (USACE) consideration of environmental effects for general permits be limited to "water quality requirements," which would be newly defined in the bill, and that any adverse effects of discharges of dredge or fill material into less than two acres of waters of the United States would be considered minimal. It would require USACE to maintain certain nationwide permits and would raise the threshold of allowable impacts for coverage under these permits.

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 33 U.S.C. §§1344(c) and (e)

CRS products. For related information, see the following CRS products:

- CRS Report R49492, *Bipartisan American Affordability and Jobs Act (BAAJA) of 2026: Analysis of Clean Water Act Provisions*
- CRS Report R49486, *Clean Water Act Permitting: Overview and Policy Issues*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Laura Gatz

Section 1205. Judicial review timeline clarity.

Summary of provision. Section 1205 would impose a 150-day statute of limitations for lawsuits challenging Section 404 permits and certain other actions taken pursuant to Section 404 of the CWA. It would limit the availability of judicial review to parties that commented on an issue related to the lawsuit during the public comment period. It would limit the ability of courts to

vacate permits or other agency actions found to be unlawful and would require courts to set and enforce specific deadlines for agencies to act on remand.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 33 U.S.C. §1344

CRS product. For related information, see the following CRS product:

- CRS Report R49492, *Bipartisan American Affordability and Jobs Act (BAAJA) of 2026: Analysis of Clean Water Act Provisions*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Kate R. Bowers

Title III—Endangered Species Act of 1973[5]

Section 1301. Definitions.

Summary of provision. Section 1301 would define the terms "best scientific and commercial data available" and "best scientific data available" under the Endangered Species Act (ESA; 16 U.S.C. §§1531 et seq.).

These terms would

> (A) mean all relevant and objective scientific and commercial information available at the time of the agency action; and
>
> (B) include credible and reliable data, quantitative analyses, conceptual and numerical models, and model results that—
>
> (i) account for known or potential sources of error;
>
> (ii) are applied using prevailing principles, methods, tools, and professional standards of practice; and
>
> (iii) are impartially gathered and objectively applied without presumptions or policy prescriptions that bias the application.

Section 1301 would replace "the Trust Territory of the Pacific Islands" with "the Commonwealth of the Northern Mariana Islands" in the definition of "state."

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 16 U.S.C. §1532

CRS product. For related information, see the following CRS product:

- CRS Report R46677, *The Endangered Species Act: Overview and Implementation*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

[5] Summaries of Title III provisions were authored by Benjamin M. Barczewski, CRS Legislative Attorney; Cassandra J. Barnum, CRS Legislative Attorney; Eric P. Nardi, CRS Analyst in Natural Resources Policy; Pervaze A. Sheikh, CRS Specialist in Natural Resources Policy; and Erin H. Ward, CRS Coordinator of Research Planning/ALD.

- Pervaze A. Sheikh
- Eric P. Nardi
- Anthony R. Marshak
- Erin H. Ward
- Benjamin M. Barczewski
- Cassandra J. Barnum

Section 1302. Timeline for Section 7 consultations.

Summary of provision. Section 1302 would change the deadline for formal consultation under Section 7—which requires federal agencies to consult with the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service as to the effects of certain federal actions on listed species and critical habitat—from 90 days to 60 days. It would shorten the time frame for extensions of the consultation period that require only a written explanation to a relevant applicant from 150 days to 100 days. It would also shorten the time frame after which the Secretary of the Interior or Commerce would be required to obtain a relevant applicant's consent for extensions of the consultation period from 150 days or more to 100 days or more.

Section 1302 would authorize a permit or license applicant to sue if the Secretary of the Interior or Commerce and the consulting federal agency propose to extend the consultation period beyond 145 days and do not provide a written statement to or obtain consent from the applicant, as applicable.

Section 1302 would require that Section 7 consultation be finished no later than the date of completion of any NEPA documentation required for the federal action, unless the Secretary of the Interior or Commerce approves an extension due to "extraordinary circumstances beyond the control, and not due to any action, of the consulting parties."

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 16 U.S.C. §1536(b)

CRS product. For related information, see the following CRS product:

- CRS Report R46867, *Endangered Species Act (ESA) Section 7 Consultation and Infrastructure Projects*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Pervaze A. Sheikh
- Eric P. Nardi
- Anthony R. Marshak
- Erin H. Ward
- Benjamin M. Barczewski
- Cassandra J. Barnum

Section 1303. Projects in the operational right-of-way.

Summary of provision. Section 1303 would provide that any project categorically excluded from NEPA pursuant to Section 1316 of P.L. 112-141 (i.e., projects to be undertaken in existing operational rights of way related to roadways) would be exempt from Section 7 consultation.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new provision (q) to the end of Section 7 of the ESA (16 U.S.C. §1536)

CRS product. For related information, see the following CRS product:

- CRS Report R46867, *Endangered Species Act (ESA) Section 7 Consultation and Infrastructure Projects*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Pervaze A. Sheikh
- Eric P. Nardi
- Erin H. Ward
- Benjamin M. Barczewski
- Cassandra J. Barnum

Section 1304. State assumption of consultation responsibilities.

Summary of provision. Section 1304 would direct the Secretary of the Interior to establish a program that would allow the Secretary to assign the consultation responsibilities of the Secretary to states, at the state's election, under certain conditions. (This program would apply only to consultations conducted by FWS.)

Section 1304 would not allow for the assignment of consultation responsibilities for projects or other agency actions that exceed the boundaries of a state. If the project or agency action would occur within one state but affect an area outside that state's boundaries, the bill would require the state to consult with the other affected states, if they have assumed consultation responsibilities, or with the Secretary, if the states have not assumed such responsibilities.

Section 1304 would require the Secretary to issue proposed regulations to establish the program and ensure states adequately carry out assumed consultation responsibilities within 270 days of the enactment of BAAJA and a public comment period of not less than 60 days.

Section 1304 would require a participating state to verify, before assuming Section 7 consulting responsibilities, that it (1) had the financial, personnel, and legal resources to carry out Section 7 consultations; (2) waived sovereign immunity for the responsibilities assumed by the state; and (3) provided for public comment on the state application for consultation consistent with the bill's public notice and comment requirements. Section 1304 would require the Secretary to (1) respond to the state in writing if an application to assume consultation responsibilities is denied, identifying the reasons for denial; and (2) provide technical assistance to the state in addressing those reasons, if requested. It would direct the Secretary to approve a state application for consultation responsibilities within 180 days if the Secretary determines that the state demonstrated legal, financial, and personnel capability to conduct consultations; otherwise met the requirements in statute and regulation for the program; and entered into a written agreement with the Secretary that met certain requirements and was executed by the governor or head of the responsible state agency.

Section 1304 would give the district courts of the United States exclusive jurisdiction over any civil action against a state for failure to carry out any responsibility of the state under the program and would direct that such actions be governed by "the legal standards and requirements" that would apply to an action taken by the Secretary.

Section 1304 would authorize a permit or license applicant to elect to consult with the Secretary regardless of state assumption of consultation responsibility.

Section 1304 would direct the Secretary to conduct audits and monitoring of state implementation of the consultation responsibility. It would also require the Secretary to submit an annual report to certain congressional committees.[6]

Section 1304 would provide for the termination of state assumption of consultation responsibilities by either the Secretary or the state, subject to notice requirements and other criteria.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new Section 7A to ESA (16 U.S.C. §§1531 et seq.)

CRS products. For related information, see the following CRS products:

- CRS In Focus IF13004, *The Role of the States Under the Endangered Species Act (ESA)*
- CRS In Focus IF12423, *Endangered Species Act (ESA) Section 7 Consultation*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Pervaze A. Sheikh
- Eric P. Nardi
- Erin H. Ward
- Benjamin M. Barczewski
- Cassandra J. Barnum

Section 1305. Judicial review.

Summary of provision. Section 1305 would direct any person seeking judicial review of any biological opinion issued by the Secretary of the Interior or Commerce under subsection (b) of ESA Section 7 to do so in the U.S. Court of Appeals for the District of Columbia Circuit by filing in such court no later than 150 days after the date on which the biological opinion is made public.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 16 U.S.C. §1536(n)

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Erin H. Ward
- Benjamin M. Barczewski
- Cassandra J. Barnum

Section 1306. Listing determinations.

Summary of provision. Section 1306 would require the Secretary of the Interior or Commerce, as applicable, to accept and integrate state-collected data that meet the definition of "best

[6] For Section 1304, the committees are the Senate Committee on Environment and Public Works and the House Committee on Natural Resources.

scientific and commercial data available" found in Section 1301 in making determinations to list or delist a species pursuant to the ESA.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 16 U.S.C. §1533

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Pervaze A. Sheikh
- Eric P. Nardi
- Anthony R. Marshak
- Erin H. Ward
- Benjamin M. Barczewski
- Cassandra J. Barnum

Section 1307. Authorization of appropriations.

Summary of provision. Section 1307 would authorize appropriations of $150 million for each fiscal year from FY2027 through FY2031 to carry out ESA Section 7 and support state participation in the consultation program.

Affected U.S.C. citation. N/A.

CRS product. For related information, see the following CRS product:

- CRS Report R49021, *Appropriations for Implementation of the Endangered Species Act Since FY2017*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Pervaze A. Sheikh
- Eric P. Nardi

Section 1308. National Fish and Wildlife Foundation Coastal State Fund.

Summary of provision. Section 1308 would establish a National Fish and Wildlife Foundation (NFWF) Coastal State Fund to award formula-based grants to coastal states to support programs and activities intended to improve understanding of and use of coastal resources, infrastructure, and ecosystem services.

Section 1308 would authorize appropriations of $50 million for each of the fiscal years FY2028 through FY2032 and would authorize NFWF to use additional amounts as may be available to carry out the program.

Affected U.S.C. citations. N/A.

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Eric P. Nardi
- Eva Lipiec

Title IV—Project Certainty[7]

Section 1401. Maintaining Federal authorizations or permits for projects with non-Federal sponsors.

Summary of provision. Absent certain exceptions, Section 1401 would prohibit a federal agency from revoking, rescinding, withdrawing, terminating, suspending, amending, or altering a federal authorization or permit in effect on or after September 16, 2026, that is necessary for project construction or "operation at full capacity," or from taking "other action to interfere with or prevent construction or operation at full capacity" of a project that has secured all necessary federal authorizations or permits. Exceptions would include actions directed by court order; violation by the authorization or permit holder of federal law or material breach of permit conditions; fraud in obtaining the authorization or permit; request by the permittee, holder of the federal authorization, or nonfederal project sponsor; and certain measures to protect life, property, national security, or defense. Section 1401 would provide for judicial review of alleged rescission, suspension, or modification of a federal authorization or interference with a fully permitted facility, with remedies to the permit holder, including injunctive relief and a portion of project costs (to be paid from the Judgment Fund).

Affected U.S.C. citations. N/A.

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Adam Vann
- Kristen Hite
- Andrew S. Coghlan

Section 1402. Ensuring fairness for specific types of covered projects.

Summary of provision. Section 1402 would provide a cause of action and remedies for developers of "covered projects" for which federal authorizations or permits were "improperly denied" or "unreasonably delayed" due to "a pattern of disparate treatment," meaning a "substantial increase" in rates of unreasonable delay or improper denial, compared to the preceding five years, that result from "an intentional course of action by the Federal Government to create such a pattern." It would entitle prevailing plaintiffs to injunctive relief, attorneys' fees, economic damages, and additional compensation for costs of construction up to full project costs (to be paid from the Judgment Fund). It would specify what types of projects are "covered" based on listed sectors, resources, and technologies.

Section 1402(c) would establish a one-year deadline for agencies to issue decisions on authorizations for covered projects that do not require an EA or EIS.

Affected U.S.C. citations. N/A.

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Adam Vann

[7] Summaries of Title IV provisions were authored by Kristen Hite, CRS Legislative Attorney; Andrew S. Coghlan, CRS Legislative Attorney; and Adam Vann, CRS Legislative Attorney.

- Kristen Hite
- Andrew S. Coghlan

Section 1403. Avoiding unreasonable delays in permitting.

Summary of provision. Pending certain exceptions, Section 1403 would provide for judicial review of an agency's failure to comply with a deadline established in Section 1402(c), which requires federal agencies to act within one year of a covered application for a permit or authorization for which an EA or EIS is not required being deemed complete. It would direct reviewing courts to compel agencies to act on applications within 60 days.

Affected U.S.C. citations. N/A.

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Kristen Hite
- Adam Vann
- Andrew S. Coghlan

Division B—Committee on Energy and Natural Resources

Title I—Electric Transmission[8]

Section 2101. Transmission permitting.

Summary of provision. Section 2101 would amend the process by which the Federal Energy Regulatory Commission (FERC) may issue construction permits for certain interstate electricity transmission lines. It would expand FERC siting authority to include certain offshore and international transmission lines.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 16 U.S.C. §824p

CRS products. For related information, see the following CRS products:

- CRS Report R47862, *Electricity Transmission: What Is the Role of the Federal Government?*
- CRS Insight IN12746, *The Bipartisan American Affordability and Jobs Act of 2026 and the Federal Energy Regulatory Commission's Backstop Siting Authority*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

[8] Summaries of Title I provisions were authored by Ashley J. Lawson, CRS Specialist in Energy Policy; Heather McPherron, CRS Analyst in Environmental Policy; and Paul W. Parfomak, CRS Specialist in Energy Policy.

Section 2102. Reconductoring and other activities in existing rights-of-way.

Summary of provision. Section 2102 would establish a CE for certain activities to maintain or increase electric capacity on existing electricity transmission, distribution, or associated infrastructure. It would establish a CE for maintenance of, updating, and other activities on existing interstate natural gas pipelines.

Affected U.S.C. citations. The provision would make the following changes to the *U.S. Code*:

- Would add new Section 216A to the Federal Power Act (FPA; 16 U.S.C. §§791 et seq.) (for electricity infrastructure)
- Would amend 15 U.S.C. §717f (for natural gas infrastructure)

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Heather McPherron
- Paul W. Parfomak

Section 2103. Transmission planning.

Summary of provision. Section 2103 would direct the Department of Energy (DOE) to issue a report every three years on electricity transmission capacity constraints and congestion. DOE would be required to provide an opportunity for comment to affected states and tribes. Additionally, Section 2103 would provide specific instructions for DOE's study of transmission constraints and congestion in the state of Alaska.

Section 2103 would require certain utilities to participate in regional and interregional transmission planning, with specific elements to be included as part of the transmission planning processes.

Transmission projects selected under a regional or interregional transmission planning process would be considered to satisfy certain criteria needed for a FERC-issued construction permit (as amended by Section 2101).

Affected U.S.C. citations. The provision would make the following changes to the *U.S. Code*:

- Would add new Sections 224 and 225 to the FPA (16 U.S.C. §§791 et seq.)

CRS product. For related information, see the following CRS product:

- CRS Report R47627, *Electricity Transmission Permitting Reform: Issues and Legislative Proposals*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2104. Improvements relating to local transmission planning and development.

Summary of provision. Section 2104 would direct FERC to establish procedures by which states could refer utilities to FERC for an investigation into local processes for planning and developing local transmission facilities. Upon receiving a referral, FERC (along with state representatives) would investigate the utility's processes. If the investigative team finds that local processes "are

not resulting in the selection of the more efficient or cost-effective local transmission facilities" or "are interfering with the processes of the relevant transmission planning region for planning and developing regional transmission facilities," FERC would be required to issue remedies it determined to be appropriate. FERC remedies could include requiring changes to local processes, reducing the return on equity of the utility, or issuing fines payable to the referring state.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new Section 226 to the FPA (16 U.S.C. §§791 et seq.)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2105. Prohibition of right of first refusal.

Summary of provision. Section 2105 would prohibit FERC from allowing a federal right of first refusal in its regional and interregional transmission planning regulations.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new Section 227 to the FPA (16 U.S.C. §§791 et seq.)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2106. Consolidated planning process.

Summary of provision. Section 2106 would direct FERC to issue a rule requiring transmission planning regions to develop consolidated generation interconnection and transmission planning processes.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new Section 318 to the FPA (16 U.S.C. §§791 et seq.)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2107. Ratepayer protection.

Summary of provision. Section 2107 would direct FERC to change its policy regarding how transmission costs are charged to "computational load owner[s]" and "computational load operator[s]," as defined in Section 2107, and direct utilities to implement the revised policy.

Section 2107 would affirm that states have authority to implement certain policies regarding electricity rates for new data centers or high-density computing facilities.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new Section 228 to the FPA (16 U.S.C. §§791 et seq.) (affirming state authority)

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson
- Adam Vann

Section 2108. Dispatchable energy systems market access.

Summary of provision. Section 2108 would require wholesale electricity markets in FERC's jurisdiction to allow participation of qualifying behind-the-meter (BTM) distributed energy system (DES) facilities. "Qualifying BTM DES facility" is defined in Section 2108 as a facility with a rated capacity of not less than five kilowatts that (1) uses an energy storage system, a fuel cell, a generator, or other resource; (2) can be brought online within 15 minutes and the output of which can be controlled by a grid operator; (3) is located behind the meter of a retail customer of a distribution utility; and (4) maintains metering and telemetry capabilities that are sufficient for dispatch and communication. As defined in Section 2108, the metering and telemetry capabilities are not required to include equipment owned or installed by the distribution utility.

Section 2108 would prohibit distribution utilities from interfering with the market participation of BTM resources.

Section 2108 would direct DOE to establish a program to further develop, expand, and support the adoption of a voluntary streamlined permitting and inspection process for authorities having jurisdiction over the permitting of qualifying distributed energy resources. It would authorize appropriations of $20 million annually from FY2026 through FY2031 for the DOE program.

Affected U.S.C. citations. The provision would make the following changes to the *U.S. Code*:

- Would amend 16 U.S.C. §796 (adding definitions to the FPA)
- Would amend 16 U.S.C. §824 (clarifying that FERC would not have jurisdiction over certain aspects of qualifying behind-the-meter distributed energy system facilities)
- Would add new Sections 229 and 230 to the FPA (16 U.S.C. §§791 et seq.)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2109. Advanced transmission technologies.

Summary of provision. Section 2109 would direct FERC to require the use of advanced transmission technologies and best-available transmission conductors (to be determined by FERC in consultation with DOE) for new and modified transmission facilities under its jurisdiction.

Section 2109 would direct FERC to require utilities to conduct recurring evaluations related to deploying advanced transmission technologies and to determine penalties for failure to deploy advanced transmission technologies that have a benefit-cost ratio greater than one.

Section 2109 would amend the definition of "advanced transmission technology" to include additional technologies.

Affected U.S.C. citations. The provision would make the following changes to the *U.S. Code*:

- Would add new Section 231 to the FPA (16 U.S.C. §§791 et seq.)

- Would amend 42 U.S.C. §16422 (for definition of advanced transmission technology)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2110. Expediting generator interconnection queues.

Summary of provision. Section 2110 would direct FERC to initiate a rulemaking within one year after enactment of BAAJA to require utilities to share and employ, as appropriate, the use of computing technologies (e.g., artificial intelligence) to expedite interconnection studies.

Section 2110 would direct FERC to reopen the rulemaking at least once every four years to determine whether additional steps are needed to ensure adequate use of advanced computing technologies.

Affected U.S.C. citations. N/A.

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2111. Grid data access.

Summary of provision. Section 2111 would direct certain transmission providers to obtain, assemble, maintain, and use "grid data," as defined in Section 2111, for generation or load interconnection studies, facilities studies, feasibility studies, or affected-system studies.

Section 2111 would direct FERC and DOE to publish a reference specification identifying data needed to fully automate interconnection studies, including system impact studies.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new Section 232 to the FPA (16 U.S.C. §§791 et seq.)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2112. Power marketing administrations.

Summary of provision. Section 2112 would direct power marketing administrations to develop compensation plans for employees. Plans would be required to meet specified criteria and be reviewed and updated, as appropriate, annually by the power marketing administrator.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new Section 233 to the FPA (16 U.S.C. §§791 et seq.)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2113. FERC fee assessments.

Summary of provision. Section 2113 would require FERC, at least every five years, to review whether its fees and charges are sufficient to allow it to expediently handle its workload. It would require FERC to submit a report on the review and results to certain congressional committees.[9]

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- Would add new Section 318A to the FPA (16 U.S.C. §§791 et seq.)

CRS product. For related information, see the following CRS product:

- CRS Report R48349, *The Federal Energy Regulatory Commission (FERC): Authorities and Membership*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Paul W. Parfomak

Section 2114. Collection of data on computational load entities.

Summary of provision. Section 2114 would define "data center entity" to mean

> an end-user, or group of co-located end-users, the primary purpose of which is to house computing, networking, or data storage equipment used to process, store, or transmit digital data, including equipment used for—
>
> (A) artificial intelligence training or inference;
>
> (B) cloud computing or data hosting; or
>
> (C) cryptocurrency mining or other distributed-ledger or digital-asset computation.

Section 2113 would also direct the U.S. Energy Information Administration to collect electricity demand information from those entities.

Affected U.S.C. citations. N/A.

CRS product. For related information, see the following CRS product:

- CRS Report R48646, *Data Centers and Their Energy Consumption: Frequently Asked Questions*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Martin C. Offutt

Section 2115. Conforming amendments; savings provision.

Summary of provision. Section 2115 would make conforming amendments and specify that nothing in Division B, Title I, of BAAJA grants FERC authority over retail electricity sales or the local distribution of electricity.

[9] For Section 2113, the committees are the Senate Committee on Energy and Natural Resources, the House Committee on Energy and Commerce, the Senate Committee on Appropriations, and the House Committee on Appropriations.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 16 U.S.C. §824 (for conforming amendments)

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson
- Adam Vann

Title II—Energy Permitting[10]

Subtitle A—Accelerating Claims

Section 2201. Accelerating claims.

Summary of provision. Section 2201 would create a 150-day statute of limitations to seek judicial review of a covered authorization, which includes "lease sales, permits, rights-of-way, or plans required to explore for, develop, or produce energy or minerals" under specified statutes for specified infrastructure and fuels reduction projects. It would provide "expedited" consideration for judicial review of a decision to grant or deny an authorization; provide for expedited treatment by the agency of the authorization on remand (if ordered); and treat supplemental or revised NEPA documents as separately reviewable actions from the grant or denial of an authorization.

Affected U.S.C. citations. N/A.

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Kristen Hite
- Adam Vann

Subtitle B—Federal Onshore Energy Leasing and Permitting

Section 2211. Permitting compliance on non-Federal land.

Summary of provision. Section 2211 would exclude oil and gas activities from the requirement to obtain an approved federal application for permit to drill (APD), provided the well is located on nonfederal land and (1) the federal government owns less than 50% of the subsurface estate, (2) the well overlies a nonfederal mineral estate but the wellbore enters and produces from the federal mineral estate, or (3) the wellbore traverses but does not produce from the federal mineral estate. It would prohibit the Secretary of the Interior from imposing certain requirements (e.g., bonding) on leases that meet these criteria. This exclusion from requiring an APD would not apply to Indian land as described in this section. Section 2211 would require federal mineral

[10] Summaries of Title II provisions were authored by Benjamin M. Barczewski, CRS Legislative Attorney; Kelsi Bracmort, CRS Specialist in Energy Policy; Laura B. Comay, CRS Specialist in Natural Resources Policy; Corrie Clark, CRS Specialist in Energy Policy; Kristen Hite, CRS Legislative Attorney; Emma Kaboli, CRS Analyst in Energy Policy; Ashley J. Lawson, CRS Specialist in Energy Policy; Mariel J. Murray, CRS Specialist in Natural Resources Policy; Heather McPherron, CRS Analyst in Environmental Policy; Paul W. Parfomak, CRS Specialist in Energy Policy; Lexie Ryan, CRS Analyst in Energy Policy; Morgan Smith, CRS Analyst in Energy Policy; and Adam Vann, CRS Legislative Attorney.

lessees to submit copies of state APDs to the Secretary of the Interior if activities would "impact or extract oil and gas owned by the Federal Government."

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 30 U.S.C. §226(g) (bonding requirements)

CRS products. For related information, see the following CRS products:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*
- CRS Report R46537, *Revenues and Disbursements from Oil and Natural Gas Leases on Onshore Federal Lands*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Lexie Ryan

Section 2212. Rights-of-way across Indian land.

Summary of provision. Section 2112 would authorize a Tribe to grant rights-of-way across its tribal land without approval by the Secretary of the Interior provided that the Tribe issues regulations approved by the Secretary governing the Tribe's process to grant rights-of-way. It would require the tribal rights-of-way regulations to meet certain criteria, such as including an environmental review process.

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 25 U.S.C. §§323-324

CRS product. For related information, see the following CRS product:

- CRS In Focus IF12825, *Rights-of-Way for Access On or Through Tribal Lands*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Mariel J. Murray
- Benjamin M. Barczewski

Section 2213. Accelerating renewable energy permitting.

Summary of provision. Section 2213 would establish various deadlines related to applications for rights-of-way under the Federal Land Policy and Management Act (FLPMA) for renewable energy development, including notifications of completeness or incompleteness, grants or denials, and steps to be completed by applicants or federal agencies. It would require the Secretaries of the Interior and Agriculture to each develop or adopt one or more CEs for certain low-disturbance activities related to renewable energy development.

It would require the Bureau of Land Management (BLM) to promulgate renewable energy project review standards to be adopted by regional renewable energy coordination offices.

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 43 U.S.C. §3001 (for the definition of eligible project)
- 43 U.S.C. §3002 (for renewable energy project review standards)

CRS product. For related information, see the following CRS product:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith

Section 2214. Electric grid projects.

Summary of provision. Section 2214 would require the Secretaries of the Interior and Agriculture to each develop or adopt one or more CEs covering activities related to the placement of electricity transmission or distribution lines or certain modifications of existing transmission or distribution facilities and associated infrastructure. The CE would apply to activities within existing right-of-way corridors or on previously disturbed or developed land.

Affected U.S.C. citations. N/A.

CRS products. For related information, see the following CRS products:

- CRS Report R48595, *Legislative Categorical Exclusions Under the National Environmental Policy Act*
- CRS Report R47627, *Electricity Transmission Permitting Reform: Issues and Legislative Proposals*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith
- Heather McPherron

Section 2215. Hardrock mining mill sites.

Summary of provision. Section 2215 would allow for proprietors of mines to locate and include as many mill sites from public land as "reasonably necessary" for their plan of operations. These mill sites would convey no mineral rights, and claim holders would be required to pay an updated annual claim maintenance fee of $400 per site.

Section 2215 would amend the definitions of and references to "hardrock minerals" in existing mining laws, including adding hardrock minerals to the list of deposits subject to leasing.

Section 2215 would direct claim maintenance fees collected from mill sites and receipts from leases of hardrock minerals into the newly established Abandoned Hardrock Mine Fund in the Treasury. The fund would carry out the Abandoned Hardrock Mine Reclamation Program established via Section 40407 of Title VII of P.L. 117-58.

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 30 U.S.C. §42
- 30 U.S.C. §28f
- 30 U.S.C. §§351-352
- 30 U.S.C. §355(a)
- 30 U.S.C. §1245

CRS product. For related information, see the following CRS product:

- CRS Report R48166, *The U.S. Mining Industry and the Rosemont Decision*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Emma Kaboli

Subtitle C—Geothermal Leasing and Permitting

Section 2221. Geothermal observation test projects.

Summary of provision. Section 2221 would require the Secretary of Agriculture (for National Forest System land) and the Secretary of the Interior (for public lands) to each develop a CE for geothermal observation test projects.

Affected U.S.C. citations. The provision would make the following change the *U.S. Code*:

- Would add new Section 30 to the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.)

CRS products. For related information, see the following CRS products:

- CRS Report R48595, *Legislative Categorical Exclusions Under the National Environmental Policy Act*
- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith
- Heather McPherron

Section 2222. Geothermal royalties.

Summary of provision. Section 2222 would revise the timeline for calculating royalty rates for geothermal energy production. The timeline would be based on the in-service date of individual turbines (as new turbines may be added to a site as separate operating units) instead of being based on the initial in-service date of the site as a whole.

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 30 U.S.C. §1001
- 30 U.S.C. §1005
- 30 U.S.C. §1026
- 30 U.S.C. §1004

CRS product. For related information, see the following CRS product:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith

Section 2223. Geothermal leasing reform.

Summary of provision. Section 2223 would require BLM to hold geothermal lease sales every year instead of every two years, where there are nominated lease parcels. It would establish deadlines for considering geothermal drilling permit applications, notifying applicants of incomplete applications or of steps needed to complete the permit review, and approving or deferring decisions pending completed reviews.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 30 U.S.C. §1003

CRS product. For related information, see the following CRS product:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith

Section 2224. Geothermal ombudsman and permitting task force.

Summary of provision. Section 2224 would create a BLM ombudsman, appointed by the Secretary of the Interior, to work with the BLM director, various BLM offices, and other federal entities to facilitate geothermal energy permitting. It would create a task force, headed by the ombudsman, to coordinate with Department of the Interior (DOI) offices and staff to support geothermal permitting. The ombudsman would be required to submit an annual report to certain congressional committees that describes the activities of the task force and the effectiveness of the permitting process during the preceding year.[11]

Affected U.S.C. citations. N/A.

CRS product. For related information, see the following CRS product:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith

Section 2225. No Federal permit required for geothermal activities on certain land.

Summary of provision. Section 2225 would exclude geothermal exploration and production activities on nonfederal land from being required to obtain a federal permit, provided the federal

[11] For Section 2224, the committees are the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources.

government owns less than 50% of the subsurface estate and the activity is authorized by a state permit. This exclusion would not apply to Indian land as described in this section.

Affected U.S.C. citations. The provision would make the following change to the *U.S. Code*:

- Would add new Section 31 to the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.)

CRS product. For related information, see the following CRS product:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith

Section 2226. Effect of pending civil actions on processing applications relating to geothermal leasing.

Summary of provision. Section 2226 would require any federal authorization related to a geothermal lease application to be approved and issued or denied within 60 days of the Secretary of the Interior having completed all requirements under federal law, including environmental review. Pending civil court actions would not alter this requirement unless a federal court vacated or provided injunctive relief for the authorization.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add a new provision (i) to Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. §1003)

CRS product. For related information, see the following CRS product:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith

Section 2227. Cost recovery from geothermal leasing, permitting, and inspections.

Summary of provision. Section 2227 would allow the Secretary of the Interior to require an applicant or holder of a geothermal lease to reimburse the United States for all reasonable costs relating to processing an application and for administrative actions related to permitting, as well as for inspecting and monitoring activities. Within five years after enactment of BAAJA, the Secretary would have to submit a report to certain congressional committees on the effects of this section and any recommendations for reauthorization of it, taking into consideration feedback from the geothermal industry and others.[12]

[12] For Section 2227, the committees are the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce. The Secretary of the Interior would also be required to make the report available on the website of the Department of the Interior.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add a new provision (j) to Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. §1005)

CRS product. For related information, see the following CRS product:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith

Section 2228. Publication of Gold Book for geothermal operations on Federal land.

Summary of provision. Section 2228 would require the Secretary of the Interior to identify standard procedures and guidelines for efficient and environmentally responsible geothermal leasing and permitting and to publish an updated handbook—the "Gold Book"—reflecting any changes. It would also direct the Secretary to rename the Gold Book as appropriate and to update it at least once every five years.

Affected U.S.C. citation. N/A.

CRS product. For related information, see the following CRS product:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith

Section 2229. NEPA Review.

Summary of provision. Section 2229 would revise an existing CE that applies to certain low-disturbance oil and gas activities to include the same activities for geothermal energy. It would extend the time period in which a previous right-of-way corridor approval allows the CE to apply to a pipeline placement, and it would allow for the similar application of the CE to the placement of transmission or distribution lines to serve geothermal development.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §15942

CRS product. For related information, see the following CRS product:

- CRS Report R48064, *Considerations for Federal Leasing of Onshore Energy: Oil and Gas and Geothermal Power*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Morgan Smith
- Heather McPherron

Subtitle D—Hydropower

Section 2231. Identifying and removing market barriers to hydropower.

Summary of provision. Section 2231 would require FERC to issue a report on hydropower market barriers to certain congressional committees.[13] In preparing the report, FERC would be required to solicit public input by convening a technical conference and providing an opportunity for public submission of written comments on the draft report.

Affected U.S.C. citations. N/A.

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Kelsi Bracmort

Section 2232. Certain conditions on issuance of licenses.

Summary of provision. Section 2232 would amend the section of the FPA that grants FERC the authority to issue hydropower licenses by adding that the conditions of a license for a reservation are to be reasonably related to the effects of the project.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 16 U.S.C. §797(e)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Kelsi Bracmort

Section 2233. Hydropower maintenance and temporary adjustments.

Summary of provision. Section 2233 would amend the FPA to direct FERC to require prior approval of a "substantial alteration or addition" to a hydropower project. FERC approval would not be required for an alteration or addition that is pursuant to the findings of the rulemaking described in this section.

Section 2233 would require FERC to undertake a rulemaking to establish (1) the standards for determining a "substantial alteration or addition," "nonsubstantial alteration or addition," and "routine maintenance, repair, or replacement" to a hydropower project; and (2) a formal process for determining whether a proposed alteration or addition constitutes a "substantial alteration or addition."

Section 2233 would amend the FPA to state that FERC approval or a project license amendment is not required for "routine maintenance, repair, or replacement of any portion of a project works necessary to maintain the project works."

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 16 U.S.C. §803(b)
- 16 U.S.C. §803(c)

[13] For Section 2231, the committees are the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce.

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Kelsi Bracmort

Section 2234. Micro hydrokinetic energy projects.

Summary of provision. Section 2234 would amend the FPA to grant FERC the authority to issue licenses for marine hydrokinetic projects with an installed capacity of five megawatts or less. License terms may be 10 to 20 years, and Section 3324 would establish an expedited licensing process for said licenses. It would require FERC to issue regulations to implement this section. It would require FERC to submit a report to Congress describing the impacts of the licenses on the environment, the economy, and the reliability and affordability of electricity.

Affected U.S.C. citation. The provision would make the following change to the *U.S. Code*:

- Would add new Section 37 to the FPA (16 U.S.C. §§792 et seq.)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Kelsi Bracmort

Subtitle E—Hiring and Retention

Section 2241. Federal Energy Regulatory Commission staffing.

Summary of provision. Section 2241 would remove the requirement for FERC to consult with the Office of Personnel Management before adjusting pay rates in order to attract or retain employees with expertise in certain enumerated fields, and would add economic and legal expertise to the list of subjects for which FERC can set higher pay rates.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 42 U.S.C. §7171(k)

CRS product. For related information, see the following CRS product:

- CRS Report R48349, *The Federal Energy Regulatory Commission (FERC): Authorities and Membership*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Paul W. Parfomak

Section 2242. Northwest Power and Conservation Council.

Summary of provision. Section 2242 would modify the cap on the Bonneville Power Administration's payments to the Northwest Power and Conservation Council.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 16 U.S.C. §839b(c)(10)(B)

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Ashley J. Lawson

Section 2243. Federal Energy Regulatory Commission personnel safety.

Summary of provision. Section 2243 would allow FERC to authorize its employees to perform law enforcement duties to ensure the safety of the chairman and commissioners in performing their official duties.

Affected U.S.C. citations. N/A.

CRS product. For related information, see the following CRS product:

- CRS Report R48349, *The Federal Energy Regulatory Commission (FERC): Authorities and Membership*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Paul W. Parfomak

Subtitle F—Offshore Energy

Section 2251. Offshore energy.

Summary of provision. Section 2251 would direct the Secretary of the Interior to ensure that offshore energy development is carried out in a manner that provides for the prevention of "unreasonable interference with other uses." It would allow the Secretary of the Interior, in consultation with the Secretary of Commerce, to grant rights-of-way on the Outer Continental Shelf (OCS) within units of the National Marine Sanctuary System for the transmission of electricity.

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 43 U.S.C. §1337(p)(4) (for prevention of unreasonable interference)
- 43 U.S.C. §1337(p)(10) (for transmission of electricity)

CRS product. For related information, see the following CRS product:

- CRS In Focus IF13034, *Offshore Wind: Status and Issues for the 119th Congress*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Laura B. Comay
- Caitlin Keating-Bitonti

Section 2252. Offshore energy transmission.

Summary of provision. Section 2252 would direct the Secretaries of the Interior and Energy to identify and periodically review preferred routes for transmission cables and sub-seabed infrastructure on the OCS. It would designate DOI as the lead agency for coordinating federal authorizations and related environmental reviews and for issuing rules for authorizing offshore transmission facilities.

Affected U.S.C. citation. The provision would amend the following section of the *U.S. Code*:

- 43 U.S.C. §1337(p)(3) (for authorizing offshore transmission facilities)

CRS product. For related information, see the following CRS product:

- CRS In Focus IF13034, *Offshore Wind: Status and Issues for the 119th Congress*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Corrie E. Clark
- Laura B. Comay

Title III—Historic Preservation[14]

Section 2301. Historic preservation.

Summary of provision. Section 2301 would define "property of traditional religious or cultural importance" and specify when such properties are to be considered for the purposes of inclusion on the National Register of Historic Places and reviews under Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C. §§300101 et seq.)

Section 2301 would require the Secretary of the Interior to conduct more frequent reviews of state historic preservation programs and tribal historic preservation programs for compliance with NHPA requirements and to establish certain penalties for noncompliance.

Section 2301 would establish additional statutory directives to federal agencies for how consideration of historic properties should occur under Section 106 of the NHPA. These would include narrowing the types of actions or projects subject to review; defining the types of effects to historic properties that may be considered "adverse"; creating deadlines for completion of Section 106 obligations; limiting the instances of judicial review; and limiting when and how consultation with state historic preservation officers and tribal historic preservation officers is required during the review process.

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 54 U.S.C. §302706 (for eligibility of properties of religious or cultural importance to Tribes and Native Hawaiian Organizations)
- 54 U.S.C. §302302 (for reviews of state historic preservation officers)
- Would add new Section 302707 to the end of 54 U.S.C. Ch. 3027 (for reviews of tribal historic preservation officers)
- 54 U.S.C. §306108 (for Section 106 review amendments)
- 54 U.S.C. §306114 (conforming amendment)

CRS products. For related information, see the following CRS products:

- CRS Report R47543, *Historic Properties and Federal Responsibilities: An Introduction to Section 106 Reviews*
- CRS Report R48452, *Indigenous Sacred Sites: Overview and Issues for Congress*

[14] Summaries of Title III provisions were authored by Benjamin M. Barczewski, CRS Legislative Attorney, and Mark K. DeSantis, CRS Specialist in Natural Resources Policy.

- CRS Report R49498, *Bipartisan American Affordability and Jobs Act (BAAJA) of 2026: Analysis of National Historic Preservation Act Provisions*
- CRS Report R44699, *An Introduction to Judicial Review of Federal Agency Action*

CRS contacts. For additional information, congressional clients may contact the following CRS staff:

- Mark K. DeSantis
- Benjamin M. Barczewski

Section 2302. Funding for the Historic Preservation Fund; use and availability; grants for Tribal Historic Preservation officers; additional funding.

Summary of provision. Section 2302 would authorize to be appropriated for deposit to the Historic Preservation Fund (HPF) $200 million annually for FY2027 through FY2036 and would make any deposits available "without further appropriation or fiscal year limitation." The provision would replace existing authorizing language for HPF, which has historically been authorized to receive mandatory deposits of $150 million annually from OCS energy revenues, which are available for expenditure only when appropriated by Congress.

Section 2302 would direct the Secretary of the Interior to establish a competitive grant program for tribal historic preservation officers to develop online databases of their agreements, determinations, findings, and supporting documentation, and to develop a comprehensive list of properties of religious or cultural importance to the tribe. It would authorize appropriations of $20 million annually for the program for FY2027 through FY2030.

Affected U.S.C. citations. The provision would amend the following sections of the *U.S. Code*:

- 54 U.S.C. §§303102-303103 (for HPF authorization)
- 54 U.S.C. §302703 (for grant program for tribal historic preservation officers)

CRS product. For related information, see the following CRS products:

- CRS Report R49498, *Bipartisan American Affordability and Jobs Act (BAAJA) of 2026: Analysis of National Historic Preservation Act Provisions*
- CRS Report R45800, *The Federal Role in Historic Preservation: An Overview*

CRS contact. For additional information, congressional clients may contact the following CRS staff:

- Mark K. DeSantis

Author Information

Corrie E. Clark, Coordinator
Specialist in Energy Policy

Benjamin M. Barczewski
Legislative Attorney

Cassandra J. Barnum
Legislative Attorney

Kate R. Bowers
Supervisory Attorney

Kelsi Bracmort
Specialist in Natural Resources and Energy Policy

Andrew S. Coghlan
Legislative Attorney

Laura B. Comay
Specialist in Natural Resources Policy

Mark K. DeSantis
Specialist in Natural Resources Policy

Laura Gatz
Specialist in Environmental Policy

Kristen Hite
Legislative Attorney

Emma Kaboli
Analyst in Energy Policy

Ashley J. Lawson
Specialist in Energy Policy

Heather McPherron
Analyst in Environmental Policy

Mariel J. Murray
Specialist in Natural Resources Policy

Eric P. Nardi
Analyst in Natural Resources Policy

Paul W. Parfomak
Specialist in Energy Policy

Lexie Ryan
Analyst in Energy Policy

Pervaze A. Sheikh
Specialist in Natural Resources Policy

Morgan Smith
Analyst in Energy Policy

Adam Vann
Legislative Attorney

Erin H. Ward
Coordinator of Research Planning/ALD

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