



STUDY GUIDE • OCTOBER 1, 2026

Bipartisan American Affordability and Jobs Act of 2026 (S. 5653)

What the bill does, how it changes current law, and where the debate is

THE BILL

- **S. 5653.** Sponsored by the chairs and ranking members of the two Senate committees that share permitting: Sens. Lee and Heinrich (Energy and Natural Resources, ENR) and Sens. Capito and Whitehouse (Environment and Public Works, EPW).
- **Two halves.** Division A (EPW) rewrites the environmental review laws that apply to all projects. Division B (ENR) covers transmission and energy permitting.
- **Status.** The Senate will vote on Nov. 9 on whether to end debate on the motion to proceed to the bill (cloture). The authors say a manager's amendment will carry changes all four sponsors can agree on.
- **Text used.** This guide is based on Senate Legislative Counsel draft KAT26639 (417 pp.). Figures should be confirmed against the introduced text and the manager's amendment.

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TERMS USED THROUGHOUT

NEPA. National Environmental Policy Act. Agencies must study a project's environmental effects before approving it.

CE. Categorical exclusion: a class of actions an agency has found needs no EA or EIS.

Section 401 certification. A State's approval that a federally permitted project's discharges will meet water-quality standards. A denial blocks the federal permit.

ESA consultation and BiOp. Before acting, an agency consults the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS). The result is a biological opinion on harm to listed species.

FERC and the FPA. The Federal Energy Regulatory Commission regulates interstate transmission under the Federal Power Act.

Vacatur. A court order cancelling an agency decision. **Remand without vacatur** sends the analysis back for repair while the decision stays in force.

EIS and EA. An environmental impact statement is the full study. An environmental assessment is a shorter study used to decide whether an EIS is needed.

ROD and FONSI. The decision documents that close an EIS (record of decision) or an EA (finding of no significant impact).

Section 404 permit. An Army Corps permit to fill wetlands or other waters. Nationwide permits (NWP) pre-approve common activities.

NHPA section 106. Agencies must consider effects on historic properties, in consultation with State and Tribal historic preservation officers (SHPOs and THPOs).

RTO. A regional grid operator (e.g., PJM, MISO) that runs wholesale markets and regional transmission planning.

Statute of limitations. The deadline to file suit. Most challenges to agency approvals have six years today.

This guide describes the bill as drafted. It is not legal advice and takes no position on the legislation.

The bill on one page

Division A changes key aspects of environmental laws affecting major energy infrastructure projects. Division B changes how transmission lines are planned, paid for, and approved, and adds energy-specific permitting changes.

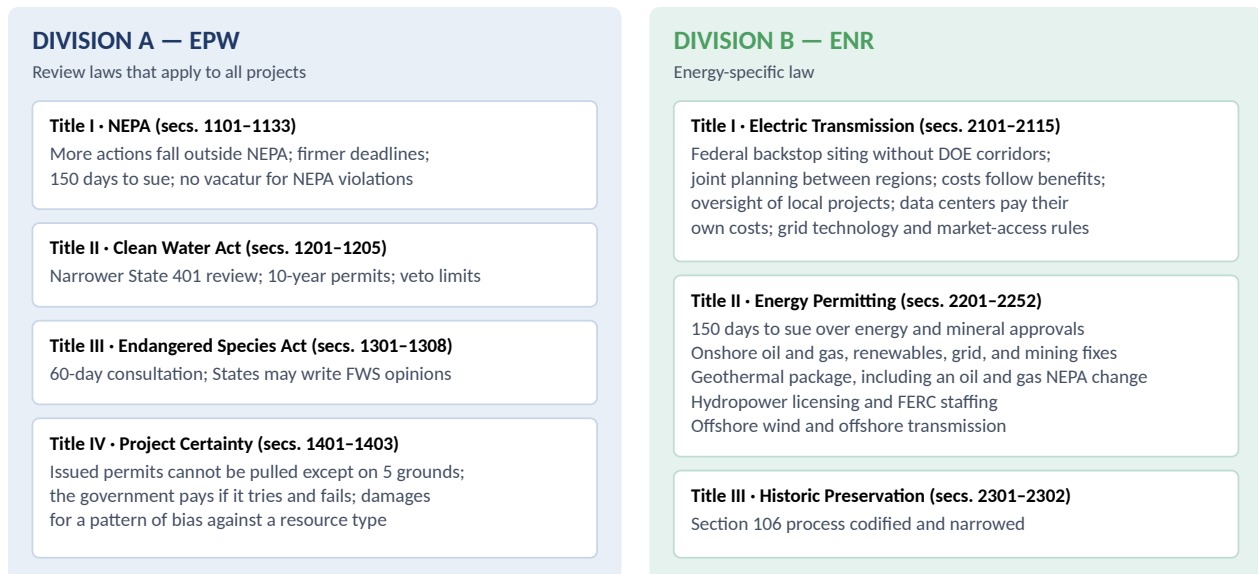


Figure 1. Structure of the bill. Much of Division A tracks House-passed bills (the SPEED Act for NEPA and the PERMIT Act for the Clean Water Act). Much of Division B tracks the 2024 Manchin–Barrasso bill (S. 4753) and House geothermal bills passed in 2026.

Six themes that run through the bill

The same six types of changes recur across titles. Recognizing them makes individual provisions easier to place.

Theme	What the bill does	Main examples
1. Fewer projects need review	Narrows what counts as a federal action or a reviewable effect. More projects skip NEPA and section 106 entirely.	A DOE loan with no other federal tie no longer triggers NEPA. Neither do repairs and replacements of existing pipelines and power facilities, or reconductoring and pipeline expansions in existing corridors. Five oil and gas activities become exempt outright. Projects whose only federal tie is a grant or loan drop out of section 106, and views of wind turbines from historic sites mostly no longer count.
2. Deadlines that applicants can enforce	Sets day-count deadlines for agencies and States. Gives project applicants, not opponents, the right to sue to enforce them.	A ROD within 45 days of an EIS, and decisions on every other federal authorization within 90 or 120 days. ESA consultation in 60 days. State water decisions on the federal agency's schedule, and within 9 months for pipelines and power lines. Section 106 review finished when NEPA review is. A 1-year deadline for permits that need no EA or EIS. Deadlines for geothermal drilling permits and renewable rights-of-way on federal land.
3. Shorter, narrower lawsuits	Cuts the time to sue from six years to 150 days. For NEPA and section 106 violations, a court can no longer vacate the approval or enjoin the work. It can only send the analysis back, with 180 days to fix it. The same limit applies to 404 permits unless there is "imminent and substantial danger." In NEPA and section 106 cases, challengers generally must also allege "direct harm" and must have raised the issue in a comment.	A challenge to a pipeline EIS must be filed within 150 days. A court that finds the EIS flawed leaves the permit in place while the agency repairs it. A group that could have commented during the review, but did not, cannot raise the issue in court. Claims under laws such as the ESA or the Clean Air Act can still lead to vacatur or an injunction.
4. Issued permits are harder to take back	Bars agencies from revoking or interfering with permits except on five grounds. The government pays if it cannot prove one.	A stop-work order like those issued to offshore wind projects in 2025 must fit one of the five grounds, or the government pays 25–50% of project costs. A gas pipeline certificate or LNG export approval gets the same protection. A deliberate, statistically shown pattern of permitting bias against a resource type can trigger damages. EPA can no longer veto a 404 permit after it issues.
5. A larger federal role in transmission	Makes federal backstop siting usable. Requires neighboring regions to plan together. Writes "costs follow benefits" into statute.	FERC can approve a line a State has denied or held for a year. Neighboring regions such as PJM and MISO must plan cross-border lines together. Customers who get no benefit from a line pay nothing for it. States can ask FERC to investigate utility spending on local lines. New data centers pay their own grid costs. Power lines get faster State water reviews.
6. Rules and court decisions become statute	Writes court decisions and current or proposed agency positions into law, so a future administration cannot reverse them by rule.	The Supreme Court's 2025 <i>Seven County</i> deference standard. FERC's 2011 removal of incumbents' federal right of first refusal to build regional lines. BLM's annual geothermal lease sales. Discharge-only State water reviews, which EPA proposed for all projects in January 2026. The bill applies that limit only to pipelines and power lines.

The provisions that matter most, and where the debate is

Early commentary from journalists, think tanks, and advocates focuses on ten provisions. This table summarizes each one, the case supporters make, and the main objection raised or expected. The rest of the guide explains each in detail.

Provision	What it does	Supporters' case	Main objection
NEPA lawsuits (sec. 1110)	150 days to sue. A court that finds a NEPA violation can only send the analysis back. The permit stays in force and work continues.	Removes litigation as a delay tactic. A paperwork mistake no longer derails a project, while claims under other laws keep full remedies where actual harm occurs.	A NEPA violation no longer carries consequences for the project.
NEPA scope (sec. 1102)	The list of actions that are not "major Federal actions," so NEPA does not apply, grows from 7 to 14. New examples: DOE loans where the loan is the only federal tie, repairs of existing infrastructure, and grid and pipeline work in existing corridors.	Ends full reviews for small or low-impact actions.	More projects proceed with no public environmental review at all.
State water reviews (sec. 1202)	States must prove denials by "clear and convincing evidence." For interstate gas pipelines and high-voltage power lines, review covers only direct discharges and ends in 9 months.	A top industry priority. Aimed at State denials such as New York's 2016 denial for the Constitution pipeline.	States lose authority over a project's wider water effects. No current law puts a comparable burden of proof on States.
Permit certainty (secs. 1401–1402)	Agencies may not pull an issued permit except on five grounds. If they try and cannot prove one, they pay 25–50% of project costs.	Protects every resource from political reversals: wind today, pipelines under another administration.	Open-ended payments from the Treasury. Less room for agencies to act on new safety or wildlife information.
Federal backstop siting (sec. 2101)	FERC can approve an interstate line after a State denies it or takes more than a year. No DOE corridor is needed.	Makes a 2005 tool usable for the first time. FERC must act once a State has had its chance.	Weakens State siting authority. Landowner groups may object to the deleted compensation text.
Joint regional planning (sec. 2103)	Neighboring grid regions must plan cross-border lines together. Costs follow benefits.	Fills the gap FERC's 2024 planning rule left on lines between regions.	No fallback, such as a FERC-imposed plan, if regions fail to file. No duty to select the lines they identify.
Local utility spending (sec. 2104)	States can ask FERC to investigate a utility's local transmission spending. Remedies include lower allowed profits and fines.	Targets the large share of spending that never faces regional review.	Strikes at how regulated utilities earn their returns. Expect utility opposition.
Data centers pay (sec. 2107)	New large data centers must pay the full added cost of serving them. Data-center transmission service must also cover a share of the existing grid. States may charge them more than other industries.	Protects other customers from rate increases driven by AI load.	Data-center developers object to rules that single them out.
Historic preservation (sec. 2301)	Section 106 is narrowed. Visual effects mostly no longer count. Agencies can close review on a fixed schedule and, in some cases, without Advisory Council comment.	Ends years of review over views of wind turbines and power lines.	Tribes and preservation groups lose leverage. The definition of sites of traditional religious or cultural importance to Tribes narrows.
Oil and gas in the energy title (secs. 2211, 2229)	No federal drilling permit for some wells on non-federal land. Five oil and gas activities become exempt from NEPA outright.	Parity: geothermal gets the same tools oil and gas have.	A fossil-fuel NEPA exemption inside a geothermal subtitle.

Deadlines to sue: 150 days in five places

The bill cuts the time to challenge most project approvals from six years to 150 days. The chart compares the time limits. The table shows where each 150-day limit applies, which court hears the case, and what a winning challenger gets.

Today most of these claims have **six years** under the general federal statute of limitations (28 U.S.C. 2401(a)). After the Supreme Court's 2024 *Corner Post* decision, that clock runs from when the challenger was injured, not from the agency's decision. A new challenger can therefore attack an old approval.

Time to file suit, in days (same scale)

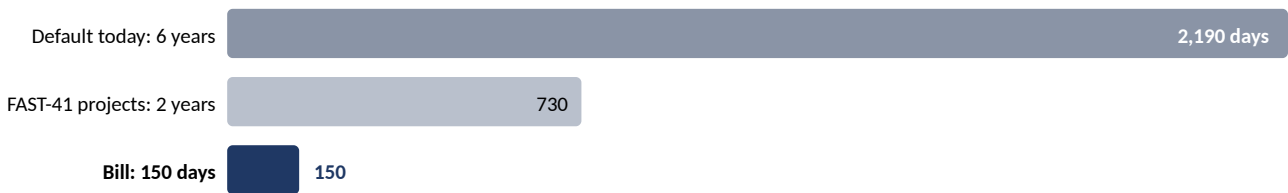


Figure 2. 150 days is about 7% of the six-year default. FAST-41 is a 2015 law that gives large covered projects a two-year limit.

Where	Clock starts	Where you file	What a winning challenger gets
NEPA (sec. 1110)	Federal Register notice (EIS cases) or posting on the agency website (others)	Court of appeals for the circuit where the project sits	Remand only. No vacatur or injunction. The agency has 180 days to fix the analysis, and the permit stays in effect.
NHPA 106 (sec. 2301)	Later of public posting or notice to the SHPO or THPO	Courts of appeals	Remand only, as for NEPA
CWA 404 (sec. 1205)	Permit issued, or EPA approval of a State 404 program	District court (unchanged)	Remand. No vacatur or injunction unless there is "imminent and substantial danger." 180-day fix.
ESA opinions (sec. 1305)	Opinion posted on the agency website	D.C. Circuit. This route is optional, though sec. 2201 separately sets 150 days for energy and mineral projects.	Ordinary remedies
Any federal-law claim against an energy, mineral, CO2, or wildfire-fuels approval that needed an EA or EIS (sec. 2201)	Date the decision must be made public (3 days after it issues)	Unchanged	Ordinary remedies, on an expedited schedule. 180-day remand deadline unless the law requires longer.

THE PATTERN TO REMEMBER

Challengers get 150 days to file. If they win, the agency gets 180 days to fix the problem. Under NEPA and NHPA, and under CWA 404 absent "imminent and substantial danger," the permit stays in place while the agency does so. Claims under other laws, such as the ESA or the Clean Air Act, keep their ordinary remedies, including vacatur.

NEPA: fewer reviews, firmer deadlines, weaker remedies

How NEPA works today. Before an agency approves, funds, or carries out a "major Federal action," it must study the environmental effects. A small action may be covered by a categorical exclusion. Otherwise the agency writes an EA, and if effects are significant, a full EIS. NEPA dictates no outcome. It only requires the agency to look before it acts. Congress added page limits (150 pages for an EIS) and deadlines (1 year for an EA, 2 years for an EIS) in the 2023 Fiscal Responsibility Act. CEQ's government-wide NEPA regulations were withdrawn in 2025 and 2026, so each agency now follows its own procedures. In *Seven County Infrastructure Coalition v. Eagle County* (2025), the Supreme Court told courts to give agencies "substantial deference" on how far a review must reach.

What the bill changes. It keeps the 2023 page limits and deadlines. It changes three things around them. Many more actions fall outside NEPA. Every later permit gets its own deadline. And a NEPA violation can no longer stop a project in court.

Topic	Current law	Bill
Which actions need review	Seven exclusions from "major Federal action." Loans and grants are excluded only if the agency lacks "sufficient control."	Fourteen exclusions (sec. 1102). The new or broadened ones include actions whose only federal tie is a loan or loan guarantee; grants unless the agency has "predominant" control; repair or replacement of "lifeline infrastructure" with up to 20% more capacity; grid work in existing rights-of-way; gas pipeline expansions in existing rights-of-way; and actions another agency already reviewed under NEPA.
Other ways to skip review	Limited exits, such as a CE or a conflict with another law.	New exits where a State or Tribal review, or compliance with another federal law, "serves a similar function." Once the lead agency decides no document is needed, no other agency may prepare one.
Deadlines	EA 1 year, EIS 2 years. No deadlines for the permits that follow.	Same lengths. The clock starts at the level-of-review decision or when the application is complete, whichever comes first. New: within 7 days of the EA, either a FONSI or a notice of intent to prepare an EIS. A ROD within 45 days of the EIS. Decisions on every other federal authorization within 90 days (agencies that took part in the review) or 120 days (all others). Agencies have 60 days to find an application complete and 60 more to set the level of review.
Sponsor control	The agency defines alternatives and grants extensions "in consultation with" the applicant.	Alternatives that do not meet the sponsor's goals are eliminated. Extensions need the sponsor's approval. The sponsor can require an EIS in place of an EA.
New research	Significant new information can require a supplemental EIS.	No agency must consider research published after review begins, or delay a deadline to wait for it. Agencies must still respond to research submitted as a comment.
Interagency disputes	No NEPA process. FAST-41 projects can go to OMB.	A sponsor can take a dispute to the CEQ Chairman. The Chairman's order is final, cannot be challenged in court, and counts as full compliance with any interagency consultation "under Federal law" that the dispute covers.
Missed deadlines	A sponsor can ask a court to set a schedule.	Personal penalties for agency officials, such as a travel limit on the agency head. If a sponsor sues, the court must grant injunctive relief, as appropriate, unless the agency proves an excuse by clear and convincing evidence.

Lawsuits (new NEPA sec. 111)

Commentators rank this change first. Ending vacatur and injunctions for NEPA violations removes the main way a NEPA lawsuit can stop a project.

- **150 days to sue**, down from six years.
- **Comment first.** Where the agency offered a comment period, a challenger must have raised the issue in a comment.
- **"Direct harm."** The challenger must allege an actual or imminent injury amounting to direct harm.
- **Court of appeals.** Suits go straight to the circuit where the project sits. That court may also hear related claims under other laws.
- **Remand only.** For a NEPA violation, the court can only send the analysis back, with 180 days or less to fix it. The approval "shall remain in effect," and work may continue.
- **No preliminary injunction** for NEPA or NHPA claims. One remains available for likely violations of other laws, such as the ESA or the Clean Air Act.
- **Deference.** Courts give the agency "substantial deference," following *Seven County*.

AN ANALOGY

Think of NEPA as a tollbooth. Under the bill, many more vehicles bypass the booth entirely. Those that pay go on a timer. Complaints must reach one window within 150 days. Even a successful complaint only sends the paperwork back; the car keeps driving unless it broke a different law.

CLEAN ENERGY LENS

- The loan exclusion covers DOE Loan Programs Office borrowers of every type where the loan is the only federal tie. Nuclear projects rarely benefit, because NRC licensing is a second federal tie.
- The "already reviewed by another agency" exclusion could keep DOE from redoing NRC's NEPA work.
- The bill never mentions greenhouse gases or climate. Several provisions could still narrow climate analysis, such as the focus on effects "of the United States."

Clean Water Act: States keep 401, but must prove their case and act on time

How it works today. Under section 401, a project that needs a federal permit and may discharge into U.S. waters also needs a State water-quality certification. If the State denies, the federal permit cannot issue. The State has up to one year. In *PUD No. 1* (1994), the Supreme Court held that a State may condition the project "as a whole," not just the discharge itself. States have used 401 to block interstate gas pipelines. EPA's rules have swung between a narrow reading (2020) and a broad one (2023), and EPA proposed a narrower rule again in January 2026. Separately, section 404 requires an Army Corps permit to fill wetlands and other waters. EPA can veto a 404 permit under section 404(c), including after it issues.

Bottom line. States keep their 401 authority, but must back up a denial or condition with clear and convincing evidence. The federal agency sets the deadline. Interstate gas pipelines and high-voltage power lines get a narrower, faster review: direct discharges only, in 9 months. Corps nationwide permits and NPDES discharge permits can last 10 years. EPA can veto a 404 permit only while the application is pending.

Topic	Current law	Bill
What a State may review	2023 rule: the whole activity, under any water-quality-related State or Tribal law.	Narrower. Review is limited to the core Clean Water Act standards (secs. 301, 302, 303, 306, 307) and laws implementing them that apply to discharges into U.S. waters. Whether States can still set minimum-flow conditions at hydro dams is disputed.
Burden of proof	Courts defer to State decisions.	New. A State may deny only on clear and convincing evidence that no condition could fix the problem. Conditions must be necessary, "the least burdensome," and consistent with the federal permit. Courts must hold the State to that burden.
Deadline	Up to 1 year. The 2023 rule set it by federal-State agreement.	The federal agency sets it, up to 1 year. It can be extended only if the applicant asks and the State agrees. A missed deadline waives the State's authority, and the waiver cannot be challenged in court.
Interstate gas pipelines and bulk-power transmission (new 401(g))	Same rules as other projects.	New. Review covers only a "direct point source discharge." The State cannot add conditions under other State law. The deadline is 9 months. Hydro, nuclear, LNG terminals, and oil, CO ₂ , or hydrogen pipelines stay under the general rules.
Permit terms (secs. 1203, 1204)	NPDES permits and nationwide permits last 5 years.	Up to 10 years. The Corps "shall maintain" the nationwide permits for pipelines, utility lines, linear transportation, and stormwater, for fills under 2 acres per "single and complete project," which are deemed minimal. For a pipeline or power line, each qualifying separate water crossing can count as its own project, so total fill along a line can exceed 2 acres. Reissuing a nationwide permit needs no ESA or NHPA consultation, if notice requirements are not weakened.
EPA 404 veto (sec. 1204)	No time limit. EPA has acted before an application (its 2014 Pebble Mine proposal) and after a permit issued (the Spruce No. 1 coal mine in 2011, upheld in <i>Mingo Logan</i> , 2013).	Only between a complete application and permit issuance. Applies to applications filed after enactment.
404 lawsuits (sec. 1205)	6 years. Vacatur is the usual remedy.	150 days. No vacatur or injunction unless there is "imminent and substantial danger." 180-day remand.

CLEAN ENERGY LENS

Hydro relicensing is where 401 has bitten hardest. Hydro stays on the general track, but every condition now faces the new burden of proof. **Gas pipelines** get the most dedicated relief, and **transmission** also gets the fast track. **Nuclear, gas, and coal plants** benefit from 10-year discharge permits. **Mining**, including critical minerals, benefits most from the 404 veto limit.

Endangered Species Act: a shorter consultation and a State option

How it works today. Under ESA section 7, an agency that approves or funds an action must consult FWS (land and freshwater species) or NMFS (most marine species and salmon). The consultation ends in a biological opinion. If the action would jeopardize a listed species, it cannot proceed as proposed. The statute allows 90 days, and regulations add 45 days to deliver the opinion.

Bottom line. The ESA changes are more modest than the rest of the bill. Consultation drops to 60 days and must finish when the NEPA review does. States may take over FWS's role for in-state projects. The bill also defines "best scientific and commercial data available" for the whole Act.

Section	Current law	Bill
1302 Deadline	90 days, plus 45 days to deliver the opinion (about 135 in total).	60 days (about 105 in total). If an agreed extension runs past 145 days without the applicant's consent, the applicant may sue to compel a decision. Consultation tied to an EA or EIS must finish when that document does, absent extraordinary circumstances.
1304 State option (new sec. 7A)	No State role in writing opinions.	New. An approved State may do FWS's job for actions entirely within its borders. NMFS consultations cannot be transferred. An applicant may still choose to consult FWS.
1301 "Best available data"	Undefined. Some courts let the agencies give "the benefit of the doubt to the species."	Defined as all relevant and objective information, applied "without presumptions or policy prescriptions that bias the application." Commentators read this as writing in the D.C. Circuit's 2023 <i>Maine Lobstermen</i> decision, which rejected worst-case assumptions in a biological opinion.
1303 Highway and transit work	Projects with a categorical exclusion still consult.	New. Highway and transit projects within an existing operational right-of-way (a MAP-21 categorical exclusion) are exempt from section 7(a)(2)–(4), including the duty to avoid jeopardy. This does not cover pipeline or transmission rights-of-way.
1305 Lawsuits	District court, 6 years.	An optional D.C. Circuit route, within 150 days of the opinion's posting.

CLEAN ENERGY LENS

The deadline and data changes apply to every resource. The State option favors single-State, onshore projects with FWS species, such as geothermal, solar, onshore wind, and nuclear sites. It does not reach interstate pipelines and lines, offshore projects, or salmon-river hydro.

Project certainty: issued permits become hard to take back

Why it exists. No general law today limits the grounds on which an agency may revoke or suspend a permit it issued. A project that sues can win its permit back, but there is no general damages remedy. Recent reversals ran in both directions. In 2021 the President revoked the Keystone XL pipeline permit. In April 2025 Interior halted Empire Wind, then lifted the order. In August 2025 it halted Revolution Wind. In December 2025 it paused five offshore wind projects under construction, including both, on national-security grounds. Courts enjoined the Revolution Wind order and all five pauses.

Bottom line. An agency may not revoke, suspend, or change a non-federal project's permit, or interfere with a fully permitted project, except on five grounds. The agency must prove the ground by clear and convincing evidence. If it fails, it owes the sponsor 25–50% of the costs the project has incurred, plus fees and delay costs. A second provision pays damages for a deliberate pattern of permitting bias against a resource type.

Element	What the bill does
Five allowed grounds (sec. 1401)	(1) A court orders it. (2) The holder materially breached the permit or broke the law. (3) Fraud or material misrepresentation. (4) A specific, urgent threat to life, property, national security, or defense, based on new information, with a narrowly tailored response. (5) The holder asks.
If the agency loses	The permit is reinstated. Any future action against the project must first be approved by the same judge. The sponsor recovers fees, delay costs, and 25–50% of project costs incurred, scaled by bad faith and harm. Payment comes from the Treasury's Judgment Fund, with no appropriation needed.
Who is covered	Any project with a non-federal sponsor, energy or not, and any permit in effect on or after Sept. 16, 2026.
Pattern of bias (sec. 1402)	The bill lists 46 project types, from onshore and offshore wind to coal, nuclear fission, LNG, and CO2 pipelines. An applicant may sue over a statistically shown, intentional pattern of denials or delays against its type after enactment. Damages are 50–100% of expected construction cost. The applicant must then build the project or repay.
1-year deadline (secs. 1402–1403)	Permits for listed project types that need no EA or EIS must be decided within 1 year. Applicants can sue to enforce the deadline.

EXAMPLE: REVOLUTION WIND UNDER THE BILL

Replay August 2025 with the bill in force. To halt the project, Interior must prove one of the five grounds by clear and convincing evidence. If it cannot, the developer gets its permit back, delay costs, and at least a quarter of what it has spent. Interior then needs the same judge's permission to try again. The same rule would protect a gas pipeline or LNG export approval from a future administration.

CLEAN ENERGY LENS

- The protection is resource-blind: wind today, pipelines and LNG under a different administration.
- Nuclear appears four times in the list of project types (fission power, uranium production, fuel-cycle facilities, fusion).
- Not on the list, though a court may certify new types: hydrogen production, nuclear process heat, and carbon capture at plants or from the air.
- The same bar limits regulators. An NRC safety order or a revised ESA opinion that changes a permit must fit one of the five grounds. Harm to the environment or wildlife is not named, though an agency could argue that "life" covers it.

Transmission today: how the system works

Transmission lines are the high-voltage highways between power plants and the local distribution lines that serve homes and businesses. Whether a new line gets built depends on four questions: who decides it is needed (**planning**), who pays (**cost allocation**), who approves the route (**siting**), and how new power plants connect to it (**interconnection**). The bill touches all four.

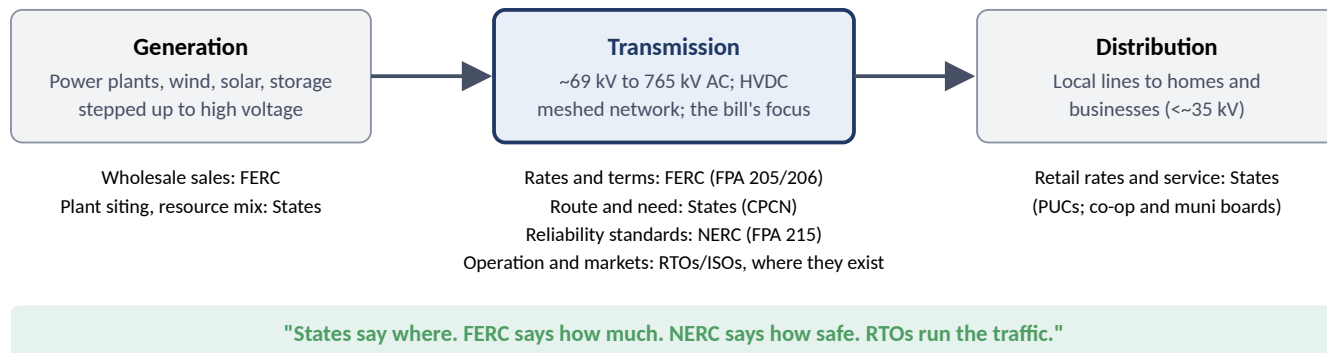


Figure 3. Who regulates what. ERCOT (most of Texas) has no synchronous ties across state lines, so FERC regulates its reliability but not its transmission rates or planning.

WHO OWNS AND RUNS THE GRID

- **Investor-owned utilities** own most lines. FERC sets their transmission rates, including an allowed return on equity (ROE), which is the utility's profit on its investment.
- **Public power, most co-ops, and federal systems** such as TVA and Bonneville are largely outside FERC rate regulation.
- **Regional grid operators (RTOs)** run markets and regional planning in most of the country: PJM, MISO, SPP, CAISO, NYISO, ISO-NE, and ERCOT. The Southeast and much of the West have no RTO; utilities plan in looser regional groups.

WHY TRANSMISSION IS HARD

- **Power flows on every parallel path.** One utility's line carries its neighbors' power, so benefits spill across borders. That makes cost-sharing contentious.
- **Long lines cross many jurisdictions.** A multistate line needs approval from every State it crosses.

Planning and paying: what FERC requires today

- **Order 1000 (2011)** requires every FERC-regulated utility to join a regional planning process with a method for sharing costs. It removed incumbents' federal "right of first refusal" (ROFR) to build regional lines, opening them to competitive bidding. Many States responded with their own ROFR laws.
- **Lines between regions** must be approved by each region under its own rules. Almost none have been built since 2011. Picture two homeowners' associations that must each approve one shared fence.
- **Order 1920 (2024)** requires 20-year regional plans that measure seven defined benefits. It still does not require joint planning between regions. It is under review in the Fourth Circuit.
- **Costs must follow benefits.** Courts require costs to be allocated "roughly commensurate" with benefits. FERC may not charge customers for lines that give them "no benefits, or benefits that are trivial" (*Illinois Commerce Comm'n v. FERC*, 7th

Cir. 2009).

- **Local projects escape review.** Projects a utility plans for its own territory are not selected in a regional plan, so they face no competition and little outside review. Much of the money goes here. One consultancy estimates that over 90% of recent U.S. transmission spending has been reliability-driven, and about half follows utilities' own local criteria.

Siting: States decide, and the federal backstop has never worked

Congress created a federal "backstop" in 2005 (FPA sec. 216) so that FERC could approve a line a State blocks. It required a DOE-designated "national interest corridor" first. Courts and agencies then hobbled it.

Year	Event
2005	Energy Policy Act creates the backstop. DOE "may" designate corridors. Inside one, FERC "may" approve a line if a State has "withheld approval for more than 1 year." A FERC permit carries federal eminent domain.
2009–2011	The Fourth Circuit holds that a State <i>denial</i> does not trigger the backstop (<i>Piedmont</i> , 2009). The Ninth Circuit vacates DOE's only two corridors (<i>California Wilderness Coalition</i> , 2011).
2021–2024	The 2021 infrastructure law lets a State denial count. DOE restarts corridor designation and advances three candidates in December 2024.
Aug. 2026	DOE cancels all three candidates. No corridor exists, so the backstop cannot be used anywhere. FERC has never issued a backstop permit.

EXAMPLE: GRAIN BELT EXPRESS, 15 YEARS ACROSS FOUR STATES

Grain Belt Express is a high-voltage direct-current line proposed around 2010 to carry Kansas wind power east through Missouri and Illinois. Kansas approved it. Missouri's commission denied it twice before approving it in 2019 after a court reversal. In Illinois, approval, reversal, a 2021 change in State law, and further appeals ran until January 2026. DOE offered a \$4.9 billion conditional loan guarantee in 2024 and withdrew it in 2025. One State's process can stall a line for years, while the benefits flow to other States.

The result. Construction of high-voltage lines (345 kV and up) fell from about 1,800 miles a year in 2010–14 to about 540 in 2020–24. A pro-expansion consultancy estimates the need at about 5,000 miles a year. About 2,060 GW of proposed generation and storage waited in interconnection queues at the end of 2025, and the median project took over five years to connect, according to national laboratory data.

Interconnection and new technology

A new power plant or battery must apply to connect and wait while the grid operator studies what upgrades it needs. The generator usually pays for them. Order 2023 (2023) moved queues to group "cluster" studies. Most RTOs still study each new request separately from long-range planning. SPP is the exception: FERC accepted its Consolidated Planning Process, with conditions, in March 2026. The process plans generation and transmission together and posts a fixed price to connect at set locations.

Advanced transmission technologies get more out of existing lines. Reconductoring replaces wires on existing towers and can roughly double capacity on lines limited by heat. Dynamic line ratings and power-flow controls work like smarter traffic lights. They add lanes to existing roads but cannot build new routes between regions. Apart from weather-based line ratings (Order 881), FERC today requires only that utilities consider them.

What the bill does to transmission

Bottom line. The title follows the "permitting, planning, paying" frame of the 2024 Manchin–Barrasso bill and goes further. **Permitting:** FERC can approve a line used in interstate commerce that a State blocks or delays, with no DOE corridor required. **Planning:** neighboring regions must plan cross-border lines together, and FERC can police utilities' local spending. **Paying:** costs follow benefits by statute, and data centers pay their own added costs.

Federal backstop siting: before and after

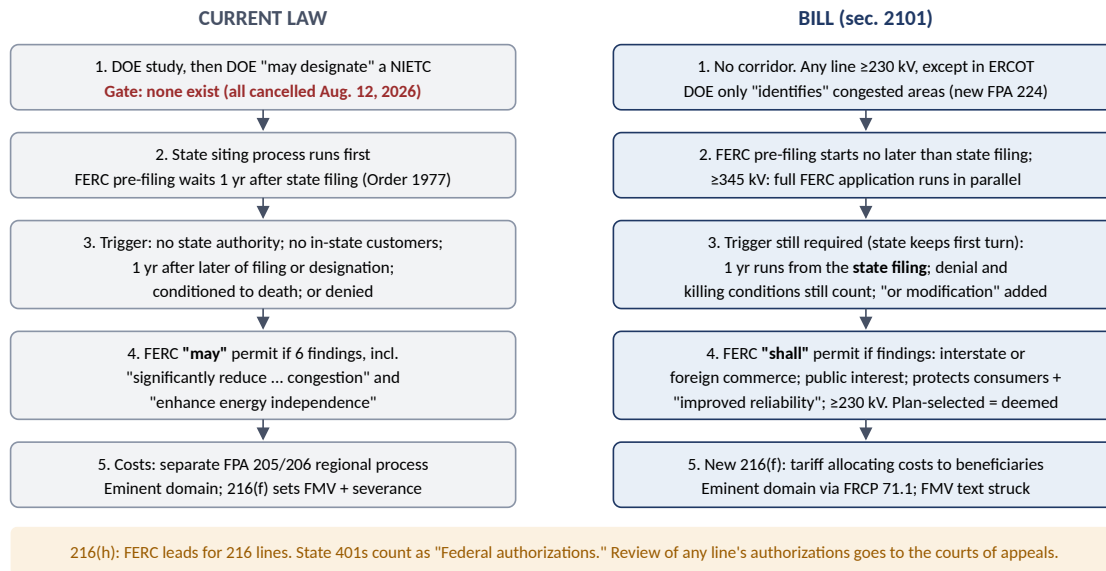


Figure 4. Step by step. The biggest practical change is step 1. Today the backstop is unusable because no corridor exists. Under the bill it is available for any qualifying line.

Permitting	Current law	Bill
Backstop siting (sec. 2101)	Only inside a DOE corridor, and none exist. FERC "may" approve if a State denies or takes over a year.	No corridor needed. Any line of 230 kV or more that carries power in interstate commerce outside ERCOT qualifies, even one inside a single State, as do lines selected in a regional plan and lower-voltage advanced-conductor lines FERC approves. The State still goes first. If it lacks authority, denies, or has not decided within 1 year of filing, FERC "shall" approve a line that serves the public interest, protects or benefits consumers, and improves reliability. For lines of 345 kV or more, the FERC case can run alongside the State case.
Federal permits (sec. 2101)	DOE coordinates federal permits for lines.	FERC leads for backstop lines and lines in the new regional plans, and Interior for offshore lines. State 401 certifications count as "Federal authorizations," and challenges to them go straight to the federal courts of appeals.
Landowners (sec. 2101)	The statute sets just compensation at fair market value plus severance damages.	That text is struck and not restated; the Constitution's just-compensation guarantee still applies. FERC must consider landowner input, and host communities can receive payments that utilities recover in rates.

Permitting	Current law	Bill
Work in existing corridors (sec. 2102)	DOE has a categorical exclusion for rebuilds, with screening for unusual circumstances.	Reconductoring, voltage upgrades, rebuilds, parallel lines, and storage inside or next to existing rights-of-way are exempt from NEPA and section 106. No size cap. A parallel rule exempts gas pipeline expansions in existing rights-of-way.

EXAMPLE: A 765 KV LINE FROM KANSAS TO INDIANA

A developer files with the Missouri Public Service Commission and, because the line is over 345 kV, files its full FERC application in parallel. Missouri denies, or sits for a year. No corridor is needed. If the neighboring regions jointly selected the line, most siting tests are already met, and FERC "shall" approve. Any State 401 review is capped at 9 months and covers only direct point-source discharges. Customers who benefit pay. Today, by contrast, the developer's only path runs through each State, as Grain Belt's did.

Planning	Current law	Bill
Joint planning between regions (sec. 2103)	Coordination only. Each region must separately approve a cross-border line.	New. FERC must require each region to plan, and neighboring regions to plan jointly, with common data and models and "joint identification and selection" of cross-border lines. A selected project automatically meets most backstop siting tests; only the State trigger remains. Compliance with FERC's existing rules, including Order 1920, counts as compliance for regional plans. TVA, the federal power agencies, and large co-ops come under FERC planning authority. Two limits. If regions fail to file, the section provides only a 6-month extension and no fallback plan (the 2024 bill let FERC impose one), though FERC's general enforcement authority remains. And no one must select the lines joint planning identifies.
Local projects (sec. 2104)	Utilities' own local projects face no competition and little federal review.	New. One or more States can refer a FERC-regulated utility to FERC. FERC must investigate, with up to 3 State appointees. If the utility's local planning fails to pick the more efficient or cost-effective projects, or interferes with regional planning, FERC can order process changes, cut the utility's allowed profit (ROE), and remove the presumption that its spending was prudent. It can also fine the utility up to \$5 million for each recent facility that was imprudent and harmed the State's customers, paid to the State.
Right of first refusal (sec. 2105)	Order 1000 removed federal ROFRs for regional projects. Order 1920 added one for upgraded replacements. Many States have their own.	Writes the federal ROFR ban into statute for any project selected in a regional or cross-border plan. The text does not address State ROFR laws.
Planning generation and the grid together (sec. 2106)	Interconnection runs separately from planning in most regions. SPP's combined process was approved in March 2026.	New. Every region must adopt an SPP-style process: a 20-year joint look at generation and transmission, published connection points open to any resource, and a fixed, upfront, per-megawatt price at each point. Interconnection would follow a plan for grid needs rather than react to each developer request.

Paying	Current law	Bill
Costs follow benefits (secs. 2101, 2103)	The "roughly commensurate" rule is judge-made. Order 1920 lists seven required benefits.	Written into statute. Customers with "no benefit, or benefits that are trivial" pay nothing. The listed benefits include improved reliability, reduced congestion, reduced losses, greater carrying capacity, reduced operating reserves, and access to lower-cost generation. The list does not mention Order 1920's extreme-weather benefit.

Paying	Current law	Bill
Data centers (sec. 2107)	FERC's 1994 policy lets a utility charge the higher of average or added cost, not both. Critics say data-center upgrade costs spread to everyone.	New. A data center of 20 MW or more that connects after enactment must bear the full added cost of serving it, including generation, storage, transmission, and distribution. Costs stay recoverable if it leaves early. States may charge more, require it to bring its own generation, make its service interruptible, or treat data centers less favorably than other industry. Separately, sec. 2107(a) declares it unjust for transmission service to a "computational load" to cost less than both embedded cost (a share of the existing grid) and incremental cost. That rule has no size threshold or enactment-date limit. FERC must revise its pricing policy and then issue a rule.

Grid technology, markets, and money

Section	What it does
2108 Distributed resources	Batteries, generators, fuel cells, and similar resources of at least 5 kW behind a customer's meter can be grouped (100 kW or more) and sold into RTO energy, capacity, and reserve markets. These groupings are often called virtual power plants. This overlaps with FERC's 2020 Order 2222 but is narrower (behind-the-meter only) and takes effect in 18 months. It can also reach large on-site gas generators at data centers or factories.
2109 Advanced technology	Utilities must use advanced technologies, including the best available conductors, on new and upgraded lines wherever benefits exceed costs. Their costs are presumed prudent. A utility that fails to deploy faces a penalty, which can include a cut to its allowed profit.
Federal financing (sec. 2101)	Three DOE financing programs refer to DOE corridors. The bill replaces each reference with the congested areas DOE identifies in its 3-year study. Two of the programs also fund projects outside corridors. The 2025 reconciliation law rescinded the unobligated funds of the third, the IRA transmission loan program, so it would need new money.

CLEAN ENERGY LENS

- The title is technology-neutral. Line selection centers on reliability, consumer benefit, and the public interest. The bill does not mention State clean-energy policy, but compliance with Order 1920, whose scenarios account for State laws and policies, counts as compliance.
- Fixed connection prices remove restudy risk for long-lead projects (new nuclear, large hydro, enhanced geothermal). But they require early, nonrefundable commitments.
- Lines that cross the border or come ashore from federal waters qualify, which helps Canadian hydro imports and offshore wind.
- The gas pipeline exemption in sec. 2102 is the one fossil-specific provision in the title.

Energy permitting: oil and gas, geothermal, hydro, and offshore

Bottom line. The widest-reaching changes are a 150-day deadline to sue over energy and mineral approvals (sec. 2201) and an oil and gas NEPA exemption in the geothermal subtitle (sec. 2229).

Section	Current law	Bill
2201 Deadline to sue	6 years for most claims.	150 days for any federal-law claim against an energy, mineral, CO ₂ , or wildfire-fuels approval that needed an EA or EIS, whether the agency granted or denied it. Courts must expedite. Unlike the NEPA rules, this section does not limit remedies.
2211 Drilling on non-federal land (oil and gas)	BLM requires a federal drilling permit for wells that reach any federal minerals.	No federal permit for certain wells on non-federal land, including where the federal government owns less than half the minerals in a drilling unit. That removes the NEPA, ESA, and section 106 reviews the drilling permit would trigger. Other federal approvals and ESA restrictions still apply. Interior also may not require bonds, enter the land without the owner's consent, impose mitigation, or approve surface reclamation there. Royalties are unchanged.
2229 Oil and gas NEPA exemption	Five oil and gas activities get a <i>rebuttable presumption</i> that a categorical exclusion applies (2005 Energy Policy Act sec. 390).	Those activities, now joined by geothermal, are "not a major Federal action," so NEPA does not apply at all. The lookback for pipelines in approved corridors doubles to 10 years. This is a significant oil and gas benefit in a geothermal subtitle.
2221–2228 Geothermal	Lease sales at least every 2 years. No permit deadlines.	Annual lease sales. Drilling-permit deadlines modeled on oil and gas (30, 30, and 10 days). No federal permit on non-federal land where the federal government owns under half the geothermal estate and the operator holds a State permit. Small test wells skip NEPA. The low royalty rate restarts for each new power plant.
2213–2214 Renewables and grid on federal land	No deadlines for wind and solar rights-of-way.	Deadlines for wind, solar, and geothermal rights-of-way, and arguably storage paired with them. Interior and USDA must write categorical exclusions for low-disturbance renewable activities (such as small sites, rooftop solar, and met towers) and for new lines in approved corridors. Unlike the oil and gas exemption, these keep screening for unusual circumstances. The bill does not address the 2025 Interior wind and solar review policies.
2232–2234 Hydropower	Federal land agencies may impose mandatory license conditions they find necessary to protect their lands.	Those conditions must be "reasonably related to the effects of the project." Routine maintenance needs no FERC approval. Small hydrokinetic projects (5 MW or less) get a 1-year licensing track.
2251–2252 Offshore	Offshore wind must prevent "interference with reasonable uses" of the ocean. A 2020 Interior legal opinion, reinstated in May 2025, tells the agency to act in a way that "errs on the side of less interference."	The standard becomes "prevention of unreasonable interference with other uses." Interior leads offshore transmission permitting, and Interior and DOE designate preferred cable routes. The bill does not reverse the January 2025 withdrawal of federal waters from wind leasing.

Historic preservation: section 106 is written into statute and narrowed

How it works today. Section 106 is two sentences of statute, filled in by a long regulation of the Advisory Council on Historic Preservation (ACHP). The agency identifies affected historic properties, including views and settings, and consults SHPOs, Tribes, and others toward an agreement. There is no overall deadline. Wind farms and tall power lines often face long reviews over visual effects.

Bottom line. The bill writes a full procedure into law. It narrows what triggers review and which effects count. It puts review on a clock tied to NEPA. It lets the agency close the process without an agreement. It adopts the NEPA lawsuit limits.

Issue	Current law	Bill
What triggers review	Any federally funded, assisted, or permitted project.	Only projects that need a federal permit and are under "substantial Federal control." Projects whose only federal tie is a loan or grant drop out. Areas affected only by non-federal parts of a project are excluded. For a 100-mile line crossing 1 mile of federal land, review generally covers effects attributable to that federally controlled mile, which can reach beyond its footprint.
Which effects count	Direct, indirect, and cumulative effects, including visual, atmospheric, and audible intrusions.	Only foreseeable effects that directly alter a property. Visual, atmospheric, and audible effects are excluded unless they "significantly" diminish the property. Temporary effects and cumulative effects from other projects are excluded.
Deadlines	30-day review windows. No overall deadline.	For projects that need an EA or EIS, review starts with NEPA and must finish when the NEPA document does, unless the Interior Secretary extends it. A party silent for 30 days is skipped. Applicants may sue to enforce the deadline.
Closing review	Consultation toward an agreement. The ACHP comments if it fails.	The agency may close on its own if the property stays eligible for the National Register, or if "other considerations outweigh" preservation in its "sole discretion."
Tribal sites	Sites of "traditional religious and cultural importance" are undefined.	Defined as a place where an event of continuing religious or cultural significance occurred. The "event ... occurred" test may be narrower than current practice. The change from "and" to "or" is broader. The bill also authorizes \$20M a year for Tribal databases (FY2027–2030).
Lawsuits	District court, 6 years, vacatur available.	150 days, courts of appeals, remand only. Applies the NEPA comment and harm requirements, except for claims on which a SHPO, Tribe, or local government gave detailed written notice during consultation.

CLEAN ENERGY LENS

After the bill, section 106 mostly asks whether a project **touches** a historic property, not whether it can be **seen** from one. Visually prominent projects gain the most: offshore and onshore wind, tall transmission, and utility-scale solar. Projects with a small federal tie, such as a single Corps permit or DOE financing, also gain. NRC and FERC licenses still trigger review. Expect Tribes and preservation groups to focus on the visual-effects exclusion, the sacred-site definition, and the agency's power to close review alone.

Clean energy scorecard: what each resource gets

Almost all of the bill is technology-neutral on its face. The table lists provisions that name a resource or fall most heavily on one. "Limits" covers what the resource does *not* get, or where a provision cuts against it. **The bill never uses the terms "greenhouse gas" or "climate."**

Resource	Biggest gains	Limits and cautions
Nuclear	The bill has no NRC licensing title, and the reactor license still triggers full NEPA and section 106 review. The gains come from the parts of a project that sit outside NRC. • No duplicate DOE review. Many advanced reactors are licensed by NRC and funded by DOE. An action another agency already reviewed under NEPA is no longer a "major Federal action," so DOE may rely on NRC's review if NRC finishes first (1102). • More DOE grants fall outside NEPA. Cost-share awards are exempt unless DOE has "predominant" control, up from "sufficient" control. The loan-only exemption rarely helps nuclear, because the NRC license is always a second federal tie. • Generic reviews last longer. A generic EIS analyzes a class of projects once. NRC is developing one for advanced reactors. Agencies may rely on it for 10 years instead of 5 (1107). • Protection for issued permits. Projects span several administrations. An agency that pulls a permit without one of five grounds pays 25–50% of costs incurred (1401). Four of the 46 types protected against patterns of bias are nuclear: fission power, fusion, uranium production, and fuel-cycle facilities (1402). • Longer water permits. Reactors discharge heated cooling water under Clean Water Act permits. The maximum term rises from 5 to 10 years. • Less duplicate historic review. DOE money alone no longer triggers section 106. The NRC license still does.	• NRC licensing is untouched. Congress addressed NRC in the 2024 ADVANCE Act. Licensing, the main bottleneck, is outside this bill. • A clock on NRC decisions. Once the lead agency finishes an EIS, every other federal authorization must be decided within 90 or 120 days. That can include an NRC license, which also depends on a separate safety review. The deadline is excused if acting would violate NRC's statutory duties, which NRC must prove by clear and convincing evidence (1106). • Grid connection cuts both ways. Fixed, posted prices to connect remove restudy risk. But a project must commit early with a nonrefundable deposit, before NRC approval and financing are certain (2106). • No market-access gain. The new market right covers small resources behind a customer's meter that start within 15 minutes. Large reactors are neither (2108). • Limits on the regulator. An NRC safety order that changes a license must fit one of the five grounds, or the government owes damages. Most should fit (1401).
Geothermal	Most U.S. geothermal lies under federal land in the West, where one project can face separate reviews for exploration, drilling, and construction. Nine sections (2221–2229) target those steps. • Exploration. Small test wells (10 acres or less, finished within a year) are exempt from NEPA. • Leasing and permits. BLM must hold annual lease sales and decide drilling permits on deadlines modeled on oil and gas (30, 30, and 10 days). • Split estate. No federal drilling permit on non-federal land where the federal government owns under half the geothermal resource and the operator holds a State permit. • Royalties. The low starting royalty rate restarts for each new power plant, not once per lease. • Oil and gas parity. Geothermal joins the oil and gas activities that are "not a major Federal action" under sec. 390. • Other help. Right-of-way deadlines on federal land (2213).	• Enhanced geothermal is a long-lead resource. It faces the early, nonrefundable grid commitment under 2106.
Hydro and pumped storage	• 4(e) nexus limit (2232). • Maintenance and variance relief (2233). • Hydrokinetic fast track (2234).	• 401 general lane (not discharge-only), with a 1-year cap. • Sec. 18 fishways and 10(j) are untouched.

	• Market-barriers report (2231). • Clear-and-convincing burden on State 401 conditions (1202). • PMA pay flexibility (2112).	• ESA 7A excludes NMFS (salmon) consultations.
Wind and solar	In 2025 Interior halted offshore wind projects under construction and added senior-level review of wind and solar approvals. The biggest gains respond to that history. • Permit protection. A stop-work order like those of 2025 must fit one of five grounds, or the government pays 25–50% of costs incurred. Onshore wind, offshore wind, and solar are separate protected types against patterns of bias (1401–1402). • Offshore standard. Offshore wind must prevent only "unreasonable interference with other uses" of the ocean. The old standard, "interference with reasonable uses," has been read strictly (2251). • Offshore transmission. Interior leads permitting for offshore power lines. Interior and DOE designate preferred cable routes (2252). • Federal land. Deadlines for right-of-way applications, plus exclusions for low-disturbance work such as rooftop solar and met towers (2213). • Historic preservation. Views of turbines and panels from historic sites mostly no longer count as adverse effects (2301).	• Does not reverse the January 2025 withdrawal of federal waters from wind leasing or the 2025 Interior review policies. • Renewables exclusions are written by agencies and keep screening for unusual circumstances. Oil and gas get a statutory exemption (sec. 390). • The IRA rule that ties new offshore wind leases to offshore oil and gas lease sales stays in place.
Storage	• Grid corridors. Storage built in or next to an existing transmission right-of-way is exempt from NEPA and section 106 (216A). • Federal land. Interior and USDA must adopt a categorical exclusion for storage on previously disturbed land (2214). • Home and business batteries. Batteries behind a customer's meter can be grouped into virtual power plants and sold into RTO markets (2108).	The 2213 right-of-way deadlines may cover storage paired with renewables, but not stand-alone grid batteries.
Transmission	All of Division B Title I. The 401 express lane. The 216A and 2214 CEs. NHPA visual-effects relief. 150-day clocks.	No minimum interregional transfer requirement. State ROFR statutes survive on their face. The 216(f) compensation text is deleted; landowner groups are likely to object (my prediction).
Gas pipelines and LNG	• NGA 7(i) in-ROW expansion carve-out (2102). • 401 express lane (NGA 7). • NWP 12 locked in with a 2-acre floor. • GHG-analysis limits via the NEPA jurisdiction and research cutoffs. READING • 1401 protection for certificates and export authorizations.	• LNG terminals (NGA sec. 3) are in the 401 general lane. • The pipeline's 404-related 401 may not get the express lane (drafting gap). • ESA BiOp forum conflict with NGA 19(d).
Oil and gas production	No federal APD for certain mixed-ownership wells (2211). Sec. 390 becomes "not a major Federal action," with a 10-year window for lease pipelines in approved corridors (2229). 150 days to challenge lease sales (2201). Onshore and offshore oil and gas production are named 1402 project types.	Offshore leasing gets nothing new in Subtitle F.
Coal	404(c) veto window (ends <i>Mingo Logan</i>-type post-permit vetoes). 10-year NPDES. Coal types listed in 1402. Lease sales under 2201.	No coal-specific leasing provisions.
CCS and CO2 pipelines	2201 covers CO2 capture, transport, and storage. 1402 lists CO2 pipelines, geologic storage, and EOR. BOEM ROW discretion may reach 8(p) CO2 ROWs.	CO2 pipelines are in the 401 general lane. No PHMSA or Class VI provisions. Capture equipment is not a 1402 type.
Hardrock and critical minerals	Mill-site fix (2215). 404(c) window. Mining under 2201. Two mining types in 1402.	\$400/site fee. Acquired-lands lease terms are unclear.

Key numbers cheat sheet

Item	Number	Item	Number
NEPA page limits (EIS / complex / EA)	150 / 300 / 75 (unchanged)	1401 cost award	25–50% of costs incurred
EA / EIS deadlines	1 yr / 2 yrs (unchanged length)	1402 damages	50–100% of construction cost
FONSI or EIS notice / ROD after document	7 days / 45 days	1402 project types	46 + catch-all
Other federal authorization decisions after EA/EIS	90 (participating) / 120 days	1402(c) / 1403 deadlines	1 yr; court 120 days; order 60 days
NEPA application completeness / level of review	60 + 60 days	216 voltage floor / parallel filing	230 kV / ≥345 kV
NOI comment period	45–60 days (≤75 by agreement)	216 state-delay trigger	1 yr from state filing
CEQ dispute resolution	30 + 14 days; unreviewable	216 comment period; landowner buffer	≥45 days; 500 ft
Missed-deadline penalties	≥50% of workweek; 25-mile travel limit	225 planning rule / filings / updates	180 days / 2 yrs / 4 yrs
MFA exclusions	7 → 14	318 consolidated planning	Rule 18 mo; file 2 yrs; update 2 yrs; 20-yr horizon
Programmatic reliance	5 → 10 yrs	Exempt co-op threshold	<4M MWh/yr
150-day filing deadlines (NEPA, 404, BiOps [optional route], 2201, NHPA)	150 days	226 local-planning fine	≤\$5M per facility (to state)
Remand deadline	≤180 days	228 data-center floor	≥20 MW
401 review period (general / pipes and wires)	≤1 yr / ≤9 months	2108 BTM facility / aggregation	≥5 kW, 15-min / ≥100 kW; 18 mo
401 procedure	3-day receipt; 90-day completeness	2111 grid data response	15 days
NPDES and NWP terms	5 → 10 yrs	2201 publication duty	3 days after action
NWP deemed-minimal threshold	<2 acres	2213 renewables ROW clocks	30 / 90 / 30 days
ESA formal consultation	90 → 60 days	Geothermal permit clocks	30 / 30 / 10 days
ESA consent threshold / 706(1) hook	100 days / 145 days	Geothermal test project	≤10 acres; <12-in casing; <1 yr
ESA 7A proposed rule / agreement term	270 days / ≤10 yrs	Sec. 390 corridor lookback	5 → 10 yrs; gen-tie ≤20 mi
ESA money	\$150M/yr FY27–31; NFWF \$50M/yr FY28–32	Section 106 clocks	30 / 60 / 90 days; ACHP 45
		HPF	\$200M/yr FY27–36 (authorized)
		Other money	CEQ \$5M/yr; PIF \$20M/yr; DOE DER permitting \$20M/yr; THPO DBs \$20M/yr