

118TH CONGRESS  
1ST SESSION

# H. R. 2811

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## AN ACT

To provide for a responsible increase to the debt ceiling,  
and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Limit, Save, Grow Act  
3 of 2023”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

DIVISION A—LIMIT FEDERAL SPENDING

TITLE I—DISCRETIONARY SPENDING LIMITS FOR  
DISCRETIONARY CATEGORY

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DIVISION B—SAVE TAXPAYER DOLLARS

TITLE I—RESCISSION OF UNOBLIGATED FUNDS

- Sec. 201. Rescission of unobligated coronavirus funds.
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TITLE II—PROHIBIT UNFAIR STUDENT LOAN GIVEAWAYS

- Sec. 211. Nullification of certain executive actions and rules relating to Federal student loans.
- Sec. 212. Limitation on authority of Secretary to propose or issue regulations and executive actions.

TITLE III—REPEAL MARKET DISTORTING GREEN TAX CREDITS

- Sec. 221. Amendment of 1986 Code.
- Sec. 222. Modification of credit for electricity produced from certain renewable resources.
- Sec. 223. Modification of energy credit.
- Sec. 224. Repeal of increase in energy credit for solar and wind facilities placed in service in connection with low-income communities.
- Sec. 225. Zero-emission nuclear power production credit repealed.
- Sec. 226. Repeal of sustainable aviation fuel credit.
- Sec. 227. Clean hydrogen repeals.
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- Sec. 229. Residential clean energy credit reverted to credit for residential energy efficient property.
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- Sec. 238. Repeal of clean electricity production credit.
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- Sec. 20223. Exemption of certain wildfire mitigation activities from certain environmental requirements.
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- Sec. 20303. Federal register process improvement.
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- Sec. 30001. Short title.  
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**1 SEC. 3. REFERENCES.**

2       Except as expressly provided otherwise, any reference  
 3 to “this Act” contained in any division of this Act shall  
 4 be treated as referring only to the provisions of that divi-  
 5 sion.

1       **DIVISION A—LIMIT FEDERAL**  
2                                   **SPENDING**  
3 **TITLE**                           **I—DISCRETIONARY**  
4       **SPENDING LIMITS FOR DIS-**  
5       **CRETIONARY CATEGORY**

6 **SEC. 101. DISCRETIONARY SPENDING LIMITS.**

7       (a) IN GENERAL.—Section 251(c) of the Balanced  
8 Budget and Emergency Deficit Control Act of 1985 (2  
9 U.S.C. 901(c)) is amended—

10               (1) in paragraph (7)(B), by striking “and” at  
11       the end; and

12               (2) by inserting after paragraph (8) the fol-  
13       lowing:

14               “(9) for fiscal year 2024, for the discretionary  
15       category, \$1,470,979,000,000 in new budget author-  
16       ity;

17               “(10) for fiscal year 2025, for the discretionary  
18       category, \$1,485,689,000,000 in new budget author-  
19       ity;

20               “(11) for fiscal year 2026, for the discretionary  
21       category, \$1,500,546,000,000 in new budget author-  
22       ity;

23               “(12) for fiscal year 2027, for the discretionary  
24       category, \$1,515,551,000,000 in new budget author-  
25       ity;

1           “(13) for fiscal year 2028, for the discretionary  
2           category, \$1,530,707,000,000 in new budget author-  
3           ity;

4           “(14) for fiscal year 2029, for the discretionary  
5           category, \$1,546,014,000,000 in new budget author-  
6           ity;

7           “(15) for fiscal year 2030, for the discretionary  
8           category, \$1,561,474,000,000 in new budget author-  
9           ity;

10          “(16) for fiscal year 2031, for the discretionary  
11          category, \$1,577,089,000,000 in new budget author-  
12          ity;

13          “(17) for fiscal year 2032, for the discretionary  
14          category, \$1,592,859,000,000 in new budget author-  
15          ity; and

16          “(18) for fiscal year 2033, for the discretionary  
17          category, \$1,608,788,000,000 in new budget author-  
18          ity;”.

19          (b) CONFORMING AMENDMENTS TO ADJUST-  
20          MENTS.—

21                 (1) CONTINUING DISABILITY REVIEWS AND  
22                 REDERMINATIONS.—Section 251(b)(2)(B)(i) of the  
23                 Balanced Budget and Emergency Deficit Control  
24                 Act of 1985 is amended—



1 (A) in subclause (IX), by striking “and” at  
2 the end;

3 (B) in subclause (X), by striking the pe-  
4 riod and inserting a semicolon; and

5 (C) by inserting after subclause (X) the  
6 following:

7 “(XI) for fiscal year 2024,  
8 \$1,578,000,000 in additional new budget  
9 authority;

10 “(XII) for fiscal year 2025,  
11 \$1,630,000,000 in additional new budget  
12 authority;

13 “(XIII) for fiscal year 2026,  
14 \$1,682,000,000 in additional new budget  
15 authority;

16 “(XIV) for fiscal year 2027,  
17 \$1,734,000,000 in additional new budget  
18 authority;

19 “(XV) for fiscal year 2028,  
20 \$1,788,000,000 in additional new budget  
21 authority;

22 “(XVI) for fiscal year 2029,  
23 \$1,842,000,000 in additional new budget  
24 authority;

1 “(XVII) for fiscal year 2030,  
2 \$1,898,000,000 in additional new budget  
3 authority;

4 “(XVIII) for fiscal year 2031,  
5 \$1,955,000,000 in additional new budget  
6 authority;

7 “(XIX) for fiscal year 2032,  
8 \$2,014,000,000 in additional new budget  
9 authority; and

10 “(XX) for fiscal year 2033,  
11 \$2,076,000,000 in additional new budget  
12 authority.”.

13 (2) HEALTH CARE FRAUD AND ABUSE CON-  
14 TROL.—Section 251(b)(2)(C)(i) of such Act is  
15 amended—

16 (A) in subclause (IX), by striking “and” at  
17 the end;

18 (B) in subclause (X), by striking the pe-  
19 riod and inserting a semicolon; and

20 (C) by inserting after subclause (X) the  
21 following:

22 “(XI) for fiscal year 2024,  
23 \$604,000,000 in additional new budget au-  
24 thority;

1           “(XII) for fiscal year 2025,  
2           \$630,000,000 in additional new budget au-  
3           thority;

4           “(XIII) for fiscal year 2026,  
5           \$658,000,000 in additional new budget au-  
6           thority;

7           “(XIV) for fiscal year 2027,  
8           \$686,000,000 in additional new budget au-  
9           thority;

10          “(XV) for fiscal year 2028,  
11          \$714,000,000 in additional new budget au-  
12          thority;

13          “(XVI) for fiscal year 2029,  
14          \$743,000,000 in additional new budget au-  
15          thority;

16          “(XVII) for fiscal year 2030,  
17          \$771,000,000 in additional new budget au-  
18          thority;

19          “(XVIII) for fiscal year 2031,  
20          \$798,000,000 in additional new budget au-  
21          thority;

22          “(XIX) for fiscal year 2032,  
23          \$826,000,000 in additional new budget au-  
24          thority; and

1                   “(XX) for fiscal year 2033,  
2                   \$853,000,000 in additional new budget au-  
3                   thority.”.

4                   (3)           DISASTER           FUNDING.—Section  
5                   251(b)(2)(D)(i) of such Act is amended by inserting  
6                   after “2021” the following: “and fiscal years 2024  
7                   through 2033”.

8                   (4)           REEMPLOYMENT SERVICES AND ELIGI-  
9                   BILITY ASSESSMENTS.—Section 251(b)(2)(E)(i) of  
10                  such Act is amended—

11                  (A) in subclause (III), by striking “and” at  
12                  the end;

13                  (B) in subclause (IV), by striking the pe-  
14                  riod and inserting a semicolon; and

15                  (C) by inserting after subclause (IV) the  
16                  following:

17                               “(V) for fiscal year 2024,  
18                               \$265,000,000 in additional new budg-  
19                               et authority;

20                               “(VI) for fiscal year 2025,  
21                               \$271,000,000 in additional new budg-  
22                               et authority;

23                               “(VII) for fiscal year 2026,  
24                               \$276,000,000 in additional new budg-  
25                               et authority;

1           “(VIII) for fiscal year 2027,  
2           \$282,000,000 in additional new budg-  
3           et authority;

4           “(IX) for fiscal year 2028,  
5           \$288,000,000 in additional new budg-  
6           et authority;

7           “(X) for fiscal year 2029,  
8           \$293,000,000 in additional new budg-  
9           et authority;

10          “(XI) for fiscal year 2030,  
11          \$299,000,000 in additional new budg-  
12          et authority;

13          “(XII) for fiscal year 2031,  
14          \$305,000,000 in additional new budg-  
15          et authority;

16          “(XIII) for fiscal year 2032,  
17          \$311,000,000 in additional new budg-  
18          et authority; and

19          “(XIV) for fiscal year 2033,  
20          \$317,000,000 in additional new budg-  
21          et authority.”.

22                 (5)       WILDFIRE        SUPPRESSION.—Section  
23       251(b)(2)(F)(i) of such Act is amended—

24                         (A) by striking “through 2027” and insert-  
25                         ing “through 2033”;

1 (B) in subclause (VII), by striking “and”  
2 at the end;

3 (C) in subclause (VIII), by striking the pe-  
4 riod and inserting a semicolon; and

5 (D) by inserting after subclause (VIII) the  
6 following:

7 “(IX) for fiscal year 2028,  
8 \$2,957,000,000 in additional new  
9 budget authority;

10 “(X) for fiscal year 2029,  
11 \$3,036,000,000 in additional new  
12 budget authority;

13 “(XI) for fiscal year 2030,  
14 \$3,118,000,000 in additional new  
15 budget authority;

16 “(XII) for fiscal year 2031,  
17 \$3,202,000,000 in additional new  
18 budget authority;

19 “(XIII) for fiscal year 2032,  
20 \$3,287,000,000 in additional new  
21 budget authority; and

22 “(XIV) for fiscal year 2033,  
23 \$3,376,000,000 in additional new  
24 budget authority.”.

1 (c) CONFORMING AMENDMENTS RELATING TO SE-  
2 QUESTRATION REPORTS.—Section 254 of the Balanced  
3 Budget and Emergency Deficit Control Act of 1985 (2  
4 U.S.C. 904) is amended—

5 (1) in subsection (c)(2), by striking “2021” and  
6 inserting “2033”; and

7 (2) in subsection (f)(2)(A), by striking “2021”  
8 and inserting “2033”.

9 **DIVISION B—SAVE TAXPAYER**  
10 **DOLLARS**

11 **TITLE I—RESCISSION OF**  
12 **UNOBLIGATED FUNDS**

13 **SEC. 201. RESCISSION OF UNOBLIGATED CORONAVIRUS**  
14 **FUNDS.**

15 The unobligated balances of amounts appropriated or  
16 otherwise made available by the American Rescue Plan  
17 Act of 2021 (Public Law 117–2), and by each of Public  
18 Laws 116–123, 116–127, 116–136, and 116–139 and di-  
19 visions M and N of Public Law 116–260, are hereby per-  
20 manently rescinded.

21 **SEC. 202. RESCISSION OF INFLATION REDUCTION ACT**  
22 **FUNDS.**

23 The unobligated balances of amounts appropriated or  
24 otherwise made available by each of the following provi-  
25 sions of Public Law 117–169 (commonly referred to as

1 the “Inflation Reduction Act”) are hereby permanently re-  
2 scinded:

3 (1) Section 50131.

4 (2) Section 50144.

5 (3) Section 50224.

6 (4) Section 60114.

7 (5) Section 60501.

8 **TITLE II—PROHIBIT UNFAIR**  
9 **STUDENT LOAN GIVEAWAYS**

10 **SEC. 211. NULLIFICATION OF CERTAIN EXECUTIVE AC-**  
11 **TIONS AND RULES RELATING TO FEDERAL**  
12 **STUDENT LOANS.**

13 (a) IN GENERAL.—The following shall have no force  
14 or effect:

15 (1) The waivers and modifications of statutory  
16 and regulatory provisions relating to an extension of  
17 the suspension of payments on certain loans and  
18 waivers of interest on such loans under section 3513  
19 of the CARES Act (20 U.S.C. 1001 note)—

20 (A) described by the Department of Edu-  
21 cation in the Federal Register on October 12,  
22 2022 (87 Fed. Reg. 61513 et seq.); and

23 (B) issued on or after the date of enact-  
24 ment of this Act.





1 **“SEC. 492A. LIMITATION ON AUTHORITY OF THE SEC-**  
2 **RETARY TO PROPOSE OR ISSUE REGULA-**  
3 **TIONS AND EXECUTIVE ACTIONS.**

4 “(a) DRAFT REGULATIONS.—Beginning after the  
5 date of enactment of this section, a draft regulation imple-  
6 menting this title (as described in section 492(b)(1)) that  
7 is determined by the Secretary to be economically signifi-  
8 cant shall be subject to the following requirements (re-  
9 gardless of whether negotiated rulemaking occurs):

10 “(1) The Secretary shall determine whether the  
11 draft regulation, if implemented, would result in an  
12 increase in a subsidy cost resulting from a loan  
13 modification.

14 “(2) If the Secretary determines under para-  
15 graph (1) that the draft regulation would result in  
16 an increase in a subsidy cost resulting from a loan  
17 modification, then the Secretary may take no further  
18 action with respect to such regulation.

19 “(b) PROPOSED OR FINAL REGULATIONS AND EXEC-  
20 UTIVE ACTIONS.—Notwithstanding any other provision of  
21 law, beginning after the date of enactment of this section,  
22 the Secretary may not issue a proposed rule, final regula-  
23 tion, or executive action implementing this title if the Sec-  
24 retary determines that the rule, regulation, or executive  
25 action—

26 “(1) is economically significant; and

1           “(2) would result in an increase in a subsidy  
2           cost resulting from a loan modification.

3           “(c) RELATIONSHIP TO OTHER REQUIREMENTS.—  
4           The analyses required under subsections (a) and (b) shall  
5           be in addition to any other cost analysis required under  
6           law for a regulation implementing this title, including any  
7           cost analysis that may be required pursuant to Executive  
8           Order 12866 (58 Fed. Reg. 51735; relating to regulatory  
9           planning and review), Executive Order 13563 (76 Fed.  
10          Reg. 3821; relating to improving regulation and regu-  
11          latory review), or any related or successor orders.

12          “(d) DEFINITION.—In this section, the term ‘eco-  
13          nomically significant’, when used with respect to a draft,  
14          proposed, or final regulation or executive action, means  
15          that the regulation or executive action is likely, as deter-  
16          mined by the Secretary—

17                 “(1) to have an annual effect on the economy  
18                 of \$100,000,000 or more; or

19                 “(2) adversely to affect in a material way the  
20                 economy, a sector of the economy, productivity, com-  
21                 petition, jobs, the environment, public health or safe-  
22                 ty, or State, local, or tribal governments or commu-  
23                 nities.”.

1 **TITLE III—REPEAL MARKET DIS-**  
2 **TORTING GREEN TAX CRED-**  
3 **ITS**

4 **SEC. 221. AMENDMENT OF 1986 CODE.**

5 Except as otherwise expressly provided, whenever in  
6 this title an amendment or repeal is expressed in terms  
7 of an amendment to, or repeal of, a section or other provi-  
8 sion, the reference shall be considered to be made to a  
9 section or other provision of the Internal Revenue Code  
10 of 1986.

11 **SEC. 222. MODIFICATION OF CREDIT FOR ELECTRICITY**  
12 **PRODUCED FROM CERTAIN RENEWABLE RE-**  
13 **SOURCES.**

14 (a) IN GENERAL.—The following provisions of sec-  
15 tion 45(d) are each amended by striking “January 1,  
16 2025” each place it appears and inserting “January 1,  
17 2022”:

18 (1) Paragraph (2)(A).

19 (2) Paragraph (3)(A).

20 (3) Paragraph (6).

21 (4) Paragraph (7).

22 (5) Paragraph (9).

23 (6) Paragraph (11)(B).

24 (b) BASE CREDIT AMOUNT.—Section 45 is amend-  
25 ed—

1           (1) in subsection (a)(1), by striking “0.3 cents”  
2           and inserting “1.5 cents”, and

3           (2) in subsection (b)(2), by striking “0.3 cent”  
4           each place it appears and inserting “1.5 cent”.

5           (c) APPLICATION TO GEOTHERMAL AND SOLAR.—  
6 Section 45(d)(4) is amended by striking “and the con-  
7 struction of which begins before January 1, 2025” and  
8 all that follows and inserting “and which—

9                   “(A) in the case of a facility using solar  
10                   energy, is placed in service before January 1,  
11                   2006, or

12                   “(B) in the case of a facility using geo-  
13                   thermal energy, the construction of which be-  
14                   gins before January 1, 2022.

15           Such term shall not include any property described  
16           in section 48(a)(3) the basis of which is taken into  
17           account by the taxpayer for purposes of determining  
18           the energy credit under section 48.”.

19           (d) ELECTION TO TREAT QUALIFIED FACILITIES AS  
20 ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended  
21 by striking “January 1, 2025” and inserting “January 1,  
22 2022”.

23           (e) WIND FACILITIES.—

1           (1) IN GENERAL.—Section 45(d)(1) is amended  
2 by striking “January 1, 2025” and inserting “Janu-  
3 ary 1, 2022”.

4           (2) APPLICATION OF PHASEOUT PERCENT-  
5 AGE.—

6           (A) RENEWABLE ELECTRICITY PRODUC-  
7 TION CREDIT.—Section 45(b)(5) is amended by  
8 striking “which is placed in service before Janu-  
9 ary 1, 2022”.

10           (B) ENERGY CREDIT.—Section  
11 48(a)(5)(E) is amended by striking “placed in  
12 service before January 1, 2022, and”.

13           (3) QUALIFIED OFFSHORE WIND FACILITIES  
14 UNDER ENERGY CREDIT.—Section 48(a)(5)(F)(i) is  
15 amended by striking “offshore wind facility, sub-  
16 paragraph (E) shall not apply.” and inserting “off-  
17 shore wind facility—

18                           “(I) subparagraph (C)(ii) shall be  
19 applied by substituting ‘January 1,  
20 2026’ for ‘January 1, 2022’,

21                           “(II) subparagraph (E) shall not  
22 apply, and

23                           “(III) for purposes of this para-  
24 graph, section 45(d)(1) shall be ap-

1                   plied by substituting ‘January 1,  
2                   2026’ for ‘January 1, 2022’.”.

3           (f) WAGE AND APPRENTICESHIP REQUIREMENTS.—  
4 Section 45(b) is amended by striking paragraphs (6), (7),  
5 and (8).

6           (g) DOMESTIC CONTENT, PHASEOUT, AND ENERGY  
7 COMMUNITIES.—Section 45(b) is amended by striking  
8 paragraphs (9), (10), (11), and (12).

9           (h) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT  
10 BONDS, SUBSIDIZED ENERGY FINANCING, AND OTHER  
11 CREDITS.—Section 45(b)(3) is amended to read as fol-  
12 lows:

13                   “(3) CREDIT REDUCED FOR GRANTS, TAX-EX-  
14           EMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND  
15           OTHER CREDITS.—The amount of the credit deter-  
16           mined under subsection (a) with respect to any  
17           project for any taxable year (determined after the  
18           application of paragraphs (1) and (2)) shall be re-  
19           duced by the amount which is the product of the  
20           amount so determined for such year and the lesser  
21           of  $\frac{1}{2}$  or a fraction—

22                           “(A) the numerator of which is the sum,  
23                           for the taxable year and all prior taxable years,  
24                           of—

1           “(i) grants provided by the United  
2           States, a State, or a political subdivision of  
3           a State for use in connection with the  
4           project,

5           “(ii) proceeds of an issue of State or  
6           local government obligations used to pro-  
7           vide financing for the project the interest  
8           on which is exempt from tax under section  
9           103,

10           “(iii) the aggregate amount of sub-  
11           sidized energy financing provided (directly  
12           or indirectly) under a Federal, State, or  
13           local program provided in connection with  
14           the project, and

15           “(iv) the amount of any other credit  
16           allowable with respect to any property  
17           which is part of the project, and

18           “(B) the denominator of which is the ag-  
19           gregate amount of additions to the capital ac-  
20           count for the project for the taxable year and  
21           all prior taxable years.

22           The amounts under the preceding sentence for any  
23           taxable year shall be determined as of the close of  
24           the taxable year. This paragraph shall not apply



1 with respect to any facility described in subsection  
2 (d)(2)(A)(ii).”.

3 (i) ROUNDING ADJUSTMENT.—

4 (1) IN GENERAL.—Section 45(b)(2) is amended  
5 to read as follows:

6 “(2) CREDIT AND PHASEOUT ADJUSTMENT  
7 BASED ON INFLATION.—The 1.5 cent amount in  
8 subsection (a), the 8 cent amount in paragraph (1),  
9 the \$4.375 amount in subsection (e)(8)(A), the \$2  
10 amount in subsection (e)(8)(D)(ii)(I), and in sub-  
11 section (e)(8)(B)(i) the reference price of fuel used  
12 as a feedstock (within the meaning of subsection  
13 (c)(7)(A)) in 2002 shall each be adjusted by multi-  
14 plying such amount by the inflation adjustment fac-  
15 tor for the calendar year in which the sale occurs.  
16 If any amount as increased under the preceding sen-  
17 tence is not a multiple of 0.1 cent, such amount  
18 shall be rounded to the nearest multiple of 0.1  
19 cent.”.

20 (2) CONFORMING AMENDMENT.—Section  
21 45(b)(4)(A) is amended by striking “last two sen-  
22 tences” and inserting “last sentence”.

23 (j) HYDROPOWER.—

24 (1) CREDIT RATE REDUCTION FOR QUALIFIED  
25 HYDROELECTRIC PRODUCTION AND MARINE AND

1 HYDROKINETIC RENEWABLE ENERGY.—Section  
2 45(b)(4)(A) is amended by striking “or (7)” and in-  
3 sserting “(7), (9), or (11)”.

4 (2) MARINE AND HYDROKINETIC RENEWABLE  
5 ENERGY.—Section 45 is amended—

6 (A) in subsection (c)(10)(A)—

7 (i) in clause (iii), by adding “or” at  
8 the end,

9 (ii) in clause (iv), by striking “, or”  
10 and inserting a period, and

11 (iii) by striking clause (v), and

12 (B) in subsection (d)(11)(A), by striking  
13 “25” and inserting “150”.

14 (k) EFFECTIVE DATES.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graphs (2) and (3), the amendments made by this  
17 section shall apply to facilities placed in service after  
18 December 31, 2021.

19 (2) CREDIT REDUCED FOR GRANTS, TAX-EX-  
20 EMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND  
21 OTHER CREDITS.—The amendment made by sub-  
22 section (h) shall apply to facilities the construction  
23 of which begins after August 16, 2022.

24 (3) DOMESTIC CONTENT, PHASEOUT, ENERGY  
25 COMMUNITIES.—The amendments made by sub-

1 sections (g) and (j) shall apply to facilities placed in  
2 service after December 31, 2022.

3 **SEC. 223. MODIFICATION OF ENERGY CREDIT.**

4 (a) IN GENERAL.—The following provisions of sec-  
5 tion 48 are each amended by striking “January 1, 2025’ ”  
6 each place it appears and inserting “January 1, 2024”:

7 (1) Subsection (a)(2)(A)(i)(II).

8 (2) Subsection (a)(3)(A)(ii).

9 (3) Subsection (c)(1)(E).

10 (4) Subsection (c)(2)(D).

11 (5) Subsection (c)(3)(A)(iv).

12 (6) Subsection (c)(4)(C).

13 (7) Subsection (c)(5)(D).

14 (b) CERTAIN ENERGY PROPERTY.—Section  
15 48(a)(3)(A)(vii) is amended by striking “January 1,  
16 2035” and inserting “January 1, 2024”.

17 (c) PHASEOUT OF CREDIT.—Section 48(a) is amend-  
18 ed by striking paragraphs (6) and (7) and inserting the  
19 following new paragraphs:

20 “(6) PHASEOUT FOR SOLAR ENERGY PROP-  
21 ERTY.—

22 “(A) IN GENERAL.—Subject to subpara-  
23 graph (B), in the case of any energy property  
24 described in paragraph (3)(A)(i) the construc-  
25 tion of which begins before January 1, 2024,

1 the energy percentage determined under para-  
2 graph (2) shall be equal to—

3 “(i) in the case of any property the  
4 construction of which begins after Decem-  
5 ber 31, 2019, and before January 1, 2023,  
6 26 percent, and

7 “(ii) in the case of any property the  
8 construction of which begins after Decem-  
9 ber 31, 2022, and before January 1, 2024,  
10 22 percent.

11 “(B) PLACED IN SERVICE DEADLINE.—In  
12 the case of any energy property described in  
13 paragraph (3)(A)(i) the construction of which  
14 begins before January 1, 2024, and which is  
15 not placed in service before January 1, 2026,  
16 the energy percentage determined under para-  
17 graph (2) shall be equal to 10 percent.

18 “(7) PHASEOUT FOR CERTAIN OTHER ENERGY  
19 PROPERTY.—

20 “(A) IN GENERAL.—Subject to subpara-  
21 graph (B), in the case of any qualified fuel cell  
22 property, qualified small wind property, waste  
23 energy recovery property, or energy property  
24 described in paragraph (3)(A)(ii), the energy

1 percentage determined under paragraph (2)  
2 shall be equal to—

3 “(i) in the case of any property the  
4 construction of which begins after Decem-  
5 ber 31, 2019, and before January 1, 2023,  
6 26 percent, and

7 “(ii) in the case of any property the  
8 construction of which begins after Decem-  
9 ber 31, 2022, and before January 1, 2024,  
10 22 percent.

11 “(B) PLACED IN SERVICE DEADLINE.—In  
12 the case of any energy property described in  
13 subparagraph (A) which is not placed in service  
14 before January 1, 2026, the energy percentage  
15 determined under paragraph (2) shall be equal  
16 to 0 percent.”.

17 (d) BASE ENERGY PERCENTAGE AMOUNT.—Section  
18 48(a) is amended—

19 (1) in paragraph (2)(A)—

20 (A) in clause (i), by striking “6 percent”  
21 and inserting “30 percent”, and

22 (B) in clause (ii), by striking “2 percent”  
23 and inserting “10 percent”, and

24 (2) in paragraph (5)(A)(ii), by striking “6 per-  
25 cent” and inserting “30 percent”.

1 (e) CREDIT FOR GEOTHERMAL.—Section  
2 48(a)(2)(A)(i)(II) is amended by striking “clause (i) or  
3 (iii) of paragraph (3)(A)” and inserting “paragraph  
4 (3)(A)(i)”.

5 (f) ENERGY STORAGE TECHNOLOGIES, QUALIFIED  
6 BIOGAS PROPERTY; MICROGRID CONTROLLERS RE-  
7 MOVED.—

8 (1) IN GENERAL.—Section 48(a)(3)(A) is  
9 amended by inserting “or” at the end of clause (vii)  
10 and by striking clauses (ix), (x), and (xi).

11 (2) CONFORMING CHANGES.—

12 (A) Section 48(a)(2)(A)(i) is amended by  
13 inserting “and” at the end of subclauses (IV)  
14 and (V) and by striking subclauses (VI), (VII),  
15 (VIII), and (IX).

16 (B) Section 48(c) is amended by striking  
17 paragraphs (6), (7), and (8).

18 (C) Section 45(e) is amended by striking  
19 paragraph (12).

20 (D) Section 50(d)(2) is amended by strik-  
21 ing “At the election of a taxpayer” and all that  
22 follows through “equal to or less than 500 kilo-  
23 watt hours.”

24 (g) FUEL CELLS USING ELECTROMECHANICAL  
25 PROCESSES.—

1           (1) IN GENERAL.—Section 48(e)(1) is amend-  
2       ed—

3           (A) in subparagraph (A)(i)—

4                 (i) by striking “or electromechanical”,  
5       and

6                 (ii) by striking “(1 kilowatt in the  
7       case of a fuel cell power plant with a linear  
8       generator assembly)”, and

9           (B) in subparagraph (C)—

10                 (i) by striking “, or linear generator  
11       assembly”, and

12                 (ii)       by       striking       “or  
13       electromechanical”.

14           (2) LINEAR GENERATOR ASSEMBLY LIMITA-  
15       TION.—Section 48(e)(1) is amended by striking sub-  
16       paragraph (D) and by redesignating subparagraph  
17       (E) as subparagraph (D).

18           (h) DYNAMIC GLASS.—Section 48(a)(3)(A)(ii) is  
19       amended by striking “or electrochromic glass which uses  
20       electricity to change its light transmittance properties in  
21       order to heat or cool a structure,”.

22           (i) COORDINATION RULE REMOVED.—Paragraph (3)  
23       of section 50(c) is amended—

24                 (1) by inserting “and” at the end of subpara-  
25       graph (A),

1           (2) by striking “, and” at the end of subpara-  
2 graph (B) and inserting a period, and

3           (3) by striking subparagraph (C).

4           (j) INTERCONNECTION PROPERTY.—Section 48(a) is  
5 amended by striking paragraph (8).

6           (k) ENERGY PROJECTS, WAGE REQUIREMENTS, AND  
7 APPRENTICESHIP REQUIREMENTS.—Section 48(a) is  
8 amended by striking paragraphs (9), (10), and (11).

9           (l) DOMESTIC CONTENT, PHASEOUT FOR ELECTIVE  
10 PAYMENT.—Section 48(a) is amended by striking para-  
11 graphs (12) and (13).

12          (m) RULE FOR PROPERTY FINANCED BY TAX-EX-  
13 EMPT BONDS REMOVED; TEXT OF SPECIAL RULE FOR  
14 PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANC-  
15 ING OR INDUSTRIAL DEVELOPMENT BONDS RE-  
16 STORED.—Section 48(a)(4) is amended to read as follows:

17           “(4) SPECIAL RULE FOR PROPERTY FINANCED  
18 BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL  
19 DEVELOPMENT BONDS.—

20           “(A) REDUCTION OF BASIS.—For purposes  
21 of applying the energy percentage to any prop-  
22 erty, if such property is financed in whole or in  
23 part by—

24           “(i) subsidized energy financing, or



1           “(ii) the proceeds of a private activity  
2           bond (within the meaning of section 141)  
3           the interest on which is exempt from tax  
4           under section 103,  
5           the amount taken into account as the basis of  
6           such property shall not exceed the amount  
7           which (but for this subparagraph) would be so  
8           taken into account multiplied by the fraction  
9           determined under subparagraph (B).

10           “(B) DETERMINATION OF FRACTION.—For  
11           purposes of subparagraph (A), the fraction de-  
12           termined under this subparagraph is 1 reduced  
13           by a fraction—

14                   “(i) the numerator of which is that  
15                   portion of the basis of the property which  
16                   is allocable to such financing or proceeds,  
17                   and

18                           “(ii) the denominator of which is the  
19                           basis of the property.

20           “(C) SUBSIDIZED ENERGY FINANCING.—  
21           For purposes of subparagraph (A), the term  
22           ‘subsidized energy financing’ means financing  
23           provided under a Federal, State, or local pro-  
24           gram a principal purpose of which is to provide

1 subsidized financing for projects designed to  
2 conserve or produce energy.

3 “(D) TERMINATION.—This paragraph  
4 shall not apply to periods after December 31,  
5 2008, under rules similar to the rules of section  
6 48(m) (as in effect on the day before the date  
7 of the enactment of the Revenue Reconciliation  
8 Act of 1990).”.

9 (n) TREATMENT OF CONTRACTS INVOLVING ENERGY  
10 STORAGE.—Section 7701(e) is amended—

11 (1) in paragraph (3)—

12 (A) in subparagraph (A)(i), by inserting  
13 “or” at the end of subclause (II), by striking  
14 “or” at the end of subclause (III) and inserting  
15 “and”, and by striking subclause (IV), and

16 (B) by striking subparagraph (F), and

17 (2) in paragraph (4), by striking “water treat-  
18 ment works facility, or storage facility” and insert-  
19 ing “or water treatment works facility”.

20 (o) REMOVAL OF INCREASED CREDIT RATE FOR EN-  
21 ERGY COMMUNITIES.—Section 48(a) is amended by strik-  
22 ing paragraph (14).

23 (p) REGULATIONS.—Section 48(a) is amended by  
24 striking paragraph (15).

25 (q) EFFECTIVE DATES.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graphs (2) and (3), the amendments made by this  
3           section shall apply to property placed in service after  
4           December 31, 2021.

5           (2) OTHER PROPERTY.—The amendments  
6           made by subsections (f), (g), (h), (i), (j), (l), (n),  
7           and (o) shall apply to property placed in service  
8           after December 31, 2022.

9           (3) REMOVAL OF RULE FOR PROPERTY FI-  
10          NANCED BY TAX EXEMPT BONDS.—The amendment  
11          made by subsection (m) shall apply to property the  
12          construction of which begins after August 16, 2022.

13 **SEC. 224. REPEAL OF INCREASE IN ENERGY CREDIT FOR**  
14                   **SOLAR AND WIND FACILITIES PLACED IN**  
15                   **SERVICE IN CONNECTION WITH LOW-INCOME**  
16                   **COMMUNITIES.**

17          (a) IN GENERAL.—Section 48 is amended by striking  
18          subsection (e).

19          (b) EFFECTIVE DATE.—The amendments made by  
20          this section shall take effect on January 1, 2023.

21 **SEC. 225. ZERO-EMISSION NUCLEAR POWER PRODUCTION**  
22                   **CREDIT REPEALED.**

23          (a) IN GENERAL.—Subpart D of part IV of sub-  
24          chapter A of chapter 1 is amended by striking section 45U

1 (and by striking the item relating to such section in the  
2 table of sections for such subpart).

3 (b) CONFORMING AMENDMENTS.—Section 38(b) is  
4 amended—

5 (1) in paragraph (32), by adding “plus” at the  
6 end,

7 (2) in paragraph (33), by striking the comma  
8 at the end and inserting a period, and

9 (3) by striking paragraph (34).

10 (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to electricity produced and sold  
12 after December 31, 2023, in taxable years beginning after  
13 such date.

14 **SEC. 226. REPEAL OF SUSTAINABLE AVIATION FUEL CRED-**  
15 **IT.**

16 (a) IN GENERAL.—Subpart D of part IV of sub-  
17 chapter A of chapter 1 is amended by striking section 40B  
18 (and by striking the item relating to such section in the  
19 table of sections for such subpart).

20 (b) CONFORMING AMENDMENT.—Section 38(b) is  
21 amended by striking paragraph (35).

22 (c) COORDINATION WITH BIODIESEL REMOVED.—

23 (1) IN GENERAL.—Section 40A(d)(1) is amend-  
24 ed by striking “or 40B”.

1           (2) CONFORMING AMENDMENT.—Section  
2           40A(f) is amended by adding at the end the fol-  
3           lowing:

4           “(4) CERTAIN AVIATION FUEL.—

5                   “(A) IN GENERAL.—Except as provided in  
6           the last 3 sentences of paragraph (3), the term  
7           ‘renewable diesel’ shall include fuel derived from  
8           biomass which meets the requirements of a De-  
9           partment of Defense specification for military  
10          jet fuel or an American Society of Testing and  
11          Materials specification for aviation turbine fuel.

12                   “(B) APPLICATION OF MIXTURE CRED-  
13          ITS.—In the case of fuel which is treated as re-  
14          newable diesel solely by reason of subparagraph  
15          (A), subsection (b)(1) and section 6426(c) shall  
16          be applied with respect to such fuel by treating  
17          kerosene as though it were diesel fuel.”.

18          (3) SUSTAINABLE AVIATION FUEL CREDIT PRO-  
19          VISIONS REMOVED.—Section 6426 is amended by  
20          striking subsection (k).

21          (d) CONFORMING AMENDMENTS.—

22                   (1) Section 6426 is amended—

23                           (A) in subsection (a)(1), by striking “(e),  
24                           and (k)” and inserting “and (e)”, and

1 (B) in subsection (h), by striking “under  
2 section 40, 40A, or 40B” and inserting “under  
3 section 40 or 40A”.

4 (2) Section 6427(e) is amended—

5 (A) in the heading, by striking “ALTER-  
6 NATIVE FUEL, OR SUSTAINABLE AVIATION  
7 FUEL” and inserting “OR ALTERNATIVE  
8 FUEL”,

9 (B) in paragraph (1), by striking “or the  
10 sustainable aviation fuel mixture credit”, and

11 (C) in paragraph (6)—

12 (i) in subparagraph (C), by adding  
13 “and” at the end,

14 (ii) in subparagraph (D), by striking  
15 “, and” and inserting a period, and

16 (iii) by striking subparagraph (E).

17 (3) Section 4101(a)(1) is amended by striking  
18 “every person producing or importing sustainable  
19 aviation fuel (as defined in section 40B),”.

20 (4) Section 87 is amended—

21 (A) in paragraph (1), by adding “and” at  
22 the end,

23 (B) in paragraph (2), by striking “, and”  
24 and inserting a period, and

25 (C) by striking paragraph (3).

1 (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to fuel sold or used after December  
3 31, 2022.

4 **SEC. 227. CLEAN HYDROGEN REPEALS.**

5 (a) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN  
6 REPEALED.—

7 (1) IN GENERAL.—Subpart D of part IV of  
8 subchapter A of chapter 1 is amended by striking  
9 section 45V (and by striking the item relating to  
10 such section in the table of sections for such sub-  
11 part).

12 (2) CONFORMING AMENDMENT.—Section 38(b)  
13 is amended by striking paragraph (36).

14 (3) EFFECTIVE DATE.—The amendments made  
15 by this section shall apply to hydrogen produced  
16 after December 31, 2022.

17 (b) CREDIT FOR ELECTRICITY PRODUCED FROM RE-  
18 NEWABLE RESOURCES ALLOWED IF ELECTRICITY IS  
19 USED TO PRODUCE CLEAN HYDROGEN.—

20 (1) IN GENERAL.—Section 45(e) is amended by  
21 striking paragraph (13).

22 (2) EFFECTIVE DATE.—The amendments made  
23 by this subsection shall apply to electricity produced  
24 after December 31, 2022.

1 (c) ELECTION TO TREAT CLEAN HYDROGEN PRO-  
2 Duction FACILITIES AS ENERGY PROPERTY.—

3 (1) IN GENERAL.—Section 48(a) is amended by  
4 striking paragraph (15) and by redesignating para-  
5 graph (16) as paragraph (15).

6 (2) EFFECTIVE DATE.—The amendments made  
7 by this subsection shall apply to property placed in  
8 service after December 31, 2022.

9 (d) REINSTATEMENT OF ALTERNATIVE FUEL CRED-  
10 IT FOR LIQUEFIED HYDROGEN.—

11 (1) IN GENERAL.—Section 6426(d)(2) is  
12 amended by redesignating subparagraphs (D), (E),  
13 and (F) as subparagraphs (E), (F), and (G), respec-  
14 tively, and by inserting after subparagraph (C) the  
15 following:

16 “(D) liquefied hydrogen,”.

17 (2) CONFORMING AMENDMENT.—Section  
18 6426(e)(2) is amended by striking “(E)” and insert-  
19 ing “(F)”.

20 (3) EFFECTIVE DATE.—The amendments made  
21 by this subsection shall apply to fuel sold or used  
22 after December 31, 2022.

23 **SEC. 228. NONBUSINESS ENERGY PROPERTY CREDIT.**

24 (a) IN GENERAL.—Section 25C is amended to read  
25 as follows:



1 **“SEC. 25C. NONBUSINESS ENERGY PROPERTY.**

2 “(a) ALLOWANCE OF CREDIT.—In the case of an in-  
3 dividual, there shall be allowed as a credit against the tax  
4 imposed by this chapter for the taxable year an amount  
5 equal to the sum of—

6 “(1) 10 percent of the amount paid or incurred  
7 by the taxpayer for qualified energy efficiency im-  
8 provements installed during such taxable year, and

9 “(2) the amount of the residential energy prop-  
10 erty expenditures paid or incurred by the taxpayer  
11 during such taxable year.

12 “(b) LIMITATIONS.—

13 “(1) LIFETIME LIMITATION.—The credit al-  
14 lowed under this section with respect to any tax-  
15 payer for any taxable year shall not exceed the ex-  
16 cess (if any) of \$500 over the aggregate credits al-  
17 lowed under this section with respect to such tax-  
18 payer for all prior taxable years ending after Decem-  
19 ber 31, 2005.

20 “(2) WINDOWS.—In the case of amounts paid  
21 or incurred for components described in subsection  
22 (c)(3)(B) by any taxpayer for any taxable year, the  
23 credit allowed under this section with respect to such  
24 amounts for such year shall not exceed the excess (if  
25 any) of \$200 over the aggregate credits allowed  
26 under this section with respect to such amounts for

1 all prior taxable years ending after December 31,  
2 2005.

3 “(3) LIMITATION ON RESIDENTIAL ENERGY  
4 PROPERTY EXPENDITURES.—The amount of the  
5 credit allowed under this section by reason of sub-  
6 section (a)(2) shall not exceed—

7 “(A) \$50 for any advanced main air circu-  
8 lating fan,

9 “(B) \$150 for any qualified natural gas,  
10 propane, or oil furnace or hot water boiler, and

11 “(C) \$300 for any item of energy-efficient  
12 building property.

13 “(c) QUALIFIED ENERGY EFFICIENCY IMPROVE-  
14 MENTS.—For purposes of this section—

15 “(1) IN GENERAL.—The term ‘qualified energy  
16 efficiency improvements’ means any energy efficient  
17 building envelope component, if—

18 “(A) such component is installed in or on  
19 a dwelling unit located in the United States and  
20 owned and used by the taxpayer as the tax-  
21 payer’s principal residence (within the meaning  
22 of section 121),

23 “(B) the original use of such component  
24 commences with the taxpayer, and

1           “(C) such component reasonably can be ex-  
2           pected to remain in use for at least 5 years.

3           “(2) ENERGY EFFICIENT BUILDING ENVELOPE  
4           COMPONENT.—The term ‘energy efficient building  
5           envelope component’ means a building envelope com-  
6           ponent which meets—

7           “(A) applicable Energy Star program re-  
8           quirements, in the case of a roof or roof prod-  
9           ucts,

10           “(B) version 6.0 Energy Star program re-  
11           quirements, in the case of an exterior window,  
12           a skylight, or an exterior door, and

13           “(C) the prescriptive criteria for such com-  
14           ponent established by the 2009 International  
15           Energy Conservation Code, as such Code (in-  
16           cluding supplements) is in effect on the date of  
17           the enactment of the American Recovery and  
18           Reinvestment Tax Act of 2009, in the case of  
19           any other component.

20           “(3) BUILDING ENVELOPE COMPONENT.—The  
21           term ‘building envelope component’ means—

22           “(A) any insulation material or system  
23           which is specifically and primarily designed to  
24           reduce the heat loss or gain of a dwelling unit  
25           when installed in or on such dwelling unit,

1           “(B) exterior windows (including sky-  
2 lights),

3           “(C) exterior doors, and

4           “(D) any metal roof or asphalt roof in-  
5 stalled on a dwelling unit, but only if such roof  
6 has appropriate pigmented coatings or cooling  
7 granules which are specifically and primarily  
8 designed to reduce the heat gain of such dwell-  
9 ing unit.

10          “(4) MANUFACTURED HOMES INCLUDED.—The  
11 term ‘dwelling unit’ includes a manufactured home  
12 which conforms to Federal Manufactured Home  
13 Construction and Safety Standards (part 3280 of  
14 title 24, Code of Federal Regulations).

15          “(d) RESIDENTIAL ENERGY PROPERTY EXPENDI-  
16 TURES.—For purposes of this section—

17           “(1) IN GENERAL.—The term ‘residential en-  
18 ergy property expenditures’ means expenditures  
19 made by the taxpayer for qualified energy property  
20 which is—

21           “(A) installed on or in connection with a  
22 dwelling unit located in the United States and  
23 owned and used by the taxpayer as the tax-  
24 payer’s principal residence (within the meaning  
25 of section 121), and

1           “(B) originally placed in service by the tax-  
2           payer.

3           Such term includes expenditures for labor costs  
4           properly allocable to the onsite preparation, assem-  
5           bly, or original installation of the property.

6           “(2) QUALIFIED ENERGY PROPERTY.—

7           “(A) IN GENERAL.—The term ‘qualified  
8           energy property’ means—

9                   “(i) energy-efficient building property,

10                   “(ii) a qualified natural gas, propane,  
11                   or oil furnace or hot water boiler, or

12                   “(iii) an advanced main air circulating  
13                   fan.

14           “(B) PERFORMANCE AND QUALITY STAND-  
15           ARDS.—Property described under subparagraph  
16           (A) shall meet the performance and quality  
17           standards, and the certification requirements (if  
18           any), which—

19                   “(i) have been prescribed by the Sec-  
20                   retary by regulations (after consultation  
21                   with the Secretary of Energy or the Ad-  
22                   ministrator of the Environmental Protec-  
23                   tion Agency, as appropriate), and

24                   “(ii) are in effect at the time of the  
25                   acquisition of the property, or at the time

1 of the completion of the construction, re-  
2 construction, or erection of the property,  
3 as the case may be.

4 “(C) REQUIREMENTS AND STANDARDS  
5 FOR AIR CONDITIONERS AND HEAT PUMPS.—  
6 The standards and requirements prescribed by  
7 the Secretary under subparagraph (B) with re-  
8 spect to the energy efficiency ratio (EER) for  
9 central air conditioners and electric heat  
10 pumps—

11 “(i) shall require measurements to be  
12 based on published data which is tested by  
13 manufacturers at 95 degrees Fahrenheit,  
14 and

15 “(ii) may be based on the certified  
16 data of the Air Conditioning and Refrig-  
17 eration Institute that are prepared in part-  
18 nership with the Consortium for Energy  
19 Efficiency.

20 “(3) ENERGY-EFFICIENT BUILDING PROP-  
21 erty.—The term ‘energy-efficient building property’  
22 means—

23 “(A) an electric heat pump water heater  
24 which yields a Uniform Energy Factor of at

1 least 2.2 in the standard Department of Energy  
2 test procedure,

3 “(B) an electric heat pump which achieves  
4 the highest efficiency tier established by the  
5 Consortium for Energy Efficiency, as in effect  
6 on January 1, 2009,

7 “(C) a central air conditioner which  
8 achieves the highest efficiency tier established  
9 by the Consortium for Energy Efficiency, as in  
10 effect on January 1, 2009, and

11 “(D) a natural gas, propane, or oil water  
12 heater which has either a Uniform Energy Fac-  
13 tor of at least 0.82 or a thermal efficiency of  
14 at least 90 percent.

15 “(4) QUALIFIED NATURAL GAS, PROPANE, OR  
16 OIL FURNACE OR HOT WATER BOILER.—The term  
17 ‘qualified natural gas, propane, or oil furnace or hot  
18 water boiler’ means a natural gas, propane, or oil  
19 furnace or hot water boiler which achieves an annual  
20 fuel utilization efficiency rate of not less than 95.

21 “(5) ADVANCED MAIN AIR CIRCULATING FAN.—  
22 The term ‘advanced main air circulating fan’ means  
23 a fan used in a natural gas, propane, or oil furnace  
24 and which has an annual electricity use of no more  
25 than 2 percent of the total annual energy use of the

1 furnace (as determined in the standard Department  
2 of Energy test procedures).

3 “(e) SPECIAL RULES.—For purposes of this sec-  
4 tion—

5 “(1) APPLICATION OF RULES.—Rules similar to  
6 the rules under paragraphs (4), (5), (6), (7), and (8)  
7 of section 25D(e) shall apply.

8 “(2) JOINT OWNERSHIP OF ENERGY ITEMS.—

9 “(A) IN GENERAL.—Any expenditure oth-  
10 erwise qualifying as an expenditure under this  
11 section shall not be treated as failing to so  
12 qualify merely because such expenditure was  
13 made with respect to two or more dwelling  
14 units.

15 “(B) LIMITS APPLIED SEPARATELY.—In  
16 the case of any expenditure described in sub-  
17 paragraph (A), the amount of the credit allow-  
18 able under subsection (a) shall (subject to para-  
19 graph (1)) be computed separately with respect  
20 to the amount of the expenditure made for each  
21 dwelling unit.

22 “(3) PROPERTY FINANCED BY SUBSIDIZED EN-  
23 ERGY FINANCING.—For purposes of determining the  
24 amount of expenditures made by any individual with  
25 respect to any property, there shall not be taken into



1 account expenditures which are made from sub-  
2 sidized energy financing (as defined in section  
3 48(a)(4)(C)).

4 “(f) BASIS ADJUSTMENTS.—For purposes of this  
5 subtitle, if a credit is allowed under this section for any  
6 expenditure with respect to any property, the increase in  
7 the basis of such property which would (but for this sub-  
8 section) result from such expenditure shall be reduced by  
9 the amount of the credit so allowed.

10 “(g) TERMINATION.—This section shall not apply  
11 with respect to any property placed in service—

12 “(1) after December 31, 2007, and before Jan-  
13 uary 1, 2009, or

14 “(2) after December 31, 2021.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 1016(a)(33) is amended by striking  
17 “section 25C(g)” and inserting “25C(f)”.

18 (2) Section 6213(g)(2) is amended—

19 (A) by adding “and” at the end of sub-  
20 paragraph (P),

21 (B) by striking the comma at the end of  
22 subparagraph (Q) and inserting a period, and

23 (C) by striking subparagraphs (R) and (S).

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to property placed in service after  
3 December 31, 2021.

4 **SEC. 229. RESIDENTIAL CLEAN ENERGY CREDIT REVERTED**  
5 **TO CREDIT FOR RESIDENTIAL ENERGY EFFI-**  
6 **CIENT PROPERTY.**

7 (a) EXTENSION REVERSED.—

8 (1) IN GENERAL.—Section 25D(h) is amended  
9 by striking “December 31, 2034” and inserting  
10 “December 31, 2023”.

11 (2) PHASEOUT RESTORED.—Section 25D(g) is  
12 amended—

13 (A) in paragraph (1), by adding “and” at  
14 the end,

15 (B) in paragraph (2), by striking “before  
16 January 1, 2022, 26 percent,” and inserting  
17 “before January 1, 2023, 26 percent, and”,

18 (C) in paragraph (3), by striking “Decem-  
19 ber 31, 2021, and before January 1, 2033, 30  
20 percent,” and inserting “December 31, 2022,  
21 and before January 1, 2024, 22 percent.”, and

22 (D) by striking paragraphs (4) and (5).

23 (b) RESIDENTIAL CLEAN ENERGY CREDIT FOR BAT-  
24 TERY STORAGE TECHNOLOGY REMOVED; BIOMASS EX-  
25 PENDITURE PROVISIONS RESTORED.—

1           (1) IN GENERAL.—Paragraph (6) of section  
2 25D(a) is amended to read as follows:

3           “(6) the qualified biomass fuel property expend-  
4 itures,”

5           (2) DEFINITION OF QUALIFIED BIOMASS FUEL  
6 PROPERTY EXPENDITURES RESTORED.—Paragraph  
7 (6) of section 25D(d) is amended to read as follows:

8           “(6) QUALIFIED BIOMASS FUEL PROPERTY EX-  
9 PENDITURE.—

10           “(A) IN GENERAL.—The term ‘qualified  
11 biomass fuel property expenditure’ means an  
12 expenditure for property—

13           “(i) which uses the burning of bio-  
14 mass fuel to heat a dwelling unit located in  
15 the United States and used as a residence  
16 by the taxpayer, or to heat water for use  
17 in such a dwelling unit, and

18           “(ii) which has a thermal efficiency  
19 rating of at least 75 percent (measured by  
20 the higher heating value of the fuel).

21           “(B) BIOMASS FUEL.—For purposes of  
22 this section, the term ‘biomass fuel’ means any  
23 plant-derived fuel available on a renewable or  
24 recurring basis.”

25           (c) CONFORMING AMENDMENTS.—

1 (1) Section 25D(d)(3) is amended by striking “,  
2 without regard to subparagraph (D) thereof”.

3 (2) The heading for section 25D is amended by  
4 striking “**CLEAN ENERGY CREDIT**” and inserting  
5 “**ENERGY EFFICIENT PROPERTY**”.

6 (3) The table of sections for subpart A of part  
7 IV of subchapter A of chapter 1 is amended by  
8 striking the item relating to section 25D and insert-  
9 ing the following:

“Sec. 25D. Residential energy efficient property.”

10 (d) **EFFECTIVE DATES.**—

11 (1) **IN GENERAL.**—Except as provided in para-  
12 graph (2), the amendments made by this section  
13 shall apply to expenditures made after December 31,  
14 2021.

15 (2) **RESIDENTIAL CLEAN ENERGY CREDIT FOR**  
16 **BATTERY STORAGE TECHNOLOGY REMOVED; BIO-**  
17 **MASS EXPENDITURE PROVISIONS RESTORED.**—The  
18 amendments made by subsection (b) shall apply to  
19 expenditures made after December 31, 2022.

20 **SEC. 230. ENERGY EFFICIENT COMMERCIAL BUILDINGS DE-**  
21 **DUCTION.**

22 (a) **IN GENERAL.**—

23 (1) **MAXIMUM AMOUNT OF DEDUCTION RULES**  
24 **RESTORED.**—Section 179D(b) is amended to read as  
25 follows:

1       “(b) MAXIMUM AMOUNT OF DEDUCTION.—The de-  
2       duction under subsection (a) with respect to any building  
3       for any taxable year shall not exceed the excess (if any)  
4       of—

5               “(1) the product of—

6                       “(A) \$1.80, and

7                       “(B) the square footage of the building,  
8               over

9               “(2) the aggregate amount of the deductions  
10       under subsection (a) with respect to the building for  
11       all prior taxable years.”.

12               (2) MODIFICATION OF EFFICIENCY STAND-  
13       ARD.—Section 179D(c)(1)(D) is amended by strik-  
14       ing “25 percent” and inserting “50 percent”.

15               (3) REFERENCE STANDARD.—Section  
16       179D(c)(2) is amended to read as follows:

17               “(2) REFERENCE STANDARD 90.1.—The term  
18       ‘Reference Standard 90.1’ means, with respect to  
19       any property, the most recent Standard 90.1 pub-  
20       lished by the American Society of Heating, Refrig-  
21       erating, and Air Conditioning Engineers and the Il-  
22       luminating Engineering Society of North America  
23       which has been affirmed by the Secretary, after con-  
24       sultation with the Secretary of Energy, for purposes  
25       of this section not later than the date that is 2 years

1 before the date that construction of such property  
2 begins.”.

3 (4) PARTIAL ALLOWANCE.—

4 (A) IN GENERAL.—Section 179D(d) is  
5 amended—

6 (i) by redesignating paragraphs (1)  
7 through (5) as paragraphs (2) through (6),  
8 respectively, and

9 (ii) by inserting before paragraph (2)  
10 the following:

11 “(1) PARTIAL ALLOWANCE.—

12 “(A) IN GENERAL.—Except as provided in  
13 subsection (f), if—

14 “(i) the requirement of subsection  
15 (c)(1)(D) is not met, but

16 “(ii) there is a certification in accord-  
17 ance with paragraph (6) that any system  
18 referred to in subsection (c)(1)(C) satisfies  
19 the energy-savings targets established by  
20 the Secretary under subparagraph (B)  
21 with respect to such system,

22 then the requirement of subsection (c)(1)(D)  
23 shall be treated as met with respect to such sys-  
24 tem, and the deduction under subsection (a)  
25 shall be allowed with respect to energy efficient

1 commercial building property installed as part  
2 of such system and as part of a plan to meet  
3 such targets, except that subsection (b) shall be  
4 applied to such property by substituting ‘\$.60’  
5 for ‘\$1.80’.

6 “(B) REGULATIONS.—The Secretary, after  
7 consultation with the Secretary of Energy, shall  
8 establish a target for each system described in  
9 subsection (c)(1)(C) such that, if such targets  
10 were met for all such systems, the building  
11 would meet the requirements of subsection  
12 (c)(1)(D).”.

13 (B) CONFORMING AMENDMENTS.—

14 (i) Section 179D(c)(1)(D) is amend-  
15 ed—

16 (I) by striking “subsection  
17 (d)(5)” and inserting “subsection  
18 (d)(6)”, and

19 (II) by striking “subsection  
20 (d)(1)” and inserting “subsection  
21 (d)(2)”.

22 (ii) Paragraph (3)(A) of section  
23 179D(d), as redesignated by subparagraph  
24 (A), is amended by striking “paragraph  
25 (1)” and inserting “paragraph (2)”.

1 (iii) Paragraph (5) of section  
2 179D(d), as redesignated by subparagraph  
3 (A), is amended by striking “paragraph  
4 (2)(B)(iii)” and inserting “paragraph  
5 (3)(B)(iii)”.

6 (iv) Section 179D(h)(2) is amended  
7 by inserting “or (d)(1)(A)” after “sub-  
8 section (c)(1)(D)”.

9 (5) ALLOCATION OF DEDUCTION FOR PUBLIC  
10 PROPERTY.—Paragraph (4) of section 179D(d), as  
11 redesignated by paragraph (4)(A), is amended to  
12 read as follows:

13 “(4) ALLOCATION OF DEDUCTION FOR PUBLIC  
14 PROPERTY.—In the case of energy efficient commer-  
15 cial building property installed on or in property  
16 owned by a Federal, State, or local government or  
17 a political subdivision thereof, the Secretary shall  
18 promulgate a regulation to allow the allocation of  
19 the deduction to the person primarily responsible for  
20 designing the property in lieu of the owner of such  
21 property. Such person shall be treated as the tax-  
22 payer for purposes of this section.”.

23 (6) ALTERNATIVE DEDUCTION FOR ENERGY EF-  
24 FICIENT BUILDING RETROFIT PROPERTY RE-  
25 PEALD.—



1 (A) IN GENERAL.—Section 179D is  
2 amended by striking subsection (f).

3 (B) RESTORATION OF TEXT RELATING TO  
4 INTERIM RULES FOR LIGHTING SYSTEMS.—Sec-  
5 tion 179D is amended by inserting after sub-  
6 section (e) the following:

7 “(f) INTERIM RULES FOR LIGHTING SYSTEMS.—  
8 Until such time as the Secretary issues final regulations  
9 under subsection (d)(1)(B) with respect to property which  
10 is part of a lighting system—

11 “(1) IN GENERAL.—The lighting system target  
12 under subsection (d)(1)(A)(ii) shall be a reduction in  
13 lighting power density of 25 percent (50 percent in  
14 the case of a warehouse) of the minimum require-  
15 ments in Table 9.5.1 or Table 9.6.1 (not including  
16 additional interior lighting power allowances) of  
17 Standard 90.1–2007.

18 “(2) REDUCTION IN DEDUCTION IF REDUCTION  
19 LESS THAN 40 PERCENT.—

20 “(A) IN GENERAL.—If, with respect to the  
21 lighting system of any building other than a  
22 warehouse, the reduction in lighting power den-  
23 sity of the lighting system is not at least 40  
24 percent, only the applicable percentage of the  
25 amount of deduction otherwise allowable under

1 this section with respect to such property shall  
2 be allowed.

3 “(B) APPLICABLE PERCENTAGE.—For  
4 purposes of subparagraph (A), the applicable  
5 percentage is the number of percentage points  
6 (not greater than 100) equal to the sum of—

7 “(i) 50, and

8 “(ii) the amount which bears the same  
9 ratio to 50 as the excess of the reduction  
10 of lighting power density of the lighting  
11 system over 25 percentage points bears to  
12 15.

13 “(C) EXCEPTIONS.—This subsection shall  
14 not apply to any system—

15 “(i) the controls and circuiting of  
16 which do not comply fully with the manda-  
17 tory and prescriptive requirements of  
18 Standard 90.1–2007 and which do not in-  
19 clude provision for bilevel switching in all  
20 occupancies except hotel and motel guest  
21 rooms, store rooms, restrooms, and public  
22 lobbies, or

23 “(ii) which does not meet the min-  
24 imum requirements for calculated lighting  
25 levels as set forth in the Illuminating Engi-

1                   neering Society of North America Lighting  
2                   Handbook, Performance and Application,  
3                   Ninth Edition, 2000.”.

4                   (7)       INFLATION       ADJUSTMENT.—Section  
5           179D(g) is amended—

6                   (A) by inserting “or subsection (d)(1)(A)”  
7                   after “subsection (b)”,

8                   (B) by striking “2022” and inserting  
9                   “2020”, and

10                   (C) by striking “calendar year 2021” and  
11                   inserting “calendar year 2019”.

12           (b) SPECIAL RULE FOR REAL ESTATE INVESTMENT  
13 TRUSTS REMOVED.—Section 312(k)(3)(B) is amended to  
14 read as follows:

15                   “(B) TREATMENT OF AMOUNTS DEDUCT-  
16                   IBLE UNDER SECTION 179, 179B, 179C, 179D, OR  
17                   179E.—For purposes of computing the earnings  
18                   and profits of a corporation, any amount de-  
19                   ductible under section 179, 179B, 179C, 179D,  
20                   or 179E shall be allowed as a deduction ratably  
21                   over the period of 5 taxable years (beginning  
22                   with the taxable year for which such amount is  
23                   deductible under section 179, 179B, 179C,  
24                   179D, or 179E, as the case may be).”.

1 (c) CONFORMING AMENDMENT.—Paragraph (2) of  
2 section 179D(d), as redesignated by subsection (a)(4)(A),  
3 is amended by striking “not later than the date that is  
4 4 years before the date such property is placed in service”  
5 and inserting “not later than the date that is 2 years be-  
6 fore the date that construction of such property begins”.

7 (d) EFFECTIVE DATES.—The amendments made by  
8 this section shall apply to taxable years beginning after  
9 December 31, 2022.

10 **SEC. 231. MODIFICATIONS TO NEW ENERGY EFFICIENT**  
11 **HOME CREDIT.**

12 (a) EXTENSION REVERSED.—Section 45L(h) is  
13 amended by striking “December 31, 2032” and inserting  
14 “December 31, 2021”.

15 (b) DECREASE IN CREDIT AMOUNTS.—Paragraph  
16 (2) of section 45L(a) is amended to read as follows:

17 “(2) APPLICABLE AMOUNT.—For purposes of  
18 paragraph (1), the applicable amount is an amount  
19 equal to—

20 “(A) in the case of a dwelling unit de-  
21 scribed in paragraph (1) or (2) of subsection  
22 (c), \$2,000, and

23 “(B) in the case of a dwelling unit de-  
24 scribed in paragraph (3) of subsection (c),  
25 \$1,000.”.

1           (c) REVERSAL OF MODIFICATION OF ENERGY SAV-  
2   ING REQUIREMENTS.—Section 45L(c) is amended to read  
3   as follows:

4           “(c) ENERGY SAVING REQUIREMENTS.—A dwelling  
5   unit meets the energy saving requirements of this sub-  
6   section if such unit is—

7           “(1) certified—

8                   “(A) to have a level of annual heating and  
9                   cooling energy consumption which is at least 50  
10                  percent below the annual level of heating and  
11                  cooling energy consumption of a comparable  
12                  dwelling unit—

13                           “(i) which is constructed in accord-  
14                           ance with the standards of chapter 4 of the  
15                           2006 International Energy Conservation  
16                           Code, as such Code (including supple-  
17                           ments) is in effect on January 1, 2006,  
18                           and

19                                   “(ii) for which the heating and cooling  
20                                   equipment efficiencies correspond to the  
21                                   minimum allowed under the regulations es-  
22                                   tablished by the Department of Energy  
23                                   pursuant to the National Appliance Energy  
24                                   Conservation Act of 1987 and in effect at  
25                                   the time of completion of construction, and

1           “(B) to have building envelope component  
2           improvements account for at least  $\frac{1}{5}$  of such  
3           50 percent,

4           “(2) a manufactured home which conforms to  
5           Federal Manufactured Home Construction and Safe-  
6           ty Standards (part 3280 of title 24, Code of Federal  
7           Regulations) and which meets the requirements of  
8           paragraph (1), or

9           “(3) a manufactured home which conforms to  
10          Federal Manufactured Home Construction and Safe-  
11          ty Standards (part 3280 of title 24, Code of Federal  
12          Regulations) and which—

13                 “(A) meets the requirements of paragraph  
14                 (1) applied by substituting ‘30 percent’ for ‘50  
15                 percent’ both places it appears therein and by  
16                 substituting ‘ $\frac{1}{3}$ ’ for ‘ $\frac{1}{5}$ ’ in subparagraph (B)  
17                 thereof, or

18                 “(B) meets the requirements established  
19                 by the Administrator of the Environmental Pro-  
20                 tection Agency under the Energy Star Labeled  
21                 Homes program.”.

22          (d) PREVAILING WAGE REQUIREMENT REMOVED.—  
23          Section 45L is amended by striking subsection (g) and  
24          redesignating subsection (h) as subsection (g).

1 (e) BASIS ADJUSTMENT.—Section 45L(e) is amended  
2 by striking “This subsection shall not apply for purposes  
3 of determining the adjusted basis of any building under  
4 section 42”.

5 (f) EFFECTIVE DATES.—The amendments made by  
6 this section shall apply to dwelling units acquired after  
7 December 31, 2021.

8 **SEC. 232. CLEAN VEHICLE CREDIT.**

9 (a) PER VEHICLE DOLLAR LIMITATION.—Section  
10 30D(b) is amended by striking paragraphs (2) and (3) and  
11 inserting the following:

12 “(2) BASE AMOUNT.—The amount determined  
13 under this paragraph is \$2,500.

14 “(3) BATTERY CAPACITY.—In the case of a ve-  
15 hicle which draws propulsion energy from a battery  
16 with not less than 5 kilowatt hours of capacity, the  
17 amount determined under this paragraph is \$417,  
18 plus \$417 for each kilowatt hour of capacity in ex-  
19 cess of 5 kilowatt hours. The amount determined  
20 under this paragraph shall not exceed \$5,000.”.

21 (b) FINAL ASSEMBLY.—Section 30D(d) is amend-  
22 ed—

23 (1) in paragraph (1)—

24 (A) in subparagraph (E), by adding “and”  
25 at the end,

1 (B) in subparagraph (F)(ii), by striking  
2 the comma at the end and inserting a period,  
3 and

4 (C) by striking subparagraph (G), and  
5 (2) by striking paragraph (5).

6 (c) DEFINITION.—

7 (1) IN GENERAL.—Section 30D(d), as amended  
8 by subsection (b), is amended—

9 (A) in the heading, by striking “CLEAN”  
10 and inserting “QUALIFIED PLUG-IN ELECTRIC  
11 DRIVE MOTOR”,

12 (B) in paragraph (1)—

13 (i) in the matter preceding subpara-  
14 graph (A), by striking “clean” and insert-  
15 ing “qualified plug-in electric drive motor”,

16 (ii) in subparagraph (C), by striking  
17 “qualified” before “manufacturer”,

18 (iii) in subparagraph (F)(i), by strik-  
19 ing “7” and inserting “4”, and

20 (iv) by striking subparagraph (H),

21 (C) in paragraph (3)—

22 (i) in the heading, by striking “QUALI-  
23 FIED MANUFACTURER” and inserting  
24 “MANUFACTURER”, and



1                   (ii) by striking “The term ‘qualified  
2                   manufacturer’ means” and all that follows  
3                   through the period and inserting “The  
4                   term ‘manufacturer’ has the meaning given  
5                   such term in regulations prescribed by the  
6                   Administrator of the Environmental Pro-  
7                   tection Agency for purposes of the admin-  
8                   istration of title II of the Clean Air Act  
9                   (42 U.S.C. 7521 et seq.).”, and  
10                  (D) by striking paragraph (6).

11                  (2) CONFORMING AMENDMENTS.—Section 30D  
12                  is amended—

13                         (A) in subsection (a), by striking “new  
14                         clean vehicle” and inserting “new qualified  
15                         plug-in electric drive motor vehicle”, and

16                         (B) in subsection (b)(1), by striking “new  
17                         clean vehicle” and inserting “new qualified  
18                         plug-in electric drive motor vehicle”.

19                  (d) CRITICAL MINERAL REQUIREMENTS RE-  
20                  MOVED.—Section 30D is amended by striking subsection  
21                  (e).

22                  (e) LIMITATION ON NUMBER OF VEHICLES ELIGIBLE  
23                  FOR CREDIT RESTORED.—

24                         (1) IN GENERAL.—Section 30D is amended by  
25                         inserting after subsection (d) the following:

1       “(e) LIMITATION ON NUMBER OF NEW QUALIFIED  
2 PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE  
3 FOR CREDIT.—

4           “(1) IN GENERAL.—In the case of a new quali-  
5 fied plug-in electric drive motor vehicle sold during  
6 the phaseout period, only the applicable percentage  
7 of the credit otherwise allowable under subsection  
8 (a) shall be allowed.

9           “(2) PHASEOUT PERIOD.—For purposes of this  
10 subsection, the phaseout period is the period begin-  
11 ning with the second calendar quarter following the  
12 calendar quarter which includes the first date on  
13 which the number of new qualified plug-in electric  
14 drive motor vehicles manufactured by the manufac-  
15 turer of the vehicle referred to in paragraph (1) sold  
16 for use in the United States after December 31,  
17 2009, is at least 200,000.

18           “(3) APPLICABLE PERCENTAGE.—For purposes  
19 of paragraph (1), the applicable percentage is—

20           “(A) 50 percent for the first 2 calendar  
21 quarters of the phaseout period,

22           “(B) 25 percent for the 3rd and 4th cal-  
23 endar quarters of the phaseout period, and (C)

24           “(C) 0 percent for each calendar quarter  
25 thereafter.

1           “(4) CONTROLLED GROUPS.—Rules similar to  
2           the rules of section 30B(f)(4) shall apply for pur-  
3           poses of this subsection.”.

4           (2) EXCLUDED ENTITIES.—Section 30D(d), as  
5           amended by Public Law 117–169, is amended by  
6           striking paragraph (7).

7           (f) SPECIAL RULES REPEALED.—Section 30D(f) is  
8           amended by striking paragraphs (8), (9), (10), and (11).

9           (g) TRANSFER OF CREDIT REPEALED.—

10           (1) IN GENERAL.—Section 30D is amended by  
11           striking subsection (g).

12           (2) RESTORATION OF TEXT RELATING TO  
13           PLUG-IN ELECTRIC VEHICLES.—Section 30D is  
14           amended by inserting after subsection (f) the fol-  
15           lowing:

16           “(g) CREDIT ALLOWED FOR 2- AND 3-WHEELED  
17           PLUG-IN ELECTRIC VEHICLES.—

18           “(1) IN GENERAL.—In the case of a qualified  
19           2- or 3-wheeled plug-in electric vehicle—

20                   “(A) there shall be allowed as a credit  
21                   against the tax imposed by this chapter for the  
22                   taxable year an amount equal to the sum of the  
23                   applicable amount with respect to each such  
24                   qualified 2- or 3-wheeled plug-in electric vehicle

1 placed in service by the taxpayer during the  
2 taxable year, and

3 “(B) the amount of the credit allowed  
4 under subparagraph (A) shall be treated as a  
5 credit allowed under subsection (a).

6 “(2) APPLICABLE AMOUNT.—For purposes of  
7 paragraph (1), the applicable amount is an amount  
8 equal to the lesser of—

9 “(A) 10 percent of the cost of the qualified  
10 2- or 3-wheeled plug-in electric vehicle, or

11 “(B) \$2,500.

12 “(3) QUALIFIED 2- OR 3-WHEELED PLUG-IN  
13 ELECTRIC VEHICLE.—The term ‘qualified 2- or 3-  
14 wheeled plug-in electric vehicle’ means any vehicle  
15 which—

16 “(A) has 2 or 3 wheels,

17 “(B) meets the requirements of subpara-  
18 graphs (A), (B), (C), (E), and (F) of subsection  
19 (d)(1) (determined by substituting ‘2.5 kilowatt  
20 hours’ for ‘4 kilowatt hours’ in subparagraph  
21 (F)(i)),

22 “(C) is manufactured primarily for use on  
23 public streets, roads, and highways,

24 “(D) is capable of achieving a speed of 45  
25 miles per hour or greater, and

1 “(E) is acquired—

2 “(i) after December 31, 2011, and be-  
3 fore January 1, 2014, or

4 “(ii) in the case of a vehicle that has  
5 2 wheels, after December 31, 2014, and  
6 before January 1, 2022.”.

7 (3) CONFORMING AMENDMENTS REVERSED.—  
8 Section 30D(f), as amended by Public Law 117–  
9 169, is amended—

10 (A) by inserting after paragraph (2) the  
11 following:

12 “(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—  
13 In the case of a vehicle the use of which is described in  
14 paragraph (3) or (4) of section 50(b) and which is not  
15 subject to a lease, the person who sold such vehicle to the  
16 person or entity using such vehicle shall be treated as the  
17 taxpayer that placed such vehicle in service, but only if  
18 such person clearly discloses to such person or entity in  
19 a document the amount of any credit allowable under sub-  
20 section (a) with respect to such vehicle (determined with-  
21 out regard to subsection (c)). For purposes of subsection  
22 (c), property to which this paragraph applies shall be  
23 treated as of a character subject to an allowance for depre-  
24 ciation.”, and

1 (B) in paragraph (8), by striking “, includ-  
2 ing any vehicle with respect to which the tax-  
3 payer elects the application of subsection (g)”.

4 (h) **TERMINATION REPEALED.**—Section 30D is  
5 amended by striking subsection (h).

6 (i) **ADDITIONAL CONFORMING AMENDMENTS.**—

7 (1) The heading of section 30D is amended by  
8 striking “**CLEAN VEHICLE CREDIT**” and inserting  
9 “**NEW QUALIFIED PLUG-IN ELECTRIC DRIVE**  
10 **MOTOR VEHICLES**”.

11 (2) Section 30B is amended—

12 (A) in subsection (h)(8) by inserting “, ex-  
13 cept that no benefit shall be recaptured if such  
14 property ceases to be eligible for such credit by  
15 reason of conversion to a qualified plug-in elec-  
16 tric drive motor vehicle”, before the period at  
17 the end, and

18 (B) by inserting after subsection (h) the  
19 following subsection:

20 “(i) **PLUG-IN CONVERSION CREDIT.**—

21 “(1) **IN GENERAL.**—For purposes of subsection  
22 (a), the plug-in conversion credit determined under  
23 this subsection with respect to any motor vehicle  
24 which is converted to a qualified plug-in electric  
25 drive motor vehicle is 10 percent of so much of the

1 cost of the converting such vehicle as does not ex-  
2 ceed \$40,000.

3 “(2) QUALIFIED PLUG-IN ELECTRIC DRIVE  
4 MOTOR VEHICLE.—For purposes of this subsection,  
5 the term ‘qualified plug-in electric drive motor vehi-  
6 cle’ means any new qualified plug-in electric drive  
7 motor vehicle (as defined in section 30D, determined  
8 without regard to whether such vehicle is made by  
9 a manufacturer or whether the original use of such  
10 vehicle commences with the taxpayer).

11 “(3) CREDIT ALLOWED IN ADDITION TO OTHER  
12 CREDITS.—The credit allowed under this subsection  
13 shall be allowed with respect to a motor vehicle not-  
14 withstanding whether a credit has been allowed with  
15 respect to such motor vehicle under this section  
16 (other than this subsection) in any preceding taxable  
17 year.

18 “(4) TERMINATION.—This subsection shall not  
19 apply to conversions made after December 31,  
20 2011.”.

21 (3) Section 38(b)(30) is amended by striking  
22 “clean” and inserting “qualified plug-in electric  
23 drive motor”.

24 (4) Section 6213(g)(2) is amended by striking  
25 subparagraph (T).

1           (5) Section 6501(m) is amended by striking  
2           “30D(f)(6)” and inserting “30D(e)(4)”.

3           (6) The table of sections for subpart B of part  
4           IV of subchapter A of chapter 1 is amended by  
5           striking the item relating to section 30D and insert-  
6           ing after the item relating to section 30C the fol-  
7           lowing item:

“Sec. 30D. New qualified plug-in electric drive motor vehicles.”.

8           (j) GROSS UP REPEALED.—Section 13401 of Public  
9           Law 117–169 is amended by striking subsection (j).

10          (k) TRANSITION RULE REPEALED.—Section 13401  
11          of Public Law 117–169 is amended by striking subsection  
12          (l).

13          (l) EFFECTIVE DATES.—

14               (1) IN GENERAL.—Except as provided in para-  
15               graphs (2), (3), (4), and (5), the amendments made  
16               by this section shall apply to vehicles placed in serv-  
17               ice after December 31, 2022.

18               (2) FINAL ASSEMBLY.—The amendments made  
19               by subsection (b) shall apply to vehicles sold after  
20               August 16, 2022.

21               (3) MANUFACTURER LIMITATION.—The amend-  
22               ment made by subsections (d) and (e) shall apply to  
23               vehicles sold after December 31, 2022.





1           (1) Section 38(b) is amended by striking para-  
2           graph (37).

3           (2) Section 6213(g)(2) is amended by striking  
4           subparagraph (V).

5           (c) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply to vehicles acquired after Decem-  
7 ber 31, 2022.

8 **SEC. 235. ALTERNATIVE FUEL REFUELING PROPERTY**  
9           **CREDIT.**

10          (a) IN GENERAL.—Section 30C(i) is amended by  
11 striking “December 31, 2032” and inserting “December  
12 31, 2021”.

13          (b) PROPERTY OF A CHARACTER SUBJECT TO DE-  
14 PRECIATION.—

15           (1) IN GENERAL.—Section 30C(a) is amended  
16 by striking “(6 percent in the case of property of a  
17 character subject to depreciation)”.

18           (2) MODIFICATION OF CREDIT LIMITATION.—  
19 Subsection (b) of section 30C is amended—

20           (A) in the matter preceding paragraph

21           (1)—

22           (i) by striking “with respect to any  
23 single item of” and inserting “with respect  
24 to all”, and

1 (ii) by inserting “at a location” before  
2 “shall not exceed”, and

3 (B) in paragraph (1), by striking  
4 “\$100,000 in the case of any such item of prop-  
5 erty” and inserting “\$30,000 in the case of a  
6 property”.

7 (3) BIDIRECTIONAL CHARGING EQUIPMENT NOT  
8 INCLUDED; ELIGIBLE CENSUS TRACT REQUIREMENT  
9 REMOVED.—Section 30C(c) is amended to read as  
10 follows:

11 “(c) QUALIFIED ALTERNATIVE FUEL VEHICLE RE-  
12 FUELING PROPERTY.—For purposes of this section, the  
13 term ‘qualified alternative fuel vehicle refueling property’  
14 has the same meaning as the term ‘qualified clean-fuel ve-  
15 hicle refueling property’ would have under section 179A  
16 if—

17 “(1) paragraph (1) of section 179A(d) did not  
18 apply to property installed on property which is used  
19 as the principal residence (within the meaning of  
20 section 121) of the taxpayer, and

21 “(2) only the following were treated as clean-  
22 burning fuels for purposes of section 179A(d):

23 “(A) Any fuel at least 85 percent of the  
24 volume of which consists of one or more of the  
25 following: ethanol, natural gas, compressed nat-

1           ural gas, liquified natural gas, liquefied petro-  
2           leum gas, or hydrogen.

3           “(B) Any mixture—

4                   “(i) which consists of two or more of  
5                   the following: biodiesel (as defined in sec-  
6                   tion 40A(d)(1)), diesel fuel (as defined in  
7                   section 4083(a)(3)), or kerosene, and

8                   “(ii) at least 20 percent of the volume  
9                   of which consists of biodiesel (as so de-  
10                  fined) determined without regard to any  
11                  kerosene in such mixture.

12          “(C) Electricity.”

13          (c) CERTAIN ELECTRIC CHARGING STATIONS NOT  
14 INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE  
15 REFUELING PROPERTY; WAGE AND APPRENTICESHIP  
16 REQUIREMENTS REMOVED.—Section 30C is amended by  
17 striking subsections (f) and (g) and redesignating sub-  
18 sections (h) and (i) as subsections (f) and (g), respectively.

19          (d) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply to property placed in service after  
21 December 31, 2021.

1 **SEC. 236. ADVANCED ENERGY PROJECT CREDIT EXTEN-**  
2 **SION REVERSED.**

3 (a) IN GENERAL.—Section 48C is amended by strik-  
4 ing subsection (e) and redesignating subsection (f) as sub-  
5 section (e).

6 (b) MODIFICATION OF QUALIFYING ADVANCED EN-  
7 ERGY PROJECTS.—Section 48C(c)(1)(A) is amended—

8 (1) by striking “, any portion of the qualified  
9 investment of which is certified by the Secretary  
10 under subsection (e) as eligible for a credit under  
11 this section”,

12 (2) in clause (i)—

13 (A) by striking “an industrial or manufac-  
14 turing facility for the production or recycling  
15 of” and inserting “a manufacturing facility for  
16 the production of”,

17 (B) in subclause (I), by striking “water”,

18 (C) in subclause (II), by striking “energy  
19 storage systems and components” and inserting  
20 “an energy storage system for use with electric  
21 or hybrid-electric motor vehicles”,

22 (D) in subclause (III), by striking “grid  
23 modernization equipment or components” and  
24 inserting “grids to support the transmission of  
25 intermittent sources of renewable energy, in-  
26 cluding storage of such energy”,

1           (E) in subclause (IV), by striking “, re-  
2           move, use, or sequester carbon oxide emissions”  
3           and inserting “and sequester carbon dioxide  
4           emissions”,

5           (F) by striking subclause (V) and inserting  
6           the following:

7                         “(V) property designed to refine  
8                         or blend renewable fuels or to produce  
9                         energy conservation technologies (in-  
10                        cluding energy-conserving lighting  
11                        technologies and smart grid tech-  
12                        nologies),”,

13           (G) by striking subclauses (VI), (VII), and  
14           (VIII),

15           (H) by inserting after subclause (V) the  
16           following:

17                         “(VI) new qualified plug-in elec-  
18                         tric drive motor vehicles (as defined  
19                         by section 30D) or components which  
20                         are designed specifically for use with  
21                         such vehicles, including electric mo-  
22                         tors, generators, and power control  
23                         units, or”, and

1 (I) by redesignating subclause (IX) as sub-  
2 clause (VII), and inserting “, and” at the end  
3 of such subclause, and

4 (3) by striking clauses (ii) and (iii) and insert-  
5 ing the following:

6 “(ii) any portion of the qualified in-  
7 vestment of which is certified by the Sec-  
8 retary under subsection (d) as eligible for  
9 a credit under this section.”.

10 (c) CONFORMING AMENDMENT.—Subparagraph (A)  
11 of section 48C(e)(2) is amended to read as follows:

12 “(A) which is necessary for the production  
13 of property described in paragraph (1)(A)(i),”.

14 (d) DENIAL OF DOUBLE BENEFIT.—Section 48C(e),  
15 as redesignated by this section, is amended by striking  
16 “48B, 48E, 45Q, or 45V” and inserting “or 48B”.

17 (e) EFFECTIVE DATE.—The amendments made by  
18 this section shall take effect on January 1, 2023.

19 **SEC. 237. REPEAL OF ADVANCED MANUFACTURING PRO-**  
20 **DUCTION CREDIT.**

21 (a) IN GENERAL.—Subpart D of part IV of sub-  
22 chapter A of chapter 1 is amended by striking section 45X  
23 (and by striking the item relating to such section in the  
24 table of sections for such subpart).

1 (b) CONFORMING AMENDMENT.—Section 38(b) is  
2 amended by striking paragraph (38).

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to components produced and sold  
5 after December 31, 2022.

6 **SEC. 238. REPEAL OF CLEAN ELECTRICITY PRODUCTION**  
7 **CREDIT.**

8 (a) IN GENERAL.—Subpart D of part IV of sub-  
9 chapter A of chapter 1 is amended by striking section 45Y  
10 (and by striking the item relating to such section in the  
11 table of sections for such subpart).

12 (b) CONFORMING AMENDMENT.—Section 38(b) is  
13 amended by striking paragraph (39).

14 (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to facilities placed in service after  
16 December 31, 2024.

17 **SEC. 239. REPEAL OF CLEAN ELECTRICITY INVESTMENT**  
18 **CREDIT.**

19 (a) IN GENERAL.—Subpart E of part IV of sub-  
20 chapter A of chapter 1 is amended by striking section 48E  
21 (and by striking the item relating to such section in the  
22 table of sections for such subpart).

23 (b) CONFORMING AMENDMENTS.—

24 (1) Section 46, as amended by Public Law  
25 117–169, is amended—



1 (A) in paragraph (5), by adding “and” at  
2 the end,

3 (B) in paragraph (6), by striking “, and”  
4 and inserting a period, and

5 (C) by striking paragraph (7).

6 (2) Section 49(a)(1)(C), as amended by Public  
7 Law 117–169, is amended—

8 (A) by adding “and” at the end of clause  
9 (v),

10 (B) by striking the comma at the end of  
11 clause (vi) and inserting a period, and

12 (C) by striking clauses (vii) and (viii).

13 (3) Section 50(a)(2)(E), as amended by Public  
14 Law 117–169, is amended by striking “48D(b)(5),  
15 or 48E(e)” and inserting “or 48D(b)(5)”.

16 (4) Section 50(c)(3), as amended by Public  
17 Law 117–169, is amended by striking “or clean elec-  
18 tricity investment credit”.

19 (c) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply to facilities and property placed  
21 in service after December 31, 2024.

1 **SEC. 240. COST RECOVERY FOR QUALIFIED FACILITIES,**  
2 **QUALIFIED PROPERTY, AND ENERGY STOR-**  
3 **AGE TECHNOLOGY REMOVED.**

4 (a) IN GENERAL.—Section 168(e)(3)(B), as amended  
5 by Public Law 117–169, is amended—

6 (1) in clause (vi)(III), by adding “and” at the  
7 end,

8 (2) in clause (vii), by striking “, and,” at the  
9 end and inserting a period, and

10 (3) by striking clause (viii).

11 (b) EFFECTIVE DATE.—The amendments made by  
12 this section shall apply to facilities and property placed  
13 in service after December 31, 2024.

14 **SEC. 241. REPEAL OF CLEAN FUEL PRODUCTION CREDIT.**

15 (a) IN GENERAL.—Subpart D of part IV of sub-  
16 chapter A of chapter 1 is amended by striking section 45Z  
17 (and by striking the item relating to such section in the  
18 table of sections for such subpart).

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 30C(e)(1)(B), as amended by Public  
21 Law 117–169, is amended by striking clause (iv).

22 (2) Section 38(b), as amended by Public Law  
23 117–169, is amended by striking paragraph (40).

24 (3) Section 4101(a)(1), as amended by Public  
25 Law 117–169, is amended by striking “every person

1 producing a fuel eligible for the clean fuel production  
2 credit (pursuant to section 45Z),”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to transportation fuel produced  
5 after December 31, 2024.

6 **SEC. 242. REPEAL OF SECTIONS RELATING TO ELECTIVE**  
7 **PAYMENT FOR ENERGY PROPERTY AND**  
8 **ELECTRICITY PRODUCED FROM CERTAIN RE-**  
9 **NEWABLE RESOURCES; TRANSFER OF CRED-**  
10 **ITS.**

11 (a) IN GENERAL.—Subchapter B of chapter 65 is  
12 amended by striking sections 6417 and 6418 (and by  
13 striking the items relating to such sections in the table  
14 of sections for such subchapter).

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 50(d) is amended by striking “In  
17 the case of a real estate investment trust making an  
18 election under section 6418, paragraphs (1)(B) and  
19 (2)(B) of the section 46(e) referred to in paragraph  
20 (1) of this subsection shall not apply to any invest-  
21 ment credit property of such real estate investment  
22 trust to which such election applies”.

23 (2) Section 39(a) is amended by striking para-  
24 graph (4).

1           (3) Section 13801 of Public Law 117–169 is  
2           amended by striking subsection (f).

3           (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to taxable years beginning after  
5 December 31, 2022.

6 **SEC. 243. TRANSITION RULE.**

7           In the case of a taxpayer who entered into a binding  
8 written contract or made other concrete investment action  
9 after August 26, 2022, and before April 19, 2023, to en-  
10 gage in an activity for which a credit would otherwise be  
11 available if not for the application of sections 229 and 244  
12 of this Act, such sections shall not apply.

13 **TITLE IV—FAMILY AND SMALL**  
14 **BUSINESS TAXPAYER PRO-**  
15 **TECTION**

16 **SEC. 251. RESCISSION OF CERTAIN BALANCES MADE AVAIL-**  
17 **ABLE TO THE INTERNAL REVENUE SERVICE.**

18           The unobligated balances of amounts appropriated or  
19 otherwise made available for activities of the Internal Rev-  
20 enue Service by paragraphs (1)(A)(ii), (1)(A)(iii), (1)(B),  
21 (2), (3), (4), and (5) of section 10301 of Public Law 117–  
22 169 (commonly known as the “Inflation Reduction Act of  
23 2022”) as of the date of the enactment of this Act are  
24 rescinded.

1                   **DIVISION C—GROW THE**  
2                                   **ECONOMY**  
3 **TITLE I—TEMPORARY ASSIST-**  
4 **ANCE TO NEEDY FAMILIES**

5 **SEC. 301. RECALIBRATION OF THE CASELOAD REDUCTION**  
6                                   **CREDIT.**

7           Section 407(b)(3) of the Social Security Act (42  
8 U.S.C. 607(b)(3)) is amended in each of subparagraphs  
9 (A)(ii) and (B), by striking “2005” and inserting “2022”.

10 **SEC. 302. ELIMINATING EXCESS MAINTENANCE OF EFFORT**  
11                                   **SPENDING IN DETERMINING CASELOAD RE-**  
12                                   **DUCTION CREDIT.**

13           Section 407(b)(3) of the Social Security Act (42  
14 U.S.C. 607(b)(3)) is amended by adding at the end the  
15 following:

16                                   “(C) **EXCLUSION OF CERTAIN CASES.—**  
17           The Secretary shall determine the minimum  
18 participation rate of a State for a fiscal year  
19 under this subsection without regard to cases  
20 that are funded by an amount expended in ex-  
21 cess of the applicable percentage of the historic  
22 expenditures (as defined in section  
23 409(a)(7)(B)(ii)) of the State for the fiscal  
24 year.”.

1 **SEC. 303. ELIMINATION OF SMALL CHECKS SCHEME.**

2 Section 407(b) of the Social Security Act (42 U.S.C.  
3 607(b)) is amended by adding at the end the following:

4 “(6) SPECIAL RULE REGARDING CALCULATION  
5 OF THE MINIMUM PARTICIPATION RATE.—The Sec-  
6 retary shall determine participation rates under this  
7 section without regard to any individual engaged in  
8 work who is described in section 408(a)(2), who is  
9 not in compliance with section 408(a)(3), or with re-  
10 spect to whom the assessment required by section  
11 408(b)(1) has not been made.”.

12 **SEC. 304. REPORTING OF WORK OUTCOMES.**

13 Section 411 of the Social Security Act (42 U.S.C.  
14 611) is amended by adding at the end the following:

15 “(e) REPORTING PERFORMANCE INDICATORS.—

16 “(1) IN GENERAL.—Each State, in consultation  
17 with the Secretary, shall collect and submit to the  
18 Secretary the information necessary for each indi-  
19 cator described in paragraph (2), for fiscal year  
20 2025 and each fiscal year thereafter.

21 “(2) INDICATORS OF PERFORMANCE.—The in-  
22 dicators described in this paragraph for a fiscal year  
23 are the following:

24 “(A) The percentage of individuals who  
25 were work-eligible individuals as of the time of  
26 exit from the program, who are in unsubsidized

1 employment during the second quarter after the  
2 exit.

3 “(B) The percentage of individuals who  
4 were work-eligible individuals who were in un-  
5 subsidized employment in the second quarter  
6 after the exit, who are also in unsubsidized em-  
7 ployment during the fourth quarter after the  
8 exit.

9 “(C) The median earnings of individuals  
10 who were work-eligible individuals as of the  
11 time of exit from the program, who are in un-  
12 subsidized employment during the second quar-  
13 ter after the exit.

14 “(D) The percentage of individuals who  
15 have not attained 24 years of age, are attending  
16 high school or enrolled in an equivalency pro-  
17 gram, and are work-eligible individuals or were  
18 work-eligible individuals as of the time of exit  
19 from the program, who obtain a high school de-  
20 gree or its recognized equivalent while receiving  
21 assistance under the State program funded  
22 under this part or within 1 year after the exit.

23 “(3) DEFINITION OF EXIT.—In paragraph (2),  
24 the term ‘exit’ means, with respect to a State pro-

1       gram funded under this part, ceases to receive as-  
2       sistance under the program funded by this part.

3               “(4) REGULATIONS.—In order to ensure na-  
4       tionwide comparability of data, the Secretary, after  
5       consultation with the Secretary of Labor and with  
6       States, shall issue regulations governing the report-  
7       ing of performance indicators under this sub-  
8       section.”.

9       **SEC. 305. EFFECTIVE DATE.**

10       The amendments made by this title shall take effect  
11       on October 1, 2024.

12       **TITLE II—SNAP EXEMPTIONS**

13       **SEC. 311. AGE-RELATED EXEMPTION FROM WORK RE-**  
14               **QUIREMENT TO RECEIVE SNAP.**

15       Section 6(o)(3)(A) of the Food and Nutrition Act of  
16       2008 (7 U.S.C. 2015(6)(o)(3)(A)) is amended by striking  
17       “50” and inserting “56”.

18       **SEC. 312. RULE OF CONSTRUCTION FOR EXEMPTION AD-**  
19               **JUSTMENT.**

20       Section 6(o)(6) of the Food and Nutrition Act of  
21       2008 (7 U.S.C. 2015(6)(o)(6)) is amended by adding at  
22       end the following:

23               “(I) RULE OF CONSTRUCTION FOR EXEMP-

24               TION ADJUSTMENT.—During fiscal year 2024

25               and each subsequent fiscal year, nothing in this



1 paragraph shall be interpreted to allow a State  
2 agency to accumulate unused exemptions to be  
3 provided beyond the subsequent fiscal year.”.

4 **SEC. 313. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**  
5 **GRAM UNDER THE FOOD AND NUTRITION**  
6 **ACT OF 2008.**

7 Section 2 of the Food and Nutrition Act of 2008 (7  
8 U.S.C. 2011) is amended by adding at end the following:  
9 “That program includes as a purpose to assist low-income  
10 adults in obtaining employment and increasing their earn-  
11 ings. Such employment and earnings, along with program  
12 benefits, will permit low-income households to obtain a  
13 more nutritious diet through normal channels of trade by  
14 increasing food purchasing power for all eligible house-  
15 holds who apply for participation.”.

16 **TITLE III—COMMUNITY ENGAGE-**  
17 **MENT REQUIREMENT FOR AP-**  
18 **PLICABLE INDIVIDUALS**

19 **SEC. 321. COMMUNITY ENGAGEMENT REQUIREMENT FOR**  
20 **APPLICABLE INDIVIDUALS.**

21 (a) IN GENERAL.—Section 1903(i) of the Social Se-  
22 curity Act (42 U.S.C. 1396b(i)) is amended—

23 (1) in paragraph (26), by striking “; or” and  
24 inserting a semicolon;

1           (2) in paragraph (27), by striking the period at  
2           the end and inserting “; or”;

3           (3) by inserting after paragraph (27) the fol-  
4           lowing new paragraph:

5           “(28) with respect to any amount expended for  
6           medical assistance for an applicable individual for a  
7           month in a calendar year if such individual did not  
8           meet the community engagement requirement under  
9           section 1905(jj) for 3 or more preceding months  
10          during such calendar year while such individual was  
11          an applicable individual and was enrolled in a State  
12          plan (or waiver of such plan) under this title.”; and

13          (4) in the flush left matter at the end, by strik-  
14          ing “and (18),” and inserting “(18), and (28)”.

15          (b) COMMUNITY ENGAGEMENT REQUIREMENT.—  
16          Section 1905 of the Social Security Act (42 U.S.C. 1396d)  
17          is amended by adding at the end the following new sub-  
18          section:

19          “(jj) COMMUNITY ENGAGEMENT REQUIREMENT FOR  
20          APPLICABLE INDIVIDUALS.—

21                 “(1) COMMUNITY ENGAGEMENT REQUIREMENT  
22                 DESCRIBED.—For purposes of section 1903(i)(28),  
23                 the community engagement requirement described in  
24                 this subsection with respect to an applicable indi-  
25                 vidual and a month is that such individual satisfies

1 at least one of the following with respect to such  
2 month:

3 “(A) The individual works 80 hours or  
4 more per month, or has a monthly income that  
5 is at least equal to the Federal minimum wage  
6 under section 6 of the Fair Labor Standards  
7 Act of 1938, multiplied by 80 hours.

8 “(B) The individual completes 80 hours or  
9 more of community service per month.

10 “(C) The individual participates in a work  
11 program for at least 80 hours per month.

12 “(D) The individual participates in a com-  
13 bination of work, including community service,  
14 and a work program for a total of at least 80  
15 hours per month.

16 “(2) VERIFICATION.—For purposes of verifying  
17 the compliance of an applicable individual with the  
18 community engagement requirement under para-  
19 graph (1), a State Medicaid agency shall, whenever  
20 possible, prioritize the utilization of existing data-  
21 bases or other verification measures, including the  
22 National Change of Address Database Maintained  
23 by the United States Postal Service, State health  
24 and human services agencies, payroll databases, or

1 other reliable sources of information, prior to seek-  
2 ing additional verification from such individual.

3 “(3) DEFINITIONS.—In this subsection:

4 “(A) APPLICABLE INDIVIDUAL.—The term  
5 ‘applicable individual’ means any individual who  
6 is not—

7 “(i) under 19 years of age or age 56  
8 or older;

9 “(ii) physically or mentally unfit for  
10 employment, as determined by a physician  
11 or other medical professional;

12 “(iii) pregnant;

13 “(iv) the parent or caretaker of a de-  
14 pendent child;

15 “(v) the parent or caretaker of an in-  
16 capacitated person;

17 “(vi) complying with work require-  
18 ments under a different program under  
19 Federal law;

20 “(vii) participating in a drug or alco-  
21 hol treatment and rehabilitation program  
22 (as defined in section 3(h) of the Food and  
23 Nutrition Act of 2008); or

24 “(viii) enrolled in an educational pro-  
25 gram at least half time.

1                   “(B) EDUCATIONAL PROGRAM.—The term  
2                   ‘educational program’ means—

3                   “(i) an institution of higher education  
4                   (as defined in section 101(a) of the Higher  
5                   Education Act of 1965);

6                   “(ii) a program of career and tech-  
7                   nical education (as defined in section 3 of  
8                   the Carl D. Perkins Career and Technical  
9                   Education Act of 2006); or

10                   “(iii) any other educational program  
11                   approved by the Secretary.

12                   “(C) STATE MEDICAID AGENCY.—The  
13                   term ‘State Medicaid agency’ means the State  
14                   agency responsible for administering the State  
15                   Medicaid plan.

16                   “(D) WORK PROGRAM.—The term ‘work  
17                   program’ has the meaning given such term in  
18                   section 6(o)(1) of the Food and Nutrition Act  
19                   of 2008.”.

20                   (e) STATE OPTION TO DISENROLL CERTAIN INDI-  
21                   VIDUALS.—Section 1902(a) of the Social Security Act (42  
22                   U.S.C. 1396a(a)) is amended by adding at the end of the  
23                   flush left text following paragraph (87) the following:  
24                   “Notwithstanding any of the preceding provisions of this  
25                   subsection, at the option of a State, such State may elect

1 to disenroll an applicable individual for a month if, with  
2 respect to medical assistance furnished to such individual  
3 for such month, no Federal financial participation would  
4 be available, pursuant to section 1903(i)(28).”.

5 **TITLE IV—REGULATIONS FROM**  
6 **THE EXECUTIVE IN NEED OF**  
7 **SCRUTINY**

8 **SEC. 331. SHORT TITLE.**

9 This title may be cited as the “Regulations from the  
10 Executive in Need of Scrutiny Act of 2023”.

11 **SEC. 332. PURPOSE.**

12 The purpose of this title is to increase accountability  
13 for and transparency in the Federal regulatory process.  
14 Section 1 of article I of the United States Constitution  
15 grants all legislative powers to Congress. Over time, Con-  
16 gress has excessively delegated its constitutional charge  
17 while failing to conduct appropriate oversight and retain  
18 accountability for the content of the laws it passes. By  
19 requiring a vote in Congress, the REINS Act will result  
20 in more carefully drafted and detailed legislation, an im-  
21 proved regulatory process, and a legislative branch that  
22 is truly accountable to the American people for the laws  
23 imposed upon them.

1 **SEC. 333. CONGRESSIONAL REVIEW OF AGENCY RULE-**  
2 **MAKING.**

3 Chapter 8 of title 5, United States Code, is amended  
4 to read as follows:

5 **“CHAPTER 8—CONGRESSIONAL REVIEW**  
6 **OF AGENCY RULEMAKING**

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

7 **“§ 801. Congressional review**

8 “(a)(1)(A) Before a rule may take effect, the Federal  
9 agency promulgating such rule shall publish in the Federal  
10 Register a list of information on which the rule is based,  
11 including data, scientific and economic studies, and cost-  
12 benefit analyses, and identify how the public can access  
13 such information online, and shall submit to each House  
14 of the Congress and to the Comptroller General a report  
15 containing—

16 “(i) a copy of the rule;

17 “(ii) a concise general statement relating to the  
18 rule;

19 “(iii) a classification of the rule as a major or  
20 nonmajor rule, including an explanation of the clas-  
21 sification specifically addressing each criteria for a

1 major rule contained within subparagraphs (A)  
2 through (C) of section 804(2);

3 “(iv) a list of any other related regulatory ac-  
4 tions intended to implement the same statutory pro-  
5 vision or regulatory objective as well as the indi-  
6 vidual and aggregate economic effects of those ac-  
7 tions; and

8 “(v) the proposed effective date of the rule.

9 “(B) On the date of the submission of the report  
10 under subparagraph (A), the Federal agency promulgating  
11 the rule shall submit to the Comptroller General and make  
12 available to each House of Congress—

13 “(i) a complete copy of the cost-benefit analysis  
14 of the rule, if any, including an analysis of any jobs  
15 added or lost, differentiating between public and pri-  
16 vate sector jobs;

17 “(ii) the agency’s actions pursuant to sections  
18 603, 604, 605, 607, and 609 of this title;

19 “(iii) the agency’s actions pursuant to sections  
20 202, 203, 204, and 205 of the Unfunded Mandates  
21 Reform Act of 1995; and

22 “(iv) any other relevant information or require-  
23 ments under any other Act and any relevant Execu-  
24 tive orders.



1       “(C) Upon receipt of a report submitted under sub-  
2 paragraph (A), each House shall provide copies of the re-  
3 port to the chairman and ranking member of each stand-  
4 ing committee with jurisdiction under the rules of the  
5 House of Representatives or the Senate to report a bill  
6 to amend the provision of law under which the rule is  
7 issued.

8       “(2)(A) The Comptroller General shall provide a re-  
9 port on each major rule to the committees of jurisdiction  
10 by the end of 15 calendar days after the submission or  
11 publication date. The report of the Comptroller General  
12 shall include an assessment of the agency’s compliance  
13 with procedural steps required by paragraph (1)(B) and  
14 an assessment of whether the major rule imposes any new  
15 limits or mandates on private-sector activity.

16       “(B) Federal agencies shall cooperate with the Comp-  
17 troller General by providing information relevant to the  
18 Comptroller General’s report under subparagraph (A).

19       “(3) A major rule relating to a report submitted  
20 under paragraph (1) shall take effect upon enactment of  
21 a joint resolution of approval described in section 802 or  
22 as provided for in the rule following enactment of a joint  
23 resolution of approval described in section 802, whichever  
24 is later.

1       “(4) A nonmajor rule shall take effect as provided  
2 by section 803 after submission to Congress under para-  
3 graph (1).

4       “(5) If a joint resolution of approval relating to a  
5 major rule is not enacted within the period provided in  
6 subsection (b)(2), then a joint resolution of approval relat-  
7 ing to the same rule may not be considered under this  
8 chapter in the same Congress by either the House of Rep-  
9 resentatives or the Senate.

10       “(b)(1) A major rule shall not take effect unless the  
11 Congress enacts a joint resolution of approval described  
12 under section 802.

13       “(2) If a joint resolution described in subsection (a)  
14 is not enacted into law by the end of 70 session days or  
15 legislative days, as applicable, beginning on the date on  
16 which the report referred to in subsection (a)(1)(A) is re-  
17 ceived by Congress (excluding days either House of Con-  
18 gress is adjourned for more than 3 days during a session  
19 of Congress), then the rule described in that resolution  
20 shall be deemed not to be approved and such rule shall  
21 not take effect.

22       “(c)(1) Notwithstanding any other provision of this  
23 section (except subject to paragraph (3)), a major rule  
24 may take effect for one 90-calendar-day period if the  
25 President makes a determination under paragraph (2) and

1 submits written notice of such determination to the Con-  
2 gress.

3 “(2) Paragraph (1) applies to a determination made  
4 by the President by Executive order that the major rule  
5 should take effect because such rule is—

6 “(A) necessary because of an imminent threat  
7 to health or safety or other emergency;

8 “(B) necessary for the enforcement of criminal  
9 laws;

10 “(C) necessary for national security; or

11 “(D) issued pursuant to any statute imple-  
12 menting an international trade agreement.

13 “(3) An exercise by the President of the authority  
14 under this subsection shall have no effect on the proce-  
15 dures under section 802.

16 “(d)(1) In addition to the opportunity for review oth-  
17 erwise provided under this chapter, in the case of any rule  
18 for which a report was submitted in accordance with sub-  
19 section (a)(1)(A) during the period beginning on the date  
20 occurring—

21 “(A) in the case of the Senate, 60 session days;

22 or

23 “(B) in the case of the House of Representa-  
24 tives, 60 legislative days,

1 before the date the Congress is scheduled to adjourn a  
2 session of Congress through the date on which the same  
3 or succeeding Congress first convenes its next session, sec-  
4 tions 802 and 803 shall apply to such rule in the suc-  
5 ceeding session of Congress.

6 “(2)(A) In applying sections 802 and 803 for pur-  
7 poses of such additional review, a rule described under  
8 paragraph (1) shall be treated as though—

9 “(i) such rule were published in the Federal  
10 Register on—

11 “(I) in the case of the Senate, the 15th  
12 session day; or

13 “(II) in the case of the House of Rep-  
14 resentatives, the 15th legislative day,  
15 after the succeeding session of Congress first con-  
16 venes; and

17 “(ii) a report on such rule were submitted to  
18 Congress under subsection (a)(1) on such date.

19 “(B) Nothing in this paragraph shall be construed  
20 to affect the requirement under subsection (a)(1) that a  
21 report shall be submitted to Congress before a rule can  
22 take effect.

23 “(3) A rule described under paragraph (1) shall take  
24 effect as otherwise provided by law (including other sub-  
25 sections of this section).

1 **“§ 802. Congressional approval procedure for major**  
2 **rules**

3 “(a)(1) For purposes of this section, the term ‘joint  
4 resolution’ means only a joint resolution addressing a re-  
5 port classifying a rule as major pursuant to section  
6 801(a)(1)(A)(iii) that—

7 “(A) bears no preamble;

8 “(B) bears the following title (with blanks filled  
9 as appropriate): ‘Approving the rule submitted by  
10 \_\_\_\_\_ relating to \_\_\_\_\_.’;

11 “(C) includes after its resolving clause only the  
12 following (with blanks filled as appropriate): ‘That  
13 Congress approves the rule submitted by \_\_\_\_\_ re-  
14 lating to \_\_\_\_\_.’; and

15 “(D) is introduced pursuant to paragraph (2).

16 “(2) After a House of Congress receives a report  
17 classifying a rule as major pursuant to section  
18 801(a)(1)(A)(iii), the majority leader of that House (or  
19 his or her respective designee) shall introduce (by request,  
20 if appropriate) a joint resolution described in paragraph  
21 (1)—

22 “(A) in the case of the House of Representa-  
23 tives, within 3 legislative days; and

24 “(B) in the case of the Senate, within 3 session  
25 days.

1       “(3) A joint resolution described in paragraph (1)  
2 shall not be subject to amendment at any stage of pro-  
3 ceeding.

4       “(b) A joint resolution described in subsection (a)  
5 shall be referred in each House of Congress to the commit-  
6 tees having jurisdiction over the provision of law under  
7 which the rule is issued.

8       “(c) In the Senate, if the committee or committees  
9 to which a joint resolution described in subsection (a) has  
10 been referred have not reported it at the end of 15 session  
11 days after its introduction, such committee or committees  
12 shall be automatically discharged from further consider-  
13 ation of the resolution and it shall be placed on the cal-  
14 endar. A vote on final passage of the resolution shall be  
15 taken on or before the close of the 15th session day after  
16 the resolution is reported by the committee or committees  
17 to which it was referred, or after such committee or com-  
18 mittees have been discharged from further consideration  
19 of the resolution.

20       “(d)(1) In the Senate, when the committee or com-  
21 mittees to which a joint resolution is referred have re-  
22 ported, or when a committee or committees are discharged  
23 (under subsection (c)) from further consideration of a  
24 joint resolution described in subsection (a), it is at any  
25 time thereafter in order (even though a previous motion

1 to the same effect has been disagreed to) for a motion  
2 to proceed to the consideration of the joint resolution, and  
3 all points of order against the joint resolution (and against  
4 consideration of the joint resolution) are waived. The mo-  
5 tion is not subject to amendment, or to a motion to post-  
6 pone, or to a motion to proceed to the consideration of  
7 other business. A motion to reconsider the vote by which  
8 the motion is agreed to or disagreed to shall not be in  
9 order. If a motion to proceed to the consideration of the  
10 joint resolution is agreed to, the joint resolution shall re-  
11 main the unfinished business of the Senate until disposed  
12 of.

13       “(2) In the Senate, debate on the joint resolution,  
14 and on all debatable motions and appeals in connection  
15 therewith, shall be limited to not more than 2 hours, which  
16 shall be divided equally between those favoring and those  
17 opposing the joint resolution. A motion to further limit  
18 debate is in order and not debatable. An amendment to,  
19 or a motion to postpone, or a motion to proceed to the  
20 consideration of other business, or a motion to recommit  
21 the joint resolution is not in order.

22       “(3) In the Senate, immediately following the conclu-  
23 sion of the debate on a joint resolution described in sub-  
24 section (a), and a single quorum call at the conclusion of  
25 the debate if requested in accordance with the rules of the

1 Senate, the vote on final passage of the joint resolution  
2 shall occur.

3 “(4) Appeals from the decisions of the Chair relating  
4 to the application of the rules of the Senate to the proce-  
5 dure relating to a joint resolution described in subsection  
6 (a) shall be decided without debate.

7 “(e) In the House of Representatives, if any com-  
8 mittee to which a joint resolution described in subsection  
9 (a) has been referred has not reported it to the House  
10 at the end of 15 legislative days after its introduction,  
11 such committee shall be discharged from further consider-  
12 ation of the joint resolution, and it shall be placed on the  
13 appropriate calendar. On the second and fourth Thursdays  
14 of each month it shall be in order at any time for the  
15 Speaker to recognize a Member who favors passage of a  
16 joint resolution that has appeared on the calendar for at  
17 least 5 legislative days to call up that joint resolution for  
18 immediate consideration in the House without intervention  
19 of any point of order. When so called up a joint resolution  
20 shall be considered as read and shall be debatable for 1  
21 hour equally divided and controlled by the proponent and  
22 an opponent, and the previous question shall be considered  
23 as ordered to its passage without intervening motion. It  
24 shall not be in order to reconsider the vote on passage.  
25 If a vote on final passage of the joint resolution has not



1 been taken by the third Thursday on which the Speaker  
2 may recognize a Member under this subsection, such vote  
3 shall be taken on that day.

4 “(f)(1) If, before passing a joint resolution described  
5 in subsection (a), one House receives from the other a  
6 joint resolution having the same text, then—

7 “(A) the joint resolution of the other House  
8 shall not be referred to a committee; and

9 “(B) the procedure in the receiving House shall  
10 be the same as if no joint resolution had been re-  
11 ceived from the other House until the vote on pas-  
12 sage, when the joint resolution received from the  
13 other House shall supplant the joint resolution of  
14 the receiving House.

15 “(2) This subsection shall not apply to the House of  
16 Representatives if the joint resolution received from the  
17 Senate is a revenue measure.

18 “(g) If either House has not taken a vote on final  
19 passage of the joint resolution by the last day of the period  
20 described in section 801(b)(2), then such vote shall be  
21 taken on that day.

22 “(h) This section and section 803 are enacted by  
23 Congress—

24 “(1) as an exercise of the rulemaking power of  
25 the Senate and House of Representatives, respec-

1 tively, and as such are deemed to be part of the  
2 rules of each House, respectively, but applicable only  
3 with respect to the procedure to be followed in that  
4 House in the case of a joint resolution described in  
5 subsection (a) and superseding other rules only  
6 where explicitly so; and

7 “(2) with full recognition of the constitutional  
8 right of either House to change the rules (so far as  
9 they relate to the procedure of that House) at any  
10 time, in the same manner and to the same extent as  
11 in the case of any other rule of that House.

12 **“§ 803. Congressional disapproval procedure for**  
13 **nonmajor rules**

14 “(a) For purposes of this section, the term ‘joint res-  
15 olution’ means only a joint resolution introduced in the  
16 period beginning on the date on which the report referred  
17 to in section 801(a)(1)(A) is received by Congress and  
18 ending 60 days thereafter (excluding days either House  
19 of Congress is adjourned for more than 3 days during a  
20 session of Congress), the matter after the resolving clause  
21 of which is as follows: ‘That Congress disapproves the  
22 nonmajor rule submitted by the \_\_\_\_\_ relating to  
23 \_\_\_\_\_, and such rule shall have no force or effect.’ (The  
24 blank spaces being appropriately filled in).

1       “(b) A joint resolution described in subsection (a)  
2 shall be referred to the committees in each House of Con-  
3 gress with jurisdiction.

4       “(c) In the Senate, if the committee to which is re-  
5 ferred a joint resolution described in subsection (a) has  
6 not reported such joint resolution (or an identical joint  
7 resolution) at the end of 15 session days after the date  
8 of introduction of the joint resolution, such committee may  
9 be discharged from further consideration of such joint res-  
10 olution upon a petition supported in writing by 30 Mem-  
11 bers of the Senate, and such joint resolution shall be  
12 placed on the calendar.

13       “(d)(1) In the Senate, when the committee to which  
14 a joint resolution is referred has reported, or when a com-  
15 mittee is discharged (under subsection (c)) from further  
16 consideration of a joint resolution described in subsection  
17 (a), it is at any time thereafter in order (even though a  
18 previous motion to the same effect has been disagreed to)  
19 for a motion to proceed to the consideration of the joint  
20 resolution, and all points of order against the joint resolu-  
21 tion (and against consideration of the joint resolution) are  
22 waived. The motion is not subject to amendment, or to  
23 a motion to postpone, or to a motion to proceed to the  
24 consideration of other business. A motion to reconsider the  
25 vote by which the motion is agreed to or disagreed to shall

1 not be in order. If a motion to proceed to the consideration  
2 of the joint resolution is agreed to, the joint resolution  
3 shall remain the unfinished business of the Senate until  
4 disposed of.

5 “(2) In the Senate, debate on the joint resolution,  
6 and on all debatable motions and appeals in connection  
7 therewith, shall be limited to not more than 10 hours,  
8 which shall be divided equally between those favoring and  
9 those opposing the joint resolution. A motion to further  
10 limit debate is in order and not debatable. An amendment  
11 to, or a motion to postpone, or a motion to proceed to  
12 the consideration of other business, or a motion to recom-  
13 mit the joint resolution is not in order.

14 “(3) In the Senate, immediately following the conclu-  
15 sion of the debate on a joint resolution described in sub-  
16 section (a), and a single quorum call at the conclusion of  
17 the debate if requested in accordance with the rules of the  
18 Senate, the vote on final passage of the joint resolution  
19 shall occur.

20 “(4) Appeals from the decisions of the Chair relating  
21 to the application of the rules of the Senate to the proce-  
22 dure relating to a joint resolution described in subsection  
23 (a) shall be decided without debate.

1       “(e) In the Senate, the procedure specified in sub-  
2 section (e) or (d) shall not apply to the consideration of  
3 a joint resolution respecting a nonmajor rule—

4               “(1) after the expiration of the 60 session days  
5 beginning with the applicable submission or publica-  
6 tion date; or

7               “(2) if the report under section 801(a)(1)(A)  
8 was submitted during the period referred to in sec-  
9 tion 801(d)(1), after the expiration of the 60 session  
10 days beginning on the 15th session day after the  
11 succeeding session of Congress first convenes.

12       “(f) If, before the passage by one House of a joint  
13 resolution of that House described in subsection (a), that  
14 House receives from the other House a joint resolution  
15 described in subsection (a), then the following procedures  
16 shall apply:

17               “(1) The joint resolution of the other House  
18 shall not be referred to a committee.

19               “(2) With respect to a joint resolution described  
20 in subsection (a) of the House receiving the joint  
21 resolution—

22                       “(A) the procedure in that House shall be  
23 the same as if no joint resolution had been re-  
24 ceived from the other House; but

1                   “(B) the vote on final passage shall be on  
2                   the joint resolution of the other House.

3 **“§ 804. Definitions**

4                   “For purposes of this chapter:

5                   “(1) The term ‘Federal agency’ means any  
6                   agency as that term is defined in section 551(1).

7                   “(2) The term ‘major rule’ means any rule, in-  
8                   cluding an interim final rule, that the Administrator  
9                   of the Office of Information and Regulatory Affairs  
10                  of the Office of Management and Budget finds has  
11                  resulted in or is likely to result in—

12                  “(A) an annual effect on the economy of  
13                  \$100 million or more;

14                  “(B) a major increase in costs or prices for  
15                  consumers, individual industries, Federal,  
16                  State, or local government agencies, or geo-  
17                  graphic regions; or

18                  “(C) significant adverse effects on competi-  
19                  tion, employment, investment, productivity, in-  
20                  novation, or the ability of United States-based  
21                  enterprises to compete with foreign-based enter-  
22                  prises in domestic and export markets.

23                  “(3) The term ‘nonmajor rule’ means any rule  
24                  that is not a major rule.

1           “(4) The term ‘rule’ has the meaning given  
2 such term in section 551, except that such term does  
3 not include—

4           “(A) any rule of particular applicability,  
5 including a rule that approves or prescribes for  
6 the future rates, wages, prices, services, or al-  
7 lowances therefore, corporate or financial struc-  
8 tures, reorganizations, mergers, or acquisitions  
9 thereof, or accounting practices or disclosures  
10 bearing on any of the foregoing;

11           “(B) any rule relating to agency manage-  
12 ment or personnel; or

13           “(C) any rule of agency organization, pro-  
14 cedure, or practice that does not substantially  
15 affect the rights or obligations of non-agency  
16 parties.

17           “(5) The term ‘submission or publication date’,  
18 except as otherwise provided in this chapter,  
19 means—

20           “(A) in the case of a major rule, the date  
21 on which the Congress receives the report sub-  
22 mitted under section 801(a)(1); and

23           “(B) in the case of a nonmajor rule, the  
24 later of—

1                   “(i) the date on which the Congress  
2                   receives the report submitted under section  
3                   801(a)(1); and

4                   “(ii) the date on which the nonmajor  
5                   rule is published in the Federal Register, if  
6                   so published.

7   **“§ 805. Judicial review**

8                   “(a) No determination, finding, action, or omission  
9                   under this chapter shall be subject to judicial review.

10                  “(b) Notwithstanding subsection (a), a court may de-  
11                  termine whether a Federal agency has completed the nec-  
12                  essary requirements under this chapter for a rule to take  
13                  effect.

14                  “(c) The enactment of a joint resolution of approval  
15                  under section 802 shall not be interpreted to serve as a  
16                  grant or modification of statutory authority by Congress  
17                  for the promulgation of a rule, shall not extinguish or af-  
18                  fect any claim, whether substantive or procedural, against  
19                  any alleged defect in a rule, and shall not form part of  
20                  the record before the court in any judicial proceeding con-  
21                  cerning a rule except for purposes of determining whether  
22                  or not the rule is in effect.

23   **“§ 806. Exemption for monetary policy**

24                  “Nothing in this chapter shall apply to rules that con-  
25                  cern monetary policy proposed or implemented by the



1 Board of Governors of the Federal Reserve System or the  
 2 Federal Open Market Committee.

3 **“§ 807. Effective date of certain rules**

4 “Notwithstanding section 801—

5 “(1) any rule that establishes, modifies, opens,  
 6 closes, or conducts a regulatory program for a com-  
 7 mercial, recreational, or subsistence activity related  
 8 to hunting, fishing, or camping; or

9 “(2) any rule other than a major rule which an  
 10 agency for good cause finds (and incorporates the  
 11 finding and a brief statement of reasons therefore in  
 12 the rule issued) that notice and public procedure  
 13 thereon are impracticable, unnecessary, or contrary  
 14 to the public interest,  
 15 shall take effect at such time as the Federal agency pro-  
 16 mulgating the rule determines.”.

17 **SEC. 334. BUDGETARY EFFECTS OF RULES SUBJECT TO**

18 **SECTION 802 OF TITLE 5, UNITED STATES**

19 **CODE.**

20 Section 257(b)(2) of the Balanced Budget and Emer-  
 21 gency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2))  
 22 is amended by adding at the end the following new sub-  
 23 paragraph:

24 “(E) BUDGETARY EFFECTS OF RULES  
 25 SUBJECT TO SECTION 802 OF TITLE 5, UNITED

1 STATES CODE.—Any rule subject to the con-  
2 gressional approval procedure set forth in sec-  
3 tion 802 of chapter 8 of title 5, United States  
4 Code, affecting budget authority, outlays, or re-  
5 ceipts shall be assumed to be effective unless it  
6 is not approved in accordance with such sec-  
7 tion.”.

8 **SEC. 335. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**  
9 **OF RULES.**

10 (a) IN GENERAL.—The Comptroller General of the  
11 United States shall conduct a study to determine, as of  
12 the date of the enactment of this section—

13 (1) how many rules (as such term is defined in  
14 section 804 of title 5, United States Code) were in  
15 effect;

16 (2) how many major rules (as such term is de-  
17 fined in section 804 of title 5, United States Code)  
18 were in effect; and

19 (3) the total estimated economic cost imposed  
20 by all such rules.

21 (b) REPORT.—Not later than 1 year after the date  
22 of the enactment of this section, the Comptroller General  
23 of the United States shall submit a report to Congress  
24 that contains the findings of the study conducted under  
25 subsection (a).

1 **DIVISION D—H.R. 1, THE LOWER**  
2 **ENERGY COSTS ACT**  
3 **TITLE I—INCREASING AMER-**  
4 **ICAN ENERGY PRODUCTION,**  
5 **EXPORTS, INFRASTRUCTURE,**  
6 **AND CRITICAL MINERALS**  
7 **PROCESSING**

8 **SEC. 10001. SECURING AMERICA'S CRITICAL MINERALS**  
9 **SUPPLY.**

10 (a) AMENDMENT TO THE DEPARTMENT OF ENERGY  
11 ORGANIZATION ACT.—The Department of Energy Orga-  
12 nization Act (42 U.S.C. 7101 et seq.) is amended—

13 (1) in section 2, by adding at the end the fol-  
14 lowing:

15 “(d) As used in sections 102(20) and 203(a)(12), the  
16 term ‘critical energy resource’ means any energy re-  
17 source—

18 “(1) that is essential to the energy sector and  
19 energy systems of the United States; and

20 “(2) the supply chain of which is vulnerable to  
21 disruption.”;

22 (2) in section 102, by adding at the end the fol-  
23 lowing:

24 “(20) To ensure there is an adequate and reli-  
25 able supply of critical energy resources that are es-

1       sential to the energy security of the United States.”;  
2       and

3               (3) in section 203(a), by adding at the end the  
4       following:

5               “(12) Functions that relate to securing the sup-  
6       ply of critical energy resources, including identifying  
7       and mitigating the effects of a disruption of such  
8       supply on—

9                       “(A) the development and use of energy  
10                      technologies; and

11                     “(B) the operation of energy systems.”.

12       (b) SECURING CRITICAL ENERGY RESOURCE SUPPLY  
13 CHAINS.—

14               (1) IN GENERAL.—In carrying out the require-  
15       ments of the Department of Energy Organization  
16       Act (42 U.S.C. 7101 et seq.), the Secretary of En-  
17       ergy, in consultation with the appropriate Federal  
18       agencies, representatives of the energy sector,  
19       States, and other stakeholders, shall—

20                     (A) conduct ongoing assessments of—

21                               (i) energy resource criticality based on  
22                               the importance of critical energy resources  
23                               to the development of energy technologies  
24                               and the supply of energy;

1 (ii) the critical energy resource supply  
2 chain of the United States;

3 (iii) the vulnerability of such supply  
4 chain; and

5 (iv) how the energy security of the  
6 United States is affected by the reliance of  
7 the United States on importation of critical  
8 energy resources;

9 (B) facilitate development of strategies to  
10 strengthen critical energy resource supply  
11 chains in the United States, including by—

12 (i) diversifying the sources of the sup-  
13 ply of critical energy resources; and

14 (ii) increasing domestic production,  
15 separation, and processing of critical en-  
16 ergy resources;

17 (C) develop substitutes and alternatives to  
18 critical energy resources; and

19 (D) improve technology that reuses and re-  
20 cycles critical energy resources.

21 (2) REPORT.—Not later than 1 year after the  
22 date of enactment of this title, and annually there-  
23 after, the Secretary of Energy shall submit to Con-  
24 gress a report containing—

1 (A) the results of the ongoing assessments  
2 conducted under paragraph (1)(A);

3 (B) a description of any actions taken pur-  
4 suant to the Department of Energy Organiza-  
5 tion Act to mitigate potential effects of critical  
6 energy resource supply chain disruptions on en-  
7 ergy technologies or the operation of energy  
8 systems; and

9 (C) any recommendations relating to  
10 strengthening critical energy resource supply  
11 chains that are essential to the energy security  
12 of the United States.

13 (3) CRITICAL ENERGY RESOURCE DEFINED.—  
14 In this section, the term “critical energy resource”  
15 has the meaning given such term in section 2 of the  
16 Department of Energy Organization Act (42 U.S.C.  
17 7101).

18 **SEC. 10002. PROTECTING AMERICAN ENERGY PRODUCTION.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that States should maintain primacy for the regula-  
21 tion of hydraulic fracturing for oil and natural gas produc-  
22 tion on State and private lands.

23 (b) PROHIBITION ON DECLARATION OF A MORATO-  
24 RIUM ON HYDRAULIC FRACTURING.—Notwithstanding  
25 any other provision of law, the President may not declare

1 a moratorium on the use of hydraulic fracturing unless  
2 such moratorium is authorized by an Act of Congress.

3 **SEC. 10003. RESEARCHING EFFICIENT FEDERAL IMPROVE-**  
4 **MENTS FOR NECESSARY ENERGY REFINING.**

5 Not later than 90 days after the date of enactment  
6 of this section, the Secretary of Energy shall direct the  
7 National Petroleum Council to—

8 (1) submit to the Secretary of Energy and Con-  
9 gress a report containing—

10 (A) an examination of the role of petro-  
11 chemical refineries located in the United States  
12 and the contributions of such petrochemical re-  
13 fineries to the energy security of the United  
14 States, including the reliability of supply in the  
15 United States of liquid fuels and feedstocks,  
16 and the affordability of liquid fuels for con-  
17 sumers in the United States;

18 (B) analyses and projections with respect  
19 to—

20 (i) the capacity of petrochemical refin-  
21 eries located in the United States;

22 (ii) opportunities for expanding such  
23 capacity; and

24 (iii) the risks to petrochemical refin-  
25 eries located in the United States;

1 (C) an assessment of any Federal or State  
2 executive actions, regulations, or policies that  
3 have caused or contributed to a decline in the  
4 capacity of petrochemical refineries located in  
5 the United States; and

6 (D) any recommendations for Federal  
7 agencies and Congress to encourage an increase  
8 in the capacity of petrochemical refineries lo-  
9 cated in the United States; and

10 (2) make publicly available the report submitted  
11 under paragraph (1).

12 **SEC. 10004. PROMOTING CROSS-BORDER ENERGY INFRA-**  
13 **STRUCTURE.**

14 (a) **AUTHORIZATION OF CERTAIN ENERGY INFRA-**  
15 **STRUCTURE PROJECTS AT AN INTERNATIONAL BOUND-**  
16 **ARY OF THE UNITED STATES.—**

17 (1) **AUTHORIZATION.—**Except as provided in  
18 paragraph (3) and subsection (d), no person may  
19 construct, connect, operate, or maintain a border-  
20 crossing facility for the import or export of oil or  
21 natural gas, or the transmission of electricity, across  
22 an international border of the United States without  
23 obtaining a certificate of crossing for the border-  
24 crossing facility under this subsection.

25 (2) **CERTIFICATE OF CROSSING.—**



1           (A) REQUIREMENT.—Not later than 120  
2 days after final action is taken, by the relevant  
3 official or agency identified under subparagraph  
4 (B), under the National Environmental Policy  
5 Act of 1969 (42 U.S.C. 4321 et seq.) with re-  
6 spect to a border-crossing facility for which a  
7 person requests a certificate of crossing under  
8 this subsection, the relevant official or agency,  
9 in consultation with appropriate Federal agen-  
10 cies, shall issue a certificate of crossing for the  
11 border-crossing facility unless the relevant offi-  
12 cial or agency finds that the construction, con-  
13 nection, operation, or maintenance of the bor-  
14 der-crossing facility is not in the public interest  
15 of the United States.

16           (B) RELEVANT OFFICIAL OR AGENCY.—  
17 The relevant official or agency referred to in  
18 subparagraph (A) is—

19                   (i) the Federal Energy Regulatory  
20 Commission with respect to border-cross-  
21 ing facilities consisting of oil or natural  
22 gas pipelines; and

23                   (ii) the Secretary of Energy with re-  
24 spect to border-crossing facilities consisting  
25 of electric transmission facilities.

1           (C) ADDITIONAL REQUIREMENT FOR  
2 ELECTRIC TRANSMISSION FACILITIES.—In the  
3 case of a request for a certificate of crossing for  
4 a border-crossing facility consisting of an elec-  
5 tric transmission facility, the Secretary of En-  
6 ergy shall require, as a condition of issuing the  
7 certificate of crossing under subparagraph (A),  
8 that the border-crossing facility be constructed,  
9 connected, operated, or maintained consistent  
10 with all applicable policies and standards of—

11           (i) the Electric Reliability Organiza-  
12 tion and the applicable regional entity; and

13           (ii) any Regional Transmission Orga-  
14 nization or Independent System Operator  
15 with operational or functional control over  
16 the border-crossing facility.

17       (3) EXCLUSIONS.—This subsection shall not  
18 apply to any construction, connection, operation, or  
19 maintenance of a border-crossing facility for the im-  
20 port or export of oil or natural gas, or the trans-  
21 mission of electricity—

22           (A) if the border-crossing facility is oper-  
23 ating for such import, export, or transmission  
24 as of the date of enactment of this section;

1 (B) if a Presidential permit (or similar  
2 permit) for the construction, connection, oper-  
3 ation, or maintenance has been issued pursuant  
4 to any provision of law or Executive order; or

5 (C) if an application for a Presidential per-  
6 mit (or similar permit) for the construction,  
7 connection, operation, or maintenance is pend-  
8 ing on the date of enactment of this section,  
9 until the earlier of—

10 (i) the date on which such application  
11 is denied; or

12 (ii) two years after the date of enact-  
13 ment of this section, if such a permit has  
14 not been issued by such date of enactment.

15 (4) EFFECT OF OTHER LAWS.—

16 (A) APPLICATION TO PROJECTS.—Nothing  
17 in this subsection or subsection (d) shall affect  
18 the application of any other Federal statute to  
19 a project for which a certificate of crossing for  
20 a border-crossing facility is requested under  
21 this subsection.

22 (B) NATURAL GAS ACT.—Nothing in this  
23 subsection or subsection (d) shall affect the re-  
24 quirement to obtain approval or authorization  
25 under sections 3 and 7 of the Natural Gas Act

1 for the siting, construction, or operation of any  
2 facility to import or export natural gas.

3 (C) OIL PIPELINES.—Nothing in this sub-  
4 section or subsection (d) shall affect the author-  
5 ity of the Federal Energy Regulatory Commis-  
6 sion with respect to oil pipelines under section  
7 60502 of title 49, United States Code.

8 (b) TRANSMISSION OF ELECTRIC ENERGY TO CAN-  
9 ADA AND MEXICO.—

10 (1) REPEAL OF REQUIREMENT TO SECURE  
11 ORDER.—Section 202(e) of the Federal Power Act  
12 (16 U.S.C. 824a(e)) is repealed.

13 (2) CONFORMING AMENDMENTS.—

14 (A) STATE REGULATIONS.—Section 202(f)  
15 of the Federal Power Act (16 U.S.C. 824a(f))  
16 is amended by striking “insofar as such State  
17 regulation does not conflict with the exercise of  
18 the Commission’s powers under or relating to  
19 subsection 202(e)”.

20 (B) SEASONAL DIVERSITY ELECTRICITY  
21 EXCHANGE.—Section 602(b) of the Public Util-  
22 ity Regulatory Policies Act of 1978 (16 U.S.C.  
23 824a–4(b)) is amended by striking “the Com-  
24 mission has conducted hearings and made the  
25 findings required under section 202(e) of the

1 Federal Power Act” and all that follows  
2 through the period at the end and inserting  
3 “the Secretary has conducted hearings and  
4 finds that the proposed transmission facilities  
5 would not impair the sufficiency of electric sup-  
6 ply within the United States or would not im-  
7 pede or tend to impede the coordination in the  
8 public interest of facilities subject to the juris-  
9 diction of the Secretary.”.

10 (c) NO PRESIDENTIAL PERMIT REQUIRED.—No  
11 Presidential permit (or similar permit) shall be required  
12 pursuant to any provision of law or Executive order for  
13 the construction, connection, operation, or maintenance of  
14 an oil or natural gas pipeline or electric transmission facil-  
15 ity, or any border-crossing facility thereof.

16 (d) MODIFICATIONS TO EXISTING PROJECTS.—No  
17 certificate of crossing under subsection (a), or Presidential  
18 permit (or similar permit), shall be required for a modi-  
19 fication to—

20 (1) an oil or natural gas pipeline or electric  
21 transmission facility that is operating for the import  
22 or export of oil or natural gas or the transmission  
23 of electricity as of the date of enactment of this sec-  
24 tion;

1           (2) an oil or natural gas pipeline or electric  
2 transmission facility for which a Presidential permit  
3 (or similar permit) has been issued pursuant to any  
4 provision of law or Executive order; or

5           (3) a border-crossing facility for which a certifi-  
6 cate of crossing has previously been issued under  
7 subsection (a).

8           (e) PROHIBITION ON REVOCATION OF PRESIDENTIAL  
9 PERMITS.—Notwithstanding any other provision of law,  
10 the President may not revoke a Presidential permit (or  
11 similar permit) issued pursuant to Executive Order No.  
12 13337 (3 U.S.C. 301 note), Executive Order No. 11423  
13 (3 U.S.C. 301 note), Executive Order No. 12038 (43 Fed.  
14 Reg. 4957), Executive Order No. 10485 (18 Fed. Reg.  
15 5397), or any other Executive order for the construction,  
16 connection, operation, or maintenance of an oil or natural  
17 gas pipeline or electric transmission facility, or any bor-  
18 der-crossing facility thereof, unless such revocation is au-  
19 thorized by an Act of Congress.

20           (f) EFFECTIVE DATE; RULEMAKING DEADLINES.—

21           (1) EFFECTIVE DATE.—Subsections (a)  
22 through (d), and the amendments made by such  
23 subsections, shall take effect on the date that is 1  
24 year after the date of enactment of this section.

1           (2) RULEMAKING DEADLINES.—Each relevant  
2 official or agency described in subsection (a)(2)(B)  
3 shall—

4                   (A) not later than 180 days after the date  
5 of enactment of this section, publish in the Fed-  
6 eral Register notice of a proposed rulemaking  
7 to carry out the applicable requirements of sub-  
8 section (a); and

9                   (B) not later than 1 year after the date of  
10 enactment of this section, publish in the Fed-  
11 eral Register a final rule to carry out the appli-  
12 cable requirements of subsection (a).

13 (g) DEFINITIONS.—In this section:

14           (1) BORDER-CROSSING FACILITY.—The term  
15 “border-crossing facility” means the portion of an oil  
16 or natural gas pipeline or electric transmission facil-  
17 ity that is located at an international boundary of  
18 the United States.

19           (2) MODIFICATION.—The term “modification”  
20 includes a reversal of flow direction, change in own-  
21 ership, change in flow volume, addition or removal  
22 of an interconnection, or an adjustment to maintain  
23 flow (such as a reduction or increase in the number  
24 of pump or compressor stations).

1           (3) NATURAL GAS.—The term “natural gas”  
2 has the meaning given that term in section 2 of the  
3 Natural Gas Act (15 U.S.C. 717a).

4           (4) OIL.—The term “oil” means petroleum or  
5 a petroleum product.

6           (5) ELECTRIC RELIABILITY ORGANIZATION; RE-  
7 GIONAL ENTITY.—The terms “Electric Reliability  
8 Organization” and “regional entity” have the mean-  
9 ings given those terms in section 215 of the Federal  
10 Power Act (16 U.S.C. 824o).

11           (6) INDEPENDENT SYSTEM OPERATOR; RE-  
12 GIONAL TRANSMISSION ORGANIZATION.—The terms  
13 “Independent System Operator” and “Regional  
14 Transmission Organization” have the meanings  
15 given those terms in section 3 of the Federal Power  
16 Act (16 U.S.C. 796).

17 **SEC. 10005. SENSE OF CONGRESS EXPRESSING DIS-**  
18 **APPROVAL OF THE REVOCATION OF THE**  
19 **PRESIDENTIAL PERMIT FOR THE KEYSTONE**  
20 **XL PIPELINE.**

21 (a) FINDINGS.—Congress finds the following:

22           (1) On March 29, 2019, TransCanada Key-  
23 stone Pipeline, L.P., was granted a Presidential per-  
24 mit to construct, connect, operate, and maintain the  
25 Keystone XL pipeline.



1           (2) On January 20, 2021, President Biden  
2           issued Executive Order No. 13990 (86 Fed. Reg.  
3           7037) that revoked the March 2019 Presidential  
4           permit for the Keystone XL.

5           (b) SENSE OF CONGRESS.—It is the sense of Con-  
6           gress that Congress disapproves of the revocation by  
7           President Biden of the Presidential permit for the Key-  
8           stone XL pipeline.

9           **SEC. 10006. SENSE OF CONGRESS OPPOSING RESTRICTIONS**  
10                           **ON THE EXPORT OF CRUDE OIL OR OTHER**  
11                           **PETROLEUM PRODUCTS.**

12           (a) FINDINGS.—Congress finds the following:

13                   (1) The United States has enjoyed a renais-  
14                   sance in energy production, with the expansion of  
15                   domestic crude oil and other petroleum product pro-  
16                   duction contributing to enhanced energy security  
17                   and significant economic benefits to the national  
18                   economy.

19                   (2) In 2015, Congress recognized the need to  
20                   adapt to changing crude oil market conditions and  
21                   repealed all restrictions on the export of crude oil on  
22                   a bipartisan basis.

23                   (3) Section 101 of title I of division O of the  
24                   Consolidated Appropriations Act, 2016 (42 U.S.C.  
25                   6212a) established the national policy on oil export

1 restriction, prohibiting any official of the Federal  
2 Government from imposing or enforcing any restric-  
3 tions on the export of crude oil with limited excep-  
4 tions, including a savings clause maintaining the au-  
5 thority to prohibit exports under any provision of  
6 law that imposes sanctions on a foreign person or  
7 foreign government (including any provision of law  
8 that prohibits or restricts United States persons  
9 from engaging in a transaction with a sanctioned  
10 person or government), including a foreign govern-  
11 ment that is designated as a state sponsor of ter-  
12 rorism.

13 (4) Lifting the restrictions on crude oil exports  
14 encouraged additional domestic energy production,  
15 created American jobs and economic development,  
16 and allowed the United States to emerge as the lead-  
17 ing oil producer in the world.

18 (5) In 2019, the United States became a net  
19 exporter of petroleum products for the first time  
20 since 1952, and the reliance of the United States on  
21 foreign imports of petroleum products has declined  
22 to historic lows.

23 (6) Free trade, open markets, and competition  
24 have contributed to the rise of the United States as  
25 a global energy superpower.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that the Federal Government should not impose—

3 (1) overly restrictive regulations on the explo-  
4 ration, production, or marketing of energy resources;  
5 or

6 (2) any restrictions on the export of crude oil  
7 or other petroleum products under the Energy Pol-  
8 icy and Conservation Act (42 U.S.C. 6201 et seq.),  
9 except with respect to the export of crude oil or  
10 other petroleum products to a foreign person or for-  
11 eign government subject to sanctions under any pro-  
12 vision of United States law, including to a country  
13 the government of which is designated as a state  
14 sponsor of terrorism.

15 **SEC. 10007. UNLOCKING OUR DOMESTIC LNG POTENTIAL.**

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

18 (1) by striking subsections (a) through (c);

19 (2) by redesignating subsections (e) and (f) as  
20 subsections (a) and (b), respectively;

21 (3) by redesignating subsection (d) as sub-  
22 section (c), and moving such subsection after sub-  
23 section (b), as so redesignated;

24 (4) in subsection (a), as so redesignated, by  
25 amending paragraph (1) to read as follows: “(1) The

1 Federal Energy Regulatory Commission (in this sub-  
2 section referred to as the ‘Commission’) shall have  
3 the exclusive authority to approve or deny an appli-  
4 cation for authorization for the siting, construction,  
5 expansion, or operation of a facility to export nat-  
6 ural gas from the United States to a foreign country  
7 or import natural gas from a foreign country, in-  
8 cluding an LNG terminal. In determining whether to  
9 approve or deny an application under this para-  
10 graph, the Commission shall deem the exportation or  
11 importation of natural gas to be consistent with the  
12 public interest. Except as specifically provided in  
13 this Act, nothing in this Act is intended to affect  
14 otherwise applicable law related to any Federal  
15 agency’s authorities or responsibilities related to fa-  
16 cilities to import or export natural gas, including  
17 LNG terminals.”; and

18 (5) by adding at the end the following new sub-  
19 section:

20 “(d)(1) Nothing in this Act limits the authority of  
21 the President under the Constitution, the International  
22 Emergency Economic Powers Act (50 U.S.C. 1701 et  
23 seq.), the National Emergencies Act (50 U.S.C. 1601 et  
24 seq.), part B of title II of the Energy Policy and Conserva-  
25 tion Act (42 U.S.C. 6271 et seq.), the Trading With the

1 Enemy Act (50 U.S.C. 4301 et seq.), or any other provi-  
2 sion of law that imposes sanctions on a foreign person or  
3 foreign government (including any provision of law that  
4 prohibits or restricts United States persons from engaging  
5 in a transaction with a sanctioned person or government),  
6 including a country that is designated as a state sponsor  
7 of terrorism, to prohibit imports or exports.

8 “(2) In this subsection, the term ‘state sponsor of ter-  
9 rorism’ means a country the government of which the Sec-  
10 retary of State determines has repeatedly provided sup-  
11 port for international terrorism pursuant to—

12 “(A) section 1754(c)(1)(A) of the Export Con-  
13 trol Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

14 “(B) section 620A of the Foreign Assistance  
15 Act of 1961 (22 U.S.C. 2371);

16 “(C) section 40 of the Arms Export Control Act  
17 (22 U.S.C. 2780); or

18 “(D) any other provision of law.”

19 **SEC. 10008. SENSE OF CONGRESS EXPRESSING DIS-**  
20 **APPROVAL OF THE DENIAL OF JORDAN COVE**  
21 **PERMITS.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) On March 19, 2020, the Federal Energy  
24 Regulatory Commission granted two Federal permits  
25 to Jordan Cove Energy Project, L.P., to site, con-

1       construct, and operate a new liquefied natural gas ex-  
2       port terminal in Coos County, Oregon.

3               (2) On the same day, the Federal Energy Regu-  
4       latory Commission issued a certificate of public con-  
5       venience and necessity to Pacific Connector Gas  
6       Pipeline, L.P., to construct and operate the proposed  
7       Pacific Connector Pipeline in the counties of Klam-  
8       ath, Jackson, Douglas, and Coos of Oregon.

9               (3) The State of Oregon denied the permits and  
10       the certificate necessary for these projects.

11       (b) SENSE OF CONGRESS.—It is the sense of Con-  
12       gress that Congress disapproves of the denial of these per-  
13       mits by the State of Oregon.

14       **SEC. 10009. PROMOTING INTERAGENCY COORDINATION**  
15               **FOR REVIEW OF NATURAL GAS PIPELINES.**

16       (a) DEFINITIONS.—In this section:

17               (1) COMMISSION.—The term “Commission”  
18       means the Federal Energy Regulatory Commission.

19               (2) FEDERAL AUTHORIZATION.—The term  
20       “Federal authorization” has the meaning given that  
21       term in section 15(a) of the Natural Gas Act (15  
22       U.S.C. 717n(a)).

23               (3) NEPA REVIEW.—The term “NEPA review”  
24       means the process of reviewing a proposed Federal

1 action under section 102 of the National Environ-  
2 mental Policy Act of 1969 (42 U.S.C. 4332).

3 (4) PROJECT-RELATED NEPA REVIEW.—The  
4 term “project-related NEPA review” means any  
5 NEPA review required to be conducted with respect  
6 to the issuance of an authorization under section 3  
7 of the Natural Gas Act or a certificate of public con-  
8 venience and necessity under section 7 of such Act.

9 (b) COMMISSION NEPA REVIEW RESPONSIBIL-  
10 ITIES.—In acting as the lead agency under section  
11 15(b)(1) of the Natural Gas Act for the purposes of com-  
12 plying with the National Environmental Policy Act of  
13 1969 (42 U.S.C. 4321 et seq.) with respect to an author-  
14 ization under section 3 of the Natural Gas Act or a certifi-  
15 cate of public convenience and necessity under section 7  
16 of such Act, the Commission shall, in accordance with this  
17 section and other applicable Federal law—

- 18 (1) be the only lead agency;
- 19 (2) coordinate as early as practicable with each  
20 agency designated as a participating agency under  
21 subsection (d)(3) to ensure that the Commission de-  
22 velops information in conducting its project-related  
23 NEPA review that is usable by the participating  
24 agency in considering an aspect of an application for

1 a Federal authorization for which the agency is re-  
2 sponsible; and

3 (3) take such actions as are necessary and  
4 proper to facilitate the expeditious resolution of its  
5 project-related NEPA review.

6 (c) DEFERENCE TO COMMISSION.—In making a deci-  
7 sion with respect to a Federal authorization required with  
8 respect to an application for authorization under section  
9 3 of the Natural Gas Act or a certificate of public conven-  
10 ience and necessity under section 7 of such Act, each agen-  
11 cy shall give deference, to the maximum extent authorized  
12 by law, to the scope of the project-related NEPA review  
13 that the Commission determines to be appropriate.

14 (d) PARTICIPATING AGENCIES.—

15 (1) IDENTIFICATION.—The Commission shall  
16 identify, not later than 30 days after the Commis-  
17 sion receives an application for an authorization  
18 under section 3 of the Natural Gas Act or a certifi-  
19 cate of public convenience and necessity under sec-  
20 tion 7 of such Act, any Federal or State agency,  
21 local government, or Indian Tribe that may issue a  
22 Federal authorization or is required by Federal law  
23 to consult with the Commission in conjunction with  
24 the issuance of a Federal authorization required for  
25 such authorization or certificate.



1 (2) INVITATION.—

2 (A) IN GENERAL.—Not later than 45 days  
3 after the Commission receives an application for  
4 an authorization under section 3 of the Natural  
5 Gas Act or a certificate of public convenience  
6 and necessity under section 7 of such Act, the  
7 Commission shall invite any agency identified  
8 under paragraph (1) to participate in the review  
9 process for the applicable Federal authorization.

10 (B) DEADLINE.—An invitation issued  
11 under subparagraph (A) shall establish a dead-  
12 line by which a response to the invitation shall  
13 be submitted to the Commission, which may be  
14 extended by the Commission for good cause.

15 (3) DESIGNATION AS PARTICIPATING AGEN-  
16 CIES.—Not later than 60 days after the Commission  
17 receives an application for an authorization under  
18 section 3 of the Natural Gas Act or a certificate of  
19 public convenience and necessity under section 7 of  
20 such Act, the Commission shall designate an agency  
21 identified under paragraph (1) as a participating  
22 agency with respect to an application for authoriza-  
23 tion under section 3 of the Natural Gas Act or a  
24 certificate of public convenience and necessity under  
25 section 7 of such Act unless the agency informs the

1 Commission, in writing, by the deadline established  
2 pursuant to paragraph (2)(B), that the agency—

3 (A) has no jurisdiction or authority with  
4 respect to the applicable Federal authorization;

5 (B) has no special expertise or information  
6 relevant to any project-related NEPA review; or

7 (C) does not intend to submit comments  
8 for the record for the project-related NEPA re-  
9 view conducted by the Commission.

10 (4) EFFECT OF NON-DESIGNATION.—

11 (A) EFFECT ON AGENCY.—Any agency  
12 that is not designated as a participating agency  
13 under paragraph (3) with respect to an applica-  
14 tion for an authorization under section 3 of the  
15 Natural Gas Act or a certificate of public con-  
16 venience and necessity under section 7 of such  
17 Act may not request or conduct a NEPA review  
18 that is supplemental to the project-related  
19 NEPA review conducted by the Commission,  
20 unless the agency—

21 (i) demonstrates that such review is  
22 legally necessary for the agency to carry  
23 out responsibilities in considering an as-  
24 pect of an application for a Federal au-  
25 thorization; and

1           (ii) requires information that could  
2           not have been obtained during the project-  
3           related NEPA review conducted by the  
4           Commission.

5           (B) COMMENTS; RECORD.—The Commis-  
6           sion shall not, with respect to an agency that is  
7           not designated as a participating agency under  
8           paragraph (3) with respect to an application for  
9           an authorization under section 3 of the Natural  
10          Gas Act or a certificate of public convenience  
11          and necessity under section 7 of such Act—

12                 (i) consider any comments or other in-  
13                 formation submitted by such agency for  
14                 the project-related NEPA review conducted  
15                 by the Commission; or

16                 (ii) include any such comments or  
17                 other information in the record for such  
18                 project-related NEPA review.

19          (e) WATER QUALITY IMPACTS.—

20                 (1) IN GENERAL.—Notwithstanding section 401  
21                 of the Federal Water Pollution Control Act (33  
22                 U.S.C. 1341), an applicant for a Federal authoriza-  
23                 tion shall not be required to provide a certification  
24                 under such section with respect to the Federal au-  
25                 thorization.

1           (2) COORDINATION.—With respect to any  
2 NEPA review for a Federal authorization to conduct  
3 an activity that will directly result in a discharge  
4 into the navigable waters (within the meaning of the  
5 Federal Water Pollution Control Act), the Commis-  
6 sion shall identify as an agency under subsection  
7 (d)(1) the State in which the discharge originates or  
8 will originate, or, if appropriate, the interstate water  
9 pollution control agency having jurisdiction over the  
10 navigable waters at the point where the discharge  
11 originates or will originate.

12           (3) PROPOSED CONDITIONS.—A State or inter-  
13 state agency designated as a participating agency  
14 pursuant to paragraph (2) may propose to the Com-  
15 mission terms or conditions for inclusion in an au-  
16 thorization under section 3 of the Natural Gas Act  
17 or a certificate of public convenience and necessity  
18 under section 7 of such Act that the State or inter-  
19 state agency determines are necessary to ensure that  
20 any activity described in paragraph (2) conducted  
21 pursuant to such authorization or certification will  
22 comply with the applicable provisions of sections  
23 301, 302, 303, 306, and 307 of the Federal Water  
24 Pollution Control Act.

1           (4) COMMISSION CONSIDERATION OF CONDI-  
2           TIONS.—The Commission may include a term or  
3           condition in an authorization under section 3 of the  
4           Natural Gas Act or a certificate of public conven-  
5           ience and necessity under section 7 of such Act pro-  
6           posed by a State or interstate agency under para-  
7           graph (3) only if the Commission finds that the term  
8           or condition is necessary to ensure that any activity  
9           described in paragraph (2) conducted pursuant to  
10          such authorization or certification will comply with  
11          the applicable provisions of sections 301, 302, 303,  
12          306, and 307 of the Federal Water Pollution Con-  
13          trol Act.

14          (f) SCHEDULE.—

15               (1) DEADLINE FOR FEDERAL AUTHORIZA-  
16               TIONS.—A deadline for a Federal authorization re-  
17               quired with respect to an application for authoriza-  
18               tion under section 3 of the Natural Gas Act or a  
19               certificate of public convenience and necessity under  
20               section 7 of such Act set by the Commission under  
21               section 15(c)(1) of such Act shall be not later than  
22               90 days after the Commission completes its project-  
23               related NEPA review, unless an applicable schedule  
24               is otherwise established by Federal law.

1           (2) CONCURRENT REVIEWS.—Each Federal and  
2 State agency—

3           (A) that may consider an application for a  
4 Federal authorization required with respect to  
5 an application for authorization under section 3  
6 of the Natural Gas Act or a certificate of public  
7 convenience and necessity under section 7 of  
8 such Act shall formulate and implement a plan  
9 for administrative, policy, and procedural mech-  
10 anisms to enable the agency to ensure comple-  
11 tion of Federal authorizations in compliance  
12 with schedules established by the Commission  
13 under section 15(c)(1) of such Act; and

14           (B) in considering an aspect of an applica-  
15 tion for a Federal authorization required with  
16 respect to an application for authorization  
17 under section 3 of the Natural Gas Act or a  
18 certificate of public convenience and necessity  
19 under section 7 of such Act, shall—

20           (i) formulate and implement a plan to  
21 enable the agency to comply with the  
22 schedule established by the Commission  
23 under section 15(c)(1) of such Act;

24           (ii) carry out the obligations of that  
25 agency under applicable law concurrently,

1 and in conjunction with, the project-related  
2 NEPA review conducted by the Commis-  
3 sion, and in compliance with the schedule  
4 established by the Commission under sec-  
5 tion 15(c)(1) of such Act, unless the agen-  
6 cy notifies the Commission in writing that  
7 doing so would impair the ability of the  
8 agency to conduct needed analysis or oth-  
9 erwise carry out such obligations;

10 (iii) transmit to the Commission a  
11 statement—

12 (I) acknowledging receipt of the  
13 schedule established by the Commis-  
14 sion under section 15(c)(1) of the  
15 Natural Gas Act; and

16 (II) setting forth the plan formu-  
17 lated under clause (i) of this subpara-  
18 graph;

19 (iv) not later than 30 days after the  
20 agency receives such application for a Fed-  
21 eral authorization, transmit to the appli-  
22 cant a notice—

23 (I) indicating whether such appli-  
24 cation is ready for processing; and

1 (II) if such application is not  
2 ready for processing, that includes a  
3 comprehensive description of the in-  
4 formation needed for the agency to  
5 determine that the application is  
6 ready for processing;

7 (v) determine that such application  
8 for a Federal authorization is ready for  
9 processing for purposes of clause (iv) if  
10 such application is sufficiently complete for  
11 the purposes of commencing consideration,  
12 regardless of whether supplemental infor-  
13 mation is necessary to enable the agency to  
14 complete the consideration required by law  
15 with respect to such application; and

16 (vi) not less often than once every 90  
17 days, transmit to the Commission a report  
18 describing the progress made in consid-  
19 ering such application for a Federal au-  
20 thorization.

21 (3) FAILURE TO MEET DEADLINE.—If a Fed-  
22 eral or State agency, including the Commission, fails  
23 to meet a deadline for a Federal authorization set  
24 forth in the schedule established by the Commission  
25 under section 15(c)(1) of the Natural Gas Act, not



1 later than 5 days after such deadline, the head of  
2 the relevant Federal agency (including, in the case  
3 of a failure by a State agency, the Federal agency  
4 overseeing the delegated authority) shall notify Con-  
5 gress and the Commission of such failure and set  
6 forth a recommended implementation plan to ensure  
7 completion of the action to which such deadline ap-  
8 plied.

9 (g) CONSIDERATION OF APPLICATIONS FOR FED-  
10 ERAL AUTHORIZATION.—

11 (1) ISSUE IDENTIFICATION AND RESOLU-  
12 TION.—

13 (A) IDENTIFICATION.—Federal and State  
14 agencies that may consider an aspect of an ap-  
15 plication for a Federal authorization shall iden-  
16 tify, as early as possible, any issues of concern  
17 that may delay or prevent an agency from  
18 working with the Commission to resolve such  
19 issues and granting such authorization.

20 (B) ISSUE RESOLUTION.—The Commission  
21 may forward any issue of concern identified  
22 under subparagraph (A) to the heads of the rel-  
23 evant agencies (including, in the case of an  
24 issue of concern that is a failure by a State

1           agency, the Federal agency overseeing the dele-  
2           gated authority, if applicable) for resolution.

3           (2) REMOTE SURVEYS.—If a Federal or State  
4           agency considering an aspect of an application for a  
5           Federal authorization requires the person applying  
6           for such authorization to submit data, the agency  
7           shall consider any such data gathered by aerial or  
8           other remote means that the person submits. The  
9           agency may grant a conditional approval for the  
10          Federal authorization based on data gathered by  
11          aerial or remote means, conditioned on the  
12          verification of such data by subsequent onsite in-  
13          spection.

14          (3) APPLICATION PROCESSING.—The Commis-  
15          sion, and Federal and State agencies, may allow a  
16          person applying for a Federal authorization to fund  
17          a third-party contractor to assist in reviewing the  
18          application for such authorization.

19          (h) ACCOUNTABILITY, TRANSPARENCY, EFFI-  
20          CIENCY.—For an application for an authorization under  
21          section 3 of the Natural Gas Act or a certificate of public  
22          convenience and necessity under section 7 of such Act that  
23          requires multiple Federal authorizations, the Commission,  
24          with input from any Federal or State agency considering  
25          an aspect of the application, shall track and make avail-

1 able to the public on the Commission’s website information  
2 related to the actions required to complete the Federal au-  
3 thorizations. Such information shall include the following:

4 (1) The schedule established by the Commission  
5 under section 15(c)(1) of the Natural Gas Act.

6 (2) A list of all the actions required by each ap-  
7 plicable agency to complete permitting, reviews, and  
8 other actions necessary to obtain a final decision on  
9 the application.

10 (3) The expected completion date for each such  
11 action.

12 (4) A point of contact at the agency responsible  
13 for each such action.

14 (5) In the event that an action is still pending  
15 as of the expected date of completion, a brief expla-  
16 nation of the reasons for the delay.

17 (i) PIPELINE SECURITY.—In considering an applica-  
18 tion for an authorization under section 3 of the Natural  
19 Gas Act or a certificate of public convenience and neces-  
20 sity under section 7 of such Act, the Federal Energy Reg-  
21 ulatory Commission shall consult with the Administrator  
22 of the Transportation Security Administration regarding  
23 the applicant’s compliance with security guidance and best  
24 practice recommendations of the Administration regarding  
25 pipeline infrastructure security, pipeline cybersecurity,

1 pipeline personnel security, and other pipeline security  
2 measures.

3 (j) WITHDRAWAL OF POLICY STATEMENTS.—The  
4 Federal Energy Regulatory Commission shall withdraw—

5 (1) the updated policy statement titled “Certifi-  
6 cation of New Interstate Natural Gas Facilities”  
7 published in the Federal Register on March 1, 2022  
8 (87 Fed. Reg. 11548); and

9 (2) the interim policy statement titled “Consid-  
10 eration of Greenhouse Gas Emissions in Natural  
11 Gas Infrastructure Project Reviews” published in  
12 the Federal Register on March 11, 2022 (87 Fed.  
13 Reg. 14104).

14 **SEC. 10010. INTERIM HAZARDOUS WASTE PERMITS FOR**  
15 **CRITICAL ENERGY RESOURCE FACILITIES.**

16 Section 3005(e) of the Solid Waste Disposal Act (42  
17 U.S.C. 6925(e)) is amended—

18 (1) in paragraph (1)(A)—

19 (A) in clause (i), by striking “or” at the  
20 end;

21 (B) in clause (ii), by inserting “or” after  
22 “this section,”; and

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

24 “(iii) is a critical energy resource facility,”;

25 and

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

2 “(4) DEFINITIONS.—For the purposes of this sub-  
3 section:

4 “(A) CRITICAL ENERGY RESOURCE.—The term  
5 ‘critical energy resource’ means, as determined by  
6 the Secretary of Energy, any energy resource—

7 “(i) that is essential to the energy sector  
8 and energy systems of the United States; and

9 “(ii) the supply chain of which is vulner-  
10 able to disruption.

11 “(B) CRITICAL ENERGY RESOURCE FACILITY.—  
12 The term ‘critical energy resource facility’ means a  
13 facility that processes or refines a critical energy re-  
14 source.”.

15 **SEC. 10011. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY**  
16 **RESOURCE FACILITIES.**

17 (a) IN GENERAL.—The Administrator of the Envi-  
18 ronmental Protection Agency shall, as necessary, revise  
19 regulations under parts 70 and 71 of title 40, Code of  
20 Federal Regulations, to—

21 (1) authorize the owner or operator of a critical  
22 energy resource facility to utilize flexible air permit-  
23 ting (as described in the final rule titled “Operating  
24 Permit Programs; Flexible Air Permitting Rule”  
25 published by the Environmental Protection Agency

1 in the Federal Register on October 6, 2009 (74 Fed.  
2 Reg. 51418)) with respect to such critical energy re-  
3 source facility; and

4 (2) facilitate flexible, market-responsive oper-  
5 ations (as described in the final rule identified in  
6 paragraph (1)) with respect to critical energy re-  
7 source facilities.

8 (b) DEFINITIONS.—In this section:

9 (1) CRITICAL ENERGY RESOURCE.—The term  
10 “critical energy resource” means, as determined by  
11 the Secretary of Energy, any energy resource—

12 (A) that is essential to the energy sector  
13 and energy systems of the United States; and

14 (B) the supply chain of which is vulnerable  
15 to disruption.

16 (2) CRITICAL ENERGY RESOURCE FACILITY.—  
17 The term “critical energy resource facility” means a  
18 facility that processes or refines a critical energy re-  
19 source.

20 **SEC. 10012. NATIONAL SECURITY OR ENERGY SECURITY**  
21 **WAIVERS TO PRODUCE CRITICAL ENERGY**  
22 **RESOURCES.**

23 (a) CLEAN AIR ACT REQUIREMENTS.—

24 (1) IN GENERAL.—If the Administrator of the  
25 Environmental Protection Agency, in consultation

1 with the Secretary of Energy, determines that, by  
2 reason of a sudden increase in demand for, or a  
3 shortage of, a critical energy resource, or another  
4 cause, the processing or refining of a critical energy  
5 resource at a critical energy resource facility is nec-  
6 essary to meet the national security or energy secu-  
7 rity needs of the United States, then the Adminis-  
8 trator may, with or without notice, hearing, or other  
9 report, issue a temporary waiver of any requirement  
10 under the Clean Air Act (42 U.S.C. 7401 et seq.)  
11 with respect to such critical energy resource facility  
12 that, in the judgment of the Administrator, will  
13 allow for such processing or refining at such critical  
14 energy resource facility as necessary to best meet  
15 such needs and serve the public interest.

16 (2) CONFLICT WITH OTHER ENVIRONMENTAL  
17 LAWS.—The Administrator shall ensure that any  
18 waiver of a requirement under the Clean Air Act  
19 under this subsection, to the maximum extent prac-  
20 ticable, does not result in a conflict with a require-  
21 ment of any other applicable Federal, State, or local  
22 environmental law or regulation and minimizes any  
23 adverse environmental impacts.

24 (3) VIOLATIONS OF OTHER ENVIRONMENTAL  
25 LAWS.—To the extent any omission or action taken

1 by a party under a waiver issued under this sub-  
2 section is in conflict with any requirement of a Fed-  
3 eral, State, or local environmental law or regulation,  
4 such omission or action shall not be considered a  
5 violation of such environmental law or regulation, or  
6 subject such party to any requirement, civil or crimi-  
7 nal liability, or a citizen suit under such environ-  
8 mental law or regulation.

9 (4) EXPIRATION AND RENEWAL OF WAIVERS.—

10 A waiver issued under this subsection shall expire  
11 not later than 90 days after it is issued. The Admin-  
12 istrator may renew or reissue such waiver pursuant  
13 to paragraphs (1) and (2) for subsequent periods,  
14 not to exceed 90 days for each period, as the Admin-  
15 istrator determines necessary to meet the national  
16 security or energy security needs described in para-  
17 graph (1) and serve the public interest. In renewing  
18 or reissuing a waiver under this paragraph, the Ad-  
19 ministrator shall include in any such renewed or re-  
20 issued waiver such conditions as are necessary to  
21 minimize any adverse environmental impacts to the  
22 extent practicable.

23 (5) SUBSEQUENT ACTION BY COURT.—If a

24 waiver issued under this subsection is subsequently  
25 stayed, modified, or set aside by a court pursuant a



1 provision of law, any omission or action previously  
2 taken by a party under the waiver while the waiver  
3 was in effect shall remain subject to paragraph (3).

4 (6) CRITICAL ENERGY RESOURCE; CRITICAL EN-  
5 ERGY RESOURCE FACILITY DEFINED.—The terms  
6 “critical energy resource” and “critical energy re-  
7 source facility” have the meanings given such terms  
8 in section 3025(f) of the Solid Waste Disposal Act  
9 (as added by this section).

10 (b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

11 (1) HAZARDOUS WASTE MANAGEMENT.—The  
12 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)  
13 is amended by inserting after section 3024 the fol-  
14 lowing:

15 **“SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE**  
16 **FACILITIES.**

17 “(a) IN GENERAL.—If the Administrator, in con-  
18 sultation with the Secretary of Energy, determines that,  
19 by reason of a sudden increase in demand for, or a short-  
20 age of, a critical energy resource, or another cause, the  
21 processing or refining of a critical energy resource at a  
22 critical energy resource facility is necessary to meet the  
23 national security or energy security needs of the United  
24 States, then the Administrator may, with or without no-  
25 tice, hearing, or other report, issue a temporary waiver

1 of any covered requirement with respect to such critical  
2 energy resource facility that, in the judgment of the Ad-  
3 ministrator, will allow for such processing or refining at  
4 such critical energy resource facility as necessary to best  
5 meet such needs and serve the public interest.

6       “(b) CONFLICT WITH OTHER ENVIRONMENTAL  
7 LAWS.—The Administrator shall ensure that any waiver  
8 of a covered requirement under this section, to the max-  
9 imum extent practicable, does not result in a conflict with  
10 a requirement of any other applicable Federal, State, or  
11 local environmental law or regulation and minimizes any  
12 adverse environmental impacts.

13       “(c) VIOLATIONS OF OTHER ENVIRONMENTAL  
14 LAWS.—To the extent any omission or action taken by  
15 a party under a waiver issued under this section is in con-  
16 flict with any requirement of a Federal, State, or local  
17 environmental law or regulation, such omission or action  
18 shall not be considered a violation of such environmental  
19 law or regulation, or subject such party to any require-  
20 ment, civil or criminal liability, or a citizen suit under such  
21 environmental law or regulation.

22       “(d) EXPIRATION AND RENEWAL OF WAIVERS.—A  
23 waiver issued under this section shall expire not later than  
24 90 days after it is issued. The Administrator may renew  
25 or reissue such waiver pursuant to subsections (a) and (b)

1 for subsequent periods, not to exceed 90 days for each pe-  
2 riod, as the Administrator determines necessary to meet  
3 the national security or energy security needs described  
4 in subsection (a) and serve the public interest. In renewing  
5 or reissuing a waiver under this subsection, the Adminis-  
6 trator shall include in any such renewed or reissued waiver  
7 such conditions as are necessary to minimize any adverse  
8 environmental impacts to the extent practicable.

9 “(e) SUBSEQUENT ACTION BY COURT.—If a waiver  
10 issued under this section is subsequently stayed, modified,  
11 or set aside by a court pursuant a provision of law, any  
12 omission or action previously taken by a party under the  
13 waiver while the waiver was in effect shall remain subject  
14 to subsection (c).

15 “(f) DEFINITIONS.—In this section:

16 “(1) COVERED REQUIREMENT.—The term ‘cov-  
17 ered requirement’ means—

18 “(A) any standard established under sec-  
19 tion 3002, 3003, or 3004;

20 “(B) the permit requirement under section  
21 3005; or

22 “(C) any other requirement of this Act, as  
23 the Administrator determines appropriate.

1           “(2) CRITICAL ENERGY RESOURCE.—The term  
2           ‘critical energy resource’ means, as determined by  
3           the Secretary of Energy, any energy resource—

4                   “(A) that is essential to the energy sector  
5                   and energy systems of the United States; and

6                   “(B) the supply chain of which is vulner-  
7                   able to disruption.

8           “(3) CRITICAL ENERGY RESOURCE FACILITY.—  
9           The term ‘critical energy resource facility’ means a  
10           facility that processes or refines a critical energy re-  
11           source.”.

12           (2) TABLE OF CONTENTS.—The table of con-  
13           tents of the Solid Waste Disposal Act is amended by  
14           inserting after the item relating to section 3024 the  
15           following:

          “Sec. 3025. Waivers for critical energy resource facilities.”.

16   **SEC. 10013. NATURAL GAS TAX REPEAL.**

17           (a) REPEAL.—Section 136 of the Clean Air Act (42  
18           U.S.C. 7436)(relating to methane emissions and waste re-  
19           duction incentive program for petroleum and natural gas  
20           systems) is repealed.

21           (b) RESCISSION.—The unobligated balance of any  
22           amounts made available under section 136 of the Clean  
23           Air Act (42 U.S.C. 7436)(as in effect on the day before  
24           the date of enactment of this Act) is rescinded.

1 **SEC. 10014. REPEAL OF GREENHOUSE GAS REDUCTION**  
2 **FUND.**

3 (a) REPEAL.—Section 134 of the Clean Air Act (42  
4 U.S.C. 7434)(relating to the greenhouse gas reduction  
5 fund) is repealed.

6 (b) RESCISSION.—The unobligated balance of any  
7 amounts made available under section 134 of the Clean  
8 Air Act (42 U.S.C. 7434)(as in effect on the day before  
9 the date of enactment of this Act) is rescinded.

10 (c) CONFORMING AMENDMENT.—Section 60103 of  
11 Public Law 117–169 (relating to the greenhouse gas re-  
12 duction fund) is repealed.

13 **SEC. 10015. ENDING FUTURE DELAYS IN CHEMICAL SUB-**  
14 **STANCE REVIEW FOR CRITICAL ENERGY RE-**  
15 **SOURCES.**

16 Section 5(a) of the Toxic Substances Control Act (15  
17 U.S.C. 2604(a)) is amended by adding at the end the fol-  
18 lowing:

19 “(6) CRITICAL ENERGY RESOURCES.—

20 “(A) STANDARD.—For purposes of a de-  
21 termination under paragraph (3) with respect  
22 to a chemical substance that is a critical energy  
23 resource, the Administrator shall take into con-  
24 sideration economic, societal, and environmental  
25 costs and benefits, notwithstanding any require-

1           ment of this section to not take such factors  
2           into consideration.

3           “(B) FAILURE TO RENDER DETERMINA-  
4           TION.—

5                   “(i) ACTIONS AUTHORIZED.—If, with  
6                   respect to a chemical substance that is a  
7                   critical energy resource, the Administrator  
8                   fails to make a determination on a notice  
9                   under paragraph (3) by the end of the ap-  
10                  plicable review period and the notice has  
11                  not been withdrawn by the submitter, the  
12                  submitter may take the actions described  
13                  in paragraph (1)(A) with respect to the  
14                  chemical substance, and the Administrator  
15                  shall be relieved of any requirement to  
16                  make such determination.

17                   “(ii) NON-DUPLICATION.—A refund of  
18                   applicable fees under paragraph (4)(A)  
19                   shall not be made if a submitter takes an  
20                   action described in paragraph (1)(A) under  
21                   this subparagraph.

22                   “(C) PREREQUISITE FOR SUGGESTION OF  
23                   WITHDRAWAL OR SUSPENSION.—The Adminis-  
24                   trator may not suggest to, or request of, a sub-  
25                   mitter of a notice under this subsection for a

1 chemical substance that is a critical energy re-  
2 source that such submitter withdraw such no-  
3 tice, or request a suspension of the running of  
4 the applicable review period with respect to  
5 such notice, unless the Administrator has—

6 “(i) conducted a preliminary review of  
7 such notice; and

8 “(ii) provided to the submitter a draft  
9 of a determination under paragraph (3),  
10 including any supporting information.

11 “(D) DEFINITION.—For purposes of this  
12 paragraph, the term ‘critical energy resource’  
13 means, as determined by the Secretary of En-  
14 ergy, any energy resource—

15 “(i) that is essential to the energy sec-  
16 tor and energy systems of the United  
17 States; and

18 “(ii) the supply chain of which is vul-  
19 nerable to disruption.”.

20 **SEC. 10016. KEEPING AMERICA’S REFINERIES OPERATING.**

21 (a) IN GENERAL.—The owner or operator of a sta-  
22 tionary source described in subsection (b) of this section  
23 shall not be required by the regulations promulgated  
24 under section 112(r)(7)(B) of the Clean Air Act (42  
25 U.S.C. 7412(r)(7)(B)) to include in any hazard assess-

1 ment under clause (ii) of such section 112(r)(7)(B) an as-  
2 sessment of safer technology and alternative risk manage-  
3 ment measures with respect to the use of hydrofluoric acid  
4 in an alkylation unit.

5 (b) STATIONARY SOURCE DESCRIBED.—A stationary  
6 source described in this subsection is a stationary source  
7 (as defined in section 112(r)(2)(C) of the Clean Air Act  
8 (42 U.S.C. 7412(r)(2)(C)) in North American Industry  
9 Classification System code 324—

10 (1) for which a construction permit or operating  
11 permit has been issued pursuant to the Clean Air  
12 Act (42 U.S.C. 7401 et seq.); or

13 (2) for which the owner or operator dem-  
14 onstrates to the Administrator of the Environmental  
15 Protection Agency that such stationary source con-  
16 forms or will conform to the most recent version of  
17 American Petroleum Institute Recommended Prac-  
18 tice 751.

19 **SEC. 10017. HOMEOWNER ENERGY FREEDOM.**

20 (a) IN GENERAL.—The following are repealed:

21 (1) Section 50122 of Public Law 117–169 (42  
22 U.S.C. 18795a) (relating to a high-efficiency electric  
23 home rebate program).



1           (2) Section 50123 of Public Law 117–169 (42  
2           U.S.C. 18795b) (relating to State-based home en-  
3           ergy efficiency contractor training grants).

4           (3) Section 50131 of Public Law 117–169 (136  
5           Stat. 2041) (relating to assistance for latest and  
6           zero building energy code adoption).

7           (b) RESCISSIONS.—The unobligated balances of any  
8           amounts made available under each of sections 50122,  
9           50123, and 50131 of Public Law 117–169 (42 U.S.C.  
10          18795a, 18795b; 136 Stat. 2041) (as in effect on the day  
11          before the date of enactment of this Act) are rescinded.

12          (c)           CONFORMING            AMENDMENT.—Section  
13          50121(c)(7) of Public Law 117–169 (42 U.S.C.  
14          18795(c)(7)) is amended by striking “, including a rebate  
15          provided under a high-efficiency electric home rebate pro-  
16          gram (as defined in section 50122(d)),”.

17          **SEC. 10018. STUDY.**

18          Not later than 180 days after the date of enactment  
19          of this Act, the Secretary of Energy, in consultation with  
20          the Nuclear Regulatory Commission, shall conduct a study  
21          on how to streamline regulatory timelines relating to de-  
22          veloping new power plants by examining practices relating  
23          to various power generating sources, including fossil and  
24          nuclear generating sources.

1 **SEC. 10019. STATE PRIMARY ENFORCEMENT RESPONSIBILITY.**  
2

3 (a) AMENDMENTS.—Section 1422(b) of the Safe  
4 Drinking Water Act (42 U.S.C. 300h–1(b)) is amended—

5 (1) in paragraph (2)—

6 (A) by striking “Within ninety days” and  
7 inserting “(A) Within ninety days”;

8 (B) by striking “and after reasonable opportunity for presentation of views”; and

9 (C) by adding at the end the following:

10 “(B) If, after 270 calendar days of a State’s applica-  
11 tion being submitted under paragraph (1)(A) or notice  
12 being submitted under paragraph (1)(B), the Adminis-  
13 trator has not, pursuant to subparagraph (A), by rule ap-  
14 proved, disapproved, or approved in part and disapproved  
15 in part the State’s underground injection control pro-  
16 gram—

17 “(i) the Administrator shall transmit, in writ-  
18 ing, to the State a detailed explanation as to the sta-  
19 tus of the application or notice; and

20 “(ii) the State’s underground injection control  
21 program shall be deemed approved under this sec-  
22 tion if—

23 “(I) the Administrator has not after an-  
24 other 30 days, pursuant to subparagraph (A),  
25 by rule approved, disapproved, or approved in  
26

1 part and disapproved in part the State’s under-  
2 ground injection control program; and

3 “(II) the State has established and imple-  
4 mented an effective program (including ade-  
5 quate recordkeeping and reporting) to prevent  
6 underground injection which endangers drink-  
7 ing water sources.”;

8 (2) by amending paragraph (4) to read as fol-  
9 lows:

10 “(4) Before promulgating any rule under paragraph  
11 (2) or (3) of this subsection, the Administrator shall—

12 “(A) provide a reasonable opportunity for pres-  
13 entation of views with respect to such rule, including  
14 a public hearing and a public comment period; and

15 “(B) publish in the Federal Register notice of  
16 the reasonable opportunity for presentation of views  
17 provided under subparagraph (A).”; and

18 (3) by adding at the end the following:

19 “(5) PREAPPLICATION ACTIVITIES.—The Adminis-  
20 trator shall work as expeditiously as possible with States  
21 to complete any necessary activities relevant to the sub-  
22 mission of an application under paragraph (1)(A) or no-  
23 tice under paragraph (1)(B), taking into consideration the  
24 need for a complete and detailed submission.

1       “(6) APPLICATION COORDINATION FOR CLASS VI  
2 WELLS.—With respect to the underground injection con-  
3 trol program for Class VI wells (as defined in section  
4 40306(a) of the Infrastructure Investment and Jobs Act  
5 (42 U.S.C. 300h–9(a))), the Administrator shall designate  
6 one individual at the Agency from each regional office to  
7 be responsible for coordinating—

8               “(A) the completion of any necessary activities  
9       prior to the submission of an application under  
10       paragraph (1)(A) or notice under paragraph (1)(B),  
11       in accordance with paragraph (5);

12               “(B) the review of an application submitted  
13       under paragraph (1)(A) or notice submitted under  
14       paragraph (1)(B);

15               “(C) any reasonable opportunity for presen-  
16       tation of views provided under paragraph (4)(A) and  
17       any notice published under paragraph (4)(B); and

18               “(D) pursuant to the recommendations included  
19       in the report required under paragraph (7), the hir-  
20       ing of additional staff to carry out subparagraphs  
21       (A) through (C).

22       “(7) EVALUATION OF RESOURCES.—

23               “(A) IN GENERAL.—Not later than 90 days  
24       after the date of enactment of this paragraph, the  
25       individual designated under paragraph (6) shall

1 transmit to the appropriate Congressional commit-  
2 tees a report, including recommendations, regarding  
3 the—

4 “(i) availability of staff and resources to  
5 promptly carry out the requirements of para-  
6 graph (6); and

7 “(ii) additional funding amounts needed to  
8 do so.

9 “(B) APPROPRIATE CONGRESSIONAL COMMIT-  
10 TEES DEFINED.—In this paragraph, the term ‘ap-  
11 propriate Congressional Committees’ means—

12 “(i) in the Senate—

13 “(I) the Committee on Environment  
14 and Public Works; and

15 “(II) the Committee on Appropria-  
16 tions; and

17 “(ii) in the House of Representatives—

18 “(I) the Committee on Energy and  
19 Commerce; and

20 “(II) the Committee on Appropria-  
21 tions.”.

22 (b) FUNDING.—In each of fiscal years 2023 through  
23 2026, amounts made available by title VI of division J  
24 of the Infrastructure Investment and Jobs Act under  
25 paragraph (7) of the heading “Environmental Protection

1 Agency—State and Tribal Assistance Grants” (Public  
2 Law 117–58; 135 Stat. 1402) may also be made available,  
3 subject to appropriations, to carry out paragraphs (5), (6),  
4 and (7) of section 1422(b) of the Safe Drinking Water  
5 Act, as added by this section.

6 (c) **RULE OF CONSTRUCTION.**—The amendments  
7 made by this section shall—

8 (1) apply to all applications submitted to the  
9 Environmental Protection Agency after the date of  
10 enactment of this Act to establish an underground  
11 injection control program under section 1422(b) of  
12 the Safe Drinking Water Act (42 U.S.C. 300h–1);  
13 and

14 (2) with respect to such applications submitted  
15 prior to the date of enactment of this Act, the 270  
16 and 300 day deadlines under section 1422(b)(2)(B)  
17 of the Safe Drinking Water Act, as added by this  
18 section, shall begin on the date of enactment of this  
19 Act.

20 **SEC. 10020. USE OF INDEX-BASED PRICING IN ACQUISITION**  
21 **OF PETROLEUM PRODUCTS FOR THE SPR.**

22 Section 160(c) of the Energy Policy and Conservation  
23 Act (42 U.S.C. 6240(c)) is amended—

1 (1) by redesignating paragraphs (1) through  
2 (6) as clauses (i) through (vi), respectively (and ad-  
3 justing the margins accordingly);

4 (2) by striking “The Secretary shall” and in-  
5 serting the following:

6 “(1) IN GENERAL.—The Secretary shall”; and

7 (3) by striking “Such procedures shall take into  
8 account the need to—” and inserting the following:

9 “(2) INCLUSIONS.—Procedures developed under  
10 this subsection shall—

11 “(A) require acquisition of petroleum prod-  
12 ucts using index-based pricing; and

13 “(B) take into account the need to—”.

14 **SEC. 10021. PROHIBITION ON CERTAIN EXPORTS.**

15 (a) IN GENERAL.—The Energy Policy and Conserva-  
16 tion Act is amended by inserting after section 163 (42  
17 U.S.C. 6243) the following:

18 **“SEC. 164. PROHIBITION ON CERTAIN EXPORTS.**

19 “(a) IN GENERAL.—The Secretary shall prohibit the  
20 export or sale of petroleum products drawn down from the  
21 Strategic Petroleum Reserve, under any provision of law,  
22 to—

23 “(1) the People’s Republic of China;

24 “(2) the Democratic People’s Republic of  
25 Korea;

1 “(3) the Russian Federation;

2 “(4) the Islamic Republic of Iran;

3 “(5) any other country the government of which  
4 is subject to sanctions imposed by the United States;  
5 and

6 “(6) any entity owned, controlled, or influenced  
7 by—

8 “(A) a country referred to in any of para-  
9 graphs (1) through (5); or

10 “(B) the Chinese Communist Party.

11 “(b) WAIVER.—The Secretary may issue a waiver of  
12 the prohibition described in subsection (a) if the Secretary  
13 certifies that any export or sale authorized pursuant to  
14 the waiver is in the national security interests of the  
15 United States.

16 “(c) RULE.—Not later than 60 days after the date  
17 of enactment of the Lower Energy Costs Act, the Sec-  
18 retary shall issue a rule to carry out this section.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) DRAWDOWN AND SALE OF PETROLEUM  
21 PRODUCTS.—Section 161(a) of the Energy Policy  
22 and Conservation Act (42 U.S.C. 6241(a)) is  
23 amended by inserting “and section 164” before the  
24 period at the end.



1           (2) CLERICAL AMENDMENT.—The table of con-  
2           tents for the Energy Policy and Conservation Act is  
3           amended by inserting after the item relating to sec-  
4           tion 163 the following:

“Sec. 164. Prohibition on certain exports.”.

5 **SEC. 10022. SENSE OF CONGRESS EXPRESSING DIS-**  
6           **APPROVAL OF THE PROPOSED TAX HIKES ON**  
7           **THE OIL AND NATURAL GAS INDUSTRY IN**  
8           **THE PRESIDENT’S FISCAL YEAR 2024 BUDGET**  
9           **REQUEST.**

10          (a) FINDING.—Congress finds that President Biden’s  
11          fiscal year 2024 budget request proposes to repeal tax pro-  
12          visions that are vital to the oil and natural gas industry  
13          of the United States, resulting in a \$31,000,000,000 tax  
14          hike on oil and natural gas producers in the United States.

15          (b) SENSE OF CONGRESS.—It is the sense of Con-  
16          gress that Congress disapproves of the proposed tax hike  
17          on the oil and natural gas industry in the President’s fis-  
18          cal year 2024 budget request.

19 **SEC. 10023. DOMESTIC ENERGY INDEPENDENCE REPORT.**

20          Not later than 120 days after the date of enactment  
21          of this Act, the Administrator of the Environmental Pro-  
22          tection Agency, in consultation with the Secretary of En-  
23          ergy, shall submit to Congress a report that identifies and  
24          assesses regulations promulgated by the Administrator

1 during the 15-year period preceding the date of enactment  
2 of this Act that have—

3 (1) reduced the energy independence of the  
4 United States;

5 (2) increased the regulatory burden for energy  
6 producers in the United States;

7 (3) decreased the energy output by such energy  
8 producers;

9 (4) reduced the energy security of the United  
10 States; or

11 (5) increased energy costs for consumers in the  
12 United States.

13 **SEC. 10024. GAO STUDY.**

14 Not later than 1 year after the date of enactment  
15 of this Act, the Comptroller General of the United States  
16 shall conduct a study on how banning natural gas appli-  
17 ances will affect the rates and charges for electricity.

18 **SEC. 10025. GAS KITCHEN RANGES AND OVENS.**

19 The Secretary of Energy may not finalize, implement,  
20 administer, or enforce the proposed rule titled “Energy  
21 Conservation Program: Energy Conservation Standards  
22 for Consumer Conventional Cooking Products; Supple-  
23 mental notice of proposed rulemaking and announcement  
24 of public meeting” (88 Fed. Reg. 6818; published Feb-  
25 ruary 1, 2023) with respect to energy conservation stand-

1 ards for gas kitchen ranges and ovens, or any substantially  
2 similar rule, including any rule that would directly or indi-  
3 rectly limit consumer access to gas kitchen ranges and  
4 ovens.

5 **TITLE II—TRANSPARENCY, AC-**  
6 **COUNTABILITY, PERMITTING,**  
7 **AND PRODUCTION OF AMER-**  
8 **ICAN RESOURCES**

9 **SEC. 20001. SHORT TITLE.**

10 This title may be cited as the “Transparency, Ac-  
11 countability, Permitting, and Production of American Re-  
12 sources Act” or the “TAPP American Resources Act”.

13 **Subtitle A—Onshore and Offshore**  
14 **Leasing and Oversight**

15 **SEC. 20101. ONSHORE OIL AND GAS LEASING.**

16 (a) **REQUIREMENT TO IMMEDIATELY RESUME ON-**  
17 **SHORE OIL AND GAS LEASE SALES.—**

18 (1) **IN GENERAL.—**The Secretary of the Inte-  
19 rior shall immediately resume quarterly onshore oil  
20 and gas lease sales in compliance with the Mineral  
21 Leasing Act (30 U.S.C. 181 et seq.).

22 (2) **REQUIREMENT.—**The Secretary of the Inte-  
23 rior shall ensure—

24 (A) that any oil and gas lease sale pursu-  
25 ant to paragraph (1) is conducted immediately

1 on completion of all applicable scoping, public  
2 comment, and environmental analysis require-  
3 ments under the Mineral Leasing Act (30  
4 U.S.C. 181 et seq.) and the National Environ-  
5 mental Policy Act of 1969 (42 U.S.C. 4321 et  
6 seq.); and

7 (B) that the processes described in sub-  
8 paragraph (A) are conducted in a timely man-  
9 ner to ensure compliance with subsection (b)(1).

10 (3) LEASE OF OIL AND GAS LANDS.—Section  
11 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.  
12 226(b)(1)(A)) is amended by inserting “Eligible  
13 lands comprise all lands subject to leasing under this  
14 Act and not excluded from leasing by a statutory or  
15 regulatory prohibition. Available lands are those  
16 lands that have been designated as open for leasing  
17 under a land use plan developed under section 202  
18 of the Federal Land Policy and Management Act of  
19 1976 and that have been nominated for leasing  
20 through the submission of an expression of interest,  
21 are subject to drainage in the absence of leasing, or  
22 are otherwise designated as available pursuant to  
23 regulations adopted by the Secretary.” after “sales  
24 are necessary.”.

25 (b) QUARTERLY LEASE SALES.—

1           (1) IN GENERAL.—In accordance with the Min-  
2           eral Leasing Act (30 U.S.C. 181 et seq.), each fiscal  
3           year, the Secretary of the Interior shall conduct a  
4           minimum of four oil and gas lease sales in each of  
5           the following States:

6                   (A) Wyoming.

7                   (B) New Mexico.

8                   (C) Colorado.

9                   (D) Utah.

10                  (E) Montana.

11                  (F) North Dakota.

12                  (G) Oklahoma.

13                  (H) Nevada.

14                  (I) Alaska.

15                  (J) Any other State in which there is land  
16           available for oil and gas leasing under the Min-  
17           eral Leasing Act (30 U.S.C. 181 et seq.) or any  
18           other mineral leasing law.

19           (2) REQUIREMENT.—In conducting a lease sale  
20           under paragraph (1) in a State described in that  
21           paragraph, the Secretary of the Interior shall offer  
22           all parcels nominated and eligible pursuant to the  
23           requirements of the Mineral Leasing Act (30 U.S.C.  
24           181 et seq.) for oil and gas exploration, develop-

1       ment, and production under the resource manage-  
2       ment plan in effect for the State.

3           (3) REPLACEMENT SALES.—The Secretary of  
4       the Interior shall conduct a replacement sale during  
5       the same fiscal year if—

6           (A) a lease sale under paragraph (1) is  
7       canceled, delayed, or deferred, including for a  
8       lack of eligible parcels; or

9           (B) during a lease sale under paragraph  
10       (1) the percentage of acreage that does not re-  
11       ceive a bid is equal to or greater than 25 per-  
12       cent of the acreage offered.

13          (4) NOTICE REGARDING MISSED SALES.—Not  
14       later than 30 days after a sale required under this  
15       subsection is canceled, delayed, deferred, or other-  
16       wise missed the Secretary of the Interior shall sub-  
17       mit to the Committee on Natural Resources of the  
18       House of Representatives and the Committee on En-  
19       ergy and Natural Resources of the Senate a report  
20       that states what sale was missed and why it was  
21       missed.

22       **SEC. 20102. LEASE REINSTATEMENT.**

23       The reinstatement of a lease entered into under the  
24       Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geo-  
25       thermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by

1 the Secretary shall be not considered a major Federal ac-  
2 tion under section 102(2)(C) of the National Environ-  
3 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4 **SEC. 20103. PROTESTED LEASE SALES.**

5 Section 17(b)(1)(A) of the Mineral Leasing Act (30  
6 U.S.C. 226(b)(1)(A)) is amended by inserting “The Sec-  
7 retary shall resolve any protest to a lease sale not later  
8 than 60 days after such payment.” after “annual rental  
9 for the first lease year.”.

10 **SEC. 20104. SUSPENSION OF OPERATIONS.**

11 Section 17 of the Mineral Leasing Act (30 U.S.C.  
12 226) is amended by adding at the end the following:

13 “(r) SUSPENSION OF OPERATIONS PERMITS.—In the  
14 event that an oil and gas lease owner has submitted an  
15 expression of interest for adjacent acreage that is part of  
16 the nature of the geological play and has yet to be offered  
17 in a lease sale by the Secretary, they may request a sus-  
18 pension of operations from the Secretary of the Interior  
19 and upon request, the Secretary shall grant the suspension  
20 of operations within 15 days. Any payment of acreage  
21 rental or of minimum royalty prescribed by such lease like-  
22 wise shall be suspended during such period of suspension  
23 of operations and production; and the term of such lease  
24 shall be extended by adding any such suspension period  
25 thereto.”.

1 **SEC. 20105. ADMINISTRATIVE PROTEST PROCESS REFORM.**

2 Section 17 of the Mineral Leasing Act (30 U.S.C.  
3 226) is further amended by adding at the end the fol-  
4 lowing:

5 “(s) PROTEST FILING FEE.—

6 “(1) IN GENERAL.—Before processing any pro-  
7 test filed under this section, the Secretary shall col-  
8 lect a filing fee in the amount described in para-  
9 graph (2) from the protestor to recover the cost for  
10 processing documents filed for each administrative  
11 protest.

12 “(2) AMOUNT.—The amount described in this  
13 paragraph is calculated as follows:

14 “(A) For each protest filed in a submission  
15 not exceeding 10 pages in length, the base filing  
16 fee shall be \$150.

17 “(B) For each submission exceeding 10  
18 pages in length, in addition to the base filing  
19 fee, an assessment of \$5 per page in excess of  
20 10 pages shall apply.

21 “(C) For protests that include more than  
22 one oil and gas lease parcel, right-of-way, or ap-  
23 plication for permit to drill in a submission, an  
24 additional assessment of \$10 per additional  
25 lease parcel, right-of-way, or application for  
26 permit to drill shall apply.



1 “(3) ADJUSTMENT.—

2 “(A) IN GENERAL.—Beginning on January  
3 1, 2024, and annually thereafter, the Secretary  
4 shall adjust the filing fees established in this  
5 subsection to whole dollar amounts to reflect  
6 changes in the Producer Price Index, as pub-  
7 lished by the Bureau of Labor Statistics, for  
8 the previous 12 months.

9 “(B) PUBLICATION OF ADJUSTED FILING  
10 FEES.—At least 30 days before the filing fees  
11 as adjusted under this paragraph take effect,  
12 the Secretary shall publish notification of the  
13 adjustment of such fees in the Federal Reg-  
14 ister.”.

15 **SEC. 20106. LEASING AND PERMITTING TRANSPARENCY.**

16 (a) REPORT.—Not later than 30 days after the date  
17 of the enactment of this section, and annually thereafter,  
18 the Secretary of the Interior shall submit to the Com-  
19 mittee on Natural Resources of the House of Representa-  
20 tives and the Committee on Energy and Natural Re-  
21 sources of the Senate a report that describes—

22 (1) the status of nominated parcels for future  
23 onshore oil and gas and geothermal lease sales, in-  
24 cluding—

1 (A) the number of expressions of interest  
2 received each month during the period of 365  
3 days that ends on the date on which the report  
4 is submitted with respect to which the Bureau  
5 of Land Management—

6 (i) has not taken any action to review;

7 (ii) has not completed review; or

8 (iii) has completed review and deter-  
9 mined that the relevant area meets all ap-  
10 plicable requirements for leasing, but has  
11 not offered the relevant area in a lease  
12 sale;

13 (B) how long expressions of interest de-  
14 scribed in subparagraph (A) have been pending;  
15 and

16 (C) a plan, including timelines, for how the  
17 Secretary of the Interior plans to—

18 (i) work through future expressions of  
19 interest to prevent delays;

20 (ii) put expressions of interest de-  
21 scribed in subparagraph (A) into a lease  
22 sale; and

23 (iii) complete review for expressions of  
24 interest described in clauses (i) and (ii) of  
25 subparagraph (A);

1           (2) the status of each pending application for  
2 permit to drill received during the period of 365  
3 days that ends on the date on which the report is  
4 submitted, including the number of applications re-  
5 ceived each month, by each Bureau of Land Man-  
6 agement office, including—

7           (A) a description of the cause of delay for  
8 pending applications, including as a result of  
9 staffing shortages, technical limitations, incom-  
10 plete applications, and incomplete review pursu-  
11 ant to the National Environmental Policy Act  
12 of 1969 (42 U.S.C. 4321 et seq.) or other ap-  
13 plicable laws;

14           (B) the number of days an application has  
15 been pending in violation of section 17(p)(2) of  
16 the Mineral Leasing Act (30 U.S.C. 226(p)(2));  
17 and

18           (C) a plan for how the office intends to  
19 come into compliance with the requirements of  
20 section 17(p)(2) of the Mineral Leasing Act (30  
21 U.S.C. 226(p)(2));

22           (3) the number of permits to drill issued each  
23 month by each Bureau of Land Management office  
24 during the 5-year period ending on the date on  
25 which the report is submitted;

1           (4) the status of each pending application for a  
2 license for offshore geological and geophysical sur-  
3 veys received during the period of 365 days that  
4 ends on the date on which the report is submitted,  
5 including the number of applications received each  
6 month, by each Bureau of Ocean Energy manage-  
7 ment regional office, including—

8           (A) a description of any cause of delay for  
9 pending applications, including as a result of  
10 staffing shortages, technical limitations, incom-  
11 plete applications, and incomplete review pursu-  
12 ant to the National Environmental Policy Act  
13 of 1969 (42 U.S.C. 4321 et seq.) or other ap-  
14 plicable laws;

15           (B) the number of days an application has  
16 been pending; and

17           (C) a plan for how the Bureau of Ocean  
18 Energy Management intends to complete review  
19 of each application;

20           (5) the number of licenses for offshore geologi-  
21 cal and geophysical surveys issued each month by  
22 each Bureau of Ocean Energy Management regional  
23 office during the 5-year period ending on the date on  
24 which the report is submitted;

1           (6) the status of each pending application for a  
2 permit to drill received during the period of 365  
3 days that ends on the date on which the report is  
4 submitted, including the number of applications re-  
5 ceived each month, by each Bureau of Safety and  
6 Environmental Enforcement regional office, includ-  
7 ing—

8           (A) a description of any cause of delay for  
9 pending applications, including as a result of  
10 staffing shortages, technical limitations, incom-  
11 plete applications, and incomplete review pursu-  
12 ant to the National Environmental Policy Act  
13 of 1969 (42 U.S.C. 4321 et seq.) or other ap-  
14 plicable laws;

15           (B) the number of days an application has  
16 been pending; and

17           (C) steps the Bureau of Safety and Envi-  
18 ronmental Enforcement is taking to complete  
19 review of each application;

20           (7) the number of permits to drill issued each  
21 month by each Bureau of Safety and Environmental  
22 Enforcement regional office during the period of 365  
23 days that ends on the date on which the report is  
24 submitted;

1           (8) how, as applicable, the Bureau of Land  
2 Management, the Bureau of Ocean Energy Manage-  
3 ment, and the Bureau of Safety and Environmental  
4 Enforcement determines whether to—

5                   (A) issue a license for geological and geo-  
6 physical surveys;

7                   (B) issue a permit to drill; and

8                   (C) issue, extend, or suspend an oil and  
9 gas lease;

10           (9) when determinations described in paragraph  
11 (8) are sent to the national office of the Bureau of  
12 Land Management, the Bureau of Ocean Energy  
13 Management, or the Bureau of Safety and Environ-  
14 mental Enforcement for final approval;

15           (10) the degree to which Bureau of Land Man-  
16 agement, Bureau of Ocean Energy Management,  
17 and Bureau of Safety and Environmental Enforce-  
18 ment field, State, and regional offices exercise dis-  
19 cretion on such final approval;

20           (11) during the period of 365 days that ends on  
21 the date on which the report is submitted, the num-  
22 ber of auctioned leases receiving accepted bids that  
23 have not been issued to winning bidders and the  
24 number of days such leases have not been issued;  
25 and

1           (12) a description of the uses of application for  
2 permit to drill fees paid by permit holders during  
3 the 5-year period ending on the date on which the  
4 report is submitted.

5           (b) PENDING APPLICATIONS FOR PERMITS TO  
6 DRILL.—Not later than 30 days after the date of the en-  
7 actment of this section, the Secretary of the Interior  
8 shall—

9           (1) complete all requirements under the Na-  
10 tional Environmental Policy Act of 1969 (42 U.S.C.  
11 4321 et seq.) and other applicable law that must be  
12 met before issuance of a permit to drill described in  
13 paragraph (2); and

14           (2) issue a permit for all completed applications  
15 to drill that are pending on the date of the enact-  
16 ment of this Act.

17           (c) PUBLIC AVAILABILITY OF DATA.—

18           (1) MINERAL LEASING ACT.—Section 17 of the  
19 Mineral Leasing Act (30 U.S.C. 226) is further  
20 amended by adding at the end the following:

21           “(t) PUBLIC AVAILABILITY OF DATA.—

22           “(1) EXPRESSIONS OF INTEREST.—Not later  
23 than 30 days after the date of the enactment of this  
24 subsection, and each month thereafter, the Secretary  
25 shall publish on the website of the Department of

1 the Interior the number of pending, approved, and  
2 not approved expressions of interest in nominated  
3 parcels for future onshore oil and gas lease sales in  
4 the preceding month.

5 “(2) APPLICATIONS FOR PERMITS TO DRILL.—  
6 Not later than 30 days after the date of the enact-  
7 ment of this subsection, and each month thereafter,  
8 the Secretary shall publish on the website of the De-  
9 partment of the Interior the number of pending and  
10 approved applications for permits to drill in the pre-  
11 ceding month in each State office.

12 “(3) PAST DATA.—Not later than 30 days after  
13 the date of the enactment of this subsection, the  
14 Secretary shall publish on the website of the Depart-  
15 ment of the Interior, with respect to each month  
16 during the 5-year period ending on the date of the  
17 enactment of this subsection—

18 “(A) the number of approved and not ap-  
19 proved expressions of interest for onshore oil  
20 and gas lease sales during such 5-year period;  
21 and

22 “(B) the number of approved and not ap-  
23 proved applications for permits to drill during  
24 such 5-year period.”.



1           (2) OUTER CONTINENTAL SHELF LANDS ACT.—  
2           Section 8 of the Outer Continental Shelf Lands Act  
3           (43 U.S.C. 1337) is amended by adding at the end  
4           the following:

5           “(q) PUBLIC AVAILABILITY OF DATA.—

6                 “(1) OFFSHORE GEOLOGICAL AND GEO-  
7                 PHYSICAL SURVEY LICENSES.—Not later than 30  
8                 days after the date of the enactment of this sub-  
9                 section, and each month thereafter, the Secretary  
10                shall publish on the website of the Department of  
11                the Interior the number of pending and approved  
12                applications for licenses for offshore geological and  
13                geophysical surveys in the preceding month.

14               “(2) APPLICATIONS FOR PERMITS TO DRILL.—  
15                Not later than 30 days after the date of the enact-  
16                ment of this subsection, and each month thereafter,  
17                the Secretary shall publish on the website of the De-  
18                partment of the Interior the number of pending and  
19                approved applications for permits to drill on the  
20                outer Continental Shelf in the preceding month in  
21                each regional office.

22               “(3) PAST DATA.—Not later than 30 days after  
23                the date of the enactment of this subsection, the  
24                Secretary shall publish on the website of the Depart-  
25                ment of the Interior, with respect each month during

1 the 5-year period ending on the date of the enact-  
2 ment of this subsection—

3 “(A) the number of approved applications  
4 for licenses for offshore geological and geo-  
5 physical surveys; and

6 “(B) the number of approved applications  
7 for permits to drill on the outer Continental  
8 Shelf.”.

9 (d) REQUIREMENT TO SUBMIT DOCUMENTS AND  
10 COMMUNICATIONS.—

11 (1) IN GENERAL.—Not later than 60 days after  
12 the date of the enactment of this section, the Sec-  
13 retary of the Interior shall submit to the Committee  
14 on Energy and Natural Resources of the Senate and  
15 the Committee on Natural Resources of the House  
16 of Representatives all documents and communica-  
17 tions relating to the comprehensive review of Federal  
18 oil and gas permitting and leasing practices required  
19 under section 208 of Executive Order No. 14008 (86  
20 Fed. Reg. 7624; relating to tackling the climate cri-  
21 sis at home and abroad).

22 (2) INCLUSIONS.—The submission under para-  
23 graph (1) shall include all documents and commu-  
24 nications submitted to the Secretary of the Interior  
25 by members of the public in response to any public

1 meeting or forum relating to the comprehensive re-  
2 view described in that paragraph.

3 **SEC. 20107. OFFSHORE OIL AND GAS LEASING.**

4 (a) **IN GENERAL.**—The Secretary shall conduct all  
5 lease sales described in the 2017–2022 Outer Continental  
6 Shelf Oil and Gas Leasing Proposed Final Program (No-  
7 vember 2016) that have not been conducted as of the date  
8 of the enactment of this Act by not later than September  
9 30, 2023.

10 (b) **GULF OF MEXICO REGION ANNUAL LEASE**  
11 **SALES.**—Notwithstanding any other provision of law, and  
12 except within areas subject to existing oil and gas leasing  
13 moratoria beginning in fiscal year 2023, the Secretary of  
14 the Interior shall annually conduct a minimum of 2 re-  
15 gion-wide oil and gas lease sales in the following planning  
16 areas of the Gulf of Mexico region, as described in the  
17 2017–2022 Outer Continental Shelf Oil and Gas Leasing  
18 Proposed Final Program (November 2016):

19 (1) The Central Gulf of Mexico Planning Area.

20 (2) The Western Gulf of Mexico Planning Area.

21 (c) **ALASKA REGION ANNUAL LEASE SALES.**—Not-  
22 withstanding any other provision of law, beginning in fis-  
23 cal year 2023, the Secretary of the Interior shall annually  
24 conduct a minimum of 2 region-wide oil and gas lease  
25 sales in the Alaska region of the Outer Continental Shelf,

1 as described in the 2017–2022 Outer Continental Shelf  
2 Oil and Gas Leasing Proposed Final Program (November  
3 2016).

4 (d) REQUIREMENTS.—In conducting lease sales  
5 under subsections (b) and (c), the Secretary of the Interior  
6 shall—

7 (1) issue such leases in accordance with the  
8 Outer Continental Shelf Lands Act (43 U.S.C. 1332  
9 et seq.); and

10 (2) include in each such lease sale all unleased  
11 areas that are not subject to a moratorium as of the  
12 date of the lease sale.

13 **SEC. 20108. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS**  
14 **LEASING.**

15 Section 18 of the Outer Continental Shelf Lands Act  
16 (43 U.S.C. 1344) is amended—

17 (1) in subsection (a)—

18 (A) by striking “subsections (c) and (d) of  
19 this section, shall prepare and periodically re-  
20 vise,” and inserting “this section, shall issue  
21 every five years”;

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

23 “(5) Each five-year program shall include at  
24 least two Gulf of Mexico region-wide lease sales per  
25 year.”; and

1 (C) in paragraph (3), by inserting “domes-  
2 tic energy security,” after “between”;

3 (2) by redesignating subsections (f) through (i)  
4 as subsections (h) through (k), respectively; and

5 (3) by inserting after subsection (e) the fol-  
6 lowing:

7 “(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The  
8 Secretary shall issue the five-year oil and gas leasing pro-  
9 gram for 2023 through 2028 and issue the Record of De-  
10 cision on the Final Programmatic Environmental Impact  
11 Statement by not later than July 1, 2023.

12 “(g) SUBSEQUENT LEASING PROGRAMS.—

13 “(1) IN GENERAL.—Not later than 36 months  
14 after conducting the first lease sale under an oil and  
15 gas leasing program prepared pursuant to this sec-  
16 tion, the Secretary shall begin preparing the subse-  
17 quent oil and gas leasing program under this sec-  
18 tion.

19 “(2) REQUIREMENT.—Each subsequent oil and  
20 gas leasing program under this section shall be ap-  
21 proved by not later than 180 days before the expira-  
22 tion of the previous oil and gas leasing program.”.

1 **SEC. 20109. GEOTHERMAL LEASING.**

2 (a) ANNUAL LEASING.—Section 4(b) of the Geo-  
3 thermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amend-  
4 ed—

5 (1) in paragraph (2), by striking “2 years” and  
6 inserting “year”;

7 (2) by redesignating paragraphs (3) and (4) as  
8 paragraphs (5) and (6), respectively; and

9 (3) after paragraph (2), by inserting the fol-  
10 lowing:

11 “(3) REPLACEMENT SALES.—If a lease sale  
12 under paragraph (1) for a year is canceled or de-  
13 layed, the Secretary of the Interior shall conduct a  
14 replacement sale during the same year.

15 “(4) REQUIREMENT.—In conducting a lease  
16 sale under paragraph (2) in a State described in  
17 that paragraph, the Secretary of the Interior shall  
18 offer all nominated parcels eligible for geothermal  
19 development and utilization under the resource man-  
20 agement plan in effect for the State.”.

21 (b) DEADLINES FOR CONSIDERATION OF GEO-  
22 THERMAL DRILLING PERMITS.—Section 4 of the Geo-  
23 thermal Steam Act of 1970 (30 U.S.C. 1003) is amended  
24 by adding at the end the following:

25 “(h) DEADLINES FOR CONSIDERATION OF GEO-  
26 THERMAL DRILLING PERMITS.—

1           “(1) NOTICE.—Not later than 30 days after the  
2           date on which the Secretary receives an application  
3           for any geothermal drilling permit, the Secretary  
4           shall—

5                   “(A) provide written notice to the appli-  
6                   cant that the application is complete; or

7                   “(B) notify the applicant that information  
8                   is missing and specify any information that is  
9                   required to be submitted for the application to  
10                  be complete.

11           “(2) ISSUANCE OF DECISION.—If the Secretary  
12           determines that an application for a geothermal  
13           drilling permit is complete under paragraph (1)(A),  
14           the Secretary shall issue a final decision on the ap-  
15           plication not later than 30 days after the Secretary  
16           notifies the applicant that the application is com-  
17           plete.”.

18 **SEC. 20110. LEASING FOR CERTAIN QUALIFIED COAL AP-**  
19 **PLICATIONS.**

20           (a) DEFINITIONS.—In this section:

21                   (1) COAL LEASE.—The term “coal lease”  
22                   means a lease entered into by the United States as  
23                   lessor, through the Bureau of Land Management,  
24                   and the applicant on Bureau of Land Management  
25                   Form 3400–012.

1           (2) QUALIFIED APPLICATION.—The term  
2 “qualified application” means any application pend-  
3 ing under the lease by application program adminis-  
4 tered by the Bureau of Land Management pursuant  
5 to the Mineral Leasing Act (30 U.S.C. 181 et seq.)  
6 and subpart 3425 of title 43, Code of Federal Regu-  
7 lations (as in effect on the date of the enactment of  
8 this Act), for which the environmental review proc-  
9 ess under the National Environmental Policy Act of  
10 1969 (42 U.S.C. 4321 et seq.) has commenced.

11       (b) MANDATORY LEASING AND OTHER REQUIRED  
12 APPROVALS.—As soon as practicable after the date of the  
13 enactment of this Act, the Secretary shall promptly—

14           (1) with respect to each qualified application—

15               (A) if not previously published for public  
16 comment, publish a draft environmental assess-  
17 ment, as required under the National Environ-  
18 mental Policy Act of 1969 (42 U.S.C. 4321 et  
19 seq.) and any applicable implementing regula-  
20 tions;

21               (B) finalize the fair market value of the  
22 coal tract for which a lease by application is  
23 pending;

24               (C) take all intermediate actions necessary  
25 to grant the qualified application; and



1 (D) grant the qualified application; and  
2 (2) with respect to previously awarded coal  
3 leases, grant any additional approvals of the Depart-  
4 ment of the Interior or any bureau, agency, or divi-  
5 sion of the Department of the Interior required for  
6 mining activities to commence.

7 **SEC. 20111. FUTURE COAL LEASING.**

8 Notwithstanding any judicial decision to the contrary  
9 or a departmental review of the Federal coal leasing pro-  
10 gram, Secretarial Order 3338, issued by the Secretary of  
11 the Interior on January 15, 2016, shall have no force or  
12 effect.

13 **SEC. 20112. STAFF PLANNING REPORT.**

14 The Secretary of the Interior and the Secretary of  
15 Agriculture shall each annually submit to the Committee  
16 on Natural Resources of the House of Representatives and  
17 the Committee on Energy and Natural Resources of the  
18 Senate a report on the staffing capacity of each respective  
19 agency with respect to issuing oil, gas, hardrock mining,  
20 coal, and renewable energy leases, rights-of-way, claims,  
21 easements, and permits. Each such report shall include—

22 (1) the number of staff assigned to process and  
23 issue oil, gas, hardrock mining, coal, and renewable  
24 energy leases, rights-of-way, claims, easements, and  
25 permits;

1           (2) a description of how many staff are needed  
2           to meet statutory requirements for such oil, gas,  
3           hardrock mining, coal, and renewable energy leases,  
4           rights-of-way, claims, easements, and permits; and

5           (3) how, as applicable, the Department of the  
6           Interior or the Department of Agriculture plans to  
7           address technological needs and staffing shortfalls  
8           and turnover to ensure adequate staffing to process  
9           and issue such oil, gas, hardrock mining, coal, and  
10          renewable energy leases, rights-of-way, claims, ease-  
11          ments, and permits.

12 **SEC. 20113. PROHIBITION ON CHINESE COMMUNIST PARTY**  
13 **OWNERSHIP INTEREST.**

14          Notwithstanding any other provision of law, the Com-  
15          munist Party of China (or a person acting on behalf of  
16          the Communist Party of China), any entity subject to the  
17          jurisdiction of the Government of the People's Republic  
18          of China, or any entity that is owned by the Government  
19          of the People's Republic of China, may not acquire any  
20          interest with respect to lands leased for oil or gas under  
21          the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the  
22          Outer Continental Shelf Lands Act (43 U.S.C. 1331 et  
23          seq.) or American farmland or any lands used for Amer-  
24          ican renewable energy production, or acquire claims sub-  
25          ject to the General Mining Law of 1872.

1 **SEC. 20114. EFFECT ON OTHER LAW.**

2 Nothing in this title, or any amendments made by  
3 this title, shall affect—

4 (1) the Presidential memorandum titled  
5 “Memorandum on Withdrawal of Certain Areas of  
6 the United States Outer Continental Shelf From  
7 Leasing Disposition” and dated September 8, 2020;

8 (2) the Presidential memorandum titled  
9 “Memorandum on Withdrawal of Certain Areas of  
10 the United States Outer Continental Shelf From  
11 Leasing Disposition” and dated September 25,  
12 2020;

13 (3) the Presidential memorandum titled  
14 “Memorandum on Withdrawal of Certain Areas off  
15 the Atlantic Coast on the Outer Continental Shelf  
16 From Leasing Disposition” and dated December 20,  
17 2016; or

18 (4) the ban on oil and gas development in the  
19 Great Lakes described in section 386 of the Energy  
20 Policy Act of 2005 (42 U.S.C. 15941).

21 **SEC. 20115. REQUIREMENT FOR GAO REPORT ON WIND EN-**  
22 **ERGY IMPACTS.**

23 The Secretary of the Interior shall not publish a no-  
24 tice for a wind lease sale or hold a lease sale for wind  
25 energy development in the Eastern Gulf of Mexico Plan-  
26 ning Area, the South Atlantic Planning Area, or the

1 Straits of Florida Planning Area (as described in the  
2 2017–2022 Outer Continental Shelf Oil and Gas Leasing  
3 Proposed Final Program (November 2016)) until the  
4 Comptroller General of the United States publishes a re-  
5 port on all potential adverse effects of wind energy devel-  
6 opment in such areas, including associated infrastructure  
7 and vessel traffic, on—

8           (1) military readiness and training activities in  
9           the Planning Areas described in this section, includ-  
10          ing activities within or related to the Eglin Test and  
11          Training Complex and the Jacksonville Range Com-  
12          plex;

13          (2) marine environment and ecology, including  
14          species listed as endangered or threatened under the  
15          Endangered Species Act of 1973 (16 U.S.C. 1531 et  
16          seq.) or designated as depleted under the Marine  
17          Mammal Protection Act of 1972 (16 U.S.C. 1361 et  
18          seq.) in the Planning Areas described in this section;  
19          and

20          (3) tourism, including the economic impacts  
21          that a decrease in tourism may have on the commu-  
22          nities adjacent to the Planning Areas described in  
23          this section.

1 **SEC. 20116. SENSE OF CONGRESS ON WIND ENERGY DEVEL-**  
2 **OPMENT SUPPLY CHAIN.**

3 It is the sense of Congress that—

4 (1) wind energy development on Federal lands  
5 and waters is a burgeoning industry in the United  
6 States;

7 (2) major components of wind infrastructure,  
8 including turbines, are imported in large quantities  
9 from other countries including countries that are na-  
10 tional security threats, such as the Government of  
11 the People’s Republic of China;

12 (3) it is in the best interest of the United  
13 States to foster and support domestic supply chains  
14 across sectors to promote American energy inde-  
15 pendence;

16 (4) the economic and manufacturing opportuni-  
17 ties presented by wind turbine construction and  
18 component manufacturing should be met by Amer-  
19 ican workers and materials that are sourced domes-  
20 tically to the greatest extent practicable; and

21 (5) infrastructure for wind energy development  
22 in the United States should be constructed with ma-  
23 terials produced and manufactured in the United  
24 States.

1 **SEC. 20117. SENSE OF CONGRESS ON OIL AND GAS ROY-**  
2 **ALTY RATES.**

3 It is the sense of Congress that the royalty rate for  
4 onshore Federal oil and gas leases should be not more  
5 than 12.5 percent in amount or value of the production  
6 removed or sold from the lease.

7 **SEC. 20118. OFFSHORE WIND ENVIRONMENTAL REVIEW**  
8 **PROCESS STUDY.**

9 (a) IN GENERAL.—Not later than 60 days after the  
10 date of the enactment of this section, the Comptroller  
11 General shall conduct a study to assess the sufficiency of  
12 the environmental review processes for offshore wind  
13 projects in place as of the date of the enactment of this  
14 section of the National Marine Fisheries Service, the Bu-  
15 reau of Ocean Energy Management, and any other rel-  
16 evant Federal agency.

17 (b) CONTENTS.—The study required under sub-  
18 section (a) shall include consideration of the following:

- 19 (1) The impacts of offshore wind projects on—  
20 (A) whales, finfish, and other marine  
21 mammals;  
22 (B) benthic resources;  
23 (C) commercial and recreational fishing;  
24 (D) air quality;  
25 (E) cultural, historical, and archaeological  
26 resources;

- 1 (F) invertebrates;
- 2 (G) essential fish habitat;
- 3 (H) military use and navigation and vessel
- 4 traffic;
- 5 (I) recreation and tourism; and
- 6 (J) the sustainability of shoreline beaches
- 7 and inlets.

8 (2) The impacts of hurricanes and other severe  
9 weather on offshore wind projects.

10 (3) How the agencies described in subsection  
11 (a) determine which stakeholders are consulted and  
12 if a timely, comprehensive comment period is pro-  
13 vided for local representatives and other interested  
14 parties.

15 (4) The estimated cost and who pays for off-  
16 shore wind projects.

17 **SEC. 20119. GAO REPORT ON WIND ENERGY IMPACTS.**

18 The Comptroller General of the United States shall  
19 publish a report on all potential adverse effects of wind  
20 energy development in the North Atlantic Planning Area  
21 (as described in the 2017–2022 Outer Continental Shelf  
22 Oil and Gas Leasing Proposed Final Program (November  
23 2016)), including associated infrastructure and vessel  
24 traffic, on—

1 (1) maritime safety, including the operation of  
2 radar systems;

3 (2) economic impacts related to commercial  
4 fishing activities; and

5 (3) marine environment and ecology, including  
6 species listed as endangered or threatened under the  
7 Endangered Species Act of 1973 (16 U.S.C. 1531 et  
8 seq.) or designated as depleted under the Marine  
9 Mammal Protection Act of 1972 (16 U.S.C. 1361 et  
10 seq.) in the North Atlantic Planning Area.

11 **Subtitle B—Permitting**  
12 **Streamlining**

13 **SEC. 20201. DEFINITIONS.**

14 In this subtitle:

15 (1) ENERGY FACILITY.—The term “energy fa-  
16 cility” means a facility the primary purpose of which  
17 is the exploration for, or the development, produc-  
18 tion, conversion, gathering, storage, transfer, proc-  
19 essing, or transportation of, any energy resource.

20 (2) ENERGY STORAGE DEVICE.—The term “en-  
21 ergy storage device”—

22 (A) means any equipment that stores en-  
23 ergy, including electricity, compressed air,  
24 pumped water, heat, and hydrogen, which may



1 be converted into, or used to produce, elec-  
2 tricity; and

3 (B) includes a battery, regenerative fuel  
4 cell, flywheel, capacitor, superconducting mag-  
5 net, and any other equipment the Secretary  
6 concerned determines may be used to store en-  
7 ergy which may be converted into, or used to  
8 produce, electricity.

9 (3) PUBLIC LANDS.—The term “public lands”  
10 means any land and interest in land owned by the  
11 United States within the several States and adminis-  
12 tered by the Secretary of the Interior or the Sec-  
13 retary of Agriculture without regard to how the  
14 United States acquired ownership, except—

15 (A) lands located on the Outer Continental  
16 Shelf; and

17 (B) lands held in trust by the United  
18 States for the benefit of Indians, Indian Tribes,  
19 Aleuts, and Eskimos.

20 (4) RIGHT-OF-WAY.—The term “right-of-way”  
21 means—

22 (A) a right-of-way issued, granted, or re-  
23 newed under section 501 of the Federal Land  
24 Policy and Management Act of 1976 (43 U.S.C.  
25 1761); or

1 (B) a right-of-way granted under section  
2 28 of the Mineral Leasing Act (30 U.S.C. 185).

3 (5) SECRETARY CONCERNED.—The term “Sec-  
4 retary concerned” means—

5 (A) with respect to public lands, the Sec-  
6 retary of the Interior; and

7 (B) with respect to National Forest Sys-  
8 tem lands, the Secretary of Agriculture.

9 (6) LAND USE PLAN.—The term “land use  
10 plan” means—

11 (A) a land and resource management plan  
12 prepared by the Forest Service for a unit of the  
13 National Forest System pursuant to section 6  
14 of the Forest and Rangeland Renewable Re-  
15 sources Planning Act of 1974 (16 U.S.C.  
16 1604);

17 (B) a Land Management Plan developed  
18 by the Bureau of Land Management under the  
19 Federal Land Policy and Management Act of  
20 1976 (43 U.S.C. 1701 et seq.); or

21 (C) a comprehensive conservation plan de-  
22 veloped by the United States Fish and Wildlife  
23 Service under section 4(e)(1)(A) of the National  
24 Wildlife Refuge System Administration Act of  
25 1966 (16 U.S.C. 668dd(e)(1)(A)).

1 **SEC. 20202. BUILDER ACT.**

2 (a) PARAGRAPH (2) OF SECTION 102.—Section  
3 102(2) of the National Environmental Policy Act of 1969  
4 (42 U.S.C. 4332(2)) is amended—

5 (1) in subparagraph (A), by striking “insure”  
6 and inserting “ensure”;

7 (2) in subparagraph (B), by striking “insure”  
8 and inserting “ensure”;

9 (3) in subparagraph (C)—

10 (A) by inserting “consistent with the provi-  
11 sions of this Act and except as provided by  
12 other provisions of law,” before “include in  
13 every”;

14 (B) by striking clauses (i) through (v) and  
15 inserting the following:

16 “(i) reasonably foreseeable environmental  
17 effects with a reasonably close causal relation-  
18 ship to the proposed agency action;

19 “(ii) any reasonably foreseeable adverse en-  
20 vironmental effects which cannot be avoided  
21 should the proposal be implemented;

22 “(iii) a reasonable number of alternatives  
23 to the proposed agency action, including an  
24 analysis of any negative environmental impacts  
25 of not implementing the proposed agency action  
26 in the case of a no action alternative, that are

1           technically and economically feasible, are within  
2           the jurisdiction of the agency, meet the purpose  
3           and need of the proposal, and, where applicable,  
4           meet the goals of the applicant;

5           “(iv) the relationship between local short-  
6           term uses of man’s environment and the main-  
7           tenance and enhancement of long-term produc-  
8           tivity; and

9           “(v) any irreversible and irretrievable com-  
10          mitments of Federal resources which would be  
11          involved in the proposed agency action should it  
12          be implemented.”; and

13          (C) by striking “the responsible Federal  
14          official” and inserting “the head of the lead  
15          agency”;

16          (4) in subparagraph (D), by striking “Any”  
17          and inserting “any”;

18          (5) by redesignating subparagraphs (D)  
19          through (I) as subparagraphs (F) through (K), re-  
20          spectively;

21          (6) by inserting after subparagraph (C) the fol-  
22          lowing:

23                 “(D) ensure the professional integrity, including  
24                 scientific integrity, of the discussion and analysis in  
25                 an environmental document;



1           “(3) the preparation of such document would  
2 clearly and fundamentally conflict with the require-  
3 ments of another provision of law;

4           “(4) the proposed agency action is, in whole or  
5 in part, a nondiscretionary action with respect to  
6 which such agency does not have authority to take  
7 environmental factors into consideration in deter-  
8 mining whether to take the proposed action;

9           “(5) the proposed agency action is a rulemaking  
10 that is subject to section 553 of title 5, United  
11 States Code; or

12           “(6) the proposed agency action is an action for  
13 which such agency’s compliance with another stat-  
14 ute’s requirements serve the same or similar func-  
15 tion as the requirements of this Act with respect to  
16 such action.

17           “(b) LEVELS OF REVIEW.—

18           “(1) ENVIRONMENTAL IMPACT STATEMENT.—  
19 An agency shall issue an environmental impact  
20 statement with respect to a proposed agency action  
21 that has a significant effect on the quality of the  
22 human environment.

23           “(2) ENVIRONMENTAL ASSESSMENT.—An agen-  
24 cy shall prepare an environmental assessment with  
25 respect to a proposed agency action that is not likely

1 to have a significant effect on the quality of the  
2 human environment, or if the significance of such ef-  
3 fect is unknown, unless the agency finds that a cat-  
4 egorical exclusion established by the agency, another  
5 Federal agency, or another provision of law applies.  
6 Such environmental assessment shall be a concise  
7 public document prepared by a Federal agency to set  
8 forth the basis of such agency's finding of no signifi-  
9 cant impact.

10 “(3) SOURCES OF INFORMATION.—In making a  
11 determination under this subsection, an agency—

12 “(A) may make use of any reliable data  
13 source; and

14 “(B) is not required to undertake new sci-  
15 entific or technical research.

16 **“SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.**

17 “(a) LEAD AGENCY.—

18 “(1) DESIGNATION.—

19 “(A) IN GENERAL.—If there are two or  
20 more involved Federal agencies, such agencies  
21 shall determine, by letter or memorandum,  
22 which agency shall be the lead agency based on  
23 consideration of the following factors:

24 “(i) Magnitude of agency's involve-  
25 ment.

1                   “(ii) Project approval or disapproval  
2 authority.

3                   “(iii) Expertise concerning the ac-  
4 tion’s environmental effects.

5                   “(iv) Duration of agency’s involve-  
6 ment.

7                   “(v) Sequence of agency’s involve-  
8 ment.

9                   “(B) JOINT LEAD AGENCIES.—In making  
10 a determination under subparagraph (A), the  
11 involved Federal agencies may, in addition to a  
12 Federal agency, appoint such Federal, State,  
13 Tribal, or local agencies as joint lead agencies  
14 as the involved Federal agencies shall determine  
15 appropriate. Joint lead agencies shall jointly  
16 fulfill the role described in paragraph (2).

17                   “(C) MINERAL PROJECTS.—This para-  
18 graph shall not apply with respect to a mineral  
19 exploration or mine permit.

20                   “(2) ROLE.—A lead agency shall, with respect  
21 to a proposed agency action—

22                   “(A) supervise the preparation of an envi-  
23 ronmental document if, with respect to such  
24 proposed agency action, there is more than one  
25 involved Federal agency;



1           “(B) request the participation of each co-  
2           operating agency at the earliest practicable  
3           time;

4           “(C) in preparing an environmental docu-  
5           ment, give consideration to any analysis or pro-  
6           posal created by a cooperating agency with ju-  
7           risdiction by law or a cooperating agency with  
8           special expertise;

9           “(D) develop a schedule, in consultation  
10          with each involved cooperating agency, the ap-  
11          plicant, and such other entities as the lead  
12          agency determines appropriate, for completion  
13          of any environmental review, permit, or author-  
14          ization required to carry out the proposed agen-  
15          cy action;

16          “(E) if the lead agency determines that a  
17          review, permit, or authorization will not be com-  
18          pleted in accordance with the schedule devel-  
19          oped under subparagraph (D), notify the agen-  
20          cy responsible for issuing such review, permit,  
21          or authorization of the discrepancy and request  
22          that such agency take such measures as such  
23          agency determines appropriate to comply with  
24          such schedule; and

1           “(F) meet with a cooperating agency that  
2           requests such a meeting.

3           “(3) COOPERATING AGENCY.—The lead agency  
4           may, with respect to a proposed agency action, des-  
5           ignate any involved Federal agency or a State, Trib-  
6           al, or local agency as a cooperating agency. A co-  
7           operating agency may, not later than a date speci-  
8           fied by the lead agency, submit comments to the  
9           lead agency. Such comments shall be limited to mat-  
10          ters relating to the proposed agency action with re-  
11          spect to which such agency has special expertise or  
12          jurisdiction by law with respect to an environmental  
13          issue.

14          “(4) REQUEST FOR DESIGNATION.—Any Fed-  
15          eral, State, Tribal, or local agency or person that is  
16          substantially affected by the lack of a designation of  
17          a lead agency with respect to a proposed agency ac-  
18          tion under paragraph (1) may submit a written re-  
19          quest for such a designation to an involved Federal  
20          agency. An agency that receives a request under this  
21          paragraph shall transmit such request to each in-  
22          volved Federal agency and to the Council.

23          “(5) COUNCIL DESIGNATION.—

24                 “(A) REQUEST.—Not earlier than 45 days  
25                 after the date on which a request is submitted

1 under paragraph (4), if no designation has been  
2 made under paragraph (1), a Federal, State,  
3 Tribal, or local agency or person that is sub-  
4 stantially affected by the lack of a designation  
5 of a lead agency may request that the Council  
6 designate a lead agency. Such request shall con-  
7 sist of—

8 “(i) a precise description of the nature  
9 and extent of the proposed agency action;  
10 and

11 “(ii) a detailed statement with respect  
12 to each involved Federal agency and each  
13 factor listed in paragraph (1) regarding  
14 which agency should serve as lead agency.

15 “(B) TRANSMISSION.—The Council shall  
16 transmit a request received under subparagraph  
17 (A) to each involved Federal agency.

18 “(C) RESPONSE.—An involved Federal  
19 agency may, not later than 20 days after the  
20 date of the submission of a request under sub-  
21 paragraph (A), submit to the Council a re-  
22 sponse to such request.

23 “(D) DESIGNATION.—Not later than 40  
24 days after the date of the submission of a re-  
25 quest under subparagraph (A), the Council

1           shall designate the lead agency with respect to  
2           the relevant proposed agency action.

3           “(b) ONE DOCUMENT.—

4           “(1) DOCUMENT.—To the extent practicable, if  
5           there are 2 or more involved Federal agencies with  
6           respect to a proposed agency action and the lead  
7           agency has determined that an environmental docu-  
8           ment is required, such requirement shall be deemed  
9           satisfied with respect to all involved Federal agencies  
10          if the lead agency issues such an environmental docu-  
11          ment.

12          “(2) CONSIDERATION TIMING.—In developing  
13          an environmental document for a proposed agency  
14          action, no involved Federal agency shall be required  
15          to consider any information that becomes available  
16          after the sooner of, as applicable—

17                  “(A) receipt of a complete application with  
18                  respect to such proposed agency action; or

19                  “(B) publication of a notice of intent or  
20                  decision to prepare an environmental impact  
21                  statement for such proposed agency action.

22          “(3) SCOPE OF REVIEW.—In developing an en-  
23          vironmental document for a proposed agency action,  
24          the lead agency and any other involved Federal

1 agencies shall only consider the effects of the pro-  
2 posed agency action that—

3 “(A) occur on Federal land; or

4 “(B) are subject to Federal control and re-  
5 sponsibility.

6 “(c) REQUEST FOR PUBLIC COMMENT.—Each notice  
7 of intent to prepare an environmental impact statement  
8 under section 102 shall include a request for public com-  
9 ment on alternatives or impacts and on relevant informa-  
10 tion, studies, or analyses with respect to the proposed  
11 agency action.

12 “(d) STATEMENT OF PURPOSE AND NEED.—Each  
13 environmental impact statement shall include a statement  
14 of purpose and need that briefly summarizes the under-  
15 lying purpose and need for the proposed agency action.

16 “(e) ESTIMATED TOTAL COST.—The cover sheet for  
17 each environmental impact statement shall include a state-  
18 ment of the estimated total cost of preparing such environ-  
19 mental impact statement, including the costs of agency  
20 full-time equivalent personnel hours, contractor costs, and  
21 other direct costs.

22 “(f) PAGE LIMITS.—

23 “(1) ENVIRONMENTAL IMPACT STATEMENTS.—

24 “(A) IN GENERAL.—Except as provided in  
25 subparagraph (B), an environmental impact

1 statement shall not exceed 150 pages, not in-  
2 cluding any citations or appendices.

3 “(B) EXTRAORDINARY COMPLEXITY.—An  
4 environmental impact statement for a proposed  
5 agency action of extraordinary complexity shall  
6 not exceed 300 pages, not including any cita-  
7 tions or appendices.

8 “(2) ENVIRONMENTAL ASSESSMENTS.—An en-  
9 vironmental assessment shall not exceed 75 pages,  
10 not including any citations or appendices.

11 “(g) SPONSOR PREPARATION.—A lead agency shall  
12 allow a project sponsor to prepare an environmental as-  
13 sessment or an environmental impact statement upon re-  
14 quest of the project sponsor. Such agency may provide  
15 such sponsor with appropriate guidance and assist in the  
16 preparation. The lead agency shall independently evaluate  
17 the environmental document and shall take responsibility  
18 for the contents upon adoption.

19 “(h) DEADLINES.—

20 “(1) IN GENERAL.—Except as provided in para-  
21 graph (2), with respect to a proposed agency action,  
22 a lead agency shall complete, as applicable—

23 “(A) the environmental impact statement  
24 not later than the date that is 2 years after the  
25 sooner of, as applicable—

1           “(i) the date on which such agency  
2 determines that section 102(2)(C) requires  
3 the issuance of an environmental impact  
4 statement with respect to such action;

5           “(ii) the date on which such agency  
6 notifies the applicant that the application  
7 to establish a right-of-way for such action  
8 is complete; and

9           “(iii) the date on which such agency  
10 issues a notice of intent to prepare the en-  
11 vironmental impact statement for such ac-  
12 tion; and

13           “(B) the environmental assessment not  
14 later than the date that is 1 year after the  
15 sooner of, as applicable—

16           “(i) the date on which such agency  
17 determines that section 106(b)(2) requires  
18 the preparation of an environmental as-  
19 sessment with respect to such action;

20           “(ii) the date on which such agency  
21 notifies the applicant that the application  
22 to establish a right-of-way for such action  
23 is complete; and

1                   “(iii) the date on which such agency  
2                   issues a notice of intent to prepare the en-  
3                   vironmental assessment for such action.

4                   “(2) DELAY.—A lead agency that determines it  
5                   is not able to meet the deadline described in para-  
6                   graph (1) may extend such deadline with the ap-  
7                   proval of the applicant. If the applicant approves  
8                   such an extension, the lead agency shall establish a  
9                   new deadline that provides only so much additional  
10                  time as is necessary to complete such environmental  
11                  impact statement or environmental assessment.

12                  “(3) EXPENDITURES FOR DELAY.—If a lead  
13                  agency is unable to meet the deadline described in  
14                  paragraph (1) or extended under paragraph (2), the  
15                  lead agency must pay \$100 per day, to the extent  
16                  funding is provided in advance in an appropriations  
17                  Act, out of the office of the head of the department  
18                  of the lead agency to the applicant starting on the  
19                  first day immediately following the deadline de-  
20                  scribed in paragraph (1) or extended under para-  
21                  graph (2) up until the date that an applicant ap-  
22                  proves a new deadline. This paragraph does not  
23                  apply when the lead agency misses a deadline solely  
24                  due to delays caused by litigation.

25                  “(i) REPORT.—



1           “(1) IN GENERAL.—The head of each lead  
2 agency shall annually submit to the Committee on  
3 Natural Resources of the House of Representatives  
4 and the Committee on Environment and Public  
5 Works of the Senate a report that—

6           “(A) identifies any environmental assess-  
7 ment and environmental impact statement that  
8 such lead agency did not complete by the dead-  
9 line described in subsection (h); and

10           “(B) provides an explanation for any fail-  
11 ure to meet such deadline.

12           “(2) INCLUSIONS.—Each report submitted  
13 under paragraph (1) shall identify, as applicable—

14           “(A) the office, bureau, division, unit, or  
15 other entity within the Federal agency respon-  
16 sible for each such environmental assessment  
17 and environmental impact statement;

18           “(B) the date on which—

19           “(i) such lead agency notified the ap-  
20 plicant that the application to establish a  
21 right-of-way for the major Federal action  
22 is complete;

23           “(ii) such lead agency began the  
24 scoping for the major Federal action; or

1                   “(iii) such lead agency issued a notice  
2                   of intent to prepare the environmental as-  
3                   sessment or environmental impact state-  
4                   ment for the major Federal action; and

5                   “(C) when such environmental assessment  
6                   and environmental impact statement is expected  
7                   to be complete.

8   **“SEC. 108. JUDICIAL REVIEW.**

9                   “(a) LIMITATIONS ON CLAIMS.—Notwithstanding  
10 any other provision of law, a claim arising under Federal  
11 law seeking judicial review of compliance with this Act,  
12 of a determination made under this Act, or of Federal ac-  
13 tion resulting from a determination made under this Act,  
14 shall be barred unless—

15                   “(1) in the case of a claim pertaining to a pro-  
16 posed agency action for which—

17                   “(A) an environmental document was pre-  
18 pared and an opportunity for comment was pro-  
19 vided;

20                   “(B) the claim is filed by a party that par-  
21 ticipated in the administrative proceedings re-  
22 garding such environmental document; and

23                   “(C) the claim—

24                   “(i) is filed by a party that submitted  
25 a comment during the public comment pe-

1           riod for such administrative proceedings  
2           and such comment was sufficiently detailed  
3           to put the lead agency on notice of the  
4           issue upon which the party seeks judicial  
5           review; and

6                     “(ii) is related to such comment;

7                     “(2) except as provided in subsection (b), such  
8           claim is filed not later than 120 days after the date  
9           of publication of a notice in the Federal Register of  
10          agency intent to carry out the proposed agency ac-  
11          tion;

12                    “(3) such claim is filed after the issuance of a  
13          record of decision or other final agency action with  
14          respect to the relevant proposed agency action;

15                    “(4) such claim does not challenge the estab-  
16          lishment or use of a categorical exclusion under sec-  
17          tion 102; and

18                    “(5) such claim concerns—

19                      “(A) an alternative included in the envi-  
20          ronmental document; or

21                      “(B) an environmental effect considered in  
22          the environmental document.

23          “(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT  
24          STATEMENT.—

1           “(1) SEPARATE FINAL AGENCY ACTION.—The  
2           issuance of a Federal action resulting from a final  
3           supplemental environmental impact statement shall  
4           be considered a final agency action for the purposes  
5           of chapter 5 of title 5, United States Code, separate  
6           from the issuance of any previous environmental im-  
7           pact statement with respect to the same proposed  
8           agency action.

9           “(2) DEADLINE FOR FILING A CLAIM.—A claim  
10          seeking judicial review of a Federal action resulting  
11          from a final supplemental environmental review  
12          issued under section 102(2)(C) shall be barred un-  
13          less—

14                 “(A) such claim is filed within 120 days of  
15                 the date on which a notice of the Federal agen-  
16                 cy action resulting from a final supplemental  
17                 environmental impact statement is issued; and

18                 “(B) such claim is based on information  
19                 contained in such supplemental environmental  
20                 impact statement that was not contained in a  
21                 previous environmental document pertaining to  
22                 the same proposed agency action.

23          “(c) PROHIBITION ON INJUNCTIVE RELIEF.—Not-  
24          withstanding any other provision of law, a violation of this  
25          Act shall not constitute the basis for injunctive relief.

1       “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
2 tion shall be construed to create a right of judicial review  
3 or place any limit on filing a claim with respect to the  
4 violation of the terms of a permit, license, or approval.

5       “(e) **REMAND.**—Notwithstanding any other provision  
6 of law, no proposed agency action for which an environ-  
7 mental document is required shall be vacated or otherwise  
8 limited, delayed, or enjoined unless a court concludes al-  
9 lowing such proposed action will pose a risk of an immi-  
10 nent and substantial environmental harm and there is no  
11 other equitable remedy available as a matter of law.

12 **“SEC. 109. DEFINITIONS.**

13       “**In this title:**

14               “(1) **CATEGORICAL EXCLUSION.**—The term  
15 ‘categorical exclusion’ means a category of actions  
16 that a Federal agency has determined normally does  
17 not significantly affect the quality of the human en-  
18 vironment within the meaning of section 102(2)(C).

19               “(2) **COOPERATING AGENCY.**—The term ‘co-  
20 operating agency’ means any Federal, State, Tribal,  
21 or local agency that has been designated as a co-  
22 operating agency under section 107(a)(3).

23               “(3) **COUNCIL.**—The term ‘Council’ means the  
24 Council on Environmental Quality established in  
25 title II.

1           “(4) ENVIRONMENTAL ASSESSMENT.—The  
2 term ‘environmental assessment’ means an environ-  
3 mental assessment prepared under section  
4 106(b)(2).

5           “(5) ENVIRONMENTAL DOCUMENT.—The term  
6 ‘environmental document’ means an environmental  
7 impact statement, an environmental assessment, or  
8 a finding of no significant impact.

9           “(6) ENVIRONMENTAL IMPACT STATEMENT.—  
10 The term ‘environmental impact statement’ means a  
11 detailed written statement that is required by section  
12 102(2)(C).

13           “(7) FINDING OF NO SIGNIFICANT IMPACT.—  
14 The term ‘finding of no significant impact’ means a  
15 determination by a Federal agency that a proposed  
16 agency action does not require the issuance of an en-  
17 vironmental impact statement.

18           “(8) INVOLVED FEDERAL AGENCY.—The term  
19 ‘involved Federal agency’ means an agency that,  
20 with respect to a proposed agency action—

21                   “(A) proposed such action; or

22                   “(B) is involved in such action because  
23 such action is directly related, through func-  
24 tional interdependence or geographic proximity,

1 to an action such agency has taken or has pro-  
2 posed to take.

3 “(9) LEAD AGENCY.—

4 “(A) IN GENERAL.—Except as provided in  
5 subparagraph (B), the term ‘lead agency’  
6 means, with respect to a proposed agency ac-  
7 tion—

8 “(i) the agency that proposed such ac-  
9 tion; or

10 “(ii) if there are 2 or more involved  
11 Federal agencies with respect to such ac-  
12 tion, the agency designated under section  
13 107(a)(1).

14 “(B) SPECIFICATION FOR MINERAL EX-  
15 PLORATION OR MINE PERMITS.—With respect  
16 to a proposed mineral exploration or mine per-  
17 mit, the term ‘lead agency’ has the meaning  
18 given such term in section 40206(a) of the In-  
19 frastructure Investment and Jobs Act.

20 “(10) MAJOR FEDERAL ACTION.—

21 “(A) IN GENERAL.—The term ‘major Fed-  
22 eral action’ means an action that the agency  
23 carrying out such action determines is subject  
24 to substantial Federal control and responsi-  
25 bility.

1           “(B) EXCLUSION.—The term ‘major Fed-  
2           eral action’ does not include—

3                   “(i) a non-Federal action—

4                           “(I) with no or minimal Federal  
5                           funding;

6                           “(II) with no or minimal Federal  
7                           involvement where a Federal agency  
8                           cannot control the outcome of the  
9                           project; or

10                          “(III) that does not include Fed-  
11                          eral land;

12                          “(ii) funding assistance solely in the  
13                          form of general revenue sharing funds  
14                          which do not provide Federal agency com-  
15                          pliance or enforcement responsibility over  
16                          the subsequent use of such funds;

17                          “(iii) loans, loan guarantees, or other  
18                          forms of financial assistance where a Fed-  
19                          eral agency does not exercise sufficient  
20                          control and responsibility over the effect of  
21                          the action;

22                          “(iv) farm ownership and operating  
23                          loan guarantees by the Farm Service  
24                          Agency pursuant to sections 305 and 311  
25                          through 319 of the Consolidated Farmers



1 Home Administration Act of 1961 (7  
2 U.S.C. 1925 and 1941 through 1949);

3 “(v) business loan guarantees pro-  
4 vided by the Small Business Administra-  
5 tion pursuant to section 7(a) or (b) and of  
6 the Small Business Act (15 U.S.C.  
7 636(a)), or title V of the Small Business  
8 Investment Act of 1958 (15 U.S.C. 695 et  
9 seq.);

10 “(vi) bringing judicial or administra-  
11 tive civil or criminal enforcement actions;  
12 or

13 “(vii) extraterritorial activities or deci-  
14 sions, which means agency activities or de-  
15 cisions with effects located entirely outside  
16 of the jurisdiction of the United States.

17 “(C) ADDITIONAL EXCLUSIONS.—An agen-  
18 cy action may not be determined to be a major  
19 Federal action on the basis of—

20 “(i) an interstate effect of the action  
21 or related project; or

22 “(ii) the provision of Federal funds  
23 for the action or related project.

24 “(11) MINERAL EXPLORATION OR MINE PER-  
25 MIT.—The term ‘mineral exploration or mine permit’

1 has the meaning given such term in section  
2 40206(a) of the Infrastructure Investment and Jobs  
3 Act.

4 “(12) PROPOSAL.—The term ‘proposal’ means  
5 a proposed action at a stage when an agency has a  
6 goal, is actively preparing to make a decision on one  
7 or more alternative means of accomplishing that  
8 goal, and can meaningfully evaluate its effects.

9 “(13) REASONABLY FORESEEABLE.—The term  
10 ‘reasonably foreseeable’ means likely to occur—

11 “(A) not later than 10 years after the lead  
12 agency begins preparing the environmental doc-  
13 ument; and

14 “(B) in an area directly affected by the  
15 proposed agency action such that an individual  
16 of ordinary prudence would take such occur-  
17 rence into account in reaching a decision.

18 “(14) SPECIAL EXPERTISE.—The term ‘special  
19 expertise’ means statutory responsibility, agency  
20 mission, or related program experience.”.

21 **SEC. 20203. CODIFICATION OF NATIONAL ENVIRONMENTAL**  
22 **POLICY ACT REGULATIONS.**

23 The revisions to the Code of Federal Regulations  
24 made pursuant to the final rule of the Council on Environ-  
25 mental Quality titled “Update to the Regulations Imple-

1 menting the Procedural Provisions of the National Envi-  
2 ronmental Policy Act” and published on July 16, 2020  
3 (85 Fed. Reg. 43304), shall have the same force and effect  
4 of law as if enacted by an Act of Congress.

5 **SEC. 20204. NON-MAJOR FEDERAL ACTIONS.**

6 (a) EXEMPTION.—An action by the Secretary con-  
7 cerned with respect to a covered activity shall be not con-  
8 sidered a major Federal action under section 102(2)(C)  
9 of the National Environmental Policy Act of 1969 (42  
10 U.S.C. 4332(2)(C)).

11 (b) COVERED ACTIVITY.—In this section, the term  
12 “covered activity” includes—

13 (1) geotechnical investigations;

14 (2) off-road travel in an existing right-of-way;

15 (3) construction of meteorological towers where  
16 the total surface disturbance at the location is less  
17 than 5 acres;

18 (4) adding a battery or other energy storage de-  
19 vice to an existing or planned energy facility, if that  
20 storage resource is located within the physical foot-  
21 print of the existing or planned energy facility;

22 (5) drilling temperature gradient wells and  
23 other geothermal exploratory wells, including con-  
24 struction or making improvements for such activi-  
25 ties, where—

1 (A) the last cemented casing string is less  
2 than 12 inches in diameter; and

3 (B) the total unreclaimed surface disturb-  
4 ance at any one time within the project area is  
5 less than 5 acres;

6 (6) any repair, maintenance, upgrade, optimiza-  
7 tion, or minor addition to existing transmission and  
8 distribution infrastructure, including—

9 (A) operation, maintenance, or repair of  
10 power equipment and structures within existing  
11 substations, switching stations, transmission,  
12 and distribution lines;

13 (B) the addition, modification, retirement,  
14 or replacement of breakers, transmission tow-  
15 ers, transformers, bushings, or relays;

16 (C) the voltage uprating, modification,  
17 reconductoring with conventional or advanced  
18 conductors, and clearance resolution of trans-  
19 mission lines;

20 (D) activities to minimize fire risk, includ-  
21 ing vegetation management, routine fire mitiga-  
22 tion, inspection, and maintenance activities, and  
23 removal of hazard trees and other hazard vege-  
24 tation within or adjacent to an existing right-of-  
25 way;

1 (E) improvements to or construction of  
2 structure pads for such infrastructure; and

3 (F) access and access route maintenance  
4 and repairs associated with any activity de-  
5 scribed in subparagraph (A) through (E);

6 (7) approval of and activities conducted in ac-  
7 cordance with operating plans or agreements for  
8 transmission and distribution facilities or under a  
9 special use authorization for an electric transmission  
10 and distribution facility right-of-way; and

11 (8) construction, maintenance, realignment, or  
12 repair of an existing permanent or temporary access  
13 road—

14 (A) within an existing right-of-way or with-  
15 in a transmission or utility corridor established  
16 by Congress or in a land use plan;

17 (B) that serves an existing transmission  
18 line, distribution line, or energy facility; or

19 (C) activities conducted in accordance with  
20 existing onshore oil and gas leases.

21 **SEC. 20205. NO NET LOSS DETERMINATION FOR EXISTING**  
22 **RIGHTS-OF-WAY.**

23 (a) IN GENERAL.—Upon a determination by the Sec-  
24 retary concerned that there will be no overall long-term  
25 net loss of vegetation, soil, or habitat, as defined by acre-

1 age and function, resulting from a proposed action, deci-  
2 sion, or activity within an existing right-of-way, within a  
3 right-of-way corridor established in a land use plan, or in  
4 an otherwise designated right-of-way, that action, deci-  
5 sion, or activity shall not be considered a major Federal  
6 action under section 102(2)(C) of the National Environ-  
7 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

8 (b) INCLUSION OF REMEDIATION.—In making a de-  
9 termination under subsection (a), the Secretary concerned  
10 shall consider the effect of any remediation work to be  
11 conducted during the lifetime of the action, decision, or  
12 activity when determining whether there will be any over-  
13 all long-term net loss of vegetation, soil, or habitat.

14 **SEC. 20206. DETERMINATION OF NATIONAL ENVIRON-**  
15 **MENTAL POLICY ACT ADEQUACY.**

16 The Secretary concerned shall use previously com-  
17 pleted environmental assessments and environmental im-  
18 pact statements to satisfy the requirements of section 102  
19 of the National Environmental Policy Act of 1969 (42  
20 U.S.C. 4332) with respect to any major Federal action,  
21 if such Secretary determines that—

22 (1) the new proposed action is substantially the  
23 same as a previously analyzed proposed action or al-  
24 ternative analyzed in a previous environmental as-  
25 sessment or environmental impact statement; and

1           (2) the effects of the proposed action are sub-  
2           stantially the same as the effects analyzed in such  
3           existing environmental assessments or environmental  
4           impact statements.

5 **SEC. 20207. DETERMINATION REGARDING RIGHTS-OF-WAY.**

6           Not later than 60 days after the Secretary concerned  
7           receives an application to grant a right-of-way, the Sec-  
8           retary concerned shall notify the applicant as to whether  
9           the application is complete or deficient. If the Secretary  
10          concerned determines the application is complete, the Sec-  
11          retary concerned may not consider any other application  
12          to grant a right-of-way on the same or any overlapping  
13          parcels of land while such application is pending.

14 **SEC. 20208. TERMS OF RIGHTS-OF-WAY.**

15          (a) FIFTY-YEAR TERMS FOR RIGHTS-OF-WAY.—

16               (1) IN GENERAL.—Any right-of-way for pipe-  
17               lines for the transportation or distribution of oil or  
18               gas granted, issued, amended, or renewed under  
19               Federal law may be limited to a term of not more  
20               than 50 years before such right-of-way is subject to  
21               renewal or amendment.

22               (2) FEDERAL LAND POLICY AND MANAGEMENT  
23               ACT OF 1976.—Section 501 of the Federal Land Pol-  
24               icy and Management Act of 1976 (43 U.S.C. 1761)  
25               is amended by adding at the end the following:

1 “(e) Any right-of-way granted, issued, amended, or  
2 renewed under subsection (a)(4) may be limited to a term  
3 of not more than 50 years before such right-of-way is sub-  
4 ject to renewal or amendment.”.

5 (b) MINERAL LEASING ACT.—Section 28(n) of the  
6 Mineral Leasing Act (30 U.S.C. 185(n)) is amended by  
7 striking “thirty” and inserting “50”.

8 **SEC. 20209. FUNDING TO PROCESS PERMITS AND DEVELOP**  
9 **INFORMATION TECHNOLOGY.**

10 (a) IN GENERAL.—In fiscal years 2023 through  
11 2025, the Secretary of Agriculture (acting through the  
12 Forest Service) and the Secretary of the Interior, after  
13 public notice, may accept and expend funds contributed  
14 by non-Federal entities for dedicated staff, information re-  
15 source management, and information technology system  
16 development to expedite the evaluation of permits, biologi-  
17 cal opinions, concurrence letters, environmental surveys  
18 and studies, processing of applications, consultations, and  
19 other activities for the leasing, development, or expansion  
20 of an energy facility under the jurisdiction of the respec-  
21 tive Secretaries.

22 (b) EFFECT ON PERMITTING.—In carrying out this  
23 section, the Secretary of the Interior shall ensure that the  
24 use of funds accepted under subsection (a) will not impact



1 impartial decision making with respect to permits, either  
2 substantively or procedurally.

3       (c) STATEMENT FOR FAILURE TO ACCEPT OR EX-  
4 PEND FUNDS.—Not later than 60 days after the end of  
5 the applicable fiscal year, if the Secretary of Agriculture  
6 (acting through the Forest Service) or the Secretary of  
7 the Interior does not accept funds contributed under sub-  
8 section (a) or accepts but does not expend such funds, that  
9 Secretary shall submit to the Committee on Natural Re-  
10 sources of the House of Representatives and the Com-  
11 mittee on Energy and Natural Resources of the Senate  
12 a statement explaining why such funds were not accepted,  
13 were not expended, or both, as the case may be.

14       (d) PROHIBITION.—Notwithstanding any other provi-  
15 sion of law, the Secretary of Agriculture (acting through  
16 the Forest Service) and the Secretary of the Interior may  
17 not accept contributions, as authorized by subsection (a),  
18 from non-Federal entities owned by the Communist Party  
19 of China (or a person or entity acting on behalf of the  
20 Communist Party of China).

21       (e) REPORT ON NON-FEDERAL ENTITIES.—Not later  
22 than 60 days after the end of the applicable fiscal year,  
23 the Secretary of Agriculture (acting through the Forest  
24 Service) and the Secretary of the Interior shall submit to  
25 the Committee on Natural Resources of the House of Rep-

1 representatives and the Committee on Energy and Natural  
2 Resources of the Senate a report that includes, for each  
3 expenditure authorized by subsection (a)—

- 4 (1) the amount of funds accepted; and
- 5 (2) the contributing non-Federal entity.

6 **SEC. 20210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL**  
7 **SURVEY LICENSING.**

8 The Secretary of the Interior shall authorize geologi-  
9 cal and geophysical surveys related to oil and gas activities  
10 on the Gulf of Mexico Outer Continental Shelf, except  
11 within areas subject to existing oil and gas leasing mora-  
12 toria. Such authorizations shall be issued within 30 days  
13 of receipt of a completed application and shall, as applica-  
14 ble to survey type, comply with the mitigation and moni-  
15 toring measures in subsections (a), (b), (c), (d), (f), and  
16 (g) of section 217.184 of title 50, Code of Federal Regula-  
17 tions (as in effect on January 1, 2022), and section  
18 217.185 of title 50, Code of Federal Regulations (as in  
19 effect on January 1, 2022). Geological and geophysical  
20 surveys authorized pursuant to this section are deemed to  
21 be in full compliance with the Marine Mammal Protection  
22 Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered  
23 Species Act of 1973 (16 U.S.C. 1531 et seq.), and their  
24 implementing regulations.

1 **SEC. 20211. DEFERRAL OF APPLICATIONS FOR PERMITS TO**  
2 **DRILL.**

3 Section 17(p)(3) of the Mineral Leasing Act (30  
4 U.S.C. 226(p)(3)) is amended by adding at the end the  
5 following:

6 “(D) DEFERRAL BASED ON FORMATTING  
7 ISSUES.—A decision on an application for a  
8 permit to drill may not be deferred under para-  
9 graph (2)(B) as a result of a formatting issue  
10 with the permit, unless such formatting issue  
11 results in missing information.”.

12 **SEC. 20212. PROCESSING AND TERMS OF APPLICATIONS**  
13 **FOR PERMITS TO DRILL.**

14 (a) EFFECT OF PENDING CIVIL ACTIONS.—Section  
15 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is  
16 amended by adding at the end the following:

17 “(4) EFFECT OF PENDING CIVIL ACTION ON  
18 PROCESSING APPLICATIONS FOR PERMITS TO  
19 DRILL.—Pursuant to the requirements of paragraph  
20 (2), notwithstanding the existence of any pending  
21 civil actions affecting the application or related  
22 lease, the Secretary shall process an application for  
23 a permit to drill or other authorizations or approvals  
24 under a valid existing lease, unless a United States  
25 Federal court vacated such lease. Nothing in this

1 paragraph shall be construed as providing authority  
2 to a Federal court to vacate a lease.”.

3 (b) TERM OF PERMIT TO DRILL.—Section 17 of the  
4 Mineral Leasing Act (30 U.S.C. 226) is further amended  
5 by adding at the end the following:

6 “(u) TERM OF PERMIT TO DRILL.—A permit to drill  
7 issued under this section after the date of the enactment  
8 of this subsection shall be valid for one four-year term  
9 from the date that the permit is approved, or until the  
10 lease regarding which the permit is issued expires, which-  
11 ever occurs first.”.

12 **SEC. 20213. AMENDMENTS TO THE ENERGY POLICY ACT OF**  
13 **2005.**

14 Section 390 of the Energy Policy Act of 2005 (42  
15 U.S.C. 15942) is amended to read as follows:

16 **“SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT RE-**  
17 **VIEW.**

18 “(a) NATIONAL ENVIRONMENTAL POLICY ACT RE-  
19 VIEW.—Action by the Secretary of the Interior, in man-  
20 aging the public lands, or the Secretary of Agriculture,  
21 in managing National Forest System lands, with respect  
22 to any of the activities described in subsection (c), shall  
23 not be considered a major Federal action for the purposes  
24 of section 102(2)(C) of the National Environmental Policy  
25 Act of 1969, if the activity is conducted pursuant to the

1 Mineral Leasing Act (30 U.S.C. 181 et seq.) for the pur-  
2 pose of exploration or development of oil or gas.

3 “(b) APPLICATION.—This section shall not apply to  
4 an action of the Secretary of the Interior or the Secretary  
5 of Agriculture on Indian lands or resources managed in  
6 trust for the benefit of Indian Tribes.

7 “(c) ACTIVITIES DESCRIBED.—The activities re-  
8 ferred to in subsection (a) are as follows:

9 “(1) Reinstating a lease pursuant to section 31  
10 of the Mineral Leasing Act (30 U.S.C. 188).

11 “(2) The following activities, provided that any  
12 new surface disturbance is contiguous with the foot-  
13 print of the original authorization and does not ex-  
14 ceed 20 acres or the acreage has previously been  
15 evaluated in a document previously prepared under  
16 section 102(2)(C) of the National Environmental  
17 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with re-  
18 spect to such activity:

19 “(A) Drilling an oil or gas well at a well  
20 pad site at which drilling has occurred pre-  
21 viously.

22 “(B) Expansion of an existing oil or gas  
23 well pad site to accommodate an additional well.

1           “(C) Expansion or modification of an ex-  
2           isting oil or gas well pad site, road, pipeline, fa-  
3           cility, or utility submitted in a sundry notice.

4           “(3) Drilling of an oil or gas well at a new well  
5           pad site, provided that the new surface disturbance  
6           does not exceed 20 acres and the acreage evaluated  
7           in a document previously prepared under section  
8           102(2)(C) of the National Environmental Policy Act  
9           of 1969 (42 U.S.C. 4332(2)(C)) with respect to such  
10          activity, whichever is greater.

11          “(4) Construction or realignment of a road,  
12          pipeline, or utility within an existing right-of-way or  
13          within a right-of-way corridor established in a land  
14          use plan.

15          “(5) The following activities when conducted  
16          from non-Federal surface into federally owned min-  
17          erals, provided that the operator submits to the Sec-  
18          retary concerned certification of a surface use agree-  
19          ment with the non-Federal landowner:

20                 “(A) Drilling an oil or gas well at a well  
21                 pad site at which drilling has occurred pre-  
22                 viously.

23                 “(B) Expansion of an existing oil or gas  
24                 well pad site to accommodate an additional well.

1           “(C) Expansion or modification of an ex-  
2           isting oil or gas well pad site, road, pipeline, fa-  
3           cility, or utility submitted in a sundry notice.

4           “(6) Drilling of an oil or gas well from non-  
5           Federal surface and non-Federal subsurface into  
6           Federal mineral estate.

7           “(7) Construction of up to 1 mile of new road  
8           on Federal or non-Federal surface, not to exceed 2  
9           miles in total.

10           “(8) Construction of up to 3 miles of individual  
11           pipelines or utilities, regardless of surface owner-  
12           ship.”.

13 **SEC. 20214. ACCESS TO FEDERAL ENERGY RESOURCES**  
14 **FROM NON-FEDERAL SURFACE ESTATE.**

15           (a) OIL AND GAS PERMITS.—Section 17 of the Min-  
16           eral Leasing Act (30 U.S.C. 226) is further amended by  
17           adding at the end the following:

18           “(v) NO FEDERAL PERMIT REQUIRED FOR OIL AND  
19           GAS ACTIVITIES ON CERTAIN LAND.—

20           “(1) IN GENERAL.—The Secretary shall not re-  
21           quire an operator to obtain a Federal drilling permit  
22           for oil and gas exploration and production activities  
23           conducted on non-Federal surface estate, provided  
24           that—

1           “(A) the United States holds an ownership  
2 interest of less than 50 percent of the sub-  
3 surface mineral estate to be accessed by the  
4 proposed action; and

5           “(B) the operator submits to the Secretary  
6 a State permit to conduct oil and gas explo-  
7 ration and production activities on the non-Fed-  
8 eral surface estate.

9           “(2) NO FEDERAL ACTION.—An oil and gas ex-  
10 ploration and production activity carried out under  
11 paragraph (1)—

12           “(A) shall not be considered a major Fed-  
13 eral action for the purposes of section  
14 102(2)(C) of the National Environmental Policy  
15 Act of 1969;

16           “(B) shall require no additional Federal  
17 action;

18           “(C) may commence 30 days after submis-  
19 sion of the State permit to the Secretary; and

20           “(D) shall not be subject to—

21           “(i) section 306108 of title 54, United  
22 States Code (commonly known as the Na-  
23 tional Historic Preservation Act of 1966);  
24 and



1                   “(ii) section 7 of the Endangered Spe-  
2                   cies Act of 1973 (16 U.S.C. 1536).

3                   “(3) ROYALTIES AND PRODUCTION ACCOUNT-  
4                   ABILITY.—(A) Nothing in this subsection shall affect  
5                   the amount of royalties due to the United States  
6                   under this Act from the production of oil and gas,  
7                   or alter the Secretary’s authority to conduct audits  
8                   and collect civil penalties pursuant to the Federal  
9                   Oil and Gas Royalty Management Act of 1982 (30  
10                  U.S.C. 1701 et seq.).

11                  “(B) The Secretary may conduct onsite reviews  
12                  and inspections to ensure proper accountability,  
13                  measurement, and reporting of production of Fed-  
14                  eral oil and gas, and payment of royalties.

15                  “(4) EXCEPTIONS.—This subsection shall not  
16                  apply to actions on Indian lands or resources man-  
17                  aged in trust for the benefit of Indian Tribes.

18                  “(5) INDIAN LAND.—In this subsection, the  
19                  term ‘Indian land’ means—

20                         “(A) any land located within the bound-  
21                         aries of an Indian reservation, pueblo, or  
22                         rancheria; and

23                         “(B) any land not located within the  
24                         boundaries of an Indian reservation, pueblo, or  
25                         rancheria, the title to which is held—

1                   “(i) in trust by the United States for  
2                   the benefit of an Indian tribe or an indi-  
3                   vidual Indian;

4                   “(ii) by an Indian tribe or an indi-  
5                   vidual Indian, subject to restriction against  
6                   alienation under laws of the United States;

7                   or

8                   “(iii) by a dependent Indian commu-  
9                   nity.”.

10           (b) GEOTHERMAL PERMITS.—The Geothermal  
11 Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended  
12 by adding at the end the following:

13 **“SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEO-**  
14 **THERMAL ACTIVITIES ON CERTAIN LAND.**

15           “(a) IN GENERAL.—The Secretary shall not require  
16 an operator to obtain a Federal drilling permit for geo-  
17 thermal exploration and production activities conducted on  
18 a non-Federal surface estate, provided that—

19                   “(1) the United States holds an ownership in-  
20                   terest of less than 50 percent of the subsurface geo-  
21                   thermal estate to be accessed by the proposed action;  
22                   and

23                   “(2) the operator submits to the Secretary a  
24                   State permit to conduct geothermal exploration and

1 production activities on the non-Federal surface es-  
2 tate.

3 “(b) NO FEDERAL ACTION.—A geothermal explo-  
4 ration and production activity carried out under para-  
5 graph (1)—

6 “(1) shall not be considered a major Federal  
7 action for the purposes of section 102(2)(C) of the  
8 National Environmental Policy Act of 1969;

9 “(2) shall require no additional Federal action;

10 “(3) may commence 30 days after submission  
11 of the State permit to the Secretary; and

12 “(4) shall not be subject to—

13 “(A) section 306108 of title 54, United  
14 States Code (commonly known as the National  
15 Historic Preservation Act of 1966); and

16 “(B) section 7 of the Endangered Species  
17 Act of 1973 (16 U.S.C. 1536).

18 “(c) ROYALTIES AND PRODUCTION ACCOUNT-  
19 ABILITY.—(1) Nothing in this section shall affect the  
20 amount of royalties due to the United States under this  
21 Act from the production of electricity using geothermal re-  
22 sources (other than direct use of geothermal resources) or  
23 the production of any byproducts.

24 “(2) The Secretary may conduct onsite reviews and  
25 inspections to ensure proper accountability, measurement,

1 and reporting of the production described in paragraph  
2 (1), and payment of royalties.

3 “(d) EXCEPTIONS.—This section shall not apply to  
4 actions on Indian lands or resources managed in trust for  
5 the benefit of Indian Tribes.

6 “(e) INDIAN LAND.—In this section, the term ‘Indian  
7 land’ means—

8 “(1) any land located within the boundaries of  
9 an Indian reservation, pueblo, or rancharia; and

10 “(2) any land not located within the boundaries  
11 of an Indian reservation, pueblo, or rancharia, the  
12 title to which is held—

13 “(A) in trust by the United States for the  
14 benefit of an Indian tribe or an individual In-  
15 dian;

16 “(B) by an Indian tribe or an individual  
17 Indian, subject to restriction against alienation  
18 under laws of the United States; or

19 “(C) by a dependent Indian community.”.

20 **SEC. 20215. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL**  
21 **AND GAS LEASES.**

22 An environmental review for an oil and gas lease or  
23 permit prepared pursuant to the requirements of the Na-  
24 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
25 et seq.) and its implementing regulations—

1           (1) shall apply only to areas that are within or  
2           immediately adjacent to the lease plot or plots and  
3           that are directly affected by the proposed action;  
4           and

5           (2) shall not require consideration of down-  
6           stream, indirect effects of oil and gas consumption.

7 **SEC. 20216. EXPEDITING APPROVAL OF GATHERING LINES.**

8           Section 11318(b)(1) of the Infrastructure Investment  
9           and Jobs Act (42 U.S.C. 15943(b)(1)) is amended by  
10          striking “to be an action that is categorically excluded (as  
11          defined in section 1508.1 of title 40, Code of Federal Reg-  
12          ulations (as in effect on the date of enactment of this  
13          Act))” and inserting “to not be a major Federal action”.

14 **SEC. 20217. LEASE SALE LITIGATION.**

15          Notwithstanding any other provision of law, any oil  
16          and gas lease sale held under section 17 of the Mineral  
17          Leasing Act (26 U.S.C. 226) or the Outer Continental  
18          Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not be  
19          vacated and activities on leases awarded in the sale shall  
20          not be otherwise limited, delayed, or enjoined unless the  
21          court concludes allowing development of the challenged  
22          lease will pose a risk of an imminent and substantial envi-  
23          ronmental harm and there is no other equitable remedy  
24          available as a matter of law. No court, in response to an  
25          action brought pursuant to the National Environmental

1 Policy Act of 1969 (42 U.S.C. et seq.), may enjoin or issue  
2 any order preventing the award of leases to a bidder in  
3 a lease sale conducted pursuant to section 17 of the Min-  
4 eral Leasing Act (26 U.S.C. 226) or the Outer Continental  
5 Shelf Lands Act (43 U.S.C. 1331 et seq.) if the Depart-  
6 ment of the Interior has previously opened bids for such  
7 leases or disclosed the high bidder for any tract that was  
8 included in such lease sale.

9 **SEC. 20218. LIMITATION ON CLAIMS.**

10 (a) IN GENERAL.—Notwithstanding any other provi-  
11 sion of law, a claim arising under Federal law seeking ju-  
12 dicial review of a permit, license, or approval issued by  
13 a Federal agency for a mineral project, energy facility, or  
14 energy storage device shall be barred unless—

15 (1) the claim is filed within 120 days after pub-  
16 lication of a notice in the Federal Register announc-  
17 ing that the permit, license, or approval is final pur-  
18 suant to the law under which the agency action is  
19 taken, unless a shorter time is specified in the Fed-  
20 eral law pursuant to which judicial review is allowed;  
21 and

22 (2) the claim is filed by a party that submitted  
23 a comment during the public comment period for  
24 such permit, license, or approval and such comment  
25 was sufficiently detailed to put the agency on notice

1 of the issue upon which the party seeks judicial re-  
2 view.

3 (b) SAVINGS CLAUSE.—Nothing in this section shall  
4 create a right to judicial review or place any limit on filing  
5 a claim that a person has violated the terms of a permit,  
6 license, or approval.

7 (c) TRANSPORTATION PROJECTS.—Subsection (a)  
8 shall not apply to or supersede a claim subject to section  
9 139(l)(1) of title 23, United States Code.

10 (d) MINERAL PROJECT.—In this section, the term  
11 “mineral project” means a project—

12 (1) located on—

13 (A) a mining claim, millsite claim, or tun-  
14 nel site claim for any mineral;

15 (B) lands open to mineral entry; or

16 (C) a Federal mineral lease; and

17 (2) for the purposes of exploring for or pro-  
18 ducing minerals.

19 **SEC. 20219. GOVERNMENT ACCOUNTABILITY OFFICE RE-**  
20 **PORT ON PERMITS TO DRILL.**

21 (a) REPORT.—Not later than 1 year after the date  
22 of enactment of this Act, the Comptroller General of the  
23 United States shall issue a report detailing—

1           (1) the approval timelines for applications for  
2 permits to drill issued by the Bureau of Land Man-  
3 agement from 2018 through 2022;

4           (2) the number of applications for permits to  
5 drill that were not issued within 30 days of receipt  
6 of a completed application; and

7           (3) the causes of delays resulting in applica-  
8 tions for permits to drill pending beyond the 30 day  
9 deadline required under section 17(p)(2) of the Min-  
10 eral Leasing Act (30 U.S.C. 226(p)(2)).

11       (b) RECOMMENDATIONS.—The report issued under  
12 subsection (a) shall include recommendations with respect  
13 to—

14           (1) actions the Bureau of Land Management  
15 can take to streamline the approval process for ap-  
16 plications for permits to drill to approve applications  
17 for permits to drill within 30 days of receipt of a  
18 completed application;

19           (2) aspects of the Federal permitting process  
20 carried out by the Bureau of Land Management to  
21 issue applications for permits to drill that can be  
22 turned over to States to expedite approval of appli-  
23 cations for permits to drill; and

24           (3) legislative actions that Congress must take  
25 to allow States to administer certain aspects of the



1 Federal permitting process described in paragraph  
2 (2).

3 **SEC. 20220. E-NEPA.**

4 (a) PERMITTING PORTAL STUDY.—The Council on  
5 Environmental Quality shall conduct a study and submit  
6 a report to Congress within 1 year of the enactment of  
7 this Act on the potential to create an online permitting  
8 portal for permits that require review under section  
9 102(2)(C) of the National Environmental Policy Act of  
10 1969 (42 U.S.C. 4332(2)(C)) that would—

11 (1) allow applicants to—

12 (A) submit required documents or mate-  
13 rials for their application in one unified portal;

14 (B) upload additional documents as re-  
15 quired by the applicable agency; and

16 (C) track the progress of individual appli-  
17 cations;

18 (2) enhance interagency coordination in con-  
19 sultation by—

20 (A) allowing for comments in one unified  
21 portal;

22 (B) centralizing data necessary for reviews;  
23 and

24 (C) streamlining communications between  
25 other agencies and the applicant; and

1           (3) boost transparency in agency decision-  
2           making.

3           (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4           authorized to be appropriated \$500,000 for the Council  
5           of Environmental Quality to carry out the study directed  
6           by this section.

7           **SEC. 20221. LIMITATIONS ON CLAIMS.**

8           (a) IN GENERAL.—Section 139(l) of title 23, United  
9           States Code, is amended by striking “150 days” each  
10          place it appears and inserting “90 days”.

11          (b) CONFORMING AMENDMENTS.—

12           (1) Section 330(e) of title 23, United States  
13          Code, is amended—

14           (A) in paragraph (2)(A), by striking “150  
15           days” and inserting “90 days”; and

16           (B) in paragraph (3)(B)(i), by striking  
17           “150 days” and inserting “90 days”.

18           (2) Section 24201(a)(4) of title 49, United  
19          States Code, is amended by striking “of 150 days”.

20          **SEC. 20222. ONE FEDERAL DECISION FOR PIPELINES.**

21          (a) IN GENERAL.—Chapter 601 of title 49, United  
22          States Code, is amended by adding at the end the fol-  
23          lowing:

1 **“§ 60144. Efficient environmental reviews and one**  
2 **Federal decision**

3 “(a) EFFICIENT ENVIRONMENTAL REVIEWS.—

4 “(1) IN GENERAL.—The Secretary of Transpor-  
5 tation shall apply the project development proce-  
6 dures, to the greatest extent feasible, described in  
7 section 139 of title 23 to any pipeline project that  
8 requires the approval of the Secretary under the Na-  
9 tional Environmental Policy Act of 1969 (42 U.S.C.  
10 4321 et seq.).

11 “(2) REGULATIONS AND PROCEDURES.—In car-  
12 rying out paragraph (1), the Secretary shall incor-  
13 porate into agency regulations and procedures per-  
14 taining to pipeline projects described in paragraph  
15 (1) aspects of such project development procedures,  
16 or portions thereof, determined appropriate by the  
17 Secretary in a manner consistent with this section,  
18 that increase the efficiency of the review of pipeline  
19 projects.

20 “(3) DISCRETION.—The Secretary may choose  
21 not to incorporate into agency regulations and proce-  
22 dures pertaining to pipeline projects described in  
23 paragraph (1) such project development procedures  
24 that could only feasibly apply to highway projects,  
25 public transportation capital projects, and  
26 multimodal projects.



1           (2) The Endangered Species Act of 1973 (16  
2 U.S.C. 1531 et seq.).

3           (c) WILDFIRE MITIGATION ACTIVITY.—For purposes  
4 of this section, the term “wildfire mitigation activity”—

5           (1) is an activity conducted on Federal land  
6 that is—

7           (A) under the administration of the Direc-  
8 tor of the National Park System, the Director  
9 of the Bureau of Land Management, or the  
10 Chief of the Forest Service; and

11           (B) within 300 feet of any permanent or  
12 temporary road, as measured from the center of  
13 such road; and

14           (2) includes forest thinning, hazardous fuel re-  
15 duction, prescribed burning, and vegetation manage-  
16 ment.

17 **SEC. 20224. VEGETATION MANAGEMENT, FACILITY INSPEC-**  
18 **TION, AND OPERATION AND MAINTENANCE**  
19 **RELATING TO ELECTRIC TRANSMISSION AND**  
20 **DISTRIBUTION FACILITY RIGHTS OF WAY.**

21           (a) HAZARD TREES WITHIN 50 FEET OF ELECTRIC  
22 POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal  
23 Land Policy and Management Act of 1976 (43 U.S.C.  
24 1772(a)(1)(B)(ii)) is amended by striking “10” and in-  
25 serting “50”.

1 (b) CONSULTATION WITH PRIVATE LANDOWNERS.—  
2 Section 512(c)(3)(E) of the Federal Land Policy and  
3 Management Act of 1976 (43 U.S.C. 1772(c)(3)(E)) is  
4 amended—

5 (1) in clause (i), by striking “and” at the end;

6 (2) in clause (ii), by striking the period and in-  
7 serting “; and”; and

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

9 “(iii) consulting with private land-  
10 owners with respect to any hazard trees  
11 identified for removal from land owned by  
12 such private landowners.”.

13 (c) REVIEW AND APPROVAL PROCESS.—Clause (iv)  
14 of section 512(c)(4)(A) of the Federal Land Policy and  
15 Management Act of 1976 (43 U.S.C. 1772(c)(4)(A)) is  
16 amended to read as follows:

17 “(iv) ensures that—

18 “(I) a plan submitted without a  
19 modification under clause (iii) shall be  
20 automatically approved 60 days after  
21 review; and

22 “(II) a plan submitted with a  
23 modification under clause (iii) shall be  
24 automatically approved 67 days after  
25 review.”.

1 **SEC. 20225. CATEGORICAL EXCLUSION FOR ELECTRIC UTIL-**  
2 **ITY LINES RIGHTS-OF-WAY.**

3 (a) SECRETARY CONCERNED DEFINED.—In this sec-  
4 tion, the term “Secretary concerned” means—

5 (1) the Secretary of Agriculture, with respect to  
6 National Forest System lands; and

7 (2) the Secretary of the Interior, with respect  
8 to public lands.

9 (b) CATEGORICAL EXCLUSION ESTABLISHED.—For-  
10 est management activities described in subsection (c) are  
11 a category of activities designated as being categorically  
12 excluded from the preparation of an environmental assess-  
13 ment or an environmental impact statement under section  
14 102 of the National Environmental Policy Act of 1969 (42  
15 U.S.C. 4332).

16 (c) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
17 FOR CATEGORICAL EXCLUSION.—The forest management  
18 activities designated as being categorically excluded under  
19 subsection (b) are—

20 (1) the development and approval of a vegeta-  
21 tion management, facility inspection, and operation  
22 and maintenance plan submitted under section  
23 512(c)(1) of the Federal Land Policy and Manage-  
24 ment Act of 1976 (43 U.S.C. 1772(c)(1)) by the  
25 Secretary concerned; and

1           (2) the implementation of routine activities con-  
2           ducted under the plan referred to in paragraph (1).

3           (d) AVAILABILITY OF CATEGORICAL EXCLUSION.—

4           On and after the date of the enactment of this Act, the  
5           Secretary concerned may use the categorical exclusion es-  
6           tablished under subsection (b) in accordance with this sec-  
7           tion.

8           (e) EXTRAORDINARY CIRCUMSTANCES.—Use of the

9           categorical exclusion established under subsection (b) shall  
10          not be subject to the extraordinary circumstances proce-  
11          dures in section 220.6, title 36, Code of Federal Regula-  
12          tions, or section 1508.4, title 40, Code of Federal Regula-  
13          tions.

14          (f) EXCLUSION OF CERTAIN AREAS.—The categor-

15          ical exclusion established under subsection (b) shall not  
16          apply to any forest management activity conducted—

17                 (1) in a component of the National Wilderness  
18                 Preservation System; or

19                 (2) on National Forest System lands on which,  
20                 by Act of Congress, the removal of vegetation is re-  
21                 stricted or prohibited.

22          (g) PERMANENT ROADS.—

23                 (1) PROHIBITION ON ESTABLISHMENT.—A for-  
24                 est management activity designated under subsection



1 (c) shall not include the establishment of a perma-  
2 nent road.

3 (2) EXISTING ROADS.—The Secretary con-  
4 cerned may carry out necessary maintenance and re-  
5 pair on an existing permanent road for the purposes  
6 of conducting a forest management activity des-  
7 ignated under subsection (c).

8 (3) TEMPORARY ROADS.—The Secretary con-  
9 cerned shall decommission any temporary road con-  
10 structed for a forest management activity designated  
11 under subsection (c) not later than 3 years after the  
12 date on which the action is completed.

13 (h) APPLICABLE LAWS.—A forest management activ-  
14 ity designated under subsection (c) shall not be subject  
15 to section 7 of the Endangered Species Act of 1973 (16  
16 U.S.C. 1536), section 106 of the National Historic Preser-  
17 vation Act, or any other applicable law.

18 **SEC. 20226. STAFFING PLANS.**

19 (a) IN GENERAL.—Not later than 365 days after the  
20 date of enactment of this Act, each local unit of the Na-  
21 tional Park Service, Bureau of Land Management, and  
22 Forest Service shall conduct an outreach plan for dissemi-  
23 nating and advertising open civil service positions with  
24 functions relating to permitting or natural resources in  
25 their offices. Each such plan shall include outreach to local

1 high schools, community colleges, institutions of higher  
2 education, and any other relevant institutions, as deter-  
3 mined by the Secretary of the Interior or the Secretary  
4 of Agriculture (as the case may be).

5 (b) COLLABORATION PERMITTED.—Such local units  
6 of the National Park Service, Bureau of Land Manage-  
7 ment, and Forest Service located in reasonably close geo-  
8 graphic areas may collaborate to produce a joint outreach  
9 plan that meets the requirements of subsection (a).

## 10 **Subtitle C—Permitting for Mining** 11 **Needs**

### 12 **SEC. 20301. DEFINITIONS.**

13 In this subtitle:

14 (1) BYPRODUCT.—The term “byproduct” has  
15 the meaning given such term in section 7002(a) of  
16 the Energy Act of 2020 (30 U.S.C. 1606(a)).

17 (2) INDIAN TRIBE.—The term “Indian Tribe”  
18 has the meaning given such term in section 4 of the  
19 Indian Self-Determination and Education Assistance  
20 Act (25 U.S.C. 5304).

21 (3) MINERAL.—The term “mineral” means any  
22 mineral of a kind that is locatable (including, but  
23 not limited to, such minerals located on “lands ac-  
24 quired by the United States”, as such term is de-  
25 fined in section 2 of the Mineral Leasing Act for Ac-

1       quired Lands) under the Act of May 10, 1872  
2       (Chapter 152; 17 Stat. 91).

3           (4) SECRETARY.—Except as otherwise provided,  
4       the term “Secretary” means the Secretary of the In-  
5       terior.

6           (5) STATE.—The term “State” means—

7                   (A) a State;

8                   (B) the District of Columbia;

9                   (C) the Commonwealth of Puerto Rico;

10                   (D) Guam;

11                   (E) American Samoa;

12                   (F) the Commonwealth of the Northern  
13       Mariana Islands; and

14                   (G) the United States Virgin Islands.

15   **SEC. 20302. MINERALS SUPPLY CHAIN AND RELIABILITY.**

16       Section 40206 of the Infrastructure Investment and  
17   Jobs Act (30 U.S.C. 1607) is amended—

18           (1) in the section heading, by striking “**CRIT-**  
19       **ICAL MINERALS**” and inserting “**MINERALS**”;

20           (2) by amending subsection (a) to read as fol-  
21   lows:

22       “(a) DEFINITIONS.—In this section:

23           “(1) LEAD AGENCY.—The term ‘lead agency’  
24       means the Federal agency with primary responsi-

1 bility for issuing a mineral exploration or mine per-  
2 mit or lease for a mineral project.

3 “(2) MINERAL.—The term ‘mineral’ has the  
4 meaning given such term in section 20301 of the  
5 TAPP American Resources Act.

6 “(3) MINERAL EXPLORATION OR MINE PER-  
7 MIT.—The term ‘mineral exploration or mine permit’  
8 means—

9 “(A) an authorization of the Bureau of  
10 Land Management or the Forest Service, as ap-  
11 plicable, for exploration for minerals that re-  
12 quires analysis under the National Environ-  
13 mental Policy Act of 1969;

14 “(B) a plan of operations for a mineral  
15 project approved by the Bureau of Land Man-  
16 agement or the Forest Service; or

17 “(C) any other Federal permit or author-  
18 ization for a mineral project.

19 “(4) MINERAL PROJECT.—The term ‘mineral  
20 project’ means a project—

21 “(A) located on—

22 “(i) a mining claim, millsite claim, or  
23 tunnel site claim for any mineral;

24 “(ii) lands open to mineral entry; or

25 “(iii) a Federal mineral lease; and

1           “(B) for the purposes of exploring for or  
2           producing minerals.”;

3           (3) in subsection (b), by striking “critical” each  
4           place such term appears;

5           (4) in subsection (c)—

6           (A) by striking “critical mineral production  
7           on Federal land” and inserting “mineral  
8           projects”;

9           (B) by inserting “, and in accordance with  
10          subsection (h)” after “to the maximum extent  
11          practicable”;

12          (C) by striking “shall complete the” and  
13          inserting “shall complete such”;

14          (D) in paragraph (1), by striking “critical  
15          mineral-related activities on Federal land” and  
16          inserting “mineral projects”;

17          (E) in paragraph (8), by striking the  
18          “and” at the end;

19          (F) in paragraph (9), by striking “proce-  
20          dures.” and inserting “procedures; and”; and

21          (G) by adding at the end the following:

22          “(10) deferring to and relying on baseline data,  
23          analyses, and reviews performed by State agencies  
24          with jurisdiction over the environmental or reclama-  
25          tion permits for the proposed mineral project.”;

1 (5) in subsection (d)—

2 (A) by striking “critical” each place such  
3 term appears; and

4 (B) in paragraph (3), by striking “mineral-  
5 related activities on Federal land” and inserting  
6 “mineral projects”;

7 (6) in subsection (e), by striking “critical”;

8 (7) in subsection (f), by striking “critical” each  
9 place such term appears;

10 (8) in subsection (g), by striking “critical” each  
11 place such term appears; and

12 (9) by adding at the end the following:

13 “(h) OTHER REQUIREMENTS.—

14 “(1) MEMORANDUM OF AGREEMENT.—For pur-  
15 poses of maximizing efficiency and effectiveness of  
16 the Federal permitting and review processes de-  
17 scribed under subsection (c), the lead agency in the  
18 Federal permitting and review processes of a min-  
19 eral project shall (in consultation with any other  
20 Federal agency involved in such Federal permitting  
21 and review processes, and upon request of the  
22 project applicant, an affected State government,  
23 local government, or an Indian Tribe, or other entity  
24 such lead agency determines appropriate) enter into  
25 a memorandum of agreement with a project appli-

1 cant where requested by the applicant to carry out  
2 the activities described in subsection (c).

3 “(2) TIMELINES AND SCHEDULES FOR NEPA  
4 REVIEWS.—

5 “(A) EXTENSION.—A project applicant  
6 may enter into 1 or more agreements with a  
7 lead agency to extend the deadlines described in  
8 subparagraphs (A) and (B) of subsection (h)(1)  
9 of section 107 of title I of the National Envi-  
10 ronmental Policy Act of 1969 by, with respect  
11 to each such agreement, not more than 6  
12 months.

13 “(B) ADJUSTMENT OF TIMELINES.—At  
14 the request of a project applicant, the lead  
15 agency and any other entity which is a signa-  
16 tory to a memorandum of agreement under  
17 paragraph (1) may, by unanimous agreement,  
18 adjust—

19 “(i) any deadlines described in sub-  
20 paragraph (A); and

21 “(ii) any deadlines extended under  
22 subparagraph (B).

23 “(3) EFFECT ON PENDING APPLICATIONS.—

24 Upon a written request by a project applicant, the  
25 requirements of this subsection shall apply to any

1 application for a mineral exploration or mine permit  
2 or mineral lease that was submitted before the date  
3 of the enactment of the TAPP American Resources  
4 Act.”.

5 **SEC. 20303. FEDERAL REGISTER PROCESS IMPROVEMENT.**

6 Section 7002(f) of the Energy Act of 2020 (30  
7 U.S.C. 1606(f)) is amended—

8 (1) in paragraph (2), by striking “critical” both  
9 places such term appears; and

10 (2) by striking paragraph (4).

11 **SEC. 20304. DESIGNATION OF MINING AS A COVERED SEC-**  
12 **TOR FOR FEDERAL PERMITTING IMPROVE-**  
13 **MENT PURPOSES.**

14 Section 41001(6)(A) of the FAST Act (42 U.S.C.  
15 4370m(6)(A)) is amended by inserting “mineral produc-  
16 tion,” before “or any other sector”.

17 **SEC. 20305. TREATMENT OF ACTIONS UNDER PRESI-**  
18 **DENTIAL DETERMINATION 2022-11 FOR FED-**  
19 **ERAL PERMITTING IMPROVEMENT PUR-**  
20 **POSES.**

21 (a) IN GENERAL.—Except as provided by subsection  
22 (c), an action described in subsection (b) shall be—

23 (1) treated as a covered project, as defined in  
24 section 41001(6) of the FAST Act (42 U.S.C.



1 4370m(6)), without regard to the requirements of  
2 that section; and

3 (2) included in the Permitting Dashboard main-  
4 tained pursuant to section 41003(b) of that Act (42  
5 13 U.S.C. 4370m–2(b)).

6 (b) ACTIONS DESCRIBED.—An action described in  
7 this subsection is an action taken by the Secretary of De-  
8 fense pursuant to Presidential Determination 2022–11  
9 (87 Fed. Reg. 19775; relating to certain actions under  
10 section 303 of the Defense Production Act of 1950) or  
11 the Presidential Memorandum of February 27, 2023, ti-  
12 tled “Presidential Waiver of Statutory Requirements Pur-  
13 suant to Section 303 of the Defense Production Act of  
14 1950, as amended, on Department of Defense Supply  
15 Chains Resilience” (88 Fed. Reg. 13015) to create, main-  
16 tain, protect, expand, or restore sustainable and respon-  
17 sible domestic production capabilities through—

18 (1) supporting feasibility studies for mature  
19 mining, beneficiation, and value-added processing  
20 projects;

21 (2) byproduct and co-product production at ex-  
22 isting mining, mine waste reclamation, and other in-  
23 dustrial facilities;

1 (3) modernization of mining, beneficiation, and  
2 value-added processing to increase productivity, envi-  
3 ronmental sustainability, and workforce safety; or

4 (4) any other activity authorized under section  
5 303(a)(1) of the Defense Production Act of 1950 15  
6 (50 U.S.C. 4533(a)(1)).

7 (c) EXCEPTION.—An action described in subsection  
8 (b) may not be treated as a covered project or be included  
9 in the Permitting Dashboard under subsection (a) if the  
10 project sponsor (as defined in section 41001(18) of the  
11 FAST Act (42 U.S.C. 21 4370m(18))) requests that the  
12 action not be treated as a covered project.

13 **SEC. 20306. NOTICE FOR MINERAL EXPLORATION ACTIVI-**  
14 **TIES WITH LIMITED SURFACE DISTURBANCE.**

15 (a) IN GENERAL.—Not later than 15 days before  
16 commencing an exploration activity with a surface disturb-  
17 ance of not more than 5 acres of public lands, the operator  
18 of such exploration activity shall submit to the Secretary  
19 concerned a complete notice of such exploration activity.

20 (b) INCLUSIONS.—Notice submitted under subsection  
21 (a) shall include such information the Secretary concerned  
22 may require, including the information described in sec-  
23 tion 3809.301 of title 43, Code of Federal Regulations (or  
24 any successor regulation).

1 (c) REVIEW.—Not later than 15 days after the Sec-  
2 retary concerned receives notice submitted under sub-  
3 section (a), the Secretary concerned shall—

4 (1) review and determine completeness of the  
5 notice; and

6 (2) allow exploration activities to proceed if—

7 (A) the surface disturbance of such explo-  
8 ration activities on such public lands will not  
9 exceed 5 acres;

10 (B) the Secretary concerned determines  
11 that the notice is complete; and

12 (C) the operator provides financial assur-  
13 ance that the Secretary concerned determines is  
14 adequate.

15 (d) DEFINITIONS.—In this section:

16 (1) EXPLORATION ACTIVITY.—The term “explo-  
17 ration activity”—

18 (A) means creating surface disturbance  
19 greater than casual use that includes sampling,  
20 drilling, or developing surface or underground  
21 workings to evaluate the type, extent, quantity,  
22 or quality of mineral values present;

23 (B) includes constructing drill roads and  
24 drill pads, drilling, trenching, excavating test

1 pits, and conducting geotechnical tests and geo-  
2 physical surveys; and

3 (C) does not include activities where mate-  
4 rial is extracted for commercial use or sale.

5 (2) SECRETARY CONCERNED.—The term “Sec-  
6 retary concerned” means—

7 (A) with respect to lands administered by  
8 the Secretary of the Interior, the Secretary of  
9 the Interior; and

10 (B) with respect to National Forest Sys-  
11 tem lands, the Secretary of Agriculture.

12 **SEC. 20307. USE OF MINING CLAIMS FOR ANCILLARY AC-**  
13 **TIVITIES.**

14 Section 10101 of the Omnibus Budget Reconciliation  
15 Act of 1993 (30 U.S.C. 28f) is amended by adding at the  
16 end the following:

17 “(e) SECURITY OF TENURE.—

18 “(1) IN GENERAL.—

19 “(A) IN GENERAL.—A claimant shall have  
20 the right to use, occupy, and conduct operations  
21 on public land, with or without the discovery of  
22 a valuable mineral deposit, if—

23 “(i) such claimant makes a timely  
24 payment of the location fee required by

1 section 10102 and the claim maintenance  
2 fee required by subsection (a); or

3 “(ii) in the case of a claimant who  
4 qualifies for a waiver under subsection (d),  
5 such claimant makes a timely payment of  
6 the location fee and complies with the re-  
7 quired assessment work under the general  
8 mining laws.

9 “(B) OPERATIONS DEFINED.—For the  
10 purposes of this paragraph, the term ‘oper-  
11 ations’ means—

12 “(i) any activity or work carried out  
13 in connection with prospecting, exploration,  
14 processing, discovery and assessment, de-  
15 velopment, or extraction with respect to a  
16 locatable mineral;

17 “(ii) the reclamation of any disturbed  
18 areas; and

19 “(iii) any other reasonably incident  
20 uses, whether on a mining claim or not, in-  
21 cluding the construction and maintenance  
22 of facilities, roads, transmission lines, pipe-  
23 lines, and any other necessary infrastruc-  
24 ture or means of access on public land for  
25 support facilities.

1           “(2) FULFILLMENT OF FEDERAL LAND POLICY  
2           AND MANAGEMENT ACT.—A claimant that fulfills  
3           the requirements of this section and section 10102  
4           shall be deemed to satisfy the requirements of any  
5           provision of the Federal Land Policy and Manage-  
6           ment Act that requires the payment of fair market  
7           value to the United States for use of public lands  
8           and resources relating to use of such lands and re-  
9           sources authorized by the general mining laws.

10           “(3) SAVINGS CLAUSE.—Nothing in this sub-  
11           section may be construed to diminish the rights of  
12           entry, use, and occupancy, or any other right, of a  
13           claimant under the general mining laws.”.

14   **SEC. 20308. ENSURING CONSIDERATION OF URANIUM AS A**  
15                           **CRITICAL MINERAL.**

16           (a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the  
17   Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is  
18   amended to read as follows:

19                           “(i) oil, oil shale, coal, or natural  
20                           gas;”.

21           (b) UPDATE.—Not later than 60 days after the date  
22   of the enactment of this section, the Secretary, acting  
23   through the Director of the United States Geological Sur-  
24   vey, shall publish in the Federal Register an update to  
25   the final list established in section 7002(c)(3) of the En-

1 ergy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance  
2 with subsection (a) of this section.

3 (c) REPORT.—Not later than 180 days after the date  
4 of the enactment of this section, the Secretary, acting  
5 through the Director of the United States Geological Sur-  
6 vey, in consultation with the Secretary of Energy, shall  
7 submit to the appropriate committees of Congress a report  
8 that includes the following:

9 (1) The current status of uranium deposits in  
10 the United States with respect to the amount and  
11 quality of uranium contained in such deposits.

12 (2) A comparison of the United States to the  
13 rest of the world with respect to the amount and  
14 quality of uranium contained in uranium deposits.

15 (3) Policy considerations, including potential  
16 challenges, of utilizing the uranium from the depos-  
17 its described in paragraph (1).

18 **SEC. 20309. BARRING FOREIGN BAD ACTORS FROM OPER-**  
19 **ATING ON FEDERAL LANDS.**

20 A mining claimant shall be barred from the right to  
21 use, occupy, and conduct operations on Federal land if the  
22 Secretary of the Interior finds the claimant has a foreign  
23 parent company that has (including through a sub-  
24 sidiary)—

- 1           (1) a known record of human rights violations;  
2           or  
3           (2) knowingly operated an illegal mine in an-  
4           other country.

5 **SEC. 20310. PERMIT PROCESS FOR PROJECTS RELATING TO**  
6           **EXTRACTION, RECOVERY, OR PROCESSING**  
7           **OF CRITICAL MATERIALS.**

8           (a) DEFINITION OF COVERED PROJECT.—Section  
9 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A))  
10 is amended—

11           (1) in clause (iii)(III), by striking “; or” and in-  
12           serting “;”;

13           (2) in clause (iv)(II), by striking the period at  
14           the end and inserting “; or”; and

15           (3) by adding at the end the following:

16                   “(v) is related to the extraction, recov-  
17                   ery, or processing from coal, coal waste,  
18                   coal processing waste, pre-or post-combus-  
19                   tion coal byproducts, or acid mine drainage  
20                   from coal mines of—

21                           “(I) critical minerals (as such  
22                           term is defined in section 7002 of the  
23                           Energy Act of 2020);

24                           “(II) rare earth elements; or



1                                   “(III) microfine carbon or carbon  
2                                   from coal.”.

3           (b) REPORT.—Not later than 6 months after the date  
4 of enactment of this Act, the Secretary of the Interior  
5 shall submit to the Committees on Energy and Natural  
6 Resources and Commerce, Science, and Transportation of  
7 the Senate and the Committees on Transportation and In-  
8 frastructure, Natural Resources, and Energy and Com-  
9 merce of the House of Representatives a report evaluating  
10 the timeliness of implementation of reforms of the permit-  
11 ting process required as a result of the amendments made  
12 by this section on the following:

13                   (1) The economic and national security of the  
14           United States.

15                   (2) Domestic production and supply of critical  
16           minerals, rare earths, and microfine carbon or car-  
17           bon from coal.

18 **SEC. 20311. NATIONAL STRATEGY TO RE-SHORE MINERAL**  
19                                   **SUPPLY CHAINS.**

20           (a) IN GENERAL.—Not later than 180 days after the  
21 date of enactment of this Act, the United States Geologi-  
22 cal Survey, in consultation with the Secretaries of De-  
23 fense, Energy, and State, shall—

24                   (1) identify mineral commodities that—

1 (A) serve a critical purpose to the national  
2 security of the United States, including with re-  
3 spect to military, defense, and strategic mobility  
4 applications; and

5 (B) are at highest risk of supply chain dis-  
6 ruption due to the domestic or global actions of  
7 any covered entity, including price-fixing, sys-  
8 temic acquisition and control of global mineral  
9 resources and processing, refining, and smelting  
10 capacity, and undercutting the fair market  
11 value of such resources; and

12 (2) develop a national strategy for bolstering  
13 supply chains in the United States for the mineral  
14 commodities identified under paragraph (1), includ-  
15 ing through the enactment of new national policies  
16 and the utilization of current authorities, to increase  
17 capacity and efficiency of domestic mining, refining,  
18 processing, and manufacturing of such mineral com-  
19 modities.

20 (b) COVERED ENTITY.—In this section, the term  
21 “covered entity” means an entity that—

22 (1) is subject to the jurisdiction or direction of  
23 the People’s Republic of China;

24 (2) is directly or indirectly operating on behalf  
25 of the People’s Republic of China; or

1           (3) is owned by, directly or indirectly controlled  
2           by, or otherwise subject to the influence of the Peo-  
3           ple’s Republic of China.

4           **Subtitle D—Federal Land Use**  
5           **Planning**

6   **SEC. 20401. FEDERAL LAND USE PLANNING AND WITH-**  
7           **DRAWALS.**

8           (a) **RESOURCE ASSESSMENTS REQUIRED.**—Federal  
9           lands and waters may not be withdrawn from entry under  
10          the mining laws or operation of the mineral leasing and  
11          mineral materials laws unless—

12           (1) a quantitative and qualitative geophysical  
13           and geological mineral resource assessment of the  
14           impacted area has been completed during the 10-  
15           year period ending on the date of such withdrawal;

16           (2) the Secretary, in consultation with the Sec-  
17           retary of Commerce, the Secretary of Energy, and  
18           the Secretary of Defense, conducts an assessment of  
19           the economic, energy, strategic, and national secu-  
20           rity value of mineral deposits identified in such min-  
21           eral resource assessment;

22           (3) the Secretary conducts an assessment of the  
23           reduction in future Federal revenues to the Treas-  
24           ury, States, the Land and Water Conservation  
25           Fund, the Historic Preservation Fund, and the Na-

1 tional Parks and Public Land Legacy Restoration  
2 Fund resulting from the proposed mineral with-  
3 drawal;

4 (4) the Secretary, in consultation with the Sec-  
5 retary of Defense, conducts an assessment of mili-  
6 tary readiness and training activities in the proposed  
7 withdrawal area; and

8 (5) the Secretary submits a report to the Com-  
9 mittees on Natural Resources, Agriculture, Energy  
10 and Commerce, and Foreign Affairs of the House of  
11 Representatives and the Committees on Energy and  
12 Natural Resources, Agriculture, and Foreign Affairs  
13 of the Senate, that includes the results of the assess-  
14 ments completed pursuant to this subsection.

15 (b) LAND USE PLANS.—Before a resource manage-  
16 ment plan under the Federal Land Policy and Manage-  
17 ment Act of 1976 (43 U.S.C. 1701 et seq.) or a forest  
18 management plan under the National Forest Management  
19 Act is updated or completed, the Secretary or Secretary  
20 of Agriculture, as applicable, in consultation with the Di-  
21 rector of the United States Geological Survey, shall—

22 (1) review any quantitative and qualitative min-  
23 eral resource assessment that was completed or up-  
24 dated during the 10-year period ending on the date  
25 that the applicable land management agency pub-

1 lishes a notice to prepare, revise, or amend a land  
2 use plan by the Director of the United States Geo-  
3 logical Survey for the geographic area affected by  
4 the applicable management plan;

5 (2) the Secretary, in consultation with the Sec-  
6 retary of Commerce, the Secretary of Energy, and  
7 the Secretary of Defense, conducts an assessment of  
8 the economic, energy, strategic, and national secu-  
9 rity value of mineral deposits identified in such min-  
10 eral resource assessment; and

11 (3) submit a report to the Committees on Nat-  
12 ural Resources, Agriculture, Energy and Commerce,  
13 and Foreign Affairs of the House of Representatives  
14 and the Committees on Energy and Natural Re-  
15 sources, Agriculture, and Foreign Affairs of the Sen-  
16 ate, that includes the results of the assessment com-  
17 pleted pursuant to this subsection.

18 (c) NEW INFORMATION.—The Secretary shall provide  
19 recommendations to the President on appropriate meas-  
20 ures to reduce unnecessary impacts that a withdrawal of  
21 Federal lands or waters from entry under the mining laws  
22 or operation of the mineral leasing and mineral materials  
23 laws may have on mineral exploration, development, and  
24 other mineral activities (including authorizing exploration  
25 and development of such mineral deposits) not later than

1 180 days after the Secretary has notice that a resource  
2 assessment completed by the Director of the United States  
3 Geological Survey, in coordination with the State geologi-  
4 cal surveys, determines that a previously undiscovered  
5 mineral deposit may be present in an area that has been  
6 withdrawn from entry under the mining laws or operation  
7 of the mineral leasing and mineral materials laws pursu-  
8 ant to—

9 (1) section 204 of the Federal Land Policy and  
10 Management Act of 1976 (43 U.S.C. 1714); or

11 (2) chapter 3203 of title 54, United States  
12 Code.

13 **SEC. 20402. PROHIBITIONS ON DELAY OF MINERAL DEVEL-**  
14 **OPMENT OF CERTAIN FEDERAL LAND.**

15 (a) PROHIBITIONS.—Notwithstanding any other pro-  
16 vision of law, the President shall not carry out any action  
17 that would pause, restrict, or delay the process for or  
18 issuance of any of the following on Federal land, unless  
19 such lands are withdrawn from disposition under the min-  
20 eral leasing laws, including by administrative withdrawal:

21 (1) New oil and gas lease sales, oil and gas  
22 leases, drill permits, or associated approvals or au-  
23 thorizations of any kind associated with oil and gas  
24 leases.

1           (2) New coal leases (including leases by applica-  
2           tion in process, renewals, modifications, or expan-  
3           sions of existing leases), permits, approvals, or au-  
4           thorizations.

5           (3) New leases, claims, permits, approvals, or  
6           authorizations for development or exploration of  
7           minerals.

8           (b) PROHIBITION ON RESCISSION OF LEASES, PER-  
9           MITS, OR CLAIMS.—The President, the Secretary, or Sec-  
10          retary of Agriculture as applicable, may not rescind any  
11          existing lease, permit, or claim for the extraction and pro-  
12          duction of any mineral under the mining laws or mineral  
13          leasing and mineral materials laws on National Forest  
14          System land or land under the jurisdiction of the Bureau  
15          of Land Management, unless specifically authorized by  
16          Federal statute, or upon the lessee, permittee, or claim-  
17          ant’s failure to comply with any of the provisions of the  
18          applicable lease, permit, or claim.

19          (c) MINERAL DEFINED.—In subsection (a)(3), the  
20          term “mineral” means any mineral of a kind that is  
21          locatable (including such minerals located on “lands ac-  
22          quired by the United States”, as such term is defined in  
23          section 2 of the Mineral Leasing Act for Acquired Lands)  
24          under the Act of May 10, 1872 (Chapter 152; 17 Stat.  
25          91).

1 **SEC. 20403. DEFINITIONS.**

2 In this subtitle:

3 (1) FEDERAL LAND.—The term “Federal land”  
4 means—

5 (A) National Forest System land;

6 (B) public lands (as defined in section 103  
7 of the Federal Land Policy and Management  
8 Act of 1976 (43 U.S.C. 1702));

9 (C) the outer Continental Shelf (as defined  
10 in section 2 of the Outer Continental Shelf  
11 Lands Act (43 U.S.C. 1331)); and

12 (D) land managed by the Secretary of En-  
13 ergy.

14 (2) PRESIDENT.—The term “President”  
15 means—

16 (A) the President; and

17 (B) any designee of the President, includ-  
18 ing—

19 (i) the Secretary of Agriculture;

20 (ii) the Secretary of Commerce;

21 (iii) the Secretary of Energy; and

22 (iv) the Secretary of the Interior.

23 (3) PREVIOUSLY UNDISCOVERED DEPOSIT.—

24 The term “previously undiscovered mineral deposit”  
25 means—



1 (A) a mineral deposit that has been pre-  
2 viously evaluated by the United States Geologi-  
3 cal Survey and found to be of low mineral po-  
4 tential, but upon subsequent evaluation is de-  
5 termined by the United States Geological Sur-  
6 vey to have significant mineral potential; or

7 (B) a mineral deposit that has not pre-  
8 viously been evaluated by the United States Ge-  
9 ological Survey.

10 (4) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Interior.

## 12 **Subtitle E—Ensuring** 13 **Competitiveness on Federal Lands**

### 14 **SEC. 20501. INCENTIVIZING DOMESTIC PRODUCTION.**

15 (a) OFFSHORE OIL AND GAS ROYALTY RATE.—Sec-  
16 tion 8(a)(1) of the Outer Continental Shelf Lands Act (43  
17 U.S.C. 1337(a)(1)) is amended—

18 (1) in subparagraph (A), by striking “not less  
19 than 16<sup>2</sup>/<sub>3</sub> percent, but not more than 18<sup>3</sup>/<sub>4</sub> percent,  
20 during the 10-year period beginning on the date of  
21 enactment of the Act titled ‘An Act to provide for  
22 reconciliation pursuant to title II of S. Con. Res.  
23 14’, and not less than 16<sup>2</sup>/<sub>3</sub> percent thereafter,”  
24 each place it appears and inserting “not less than  
25 12.5 percent”;

1           (2) in subparagraph (C), by striking “not less  
2           than  $16\frac{2}{3}$  percent, but not more than  $18\frac{3}{4}$  percent,  
3           during the 10-year period beginning on the date of  
4           enactment of the Act titled ‘An Act to provide for  
5           reconciliation pursuant to title II of S. Con. Res.  
6           14’, and not less than  $16\frac{2}{3}$  percent thereafter,”  
7           each place it appears and inserting “not less than  
8           12.5 percent”;

9           (3) in subparagraph (F), by striking “not less  
10           than  $16\frac{2}{3}$  percent, but not more than  $18\frac{3}{4}$  percent,  
11           during the 10-year period beginning on the date of  
12           enactment of the Act titled ‘An Act to provide for  
13           reconciliation pursuant to title II of S. Con. Res.  
14           14’, and not less than  $16\frac{2}{3}$  percent thereafter,” and  
15           inserting “not less than 12.5 percent”; and

16           (4) in subparagraph (H), by striking “not less  
17           than  $16\frac{2}{3}$  percent, but not more than  $18\frac{3}{4}$  percent,  
18           during the 10-year period beginning on the date of  
19           enactment of the Act titled ‘An Act to provide for  
20           reconciliation pursuant to title II of S. Con. Res.  
21           14’, and not less than  $16\frac{2}{3}$  percent thereafter,” and  
22           inserting “not less than 12.5 percent”.

23           (b) MINERAL LEASING ACT.—

24           (1) ONSHORE OIL AND GAS ROYALTY RATES.—

1 (A) LEASE OF OIL AND GAS LAND.—Sec-  
2 tion 17 of the Mineral Leasing Act (30 U.S.C.  
3 226) is amended—

4 (i) in subsection (b)(1)(A)—

5 (I) by striking “not less than  
6  $16\frac{2}{3}$ ” and inserting “not less than  
7 12.5”; and

8 (II) by striking “or, in the case  
9 of a lease issued during the 10-year  
10 period beginning on the date of enact-  
11 ment of the Act titled ‘An Act to pro-  
12 vide for reconciliation pursuant to  
13 title II of S. Con. Res. 14’,  $16\frac{2}{3}$  per-  
14 cent in amount or value of the pro-  
15 duction removed or sold from the  
16 lease”; and

17 (ii) by striking “ $16\frac{2}{3}$  percent” each  
18 place it appears and inserting “12.5 per-  
19 cent”.

20 (B) CONDITIONS FOR REINSTATEMENT.—  
21 Section 31(e)(3) of the Mineral Leasing Act (30  
22 U.S.C. 188(e)(3)) is amended by striking “20”  
23 inserting “ $16\frac{2}{3}$ ”.

1           (2) OIL AND GAS MINIMUM BID.—Section 17(b)  
2           of the Mineral Leasing Act (30 U.S.C. 226(b)) is  
3           amended—

4                   (A) in paragraph (1)(B), by striking “\$10  
5                   per acre during the 10-year period beginning on  
6                   the date of enactment of the Act titled ‘An Act  
7                   to provide for reconciliation pursuant to title II  
8                   of S. Con. Res. 14’.” and inserting “\$2 per  
9                   acre for a period of 2 years from the date of  
10                  the enactment of the Federal Onshore Oil and  
11                  Gas Leasing Reform Act of 1987.”; and

12                   (B) in paragraph (2)(C), by striking “\$10  
13                  per acre” and inserting “\$2 per acre”.

14           (3) FOSSIL FUEL RENTAL RATES.—Section  
15           17(d) of the Mineral Leasing Act (30 U.S.C.  
16           226(d)) is amended to read as follows:

17           “(d) All leases issued under this section, as amended  
18           by the Federal Onshore Oil and Gas Leasing Reform Act  
19           of 1987, shall be conditioned upon payment by the lessee  
20           of a rental of not less than \$1.50 per acre per year for  
21           the first through fifth years of the lease and not less than  
22           \$2 per acre per year for each year thereafter. A minimum  
23           royalty in lieu of rental of not less than the rental which  
24           otherwise would be required for that lease year shall be  
25           payable at the expiration of each lease year beginning on

1 or after a discovery of oil or gas in paying quantities on  
2 the lands leased.”.

3 (4) EXPRESSION OF INTEREST FEE.—Section  
4 17 of the Mineral Leasing Act (30 U.S.C. 226) is  
5 further amended by repealing subsection (q).

6 (5) ELIMINATION OF NONCOMPETITIVE LEAS-  
7 ING.—Section 17 of the Mineral Leasing Act (30  
8 U.S.C. 226) is further amended—

9 (A) in subsection (b)—

10 (i) in paragraph (1)(A)—

11 (I) in the first sentence, by strik-  
12 ing “paragraph (2)” and inserting  
13 “paragraphs (2) and (3)”; and

14 (II) by adding at the end “Lands  
15 for which no bids are received or for  
16 which the highest bid is less than the  
17 national minimum acceptable bid shall  
18 be offered promptly within 30 days  
19 for leasing under subsection (c) of this  
20 section and shall remain available for  
21 leasing for a period of 2 years after  
22 the competitive lease sale.”; and

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

1           “(3)(A) If the United States held a vested fu-  
2           ture interest in a mineral estate that, immediately  
3           prior to becoming a vested present interest, was sub-  
4           ject to a lease under which oil or gas was being pro-  
5           duced, or had a well capable of producing, in paying  
6           quantities at an annual average production volume  
7           per well per day of either not more than 15 barrels  
8           per day of oil or condensate, or not more than  
9           60,000 cubic feet of gas, the holder of the lease may  
10          elect to continue the lease as a noncompetitive lease  
11          under subsection (c)(1).

12           “(B) An election under this paragraph is effec-  
13          tive—

14                   “(i) in the case of an interest which vested  
15                   after January 1, 1990, and on or before Octo-  
16                   ber 24, 1992, if the election is made before the  
17                   date that is 1 year after October 24, 1992;

18                   “(ii) in the case of an interest which vests  
19                   within 1 year after October 24, 1992, if the  
20                   election is made before the date that is 2 years  
21                   after October 24, 1992; and

22                   “(iii) in any case other than those de-  
23                   scribed in clause (i) or (ii), if the election is  
24                   made prior to the interest becoming a vested  
25                   present interest.”;

1 (B) by striking subsection (c) and insert-  
2 ing the following:

3 “(c) LANDS SUBJECT TO LEASING UNDER SUB-  
4 SECTION (b); FIRST QUALIFIED APPLICANT.—

5 “(1) If the lands to be leased are not leased  
6 under subsection (b)(1) of this section or are not  
7 subject to competitive leasing under subsection  
8 (b)(2) of this section, the person first making appli-  
9 cation for the lease who is qualified to hold a lease  
10 under this chapter shall be entitled to a lease of  
11 such lands without competitive bidding, upon pay-  
12 ment of a non-refundable application fee of at least  
13 \$75. A lease under this subsection shall be condi-  
14 tioned upon the payment of a royalty at a rate of  
15 12.5 percent in amount or value of the production  
16 removed or sold from the lease. Leases shall be  
17 issued within 60 days of the date on which the Sec-  
18 retary identifies the first responsible qualified appli-  
19 cant.

20 “(2)(A) Lands (i) which were posted for sale  
21 under subsection (b)(1) of this section but for which  
22 no bids were received or for which the highest bid  
23 was less than the national minimum acceptable bid  
24 and (ii) for which, at the end of the period referred  
25 to in subsection (b)(1) of this section no lease has

1       been issued and no lease application is pending  
2       under paragraph (1) of this subsection, shall again  
3       be available for leasing only in accordance with sub-  
4       section (b)(1) of this section.

5               “(B) The land in any lease which is issued  
6       under paragraph (1) of this subsection or under sub-  
7       section (b)(1) of this section which lease terminates,  
8       expires, is cancelled or is relinquished shall again be  
9       available for leasing only in accordance with sub-  
10      section (b)(1) of this section.”; and

11              (C) by striking subsection (e) and inserting  
12      the following:

13      “(e) PRIMARY TERM.—Competitive and noncompeti-  
14      tive leases issued under this section shall be for a primary  
15      term of 10 years: Provided, however, That competitive  
16      leases issued in special tar sand areas shall also be for  
17      a primary term of 10 years. Each such lease shall continue  
18      so long after its primary term as oil or gas is produced  
19      in paying quantities. Any lease issued under this section  
20      for land on which, or for which under an approved cooper-  
21      ative or unit plan of development or operation, actual drill-  
22      ing operations were commenced prior to the end of its pri-  
23      mary term and are being diligently prosecuted at that time  
24      shall be extended for two years and so long thereafter as  
25      oil or gas is produced in paying quantities.”.



1           (6) CONFORMING AMENDMENTS.—Section 31 of  
2 the Mineral Leasing Act (30 U.S.C. 188) is amend-  
3 ed—

4           (A) in subsection (d)(1), by striking “sec-  
5 tion 17(b)” and inserting “subsection (b) or (c)  
6 of section 17 of this Act”;

7           (B) in subsection (e)—

8           (i) in paragraph (2)—

9           (I) insert “either” after “rentals  
10 and”; and

11           (II) insert “or the inclusion in a  
12 reinstated lease issued pursuant to the  
13 provisions of section 17(c) of this Act  
14 of a requirement that future rentals  
15 shall be at a rate not less than \$5 per  
16 acre per year, all” before “as deter-  
17 mined by the Secretary”; and

18           (ii) by amending paragraph (3) to  
19 read as follows:

20           “(3)(A) payment of back royalties and the in-  
21 clusion in a reinstated lease issued pursuant to the  
22 provisions of section 17(b) of this Act of a require-  
23 ment for future royalties at a rate of not less than  
24  $16\frac{2}{3}$  percent computed on a sliding scale based  
25 upon the average production per well per day, at a

1 rate which shall be not less than 4 percentage points  
2 greater than the competitive royalty schedule then in  
3 force and used for royalty determination for com-  
4 petitive leases issued pursuant to such section as de-  
5 termined by the Secretary: Provided, That royalty  
6 on such reinstated lease shall be paid on all produc-  
7 tion removed or sold from such lease subsequent to  
8 the termination of the original lease;

9 “(B) payment of back royalties and inclusion in  
10 a reinstated lease issued pursuant to the provisions  
11 of section 17(c) of this Act of a requirement for fu-  
12 ture royalties at a rate not less than  $16\frac{2}{3}$  percent:  
13 Provided, That royalty on such reinstated lease shall  
14 be paid on all production removed or sold from such  
15 lease subsequent to the cancellation or termination  
16 of the original lease; and”;

17 (C) in subsection (f)—

18 (i) in paragraph (1), strike “in the  
19 same manner as the original lease issued  
20 pursuant to section 17” and insert “as a  
21 competitive or a noncompetitive oil and gas  
22 lease in the same manner as the original  
23 lease issued pursuant to subsection (b) or  
24 (c) of section 17 of this Act”;

1                   (ii) by redesignating paragraphs (2)  
2                   and (3) as paragraph (3) and (4), respec-  
3                   tively; and

4                   (iii) by inserting after paragraph (1)  
5                   the following:

6                   “(2) Except as otherwise provided in this sec-  
7                   tion, the issuance of a lease in lieu of an abandoned  
8                   patented oil placer mining claim shall be treated as  
9                   a noncompetitive oil and gas lease issued pursuant  
10                  to section 17(c) of this Act.”;

11                  (D) in subsection (g), by striking “sub-  
12                  section (d)” and inserting “subsections (d) and  
13                  (f)”;

14                  (E) by amending subsection (h) to read as  
15                  follows:

16                  “(h) ROYALTY REDUCTIONS.—

17                  “(1) In acting on a petition to issue a non-  
18                  competitive oil and gas lease, under subsection (f) of  
19                  this section or in response to a request filed after  
20                  issuance of such a lease, or both, the Secretary is  
21                  authorized to reduce the royalty on such lease if in  
22                  his judgment it is equitable to do so or the cir-  
23                  cumstances warrant such relief due to uneconomic  
24                  or other circumstances which could cause undue  
25                  hardship or premature termination of production.

1           “(2) In acting on a petition for reinstatement  
2           pursuant to subsection (d) of this section or in re-  
3           sponse to a request filed after reinstatement, or  
4           both, the Secretary is authorized to reduce the roy-  
5           alty in that reinstated lease on the entire leasehold  
6           or any tract or portion thereof segregated for royalty  
7           purposes if, in his judgment, there are uneconomic  
8           or other circumstances which could cause undue  
9           hardship or premature termination of production; or  
10          because of any written action of the United States,  
11          its agents or employees, which preceded, and was a  
12          major consideration in, the lessee’s expenditure of  
13          funds to develop the property under the lease after  
14          the rent had become due and had not been paid; or  
15          if in the judgment of the Secretary it is equitable to  
16          do so for any reason.”;

17                   (F) by redesignating subsections (f)  
18                   through (i) as subsections (g) through (j), re-  
19                   spectively; and

20                   (G) by inserting after subsection (e) the  
21                   following:

22           “(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS  
23   LEASE; CONDITIONS.—Where an unpatented oil placer  
24   mining claim validly located prior to February 24, 1920,  
25   which has been or is currently producing or is capable of

1 producing oil or gas, has been or is hereafter deemed con-  
2 clusively abandoned for failure to file timely the required  
3 instruments or copies of instruments required by section  
4 1744 of title 43, and it is shown to the satisfaction of  
5 the Secretary that such failure was inadvertent, justifi-  
6 able, or not due to lack of reasonable diligence on the part  
7 of the owner, the Secretary may issue, for the lands cov-  
8 ered by the abandoned unpatented oil placer mining claim,  
9 a noncompetitive oil and gas lease, consistent with the pro-  
10 visions of section 17(e) of this Act, to be effective from  
11 the statutory date the claim was deemed conclusively  
12 abandoned. Issuance of such a lease shall be conditioned  
13 upon:

14           “(1) a petition for issuance of a noncompetitive  
15 oil and gas lease, together with the required rental  
16 and royalty, including back rental and royalty accru-  
17 ing from the statutory date of abandonment of the  
18 oil placer mining claim, being filed with the  
19 Secretary- (A) with respect to any claim deemed  
20 conclusively abandoned on or before January 12,  
21 1983, on or before the one hundred and twentieth  
22 day after January 12, 1983, or (B) with respect to  
23 any claim deemed conclusively abandoned after Jan-  
24 uary 12, 1983, on or before the one hundred and  
25 twentieth day after final notification by the Sec-

1       retary or a court of competent jurisdiction of the de-  
2       termination of the abandonment of the oil placer  
3       mining claim;

4           “(2) a valid lease not having been issued affect-  
5       ing any of the lands covered by the abandoned oil  
6       placer mining claim prior to the filing of such peti-  
7       tion: Provided, however, That after the filing of a  
8       petition for issuance of a lease under this subsection,  
9       the Secretary shall not issue any new lease affecting  
10      any of the lands covered by such abandoned oil plac-  
11      er mining claim for a reasonable period, as deter-  
12      mined in accordance with regulations issued by him;

13          “(3) a requirement in the lease for payment of  
14      rental, including back rentals accruing from the  
15      statutory date of abandonment of the oil placer min-  
16      ing claim, of not less than \$5 per acre per year;

17          “(4) a requirement in the lease for payment of  
18      royalty on production removed or sold from the oil  
19      placer mining claim, including all royalty on produc-  
20      tion made subsequent to the statutory date the claim  
21      was deemed conclusively abandoned, of not less than  
22      12½ percent; and

23          “(5) compliance with the notice and reimburse-  
24      ment of costs provisions of paragraph (4) of sub-  
25      section (e) but addressed to the petition covering the

1 conversion of an abandoned unpatented oil placer  
2 mining claim to a noncompetitive oil and gas lease.”.

3 **Subtitle F—Energy Revenue**  
4 **Sharing**

5 **SEC. 20601. GULF OF MEXICO OUTER CONTINENTAL SHELF**  
6 **REVENUE.**

7 (a) DISTRIBUTION OF OUTER CONTINENTAL SHELF  
8 REVENUE TO GULF PRODUCING STATES.—Section 105 of  
9 the Gulf of Mexico Energy Security Act of 2006 (43  
10 U.S.C. 1331 note) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “50” and  
13 inserting “37.5”; and

14 (B) in paragraph (2)—

15 (i) by striking “50” and inserting  
16 “62.5”;

17 (ii) in subparagraph (A), by striking  
18 “75” and inserting “80”; and

19 (iii) in subparagraph (B), by striking  
20 “25” and inserting “20”; and

21 (2) by striking subsection (f) and inserting the  
22 following:

23 “(f) TREATMENT OF AMOUNTS.—Amounts disbursed  
24 to a Gulf producing State under this section shall be treat-  
25 ed as revenue sharing and not as a Federal award or grant

1 for the purposes of part 200 of title 2, Code of Federal  
2 Regulations.”.

3 (b) EXEMPTION OF CERTAIN PAYMENTS FROM SE-  
4 QUESTRATION.—

5 (1) IN GENERAL.—Section 255(g)(1)(A) of the  
6 Balanced Budget and Emergency Deficit Control  
7 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by  
8 inserting after “Payments to Social Security Trust  
9 Funds (28–0404–0–1–651).” the following:

10 “Payments to States pursuant to section  
11 105(a)(2)(A) of the Gulf of Mexico Energy Security  
12 Act of 2006 (Public Law 109–432; 43 U.S.C. 1331  
13 note) (014–5535–0–2–302).”.

14 (2) APPLICABILITY.—The amendment made by  
15 this subsection shall apply to any sequestration  
16 order issued under the Balanced Budget and Emer-  
17 gency Deficit Control Act of 1985 (2 U.S.C. 900 et  
18 seq.) on or after the date of enactment of this Act.

19 **SEC. 20602. PARITY IN OFFSHORE WIND REVENUE SHAR-**  
20 **ING.**

21 (a) PAYMENTS AND REVENUES.—Section 8(p)(2) of  
22 the Outer Continental Shelf Lands Act (43 U.S.C.  
23 1337(p)(2)) is amended—

24 (1) in subparagraph (A), by striking “(A) The  
25 Secretary” and inserting the following:



1           “(A) IN GENERAL.—Subject to subpara-  
2           graphs (B) and (C), the Secretary”;

3           (2) in subparagraph (B), by striking “(B) The  
4           Secretary” and inserting the following:

5           “(B) DISPOSITION OF REVENUES FOR  
6           PROJECTS LOCATED WITHIN 3 NAUTICAL MILES  
7           SEAWARD OF STATE SUBMERGED LAND.—The  
8           Secretary”; and

9           (3) by adding at the end the following:

10           “(C) DISPOSITION OF REVENUES FOR OFF-  
11           SHORE WIND PROJECTS IN CERTAIN AREAS.—

12           “(i) DEFINITIONS.—In this subpara-  
13           graph:

14           “(I) COVERED OFFSHORE WIND  
15           PROJECT.—The term ‘covered off-  
16           shore wind project’ means a wind  
17           powered electric generation project in  
18           a wind energy area on the outer Con-  
19           tinental Shelf that is not wholly or  
20           partially located within an area sub-  
21           ject to subparagraph (B).

22           “(II) ELIGIBLE STATE.—The  
23           term ‘eligible State’ means a State a  
24           point on the coastline of which is lo-  
25           cated within 75 miles of the geo-

1 graphic center of a covered offshore  
2 wind project.

3 “(III) QUALIFIED OUTER CONTI-  
4 NENTAL SHELF REVENUES.—The  
5 term ‘qualified outer Continental  
6 Shelf revenues’ means all royalties,  
7 fees, rentals, bonuses, or other pay-  
8 ments from covered offshore wind  
9 projects carried out pursuant to this  
10 subsection on or after the date of en-  
11 actment of this subparagraph.

12 “(ii) REQUIREMENT.—

13 “(I) IN GENERAL.—The Sec-  
14 retary of the Treasury shall deposit—

15 “(aa) 12.5 percent of quali-  
16 fied outer Continental Shelf reve-  
17 nues in the general fund of the  
18 Treasury;

19 “(bb) 37.5 percent of quali-  
20 fied outer Continental Shelf reve-  
21 nues in the North American Wet-  
22 lands Conservation Fund; and

23 “(cc) 50 percent of qualified  
24 outer Continental Shelf revenues  
25 in a special account in the Treas-

1           ury from which the Secretary  
2           shall disburse to each eligible  
3           State an amount determined pur-  
4           suant to subclause (II).

5           “(II) ALLOCATION.—

6                   “(aa) IN GENERAL.—Sub-  
7           ject to item (bb), for each fiscal  
8           year beginning after the date of  
9           enactment of this subparagraph,  
10          the amount made available under  
11          subclause (I)(cc) shall be allo-  
12          cated to each eligible State in  
13          amounts (based on a formula es-  
14          tablished by the Secretary by  
15          regulation) that are inversely  
16          proportional to the respective dis-  
17          tances between the point on the  
18          coastline of each eligible State  
19          that is closest to the geographic  
20          center of the applicable leased  
21          tract and the geographic center  
22          of the leased tract.

23                   “(bb) MINIMUM ALLOCA-  
24          TION.—The amount allocated to  
25          an eligible State each fiscal year

1 under item (aa) shall be at least  
2 10 percent of the amounts made  
3 available under subclause (I)(cc).

4 “(cc) PAYMENTS TO COAST-  
5 AL POLITICAL SUBDIVISIONS.—

6 “(AA) IN GENERAL.—

7 The Secretary shall pay 20  
8 percent of the allocable  
9 share of each eligible State,  
10 as determined pursuant to  
11 item (aa), to the coastal po-  
12 litical subdivisions of the eli-  
13 gible State.

14 “(BB) ALLOCATION.—

15 The amount paid by the  
16 Secretary to coastal political  
17 subdivisions under subitem  
18 (AA) shall be allocated to  
19 each coastal political sub-  
20 division in accordance with  
21 subparagraphs (B) and (C)  
22 of section 31(b)(4) of this  
23 Act.

24 “(iii) TIMING.—The amounts required  
25 to be deposited under subclause (I) of

1 clause (ii) for the applicable fiscal year  
2 shall be made available in accordance with  
3 such subclause during the fiscal year im-  
4 mediately following the applicable fiscal  
5 year.

6 “(iv) AUTHORIZED USES.—

7 “(I) IN GENERAL.—Subject to  
8 subclause (II), each eligible State  
9 shall use all amounts received under  
10 clause (ii)(II) in accordance with all  
11 applicable Federal and State laws,  
12 only for 1 or more of the following  
13 purposes:

14 “(aa) Projects and activities  
15 for the purposes of coastal pro-  
16 tection and resiliency, including  
17 conservation, coastal restoration,  
18 estuary management, beach  
19 nourishment, hurricane and flood  
20 protection, and infrastructure di-  
21 rectly affected by coastal wetland  
22 losses.

23 “(bb) Mitigation of damage  
24 to fish, wildlife, or natural re-

1 sources, including through fish-  
2 eries science and research.

3 “(cc) Implementation of a  
4 federally approved marine, coast-  
5 al, or comprehensive conservation  
6 management plan.

7 “(dd) Mitigation of the im-  
8 pact of outer Continental Shelf  
9 activities through the funding of  
10 onshore infrastructure projects.

11 “(ee) Planning assistance  
12 and the administrative costs of  
13 complying with this section.

14 “(ff) Infrastructure improve-  
15 ments at ports, including modi-  
16 fications to Federal navigation  
17 channels, to support installation  
18 of offshore wind energy projects.

19 “(II) LIMITATION.—Of the  
20 amounts received by an eligible State  
21 under clause (ii)(II), not more than 3  
22 percent shall be used for the purposes  
23 described in subclause (I)(ee).

24 “(v) ADMINISTRATION.—Subject to  
25 clause (vi)(III), amounts made available

1 under items (aa) and (cc) of clause (ii)(I)  
2 shall—

3 “(I) be made available, without  
4 further appropriation, in accordance  
5 with this subparagraph;

6 “(II) remain available until ex-  
7 pended; and

8 “(III) be in addition to any  
9 amount appropriated under any other  
10 Act.

11 “(vi) REPORTING REQUIREMENT.—

12 “(I) IN GENERAL.—Not later  
13 than 180 days after the end of each  
14 fiscal year, the Governor of each eligi-  
15 ble State that receives amounts under  
16 clause (ii)(II) for the applicable fiscal  
17 year shall submit to the Secretary a  
18 report that describes the use of the  
19 amounts by the eligible State during  
20 the period covered by the report.

21 “(II) PUBLIC AVAILABILITY.—On  
22 receipt of a report submitted under  
23 subclause (I), the Secretary shall  
24 make the report available to the pub-

1           lic on the website of the Department  
2           of the Interior.

3                   “(III) LIMITATION.—If the Gov-  
4           ernor of an eligible State that receives  
5           amounts under clause (ii)(II) fails to  
6           submit the report required under sub-  
7           clause (I) by the deadline specified in  
8           that subclause, any amounts that  
9           would otherwise be provided to the eli-  
10          gible State under clause (ii)(II) for  
11          the succeeding fiscal year shall be de-  
12          posited in the Treasury.

13                   “(vii) TREATMENT OF AMOUNTS.—  
14          Amounts disbursed to an eligible State  
15          under this subsection shall be treated as  
16          revenue sharing and not as a Federal  
17          award or grant for the purposes of part  
18          200 of title 2, Code of Federal Regula-  
19          tions.”.

20           (b) WIND LEASE SALES FOR AREAS OF THE OUTER  
21   CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF  
22   THE UNITED STATES.—Section 33 of the Outer Conti-  
23   nental Shelf Lands Act (43 U.S.C. 1356c) is amended by  
24   adding at the end the following:



1       “(b) WIND LEASE SALE PROCEDURE.—Any wind  
2 lease granted pursuant to this section shall be considered  
3 a wind lease granted under section 8(p), including for pur-  
4 poses of the disposition of revenues pursuant to subpara-  
5 graphs (B) and (C) of section 8(p)(2).”.

6       (c) EXEMPTION OF CERTAIN PAYMENTS FROM SE-  
7 QUESTRATION.—

8           (1) IN GENERAL.—Section 255(g)(1)(A) of the  
9 Balanced Budget and Emergency Deficit Control  
10 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by  
11 inserting after “Payments to Social Security Trust  
12 Funds (28–0404–0–1–651).” the following:

13           “Payments to States pursuant to subparagraph  
14 (C)(ii)(I)(cc) of section 8(p)(2) of the Outer Conti-  
15 nental Shelf Lands Act (43 U.S.C. 1337(p)(2)).”.

16           (2) APPLICABILITY.—The amendment made by  
17 this subsection shall apply to any sequestration  
18 order issued under the Balanced Budget and Emer-  
19 gency Deficit Control Act of 1985 (2 U.S.C. 900 et  
20 seq.) on or after the date of enactment of this Act.

21 **SEC. 20603. ELIMINATION OF ADMINISTRATIVE FEE UNDER**  
22 **THE MINERAL LEASING ACT.**

23       (a) IN GENERAL.—Section 35 of the Mineral Leasing  
24 Act (30 U.S.C. 191) is amended—

1 (1) in subsection (a), in the first sentence, by  
2 striking “and, subject to the provisions of subsection  
3 (b),”;

4 (2) by striking subsection (b);

5 (3) by redesignating subsections (c) and (d) as  
6 subsections (b) and (c), respectively;

7 (4) in paragraph (3)(B)(ii) of subsection (b) (as  
8 so redesignated), by striking “subsection (d)” and  
9 inserting “subsection (c)”; and

10 (5) in paragraph (3)(A)(ii) of subsection (c) (as  
11 so redesignated), by striking “subsection (c)(2)(B)”  
12 and inserting “subsection (b)(2)(B)”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 6(a) of the Mineral Leasing Act for  
15 Acquired Lands (30 U.S.C. 355(a)) is amended—

16 (A) in the first sentence, by striking “Sub-  
17 ject to the provisions of section 35(b) of the  
18 Mineral Leasing Act (30 U.S.C. 191(b)), all”  
19 and inserting “All”; and

20 (B) in the second sentence, by striking “of  
21 the Act of February 25, 1920 (41 Stat. 450; 30  
22 U.S.C. 191),” and inserting “of the Mineral  
23 Leasing Act (30 U.S.C. 191)”.

24 (2) Section 20(a) of the Geothermal Steam Act  
25 of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-

1       ond sentence of the matter preceding paragraph (1),  
2       by striking “the provisions of subsection (b) of sec-  
3       tion 35 of the Mineral Leasing Act (30 U.S.C.  
4       191(b)) and section 5(a)(2) of this Act” and insert-  
5       ing “section 5(a)(2)”.

6               (3) Section 205(f) of the Federal Oil and Gas  
7       Royalty Management Act of 1982 (30 U.S.C.  
8       1735(f)) is amended—

9               (A) in the first sentence, by striking “this  
10              Section” and inserting “this section”; and

11              (B) by striking the fourth, fifth, and sixth  
12              sentences.

13   **SEC. 20604. SUNSET.**

14       This subtitle, and the amendments made by this sub-  
15       title, shall cease to have effect on September 30, 2032,  
16       and on such date the provisions of law amended by this  
17       subtitle shall be restored or revived as if this subtitle had  
18       not been enacted.

19   **TITLE III—WATER QUALITY CER-**  
20       **TIFICATION       AND       ENERGY**  
21       **PROJECT IMPROVEMENT**

22   **SEC. 30001. SHORT TITLE.**

23       This title may be cited as the “Water Quality Certifi-  
24       cation and Energy Project Improvement Act of 2023”.

1 **SEC. 30002. CERTIFICATION.**

2 Section 401 of the Federal Water Pollution Control  
3 Act (33 U.S.C. 1341) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in the first sentence, by striking  
7 “may result” and inserting “may directly  
8 result”;

9 (ii) in the second sentence, by striking  
10 “activity” and inserting “discharge”;

11 (iii) in the third sentence, by striking  
12 “applications” each place it appears and  
13 inserting “requests”;

14 (iv) in the fifth sentence, by striking  
15 “act on” and inserting “grant or deny”;  
16 and

17 (v) by inserting after the fourth sen-  
18 tence the following: “Not later than 30  
19 days after the date of enactment of the  
20 Water Quality Certification and Energy  
21 Project Improvement Act of 2023, each  
22 State and interstate agency that has au-  
23 thority to give such a certification, and the  
24 Administrator, shall publish requirements  
25 for certification to demonstrate to such  
26 State, such interstate agency, or the Ad-

1            administrator, as the case may be, compli-  
2            ance with the applicable provisions of sec-  
3            tions 301, 302, 303, 306, and 307. A deci-  
4            sion to grant or deny a request for certifi-  
5            cation shall be based only on the applicable  
6            provisions of sections 301, 302, 303, 306,  
7            and 307, and the grounds for the decision  
8            shall be set forth in writing and provided  
9            to the applicant. Not later than 90 days  
10          after receipt of a request for certification,  
11          the State, interstate agency, or Adminis-  
12          trator, as the case may be, shall identify in  
13          writing all specific additional materials or  
14          information that are necessary to grant or  
15          deny the request.”;

16          (B) in paragraph (2)—

17                (i) in the second sentence, by striking  
18                “notice of application for such Federal li-  
19                cense or permit” and inserting “receipt of  
20                a notice under the preceding sentence”;

21                (ii) in the third sentence, by striking  
22                “any water quality requirement” and in-  
23                serting “any applicable provision of section  
24                301, 302, 303, 306, or 307”;

1 (iii) in the fifth sentence, by striking  
2 “insure compliance with applicable water  
3 quality requirements.” and inserting “en-  
4 sure compliance with the applicable provi-  
5 sions of sections 301, 302, 303, 306, and  
6 307.”;

7 (iv) in the final sentence, by striking  
8 “insure” and inserting “ensure”; and

9 (v) by striking the first sentence and  
10 inserting “On receipt of a request for cer-  
11 tification, the certifying State or interstate  
12 agency, as applicable, shall immediately  
13 notify the Administrator of the request.”;

14 (C) in paragraph (3), in the second sen-  
15 tence, by striking “section” and inserting “any  
16 applicable provision of section”;

17 (D) in paragraph (4)—

18 (i) in the first sentence, by striking  
19 “applicable effluent limitations or other  
20 limitations or other applicable water qual-  
21 ity requirements will not be violated” and  
22 inserting “no applicable provision of sec-  
23 tion 301, 302, 303, 306, or 307 will be vio-  
24 lated”;

1 (ii) in the second sentence, by striking  
2 “will violate applicable effluent limitations  
3 or other limitations or other water quality  
4 requirements” and inserting “will directly  
5 result in a discharge that violates an appli-  
6 cable provision of section 301, 302, 303,  
7 306, or 307,”; and

8 (iii) in the third sentence, by striking  
9 “such facility or activity will not violate the  
10 applicable provisions” and inserting “oper-  
11 ation of such facility or activity will not di-  
12 rectly result in a discharge that violates  
13 any applicable provision”; and

14 (E) in paragraph (5), by striking “the ap-  
15 plicable provisions” and inserting “any applica-  
16 ble provision”;

17 (2) in subsection (d), by striking “any applica-  
18 ble effluent limitations and other limitations, under  
19 section 301 or 302 of this Act, standard of perform-  
20 ance under section 306 of this Act, or prohibition,  
21 effluent standard, or pretreatment standard under  
22 section 307 of this Act, and with any other appro-  
23 priate requirement of State law set forth in such  
24 certification, and” and inserting “the applicable pro-

1 visions of sections 301, 302, 303, 306, and 307, and  
2 any such limitations or requirements”; and

3 (3) by adding at the end the following:

4 “(e) For purposes of this section, the applicable pro-  
5 visions of sections 301, 302, 303, 306, and 307 are any  
6 applicable effluent limitations and other limitations, under  
7 section 301 or 302, standard of performance under section  
8 306, prohibition, effluent standard, or pretreatment stand-  
9 ard under section 307, and requirement of State law im-  
10 plementing water quality criteria under section 303 nec-  
11 essary to support the designated use or uses of the receiv-  
12 ing navigable waters.”.

13 **SEC. 30003. FEDERAL GENERAL PERMITS.**

14 Section 402(a) of the Federal Water Pollution Con-  
15 trol Act (33 U.S.C. 1342(a)) is amended by adding at the  
16 end the following:

17 “(6)(A) The Administrator is authorized to issue gen-  
18 eral permits under this section for discharges of similar  
19 types from similar sources.

20 “(B) The Administrator may require submission of  
21 a notice of intent to be covered under a general permit  
22 issued under this section, including additional information  
23 that the Administrator determines necessary.

24 “(C) If a general permit issued under this section will  
25 expire and the Administrator decides not to issue a new



1 general permit for discharges similar to those covered by  
2 the expiring general permit, the Administrator shall pub-  
3 lish in the Federal Register a notice of such decision at  
4 least two years prior to the expiration of the general per-  
5 mit.

6 “(D) If a general permit issued under this section  
7 expires and the Administrator has not published a notice  
8 in accordance with subparagraph (C), until such time as  
9 the Administrator issues a new general permit for dis-  
10 charges similar to those covered by the expired general  
11 permit, the Administrator shall—

12 “(i) continue to apply the terms, conditions,  
13 and requirements of the expired general permit to  
14 any discharge that was covered by the expired gen-  
15 eral permit; and

16 “(ii) apply such terms, conditions, and require-  
17 ments to any discharge that would have been cov-  
18 ered by the expired general permit (in accordance  
19 with any relevant requirements for such coverage) if  
20 the discharge had occurred before such expiration.”.

## 21 **DIVISION E—INCREASE IN DEBT** 22 **LIMIT**

### 23 **SEC. 40001. LIMITED SUSPENSION OF DEBT CEILING.**

24 (a) SUSPENSION.—Section 3101(b) of title 31,  
25 United States Code, shall not apply during the period be-

1 ginning on the date of the enactment of this Act and end-  
2 ing on the applicable date.

3 (b) DOLLAR LIMITATION ON SUSPENSION.—Sub-  
4 section (a) shall not apply to the extent that the applica-  
5 tion of such subsection would result in the face amount  
6 of obligations subject to limitation under section 3101(b)  
7 of title 31, United States Code, to exceed the sum of—

8 (1) the dollar limitation in effect under such  
9 section on the date of the enactment of this Act, in-  
10 creased by

11 (2) \$1,500,000,000,000.

12 (c) APPLICABLE DATE.—For purposes of this sec-  
13 tion, the term “applicable date” means the earlier of—

14 (1) March 31, 2024, or

15 (2) the first date on which subsection (a) does  
16 not apply by reason of subsection (b).

17 (d) SPECIAL RULE RELATING TO OBLIGATIONS  
18 ISSUED DURING SUSPENSION PERIOD.—Effective as of  
19 the close of the applicable date, the dollar limitation in  
20 section 3101(b) of title 31, United States Code, is in-  
21 creased to the extent that—

22 (1) the face amount of obligations subject to  
23 limitation under such section outstanding as of the  
24 close of the applicable date, exceeds

1           (2) the face amount of such obligations out-  
2           standing on the date of the enactment of this Act.  
3 An obligation shall not be taken into account under para-  
4 graph (1) unless the issuance of such obligation was nec-  
5 essary to fund a commitment incurred by the Federal Gov-  
6 ernment that required payment on or before the applicable  
7 date.

Passed the House of Representatives April 26, 2023.

Attest:

*Clerk.*

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2811**

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**AN ACT**

To provide for a responsible increase to the debt ceiling, and for other purposes.