

LEGISLATIVE SUMMARY SHEET

Tracking No. 0121-23

DATE: May 26, 2023

**TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; OPPOSING H.R. 2811, “*LIMIT, SAVE, GROW ACT OF 2023*”; URGING THE UNITED STATES CONGRESS TO AMEND H.R. 2811 §§ 201-202 TO PROTECT SPENDING CUTS TO TRIBAL PROGRAMS**

**PURPOSE:** This resolution, if approved, will oppose H.R. 2811, “*Limit, Save, Grow Act of 2023*,” and urge the U.S. Congress to amend H.R. 2811 §§ 201-202 to protect spending cuts to tribal programs.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

## PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25<sup>th</sup> NAVAJO NATION COUNCIL – First Year, 2023

INTRODUCED BY

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(Sponsor)TRACKING NO. 0121-23

## AN ACTION

**RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL;  
OPPOSING H.R. 2811, “LIMIT, SAVE, GROW ACT OF 2023”; URGING THE  
UNITED STATES CONGRESS TO AMEND H.R. 2811 §§ 201-202 TO PROTECT  
SPENDING CUTS TO TRIBAL PROGRAMS**

**WHEREAS:**

- A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. §102(A).
- B. Pursuant to 2 N.N.C. §164 (A)(16) matters constituting an emergency shall be limited to cessations of direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such emergency matters must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.
- C. The coronavirus pandemic has caused large scale devastation to the Navajo Nation, including loss of life and economic impact to residents and business. The American Rescue Plan Act (“ARPA”), along with other COVID-19 relief funding, was provided to assist in mitigating and containing the spread of COVID-19. This funding also provided relief to the Navajo People suffering from the health, social and economic impacts due to the COVID-19 pandemic.

1 D. On May 22, 2023, Janet L. Yellen, Secretary of Treasury for the United States,  
2 indicated that the United States Federal Government will potentially hit its debt  
3 ceiling on June 1<sup>st</sup>, 2023. The Secretary of Treasury also stated that if the United  
4 States does not increase the debt ceiling, then the United States will be incapable to  
5 meet its financial obligations and default for the first time in American history.

6 **Exhibit A.**

7 E. On April 26, 2023, the *Limit, Save, Grow Act* (“Act”) of 2023, H.R. 2811, 118<sup>th</sup>  
8 Cong. (1<sup>st</sup> Sess. 2023), attached as **Exhibit B**, passed the House of Representatives  
9 and is now before the Senate. See [https://www.congress.gov/bill/118th-](https://www.congress.gov/bill/118th-congress/house-bill/2811)  
10 [congress/house-bill/2811](https://www.congress.gov/bill/118th-congress/house-bill/2811)

11 F. If enacted, H.R. 2811 will rescind all unobligated funds of American Rescue Plan Act  
12 of 2021 (Public Law 117-2), Coronavirus Aid, Relief, and Economic Security Act  
13 (CARES Act) (Public Law 116-136), Families First Coronavirus Response Act  
14 (Public Law 116-127), Paycheck Protection Program and Health Care Enhancement  
15 Act (Public 116-139), Coronavirus Response and Relief Supplemental Appropriations  
16 Act, 2021 (division M) and Division N - Additional Coronavirus Response and Relief  
17 of Public Law 116-260, and the Coronavirus Preparedness and Response  
18 Supplemental Appropriations Act, 2020 (Public Law 116-123).

19 G. The U.S. House Committee on Appropriations member Rosa DeLauro’s “*Analysis of*  
20 *Rescissions in the Default on America Act*,” attached as **Exhibit C**, estimates the  
21 economic impact to Tribal Programing could have devastating effects to Tribal  
22 members who were greatly impacted by the COVID pandemic, and are slowly  
23 starting to recover from the loss.

24 H. The Analysis identifies at least 138 U.S. Treasury accounts tracked by the U.S. Office  
25 of Management and Budget (“OMB”) with unobligated balances provided by COVID  
26 relief laws, “over half of which have less than fifty million (\$50,000,000) in  
27 unobligated balances (the subset of which total only about \$700 million).”

28 I. The Analysis indicates a detrimental impact to Tribal Programs and Native  
29 Americans due to several cuts to funding, which includes: over one-billion dollars  
30 (\$1,000,000,000) to Health and Human services, sixty-million dollars (\$60,000,000)

1 to the Bureau of Indian Affairs Operations of Indian Programs, two-hundred million  
2 dollars (\$200,000,000) to the Bureau of Indian Educations Operations of Indian  
3 Programs, seven hundred sixty million dollars (\$760,000,000) to Emergency  
4 Connectivity Funds provided for relief to millions of students, school staff and library  
5 patrons, over three billion dollars (\$3,000,000,000) to Housing and Urban  
6 Development, six billion dollars (\$6,000,000,000) to Transportation, one billion  
7 eight-hundred thousand dollars (\$1,800,000,000) to the State Small Business Credit  
8 Initiative, thirty-five million dollars (\$35,000,000) to Veteran Affairs, and over two  
9 billion dollars (\$2,000,000,000) to the Veteran Medical Care and Health Fund.  
10 **Exhibit C** provides more detailed information.

- 11 J. The Navajo Nation (“Nation”) received over two billion dollars (\$2,000,000,000) in  
12 federal COVID relief funding from the U.S. Treasury (“Treasury”). This  
13 disbursement by the Treasury to the Nation are defined as federally obligated funding  
14 by the Treasury. The proposed language of the *Limit, Save, Grow Act of 2023*, H.R.  
15 2811, rescinds federally unobligated funds and does not rescind the Nation’s tribally  
16 unobligated funds.
- 17 K. The *Limit, Save, Grow Act of 2023*, H.R. 2811, does threaten Treasury application-  
18 based grant programs which are at risk of rescission of their balances if the Treasury  
19 is unable to approve pending applications before June 1, 2023.
- 20 L. Through the United States Department of Treasury, SSBCI will fund state, territory, and  
21 Tribal government small business credit support programs, including capital access  
22 programs, loan participation programs, loan guarantee programs, collateral support  
23 programs, and venture capital programs (“other credit support programs”).
- 24 M. The Nation applied for SSBCI funding, in efforts to encourage and enhance economic  
25 development within the Navajo Nation. This pending application has an estimated  
26 award amount of ninety-eight million dollars (\$98,000,000), and is currently under  
27 review with the Treasury’s State Small Business Credit Initiative (“SSBCI”). This  
28 vital award would be used to provide needed loan programs to small businesses on  
29 the Navajo Nation, which is essential to short-term and long-term survival and  
30 economic stability for the Navajo Nation.



1 N. It is imperative that Congress amend §§ 201-202 of the *Limit, Save, Grow Act of*  
2 *2023*, H.R. 2811, to reflect language favorable to the Navajo Nation and other Tribal  
3 Governments still seeking approvals of available COVID related funding and  
4 unobligated funds, so that they may receive these vital and necessary resources.

5 O. For the reason stated above, it is in the best interest of the Navajo Nation that the  
6 Navajo Nation oppose the *Limit, Save, Grow Act of 2023*, H.R. 2811, as currently  
7 written, and respectfully requests Congress amend §§ 201-202 to reflect language  
8 favorable to tribal governments still seeking approval for unobligated funding for the  
9 Navajo Nation and other Tribal Programs.

10  
11 **THEREFORE, BE IT RESOLVED:**

12 A. The Navajo Nation Council oppose the Limit, Save, Grow Act of 2023, H.R. 2811, as  
13 currently written, so respectfully requests Congress amend §§ 201-202 to reflect  
14 language favorable to tribal governments still seeking approval for unobligated  
15 funding for the Navajo Nation and other Tribal Programs, and protect the funding for  
16 applicants awaiting final approval.

17 B. The Navajo Nation Council authorizes the Navajo Nation President and Navajo  
18 Nation Speaker to take all steps necessary to affirm the Navajo Nation's position of  
19 protecting and preserving the health, welfare, and economic interests of the Navajo  
20 People.



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C.

SECRETARY OF THE TREASURY

May 22, 2023

The Honorable Kevin McCarthy  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

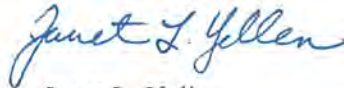
I am writing to follow up on my previous letters regarding the debt limit and to provide additional information regarding the Treasury Department's ability to continue to finance the operations of the federal government. In my May 15 letter, I noted that our best estimate was that Treasury would be unable to continue to satisfy all of the government's obligations by early June if Congress does not raise or suspend the debt limit before that time. In that letter, I also noted that while it is impossible to predict with certainty the exact date when Treasury will be unable to pay all the government's bills, I would continue to update Congress as more information becomes available. With an additional week of information now available, I am writing to note that we estimate that it is highly likely that Treasury will no longer be able to satisfy all of the government's obligations if Congress has not acted to raise or suspend the debt limit by early June, and potentially as early as June 1.

These estimates are based on currently available data, and federal receipts, outlays, and debt could vary from these estimates. I will continue to update Congress as more information becomes available.

We have learned from past debt limit impasses that waiting until the last minute to suspend or increase the debt limit can cause serious harm to business and consumer confidence, raise short-term borrowing costs for taxpayers, and negatively impact the credit rating of the United States. In fact, we have already seen Treasury's borrowing costs increase substantially for securities maturing in early June. If Congress fails to increase the debt limit, it would cause severe hardship to American families, harm our global leadership position, and raise questions about our ability to defend our national security interests.

I continue to urge Congress to protect the full faith and credit of the United States by acting as soon as possible.

Sincerely,

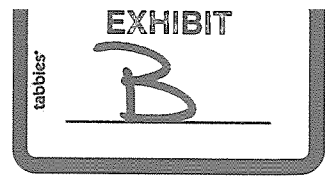
A handwritten signature in blue ink that reads "Janet L. Yellen". The signature is fluid and cursive, with the first name "Janet" and last name "Yellen" clearly legible.

Janet L. Yellen

Identical letter sent to:

The Honorable Hakeem Jeffries, House Democratic Leader  
The Honorable Charles E. Schumer, Senate Majority Leader  
The Honorable Mitch McConnell, Senate Republican Leader

cc: The Honorable Jason Smith, Chairman, House Committee on Ways and Means  
The Honorable Richard E. Neal, Ranking Member, House Committee on Ways and Means  
The Honorable Ron Wyden, Chairman, Senate Committee on Finance  
The Honorable Mike Crapo, Ranking Member, Senate Committee on Finance



## Calendar No. 41

118TH CONGRESS  
1ST SESSION

# H. R. 2811

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

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IN THE SENATE OF THE UNITED STATES

MAY 1, 2023

Received; read the first time

MAY 2, 2023

Read the second time and placed on the calendar

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## AN ACT

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

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

### SEC. 2. TABLE OF CONTENTS.

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](#)

[Sec. 101. Discretionary spending limits.](#)

## [DIVISION B—SAVE TAXPAYER DOLLARS](#)

### [TITLE I—RESCISSION OF UNOBLIGATED FUNDS](#)

[Sec. 201. Rescission of unobligated coronavirus funds.](#)

[Sec. 202. Rescission of Inflation Reduction Act funds.](#)

### [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.](#)

[Sec. 228. Nonbusiness energy property credit.](#)

[Sec. 229. Residential clean energy credit reverted to credit for residential energy efficient property.](#)

[Sec. 230. Energy efficient commercial buildings deduction.](#)

[Sec. 231. Modifications to new energy efficient home credit.](#)

[Sec. 232. Clean vehicle credit.](#)

[Sec. 233. Repeal of credit for previously-owned clean vehicles.](#)

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[Sec. 235. Alternative fuel refueling property credit.](#)

[Sec. 236. Advanced energy project credit extension reversed.](#)

[Sec. 237. Repeal of advanced manufacturing production credit.](#)

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[Sec. 239. Repeal of clean electricity investment credit.](#)

[Sec. 240. Cost recovery for qualified facilities, qualified property, and energy storage technology removed.](#)

[Sec. 241. Repeal of clean fuel production credit.](#)

[Sec. 242. Repeal of sections relating to elective payment for energy property and electricity produced from certain renewable resources; transfer of credits.](#)

[Sec. 243. Transition rule.](#)

### [TITLE IV—FAMILY AND SMALL BUSINESS TAXPAYER PROTECTION](#)

[Sec. 251. Rescission of certain balances made available to the Internal Revenue Service.](#)

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[Sec. 304. Reporting of work outcomes.](#)

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[Sec. 312. Rule of construction for exemption adjustment.](#)

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[Sec. 10013. Natural gas tax repeal.](#)

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[Sec. 10015. Ending future delays in chemical substance review for critical energy resources.](#)

[Sec. 10016. Keeping America’s refineries operating.](#)

[Sec. 10017. Homeowner energy freedom.](#)

[Sec. 10018. Study.](#)

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[Sec. 10020. Use of index-based pricing in acquisition of petroleum products for the SPR.](#)

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**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**[DIVISION A—LIMIT FEDERAL SPENDING](#)**  
**[TITLE I—DISCRETIONARY SPENDING LIMITS FOR](#)**  
**[DISCRETIONARY CATEGORY](#)**

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

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 ([2 U.S.C. 901\(c\)](#)) is amended—

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

(2) by inserting after paragraph (8) the following:

“(9) for fiscal year 2024, for the discretionary category, \$1,470,979,000,000 in new budget authority;

“(10) for fiscal year 2025, for the discretionary category, \$1,485,689,000,000 in new budget authority;

“(11) for fiscal year 2026, for the discretionary category, \$1,500,546,000,000 in new budget authority;

“(12) for fiscal year 2027, for the discretionary category, \$1,515,551,000,000 in new budget authority;

“(13) for fiscal year 2028, for the discretionary category, \$1,530,707,000,000 in new budget authority;

“(14) for fiscal year 2029, for the discretionary category, \$1,546,014,000,000 in new budget authority;

“(15) for fiscal year 2030, for the discretionary category, \$1,561,474,000,000 in new budget authority;

“(16) for fiscal year 2031, for the discretionary category, \$1,577,089,000,000 in new budget authority;

“(17) for fiscal year 2032, for the discretionary category, \$1,592,859,000,000 in new budget authority; and

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

(b) CONFORMING AMENDMENTS TO ADJUSTMENTS.—

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

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

(B) in subclause (X), by striking the period and inserting a semicolon; and

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

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

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

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

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

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

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

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

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

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

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

(2) HEALTH CARE FRAUD AND ABUSE CONTROL.—Section 251(b)(2)(C)(i) of such Act is amended—

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

(B) in subclause (X), by striking the period and inserting a semicolon; and

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

“(XI) for fiscal year 2024, \$604,000,000 in additional new budget authority;

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

“(XIII) for fiscal year 2026, \$658,000,000 in additional new budget authority;

“(XIV) for fiscal year 2027, \$686,000,000 in additional new budget authority;

“(XV) for fiscal year 2028, \$714,000,000 in additional new budget authority;

“(XVI) for fiscal year 2029, \$743,000,000 in additional new budget authority;

“(XVII) for fiscal year 2030, \$771,000,000 in additional new budget authority;

“(XVIII) for fiscal year 2031, \$798,000,000 in additional new budget authority;

“(XIX) for fiscal year 2032, \$826,000,000 in additional new budget authority; and

“(XX) for fiscal year 2033, \$853,000,000 in additional new budget authority.”.

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

(4) REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—Section 251(b)(2)(E)(i) of such Act is amended—

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

(B) in subclause (IV), by striking the period and inserting a semicolon; and

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

“(V) for fiscal year 2024, \$265,000,000 in additional new budget authority;

“(VI) for fiscal year 2025, \$271,000,000 in additional new budget authority;

“(VII) for fiscal year 2026, \$276,000,000 in additional new budget authority;



“(VIII) for fiscal year 2027, \$282,000,000 in additional new budget authority;  
“(IX) for fiscal year 2028, \$288,000,000 in additional new budget authority;  
“(X) for fiscal year 2029, \$293,000,000 in additional new budget authority;  
“(XI) for fiscal year 2030, \$299,000,000 in additional new budget authority;  
“(XII) for fiscal year 2031, \$305,000,000 in additional new budget authority;  
“(XIII) for fiscal year 2032, \$311,000,000 in additional new budget authority; and  
“(XIV) for fiscal year 2033, \$317,000,000 in additional new budget authority.”.

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

(A) by striking “through 2027” and inserting “through 2033”;

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

(C) in subclause (VIII), by striking the period and inserting a semicolon; and

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

“(IX) for fiscal year 2028, \$2,957,000,000 in additional new budget authority;  
“(X) for fiscal year 2029, \$3,036,000,000 in additional new budget authority;  
“(XI) for fiscal year 2030, \$3,118,000,000 in additional new budget authority;  
“(XII) for fiscal year 2031, \$3,202,000,000 in additional new budget authority;  
“(XIII) for fiscal year 2032, \$3,287,000,000 in additional new budget authority; and  
“(XIV) for fiscal year 2033, \$3,376,000,000 in additional new budget authority.”.

(c) CONFORMING AMENDMENTS RELATING TO SEQUESTRATION REPORTS.—  
Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 ([2 U.S.C. 904](#))  
is amended—

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

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

## **DIVISION B—SAVE TAXPAYER DOLLARS**

## **TITLE I—RESCISSION OF UNOBLIGATED FUNDS**

### **SEC. 201. RESCISSION OF UNOBLIGATED CORONAVIRUS FUNDS.**

The unobligated balances of amounts appropriated or otherwise made available by the American Rescue Plan Act of 2021 ([Public Law 117–2](#)), and by each of Public Laws 116–123, 116–127, 116–136, and 116–139 and divisions M and N of [Public Law 116–260](#), are hereby permanently rescinded.

### **SEC. 202. RESCISSION OF INFLATION REDUCTION ACT FUNDS.**

The unobligated balances of amounts appropriated or otherwise made available by each of the following provisions of [Public Law 117–169](#) (commonly referred to as the “Inflation Reduction Act”) are hereby permanently rescinded:

- (1) Section 50131.
- (2) Section 50144.
- (3) Section 50224.
- (4) Section 60114.
- (5) Section 60501.

## **TITLE II—PROHIBIT UNFAIR STUDENT LOAN GIVEAWAYS**

### **SEC. 211. NULLIFICATION OF CERTAIN EXECUTIVE ACTIONS AND RULES RELATING TO FEDERAL STUDENT LOANS.**

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

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

(A) described by the Department of Education in the Federal Register on October 12, 2022 (87 Fed. Reg. 61513 et seq.); and

(B) issued on or after the date of enactment of this Act.

(2) The modifications of statutory and regulatory provisions relating to debt discharge described by the Department of Education in the Federal Register on October 12, 2022 (87 Fed. Reg. 61514).



(3) A final rule that is substantially similar to the proposed rule on “Improving Income-Driven Repayment for the William D. Ford Federal Direct Loan Program” published by the Department of Education in the Federal Register on January 11, 2023 (88 Fed. Reg. 1894 et seq.).

(b) PROHIBITION.—The Secretary of Education may not implement any executive action or rule specified in paragraph (1), (2), or (3) of subsection (a) (or a substantially similar executive action or rule), except as expressly authorized by an Act of Congress.

## **SEC. 212. LIMITATION ON AUTHORITY OF SECRETARY TO PROPOSE OR ISSUE REGULATIONS AND EXECUTIVE ACTIONS.**

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 492 the following:

### **“SEC. 492A. LIMITATION ON AUTHORITY OF THE SECRETARY TO PROPOSE OR ISSUE REGULATIONS AND EXECUTIVE ACTIONS.**

“(a) DRAFT REGULATIONS.—Beginning after the date of enactment of this section, a draft regulation implementing this title (as described in section 492(b)(1)) that is determined by the Secretary to be economically significant shall be subject to the following requirements (regardless of whether negotiated rulemaking occurs):

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

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

“(b) PROPOSED OR FINAL REGULATIONS AND EXECUTIVE ACTIONS.—Notwithstanding any other provision of law, beginning after the date of enactment of this section, the Secretary may not issue a proposed rule, final regulation, or executive action implementing this title if the Secretary determines that the rule, regulation, or executive action—

“(1) is economically significant; and

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

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

“(d) DEFINITION.—In this section, the term ‘economically significant’, when used with respect to a draft, proposed, or final regulation or executive action, means that the regulation or executive action is likely, as determined by the Secretary—

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

“(2) adversely to affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

## **TITLE III—REPEAL MARKET DISTORTING GREEN TAX CREDITS**

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

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

### **SEC. 222. MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.**

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking “January 1, 2025” each place it appears and inserting “January 1, 2022”:

(1) Paragraph (2)(A).

(2) Paragraph (3)(A).

(3) Paragraph (6).

(4) Paragraph (7).

(5) Paragraph (9).

(6) Paragraph (11)(B).

(b) BASE CREDIT AMOUNT.—[Section 45](#) is amended—

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

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

(c) APPLICATION TO GEOTHERMAL AND SOLAR.—[Section 45\(d\)\(4\)](#) is amended by striking “and the construction of which begins before January 1, 2025” and all that follows and inserting “and which—

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

“(B) in the case of a facility using geothermal energy, the construction of which begins before January 1, 2022.

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

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

(e) WIND FACILITIES.—

(1) IN GENERAL.—[Section 45\(d\)\(1\)](#) is amended by striking “January 1, 2025” and inserting “January 1, 2022”.

(2) APPLICATION OF PHASEOUT PERCENTAGE.—

(A) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—[Section 45\(b\)\(5\)](#) is amended by striking “which is placed in service before January 1, 2022”.

(B) ENERGY CREDIT.—[Section 48\(a\)\(5\)\(E\)](#) is amended by striking “placed in service before January 1, 2022, and”.

(3) QUALIFIED OFFSHORE WIND FACILITIES UNDER ENERGY CREDIT.—[Section 48\(a\)\(5\)\(F\)\(i\)](#) is amended by striking “offshore wind facility, subparagraph (E) shall not apply.” and inserting “offshore wind facility—

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

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

“(III) for purposes of this paragraph, section 45(d)(1) shall be applied by substituting ‘January 1, 2026’ for ‘January 1, 2022’.”.

(f) WAGE AND APPRENTICESHIP REQUIREMENTS.—[Section 45\(b\)](#) is amended by striking paragraphs (6), (7), and (8).



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

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

“(3) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND OTHER CREDITS.—The amount of the credit determined under subsection (a) with respect to any project for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of  $\frac{1}{2}$  or a fraction—

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

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

“(ii) proceeds of an issue of State or local government obligations used to provide financing for the project the interest on which is exempt from tax under section 103,

“(iii) the aggregate amount of subsidized energy financing provided (directly or indirectly) under a Federal, State, or local program provided in connection with the project, and

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

“(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year. This paragraph shall not apply with respect to any facility described in subsection (d)(2)(A)(ii).”.

(i) ROUNDING ADJUSTMENT.—

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

“(2) CREDIT AND PHASEOUT ADJUSTMENT BASED ON INFLATION.—The 1.5 cent amount in subsection (a), the 8 cent amount in paragraph (1), the \$4.375 amount in subsection (e)(8)(A), the \$2 amount in subsection (e)(8)(D)(ii)(I), and in subsection (e)(8)(B)(i) the reference price of fuel used as a feedstock (within the meaning of subsection (c)(7)(A)) in 2002 shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.”.

(2) CONFORMING AMENDMENT.—[Section 45\(b\)\(4\)\(A\)](#) is amended by striking “last two sentences” and inserting “last sentence”.

(j) HYDROPOWER.—

(1) CREDIT RATE REDUCTION FOR QUALIFIED HYDROELECTRIC PRODUCTION AND MARINE AND HYDROKINETIC RENEWABLE ENERGY.—[Section 45\(b\)\(4\)\(A\)](#) is amended by striking “or (7)” and inserting “(7), (9), or (11)”.

(2) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—[Section 45](#) is amended—

(A) in subsection (c)(10)(A)—

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

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

(iii) by striking clause (v), and

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

(k) EFFECTIVE DATES.—

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

(2) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND OTHER CREDITS.—The amendment made by subsection (h) shall apply to facilities the construction of which begins after August 16, 2022.

(3) DOMESTIC CONTENT, PHASEOUT, ENERGY COMMUNITIES.—The amendments made by subsections (g) and (j) shall apply to facilities placed in service after December 31, 2022.

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

(a) IN GENERAL.—The following provisions of section 48 are each amended by striking “January 1, 2025” each place it appears and inserting “January 1, 2024”:

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

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

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



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

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

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

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

(b) CERTAIN ENERGY PROPERTY.—[Section 48\(a\)\(3\)\(A\)\(vii\)](#) is amended by striking “January 1, 2035” and inserting “January 1, 2024”.

(c) PHASEOUT OF CREDIT.—[Section 48\(a\)](#) is amended by striking paragraphs (6) and (7) and inserting the following new paragraphs:

“(6) PHASEOUT FOR SOLAR ENERGY PROPERTY.—

“(A) IN GENERAL.—Subject to subparagraph (B), in the case of any energy property described in paragraph (3)(A)(i) the construction of which begins before January 1, 2024, the energy percentage determined under paragraph (2) shall be equal to—

“(i) in the case of any property the construction of which begins after December 31, 2019, and before January 1, 2023, 26 percent, and

“(ii) in the case of any property the construction of which begins after December 31, 2022, and before January 1, 2024, 22 percent.

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

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

“(A) IN GENERAL.—Subject to subparagraph (B), in the case of any qualified fuel cell property, qualified small wind property, waste energy recovery property, or energy property described in paragraph (3)(A)(ii), the energy percentage determined under paragraph (2) shall be equal to—

“(i) in the case of any property the construction of which begins after December 31, 2019, and before January 1, 2023, 26 percent, and

“(ii) in the case of any property the construction of which begins after December 31, 2022, and before January 1, 2024, 22 percent.



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

(d) BASE ENERGY PERCENTAGE AMOUNT.—[Section 48\(a\)](#) is amended—

(1) in paragraph (2)(A)—

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

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

(2) in paragraph (5)(A)(ii), by striking “6 percent” and inserting “30 percent”.

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

(f) ENERGY STORAGE TECHNOLOGIES, QUALIFIED BIOGAS PROPERTY; MICROGRID CONTROLLERS REMOVED.—

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

(2) CONFORMING CHANGES.—

(A) [Section 48\(a\)\(2\)\(A\)\(i\)](#) is amended by inserting “and” at the end of subclauses (IV) and (V) and by striking subclauses (VI), (VII), (VIII), and (IX).

(B) [Section 48\(c\)](#) is amended by striking paragraphs (6), (7), and (8).

(C) [Section 45\(e\)](#) is amended by striking paragraph (12).

(D) [Section 50\(d\)\(2\)](#) is amended by striking “At the election of a taxpayer” and all that follows through “equal to or less than 500 kilowatt hours.”

(g) FUEL CELLS USING ELECTROMECHANICAL PROCESSES.—

(1) IN GENERAL.—[Section 48\(c\)\(1\)](#) is amended—

(A) in subparagraph (A)(i)—

(i) by striking “or electromechanical”, and

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

(B) in subparagraph (C)—

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

(ii) by striking “or electromechanical”.

(2) LINEAR GENERATOR ASSEMBLY LIMITATION.—[Section 48\(c\)\(1\)](#) is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

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

(i) COORDINATION RULE REMOVED.—Paragraph (3) of [section 50\(c\)](#) is amended—

(1) by inserting “and” at the end of subparagraph (A),

(2) by striking “, and” at the end of subparagraph (B) and inserting a period, and

(3) by striking subparagraph (C).

(j) INTERCONNECTION PROPERTY.—[Section 48\(a\)](#) is amended by striking paragraph (8).

(k) ENERGY PROJECTS, WAGE REQUIREMENTS, AND APPRENTICESHIP REQUIREMENTS.—[Section 48\(a\)](#) is amended by striking paragraphs (9), (10), and (11).

(l) DOMESTIC CONTENT, PHASEOUT FOR ELECTIVE PAYMENT.—[Section 48\(a\)](#) is amended by striking paragraphs (12) and (13).

(m) RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS REMOVED; TEXT OF SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS RESTORED.—[Section 48\(a\)\(4\)](#) is amended to read as follows:

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

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

“(i) subsidized energy financing, or

“(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103,



the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

“(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

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

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

“(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term ‘subsidized energy financing’ means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

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

(n) TREATMENT OF CONTRACTS INVOLVING ENERGY STORAGE.—[Section 7701\(e\)](#) is amended—

(1) in paragraph (3)—

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

(B) by striking subparagraph (F), and

(2) in paragraph (4), by striking “water treatment works facility, or storage facility” and inserting “or water treatment works facility”.

(o) REMOVAL OF INCREASED CREDIT RATE FOR ENERGY COMMUNITIES.—[Section 48\(a\)](#) is amended by striking paragraph (14).

(p) REGULATIONS.—[Section 48\(a\)](#) is amended by striking paragraph (15).

(q) EFFECTIVE DATES.—

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

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

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

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

(a) IN GENERAL.—[Section 48](#) is amended by striking subsection (e).

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

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

(a) IN GENERAL.—Subpart D of part IV of subchapter A of [chapter 1](#) is amended by striking section 45U (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—[Section 38\(b\)](#) is amended—

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

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

(3) by striking paragraph (34).

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

**SEC. 226. REPEAL OF SUSTAINABLE AVIATION FUEL CREDIT.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of [chapter 1](#) is amended by striking section 40B (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENT.—[Section 38\(b\)](#) is amended by striking paragraph (35).

(c) COORDINATION WITH BIODIESEL REMOVED.—

(1) IN GENERAL.—[Section 40A\(d\)\(1\)](#) is amended by striking “or 40B”.

(2) CONFORMING AMENDMENT.—[Section 40A\(f\)](#) is amended by adding at the end the following:

“(4) CERTAIN AVIATION FUEL.—

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

“(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.”.

(3) SUSTAINABLE AVIATION FUEL CREDIT PROVISIONS REMOVED.—[Section 6426](#) is amended by striking subsection (k).

(d) CONFORMING AMENDMENTS.—

(1) [Section 6426](#) is amended—

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

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

(2) [Section 6427\(e\)](#) is amended—

(A) in the heading, by striking “ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL” and inserting “OR ALTERNATIVE FUEL”,

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

(C) in paragraph (6)—

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

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

(iii) by striking subparagraph (E).

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

(4) [Section 87](#) is amended—

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

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

(C) by striking paragraph (3).



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

## **SEC. 227. CLEAN HYDROGEN REPEALS.**

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

(1) IN GENERAL.—Subpart D of part IV of subchapter A of [chapter 1](#) is amended by striking section 45V (and by striking the item relating to such section in the table of sections for such subpart).

(2) CONFORMING AMENDMENT.—[Section 38\(b\)](#) is amended by striking paragraph (36).

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

(b) CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES ALLOWED IF ELECTRICITY IS USED TO PRODUCE CLEAN HYDROGEN.—

(1) IN GENERAL.—[Section 45\(e\)](#) is amended by striking paragraph (13).

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

(c) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

(1) IN GENERAL.—[Section 48\(a\)](#) is amended by striking paragraph (15) and by redesignating paragraph (16) as paragraph (15).

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

(d) REINSTATEMENT OF ALTERNATIVE FUEL CREDIT FOR LIQUEFIED HYDROGEN.—

(1) IN GENERAL.—[Section 6426\(d\)\(2\)](#) is amended by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively, and by inserting after subparagraph (C) the following:

“(D) liquefied hydrogen.”.

(2) CONFORMING AMENDMENT.—[Section 6426\(e\)\(2\)](#) is amended by striking “(E)” and inserting “(F)”.



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

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

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

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

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

“(1) 10 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

“(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

“(b) LIMITATIONS.—

“(1) LIFETIME LIMITATION.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed the excess (if any) of \$500 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years ending after December 31, 2005.

“(2) WINDOWS.—In the case of amounts paid or incurred for components described in subsection (c)(3)(B) by any taxpayer for any taxable year, the credit allowed under this section with respect to such amounts for such year shall not exceed the excess (if any) of \$200 over the aggregate credits allowed under this section with respect to such amounts for all prior taxable years ending after December 31, 2005.

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

“(A) \$50 for any advanced main air circulating fan,

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

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

“(c) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of this section—

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

“(A) such component is installed in or on a dwelling unit located in the United States and owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

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

“(C) such component reasonably can be expected to remain in use for at least 5 years.

“(2) ENERGY EFFICIENT BUILDING ENVELOPE COMPONENT.—The term ‘energy efficient building envelope component’ means a building envelope component which meets—

“(A) applicable Energy Star program requirements, in the case of a roof or roof products,

“(B) version 6.0 Energy Star program requirements, in the case of an exterior window, a skylight, or an exterior door, and

“(C) the prescriptive criteria for such component established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, in the case of any other component.

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

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

“(B) exterior windows (including skylights),

“(C) exterior doors, and

“(D) any metal roof or asphalt roof installed on a dwelling unit, but only if such roof has appropriate pigmented coatings or cooling granules which are specifically and primarily designed to reduce the heat gain of such dwelling unit.

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

“(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—

“(1) IN GENERAL.—The term ‘residential energy property expenditures’ means expenditures made by the taxpayer for qualified energy property which is—

“(A) installed on or in connection with a dwelling unit located in the United States and owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121), and

“(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

“(2) QUALIFIED ENERGY PROPERTY.—

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

“(i) energy-efficient building property,

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

“(iii) an advanced main air circulating fan.

“(B) PERFORMANCE AND QUALITY STANDARDS.—Property described under subparagraph (A) shall meet the performance and quality standards, and the certification requirements (if any), which—

“(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate), and

“(ii) are in effect at the time of the acquisition of the property, or at the time of the completion of the construction, reconstruction, or erection of the property, as the case may be.

“(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

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

“(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.

“(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term ‘energy-efficient building property’ means—

“(A) an electric heat pump water heater which yields a Uniform Energy Factor of at least 2.2 in the standard Department of Energy test procedure,

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

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

“(D) a natural gas, propane, or oil water heater which has either a Uniform Energy Factor of at least 0.82 or a thermal efficiency of at least 90 percent.

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

“(5) ADVANCED MAIN AIR CIRCULATING FAN.—The term ‘advanced main air circulating fan’ means a fan used in a natural gas, propane, or oil furnace and which has an annual electricity use of no more than 2 percent of the total annual energy use of the furnace (as determined in the standard Department of Energy test procedures).

“(e) SPECIAL RULES.—For purposes of this section—

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

“(2) JOINT OWNERSHIP OF ENERGY ITEMS.—

“(A) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure under this section shall not be treated as failing to so qualify merely because such expenditure was made with respect to two or more dwelling units.

“(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

“(3) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any property, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(C)).

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



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

“(1) after December 31, 2007, and before January 1, 2009, or

“(2) after December 31, 2021.”.

(b) CONFORMING AMENDMENTS.—

(1) [Section 1016\(a\)\(33\)](#) is amended by striking “section 25C(g)” and inserting “25C(f)”.

(2) [Section 6213\(g\)\(2\)](#) is amended—

(A) by adding “and” at the end of subparagraph (P),

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

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

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

## **SEC. 229. RESIDENTIAL CLEAN ENERGY CREDIT REVERTED TO CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.**

(a) EXTENSION REVERSED.—

(1) IN GENERAL.—[Section 25D\(h\)](#) is amended by striking “December 31, 2034” and inserting “December 31, 2023”.

(2) PHASEOUT RESTORED.—[Section 25D\(g\)](#) is amended—

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

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

(C) in paragraph (3), by striking “December 31, 2021, and before January 1, 2033, 30 percent,” and inserting “December 31, 2022, and before January 1, 2024, 22 percent.”, and

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

(b) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY REMOVED; BIOMASS EXPENDITURE PROVISIONS RESTORED.—

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

“(6) the qualified biomass fuel property expenditures,”,

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

“(6) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

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

“(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

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

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

(c) CONFORMING AMENDMENTS.—

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

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

(3) The table of sections for subpart A of part IV of subchapter A of [chapter 1](#) is amended by striking the item relating to section 25D and inserting the following:

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

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to expenditures made after December 31, 2021.

(2) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY REMOVED; BIOMASS EXPENDITURE PROVISIONS RESTORED.—The amendments made by subsection (b) shall apply to expenditures made after December 31, 2022.

## **SEC. 230. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.**

(a) IN GENERAL.—

(1) MAXIMUM AMOUNT OF DEDUCTION RULES RESTORED.—[Section 179D\(b\)](#) is amended to read as follows:

“(b) MAXIMUM AMOUNT OF DEDUCTION.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

“(1) the product of—

“(A) \$1.80, and

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

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

(2) MODIFICATION OF EFFICIENCY STANDARD.—[Section 179D\(c\)\(1\)\(D\)](#) is amended by striking “25 percent” and inserting “50 percent”.

(3) REFERENCE STANDARD.—[Section 179D\(c\)\(2\)](#) is amended to read as follows:

“(2) REFERENCE STANDARD 90.1.—The term ‘Reference Standard 90.1’ means, with respect to any property, the most recent Standard 90.1 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America which has been affirmed by the Secretary, after consultation with the Secretary of Energy, for purposes of this section not later than the date that is 2 years before the date that construction of such property begins.”.

(4) PARTIAL ALLOWANCE.—

(A) IN GENERAL.—[Section 179D\(d\)](#) is amended—

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

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

“(1) PARTIAL ALLOWANCE.—

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

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

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



then the requirement of subsection (c)(1)(D) shall be treated as met with respect to such system, and the deduction under subsection (a) shall be allowed with respect to energy efficient commercial building property installed as part of such system and as part of a plan to meet such targets, except that subsection (b) shall be applied to such property by substituting ‘\$.60’ for ‘\$1.80’.

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

(B) CONFORMING AMENDMENTS.—

(i) Section 179D(c)(1)(D) is amended—

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

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

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

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

(iv) Section 179D(h)(2) is amended by inserting “or (d)(1)(A)” after “subsection (c)(1)(D)”.

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

“(4) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy efficient commercial building property installed on or in property owned by a Federal, State, or local government or a political subdivision thereof, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.”.

(6) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY REPEALED.—

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

(B) RESTORATION OF TEXT RELATING TO INTERIM RULES FOR LIGHTING SYSTEMS.—Section 179D is amended by inserting after subsection (e) the following:



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

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

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

“(A) IN GENERAL.—If, with respect to the lighting system of any building other than a warehouse, the reduction in lighting power density of the lighting system is not at least 40 percent, only the applicable percentage of the amount of deduction otherwise allowable under this section with respect to such property shall be allowed.

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

“(i) 50, and

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

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

“(i) the controls and circuiting of which do not comply fully with the mandatory and prescriptive requirements of Standard 90.1–2007 and which do not include provision for bilevel switching in all occupancies except hotel and motel guest rooms, store rooms, restrooms, and public lobbies, or

“(ii) which does not meet the minimum requirements for calculated lighting levels as set forth in the Illuminating Engineering Society of North America Lighting Handbook, Performance and Application, Ninth Edition, 2000.”.

(7) INFLATION ADJUSTMENT.—[Section 179D\(g\)](#) is amended—

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

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

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

(b) SPECIAL RULE FOR REAL ESTATE INVESTMENT TRUSTS REMOVED.—[Section 312\(k\)\(3\)\(B\)](#) is amended to read as follows:

“(B) TREATMENT OF AMOUNTS DEDUCTIBLE UNDER SECTION 179, 179B, 179C, 179D, OR 179E.—For purposes of computing the earnings and profits of a corporation, any amount deductible under section 179, 179B, 179C, 179D, or 179E shall be allowed as a deduction ratably over the period of 5 taxable years (beginning with the taxable year for which such amount is deductible under section 179, 179B, 179C, 179D, or 179E, as the case may be).”

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

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

## **SEC. 231. MODIFICATIONS TO NEW ENERGY EFFICIENT HOME CREDIT.**

(a) EXTENSION REVERSED.—[Section 45L\(h\)](#) is amended by striking “December 31, 2032” and inserting “December 31, 2021”.

(b) DECREASE IN CREDIT AMOUNTS.—Paragraph (2) of [section 45L\(a\)](#) is amended to read as follows:

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

“(A) in the case of a dwelling unit described in paragraph (1) or (2) of subsection (c), \$2,000, and

“(B) in the case of a dwelling unit described in paragraph (3) of subsection (c), \$1,000.”.

(c) REVERSAL OF MODIFICATION OF ENERGY SAVING REQUIREMENTS.—[Section 45L\(c\)](#) is amended to read as follows:

“(c) ENERGY SAVING REQUIREMENTS.—A dwelling unit meets the energy saving requirements of this subsection if such unit is—

“(1) certified—

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

“(i) which is constructed in accordance with the standards of chapter 4 of the 2006 International Energy Conservation Code, as such Code (including supplements) is in effect on January 1, 2006, and



“(ii) for which the heating and cooling equipment efficiencies correspond to the minimum allowed under the regulations established by the Department of Energy pursuant to the National Appliance Energy Conservation Act of 1987 and in effect at the time of completion of construction, and

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

“(2) a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (part 3280 of title 24, Code of Federal Regulations) and which meets the requirements of paragraph (1), or

“(3) a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (part 3280 of title 24, Code of Federal Regulations) and which—

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

“(B) meets the requirements established by the Administrator of the Environmental Protection Agency under the Energy Star Labeled Homes program.”.

(d) **PREVAILING WAGE REQUIREMENT REMOVED.**—[Section 45L](#) is amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(e) **BASIS ADJUSTMENT.**—[Section 45L\(e\)](#) is amended by striking “This subsection shall not apply for purposes of determining the adjusted basis of any building under section 42”.

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

## **SEC. 232. CLEAN VEHICLE CREDIT.**

(a) **PER VEHICLE DOLLAR LIMITATION.**—[Section 30D\(b\)](#) is amended by striking paragraphs (2) and (3) and inserting the following:

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

“(3) **BATTERY CAPACITY.**—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is \$417, plus \$417 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed \$5,000.”.

(b) **FINAL ASSEMBLY.**—[Section 30D\(d\)](#) is amended—

(1) in paragraph (1)—

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

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

(C) by striking subparagraph (G), and

(2) by striking paragraph (5).

(c) DEFINITION.—

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

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

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “clean” and inserting “qualified plug-in electric drive motor”,

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

(iii) in subparagraph (F)(i), by striking “7” and inserting “4”, and

(iv) by striking subparagraph (H),

(C) in paragraph (3)—

(i) in the heading, by striking “QUALIFIED MANUFACTURER” and inserting “MANUFACTURER”, and

(ii) by striking “The term ‘qualified manufacturer’ means” and all that follows through the period and inserting “The term ‘manufacturer’ has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act ([42 U.S.C. 7521 et seq.](#))”, and

(D) by striking paragraph (6).

(2) CONFORMING AMENDMENTS.—[Section 30D](#) is amended—

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

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



(d) CRITICAL MINERAL REQUIREMENTS REMOVED.—[Section 30D](#) is amended by striking subsection (e).

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

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

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

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

“(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after December 31, 2009, is at least 200,000.

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

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

“(B) 25 percent for the 3rd and 4th calendar quarters of the phaseout period, and (C)

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

“(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.”.

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

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

(g) TRANSFER OF CREDIT REPEALED.—

(1) IN GENERAL.—[Section 30D](#) is amended by striking subsection (g).

(2) RESTORATION OF TEXT RELATING TO PLUG-IN ELECTRIC VEHICLES.—[Section 30D](#) is amended by inserting after subsection (f) the following:

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

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

“(A) there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the applicable amount with respect to each such qualified 2- or 3-wheeled plug-in electric vehicle placed in service by the taxpayer during the taxable year, and

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

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

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

“(B) \$2,500.

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

“(A) has 2 or 3 wheels,

“(B) meets the requirements of subparagraphs (A), (B), (C), (E), and (F) of subsection (d)(1) (determined by substituting ‘2.5 kilowatt hours’ for ‘4 kilowatt hours’ in subparagraph (F)(i)),

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

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

“(E) is acquired—

“(i) after December 31, 2011, and before January 1, 2014, or

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

(3) CONFORMING AMENDMENTS REVERSED.—Section 30D(f), as amended by [Public Law 117-169](#), is amended—

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



“(3) **PROPERTY USED BY TAX-EXEMPT ENTITY.**—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (c)). For purposes of subsection (c), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.”, and

(B) in paragraph (8), by striking “, including any vehicle with respect to which the taxpayer elects the application of subsection (g)”.

(h) **TERMINATION REPEALED.**—[Section 30D](#) is amended by striking subsection (h).

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

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

(2) [Section 30B](#) is amended—

(A) in subsection (h)(8) by inserting “, except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle”, before the period at the end, and

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

“(i) **PLUG-IN CONVERSION CREDIT.**—

“(1) **IN GENERAL.**—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed \$40,000.

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

“(3) **CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.**—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

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

(3) [Section 38\(b\)\(30\)](#) is amended by striking “clean” and inserting “qualified plug-in electric drive motor”.

(4) [Section 6213\(g\)\(2\)](#) is amended by striking subparagraph (T).

(5) [Section 6501\(m\)](#) is amended by striking “30D(f)(6)” and inserting “30D(e)(4)”.

(6) The table of sections for subpart B of part IV of subchapter A of [chapter 1](#) is amended by striking the item relating to section 30D and inserting after the item relating to section 30C the following item:

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

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

(k) TRANSITION RULE REPEALED.—Section 13401 of [Public Law 117–169](#) is amended by striking subsection (l).

(l) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section shall apply to vehicles placed in service after December 31, 2022.

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

(3) MANUFACTURER LIMITATION.—The amendment made by subsections (d) and (e) shall apply to vehicles sold after December 31, 2022.

(4) TRANSFER OF CREDIT.—The amendments made by subsection (g) shall apply to vehicles placed in service after December 31, 2023.

(5) TRANSITION RULE.—The amendment made by subsection (k) shall take effect as if included in [Public Law 117–169](#).

## **SEC. 233. REPEAL OF CREDIT FOR PREVIOUSLY-OWNED CLEAN VEHICLES.**

(a) IN GENERAL.—Subpart A of part IV of subchapter A of [chapter 1](#) is amended by striking section 25E (and by striking the item relating to such section in the table of sections for such subpart).



(b) CONFORMING AMENDMENT.—[Section 6213\(g\)\(2\)](#) is amended by striking subparagraph (U).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

#### **SEC. 234. REPEAL OF CREDIT FOR QUALIFIED COMMERCIAL CLEAN VEHICLES.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of [chapter 1](#) is amended by striking section 45W (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) [Section 38\(b\)](#) is amended by striking paragraph (37).

(2) [Section 6213\(g\)\(2\)](#) is amended by striking subparagraph (V).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

#### **SEC. 235. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.**

(a) IN GENERAL.—[Section 30C\(i\)](#) is amended by striking “December 31, 2032” and inserting “December 31, 2021”.

(b) PROPERTY OF A CHARACTER SUBJECT TO DEPRECIATION.—

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

(2) MODIFICATION OF CREDIT LIMITATION.—Subsection (b) of [section 30C](#) is amended—

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

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

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

(B) in paragraph (1), by striking “\$100,000 in the case of any such item of property” and inserting “\$30,000 in the case of a property”.

(3) BIDIRECTIONAL CHARGING EQUIPMENT NOT INCLUDED; ELIGIBLE CENSUS TRACT REQUIREMENT REMOVED.—[Section 30C\(c\)](#) is amended to read as follows:

“(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term ‘qualified alternative fuel vehicle refueling property’ has the same meaning as the term ‘qualified clean-fuel vehicle refueling property’ would have under section 179A if—

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

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

“(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

“(B) Any mixture—

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

“(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

“(C) Electricity.”.

(c) CERTAIN ELECTRIC CHARGING STATIONS NOT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY; WAGE AND APPRENTICESHIP REQUIREMENTS REMOVED.—[Section 30C](#) is amended by striking subsections (f) and (g) and redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

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

## **SEC. 236. ADVANCED ENERGY PROJECT CREDIT EXTENSION REVERSED.**

(a) IN GENERAL.—[Section 48C](#) is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(b) MODIFICATION OF QUALIFYING ADVANCED ENERGY PROJECTS.—[Section 48C\(c\)\(1\)\(A\)](#) is amended—

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

(2) in clause (i)—

(A) by striking “an industrial or manufacturing facility for the production or recycling of” and inserting “a manufacturing facility for the production of”,

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

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

(D) in subclause (III), by striking “grid modernization equipment or components” and inserting “grids to support the transmission of intermittent sources of renewable energy, including storage of such energy”,

(E) in subclause (IV), by striking “, remove, use, or sequester carbon oxide emissions” and inserting “and sequester carbon dioxide emissions”,

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

“(V) property designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies),”,

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

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

“(VI) new qualified plug-in electric drive motor vehicles (as defined by section 30D) or components which are designed specifically for use with such vehicles, including electric motors, generators, and power control units, or”, and

(I) by redesignating subclause (IX) as subclause (VII), and inserting “, and” at the end of such subclause, and

(3) by striking clauses (ii) and (iii) and inserting the following:

“(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.”.

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

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

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

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



## **SEC. 237. REPEAL OF ADVANCED MANUFACTURING PRODUCTION CREDIT.**

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of [chapter 1](#) is amended by striking section 45X (and by striking the item relating to such section in the table of sections for such subpart).

(b) **CONFORMING AMENDMENT.**—[Section 38\(b\)](#) is amended by striking paragraph (38).

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

## **SEC. 238. REPEAL OF CLEAN ELECTRICITY PRODUCTION CREDIT.**

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of [chapter 1](#) is amended by striking section 45Y (and by striking the item relating to such section in the table of sections for such subpart).

(b) **CONFORMING AMENDMENT.**—[Section 38\(b\)](#) is amended by striking paragraph (39).

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

## **SEC. 239. REPEAL OF CLEAN ELECTRICITY INVESTMENT CREDIT.**

(a) **IN GENERAL.**—Subpart E of part IV of subchapter A of [chapter 1](#) is amended by striking section 48E (and by striking the item relating to such section in the table of sections for such subpart).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 46, as amended by [Public Law 117–169](#), is amended—

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

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

(C) by striking paragraph (7).

(2) Section 49(a)(1)(C), as amended by [Public Law 117–169](#), is amended—

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

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

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



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

(4) Section 50(c)(3), as amended by [Public Law 117–169](#), is amended by striking “or clean electricity investment credit”.

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

#### **SEC. 240. COST RECOVERY FOR QUALIFIED FACILITIES, QUALIFIED PROPERTY, AND ENERGY STORAGE TECHNOLOGY REMOVED.**

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

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

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

(3) by striking clause (viii).

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

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

(a) IN GENERAL.—Subpart D of part IV of subchapter A of [chapter 1](#) is amended by striking section 45Z (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 30C(c)(1)(B), as amended by [Public Law 117–169](#), is amended by striking clause (iv).

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

(3) Section 4101(a)(1), as amended by [Public Law 117–169](#), is amended by striking “every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45Z),”.

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

## **SEC. 242. REPEAL OF SECTIONS RELATING TO ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES; TRANSFER OF CREDITS.**

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

(b) CONFORMING AMENDMENTS.—

(1) [Section 50\(d\)](#) is amended by striking “In the case of a real estate investment trust making an election under section 6418, paragraphs (1)(B) and (2)(B) of the section 46(e) referred to in paragraph (1) of this subsection shall not apply to any investment credit property of such real estate investment trust to which such election applies”.

(2) [Section 39\(a\)](#) is amended by striking paragraph (4).

(3) Section 13801 of [Public Law 117–169](#) is amended by striking subsection (f).

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

## **SEC. 243. TRANSITION RULE.**

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

## **TITLE IV—FAMILY AND SMALL BUSINESS TAXPAYER PROTECTION**

### **SEC. 251. RESCISSION OF CERTAIN BALANCES MADE AVAILABLE TO THE INTERNAL REVENUE SERVICE.**

The unobligated balances of amounts appropriated or otherwise made available for activities of the Internal Revenue Service by paragraphs (1)(A)(ii), (1)(A)(iii), (1)(B), (2), (3), (4), and (5) of section 10301 of [Public Law 117–169](#) (commonly known as the “Inflation Reduction Act of 2022”) as of the date of the enactment of this Act are rescinded.

## **DIVISION C—GROW THE ECONOMY TITLE I—TEMPORARY ASSISTANCE TO NEEDY FAMILIES**

### **SEC. 301. RECALIBRATION OF THE CASELOAD REDUCTION CREDIT.**



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

### **SEC. 302. ELIMINATING EXCESS MAINTENANCE OF EFFORT SPENDING IN DETERMINING CASELOAD REDUCTION CREDIT.**

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

“(C) EXCLUSION OF CERTAIN CASES.—The Secretary shall determine the minimum participation rate of a State for a fiscal year under this subsection without regard to cases that are funded by an amount expended in excess of the applicable percentage of the historic expenditures (as defined in section 409(a)(7)(B)(ii)) of the State for the fiscal year.”.

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

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

“(6) SPECIAL RULE REGARDING CALCULATION OF THE MINIMUM PARTICIPATION RATE.—The Secretary shall determine participation rates under this section without regard to any individual engaged in work who is described in section 408(a)(2), who is not in compliance with section 408(a)(3), or with respect to whom the assessment required by section 408(b)(1) has not been made.”.

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

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

“(e) REPORTING PERFORMANCE INDICATORS.—

“(1) IN GENERAL.—Each State, in consultation with the Secretary, shall collect and submit to the Secretary the information necessary for each indicator described in paragraph (2), for fiscal year 2025 and each fiscal year thereafter.

“(2) INDICATORS OF PERFORMANCE.—The indicators described in this paragraph for a fiscal year are the following:

“(A) The percentage of individuals who were work-eligible individuals as of the time of exit from the program, who are in unsubsidized employment during the second quarter after the exit.

“(B) The percentage of individuals who were work-eligible individuals who were in unsubsidized employment in the second quarter after the exit, who are also in unsubsidized employment during the fourth quarter after the exit.

“(C) The median earnings of individuals who were work-eligible individuals as of the time of exit from the program, who are in unsubsidized employment during the second quarter after the exit.

“(D) The percentage of individuals who have not attained 24 years of age, are attending high school or enrolled in an equivalency program, and are work-eligible individuals or were work-eligible individuals as of the time of exit from the program, who obtain a high school degree or its recognized equivalent while receiving assistance under the State program funded under this part or within 1 year after the exit.

“(3) DEFINITION OF EXIT.—In paragraph (2), the term ‘exit’ means, with respect to a State program funded under this part, ceases to receive assistance under the program funded by this part.

“(4) REGULATIONS.—In order to ensure nationwide comparability of data, the Secretary, after consultation with the Secretary of Labor and with States, shall issue regulations governing the reporting of performance indicators under this subsection.”.

#### **SEC. 305. EFFECTIVE DATE.**

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

### **TITLE II—SNAP EXEMPTIONS**

#### **SEC. 311. AGE-RELATED EXEMPTION FROM WORK REQUIREMENT TO RECEIVE SNAP.**

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

#### **SEC. 312. RULE OF CONSTRUCTION FOR EXEMPTION ADJUSTMENT.**

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

“(I) RULE OF CONSTRUCTION FOR EXEMPTION ADJUSTMENT.—During fiscal year 2024 and each subsequent fiscal year, nothing in this paragraph shall be interpreted to allow a State agency to accumulate unused exemptions to be provided beyond the subsequent fiscal year.”.

#### **SEC. 313. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM UNDER THE FOOD AND NUTRITION ACT OF 2008.**

Section 2 of the Food and Nutrition Act of 2008 ([7 U.S.C. 2011](#)) is amended by adding at end the following:



“That program includes as a purpose to assist low-income adults in obtaining employment and increasing their earnings. Such employment and earnings, along with program benefits, will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.”.

## **TITLE III—COMMUNITY ENGAGEMENT REQUIREMENT FOR APPLICABLE INDIVIDUALS**

### **SEC. 321. COMMUNITY ENGAGEMENT REQUIREMENT FOR APPLICABLE INDIVIDUALS.**

(a) IN GENERAL.—Section 1903(i) of the Social Security Act ([42 U.S.C. 1396b\(i\)](#)) is amended—

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

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

(3) by inserting after paragraph (27) the following new paragraph:

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

(4) in the flush left matter at the end, by striking “and (18),” and inserting “(18), and (28)”.

(b) COMMUNITY ENGAGEMENT REQUIREMENT.—Section 1905 of the Social Security Act ([42 U.S.C. 1396d](#)) is amended by adding at the end the following new subsection:

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

“(1) COMMUNITY ENGAGEMENT REQUIREMENT DESCRIBED.—For purposes of section 1903(i)(28), the community engagement requirement described in this subsection with respect to an applicable individual and a month is that such individual satisfies at least one of the following with respect to such month:

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

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

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

“(D) The individual participates in a combination of work, including community service, and a work program for a total of at least 80 hours per month.

“(2) VERIFICATION.—For purposes of verifying the compliance of an applicable individual with the community engagement requirement under paragraph (1), a State Medicaid agency shall, whenever possible, prioritize the utilization of existing databases or other verification measures, including the National Change of Address Database Maintained by the United States Postal Service, State health and human services agencies, payroll databases, or other reliable sources of information, prior to seeking additional verification from such individual.

“(3) DEFINITIONS.—In this subsection:

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

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

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

“(iii) pregnant;

“(iv) the parent or caretaker of a dependent child;

“(v) the parent or caretaker of an incapacitated person;

“(vi) complying with work requirements under a different program under Federal law;

“(vii) participating in a drug or alcohol treatment and rehabilitation program (as defined in section 3(h) of the Food and Nutrition Act of 2008); or

“(viii) enrolled in an educational program at least half time.

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

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

“(ii) a program of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006); or

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

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

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

(c) STATE OPTION TO DISENROLL CERTAIN INDIVIDUALS.—Section 1902(a) of the Social Security Act ([42 U.S.C. 1396a\(a\)](#)) is amended by adding at the end of the flush left text following paragraph (87) the following: “Notwithstanding any of the preceding provisions of this subsection, at the option of a State, such State may elect to disenroll an applicable individual for a month if, with respect to medical assistance furnished to such individual for such month, no Federal financial participation would be available, pursuant to section 1903(i)(28).”.

## **TITLE IV—REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY**

### **SEC. 331. SHORT TITLE.**

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

### **SEC. 332. PURPOSE.**

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

### **SEC. 333. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**

[Chapter 8](#) of title 5, United States Code, is amended to read as follows:

#### **“CHAPTER 8—CONGRESSIONAL REVIEW 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.

### **“§ 801. Congressional review**

“(a) (1) (A) Before a rule may take effect, the Federal agency promulgating such rule shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can



access such information online, and shall submit to each House of the Congress and to the Comptroller General a report containing—

“(i) a copy of the rule;

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

“(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 804(2);

“(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

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

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

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

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

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

“(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

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

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

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

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

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

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

“(c) (1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

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

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

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

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d) (1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

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

“(B) in the case of the House of Representatives, 60 legislative days, before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

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

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

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

“(II) in the case of the House of Representatives, the 15th legislative day, after the succeeding session of Congress first convenes; and

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

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

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

## **“§ 802. Congressional approval procedure for major rules**

“(a) (1) For purposes of this section, the term ‘joint resolution’ means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

“(A) bears no preamble;

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

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

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

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

“(A) in the case of the House of Representatives, within 3 legislative days; and



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

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

“(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d) (1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

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

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

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

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

“(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

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

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

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

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

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

## **“§ 803. Congressional disapproval procedure for nonmajor rules**

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the

resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the \_\_\_\_ relating to \_\_\_\_, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d) (1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

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

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate, the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or



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

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

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

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

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

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

## “§ 804. Definitions

“For purposes of this chapter:

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

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

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

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

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

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

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

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

“(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 801(a)(1); and

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

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

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

## **“§ 805. Judicial review**

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

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

“(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

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

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

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

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.”.

**SEC. 334. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.**

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 ([2 U.S.C. 907\(b\)\(2\)](#)) is amended by adding at the end the following new subparagraph:

“(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rule subject to the congressional approval procedure set forth in section 802 of [chapter 8](#) of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.”.

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

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

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

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

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

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

**DIVISION D—H.R. 1, THE LOWER ENERGY COSTS  
ACT**

**TITLE I—INCREASING AMERICAN ENERGY  
PRODUCTION, EXPORTS, INFRASTRUCTURE, AND  
CRITICAL MINERALS PROCESSING**

**SEC. 10001. SECURING AMERICA’S CRITICAL MINERALS SUPPLY.**

(a) AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.—The Department of Energy Organization Act ([42 U.S.C. 7101 et seq.](#)) is amended—



(1) in section 2, by adding at the end the following:

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

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

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

(2) in section 102, by adding at the end the following:

“(20) To ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States.”; and

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

“(12) Functions that relate to securing the supply of critical energy resources, including identifying and mitigating the effects of a disruption of such supply on—

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

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

(b) SECURING CRITICAL ENERGY RESOURCE SUPPLY CHAINS.—

(1) IN GENERAL.—In carrying out the requirements of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), the Secretary of Energy, in consultation with the appropriate Federal agencies, representatives of the energy sector, States, and other stakeholders, shall—

(A) conduct ongoing assessments of—

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

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

(iii) the vulnerability of such supply chain; and

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

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

(i) diversifying the sources of the supply of critical energy resources; and

(ii) increasing domestic production, separation, and processing of critical energy resources;

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

(D) improve technology that reuses and recycles critical energy resources.

(2) REPORT.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary of Energy shall submit to Congress a report containing—

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

(B) a description of any actions taken pursuant to the Department of Energy Organization Act to mitigate potential effects of critical energy resource supply chain disruptions on energy technologies or the operation of energy systems; and

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

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

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

(a) SENSE OF CONGRESS.—It is the sense of Congress that States should maintain primacy for the regulation of hydraulic fracturing for oil and natural gas production on State and private lands.

(b) PROHIBITION ON DECLARATION OF A MORATORIUM ON HYDRAULIC FRACTURING.—Notwithstanding any other provision of law, the President may not declare a moratorium on the use of hydraulic fracturing unless such moratorium is authorized by an Act of Congress.

## **SEC. 10003. RESEARCHING EFFICIENT FEDERAL IMPROVEMENTS FOR NECESSARY ENERGY REFINING.**

Not later than 90 days after the date of enactment of this section, the Secretary of Energy shall direct the National Petroleum Council to—

(1) submit to the Secretary of Energy and Congress a report containing—

(A) an examination of the role of petrochemical refineries located in the United States and the contributions of such petrochemical refineries to the energy security of the United States, including the reliability of supply in the United States of liquid fuels and feedstocks, and the affordability of liquid fuels for consumers in the United States;

(B) analyses and projections with respect to—

(i) the capacity of petrochemical refineries located in the United States;

(ii) opportunities for expanding such capacity; and

(iii) the risks to petrochemical refineries located in the United States;

(C) an assessment of any Federal or State executive actions, regulations, or policies that have caused or contributed to a decline in the capacity of petrochemical refineries located in the United States; and

(D) any recommendations for Federal agencies and Congress to encourage an increase in the capacity of petrochemical refineries located in the United States; and

(2) make publicly available the report submitted under paragraph (1).

#### **SEC. 10004. PROMOTING CROSS-BORDER ENERGY INFRASTRUCTURE.**

(a) AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT AN INTERNATIONAL BOUNDARY OF THE UNITED STATES.—

(1) AUTHORIZATION.—Except as provided in paragraph (3) and subsection (d), no person may construct, connect, operate, or maintain a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity, across an international border of the United States without obtaining a certificate of crossing for the border-crossing facility under this subsection.

(2) CERTIFICATE OF CROSSING.—

(A) REQUIREMENT.—Not later than 120 days after final action is taken, by the relevant official or agency identified under subparagraph (B), under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) with respect to a border-crossing facility for which a person requests a certificate of crossing under this subsection, the relevant official or agency, in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the border-crossing facility unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States.

(B) RELEVANT OFFICIAL OR AGENCY.—The relevant official or agency referred to in subparagraph (A) is—

(i) the Federal Energy Regulatory Commission with respect to border-crossing facilities consisting of oil or natural gas pipelines; and



(ii) the Secretary of Energy with respect to border-crossing facilities consisting of electric transmission facilities.

(C) **ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.**—In the case of a request for a certificate of crossing for a border-crossing facility consisting of an electric transmission facility, the Secretary of Energy shall require, as a condition of issuing the certificate of crossing under subparagraph (A), that the border-crossing facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(i) the Electric Reliability Organization and the applicable regional entity; and

(ii) any Regional Transmission Organization or Independent System Operator with operational or functional control over the border-crossing facility.

(3) **EXCLUSIONS.**—This subsection shall not apply to any construction, connection, operation, or maintenance of a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity—

(A) if the border-crossing facility is operating for such import, export, or transmission as of the date of enactment of this section;

(B) if a Presidential permit (or similar permit) for the construction, connection, operation, or maintenance has been issued pursuant to any provision of law or Executive order; or

(C) if an application for a Presidential permit (or similar permit) for the construction, connection, operation, or maintenance is pending on the date of enactment of this section, until the earlier of—

(i) the date on which such application is denied; or

(ii) two years after the date of enactment of this section, if such a permit has not been issued by such date of enactment.

(4) **EFFECT OF OTHER LAWS.**—

(A) **APPLICATION TO PROJECTS.**—Nothing in this subsection or subsection (d) shall affect the application of any other Federal statute to a project for which a certificate of crossing for a border-crossing facility is requested under this subsection.

(B) **NATURAL GAS ACT.**—Nothing in this subsection or subsection (d) shall affect the requirement to obtain approval or authorization under sections 3 and 7 of the Natural Gas Act for the siting, construction, or operation of any facility to import or export natural gas.

(C) **OIL PIPELINES.**—Nothing in this subsection or subsection (d) shall affect the authority of the Federal Energy Regulatory Commission with respect to oil pipelines under section 60502 of title 49, United States Code.

(b) TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.—

(1) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202(e) of the Federal Power Act ([16 U.S.C. 824a\(e\)](#)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) STATE REGULATIONS.—Section 202(f) of the Federal Power Act ([16 U.S.C. 824a\(f\)](#)) is amended by striking “insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)”.

(B) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 ([16 U.S.C. 824a–4\(b\)](#)) is amended by striking “the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act” and all that follows through the period at the end and inserting “the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.”.

(c) NO PRESIDENTIAL PERMIT REQUIRED.—No Presidential permit (or similar permit) shall be required pursuant to any provision of law or Executive order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any border-crossing facility thereof.

(d) MODIFICATIONS TO EXISTING PROJECTS.—No certificate of crossing under subsection (a), or Presidential permit (or similar permit), shall be required for a modification to—

(1) an oil or natural gas pipeline or electric transmission facility that is operating for the import or export of oil or natural gas or the transmission of electricity as of the date of enactment of this section;

(2) an oil or natural gas pipeline or electric transmission facility for which a Presidential permit (or similar permit) has been issued pursuant to any provision of law or Executive order; or

(3) a border-crossing facility for which a certificate of crossing has previously been issued under subsection (a).

(e) PROHIBITION ON REVOCATION OF PRESIDENTIAL PERMITS.—Notwithstanding any other provision of law, the President may not revoke a Presidential permit (or similar permit) issued pursuant to Executive Order No. 13337 ([3 U.S.C. 301](#) note), Executive Order No. 11423 ([3 U.S.C. 301](#) note), Executive Order No. 12038 (43 Fed. Reg. 4957), Executive Order No. 10485 (18 Fed. Reg. 5397), or any other Executive order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any border-crossing facility thereof, unless such revocation is authorized by an Act of Congress.

(f) EFFECTIVE DATE; RULEMAKING DEADLINES.—

(1) EFFECTIVE DATE.—Subsections (a) through (d), and the amendments made by such subsections, shall take effect on the date that is 1 year after the date of enactment of this section.

(2) RULEMAKING DEADLINES.—Each relevant official or agency described in subsection (a)(2)(B) shall—

(A) not later than 180 days after the date of enactment of this section, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of subsection (a); and

(B) not later than 1 year after the date of enactment of this section, publish in the Federal Register a final rule to carry out the applicable requirements of subsection (a).

(g) DEFINITIONS.—In this section:

(1) BORDER-CROSSING FACILITY.—The term “border-crossing facility” means the portion of an oil or natural gas pipeline or electric transmission facility that is located at an international boundary of the United States.

(2) MODIFICATION.—The term “modification” includes a reversal of flow direction, change in ownership, change in flow volume, addition or removal of an interconnection, or an adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations).

(3) NATURAL GAS.—The term “natural gas” has the meaning given that term in section 2 of the Natural Gas Act ([15 U.S.C. 717a](#)).

(4) OIL.—The term “oil” means petroleum or a petroleum product.

(5) ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms “Electric Reliability Organization” and “regional entity” have the meanings given those terms in section 215 of the Federal Power Act ([16 U.S.C. 824o](#)).

(6) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—The terms “Independent System Operator” and “Regional Transmission Organization” have the meanings given those terms in section 3 of the Federal Power Act ([16 U.S.C. 796](#)).

**SEC. 10005. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE REVOCATION OF THE PRESIDENTIAL PERMIT FOR THE KEYSTONE XL PIPELINE.**

(a) FINDINGS.—Congress finds the following:



(1) On March 29, 2019, TransCanada Keystone Pipeline, L.P., was granted a Presidential permit to construct, connect, operate, and maintain the Keystone XL pipeline.

(2) On January 20, 2021, President Biden issued Executive Order No. 13990 (86 Fed. Reg. 7037) that revoked the March 2019 Presidential permit for the Keystone XL.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress disapproves of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline.

#### **SEC. 10006. SENSE OF CONGRESS OPPOSING RESTRICTIONS ON THE EXPORT OF CRUDE OIL OR OTHER PETROLEUM PRODUCTS.**

(a) FINDINGS.—Congress finds the following:

(1) The United States has enjoyed a renaissance in energy production, with the expansion of domestic crude oil and other petroleum product production contributing to enhanced energy security and significant economic benefits to the national economy.

(2) In 2015, Congress recognized the need to adapt to changing crude oil market conditions and repealed all restrictions on the export of crude oil on a bipartisan basis.

(3) Section 101 of title I of division O of the Consolidated Appropriations Act, 2016 (42 U.S.C. 6212a) established the national policy on oil export restriction, prohibiting any official of the Federal Government from imposing or enforcing any restrictions on the export of crude oil with limited exceptions, including a savings clause maintaining the authority to prohibit exports under any provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a foreign government that is designated as a state sponsor of terrorism.

(4) Lifting the restrictions on crude oil exports encouraged additional domestic energy production, created American jobs and economic development, and allowed the United States to emerge as the leading oil producer in the world.

(5) In 2019, the United States became a net exporter of petroleum products for the first time since 1952, and the reliance of the United States on foreign imports of petroleum products has declined to historic lows.

(6) Free trade, open markets, and competition have contributed to the rise of the United States as a global energy superpower.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Government should not impose—

(1) overly restrictive regulations on the exploration, production, or marketing of energy resources; or

(2) any restrictions on the export of crude oil or other petroleum products under the Energy Policy and Conservation Act ([42 U.S.C. 6201 et seq.](#)), except with respect to the export of crude oil or other petroleum products to a foreign person or foreign government subject to sanctions under any provision of United States law, including to a country the government of which is designated as a state sponsor of terrorism.

## **SEC. 10007. UNLOCKING OUR DOMESTIC LNG POTENTIAL.**

Section 3 of the Natural Gas Act ([15 U.S.C. 717b](#)) is amended—

(1) by striking subsections (a) through (c);

(2) by redesignating subsections (e) and (f) as subsections (a) and (b), respectively;

(3) by redesignating subsection (d) as subsection (c), and moving such subsection after subsection (b), as so redesignated;

(4) in subsection (a), as so redesignated, by amending paragraph (1) to read as follows: “(1) The Federal Energy Regulatory Commission (in this subsection referred to as the ‘Commission’) shall have the exclusive authority to approve or deny an application for authorization for the siting, construction, expansion, or operation of a facility to export natural gas from the United States to a foreign country or import natural gas from a foreign country, including an LNG terminal. In determining whether to approve or deny an application under this paragraph, the Commission shall deem the exportation or importation of natural gas to be consistent with the public interest. Except as specifically provided in this Act, nothing in this Act is intended to affect otherwise applicable law related to any Federal agency’s authorities or responsibilities related to facilities to import or export natural gas, including LNG terminals.”; and

(5) by adding at the end the following new subsection:

“(d) (1) Nothing in this Act limits the authority of the President under the Constitution, the International Emergency Economic Powers Act ([50 U.S.C. 1701 et seq.](#)), the National Emergencies Act ([50 U.S.C. 1601 et seq.](#)), part B of title II of the Energy Policy and Conservation Act ([42 U.S.C. 6271 et seq.](#)), the Trading With the Enemy Act ([50 U.S.C. 4301 et seq.](#)), or any other provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a country that is designated as a state sponsor of terrorism, to prohibit imports or exports.

“(2) In this subsection, the term ‘state sponsor of terrorism’ means a country the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to—

“(A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 ([50 U.S.C. 4318\(c\)\(1\)\(A\)](#));

“(B) section 620A of the Foreign Assistance Act of 1961 ([22 U.S.C. 2371](#));

“(C) section 40 of the Arms Export Control Act ([22 U.S.C. 2780](#)); or

“(D) any other provision of law.”.

#### **SEC. 10008. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE DENIAL OF JORDAN COVE PERMITS.**

(a) **FINDINGS.**—Congress finds the following:

(1) On March 19, 2020, the Federal Energy Regulatory Commission granted two Federal permits to Jordan Cove Energy Project, L.P., to site, construct, and operate a new liquefied natural gas export terminal in Coos County, Oregon.

(2) On the same day, the Federal Energy Regulatory Commission issued a certificate of public convenience and necessity to Pacific Connector Gas Pipeline, L.P., to construct and operate the proposed Pacific Connector Pipeline in the counties of Klamath, Jackson, Douglas, and Coos of Oregon.

(3) The State of Oregon denied the permits and the certificate necessary for these projects.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that Congress disapproves of the denial of these permits by the State of Oregon.

#### **SEC. 10009. PROMOTING INTERAGENCY COORDINATION FOR REVIEW OF NATURAL GAS PIPELINES.**

(a) **DEFINITIONS.**—In this section:

(1) **COMMISSION.**—The term “Commission” means the Federal Energy Regulatory Commission.

(2) **FEDERAL AUTHORIZATION.**—The term “Federal authorization” has the meaning given that term in section 15(a) of the Natural Gas Act ([15 U.S.C. 717n\(a\)](#)).

(3) **NEPA REVIEW.**—The term “NEPA review” means the process of reviewing a proposed Federal action under section 102 of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332](#)).

(4) **PROJECT-RELATED NEPA REVIEW.**—The term “project-related NEPA review” means any NEPA review required to be conducted with respect to the issuance of an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act.



(b) COMMISSION NEPA REVIEW RESPONSIBILITIES.—In acting as the lead agency under section 15(b)(1) of the Natural Gas Act for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) with respect to an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall, in accordance with this section and other applicable Federal law—

(1) be the only lead agency;

(2) coordinate as early as practicable with each agency designated as a participating agency under subsection (d)(3) to ensure that the Commission develops information in conducting its project-related NEPA review that is usable by the participating agency in considering an aspect of an application for a Federal authorization for which the agency is responsible; and

(3) take such actions as are necessary and proper to facilitate the expeditious resolution of its project-related NEPA review.

(c) DEFERENCE TO COMMISSION.—In making a decision with respect to a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, each agency shall give deference, to the maximum extent authorized by law, to the scope of the project-related NEPA review that the Commission determines to be appropriate.

(d) PARTICIPATING AGENCIES.—

(1) IDENTIFICATION.—The Commission shall identify, not later than 30 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, any Federal or State agency, local government, or Indian Tribe that may issue a Federal authorization or is required by Federal law to consult with the Commission in conjunction with the issuance of a Federal authorization required for such authorization or certificate.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall invite any agency identified under paragraph (1) to participate in the review process for the applicable Federal authorization.

(B) DEADLINE.—An invitation issued under subparagraph (A) shall establish a deadline by which a response to the invitation shall be submitted to the Commission, which may be extended by the Commission for good cause.

(3) DESIGNATION AS PARTICIPATING AGENCIES.—Not later than 60 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission

shall designate an agency identified under paragraph (1) as a participating agency with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act unless the agency informs the Commission, in writing, by the deadline established pursuant to paragraph (2)(B), that the agency—

(A) has no jurisdiction or authority with respect to the applicable Federal authorization;

(B) has no special expertise or information relevant to any project-related NEPA review; or

(C) does not intend to submit comments for the record for the project-related NEPA review conducted by the Commission.

(4) EFFECT OF NON-DESIGNATION.—

(A) EFFECT ON AGENCY.—Any agency that is not designated as a participating agency under paragraph (3) with respect to an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act may not request or conduct a NEPA review that is supplemental to the project-related NEPA review conducted by the Commission, unless the agency—

(i) demonstrates that such review is legally necessary for the agency to carry out responsibilities in considering an aspect of an application for a Federal authorization; and

(ii) requires information that could not have been obtained during the project-related NEPA review conducted by the Commission.

(B) COMMENTS; RECORD.—The Commission shall not, with respect to an agency that is not designated as a participating agency under paragraph (3) with respect to an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act—

(i) consider any comments or other information submitted by such agency for the project-related NEPA review conducted by the Commission; or

(ii) include any such comments or other information in the record for such project-related NEPA review.

(e) WATER QUALITY IMPACTS.—

(1) IN GENERAL.—Notwithstanding section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), an applicant for a Federal authorization shall not be required to provide a certification under such section with respect to the Federal authorization.

(2) COORDINATION.—With respect to any NEPA review for a Federal authorization to conduct an activity that will directly result in a discharge into the navigable waters (within the

meaning of the Federal Water Pollution Control Act), the Commission shall identify as an agency under subsection (d)(1) the State in which the discharge originates or will originate, or, if appropriate, the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate.

(3) PROPOSED CONDITIONS.—A State or interstate agency designated as a participating agency pursuant to paragraph (2) may propose to the Commission terms or conditions for inclusion in an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act that the State or interstate agency determines are necessary to ensure that any activity described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

(4) COMMISSION CONSIDERATION OF CONDITIONS.—The Commission may include a term or condition in an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act proposed by a State or interstate agency under paragraph (3) only if the Commission finds that the term or condition is necessary to ensure that any activity described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

(f) SCHEDULE.—

(1) DEADLINE FOR FEDERAL AUTHORIZATIONS.—A deadline for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act set by the Commission under section 15(c)(1) of such Act shall be not later than 90 days after the Commission completes its project-related NEPA review, unless an applicable schedule is otherwise established by Federal law.

(2) CONCURRENT REVIEWS.—Each Federal and State agency—

(A) that may consider an application for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act shall formulate and implement a plan for administrative, policy, and procedural mechanisms to enable the agency to ensure completion of Federal authorizations in compliance with schedules established by the Commission under section 15(c)(1) of such Act; and

(B) in considering an aspect of an application for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, shall—

(i) formulate and implement a plan to enable the agency to comply with the schedule established by the Commission under section 15(c)(1) of such Act;

(ii) carry out the obligations of that agency under applicable law concurrently, and in conjunction with, the project-related NEPA review conducted by the Commission, and in compliance with the schedule established by the Commission under section 15(c)(1) of such Act, unless the agency notifies the Commission in writing that doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out such obligations;

(iii) transmit to the Commission a statement—

(I) acknowledging receipt of the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act; and

(II) setting forth the plan formulated under clause (i) of this subparagraph;

(iv) not later than 30 days after the agency receives such application for a Federal authorization, transmit to the applicant a notice—

(I) indicating whether such application is ready for processing; and

(II) if such application is not ready for processing, that includes a comprehensive description of the information needed for the agency to determine that the application is ready for processing;

(v) determine that such application for a Federal authorization is ready for processing for purposes of clause (iv) if such application is sufficiently complete for the purposes of commencing consideration, regardless of whether supplemental information is necessary to enable the agency to complete the consideration required by law with respect to such application; and

(vi) not less often than once every 90 days, transmit to the Commission a report describing the progress made in considering such application for a Federal authorization.

(3) FAILURE TO MEET DEADLINE.—If a Federal or State agency, including the Commission, fails to meet a deadline for a Federal authorization set forth in the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act, not later than 5 days after such deadline, the head of the relevant Federal agency (including, in the case of a failure by a State agency, the Federal agency overseeing the delegated authority) shall notify Congress and the Commission of such failure and set forth a recommended implementation plan to ensure completion of the action to which such deadline applied.

(g) CONSIDERATION OF APPLICATIONS FOR FEDERAL AUTHORIZATION.—

(1) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) IDENTIFICATION.—Federal and State agencies that may consider an aspect of an application for a Federal authorization shall identify, as early as possible, any issues of concern



that may delay or prevent an agency from working with the Commission to resolve such issues and granting such authorization.

(B) **ISSUE RESOLUTION.**—The Commission may forward any issue of concern identified under subparagraph (A) to the heads of the relevant agencies (including, in the case of an issue of concern that is a failure by a State agency, the Federal agency overseeing the delegated authority, if applicable) for resolution.

(2) **REMOTE SURVEYS.**—If a Federal or State agency considering an aspect of an application for a Federal authorization requires the person applying for such authorization to submit data, the agency shall consider any such data gathered by aerial or other remote means that the person submits. The agency may grant a conditional approval for the Federal authorization based on data gathered by aerial or remote means, conditioned on the verification of such data by subsequent onsite inspection.

(3) **APPLICATION PROCESSING.**—The Commission, and Federal and State agencies, may allow a person applying for a Federal authorization to fund a third-party contractor to assist in reviewing the application for such authorization.

(h) **ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.**—For an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act that requires multiple Federal authorizations, the Commission, with input from any Federal or State agency considering an aspect of the application, shall track and make available to the public on the Commission’s website information related to the actions required to complete the Federal authorizations. Such information shall include the following:

(1) The schedule established by the Commission under section 15(c)(1) of the Natural Gas Act.

(2) A list of all the actions required by each applicable agency to complete permitting, reviews, and other actions necessary to obtain a final decision on the application.

(3) The expected completion date for each such action.

(4) A point of contact at the agency responsible for each such action.

(5) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reasons for the delay.

(i) **PIPELINE SECURITY.**—In considering an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Federal Energy Regulatory Commission shall consult with the Administrator of the Transportation Security Administration regarding the applicant’s compliance with security guidance and best practice recommendations of the Administration regarding pipeline

infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures.

(j) **WITHDRAWAL OF POLICY STATEMENTS.**—The Federal Energy Regulatory Commission shall withdraw—

(1) the updated policy statement titled “Certification of New Interstate Natural Gas Facilities” published in the Federal Register on March 1, 2022 (87 Fed. Reg. 11548); and

(2) the interim policy statement titled “Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews” published in the Federal Register on March 11, 2022 (87 Fed. Reg. 14104).

#### **SEC. 10010. INTERIM HAZARDOUS WASTE PERMITS FOR CRITICAL ENERGY RESOURCE FACILITIES.**

Section 3005(e) of the Solid Waste Disposal Act (42 U.S.C. 6925(e)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking “or” at the end;

(B) in clause (ii), by inserting “or” after “this section,”; and

(C) by adding at the end the following:

“(iii) is a critical energy resource facility,”; and

(2) by adding at the end the following:

“(4) **DEFINITIONS.**—For the purposes of this subsection:

“(A) **CRITICAL ENERGY RESOURCE.**—The term ‘critical energy resource’ means, as determined by the Secretary of Energy, any energy resource—

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

“(ii) the supply chain of which is vulnerable to disruption.

“(B) **CRITICAL ENERGY RESOURCE FACILITY.**—The term ‘critical energy resource facility’ means a facility that processes or refines a critical energy resource.”.

#### **SEC. 10011. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY RESOURCE FACILITIES.**

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, as necessary, revise regulations under parts 70 and 71 of title 40, Code of Federal Regulations, to—

(1) authorize the owner or operator of a critical energy resource facility to utilize flexible air permitting (as described in the final rule titled “Operating Permit Programs; Flexible Air Permitting Rule” published by the Environmental Protection Agency in the Federal Register on October 6, 2009 (74 Fed. Reg. 51418)) with respect to such critical energy resource facility; and

(2) facilitate flexible, market-responsive operations (as described in the final rule identified in paragraph (1)) with respect to critical energy resource facilities.

(b) DEFINITIONS.—In this section:

(1) CRITICAL ENERGY RESOURCE.—The term “critical energy resource” means, as determined by the Secretary of Energy, any energy resource—

(A) that is essential to the energy sector and energy systems of the United States; and

(B) the supply chain of which is vulnerable to disruption.

(2) CRITICAL ENERGY RESOURCE FACILITY.—The term “critical energy resource facility” means a facility that processes or refines a critical energy resource.

## **SEC. 10012. NATIONAL SECURITY OR ENERGY SECURITY WAIVERS TO PRODUCE CRITICAL ENERGY RESOURCES.**

(a) CLEAN AIR ACT REQUIREMENTS.—

(1) IN GENERAL.—If the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any requirement under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

(2) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a requirement under the Clean Air Act under this subsection, to the maximum extent practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

(3) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this subsection is in conflict with any

requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

(4) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this subsection shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in paragraph (1) and serve the public interest. In renewing or reissuing a waiver under this paragraph, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

(5) SUBSEQUENT ACTION BY COURT.—If a waiver issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant a provision of law, any omission or action previously taken by a party under the waiver while the waiver was in effect shall remain subject to paragraph (3).

(6) CRITICAL ENERGY RESOURCE; CRITICAL ENERGY RESOURCE FACILITY DEFINED.—The terms “critical energy resource” and “critical energy resource facility” have the meanings given such terms in section 3025(f) of the Solid Waste Disposal Act (as added by this section).

(b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

(1) HAZARDOUS WASTE MANAGEMENT.—The Solid Waste Disposal Act ([42 U.S.C. 6901 et seq.](#)) is amended by inserting after section 3024 the following:

**“SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE FACILITIES.**

“(a) IN GENERAL.—If the Administrator, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any covered requirement with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

“(b) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a covered requirement under this section, to the maximum extent practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.



“(c) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this section is in conflict with any requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

“(d) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this section shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to subsections (a) and (b) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in subsection (a) and serve the public interest. In renewing or reissuing a waiver under this subsection, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

“(e) SUBSEQUENT ACTION BY COURT.—If a waiver issued under this section is subsequently stayed, modified, or set aside by a court pursuant a provision of law, any omission or action previously taken by a party under the waiver while the waiver was in effect shall remain subject to subsection (c).

“(f) DEFINITIONS.—In this section:

“(1) COVERED REQUIREMENT.—The term ‘covered requirement’ means—

“(A) any standard established under section 3002, 3003, or 3004;

“(B) the permit requirement under section 3005; or

“(C) any other requirement of this Act, as the Administrator determines appropriate.

“(2) CRITICAL ENERGY RESOURCE.—The term ‘critical energy resource’ means, as determined by the Secretary of Energy, any energy resource—

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

“(B) the supply chain of which is vulnerable to disruption.

“(3) CRITICAL ENERGY RESOURCE FACILITY.—The term ‘critical energy resource facility’ means a facility that processes or refines a critical energy resource.”.

(2) TABLE OF CONTENTS.—The table of contents of the Solid Waste Disposal Act is amended by inserting after the item relating to section 3024 the following:

“Sec. 3025. Waivers for critical energy resource facilities.”.

## **SEC. 10013. NATURAL GAS TAX REPEAL.**

(a) **REPEAL.**—Section 136 of the Clean Air Act ([42 U.S.C. 7436](#))(relating to methane emissions and waste reduction incentive program for petroleum and natural gas systems) is repealed.

(b) **RESCISSION.**—The unobligated balance of any amounts made available under section 136 of the Clean Air Act ([42 U.S.C. 7436](#))(as in effect on the day before the date of enactment of this Act) is rescinded.

## **SEC. 10014. REPEAL OF GREENHOUSE GAS REDUCTION FUND.**

(a) **REPEAL.**—Section 134 of the Clean Air Act ([42 U.S.C. 7434](#))(relating to the greenhouse gas reduction fund) is repealed.

(b) **RESCISSION.**—The unobligated balance of any amounts made available under section 134 of the Clean Air Act ([42 U.S.C. 7434](#))(as in effect on the day before the date of enactment of this Act) is rescinded.

(c) **CONFORMING AMENDMENT.**—Section 60103 of [Public Law 117–169](#) (relating to the greenhouse gas reduction fund) is repealed.

## **SEC. 10015. ENDING FUTURE DELAYS IN CHEMICAL SUBSTANCE REVIEW FOR CRITICAL ENERGY RESOURCES.**

Section 5(a) of the Toxic Substances Control Act ([15 U.S.C. 2604\(a\)](#)) is amended by adding at the end the following:

“(6) **CRITICAL ENERGY RESOURCES.**—

“(A) **STANDARD.**—For purposes of a determination under paragraph (3) with respect to a chemical substance that is a critical energy resource, the Administrator shall take into consideration economic, societal, and environmental costs and benefits, notwithstanding any requirement of this section to not take such factors into consideration.

“(B) **FAILURE TO RENDER DETERMINATION.**—

“(i) **ACTIONS AUTHORIZED.**—If, with respect to a chemical substance that is a critical energy resource, the Administrator fails to make a determination on a notice under paragraph (3) by the end of the applicable review period and the notice has not been withdrawn by the submitter, the submitter may take the actions described in paragraph (1)(A) with respect to the chemical substance, and the Administrator shall be relieved of any requirement to make such determination.

“(ii) **NON-DUPLICATION.**—A refund of applicable fees under paragraph (4)(A) shall not be made if a submitter takes an action described in paragraph (1)(A) under this subparagraph.

“(C) PREREQUISITE FOR SUGGESTION OF WITHDRAWAL OR SUSPENSION.—The Administrator may not suggest to, or request of, a submitter of a notice under this subsection for a chemical substance that is a critical energy resource that such submitter withdraw such notice, or request a suspension of the running of the applicable review period with respect to such notice, unless the Administrator has—

“(i) conducted a preliminary review of such notice; and

“(ii) provided to the submitter a draft of a determination under paragraph (3), including any supporting information.

“(D) DEFINITION.—For purposes of this paragraph, the term ‘critical energy resource’ means, as determined by the Secretary of Energy, any energy resource—

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

“(ii) the supply chain of which is vulnerable to disruption.”.

## **SEC. 10016. KEEPING AMERICA’S REFINERIES OPERATING.**

(a) IN GENERAL.—The owner or operator of a stationary source described in subsection (b) of this section shall not be required by the regulations promulgated under section 112(r)(7)(B) of the Clean Air Act ([42 U.S.C. 7412\(r\)\(7\)\(B\)](#)) to include in any hazard assessment under clause (ii) of such section 112(r)(7)(B) an assessment of safer technology and alternative risk management measures with respect to the use of hydrofluoric acid in an alkylation unit.

(b) STATIONARY SOURCE DESCRIBED.—A stationary source described in this subsection is a stationary source (as defined in section 112(r)(2)(C) of the Clean Air Act ([42 U.S.C. 7412\(r\)\(2\)\(C\)](#))) in North American Industry Classification System code 324—

(1) for which a construction permit or operating permit has been issued pursuant to the Clean Air Act ([42 U.S.C. 7401 et seq.](#)); or

(2) for which the owner or operator demonstrates to the Administrator of the Environmental Protection Agency that such stationary source conforms or will conform to the most recent version of American Petroleum Institute Recommended Practice 751.

## **SEC. 10017. HOMEOWNER ENERGY FREEDOM.**

(a) IN GENERAL.—The following are repealed:

(1) Section 50122 of [Public Law 117–169 \(42 U.S.C. 18795a\)](#) (relating to a high-efficiency electric home rebate program).

(2) Section 50123 of [Public Law 117–169 \(42 U.S.C. 18795b\)](#) (relating to State-based home energy efficiency contractor training grants).



(3) Section 50131 of [Public Law 117–169](#) (136 Stat. 2041) (relating to assistance for latest and zero building energy code adoption).

(b) **RESCISSIONS.**—The unobligated balances of any amounts made available under each of sections 50122, 50123, and 50131 of [Public Law 117–169](#) (42 U.S.C. 18795a, 18795b; 136 Stat. 2041) (as in effect on the day before the date of enactment of this Act) are rescinded.

(c) **CONFORMING AMENDMENT.**—Section 50121(c)(7) of [Public Law 117–169](#) (42 U.S.C. 18795(c)(7)) is amended by striking “, including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d)),”.

## **SEC. 10018. STUDY.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Nuclear Regulatory Commission, shall conduct a study on how to streamline regulatory timelines relating to developing new power plants by examining practices relating to various power generating sources, including fossil and nuclear generating sources.

## **SEC. 10019. STATE PRIMARY ENFORCEMENT RESPONSIBILITY.**

(a) **AMENDMENTS.**—Section 1422(b) of the Safe Drinking Water Act ([42 U.S.C. 300h–1\(b\)](#)) is amended—

(1) in paragraph (2)—

(A) by striking “Within ninety days” and inserting “(A) Within ninety days”;

(B) by striking “and after reasonable opportunity for presentation of views”; and

(C) by adding at the end the following:

“(B) If, after 270 calendar days of a State’s application being submitted under paragraph (1)(A) or notice being submitted under paragraph (1)(B), the Administrator has not, pursuant to subparagraph (A), by rule approved, disapproved, or approved in part and disapproved in part the State’s underground injection control program—

“(i) the Administrator shall transmit, in writing, to the State a detailed explanation as to the status of the application or notice; and

“(ii) the State’s underground injection control program shall be deemed approved under this section if—

“(I) the Administrator has not after another 30 days, pursuant to subparagraph (A), by rule approved, disapproved, or approved in part and disapproved in part the State’s underground injection control program; and



“(II) the State has established and implemented an effective program (including adequate recordkeeping and reporting) to prevent underground injection which endangers drinking water sources.”;

(2) by amending paragraph (4) to read as follows:

“(4) Before promulgating any rule under paragraph (2) or (3) of this subsection, the Administrator shall—

“(A) provide a reasonable opportunity for presentation of views with respect to such rule, including a public hearing and a public comment period; and

“(B) publish in the Federal Register notice of the reasonable opportunity for presentation of views provided under subparagraph (A).”; and

(3) by adding at the end the following:

“(5) PREAPPLICATION ACTIVITIES.—The Administrator shall work as expeditiously as possible with States to complete any necessary activities relevant to the submission of an application under paragraph (1)(A) or notice under paragraph (1)(B), taking into consideration the need for a complete and detailed submission.

“(6) APPLICATION COORDINATION FOR CLASS VI WELLS.—With respect to the underground injection control program for Class VI wells (as defined in section 40306(a) of the Infrastructure Investment and Jobs Act (42 U.S.C. 300h–9(a))), the Administrator shall designate one individual at the Agency from each regional office to be responsible for coordinating—

“(A) the completion of any necessary activities prior to the submission of an application under paragraph (1)(A) or notice under paragraph (1)(B), in accordance with paragraph (5);

“(B) the review of an application submitted under paragraph (1)(A) or notice submitted under paragraph (1)(B);

“(C) any reasonable opportunity for presentation of views provided under paragraph (4)(A) and any notice published under paragraph (4)(B); and

“(D) pursuant to the recommendations included in the report required under paragraph (7), the hiring of additional staff to carry out subparagraphs (A) through (C).

“(7) EVALUATION OF RESOURCES.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the individual designated under paragraph (6) shall transmit to the appropriate Congressional committees a report, including recommendations, regarding the—

“(i) availability of staff and resources to promptly carry out the requirements of paragraph (6); and

“(ii) additional funding amounts needed to do so.

“(B) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term ‘appropriate Congressional Committees’ means—

“(i) in the Senate—

“(I) the Committee on Environment and Public Works; and

“(II) the Committee on Appropriations; and

“(ii) in the House of Representatives—

“(I) the Committee on Energy and Commerce; and

“(II) the Committee on Appropriations.”.

(b) FUNDING.—In each of fiscal years 2023 through 2026, amounts made available by title VI of division J of the Infrastructure Investment and Jobs Act under paragraph (7) of the heading “Environmental Protection Agency—State and Tribal Assistance Grants” ([Public Law 117–58](#); 135 Stat. 1402) may also be made available, subject to appropriations, to carry out paragraphs (5), (6), and (7) of section 1422(b) of the Safe Drinking Water Act, as added by this section.

(c) RULE OF CONSTRUCTION.—The amendments made by this section shall—

(1) apply to all applications submitted to the Environmental Protection Agency after the date of enactment of this Act to establish an underground injection control program under section 1422(b) of the Safe Drinking Water Act ([42 U.S.C. 300h–1](#)); and

(2) with respect to such applications submitted prior to the date of enactment of this Act, the 270 and 300 day deadlines under section 1422(b)(2)(B) of the Safe Drinking Water Act, as added by this section, shall begin on the date of enactment of this Act.

## **SEC. 10020. USE OF INDEX-BASED PRICING IN ACQUISITION OF PETROLEUM PRODUCTS FOR THE SPR.**

Section 160(c) of the Energy Policy and Conservation Act ([42 U.S.C. 6240\(c\)](#)) is amended—

(1) by redesignating paragraphs (1) through (6) as clauses (i) through (vi), respectively (and adjusting the margins accordingly);

(2) by striking “The Secretary shall” and inserting the following:

“(1) IN GENERAL.—The Secretary shall”; and

(3) by striking “Such procedures shall take into account the need to—” and inserting the following:

“(2) INCLUSIONS.—Procedures developed under this subsection shall—

“(A) require acquisition of petroleum products using index-based pricing; and

“(B) take into account the need to—”.

#### **SEC. 10021. PROHIBITION ON CERTAIN EXPORTS.**

(a) IN GENERAL.—The Energy Policy and Conservation Act is amended by inserting after section 163 (42 U.S.C. 6243) the following:

#### **“SEC. 164. PROHIBITION ON CERTAIN EXPORTS.**

“(a) IN GENERAL.—The Secretary shall prohibit the export or sale of petroleum products drawn down from the Strategic Petroleum Reserve, under any provision of law, to—

“(1) the People’s Republic of China;

“(2) the Democratic People’s Republic of Korea;

“(3) the Russian Federation;

“(4) the Islamic Republic of Iran;

“(5) any other country the government of which is subject to sanctions imposed by the United States; and

“(6) any entity owned, controlled, or influenced by—

“(A) a country referred to in any of paragraphs (1) through (5); or

“(B) the Chinese Communist Party.

“(b) WAIVER.—The Secretary may issue a waiver of the prohibition described in subsection (a) if the Secretary certifies that any export or sale authorized pursuant to the waiver is in the national security interests of the United States.

“(c) RULE.—Not later than 60 days after the date of enactment of the Lower Energy Costs Act, the Secretary shall issue a rule to carry out this section.”.

(b) CONFORMING AMENDMENTS.—

(1) **DRAWDOWN AND SALE OF PETROLEUM PRODUCTS.**—Section 161(a) of the Energy Policy and Conservation Act (42 U.S.C. 6241(a)) is amended by inserting “and section 164” before the period at the end.

(2) **CLERICAL AMENDMENT.**—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 163 the following:

“Sec. 164. Prohibition on certain exports.”.

**SEC. 10022. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE PROPOSED TAX HIKE ON THE OIL AND NATURAL GAS INDUSTRY IN THE PRESIDENT’S FISCAL YEAR 2024 BUDGET REQUEST.**

(a) **FINDING.**—Congress finds that President Biden’s fiscal year 2024 budget request proposes to repeal tax provisions that are vital to the oil and natural gas industry of the United States, resulting in a \$31,000,000,000 tax hike on oil and natural gas producers in the United States.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that Congress disapproves of the proposed tax hike on the oil and natural gas industry in the President’s fiscal year 2024 budget request.

**SEC. 10023. DOMESTIC ENERGY INDEPENDENCE REPORT.**

Not later than 120 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall submit to Congress a report that identifies and assesses regulations promulgated by the Administrator during the 15-year period preceding the date of enactment of this Act that have—

- (1) reduced the energy independence of the United States;
- (2) increased the regulatory burden for energy producers in the United States;
- (3) decreased the energy output by such energy producers;
- (4) reduced the energy security of the United States; or
- (5) increased energy costs for consumers in the United States.

**SEC. 10024. GAO STUDY.**

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on how banning natural gas appliances will affect the rates and charges for electricity.

**SEC. 10025. GAS KITCHEN RANGES AND OVENS.**



The Secretary of Energy may not finalize, implement, administer, or enforce the proposed rule titled “Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products; Supplemental notice of proposed rulemaking and announcement of public meeting” (88 Fed. Reg. 6818; published February 1, 2023) with respect to energy conservation standards for gas kitchen ranges and ovens, or any substantially similar rule, including any rule that would directly or indirectly limit consumer access to gas kitchen ranges and ovens.

## **TITLE II—TRANSPARENCY, ACCOUNTABILITY, PERMITTING, AND PRODUCTION OF AMERICAN RESOURCES**

### **SEC. 20001. SHORT TITLE.**

This title may be cited as the “Transparency, Accountability, Permitting, and Production of American Resources Act” or the “TAPP American Resources Act”.

## **Subtitle A—Onshore And Offshore Leasing And Oversight**

### **SEC. 20101. ONSHORE OIL AND GAS LEASING.**

(a) REQUIREMENT TO IMMEDIATELY RESUME ONSHORE OIL AND GAS LEASE SALES.—

(1) IN GENERAL.—The Secretary of the Interior shall immediately resume quarterly onshore oil and gas lease sales in compliance with the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#)).

(2) REQUIREMENT.—The Secretary of the Interior shall ensure—

(A) that any oil and gas lease sale pursuant to paragraph (1) is conducted immediately on completion of all applicable scoping, public comment, and environmental analysis requirements under the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#)) and the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)); and

(B) that the processes described in subparagraph (A) are conducted in a timely manner to ensure compliance with subsection (b)(1).

(3) LEASE OF OIL AND GAS LANDS.—Section 17(b)(1)(A) of the Mineral Leasing Act ([30 U.S.C. 226\(b\)\(1\)\(A\)](#)) is amended by inserting “Eligible lands comprise all lands subject to leasing under this Act and not excluded from leasing by a statutory or regulatory prohibition. Available lands are those lands that have been designated as open for leasing under a land use plan developed under section 202 of the Federal Land Policy and Management Act of 1976 and that have been nominated for leasing through the submission of an expression of interest, are

subject to drainage in the absence of leasing, or are otherwise designated as available pursuant to regulations adopted by the Secretary.” after “sales are necessary.”.

(b) QUARTERLY LEASE SALES.—

(1) IN GENERAL.—In accordance with the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#)), each fiscal year, the Secretary of the Interior shall conduct a minimum of four oil and gas lease sales in each of the following States:

(A) Wyoming.

(B) New Mexico.

(C) Colorado.

(D) Utah.

(E) Montana.

(F) North Dakota.

(G) Oklahoma.

(H) Nevada.

(I) Alaska.

(J) Any other State in which there is land available for oil and gas leasing under the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#)) or any other mineral leasing law.

(2) REQUIREMENT.—In conducting a lease sale under paragraph (1) in a State described in that paragraph, the Secretary of the Interior shall offer all parcels nominated and eligible pursuant to the requirements of the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#)) for oil and gas exploration, development, and production under the resource management plan in effect for the State.

(3) REPLACEMENT SALES.—The Secretary of the Interior shall conduct a replacement sale during the same fiscal year if—

(A) a lease sale under paragraph (1) is canceled, delayed, or deferred, including for a lack of eligible parcels; or

(B) during a lease sale under paragraph (1) the percentage of acreage that does not receive a bid is equal to or greater than 25 percent of the acreage offered.



(4) NOTICE REGARDING MISSED SALES.—Not later than 30 days after a sale required under this subsection is canceled, delayed, deferred, or otherwise missed the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that states what sale was missed and why it was missed.

#### **SEC. 20102. LEASE REINSTATEMENT.**

The reinstatement of a lease entered into under the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#)) or the Geothermal Steam Act of 1970 ([30 U.S.C. 1001 et seq.](#)) by the Secretary shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332\(2\)\(C\)](#)).

#### **SEC. 20103. PROTESTED LEASE SALES.**

Section 17(b)(1)(A) of the Mineral Leasing Act ([30 U.S.C. 226\(b\)\(1\)\(A\)](#)) is amended by inserting “The Secretary shall resolve any protest to a lease sale not later than 60 days after such payment.” after “annual rental for the first lease year.”.

#### **SEC. 20104. SUSPENSION OF OPERATIONS.**

Section 17 of the Mineral Leasing Act ([30 U.S.C. 226](#)) is amended by adding at the end the following:

“(r) SUSPENSION OF OPERATIONS PERMITS.—In the event that an oil and gas lease owner has submitted an expression of interest for adjacent acreage that is part of the nature of the geological play and has yet to be offered in a lease sale by the Secretary, they may request a suspension of operations from the Secretary of the Interior and upon request, the Secretary shall grant the suspension of operations within 15 days. Any payment of acreage rental or of minimum royalty prescribed by such lease likewise shall be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto.”.

#### **SEC. 20105. ADMINISTRATIVE PROTEST PROCESS REFORM.**

Section 17 of the Mineral Leasing Act ([30 U.S.C. 226](#)) is further amended by adding at the end the following:

“(s) PROTEST FILING FEE.—

“(1) IN GENERAL.—Before processing any protest filed under this section, the Secretary shall collect a filing fee in the amount described in paragraph (2) from the protestor to recover the cost for processing documents filed for each administrative protest.

“(2) AMOUNT.—The amount described in this paragraph is calculated as follows:

“(A) For each protest filed in a submission not exceeding 10 pages in length, the base filing fee shall be \$150.

“(B) For each submission exceeding 10 pages in length, in addition to the base filing fee, an assessment of \$5 per page in excess of 10 pages shall apply.

“(C) For protests that include more than one oil and gas lease parcel, right-of-way, or application for permit to drill in a submission, an additional assessment of \$10 per additional lease parcel, right-of-way, or application for permit to drill shall apply.

“(3) ADJUSTMENT.—

“(A) IN GENERAL.—Beginning on January 1, 2024, and annually thereafter, the Secretary shall adjust the filing fees established in this subsection to whole dollar amounts to reflect changes in the Producer Price Index, as published by the Bureau of Labor Statistics, for the previous 12 months.

“(B) PUBLICATION OF ADJUSTED FILING FEES.—At least 30 days before the filing fees as adjusted under this paragraph take effect, the Secretary shall publish notification of the adjustment of such fees in the Federal Register.”.

**SEC. 20106. LEASING AND PERMITTING TRANSPARENCY.**

(a) REPORT.—Not later than 30 days after the date of the enactment of this section, and annually thereafter, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of nominated parcels for future onshore oil and gas and geothermal lease sales, including—

(A) the number of expressions of interest received each month during the period of 365 days that ends on the date on which the report is submitted with respect to which the Bureau of Land Management—

(i) has not taken any action to review;

(ii) has not completed review; or

(iii) has completed review and determined that the relevant area meets all applicable requirements for leasing, but has not offered the relevant area in a lease sale;

(B) how long expressions of interest described in subparagraph (A) have been pending; and

(C) a plan, including timelines, for how the Secretary of the Interior plans to—



- (i) work through future expressions of interest to prevent delays;
- (ii) put expressions of interest described in subparagraph (A) into a lease sale; and
- (iii) complete review for expressions of interest described in clauses (i) and (ii) of subparagraph (A);

(2) the status of each pending application for permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Land Management office, including—

(A) a description of the cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) or other applicable laws;

(B) the number of days an application has been pending in violation of section 17(p)(2) of the Mineral Leasing Act ([30 U.S.C. 226\(p\)\(2\)](#)); and

(C) a plan for how the office intends to come into compliance with the requirements of section 17(p)(2) of the Mineral Leasing Act ([30 U.S.C. 226\(p\)\(2\)](#));

(3) the number of permits to drill issued each month by each Bureau of Land Management office during the 5-year period ending on the date on which the report is submitted;

(4) the status of each pending application for a license for offshore geological and geophysical surveys received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Ocean Energy management regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) or other applicable laws;

(B) the number of days an application has been pending; and

(C) a plan for how the Bureau of Ocean Energy Management intends to complete review of each application;

(5) the number of licenses for offshore geological and geophysical surveys issued each month by each Bureau of Ocean Energy Management regional office during the 5-year period ending on the date on which the report is submitted;

(6) the status of each pending application for a permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of

applications received each month, by each Bureau of Safety and Environmental Enforcement regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending; and

(C) steps the Bureau of Safety and Environmental Enforcement is taking to complete review of each application;

(7) the number of permits to drill issued each month by each Bureau of Safety and Environmental Enforcement regional office during the period of 365 days that ends on the date on which the report is submitted;

(8) how, as applicable, the Bureau of Land Management, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement determines whether to—

(A) issue a license for geological and geophysical surveys;

(B) issue a permit to drill; and

(C) issue, extend, or suspend an oil and gas lease;

(9) when determinations described in paragraph (8) are sent to the national office of the Bureau of Land Management, the Bureau of Ocean Energy Management, or the Bureau of Safety and Environmental Enforcement for final approval;

(10) the degree to which Bureau of Land Management, Bureau of Ocean Energy Management, and Bureau of Safety and Environmental Enforcement field, State, and regional offices exercise discretion on such final approval;

(11) during the period of 365 days that ends on the date on which the report is submitted, the number of auctioned leases receiving accepted bids that have not been issued to winning bidders and the number of days such leases have not been issued; and

(12) a description of the uses of application for permit to drill fees paid by permit holders during the 5-year period ending on the date on which the report is submitted.

(b) **PENDING APPLICATIONS FOR PERMITS TO DRILL.**—Not later than 30 days after the date of the enactment of this section, the Secretary of the Interior shall—



(1) complete all requirements under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) and other applicable law that must be met before issuance of a permit to drill described in paragraph (2); and

(2) issue a permit for all completed applications to drill that are pending on the date of the enactment of this Act.

(c) PUBLIC AVAILABILITY OF DATA.—

(1) MINERAL LEASING ACT.—Section 17 of the Mineral Leasing Act ([30 U.S.C. 226](#)) is further amended by adding at the end the following:

“(t) PUBLIC AVAILABILITY OF DATA.—

“(1) EXPRESSIONS OF INTEREST.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending, approved, and not approved expressions of interest in nominated parcels for future onshore oil and gas lease sales in the preceding month.

“(2) APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for permits to drill in the preceding month in each State office.

“(3) PAST DATA.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect to each month during the 5-year period ending on the date of the enactment of this subsection—

“(A) the number of approved and not approved expressions of interest for onshore oil and gas lease sales during such 5-year period; and

“(B) the number of approved and not approved applications for permits to drill during such 5-year period.”.

(2) OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act ([43 U.S.C. 1337](#)) is amended by adding at the end the following:

“(q) PUBLIC AVAILABILITY OF DATA.—

“(1) OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSES.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for licenses for offshore geological and geophysical surveys in the preceding month.

“(2) APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for permits to drill on the outer Continental Shelf in the preceding month in each regional office.

“(3) PAST DATA.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect each month during the 5-year period ending on the date of the enactment of this subsection—

“(A) the number of approved applications for licenses for offshore geological and geophysical surveys; and

“(B) the number of approved applications for permits to drill on the outer Continental Shelf.”.

(d) REQUIREMENT TO SUBMIT DOCUMENTS AND COMMUNICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives all documents and communications relating to the comprehensive review of Federal oil and gas permitting and leasing practices required under section 208 of Executive Order No. 14008 (86 Fed. Reg. 7624; relating to tackling the climate crisis at home and abroad).

(2) INCLUSIONS.—The submission under paragraph (1) shall include all documents and communications submitted to the Secretary of the Interior by members of the public in response to any public meeting or forum relating to the comprehensive review described in that paragraph.

## **SEC. 20107. OFFSHORE OIL AND GAS LEASING.**

(a) IN GENERAL.—The Secretary shall conduct all lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016) that have not been conducted as of the date of the enactment of this Act by not later than September 30, 2023.

(b) GULF OF MEXICO REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, and except within areas subject to existing oil and gas leasing moratoria beginning in fiscal year 2023, the Secretary of the Interior shall annually conduct a minimum of 2 region-wide oil and gas lease sales in the following planning areas of the Gulf of Mexico region, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(1) The Central Gulf of Mexico Planning Area.

(2) The Western Gulf of Mexico Planning Area.



(c) **ALASKA REGION ANNUAL LEASE SALES.**—Notwithstanding any other provision of law, beginning in fiscal year 2023, the Secretary of the Interior shall annually conduct a minimum of 2 region-wide oil and gas lease sales in the Alaska region of the Outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016).

(d) **REQUIREMENTS.**—In conducting lease sales under subsections (b) and (c), the Secretary of the Interior shall—

(1) issue such leases in accordance with the Outer Continental Shelf Lands Act ([43 U.S.C. 1332 et seq.](#)); and

(2) include in each such lease sale all unleased areas that are not subject to a moratorium as of the date of the lease sale.

## **SEC. 20108. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS LEASING.**

Section 18 of the Outer Continental Shelf Lands Act ([43 U.S.C. 1344](#)) is amended—

(1) in subsection (a)—

(A) by striking “subsections (c) and (d) of this section, shall prepare and periodically revise,” and inserting “this section, shall issue every five years”;

(B) by adding at the end the following:

“(5) Each five-year program shall include at least two Gulf of Mexico region-wide lease sales per year.”; and

(C) in paragraph (3), by inserting “domestic energy security,” after “between”;

(2) by redesignating subsections (f) through (i) as subsections (h) through (k), respectively; and

(3) by inserting after subsection (e) the following:

“(f) **FIVE-YEAR PROGRAM FOR 2023–2028.**—The Secretary shall issue the five-year oil and gas leasing program for 2023 through 2028 and issue the Record of Decision on the Final Programmatic Environmental Impact Statement by not later than July 1, 2023.

“(g) **SUBSEQUENT LEASING PROGRAMS.**—

“(1) **IN GENERAL.**—Not later than 36 months after conducting the first lease sale under an oil and gas leasing program prepared pursuant to this section, the Secretary shall begin preparing the subsequent oil and gas leasing program under this section.

“(2) REQUIREMENT.—Each subsequent oil and gas leasing program under this section shall be approved by not later than 180 days before the expiration of the previous oil and gas leasing program.”.

## **SEC. 20109. GEOTHERMAL LEASING.**

(a) ANNUAL LEASING.—Section 4(b) of the Geothermal Steam Act of 1970 ([30 U.S.C. 1003\(b\)](#)) is amended—

(1) in paragraph (2), by striking “2 years” and inserting “year”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) after paragraph (2), by inserting the following:

“(3) REPLACEMENT SALES.—If a lease sale under paragraph (1) for a year is canceled or delayed, the Secretary of the Interior shall conduct a replacement sale during the same year.

“(4) REQUIREMENT.—In conducting a lease sale under paragraph (2) in a State described in that paragraph, the Secretary of the Interior shall offer all nominated parcels eligible for geothermal development and utilization under the resource management plan in effect for the State.”.

(b) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—Section 4 of the Geothermal Steam Act of 1970 ([30 U.S.C. 1003](#)) is amended by adding at the end the following:

“(h) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—

“(1) NOTICE.—Not later than 30 days after the date on which the Secretary receives an application for any geothermal drilling permit, the Secretary shall—

“(A) provide written notice to the applicant that the application is complete; or

“(B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

“(2) ISSUANCE OF DECISION.—If the Secretary determines that an application for a geothermal drilling permit is complete under paragraph (1)(A), the Secretary shall issue a final decision on the application not later than 30 days after the Secretary notifies the applicant that the application is complete.”.

## **SEC. 20110. LEASING FOR CERTAIN QUALIFIED COAL APPLICATIONS.**

(a) DEFINITIONS.—In this section:



(1) COAL LEASE.—The term “coal lease” means a lease entered into by the United States as lessor, through the Bureau of Land Management, and the applicant on Bureau of Land Management Form 3400–012.

(2) QUALIFIED APPLICATION.—The term “qualified application” means any application pending under the lease by application program administered by the Bureau of Land Management pursuant to the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#)) and subpart 3425 of title 43, Code of Federal Regulations (as in effect on the date of the enactment of this Act), for which the environmental review process under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) has commenced.

(b) MANDATORY LEASING AND OTHER REQUIRED APPROVALS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall promptly—

(1) with respect to each qualified application—

(A) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) and any applicable implementing regulations;

(B) finalize the fair market value of the coal tract for which a lease by application is pending;

(C) take all intermediate actions necessary to grant the qualified application; and

(D) grant the qualified application; and

(2) with respect to previously awarded coal leases, grant any additional approvals of the Department of the Interior or any bureau, agency, or division of the Department of the Interior required for mining activities to commence.

## **SEC. 20111. FUTURE COAL LEASING.**

Notwithstanding any judicial decision to the contrary or a departmental review of the Federal coal leasing program, Secretarial Order 3338, issued by the Secretary of the Interior on January 15, 2016, shall have no force or effect.

## **SEC. 20112. STAFF PLANNING REPORT.**

The Secretary of the Interior and the Secretary of Agriculture shall each annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the staffing capacity of each respective agency with respect to issuing oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits. Each such report shall include—

(1) the number of staff assigned to process and issue oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits;

(2) a description of how many staff are needed to meet statutory requirements for such oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits; and

(3) how, as applicable, the Department of the Interior or the Department of Agriculture plans to address technological needs and staffing shortfalls and turnover to ensure adequate staffing to process and issue such oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits.

#### **SEC. 20113. PROHIBITION ON CHINESE COMMUNIST PARTY OWNERSHIP INTEREST.**

Notwithstanding any other provision of law, the Communist Party of China (or a person acting on behalf of the Communist Party of China), any entity subject to the jurisdiction of the Government of the People's Republic of China, or any entity that is owned by the Government of the People's Republic of China, may not acquire any interest with respect to lands leased for oil or gas under the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#)) or the Outer Continental Shelf Lands Act ([43 U.S.C. 1331 et seq.](#)) or American farmland or any lands used for American renewable energy production, or acquire claims subject to the General Mining Law of 1872.

#### **SEC. 20114. EFFECT ON OTHER LAW.**

Nothing in this title, or any amendments made by this title, shall affect—

(1) the Presidential memorandum titled “Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition” and dated September 8, 2020;

(2) the Presidential memorandum titled “Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition” and dated September 25, 2020;

(3) the Presidential memorandum titled “Memorandum on Withdrawal of Certain Areas off the Atlantic Coast on the Outer Continental Shelf From Leasing Disposition” and dated December 20, 2016; or

(4) the ban on oil and gas development in the Great Lakes described in section 386 of the Energy Policy Act of 2005 ([42 U.S.C. 15941](#)).

#### **SEC. 20115. REQUIREMENT FOR GAO REPORT ON WIND ENERGY IMPACTS.**

The Secretary of the Interior shall not publish a notice for a wind lease sale or hold a lease sale for wind energy development in the Eastern Gulf of Mexico Planning Area, the South Atlantic



Planning Area, or the Straits of Florida Planning Area (as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016)) until the Comptroller General of the United States publishes a report on all potential adverse effects of wind energy development in such areas, including associated infrastructure and vessel traffic, on—

(1) military readiness and training activities in the Planning Areas described in this section, including activities within or related to the Eglin Test and Training Complex and the Jacksonville Range Complex;

(2) marine environment and ecology, including species listed as endangered or threatened under the Endangered Species Act of 1973 ([16 U.S.C. 1531 et seq.](#)) or designated as depleted under the Marine Mammal Protection Act of 1972 ([16 U.S.C. 1361 et seq.](#)) in the Planning Areas described in this section; and

(3) tourism, including the economic impacts that a decrease in tourism may have on the communities adjacent to the Planning Areas described in this section.

#### **SEC. 20116. SENSE OF CONGRESS ON WIND ENERGY DEVELOPMENT SUPPLY CHAIN.**

It is the sense of Congress that—

(1) wind energy development on Federal lands and waters is a burgeoning industry in the United States;

(2) major components of wind infrastructure, including turbines, are imported in large quantities from other countries including countries that are national security threats, such as the Government of the People's Republic of China;

(3) it is in the best interest of the United States to foster and support domestic supply chains across sectors to promote American energy independence;

(4) the economic and manufacturing opportunities presented by wind turbine construction and component manufacturing should be met by American workers and materials that are sourced domestically to the greatest extent practicable; and

(5) infrastructure for wind energy development in the United States should be constructed with materials produced and manufactured in the United States.

#### **SEC. 20117. SENSE OF CONGRESS ON OIL AND GAS ROYALTY RATES.**

It is the sense of Congress that the royalty rate for onshore Federal oil and gas leases should be not more than 12.5 percent in amount or value of the production removed or sold from the lease.

#### **SEC. 20118. OFFSHORE WIND ENVIRONMENTAL REVIEW PROCESS STUDY.**

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this section, the Comptroller General shall conduct a study to assess the sufficiency of the environmental review processes for offshore wind projects in place as of the date of the enactment of this section of the National Marine Fisheries Service, the Bureau of Ocean Energy Management, and any other relevant Federal agency.

(b) **CONTENTS.**—The study required under subsection (a) shall include consideration of the following:

(1) The impacts of offshore wind projects on—

(A) whales, finfish, and other marine mammals;

(B) benthic resources;

(C) commercial and recreational fishing;

(D) air quality;

(E) cultural, historical, and archaeological resources;

(F) invertebrates;

(G) essential fish habitat;

(H) military use and navigation and vessel traffic;

(I) recreation and tourism; and

(J) the sustainability of shoreline beaches and inlets.

(2) The impacts of hurricanes and other severe weather on offshore wind projects.

(3) How the agencies described in subsection (a) determine which stakeholders are consulted and if a timely, comprehensive comment period is provided for local representatives and other interested parties.

(4) The estimated cost and who pays for offshore wind projects.

## **SEC. 20119. GAO REPORT ON WIND ENERGY IMPACTS.**

The Comptroller General of the United States shall publish a report on all potential adverse effects of wind energy development in the North Atlantic Planning Area (as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016)), including associated infrastructure and vessel traffic, on—

- (1) maritime safety, including the operation of radar systems;
- (2) economic impacts related to commercial fishing activities; and
- (3) marine environment and ecology, including species listed as endangered or threatened under the Endangered Species Act of 1973 ([16 U.S.C. 1531 et seq.](#)) or designated as depleted under the Marine Mammal Protection Act of 1972 ([16 U.S.C. 1361 et seq.](#)) in the North Atlantic Planning Area.

## **Subtitle B—Permitting Streamlining**

### **SEC. 20201. DEFINITIONS.**

In this subtitle:

- (1) **ENERGY FACILITY.**—The term “energy facility” means a facility the primary purpose of which is the exploration for, or the development, production, conversion, gathering, storage, transfer, processing, or transportation of, any energy resource.
- (2) **ENERGY STORAGE DEVICE.**—The term “energy storage device”—
  - (A) means any equipment that stores energy, including electricity, compressed air, pumped water, heat, and hydrogen, which may be converted into, or used to produce, electricity; and
  - (B) includes a battery, regenerative fuel cell, flywheel, capacitor, superconducting magnet, and any other equipment the Secretary concerned determines may be used to store energy which may be converted into, or used to produce, electricity.
- (3) **PUBLIC LANDS.**—The term “public lands” means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior or the Secretary of Agriculture without regard to how the United States acquired ownership, except—
  - (A) lands located on the Outer Continental Shelf; and
  - (B) lands held in trust by the United States for the benefit of Indians, Indian Tribes, Aleuts, and Eskimos.
- (4) **RIGHT-OF-WAY.**—The term “right-of-way” means—
  - (A) a right-of-way issued, granted, or renewed under section 501 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1761](#)); or
  - (B) a right-of-way granted under section 28 of the Mineral Leasing Act ([30 U.S.C. 185](#)).
- (5) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—



(A) with respect to public lands, the Secretary of the Interior; and

(B) with respect to National Forest System lands, the Secretary of Agriculture.

(6) LAND USE PLAN.—The term “land use plan” means—

(A) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 ([16 U.S.C. 1604](#));

(B) a Land Management Plan developed by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1701 et seq.](#)); or

(C) a comprehensive conservation plan developed by the United States Fish and Wildlife Service under section 4(e)(1)(A) of the National Wildlife Refuge System Administration Act of 1966 ([16 U.S.C. 668dd\(e\)\(1\)\(A\)](#)).

## **SEC. 20202. BUILDER ACT.**

(a) PARAGRAPH (2) OF SECTION 102.—Section 102(2) of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332\(2\)](#)) is amended—

(1) in subparagraph (A), by striking “insure” and inserting “ensure”;

(2) in subparagraph (B), by striking “insure” and inserting “ensure”;

(3) in subparagraph (C)—

(A) by inserting “consistent with the provisions of this Act and except as provided by other provisions of law,” before “include in every”;

(B) by striking clauses (i) through (v) and inserting the following:

“(i) reasonably foreseeable environmental effects with a reasonably close causal relationship to the proposed agency action;

“(ii) any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;

“(iii) a reasonable number of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, are within the jurisdiction of the agency, meet the purpose and need of the proposal, and, where applicable, meet the goals of the applicant;



“(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

“(v) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented.”; and

(C) by striking “the responsible Federal official” and inserting “the head of the lead agency”;

(4) in subparagraph (D), by striking “Any” and inserting “any”;

(5) by redesignating subparagraphs (D) through (I) as subparagraphs (F) through (K), respectively;

(6) by inserting after subparagraph (C) the following:

“(D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document;

“(E) make use of reliable existing data and resources in carrying out this Act;”;

(7) by amending subparagraph (G), as redesignated, to read as follows:

“(G) consistent with the provisions of this Act, study, develop, and describe technically and economically feasible alternatives within the jurisdiction and authority of the agency;”;

(8) in subparagraph (H), as amended, by inserting “consistent with the provisions of this Act,” before “recognize”.

(b) **NEW SECTIONS.**—Title I of the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) is amended by adding at the end the following:

#### **“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF REVIEW.**

“(a) **THRESHOLD DETERMINATIONS.**—An agency is not required to prepare an environmental document with respect to a proposed agency action if—

“(1) the proposed agency action is not a final agency action within the meaning of such term in [chapter 5](#) of title 5, United States Code;

“(2) the proposed agency action is covered by a categorical exclusion established by the agency, another Federal agency, or another provision of law;

“(3) the preparation of such document would clearly and fundamentally conflict with the requirements of another provision of law;

“(4) the proposed agency action is, in whole or in part, a nondiscretionary action with respect to which such agency does not have authority to take environmental factors into consideration in determining whether to take the proposed action;

“(5) the proposed agency action is a rulemaking that is subject to section 553 of title 5, United States Code; or

“(6) the proposed agency action is an action for which such agency’s compliance with another statute’s requirements serve the same or similar function as the requirements of this Act with respect to such action.

“(b) LEVELS OF REVIEW.—

“(1) ENVIRONMENTAL IMPACT STATEMENT.—An agency shall issue an environmental impact statement with respect to a proposed agency action that has a significant effect on the quality of the human environment.

“(2) ENVIRONMENTAL ASSESSMENT.—An agency shall prepare an environmental assessment with respect to a proposed agency action that is not likely to have a significant effect on the quality of the human environment, or if the significance of such effect is unknown, unless the agency finds that a categorical exclusion established by the agency, another Federal agency, or another provision of law applies. Such environmental assessment shall be a concise public document prepared by a Federal agency to set forth the basis of such agency’s finding of no significant impact.

“(3) SOURCES OF INFORMATION.—In making a determination under this subsection, an agency—

“(A) may make use of any reliable data source; and

“(B) is not required to undertake new scientific or technical research.

## **“SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.**

“(a) LEAD AGENCY.—

“(1) DESIGNATION.—

“(A) IN GENERAL.—If there are two or more involved Federal agencies, such agencies shall determine, by letter or memorandum, which agency shall be the lead agency based on consideration of the following factors:

“(i) Magnitude of agency’s involvement.

“(ii) Project approval or disapproval authority.

“(iii) Expertise concerning the action’s environmental effects.

“(iv) Duration of agency’s involvement.

“(v) Sequence of agency’s involvement.

“(B) JOINT LEAD AGENCIES.—In making a determination under subparagraph (A), the involved Federal agencies may, in addition to a Federal agency, appoint such Federal, State, Tribal, or local agencies as joint lead agencies as the involved Federal agencies shall determine appropriate. Joint lead agencies shall jointly fulfill the role described in paragraph (2).

“(C) MINERAL PROJECTS.—This paragraph shall not apply with respect to a mineral exploration or mine permit.

“(2) ROLE.—A lead agency shall, with respect to a proposed agency action—

“(A) supervise the preparation of an environmental document if, with respect to such proposed agency action, there is more than one involved Federal agency;

“(B) request the participation of each cooperating agency at the earliest practicable time;

“(C) in preparing an environmental document, give consideration to any analysis or proposal created by a cooperating agency with jurisdiction by law or a cooperating agency with special expertise;

“(D) develop a schedule, in consultation with each involved cooperating agency, the applicant, and such other entities as the lead agency determines appropriate, for completion of any environmental review, permit, or authorization required to carry out the proposed agency action;

“(E) if the lead agency determines that a review, permit, or authorization will not be completed in accordance with the schedule developed under subparagraph (D), notify the agency responsible for issuing such review, permit, or authorization of the discrepancy and request that such agency take such measures as such agency determines appropriate to comply with such schedule; and

“(F) meet with a cooperating agency that requests such a meeting.

“(3) COOPERATING AGENCY.—The lead agency may, with respect to a proposed agency action, designate any involved Federal agency or a State, Tribal, or local agency as a cooperating agency. A cooperating agency may, not later than a date specified by the lead agency, submit comments to the lead agency. Such comments shall be limited to matters relating to the proposed agency action with respect to which such agency has special expertise or jurisdiction by law with respect to an environmental issue.

“(4) REQUEST FOR DESIGNATION.—Any Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency with respect to a proposed agency action under paragraph (1) may submit a written request for such a designation to an involved Federal agency. An agency that receives a request under this paragraph shall transmit such request to each involved Federal agency and to the Council.

“(5) COUNCIL DESIGNATION.—

“(A) REQUEST.—Not earlier than 45 days after the date on which a request is submitted under paragraph (4), if no designation has been made under paragraph (1), a Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency may request that the Council designate a lead agency. Such request shall consist of—

“(i) a precise description of the nature and extent of the proposed agency action; and

“(ii) a detailed statement with respect to each involved Federal agency and each factor listed in paragraph (1) regarding which agency should serve as lead agency.

“(B) TRANSMISSION.—The Council shall transmit a request received under subparagraph (A) to each involved Federal agency.

“(C) RESPONSE.—An involved Federal agency may, not later than 20 days after the date of the submission of a request under subparagraph (A), submit to the Council a response to such request.

“(D) DESIGNATION.—Not later than 40 days after the date of the submission of a request under subparagraph (A), the Council shall designate the lead agency with respect to the relevant proposed agency action.

“(b) ONE DOCUMENT.—

“(1) DOCUMENT.—To the extent practicable, if there are 2 or more involved Federal agencies with respect to a proposed agency action and the lead agency has determined that an environmental document is required, such requirement shall be deemed satisfied with respect to all involved Federal agencies if the lead agency issues such an environmental document.

“(2) CONSIDERATION TIMING.—In developing an environmental document for a proposed agency action, no involved Federal agency shall be required to consider any information that becomes available after the sooner of, as applicable—

“(A) receipt of a complete application with respect to such proposed agency action; or

“(B) publication of a notice of intent or decision to prepare an environmental impact statement for such proposed agency action.



“(3) SCOPE OF REVIEW.—In developing an environmental document for a proposed agency action, the lead agency and any other involved Federal agencies shall only consider the effects of the proposed agency action that—

“(A) occur on Federal land; or

“(B) are subject to Federal control and responsibility.

“(c) REQUEST FOR PUBLIC COMMENT.—Each notice of intent to prepare an environmental impact statement under section 102 shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.

“(d) STATEMENT OF PURPOSE AND NEED.—Each environmental impact statement shall include a statement of purpose and need that briefly summarizes the underlying purpose and need for the proposed agency action.

“(e) ESTIMATED TOTAL COST.—The cover sheet for each environmental impact statement shall include a statement of the estimated total cost of preparing such environmental impact statement, including the costs of agency full-time equivalent personnel hours, contractor costs, and other direct costs.

“(f) PAGE LIMITS.—

“(1) ENVIRONMENTAL IMPACT STATEMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an environmental impact statement shall not exceed 150 pages, not including any citations or appendices.

“(B) EXTRAORDINARY COMPLEXITY.—An environmental impact statement for a proposed agency action of extraordinary complexity shall not exceed 300 pages, not including any citations or appendices.

“(2) ENVIRONMENTAL ASSESSMENTS.—An environmental assessment shall not exceed 75 pages, not including any citations or appendices.

“(g) SPONSOR PREPARATION.—A lead agency shall allow a project sponsor to prepare an environmental assessment or an environmental impact statement upon request of the project sponsor. Such agency may provide such sponsor with appropriate guidance and assist in the preparation. The lead agency shall independently evaluate the environmental document and shall take responsibility for the contents upon adoption.

“(h) DEADLINES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a proposed agency action, a lead agency shall complete, as applicable—

“(A) the environmental impact statement not later than the date that is 2 years after the sooner of, as applicable—

“(i) the date on which such agency determines that section 102(2)(C) requires the issuance of an environmental impact statement with respect to such action;

“(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

“(iii) the date on which such agency issues a notice of intent to prepare the environmental impact statement for such action; and

“(B) the environmental assessment not later than the date that is 1 year after the sooner of, as applicable—

“(i) the date on which such agency determines that section 106(b)(2) requires the preparation of an environmental assessment with respect to such action;

“(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

“(iii) the date on which such agency issues a notice of intent to prepare the environmental assessment for such action.

“(2) DELAY.—A lead agency that determines it is not able to meet the deadline described in paragraph (1) may extend such deadline with the approval of the applicant. If the applicant approves such an extension, the lead agency shall establish a new deadline that provides only so much additional time as is necessary to complete such environmental impact statement or environmental assessment.

“(3) EXPENDITURES FOR DELAY.—If a lead agency is unable to meet the deadline described in paragraph (1) or extended under paragraph (2), the lead agency must pay \$100 per day, to the extent funding is provided in advance in an appropriations Act, out of the office of the head of the department of the lead agency to the applicant starting on the first day immediately following the deadline described in paragraph (1) or extended under paragraph (2) up until the date that an applicant approves a new deadline. This paragraph does not apply when the lead agency misses a deadline solely due to delays caused by litigation.

“(i) REPORT.—

“(1) IN GENERAL.—The head of each lead agency shall annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

“(A) identifies any environmental assessment and environmental impact statement that such lead agency did not complete by the deadline described in subsection (h); and

“(B) provides an explanation for any failure to meet such deadline.

“(2) INCLUSIONS.—Each report submitted under paragraph (1) shall identify, as applicable—

“(A) the office, bureau, division, unit, or other entity within the Federal agency responsible for each such environmental assessment and environmental impact statement;

“(B) the date on which—

“(i) such lead agency notified the applicant that the application to establish a right-of-way for the major Federal action is complete;

“(ii) such lead agency began the scoping for the major Federal action; or

“(iii) such lead agency issued a notice of intent to prepare the environmental assessment or environmental impact statement for the major Federal action; and

“(C) when such environmental assessment and environmental impact statement is expected to be complete.

#### **“SEC. 108. JUDICIAL REVIEW.**

“(a) LIMITATIONS ON CLAIMS.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of compliance with this Act, of a determination made under this Act, or of Federal action resulting from a determination made under this Act, shall be barred unless—

“(1) in the case of a claim pertaining to a proposed agency action for which—

“(A) an environmental document was prepared and an opportunity for comment was provided;

“(B) the claim is filed by a party that participated in the administrative proceedings regarding such environmental document; and

“(C) the claim—

“(i) is filed by a party that submitted a comment during the public comment period for such administrative proceedings and such comment was sufficiently detailed to put the lead agency on notice of the issue upon which the party seeks judicial review; and

“(ii) is related to such comment;

“(2) except as provided in subsection (b), such claim is filed not later than 120 days after the date of publication of a notice in the Federal Register of agency intent to carry out the proposed agency action;

“(3) such claim is filed after the issuance of a record of decision or other final agency action with respect to the relevant proposed agency action;

“(4) such claim does not challenge the establishment or use of a categorical exclusion under section 102; and

“(5) such claim concerns—

“(A) an alternative included in the environmental document; or

“(B) an environmental effect considered in the environmental document.

“(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT.—

“(1) SEPARATE FINAL AGENCY ACTION.—The issuance of a Federal action resulting from a final supplemental environmental impact statement shall be considered a final agency action for the purposes of chapter 5 of title 5, United States Code, separate from the issuance of any previous environmental impact statement with respect to the same proposed agency action.

“(2) DEADLINE FOR FILING A CLAIM.—A claim seeking judicial review of a Federal action resulting from a final supplemental environmental review issued under section 102(2)(C) shall be barred unless—

“(A) such claim is filed within 120 days of the date on which a notice of the Federal agency action resulting from a final supplemental environmental impact statement is issued; and

“(B) such claim is based on information contained in such supplemental environmental impact statement that was not contained in a previous environmental document pertaining to the same proposed agency action.

“(c) PROHIBITION ON INJUNCTIVE RELIEF.—Notwithstanding any other provision of law, a violation of this Act shall not constitute the basis for injunctive relief.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create a right of judicial review or place any limit on filing a claim with respect to the violation of the terms of a permit, license, or approval.

“(e) REMAND.—Notwithstanding any other provision of law, no proposed agency action for which an environmental document is required shall be vacated or otherwise limited, delayed, or enjoined unless a court concludes allowing such proposed action will pose a risk of an imminent and substantial environmental harm and there is no other equitable remedy available as a matter of law.



## **“SEC. 109. DEFINITIONS.**

“In this title:

“(1) CATEGORICAL EXCLUSION.—The term ‘categorical exclusion’ means a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of section 102(2)(C).

“(2) COOPERATING AGENCY.—The term ‘cooperating agency’ means any Federal, State, Tribal, or local agency that has been designated as a cooperating agency under section 107(a)(3).

“(3) COUNCIL.—The term ‘Council’ means the Council on Environmental Quality established in title II.

“(4) ENVIRONMENTAL ASSESSMENT.—The term ‘environmental assessment’ means an environmental assessment prepared under section 106(b)(2).

“(5) ENVIRONMENTAL DOCUMENT.—The term ‘environmental document’ means an environmental impact statement, an environmental assessment, or a finding of no significant impact.

“(6) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means a detailed written statement that is required by section 102(2)(C).

“(7) FINDING OF NO SIGNIFICANT IMPACT.—The term ‘finding of no significant impact’ means a determination by a Federal agency that a proposed agency action does not require the issuance of an environmental impact statement.

“(8) INVOLVED FEDERAL AGENCY.—The term ‘involved Federal agency’ means an agency that, with respect to a proposed agency action—

“(A) proposed such action; or

“(B) is involved in such action because such action is directly related, through functional interdependence or geographic proximity, to an action such agency has taken or has proposed to take.

“(9) LEAD AGENCY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘lead agency’ means, with respect to a proposed agency action—

“(i) the agency that proposed such action; or

“(ii) if there are 2 or more involved Federal agencies with respect to such action, the agency designated under section 107(a)(1).

“(B) SPECIFICATION FOR MINERAL EXPLORATION OR MINE PERMITS.—With respect to a proposed mineral exploration or mine permit, the term ‘lead agency’ has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

“(10) MAJOR FEDERAL ACTION.—

“(A) IN GENERAL.—The term ‘major Federal action’ means an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.

“(B) EXCLUSION.—The term ‘major Federal action’ does not include—

“(i) a non-Federal action—

“(I) with no or minimal Federal funding;

“(II) with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project; or

“(III) that does not include Federal land;

“(ii) funding assistance solely in the form of general revenue sharing funds which do not provide Federal agency compliance or enforcement responsibility over the subsequent use of such funds;

“(iii) loans, loan guarantees, or other forms of financial assistance where a Federal agency does not exercise sufficient control and responsibility over the effect of the action;

“(iv) farm ownership and operating loan guarantees by the Farm Service Agency pursuant to sections 305 and 311 through 319 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1925 and 1941 through 1949);

“(v) business loan guarantees provided by the Small Business Administration pursuant to section 7(a) or (b) and of the Small Business Act ([15 U.S.C. 636\(a\)](#)), or title V of the Small Business Investment Act of 1958 ([15 U.S.C. 695 et seq.](#));

“(vi) bringing judicial or administrative civil or criminal enforcement actions; or

“(vii) extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States.

“(C) ADDITIONAL EXCLUSIONS.—An agency action may not be determined to be a major Federal action on the basis of—

“(i) an interstate effect of the action or related project; or

“(ii) the provision of Federal funds for the action or related project.

“(11) MINERAL EXPLORATION OR MINE PERMIT.—The term ‘mineral exploration or mine permit’ has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

“(12) PROPOSAL.—The term ‘proposal’ means a proposed action at a stage when an agency has a goal, is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and can meaningfully evaluate its effects.

“(13) REASONABLY FORESEEABLE.—The term ‘reasonably foreseeable’ means likely to occur—

“(A) not later than 10 years after the lead agency begins preparing the environmental document; and

“(B) in an area directly affected by the proposed agency action such that an individual of ordinary prudence would take such occurrence into account in reaching a decision.

“(14) SPECIAL EXPERTISE.—The term ‘special expertise’ means statutory responsibility, agency mission, or related program experience.”.

## **SEC. 20203. CODIFICATION OF NATIONAL ENVIRONMENTAL POLICY ACT REGULATIONS.**

The revisions to the Code of Federal Regulations made pursuant to the final rule of the Council on Environmental Quality titled “Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act” and published on July 16, 2020 (85 Fed. Reg. 43304), shall have the same force and effect of law as if enacted by an Act of Congress.

## **SEC. 20204. NON-MAJOR FEDERAL ACTIONS.**

(a) EXEMPTION.—An action by the Secretary concerned with respect to a covered activity shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332\(2\)\(C\)](#)).

(b) COVERED ACTIVITY.—In this section, the term “covered activity” includes—

(1) geotechnical investigations;

(2) off-road travel in an existing right-of-way;

(3) construction of meteorological towers where the total surface disturbance at the location is less than 5 acres;

(4) adding a battery or other energy storage device to an existing or planned energy facility, if that storage resource is located within the physical footprint of the existing or planned energy facility;

(5) drilling temperature gradient wells and other geothermal exploratory wells, including construction or making improvements for such activities, where—

(A) the last cemented casing string is less than 12 inches in diameter; and

(B) the total unreclaimed surface disturbance at any one time within the project area is less than 5 acres;

(6) any repair, maintenance, upgrade, optimization, or minor addition to existing transmission and distribution infrastructure, including—

(A) operation, maintenance, or repair of power equipment and structures within existing substations, switching stations, transmission, and distribution lines;

(B) the addition, modification, retirement, or replacement of breakers, transmission towers, transformers, bushings, or relays;

(C) the voltage uprating, modification, reconductoring with conventional or advanced conductors, and clearance resolution of transmission lines;

(D) activities to minimize fire risk, including vegetation management, routine fire mitigation, inspection, and maintenance activities, and removal of hazard trees and other hazard vegetation within or adjacent to an existing right-of-way;

(E) improvements to or construction of structure pads for such infrastructure; and

(F) access and access route maintenance and repairs associated with any activity described in subparagraph (A) through (E);

(7) approval of and activities conducted in accordance with operating plans or agreements for transmission and distribution facilities or under a special use authorization for an electric transmission and distribution facility right-of-way; and

(8) construction, maintenance, realignment, or repair of an existing permanent or temporary access road—

(A) within an existing right-of-way or within a transmission or utility corridor established by Congress or in a land use plan;

(B) that serves an existing transmission line, distribution line, or energy facility; or

(C) activities conducted in accordance with existing onshore oil and gas leases.



## **SEC. 20205. NO NET LOSS DETERMINATION FOR EXISTING RIGHTS-OF-WAY.**

(a) **IN GENERAL.**—Upon a determination by the Secretary concerned that there will be no overall long-term net loss of vegetation, soil, or habitat, as defined by acreage and function, resulting from a proposed action, decision, or activity within an existing right-of-way, within a right-of-way corridor established in a land use plan, or in an otherwise designated right-of-way, that action, decision, or activity shall not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332\(2\)\(C\)](#)).

(b) **INCLUSION OF REMEDIATION.**—In making a determination under subsection (a), the Secretary concerned shall consider the effect of any remediation work to be conducted during the lifetime of the action, decision, or activity when determining whether there will be any overall long-term net loss of vegetation, soil, or habitat.

## **SEC. 20206. DETERMINATION OF NATIONAL ENVIRONMENTAL POLICY ACT ADEQUACY.**

The Secretary concerned shall use previously completed environmental assessments and environmental impact statements to satisfy the requirements of section 102 of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332](#)) with respect to any major Federal action, if such Secretary determines that—

(1) the new proposed action is substantially the same as a previously analyzed proposed action or alternative analyzed in a previous environmental assessment or environmental impact statement; and

(2) the effects of the proposed action are substantially the same as the effects analyzed in such existing environmental assessments or environmental impact statements.

## **SEC. 20207. DETERMINATION REGARDING RIGHTS-OF-WAY.**

Not later than 60 days after the Secretary concerned receives an application to grant a right-of-way, the Secretary concerned shall notify the applicant as to whether the application is complete or deficient. If the Secretary concerned determines the application is complete, the Secretary concerned may not consider any other application to grant a right-of-way on the same or any overlapping parcels of land while such application is pending.

## **SEC. 20208. TERMS OF RIGHTS-OF-WAY.**

(a) **FIFTY-YEAR TERMS FOR RIGHTS-OF-WAY.**—

(1) **IN GENERAL.**—Any right-of-way for pipelines for the transportation or distribution of oil or gas granted, issued, amended, or renewed under Federal law may be limited to a term of not more than 50 years before such right-of-way is subject to renewal or amendment.

(2) **FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.**—Section 501 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1761](#)) is amended by adding at the end the following:

“(e) Any right-of-way granted, issued, amended, or renewed under subsection (a)(4) may be limited to a term of not more than 50 years before such right-of-way is subject to renewal or amendment.”.

(b) **MINERAL LEASING ACT.**—Section 28(n) of the Mineral Leasing Act ([30 U.S.C. 185\(n\)](#)) is amended by striking “thirty” and inserting “50”.

## **SEC. 20209. FUNDING TO PROCESS PERMITS AND DEVELOP INFORMATION TECHNOLOGY.**

(a) **IN GENERAL.**—In fiscal years 2023 through 2025, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior, after public notice, may accept and expend funds contributed by non-Federal entities for dedicated staff, information resource management, and information technology system development to expedite the evaluation of permits, biological opinions, concurrence letters, environmental surveys and studies, processing of applications, consultations, and other activities for the leasing, development, or expansion of an energy facility under the jurisdiction of the respective Secretaries.

(b) **EFFECT ON PERMITTING.**—In carrying out this section, the Secretary of the Interior shall ensure that the use of funds accepted under subsection (a) will not impact impartial decision making with respect to permits, either substantively or procedurally.

(c) **STATEMENT FOR FAILURE TO ACCEPT OR EXPEND FUNDS.**—Not later than 60 days after the end of the applicable fiscal year, if the Secretary of Agriculture (acting through the Forest Service) or the Secretary of the Interior does not accept funds contributed under subsection (a) or accepts but does not expend such funds, that Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a statement explaining why such funds were not accepted, were not expended, or both, as the case may be.

(d) **PROHIBITION.**—Notwithstanding any other provision of law, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior may not accept contributions, as authorized by subsection (a), from non-Federal entities owned by the Communist Party of China (or a person or entity acting on behalf of the Communist Party of China).

(e) **REPORT ON NON-FEDERAL ENTITIES.**—Not later than 60 days after the end of the applicable fiscal year, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes, for each expenditure authorized by subsection (a)—



- (1) the amount of funds accepted; and
- (2) the contributing non-Federal entity.

#### **SEC. 20210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSING.**

The Secretary of the Interior shall authorize geological and geophysical surveys related to oil and gas activities on the Gulf of Mexico Outer Continental Shelf, except within areas subject to existing oil and gas leasing moratoria. Such authorizations shall be issued within 30 days of receipt of a completed application and shall, as applicable to survey type, comply with the mitigation and monitoring measures in subsections (a), (b), (c), (d), (f), and (g) of section 217.184 of title 50, Code of Federal Regulations (as in effect on January 1, 2022), and section 217.185 of title 50, Code of Federal Regulations (as in effect on January 1, 2022). Geological and geophysical surveys authorized pursuant to this section are deemed to be in full compliance with the Marine Mammal Protection Act of 1972 ([16 U.S.C. 1361 et seq.](#)) and the Endangered Species Act of 1973 ([16 U.S.C. 1531 et seq.](#)), and their implementing regulations.

#### **SEC. 20211. DEFERRAL OF APPLICATIONS FOR PERMITS TO DRILL.**

Section 17(p)(3) of the Mineral Leasing Act ([30 U.S.C. 226\(p\)\(3\)](#)) is amended by adding at the end the following:

“(D) DEFERRAL BASED ON FORMATTING ISSUES.—A decision on an application for a permit to drill may not be deferred under paragraph (2)(B) as a result of a formatting issue with the permit, unless such formatting issue results in missing information.”.

#### **SEC. 20212. PROCESSING AND TERMS OF APPLICATIONS FOR PERMITS TO DRILL.**

(a) EFFECT OF PENDING CIVIL ACTIONS.—Section 17(p) of the Mineral Leasing Act ([30 U.S.C. 226\(p\)](#)) is amended by adding at the end the following:

“(4) EFFECT OF PENDING CIVIL ACTION ON PROCESSING APPLICATIONS FOR PERMITS TO DRILL.—Pursuant to the requirements of paragraph (2), notwithstanding the existence of any pending civil actions affecting the application or related lease, the Secretary shall process an application for a permit to drill or other authorizations or approvals under a valid existing lease, unless a United States Federal court vacated such lease. Nothing in this paragraph shall be construed as providing authority to a Federal court to vacate a lease.”.

(b) TERM OF PERMIT TO DRILL.—Section 17 of the Mineral Leasing Act ([30 U.S.C. 226](#)) is further amended by adding at the end the following:

“(u) TERM OF PERMIT TO DRILL.—A permit to drill issued under this section after the date of the enactment of this subsection shall be valid for one four-year term from the date that the permit is approved, or until the lease regarding which the permit is issued expires, whichever occurs first.”.

## **SEC. 20213. AMENDMENTS TO THE ENERGY POLICY ACT OF 2005.**

Section 390 of the Energy Policy Act of 2005 ([42 U.S.C. 15942](#)) is amended to read as follows:

### **“SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.**

“(a) NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.—Action by the Secretary of the Interior, in managing the public lands, or the Secretary of Agriculture, in managing National Forest System lands, with respect to any of the activities described in subsection (c), shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, if the activity is conducted pursuant to the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#)) for the purpose of exploration or development of oil or gas.

“(b) APPLICATION.—This section shall not apply to an action of the Secretary of the Interior or the Secretary of Agriculture on Indian lands or resources managed in trust for the benefit of Indian Tribes.

“(c) ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are as follows:

“(1) Reinstating a lease pursuant to section 31 of the Mineral Leasing Act ([30 U.S.C. 188](#)).

“(2) The following activities, provided that any new surface disturbance is contiguous with the footprint of the original authorization and does not exceed 20 acres or the acreage has previously been evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332\(2\)\(C\)](#)) with respect to such activity:

“(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.

“(B) Expansion of an existing oil or gas well pad site to accommodate an additional well.

“(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

“(3) Drilling of an oil or gas well at a new well pad site, provided that the new surface disturbance does not exceed 20 acres and the acreage evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332\(2\)\(C\)](#)) with respect to such activity, whichever is greater.

“(4) Construction or realignment of a road, pipeline, or utility within an existing right-of-way or within a right-of-way corridor established in a land use plan.

“(5) The following activities when conducted from non-Federal surface into federally owned minerals, provided that the operator submits to the Secretary concerned certification of a surface use agreement with the non-Federal landowner:

“(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.



“(B) Expansion of an existing oil or gas well pad site to accommodate an additional well.

“(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

“(6) Drilling of an oil or gas well from non-Federal surface and non-Federal subsurface into Federal mineral estate.

“(7) Construction of up to 1 mile of new road on Federal or non-Federal surface, not to exceed 2 miles in total.

“(8) Construction of up to 3 miles of individual pipelines or utilities, regardless of surface ownership.”.

#### **SEC. 20214. ACCESS TO FEDERAL ENERGY RESOURCES FROM NON-FEDERAL SURFACE ESTATE.**

(a) OIL AND GAS PERMITS.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

“(v) NO FEDERAL PERMIT REQUIRED FOR OIL AND GAS ACTIVITIES ON CERTAIN LAND.—

“(1) IN GENERAL.—The Secretary shall not require an operator to obtain a Federal drilling permit for oil and gas exploration and production activities conducted on non-Federal surface estate, provided that—

“(A) the United States holds an ownership interest of less than 50 percent of the subsurface mineral estate to be accessed by the proposed action; and

“(B) the operator submits to the Secretary a State permit to conduct oil and gas exploration and production activities on the non-Federal surface estate.

“(2) NO FEDERAL ACTION.—An oil and gas exploration and production activity carried out under paragraph (1)—

“(A) shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

“(B) shall require no additional Federal action;

“(C) may commence 30 days after submission of the State permit to the Secretary; and

“(D) shall not be subject to—

“(i) section 306108 of title 54, United States Code (commonly known as the National Historic Preservation Act of 1966); and

“(ii) section 7 of the Endangered Species Act of 1973 ([16 U.S.C. 1536](#)).

“(3) ROYALTIES AND PRODUCTION ACCOUNTABILITY.— (A) Nothing in this subsection shall affect the amount of royalties due to the United States under this Act from the production of oil and gas, or alter the Secretary’s authority to conduct audits and collect civil penalties pursuant to the Federal Oil and Gas Royalty Management Act of 1982 ([30 U.S.C. 1701 et seq.](#)).

“(B) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of production of Federal oil and gas, and payment of royalties.

“(4) EXCEPTIONS.—This subsection shall not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.

“(5) INDIAN LAND.—In this subsection, the term ‘Indian land’ means—

“(A) any land located within the boundaries of an Indian reservation, pueblo, or rancharia; and

“(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held—

“(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

“(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

“(iii) by a dependent Indian community.”.

(b) GEOTHERMAL PERMITS.—The Geothermal Steam Act of 1970 ([30 U.S.C. 1001 et seq.](#)) is amended by adding at the end the following:

### **“SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.**

“(a) IN GENERAL.—The Secretary shall not require an operator to obtain a Federal drilling permit for geothermal exploration and production activities conducted on a non-Federal surface estate, provided that—

“(1) the United States holds an ownership interest of less than 50 percent of the subsurface geothermal estate to be accessed by the proposed action; and

“(2) the operator submits to the Secretary a State permit to conduct geothermal exploration and production activities on the non-Federal surface estate.

“(b) NO FEDERAL ACTION.—A geothermal exploration and production activity carried out under paragraph (1)—

“(1) shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

“(2) shall require no additional Federal action;

“(3) may commence 30 days after submission of the State permit to the Secretary; and

“(4) shall not be subject to—

“(A) section 306108 of title 54, United States Code (commonly known as the National Historic Preservation Act of 1966); and

“(B) section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

“(c) ROYALTIES AND PRODUCTION ACCOUNTABILITY.— (1) Nothing in this section shall affect the amount of royalties due to the United States under this Act from the production of electricity using geothermal resources (other than direct use of geothermal resources) or the production of any byproducts.

“(2) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of the production described in paragraph (1), and payment of royalties.

“(d) EXCEPTIONS.—This section shall not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.

“(e) INDIAN LAND.—In this section, the term ‘Indian land’ means—

“(1) any land located within the boundaries of an Indian reservation, pueblo, or rancharia; and

“(2) any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held—

“(A) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

“(B) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

“(C) by a dependent Indian community.”.

## **SEC. 20215. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL AND GAS LEASES.**

An environmental review for an oil and gas lease or permit prepared pursuant to the requirements of the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) and its implementing regulations—

(1) shall apply only to areas that are within or immediately adjacent to the lease plot or plots and that are directly affected by the proposed action; and

(2) shall not require consideration of downstream, indirect effects of oil and gas consumption.

## **SEC. 20216. EXPEDITING APPROVAL OF GATHERING LINES.**

Section 11318(b)(1) of the Infrastructure Investment and Jobs Act ([42 U.S.C. 15943\(b\)\(1\)](#)) is amended by striking “to be an action that is categorically excluded (as defined in section 1508.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act))” and inserting “to not be a major Federal action”.

## **SEC. 20217. LEASE SALE LITIGATION.**

Notwithstanding any other provision of law, any oil and gas lease sale held under section 17 of the Mineral Leasing Act ([26 U.S.C. 226](#)) or the Outer Continental Shelf Lands Act ([43 U.S.C. 1331 et seq.](#)) shall not be vacated and activities on leases awarded in the sale shall not be otherwise limited, delayed, or enjoined unless the court concludes allowing development of the challenged lease will pose a risk of an imminent and substantial environmental harm and there is no other equitable remedy available as a matter of law. No court, in response to an action brought pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), may enjoin or issue any order preventing the award of leases to a bidder in a lease sale conducted pursuant to section 17 of the Mineral Leasing Act ([26 U.S.C. 226](#)) or the Outer Continental Shelf Lands Act ([43 U.S.C. 1331 et seq.](#)) if the Department of the Interior has previously opened bids for such leases or disclosed the high bidder for any tract that was included in such lease sale.

## **SEC. 20218. LIMITATION ON CLAIMS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a mineral project, energy facility, or energy storage device shall be barred unless—

(1) the claim is filed within 120 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed; and



(2) the claim is filed by a party that submitted a comment during the public comment period for such permit, license, or approval and such comment was sufficiently detailed to put the agency on notice of the issue upon which the party seeks judicial review.

(b) SAVINGS CLAUSE.—Nothing in this section shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(c) TRANSPORTATION PROJECTS.—Subsection (a) shall not apply to or supersede a claim subject to section 139(l)(1) of title 23, United States Code.

(d) MINERAL PROJECT.—In this section, the term “mineral project” means a project—

(1) located on—

(A) a mining claim, millsite claim, or tunnel site claim for any mineral;

(B) lands open to mineral entry; or

(C) a Federal mineral lease; and

(2) for the purposes of exploring for or producing minerals.

## **SEC. 20219. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON PERMITS TO DRILL.**

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall issue a report detailing—

(1) the approval timelines for applications for permits to drill issued by the Bureau of Land Management from 2018 through 2022;

(2) the number of applications for permits to drill that were not issued within 30 days of receipt of a completed application; and

(3) the causes of delays resulting in applications for permits to drill pending beyond the 30 day deadline required under section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)).

(b) RECOMMENDATIONS.—The report issued under subsection (a) shall include recommendations with respect to—

(1) actions the Bureau of Land Management can take to streamline the approval process for applications for permits to drill to approve applications for permits to drill within 30 days of receipt of a completed application;

(2) aspects of the Federal permitting process carried out by the Bureau of Land Management to issue applications for permits to drill that can be turned over to States to expedite approval of applications for permits to drill; and

(3) legislative actions that Congress must take to allow States to administer certain aspects of the Federal permitting process described in paragraph (2).

#### **SEC. 20220. E-NEPA.**

(a) **PERMITTING PORTAL STUDY.**—The Council on Environmental Quality shall conduct a study and submit a report to Congress within 1 year of the enactment of this Act on the potential to create an online permitting portal for permits that require review under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) that would—

(1) allow applicants to—

(A) submit required documents or materials for their application in one unified portal;

(B) upload additional documents as required by the applicable agency; and

(C) track the progress of individual applications;

(2) enhance interagency coordination in consultation by—

(A) allowing for comments in one unified portal;

(B) centralizing data necessary for reviews; and

(C) streamlining communications between other agencies and the applicant; and

(3) boost transparency in agency decisionmaking.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$500,000 for the Council of Environmental Quality to carry out the study directed by this section.

#### **SEC. 20221. LIMITATIONS ON CLAIMS.**

(a) **IN GENERAL.**—Section 139(l) of title 23, United States Code, is amended by striking “150 days” each place it appears and inserting “90 days”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 330(e) of title 23, United States Code, is amended—

(A) in paragraph (2)(A), by striking “150 days” and inserting “90 days”; and

(B) in paragraph (3)(B)(i), by striking “150 days” and inserting “90 days”.

(2) Section 24201(a)(4) of title 49, United States Code, is amended by striking “of 150 days”.

## **SEC. 20222. ONE FEDERAL DECISION FOR PIPELINES.**

(a) IN GENERAL.—[Chapter 601](#) of title 49, United States Code, is amended by adding at the end the following:

### **“§ 60144. Efficient environmental reviews and one Federal decision**

“(a) EFFICIENT ENVIRONMENTAL REVIEWS.—

“(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23 to any pipeline project that requires the approval of the Secretary under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)).

“(2) REGULATIONS AND PROCEDURES.—In carrying out paragraph (1), the Secretary shall incorporate into agency regulations and procedures pertaining to pipeline projects described in paragraph (1) aspects of such project development procedures, or portions thereof, determined appropriate by the Secretary in a manner consistent with this section, that increase the efficiency of the review of pipeline projects.

“(3) DISCRETION.—The Secretary may choose not to incorporate into agency regulations and procedures pertaining to pipeline projects described in paragraph (1) such project development procedures that could only feasibly apply to highway projects, public transportation capital projects, and multimodal projects.

“(4) APPLICABILITY.—Subsection (l) of section 139 of title 23 shall apply to pipeline projects described in paragraph (1).

“(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—The Secretary shall maintain and make publicly available, including on the Internet, a database that identifies project-specific information on the use of a categorical exclusion on any pipeline project carried out under this title.”.

(b) CLERICAL AMENDMENT.—The analysis for [chapter 601](#) of title 49, United States Code, is amended by adding at the end the following:

“60144. Efficient environmental reviews and one Federal decision.”.

**SEC. 20223. EXEMPTION OF CERTAIN WILDFIRE MITIGATION ACTIVITIES FROM CERTAIN ENVIRONMENTAL REQUIREMENTS.**

(a) **IN GENERAL.**—Wildfire mitigation activities of the Secretary of the Interior and the Secretary of Agriculture may be carried out without regard to the provisions of law specified in subsection (b).

(b) **PROVISIONS OF LAW SPECIFIED.**—The provisions of law specified in this section are all Federal, State, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:

(1) Section 102(2)(C) of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332\(2\)\(C\)](#)).

(2) The Endangered Species Act of 1973 ([16 U.S.C. 1531 et seq.](#)).

(c) **WILDFIRE MITIGATION ACTIVITY.**—For purposes of this section, the term “wildfire mitigation activity”—

(1) is an activity conducted on Federal land that is—

(A) under the administration of the Director of the National Park System, the Director of the Bureau of Land Management, or the Chief of the Forest Service; and

(B) within 300 feet of any permanent or temporary road, as measured from the center of such road; and

(2) includes forest thinning, hazardous fuel reduction, prescribed burning, and vegetation management.

**SEC. 20224. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS OF WAY.**

(a) **HAZARD TREES WITHIN 50 FEET OF ELECTRIC POWER LINE.**—Section 512(a)(1)(B)(ii) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1772\(a\)\(1\)\(B\)\(ii\)](#)) is amended by striking “10” and inserting “50”.

(b) **CONSULTATION WITH PRIVATE LANDOWNERS.**—Section 512(c)(3)(E) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1772\(c\)\(3\)\(E\)](#)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period and inserting “; and”; and

(3) by adding at the end the following:



“(iii) consulting with private landowners with respect to any hazard trees identified for removal from land owned by such private landowners.”.

(c) REVIEW AND APPROVAL PROCESS.—Clause (iv) of section 512(c)(4)(A) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1772\(c\)\(4\)\(A\)](#)) is amended to read as follows:

“(iv) ensures that—

“(I) a plan submitted without a modification under clause (iii) shall be automatically approved 60 days after review; and

“(II) a plan submitted with a modification under clause (iii) shall be automatically approved 67 days after review.”.

## **SEC. 20225. CATEGORICAL EXCLUSION FOR ELECTRIC UTILITY LINES RIGHTS-OF-WAY.**

(a) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” means—

(1) the Secretary of Agriculture, with respect to National Forest System lands; and

(2) the Secretary of the Interior, with respect to public lands.

(b) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (c) are a category of activities designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332](#)).

(c) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—The forest management activities designated as being categorically excluded under subsection (b) are—

(1) the development and approval of a vegetation management, facility inspection, and operation and maintenance plan submitted under section 512(c)(1) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1772\(c\)\(1\)](#)) by the Secretary concerned; and

(2) the implementation of routine activities conducted under the plan referred to in paragraph (1).

(d) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (b) in accordance with this section.

(e) EXTRAORDINARY CIRCUMSTANCES.—Use of the categorical exclusion established under subsection (b) shall not be subject to the extraordinary circumstances procedures in section 220.6, title 36, Code of Federal Regulations, or section 1508.4, title 40, Code of Federal Regulations.

(f) EXCLUSION OF CERTAIN AREAS.—The categorical exclusion established under subsection (b) shall not apply to any forest management activity conducted—

(1) in a component of the National Wilderness Preservation System; or

(2) on National Forest System lands on which, by Act of Congress, the removal of vegetation is restricted or prohibited.

(g) PERMANENT ROADS.—

(1) PROHIBITION ON ESTABLISHMENT.—A forest management activity designated under subsection (c) shall not include the establishment of a permanent road.

(2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance and repair on an existing permanent road for the purposes of conducting a forest management activity designated under subsection (c).

(3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed for a forest management activity designated under subsection (c) not later than 3 years after the date on which the action is completed.

(h) APPLICABLE LAWS.—A forest management activity designated under subsection (c) shall not be subject to section 7 of the Endangered Species Act of 1973 ([16 U.S.C. 1536](#)), section 106 of the National Historic Preservation Act, or any other applicable law.

## **SEC. 20226. STAFFING PLANS.**

(a) IN GENERAL.—Not later than 365 days after the date of enactment of this Act, each local unit of the National Park Service, Bureau of Land Management, and Forest Service shall conduct an outreach plan for disseminating and advertising open civil service positions with functions relating to permitting or natural resources in their offices. Each such plan shall include outreach to local high schools, community colleges, institutions of higher education, and any other relevant institutions, as determined by the Secretary of the Interior or the Secretary of Agriculture (as the case may be).

(b) COLLABORATION PERMITTED.—Such local units of the National Park Service, Bureau of Land Management, and Forest Service located in reasonably close geographic areas may collaborate to produce a joint outreach plan that meets the requirements of subsection (a).

## **Subtitle C—Permitting For Mining Needs**

## **SEC. 20301. DEFINITIONS.**



In this subtitle:

(1) **BYPRODUCT.**—The term “byproduct” has the meaning given such term in section 7002(a) of the Energy Act of 2020 ([30 U.S.C. 1606\(a\)](#)).

(2) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 5304](#)).

(3) **MINERAL.**—The term “mineral” means any mineral of a kind that is locatable (including, but not limited to, such minerals located on “lands acquired by the United States”, as such term is defined in section 2 of the Mineral Leasing Act for Acquired Lands) under the Act of May 10, 1872 (Chapter 152; 17 Stat. 91).

(4) **SECRETARY.**—Except as otherwise provided, the term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

## **SEC. 20302. MINERALS SUPPLY CHAIN AND RELIABILITY.**

Section 40206 of the Infrastructure Investment and Jobs Act ([30 U.S.C. 1607](#)) is amended—

(1) in the section heading, by striking “**CRITICAL MINERALS**” and inserting “**MINERALS**”;

(2) by amending subsection (a) to read as follows:

“(a) **DEFINITIONS.**—In this section:

“(1) **LEAD AGENCY.**—The term ‘lead agency’ means the Federal agency with primary responsibility for issuing a mineral exploration or mine permit or lease for a mineral project.

“(2) MINERAL.—The term ‘mineral’ has the meaning given such term in section 20301 of the TAPP American Resources Act.

“(3) MINERAL EXPLORATION OR MINE PERMIT.—The term ‘mineral exploration or mine permit’ means—

“(A) an authorization of the Bureau of Land Management or the Forest Service, as applicable, for exploration for minerals that requires analysis under the National Environmental Policy Act of 1969;

“(B) a plan of operations for a mineral project approved by the Bureau of Land Management or the Forest Service; or

“(C) any other Federal permit or authorization for a mineral project.

“(4) MINERAL PROJECT.—The term ‘mineral project’ means a project—

“(A) located on—

“(i) a mining claim, millsite claim, or tunnel site claim for any mineral;

“(ii) lands open to mineral entry; or

“(iii) a Federal mineral lease; and

“(B) for the purposes of exploring for or producing minerals.”;

(3) in subsection (b), by striking “critical” each place such term appears;

(4) in subsection (c)—

(A) by striking “critical mineral production on Federal land” and inserting “mineral projects”;

(B) by inserting “, and in accordance with subsection (h)” after “to the maximum extent practicable”;

(C) by striking “shall complete the” and inserting “shall complete such”;

(D) in paragraph (1), by striking “critical mineral-related activities on Federal land” and inserting “mineral projects”;

(E) in paragraph (8), by striking the “and” at the end;

(F) in paragraph (9), by striking “procedures.” and inserting “procedures; and”; and



(G) by adding at the end the following:

“(10) deferring to and relying on baseline data, analyses, and reviews performed by State agencies with jurisdiction over the environmental or reclamation permits for the proposed mineral project.”;

(5) in subsection (d)—

(A) by striking “critical” each place such term appears; and

(B) in paragraph (3), by striking “mineral-related activities on Federal land” and inserting “mineral projects”;

(6) in subsection (e), by striking “critical”;

(7) in subsection (f), by striking “critical” each place such term appears;

(8) in subsection (g), by striking “critical” each place such term appears; and

(9) by adding at the end the following:

“(h) OTHER REQUIREMENTS.—

“(1) MEMORANDUM OF AGREEMENT.—For purposes of maximizing efficiency and effectiveness of the Federal permitting and review processes described under subsection (c), the lead agency in the Federal permitting and review processes of a mineral project shall (in consultation with any other Federal agency involved in such Federal permitting and review processes, and upon request of the project applicant, an affected State government, local government, or an Indian Tribe, or other entity such lead agency determines appropriate) enter into a memorandum of agreement with a project applicant where requested by the applicant to carry out the activities described in subsection (c).

“(2) TIMELINES AND SCHEDULES FOR NEPA REVIEWS.—

“(A) EXTENSION.—A project applicant may enter into 1 or more agreements with a lead agency to extend the deadlines described in subparagraphs (A) and (B) of subsection (h)(1) of section 107 of title I of the National Environmental Policy Act of 1969 by, with respect to each such agreement, not more than 6 months.

“(B) ADJUSTMENT OF TIMELINES.—At the request of a project applicant, the lead agency and any other entity which is a signatory to a memorandum of agreement under paragraph (1) may, by unanimous agreement, adjust—

“(i) any deadlines described in subparagraph (A); and

“(ii) any deadlines extended under subparagraph (B).

“(3) EFFECT ON PENDING APPLICATIONS.—Upon a written request by a project applicant, the requirements of this subsection shall apply to any application for a mineral exploration or mine permit or mineral lease that was submitted before the date of the enactment of the TAPP American Resources Act”..”.

#### **SEC. 20303. FEDERAL REGISTER PROCESS IMPROVEMENT.**

Section 7002(f) of the Energy Act of 2020 ([30 U.S.C. 1606\(f\)](#)) is amended—

(1) in paragraph (2), by striking “critical” both places such term appears; and

(2) by striking paragraph (4).

#### **SEC. 20304. DESIGNATION OF MINING AS A COVERED SECTOR FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.**

Section 41001(6)(A) of the FAST Act ([42 U.S.C. 4370m\(6\)\(A\)](#)) is amended by inserting “mineral production,” before “or any other sector”.

#### **SEC. 20305. TREATMENT OF ACTIONS UNDER PRESIDENTIAL DETERMINATION 2022–11 FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.**

(a) IN GENERAL.—Except as provided by subsection (c), an action described in subsection (b) shall be—

(1) treated as a covered project, as defined in section 41001(6) of the FAST Act ([42 U.S.C. 4370m\(6\)](#)), without regard to the requirements of that section; and

(2) included in the Permitting Dashboard maintained pursuant to section 41003(b) of that Act ([42 U.S.C. 4370m–2\(b\)](#)).

(b) ACTIONS DESCRIBED.—An action described in this subsection is an action taken by the Secretary of Defense pursuant to Presidential Determination 2022–11 (87 Fed. Reg. 19775; relating to certain actions under section 303 of the Defense Production Act of 1950) or the Presidential Memorandum of February 27, 2023, titled “Presidential Waiver of Statutory Requirements Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Department of Defense Supply Chains Resilience” (88 Fed. Reg. 13015) to create, maintain, protect, expand, or restore sustainable and responsible domestic production capabilities through—

(1) supporting feasibility studies for mature mining, beneficiation, and value-added processing projects;

(2) byproduct and co-product production at existing mining, mine waste reclamation, and other industrial facilities;

(3) modernization of mining, beneficiation, and value-added processing to increase productivity, environmental sustainability, and workforce safety; or

(4) any other activity authorized under section 303(a)(1) of the Defense Production Act of 1950 15 (50 U.S.C. 4533(a)(1)).

(c) EXCEPTION.—An action described in subsection (b) may not be treated as a covered project or be included in the Permitting Dashboard under subsection (a) if the project sponsor (as defined in section 41001(18) of the FAST Act (42 U.S.C. 21 4370m(18))) requests that the action not be treated as a covered project.

## **SEC. 20306. NOTICE FOR MINERAL EXPLORATION ACTIVITIES WITH LIMITED SURFACE DISTURBANCE.**

(a) IN GENERAL.—Not later than 15 days before commencing an exploration activity with a surface disturbance of not more than 5 acres of public lands, the operator of such exploration activity shall submit to the Secretary concerned a complete notice of such exploration activity.

(b) INCLUSIONS.—Notice submitted under subsection (a) shall include such information the Secretary concerned may require, including the information described in section 3809.301 of title 43, Code of Federal Regulations (or any successor regulation).

(c) REVIEW.—Not later than 15 days after the Secretary concerned receives notice submitted under subsection (a), the Secretary concerned shall—

(1) review and determine completeness of the notice; and

(2) allow exploration activities to proceed if—

(A) the surface disturbance of such exploration activities on such public lands will not exceed 5 acres;

(B) the Secretary concerned determines that the notice is complete; and

(C) the operator provides financial assurance that the Secretary concerned determines is adequate.

(d) DEFINITIONS.—In this section:

(1) EXPLORATION ACTIVITY.—The term “exploration activity”—

(A) means creating surface disturbance greater than casual use that includes sampling, drilling, or developing surface or underground workings to evaluate the type, extent, quantity, or quality of mineral values present;

(B) includes constructing drill roads and drill pads, drilling, trenching, excavating test pits, and conducting geotechnical tests and geophysical surveys; and

(C) does not include activities where material is extracted for commercial use or sale.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) with respect to lands administered by the Secretary of the Interior, the Secretary of the Interior; and

(B) with respect to National Forest System lands, the Secretary of Agriculture.

#### **SEC. 20307. USE OF MINING CLAIMS FOR ANCILLARY ACTIVITIES.**

Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended by adding at the end the following:

“(e) SECURITY OF TENURE.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—A claimant shall have the right to use, occupy, and conduct operations on public land, with or without the discovery of a valuable mineral deposit, if—

“(i) such claimant makes a timely payment of the location fee required by section 10102 and the claim maintenance fee required by subsection (a); or

“(ii) in the case of a claimant who qualifies for a waiver under subsection (d), such claimant makes a timely payment of the location fee and complies with the required assessment work under the general mining laws.

“(B) OPERATIONS DEFINED.—For the purposes of this paragraph, the term ‘operations’ means—

“(i) any activity or work carried out in connection with prospecting, exploration, processing, discovery and assessment, development, or extraction with respect to a locatable mineral;

“(ii) the reclamation of any disturbed areas; and

“(iii) any other reasonably incident uses, whether on a mining claim or not, including the construction and maintenance of facilities, roads, transmission lines, pipelines, and any other necessary infrastructure or means of access on public land for support facilities.

“(2) FULFILLMENT OF FEDERAL LAND POLICY AND MANAGEMENT ACT.—A claimant that fulfills the requirements of this section and section 10102 shall be deemed to satisfy the requirements of any provision of the Federal Land Policy and Management Act that



requires the payment of fair market value to the United States for use of public lands and resources relating to use of such lands and resources authorized by the general mining laws.

“(3) SAVINGS CLAUSE.—Nothing in this subsection may be construed to diminish the rights of entry, use, and occupancy, or any other right, of a claimant under the general mining laws.”.

#### **SEC. 20308. ENSURING CONSIDERATION OF URANIUM AS A CRITICAL MINERAL.**

(a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the Energy Act of 2020 ([30 U.S.C. 1606\(a\)\(3\)\(B\)\(i\)](#)) is amended to read as follows:

“(i) oil, oil shale, coal, or natural gas;”.

(b) UPDATE.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, shall publish in the Federal Register an update to the final list established in section 7002(c)(3) of the Energy Act of 2020 ([30 U.S.C. 1606\(c\)\(3\)](#)) in accordance with subsection (a) of this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, in consultation with the Secretary of Energy, shall submit to the appropriate committees of Congress a report that includes the following:

(1) The current status of uranium deposits in the United States with respect to the amount and quality of uranium contained in such deposits.

(2) A comparison of the United States to the rest of the world with respect to the amount and quality of uranium contained in uranium deposits.

(3) Policy considerations, including potential challenges, of utilizing the uranium from the deposits described in paragraph (1).

#### **SEC. 20309. BARRING FOREIGN BAD ACTORS FROM OPERATING ON FEDERAL LANDS.**

A mining claimant shall be barred from the right to use, occupy, and conduct operations on Federal land if the Secretary of the Interior finds the claimant has a foreign parent company that has (including through a subsidiary)—

(1) a known record of human rights violations; or

(2) knowingly operated an illegal mine in another country.

#### **SEC. 20310. PERMIT PROCESS FOR PROJECTS RELATING TO EXTRACTION, RECOVERY, OR PROCESSING OF CRITICAL MATERIALS.**

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

- (1) in clause (iii)(III), by striking “; or” and inserting “;”;
- (2) in clause (iv)(II), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:

“(v) is related to the extraction, recovery, or processing from coal, coal waste, coal processing waste, pre-or post-combustion coal byproducts, or acid mine drainage from coal mines of—

“(I) critical minerals (as such term is defined in section 7002 of the Energy Act of 2020);

“(II) rare earth elements; or

“(III) microfine carbon or carbon from coal.”.

(b) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure, Natural Resources, and Energy and Commerce of the House of Representatives a report evaluating the timeliness of implementation of reforms of the permitting process required as a result of the amendments made by this section on the following:

- (1) The economic and national security of the United States.
- (2) Domestic production and supply of critical minerals, rare earths, and microfine carbon or carbon from coal.

## **SEC. 20311. NATIONAL STRATEGY TO RE-SHORE MINERAL SUPPLY CHAINS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the United States Geological Survey, in consultation with the Secretaries of Defense, Energy, and State, shall—

- (1) identify mineral commodities that—
  - (A) serve a critical purpose to the national security of the United States, including with respect to military, defense, and strategic mobility applications; and
  - (B) are at highest risk of supply chain disruption due to the domestic or global actions of any covered entity, including price-fixing, systemic acquisition and control of global mineral resources and processing, refining, and smelting capacity, and undercutting the fair market value of such resources; and



(2) develop a national strategy for bolstering supply chains in the United States for the mineral commodities identified under paragraph (1), including through the enactment of new national policies and the utilization of current authorities, to increase capacity and efficiency of domestic mining, refining, processing, and manufacturing of such mineral commodities.

(b) COVERED ENTITY.—In this section, the term “covered entity” means an entity that—

(1) is subject to the jurisdiction or direction of the People’s Republic of China;

(2) is directly or indirectly operating on behalf of the People’s Republic of China; or

(3) is owned by, directly or indirectly controlled by, or otherwise subject to the influence of the People’s Republic of China.

## **Subtitle D—Federal Land Use Planning**

### **SEC. 20401. FEDERAL LAND USE PLANNING AND WITHDRAWALS.**

(a) RESOURCE ASSESSMENTS REQUIRED.—Federal lands and waters may not be withdrawn from entry under the mining laws or operation of the mineral leasing and mineral materials laws unless—

(1) a quantitative and qualitative geophysical and geological mineral resource assessment of the impacted area has been completed during the 10-year period ending on the date of such withdrawal;

(2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment;

(3) the Secretary conducts an assessment of the reduction in future Federal revenues to the Treasury, States, the Land and Water Conservation Fund, the Historic Preservation Fund, and the National Parks and Public Land Legacy Restoration Fund resulting from the proposed mineral withdrawal;

(4) the Secretary, in consultation with the Secretary of Defense, conducts an assessment of military readiness and training activities in the proposed withdrawal area; and

(5) the Secretary submits a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessments completed pursuant to this subsection.

(b) LAND USE PLANS.—Before a resource management plan under the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1701 et seq.](#)) or a forest management plan under the National Forest Management Act is updated or completed, the Secretary or Secretary of

Agriculture, as applicable, in consultation with the Director of the United States Geological Survey, shall—

(1) review any quantitative and qualitative mineral resource assessment that was completed or updated during the 10-year period ending on the date that the applicable land management agency publishes a notice to prepare, revise, or amend a land use plan by the Director of the United States Geological Survey for the geographic area affected by the applicable management plan;

(2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment; and

(3) submit a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessment completed pursuant to this subsection.

(c) **NEW INFORMATION.**—The Secretary shall provide recommendations to the President on appropriate measures to reduce unnecessary impacts that a withdrawal of Federal lands or waters from entry under the mining laws or operation of the mineral leasing and mineral materials laws may have on mineral exploration, development, and other mineral activities (including authorizing exploration and development of such mineral deposits) not later than 180 days after the Secretary has notice that a resource assessment completed by the Director of the United States Geological Survey, in coordination with the State geological surveys, determines that a previously undiscovered mineral deposit may be present in an area that has been withdrawn from entry under the mining laws or operation of the mineral leasing and mineral materials laws pursuant to—

(1) section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714);  
or

(2) chapter 3203 of title 54, United States Code.

## **SEC. 20402. PROHIBITIONS ON DELAY OF MINERAL DEVELOPMENT OF CERTAIN FEDERAL LAND.**

(a) **PROHIBITIONS.**—Notwithstanding any other provision of law, the President shall not carry out any action that would pause, restrict, or delay the process for or issuance of any of the following on Federal land, unless such lands are withdrawn from disposition under the mineral leasing laws, including by administrative withdrawal:

(1) New oil and gas lease sales, oil and gas leases, drill permits, or associated approvals or authorizations of any kind associated with oil and gas leases.



(2) New coal leases (including leases by application in process, renewals, modifications, or expansions of existing leases), permits, approvals, or authorizations.

(3) New leases, claims, permits, approvals, or authorizations for development or exploration of minerals.

(b) PROHIBITION ON RESCISSION OF LEASES, PERMITS, OR CLAIMS.—The President, the Secretary, or Secretary of Agriculture as applicable, may not rescind any existing lease, permit, or claim for the extraction and production of any mineral under the mining laws or mineral leasing and mineral materials laws on National Forest System land or land under the jurisdiction of the Bureau of Land Management, unless specifically authorized by Federal statute, or upon the lessee, permittee, or claimant's failure to comply with any of the provisions of the applicable lease, permit, or claim.

(c) MINERAL DEFINED.—In subsection (a)(3), the term “mineral” means any mineral of a kind that is locatable (including such minerals located on “lands acquired by the United States”, as such term is defined in section 2 of the Mineral Leasing Act for Acquired Lands) under the Act of May 10, 1872 (Chapter 152; 17 Stat. 91).

#### **SEC. 20403. DEFINITIONS.**

In this subtitle:

(1) FEDERAL LAND.—The term “Federal land” means—

(A) National Forest System land;

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1702](#)));

(C) the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act ([43 U.S.C. 1331](#))); and

(D) land managed by the Secretary of Energy.

(2) PRESIDENT.—The term “President” means—

(A) the President; and

(B) any designee of the President, including—

(i) the Secretary of Agriculture;

(ii) the Secretary of Commerce;

(iii) the Secretary of Energy; and

(iv) the Secretary of the Interior.

(3) PREVIOUSLY UNDISCOVERED DEPOSIT.—The term “previously undiscovered mineral deposit” means—

(A) a mineral deposit that has been previously evaluated by the United States Geological Survey and found to be of low mineral potential, but upon subsequent evaluation is determined by the United States Geological Survey to have significant mineral potential; or

(B) a mineral deposit that has not previously been evaluated by the United States Geological Survey.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

## **Subtitle E—Ensuring Competitiveness On Federal Lands**

### **SEC. 20501. INCENTIVIZING DOMESTIC PRODUCTION.**

(a) OFFSHORE OIL AND GAS ROYALTY RATE.—Section 8(a)(1) of the Outer Continental Shelf Lands Act ([43 U.S.C. 1337\(a\)\(1\)](#)) is amended—

(1) in subparagraph (A), by striking “not less than  $16\frac{2}{3}$  percent, but not more than  $18\frac{3}{4}$  percent, during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’, and not less than  $16\frac{2}{3}$  percent thereafter,” each place it appears and inserting “not less than 12.5 percent”;

(2) in subparagraph (C), by striking “not less than  $16\frac{2}{3}$  percent, but not more than  $18\frac{3}{4}$  percent, during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’, and not less than  $16\frac{2}{3}$  percent thereafter,” each place it appears and inserting “not less than 12.5 percent”;

(3) in subparagraph (F), by striking “not less than  $16\frac{2}{3}$  percent, but not more than  $18\frac{3}{4}$  percent, during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’, and not less than  $16\frac{2}{3}$  percent thereafter,” and inserting “not less than 12.5 percent”; and

(4) in subparagraph (H), by striking “not less than  $16\frac{2}{3}$  percent, but not more than  $18\frac{3}{4}$  percent, during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’, and not less than  $16\frac{2}{3}$  percent thereafter,” and inserting “not less than 12.5 percent”.

(b) MINERAL LEASING ACT.—

(1) ONSHORE OIL AND GAS ROYALTY RATES.—



(A) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act ([30 U.S.C. 226](#)) is amended—

(i) in subsection (b)(1)(A)—

(I) by striking “not less than  $16\frac{2}{3}$ ” and inserting “not less than 12.5”; and

(II) by striking “or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’,  $16\frac{2}{3}$  percent in amount or value of the production removed or sold from the lease”; and

(ii) by striking “ $16\frac{2}{3}$  percent” each place it appears and inserting “12.5 percent”.

(B) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act ([30 U.S.C. 188\(e\)\(3\)](#)) is amended by striking “20” inserting “ $16\frac{2}{3}$ ”.

(2) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act ([30 U.S.C. 226\(b\)](#)) is amended—

(A) in paragraph (1)(B), by striking “\$10 per acre during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’.” and inserting “\$2 per acre for a period of 2 years from the date of the enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.”; and

(B) in paragraph (2)(C), by striking “\$10 per acre” and inserting “\$2 per acre”.

(3) FOSSIL FUEL RENTAL RATES.—Section 17(d) of the Mineral Leasing Act ([30 U.S.C. 226\(d\)](#)) is amended to read as follows:

“(d) All leases issued under this section, as amended by the Federal Onshore Oil and Gas Leasing Reform Act of 1987, shall be conditioned upon payment by the lessee of a rental of not less than \$1.50 per acre per year for the first through fifth years of the lease and not less than \$2 per acre per year for each year thereafter. A minimum royalty in lieu of rental of not less than the rental which otherwise would be required for that lease year shall be payable at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.”.

(4) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act ([30 U.S.C. 226](#)) is further amended by repealing subsection (q).

(5) ELIMINATION OF NONCOMPETITIVE LEASING.—Section 17 of the Mineral Leasing Act ([30 U.S.C. 226](#)) is further amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(II) by adding at the end “Lands for which no bids are received or for which the highest bid is less than the national minimum acceptable bid shall be offered promptly within 30 days for leasing under subsection (c) of this section and shall remain available for leasing for a period of 2 years after the competitive lease sale.”; and

(ii) by adding at the end the following:

“(3) (A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of producing, in paying quantities at an annual average production volume per well per day of either not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

“(B) An election under this paragraph is effective—

“(i) in the case of an interest which vested after January 1, 1990, and on or before October 24, 1992, if the election is made before the date that is 1 year after October 24, 1992;

“(ii) in the case of an interest which vests within 1 year after October 24, 1992, if the election is made before the date that is 2 years after October 24, 1992; and

“(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.”;

(B) by striking subsection (c) and inserting the following:

“(c) LANDS SUBJECT TO LEASING UNDER SUBSECTION (b); FIRST QUALIFIED APPLICANT.—

“(1) If the lands to be leased are not leased under subsection (b)(1) of this section or are not subject to competitive leasing under subsection (b)(2) of this section, the person first making application for the lease who is qualified to hold a lease under this chapter shall be entitled to a lease of such lands without competitive bidding, upon payment of a non-refundable application fee of at least \$75. A lease under this subsection shall be conditioned upon the payment of a royalty at a rate of 12.5 percent in amount or value of the production removed or sold from the lease. Leases shall be issued within 60 days of the date on which the Secretary identifies the first responsible qualified applicant.

“(2) (A) Lands (i) which were posted for sale under subsection (b)(1) of this section but for which no bids were received or for which the highest bid was less than the national minimum



acceptable bid and (ii) for which, at the end of the period referred to in subsection (b)(1) of this section no lease has been issued and no lease application is pending under paragraph (1) of this subsection, shall again be available for leasing only in accordance with subsection (b)(1) of this section.

“(B) The land in any lease which is issued under paragraph (1) of this subsection or under subsection (b)(1) of this section which lease terminates, expires, is cancelled or is relinquished shall again be available for leasing only in accordance with subsection (b)(1) of this section.”; and

(C) by striking subsection (e) and inserting the following:

“(e) PRIMARY TERM.—Competitive and noncompetitive leases issued under this section shall be for a primary term of 10 years: Provided, however, That competitive leases issued in special tar sand areas shall also be for a primary term of 10 years. Each such lease shall continue so long after its primary term as oil or gas is produced in paying quantities. Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.”.

(6) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

(A) in subsection (d)(1), by striking “section 17(b)” and inserting “subsection (b) or (c) of section 17 of this Act”;

(B) in subsection (e)—

(i) in paragraph (2)—

(I) insert “either” after “rentals and”; and

(II) insert “or the inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement that future rentals shall be at a rate not less than \$5 per acre per year, all” before “as determined by the Secretary”; and

(ii) by amending paragraph (3) to read as follows:

“(3) (A) payment of back royalties and the inclusion in a reinstated lease issued pursuant to the provisions of section 17(b) of this Act of a requirement for future royalties at a rate of not less than  $16\frac{2}{3}$  percent computed on a sliding scale based upon the average production per well per day, at a rate which shall be not less than 4 percentage points greater than the competitive royalty schedule then in force and used for royalty determination for competitive leases issued pursuant to such section as determined by the Secretary: Provided, That royalty on such

reinstated lease shall be paid on all production removed or sold from such lease subsequent to the termination of the original lease;

“(B) payment of back royalties and inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement for future royalties at a rate not less than 16⅓ percent: Provided, That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the cancellation or termination of the original lease; and”;

(C) in subsection (f)—

(i) in paragraph (1), strike “in the same manner as the original lease issued pursuant to section 17” and insert “as a competitive or a noncompetitive oil and gas lease in the same manner as the original lease issued pursuant to subsection (b) or (c) of section 17 of this Act”;

(ii) by redesignating paragraphs (2) and (3) as paragraph (3) and (4), respectively; and

(iii) by inserting after paragraph (1) the following:

“(2) Except as otherwise provided in this section, the issuance of a lease in lieu of an abandoned patented oil placer mining claim shall be treated as a noncompetitive oil and gas lease issued pursuant to section 17(c) of this Act.”;

(D) in subsection (g), by striking “subsection (d)” and inserting “subsections (d) and (f)”;

(E) by amending subsection (h) to read as follows:

“(h) ROYALTY REDUCTIONS.—

“(1) In acting on a petition to issue a noncompetitive oil and gas lease, under subsection (f) of this section or in response to a request filed after issuance of such a lease, or both, the Secretary is authorized to reduce the royalty on such lease if in his judgment it is equitable to do so or the circumstances warrant such relief due to uneconomic or other circumstances which could cause undue hardship or premature termination of production.

“(2) In acting on a petition for reinstatement pursuant to subsection (d) of this section or in response to a request filed after reinstatement, or both, the Secretary is authorized to reduce the royalty in that reinstated lease on the entire leasehold or any tract or portion thereof segregated for royalty purposes if, in his judgment, there are uneconomic or other circumstances which could cause undue hardship or premature termination of production; or because of any written action of the United States, its agents or employees, which preceded, and was a major consideration in, the lessee's expenditure of funds to develop the property under the lease after the rent had become due and had not been paid; or if in the judgment of the Secretary it is equitable to do so for any reason.”;

(F) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(G) by inserting after subsection (e) the following:

“(f) **ISSUANCE OF NONCOMPETITIVE OIL AND GAS LEASE; CONDITIONS.**—Where an unpatented oil placer mining claim validly located prior to February 24, 1920, which has been or is currently producing or is capable of producing oil or gas, has been or is hereafter deemed conclusively abandoned for failure to file timely the required instruments or copies of instruments required by section 1744 of title 43, and it is shown to the satisfaction of the Secretary that such failure was inadvertent, justifiable, or not due to lack of reasonable diligence on the part of the owner, the Secretary may issue, for the lands covered by the abandoned unpatented oil placer mining claim, a noncompetitive oil and gas lease, consistent with the provisions of section 17(e) of this Act, to be effective from the statutory date the claim was deemed conclusively abandoned. Issuance of such a lease shall be conditioned upon:

“(1) a petition for issuance of a noncompetitive oil and gas lease, together with the required rental and royalty, including back rental and royalty accruing from the statutory date of abandonment of the oil placer mining claim, being filed with the Secretary- (A) with respect to any claim deemed conclusively abandoned on or before January 12, 1983, on or before the one hundred and twentieth day after January 12, 1983, or (B) with respect to any claim deemed conclusively abandoned after January 12, 1983, on or before the one hundred and twentieth day after final notification by the Secretary or a court of competent jurisdiction of the determination of the abandonment of the oil placer mining claim;

“(2) a valid lease not having been issued affecting any of the lands covered by the abandoned oil placer mining claim prior to the filing of such petition; Provided, however, That after the filing of a petition for issuance of a lease under this subsection, the Secretary shall not issue any new lease affecting any of the lands covered by such abandoned oil placer mining claim for a reasonable period, as determined in accordance with regulations issued by him;

“(3) a requirement in the lease for payment of rental, including back rentals accruing from the statutory date of abandonment of the oil placer mining claim, of not less than \$5 per acre per year;

“(4) a requirement in the lease for payment of royalty on production removed or sold from the oil placer mining claim, including all royalty on production made subsequent to the statutory date the claim was deemed conclusively abandoned, of not less than 12½ percent; and

“(5) compliance with the notice and reimbursement of costs provisions of paragraph (4) of subsection (e) but addressed to the petition covering the conversion of an abandoned unpatented oil placer mining claim to a noncompetitive oil and gas lease.”.

## **Subtitle F—Energy Revenue Sharing**

**SEC. 20601. GULF OF MEXICO OUTER CONTINENTAL SHELF REVENUE.**

(a) DISTRIBUTION OF OUTER CONTINENTAL SHELF REVENUE TO GULF PRODUCING STATES.—Section 105 of the Gulf of Mexico Energy Security Act of 2006 ([43 U.S.C. 1331](#) note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “50” and inserting “37.5”; and

(B) in paragraph (2)—

(i) by striking “50” and inserting “62.5”;

(ii) in subparagraph (A), by striking “75” and inserting “80”; and

(iii) in subparagraph (B), by striking “25” and inserting “20”; and

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

“(f) TREATMENT OF AMOUNTS.—Amounts disbursed to a Gulf producing State under this section shall be treated as revenue sharing and not as a Federal award or grant for the purposes of part 200 of title 2, Code of Federal Regulations.”.

(b) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 ([2 U.S.C. 905\(g\)\(1\)\(A\)](#)) is amended by inserting after “Payments to Social Security Trust Funds (28–0404–0–1–651).” the following:

“Payments to States pursuant to section 105(a)(2)(A) of the Gulf of Mexico Energy Security Act of 2006 ([Public Law 109–432](#); [43 U.S.C. 1331](#) note) (014–5535–0–2–302).”.

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 ([2 U.S.C. 900 et seq.](#)) on or after the date of enactment of this Act.

## **SEC. 20602. PARITY IN OFFSHORE WIND REVENUE SHARING.**

(a) PAYMENTS AND REVENUES.—Section 8(p)(2) of the Outer Continental Shelf Lands Act ([43 U.S.C. 1337\(p\)\(2\)](#)) is amended—

(1) in subparagraph (A), by striking “(A) The Secretary” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary”;

(2) in subparagraph (B), by striking “(B) The Secretary” and inserting the following:



“(B) DISPOSITION OF REVENUES FOR PROJECTS LOCATED WITHIN 3 NAUTICAL MILES SEAWARD OF STATE SUBMERGED LAND.—The Secretary”; and

(3) by adding at the end the following:

“(C) DISPOSITION OF REVENUES FOR OFFSHORE WIND PROJECTS IN CERTAIN AREAS.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) COVERED OFFSHORE WIND PROJECT.—The term ‘covered offshore wind project’ means a wind powered electric generation project in a wind energy area on the outer Continental Shelf that is not wholly or partially located within an area subject to subparagraph (B).

“(II) ELIGIBLE STATE.—The term ‘eligible State’ means a State a point on the coastline of which is located within 75 miles of the geographic center of a covered offshore wind project.

“(III) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term ‘qualified outer Continental Shelf revenues’ means all royalties, fees, rentals, bonuses, or other payments from covered offshore wind projects carried out pursuant to this subsection on or after the date of enactment of this subparagraph.

“(ii) REQUIREMENT.—

“(I) IN GENERAL.—The Secretary of the Treasury shall deposit—

“(aa) 12.5 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury;

“(bb) 37.5 percent of qualified outer Continental Shelf revenues in the North American Wetlands Conservation Fund; and

“(cc) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse to each eligible State an amount determined pursuant to subclause (II).

“(II) ALLOCATION.—

“(aa) IN GENERAL.—Subject to item (bb), for each fiscal year beginning after the date of enactment of this subparagraph, the amount made available under subclause (I)(cc) shall be allocated to each eligible State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

“(bb) MINIMUM ALLOCATION.—The amount allocated to an eligible State each fiscal year under item (aa) shall be at least 10 percent of the amounts made available under subclause (I)(cc).

“(cc) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

“(AA) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each eligible State, as determined pursuant to item (aa), to the coastal political subdivisions of the eligible State.

“(BB) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions under subitem (AA) shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4) of this Act.

“(iii) TIMING.—The amounts required to be deposited under subclause (I) of clause (ii) for the applicable fiscal year shall be made available in accordance with such subclause during the fiscal year immediately following the applicable fiscal year.

“(iv) AUTHORIZED USES.—

“(I) IN GENERAL.—Subject to subclause (II), each eligible State shall use all amounts received under clause (ii)(II) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

“(aa) Projects and activities for the purposes of coastal protection and resiliency, including conservation, coastal restoration, estuary management, beach nourishment, hurricane and flood protection, and infrastructure directly affected by coastal wetland losses.

“(bb) Mitigation of damage to fish, wildlife, or natural resources, including through fisheries science and research.

“(cc) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

“(dd) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

“(ee) Planning assistance and the administrative costs of complying with this section.

“(ff) Infrastructure improvements at ports, including modifications to Federal navigation channels, to support installation of offshore wind energy projects.

“(II) LIMITATION.—Of the amounts received by an eligible State under clause (ii)(II), not more than 3 percent shall be used for the purposes described in subclause (I)(ee).

“(v) ADMINISTRATION.—Subject to clause (vi)(III), amounts made available under items (aa) and (cc) of clause (ii)(I) shall—

“(I) be made available, without further appropriation, in accordance with this subparagraph;

“(II) remain available until expended; and

“(III) be in addition to any amount appropriated under any other Act.

“(vi) REPORTING REQUIREMENT.—

“(I) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the Governor of each eligible State that receives amounts under clause (ii)(II) for the applicable fiscal year shall submit to the Secretary a report that describes the use of the amounts by the eligible State during the period covered by the report.

“(II) PUBLIC AVAILABILITY.—On receipt of a report submitted under subclause (I), the Secretary shall make the report available to the public on the website of the Department of the Interior.

“(III) LIMITATION.—If the Governor of an eligible State that receives amounts under clause (ii)(II) fails to submit the report required under subclause (I) by the deadline specified in that subclause, any amounts that would otherwise be provided to the eligible State under clause (ii)(II) for the succeeding fiscal year shall be deposited in the Treasury.

“(vii) TREATMENT OF AMOUNTS.—Amounts disbursed to an eligible State under this subsection shall be treated as revenue sharing and not as a Federal award or grant for the purposes of part 200 of title 2, Code of Federal Regulations.”.

(b) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.—Section 33 of the Outer Continental Shelf Lands Act ([43 U.S.C. 1356c](#)) is amended by adding at the end the following:

“(b) WIND LEASE SALE PROCEDURE.—Any wind lease granted pursuant to this section shall be considered a wind lease granted under section 8(p), including for purposes of the disposition of revenues pursuant to subparagraphs (B) and (C) of section 8(p)(2).”.

(c) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 ([2 U.S.C. 905\(g\)\(1\)\(A\)](#)) is amended by inserting after “Payments to Social Security Trust Funds (28–0404–0–1–651).” the following:

“Payments to States pursuant to subparagraph (C)(ii)(I)(cc) of section 8(p)(2) of the Outer Continental Shelf Lands Act ([43 U.S.C. 1337\(p\)\(2\)](#)).”.

(2) **APPLICABILITY.**—The amendment made by this subsection shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 ([2 U.S.C. 900 et seq.](#)) on or after the date of enactment of this Act.

## **SEC. 20603. ELIMINATION OF ADMINISTRATIVE FEE UNDER THE MINERAL LEASING ACT.**

(a) **IN GENERAL.**—Section 35 of the Mineral Leasing Act ([30 U.S.C. 191](#)) is amended—

(1) in subsection (a), in the first sentence, by striking “and, subject to the provisions of subsection (b),”;

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in paragraph (3)(B)(ii) of subsection (b) (as so redesignated), by striking “subsection (d)” and inserting “subsection (c)”;

(5) in paragraph (3)(A)(ii) of subsection (c) (as so redesignated), by striking “subsection (c)(2)(B)” and inserting “subsection (b)(2)(B)”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 6(a) of the Mineral Leasing Act for Acquired Lands ([30 U.S.C. 355\(a\)](#)) is amended—

(A) in the first sentence, by striking “Subject to the provisions of section 35(b) of the Mineral Leasing Act ([30 U.S.C. 191\(b\)](#)), all” and inserting “All”;

(B) in the second sentence, by striking “of the Act of February 25, 1920 (41 Stat. 450; [30 U.S.C. 191](#)),” and inserting “of the Mineral Leasing Act ([30 U.S.C. 191](#))”.

(2) Section 20(a) of the Geothermal Steam Act of 1970 ([30 U.S.C. 1019\(a\)](#)) is amended, in the second sentence of the matter preceding paragraph (1), by striking “the provisions of subsection (b) of section 35 of the Mineral Leasing Act ([30 U.S.C. 191\(b\)](#)) and section 5(a)(2) of this Act” and inserting “section 5(a)(2)”.

(3) Section 205(f) of the Federal Oil and Gas Royalty Management Act of 1982 ([30 U.S.C. 1735\(f\)](#)) is amended—

(A) in the first sentence, by striking “this Section” and inserting “this section”;

(B) by striking the fourth, fifth, and sixth sentences.

## **SEC. 20604. SUNSET.**



This subtitle, and the amendments made by this subtitle, shall cease to have effect on September 30, 2032, and on such date the provisions of law amended by this subtitle shall be restored or revived as if this subtitle had not been enacted.

## **TITLE III—WATER QUALITY CERTIFICATION AND ENERGY PROJECT IMPROVEMENT**

### **SEC. 30001. SHORT TITLE.**

This title may be cited as the “Water Quality Certification and Energy Project Improvement Act of 2023”.

### **SEC. 30002. CERTIFICATION.**

Section 401 of the Federal Water Pollution Control Act ([33 U.S.C. 1341](#)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking “may result” and inserting “may directly result”;

(ii) in the second sentence, by striking “activity” and inserting “discharge”;

(iii) in the third sentence, by striking “applications” each place it appears and inserting “requests”;

(iv) in the fifth sentence, by striking “act on” and inserting “grant or deny”; and

(v) by inserting after the fourth sentence the following: “Not later than 30 days after the date of enactment of the Water Quality Certification and Energy Project Improvement Act of 2023, each State and interstate agency that has authority to give such a certification, and the Administrator, shall publish requirements for certification to demonstrate to such State, such interstate agency, or the Administrator, as the case may be, compliance with the applicable provisions of sections 301, 302, 303, 306, and 307. A decision to grant or deny a request for certification shall be based only on the applicable provisions of sections 301, 302, 303, 306, and 307, and the grounds for the decision shall be set forth in writing and provided to the applicant. Not later than 90 days after receipt of a request for certification, the State, interstate agency, or Administrator, as the case may be, shall identify in writing all specific additional materials or information that are necessary to grant or deny the request.”;

(B) in paragraph (2)—

(i) in the second sentence, by striking “notice of application for such Federal license or permit” and inserting “receipt of a notice under the preceding sentence”;

(ii) in the third sentence, by striking “any water quality requirement” and inserting “any applicable provision of section 301, 302, 303, 306, or 307”;

(iii) in the fifth sentence, by striking “insure compliance with applicable water quality requirements.” and inserting “ensure compliance with the applicable provisions of sections 301, 302, 303, 306, and 307.”;

(iv) in the final sentence, by striking “insure” and inserting “ensure”; and

(v) by striking the first sentence and inserting “On receipt of a request for certification, the certifying State or interstate agency, as applicable, shall immediately notify the Administrator of the request.”;

(C) in paragraph (3), in the second sentence, by striking “section” and inserting “any applicable provision of section”;

(D) in paragraph (4)—

(i) in the first sentence, by striking “applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated” and inserting “no applicable provision of section 301, 302, 303, 306, or 307 will be violated”;

(ii) in the second sentence, by striking “will violate applicable effluent limitations or other limitations or other water quality requirements” and inserting “will directly result in a discharge that violates an applicable provision of section 301, 302, 303, 306, or 307,”; and

(iii) in the third sentence, by striking “such facility or activity will not violate the applicable provisions” and inserting “operation of such facility or activity will not directly result in a discharge that violates any applicable provision”; and

(E) in paragraph (5), by striking “the applicable provisions” and inserting “any applicable provision”;

(2) in subsection (d), by striking “any applicable effluent limitations and other limitations, under section 301 or 302 of this Act, standard of performance under section 306 of this Act, or prohibition, effluent standard, or pretreatment standard under section 307 of this Act, and with any other appropriate requirement of State law set forth in such certification, and” and inserting “the applicable provisions of sections 301, 302, 303, 306, and 307, and any such limitations or requirements”; and

(3) by adding at the end the following:

“(e) For purposes of this section, the applicable provisions of sections 301, 302, 303, 306, and 307 are any applicable effluent limitations and other limitations, under section 301 or 302, standard of performance under section 306, prohibition, effluent standard, or pretreatment standard under section 307, and requirement of State law implementing water quality criteria

under section 303 necessary to support the designated use or uses of the receiving navigable waters.”.

### **SEC. 30003. FEDERAL GENERAL PERMITS.**

Section 402(a) of the Federal Water Pollution Control Act ([33 U.S.C. 1342\(a\)](#)) is amended by adding at the end the following:

“(6) (A) The Administrator is authorized to issue general permits under this section for discharges of similar types from similar sources.

“(B) The Administrator may require submission of a notice of intent to be covered under a general permit issued under this section, including additional information that the Administrator determines necessary.

“(C) If a general permit issued under this section will expire and the Administrator decides not to issue a new general permit for discharges similar to those covered by the expiring general permit, the Administrator shall publish in the Federal Register a notice of such decision at least two years prior to the expiration of the general permit.

“(D) If a general permit issued under this section expires and the Administrator has not published a notice in accordance with subparagraph (C), until such time as the Administrator issues a new general permit for discharges similar to those covered by the expired general permit, the Administrator shall—

“(i) continue to apply the terms, conditions, and requirements of the expired general permit to any discharge that was covered by the expired general permit; and

“(ii) apply such terms, conditions, and requirements to any discharge that would have been covered by the expired general permit (in accordance with any relevant requirements for such coverage) if the discharge had occurred before such expiration.”.

## **DIVISION E—INCREASE IN DEBT LIMIT**

### **SEC. 40001. LIMITED SUSPENSION OF DEBT CEILING.**

(a) **SUSPENSION.**—Section 3101(b) of title 31, United States Code, shall not apply during the period beginning on the date of the enactment of this Act and ending on the applicable date.

(b) **DOLLAR LIMITATION ON SUSPENSION.**—Subsection (a) shall not apply to the extent that the application of such subsection would result in the face amount of obligations subject to limitation under section 3101(b) of title 31, United States Code, to exceed the sum of—

(1) the dollar limitation in effect under such section on the date of the enactment of this Act, increased by

(2) \$1,500,000,000,000.

(c) APPLICABLE DATE.—For purposes of this section, the term “applicable date” means the earlier of—

(1) March 31, 2024, or

(2) the first date on which subsection (a) does not apply by reason of subsection (b).

(d) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING SUSPENSION PERIOD.—Effective as of the close of the applicable date, the dollar limitation in section 3101(b) of title 31, United States Code, is increased to the extent that—

(1) the face amount of obligations subject to limitation under such section outstanding as of the close of the applicable date, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this Act.

An obligation shall not be taken into account under paragraph (1) unless the issuance of such obligation was necessary to fund a commitment incurred by the Federal Government that required payment on or before the applicable date.

Passed the House of Representatives April 26, 2023.

Attest:

*Clerk.*





HOUSE COMMITTEE *on* APPROPRIATIONS  
RANKING MEMBER ROSA DeLAURO



## Analysis of Rescissions in the Default on America Act

**Summary:** Section 201 of the “Default on America Act” would immediately rescind all unobligated balances from amounts provided in portions of six laws known as the “COVID relief laws”:

- Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).
- Families First Coronavirus Response Act (Public Law 116–127).
- Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136).
- Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139).
- Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (division M) and Division N—Additional Coronavirus Response and Relief of Public Law 116–260.
- American Rescue Plan Act of 2021 (Public Law 117–2).

As of the end of March, public information indicates that of the trillions provided in response to the coronavirus during fiscal years 2020 and 2021, agency financial systems are reporting less than \$80 billion of **unobligated** balances remaining. Of those amounts, fewer still can actually be rescinded, as many are already encumbered by statutory formula or are “such sums” for which programs would need to be explicitly terminated to garner savings from the Congressional Budget Office (something that the provision does not do).

There are at least 138 different Treasury accounts tracked by the Office of Management and Budget (OMB) with unobligated balances provided by the COVID relief laws, over half of which have less than \$50 million in unobligated balances (the subset of which total only about \$700 million). Because of the vast array of accounts, the following list identifies only a few notable accounts, some compiled together in aggregate by theme where appropriate.

## **Cross-cut: Oversight and Accountability**

**Department/Agency/Account:** Cross-cutting oversight and accountability funding.

**Purpose of the Funding:** Oversight and accountability for COVID–19 relief funds

**Approximate Size of Cut:** At least \$169 million as of the end of March

**Summary:** Rescission would eliminate all remaining funding provided to any Inspector General by the COVID laws. As of the end of March, that included at least 12 inspectors general, the Government Accountability Office (GAO), and the Pandemic Response Accountability Committee (PRAC).

For GAO specifically, eliminating funding provided to the Comptroller General in the COVID relief laws would:

- Prevent ongoing and planned audits from continuing, including audits requested by committees of jurisdiction or identified by GAO based on previous findings. Ongoing and planned work includes assessing the extent of fraud associated with COVID–19 relief funds; examining the contents and management of the Strategic National Stockpile; examining agency information technology preparedness and response during COVID–19; assessing the current state of airline service disruptions and their causes; and examining effect of COVID–19 on work safety in the meat and poultry industry.
- Undermine the Federal government’s preparation for the next emergency. GAO’s ongoing and previous oversight of coronavirus relief-related spending and programs has helped identify corrective actions and lessons learned that could help future emergency relief programs increase efficiency. As of March 1, 2023, GAO has made almost 400 recommendations for improving the Federal government’s response and preparedness efforts.

## **Cross-cut: Native American and Tribal Programs—Department of Health and Human Services and the Department of the Interior**

**Department/Agency/Account:** Department of Health and Human Services/Indian Health Service/Indian Health Services

**Purpose of the Funding:** Address current and long-term impacts of COVID–19 in Indian Country.

**Approximate Size of Cut:** Over \$1 billion.

**Summary:** Rescinding this funding would result in over 1 million fewer inpatient and outpatient visits, 220,000 fewer behavioral health visits, 25 million fewer units of Medical Counter Measures, including personal protective equipment, durable medical equipment, and associated supplies, tests, vaccines, antivirals, diagnostic materials and essential medicines.

Indian Country continues to suffer from the impacts of COVID-19 and losing access to funding would shift ongoing costs to an already stressed budget for health care services in American Indian and Alaska Native communities that face high rates of chronic disease.

Losing access to this funding eliminates spending for essential health care professionals.

**Department/Agency/Account:** Department of the Interior/Bureau of Indian Affairs/Operation of Indian Programs

**Purpose of the Funding:** Provides aid for Tribal governments, welfare assistance, addressing needs in detention centers such as preventing mental health and attempted suicides and ensuring safe facilities.

**Approximate Size of Cut:** About \$60 million.

**Summary:** Rescinding this funding would impact addressing ongoing academic, mental health, behavioral health and wellness program requirements impacted by COVID-19.

Would impact addressing learning loss by impacting funding for after school and supplemental programs, including resources for summer activities, remedial activities, and student monitoring. Impacting opportunities to address increased challenges in mental and behavioral health due to the pandemic as well as facility improvements for ventilation to address ongoing health challenges in classrooms.

**Department/Agency/Account:** Department of the Interior/Bureau of Indian Education/Operation of Indian Education Programs

**Purpose of the Funding:** Targets student needs related to mental health and safety, staff training, IT investments to facilitate student learning and address prioritized local school needs.

**Approximate Size of Cut:** Over \$200 million.

**Summary:** Rescinding this funding would prevent implementation of public health and safety initiatives related to ventilation and behavioral health as well as technology improvements initiated under the pandemic to address lasting impacts from the pandemic.

Loss of this funding would reduce public safety support in Indian Country and impact addressing Tribal needs for access to potable water during natural hazards and other emergencies to keep illness rates low.

Loss of this funding would prevent awards related to critical broadband investments which help address health challenges and the ongoing impacts of COVID-19.

## **Agriculture**

**Department/Agency/Account:** Department of Agriculture/Rural Housing Service/Rural Community Facilities Account

**Purpose of the Funding:** Help rural health care systems cope with the impact of COVID-19.

**Approximate Size of Cut:** Approximately \$78 million.

**Summary:** Rescinding this funding would lose the opportunity for rural health care systems to get help with revenues lost during the pandemic and to increase their telehealth capacity.

While the pandemic is past, these daunting challenges remain for rural health care.

**Department/Agency/Account:** Department of Agriculture/Animal and Plant Health Inspection Service

**Purpose of the Funding:** Monitoring and surveillance of susceptible animals for incidence of SARS-CoV-2.

**Approximate Size of Cut:** Almost \$250 million.

**Summary:** Rescinding this funding would undermine efforts to detect the presence of the virus that causes COVID-19 in animals. With the lack of complete understanding of how the pandemic took root, surveillance is critical and can lead to better understanding of the origins of the disease.

**Department/Agency/Account:** Department of Health and Human Services/Food and Drug Administration

**Approximate Size of Cut:** Over \$150 million.

**Purpose of the Funding:** Support for the entire spectrum of the agency's work on COVID-19.

**Summary:** Rescinding this funding would eliminate dedicated resources for the Food and Drug Administration's post-market work on vaccines and medical products. Many of those products were approved as Emergency Use Authorizations and continuing post-market surveillance is critical.

## **Corporation for National and Community Service**

**Department/Agency/Account:** Corporation for National and Community Service/Corporation for National and Community Service/Operating Expenses

**Purpose of the Funding:** To support AmeriCorps volunteers, including by increasing the living allowances of AmeriCorps participants.

**Approximate Size of Cut:** Over \$300 million.

**Summary:** Rescinding this funding would eliminate ongoing AmeriCorps programs, including programs to provide public health services in underserved communities and expand access to careers in public health for underrepresented populations.

## **Federal Communications Commission**

**Department/Agency/Account:** Federal Communications Commission/Emergency Connectivity Fund

**Purpose of the Funding:** To provide funding to schools and libraries for the cost of eligible equipment and services for students, and teachers who lack connected devices, such as laptop or tablet computers, or lack broadband access.

**Approximate Size of Cut:** Over \$760 million.

**Summary:** The Emergency Connectivity Fund continues to provide relief to millions of students, school staff, and library patrons and will help close the Homework Gap for students who currently lack necessary Internet access or the devices they need to connect to classrooms. This cut of over \$760 million would defund this important program: processing and continued obligations of reimbursable costs would cease, leading to the loss of assistance to help schools provide the tools and services their students need for remote learning.



School systems across the country have planned for these payments and ending the program with no warning would send school systems across the country scrambling to either cover the costs on their own or cutting internet access for students.

## Health and Human Services

**Department/Agency/Account:** Department of Health and Human Services/Office of the Secretary/Public Health and Social Services Emergency Fund

**Purpose of the Funding:** Covid testing; Vaccines and Therapeutics

**Approximate Size of Cut:** Over \$5 billion

**Summary:** Rescinding this funding would eliminate advanced research and development of vaccines and therapeutics to combat future Covid variants, including intranasal vaccines that could prevent new respiratory infections and “universal” vaccines that could provide protection against all coronaviruses.

**Department/Agency/Account:** Department of Health and Human Services/Office of the Secretary/Public Health and Social Services Emergency Fund

**Purpose of the Funding:** Provider Relief Fund

**Approximate Size of Cut:** About \$3 billion.

**Summary:** Rescinding this funding would reduce relief payments to rural and safety net hospitals, nursing homes, and health care providers for expenses or lost revenues attributable to the Covid pandemic.

**Department/Agency/Account:** Department of Health and Human Services/Office of the Secretary/Public Health and Social Services Emergency Fund

**Purpose of the Funding:** Strategic National Stockpile

**Approximate Size of Cut:** About \$2.5 billion.

**Summary:** Rescinding this funding would cause a shortage of pharmaceuticals and medical supplies in the Strategic National Stockpile, which would leave Americans at greater risk during the next natural disaster, man-made public health threat (e.g., chemical, biological, radiological, nuclear), or infectious disease outbreak.

**Department/Agency/Account:** Department of Health and Human Services/Office of the Secretary/Defense Production Act Medical Supplies Enhancement

**Purpose of the Funding:** Strengthening U.S.-based manufacturing and supply chains for critical medical supplies

**Approximate Size of Cut:** About \$1.7 billion.

**Summary:** Rescinding this funding would withdraw support for U.S.-based manufacturing and supply chains for critical medical supplies, which would force the U.S. to be reliant on foreign countries for medical supplies in the event of a new public health threat.

**Department/Agency/Account:** Department of Health and Human Services/Centers for Disease Control and Prevention/CDC-wide Activities and Program Support

**Purpose of the Funding:** Global disease detection; public health workforce; data modernization; genomic sequencing

**Approximate Size of Cut:** Over \$4 billion.

**Summary:** Rescinding this funding would curtail genomic sequencing of Covid samples, which would limit our ability to identify a new Covid variant that could cause a spike in hospitalizations and deaths.

**Department/Agency/Account:** Department of Health and Human Services/Centers for Disease Control and Prevention/Infectious Diseases Rapid Response Reserve Fund

**Purpose of the Funding:** To support initial CDC response activities in the early phases of a future infectious disease outbreak.

**Approximate Size of Cut:** About \$500 million.

**Summary:** Rescinding this funding would diminish the CDC's ability to respond quickly to an emerging infectious disease outbreak, such as avian influenza, SARS, MERS, or Ebola.

## Homeland Security

**Department/Agency/Account:** Homeland Security/Federal Emergency Management Agency/Disaster Relief Fund

**Purpose of the Funding:** For disaster relief activities.

**Approximate Size of Cut:** Approximately \$1 billion.

**Summary:** At the House Homeland Security Appropriations Subcommittee hearing on Tuesday, April 18, the FEMA Administrator testified that a Supplemental request is forthcoming to address a projected shortfall in the disaster relief fund—a shortfall currently projected to be \$12 billion for this fiscal year. Rescinding this funding would further exacerbate that projected shortfall harming the government's ability to respond timely to previous and future disasters.

This would leave communities more vulnerable to the devastating effects of natural disasters.

## Housing and Urban Development

**Department/Agency/Account:** Department of Housing and Urban Development

**Purpose of the Funding:** To provide formula funding to units of local governments and housing providers to address rent payment losses, expand public services, and increase homeless response systems.

**Approximate Size of Cut:** Over \$3 billion.

**Summary:** Rescinding this funding would jeopardize housing for tens of thousands of families that faced a dire housing crisis as unemployment rose, rent payments fell short, and homelessness increased. These rescissions eliminate funding to public housing agencies and homeless service providers that have served on the front lines for our elderly, disabled, veterans and families with children with the most extreme uncertain circumstances as a result of COVID-19.

These funds were provided to prevent and mitigate any long-standing or future impacts of COVID-19 on local communities, and rising rents, hard-to-find affordable housing, and stable employment is still a reality for millions of Americans today. Rescinding the funding would reverse the progress made to begin to stabilize the housing supply, respond to increased homelessness, and support local economies.

## Interior

**Department/Agency/Account:** Department of the Interior/U.S. Fish and Wildlife Service/Resource Management

**Purpose of the Funding:** Supports law enforcement and emergency management operations, bio-surveillance of wildlife and the environment, ensuring safe facilities and public areas.

**Approximate Size of Cut:** Over \$50 million.

**Summary:** Rescinding this funding would impair addressing wildlife disease outbreaks before they become pandemics and reduce capacity for wildlife health monitoring.

These cuts would set back substantial progress that has been made in strengthening the wildlife health community of practice among States and would diminish resources for current and future wildlife disease work and impact detection and response to wildlife diseases which increases the risk to human health.

## Labor

**Department/Agency/Account:** Department of Labor/State Unemployment Insurance and Employment Service Operations

**Purpose of the Funding:** Unemployment insurance modernization grants to states to prevent fraud and promote equitable access to benefits.

**Approximate Size of Cut:** About \$1.5 billion.

**Summary:** Rescinding this funding would undermine federal and state activities to identify unemployment insurance (UI) fraud and prosecute criminals while slowing down efforts to modernize UI systems to provide assistance to workers and families when they need it.

## Transportation

**Department/Agency/Account:** Department of Transportation/Federal Aviation Administration, Federal Highway Administration, Federal Transit Administration Funding

**Purpose of the Funding:** For aviation, funds are provided to assist primary and general aviation airports with payroll, cleaning and rent relief on behalf of airport concessionaires impacted by a drop in airport business during COVID, as well as to protect aircraft manufacturing jobs and prevent furloughs and layoffs within the industry. For states, highway funding is provided for preventative and routine maintenance, operations, and sustaining personnel and contractor workforce to offset revenue losses. For rail, funds are provided to assist Amtrak and 22 state partners to offset operating costs related to revenue shortfalls and low ticket sales and to recall more than 1,200 employees who were furloughed in 2020. For transit, funds are provided for capital and operating expenses to prevent the elimination of transit service supporting more than 2,000 funding awards, including targeted funding for enhanced mobility of seniors and individuals with disabilities and intercity bus operators.

**Approximate Size of Cut:** Almost \$6 billion.

**Summary:** Rescinding this funding would eliminate critical resources for mayors and governors to keep their airports open, trains running, and buses operating to get their essential workers to and from their jobs to keep our economy and people alive. Applications for funding are still

being submitted to and processed by DOT. For example, just this month there are more than 290 applications for relief being processed for funding by the Federal Transit Administration.

Without access to these funds, broader investments through the Bipartisan Infrastructure Law and the annual appropriations will be stalled as transportation agencies continue to rely on the use of COVID relief to continue to stabilize their operations and workforce in order to move forward with longer-term capital investments.

## **Treasury**

**Department/Agency/Account:** Department of the Treasury/State Small Business Credit Initiative (SSBCI)

**Purpose of the Funding:** To support small businesses by providing access to the capital needed to invest in job-creating opportunities.

**Approximate Size of Cut:** Approximately \$1.8 billion.

**Talking Point Against Rescinding:** Rescinding this funding would eliminate funding being used by States to provide funding to small businesses, including through capital programs, loan programs, and collateral support programs. Every \$1 of program funding SSBCI is designed to catalyze \$10 of small business lending and investment.

This proposed rescission would also jeopardize funding for assisting small business with technical assistance, potentially impacting 10,000 businesses and 100,000 jobs by harming access to capital, undermining economic resiliency, and resulting in the loss of jobs, and diminished economic opportunity for entrepreneurs and small businesses in underserved communities lacking capital.

## **Veterans Affairs**

**Department/Agency/Account:** Department of Veterans Affairs (VA)/Veterans Benefits Administration (VBA), General Operating Expenses and Board of Veterans Appeals

**Purpose of the Funding:** To mitigate the impacts of the pandemic on the benefits claims and appeals backlog, including to increase staff overtime, expand VBA-funded scanning of service records from Federal facilities impacted by COVID-19, to improve scheduling of hearings, and to support tele-hearings for claims.

**Approximate Size of Cut:** \$35 million.

**Summary:** Rescinding this funding would curtail improvements VA has finally been able to make on whittling down the backlog of veterans' claims and appeals that grew because of the pandemic. Wait times to process claims would increase as well as wait times for appeals hearings.

**Department/Agency/Account:** Department of Veterans Affairs/Veterans Medical Care and Health Fund

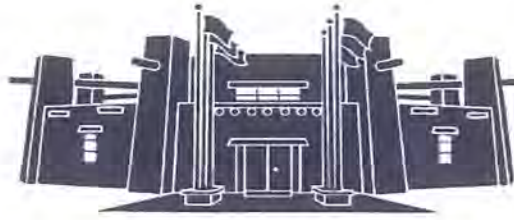
**Purpose of the Funding:** For health care services and related support to veterans.

**Approximate Size of Cut:** Over \$2 billion.



**Summary:** Rescinding this funding would dramatically limit the ability for VA to provide healthcare services both within and outside of VA by clawing back needed funding for Medical Care. Rescinding this funding would leave VA underfunded, putting veterans' healthcare in jeopardy.

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Honorable Crystalyne Curley  
Speaker  
25<sup>th</sup> Navajo Nation Council

## MEMORANDUM

TO: Hon. Carl R. Slater, Council Delegate  
25<sup>th</sup> Navajo Nation Council

FROM:   
Loya M. Honaghaahnii Henderson, Attorney  
Office of Legislative Counsel

DATE: May 26, 2023

SUBJECT: **AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; OPPOSING H.R. 2811, “LIMIT, SAVE, GROW ACT OF 2023”; URGING THE UNITED STATES CONGRESS TO AMEND H.R. 2811 §§ 201-202 TO PROTECT SPENDING CUTS TO TRIBAL PROGRAMS**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, “the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration.” 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction