

H.R. 1 | LOWER ENERGY COSTS ACT
**DIVISION A—INCREASING AMERICAN ENERGY PRODUCTION, EXPORTS,
INFRASTRUCTURE, AND CRITICAL MINERALS PROCESSING**

Committee on Energy and Commerce

Sec. 10001. Securing America’s Critical Minerals Supply.

- This section amends the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) to require the Secretary of Energy to conduct an ongoing assessment of the nation’s supply of critical energy resources, the vulnerability of the critical energy resource supply chain, and the criticality of critical energy resources in the development of energy technologies.
- This section directs the Secretary of Energy to strengthen critical energy resource supply chains by diversifying sourcing and increasing domestic production, refining, and processing of resources.

Sec. 10002. Protecting American Energy Production.

- This section provides that 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.
- This section prohibits the President from declaring a moratorium on the use of hydraulic fracturing.

Sec. 10003. Researching Efficient Federal Improvements for Necessary Energy Refining.

- This section requires the Secretary of Energy to direct the National Petroleum Council, within 90 days of enactment, to submit to the Secretary and Congress a report containing an examination of the role of petrochemical refineries in the U.S. and the contributions of such refineries to American energy security, an analysis and projections for expanding petrochemical refineries capacities, an assessment of any Federal or State actions that have contributed to a decline in such capacities, and recommendations to increase such capacities.

Sec. 10004. Promoting Cross-border Energy Infrastructure.

- This section establishes a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity.
- This section authorizes the Federal Energy Regulatory Commission (FERC) to review applications for cross-border oil and natural gas pipelines, and the Department of Energy to review applications for cross-border electric transmission facilities.

Sec. 10005. Sense of Congress Expressing Disapproval of the Revocation of the Presidential permit for the Keystone XL Pipeline.

- This section expresses disapproval of President Biden’s revocation 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.

- This section expresses the sense of the Congress that the Federal government should not impose any restrictions on the export of crude oil or other petroleum products.
- This section maintains the authority to prohibit exports under any provision of law that imposes sanctions on a foreign person or government, including a foreign government that is designated as a state sponsor of terrorism.

Sec. 10007. Unlocking Our Domestic LNG Potential.

- This section amends the Natural Gas Act (15 U.S.C. 717b) to repeal all restrictions on the import and export of natural gas.
- This section provides that FERC shall have the exclusive authority to approve or deny any application for authorization for the siting, construction, expansion, or operation of a facility to export natural gas from the U.S. to a foreign country or import natural gas from a foreign country, including an LNG terminal.
- This section makes clear that nothing in this section 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 a country that is designated as a state sponsor of terrorism, to prohibit imports or exports.

Sec. 10008. Promoting Interagency Coordination for Review of Natural Gas Pipelines.

- This section also strengthens the FERC lead agency role under the Natural Gas Act by requiring schedules, concurrent reviews, and provisions to resolve disputes among permitting agencies.
- This section replaces the use of Clean Water Act Section 401 for the purposes of interstate pipelines and LNG export facilities with ability for affected states to participate in the FERC-led NEPA process for an interstate natural gas pipeline or LNG project.
- This section requires FERC to track and make available to the public information related to the actions required to complete the Federal authorizations.
- This section requires FERC to consult with the Administrator of the Transportation Security Administration on pipeline infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures.

Sec. 10009. Interim Hazardous Waste Permits for Critical Energy Resource Facilities.

- This section addresses delays for Solid Waste Disposal Act-regulated waste permitting, but only for facilities that deal with critical energy resources. Specifically, the permitting involved related to on-site storage of more than 90 days, onsite waste treatment, or on-site waste disposal.
- This section provides a facility, that files a Part A permit application, “interim status” until Environmental Protection Agency (EPA) or the State requires the facility to submit its Part B permit application for a long-term permit.

Sec. 10010. Flexible Air Permits for Critical Energy Resource Facilities.

- This section authorizes the EPA to issue flexible air permits and facilitate flexible, market responsive operations for critical energy resource facilities.

Sec. 10011. National Security or Energy Security Waivers to Produce Critical Energy Resources.

- This section provides that if the EPA Administrator, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource is necessary to meet the national security or energy security needs of the United States, then the Administrator may issue a temporary waiver of any requirement under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) the Administrator determines is necessary to allow for processing or refining at a critical energy resource facility to best meet the security needs and serve the public interest.
- This section requires the EPA Administrator to ensure that any waiver 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 impact.
- This section requires the waiver to expire no later than 90 days after it is issued but may be renewed for 90-day periods if the Administrator determines such waiver is necessary.

Sec. 10012. Ending Future Delays in Chemical Substance Review for Critical Energy Resources.

- This section prevents the EPA from withholding judgment on a notice and preventing commercialization, without an appropriate risk justification, of a substance beyond the statutory deadlines under the Toxic Substances Control Act (15 U.S.C. 2604(a)).
- This section also prevents the EPA from encouraging manufacturers to suspend -- or end the legal clock on EPA action -- if EPA has not made an initial review of the new critical energy resource to communicate the noted risks to the applicant.
- This section requires the EPA to consider costs and benefits of the critical energy resource to society, the environment, and the economy when determining whether an "unreasonable risk" exists from the manufacturing, processing, commercial transportation, use or disposal of the critical energy resource.

Sec. 10013. Natural Gas Tax Repeal.

- This section repeals Section 136 of the Clean Air Act (relating to methane emissions and waste reduction incentive program for petroleum and natural gas systems).
- This section rescinds the unobligated balance of any amounts made available under Section 136 of the Clean Air Act.

Sec. 10014. Repeal of Greenhouse Gas Reduction Fund.

- This section repeals Section 134 of the Clean Air Act (relating to greenhouse gas reduction fund).
- This section rescinds the unobligated balance of any amounts made available under Section 134 of the Clean Air Act.
- This section repeals Section 60103 of Public Law 117-169 (relating to the greenhouse gas reduction fund).

Sec. 10015. Keeping America’s Refineries Operating.

- This section provides that the owner or operator of an operating or constructed refinery that uses a hydrofluoric acid alkylation unit cannot be required, under Risk Management Program regulations, to perform an assessment of safer technology and alternative risk management measures with respect to the use of hydrofluoric acid in alkylation unit.

Sec. 10016. Homeowner Energy Freedom.

- This section repeals Section 50122 of Public Law 117-169 (relating to a high-efficiency electric home rebate program).
- This section repeals Section 50123 of Public Law 117-169 (relating to State-based home energy efficiency contractor training grants).
- This section repeals Section 50131 of Public Law 117-169 (relating to assistance for latest and zero building energy code adoption).
- This section rescinds the unobligated balances of any amounts made available under each of sections 50121, 50122, and 50123 of Public Law 117-169.

**DIVISION B—TRANSPARENCY, ACCOUNTABILITY, PERMITTING, AND
PRODUCTION OF AMERICAN RESOURCES**

Committee on Natural Resources

Title I – Onshore and Offshore Leasing and Oversight

Sec. 20101. Onshore Oil and Gas Leasing.

- This section requires the Department of the Interior (DOI) to immediately resume quarterly lease sales on federal lands.
- This section requires a minimum of four lease sales per year in each state with eligible lands and directs the Secretary of Interior to conduct replacement sales when necessary.

Sec. 20102. Lease Reinstatement.

- This section clarifies that geothermal and oil and gas lease reinstatement is not a major federal action under the National Environmental Policy Act (NEPA).

Sec. 20103. Protested Lease Sales.

- This section requires the Secretary of Interior to resolve any protest to a lease sale within 60 days.

Sec. 20104. Suspension of Operations.

- This section requires the Secretary of Interior to grant operators’ request for a suspension of operations (SOP) if the operator is awaiting adjacent leases to be offered by DOI.

Sec. 20105. Administrative Protest Process Reform.

- This section requires those who submit a protest to a lease sale to pay a processing fee depending on the number of pages included in the protest.

Sec. 20106. Leasing and Permitting Transparency.

- This section requires DOI to publish information online and report to Congress regarding the processing of onshore and offshore drilling and exploration permits, nominated parcels for lease, leases won, and usage of Applications for Permits to Drill (APD) fees.

Sec. 20107. Offshore Oil and Gas Leasing.

- This section requires the Secretary of Interior to conduct all lease sales described in the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program that have not been conducted as of the date of enactment, but no later than September 30, 2023.
- This section requires a minimum of two oil and gas lease sales to be held annually in available federal waters in the Central and Western Gulf of Mexico Planning Area, and in the Alaska Region of the Outer Continental Shelf.
- This section does not apply to the Eastern Gulf of Mexico Planning Area or impact existing moratoria.

Sec. 20108. Five-Year Plan for Offshore Oil and Gas Leasing.

- This section requires the Secretary of Interior to issue the 5-year oil and gas leasing program for 2023-2028 and requires the Secretary to begin preparation of the subsequent oil and gas leasing program not later than 36 months after conducting the first lease sale in an existing 5-year program.

Sec. 20109. Geothermal Leasing.

- This section amends the Geothermal Steam Act (30 U.S.C. 1003(b)) to require yearly lease sales for geothermal energy and mandates the Secretary hold replacement lease sales for any sales that are missed in a given calendar year.
- This section sets a 30-day time limit on the issuance of completed Geothermal Drilling Permits.

Sec. 20110. Leasing for Certain Qualified Coal Applications.

- This section directs the Secretary of Interior to publish an environmental assessment (if not previously published) for each qualified coal lease application, finalize the fair market value of the coal tract for which a lease by application is pending, take all intermediate actions necessary to grant the qualified application, and then grant such application.
- This section requires the DOI to grant any additional approvals for previously awarded coal leases required for mining to commence.

Sec. 20111. Future Coal Leasing.

- This section ends the existing moratorium on new coal leasing.

Sec. 20112. Staff Planning Report.

- This section requires DOI and the Department of Agriculture to provide a yearly report detailing staffing capacity and planning to ensure timely processing of permits and planning for lease sales.

Sec. 20113. Prohibition on Chinese Communist Party Ownership Interest.

- This section provides that the Communist Party of China, or a person acting on behalf of the Communist Party 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).

Sec. 20114. Effect on Other Law.

- This section makes clear that nothing in this division, or any amendments made by this division, shall affect 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.
- This section makes clear that nothing in this division, or any amendments made by this division, shall affect 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.
- This section makes clear that nothing in this division, or any amendments made by this division, shall affect 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.
- This section makes clear that nothing in this division, or any amendments made by this division, shall affect 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).

Title II – Permitting Streamlining

Sec. 20201. Definitions.

- This section provides definitions for the following: energy facility, energy storage device, public lands, right-of-way, Secretary concerned, and land use plan.

Sec. 20202. The BUILDER Act.

- This section codifies key elements of the One Federal Decision Framework, including development by the lead agency of a joint schedule, procedures to elevate delays or disputes, preparation of a single environmental impact statement (EIS) and joint Record of Decision (ROD) to the extent practicable, reasonable time limits for environmental reviews, reasonable page limits for environmental documents and paper reduction measures.
- This section includes threshold considerations for agencies assessing whether National Environmental Policy Act (NEPA) applies to a proposed activity or is otherwise fulfilled through another statute.
- This section requires claimants to have participated meaningfully in the NEPA process before filing suit and provides a reasonable timeline of 120 days to file those lawsuits.

Sec. 20203. Codification of National Environmental Policy Act Regulations.

- This section codifies 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).

Sec. 20204. Non-Major Federal Actions.

- This section provides that an action by the Secretary concerned with respect to certain covered activity shall be not considered a major Federal action under NEPA, which includes geotechnical investigations, transmission infrastructure upgrades, off-road vehicle use in existing rights-of-way, meteorological towers, geothermal exploratory wells, and construction or repair of roads within existing rights-of-way.

Sec. 20205. No Net Loss Determination for Existing Rights-of-Way.

- This section allows the Secretary concerned to make a “no net loss determination” for any action or activity within an existing energy right-of-way, which upon this determination, shall not be considered a major Federal action under NEPA.

Sec. 20206. Determination of National Environmental Policy Act Adequacy.

- This section directs the Secretary concerned to use previously completed environmental assessments and environment impact statements to satisfy NEPA requirements if the Secretary concerned determines that the new proposed action and impacts are substantially similar.

Sec. 20207. Determination Regarding Rights-of-Way.

- This section requires the Secretary concerned to notify applicants as to whether their right-of-way applications are complete within 60 days of receipt.

Sec. 20208. Terms of Rights-of-Way.

- This section amends the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and the Mineral Leasing Act (30 U.S.C. 185(n)) to allow rights-of-way to be granted, issued, or renewed for up to 50 years or in perpetuity if the Secretary determines it is appropriate.

Sec. 20209. Funding to Process Permits and Develop Information Technology.

- This section allows the Secretary of Agriculture and the Secretary of the Interior to accept and expend funds contributed by non-federal entities to pay for dedicated staff and technology upgrades to expedite permits, biological opinions, concurrence letters, and consultations for energy projects for three years.

Sec. 20210. Offshore Geological and Geophysical Survey Licensing.

- This section directs the Secretary of Interior to 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 moratoria.

Sec. 20211. Deferral of Applications for Permits to Drill.

- This section prevents the Bureau of Land Management (BLM) from deferring the approval of an application for a permit to drill due to agency formatting preferences.

Sec. 20212. Processing and Terms of Applications for Permits to Drill.

- This section requires the Secretary of Interior to process applications for permits to drill under a valid existing lease regardless of unrelated civil action.

Sec. 20213. Amendments to the Energy Policy Act of 2005.

- This section designates low impact and previously studied oil and gas activities on federal lands as non-major federal actions under NEPA.

Sec. 20214. Access to Federal Energy Resources from Non-Federal Surface Estate.

- This section clarifies that permitting for operations on state or private lands accessing oil and gas or geothermal resources in which the federal ownership interest is less than 50 percent will not be considered a federal action and shall not require a federal permit.

Sec. 20215. Scope of Environmental Reviews for Oil and Gas Leases.

- This section provides that an environmental review for an oil and gas lease or permit prepared pursuant to NEPA 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 shall not require consideration of downstream, indirect effects of oil and gas consumption.

Sec. 20216. Expediting Approval of Gathering Lines.

- This section expedites the approval process for gathering lines on federal lands that capture or transport oil, natural gas, and related constituents, or produced water by making them non-major federal actions under NEPA.

Sec. 20217. Lease Sale Litigation.

- This section clarifies that environmental reviews for lease sales should be limited to impacts directly related to that sale.

Sec. 20218. Limitation on Claims.

- This section requires 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 the claim is filed within 120 days after publication of final agency actions and the claim is filed by a party that submitted a comment during the public comment period for such action being challenged.

Sec. 20219. Government Accountability Office Report on Permits to Drill.

- This section requires the Government Accountability Office (GAO) to issue a report on the BLM's approval process for drilling permits and requires such report to include recommendations on actions the BLM can take to expedite their process and permitting activities that could be transferred from the BLM to states.

Sec. 20220. E-NEPA.

- This section directs the Council on Environmental Quality to conduct a study and submit a report to Congress within 1 year of enactment on the potential to create an online permitting portal for permits that require NEPA review.

Title III – Permitting for Mining Needs

Sec. 20301. Definitions.

- This section provides definitions for the following: byproduct, mineral, Secretary, and State.

Sec. 20302. Minerals Supply Chain and Reliability.

- This section designates a lead federal agency to coordinate the mine permitting process to maximize efficiency and minimize delays for mining projects on federal land.
- This section authorizes a memorandum of agreement between the lead agency and the project sponsor or state or tribal government to carry out permitting activities, upon the request of a project sponsor.

Sec. 20303. Federal Register Process Improvement.

- This section applies previously enacted Federal Register process improvements to all mineral projects to reduce delays.

Sec. 20304. Designation of Mining as a Covered Sector for Federal Permitting Improvement Purposes.

- This section amends Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) to include “mineral production” as a covered sector.

Sec. 20305. Treatment of Actions under Presidential Determination 2022-11 for Federal Permitting Improvement Purposes.

- This section provides that any project that receives federal funds under the Defense Production Act for domestic mining or processing is considered a covered project under the FAST Act unless the project sponsor opts out.

Sec. 20306. Notice for Mineral Exploration Activities with Limited Surface Disturbance.

- This section expedites review of minor surface disturbance activities on federal lands.

Sec. 20307. Use of Mining Claims for Ancillary Activities.

- Ensures that ancillary mining activities, including exploration operations and construction of a mine access road, are permitted with or without the discovery of a valuable mineral deposit.

Sec. 20308. Ensuring Consideration of Uranium as a Critical Mineral.

- This section amends existing critical mineral criteria to prevent the unilateral exclusion of uranium from future consideration as a critical mineral.
- This section requires the Secretary of the Interior to update the Final List of Critical Minerals with the revised criteria within 60 days of enactment.

Sec. 20309. Barring Foreign Bad Actors from Operating on Federal Lands.

- This section bars a mining claimant from the right to use, occupy, and conduct operations on Federal land if the Secretary of Interior finds the claimant has a foreign parent company that has a known record of human rights violations and knowingly operated an illegal mine in another country.

Title IV – Federal Land Use Planning

Sec. 20401. Federal Land Use Planning and Withdrawals.

- This section prohibits mineral withdrawals on federal lands without a mineral assessment completed within the previous 10-year period and an assessment of the impacts of the withdrawal on the U.S. mineral supply chain, including the negative impacts on economic and national security interests.
- This section provides that upon discovery of a new mineral deposit in a previously withdrawn area, the Secretary of Interior shall recommend ways to reduce impacts the withdrawal may have on mineral exploration, development, and other mining activities.
- This section requires a recent mineral assessment be included as part of a resource management plan, including the consideration of the economic, strategic, and national security value of mineral deposits in the proposed resource management plan area.

Sec. 20402. Prohibitions on Delay of Mineral Development of Certain Federal Land.

- This section prevents the Secretary of the Interior from halting or slowing leasing and permitting activities on Federal lands and waters in areas that are open to energy and mineral development.

Sec. 20403. Definitions.

- This section provides definitions for the following: Federal land, President, previously undiscovered mineral deposit, and Secretary.

Title V – Ensuring Competitiveness on Federal Lands

Sec. 20501. Incentivizing Domestic Production.

- This section rolls back onerous fees and royalties on onshore and offshore oil and gas development imposed by the Inflation Reduction Act.

Title VI – Energy Revenue Sharing

Sec. 20601. Gulf of Mexico Outer Continental Shelf Revenue.

- This section creates parity among energy production states by increasing the state share of offshore oil and gas revenues from 37.5% to 50%.

Sec. 20602. Parity in Offshore Wind Revenue Sharing.

- This section provides for 50% of revenues from offshore wind leasing to be shared with coastal states.

Sec. 20603. Elimination of Administrative Fee under the Mineral Leasing Act.

- This section repeals the 2% administrative fee assessed on the state share of onshore revenue.

**DIVISION C—WATER QUALITY CERTIFICATION AND
ENERGY PROJECT IMPROVEMENT**

Committee on Transportation and Infrastructure

Sec. 30001. Short Title; Table of Contents.

- This section provides this division may be cited as the “Water Quality Certification and Energy Project Improvement Act of 2023.”

Sec. 30002. Certification.

- This section clarifies that activities under review pursuant to this section shall be limited to *Clean Water Act (CWA)*-related water quality standards and to the effects of specific discharges. It also clarifies that state review requirements must be clear and available to applicants and that within 90 days applicants must be made aware of any additional information a state requires to process its review of the permit.