

HR 2811

Limit, Save, Grow Act of 2023

Congress: 118 (2023–2025, Ended)

Chamber: House

Policy Area: Economics and Public Finance

Introduced: Apr 25, 2023

Current Status: Committee on the Budget. Hearings held. Hearings printed: S.Hrg. 118-76.

Latest Action: Committee on the Budget. Hearings held. Hearings printed: S.Hrg. 118-76. (May 4, 2023)

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Sponsor

Name: Rep. Arrington, Jodey C. [R-TX-19]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Comer, James [R-KY-1]	R · KY		Apr 25, 2023
Rep. Foxx, Virginia [R-NC-5]	R · NC		Apr 25, 2023
Rep. Granger, Kay [R-TX-12]	R · TX		Apr 25, 2023
Rep. Graves, Sam [R-MO-6]	R · MO		Apr 25, 2023
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Apr 25, 2023
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Apr 25, 2023
Rep. Smith, Jason [R-MO-8]	R · MO		Apr 25, 2023
Rep. Thompson, Glenn [R-PA-15]	R · PA		Apr 25, 2023
Rep. Westerman, Bruce [R-AR-4]	R · AR		Apr 25, 2023
Rep. Williams, Roger [R-TX-25]	R · TX		Apr 25, 2023
Rep. Bice, Stephanie L. [R-OK-5]	R · OK		Apr 26, 2023
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Apr 26, 2023
Rep. Carter, Earl L. "Buddy" [R-GA-1]	R · GA		Apr 26, 2023
Rep. Edwards, Chuck [R-NC-11]	R · NC		Apr 26, 2023
Rep. Grothman, Glenn [R-WI-6]	R · WI		Apr 26, 2023
Rep. McClintock, Tom [R-CA-5]	R · CA		Apr 26, 2023
Rep. Moore, Blake D. [R-UT-1]	R · UT		Apr 26, 2023
Rep. Rose, John W. [R-TN-6]	R · TN		Apr 26, 2023
Rep. Yakym, Rudy [R-IN-2]	R · IN		Apr 26, 2023

Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred To	Apr 25, 2023
Appropriations Committee	House	Referred To	Apr 25, 2023
Budget Committee	House	Referred To	Apr 25, 2023
Budget Committee	Senate	Hearings By (full committee)	May 4, 2023
Education and Workforce Committee	House	Referred To	Apr 25, 2023
Energy and Commerce Committee	House	Referred To	Apr 25, 2023
Judiciary Committee	House	Referred To	Apr 25, 2023
Natural Resources Committee	House	Referred To	Apr 25, 2023
Oversight and Government Reform Committee	House	Referred To	Apr 25, 2023
Rules Committee	House	Referred To	Apr 25, 2023
Transportation and Infrastructure Committee	House	Referred to	Apr 26, 2023
Transportation and Infrastructure Committee	House	Referred to	Apr 26, 2023
Transportation and Infrastructure Committee	House	Referred to	Apr 26, 2023
Transportation and Infrastructure Committee	House	Referred to	Apr 26, 2023
Transportation and Infrastructure Committee	House	Referred to	Apr 26, 2023
Ways and Means Committee	House	Unknown	Apr 26, 2023

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

Related Bills

Bill	Relationship	Last Action
118 HR 1449	Related bill	Nov 20, 2024: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
118 HR 7409	Related bill	Nov 18, 2024: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
118 HR 2925	Related bill	May 9, 2024: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
118 HR 1023	Related bill	Mar 22, 2024: Motion to reconsider laid on the table Agreed to without objection.
118 HR 1121	Related bill	Mar 21, 2024: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
118 S 4020	Related bill	Mar 21, 2024: Read twice and referred to the Committee on Energy and Natural Resources.
118 HR 7176	Related bill	Feb 15, 2024: Motion to reconsider laid on the table Agreed to without objection.
118 S 1281	Related bill	Dec 12, 2023: Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. Hearings held. With printed Hearing: S.Hrg. 118-316.
118 HR 1130	Related bill	Sep 21, 2023: Rules Committee Resolution H. Res. 712 Reported to House. Rule provides for consideration of H.R. 4365, H.R. 1130 and H. Res. 684. The resolution provides for consideration of H.R. 4365, under a structured rule; H.R. 1130, under a structured rule; and H.Res. 684, under a closed rule. The resolution provides for one hour of general debate on all three bills.
118 S 2806	Related bill	Sep 14, 2023: Read twice and referred to the Committee on Energy and Natural Resources.
118 HR 4711	Related bill	Jul 18, 2023: Referred to the House Committee on Education and the Workforce.
118 HR 277	Related bill	Jun 21, 2023: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 103.
118 HR 3673	Related bill	May 25, 2023: Referred to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
118 HR 2623	Related bill	May 22, 2023: Referred to the Subcommittee on Energy and Mineral Resources.
118 HRES 327	Related bill	Apr 26, 2023: Motion to reconsider laid on the table Agreed to without objection.
118 HR 1430	Related bill	Apr 25, 2023: Referred to the Subcommittee on Forestry.
118 HR 1	Related bill	Mar 30, 2023: The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1.
118 HR 2366	Related bill	Mar 30, 2023: Referred to the Subcommittee on Highways and Transit.
118 HR 1603	Related bill	Mar 28, 2023: Placed on the Union Calendar, Calendar No. 19.
118 S 988	Related bill	Mar 27, 2023: Read twice and referred to the Committee on Energy and Natural Resources.
118 S 989	Related bill	Mar 27, 2023: Read twice and referred to the Committee on Energy and Natural Resources.
118 HCONRES 14	Related bill	Mar 23, 2023: Reported by the Committee on Energy and Commerce. H. Rept. 118-25, Part I.
118 HCONRES 17	Related bill	Mar 23, 2023: Reported by the Committee on Energy and Commerce. H. Rept. 118-27.
118 HR 1058	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 16.
118 HR 1068	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 14.
118 HR 1070	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 13.
118 HR 1085	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 12.
118 HR 1115	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 15.
118 HR 1131	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 10.

Bill	Relationship	Last Action
118 HR 1140	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 9.
118 HR 1141	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 8.
118 HR 1155	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 6.
118 HR 1158	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 7.
118 HR 1335	Related bill	Mar 23, 2023: Placed on the Union Calendar, Calendar No. 18.
118 HR 1043	Related bill	Mar 22, 2023: Referred to the Subcommittee on Energy and Mineral Resources.
118 HR 1197	Related bill	Mar 22, 2023: Referred to the Subcommittee on Energy and Mineral Resources.
118 HR 1205	Related bill	Mar 22, 2023: Referred to the Subcommittee on Energy and Mineral Resources.
118 HR 1457	Related bill	Mar 22, 2023: Referred to the Subcommittee on Energy and Mineral Resources.
118 S 947	Related bill	Mar 22, 2023: Read twice and referred to the Committee on Energy and Natural Resources.
118 S 876	Related bill	Mar 21, 2023: Read twice and referred to the Committee on Environment and Public Works.
118 HR 1152	Related bill	Mar 17, 2023: Placed on the Union Calendar, Calendar No. 5.
118 HR 1577	Related bill	Mar 14, 2023: Referred to the House Committee on Natural Resources.
118 HR 209	Related bill	Feb 28, 2023: Subcommittee Hearings Held.
118 HR 150	Related bill	Feb 21, 2023: Referred to the Subcommittee on Energy and Mineral Resources.
118 HR 829	Related bill	Feb 17, 2023: Referred to the Subcommittee on Energy, Climate and Grid Security.
118 HR 647	Related bill	Feb 10, 2023: Referred to the Subcommittee on Energy, Climate and Grid Security.
118 S 184	Related bill	Feb 1, 2023: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 9.
118 HR 484	Related bill	Jan 24, 2023: Referred to the Subcommittee on Energy, Climate and Grid Security.
118 S 23	Related bill	Jan 23, 2023: Read twice and referred to the Committee on Energy and Natural Resources.
118 HR 293	Related bill	Jan 20, 2023: Referred to the Subcommittee on Energy, Climate and Grid Security.

Limit, Save, Grow Act of 2023

This bill increases the federal debt limit and decreases spending. It also repeals several energy tax credits, modifies the permitting process and other requirements for energy projects, expands work requirements for the Supplemental Nutrition Assistance Program (SNAP) and other programs, and nullifies regulations for the cancellation of federal student loan debt.

DIVISION A--LIMIT FEDERAL SPENDING

TITLE I--DISCRETIONARY SPENDING LIMITS FOR DISCRETIONARY CATEGORY

(Sec. 101) This section establishes discretionary spending limits for FY2024-FY2033 that include decreases in discretionary spending.

In addition, the section extends and establishes new limits for several adjustments to discretionary spending limits that are permitted under current law to accommodate additional appropriations for certain activities. These adjustments apply to spending for

- continuing disability reviews and redeterminations,
- health care fraud and abuse control,
- reemployment services and eligibility assessments, and
- wildfire suppression.

The section also extends the adjustment to discretionary spending limits for disaster relief funding. (Under current law, this adjustment is limited based on a statutory formula.)

DIVISION B--SAVE TAXPAYER DOLLARS

TITLE I--RESCISSON OF UNOBLIGATED FUNDS

(Sec. 201) This section rescinds unobligated funds that were provided by specified acts to address the impact of COVID-19. Specifically, the section rescinds funds that were provided by

- the American Rescue Plan Act of 2021;
- the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020;
- the Families First Coronavirus Response Act;
- the Coronavirus Aid, Relief, and Economic Security Act (CARES Act); and
- the Paycheck Protection Program and Health Care Enhancement Act.

This section also rescinds unobligated funds that were provided by two divisions of the Consolidated Appropriations Act, 2021:

- Division M (Coronavirus Response and Relief Supplemental Appropriations Act, 2021), and
- Division N (Additional Coronavirus Response and Relief).

(Sec. 202) This section rescinds unobligated funds that were provided by the 2022 budget reconciliation act (commonly referred to as the Inflation Reduction Act of 2022).

Specifically, the section rescinds funds that were provided for

- assisting states and local governments in adopting building codes that meet certain requirements for energy efficiency;
- financing certain energy infrastructure projects;
- carrying out priority deferred maintenance projects within the National Park System;
- reducing greenhouse gas air pollution; and
- establishing the Neighborhood Access and Equity Grant Program to improve transportation facilities.

TITLE II--PROHIBIT UNFAIR STUDENT LOAN GIVEAWAYS

(Sec. 211) This section nullifies certain actions taken by the Department of Education (ED) related to federal student loans, including actions that suspend federal student loan payments, discharge debt, and implement a new income-driven repayment plan. It also prohibits ED from implementing new executive actions or rules that are identical or substantially similar to the nullified actions unless the action or rule is expressly authorized by Congress.

(Sec. 212) This section limits the authority of ED to propose or issue regulations and executive actions related to federal student-aid programs. The section prohibits ED from issuing such a proposed rule, final regulation, or executive action if ED determines that the rule, regulation, or action (1) is economically significant, and (2) would result in an increase in a subsidy cost resulting from a loan modification. *Economically significant* refers to a regulation or executive action that is likely to (1) have an annual effect on the economy of \$100 million or more; or (2) adversely 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. 222) This section modifies or repeals certain energy-related tax provisions. It modifies the tax credit for producing electricity from renewable resources by decreasing the base amount of such credit and by advancing the terminating date (to before January 1, 2022) applicable to wind, open and closed-end biomass, solar, landfill gas, trash, hydropower, and marine and hydrokinetic renewable energy resources.

(Sec. 223) This section modifies the percentage rate of the energy tax credit applicable to various energy properties, including solar, fuel cell, qualified microturbine, combined heat and power, and small wind energy and advances the terminating date for such properties. The section also repeals prevailing wage requirements for laborers and mechanics employed for the construction of qualifying energy facilities and the increased credits for using U.S.-sourced materials in energy facilities and locating in certain energy communities.

(Sec. 224) This section repeals the increase in the energy tax credit for solar and wind facilities in low-income communities.

(Sec. 228) This section modifies the tax credit for nonbusiness energy property to reduce the rate of such credit from 30% to 10% of qualified energy efficiency improvements and residential energy property expenditures paid or incurred by a taxpayer and eliminates the credit at the end of 2021. It revises the definition of *qualified energy property* for purposes of such credit to eliminate certain types of property, including natural gas heat pumps and biomass stoves or boilers.

This title modifies provisions and advances certain expiration dates relating to the tax credits for new energy efficient homes (Sec. 231), new clean electric vehicles (Sec. 232), the refueling property tax credit (Sec. 235), the qualifying

advanced energy projects (Sec. 236), and the tax deduction for energy efficient commercial buildings (Sec. 230).

The title repeals the

- zero-emission nuclear power production tax credit; (Sec. 225)
- sustainable aviation fuel tax credit; (Sec. 226)
- tax credit for the production of clean hydrogen; (Sec. 227)
- tax credit for previously-owned plug-in electric and fuel cell vehicles; (Sec. 233)
- tax credit for qualified commercial clean vehicles; (Sec. 234)
- advanced manufacturing production tax credit; (Sec. 237)
- clean electricity production tax credit; (Sec. 238)
- clean electricity investment tax credit; (Sec. 239)
- five-year cost recovery for the depreciation of certain energy property or energy storage technology facilities; (Sec. 240)
- clean fuel production tax credit; (Sec. 241) and
- taxpayer election of payments, in lieu of credits, for specified energy property and production of electricity from certain renewable resources. (Sec. 242)

TITLE IV--FAMILY AND SMALL BUSINESS TAXPAYER PROTECTION

(Sec. 251) This title rescinds unobligated amounts made available to the Internal Revenue Service by the Inflation Reduction Act of 2022 for (1) enforcement activities, (2) operations support, and (3) a report on the cost and feasibility of a free direct e-file tax return system. It also rescinds additional funding for the Treasury Inspector General for Tax Administration, the Office of Tax Policy, the U.S. Tax Court, and Department of the Treasury offices.

DIVISION C--GROW THE ECONOMY

TITLE I--TEMPORARY ASSISTANCE TO NEEDY FAMILIES

This title makes various changes to the work requirements and other aspects of the Temporary Assistance for Needy Families (TANF) program.

(Sec. 301) This section changes the comparison year for calculating the caseload reduction credit from FY2005 to FY2022.

Under current law, states must meet a mandatory work participation rate by ensuring that a specified percentage of families that receive TANF assistance participate in work-related activities. However, a state may earn a caseload reduction credit to lower that rate by reducing its caseload of families receiving TANF assistance as compared to its caseload in FY2005. This section changes the comparison year to FY2022.

(Sec. 302) This section nullifies certain regulations of the Department of Health and Human Services that reduce the required work participation rate for states that exceed their maintenance of effort requirements (i.e., spend more of their own funds on TANF-related programs and activities than the amount they are required to spend under current law).

(Sec. 303) This section restricts a practice whereby some states provide a limited amount of TANF assistance to families as a supplement to benefits that the families receive under another program and then count those families when determining their work participation rate. Specifically, it requires states to apply specified TANF conditions to that

assistance.

Currently, some states provide small amounts of TANF assistance to families who receive Supplemental Nutrition Assistance Program (SNAP) benefits and have a family member who is already working. The states then include these families for purposes of determining the work participation rate. Under this section, a state may only include those families in the work participation rate if the state applies TANF conditions related to child support, assignment of rights to other support, and work assessments to that assistance.

(Sec. 304) This section requires states to report metrics related to the employment and educational outcomes of individuals who exit the TANF program.

Specifically, states must report on the employment rate for individuals in unsubsidized employment following their exit from the program and their median earnings. Additionally, states must report on the percentage of individuals under age 24 who obtain a high school degree or equivalent while in the TANF program or within a year of their exit.

(Sec. 305) This section makes the changes to the TANF program effective on October 1, 2024.

TITLE II--SNAP EXEMPTIONS

(Sec. 311) This section expands applicability of the work requirements for SNAP recipients who are able-bodied adults without dependents (ABAWDs). (SNAP recipients who are ABAWDs have work-related requirements in addition to the general SNAP work registration and employment and training requirements.)

Specifically, this section applies the work requirements for ABAWDs to adults who are not over 56 years old, whereas these requirements currently apply to adults who are not over 50 years old.

(Sec. 312) This section prohibits a state agency from accumulating unused exemptions to the ABAWD work requirement and providing them to eligible SNAP participants beyond the subsequent fiscal year.

Currently, for each fiscal year, a state agency may exempt a certain number of SNAP recipients from the ABAWD work requirements; unused exemptions may be carried over and used in a subsequent fiscal year. Under this section, an unused exemption may not be carried over for more than one year.

(Sec. 313) This section expands the purpose of SNAP to include assisting low-income adults in obtaining employment and increasing their earnings.

TITLE III--COMMUNITY ENGAGEMENT REQUIREMENT FOR APPLICABLE INDIVIDUALS

(Sec. 321) This section establishes community engagement requirements (i.e., work requirements) for certain adults under Medicaid.

Specifically, the community engagement requirement is for individuals ages 19 through 55 to work, engage in community service, or participate in a work program (or a combination of these) for at least 80 hours per month. The section prohibits federal payments for, and allows state Medicaid programs to disenroll, individuals who do not meet these requirements for three or more months in a year.

The requirements do not apply to individuals who are (1) physically or mentally unfit to work, (2) pregnant, (3) parents or

caretakers of children or incapacitated individuals, (4) complying with work requirements for other federal programs, (5) participating in a drug or alcohol treatment and rehabilitation program, or (6) enrolled at least half-time in school.

TITLE IV--REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY

Regulations from the Executive in Need of Scrutiny Act of 2023

This title increases congressional oversight of agency rulemaking.

(Sec. 333) Specifically, this section establishes a congressional approval process for a major rule. A major rule may only take effect if Congress approves the rule. A major rule is a rule that has resulted in or is likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

The section generally preserves the current congressional review process for a nonmajor rule.

(Sec. 335) This section requires the Government Accountability Office to report on the total number and cost of rules in effect as of the date of enactment of this section.

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

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

(Sec. 10001) In carrying out the Department of Energy Organization Act, the Department of Energy (DOE) must assess the supply of critical energy resources that are essential to the energy security of the United States, facilitate the development of strategies to strengthen the supply chains for those resources, develop substitutes and alternatives to those resources, and improve technology that reuses and recycles critical energy resources.

(Sec. 10002) This section prohibits the President from declaring a moratorium on the use of hydraulic fracturing unless Congress authorizes the moratorium. Hydraulic fracturing, or fracking, is a process to extract underground resources such as oil or gas from a geologic formation by injecting water, a propping agent (e.g., sand), and chemical additives into a well under enough pressure to fracture the formation.

This section also expresses 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.

(Sec. 10003) DOE must direct the National Petroleum Council to publish a report on petrochemical refineries located in the United States. The report must include information concerning (1) the contributions of such refineries to U.S. energy security, (2) a projection for expanding the capacities of the refineries, (3) any federal or state executive actions that have contributed to a decline in their capacities, and (4) any recommendations to increase such capacities.

(Sec. 10004) This section establishes a new process for permitting the construction and operation of energy infrastructure across an international border of the United States. Thus, it replaces the existing process established under specified executive orders.

This section requires a person to obtain a certificate of crossing before constructing, connecting, operating, or

maintaining a border-crossing facility for the import or export of oil, natural gas, or electricity across a U.S. border between Canada or Mexico. A certificate must be obtained from (1) the Federal Energy Regulatory Commission (FERC) for a facility consisting of oil or natural gas pipelines, or (2) from DOE for an electric transmission facility. As a condition of obtaining a DOE certificate, an electric transmission facility must be constructed, connected, operated, or maintained in accordance with specified policies and standards.

FERC and DOE must meet a deadline for issuing a certificate as set forth by this section.

In addition, this section also requires the President to obtain the approval of Congress before revoking a permit issued under executive orders for constructing, connecting, operating, or maintaining an oil or natural gas pipeline, an electric transmission facility, or a border-crossing facility.

(Sec. 10005) This section expresses congressional disapproval of the revocation of the presidential permit for the Keystone XL pipeline. The permit authorized the TransCanada Keystone Pipeline to construct, connect, operate, and maintain the pipeline facilities in Phillips County, Montana, for the import of oil from Canada to the United States.

(Sec. 10006) This section expresses 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, except with respect to petroleum exports to foreign persons or foreign governments subject to sanctions under U.S. law.

(Sec. 10007) This section repeals certain restrictions on the import and export of natural gas under the Natural Gas Act, including (1) a requirement that FERC authorize an order to export or import natural gas only if it is in the public interest, and (2) restrictions related to free trade agreements.

This section grants FERC the exclusive authority to approve or deny applications for the siting, construction, expansion, or operation of facilities to export natural gas to foreign countries or import natural gas from foreign countries.

(Sec. 10008) This section expresses congressional disapproval of Oregon's denial of permits and certifications necessary for (1) a new liquefied natural gas export terminal in Coos County, Oregon; and (2) the Pacific Connector Pipeline in the counties of Klamath, Jackson, Douglas, and Coos of Oregon.

(Sec. 10009) This section expands FERC's role in conducting environmental reviews of applications for natural gas pipelines under the Natural Gas Act. Specifically, this section makes FERC the sole lead agency for the purpose of coordinating the environmental review of such pipelines under the National Environmental Policy Act of 1969 (NEPA). Thus, federal, state, and local agencies involved in the environmental review process must defer to FERC's approved scope for a NEPA review.

FERC must designate the other participating agencies involved in the authorization process. This section limits the environmental review that may be conducted by agencies that are not designated as participants.

This section also expedites environmental review of such projects. Specifically, agencies must complete NEPA reviews of pipeline projects by the deadlines established in this section.

If a federal or state agency requires the person applying for a pipeline authorization to submit data, then the agency must consider any such data gathered by aerial or other remote means that the person submits.

In addition, this section withdraws the following policy statements: (1) *Certification of New Interstate Natural Gas Facilities*

published on March 1, 2022; and (2) *Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews* published on March 11, 2022.

Finally, this section replaces the water quality certification process under Section 401 of the Clean Water Act with the NEPA process led by FERC for an interstate natural gas pipeline or liquefied natural gas project.

(Sec. 10010) This section gives a facility that processes or refines a critical energy resource an interim status permit under the Resource Conservation and Recovery Act until (1) the final administrative disposition of its permit application, or (2) it is proven that the facility failed to provide information needed to process the permit application.

(Sec. 10011) This section requires the Environmental Protection Agency (EPA) to allow critical energy resource facilities to utilize flexible air permitting. Specifically, the section requires the EPA to revise regulations issued under the Clean Air Act to authorize owners or operators of critical energy resource facilities to utilize flexible air permitting, as described in the final rule titled *Operating Permit Programs; Flexible Air Permitting Rule* published on October 6, 2009. Flexible air permits contain approaches that allow the source to make operational plans and obtain approval for anticipated types of changes to those plans without subsequent review of the changes when they occur.

This section also requires the regulations to facilitate flexible, market-responsive operations (as described in the final rule) with respect to critical energy resource facilities.

(Sec. 10012) If the EPA determines that the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet U.S. security or energy security needs, then the EPA may issue a temporary waiver of any requirement under the Clean Air Act or the Solid Waste Disposal Act with respect to the facility to meet such needs. Further, the EPA may issue such waiver with or without notice, hearing, or other report.

(Sec. 10013) This section eliminates a program administered by the EPA that provides incentives for petroleum and natural gas systems to reduce their emissions of methane and other greenhouse gases. It also repeals a charge on methane emissions from specific types of facilities that are required to report their greenhouse gas emissions to the EPA's Greenhouse Gas Emissions Reporting Program.

(Sec. 10014) The Greenhouse Gas Reduction Fund is also repealed. This fund provides financial and technical assistance to states and other eligible recipients to help enable low-income and disadvantaged communities carry out activities to reduce greenhouse gas emissions.

(Sec. 10015) This section revises the EPA's review under the Toxic Substance Control Act (TSCA) of the risks presented by chemical substances to human health or the environment. Specifically, the section establishes requirements to expedite the review of chemical substances that are considered to be critical energy resources.

Currently, TSCA requires manufacturers and processors of chemical substances to notify the EPA before manufacturing a new chemical substance or before manufacturing or processing a substance for a significant new use. The EPA must review such notices and provide a determination on whether the substance or significant new use present an unreasonable risk.

This section requires the EPA, when making a determination for a chemical substance that is a critical energy resource, to also consider economic, societal, and environmental costs and benefits.

If the EPA fails to make a determination by the end of the applicable review period and the submitter has not withdrawn the notice, the submitter may then proceed in manufacturing or processing the substance.

The EPA may only suggest the withdrawal of a notice for a chemical substance that is a critical energy resource, or request a suspension of the review period, if the EPA has conducted a preliminary review of the notice and provided a draft of determination to the submitter.

(Sec. 10016) This section revises the EPA's Risk Management program to exempt a petroleum (e.g., gasoline) refinery that uses a hydrofluoric acid alkylation unit from certain hazard assessment requirements. Petroleum refineries use the acid during the gasoline production process. Hydrofluoric acid is hazardous and corrosive. If it is accidentally released, it can form a toxic vapor cloud.

Currently, petroleum refineries are required to include in a hazard assessment an evaluation of safer technology and alternative risk management measures for a hydrofluoric acid alkylation unit. This section eliminates that requirement if the petroleum refinery (1) has obtained a construction permit or operating permit under the program, or (2) demonstrates that it will conform to the most recent version of American Petroleum Institute Recommended Practice 751. This practice provides guidance on the safe operation of such a unit.

(Sec. 10017) This section repeals provisions of the Deficit Reduction Act of 2022 relating to (1) the high-efficiency electric home rebate program, (2) state-based home energy efficiency contractor training grants, and (3) assistance for latest and zero building energy code adoption. It also rescinds any unobligated balances available for such programs.

(Sec. 10018) DOE must conduct a study on how to streamline regulatory timelines relating to developing new power plants. In the study, DOE must examine practices relating to various power generating sources, including fossil and nuclear generating sources.

(Sec. 10019) This section sets forth requirements to expedite the application review for a state to assume the responsibility (i.e., obtain primacy) from the EPA to implement underground injection control programs under the Safe Drinking Water Act. The existing review process includes requiring the applicant to prevent contamination of underground sources of drinking water from the placement of fluids underground through injection wells. The program consists of six classes of wells that are injected with (1) hazardous and non-hazardous wastes, (2) fluids associated with oil and natural gas production, (3) fluids to dissolve and extract minerals, (4) hazardous or radioactive wastes, (5) non-hazardous fluids, and (6) carbon dioxide.

This section deems a state application for primacy approved if the EPA has not made a decision within 300 days. It also requires the EPA to work as expeditiously as possible with states to complete any pre-application activities. In addition, it revises the notice and comment process to expedite the process.

The EPA must designate one coordinator from each regional office to be responsible for coordinating applications from states to obtain primacy for underground injection control programs for wells injected with carbon dioxide. The coordinator must evaluate the availability of resources to carry out such activities and make recommendations regarding additional resources needed to do so. For FY2023-FY2026, certain funding from the Infrastructure Investment and Jobs Act may be made available, subject to appropriations, to carry out activities concerning such wells.

(Sec. 10020) On October 25, 2022, DOE issued a final rule about procedures for the acquisition of petroleum (e.g., crude oil) for the Strategic Petroleum Reserve (SPR), which is an emergency stockpile of petroleum. Among other requirements, the rule revised procedures to allow DOE to use either fixed-price or index-priced (i.e., price based on market rates) contracts when purchasing petroleum for the SPR.

This section requires DOE to use index-priced contracts when acquiring petroleum for the SPR.

(Sec. 10021) DOE must prohibit the export or sale of petroleum products from the SPR to (1) China, North Korea, Russia, and Iran; (2) any other country the government of which is subject to U.S. sanctions; and (3) any entity owned, controlled, or influenced by such countries or the Chinese Communist Party. However, DOE may issue a waiver of the prohibition if the export or sale of petroleum products is in the national security interests of the United States.

(Sec. 10022) This section expresses congressional disapproval of the proposed tax increase on the oil and natural gas industry in the President's FY2024 budget request.

(Sec. 10023) The EPA must report on domestic energy independence. The report must identify and assess any regulations promulgated by the EPA in the last 15 years that have reduced energy independence, increased the regulatory burden for U.S. energy producers, decreased the producer's energy output, reduced energy security, or increased energy costs for U.S. consumers.

(Sec. 10024) The Government Accountability Office must conduct a study on how banning natural gas appliances will affect the rates and charges for electricity.

(Sec. 10025) This section prohibits DOE from finalizing, implementing, or enforcing (1) 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* with respect to energy conservation standards for gas kitchen ranges and ovens, or (2) any rule that would limit consumer access to gas kitchen ranges and ovens.

TITLE II--TRANSPARENCY, ACCOUNTABILITY, PERMITTING, AND PRODUCTION OF AMERICAN RESOURCES

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) The Department of the Interior must immediately resume quarterly sales of leases of onshore federal land for oil and gas development as specified by the section.

Interior must conduct a minimum of four oil and gas lease sales in each state with land available for oil and gas leasing under mineral leasing law. If a lease sale is canceled, delayed, or deferred, then Interior must conduct a replacement sale. Interior must also conduct a replacement sale if during the original lease sale the percentage of acreage that does not receive a bid is equal to or greater than 25% of the acreage offered.

(Sec. 20102) This section specifies that if the Interior reinstates a lease entered into under the Mineral Leasing Act or the Geothermal Steam Act of 1970, then the lease is not considered a major federal action under the National Environmental Policy Act of 1969 (NEPA). Thus, such an action does not trigger environmental review requirements under such act.

(Sec. 20103) Interior must resolve any protest to a lease sale under the Mineral Leasing Act within 60 days after the lease holder makes the annual rental payment for the first lease year.

(Sec. 20104) Upon the request of an owner of an oil and gas lease, Interior must grant a permit for the suspension of operations if the lease owner has expressed interest for certain adjacent acreage that has not yet been offered in a lease sale by Interior.

(Sec. 20105) Interior must collect a filing fee from a protestor of a lease sale before processing any protest filed under the

Mineral Leasing Act.

(Sec. 20106) This section establishes requirements concerning completed applications to drill for oil and gas that are pending on the date of this section's enactment. Within 30 days of the enactment, Interior must (1) complete all requirements under NEPA and other applicable law that must be met before it may issue the permits, and (2) issue a permit for all completed applications to drill that are still pending.

This section also creates a variety of requirements for Interior to report on and publish data concerning leases and permits to develop oil, gas, and geothermal energy.

(Sec. 20107) By September 30, 2023, Interior must conduct all the lease sales described in the *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program* that have not yet been conducted.

This section also requires Interior to annually conduct a minimum of two region-wide oil and gas lease sales in the Central Gulf of Mexico Planning Area and the Western Gulf of Mexico Planning Area. In addition, Interior must annually conduct a minimum of two region-wide oil and gas lease sales in the Alaska region of the Outer Continental Shelf, as described in the program.

(Sec. 20108) By July 1, 2023, Interior must (1) issue a five-year oil and gas leasing program under the Outer Continental Shelf Lands Act for 2023-2028, and (2) issue the record of decision on the final programmatic environmental impact statement. Interior must approve each subsequent five-year oil and gas leasing program no later than 180 days before the expiration of the previous program.

(Sec. 20109) Interior must increase the frequency of lease sales under the Geothermal Steam Act of 1970 in any state that has pending nominations of land to be leased from qualified companies or individuals. Currently, Interior must hold lease sales at least once every two years. This section requires Interior to hold a sale at least once a year.

If a lease sale is canceled or delayed, then Interior must conduct a replacement sale during the same year.

In addition, this section requires Interior to notify an applicant whether or not its application for a geothermal drilling permit is complete within 30 days of receiving the application. If Interior determines that the application is complete, then it must issue a final decision on the applications within 30 days of the date Interior sent the notification.

(Sec. 20110) This section revises the environmental review of certain pending applications to lease land under a program administered by the Bureau of Land Management (BLM) to mine coal. As soon as practicable, Interior must

- publish a draft environmental assessment for each qualified application if a draft hasn't already been published,
- finalize the fair market value of the coal tract for which a lease application is pending,
- grant a qualified application that is pending, and
- grant any additional approvals needed for previously awarded coal leases in order for mining activities to commence.

(Sec. 20111) This section nullifies Secretarial Order 3338 issued by Interior on January 15, 2016, and titled *Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program*. The order directed the BLM to conduct a broad, programmatic review of its federal coal program through preparation of a programmatic environmental impact statement under NEPA and to pause issuance of certain coal leases during the review.

(Sec. 20112) Interior and the National Forest Service must annually report on their staffing capacity and plans to ensure

adequate resources to process and issue oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits.

(Sec.20113) This section bans the Communist Party of China, any person acting on behalf of the party, or any entity owned by or subject to the jurisdiction of China from acquiring any interest with respect to (1) lands leased for oil or gas under the Mineral Leasing Act or the Outer Continental Shelf Lands Act, (2) farmland, (3) lands used for renewable energy production, or (4) claims subject to the General Mining Law of 1872.

(Sec. 20114) This section specifies that this title does not affect the following presidential memorandums: the September 8, 2020, *Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition*, the September 25, 2020, *Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition*, and the 2016 *Memorandum on Withdrawal of Certain Areas off the Atlantic Coast on the Outer Continental Shelf From Leasing Disposition*. It also specifies that this title does not affect the ban on oil and gas development in the Great Lakes as described in the Energy Policy Act of 2005.

(Sec. 20115) The Government Accountability Office (GAO) must publish a report on all potential adverse effects of wind energy development in the Eastern Gulf of Mexico Planning Area, the South Atlantic Planning Area, and the Straits of Florida Planning Area before Interior may (1) publish a notice for a sale for a lease on public land to develop wind energy offshore, or (2) hold a lease sale for such development.

(Sec. 20116) This section expresses the sense of Congress that infrastructure for U.S. development of wind energy should be constructed with materials produced and manufactured in the United States.

(Sec. 20117) This section expresses the sense of Congress that the royalty rate for onshore Federal oil and gas leases should be not more than 12.5% in amount or value of the production removed or sold from the lease.

(Sec. 20118) The GAO must assess the sufficiency of the environmental review processes of relevant federal agencies for offshore wind projects.

(Sec. 20119) The GAO must report on all potential adverse effects of wind energy development in the North Atlantic Planning Area.

Subtitle B--Permitting Streamlining

(Sec. 20201) This section defines the terms used in this subtitle. It defines *public land* to mean any land and interest in land owned by the United States and administered by Interior or the Forest Service without regard to how the United States acquired ownership, except (1) lands located on the Outer Continental Shelf (OCS); and (2) lands held in trust by the United States for the benefit of Indians, Indian tribes, Aleuts, and Eskimos.

(Sec. 20202) This section limits the scope of the administrative and judicial review of major federal actions under NEPA and generally expedites the review process. Under NEPA, agencies must conduct an environmental assessment (EA) to determine if a proposed federal action will have significant environmental impacts. If the EA determines that such impacts will be significant, then the agency must submit an Environmental Impact Statement (EIS). The EIS must include a range of alternatives to the proposed action.

Among other requirements, this section limits the scope of NEPA review to reasonably foreseeable environmental effects with a reasonably close causal relationship to the proposed agency action. In addition, agencies must only consider the effects of the action that occur on federal land, or are subject to federal control and responsibilities.

This section also limits alternatives in an EIS to a reasonable number. Further, the alternatives included in the EIS must be technically and economically feasible and within the jurisdiction and authority of the agency.

In addition, this section enumerates when an agency is not required to prepare an EIS.

An EIS must include the estimated total cost of preparing such EIS, including the costs of agency full-time equivalent personnel hours, contractor costs, and other direct costs. An EA or EIS must also be under the page limits established by the section.

This section also requires a lead agency to be designated when more than one agency is involved in a proposed action. The lead agency must supervise the preparation of one environmental document (e.g., EIS) and prepare a schedule to complete the review of the action. To the extent practicable, the document prepared by the lead agency must be deemed to satisfy the environmental documentation requirements for all agencies involved in the action.

The lead agency must complete the EA or EIS within deadlines established by the section. If the lead agency is unable to meet the deadlines, it must pay \$100 per day to the applicant until the applicant approves a new deadline. If the lead agency misses a deadline solely due to delays caused by litigation, then it does not have to pay the fine.

Upon a project sponsor's request (e.g., an entity seeking a permit or other authorization of a project), a lead agency must allow the sponsor to prepare the EA or EIS.

Finally, this section limits judicial review of NEPA claims, including by requiring the claim to be filed within 120 days of an agency publishing a notice that it intends to carry out an action.

It also prohibits any proposed action for which an environmental document is required from being vacated or otherwise limited, delayed, or enjoined unless a court concludes that (1) the proposed action will pose a risk of an imminent and substantial environmental harm, and (2) there is no other equitable remedy available as a matter of law.

(Sec. 20203) This section provides statutory authority for the revisions to the Code of Federal Regulations made pursuant to a final rule of the Council on Environmental Quality (CEQ) titled *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act* and published on July 16, 2020. Among other requirements, the rule issued regulations to facilitate more efficient, effective, and timely NEPA reviews by federal agencies in connection with proposals for agency action.

(Sec. 20204) This section exempts covered activities from being considered a major federal action under NEPA. Thus, these actions do not trigger environmental review requirements under NEPA. Covered activities include

- geotechnical investigations;
- off-road travel in an existing right-of-way;
- construction of meteorological towers where the total surface disturbance at the location is less than five acres;
- adding certain energy storage devices to an existing or planned energy facility;
- drilling geothermal exploratory wells under certain circumstances;
- repairs, maintenance, upgrades, optimizations, or minor additions to existing transmission and distribution infrastructure, or operation of such facilities; and
- construction, maintenance, realignment, or repair of an existing permanent or temporary access road under certain circumstances.

(Sec. 20205) If a federal agency makes a determination that an action or activity within an existing energy right-of-way

will not result in an overall long-term net loss of vegetation, soil, or habitat, then that action or activity is not considered to be a major federal action under NEPA.

(Sec. 20206) The relevant federal agency must use previously completed environmental assessments and environmental impact statements to satisfy NEPA requirements if the agency determines that the new proposed action and its effects are substantially the same as a previously analyzed proposed action and its effects.

(Sec. 20207) Within 60 days of receiving an application to grant a right-of-way, the relevant federal agency must notify the applicant as to whether the application is complete or deficient. If the agency determines the application is complete, then the agency 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) This section revises requirements for terms of rights-of-way for pipelines and electrical energy infrastructure under the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act. Specifically, it allows rights-of-way to be granted, issue, amended, or renewed for up to 50 years before they are subject to renewal or amendment.

(Sec. 20209) In FY2023-FY2025, the Forest Service and Interior may accept and expend funds contributed by nonfederal entities to pay for dedicated staff and technology development to expedite activities for leasing, development, or expansion of an energy facility.

(Sec. 20210) Interior must 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. Surveys authorized under this section are deemed to be in full compliance with the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973.

(Sec. 20211) This section prohibits the deferral of a decision on an application for an oil or gas drilling permit under the Mineral Leasing Act as a result of a formatting issue with the permit, unless such formatting issue results in missing information.

(Sec. 20212) This section requires Interior to process an application for an oil or gas drilling permit or other authorizations under a valid existing lease regardless of any pending civil actions affecting the application or related lease.

It also makes a permit issued under Section 17 of the Mineral Leasing Act valid for a four-year term, or until the related lease expires, whichever occurs first.

(Sec. 20213) This section revises the environmental review of energy program activities under the Energy Policy Act of 2005. Specifically, enumerated actions taken by Interior and the Forest Service for the purpose of exploration or development of oil or gas are not to be considered major federal actions under NEPA.

(Sec. 20214) This section revises requirements for oil and gas or geothermal drilling permits under the Mineral Leasing Act as well as the Geothermal Steam Act of 1970. Specifically, the section prohibits Interior from requiring an operator to obtain a federal drilling permit for oil, gas, or geothermal exploration and production activities conducted on a nonfederal surface estate if (1) the federal ownership interest is less than 50% of the subsurface mineral estate to be accessed by the proposed action; and (2) the operator submits to Interior a state permit to conduct such activities on the nonfederal surface estate. Such activities are not considered to be a major federal action under NEPA. Further, such activities are not subject to requirements for federal actions under the National Historic Preservation Act of 1966 and the Endangered Species Act of 1973.

(Sec. 20215) This section revises requirements for the environmental review for an oil and gas lease or permit prepared under NEPA. Specifically, the section provides that the review only applies to areas that are within or immediately adjacent to the lease plots and that are directly affected by the proposed action. The review may not require consideration of downstream, indirect effects of oil and gas consumption.

(Sec. 20216) This section expedites the environmental review of certain gathering lines and associated field compression or pumping units on federal and applicable tribal lands. Gathering lines are used to transport oil, natural gas, and related liquid from wells to pipelines and facilities (e.g., processing facilities or refineries).

Currently, certain actions related to gathering lines are categorically excluded from NEPA. Categorical exclusions are categories of actions that have been determined to not have a significant effect on the human environment either individually or cumulatively. Thus, those categories of actions are excluded from NEPA requirements.

This section considers certain actions related to gathering lines to not be major federal actions under NEPA.

(Sec. 20217) This section addresses litigation concerning the environmental review of certain oil and gas lease sales held under the Mineral Leasing Act or the Outer Continental Shelf Lands Act. A court may not vacate a lease sale nor otherwise limit, delay, or enjoin related lease activities unless the court concludes that (1) the lease will pose a risk of an imminent and substantial environmental harm, and (2) there is no other equitable remedy available.

In addition, no court may enjoin or issue any order preventing the award of leases to a bidder in a lease sale if 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) This section bars a claim that arises 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 unless (1) the claim is filed by a certain deadline; and (2) the claim is filed by a party that submitted a detailed comment during the public comment period for such permit, license, or approval.

(Sec. 20219) The GAO must report on the BLM's timeliness when reviewing applications for permits to drill. The GAO must also recommend (1) actions the BLM can take to expedite the approval of such permits, and (2) aspects of the review process that could be turned over to states.

(Sec. 20220) The CEQ must study and report on the potential to create an online permitting portal for permits that require review under NEPA.

(Sec. 20221) This section reduces the time limit from 150 days to 90 days to file a petition for judicial review of a permit, license, or approval for a highway or public transportation capital project.

(Sec. 20222) To the greatest extent feasible, the Department of Transportation (DOT) must conduct efficient environmental reviews for pipeline projects that require DOT's approval under NEPA.

In addition, DOT must maintain and publish a database concerning pipeline projects that are categorically excluded from NEPA requirements.

(Sec. 20223) This section exempts certain wildfire mitigation activities from requirements under NEPA and the Endangered Species Act of 1973.

(Sec. 20224) Among other requirements, this section establishes deadlines for Interior and the Forest Service to review a

vegetation management, facility inspection, and operation and maintenance plan submitted by an electric transmission or distribution facility located on public lands.

In addition, this section authorizes the removal of hazard trees if they are located within 50 feet of electric power lines. The Federal Land Policy and Management Act of 1976 currently authorizes the removal of hazard trees if they are located within 10 feet of electric power lines.

(Sec. 20225) This section allows Interior to categorically exclude from NEPA requirements (1) the development and approval of vegetation management, facility inspection, and operation and maintenance plan, and (2) the implementation of routine activities conducted under the plan. Such activities do not include establishing a permanent road. However, the categorical exclusion does not apply to any forest management activity conducted in a component of the National Wilderness Preservation System or on National Forest System lands where the removal of vegetation is restricted or prohibited by Congress.

The activities that are categorically excluded from NEPA requirements under this section are also exempt from certain consultation requirements under the Endangered Species Act of 1973, the National Historic Preservation Act, or any other applicable law.

(Sec. 20226) This section requires the Park Service, the BLM, and the Forest Service to conduct an outreach plan for disseminating and advertising open civil service positions with functions relating to permitting or natural resources in their offices.

Subtitle C--Permitting for Mining Needs

(Sec. 20301) This section defines terms used in this subtitle. It defines *mineral* to mean 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. This definition includes non-fuel minerals such as gold, copper, and other hardrock minerals.

A *state* means a state, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands.

(Sec. 20302) This section expands the federal permitting and review processes under the Infrastructure Investment and Jobs Act for critical minerals. Under such act, the BLM and the Forest Service, to the maximum extent practicable, must complete the federal permitting and review processes related to critical mineral mines on federal lands with maximum efficiency and effectiveness. This section expands this process to include all minerals as defined by this subtitle, not only critical minerals. It also requires the BLM and the Forest Service to defer to data and reviews from state agencies when completing such review process.

(Sec. 20303) This section requires Federal Register notices associated with the issuance of a mineral exploration or mine permit under the Energy Act of 2020 to be delegated to the organizational level of the issuing agency. Currently, this requirement only applies to such permits for critical minerals.

(Sec. 20304) This section designates mineral production projects as covered projects under the Fixing America's Surface Transportation (FAST) Act. Such projects qualify for expedited environmental review.

(Sec. 20305) This section expands the meaning of covered project under the FAST Act. Specifically, it includes actions taken by the Department of Defense pursuant to *Presidential Determination 2022-11* or the *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 to create, maintain, protect, expand, or restore sustainable and responsible domestic production capabilities. However, project sponsors may choose to not have their actions treated as a covered project.

(Sec. 20306) This section establishes several requirements to expedite the review and authorization of mineral exploration activities with a surface disturbance of no more than five acres of public lands.

(Sec. 20307) This section revises provisions concerning ancillary mining activities, including to allow mine operations to conduct mine support activities regardless of whether a mineral deposit has been discovered.

(Sec. 20308) This section amends existing critical mineral criteria to allow the U.S. Geological Survey (USGS) to consider adding uranium to its list of critical minerals. Thus, the section allows the USGS to expedite the review of uranium projects. The USGS must update its list with the revised criteria within 60 days.

(Sec. 20309) This section bars a mining claimant from the right to use, occupy, and conduct operations on federal land if Interior finds that 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) This section expands the meaning of a covered project under the FAST Act to include certain activities related to the extraction, recovery, or processing of certain critical minerals, rare earth elements, or microfine carbon or carbon from coal.

(Sec. 20311) The USGS must identify mineral commodities that (1) serve a critical purpose to U.S. national security, and (2) are at highest risk of supply chain disruption due to the domestic or global actions of China.

The USGS must also develop a national strategy for bolstering supply chains in the United States for mineral commodities to increase capacity and efficiency of domestic mining, refining, processing, and manufacturing of such mineral commodities.

Subtitle D--Federal Land Use Planning

(Sec. 20401) This section prohibits federal land and waters from being withdrawn from areas where mining activity is allowed unless four types of assessments are conducted. First, a mineral assessment of the impacted area must be completed. It must be completed within the 10-year period before the date of such withdrawal.

Second, Interior must assess the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment.

Third, Interior must assess the reduction in future revenues resulting from the proposed mineral withdrawal. The reduction of revenues must be calculated for 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.

Fourth, Interior must assess military readiness and training activities in the proposed withdrawal area.

Before Interior or the Forest Service may update or complete a resource management plan or forest management plan respectively, they must review any mineral resource assessment conducted for the area affected by the plan. If Interior finds that a previously undiscovered mineral deposit may be present in an area that has been withdrawn from mining activity, then Interior must make recommendations to the President on measures to reduce unnecessary impacts that a

withdrawal may have on mining activities.

(Sec. 20402) The President and executive agencies may not carry out any action that would pause, restrict, or delay leasing or permitting activities on federal lands that are open to energy and mineral development as defined by the section.

The President, BLM, or Forest Service may not rescind any existing lease, permit, or claim for the extraction and production of minerals on National Forest System land or BLM land unless (1) specifically authorized by federal statute; or (2) the lessee, permittee, or claimant fails to comply with the provisions of the applicable lease, permit, or claim.

(Sec. 20403) This section defines terms used in this subtitle. It defines *federal land* to mean (1) National Forest System land, (2) public lands as defined in section 103 of the Federal Land Policy and Management Act of 1976, (3) the outer Continental Shelf as defined in section 2 of the Outer Continental Shelf Lands Act, and (4) land managed by the Department of Energy.

Subtitle E--Ensuring Competitiveness on Federal Lands

(Sec. 20501) This section decreases the fees and royalties on the development of oil and gas on federal lands and waters. Specifically, this section repeals the increases made by the Inflation Reduction Act of 2022.

Subtitle F--Energy Revenue Sharing

(Sec. 20601) This section revises the formula used to distribute revenue generated from certain federal oil and leases in the Gulf of Mexico. Specifically, it increases the share of revenue given to certain Gulf producing states (Alabama, Louisiana, Mississippi, and Texas). It also decreases the share of revenue given to the Treasury and the Land and Water Conservation Fund. In addition, this section eliminates the cap on revenue sharing.

This section also exempts the revenue shared with Gulf states from sequestration payments.

(Sec. 20602) This section establishes a formula to distribute revenue generated from offshore wind. A specified percentage of the revenue must be given to coastal states as well as the North American Wetlands Conservation Fund.

This section also exempts the revenue shared with coastal states from sequestration payments.

(Sec. 20603) This section eliminates the 2% fee under the Mineral Leasing Act that the federal government currently deducts from a state's share to cover administrative or other costs.

(Sec. 20604) This subtitle ceases to have effect on September 30, 2032.

TITLE III--WATER QUALITY CERTIFICATION AND ENERGY PROJECT IMPROVEMENT

Water Quality Certification and Energy Project Improvement Act of 2023

(Sec. 30002) This section revises the water quality certification process under Section 401 of the Clean Water Act (CWA) for any activity that requires a federal license or permit and may result in a discharge of pollutants into waters of the United States. Activities that require such federal licenses or permits include hydropower, natural gas pipeline, or mining projects.

Under the existing Section 401, an applicant for a federal license or permit to conduct such activities must provide the

federal licensing or permitting agency with a certification. The certification must attest that the discharge will comply with enumerated sections of the CWA (i.e., Sections 301, 302, 303, 306, and 307) and with any other appropriate requirement of state law set forth in the certification. The certifying authority--usually the state in which the discharge originates, but sometimes an Indian tribe or the Environmental Protection Agency (EPA)--may grant, grant with conditions, deny, or waive certification of a proposed federal license or permit.

This section limits the scope of the certification process by eliminating the requirement that the discharge comply with appropriate state law set forth in the certification. It also requires decisions to grant or deny a request for certification to be based only on the enumerated sections of the CWA and provisions of state law that implement water quality criteria under Section 303. In addition, it also limits the certification process to activities that may directly result in a discharge into waters of the United States.

This section requires certifying authorities to identify all materials or information that are necessary to grant or deny the request within 90 days of receiving a request for certification. They must also publish requirements for their water quality certifications.

(Sec. 30003) This section provides statutory authority for the EPA to issue general permits under the National Pollutant Discharge Elimination System (NPDES) program. Under the regulations governing the NPDES program, the EPA issues permits to discharge pollutants from point sources, such as pipes, into waters of the United States. The EPA issues an individual permit under the NPDES program for a specific discharger or a general permit for a category of discharges within a geographical area from multiple dischargers.

This section allows the EPA to issue general permits under the NPDES program for discharges of similar types from similar sources and sets forth requirements related to general permits.

DIVISION E--INCREASE IN DEBT LIMIT

(Sec. 40001) This section suspends the federal debt limit through March 31, 2024, or until the debt subject to the limit increases by \$1.5 trillion, whichever occurs first. This section also increases the debt limit at the end of the suspension period to accommodate the obligations issued during the suspension period.

Actions Timeline

- **May 4, 2023:** Committee on the Budget. Hearings held. Hearings printed: S.Hrg. 118-76.
- **May 2, 2023:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 41.
- **May 1, 2023:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Apr 26, 2023:** Referred to the Subcommittee on Aviation.
- **Apr 26, 2023:** Referred to the Subcommittee on Coast Guard and Maritime Transportation.
- **Apr 26, 2023:** Referred to the Subcommittee on Highways and Transit.
- **Apr 26, 2023:** Referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.
- **Apr 26, 2023:** Referred to the Subcommittee on Water Resources and Environment.
- **Apr 26, 2023:** Rules Committee Resolution H. Res. 327 Reported to House. Rule provides for consideration of H.R. 2811 and H.J. Res. 39. Resolution provides for two hours of general debate on H.R. 2811 and one hour of general debate on H.J. Res. 39. The previous question is considered as ordered with one motion to recommit allowed on each measure.
- **Apr 26, 2023:** Considered under the provisions of rule H. Res. 327. (consideration: CR H1979-2038)
- **Apr 26, 2023:** Rule provides for consideration of H.R. 2811 and H.J. Res. 39. Resolution provides for two hours of general debate on H.R. 2811 and one hour of general debate on H.J. Res. 39. The previous question is considered as ordered with one motion to recommit allowed on each measure.
- **Apr 26, 2023:** DEBATE - The House proceeded with two hours of debate on H.R. 2811.
- **Apr 26, 2023:** The previous question was ordered pursuant to the rule.
- **Apr 26, 2023:** Mr. Ryan moved to recommit to the Committee on Ways and Means. (text: CR H2037)
- **Apr 26, 2023:** The previous question on the motion to recommit was ordered pursuant to clause 2(b) of rule XIX.
- **Apr 26, 2023:** On motion to recommit Failed by the Yeas and Nays: 211 - 221 (Roll no. 198).
- **Apr 26, 2023:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 217 - 215 (Roll no. 199). (text: CR H1979-2012)
- **Apr 26, 2023:** On passage Passed by the Yeas and Nays: 217 - 215 (Roll no. 199). (text: CR H1979-2012)
- **Apr 26, 2023:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 25, 2023:** Introduced in House
- **Apr 25, 2023:** Referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, Appropriations, Oversight and Accountability, Education and the Workforce, Agriculture, Energy and Commerce, the Judiciary, Rules, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.