

Summary of H.R. 1, the Lower Energy Costs Act

March 24, 2023

H.R. 1, *the Lower Energy Costs Act*, is composed of several bills that were marked up in the House Energy and Commerce, Natural Resources and Transportation and Infrastructure committees. The package is slated to reach the House Rules Committee on March 27 and will subsequently head to the floor. Further, H.R. 1 will likely serve as a starting point for permitting reform discussions with the Senate.

Energy and Commerce

H.R. 1068, *the Securing America's Critical Minerals Supply Act*, was introduced by Rep. Larry Bucshon (R-IN) and is cosponsored by eight Republicans. This bill amends the Department of Energy's (DOE) Organization Act to require the Energy Secretary to conduct an ongoing assessment of the U.S.'s critical mineral supply, the vulnerability of the critical energy resource supply chain and the necessity of such supplies in developing energy technologies. Moreover, the legislation directs the Energy Secretary to bolster critical mineral supply chains by pursuing a diverse set of sources and boosting domestic production of such resources.

H.R. 1121, *the Protecting American Energy Production Act*, was introduced by Rep. Jeff Duncan (R-SC) and is cosponsored by 26 Republicans. This bill prohibits a moratorium on the use of hydraulic fracturing unless authorized by Congress. Further, H.R. 1121 underscores Congress's belief that states should maintain control over hydraulic fracturing regulation.

H.R. 1085, *the Researching Efficient Federal Improvements for Necessary Energy Refining Act (REFINER)*, was introduced by Rep. Bob Latta (R-OH) and is cosponsored by seven Republicans. This bill requires the Energy Secretary to compel the National Petroleum Council to issue a report outlining petrochemical refineries' role in ensuring energy security. Additionally, the legislation requires the report to analyze the capacity of such refineries, as well as opportunities to expand refineries.

H.R. 1058, *the Promoting Cross-Border Energy Infrastructure Act*, was introduced by Rep. Kelly Armstrong (R-ND) and is cosponsored by 17 Republicans. This bill seeks to empower the Federal Energy Regulatory Commission (FERC) to review applications for cross-border oil and natural gas pipelines. Under this legislation, the DOE would be authorized to review applications for cross-border electric transmission facilities.

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Finally, an amendment offered by Rep. Walberg was adopted to prevent the President from revoking a previously issued Presidential Permit for a border-crossing facility.

Con. Res. 14, *a Resolution Disapproving of President Biden Canceling Keystone XL*, was introduced by Rep. Debbie Lesko (R-AZ) and is cosponsored by seven Republicans. This resolution expresses disapproval of President Biden's action to revoke the Presidential Permit for the Keystone XL pipeline.

Con. Res. 17, *a Resolution to Support America's Energy Exports*, was introduced by Rep. Brett Guthrie (R-KY) and is cosponsored by nine Republicans. This resolution expresses that the federal government should not impose restrictions on the export of crude oil or other petroleum products.

H.R. 1130, *the Unlocking Our Domestic LNG Potential Act*, was introduced by Rep. Bill Johnson (R-OH) and is cosponsored by seven Republicans. This bill amends the Natural Gas Act and repeals all restrictions on the import and export of natural gas. Rep. Johnson's amendment was adopted to clarify that FERC must deem natural gas imports and exports as consistent with the public interest.

H.R. 1115, *the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act*, was introduced by Rep. Michael Burgess (R-TX) and is cosponsored by four Republicans. This legislation seeks to boost coordination between federal and state agencies when reviewing interstate pipeline applications. Specifically, the bill would empower FERC to act as the lead agency under the Natural Gas Act by overseeing schedules, concurrent reviews, and dispute resolutions. An amendment from Rep. Troy Balderson (R-OH) was adopted to establish timelines for FERC to identify, invite, and designate relevant agencies in the National Environmental Policy Act (NEPA) review process.

H.R. 1070, *A bill to streamline permitting for refining critical minerals*, was introduced by Rep. Buddy Carter (R-GA) and has four Republican cosponsors. The bill would address delays for waste permitting regulated by the Solid Waste Disposal Act (SWDA) which is a condition of operation, but only for facilities that deal with critical energy resources. The permitting involved would relate to on-site storage of more than 90 days, on-site waste treatment or on-site waste disposal. The legislation would provide a facility that files a Part A permit application "interim status" until the Environmental Protection Agency (EPA) or the state requires the facility to submit its Part B permit application for a long-term permit.

H.R. 1131, *A bill to cut red tape for critical energy resource facilities*, was introduced by Rep. John Joyce (R-PA) and has one Republican cosponsor. This legislation would authorize the EPA to issue flexible air permits and facilitate flexible, market-responsive operations for critical energy resource facilities, which is defined as any energy resource that is essential to the U.S. energy sector and system and that the supply chain of which is vulnerable to disruption. Flexible air permitting is a procedure that has been promoted by EPA to allow industrial facilities to obtain advance approval for changes to an emissions source without requiring the change to be reviewed and approved individually.

H.R. 1140, *A bill to unlock critical energy materials*, was introduced by Rep. Greg Pence (R-IN) and has seven Republican cosponsors. This legislation would authorize the EPA Administrator, under certain conditions, to temporarily waive any Clean Air Act or Solid Waste Disposal Act requirement if the Administrator determines that doing so is necessary to allow for the processing or refining of a critical energy resource to meet national security or energy security needs and to serve the public interest. The bill includes language that establishes requirements, timeframes, and public interest protection by which the Administrator must act to avoid or minimize any adverse environmental impacts of a temporary waiver.

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H.R. 1158, *the Elimination of Future Technology Delays Act*, was introduced by Rep. John Curtis (R-UT) and has four Republican cosponsors. This legislation would require EPA to make legally mandated, timely determinations of pre-manufacturing notices for new critical energy resources and new uses of existing critical energy resources. The legislation would prevent EPA from withholding judgment on a notice and preventing commercialization without justification of a substance beyond the Toxic Substances Control Act's statutory deadlines. It would also prevent EPA from proactively encouraging manufacturers to exercise their right to suspend or end the legal clock on EPA action if EPA has not made an initial review of the new critical energy resource and communicated the risks to the applicant. Finally, this legislation would require EPA to consider the economic, societal, and environmental costs and benefits when determining whether an unreasonable risk exists from the manufacturing, processing, commercial transportation, use, or disposal of the critical mineral resource.

H.R. 1141, *the Natural Gas Tax Repeal Act*, was introduced by Rep. August Pfluger (R-TX) and has 41 Republican cosponsors. This legislation would repeal the natural gas tax contained in section 136 of the Clean Air Act. The natural gas tax was established through amendments to the Clean Air Act contained in the Inflation Reduction Act. This bill would also rescind the unobligated balance of any amounts made available under section 136.

H.R. 1023, *A bill to repeal section 134 of the Clean Air Act*, relating to the greenhouse gas reduction fund, was introduced by Rep. Gary Palmer (R-AL) and has five Republican cosponsors. This legislation would repeal the Greenhouse Gas Reduction Fund contained in section 134 of the Clean Air Act. The Greenhouse Gas Reduction Fund was added to the Clean Air Act by section 60103 of the Inflation Reduction Act; the IRA appropriated \$27 billion for EPA to award grants under the program until September 2024. This bill would also rescind any unobligated balance of any funds made available under this section.

H.R. 1155, *the Keeping America's Refineries Act*, was introduced by Rep. Dan Crenshaw (R-TX) and has ten Republican cosponsors. This legislation would remove the requirement for the owner or operator of an operating or constructed refinery that uses hydrofluoric acid in certain alkylation units to conduct a hazard assessment. Currently, the Clean Air Act requires such refineries to conduct a hazard assessment to explore options for the use of safer technologies and alternative risk management measures regarding the use of hydrofluoric acid.

Natural Resources

H.R. 1335, *the TAPP American Resources Act*, was introduced by Rep. Bruce Westerman (R-AR) and is cosponsored by two Republicans. Generally, the bill seeks to alter the onshore and offshore leasing process for energy production, streamline permitting for energy and mineral projects, and reform NEPA. H.R. 1335 is composed of all the below bills considered by the Natural Resources Committee.

H.R., *the Building United States Infrastructure through Limited Delays and Efficient Review (BUILDER) Act*, was introduced by Rep. Garrett Graves (R-LA). While only draft legislation has been released this Congress, the previous iteration of this bill in the 117th Congress was cosponsored by 58 Republicans. This legislation seeks to modernize NEPA to make project reviews more efficient by providing direction to agencies to develop a joint schedule, creating procedures to elevate delays or disputes, implementing time limits for environmental reviews and permitting the preparation of a single environmental impact statement with reasonable page limits. The bill also includes threshold considerations for agencies assessing whether NEPA applies to a proposed activity and permits a project sponsor to assist agencies in conducting the environmental review. Finally, the bill requires claimants to have participated in the NEPA process through comments before filing suit and provides a 120-day timeline to file lawsuits.

H.R. 209, *the Permitting for Mining Needs Act*, was introduced by Rep. Pete Stauber (R-MN) and has 33 Republican cosponsors. This legislation designates a lead federal agency to coordinate the environmental review process, authorizes a memorandum of agreement between a project sponsor and the lead agency, and sets time

limits of one year for environmental assessments and two years for environmental impact statements under NEPA. This bill also allows a lead agency to adopt the environmental assessment or impact statement prepared by a project sponsor so long as it meets NEPA requirements, and it also specifies that a claim seeking judicial review of a permit for a mining project must be filed within 120 days of a final agency action to be considered.

H.R. 356, *the Unleashing American Energy Act*, was introduced by Rep. Jerry Carl (R-AL) and has 17 Republican cosponsors. This bill would require the Secretary of the Interior to conduct a minimum of two region-wide oil and gas lease sales in the Central and Western Gulf of Mexico Planning Areas and in the Alaska region of the Outer Continental Shelf each year. This bill also prevents the President from delaying or pausing any federal energy mineral leasing processes.

H.R. 1042, *the Restore Onshore Energy Production Act*, was introduced by Rep. Matt Rosendale (R-MT). While only draft legislation has been released this Congress, the previous iteration of this bill in the 117th Congress was cosponsored by 24 Republicans. This bill would require the Secretary of the Interior to immediately resume conducting oil and gas lease sales upon completion of all applicable scoping, public comment, and environmental analysis required by the Mineral Leasing Act. The bill would require a minimum of four oil and gas lease sales to be conducted annually in each of the following states: Wyoming, New Mexico, Colorado, Utah, Montana, North Dakota, Oklahoma, Nevada and any other state in which there is land available for oil and gas leasing under the Mineral Leasing Act.

H.R. 1430, *the Determination of NEPA Adequacy Streamlining Act*, was introduced by Rep. David Valadao (R-CA) and has zero cosponsors. This bill would allow the Secretaries of the Interior and Agriculture to use previously conducted environmental assessments or environmental impact statements to fulfill NEPA requirements for the approval of projects with similar proposed actions and similar environmental impacts.

H.R. 1067, *the American Energy Act*, was introduced by Rep. Lauren Boebert (R-CO) and is cosponsored by 14 Republicans. This bill extends the length of Bureau of Land Management (BLM) permits from two to four years. Further, the legislation limits the power of judges to unilaterally vacate a BLM-approved energy lease.

H.R. 1457, *the COAL Act*, was introduced by Rep. Harriet Hageman (R-WY) and is cosponsored by one Republican. The bill ends the existing moratorium on new coal leasing and mandates the Secretary of the Interior to act on pending coal leasing applications.

Transportation and Infrastructure

H.R. 1152, *the Water Quality Certification and Energy Project Improvement Act*, was introduced by Rep. David Rouzer (R-NC) and is cosponsored by two Republicans. This bill seeks to amend section 401 of the Clean Water Act to limit reviews to only consider water quality impacts. Additionally, the legislation detail, when reviewing water quality, states must only consider discharges resulting from the federally permitted activity itself. Additionally, H.R. 1152 requires states to publish water quality certification request requirements. Finally, the bill requires states to make final decisions regarding requests based only on water quality reasons, as well as inform project applicants within 90 days whether the states have all the necessary materials for a certification request.