

118TH CONGRESS
1ST SESSION

S. 879

To provide greater output, price stability, and regulatory certainty with respect to domestic energy production in the United States and exports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2023

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide greater output, price stability, and regulatory certainty with respect to domestic energy production in the United States and exports, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Energy Freedom Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

TITLE I—ACCELERATING ENERGY APPROVALS TO REDUCE
BOTTLENECKS

- Sec. 101. Findings.
- Sec. 102. Review and approval of certain natural gas transmission projects.
- Sec. 103. Expedited approval for certain natural gas interstate pipelines.
- Sec. 104. Natural gas exports.
- Sec. 105. Pending applications to export natural gas.
- Sec. 106. Domestic environmental impacts.
- Sec. 107. No Presidential permit required.

TITLE II—UTILIZING AMERICA’S ONSHORE RESOURCES

- Sec. 201. Finding.
- Sec. 202. Annual oil and natural gas lease sales.
- Sec. 203. Permit to drill application timeline.
- Sec. 204. Congressional authority requirement.
- Sec. 205. Prohibition on moratoria of new energy leases on certain Federal land
and on withdrawal of Federal land from energy development.

TITLE III—OUTER CONTINENTAL SHELF LEASING

- Sec. 301. Finding.
- Sec. 302. Offshore lease sales.

TITLE IV—ALTERNATIVE ENERGY

- Sec. 401. Geothermal, solar, and wind leasing priority areas.
- Sec. 402. Geothermal production on Federal lands.
- Sec. 403. Hardrock mineral licensing.

TITLE V—STOPPING EXECUTIVE OVERREACH

- Sec. 501. Finding.
- Sec. 502. Navigable Waters Protection Rule.
- Sec. 503. Methane rule.
- Sec. 504. ONRR 2020 Valuation Reform and Civil Penalty Rule.
- Sec. 505. NEPA rule.
- Sec. 506. Nationwide permit 12.

1 SEC. 2. DEFINITION OF SECRETARY.

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Interior.

**4 TITLE I—ACCELERATING EN-
5 ERGY APPROVALS TO RE-
6 DUCE BOTTLENECKS**

7 SEC. 101. FINDINGS.

8 Congress finds that—

1 (1) natural gas is a safe and abundant resource
2 and is proven to be environmentally responsible; and

3 (2) increasing the safe transmission of natural
4 gas will lead to more reliable, abundant, and cleaner
5 domestic supplies of energy that will contribute to
6 job growth and economic development.

7 **SEC. 102. REVIEW AND APPROVAL OF CERTAIN NATURAL**
8 **GAS TRANSMISSION PROJECTS.**

9 (a) FERC APPROVALS.—Section 7(e) of the Natural
10 Gas Act (15 U.S.C. 717f(e)) is amended—

11 (1) in the second sentence, by striking “The
12 Commission” and inserting the following:

13 “(3) TERMS AND CONDITIONS.—The Commis-
14 sion”;

15 (2) by striking “(e) Except” and inserting the
16 following:

17 “(e) APPLICATION PROCEDURE.—

18 “(1) IN GENERAL.—Except”; and

19 (3) by inserting after paragraph (1) (as so des-
20 ignated) the following:

21 “(2) DEADLINE FOR PROCESSING APPLICA-
22 TIONS.—

23 “(A) IN GENERAL.—Not later than 1 year
24 after the date on which the Commission receives
25 an application for a certificate of public conven-

1 ience and necessity under subsection (c), the
2 Commission shall—

3 “(i) complete all required consulta-
4 tions with other Federal agencies;

5 “(ii) review the application in accord-
6 ance with the requirements of this section;
7 and

8 “(iii) issue the certificate or deny the
9 application.

10 “(B) REASONS FOR DENIAL.—If the Com-
11 mission denies an application under subpara-
12 graph (A)(iii), the Commission shall state the
13 reasons for the denial.”.

14 (b) CORPS OF ENGINEERS APPROVALS.—

15 (1) DEFINITION OF COVERED AUTHORIZA-
16 TION.—In this subsection, the term “covered author-
17 ization” means an authorization or approval re-
18 quired under Federal law from the Secretary of the
19 Army for any natural gas transmission project, in-
20 cluding an authorization—

21 (A) under section 404 of the Federal
22 Water Pollution Control Act (33 U.S.C. 1344);

23 (B) under section 10 of the Act of March
24 3, 1899 (commonly known as the “Rivers and

1 Harbors Act of 1899”) (30 Stat. 1151, chapter
2 425; 33 U.S.C. 403);

3 (C) for an easement under section 28 of
4 the Mineral Leasing Act (30 U.S.C. 185);

5 (D) for permission under section 14 of the
6 Act of March 3, 1899 (commonly known as the
7 “Rivers and Harbors Act of 1899”) (30 Stat.
8 1152, chapter 425; 33 U.S.C. 408);

9 (E) under the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321 et seq.);
11 and

12 (F) under any other applicable Federal
13 law.

14 (2) REQUIREMENT.—The Secretary of the
15 Army shall—

16 (A) approve or deny an application or re-
17 quest for a covered authorization, including the
18 completion of any required consultations with
19 other Federal agencies, by not later than 1 year
20 after the date on which the application or re-
21 quest is submitted; and

22 (B) if the application or request for a cov-
23 ered authorization is denied, provide to the ap-
24 plicant or requester the reasons for the denial.

1 **SEC. 103. EXPEDITED APPROVAL FOR CERTAIN NATURAL**
2 **GAS INTERSTATE PIPELINES.**

3 Section 7(c)(1) of the Natural Gas Act (15 U.S.C.
4 717f(c)(1)) is amended—

5 (1) in subparagraph (A)—

6 (A) in the first sentence, by striking “or
7 operations: *Provided, however,* That if any
8 such” and inserting the following: “or oper-
9 ations.

10 “(ii) PRIOR OPERATIONS.—If any
11 such”; and

12 (B) by adding at the end the following:

13 “(iii) PROJECTS THAT MEET SAFETY
14 REGULATIONS.—With respect to any appli-
15 cation for a certificate of public conven-
16 ience and necessity under clause (i) for
17 which the Commission determines that the
18 project covered by the application meets all
19 safety regulations in effect as of the date
20 of the application, the Commission shall
21 issue the certificate without requiring fur-
22 ther proof that public convenience and ne-
23 cessity will be served by the project, and
24 without further proceedings.”;

25 (2) by striking “(c)(1)(A) No natural-gas com-
26 pany” and inserting the following:

1 “(c) CERTIFICATES OF PUBLIC CONVENIENCE AND
2 NECESSITY.—

3 “(1) APPLICATIONS.—

4 “(A) REQUIREMENT TO APPLY FOR CER-
5 TIFICATE.—

6 “(i) IN GENERAL.—No natural-gas
7 company”; and

8 (3) in subparagraph (B), by striking “(B) In all
9 other cases the Commission” and inserting the fol-
10 lowing:

11 “(B) HEARINGS.—In all cases other than
12 the cases described in clauses (ii) and (iii) of
13 subparagraph (A), the Commission”.

14 **SEC. 104. NATURAL GAS EXPORTS.**

15 (a) FINDINGS.—Congress finds that—

16 (1) increasing clean and safe natural gas ex-
17 ports will lead to increased investment and develop-
18 ment of domestic supplies of natural gas that will
19 contribute to job growth and economic development;
20 and

21 (2) the export of clean and safe natural gas to
22 other nations is of vital national interest to the
23 United States.

24 (b) NATURAL GAS EXPORTS.—Section 3(c) of the
25 Natural Gas Act (15 U.S.C. 717b(c)) is amended—

1 (1) by inserting “or any other nation not ex-
2 cluded by this section” after “trade in natural gas”;

3 (2) by inserting “and in any event by not later
4 than 60 days after the date on which the application
5 is received” before the period at the end;

6 (3) by striking “(c) For purposes” and insert-
7 ing the following:

8 “(c) EXPEDITED APPLICATION AND APPROVAL
9 PROCESS.—

10 “(1) IN GENERAL.—For purposes”; and

11 (4) by adding at the end the following:

12 “(2) EXCLUSIONS.—

13 “(A) IN GENERAL.—Any nation subject to
14 sanctions or trade restrictions imposed by the
15 United States is excluded from expedited ap-
16 proval under paragraph (1).

17 “(B) DESIGNATION BY PRESIDENT OR
18 CONGRESS.—The President or Congress may
19 designate nations that may be excluded from
20 expedited approval under paragraph (1) for rea-
21 sons of national security.

22 “(3) ORDER NOT REQUIRED.—No order is re-
23 quired under subsection (a) to authorize the export
24 or import of any natural gas to or from Canada or
25 Mexico.”.

1 **SEC. 105. PENDING APPLICATIONS TO EXPORT NATURAL**
2 **GAS.**

3 All applications to export natural gas from the United
4 States to a foreign country submitted under section 3(a)
5 of the Natural Gas Act (15 U.S.C. 717b(a)) during the
6 period beginning on January 1, 2020, and ending on Jan-
7 uary 1, 2025, are deemed approved.

8 **SEC. 106. DOMESTIC ENVIRONMENTAL IMPACTS.**

9 (a) IN GENERAL.—Section 102(2) of the National
10 Environmental Policy Act of 1969 (42 U.S.C. 4332(2))
11 is amended—

12 (1) in subparagraph (C)—

13 (A) in the matter preceding clause (i), by
14 inserting “in the United States” after “human
15 environment”;

16 (B) in clause (i), by inserting “in the
17 United States” after “proposed action”; and

18 (C) in clause (ii), by inserting “in the
19 United States” after “environmental effects”;
20 and

21 (2) in subparagraph (F), by inserting “in any
22 proposal or other major Federal action that involves
23 the funding or development of projects outside the
24 United States or the exclusive economic zone of the
25 United States,” before “recognize”.

1 (b) IMPLEMENTING REGULATIONS.—Not later than
2 1 year after the date of enactment of this Act, the Council
3 on Environmental Quality shall revise the implementing
4 regulations of the National Environmental Policy Act of
5 1969 (42 U.S.C. 4321 et seq.) under subchapter A of
6 chapter V of title 40, Code of Federal Regulations (or suc-
7 cessor regulations), in accordance with the amendments
8 made by subsection (a).

9 **SEC. 107. NO PRESIDENTIAL PERMIT REQUIRED.**

10 No Presidential permit (or similar permit) required
11 under section 301 of title 3, United States Code, Execu-
12 tive Order 12038 (42 U.S.C. 7151 note; relating to trans-
13 fer of certain functions to the Secretary of Energy), Exec-
14 utive Order 10485 (15 U.S.C. 717b note; relating to pro-
15 viding for the performance of certain functions heretofore
16 performed by the President with respect to electric power
17 and natural gas facilities located on the borders of the
18 United States), or any other Executive order shall be nec-
19 essary for the construction, connection, operation, or
20 maintenance of an oil or natural gas pipeline or electric
21 transmission facility, or any cross-border segment thereof.

1 **TITLE II—UTILIZING AMERICA’S**
2 **ONSHORE RESOURCES**

3 **SEC. 201. FINDING.**

4 Congress finds that regular and predictable leasing
5 and permitting on Federal land is important to domestic
6 energy production, which leads to robust competition and
7 lower energy prices.

8 **SEC. 202. ANNUAL OIL AND NATURAL GAS LEASE SALES.**

9 (a) ANNUAL LEASE SALES.—Notwithstanding any
10 other provision of law, in accordance with the Mineral
11 Leasing Act (30 U.S.C. 181 et seq.), beginning in fiscal
12 year 2024, the Secretary shall conduct a minimum of 4
13 oil and natural gas lease sales annually in each of the fol-
14 lowing States:

- 15 (1) Wyoming.
16 (2) New Mexico.
17 (3) Colorado.
18 (4) Utah.
19 (5) Montana.
20 (6) North Dakota.
21 (7) Oklahoma.
22 (8) Nevada.
23 (9) Alaska.

1 (10) Any other State in which there is land
2 available for oil and natural gas leasing under that
3 Act.

4 (b) REQUIREMENT.—In conducting a lease sale under
5 subsection (a) in a State described in that subsection, the
6 Secretary shall offer all parcels eligible for oil and gas de-
7 velopment under the resource management plan in effect
8 for the State.

9 (c) REPLACEMENT SALES.—If, for any reason, a
10 lease sale under subsection (a) for a calendar year is can-
11 celed, delayed, or deferred, including for a lack of eligible
12 parcels, the Secretary shall conduct a replacement sale
13 during the same calendar year.

14 **SEC. 203. PERMIT TO DRILL APPLICATION TIMELINE.**

15 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
16 226(p)) is amended by striking paragraph (2) and insert-
17 ing the following:

18 “(2) APPLICATIONS FOR PERMITS TO DRILL RE-
19 FORM AND PROCESS.—

20 “(A) IN GENERAL.—Not later than the
21 end of the 30-day period beginning on the date
22 an application for a permit to drill is received
23 by the Secretary, the Secretary shall decide
24 whether to issue the permit.

25 “(B) EXTENSION.—

1 “(i) IN GENERAL.—The Secretary
2 may extend the period described in sub-
3 paragraph (A) for up to 2 periods of 15
4 days each, if the Secretary has given writ-
5 ten notice of the delay to the applicant.

6 “(ii) NOTICE.—The notice shall—

7 “(I) be in the form of a letter
8 from the Secretary or a designee of
9 the Secretary; and

10 “(II) include—

11 “(aa) the names and titles
12 of the persons processing the ap-
13 plication;

14 “(bb) the specific reasons
15 for the delay; and

16 “(cc) a specific date a final
17 decision on the application is ex-
18 pected.

19 “(C) NOTICE OF REASONS FOR DENIAL.—

20 If the application is denied, the Secretary shall
21 provide the applicant—

22 “(i) a written statement that provides
23 clear and comprehensive reasons why the
24 application was not accepted and detailed

1 information concerning any deficiencies;
2 and

3 “(ii) an opportunity to remedy any de-
4 ficiencies.

5 “(D) APPLICATION DEEMED APPROVED.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in clause (ii), if the Secretary has
8 not made a decision on the application by
9 the end of the 60-day period beginning on
10 the date the application is received by the
11 Secretary, the application shall be consid-
12 ered approved.

13 “(ii) EXCEPTIONS.—Clause (i) shall
14 not apply in cases in which existing reviews
15 under the National Environmental Policy
16 Act of 1969 (42 U.S.C. 4321 et seq.) or
17 Endangered Species Act of 1973 (16
18 U.S.C. 1531 et seq.) are incomplete.

19 “(E) DENIAL OF PERMIT.—If the Sec-
20 retary decides not to issue a permit to drill
21 under this paragraph, the Secretary shall—

22 “(i) provide to the applicant a descrip-
23 tion of the reasons for the denial of the
24 permit;

1 “(ii) allow the applicant to resubmit
2 an application for a permit to drill during
3 the 10-day period beginning on the date
4 the applicant receives the description of
5 the denial from the Secretary; and

6 “(iii) issue or deny any resubmitted
7 application not later than 10 days after the
8 date the application is submitted to the
9 Secretary.

10 “(F) FEE.—

11 “(i) IN GENERAL.—Notwithstanding
12 any other provision of law, the Secretary
13 shall collect a single \$6,500 permit proc-
14 essing fee per application from each appli-
15 cant at the time the final decision is made
16 whether to issue a permit under subpara-
17 graph (A).

18 “(ii) RESUBMITTED APPLICATION.—
19 The fee required under clause (i) shall not
20 apply to any resubmitted application.

21 “(iii) TREATMENT OF PERMIT PROC-
22 ESSING FEE.—Subject to appropriation, of
23 all fees collected under this paragraph for
24 each fiscal year, 50 percent shall be—

1 “(I) transferred to the field office
2 at which the fees are collected; and

3 “(II) used to process protests,
4 leases, and permits under this Act.”.

5 **SEC. 204. CONGRESSIONAL AUTHORITY REQUIREMENT.**

6 Notwithstanding any other provision of law, the Sec-
7 retary may not declare a moratorium on the leasing of
8 Federal land, including outer Continental Shelf land, for
9 the drilling, mining, or collection of oil, gas, or coal, or
10 for related activities, unless the moratorium is authorized
11 by an Act of Congress.

12 **SEC. 205. PROHIBITION ON MORATORIA OF NEW ENERGY**
13 **LEASES ON CERTAIN FEDERAL LAND AND ON**
14 **WITHDRAWAL OF FEDERAL LAND FROM EN-**
15 **ERGY DEVELOPMENT.**

16 (a) DEFINITIONS.—In this section:

17 (1) CRITICAL MINERAL.—The term “critical
18 mineral” has the meaning given the term in section
19 7002(a) of the Energy Act of 2020 (30 U.S.C.
20 1606(a)).

21 (2) FEDERAL LAND.—

22 (A) IN GENERAL.—The term “Federal
23 land” means—

24 (i) National Forest System land;

1 (ii) public lands (as defined in section
2 103 of the Federal Land Policy and Man-
3 agement Act of 1976 (43 U.S.C. 1702));

4 (iii) the outer Continental Shelf (as
5 defined in section 2 of the Outer Conti-
6 nental Shelf Lands Act (43 U.S.C. 1331));

7 and

8 (iv) land managed by the Secretary of
9 Energy.

10 (B) INCLUSIONS.—The term “Federal
11 land” includes land described in clauses (i)
12 through (iv) of subparagraph (A) for which the
13 rights to the surface estate or subsurface estate
14 are owned by a non-Federal entity.

15 (3) PRESIDENT.—The term “President” means
16 the President or any designee of the President, in-
17 cluding—

18 (A) the Secretary of Agriculture;

19 (B) the Secretary of Energy; and

20 (C) the Secretary.

21 (b) PROHIBITIONS.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, the President may not carry out
24 any action that would prohibit or substantially delay
25 the issuance of any of the following on Federal land,

1 unless such an action has been authorized by an Act
2 of Congress:

3 (A) New oil and gas leases, drill permits,
4 approvals, or authorizations.

5 (B) New coal leases, permits, approvals, or
6 authorizations.

7 (C) New hardrock leases, permits, approv-
8 als, or authorizations.

9 (D) New critical minerals leases, permits,
10 approvals, or authorizations.

11 (2) PROHIBITION ON WITHDRAWAL.—Notwith-
12 standing any other provision of law, the President
13 may not withdraw any Federal land from forms of
14 entry, appropriation, or disposal under the public
15 land laws, location, entry, and patent under the min-
16 ing laws, or disposition under laws pertaining to
17 mineral and geothermal leasing or mineral materials
18 unless the withdrawal has been authorized by an Act
19 of Congress.

20 **TITLE III—OUTER CONTINENTAL** 21 **SHELF LEASING**

22 **SEC. 301. FINDING.**

23 Congress finds that regular and predictable leasing
24 and permitting on the outer Continental Shelf is impor-

1 tant to domestic energy production, which leads to robust
2 competition and low energy prices.

3 **SEC. 302. OFFSHORE LEASE SALES.**

4 (a) CENTRAL AND WESTERN GULF OF MEXICO RE-
5 GION ANNUAL LEASE SALES.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, the Secretary shall conduct a min-
8 imum of 2 region-wide oil and natural gas lease
9 sales annually in the Gulf of Mexico Region of the
10 outer Continental Shelf, which shall include the fol-
11 lowing areas described in the 2017–2022 Outer Con-
12 tinental Shelf Oil and Gas Leasing Proposed Final
13 Program (November 2016):

14 (A) The Central Gulf of Mexico Planning
15 Area.

16 (B) The Western Gulf of Mexico Planning
17 Area.

18 (2) TIMING.—The Secretary shall conduct the
19 first lease sales required under paragraph (1) in the
20 first and third quarters of each calendar year from
21 2023 until 2028.

22 (3) INCLUSIONS.—Each lease sale required
23 under paragraph (1)—

1 (A) shall offer all unleased acres in the
2 Central Gulf of Mexico Planning Area and the
3 Western Gulf of Mexico Planning Area; and

4 (B) shall be subject to the same lease stip-
5 ulations, withdrawals, and moratoriums as were
6 included in Gulf of Mexico Outer Continental
7 Shelf Region-wide Oil and Gas Lease Sale 256
8 conducted on November 18, 2020.

9 (4) CONTINUATION.—The Secretary shall con-
10 duct lease sales annually under this subsection until
11 the date on which a new 5-year oil and gas leasing
12 program is approved and implemented under section
13 18(a) of the Outer Continental Shelf Lands Act (43
14 U.S.C. 1344(a)).

15 (b) ALASKA REGION ANNUAL LEASE SALES.—Not-
16 withstanding any other provision of law, beginning in fis-
17 cal year 2023, the Secretary shall conduct a minimum of
18 2 region-wide oil and natural gas lease sales annually in
19 the Alaska Region of the outer Continental Shelf, as de-
20 scribed in the 2017–2022 Outer Continental Shelf Oil and
21 Gas Leasing Proposed Final Program (November 2016).

1 **TITLE IV—ALTERNATIVE**
2 **ENERGY**

3 **SEC. 401. GEOTHERMAL, SOLAR, AND WIND LEASING PRI-**
4 **ORITY AREAS.**

5 (a) DESIGNATION OF GEOTHERMAL, SOLAR, AND
6 WIND LEASING PRIORITY AREAS.—As soon as prac-
7 ticable, but not later than 1 year after the date of enact-
8 ment of this Act, the Secretary, in consultation with the
9 Secretary of Energy, shall designate—

10 (1) 1 or more priority areas on Federal land for
11 geothermal energy leasing;

12 (2) 1 or more priority areas on Federal land for
13 solar energy leasing; and

14 (3) 1 or more priority areas on Federal land for
15 wind energy leasing.

16 (b) CRITERIA FOR SELECTION.—In determining
17 whether Federal land should be designated as a priority
18 area for geothermal, solar, or wind energy leasing under
19 subsection (a), the Secretary, in consultation with the Sec-
20 retary of Energy, shall consider whether—

21 (1) production of geothermal, solar, or wind en-
22 ergy on the Federal land is economically viable, in-
23 cluding whether the Federal land has access to exist-
24 ing methods of energy transmission; and

1 (2) the designation would comply with section
2 202 of the Federal Land Policy and Management
3 Act of 1976 (43 U.S.C. 1712), including subsection
4 (c)(9) of that section.

5 (c) **TIMELINE FOR LEASING.**—As soon as practicable,
6 but not later than 1 year, after designating the priority
7 areas under subsection (a), the Secretary shall conduct,
8 as applicable, geothermal, solar, or wind lease sales for
9 the priority areas.

10 **SEC. 402. GEOTHERMAL PRODUCTION ON FEDERAL LANDS.**

11 The Geothermal Steam Act of 1970 (30 U.S.C. 1001
12 et seq.) is amended by adding at the end the following:

13 **“SEC. 30. CATEGORICAL EXCLUSION FOR GEOTHERMAL EX-**
14 **PLORATION TEST PROJECTS.**

15 “(a) **REQUIREMENT TO PROVIDE NOTICE.**—Not
16 later than 30 days before the date on which the holder
17 of a lease issued under this Act intends to begin carrying
18 out a project the leaseholder believes is a geothermal ex-
19 ploration test project, the leaseholder shall provide notice
20 to the Secretary of the intent to carry out the geothermal
21 exploration test project.

22 “(b) **REVIEW AND DETERMINATION.**—Not later than
23 10 days after receipt of a notice of intent from a lease-
24 holder under subsection (a), the Secretary shall, with re-
25 spect to the project described in the notice of intent—

1 “(1)(A) determine whether the project is a geo-
2 thermal exploration test project; and

3 “(B) if so, determine whether the geothermal
4 exploration test project qualifies for a categorical ex-
5 clusion in accordance with subsection (c); and

6 “(2) notify the leaseholder of the determina-
7 tions under paragraph (1).

8 “(c) CATEGORICAL EXCLUSION.—Unless extraor-
9 dinary circumstances exist, as determined by the Sec-
10 retary, a project that the Secretary determines is a geo-
11 thermal exploration test project under subsection
12 (b)(1)(A) shall be categorically excluded from the require-
13 ments for an environmental assessment or an environ-
14 mental impact statement under the National Environ-
15 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

16 “(d) OPPORTUNITY TO REMEDY.—If the Secretary
17 determines under subsection (b)(1)(A) that a project is
18 not a geothermal exploration test project or under sub-
19 section (b)(1)(B) that a geothermal exploration test
20 project does not qualify for a categorical exclusion because
21 extraordinary circumstances exist, the Secretary shall—

22 “(1) include in the notice under subsection
23 (b)(2) clear and detailed findings on any deficiencies
24 in the project that resulted in the determination;
25 and

1 “(2) allow the leaseholder to remedy any such
2 deficiencies and resubmit the notice of intent under
3 subsection (a).”.

4 **SEC. 403. HARDROCK MINERAL LICENSING.**

5 (a) IN GENERAL.—The Outer Continental Shelf
6 Lands Act (43 U.S.C. 1331 et seq.) is amended by adding
7 at the end the following:

8 **“SEC. 34. HARDROCK MINERAL LICENSING.**

9 “(a) IN GENERAL.—The Secretary may grant non-
10 competitive licenses for the exploration and mining of
11 hardrock minerals on the outer Continental Shelf.

12 “(b) ROYALTY RATE.—The royalty rate for hardrock
13 minerals extracted pursuant to a license under subsection
14 (a) shall be a royalty rate determined by the Secretary
15 through regulations issued not more than 2 years after
16 the date of enactment of the Energy Freedom Act, which
17 may include a royalty rate of 0 percent if the Secretary
18 finds that such a royalty rate is necessary to ensure com-
19 petition.”.

20 (b) TECHNICAL AMENDMENT.—Section 2 of the
21 Outer Continental Shelf Lands Act (43 U.S.C. 1331) is
22 amended in the second subsection (r) (relating to the term
23 “State”) by striking “(r) The term ‘State’” and inserting
24 the following:

25 “(t) STATE.—The term ‘State’”.

1 **TITLE V—STOPPING EXECUTIVE**
2 **OVERREACH**

3 **SEC. 501. FINDING.**

4 Congress finds that frequent change to major energy
5 regulations have a detrimental effect on investment in,
6 and development of, domestic energy production, which re-
7 duces competition and raises energy prices.

8 **SEC. 502. NAVIGABLE WATERS PROTECTION RULE.**

9 (a) REINSTATEMENT.—The final rule of the Corps
10 of Engineers and the Environmental Protection Agency
11 entitled “The Navigable Waters Protection Rule: Defini-
12 tion of ‘Waters of the United States’” (85 Fed. Reg.
13 22250 (April 21, 2020)) is hereby reinstated, and each
14 of its provisions shall apply unless and until the effective
15 date of a subsequent final rule promulgated, subject to
16 subsection (b), under applicable authority that replaces or
17 repeals that provision.

18 (b) MODIFICATION PROHIBITED.—The Secretary of
19 the Army and the Administrator of the Environmental
20 Protection Agency may not modify the final rule described
21 in subsection (a) during the 15-year period that begins
22 on the date of enactment of this Act.

23 **SEC. 503. METHANE RULE.**

24 (a) REINSTATEMENT.—Notwithstanding Public Law
25 117–23 (135 Stat. 295), the final rule of the Environ-

1 mental Protection Agency entitled “Oil and Natural Gas
2 Sector: Emission Standards for New, Reconstructed, and
3 Modified Sources Review” (85 Fed. Reg. 57018 (Sep-
4 tember 14, 2020)) is hereby reinstated, and each of its
5 provisions shall apply unless and until the effective date
6 of a subsequent final rule promulgated, subject to sub-
7 section (b), under applicable authority that replaces or re-
8 peals that provision.

9 (b) **MODIFICATION PROHIBITED.**—The Adminis-
10 trator of the Environmental Protection Agency may not
11 modify the final rule described in subsection (a) during
12 the 15-year period that begins on the date of enactment
13 of this Act.

14 **SEC. 504. ONRR 2020 VALUATION REFORM AND CIVIL PEN-**
15 **ALTY RULE.**

16 (a) **REINSTATEMENT.**—The final rule of the Office
17 of Natural Resources Revenue of the Department of the
18 Interior entitled “ONRR 2020 Valuation Reform and Civil
19 Penalty Rule” (86 Fed. Reg. 4612 (January 15, 2021))
20 is hereby reinstated, and each of its provisions shall apply
21 unless and until the effective date of a subsequent final
22 rule promulgated, subject to subsection (b), under applica-
23 ble authority that replaces or repeals that provision.

24 (b) **MODIFICATION PROHIBITED.**—The Secretary and
25 the Director of the Office of Natural Resources Revenue

1 may not modify the final rule described in subsection (a)
2 during the 15-year period that begins on the date of enact-
3 ment of this Act.

4 **SEC. 505. NEPA RULE.**

5 (a) REINSTATEMENT.—The final rule of the Council
6 on Environmental Quality entitled “Update to the Regula-
7 tions Implementing the Procedural Provisions of the Na-
8 tional Environmental Policy Act” (85 Fed. Reg. 43304
9 (July 16, 2020)) is hereby reinstated, and each of its pro-
10 visions shall apply unless and until the effective date of
11 a subsequent final rule promulgated, subject to subsection
12 (c), under applicable authority that replaces or repeals
13 that provision.

14 (b) UPDATES TO IMPLEMENTING REGULATIONS.—
15 Not later than 60 days after the date of enactment of this
16 Act, the Chair of the Council on Environmental Quality
17 shall revise the implementing regulations of the National
18 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
19 seq.) under subchapter A of chapter V of title 40, Code
20 of Federal Regulations (or successor regulations), in ac-
21 cordance with the final rule described in subsection (a).

22 (c) MODIFICATION PROHIBITED.—The Chair of the
23 Council on Environmental Quality may not modify the
24 final rule described in subsection (a) during the 15-year
25 period that begins on the date of enactment of this Act.

1 **SEC. 506. NATIONWIDE PERMIT 12.**

2 Notwithstanding any other provision of law, the Sec-
3 retary of the Army may not modify nationwide permit 12,
4 as described in the final rule of the Secretary of the Army
5 entitled “Reissuance and Modification of Nationwide Per-
6 mits” (86 Fed. Reg. 2744 (January 13, 2021)), during
7 the 15-year period that begins on the date of enactment
8 of this Act.

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