

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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.

## 2

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. Alternative energy and minerals with respect to territories of the United States.
- Sec. 404. 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.

1 **TITLE I—ACCELERATING EN-**  
2 **ERGY APPROVALS TO RE-**  
3 **DUCE BOTTLENECKS**

4 **SEC. 101. FINDINGS.**

5 Congress finds that—

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

8 (2) increasing the safe transmission of natural  
9 gas will lead to more reliable, abundant, and cleaner  
10 domestic supplies of energy that will contribute to  
11 job growth and economic development.

12 **SEC. 102. REVIEW AND APPROVAL OF CERTAIN NATURAL**  
13 **GAS TRANSMISSION PROJECTS.**

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

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

18 “(3) TERMS AND CONDITIONS.—The Commis-  
19 sion”;

20 (2) by striking “(e) Except” and inserting the  
21 following:

22 “(e) APPLICATION PROCEDURE.—

23 “(1) IN GENERAL.—Except”; and

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

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

3           “(A) IN GENERAL.—Not later than 1 year  
4           after the date on which the Commission receives  
5           an application for a certificate of public conven-  
6           ience and necessity under subsection (c), the  
7           Commission shall—

8                   “(i) complete all required consulta-  
9                   tions with other Federal agencies;

10                   “(ii) review the application in accord-  
11                   ance with the requirements of this section;  
12                   and

13                   “(iii) issue the certificate or deny the  
14                   application.

15           “(B) REASONS FOR DENIAL.—If the Com-  
16           mission denies an application under subpara-  
17           graph (A)(iii), the Commission shall state the  
18           reasons for the denial.”.

19           (b) CORPS OF ENGINEERS APPROVALS.—

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

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

3 (B) under section 10 of the Act of March  
4 3, 1899 (commonly known as the “Rivers and  
5 Harbors Act of 1899”) (30 Stat. 1151, chapter  
6 425; 33 U.S.C. 403);

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

9 (D) for permission under section 14 of the  
10 Act of March 3, 1899 (commonly known as the  
11 “Rivers and Harbors Act of 1899”) (30 Stat.  
12 1152, chapter 425; 33 U.S.C. 408);

13 (E) under the National Environmental  
14 Policy Act of 1969 (42 U.S.C. 4321 et seq.);  
15 and

16 (F) any other applicable Federal law.

17 (2) REQUIREMENT.—The Secretary of the  
18 Army shall—

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

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

4 **SEC. 103. EXPEDITED APPROVAL FOR CERTAIN NATURAL**  
5 **GAS INTERSTATE PIPELINES.**

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

8 (1) in subparagraph (A)—

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

13 “(ii) PRIOR OPERATIONS.—If any  
14 such”; and

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

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

1                   cessity will be served by the project, and  
2                   without further proceedings.”;

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

5                   “(c) CERTIFICATES OF PUBLIC CONVENIENCE AND  
6                   NECESSITY.—

7                   “(1) APPLICATIONS.—

8                   “(A) REQUIREMENT TO APPLY FOR CER-  
9                   TIFICATE.—

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

12                   (3) in subparagraph (B), by striking “(B) In all  
13                   other cases the Commission” and inserting the fol-  
14                   lowing:

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

18 **SEC. 104. NATURAL GAS EXPORTS.**

19                   (a) FINDINGS.—Congress finds that—

20                   (1) increasing clean and safe natural gas ex-  
21                   ports will lead to increased investment and develop-  
22                   ment of domestic supplies of natural gas that will  
23                   contribute to job growth and economic development;  
24                   and

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

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

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

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

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

13           “(c) EXPEDITED APPLICATION AND APPROVAL  
14 PROCESS.—

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

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

17           “(2) EXCLUSIONS.—

18           “(A) IN GENERAL.—Any nation subject to  
19 sanctions or trade restrictions imposed by the  
20 United States is excluded from expedited ap-  
21 proval under paragraph (1).

22           “(B) DESIGNATION BY PRESIDENT OR  
23 CONGRESS.—The President or Congress may  
24 designate nations that may be excluded from



1 expedited approval under paragraph (1) for rea-  
2 sons of national security.

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

7 **SEC. 105. PENDING APPLICATIONS TO EXPORT NATURAL**  
8 **GAS.**

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

14 **SEC. 106. DOMESTIC ENVIRONMENTAL IMPACTS.**

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

18 (1) in subparagraph (C)—

19 (A) in the matter preceding clause (i), by  
20 inserting “in the United States” after “human  
21 environment”;

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

1 (C) in clause (ii), by inserting “in the  
2 United States” after “environmental effects”;  
3 and

4 (2) in subparagraph (F), by inserting “in any  
5 proposal or other major Federal action that involves  
6 the funding or development of projects outside the  
7 United States or the exclusive economic zone of the  
8 United States,” before “recognize”.

9 (b) IMPLEMENTING REGULATIONS.—Not later than  
10 1 year after the date of enactment of this Act, the Council  
11 on Environmental Quality shall revise the implementing  
12 regulations of the National Environmental Policy Act of  
13 1969 (42 U.S.C. 4321 et seq.) under subchapter A of  
14 chapter V of title 40, Code of Federal Regulations (or suc-  
15 cessor regulations), in accordance with the amendments  
16 made by subsection (a).

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

18 No Presidential permit (or similar permit) required  
19 under Executive Order 13337 (3 U.S.C. 301 note; 69 Fed.  
20 Reg. 25299 (April 30, 2004)), Executive Order 11423 (3  
21 U.S.C. 301 note; 33 Fed. Reg. 11741 (August 16, 1968)),  
22 section 301 of title 3, United States Code, Executive  
23 Order 12038 (43 Fed. Reg. 3674 (January 26, 1978)),  
24 Executive Order 10485 (18 Fed. Reg. 5397 (September  
25 9, 1953)), or any other Executive order shall be necessary

1 for the construction, connection, operation, or mainte-  
2 nance of an oil or natural gas pipeline or electric trans-  
3 mission facility, or any cross-border segment thereof.

## 4 **TITLE II—UTILIZING AMERICA’S** 5 **ONSHORE RESOURCES**

### 6 **SEC. 201. FINDING.**

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

### 11 **SEC. 202. ANNUAL OIL AND NATURAL GAS LEASE SALES.**

12 (a) ANNUAL LEASE SALES.—Notwithstanding any  
13 other provision of law, in accordance with the Mineral  
14 Leasing Act (30 U.S.C. 181 et seq.), beginning in fiscal  
15 year 2022, the Secretary shall conduct a minimum of 4  
16 oil and natural gas lease sales annually in each of the fol-  
17 lowing States:

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

1 (9) Alaska.

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

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

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

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

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

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

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

1 “(B) EXTENSION.—

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

7 “(ii) NOTICE.—The notice shall—

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

11 “(II) include—

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

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

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

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

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

23 “(i) a written statement that provides  
24 clear and comprehensive reasons why the  
25 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) OFFSHORE LEASE SALES.—The Secretary shall  
5 conduct all lease sales described in the 2017–2022 Outer  
6 Continental Shelf Oil and Gas Leasing Proposed Final  
7 Program (November 2016) that have not been conducted  
8 as of the date of enactment of this Act by not later than  
9 December 31, 2022.

10 (b) CENTRAL AND WESTERN GULF OF MEXICO RE-  
11 GION ANNUAL LEASE SALES.—

12 (1) IN GENERAL.—Notwithstanding any other  
13 provision of law, if a final 2023–2027 oil and gas  
14 leasing program is not approved under section 18(a)  
15 of the Outer Continental Shelf Lands Act (43  
16 U.S.C. 1344(a)) by July 1, 2022, the Secretary shall  
17 conduct a minimum of 2 region-wide oil and natural  
18 gas lease sales annually in the Gulf of Mexico Re-  
19 gion of the outer Continental Shelf, which shall in-  
20 clude the following areas described in the 2017–  
21 2022 Outer Continental Shelf Oil and Gas Leasing  
22 Proposed Final Program (November 2016):

23 (A) The Central Gulf of Mexico Planning  
24 Area.

1 (B) The Western Gulf of Mexico Planning  
2 Area.

3 (2) TIMING.—The Secretary shall conduct the  
4 first lease sales required under paragraph (1) in the  
5 first and third quarters of calendar year 2023.

6 (3) INCLUSIONS.—Each lease sale required  
7 under paragraph (1)—

8 (A) shall offer all unleased acres in the  
9 Central Gulf of Mexico Planning Area and the  
10 Western Gulf of Mexico Planning Area; and

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

16 (4) CONTINUATION.—The Secretary shall con-  
17 duct lease sales annually under this subsection until  
18 the date on which a new 5-year oil and gas leasing  
19 program is approved and implemented under section  
20 18(a) of the Outer Continental Shelf Lands Act (43  
21 U.S.C. 1344(a)).

22 (c) ALASKA REGION ANNUAL LEASE SALES.—Not-  
23 withstanding any other provision of law, beginning in fis-  
24 cal year 2022, the Secretary shall conduct a minimum of  
25 2 region-wide oil and natural gas lease sales annually in

1 the Alaska Region of the outer Continental Shelf, as de-  
2 scribed in the 2017–2022 Outer Continental Shelf Oil and  
3 Gas Leasing Proposed Final Program (November 2016).

4 **TITLE IV—ALTERNATIVE**  
5 **ENERGY**

6 **SEC. 401. GEOTHERMAL, SOLAR, AND WIND LEASING PRI-**  
7 **ORITY AREAS.**

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

13 (1) 1 or more priority areas on Federal land for  
14 geothermal energy leasing;

15 (2) 1 or more priority areas on Federal land for  
16 solar energy leasing; and

17 (3) 1 or more priority areas on Federal land for  
18 wind energy leasing.

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

24 (1) production of geothermal, solar, or wind en-  
25 ergy on the Federal land is economically viable, in-

1 including whether the Federal land has access to exist-  
2 ing methods of energy transmission; and

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

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

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

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

15 **“SEC. 30. CATEGORICAL EXCLUSION FOR GEOTHERMAL EX-**  
16 **PLORATION TEST PROJECTS.**

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

24 **“(b) REVIEW AND DETERMINATION.**—Not later than  
25 10 days after receipt of a notice of intent from a lease-

1 holder under subsection (a), the Secretary shall, with re-  
2 spect to the project described in the notice of intent—

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

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

8 “(2) notify the leaseholder of the determina-  
9 tions under paragraph (1).

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

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

24 “(1) include in the notice under subsection  
25 (b)(2) clear and detailed findings on any deficiencies

1 in the project that resulted in the determination;  
2 and

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

6 **SEC. 403. ALTERNATIVE ENERGY AND MINERALS WITH RE-**  
7 **SPECT TO TERRITORIES OF THE UNITED**  
8 **STATES.**

9 Section 2 of the Outer Continental Shelf Lands Act  
10 (43 U.S.C. 1331) is amended—

11 (1) in subsection (a)—

12 (A) by striking “lying seaward” and insert-  
13 ing the following: “lying—

14 “(1) seaward”;

15 (B) in paragraph (1) (as so designated), by  
16 adding “or” after the semicolon at the end; and

17 (C) by adding at the end the following:

18 “(2) within the exclusive economic zone of the  
19 United States adjacent to any territory or possession  
20 (other than an area conveyed by Congress to a terri-  
21 torial government for administration);”;

22 (2) in subsection (p), by striking “and” after  
23 the semicolon at the end;

24 (3) in subsection (q), by striking the period at  
25 the end and inserting a semicolon; and



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

2 “(r) The term ‘State’ means—

3 “(1) each of the several States; and

4 “(2) each territory or possession; and

5 “(s) The term ‘territory or possession’ means—

6 “(1) the Commonwealth of Puerto Rico;

7 “(2) Guam;

8 “(3) American Samoa;

9 “(4) the United States Virgin Islands; and

10 “(5) the Commonwealth of the Northern Mar-  
11 iana Islands.”.

12 **SEC. 404. HARDROCK MINERAL LICENSING.**

13 The Outer Continental Shelf Lands Act (43 U.S.C.  
14 1331 et seq.) is amended by adding at the end the fol-  
15 lowing:

16 **“SEC. 33. HARDROCK MINERAL LICENSING.**

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

20 “(b) ROYALTY RATE.—The royalty rate for hardrock  
21 minerals extracted pursuant to a license under subsection  
22 (a) shall be a royalty rate determined by the Secretary  
23 through regulations issued not more than 2 years after  
24 the date of enactment of the Energy Freedom Act, which  
25 may include a royalty rate of 0 percent if the Secretary

1 finds that such a royalty rate is necessary to ensure com-  
2 petition.”.

3 **TITLE V—STOPPING EXECUTIVE**  
4 **OVERREACH**

5 **SEC. 501. FINDING.**

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

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

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

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

1 **SEC. 503. METHANE RULE.**

2 (a) REINSTATEMENT.—Notwithstanding Public Law  
3 117–23 (135 Stat. 295), the final rule of the Environ-  
4 mental Protection Agency entitled “Oil and Natural Gas  
5 Sector: Emission Standards for New, Reconstructed, and  
6 Modified Sources Review” (85 Fed. Reg. 57018 (Sep-  
7 tember 14, 2020)) is hereby reinstated, and each of its  
8 provisions shall apply unless and until the effective date  
9 of a subsequent final rule promulgated, subject to sub-  
10 section (b), under applicable authority that replaces or re-  
11 peals that provision.

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

17 **SEC. 504. ONRR 2020 VALUATION REFORM AND CIVIL PEN-**  
18 **ALTY RULE.**

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

1 (b) MODIFICATION PROHIBITED.—The Secretary and  
2 the Director of the Office of Natural Resources Revenue  
3 may not modify the final rule described in subsection (a)  
4 during the 15-year period that begins on the date of enact-  
5 ment of this Act.

6 **SEC. 505. NEPA RULE.**

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

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

24 (c) PROHIBITION.—The Council on Environmental  
25 Quality may not modify the final rule described in sub-

1 section (a) during the 15-year period that begins on the  
2 date of enactment of this Act.

3 **SEC. 506. NATIONWIDE PERMIT 12.**

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