

117TH CONGRESS
2D SESSION

S. 3822

To prohibit the President from promulgating new oil and gas regulations until after Russian troops have withdrawn from Ukraine, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 7), 2022

Mr. LANKFORD (for himself, Mr. CORNYN, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To prohibit the President from promulgating new oil and gas regulations until after Russian troops have withdrawn from Ukraine, and for other purposes.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.**

4 This Act may be cited as the “Energy Regulations
5 Certainty Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the United States has a demonstrable his-
9 tory of providing assistance to allies of the United

1 States when those allies face threats to democracy or
2 are suffering as a result of geopolitical instability;

3 (2) the invasion by the Russian Federation of
4 the sovereign nation of Ukraine on February 24,
5 2022, threatens the energy security of Ukraine and
6 other European allies;

7 (3) Europe relies on Russia for approximately
8 40 percent of its natural gas and about 25 percent
9 of its oil;

10 (4) the United States has demonstrated in re-
11 cent years that the United States is fully capable
12 of—

13 (A) producing sufficient energy resources
14 domestically to become energy independent;

15 (B) supplying energy resources to allies of
16 the United States; and

17 (C) providing stability in international en-
18 ergy markets; and

19 (5) recent and prospective administrative ac-
20 tions jeopardize the ability of the United States to
21 continue to serve the role described in paragraph
22 (4), which is critical to the national security of the
23 United States and allies of the United States.

24 **SEC. 3. PROHIBITION ON NEW OIL AND GAS REGULATIONS.**

25 (a) DEFINITIONS.—In this section:

1 (1) COVERED ACTION.—The term “covered ac-
2 tion” means—

3 (A) any provision of Executive Order
4 13990 (42 U.S.C. 4321 note; relating to pro-
5 tecting public health and the environment and
6 restoring science to tackle the climate crisis)
7 that would impact the cost of energy develop-
8 ment;

9 (B) any provision of Executive Order
10 14008 (42 U.S.C. 4321 note; relating to tack-
11 ling the climate crisis at home and abroad) that
12 would impact the cost of energy development;

13 (C) the final decisions of the Administrator
14 of the Environmental Protection Agency in the
15 document entitled “Review of the Ozone Na-
16 tional Ambient Air Quality Standards” (85
17 Fed. Reg. 87256 (December 31, 2020));

18 (D) the final decisions of the Adminis-
19 trator of the Environmental Protection Agency
20 in the document entitled “Review of the Na-
21 tional Ambient Air Quality Standards for Par-
22 ticulate Matter” (85 Fed. Reg. 82684 (Decem-
23 ber 18, 2020));

24 (E) the final rule of the Environmental
25 Protection Agency entitled “Oil and Natural

1 Gas Sector: Emission Standards for New, Re-
2 constructed, and Modified Sources Reconsider-
3 ation” (85 Fed. Reg. 57398 (September 15,
4 2020));

5 (F) the updated policy statement of the
6 Federal Energy Regulatory Commission entitled
7 “Updated Policy Statement on Certification of
8 New Interstate Natural Gas Facilities” (Docket
9 No. PL18–1–000 (February 18, 2022); 87 Fed.
10 Reg. 11548 (March 1, 2022));

11 (G) the interim policy statement of the
12 Federal Energy Regulatory Commission entitled
13 “Consideration of Greenhouse Gas Emissions in
14 Natural Gas Infrastructure Project Reviews”
15 (Docket No. PL21–3–000 (February 18,
16 2022));

17 (H) the final rule of the Environmental
18 Protection Agency entitled “Oil and Natural
19 Gas Sector: Emission Standards for New, Re-
20 constructed, and Modified Sources Review” (85
21 Fed. Reg. 57018 (September 14, 2020));

22 (I) the final rule of the Corps of Engineers
23 and the Environmental Protection Agency enti-
24 tled “The Navigable Waters Protection Rule:

1 Definition of ‘Waters of the United States’”
2 (85 Fed. Reg. 22250 (April 21, 2020));

3 (J) Instruction Memorandum No. 2018–
4 034 of the Department of the Interior entitled
5 “Updating Oil and Gas Leasing Reform—Land
6 Use Planning and Lease Parcel Reviews” (Jan-
7 uary 31, 2018);

8 (K) the final rule of the Department of the
9 Interior entitled “Oil and Gas; Hydraulic Frac-
10 turing on Federal and Indian Lands; Rescission
11 of a 2015 Rule” (82 Fed. Reg. 61924 (Decem-
12 ber 29, 2017));

13 (L) the document entitled “Technical Sup-
14 port Document: Social Cost of Carbon, Meth-
15 ane, and Nitrous Oxide Interim Estimates
16 under Executive Order 13990”, published by
17 the Interagency Working Group on Social Cost
18 of Greenhouse Gases, United States Govern-
19 ment, in February 2021; and

20 (M) any action by the Board of Governors
21 of the Federal Reserve System or other Federal
22 financial regulator that would restrict access to
23 capital or lending to companies in the oil and
24 natural gas subsector of critical infrastructure.

1 (2) COVERED PERIOD.—The term “covered pe-
2 riod” means the period—

3 (A) beginning on the date of enactment of
4 this Act; and

5 (B) ending on the date that is 180 days
6 after the date on which the President deter-
7 mines that the Russian Federation has with-
8 drawn all troops from the territory of Ukraine.

9 (b) PROHIBITIONS.—

10 (1) IN GENERAL.—During the covered period,
11 the President shall not carry out, promulgate any
12 regulations pursuant to, or carry out any policy de-
13 scribed in or required by, a covered action.

14 (2) REVERSION.—During the covered period—

15 (A) all covered actions, including any regu-
16 lations promulgated, or other agency actions
17 taken, pursuant to the covered actions, shall
18 have no force and effect; and

19 (B) all applicable regulations and agency
20 policies that were in effect on January 19,
21 2021, shall have full force and effect.

22 **SEC. 4. KEYSTONE PIPELINE.**

23 TransCanada Keystone Pipeline, L.P. may construct,
24 connect, operate, and maintain the pipeline facilities at the
25 international border of the United States and Canada

1 under the terms described in the Presidential Permit of
2 March 29, 2019 (84 Fed. Reg. 13101 (April 3, 2019)).

3 **SEC. 5. SENSE OF THE SENATE RELATING TO NATURAL GAS**
4 **EXPORTS AND OFFSHORE OIL AND GAS**
5 **LEASE SALES.**

6 It is the sense of the Senate that—

7 (1) the Secretary of Energy should act expedi-
8 tiously to approve applications under subsection (a)
9 of section 3 of the Natural Gas Act (15 U.S.C.
10 717b) to export natural gas from the United States
11 to foreign countries not described in subsection (c)
12 of that section;

13 (2) the Attorney General should appeal the de-
14 cision of the United States District Court for the
15 District of Columbia in the memorandum opinion
16 dated January 27, 2022, in *Friends of the Earth v.*
17 *Haaland*, No. 1:21-cv-02317-RC;

18 (3) not later than June 30, 2022, the Secretary
19 of the Interior should approve a new final 5-year oil
20 and gas leasing program under section 18(a) of the
21 Outer Continental Shelf Lands Act (43 U.S.C.
22 1344(a)) that includes at least as many lease sales
23 as are included in the 2017–2022 Outer Continental
24 Shelf Oil and Gas Leasing Proposed Final Program
25 (November 2016); and

1 (4) the Secretary of State should coordinate
2 with the energy-producing allies of the United States
3 to ensure that the resource needs of the energy-inse-
4 cure allies of the United States are met.

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