

118TH CONGRESS
1ST SESSION

S. 782

To require applicable Federal agencies to take action on applications for Federal energy authorizations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2023

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require applicable Federal agencies to take action on applications for Federal energy authorizations, 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 “Furthering Resource
5 Exploration and Empowering American Energy Act” or
6 the “FREE American Energy Act”.

7 **SEC. 2. FEDERAL ENERGY AUTHORIZATIONS.**

8 (a) DEFINITION OF FEDERAL ENERGY AUTHORIZA-
9 TION.—In this section, the term “Federal energy author-

1 ization” means a permit, waiver, license, or other author-
2 ization required from a Federal agency relating to—

- 3 (1) a natural gas transmission project;
- 4 (2) a natural gas interstate project;
- 5 (3) the exportation of natural gas;
- 6 (4) oil and gas lease sales;
- 7 (5) onshore and offshore oil and gas drilling ex-
8 ploration; or

9 (6) alternative energy production, including—

- 10 (A) geothermal production;
- 11 (B) solar production;
- 12 (C) wind production; and
- 13 (D) mineral production.

14 (b) AGENCY ACTION.—

15 (1) IN GENERAL.—The President, acting
16 through the Director of the Office of Management
17 and Budget, shall require each applicable Federal
18 agency to, not later than 60 days after the date of
19 enactment of this Act, review and approve or deny
20 each application for a Federal energy authorization
21 that is pending with the Federal agency on the date
22 of enactment of this Act.

23 (2) SUBSEQUENT APPLICATIONS.—The Presi-
24 dent, acting through the Director of the Office of
25 Management and Budget, shall require each applica-

1 ble Federal agency to, not later than 60 days after
2 the date on which the Federal agency receives an ap-
3 plication for a Federal energy authorization, review
4 and approve or deny the application.

5 (c) DENIAL.—If a Federal agency denies an applica-
6 tion for a Federal energy authorization under paragraph
7 (1) or (2) of subsection (b), not later than 5 days after
8 the date of the denial, the Federal agency shall submit
9 to Congress a detailed explanation of the reasons for the
10 denial.

11 (d) EXTENSION.—On request by the head of a Fed-
12 eral agency, the President, acting through the Director of
13 the Office of Management and Budget, may grant an ex-
14 tension of the deadline under paragraph (1) or (2) of sub-
15 section (b) of not more than 30 days, on the condition
16 that the head of the Federal agency submits to Congress
17 an explanation of the reasons why the extension is nec-
18 essary.

19 **SEC. 3. FERC AUTHORIZATIONS.**

20 (a) DEFINITIONS.—In this section:

21 (1) COMMISSION.—The term “Commission”
22 means the Federal Energy Regulatory Commission.

23 (2) FERC AUTHORIZATION.—The term “FERC
24 authorization” means a permit, waiver, license, or

1 other authorization required from the Commission
2 relating to—

3 (A) transportation of oil by pipeline in
4 interstate commerce;

5 (B) construction of new interstate natural
6 gas pipelines or natural gas storage projects;

7 (C) liquefied natural gas terminal projects;

8 or

9 (D) projects relating to hydropower.

10 (b) FERC ACTION.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date of enactment of this Act, the Commission
13 shall review and approve or deny each application
14 for a FERC authorization that is pending on the
15 date of enactment of this Act.

16 (2) SUBSEQUENT APPLICATIONS.—Not later
17 than 60 days after the date on which the Commis-
18 sion receives an application for a FERC authoriza-
19 tion, the Commission shall review and approve or
20 deny the application.

21 (c) DENIAL.—If the Commission denies an applica-
22 tion for a FERC authorization under paragraph (1) or
23 (2) of subsection (b), not later than 5 days after the date
24 of the denial, the Commission shall submit to Congress
25 a detailed explanation of the reasons for the denial.

1 (d) EXTENSION.—

2 (1) IN GENERAL.—The Commission may sub-
3 mit to Congress a request for an extension of the
4 deadline under paragraph (1) or (2) of subsection
5 (b) of not more than 30 days, which shall include an
6 explanation of the reasons why the extension is nec-
7 essary.

8 (2) CONGRESSIONAL APPROVAL.—A request for
9 an extension under paragraph (1) may only be ap-
10 proved by an Act of Congress.

11 **SEC. 4. RESCISSION OF EXECUTIVE ORDER.**

12 Executive Order 13990 (42 U.S.C. 4321 note; relat-
13 ing to protecting public health and the environment and
14 restoring science to tackle the climate crisis) is rescinded
15 and shall have no force or effect.

16 **SEC. 5. CONSTRUCTION, CONNECTION, OPERATION, AND**
17 **MAINTENANCE OF OIL OR NATURAL GAS**
18 **PIPELINES OR ELECTRIC TRANSMISSION FA-**
19 **CILITIES.**

20 (a) IN GENERAL.—No Presidential permit (or similar
21 permit) required under Executive Order 13337 (3 U.S.C.
22 301 note; 69 Fed. Reg. 25299 (April 30, 2004)), Execu-
23 tive Order 11423 (3 U.S.C. 301 note; 33 Fed. Reg. 11741
24 (August 16, 1968)), section 301 of title 3, United States
25 Code, Executive Order 12038 (43 Fed. Reg. 3674 (Janu-

1 ary 26, 1978)), Executive Order 10485 (18 Fed. Reg.
2 5397 (September 9, 1953)), or any other Executive order
3 shall be necessary for the construction, connection, oper-
4 ation, or maintenance of an oil or natural gas pipeline or
5 electric transmission facility or any cross-border segment
6 thereof.

7 (b) CONGRESSIONAL AUTHORITY.—The construction,
8 connection, operation, or maintenance of an oil or natural
9 gas pipeline or electric transmission facility, or any cross-
10 border segment thereof, may be approved by an Act of
11 Congress.

12 **SEC. 6. ENERGY PRODUCTION PERMITS ON FEDERAL**
13 **LAND.**

14 (a) DEFINITIONS.—In this section:

15 (1) AGENCY; RULE MAKING.—The terms “agen-
16 cy” and “rule making” have the meanings given the
17 terms in section 551 of title 5, United States Code.

18 (2) FEDERAL LAND.—The term “Federal land”
19 means public lands (as defined in section 103 of the
20 Federal Land Policy and Management Act of 1976
21 (43 U.S.C. 1702)).

22 (b) DELEGATION.—Not later than 180 days after the
23 date of enactment of this Act, the President, acting
24 through the Director of the Office of Management and
25 Budget, shall initiate a rule making to develop an inter-

1 agency process under which any authority or requirement
2 of an agency to issue a permit or other required authoriza-
3 tion necessary to identify, develop, extract, and transport
4 oil or natural gas on Federal land shall be delegated to
5 the State within the borders of which the Federal land
6 is located, on written request of the State to assume such
7 authority.

8 **SEC. 7. CODIFICATION OF NEPA IMPLEMENTING REGULA-**
9 **TIONS REFORM RULE.**

10 The final rule of the Council on Environmental Qual-
11 ity entitled “Update to the Regulations Implementing the
12 Procedural Provisions of the National Environmental Pol-
13 icy Act” (85 Fed. Reg. 43304 (July 16, 2020)) is enacted
14 into law.

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

16 The final rule of the Corps of Engineers and the En-
17 vironmental Protection Agency entitled “The Navigable
18 Waters Protection Rule: Definition of ‘Waters of the
19 United States’” (85 Fed. Reg. 22250 (April 21, 2020))
20 is enacted into law.

21 **SEC. 9. TERMINATION OF CREDIT FOR CLEAN VEHICLES.**

22 Section 30D(h) of the Internal Revenue Code of 1986
23 is amended by striking “December 31, 2032” and insert-
24 ing “December 31, 2024”.

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