

DISCUSSION DRAFT

118TH CONGRESS
1ST SESSION

H. R.

To authorize the Administrator of the Environmental Protection Agency to waive application of certain requirements, sanctions, or fees with respect to processing or refining critical energy resource at a critical energy resource facility, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To authorize the Administrator of the Environmental Protection Agency to waive application of certain requirements, sanctions, or fees with respect to processing or refining critical energy resource at a critical energy resource facility, 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. WAIVER FOR NATIONAL SECURITY OR ENERGY**
4 **SECURITY.**

5 (a) CLEAN AIR ACT REQUIREMENTS.—

1 (1) IN GENERAL.—If the Administrator of the
2 Environmental Protection Agency, in consultation
3 with the Secretary of Energy, determines that proc-
4 essing or refining a critical energy resource at a crit-
5 ical energy resource facility is important to the na-
6 tional security or energy security of the United
7 States, then the Administrator may waive applica-
8 tion of any requirement, sanction, or fee under the
9 Clean Air Act (42 U.S.C. 7401 et seq.) that the Ad-
10 ministrator, in consultation with the Governor of the
11 State in which the critical energy resource facility is
12 located, determines appropriate with respect to the
13 critical energy resource facility.

14 (2) CRITICAL ENERGY RESOURCE; CRITICAL EN-
15 ERGY RESOURCE FACILITY DEFINED.—The terms
16 “critical energy resource” and “critical energy re-
17 source facility” have the meanings given such terms
18 in section 3025(b) of the Solid Waste Disposal Act
19 (as added by this section).

20 (b) SOLID WASTE DISPOSAL ACT.—

21 (1) HAZARDOUS WASTE MANAGEMENT.—The
22 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
23 is amended by inserting after section 3024 the fol-
24 lowing:

1 **“SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE**
2 **FACILITIES.**

3 “(a) DETERMINATION.—If the Administrator, in con-
4 sultation with the Secretary of Energy, determines that
5 processing or refining a critical energy resource at a crit-
6 ical energy resource facility is important to the national
7 security or energy security of the United States, then the
8 Administrator may, with respect to the critical energy re-
9 source facility, waive application of—

10 “(1) any standard established under section
11 3002, 3003, or 3004;

12 “(2) the permit requirement under section
13 3005; or

14 “(3) any other requirement of this title, as the
15 Administrator determines appropriate.

16 “(b) DEFINITIONS.—In this section:

17 “(1) CRITICAL ENERGY RESOURCE.—The term
18 ‘critical energy resource’ means any energy resource
19 that, as determined by the Secretary of Energy—

20 “(A) is essential to the energy sector and
21 energy systems of the United States; and

22 “(B) the supply chain of which is vulner-
23 able to disruption.

24 “(2) CRITICAL ENERGY RESOURCE FACILITY.—
25 The term ‘critical energy resource facility’ means a

1 facility that processes or refines a critical energy re-
2 source.”.

3 (2) TABLE OF CONTENTS.—The table of con-
4 tents of the Solid Waste Disposal Act is amended by
5 inserting after the item relating to section 3024 the
6 following:

“Sec. 3025. Waivers for critical energy resource facilities.”.