

[DISCUSSION DRAFT]

118TH CONGRESS  
1ST SESSION

H. R. \_\_\_\_\_

To amend the Toxic Substances Control Act with respect to critical energy resources, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

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

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**A BILL**

To amend the Toxic Substances Control Act with respect to critical energy resources, 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. CHEMICAL SUBSTANCE REVIEW FOR CRITICAL**  
4 **ENERGY RESOURCES.**

5 Section 5(a) of the Toxic Substances Control Act (15  
6 U.S.C. 2604(a)) is amended by adding at the end the fol-  
7 lowing:

8 “(6) CRITICAL ENERGY RESOURCES.—

1           “(A) STANDARD.—For purposes of a de-  
2           termination under paragraph (3) with respect  
3           to a chemical substance that is a critical energy  
4           resource, the Administrator shall take into con-  
5           sideration costs (including costs to society) and  
6           other nonrisk factors, notwithstanding any re-  
7           quirement of this section to not take such fac-  
8           tors into consideration, and shall take into con-  
9           sideration any reductions in risks.

10           “(B) FAILURE TO RENDER DETERMINA-  
11           TION.—If, with respect to a chemical substance  
12           that is a critical energy resource, the Adminis-  
13           trator fails to make a determination on a notice  
14           under paragraph (3) by the end of the applica-  
15           ble review period and the notice has not been  
16           withdrawn by the submitter, the submitter may  
17           take the actions described in paragraph (1)(A)  
18           with respect to the chemical substance.

19           “(C) PREREQUISITE FOR SUGGESTION OF  
20           WITHDRAWAL OR SUSPENSION.—The Adminis-  
21           trator may not suggest to, or request of, a sub-  
22           mitter of a notice under this subsection for a  
23           chemical substance that is a critical energy re-  
24           source that such submitter withdraw such no-  
25           tice, or request a suspension of the running of

1 the applicable review period with respect to  
2 such notice, unless the Administrator has—

3 “(i) conducted a preliminary review of  
4 such notice; and

5 “(ii) provided to the submitter a draft  
6 of a determination under paragraph (3),  
7 including any supporting information.

8 “(D) DEFINITION.—For purposes of this  
9 paragraph, the term ‘critical energy resource’  
10 means any energy resource that, as determined  
11 by the Secretary of Energy—

12 “(i) is essential to the energy sector  
13 and energy systems of the United States;  
14 and

15 “(ii) the supply chain of which is vul-  
16 nerable to disruption.”.