



(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Toxic Substances Control Act with respect to new 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. SHORT TITLE.**

4 This Act may be cited as the “Elimination of Future
5 Technology Delays Act of 2023”.

1 **SEC. 2. CHEMICAL SUBSTANCE REVIEW FOR CRITICAL EN-**
2 **ERGY RESOURCES.**

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

6 “(6) CRITICAL ENERGY RESOURCES.—

7 “(A) STANDARD.—For purposes of a de-
8 termination under paragraph (3) with respect
9 to a chemical substance that is a critical energy
10 resource, the Administrator shall take into con-
11 sideration economic, societal, and environmental
12 costs and benefits, notwithstanding any require-
13 ment of this section to not take such factors
14 into consideration.

15 “(B) FAILURE TO RENDER DETERMINA-
16 TION.—

17 “(i) ACTIONS AUTHORIZED.—If, with
18 respect to a chemical substance that is a
19 critical energy resource, the Administrator
20 fails to make a determination on a notice
21 under paragraph (3) by the end of the ap-
22 plicable review period and the notice has
23 not been withdrawn by the submitter, the
24 submitter may take the actions described
25 in paragraph (1)(A) with respect to the
26 chemical substance, and the Administrator

1 shall be relieved of any requirement to
2 make such determination.

3 “(ii) NON-DUPLICATION.—A refund of
4 applicable fees under paragraph (4)(A)
5 shall not be made if a submitter takes an
6 action described in paragraph (1)(A) under
7 this subparagraph.

8 “(C) PREREQUISITE FOR SUGGESTION OF
9 WITHDRAWAL OR SUSPENSION.—The Adminis-
10 trator may not suggest to, or request of, a sub-
11 mitter of a notice under this subsection for a
12 chemical substance that is a critical energy re-
13 source that such submitter withdraw such no-
14 tice, or request a suspension of the running of
15 the applicable review period with respect to
16 such notice, unless the Administrator has—

17 “(i) conducted a preliminary review of
18 such notice; and

19 “(ii) provided to the submitter a draft
20 of a determination under paragraph (3),
21 including any supporting information.

22 “(D) DEFINITION.—For purposes of this
23 paragraph, the term ‘critical energy resource’
24 means, as determined by the Secretary of En-
25 ergy, any energy resource—

1 “(i) that is essential to the energy sec-
2 tor and energy systems of the United
3 States; and

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