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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

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

To require the Administrator of the Environmental Protection Agency to authorize the use of flexible air permitting with respect to certain critical energy resource facilities, 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 \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To require the Administrator of the Environmental Protection Agency to authorize the use of flexible air permitting with respect to certain critical energy resource facilities, 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. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY**  
4 **RESOURCE FACILITIES.**

5 (a) IN GENERAL.—The Administrator of the Envi-  
6 ronmental Protection Agency shall, as necessary, revise

1 regulations under parts 70 and 71 of title 40, Code of  
2 Federal Regulations, to—

3 (1) authorize the owner or operator of a critical  
4 energy resource facility to utilize flexible air permit-  
5 ting (as described in the final rule titled “Operating  
6 Permit Programs; Flexible Air Permitting Rule”  
7 published by the Environmental Protection Agency  
8 in the Federal Register on October 6, 2009 (74 Fed.  
9 Reg. 51418)) with respect to such critical energy re-  
10 source facility; and

11 (2) facilitate flexible, market-responsive oper-  
12 ations (as described in the final rule identified in  
13 paragraph (1)) with respect to critical energy re-  
14 source facilities.

15 (b) DEFINITIONS.—In this section:

16 (1) CRITICAL ENERGY RESOURCE.—The term  
17 “critical energy resource” means any energy re-  
18 source that, as determined by the Secretary of En-  
19 ergy—

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 vulnerable  
23 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.