

117TH CONGRESS
2D SESSION

S. 3714

To prioritize United States energy independence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2022

Mr. HAWLEY (for himself, Mr. GRASSLEY, Mr. HAGERTY, and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To prioritize United States energy independence, 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 “American Energy Inde-
5 pendence Act of 2022”.

6 **SEC. 2. POLICY.**

7 It shall be the policy of the United States—

8 (1) to secure energy independence;

9 (2) to provide people in the United States with
10 stable, affordable, and reliable energy prices, includ-

1 ing gasoline, diesel, electricity, natural gas, and pro-
2 pane;

3 (3) to lift regulations on United States energy
4 producers; and

5 (4) to address the impending energy crisis
6 caused by the illegal invasion by Russia of Ukraine.

7 **SEC. 3. PRIORITIZATION OF UNITED STATES ENERGY INDE-**
8 **PENDENCE.**

9 (a) PRESIDENT.—The President shall—

10 (1) direct the Secretary of Energy, the Admin-
11 istrator of the Environmental Protection Agency, the
12 Secretary of Transportation, the Secretary of De-
13 fense, and the Secretary of the Interior to prioritize
14 United States energy independence; and

15 (2) not later than 120 days after the date of
16 enactment of this Act, develop and submit to Con-
17 gress, and make publicly available, a plan for the
18 United States to achieve energy independence by
19 2024.

20 (b) SECRETARY OF ENERGY.—

21 (1) IN GENERAL.—Not later than 120 days
22 after the date of enactment of this Act, the Sec-
23 retary of Energy shall develop a program, promul-
24 gate rules, and issue guidance to ensure that the
25 United States is—

1 (A) energy independent by 2024; and

2 (B) a net exporter of energy.

3 (2) HYDRAULIC FRACTURING.—Not later than
4 120 days after the date of enactment of this Act, the
5 Secretary of Energy shall review existing programs
6 of the Department of Energy and promulgate regu-
7 lations to reduce the regulatory burden on private
8 United States entities harvesting energy through hy-
9 draulic fracturing.

10 (c) DOMESTIC ENERGY INDEPENDENCE.—

11 (1) IN GENERAL.—Not later than 120 days
12 after the date of enactment of this Act, the Adminis-
13 trator of the Environmental Protection Agency (re-
14 ferred to in this subsection as the “Administrator”)
15 shall—

16 (A) identify and repeal any regulations
17 promulgated by the Administrator during the
18 15-year period preceding the date of enactment
19 of this Act that have the intent or effect of sub-
20 stantially reducing the energy independence of
21 the United States; and

22 (B) promulgate regulations and issue guid-
23 ance relating to—

24 (i) reducing the regulatory burden for
25 energy producers in the United States;

- 1 (ii) increasing the energy output by
2 those producers; and
3 (iii) setting the social cost of carbon
4 to \$0 per metric ton.

5 (2) PROHIBITION.—The Administrator shall not
6 propose, finalize, or issue any regulation relating to
7 climate change if the Administrator determines that
8 such a regulation will—

9 (A) reduce the energy security of the
10 United States; or

11 (B) increase energy costs for consumers in
12 the United States.

13 (d) DEPARTMENT OF TRANSPORTATION.—

14 (1) REVIEW AND REPORT.—Not later than 120
15 days after the date of enactment of this Act, the
16 Secretary of Transportation shall—

17 (A) conduct a review of all existing pro-
18 grams of the Department of Transportation re-
19 lating to transportation prices in the United
20 States; and

21 (B) submit to Congress a report on the
22 stability of transportation prices and the afford-
23 ability of transportation in the United States.

24 (2) RULEMAKING.—Not later than 180 days
25 after the date of enactment of this Act, the Sec-

1 retary of Transportation shall promulgate regula-
2 tions and issue guidance to promote stable and af-
3 fordable gasoline and diesel prices for commuters in
4 the United States.

5 (e) DEPARTMENT OF DEFENSE REPORT.—Not later
6 than 120 days after the date of enactment of this Act,
7 the Secretary of Defense shall submit to Congress and
8 make publicly available a report reviewing the national se-
9 curity implications of the dependence of the United States
10 and allied countries on Russian energy exports.

11 (f) LEASING OF FEDERAL LAND FOR OIL AND NAT-
12 URAL GAS PRODUCTION.—Not later than 60 days after
13 the date of enactment of this Act, the Secretary of the
14 Interior shall—

15 (1) conduct a review of existing Federal pro-
16 grams relating to the leasing of Federal land for oil
17 and natural gas production; and

18 (2) based on the review, promulgate regulations
19 and issue guidance—

20 (A) to promote the leasing of Federal land
21 for oil and natural gas production; and

22 (B) to reduce regulatory burdens on en-
23 ergy companies in the United States.

24 (g) FEDERAL ENERGY REGULATORY COMMISSION.—

25 (1) DEFINITIONS.—In this subsection:

1 (A) COMMISSION.—The term “Commis-
 2 sion” means the Federal Energy Regulatory
 3 Commission.

4 (B) COVERED APPLICATION.—The term
 5 “covered application” means an application
 6 submitted to the Commission relating to the
 7 construction, leasing, or operation of 1 or more
 8 pipelines.

9 (2) REVIEW OF COVERED APPLICATIONS PRE-
 10 VIOUSLY DENIED.—Not later than 120 days after
 11 the date of enactment of this Act, the Commission
 12 shall review and reconsider, in light of the national
 13 security implications of the energy independence of
 14 the United States, all covered applications denied by
 15 the Commission during the 10-year period ending on
 16 the date of enactment of this Act.

17 (3) PRESUMPTION APPLICABLE TO COVERED
 18 APPLICATIONS.—

19 (A) IN GENERAL.—Subject to subpara-
 20 graph (B), the Commission shall—

21 (i) presume that all covered applica-
 22 tions received by the Commission during
 23 the period beginning on the date that is 1
 24 year before the date of enactment of this
 25 Act and ending on January 1, 2024, will

1 have a positive effect on national security
 2 by contributing to the energy independence
 3 of the United States; and

4 (ii) consider those covered applications
 5 to be granted, based on that presumption.

6 (B) REBUTTAL.—The Commission may
 7 overcome the presumption described in subpara-
 8 graph (A) and deny a covered application con-
 9 sidered to be granted under that subparagraph
 10 if the Commission makes competing findings
 11 under any other Act with respect to the na-
 12 tional security implications of the covered appli-
 13 cation.

14 **SEC. 4. ABROGATION OF ENERGY POLICIES.**

15 (a) PROHIBITION ON USE OF FUNDS TO IMPLEMENT
 16 THE PARIS AGREEMENT.—

17 (1) PROHIBITION.—

18 (A) IN GENERAL.—No funds appropriated
 19 or otherwise made available for fiscal year 2021
 20 or any fiscal year thereafter may be used to im-
 21 plement the Paris Agreement.

22 (B) INCLUSIONS.—The prohibition under
 23 subparagraph (A) includes the use of funds for
 24 the following:

1 (i) Preparing, communicating, or
 2 maintaining nationally determined con-
 3 tributions.

4 (ii) Funding emissions reductions of
 5 developing countries.

6 (iii) Developing financial mechanisms
 7 that incentivize offshoring of jobs.

8 (iv) The Green Climate Fund.

9 (2) TERMINATION OF PROHIBITION.—The pro-
 10 hibition under paragraph (1) shall terminate on the
 11 date on which the Senate provides advice and con-
 12 sent to the ratification of the Paris Agreement pur-
 13 suant to section 2 of article II of the Constitution
 14 of the United States.

15 (3) DEFINITION OF PARIS AGREEMENT.—In
 16 this subsection, the term “Paris Agreement” means
 17 the decision by the 21st Conference of the Parties
 18 of the United Nations Framework Convention on
 19 Climate Change in Paris, France, adopted December
 20 12, 2015.

21 (b) AUTHORIZATION OF KEYSTONE XL PIPELINE.—

22 (1) AUTHORIZATION.—TransCanada Keystone
 23 Pipeline, L.P. may construct, connect, operate, and
 24 maintain the pipeline facilities at the international
 25 border of the United States and Canada at Phillips

1 County, Montana, for the import of oil from Canada
2 to the United States as described in the Presidential
3 Permit of March 29, 2019 (84 Fed. Reg. 13101
4 (April 3, 2019)).

5 (2) NO PRESIDENTIAL PERMIT REQUIRED.—No
6 Presidential permit (or similar permit) under Execu-
7 tive Order 13867 (3 U.S.C. 301 note; relating to the
8 issuance of permits with respect to facilities and
9 land transportation crossings at the international
10 boundaries of the United States), Executive Order
11 12038 (42 U.S.C. 7151 note; relating to the transfer
12 of certain functions to the Secretary of Energy), Ex-
13 ecutive Order 10485 (15 U.S.C. 717b note; relating
14 to the performance of functions respecting electric
15 power and natural gas facilities located on United
16 States borders), or any other Executive order shall
17 be required for the construction, connection, oper-
18 ation, or maintenance of the pipeline facilities de-
19 scribed in paragraph (1).

20 (c) NULLIFICATION OF CLIMATE CRISIS EXECUTIVE
21 ORDER.—Executive Order 14008 (42 U.S.C. 4321 note;
22 relating to tackling the climate crisis at home and abroad)
23 is rescinded and shall have no force or effect.

24 (d) WATERS OF THE UNITED STATES.—

1 (1) DEFINITIONS.—The definitions of the term
2 “waters of the United States” and the other terms
3 defined in section 328.3 of title 33, Code of Federal
4 Regulations (as in effect on June 22, 2020), are en-
5 acted into law.

6 (2) CODIFICATION OF NAVIGABLE WATERS PRO-
7 TECTION RULE.—The final rule of the Corps of En-
8 gineers and the Environmental Protection Agency
9 entitled “The Navigable Waters Protection Rule:
10 Definition of ‘Waters of the United States’” (85
11 Fed. Reg. 22250 (April 21, 2020)) is enacted into
12 law.

13 (3) ABROGATION OF PROPOSED RULE.—The
14 proposed rule of the Corps of Engineers and the En-
15 vironmental Protection Agency entitled “Revised
16 Definition of ‘Waters of the United States’” (86
17 Fed. Reg. 69372 (December 7, 2021)) is rescinded
18 and shall have no force or effect.

19 (e) ABROGATION OF METHANE RULE.—The pro-
20 posed rule of the Environmental Protection Agency enti-
21 tled “Standards of Performance for New, Reconstructed,
22 and Modified Sources and Emissions Guidelines for Exist-
23 ing Sources: Oil and Natural Gas Sector Climate Review”
24 (86 Fed. Reg. 63110 (November 15, 2021)) is rescinded
25 and shall have no force or effect.

1 **SEC. 5. REPORT.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall submit to Congress a report that—

5 (1) describes the status of United States de-
6 pendence on foreign countries for energy needs;

7 (2)(A) describes the compliance of applicable
8 Federal agencies with this Act; and

9 (B) evaluates the effect of that compliance on
10 United States energy independence; and

11 (3) evaluates the stability and affordability of
12 energy prices for United States consumers.

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