

Union Calendar No.

118TH CONGRESS
1ST SESSION

H. R. 1158

[Report No. 118-]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. CURTIS introduced the following bill; which was referred to the Committee on Energy and Commerce

MARCH --, 2023

Committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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”.

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

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

11 “(6) CRITICAL ENERGY RESOURCES.—

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

20 “(B) FAILURE TO RENDER DETERMINA-
21 TION.—

22 “(i) ACTIONS AUTHORIZED.—If, with
23 respect to a chemical substance that is a
24 critical energy resource, the Administrator
25 fails to make a determination on a notice

1 under paragraph (3) by the end of the ap-
2 plicable review period and the notice has
3 not been withdrawn by the submitter, the
4 submitter may take the actions described
5 in paragraph (1)(A) with respect to the
6 chemical substance, and the Administrator
7 shall be relieved of any requirement to
8 make such determination.

9 “(ii) NON-DUPLICATION.—A refund of
10 applicable fees under paragraph (4)(A)
11 shall not be made if a submitter takes an
12 action described in paragraph (1)(A) under
13 this subparagraph.

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

23 “(i) conducted a preliminary review of
24 such notice; and

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

4 “(D) DEFINITION.—For purposes of this
5 paragraph, the term ‘critical energy resource’
6 means, as determined by the Secretary of En-
7 ergy, any energy resource—

8 “(i) that is essential to the energy sec-
9 tor and energy systems of the United
10 States; and

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