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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To restart onshore and offshore oil, gas, and coal leasing, streamline permitting for energy infrastructure, ensure transparency in energy development on Federal lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To restart onshore and offshore oil, gas, and coal leasing, streamline permitting for energy infrastructure, ensure transparency in energy development on Federal lands, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Transparency and Production of American Energy Act
6 of 2023” or the “TAP American Energy Act of 2023”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ONSHORE AND OFFSHORE LEASING AND OVERSIGHT

- Sec. 101. Onshore oil and gas leasing.
- Sec. 102. Lease reinstatement.
- Sec. 103. Protested lease sales.
- Sec. 104. Suspension of operations.
- Sec. 105. Administrative protest process reform.
- Sec. 106. Leasing and permitting transparency.
- Sec. 107. Offshore oil and gas leasing.
- Sec. 108. Five-year plan for offshore oil and gas leasing.
- Sec. 109. Geothermal leasing.
- Sec. 110. Leasing for certain qualified coal applications.
- Sec. 111. Future coal leasing.
- Sec. 112. Staff planning report.

TITLE II—PERMITTING STREAMLINING

- Sec. 201. Definitions.
- Sec. 202. Codification of National Environmental Policy Act regulations.
- Sec. 203. Non-major Federal actions.
- Sec. 204. No net loss determination for existing rights-of-way.
- Sec. 205. Determination of National Environmental Policy Act adequacy.
- Sec. 206. Determination regarding rights-of-way.
- Sec. 207. Terms of rights-of-way.
- Sec. 208. Funding to process permits and develop information technology.
- Sec. 209. Offshore geological and geophysical survey licensing.
- Sec. 210. Deferral of applications for permits to drill.
- Sec. 211. Processing and terms of applications for permits to drill.
- Sec. 212. Amendments to the Energy Policy Act of 2005.
- Sec. 213. Access to Federal energy resources from non-Federal surface estate.
- Sec. 214. Scope of environmental reviews for oil and gas leases.
- Sec. 215. Expediting approval of gathering lines.
- Sec. 216. Lease sale litigation.
- Sec. 217. Limitation on claims.
- Sec. 218. Government Accountability Office report on permits to drill.

TITLE III—FEDERAL LAND USE PLANNING

- Sec. 301. Federal land use planning and withdrawals.
- Sec. 302. Prohibitions on delay of mineral development of certain federal land.
- Sec. 303. Definitions.

TITLE IV—ENSURING COMPETITIVENESS ON FEDERAL LANDS

- Sec. 401. Incentivizing domestic production.

TITLE V—ENERGY REVENUE SHARING

- Sec. 501. Gulf of Mexico Outer Continental Shelf revenue.
- Sec. 502. Parity in offshore wind revenue sharing.
- Sec. 503. Elimination of administrative fee under the Mineral Leasing Act.

1 **TITLE I—ONSHORE AND OFF-**
2 **SHORE LEASING AND OVER-**
3 **SIGHT**

4 **SEC. 101. ONSHORE OIL AND GAS LEASING.**

5 (a) REQUIREMENT TO IMMEDIATELY RESUME ON-
6 SHORE OIL AND GAS LEASE SALES.—

7 (1) IN GENERAL.—The Secretary of the Inte-
8 rior shall immediately resume quarterly onshore oil
9 and gas lease sales in compliance with the Mineral
10 Leasing Act (30 U.S.C. 181 et seq.).

11 (2) REQUIREMENT.—The Secretary of the Inte-
12 rior shall ensure—

13 (A) that any oil and gas lease sale pursu-
14 ant to paragraph (1) is conducted immediately
15 on completion of all applicable scoping, public
16 comment, and environmental analysis require-
17 ments under the Mineral Leasing Act (30
18 U.S.C. 181 et seq.) and the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4321 et
20 seq.); and

21 (B) that the processes described in sub-
22 paragraph (A) are conducted in a timely man-
23 ner to ensure compliance with subsection (b)(1).

24 (3) LEASE OF OIL AND GAS LANDS.—Section
25 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.

1 226(b)(1)(A)) is amended by inserting “Eligible
2 lands comprise all lands subject to leasing under this
3 Act and not excluded from leasing by a statutory or
4 regulatory prohibition. Available lands are those
5 lands that have been designated as open for leasing
6 under a land use plan developed under section 202
7 of the Federal Land Policy and Management Act of
8 1976 and that have been nominated for leasing
9 through the submission of an expression of interest,
10 are subject to drainage in the absence of leasing, or
11 are otherwise designated as available pursuant to
12 regulations adopted by the Secretary.” after “sales
13 are necessary.”.

14 (b) QUARTERLY LEASE SALES.—

15 (1) IN GENERAL.—In accordance with the Min-
16 eral Leasing Act (30 U.S.C. 181 et seq.), each fiscal
17 year, the Secretary of the Interior shall conduct a
18 minimum of four oil and gas lease sales in each of
19 the following States:

20 (A) Wyoming.

21 (B) New Mexico.

22 (C) Colorado.

23 (D) Utah.

24 (E) Montana.

25 (F) North Dakota.

1 (G) Oklahoma.

2 (H) Nevada.

3 (I) Alaska.

4 (J) Any other State in which there is land
5 available for oil and gas leasing under the Min-
6 eral Leasing Act (30 U.S.C. 181 et seq.) or any
7 other mineral leasing law.

8 (2) REQUIREMENT.—In conducting a lease sale
9 under paragraph (1) in a State described in that
10 paragraph, the Secretary of the Interior shall offer
11 all parcels nominated and eligible pursuant to the
12 requirements of the Mineral Leasing Act (30 U.S.C.
13 181 et seq.) for oil and gas exploration, develop-
14 ment, and production under the resource manage-
15 ment plan in effect for the State.

16 (3) REPLACEMENT SALES.—The Secretary of
17 the Interior shall conduct a replacement sale during
18 the same fiscal year if—

19 (A) a lease sale under paragraph (1) is
20 canceled, delayed, or deferred, including for a
21 lack of eligible parcels; or

22 (B) during a lease sale required under
23 paragraph (1) not more than 25 percent of the
24 area offered for leasing receives a bid.

1 (4) NOTICE REGARDING MISSED SALES.—Not
2 later than 30 days after a sale required under this
3 subsection is canceled, delayed, deferred, or other-
4 wise missed the Secretary of the Interior shall sub-
5 mit to the Committee on Natural Resources of the
6 House of Representatives and the Committee on En-
7 ergy and Natural Resources of the Senate a report
8 that states what sale was missed and why it was
9 missed.

10 **SEC. 102. LEASE REINSTATEMENT.**

11 The reinstatement of a lease entered into under the
12 Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geo-
13 thermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by
14 the Secretary shall be not considered a major Federal ac-
15 tion under section 102(2)(C) of the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

17 **SEC. 103. PROTESTED LEASE SALES.**

18 Section 17(b)(1)(A) of the Mineral Leasing Act (30
19 U.S.C. 226(b)(1)(A)) is amended by inserting “The Sec-
20 retary shall resolve any protest to a lease sale not later
21 than 60 days after such payment.” after “annual rental
22 for the first lease year.”.

23 **SEC. 104. SUSPENSION OF OPERATIONS.**

24 Section 17 of the Mineral Leasing Act (30 U.S.C.
25 226) is amended by adding at the end the following:

1 “(r) **SUSPENSION OF OPERATIONS PERMITS.**—In the
2 event that an oil and gas lease owner has submitted an
3 expression of interest for adjacent acreage that is part of
4 the nature of the geological play and has yet to be offered
5 in a lease sale by the Secretary, they may request a sus-
6 pension of operations from the Secretary of the Interior
7 and upon request, the Secretary shall grant the suspension
8 of operations within 15 days. Any payment of acreage
9 rental or of minimum royalty prescribed by such lease like-
10 wise shall be suspended during such period of suspension
11 of operations and production; and the term of such lease
12 shall be extended by adding any such suspension period
13 thereto.”.

14 **SEC. 105. ADMINISTRATIVE PROTEST PROCESS REFORM.**

15 Section 17 of the Mineral Leasing Act (30 U.S.C.
16 226) is further amended by adding at the end the fol-
17 lowing:

18 “(s) **PROTEST FILING FEE.**—

19 “(1) **IN GENERAL.**—Before processing any pro-
20 test filed under this section, the Secretary shall col-
21 lect a filing fee in the amount described in para-
22 graph (2) from the protestor to recover the cost for
23 processing documents filed for each administrative
24 protest.

1 “(2) AMOUNT.—The amount described in this
2 paragraph is calculated as follows:

3 “(A) For each protest filed in a submission
4 not exceeding 10 pages in length, the base filing
5 fee shall be \$150.

6 “(B) For each submission exceeding 10
7 pages in length, in addition to the base filing
8 fee, an assessment of \$5 per page in excess of
9 10 pages shall apply.

10 “(C) For protests that include more than
11 one oil and gas lease parcel, right-of-way, or ap-
12 plication for permit to drill in a submission, an
13 additional assessment of \$10 per additional
14 lease parcel, right-of-way, or application for
15 permit to drill shall apply.

16 “(3) ADJUSTMENT.—

17 “(A) IN GENERAL.—Beginning on January
18 1, 2022, and annually thereafter, the Secretary
19 shall adjust the filing fees established in this
20 subsection to whole dollar amounts to reflect
21 changes in the Producer Price Index, as pub-
22 lished by the Bureau of Labor Statistics, for
23 the previous 12 months.

24 “(B) PUBLICATION OF ADJUSTED FILING
25 FEES.—At least 30 days before the filing fees

1 as adjusted under this paragraph take effect,
2 the Secretary shall publish notification of the
3 adjustment of such fees in the Federal Reg-
4 ister.”.

5 **SEC. 106. LEASING AND PERMITTING TRANSPARENCY.**

6 (a) REPORT.—Not later than 30 days after the date
7 of the enactment of this section, and annually thereafter,
8 the Secretary of the Interior shall submit to the Com-
9 mittee on Natural Resources of the House of Representa-
10 tives and the Committee on Energy and Natural Re-
11 sources of the Senate a report that describes—

12 (1) the status of nominated parcels for future
13 onshore oil and gas and geothermal lease sales, in-
14 cluding—

15 (A) the number of expressions of interest
16 received each month during the period of 365
17 days that ends on the date on which the report
18 is submitted with respect to which the Bureau
19 of Land Management—

20 (i) has not taken any action to review;

21 (ii) has not completed review; or

22 (iii) has completed review and deter-
23 mined that the relevant area meets all ap-
24 plicable requirements for leasing, but has

1 not offered the relevant area in a lease
2 sale;

3 (B) how long expressions of interest de-
4 scribed in subparagraph (A) have been pending;
5 and

6 (C) a plan, including timelines, for how the
7 Secretary of the Interior plans to—

8 (i) work through future expressions of
9 interest to prevent delays;

10 (ii) put expressions of interest de-
11 scribed in subparagraph (A) into a lease
12 sale; and

13 (iii) complete review for expressions of
14 interest described in clauses (i) and (ii) of
15 subparagraph (A);

16 (2) the status of each pending application for
17 permit to drill received during the period of 365
18 days that ends on the date on which the report is
19 submitted, including the number of applications re-
20 ceived each month, by each Bureau of Land Man-
21 agement office, including—

22 (A) a description of the cause of delay for
23 pending applications, including as a result of
24 staffing shortages, technical limitations, incom-
25 plete applications, and incomplete review pursu-

1 ant to the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
3 plicable laws;

4 (B) the number of days an application has
5 been pending in violation of section 17(p)(2) of
6 the Mineral Leasing Act (30 U.S.C. 226(p)(2));
7 and

8 (C) a plan for how the office intends to
9 come into compliance with the requirements of
10 section 17(p)(2) of the Mineral Leasing Act (30
11 U.S.C. 226(p)(2));

12 (3) the number of permits to drill issued each
13 month by each Bureau of Land Management office
14 during the 5-year period ending on the date on
15 which the report is submitted;

16 (4) the status of each pending application for a
17 license for offshore geological and geophysical sur-
18 veys received during the period of 365 days that
19 ends on the date on which the report is submitted,
20 including the number of applications received each
21 month, by each Bureau of Ocean Energy manage-
22 ment regional office, including—

23 (A) a description of any cause of delay for
24 pending applications, including as a result of
25 staffing shortages, technical limitations, incom-

1 plete applications, and incomplete review pursu-
2 ant to the National Environmental Policy Act
3 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
4 plicable laws;

5 (B) the number of days an application has
6 been pending; and

7 (C) a plan for how the Bureau of Ocean
8 Energy Management intends to complete review
9 of each application;

10 (5) the number of licenses for offshore geologi-
11 cal and geophysical surveys issued each month by
12 each Bureau of Ocean Energy Management regional
13 office during the 5-year period ending on the date on
14 which the report is submitted;

15 (6) the status of each pending application for a
16 permit to drill received during the period of 365
17 days that ends on the date on which the report is
18 submitted, including the number of applications re-
19 ceived each month, by each Bureau of Safety and
20 Environmental Enforcement regional office, includ-
21 ing—

22 (A) a description of any cause of delay for
23 pending applications, including as a result of
24 staffing shortages, technical limitations, incom-
25 plete applications, and incomplete review pursu-

1 ant to the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
3 plicable laws;

4 (B) the number of days an application has
5 been pending; and

6 (C) steps the Bureau of Safety and Envi-
7 ronmental Enforcement is taking to complete
8 review of each application;

9 (7) the number of permits to drill issued each
10 month by each Bureau of Safety and Environmental
11 Enforcement regional office during the period of 365
12 days that ends on the date on which the report is
13 submitted;

14 (8) how, as applicable, the Bureau of Land
15 Management, the Bureau of Ocean Energy Manage-
16 ment, and the Bureau of Safety and Environmental
17 Enforcement determines whether to—

18 (A) issue a license for geological and geo-
19 physical surveys;

20 (B) issue a permit to drill; and

21 (C) issue, extend, or suspend an oil and
22 gas lease;

23 (9) when determinations described in paragraph
24 (8) are sent to the national office of the Bureau of
25 Land Management, the Bureau of Ocean Energy

1 Management, or the Bureau of Safety and Environ-
2 mental Enforcement for final approval;

3 (10) the degree to which Bureau of Land Man-
4 agement, Bureau of Ocean Energy Management,
5 and Bureau of Safety and Environmental Enforce-
6 ment field, State, and regional offices exercise dis-
7 cretion on such final approval;

8 (11) during the period of 365 days that ends on
9 the date on which the report is submitted, the num-
10 ber of auctioned leases receiving accepted bids that
11 have not been issued to winning bidders and the
12 number of days such leases have not been issued;
13 and

14 (12) a description of the uses of application for
15 permit to drill fees paid by permit holders during
16 the 5-year period ending on the date on which the
17 report is submitted.

18 (b) PENDING APPLICATIONS FOR PERMITS TO
19 DRILL.—Not later than 30 days after the date of the en-
20 actment of this section, the Secretary of the Interior
21 shall—

22 (1) complete all requirements under the Na-
23 tional Environmental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.) and other applicable law that must be

1 met before issuance of a permit to drill described in
2 paragraph (2); and

3 (2) issue a permit for all completed applications
4 to drill that are pending on the date of the enact-
5 ment of this Act.

6 (c) PUBLIC AVAILABILITY OF DATA.—

7 (1) MINERAL LEASING ACT.—Section 17 of the
8 Mineral Leasing Act (30 U.S.C. 226) is further
9 amended by adding at the end the following:

10 “(s) PUBLIC AVAILABILITY OF DATA.—

11 “(1) EXPRESSIONS OF INTEREST.—Not later
12 than 30 days after the date of the enactment of this
13 subsection, and each month thereafter, the Secretary
14 shall publish on the website of the Department of
15 the Interior the number of pending, approved, and
16 not approved expressions of interest in nominated
17 parcels for future onshore oil and gas lease sales in
18 the preceding month.

19 “(2) APPLICATIONS FOR PERMITS TO DRILL.—
20 Not later than 30 days after the date of the enact-
21 ment of this subsection, and each month thereafter,
22 the Secretary shall publish on the website of the De-
23 partment of the Interior the number of pending and
24 approved applications for permits to drill in the pre-
25 ceding month in each State office.

1 “(3) PAST DATA.—Not later than 30 days after
2 the date of the enactment of this subsection, the
3 Secretary shall publish on the website of the Depart-
4 ment of the Interior, with respect to each month
5 during the 5-year period ending on the date of the
6 enactment of this subsection—

7 “(A) the number of approved and not ap-
8 proved expressions of interest for onshore oil
9 and gas lease sales during such 5-year period;
10 and

11 “(B) the number of approved and not ap-
12 proved applications for permits to drill during
13 such 5-year period.”.

14 (2) OUTER CONTINENTAL SHELF LANDS ACT.—
15 Section 8 of the Outer Continental Shelf Lands Act
16 (43 U.S.C. 1337) is amended by adding at the end
17 the following:

18 “(q) PUBLIC AVAILABILITY OF DATA.—

19 “(1) OFFSHORE GEOLOGICAL AND GEO-
20 PHYSICAL SURVEY LICENSES.—Not later than 30
21 days after the date of the enactment of this sub-
22 section, and each month thereafter, the Secretary
23 shall publish on the website of the Department of
24 the Interior the number of pending and approved

1 applications for licenses for offshore to geological
2 and geophysical surveys in the preceding month.

3 “(2) APPLICATIONS FOR PERMITS TO DRILL.—
4 Not later than 30 days after the date of the enact-
5 ment of this subsection, and each month thereafter,
6 the Secretary shall publish on the website of the De-
7 partment of the Interior the number of pending and
8 approved applications for permits to drill on the
9 outer Continental Shelf in the preceding month in
10 each regional office.

11 “(3) PAST DATA.—Not later than 30 days after
12 the date of the enactment of this subsection, the
13 Secretary shall publish on the website of the Depart-
14 ment of the Interior, with respect each month during
15 the 5-year period ending on the date of the enact-
16 ment of this subsection—

17 “(A) the number of approved applications
18 for licenses for offshore geological and geo-
19 physical surveys; and

20 “(B) the number of approved applications
21 for permits to drill on the outer Continental
22 Shelf.”.

23 (d) REQUIREMENT TO SUBMIT DOCUMENTS AND
24 COMMUNICATIONS.—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of the enactment of this section, the Sec-
3 retary of the Interior shall submit to the Committee
4 on Energy and Natural Resources of the Senate and
5 the Committee on Natural Resources of the House
6 of Representatives all documents and communica-
7 tions relating to the comprehensive review of Federal
8 oil and gas permitting and leasing practices required
9 under section 208 of Executive Order 14008 (86
10 Fed. Reg. 7624; relating to tackling the climate cri-
11 sis at home and abroad).

12 (2) INCLUSIONS.—The submission under para-
13 graph (1) shall include all documents and commu-
14 nications submitted to the Secretary of the Interior
15 by members of the public in response to any public
16 meeting or forum relating to the comprehensive re-
17 view described in that paragraph.

18 **SEC. 107. OFFSHORE OIL AND GAS LEASING.**

19 (a) IN GENERAL.—The Secretary shall conduct all
20 lease sales described in the 2017–2022 Outer Continental
21 Shelf Oil and Gas Leasing Proposed Final Program (No-
22 vember 2016) that have not been conducted as of the date
23 of the enactment of this Act by not later than September
24 30, 2023.

1 (b) GULF OF MEXICO REGION ANNUAL LEASE
2 SALES.—Notwithstanding any other provision of law, and
3 except within areas subject to existing oil and gas leasing
4 moratoria beginning in fiscal year 2023, the Secretary of
5 the Interior shall annually conduct a minimum of 2 re-
6 gion-wide oil and gas lease sales in the following planning
7 areas of the Gulf of Mexico region, as described in the
8 2017–2022 Outer Continental Shelf Oil and Gas Leasing
9 Proposed Final Program (November 2016):

10 (1) The Central Gulf of Mexico Planning Area.

11 (2) The Western Gulf of Mexico Planning Area.

12 (c) ALASKA REGION ANNUAL LEASE SALES.—Not-
13 withstanding any other provision of law, beginning in fis-
14 cal year 2023, the Secretary of the Interior shall annually
15 conduct a minimum of 2 region-wide oil and gas lease
16 sales in the Alaska region of the Outer Continental Shelf,
17 as described in the 2017–2022 Outer Continental Shelf
18 Oil and Gas Leasing Proposed Final Program (November
19 2016).

20 (d) REQUIREMENTS.—In conducting lease sales
21 under subsections (b) and (c), the Secretary of the Interior
22 shall—

23 (1) issue such leases in accordance with the
24 Outer Continental Shelf Lands Act (43 U.S.C. 1332
25 et seq.); and

1 (2) include in each such lease sale all unleased
2 areas that are not subject to a moratorium as of the
3 date of the lease sale.

4 **SEC. 108. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS**
5 **LEASING.**

6 Section 18 of the Outer Continental Shelf Lands Act
7 (43 U.S.C. 1344) is amended—

8 (1) in subsection (a)—

9 (A) by striking “subsections (c) and (d) of
10 this section, shall prepare and periodically re-
11 vise,” and inserting “this section, shall issue
12 every five years”;

13 (B) by adding at the end the following:

14 “(5) Each five-year program shall include at
15 least two Gulf of Mexico region-wide lease sales per
16 year.”; and

17 (C) in paragraph (3), by inserting “domes-
18 tic energy security,” after “between”;

19 (2) by redesignating subsections (f) through (h)
20 as subsections (h) through (j), respectively; and

21 (3) by inserting after subsection (e) the fol-
22 lowing:

23 “(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The
24 Secretary shall issue the five-year oil and gas leasing pro-
25 gram for 2023 through 2028 and issue the Record of De-

1 cision on the Final Programmatic Environmental Impact
2 Statement by not later than July 1, 2023.

3 “(g) SUBSEQUENT LEASING PROGRAMS.—

4 “(1) IN GENERAL.—Not later than 36 months
5 after conducting the first lease sale under an oil and
6 gas leasing program prepared pursuant to this sec-
7 tion, the Secretary shall begin preparing the subse-
8 quent oil and gas leasing program under this sec-
9 tion.

10 “(2) REQUIREMENT.—Each subsequent oil and
11 gas leasing program under this section shall be ap-
12 proved by not later than 180 days before the expira-
13 tion of the previous oil and gas leasing program.”.

14 **SEC. 109. GEOTHERMAL LEASING.**

15 Section 4(b) of the Geothermal Steam Act of 1970
16 (30 U.S.C. 1003(b)) is amended—

17 (1) in paragraph (2), by striking “2 years” and
18 inserting “year”;

19 (2) by redesignating paragraphs (3) and (4) as
20 paragraphs (5) and (6), respectively; and

21 (3) after paragraph (2), by inserting the fol-
22 lowing:

23 “(3) REPLACEMENT SALES.—If a lease sale
24 under paragraph (1) for a year is canceled or de-

1 layed, the Secretary of the Interior shall conduct a
2 replacement sale during the same year.

3 “(4) REQUIREMENT.—In conducting a lease
4 sale under paragraph (2) in a State described in
5 that paragraph, the Secretary of the Interior shall
6 offer all nominated parcels eligible for geothermal
7 development and utilization under the resource man-
8 agement plan in effect for the State.”.

9 **SEC. 110. LEASING FOR CERTAIN QUALIFIED COAL APPLI-**
10 **CATIONS.**

11 (a) DEFINITIONS.—In this section:

12 (1) COAL LEASE.—The term “coal lease”
13 means a lease entered into by the United States as
14 lessor, through the Bureau of Land Management,
15 and the applicant on Bureau of Land Management
16 Form 3400–012.

17 (2) QUALIFIED APPLICATION.—The term
18 “qualified application” means any application pend-
19 ing under the lease by application program adminis-
20 tered by the Bureau of Land Management pursuant
21 to the Mineral Leasing Act (30 U.S.C. 181 et seq.)
22 and subpart 3425 of title 43, Code of Federal Regu-
23 lations (as in effect on the date of the enactment of
24 this Act), for which the environmental review proc-

1 ess under the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.) has commenced.

3 (b) MANDATORY LEASING AND OTHER REQUIRED
4 APPROVALS.—As soon as practicable after the date of the
5 enactment of this Act, the Secretary shall promptly—

6 (1) with respect to each qualified application—

7 (A) if not previously published for public
8 comment, publish a draft environmental assess-
9 ment, as required under the National Environ-
10 mental Policy Act of 1969 (42 U.S.C. 4321 et
11 seq.) and any applicable implementing regula-
12 tions;

13 (B) finalize the fair market value of the
14 coal tract for which a lease by application is
15 pending;

16 (C) take all intermediate actions necessary
17 to grant the qualified application; and

18 (D) grant the qualified application; and

19 (2) with respect to previously awarded coal
20 leases, grant any additional approvals of the Depart-
21 ment of the Interior or any bureau, agency, or divi-
22 sion of the Department of the Interior required for
23 mining activities to commence.

1 **SEC. 111. FUTURE COAL LEASING.**

2 Notwithstanding any judicial decision to the contrary
3 or a departmental review of the Federal coal leasing pro-
4 gram, Secretarial Order 3338, issued by the Secretary of
5 the Interior on January 15, 2016, shall have no force or
6 effect.

7 **SEC. 112. STAFF PLANNING REPORT.**

8 The Secretary of the Interior and the Secretary of
9 Agriculture shall each annually submit to the Committee
10 on Natural Resources of the House of Representatives and
11 the Committee on Energy and Natural Resources of the
12 Senate a report on the staffing capacity of each respective
13 agency with respect to issuing oil, gas, hardrock mining,
14 coal, and renewable energy leases, rights-of-way, claims,
15 easements, and permits. Each such report shall include—

16 (1) the number of staff assigned to process and
17 issue oil, gas, hardrock mining, coal, and renewable
18 energy leases, rights-of-way, claims, easements, and
19 permits;

20 (2) a description of how many staff are needed
21 to meet statutory requirements for such oil, gas,
22 hardrock mining, coal, and renewable energy leases,
23 rights-of-way, claims, easements, and permits; and

24 (3) how, as applicable, the Department of the
25 Interior or the Department of Agriculture plans to
26 address staffing shortfalls and turnover to ensure

1 adequate staffing to process and issue such oil, gas,
2 hardrock mining, coal, and renewable energy leases,
3 rights-of-way, claims, easements, and permits.

4 **TITLE II—PERMITTING** 5 **STREAMLINING**

6 **SEC. 201. DEFINITIONS.**

7 In this title:

8 (1) ENERGY FACILITY.—The term “energy fa-
9 cility” means a facility the primary purpose of which
10 is the exploration for, or the development, produc-
11 tion, conversion, gathering, storage, transfer, proc-
12 essing, or transportation of, any energy resource.

13 (2) ENERGY STORAGE DEVICE.—The term “en-
14 ergy storage device”—

15 (A) means any equipment that stores en-
16 ergy, including electricity, compressed air,
17 pumped water, heat, and hydrogen, which may
18 be converted into, or used to produce, elec-
19 tricity; and

20 (B) includes a battery, regenerative fuel
21 cell, flywheel, capacitor, superconducting mag-
22 net, and any other equipment the Secretary
23 concerned determines may be used to store en-
24 ergy which may be converted into, or used to
25 produce, electricity.

1 (3) PUBLIC LANDS.—The term “public lands”
2 means any land and interest in land owned by the
3 United States within the several States and adminis-
4 tered by the Secretary of the Interior or the Sec-
5 retary of Agriculture without regard to how the
6 United States acquired ownership, except—

7 (A) lands located on the Outer Continental
8 Shelf; and

9 (B) lands held in trust by the United
10 States for the benefit of Indians, Indian Tribes,
11 Aleuts, and Eskimos.

12 (4) RIGHT-OF-WAY.—The term “right-of-way”
13 means—

14 (A) a right-of-way issued, granted, or re-
15 newed under section 501 of the Federal Land
16 Policy and Management Act of 1976 (43 U.S.C.
17 1761); or

18 (B) a right-of-way granted under section
19 28 of the Mineral Leasing Act (30 U.S.C. 185).

20 (5) SECRETARY CONCERNED.—The term “Sec-
21 retary concerned” means—

22 (A) with respect to public lands, the Sec-
23 retary of the Interior; and

24 (B) with respect to National Forest Sys-
25 tem lands, the Secretary of Agriculture.

1 (6) LAND USE PLAN.—The term “land use
2 plan” means—

3 (A) a land and resource management plan
4 prepared by the Forest Service for a unit of the
5 National Forest System pursuant to section 6
6 of the Forest and Rangeland Renewable Re-
7 sources Planning Act of 1974 (16 U.S.C.
8 1604);

9 (B) a Land Management Plan developed
10 by the Bureau of Land Management under the
11 Federal Land Policy and Management Act of
12 1976 (43 U.S.C. 1701 et seq.); or

13 (C) a comprehensive conservation plan de-
14 veloped by the United States Fish and Wildlife
15 Service under section 4(e)(1)(A) of the National
16 Wildlife Refuge System Administration Act of
17 1966 (16 U.S.C. 668dd(e)(1)(A)).

18 **SEC. 202. CODIFICATION OF NATIONAL ENVIRONMENTAL**
19 **POLICY ACT REGULATIONS.**

20 The revisions to the Code of Federal Regulations
21 made pursuant to the final rule of the Council on Environ-
22 mental Quality titled “Update to the Regulations Imple-
23 menting the Procedural Provisions of the National Envi-
24 ronmental Policy Act” and published on July 16, 2020

1 (85 Fed. Reg. 43304), shall have the same force and effect
2 of law as if enacted by an Act of Congress.

3 **SEC. 203. NON-MAJOR FEDERAL ACTIONS.**

4 (a) EXEMPTION.—An action by the Secretary con-
5 cerned with respect to a covered activity shall be not con-
6 sidered a major Federal action under section 102(2)(C)
7 of the National Environmental Policy Act of 1969 (42
8 U.S.C. 4332(2)(C)).

9 (b) COVERED ACTIVITY.—In this section, the term
10 “covered activity” includes—

11 (1) geotechnical investigations;

12 (2) off-road travel in an existing right-of-way;

13 (3) construction of meteorological towers where
14 the total surface disturbance at the location is less
15 than 5 acres;

16 (4) adding a battery or other energy storage de-
17 vice to an existing or planned energy facility, if that
18 storage resource is located within the physical foot-
19 print of the existing or planned energy facility;

20 (5) drilling temperature gradient holes and
21 other geothermal exploratory wells, including con-
22 structing or making improvements to structure pads
23 for such activities—

24 (A) that are less than 12 inches in diame-
25 ter; and

1 (B) where the total surface disturbance at
2 the location is less than 5 acres;

3 (6) any repair, maintenance, upgrade, optimiza-
4 tion, or minor addition to existing transmission and
5 distribution infrastructure, including—

6 (A) operation, maintenance, or repair of
7 power equipment and structures within existing
8 substations, switching stations, transmission,
9 and distribution lines;

10 (B) the addition, modification, retirement,
11 or replacement of breakers, transmission tow-
12 ers, transformers, bushings, or relays;

13 (C) the voltage uprating, modification,
14 reconductoring with conventional or advanced
15 conductors, and clearance resolution of trans-
16 mission lines;

17 (D) routine and emergency vegetation
18 management, including the removal of hazard
19 trees and other hazard vegetation within or ad-
20 jacent to an existing right-of-way; and

21 (E) improvements to or construction of
22 structure pads for such infrastructure;

23 (7) approval of and activities conducted in ac-
24 cordance with operating plans or agreements for
25 transmission and distribution facilities or under a

1 special use authorization for an electric transmission
2 and distribution facility right-of-way; and

3 (8) construction, maintenance, realignment, or
4 repair of an existing permanent or temporary access
5 road—

6 (A) within an existing right-of-way or with-
7 in a transmission or utility corridor established
8 by Congress or in a land use plan;

9 (B) that serves an existing transmission
10 line, distribution line, or energy facility or

11 (C) activities conducted in accordance with
12 existing onshore oil and gas leases.

13 **SEC. 204. NO NET LOSS DETERMINATION FOR EXISTING**
14 **RIGHTS-OF-WAY.**

15 (a) IN GENERAL.—Upon a determination by the Sec-
16 retary concerned that there will be no overall long-term
17 net loss of vegetation, soil, or habitat, as defined by acre-
18 age and function, resulting from a proposed action, deci-
19 sion, or activity within an existing right-of-way, within a
20 right-of-way corridor established in a land use plan, or in
21 an otherwise designated right-of-way, that action, deci-
22 sion, or activity shall not be considered a major Federal
23 action under section 102(2)(C) of the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

1 (b) INCLUSION OF REMEDIATION.—In making a de-
2 termination under subsection (a), the Secretary concerned
3 shall consider the effect of any remediation work to be
4 conducted during the lifetime of the action, decision, or
5 activity when determining whether there will be any over-
6 all long-term net loss of vegetation, soil, or habitat.

7 **SEC. 205. DETERMINATION OF NATIONAL ENVIRONMENTAL**
8 **POLICY ACT ADEQUACY.**

9 The Secretary concerned shall use previously com-
10 pleted environmental assessments and environmental im-
11 pact statements to satisfy the requirements of section 102
12 of the National Environmental Policy Act of 1969 (42
13 U.S.C. 4332) with respect to any major Federal action,
14 if such Secretary determines that—

15 (1) the new proposed action is substantially the
16 same as a previously analyzed proposed action or al-
17 ternative analyzed in a previous environmental as-
18 sessment or environmental impact statement; and

19 (2) the effects of the proposed action are sub-
20 stantially the same as the effects analyzed in such
21 existing environmental assessments or environmental
22 impact statements.

23 **SEC. 206. DETERMINATION REGARDING RIGHTS-OF-WAY.**

24 Not later than 60 days after the Secretary concerned
25 receives an application to grant a right-of-way, the Sec-

1 retary concerned shall notify the applicant as to whether
2 the application is complete or deficient. If the Secretary
3 concerned determines the application is complete, the Sec-
4 retary concerned may not consider any other application
5 to grant a right-of-way on the same or any overlapping
6 parcels of land while such application is pending.

7 **SEC. 207. TERMS OF RIGHTS-OF-WAY.**

8 (a) FIFTY YEAR TERMS FOR RIGHTS-OF-WAY.—

9 (1) IN GENERAL.—Any right-of-way for pipe-
10 lines for the transportation or distribution of oil or
11 gas granted, issued, amended, or renewed under
12 Federal law may be limited to a term of not more
13 than 50 years before such right-of-way is subject to
14 renewal or amendment.

15 (2) FEDERAL LAND POLICY AND MANAGEMENT
16 ACT OF 1976.—Section 501 of the Federal Land Pol-
17 icy and Management Act of 1976 (43 U.S.C. 1761)
18 is amended by adding at the end the following:

19 “(e) Any right-of-way granted, issued, amended, or
20 renewed under subsection (a)(4) may be limited to a term
21 of not more than 50 years before such right-of-way is sub-
22 ject to renewal or amendment.”.

23 (b) MINERAL LEASING ACT.—Section 28(n) of the
24 Mineral Leasing Act (30 U.S.C. 185(n)) is amended by
25 striking “thirty” and inserting “50”.

1 **SEC. 208. FUNDING TO PROCESS PERMITS AND DEVELOP**
2 **INFORMATION TECHNOLOGY.**

3 (a) IN GENERAL.—In fiscal years 2023 through
4 2025, the Secretary of Agriculture (acting through the
5 Forest Service) and the Secretary of the Interior, after
6 public notice, may accept and expend funds contributed
7 by non-Federal entities for dedicated staff, information re-
8 source management, and information technology system
9 development to expedite the evaluation of permits, biologi-
10 cal opinions, concurrence letters, environmental surveys
11 and studies, processing of applications, consultations, and
12 other activities for the leasing, development, or expansion
13 of an energy facility under the jurisdiction of the respec-
14 tive Secretaries.

15 (b) EFFECT ON PERMITTING.—In carrying out this
16 section, the Secretary of the Interior shall ensure that the
17 use of funds accepted under subsection (a) will not impact
18 impartial decision making with respect to permits, either
19 substantively or procedurally.

20 (c) STATEMENT FOR FAILURE TO ACCEPT OR EX-
21 PEND FUNDS.—Not later than 60 days after the end of
22 the applicable fiscal year, if the Secretary of Agriculture
23 (acting through the Forest Service) or the Secretary of
24 the Interior does not accept funds contributed under sub-
25 section (a) or accepts but does not expend such funds, that
26 Secretary shall submit to the Committee on Natural Re-

1 sources of the House of Representatives and the Com-
2 mittee on Energy and Natural Resources of the Senate
3 a statement explaining why such funds were not accepted,
4 were not expended, or both, as the case may be.

5 **SEC. 209. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SUR-**
6 **VEY LICENSING.**

7 The Secretary of the Interior shall authorize geologi-
8 cal and geophysical surveys related to oil and gas activities
9 on the Gulf of Mexico Outer Continental Shelf, except
10 within areas subject to existing oil and gas leasing mora-
11 toria. Such authorizations shall be issued within 30 days
12 of receipt of a completed application and shall, as applica-
13 ble to survey type, comply with the mitigation and moni-
14 toring measures in subsections (a), (b), (c), (d), (f), and
15 (g) of section 217.184 of title 50, Code of Federal Regula-
16 tions (as in effect on January 1, 2022), and section
17 217.185 of title 50, Code of Federal Regulations (as in
18 effect on January 1, 2022). Geological and geophysical
19 surveys authorized pursuant to this section are deemed to
20 be in full compliance with the Marine Mammal Protection
21 Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered
22 Species Act of 1973 (16 U.S.C. 1531 et seq.), and their
23 implementing regulations.

1 **SEC. 210. DEFERRAL OF APPLICATIONS FOR PERMITS TO**
2 **DRILL.**

3 Section 17(p)(3) of the Mineral Leasing Act (30
4 U.S.C. 226(p)(3)) is amended by adding at the end the
5 following:

6 “(D) DEFERRAL BASED ON FORMATTING
7 ISSUES.—A decision on an application for a
8 permit to drill may not be deferred under para-
9 graph (2)(B) as a result of a formatting issue
10 with the permit, unless such formatting issue
11 results in missing information.”.

12 **SEC. 211. PROCESSING AND TERMS OF APPLICATIONS FOR**
13 **PERMITS TO DRILL.**

14 (a) EFFECT OF PENDING CIVIL ACTIONS.—Section
15 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is
16 amended by adding at the end the following:

17 “(4) EFFECT OF PENDING CIVIL ACTION ON
18 PROCESSING APPLICATIONS FOR PERMITS TO
19 DRILL.—Pursuant to the requirements of paragraph
20 (2), notwithstanding the existence of any pending
21 civil actions affecting the application or related
22 lease, the Secretary shall process an application for
23 a permit to drill or other authorizations or approvals
24 under a valid existing lease, unless a United States
25 Federal court vacated such lease. Nothing in this

1 paragraph shall be construed as providing authority
2 to a Federal court to vacate a lease.”.

3 (b) TERM OF PERMIT TO DRILL.—Section 17 of the
4 Mineral Leasing Act (30 U.S.C. 226) is further amended
5 by adding at the end the following:

6 “(t) TERM OF PERMIT TO DRILL.—A permit to drill
7 issued under this section after the date of the enactment
8 of this subsection shall be valid for one four-year term
9 from the date that the permit is approved, or until the
10 lease regarding which the permit is issued expires, which-
11 ever occurs first.”.

12 **SEC. 212. AMENDMENTS TO THE ENERGY POLICY ACT OF**
13 **2005.**

14 Section 390 of the Energy Policy Act of 2005 (42
15 U.S.C. 15942) is amended to read as follows:

16 **“SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT RE-**
17 **VIEW.**

18 “(a) NATIONAL ENVIRONMENTAL POLICY ACT RE-
19 VIEW.—Action by the Secretary of the Interior, in man-
20 aging the public lands, or the Secretary of Agriculture,
21 in managing National Forest System lands, with respect
22 to any of the activities described in subsection (c), shall
23 not be considered a major Federal action for the purposes
24 of section 102(2)(C) of the National Environmental Policy
25 Act of 1969, if the activity is conducted pursuant to the

1 Mineral Leasing Act (30 U.S.C. 181 et seq.) for the pur-
2 pose of exploration or development of oil or gas.

3 “(b) APPLICATION.—This section shall not apply to
4 an action of the Secretary of the Interior or the Secretary
5 of Agriculture on Indian lands or resources managed in
6 trust for the benefit of Indian Tribes.

7 “(c) ACTIVITIES DESCRIBED.—The activities re-
8 ferred to in subsection (a) are as follows:

9 “(1) Reinstating a lease pursuant to section 31
10 of the Mineral Leasing Act (30 U.S.C. 188).

11 “(2) The following activities, provided that any
12 new surface disturbance is contiguous with the foot-
13 print of the original authorization and does not ex-
14 ceed 20 acres or the acreage evaluated in a docu-
15 ment previously prepared under section 102(2)(C) of
16 the National Environmental Policy Act of 1969 (42
17 U.S.C. 4332(2)(C)) with respect to such activity,
18 whichever is greater:

19 “(A) Drilling an oil or gas well at a well
20 pad site at which drilling has occurred pre-
21 viously.

22 “(B) Expansion of an existing oil or gas
23 well pad site to accommodate an additional well.

1 “(C) Expansion or modification of an ex-
2 isting oil or gas well pad site, road, pipeline, fa-
3 cility, or utility submitted in a sundry notice.

4 “(3) Drilling of an oil or gas well at a new well
5 pad site, provided that the new surface disturbance
6 does not exceed 20 acres and the acreage evaluated
7 in a document previously prepared under section
8 102(2)(C) of the National Environmental Policy Act
9 of 1969 (42 U.S.C. 4332(2)(C)) with respect to such
10 activity, whichever is greater.

11 “(4) Construction or realignment of a road,
12 pipeline, or utility within an existing right-of-way or
13 within a right-of-way corridor established in a land
14 use plan.

15 “(5) The following activities when conducted
16 from non-Federal surface into federally owned min-
17 erals, provided that the operator submits to the Sec-
18 retary concerned certification of a surface use agree-
19 ment with the non-Federal landowner:

20 “(A) Drilling an oil or gas well at a well
21 pad site at which drilling has occurred pre-
22 viously.

23 “(B) Expansion of an existing oil or gas
24 well pad site to accommodate an additional well.

1 “(C) Expansion or modification of an ex-
2 isting oil or gas well pad site, road, pipeline, fa-
3 cility, or utility submitted in a sundry notice.

4 “(6) Drilling of an oil or gas well from non-
5 Federal surface and non-Federal subsurface into
6 Federal mineral estate.

7 “(7) Construction of up to 1 mile of new road
8 on Federal or non-Federal surface, not to exceed 2
9 miles in total.

10 “(8) Construction of up to 3 miles of individual
11 pipelines or utilities, regardless of surface owner-
12 ship.”.

13 **SEC. 213. ACCESS TO FEDERAL ENERGY RESOURCES FROM**
14 **NON-FEDERAL SURFACE ESTATE.**

15 (a) OIL AND GAS PERMITS.—Section 17 of the Min-
16 eral Leasing Act (30 U.S.C. 226) is further amended by
17 adding at the end the following:

18 “(u) NO FEDERAL PERMIT REQUIRED FOR OIL AND
19 GAS ACTIVITIES ON CERTAIN LAND.—

20 “(1) IN GENERAL.—The Secretary shall not re-
21 quire an operator to obtain a Federal drilling permit
22 for oil and gas exploration and production activities
23 conducted on non-Federal surface estate, provided
24 that—

1 “(A) the United States holds an ownership
2 interest of less than 50 percent of the sub-
3 surface mineral estate to be accessed by the
4 proposed action; and

5 “(B) the operator submits to the Secretary
6 a State permit to conduct oil and gas explo-
7 ration and production activities on the non-Fed-
8 eral surface estate.

9 “(2) NO FEDERAL ACTION.—An oil and gas ex-
10 ploration and production activity carried out under
11 paragraph (1)—

12 “(A) shall not be considered a major Fed-
13 eral action for the purposes of section
14 102(2)(C) of the National Environmental Policy
15 Act of 1969;

16 “(B) shall require no additional Federal
17 action;

18 “(C) may commence 30 days after submis-
19 sion of the State permit to the Secretary; and

20 “(D) shall not be subject to—

21 “(i) section 306108 of title 54, United
22 States Code (commonly known as the Na-
23 tional Historic Preservation Act of 1966);
24 and

1 “(ii) section 7 of the Endangered Spe-
2 cies Act of 1973 (16 U.S.C. 1536).

3 “(3) ROYALTIES AND PRODUCTION ACCOUNT-
4 ABILITY.—(A) Nothing in this subsection shall affect
5 the amount of royalties due to the United States
6 under this Act from the production of oil and gas,
7 or alter the Secretary’s authority to conduct audits
8 and collect civil penalties pursuant to the Federal
9 Oil and Gas Royalty Management Act of 1982 (30
10 U.S.C. 1701 et seq.).

11 “(B) The Secretary may conduct onsite reviews
12 and inspections to ensure proper accountability,
13 measurement, and reporting of production of Fed-
14 eral oil and gas, and payment of royalties.

15 “(4) EXCEPTIONS.—This subsection shall not
16 apply to actions on Indian lands or resources man-
17 aged in trust for the benefit of Indian Tribes.

18 “(5) INDIAN LAND.—In this subsection, the
19 term ‘Indian land’ means—

20 “(A) any land located within the bound-
21 aries of an Indian reservation, pueblo, or
22 rancheria; and

23 “(B) any land not located within the
24 boundaries of an Indian reservation, pueblo, or
25 rancheria, the title to which is held—

1 “(i) in trust by the United States for
2 the benefit of an Indian tribe or an indi-
3 vidual Indian;

4 “(ii) by an Indian tribe or an indi-
5 vidual Indian, subject to restriction against
6 alienation under laws of the United States;

7 or

8 “(iii) by a dependent Indian commu-
9 nity.”.

10 (b) GEOTHERMAL PERMITS.—The Geothermal
11 Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended
12 by adding at the end the following:

13 **“SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEO-**
14 **THERMAL ACTIVITIES ON CERTAIN LAND.**

15 “(a) IN GENERAL.—The Secretary shall not require
16 an operator to obtain a Federal drilling permit for geo-
17 thermal exploration and production activities conducted on
18 a non-Federal surface estate, provided that—

19 “(1) the United States holds an ownership in-
20 terest of less than 50 percent of the subsurface geo-
21 thermal estate to be accessed by the proposed action;
22 and

23 “(2) the operator submits to the Secretary a
24 State permit to conduct geothermal exploration and

1 production activities on the non-Federal surface es-
2 tate.

3 “(b) NO FEDERAL ACTION.—A geothermal explo-
4 ration and production activity carried out under para-
5 graph (1)—

6 “(1) shall not be considered a major Federal
7 action for the purposes of section 102(2)(C) of the
8 National Environmental Policy Act of 1969;

9 “(2) shall require no additional Federal action;

10 “(3) may commence 30 days after submission
11 of the State permit to the Secretary; and

12 “(4) shall not be subject to—

13 “(A) section 306108 of title 54, United
14 States Code (commonly known as the National
15 Historic Preservation Act of 1966); and

16 “(B) section 7 of the Endangered Species
17 Act of 1973 (16 U.S.C. 1536).

18 “(c) ROYALTIES AND PRODUCTION ACCOUNT-
19 ABILITY.—(1) Nothing in this section shall affect the
20 amount of royalties due to the United States under this
21 Act from the production of electricity using geothermal re-
22 sources (other than direct use of geothermal resources) or
23 the production of any byproducts.

24 “(2) The Secretary may conduct onsite reviews and
25 inspections to ensure proper accountability, measurement,

1 and reporting of the production described in paragraph
2 (1), and payment of royalties.

3 “(e) EXCEPTIONS.—This section shall not apply to
4 actions on Indian lands or resources managed in trust for
5 the benefit of Indian Tribes.

6 “(f) INDIAN LAND.—In this section, the term ‘Indian
7 land’ means—

8 “(1) any land located within the boundaries of
9 an Indian reservation, pueblo, or rancheria; and

10 “(2) any land not located within the boundaries
11 of an Indian reservation, pueblo, or rancheria, the
12 title to which is held—

13 “(A) in trust by the United States for the
14 benefit of an Indian tribe or an individual In-
15 dian;

16 “(B) by an Indian tribe or an individual
17 Indian, subject to restriction against alienation
18 under laws of the United States; or

19 “(C) by a dependent Indian community.”.

20 **SEC. 214. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL**
21 **AND GAS LEASES.**

22 An environmental review for an oil and gas lease or
23 permit prepared pursuant to the requirements of the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
25 et seq.) and its implementing regulations—

1 (1) shall apply only to areas that are within or
2 immediately adjacent to the lease plot or plots and
3 that are directly affected by the proposed action;
4 and

5 (2) shall not require consideration of down-
6 stream, indirect effects of oil and gas consumption.

7 **SEC. 215. EXPEDITING APPROVAL OF GATHERING LINES.**

8 Section 11318 of the Infrastructure Investment and
9 Jobs Act (42 U.S.C. 15943) is amended by striking “to
10 be an action that is categorically excluded (as defined in
11 section 1508.1 of title 40, Code of Federal Regulations
12 (as in effect on the date of the enactment of this Act))”
13 and inserting “to not be an major Federal action and not
14 subject to the National Environmental Policy Act of
15 1969.”.

16 **SEC. 216. LEASE SALE LITIGATION.**

17 Notwithstanding any other provision of law, any oil
18 and gas lease sale held under section 17 of the Mineral
19 Leasing Act (26 U.S.C. 226) or the Outer Continental
20 Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not be
21 vacated and activities on leases awarded in the sale shall
22 not be otherwise limited, delayed, or enjoined unless the
23 court concludes allowing development of the challenged
24 lease will pose a risk of an imminent and substantial envi-
25 ronmental harm and there is no other equitable remedy

1 available as a matter of law. No court, in response to an
2 action brought pursuant to the National Environmental
3 Policy Act of 1969 (42 U.S.C. et seq.), may enjoin or issue
4 any order preventing the award of leases to a bidder in
5 a lease sale conducted pursuant to section 17 of the Min-
6 eral Leasing Act (26 U.S.C. 226) or the Outer Continental
7 Shelf Lands Act (43 U.S.C. 1331 et seq.) if the Depart-
8 ment of the Interior has previously opened bids for such
9 leases or disclosed the high bidder for any tract that was
10 included in such lease sale.

11 **SEC. 217. LIMITATION ON CLAIMS.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, a claim arising under Federal law seeking ju-
14 dicial review of a permit, license, or approval issued by
15 a Federal agency for an energy facility or energy storage
16 device shall be barred unless—

17 (1) the claim is filed within 120 days after pub-
18 lication of a notice in the Federal Register announc-
19 ing that the permit, license, or approval is final pur-
20 suant to the law under which the agency action is
21 taken, unless a shorter time is specified in the Fed-
22 eral law pursuant to which judicial review is allowed;
23 and

24 (2) the claim is filed by a party that submitted
25 a comment during the public comment period for

1 such permit, license, or approval and such comment
2 was sufficiently detailed to put the agency on notice
3 of the issue upon which the party seeks judicial re-
4 view.

5 (b) SAVINGS CLAUSE.—Nothing in this section shall
6 create a right to judicial review or place any limit on filing
7 a claim that a person has violated the terms of a permit,
8 license, or approval.

9 (c) TRANSPORTATION PROJECTS.—Subsection (a)
10 shall not apply to or supersede a claim subject to section
11 139(l)(1) of title 23, United States Code.

12 **SEC. 218. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
13 **ON PERMITS TO DRILL.**

14 (a) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Comptroller General of the
16 United States shall issue a report detailing—

17 (1) the approval timelines for applications for
18 permits to drill issued by the Bureau of Land Man-
19 agement from 2018 through 2022;

20 (2) the number of applications for permits to
21 drill that were not issued within 30 days of receipt
22 of a completed application; and

23 (3) the causes of delays resulting in applica-
24 tions for permits to drill pending beyond the 30 day

1 deadline required under section 17(p)(2) of the Min-
2 eral Leasing Act (30 U.S.C. 226(p)(2)).

3 (b) RECOMMENDATIONS.—The report issued under
4 subsection (a) shall include recommendations with respect
5 to—

6 (1) actions the Bureau of Land Management
7 can take to streamline the approval process for ap-
8 plications for permits to drill to approve applications
9 for permits to drill within 30 days of receipt of a
10 completed application;

11 (2) aspects of the Federal permitting process
12 carried out by the Bureau of Land Management to
13 issue applications for permits to drill that can be
14 turned over to States to expedite approval of appli-
15 cations for permits to drill; and

16 (3) legislative actions that Congress must take
17 to allow States to administer certain aspects of the
18 Federal permitting process described in paragraph
19 (2).

20 **TITLE III—FEDERAL LAND USE** 21 **PLANNING**

22 **SEC. 301. FEDERAL LAND USE PLANNING AND WITH-** 23 **DRAWALS.**

24 (a) RESOURCE ASSESSMENTS REQUIRED.—Federal
25 lands and waters may not be withdrawn from entry under

1 the mining laws or operation of the mineral leasing and
2 mineral materials laws unless—

3 (1) a quantitative and qualitative geophysical
4 and geological mineral resource assessment of the
5 impacted area has been completed during the 10-
6 year period ending on the date of such withdrawal;

7 (2) the Secretary, in consultation with the Sec-
8 retary of Commerce, the Secretary of Energy, and
9 the Secretary of Defense, conducts an assessment of
10 the economic, energy, strategic, and national secu-
11 rity value of mineral deposits identified in such min-
12 eral resource assessment;

13 (3) the Secretary conducts an assessment of the
14 reduction in future Federal revenues to the Treas-
15 ury, States, the Land and Water Conservation
16 Fund, and Historic Preservation Fund resulting
17 from the proposed mineral withdrawal; and

18 (4) the Secretary submits a report to the Com-
19 mittees on Natural Resources, Agriculture, Energy
20 and Commerce, and Foreign Affairs of the House of
21 Representatives and the Committees on Energy and
22 Natural Resources, Agriculture, and Foreign Affairs
23 of the Senate, that includes the results of the assess-
24 ments completed pursuant to this subsection.

1 (b) LAND USE PLANS.—Before a resource manage-
2 ment plan under the Federal Land Policy and Manage-
3 ment Act of 1976 (43 U.S.C. 1701 et seq.) or a forest
4 management plan under the National Forest Management
5 Act is updated or completed, the Secretary or Secretary
6 of Agriculture, as applicable, in consultation with the Di-
7 rector of the United States Geological Survey, shall—

8 (1) review any quantitative and qualitative min-
9 eral resource assessment that was completed or up-
10 dated during the 10-year period ending on the date
11 that the applicable land management agency pub-
12 lishes a notice to prepare, revise, or amend a land
13 use plan by the Director of the United States Geo-
14 logical Survey for the geographic area affected by
15 the applicable management plan;

16 (2) the Secretary, in consultation with the Sec-
17 retary of Commerce, the Secretary of Energy, and
18 the Secretary of Defense, conducts an assessment of
19 the economic, energy, strategic, and national secu-
20 rity value of mineral deposits identified in such min-
21 eral resource assessment; and

22 (3) submit a report to the Committees on Nat-
23 ural Resources, Agriculture, Energy and Commerce,
24 and Foreign Affairs of the House of Representatives
25 and the Committees on Energy and Natural Re-

1 sources, Agriculture, and Foreign Affairs of the Sen-
2 ate, that includes the results of the assessment com-
3 pleted pursuant to this subsection.

4 (c) NEW INFORMATION.—The Secretary shall provide
5 recommendations to the President on appropriate meas-
6 ures to reduce unnecessary impacts that a withdrawal of
7 Federal lands or waters from entry under the mining laws
8 or operation of the mineral leasing and mineral materials
9 laws may have on mineral exploration, development, and
10 other mineral activities (including authorizing exploration
11 and development of such mineral deposits) not later than
12 180 days after the Secretary has notice that a resource
13 assessment completed by the Director of the United States
14 Geological Survey, in coordination with the State geologi-
15 cal surveys, determines that a previously undiscovered
16 mineral deposit may be present in an area that has been
17 withdrawn from entry under the mining laws or operation
18 of the mineral leasing and mineral materials laws pursu-
19 ant to—

20 (1) section 204 of the Federal Land Policy and
21 Management Act of 1976 (43 U.S.C. 1714), or

22 (2) chapter 3203 of title 54, United States
23 Code.

1 **SEC. 302. PROHIBITIONS ON DELAY OF MINERAL DEVELOP-**
2 **MENT OF CERTAIN FEDERAL LAND.**

3 (a) PROHIBITIONS.—Notwithstanding any other pro-
4 vision of law, the President shall not carry out any action
5 that would pause, restrict, or delay the process for or
6 issuance of any of the following on Federal land, unless
7 such lands are withdrawn from disposition under the min-
8 eral leasing laws, including by administrative withdrawal:

9 (1) New oil and gas lease sales, oil and gas
10 leases, drill permits, or associated approvals or au-
11 thorizations of any kind associated with oil and gas
12 leases.

13 (2) New coal leases (including leases by applica-
14 tion in process, renewals, modifications, or expan-
15 sions of existing leases), permits, approvals, or au-
16 thorizations.

17 (3) New leases, claims, permits, approvals, or
18 authorizations for development or exploration of
19 minerals.

20 (b) PROHIBITION ON RESCISSION OF LEASES, PER-
21 MITS, OR CLAIMS.—The President, the Secretary, or Sec-
22 retary of Agriculture as applicable, may not rescind any
23 existing lease, permit, or claim for the extraction and pro-
24 duction of any mineral under the mining laws or mineral
25 leasing and mineral materials laws on National Forest
26 System land or land under the jurisdiction of the Bureau

1 of Land Management, unless specifically authorized by
2 Federal statute, or upon the lessee, permittee, or claim-
3 ant's failure to comply with any of the provisions of the
4 applicable lease, permit, or claim.

5 (c) MINERAL DEFINED.—In subsection (a)(3), the
6 term “mineral” means any mineral of a kind that is
7 locatable (including such minerals located on “lands ac-
8 quired by the United States”, as such term is defined in
9 section 2 of the Mineral Leasing Act for Acquired Lands)
10 under the Act of May 10, 1872 (Chapter 152; 17 Stat.
11 91).

12 **SEC. 303. DEFINITIONS.**

13 In this title:

14 (1) FEDERAL LAND.—The term “Federal land”
15 means—

16 (A) National Forest System land;

17 (B) public lands (as defined in section 103
18 of the Federal Land Policy and Management
19 Act of 1976 (43 U.S.C. 1702));

20 (C) the outer Continental Shelf (as defined
21 in section 2 of the Outer Continental Shelf
22 Lands Act (43 U.S.C. 1331)); and

23 (D) land managed by the Secretary of En-
24 ergy.

1 (2) PRESIDENT.—The term “President”
2 means—

3 (A) the President; and

4 (B) any designee of the President, includ-
5 ing—

6 (i) the Secretary of Agriculture;

7 (ii) the Secretary of Commerce;

8 (iii) the Secretary of Energy; and

9 (iv) the Secretary of the Interior.

10 (3) PREVIOUSLY UNDISCOVERED DEPOSIT.—

11 The term “previously undiscovered mineral deposit”
12 means—

13 (A) a mineral deposit that has been pre-
14 viously evaluated by the United States Geologi-
15 cal Survey and found to be of low mineral po-
16 tential, but upon subsequent evaluation is de-
17 termined by the United States Geological Sur-
18 vey to have significant mineral potential, or

19 (B) a mineral deposit that has not pre-
20 viously been evaluated by the United States Ge-
21 ological Survey.

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

1 **TITLE IV—ENSURING COMPETI-**
2 **TIVENESS ON FEDERAL**
3 **LANDS**

4 **SEC. 401. INCENTIVIZING DOMESTIC PRODUCTION.**

5 (a) OFFSHORE OIL AND GAS ROYALTY RATE.—Sec-
6 tion 8(a)(1) of the Outer Continental Shelf Lands Act (43
7 U.S.C. 1337(a)(1)) is amended—

8 (1) in subparagraph (A), by striking “not less
9 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
10 during the 10-year period beginning on the date of
11 the enactment of the Act titled ‘An Act to provide
12 for reconciliation pursuant to title II of S. Con. Res.
13 14’, and not less than $16\frac{2}{3}$ percent thereafter,”
14 each place it appears and inserting “not less than
15 12.5 percent”;

16 (2) in subparagraph (C), by striking “not less
17 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
18 during the 10-year period beginning on the date of
19 the enactment of the Act titled ‘An Act to provide
20 for reconciliation pursuant to title II of S. Con. Res.
21 14’, and not less than $16\frac{2}{3}$ percent thereafter,”
22 each place it appears and inserting “not less than
23 12.5 percent”;

24 (3) in subparagraph (F), by striking “not less
25 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,

1 during the 10-year period beginning on the date of
2 the enactment of the Act titled ‘An Act to provide
3 for reconciliation pursuant to title II of S. Con. Res.
4 14’, and not less than $16\frac{2}{3}$ percent thereafter,” and
5 inserting “not less than 12.5 percent”; and

6 (4) in subparagraph (H), by striking “not less
7 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
8 during the 10-year period beginning on the date of
9 the enactment of the Act titled ‘An Act to provide
10 for reconciliation pursuant to title II of S. Con. Res.
11 14’, and not less than $16\frac{2}{3}$ percent thereafter,” and
12 inserting “not less than 12.5 percent”.

13 (b) MINERAL LEASING ACT.—

14 (1) ONSHORE OIL AND GAS ROYALTY RATES.—

15 (A) LEASE OF OIL AND GAS LAND.—Sec-
16 tion 17 of the Mineral Leasing Act (30 U.S.C.
17 226) is amended—

18 (i) in subsection (b)(1)(A), in the fifth
19 sentence—

20 (I) by striking “ $16\frac{2}{3}$ ” and in-
21 serting “12.5”; and

22 (II) by striking “or, in the case
23 of a lease issued during the 10-year
24 period beginning on the date of the
25 enactment of the Act titled ‘An Act to

1 provide for reconciliation pursuant to
2 title II of S. Con. Res. 14', 16²/₃ per-
3 cent in amount or value of the pro-
4 duction removed or sold from the
5 lease"; and

6 (ii) by striking "16²/₃ percent" each
7 place it appears and inserting "12.5 per-
8 cent".

9 (B) CONDITIONS FOR REINSTATEMENT.—
10 Section 31(e)(3) of the Mineral Leasing Act (30
11 U.S.C. 188(e)(3)) is amended by striking "20"
12 inserting "16²/₃".

13 (2) OIL AND GAS MINIMUM BID.—Section 17(b)
14 of the Mineral Leasing Act (30 U.S.C. 226(b)) is
15 amended—

16 (A) in paragraph (1)(B), by striking "\$10
17 per acre during the 10-year period beginning on
18 the date of the enactment of the Act titled 'An
19 Act to provide for reconciliation pursuant to
20 title II of S. Con. Res. 14'." and inserting "\$2
21 per acre for a period of 2 years from the date
22 of the enactment of the Federal Onshore Oil
23 and Gas Leasing Reform Act of 1987."; and

24 (B) in paragraph (2)(C), by striking "\$10
25 per acre" and inserting "\$2 per acre".

1 (3) FOSSIL FUEL RENTAL RATES.—Section
2 17(d) of the Mineral Leasing Act (30 U.S.C.
3 226(d)) is amended to read as follows:

4 “(d) All leases issued under this section, as amended
5 by the Federal Onshore Oil and Gas Leasing Reform Act
6 of 1987, shall be conditioned upon payment by the lessee
7 of a rental of not less than \$1.50 per acre per year for
8 the first through fifth years of the lease and not less than
9 \$2 per acre per year for each year thereafter. A minimum
10 royalty in lieu of rental of not less than the rental which
11 otherwise would be required for that lease year shall be
12 payable at the expiration of each lease year beginning on
13 or after a discovery of oil or gas in paying quantities on
14 the lands leased.”.

15 (4) EXPRESSION OF INTEREST FEE.—Section
16 17 of the Mineral Leasing Act (30 U.S.C. 226) is
17 amended by repealing subsection (q).

18 (5) ELIMINATION OF NONCOMPETITIVE LEAS-
19 ING.—Section 17 of the Mineral Leasing Act (30
20 U.S.C. 226) is further amended—

21 (A) in subsection (b)—

22 (i) in paragraph (1)(A)—

23 (I) in the first sentence, by strik-
24 ing “paragraph (2)” and inserting
25 “paragraphs (2) and (3)”; and

1 (II) by adding at the end “Lands
2 for which no bids are received or for
3 which the highest bid is less than the
4 national minimum acceptable bid shall
5 be offered promptly within 30 days
6 for leasing under subsection (c) of this
7 section and shall remain available for
8 leasing for a period of 2 years after
9 the competitive lease sale.”; and
10 (ii) by adding at the end the fol-
11 lowing:

12 “(3)(A) If the United States held a vested fu-
13 ture interest in a mineral estate that, immediately
14 prior to becoming a vested present interest, was sub-
15 ject to a lease under which oil or gas was being pro-
16 duced, or had a well capable of producing, in paying
17 quantities at an annual average production volume
18 per well per day of either not more than 15 barrels
19 per day of oil or condensate, or not more than
20 60,000 cubic feet of gas, the holder of the lease may
21 elect to continue the lease as a noncompetitive lease
22 under subsection (c)(1).

23 “(B) (B) An election under this paragraph is
24 effective—

1 “(i) in the case of an interest which vested
2 after January 1, 1990, and on or before Octo-
3 ber 24, 1992, if the election is made before the
4 date that is 1 year after October 24, 1992;

5 “(ii) in the case of an interest which vests
6 within 1 year after October 24, 1992, if the
7 election is made before the date that is 2 years
8 after October 24, 1992; and

9 “(iii) in any case other than those de-
10 scribed in clause (i) or (ii), if the election is
11 made prior to the interest becoming a vested
12 present interest.”;

13 (B) by striking subsection (c) and insert-
14 ing the following:

15 “(c) LANDS SUBJECT TO LEASING UNDER SUB-
16 SECTION (B); FIRST QUALIFIED APPLICANT.—

17 “(1) If the lands to be leased are not leased
18 under subsection (b)(1) of this section or are not
19 subject to competitive leasing under subsection
20 (b)(2) of this section, the person first making appli-
21 cation for the lease who is qualified to hold a lease
22 under this chapter shall be entitled to a lease of
23 such lands without competitive bidding, upon pay-
24 ment of a non-refundable application fee of at least
25 \$75. A lease under this subsection shall be condi-

1 tioned upon the payment of a royalty at a rate of
2 12.5 percent in amount or value of the production
3 removed or sold from the lease. Leases shall be
4 issued within 60 days of the date on which the Sec-
5 retary identifies the first responsible qualified appli-
6 cant.

7 “(2)(A) Lands (I) which were posted for sale
8 under subsection (b)(1) of this section but for which
9 no bids were received or for which the highest bid
10 was less than the national minimum acceptable bid
11 and (II) for which, at the end of the period referred
12 to in subsection (b)(1) of this section no lease has
13 been issued and no lease application is pending
14 under paragraph (1) of this subsection, shall again
15 be available for leasing only in accordance with sub-
16 section (b)(1) of this section.

17 “(B) The land in any lease which is issued
18 under paragraph (1) of this subsection or under sub-
19 section (b)(1) of this section which lease terminates,
20 expires, is cancelled or is relinquished shall again be
21 available for leasing only in accordance with sub-
22 section (b)(1) of this section.”; and

23 (C) by striking subsection (e) and inserting
24 the following:

1 “(e) PRIMARY TERM.—Competitive and noncompeti-
2 tive leases issued under this section shall be for a primary
3 term of 10 years: Provided, however, That competitive
4 leases issued in special tar sand areas shall also be for
5 a primary term of ten years. Each such lease shall con-
6 tinue so long after its primary term as oil or gas is pro-
7 duced in paying quantities. Any lease issued under this
8 section for land on which, or for which under an approved
9 cooperative or unit plan of development or operation, ac-
10 tual drilling operations were commenced prior to the end
11 of its primary term and are being diligently prosecuted
12 at that time shall be extended for two years and so long
13 thereafter as oil or gas is produced in paying quantities.”.

14 (6) CONFORMING AMENDMENTS.—Section 31 of
15 the Mineral Leasing Act (30 U.S.C. 188) is amend-
16 ed—

17 (A) in subsection (d)(1), by striking “sec-
18 tion 17(b)” and inserting “subsection (b) or (c)
19 of section 17 of this Act”;

20 (B) in subsection (e)—

21 (i) in paragraph (2)—

22 (I) insert “either” after “rentals
23 and”; and

24 (II) insert “or the inclusion in a
25 reinstated lease issued pursuant to the

1 provisions of section 17(c) of this Act
2 of a requirement that future rentals
3 shall be at a rate not less than \$5 per
4 acre per year, all” before “as deter-
5 mined by the Secretary”; and

6 (ii) by amending paragraph (3) to
7 read as follows:

8 “(3)(A) payment of back royalties and the in-
9 clusion in a reinstated lease issued pursuant to the
10 provisions of section 17(b) of this Act of a require-
11 ment for future royalties at a rate of not less than
12 $16\frac{2}{3}$ percent computed on a sliding scale based
13 upon the average production per well per day, at a
14 rate which shall be not less than 4 percentage points
15 greater than the competitive royalty 1 schedule then
16 in force and used for royalty determination for com-
17 petitive leases issued pursuant to such section as de-
18 termined by the Secretary: Provided, That royalty
19 on such reinstated lease shall be paid on all produc-
20 tion removed or sold from such lease subsequent to
21 the termination of the original lease;

22 “(B) payment of back royalties and inclusion in
23 a reinstated lease issued pursuant to the provisions
24 of section 17(c) of this Act of a requirement for fu-
25 ture royalties at a rate not less than $16\frac{2}{3}$ percent:

1 Provided, That royalty on such reinstated lease shall
2 be paid on all production removed or sold from such
3 lease subsequent to the cancellation or termination
4 of the original lease; and”.

5 (C) in subsection (f)—

6 (i) in paragraph (1), strike “in the
7 same manner as the original lease issued
8 pursuant to section 17” and insert “as a
9 competitive or a noncompetitive oil and gas
10 lease in the same manner as the original
11 lease issued pursuant to subsection (b) or
12 (c) of section 17 of this Act”;

13 (ii) by redesignating paragraphs (2)
14 and (3) as paragraph (3) and (4), respec-
15 tively; and

16 (iii) by inserting after paragraph (1)
17 the following:

18 “(2) Except as otherwise provided in this sec-
19 tion, the issuance of a lease in lieu of an abandoned
20 patented oil placer mining claim shall be treated as
21 a noncompetitive oil and gas lease issued pursuant
22 to section 17(c) of this Act.”;

23 (D) in subsection (g), by striking “sub-
24 section (d)” and inserting “subsection (d) and
25 (f)”;

1 (E) by amending subsection (h) to read as
2 follows:

3 “(h) ROYALTY REDUCTIONS.—

4 “(1) In acting on a petition to issue a non-
5 competitive oil and gas lease, under subsection (f) of
6 this section or in response to a request filed after
7 issuance of such a lease, or both, the Secretary is
8 authorized to reduce the royalty on such lease if in
9 his judgment it is equitable to do so or the cir-
10 cumstances warrant such relief due to uneconomic
11 or other circumstances which could cause undue
12 hardship or premature termination of production.

13 “(2) In acting on a petition for reinstatement
14 pursuant to subsection (d) of this section or in re-
15 sponse to a request filed after reinstatement, or
16 both, the Secretary is authorized to reduce the roy-
17 alty in that reinstated lease on the entire leasehold
18 or any tract or portion thereof segregated for royalty
19 purposes if, in his judgment, there are uneconomic
20 or other circumstances which could cause undue
21 hardship or premature termination of production; or
22 because of any written action of the United States,
23 its agents or employees, which preceded, and was a
24 major consideration in, the lessee’s expenditure of
25 funds to develop the property under the lease after

1 the rent had become due and had not been paid; or
2 if in the judgment of the Secretary it is equitable to
3 do so for any reason.”.

4 (F) by redesignating subsections (f)
5 through (i) as subsections (g) through (j), re-
6 spectively; and

7 (G) by inserting after subsection (e) the
8 following:

9 “(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS
10 LEASE; CONDITIONS.—Where an unpatented oil placer
11 mining claim validly located prior to February 24, 1920,
12 which has been or is currently producing or is capable of
13 producing oil or gas, has been or is hereafter deemed con-
14 clusively abandoned for failure to file timely the required
15 instruments or copies of instruments required by section
16 1744 of title 43, and it is shown to the satisfaction of
17 the Secretary that such failure was inadvertent, justifi-
18 able, or not due to lack of reasonable diligence on the part
19 of the owner, the Secretary may issue, for the lands cov-
20 ered by the abandoned unpatented oil placer mining claim,
21 a noncompetitive oil and gas lease, consistent with the pro-
22 visions of section 17(e) of this Act, to be effective from
23 the statutory date the claim was deemed conclusively
24 abandoned. Issuance of such a lease shall be conditioned
25 upon:

1 “(1) a petition for issuance of a noncompetitive
2 oil and gas lease, together with the required rental
3 and royalty, including back rental and royalty accru-
4 ing from the statutory date of abandonment of the
5 oil placer mining claim, being filed with the
6 Secretary- (A) with respect to any claim deemed
7 conclusively abandoned on or before January 12,
8 1983, on or before the one hundred and twentieth
9 day after January 12, 1983, or (B) with respect to
10 any claim deemed conclusively abandoned after Jan-
11 uary 12, 1983, on or before the one hundred and
12 twentieth day after final notification by the Sec-
13 retary or a court of competent jurisdiction of the de-
14 termination of the abandonment of the oil placer
15 mining claim;

16 “(2) a valid lease not having been issued affect-
17 ing any of the lands covered by the abandoned oil
18 placer mining claim prior to the filing of such peti-
19 tion: Provided, however, That after the filing of a
20 petition for issuance of a lease under this subsection,
21 the Secretary shall not issue any new lease affecting
22 any of the lands covered by such abandoned oil plac-
23 er mining claim for a reasonable period, as deter-
24 mined in accordance with regulations issued by him;

1 “(3) a requirement in the lease for payment of
2 rental, including back rentals accruing from the
3 statutory date of abandonment of the oil placer min-
4 ing claim, of not less than \$5 per acre per year;

5 “(4) a requirement in the lease for payment of
6 royalty on production removed or sold from the oil
7 placer mining claim, including all royalty on produc-
8 tion made subsequent to the statutory date the claim
9 was deemed conclusively abandoned, of not less than
10 12½ percent; and

11 “(5) compliance with the notice and reimburse-
12 ment of costs provisions of paragraph (4) of sub-
13 section (e) but addressed to the petition covering the
14 conversion of an abandoned unpatented oil placer
15 mining claim to a noncompetitive oil and gas lease.”.

16 **TITLE V—ENERGY REVENUE**
17 **SHARING**

18 **SEC. 501. GULF OF MEXICO OUTER CONTINENTAL SHELF**
19 **REVENUE.**

20 (a) DISTRIBUTION OF OUTER CONTINENTAL SHELF
21 REVENUE TO GULF PRODUCING STATES.—Section 105 of
22 the Gulf of Mexico Energy Security Act of 2006 (43
23 U.S.C. 1331 note) is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “50” and
2 inserting “37.5”; and

3 (B) in paragraph (2)—

4 (i) by striking “50” and inserting
5 “62.5”;

6 (ii) in subparagraph (A), by striking
7 “75” and inserting “80”; and

8 (iii) in subparagraph (B), by striking
9 “25” and inserting “20”; and

10 (2) by striking subsection (f).

11 (b) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
12 QUESTRATION.—

13 (1) IN GENERAL.—Section 255(g)(1)(A) of the
14 Balanced Budget and Emergency Deficit Control
15 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by
16 inserting after “Payments to Social Security Trust
17 Funds (28–0404–0–1–651).” the following:

18 “Payments to States pursuant to section
19 105(a)(2)(A) of the Gulf of Mexico Energy Security
20 Act of 2006 (Public Law 109–432; 43 U.S.C. 1331
21 note) (014–5535–0–2–302).”.

22 (2) APPLICABILITY.—The amendment made by
23 this subsection shall apply to any sequestration
24 order issued under the Balanced Budget and Emer-

1 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
2 seq.) on or after the date of enactment of this Act.

3 **SEC. 502. PARITY IN OFFSHORE WIND REVENUE SHARING.**

4 (a) PAYMENTS AND REVENUES.—Section 8(p)(2) of
5 the Outer Continental Shelf Lands Act (43 U.S.C.
6 1337(p)(2)) is amended—

7 (1) in subparagraph (A), by striking “(A) The
8 Secretary” and inserting the following:

9 “(A) IN GENERAL.—Subject to subpara-
10 graphs (B) and (C), the Secretary”;

11 (2) in subparagraph (B), by striking “(B) The
12 Secretary” and inserting the following:

13 “(B) DISPOSITION OF REVENUES FOR
14 PROJECTS LOCATED WITHIN 3 NAUTICAL MILES
15 SEAWARD OF STATE SUBMERGED LAND.—The
16 Secretary”; and

17 (3) by adding at the end the following:

18 “(C) DISPOSITION OF REVENUES FOR OFF-
19 SHORE WIND PROJECTS IN CERTAIN AREAS.—

20 “(i) DEFINITIONS.—In this subpara-
21 graph:

22 “(I) COVERED OFFSHORE WIND
23 PROJECT.—The term ‘covered off-
24 shore wind project’ means a wind
25 powered electric generation project in

1 a wind energy area on the outer Con-
2 tinental Shelf that is not wholly or
3 partially located within an area sub-
4 ject to subparagraph (B).

5 “(II) ELIGIBLE STATE.—The
6 term ‘eligible State’ means a State a
7 point on the coastline of which is lo-
8 cated within 75 miles of the geo-
9 graphic center of a covered offshore
10 wind project.

11 “(III) QUALIFIED OUTER CONTI-
12 NENTAL SHELF REVENUES.—The
13 term ‘qualified outer Continental
14 Shelf revenues’ means all royalties,
15 fees, rentals, bonuses, or other pay-
16 ments from covered offshore wind
17 projects carried out pursuant to this
18 subsection on or after the date of en-
19 actment of this subparagraph.

20 “(ii) REQUIREMENT.—

21 “(I) IN GENERAL.—The Sec-
22 retary of the Treasury shall deposit—

23 “(aa) 12.5 percent of quali-
24 fied outer Continental Shelf reve-

1 nues in the general fund of the
2 Treasury;

3 “(bb) 37.5 percent of quali-
4 fied outer Continental Shelf reve-
5 nues in the North American Wet-
6 lands Conservation Fund; and

7 “(cc) 50 percent of qualified
8 outer Continental Shelf revenues
9 in a special account in the Treas-
10 ury from which the Secretary
11 shall disburse to each eligible
12 State an amount determined pur-
13 suant to subclause (II).

14 “(II) ALLOCATION.—

15 “(aa) IN GENERAL.—Sub-
16 ject to item (bb), for each fiscal
17 year beginning after the date of
18 enactment of this subparagraph,
19 the amount made available under
20 subclause (I)(cc) shall be allo-
21 cated to each eligible State in
22 amounts (based on a formula es-
23 tablished by the Secretary by
24 regulation) that are inversely
25 proportional to the respective dis-

1 tances between the point on the
2 coastline of each eligible State
3 that is closest to the geographic
4 center of the applicable leased
5 tract and the geographic center
6 of the leased tract.

7 “(bb) MINIMUM ALLOCA-
8 TION.—The amount allocated to
9 an eligible State each fiscal year
10 under item (aa) shall be at least
11 10 percent of the amounts made
12 available under subclause (I)(cc).

13 “(cc) PAYMENTS TO COAST-
14 AL POLITICAL SUBDIVISIONS.—

15 “(AA) IN GENERAL.—
16 The Secretary shall pay 20
17 percent of the allocable
18 share of each eligible State,
19 as determined pursuant to
20 item (aa), to the coastal po-
21 litical subdivisions of the eli-
22 gible State.

23 “(BB) ALLOCATION.—
24 The amount paid by the
25 Secretary to coastal political

1 subdivisions under subitem
2 (AA) shall be allocated to
3 each coastal political sub-
4 division in accordance with
5 subparagraphs (B) and (C)
6 of section 31(b)(4) of this
7 Act.

8 “(iii) TIMING.—The amounts required
9 to be deposited under subclause (I) of
10 clause (ii) for the applicable fiscal year
11 shall be made available in accordance with
12 such subclause during the fiscal year im-
13 mediately following the applicable fiscal
14 year.

15 “(iv) AUTHORIZED USES.—

16 “(I) IN GENERAL.—Subject to
17 subclause (II), each eligible State
18 shall use all amounts received under
19 clause (ii)(II) in accordance with all
20 applicable Federal and State laws,
21 only for 1 or more of the following
22 purposes:

23 “(aa) Projects and activities
24 for the purposes of coastal pro-
25 tection and resiliency, including

1 conservation, coastal restoration,
2 estuary management, beach
3 nourishment, hurricane and flood
4 protection, and infrastructure di-
5 rectly affected by coastal wetland
6 losses.

7 “(bb) Mitigation of damage
8 to fish, wildlife, or natural re-
9 sources, including through fish-
10 eries science and research.

11 “(cc) Implementation of a
12 federally approved marine, coast-
13 al, or comprehensive conservation
14 management plan.

15 “(dd) Mitigation of the im-
16 pact of outer Continental Shelf
17 activities through the funding of
18 onshore infrastructure projects.

19 “(ee) Planning assistance
20 and the administrative costs of
21 complying with this section.

22 “(II) LIMITATION.—Of the
23 amounts received by an eligible State
24 under clause (ii)(II), not more than 3

1 percent shall be used for the purposes
2 described in subclause (I)(ee).

3 “(v) ADMINISTRATION.—Subject to
4 clause (vi)(III), amounts made available
5 under items (aa) and (cc) of clause (ii)(I)
6 shall—

7 “(I) be made available, without
8 further appropriation, in accordance
9 with this subparagraph;

10 “(II) remain available until ex-
11 pended; and

12 “(III) be in addition to any
13 amount appropriated under any other
14 Act.

15 “(vi) REPORTING REQUIREMENT.—

16 “(I) IN GENERAL.—Not later
17 than 180 days after the end of each
18 fiscal year, the Governor of each eligi-
19 ble State that receives amounts under
20 clause (ii)(II) for the applicable fiscal
21 year shall submit to the Secretary a
22 report that describes the use of the
23 amounts by the eligible State during
24 the period covered by the report.

1 “(II) PUBLIC AVAILABILITY.—On
2 receipt of a report submitted under
3 subclause (I), the Secretary shall
4 make the report available to the pub-
5 lic on the website of the Department
6 of the Interior.

7 “(III) LIMITATION.—If the Gov-
8 ernor of an eligible State that receives
9 amounts under clause (ii)(II) fails to
10 submit the report required under sub-
11 clause (I) by the deadline specified in
12 that subclause, any amounts that
13 would otherwise be provided to the eli-
14 gible State under clause (ii)(II) for
15 the succeeding fiscal year shall be de-
16 posited in the Treasury.”.

17 (b) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
18 QUESTRATION.—

19 (1) IN GENERAL.—Section 255(g)(1)(A) of the
20 Balanced Budget and Emergency Deficit Control
21 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by
22 inserting after “Payments to Social Security Trust
23 Funds (28–0404–0–1–651).” the following:

1 “Payments to States pursuant to subparagraph
2 (C)(ii)(I)(cc) of section 8(p)(2) of the Outer Conti-
3 nental Shelf Lands Act (43 U.S.C. 1337(p)(2)).”.

4 (2) APPLICABILITY.—The amendment made by
5 this subsection shall apply to any sequestration
6 order issued under the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
8 seq.) on or after the date of enactment of this Act.

9 **SEC. 503. ELIMINATION OF ADMINISTRATIVE FEE UNDER**
10 **THE MINERAL LEASING ACT.**

11 (a) IN GENERAL.—Section 35 of the Mineral Leasing
12 Act (30 U.S.C. 191) is amended—

13 (1) in subsection (a), in the first sentence, by
14 striking “and, subject to the provisions of subsection
15 (b),”;

16 (2) by striking subsection (b);

17 (3) by redesignating subsections (c) and (d) as
18 subsections (b) and (c), respectively;

19 (4) in paragraph (3)(B)(ii) of subsection (b) (as
20 so redesignated), by striking “subsection (d)” and
21 inserting “subsection (c)”; and

22 (5) in paragraph (3)(A)(ii) of subsection (c) (as
23 so redesignated), by striking “subsection (c)(2)(B)”
24 and inserting “subsection (b)(2)(B)”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 6(a) of the Mineral Leasing Act for
2 Acquired Lands (30 U.S.C. 355(a)) is amended—

3 (A) in the first sentence, by striking “Sub-
4 ject to the provisions of section 35(b) of the
5 Mineral Leasing Act (30 U.S.C. 191(b)), all”
6 and inserting “All”; and

7 (B) in the second sentence, by striking “of
8 the Act of February 25, 1920 (41 Stat. 450; 30
9 U.S.C. 191),” and inserting “of the Mineral
10 Leasing Act (30 U.S.C. 191)”.

11 (2) Section 20(a) of the Geothermal Steam Act
12 of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-
13 ond sentence of the matter preceding paragraph (1),
14 by striking “the provisions of subsection (b) of sec-
15 tion 35 of the Mineral Leasing Act (30 U.S.C.
16 191(b)) and section 5(a)(2) of this Act” and insert-
17 ing “section 5(a)(2)”.

18 (3) Section 205(f) of the Federal Oil and Gas
19 Royalty Management Act of 1982 (30 U.S.C.
20 1735(f)) is amended—

21 (A) in the first sentence, by striking “this
22 Section” and inserting “this section”; and

23 (B) by striking the fourth, fifth, and sixth
24 sentences.