

118TH CONGRESS
1ST SESSION

H. R. 1067

To amend the Mineral Leasing Act to clarify the effect of a pending civil action on the processing of an application for a permit to drill, to require courts to remand lease sale Environmental Impact Statements to agencies to remedy when necessary, and to establish a term limit for permits to drill.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2023

Mrs. BOEBERT (for herself, Mr. NEHLS, Mr. OGLES, Mr. GOSAR, Mr. BURLISON, Mr. TIFFANY, Mr. STAUBER, and Mr. MOORE of Alabama) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Mineral Leasing Act to clarify the effect of a pending civil action on the processing of an application for a permit to drill, to require courts to remand lease sale Environmental Impact Statements to agencies to remedy when necessary, and to establish a term limit for permits to drill.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Energy
5 Act”.

1 **SEC. 2. PROCESSING APPLICATIONS FOR PERMITS TO**
2 **DRILL.**

3 (a) EFFECT OF PENDING CIVIL ACTIONS.—Section
4 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is
5 amended by adding at the end the following:

6 “(4) EFFECT OF PENDING CIVIL ACTION ON
7 PROCESSING APPLICATIONS FOR PERMITS TO
8 DRILL.—Pursuant to the requirements of paragraph
9 (2), notwithstanding the existence of any pending
10 civil actions affecting the application or related
11 lease, the Secretary shall process an application for
12 a permit to drill or other authorizations or approvals
13 under a valid existing lease, unless a United States
14 Federal court vacated such lease. Nothing in this
15 paragraph shall be construed as providing authority
16 to a Federal court to vacate a lease.”.

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

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

1 **SEC. 3. LEASE SALE LITIGATION.**

2 (a) Notwithstanding any other provision of law, any
3 oil and gas lease sale held under section 17 of the Mineral
4 Leasing Act (26 U.S.C. 226) or the Outer Continental
5 Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not be
6 vacated and activities on leases awarded in the sale shall
7 not be otherwise limited, delayed, or enjoined unless the
8 court concludes allowing the development of the challenged
9 lease will pose a risk of an imminent and substantial envi-
10 ronmental harm and there is no other equitable remedy
11 available as a matter of law.

12 (b) No court, in response to an action brought pursu-
13 ant to the National Environmental Policy Act of 1969 (42
14 U.S.C. et seq.), may enjoin or issue any order preventing
15 the award of leases to a bidder in a lease sale conducted
16 pursuant to section 17 of the Mineral Leasing Act (26
17 U.S.C. 226) or the Outer Continental Shelf Lands Act (43
18 U.S.C. 1331 et seq.) if the Department of the Interior
19 has previously opened bids for such leases or disclosed the
20 high bidder for any tract that was included in such lease
21 sale.

○