

118TH CONGRESS
1ST SESSION

H. R. 1205

To amend the Mineral Leasing Act to streamline the oil and gas permitting process and to recognize fee ownership for certain oil and gas drilling or spacing units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2023

Mrs. BICE introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Mineral Leasing Act to streamline the oil and gas permitting process and to recognize fee ownership for certain oil and gas drilling or spacing units, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bureau of Land Man-
5 agement Mineral Spacing Act”.

1 **SEC. 2. ACCESS TO FEDERAL ENERGY RESOURCES FROM**
2 **NON-FEDERAL SURFACE ESTATE.**

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

5 “(r) NO FEDERAL PERMIT REQUIRED FOR OIL AND
6 GAS ACTIVITIES ON CERTAIN LAND.—

7 “(1) IN GENERAL.—The Secretary shall not re-
8 quire an operator to obtain a Federal drilling permit
9 for oil and gas exploration and production activities
10 conducted on non-Federal surface estate, provided
11 that—

12 “(A) the United States holds an ownership
13 interest of less than 50 percent of the sub-
14 surface mineral estate to be accessed by the
15 proposed action; and

16 “(B) the operator submits to the Secretary
17 a State permit to conduct oil and gas explo-
18 ration and production activities on the non-Fed-
19 eral surface estate.

20 “(2) NO FEDERAL ACTION.—An oil and gas ex-
21 ploration and production activity carried out under
22 paragraph (1)—

23 “(A) shall not be considered a major Fed-
24 eral action for the purposes of section
25 102(2)(C) of the National Environmental Policy
26 Act of 1969 (42 U.S.C. 4332);

1 “(B) shall require no additional Federal
2 action;

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

5 “(D) shall not be subject to—

6 “(i) section 306108 of title 54, United
7 States Code (commonly known as the Na-
8 tional Historic Preservation Act of 1966);
9 and

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

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

20 “(B) The Secretary may conduct onsite reviews
21 and inspections to ensure proper accountability,
22 measurement, and reporting of production of Fed-
23 eral oil and gas, and payment of royalties.

24 “(4) NONAPPLICABILITY TO INDIAN LANDS.—
25 This subsection shall not apply to Indian lands.

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

3 “(A) any land located within the bound-
4 aries of an Indian reservation, pueblo, or
5 rancheria; and

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

9 “(i) in trust by the United States for
10 the benefit of an Indian tribe or an indi-
11 vidual Indian;

12 “(ii) by an Indian tribe or an indi-
13 vidual Indian, subject to restriction against
14 alienation under laws of the United States;
15 or

16 “(iii) by a dependent Indian commu-
17 nity.”.

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