

118TH CONGRESS
1ST SESSION

S. 1456

To provide for certain energy development, permitting reforms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2023

Mr. BARRASSO (for himself, Mrs. CAPITO, Mr. RISCH, Mr. LEE, Mr. DAINES, Ms. MURKOWSKI, Mr. HOEVEN, Mr. CASSIDY, Mrs. HYDE-SMITH, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for certain energy development, permitting reforms, 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 “Spur Permitting of Underdeveloped Resources Act” or
6 the “SPUR Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—OIL AND GAS LEASING AND PERMITTING

Subtitle A—Onshore and Offshore Oil and Gas Leasing

- Sec. 1101. Onshore oil and gas leasing.
- Sec. 1102. Offshore oil and gas leasing.
- Sec. 1103. Prohibition on delays.

Subtitle B—Permitting of Federal Oil and Gas Minerals

- Sec. 1201. Term of application for permit to drill.
- Sec. 1202. Cooperative federalism in oil and gas permitting on available Federal land.
- Sec. 1203. Split estate permitting compliance.
- Sec. 1204. Fee-fee-fed permitting compliance.
- Sec. 1205. State and Tribal authority for hydraulic fracturing regulation.

Subtitle C—Liquefied Natural Gas Exports

- Sec. 1301. Action on applications to export liquefied natural gas.
- Sec. 1302. Small scale LNG access.

TITLE II—MINERAL LEASING AND PERMITTING

- Sec. 2001. Land use plan criteria under the Federal Land Policy and Management Act of 1976.
- Sec. 2002. Congressional approval of withdrawals under the Federal Land Policy and Management Act of 1976.
- Sec. 2003. Prohibition of certain moratoria.
- Sec. 2004. Prohibition of the establishment of new categories of Federal land designations by the heads of Federal land management agencies.
- Sec. 2005. Coal leases on Federal land.
- Sec. 2006. Modification to definitions of critical material and critical mineral and critical mineral designation criteria.
- Sec. 2007. Permitting process improvements.

TITLE III—FEDERAL ENERGY REGULATORY COMMISSION

- Sec. 3001. Tariff reforms, rate treatments, and rulemaking to ensure the reliability and security of electric service and interstate natural gas service.
- Sec. 3002. Federal authorizations under the Natural Gas Act.
- Sec. 3003. Federal authorizations under section 216 of the Federal Power Act.
- Sec. 3004. Promoting interagency coordination for review of natural gas projects.
- Sec. 3005. Coordination process to protect electric reliability.
- Sec. 3006. Addressing inaction by Commission on certain electric rate filings.
- Sec. 3007. Tolling order reform for the Natural Gas Act.
- Sec. 3008. Tolling order reform for the Federal Power Act.
- Sec. 3009. De novo review of civil penalties under the Natural Gas Act.
- Sec. 3010. Extension of time to commence construction of certain hydropower projects.
- Sec. 3011. Judicial review.
- Sec. 3012. Approval for border-crossing facilities.

TITLE IV—OTHER NATURAL RESOURCES

- Sec. 4001. Root and stem projects.

Sec. 4002. Consultation under certain land and resource management plans and land use plans.

Sec. 4003. Renewal term of grazing permits or leases.

Sec. 4004. Renewal of grazing permits and leases and certain actions during extreme natural events and disasters.

Sec. 4005. Withdrawal of BLM proposed rule.

1 **TITLE I—OIL AND GAS LEASING**
 2 **AND PERMITTING**
 3 **Subtitle A—Onshore and Offshore**
 4 **Oil and Gas Leasing**

5 **SEC. 1101. ONSHORE OIL AND GAS LEASING.**

6 (a) DEFINITIONS.—In this section:

7 (1) ONSHORE OIL AND GAS LEASE SALE.—The
 8 term “onshore oil and gas lease sale” means an oil
 9 and gas lease sale conducted under section 17 of the
 10 Mineral Leasing Act (30 U.S.C. 226).

11 (2) SECRETARY.—The term “Secretary” means
 12 the Secretary of the Interior.

13 (b) ONSHORE OIL AND GAS LEASE SALES.—

14 (1) CONGRESSIONAL DECLARATION OF POL-
 15 ICY.—Consistent with the policy described in section
 16 102(a)(12) of the Federal Land Policy and Manage-
 17 ment Act of 1976 (43 U.S.C. 1701(a)(12)) that the
 18 Bureau of Land Management manage public land
 19 “in a manner which recognizes the Nation’s need for
 20 domestic sources of minerals” from public land,
 21 Congress declares that it is the policy of the United
 22 States that it is in the national interest for the De-

1 partment of the Interior to move forward expedi-
2 tiously to immediately resume quarterly onshore oil
3 and gas lease sales.

4 (2) REQUIREMENT TO IMMEDIATELY RESUME
5 ONSHORE OIL AND GAS LEASE SALES.—The Sec-
6 retary shall immediately resume quarterly onshore
7 oil and gas lease sales in accordance with section
8 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.
9 226(b)(1)(A)).

10 (3) STATUTORY LEASE TERMS.—During the 5-
11 year period beginning on the date of enactment of
12 this Act, in order to promote increased production
13 on Federal land, the Secretary may, on a determina-
14 tion that it is in the national interest, reduce the ap-
15 plicable royalty rate on individual leases issued
16 under an onshore oil and gas lease sale to not less
17 than 12.5 percent.

18 (4) APPROVED RESOURCE MANAGEMENT PLAN
19 REQUIREMENT.—In conducting a quarterly onshore
20 oil and gas lease sale in a State described in section
21 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.
22 226(b)(1)(A)), the Secretary—

23 (A) shall offer not less than 25 percent of
24 available parcels nominated for oil and gas de-
25 velopment under the applicable resource man-

1 agement plan in effect for relevant Bureau of
2 Land Management resource management areas
3 within the applicable State; and

4 (B) shall not restrict the parcels offered to
5 1 Bureau of Land Management field office
6 within the applicable State unless all nominated
7 parcels are located within the same Bureau of
8 Land Management field office.

9 (5) REPLACEMENT SALES.—If, for any reason,
10 an onshore oil and gas lease sale for a calendar year
11 is canceled, delayed, or deferred or is paused due to
12 section 208 of Executive Order 14008 (42 U.S.C.
13 4321 note; relating to tackling the climate crisis at
14 home and abroad), the Secretary shall conduct a re-
15 placement sale by not later than 180 days after the
16 date of the cancellation, delay, deferral, or pause, as
17 applicable.

18 (c) MINERAL LEASING ACT REFORMS.—

19 (1) EXPRESSIONS OF INTEREST FOR OIL AND
20 GAS LEASING.—

21 (A) IN GENERAL.—Section 17 of the Min-
22 eral Leasing Act (30 U.S.C. 226) is amended
23 by striking the section designation and all that
24 follows through the end of subsection (a) and
25 inserting the following:

1 **“SEC. 17. LEASING OF OIL AND GAS PARCELS.**

2 “(a) LEASING AUTHORIZED.—

3 “(1) IN GENERAL.—Any parcel of land subject
4 to disposition under this Act that is known or be-
5 lieved to contain oil or gas deposits shall be made
6 available for leasing, subject to paragraphs (2) and
7 (3), by the Secretary of the Interior, or for National
8 Forest System land, the Secretary of Agriculture, as
9 applicable (referred to in this subsection as the ‘Sec-
10 retary concerned’), not later than 18 months after
11 the date of receipt by the Secretary concerned of an
12 expression of interest in leasing the applicable parcel
13 of land available for disposition under this section,
14 in accordance with procedures established under
15 subsection (q) and for which the applicable fee was
16 paid under that subsection, if the Secretary con-
17 cerned determines that the parcel of land is open to
18 oil or gas leasing under the approved resource man-
19 agement plan applicable to the planning area in
20 which the parcel of land is located that is in effect
21 on the date on which the expression of interest was
22 submitted to the Secretary concerned (referred to in
23 this subsection as the ‘approved resource manage-
24 ment plan’).

25 “(2) RESOURCE MANAGEMENT PLANS.—

1 “(A) LEASE TERMS AND CONDITIONS.—A
2 lease issued by the Secretary concerned under
3 this section with respect to an applicable parcel
4 of land made available for leasing under para-
5 graph (1)—

6 “(i) shall be subject to the terms and
7 conditions of the approved resource man-
8 agement plan; and

9 “(ii) may not require any stipulations
10 or mitigation requirements not included in
11 the approved resource management plan.

12 “(B) EFFECT OF AMENDMENT.—The fact
13 that the approved resource management plan is
14 being amended shall not prevent or delay the
15 Secretary concerned from making the applicable
16 parcel of land available for leasing if the other
17 requirements of this section have been met, as
18 determined by the Secretary concerned.

19 “(C) EFFECT OF LEASING DECISION.—A
20 lease sale conducted under the terms of an ap-
21 proved resource management plan shall not be
22 considered to be an action that limits the choice
23 of reasonable alternatives for an environmental
24 review conducted pursuant to the National En-
25 vironmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) for the purpose of amending that
2 resource management plan.”.

3 (B) REFUND OF EXPRESSION OF INTER-
4 EST FEE.—Section 17(q) of the Mineral Leas-
5 ing Act (30 U.S.C. 226(q)) is amended—

6 (i) by striking “Secretary” each place
7 it appears and inserting “Secretary of the
8 Interior”;

9 (ii) in paragraph (1), by striking
10 “nonrefundable”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(3) REFUND FOR NONWINNING BID.—If a per-
14 son other than the person who submitted the expres-
15 sion of interest is the highest responsible qualified
16 bidder for a parcel of land covered by the applicable
17 expression of interest in a lease sale conducted
18 under this section—

19 “(A) as a condition of the issuance of the
20 lease, the person who is the highest responsible
21 qualified bidder shall pay to the Secretary of
22 the Interior an amount equal to the applicable
23 fee paid by the person who submitted the ex-
24 pression of interest; and

1 “(B) not later than 10 days after the date
2 of the lease sale, the Secretary of the Interior
3 shall refund to the person who submitted the
4 expression of interest an amount equal to the
5 amount of the initial fee paid.”.

6 (2) PROTESTED LEASE SALES.—Section
7 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.
8 226(b)(1)(A)) is amended by inserting after the sev-
9 enth sentence the following: “The Secretary of the
10 Interior shall resolve any protest to a lease sale
11 within 60 days following such payment. Notwith-
12 standing any other provision of law, if the Secretary
13 of the Interior denies a protest to a lease sale, any
14 lease subject to the protest shall not be subject to
15 further environmental review by the Secretary of the
16 Interior pursuant to the National Environmental
17 Policy Act of 1969 (42 U.S.C. 4321 et seq.).”.

18 (3) EFFECT OF LITIGATION.—Section 17 of the
19 Mineral Leasing Act (30 U.S.C. 226) is amended by
20 adding at the end the following:

21 “(r) EFFECT OF LITIGATION.—

22 “(1) IN GENERAL.—A civil action relating to an
23 environmental review under the Federal Land Policy
24 and Management Act of 1976 (43 U.S.C. 1701 et
25 seq.), division A of subtitle III of title 54, United

1 States Code (formerly known as the ‘National His-
2 toric Preservation Act’), or the National Environ-
3 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
4 with respect to a lease sale conducted under this sec-
5 tion shall not—

6 “(A) affect the validity of a lease issued
7 under the lease sale that is the subject of the
8 civil action; or

9 “(B) except as provided in paragraph
10 (3)(B), cause a delay in the timelines estab-
11 lished under subsection (p)(2) for the consider-
12 ation of an application for permit to drill with
13 respect to a lease issued under the lease sale
14 that is the subject of the civil action.

15 “(2) REMAND; PROCESSING OF APPLICATIONS
16 FOR PERMIT TO DRILL.—If, in a civil action de-
17 scribed in paragraph (1), the environmental review
18 for a lease sale is found by the applicable court to
19 violate the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.)—

21 “(A) notwithstanding chapter 5 or 7 of
22 title 5, United States Code (commonly referred
23 to as the ‘Administrative Procedure Act’), the
24 applicable court shall not set aside the lease
25 sale and vacate the leases issued pursuant to

1 the sale but instead remand the matter to the
2 Secretary of the Interior to resolve the viola-
3 tion; and

4 “(B) the Secretary of the Interior shall
5 continue to process all applicable applications
6 for permit to drill pursuant to subsection
7 (p)(2).

8 “(3) NOTICE.—

9 “(A) IN GENERAL.—Not later than 60
10 days after the date on which a civil action de-
11 scribed in paragraph (1) is filed, the Secretary
12 of the Interior shall notify the holder of any
13 lease issued under the lease sale that is the sub-
14 ject of the civil action of the filing of the civil
15 action.

16 “(B) TIMELINE.—Not later than 90 days
17 after the date of receipt of a notice under sub-
18 paragraph (A), the leaseholder may file with the
19 Secretary of the Interior a request to pause the
20 timeline under subsection (e)(1) with respect to
21 the term of the lease during any period in
22 which the civil action is pending.”.

23 (4) LEASE CANCELLATION.—Section 17 of the
24 Mineral Leasing Act (30 U.S.C. 226) (as amended

1 by paragraph (3)) is amended by adding at the end
2 the following:

3 “(s) LEASE CANCELLATION.—A lease issued under
4 this section shall be considered to be valid and not subject
5 to cancellation by the Secretary of the Interior for any
6 reason, except for—

7 “(1) the express written agreement to the can-
8 cellation by the lessee; or

9 “(2) a determination by the Secretary of the In-
10 terior that cancellation is appropriate in accordance
11 with section 3108.3 of title 43, Code of Federal Reg-
12 ulations (as in effect on the date of enactment of
13 this subsection), subject to the limitation that a
14 lease may not be determined to be improperly issued
15 under that section based on a finding by a Federal
16 court that the environmental review for the lease
17 sale pursuant to which the lease was issued was in
18 violation of the Federal Land Policy and Manage-
19 ment Act of 1976 (43 U.S.C. 1701 et seq.), division
20 A of subtitle III of title 54, United States Code (for-
21 merly known as the ‘National Historic Preservation
22 Act’), or the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.).”.

24 (5) LIMITATIONS FOR FILING OIL AND GAS
25 CONTESTS.—Section 42 of the Mineral Leasing Act

1 (30 U.S.C. 226–2) is amended by striking the sec-
2 tion designation and all that follows through the pe-
3 riod at the end of the second sentence, and inserting
4 the following:

5 **“SEC. 42. LIMITATIONS FOR FILING OIL AND GAS CON-**
6 **TESTS.**

7 “(a) IN GENERAL.—Notwithstanding chapter 5 or 7
8 of title 5, United States Code (commonly referred to as
9 the ‘Administrative Procedure Act’), no action contesting
10 a decision of the Secretary involving any oil and gas lease
11 sale, individual lease, or individual permit shall be main-
12 tained unless the action is commenced or taken by not
13 later than 60 days after the date on which the final deci-
14 sion of the Secretary relating to the action was made.

15 “(b) JURISDICTION.—An action contesting a decision
16 of the Secretary may only be commenced—

17 “(1) for an individual lease or permit, in the
18 district court of the United States for the district in
19 which the property, or some part thereof, is located;
20 and

21 “(2) for a lease sale, in a district court of the
22 United States in the State in which the sale oc-
23 curred.

24 “(c) REMOVAL.—A defendant or defendant inter-
25 venor in an action challenging a lease sale, lease, or permit

1 in multiple states may remove the action to the district
2 court of the United States for the district in which the
3 property is located pursuant to section 1441(c) of title 28,
4 United States Code.”.

5 **SEC. 1102. OFFSHORE OIL AND GAS LEASING.**

6 (a) 2023–2028 OUTER CONTINENTAL SHELF OIL
7 AND GAS LEASING PROGRAM.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law, not later than September 30, 2023,
10 the Secretary of the Interior (referred to in this sec-
11 tion as the “Secretary”) shall approve a final 2023–
12 2028 oil and gas leasing program under section 18
13 of the Outer Continental Shelf Lands Act (43
14 U.S.C. 1344).

15 (2) WAIVER.—In order to meet the deadline de-
16 scribed in paragraph (1), the Secretary may—

17 (A) limit any comment periods required
18 under subsections (c) and (d) of section 18 of
19 the Outer Continental Shelf Lands Act (43
20 U.S.C. 1344); and

21 (B) waive any other requirements under
22 that section that would delay final approval of
23 the oil and gas leasing program described in
24 paragraph (1).

1 (3) REQUIREMENTS.—The oil and gas leasing
2 program described in paragraph (1) shall include the
3 following:

4 (A) A minimum of 2 Gulf of Mexico re-
5 gion-wide lease sales each year in the following
6 planning areas of the Gulf of Mexico region, as
7 described in the final program decision docu-
8 ment entitled “2017–2020 Outer Continental
9 Shelf Oil and Gas Leasing Proposed Final Pro-
10 gram (November 2016)”:

11 (i) The Central Gulf of Mexico Plan-
12 ning Area.

13 (ii) The Western Gulf of Mexico Plan-
14 ning Area.

15 (B) At least 1 region-wide lease sale in the
16 Alaska regions of the outer Continental Shelf,
17 as described in the final program decision docu-
18 ment entitled “2017–2020 Outer Continental
19 Shelf Oil and Gas Leasing Proposed Final Pro-
20 gram (November 2016)”.

21 (4) STATUTORY LEASE TERMS.—During the 5-
22 year period beginning on the date of enactment of
23 this Act, in order to promote increased production
24 on the outer Continental Shelf, the Secretary may,
25 on a determination that it is in the national interest,

1 reduce the applicable royalty rate on individual oil
2 and gas leases issued under the Outer Continental
3 Shelf Lands Act (43 U.S.C. 1331 et seq.) to not less
4 than 12.5 percent.

5 (b) SUBSEQUENT OFFSHORE LEASING PROGRAMS.—
6 Section 18 of the Outer Continental Shelf Lands Act (43
7 U.S.C. 1344) is amended—

8 (1) in subsection (a), in the first sentence of the
9 matter preceding paragraph (1), by striking “sub-
10 sections (c) and (d) of this section” and inserting
11 “subsections (c) through (f)”;

12 (2) by redesignating subsections (f) through (i)
13 as subsections (g) through (j), respectively;

14 (3) by inserting after subsection (e) the fol-
15 lowing:

16 “(f) SUBSEQUENT LEASING PROGRAMS.—

17 “(1) IN GENERAL.—Not later than 36 months
18 after conducting the first lease sale under an oil and
19 gas leasing program prepared pursuant to this sec-
20 tion, the Secretary shall begin preparing the subse-
21 quent oil and gas leasing program under this sec-
22 tion.

23 “(2) REQUIREMENT.—Each subsequent oil and
24 gas leasing program under this section—

1 “(A) shall be approved not later than 180
2 days before the expiration of the previous oil
3 and gas leasing program; and

4 “(B) shall contain a minimum of 5 lease
5 sales.”; and

6 (4) by conforming the margin of subsection (j)
7 (as so redesignated) to the margin of subsection (i)
8 (as so redesignated).

9 (c) LEASE OR PERMIT CANCELLATION.—

10 (1) IN GENERAL.—Section 5(a)(2) of the Outer
11 Continental Shelf Lands Act (43 U.S.C. 1334(a)(2))
12 is amended—

13 (A) in the matter preceding subparagraph
14 (A), by striking “any lease or permit—” and all
15 that follows through the end of subparagraph
16 (B) and inserting the following: “any lease or
17 permit—

18 “(A) that the lease or permit shall be con-
19 sidered to be valid and not subject to cancella-
20 tion by the Secretary for any reason, except
21 for—

22 “(i) the express written agreement to
23 the cancellation by the lessee or permittee;
24 or

1 “(ii) a determination by the Secretary
2 that cancellation is appropriate (including
3 cancellation under subsection (c), section
4 8(o), section 11(c)(1), and subsections
5 (h)(2)(C) and (j) of section 25), in accord-
6 ance with the regulations prescribed under
7 this section, subject to the limitation that
8 a lease or permit may not be cancelled by
9 the Secretary based on a finding by a Fed-
10 eral court that the environmental review
11 for the lease sale pursuant to which the
12 lease was issued was in violation of the
13 National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.); and”;
15 (B) by redesignating subparagraph (C) as
16 subparagraph (B).

17 (2) CONFORMING AMENDMENTS.—

18 (A) Section 11(c)(1) of the Outer Conti-
19 nental Shelf Lands Act (43 U.S.C. 1340(c)(1))
20 is amended—

21 (i) in the fourth sentence, by striking
22 “result in any condition described in sec-
23 tion 5(a)(2)(A)(i) of this Act” and insert-
24 ing “probably cause serious harm or dam-
25 age to life (including fish and other aquatic

1 life), to property, to any mineral (in areas
2 leased or not leased), to the national secu-
3 rity or defense, or to the marine, coastal,
4 or human environment”; and

5 (ii) in the fifth sentence—

6 (I) by striking “, subject to sec-
7 tion 5(a)(2)(B) of this Act,”; and

8 (II) by striking “section
9 5(a)(2)(C) (i) or (ii) of this Act” and
10 inserting “section 5(a)(2)(B)”.

11 (B) Section 25(h)(2)(C) of the Outer Con-
12 tinental Shelf Lands Act (43 U.S.C.
13 1351(h)(2)(C)) is amended, in the first sen-
14 tence, by striking “section 5(a)(2)(C) of this
15 Act” and inserting “section 5(a)(2)(B)”.

16 (d) EFFECT OF LITIGATION.—Section 8 of the Outer
17 Continental Shelf Lands Act (43 U.S.C. 1337) is amended
18 by adding at the end the following:

19 “(q) EFFECT OF LITIGATION.—

20 “(1) IN GENERAL.—A civil action relating to an
21 environmental review under the National Environ-
22 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
23 with respect to a lease sale conducted under this sec-
24 tion shall not—

1 “(A) affect the validity of a lease issued
2 under the lease sale that is the subject of the
3 civil action; or

4 “(B) except as provided in paragraph
5 (3)(B), cause a delay in the timelines for the
6 consideration of an application for permit to
7 drill with respect to a lease issued under the
8 lease sale that is the subject of the civil action.

9 “(2) REMAND; PROCESSING OF APPLICATIONS
10 FOR PERMIT TO DRILL.—If, in a civil action de-
11 scribed in paragraph (1), the environmental review
12 for a lease sale is found by the applicable court to
13 violate the National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.)—

15 “(A) notwithstanding chapter 5 or 7 of
16 title 5, United States Code (commonly referred
17 to as the ‘Administrative Procedures Act’), the
18 applicable court shall not set aside the lease
19 sale and vacate the leases issued pursuant to
20 the sale but instead remand the matter to the
21 Secretary of the Interior to resolve the viola-
22 tion; and

23 “(B) the Secretary shall continue to proc-
24 ess all applicable applications for permit to drill
25 in accordance with this Act.

1 “(3) NOTICE.—

2 “(A) IN GENERAL.—Not later than 60
3 days after the date on which a civil action de-
4 scribed in paragraph (1) is filed, the Secretary
5 shall notify the holder of any lease issued under
6 the lease sale that is the subject of the civil ac-
7 tion of the filing of the civil action.

8 “(B) TIMELINE.—Not later than 90 days
9 after the date of receipt of a notice under sub-
10 paragraph (A), the leaseholder may file with the
11 Secretary a request to pause the timeline with
12 respect to the term of the lease during any pe-
13 riod in which the civil action is pending.”.

14 **SEC. 1103. PROHIBITION ON DELAYS.**

15 (a) IN GENERAL.—The President shall not, through
16 Executive order or any other administrative procedure,
17 pause, cancel, delay, defer, or otherwise impede or cir-
18 cumvent the Federal energy mineral leasing processes
19 under the Mineral Leasing Act (30 U.S.C. 181 et seq.)
20 or the Outer Continental Shelf Lands Act (43 U.S.C.
21 1331 et seq.) or a related rulemaking process required by
22 subchapter II of chapter 5, and chapter 7, of title 5,
23 United States Code (commonly known as the “Administra-
24 tive Procedure Act”), without congressional approval.

1 (b) REBUTTABLE PRESUMPTION.—There shall be a
 2 rebuttable presumption that any attempt by the President
 3 to pause, cancel, delay, defer, or otherwise impede or cir-
 4 cumvent any Federal energy mineral leasing or permitting
 5 process under the Mineral Leasing Act (30 U.S.C. 181
 6 et seq.) or the Outer Continental Shelf Lands Act (43
 7 U.S.C. 1331 et seq.) or a related rulemaking process re-
 8 quired by subchapter II of chapter 5, and chapter 7, of
 9 title 5, United States Code (commonly known as the “Ad-
 10 ministrative Procedure Act”), without congressional ap-
 11 proval, is a violation of the applicable law.

12 **Subtitle B—Permitting of Federal**
 13 **Oil and Gas Minerals**

14 **SEC. 1201. TERM OF APPLICATION FOR PERMIT TO DRILL.**

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

17 “(4) TERM.—An application for permit to drill
 18 approved under this subsection shall be valid for the
 19 4-year period beginning on the date of the ap-
 20 proval.”.

21 **SEC. 1202. COOPERATIVE FEDERALISM IN OIL AND GAS**
 22 **PERMITTING ON AVAILABLE FEDERAL LAND.**

23 (a) IN GENERAL.—The Mineral Leasing Act (30
 24 U.S.C. 181 et seq.) is amended—

1 (1) by redesignating section 44 as section 46;
2 and

3 (2) by inserting after section 43 the following:

4 **“SEC. 44. COOPERATIVE FEDERALISM IN OIL AND GAS PER-**
5 **MITTING ON AVAILABLE FEDERAL LAND.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) APD.—The term ‘APD’ means a permit—

8 “(A) that grants authority to drill for oil
9 and gas; and

10 “(B) for which an application has been re-
11 ceived that includes—

12 “(i) a drilling plan; and

13 “(ii) evidence of bond coverage.

14 “(2) AVAILABLE FEDERAL LAND.—The term
15 ‘available Federal land’ means any Federal land
16 that—

17 “(A) is located within the boundaries of a
18 State;

19 “(B) is not held by the United States in
20 trust for the benefit of a federally recognized
21 Indian Tribe or a member of a federally recog-
22 nized Indian Tribe;

23 “(C) is not a unit of the National Park
24 System;

1 “(D) is not a unit of the National Wildlife
2 Refuge System, other than a unit of the Na-
3 tional Wildlife Refuge System for which oil and
4 gas drilling is allowed under law;

5 “(E) is not a congressionally approved wil-
6 derness area under the Wilderness Act (16
7 U.S.C. 1131 et seq.); and

8 “(F) has been identified as land available
9 for lease, or has been leased, for the explo-
10 ration, development, and production of oil and
11 gas—

12 “(i) by the Bureau of Land Manage-
13 ment under—

14 “(I) a resource management plan
15 under the Federal Land Policy and
16 Management Act of 1976 (43 U.S.C.
17 1701 et seq.); or

18 “(II) an integrated activity plan
19 with respect to the National Petro-
20 leum Reserve-Alaska; or

21 “(ii) by the Forest Service under a
22 National Forest management plan under
23 the Forest and Rangeland Renewable Re-
24 sources Planning Act of 1974 (16 U.S.C.
25 1600 et seq.).

1 “(3) DRILLING PLAN.—The term ‘drilling plan’
2 means a plan described in section 3162.3–1(e) of
3 title 43, Code of Federal Regulations (or a successor
4 regulation).

5 “(4) SECRETARY.—The term ‘Secretary’ means
6 the Secretary of the Interior.

7 “(5) STATE APPLICANT.—The term ‘State ap-
8 plicant’ means a State that submits an application
9 under subsection (c).

10 “(6) STATE PROGRAM.—The term ‘State pro-
11 gram’ means a program in a State under which the
12 State may—

13 “(A) issue APDs, approve drilling plans,
14 approve sundry notices, approve suspensions of
15 operations or production, or grant rights-of-way
16 on available Federal land; and

17 “(B) impose sanctions for violations of
18 State laws, regulations, or any condition of an
19 issued APD or approved drilling plan, as appli-
20 cable.

21 “(7) SUNDRY NOTICE.—The term ‘sundry no-
22 tice’ means a written request submitted pursuant to
23 section 3173.10 of title 43, Code of Federal Regula-
24 tions (or successor regulations).

1 “(8) SUSPENSION OF OPERATIONS OR PRODUC-
2 TION.—The term ‘suspension of operations or pro-
3 duction’ means a suspension of operations or pro-
4 duction described in section 17 or section 39.

5 “(b) AUTHORIZATIONS.—

6 “(1) IN GENERAL.—On receipt of an applica-
7 tion under subsection (c), the Secretary may dele-
8 gate to a State exclusive authority—

9 “(A) to issue an APD on available Federal
10 land;

11 “(B) to approve drilling plans on available
12 Federal land;

13 “(C) to approve sundry notices relating to
14 work performed on available Federal land;

15 “(D) to approve suspensions of operations
16 or production; and

17 “(E) to grant rights-of-way in accordance
18 with paragraph (3).

19 “(2) INSPECTION AND ENFORCEMENT.—On re-
20 quest of a State for which authority is delegated
21 under paragraph (1), the authority delegated may
22 include the authority to inspect and enforce an
23 APD, drilling plan, or right-of-way, as applicable.

24 “(3) RIGHTS-OF-WAY.—The authority to grant
25 a right-of-way delegated to a State under paragraph

1 (1)(E) shall be the authority of the Secretary or the
2 Secretary of Agriculture, as applicable, under section
3 501 of the Federal Land Policy and Management
4 Act of 1976 (43 U.S.C. 1761) and section 28 of this
5 Act, to grant, issue, or renew rights-of-way over,
6 upon, under, or through available Federal land.

7 “(4) EFFECT OF FEDERAL ENVIRONMENTAL
8 REVIEWS.—A State for which authority is delegated
9 under paragraph (1) shall continue processing appli-
10 cations for an APD, applications for approval of a
11 drilling plan, applications for approval of a sundry
12 notice, and applications to grant a right-of-way, re-
13 gardless of whether the Federal Government is car-
14 rying out any review related to the APD, drilling
15 plan, sundry notice, or right-of-way under the Na-
16 tional Environmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.) or the Endangered Species Act of
18 1973 (16 U.S.C. 1531 et seq.).

19 “(5) EFFECT OF STATE ENFORCEMENT AC-
20 TION.—If a State for which authority is delegated
21 under paragraph (1) imposes a sanction for violating
22 a condition of an issued APD or approved drilling
23 plan, the Secretary may not issue a penalty for the
24 same violation under section 109 of the Federal Oil

1 and Gas Royalty Management Act of 1982 (30
2 U.S.C. 1719).

3 “(c) STATE APPLICATION PROCESS.—

4 “(1) SUBMISSION OF APPLICATION.—A State
5 seeking a delegation of authority under subpara-
6 graph (A), (B), (C), (D), or (E) of subsection (b)(1)
7 shall submit to the Secretary an application at such
8 time, in such manner, and containing such informa-
9 tion as the Secretary may require, including a de-
10 scription of the State program that the State pro-
11 poses to administer under State law.

12 “(2) DEADLINE FOR APPROVAL OR DIS-
13 APPROVAL.—Not later than 180 days after the date
14 on which an application under paragraph (1) is re-
15 ceived, the Secretary shall approve or disapprove the
16 application.

17 “(3) REQUIREMENTS FOR APPROVAL.—

18 “(A) IN GENERAL.—The Secretary may
19 approve an application received under para-
20 graph (1) only if the Secretary determines
21 that—

22 “(i) the State applicant would be at
23 least as effective as the Secretary in
24 issuing APDs, approving drilling plans, ap-
25 proving sundry notices, approving suspen-

1 sions of operations or production, or grant-
2 ing rights-of-way, as applicable;

3 “(ii) the State program of the State
4 applicant—

5 “(I) complies with this Act; and

6 “(II) provides for the termination
7 or modification of an issued APD, ap-
8 proved drilling plan, approved sundry
9 notice, approved suspension of oper-
10 ations or production, or granted right-
11 of-way, as applicable, for cause, in-
12 cluding for—

13 “(aa) the violation of any
14 condition of the issued APD, ap-
15 proved drilling plan, approved
16 sundry notice, approved suspen-
17 sion of operations or production,
18 or granted right-of-way;

19 “(bb) obtaining the issued
20 APD, approved drilling plan, ap-
21 proved sundry notice, approved
22 suspension of operations or pro-
23 duction, or granted right-of-way
24 by misrepresentation; or

1 “(cc) failure to fully disclose
2 in the application all relevant
3 facts;

4 “(iii) the State applicant has suffi-
5 cient administrative and technical per-
6 sonnel and sufficient funding to carry out
7 the State program; and

8 “(iv) approval of the application
9 would not result in decreased royalty pay-
10 ments owed to the United States under
11 subsection (a) of section 35.

12 “(B) MEMORANDA OF UNDERSTANDING.—
13 With respect to a State applicant seeking au-
14 thority under subsection (b)(2) to inspect and
15 enforce APDs, drilling plans, or rights-of-way,
16 as applicable, before approving the application
17 of the State applicant, the Secretary shall enter
18 into a memorandum of understanding with the
19 State applicant under paragraph (6) that de-
20 scribes the Federal and State responsibilities
21 with respect to the inspection and enforcement.

22 “(C) PUBLIC NOTICE.—Before approving
23 an application received under paragraph (1),
24 the Secretary shall—

1 “(i) provide public notice of the appli-
2 cation;

3 “(ii) solicit public comment for the
4 application; and

5 “(iii) hold a public hearing for the ap-
6 plication in the State.

7 “(4) DISAPPROVAL.—If the Secretary dis-
8 approves an application submitted under paragraph
9 (1), the Secretary shall provide to the State appli-
10 cant written notification of—

11 “(A) the reasons for the disapproval, in-
12 cluding any information, data, or analysis on
13 which the disapproval is based; and

14 “(B) any revisions or modifications nec-
15 essary to obtain approval.

16 “(5) RESUBMITTAL OF APPLICATION.—A State
17 may resubmit an application under paragraph (1) at
18 any time.

19 “(6) STATE MEMORANDA OF UNDER-
20 STANDING.—Before a State submits an application
21 under paragraph (1), the Secretary, on request of
22 the State, may enter into a memorandum of under-
23 standing with the State regarding the proposed
24 State program—

1 “(A) to describe the Federal and State re-
2 sponsibilities for oil and gas regulations;

3 “(B) to provide technical assistance; and

4 “(C) to share best management practices.

5 “(d) ADMINISTRATIVE FEES FOR APDS.—

6 “(1) IN GENERAL.—A State for which authority
7 has been delegated under subsection (b)(1)(A) may
8 collect a fee for each application for an APD that
9 is submitted to the State.

10 “(2) NO COLLECTION OF FEE BY SEC-
11 RETARY.—The Secretary may not collect a fee from
12 the applicant or from the State for an application
13 for an APD that is submitted to a State for which
14 authority has been delegated under subsection
15 (b)(1)(A).

16 “(3) USE.—A State shall use 100 percent of
17 the fees collected under this subsection for the ad-
18 ministration of the approved State program of the
19 State.

20 “(e) VOLUNTARY TERMINATION OF AUTHORITY.—

21 “(1) IN GENERAL.—After providing written no-
22 tice to the Secretary, a State may voluntarily termi-
23 nate any authority delegated to the State under sub-
24 section (b)(1) on expiration of the 60-day period be-

1 ginning on the date on which the Secretary receives
2 the written notice.

3 “(2) RESUMPTION BY SECRETARY.—On termi-
4 nation of the authority delegated to a State under
5 paragraph (1), the Secretary shall resume any ac-
6 tivities for which authority was delegated to the
7 State under subsection (b)(1).

8 “(f) APPEAL OF DENIAL OF APPLICATION.—If a
9 State for which the Secretary has delegated authority
10 under subsection (b)(1) denies an application submitted
11 under subsection (c)(1), the applicant may appeal the de-
12 cision to the Office of Hearings and Appeals of the De-
13 partment of the Interior.

14 “(g) FEDERAL ADMINISTRATION OF STATE PRO-
15 GRAM.—

16 “(1) NOTIFICATION.—If the Secretary has rea-
17 son to believe that a State is not administering or
18 enforcing an approved State program, the Secretary
19 shall notify the relevant State regulatory authority
20 of any possible deficiencies.

21 “(2) STATE RESPONSE.—Not later than 30
22 days after the date on which a State receives notifi-
23 cation of a possible deficiency under paragraph (1),
24 the State shall—

1 “(A) take appropriate action to correct the
2 possible deficiency; and

3 “(B) notify the Secretary of the action in
4 writing.

5 “(3) DETERMINATION.—

6 “(A) IN GENERAL.—On expiration of the
7 30-day period described in paragraph (2), the
8 Secretary shall issue public notice of any deter-
9 mination of the Secretary that—

10 “(i) a violation of all or any part of an
11 approved State program has resulted from
12 a failure of the State to administer or en-
13 force the approved State program of the
14 State; or

15 “(ii) the State has not demonstrated
16 the capability and intent of the State to
17 administer or enforce the State program of
18 the State.

19 “(B) APPEAL.—A State may appeal the
20 determination of the Secretary under subpara-
21 graph (A) in the applicable United States Dis-
22 trict Court.

23 “(C) RESUMPTION BY SECRETARY PEND-
24 ING APPEAL.—The Secretary may not resume

1 activities under paragraph (4) if an appeal
2 under subparagraph (B) is pending.

3 “(4) RESUMPTION BY SECRETARY.—Except as
4 provided in paragraph (3)(C), if the Secretary has
5 made a determination under paragraph (3)(A), the
6 Secretary shall resume any activities for which au-
7 thority was delegated to the State during the pe-
8 riod—

9 “(A) beginning on the date on which the
10 Secretary issues the public notice under para-
11 graph (3)(A); and

12 “(B) ending on the date on which the Sec-
13 retary determines that the State may admin-
14 ister or enforce, as applicable, the approved
15 State program of the State.

16 “(5) STANDING.—A State with an approved
17 regulatory program shall have standing to sue the
18 Secretary for any action taken under this sub-
19 section.”.

20 (b) EXISTING AUTHORITIES.—Section 390(a) of the
21 Energy Policy Act of 2005 (42 U.S.C. 15942(a)) is
22 amended—

23 (1) by striking “Action by the Secretary” and
24 inserting “The Secretary”;

1 (2) by striking “with respect to any of the ac-
2 tivities described in subsection (b) shall be subject to
3 a rebuttable presumption that the use of” and in-
4 serting “shall apply”; and

5 (3) by striking “would apply if the activity” and
6 inserting “for each action described in subsection (b)
7 if the action”.

8 **SEC. 1203. SPLIT ESTATE PERMITTING COMPLIANCE.**

9 (a) IN GENERAL.—Notwithstanding the Mineral
10 Leasing Act (30 U.S.C. 181 et seq.), the Federal Oil and
11 Gas Royalty Management Act of 1982 (30 U.S.C. 1701
12 et seq.), or subpart 3162 of title 43, Code of Federal Reg-
13 ulations (or successor regulations), but subject to any
14 State or Tribal requirements and subsection (c), the Sec-
15 retary of the Interior shall not require a permit to drill
16 for an oil and gas lease under the Mineral Leasing Act
17 (30 U.S.C. 181 et seq.) for an action occurring within an
18 oil and gas drilling or spacing unit if—

19 (1) less than 50 percent of the minerals within
20 the oil and gas drilling or spacing unit are minerals
21 owned by the Federal Government; and

22 (2) the Federal Government does not own or
23 lease the surface estate within the area directly im-
24 pacted by the action.

1 (b) NOTIFICATION.—For each State permit to drill
2 or drilling plan that would impact or extract oil and gas
3 owned by the Federal Government—

4 (1) each lessee, or designee of a lessee, shall—

5 (A) notify the Secretary of the Interior of
6 the submission of a State application for a per-
7 mit to drill or drilling plan on submission of the
8 application; and

9 (B) provide a copy of the application de-
10 scribed in subparagraph (A) to the Secretary of
11 the Interior not later than 5 days after the date
12 on which the permit or plan is submitted; and

13 (2) each lessee, designee of a lessee, or applica-
14 ble State shall notify the Secretary of the Interior of
15 the approved State permit to drill or drilling plan
16 not later than 45 days after the date on which the
17 permit or plan is approved.

18 (c) NONAPPLICABILITY TO INDIAN LANDS.—Sub-
19 section (a) shall not apply to Indian lands (as defined in
20 section 3 of the Federal Oil and Gas Royalty Management
21 Act of 1982 (30 U.S.C. 1702)).

22 (d) EFFECT.—Nothing in this section affects—

23 (1) other authorities of the Secretary of the In-
24 terior under the Federal Oil and Gas Royalty Man-
25 agement Act of 1982 (30 U.S.C. 1701 et seq.); or

1 (2) the amount of royalties due to the Federal
2 Government from the production of the Federal min-
3 erals within the oil and gas drilling or spacing unit.

4 **SEC. 1204. FEE-FEE-FED PERMITTING COMPLIANCE.**

5 (a) IN GENERAL.—Notwithstanding the Mineral
6 Leasing Act (30 U.S.C. 181 et seq.), the Federal Oil and
7 Gas Royalty Management Act of 1982 (30 U.S.C. 1701
8 et seq.), or subpart 3162 of title 43, Code of Federal Reg-
9 ulations (or successor regulations), the Secretary of the
10 Interior shall issue a categorical exclusion pursuant to sec-
11 tion 390 of the Energy Policy Act of 2005 (42 U.S.C.
12 15942) for an application for permit to drill into and
13 produce Federal minerals from a well pad constructed on
14 entirely non-Federal lands.

15 (b) APPLICATION FOR PERMIT TO DRILL.—Section
16 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is
17 amended by adding at the end the following: “For an ap-
18 plication for a permit to drill into and produce Federal
19 minerals from a well pad constructed on entirely non-Fed-
20 eral lands, the Secretary shall limit review pursuant to the
21 National Environmental Policy Act of 1969 (42 U.S.C.
22 4321 et seq.), section 7 of the Endangered Species Act
23 of 1973 (16 U.S.C. 1536), and section 306108 of title 54,
24 United States Code, only to the approval of the permit.
25 The Secretary shall have no authority to require a bond

1 to protect non-Federal lands, to enter non-Federal lands
2 without the consent of the applicable landowner, or to re-
3 quire mitigation of surface disturbances on non-Federal
4 lands.”.

5 **SEC. 1205. STATE AND TRIBAL AUTHORITY FOR HYDRAULIC**
6 **FRACTURING REGULATION.**

7 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is
8 amended by inserting after section 44 (as added by section
9 1202(a)(2)) the following:

10 **“SEC. 45. STATE AND TRIBAL AUTHORITY FOR HYDRAULIC**
11 **FRACTURING REGULATION.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) HYDRAULIC FRACTURING.—The term ‘hy-
14 draulic fracturing’ means the process of creating
15 small cracks or fractures in underground geological
16 formations for well stimulation purposes of bringing
17 hydrocarbons into the wellbore and to the surface
18 for capture.

19 “(2) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of the Interior.

21 “(b) ENFORCEMENT OF FEDERAL REGULATIONS.—
22 The Secretary shall not enforce any Federal regulation,
23 guidance, or permit requirement regarding hydraulic frac-
24 turing relating to oil, gas, or geothermal production activi-

1 ties on or under any land in any State that has regula-
2 tions, guidance, or permit requirements for that activity.

3 “(c) STATE AUTHORITY.—The Secretary shall defer
4 to State regulations, guidance, and permit requirements
5 for all activities regarding hydraulic fracturing relating to
6 oil, gas, or geothermal production activities on Federal
7 land.

8 “(d) TRANSPARENCY OF STATE REGULATIONS.—

9 “(1) IN GENERAL.—Each State shall submit to
10 the Bureau of Land Management a copy of the regu-
11 lations of the State that apply to hydraulic frac-
12 turing operations on Federal land, including the regu-
13 lations that require disclosure of chemicals used in
14 hydraulic fracturing operations.

15 “(2) AVAILABILITY.—The Secretary shall make
16 available to the public on the website of the Sec-
17 retary the regulations submitted under paragraph
18 (1).

19 “(e) TRIBAL AUTHORITY ON TRUST LAND.—The
20 Secretary shall not enforce any Federal regulation, guid-
21 ance, or permit requirement with respect to hydraulic frac-
22 turing on any land held in trust or restricted status for
23 the benefit of a federally recognized Indian Tribe or a
24 member of a federally recognized Indian Tribe, except

1 with the express consent of the beneficiary on whose behalf
 2 the land is held in trust or restricted status.”.

3 **Subtitle C—Liquefied Natural Gas**
 4 **Exports**

5 **SEC. 1301. ACTION ON APPLICATIONS TO EXPORT LIQUE-**
 6 **FIED NATURAL GAS.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVERED APPLICATION.—The term “cov-
 9 ered application” means an application submitted
 10 with respect to a covered facility for an authoriza-
 11 tion to export natural gas under section 3(a) of the
 12 Natural Gas Act (15 U.S.C. 717b(a)).

13 (2) COVERED FACILITY.—The term “covered
 14 facility” means a liquefied natural gas export facility
 15 for which a proposal to site, construct, expand, or
 16 operate is required to be approved by—

17 (A) the Secretary; and

18 (B)(i) the Federal Energy Regulatory
 19 Commission; or

20 (ii) the Maritime Administration.

21 (3) SECRETARY.—The term “Secretary” means
 22 the Secretary of Energy.

23 (b) DECISION DEADLINE.—The Secretary shall issue
 24 a final decision on a covered application not later than
 25 45 days after the later of—

1 (1) the date on which each review required
2 under the National Environmental Policy Act of
3 1969 (42 U.S.C. 4321 et seq.) with respect to the
4 siting, construction, expansion, or operation of the
5 covered facility that is the subject of the covered ap-
6 plication is concluded in accordance with subsection
7 (c); and

8 (2) the date of enactment of this Act.

9 (c) CONCLUSION OF REVIEW.—For purposes of sub-
10 section (b), a review required under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall
12 be concluded on the date on which the lead agency, as
13 applicable—

14 (1) publishes a notice of availability of the final
15 environmental impact statement, for a covered facil-
16 ity requiring an environmental impact statement;

17 (2) publishes a notice of availability of the envi-
18 ronmental assessment and associated finding of no
19 significant impact, for a covered facility for which an
20 environmental assessment has been prepared; or

21 (3) determines that the covered application is
22 eligible for a categorical exclusion pursuant to the
23 implementing regulations of that Act.

24 (d) UNTIMELY FINAL DECISION.—

1 (1) IN GENERAL.—If the Secretary fails to
2 issue a final decision under subsection (b) by the ap-
3 plicable date required under that subsection, the cov-
4 ered application shall be considered approved, and
5 the environmental review issued by the lead agency
6 under subsection (c) shall be considered sufficient to
7 satisfy all requirements of the National Environ-
8 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

9 (2) FINAL AGENCY ACTION.—A determination
10 under paragraph (1) shall be considered to be a final
11 agency action.

12 (e) JUDICIAL REVIEW.—

13 (1) IN GENERAL.—Except for review in the Su-
14 preme Court of the United States, the court of ap-
15 peals of the United States for the circuit in which
16 a covered facility is, or will be, located pursuant to
17 a covered application shall have original and exclu-
18 sive jurisdiction over any civil action for the review
19 of an order issued by the Secretary with respect to
20 the covered application.

21 (2) EXPEDITED REVIEW.—The applicable
22 United States Court of Appeals shall—

23 (A) set any civil action brought under this
24 subsection for expedited review; and

1 (B) set the action on the docket as soon as
2 practicable after the filing date of the initial
3 pleading.

4 (3) TRANSFER OF EXISTING ACTIONS.—In the
5 case of a covered application for which a petition for
6 review has been filed as of the date of enactment of
7 this Act, the petition shall be—

8 (A) on a motion by the applicant, trans-
9 ferred to the court of appeals of the United
10 States in which the covered facility that is the
11 subject of the covered application is, or will be,
12 located; and

13 (B) adjudicated in accordance with this
14 subsection.

15 **SEC. 1302. SMALL SCALE LNG ACCESS.**

16 Section 3 of the Natural Gas Act (15 U.S.C. 717b)
17 is amended by striking subsection (c) and inserting the
18 following:

19 “(c) EXPEDITED APPLICATION AND APPROVAL
20 PROCESS.—

21 “(1) IN GENERAL.—For purposes of subsection
22 (a), the following actions shall be deemed to be con-
23 sistent with the public interest, and applications for
24 each of the following actions shall be granted with-
25 out modification or delay:

1 “(A) The importation of natural gas re-
2 ferred to in subsection (b).

3 “(B) The exportation of natural gas in a
4 volume of not more than 51,750,000,000 cubic
5 feet per year, subject to the last sentence of
6 subsection (a).

7 “(C) The exportation of natural gas to a
8 nation with which there is in effect a free trade
9 agreement requiring national treatment for
10 trade in natural gas.

11 “(2) EXCLUSION.—Subparagraphs (B) and (C)
12 of paragraph (1) shall not apply to any nation sub-
13 ject to sanctions imposed by the United States.”.

14 **TITLE II—MINERAL LEASING**
15 **AND PERMITTING**

16 **SEC. 2001. LAND USE PLAN CRITERIA UNDER THE FEDERAL**
17 **LAND POLICY AND MANAGEMENT ACT OF**
18 **1976.**

19 Section 202(c) of the Federal Land Policy and Man-
20 agement Act of 1976 (43 U.S.C. 1712(c)) is amended—

21 (1) in paragraph (8), by striking “and” at the
22 end;

23 (2) by redesignating paragraph (9) as para-
24 graph (10); and

1 (3) by inserting after paragraph (8) the fol-
2 lowing:

3 “(9)(A) review a mineral resource assessment
4 applicable to the public lands covered by the land
5 use plan that was completed during the 10-year pe-
6 riod ending on the effective date of the land use
7 plan; and

8 “(B) in consultation with the Secretary of En-
9 ergy and the Secretary of Defense, determine the
10 significance of the minerals located within the public
11 lands to energy security, national security, and eco-
12 nomic security, in accordance with subparagraph
13 (A); and”.

14 **SEC. 2002. CONGRESSIONAL APPROVAL OF WITHDRAWALS**
15 **UNDER THE FEDERAL LAND POLICY AND**
16 **MANAGEMENT ACT OF 1976.**

17 Section 204(e)(1) of the Federal Land Policy and
18 Management Act of 1976 (43 U.S.C. 1714(e)(1)) is
19 amended in the second sentence by striking “no later than
20 its effective date” and all that follows through “approve
21 the withdrawal” and inserting “not later than 90 days be-
22 fore the effective date of the withdrawal and the with-
23 drawal shall terminate and become ineffective if Congress
24 has not enacted a joint resolution approving the with-
25 drawal prior to the effective date of the withdrawal.”.

1 **SEC. 2003. PROHIBITION OF CERTAIN MORATORIA.**

2 (a) DEFINITIONS.—In this section:

3 (1) MINERAL.—The term “mineral” means any
4 mineral subject to sections 2319 through 2344 of
5 the Revised Statutes (commonly known as the “Min-
6 ing Law of 1872”) (30 U.S.C. 22 et seq.) and any
7 mineral located on lands acquired by the United
8 States (as defined in section 2 of the Mineral Leas-
9 ing Act for Acquired Lands (30 U.S.C. 351)).

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (b) PROHIBITION OF CERTAIN MORATORIA.—The
13 Secretary may not declare a moratorium on issuing leases,
14 claims, or permits on Federal land, including land on the
15 outer Continental Shelf, for the mining of minerals or re-
16 lated activities.

17 (c) PROHIBITION ON RESCISSION OF CERTAIN
18 LEASES, PERMITS, OR CLAIMS.—The President or the
19 Secretary or the Secretary of Agriculture, as applicable,
20 may not rescind any lease, permit, or claim for the mining
21 and extraction of any mineral on National Forest System
22 land or Bureau of Land Management land unless—

23 (1) specifically authorized by an Act of Con-
24 gress; or

1 (2) the lessee, permittee, or claimant fails to
2 comply with a provision of the applicable lease, per-
3 mit, or claim.

4 **SEC. 2004. PROHIBITION OF THE ESTABLISHMENT OF NEW**
5 **CATEGORIES OF FEDERAL LAND DESIGNA-**
6 **TIONS BY THE HEADS OF FEDERAL LAND**
7 **MANAGEMENT AGENCIES.**

8 The head of a Federal land management agency may
9 not establish a new category of Federal land designations
10 that is not otherwise expressly authorized by Federal stat-
11 ute.

12 **SEC. 2005. COAL LEASES ON FEDERAL LAND.**

13 (a) ENVIRONMENTAL REQUIREMENTS FOR NEW
14 COAL LEASES.—The environmental assessment prepared
15 by the Bureau of Land Management entitled “Lifting the
16 Pause on the Issuance of New Federal Coal Leases for
17 Thermal (Steam) Coal” (DOI–BLM–WO–WO2100–
18 2019–0001–EA) is deemed to satisfy the requirements of
19 the National Environmental Policy Act of 1969 (42 U.S.C.
20 4321 et seq.) for purposes of the issuance of new coal
21 leases on Federal land.

22 (b) OFFERING OF LEASES; ACCEPTANCE OF BIDS.—
23 Section 2(a)(1) of the Mineral Leasing Act (30 U.S.C.
24 201(a)(1)) is amended—

25 (1) in the first sentence—

1 (A) by striking “he finds” and inserting
2 “the Secretary of the Interior finds”; and

3 (B) by striking “he shall, in his discretion,
4 upon the request of any qualified applicant or
5 on his own motion, from time to time, offer”
6 and inserting “the Secretary of the Interior, not
7 later than 90 days after the date of receipt of
8 the request of any qualified applicant, or on the
9 motion of the Secretary of the Interior not
10 fewer than 4 times each calendar year, shall
11 offer”; and

12 (2) in the fifth sentence, by striking “No bid
13 shall be accepted which is less than the fair market
14 value, as determined by the Secretary,” and insert-
15 ing “No bid shall be accepted that is less than the
16 fair market value, as determined by the Secretary of
17 the Interior by the date that is 45 days after the
18 date of receipt of the bid,”.

19 **SEC. 2006. MODIFICATION TO DEFINITIONS OF CRITICAL**
20 **MATERIAL AND CRITICAL MINERAL AND**
21 **CRITICAL MINERAL DESIGNATION CRITERIA.**

22 (a) DEFINITIONS OF CRITICAL MATERIAL AND CRIT-
23 ICAL MINERAL.—

24 (1) DEFINITION OF CRITICAL MATERIAL.—Sec-
25 tion 7002(a)(2)(A) of the Energy Act of 2020 (30

1 U.S.C. 1606(a)(2)(A)) is amended, in the matter
2 preceding clause (i), by striking “non-fuel”.

3 (2) DEFINITION OF CRITICAL MINERAL.—Sec-
4 tion 7002(a)(3)(B)(i) of the Energy Act of 2020 (30
5 U.S.C. 1606(a)(3)(B)(i)) is amended by striking
6 “fuel minerals” and inserting “oil, oil shale, coal, or
7 natural gas”.

8 (b) MODIFICATION TO CRITICAL MINERAL DESIGNA-
9 TION CRITERIA.—Section 7002(c)(4)(A)(ii) of the Energy
10 Act of 2020 (30 U.S.C. 1606(c)(4)(A)(ii)) is amended by
11 inserting “significant projected domestic production de-
12 cline,” after “abrupt demand growth,”.

13 **SEC. 2007. PERMITTING PROCESS IMPROVEMENTS.**

14 (a) DEFINITIONS.—In this section:

15 (1) BYPRODUCT.—The term “byproduct” has
16 the meaning given the term in section 7002(a) of the
17 Energy Act of 2020 (30 U.S.C. 1606(a)).

18 (2) INDIAN TRIBE.—The term “Indian Tribe”
19 has the meaning given the term in section 4 of the
20 Indian Self-Determination and Education Assistance
21 Act (25 U.S.C. 5304).

22 (3) MINERAL.—The term “mineral” means any
23 mineral subject to sections 2319 through 2344 of
24 the Revised Statutes (commonly known as the “Min-
25 ing Law of 1872”) (30 U.S.C. 22 et seq.), and min-

1 erals located on lands acquired by the United States
 2 (as defined in section 2 of the Mineral Leasing Act
 3 for Acquired Lands (30 U.S.C. 351)).

4 (4) SECRETARY.—Except as otherwise provided,
 5 the term “Secretary” means the Secretary of the In-
 6 terior.

7 (5) STATE.—The term “State” means—

8 (A) a State;

9 (B) the District of Columbia;

10 (C) the Commonwealth of Puerto Rico;

11 (D) Guam;

12 (E) American Samoa;

13 (F) the Commonwealth of the Northern
 14 Mariana Islands; and

15 (G) the United States Virgin Islands.

16 (b) MINERALS SUPPLY CHAIN AND RELIABILITY.—

17 Section 40206 of the Infrastructure Investment and Jobs
 18 Act (30 U.S.C. 1607) is amended—

19 (1) in the section heading, by striking “**CRIT-**
 20 **ICAL MINERALS**” and inserting “**MINERALS**”;

21 (2) by striking subsection (a) and inserting the
 22 following:

23 “(a) DEFINITIONS.—In this section:

24 “(1) LEAD AGENCY.—The term ‘lead agency’
 25 means the Federal agency with primary responsi-

1 bility for issuing a mineral exploration or mine per-
 2 mit or lease for a mineral project.

3 “(2) MINERAL.—The term ‘mineral’ has the
 4 meaning given the term in section 2007(a) of the
 5 Spur Permitting of Underdeveloped Resources Act.

6 “(3) MINERAL EXPLORATION OR MINE PER-
 7 MIT.—The term ‘mineral exploration or mine permit’
 8 means—

9 “(A) an authorization of the Bureau of
 10 Land Management or the Forest Service, as ap-
 11 plicable, for exploration for minerals that re-
 12 quires analysis under the National Environ-
 13 mental Policy Act of 1969 (42 U.S.C. 4321 et
 14 seq.);

15 “(B) a plan of operations for a mineral
 16 project approved by the Bureau of Land Man-
 17 agement or the Forest Service; or

18 “(C) any other Federal permit or author-
 19 ization for a mineral project.

20 “(4) MINERAL PROJECT.—The term ‘mineral
 21 project’ means a project that—

22 “(A) is located on—

23 “(i) a mining claim, millsite claim, or
 24 tunnel site claim for any mineral;

25 “(ii) lands open to mineral entry; or

- 1 “(iii) a Federal mineral lease; and
2 “(B) is for the purposes of exploring for or
3 producing minerals.”;
- 4 (3) in subsection (b), by striking “critical” each
5 place it appears;
- 6 (4) in subsection (c)—
- 7 (A) in the matter preceding paragraph
8 (1)—
- 9 (i) by striking “critical mineral pro-
10 duction on Federal land” and inserting
11 “mineral projects”; and
- 12 (ii) by striking “practicable, shall
13 complete the” and inserting “practicable,
14 and in accordance with subsection (h),
15 shall complete those”;
- 16 (B) in paragraph (1), by striking “critical
17 mineral-related activities on Federal land” and
18 inserting “mineral projects”;
- 19 (C) in paragraph (8), by striking “and” at
20 the end;
- 21 (D) in paragraph (9), by striking the pe-
22 riod at the end and inserting “; and”; and
- 23 (E) by adding at the end the following:
24 “(10) deferring to and relying on baseline data,
25 analyses, and reviews performed by State agencies

1 with jurisdiction over the environmental or reclama-
2 tion permits for the proposed mineral project.”;

3 (5) in subsection (d)—

4 (A) by striking “critical” each place it ap-
5 pears; and

6 (B) in paragraph (3), in the matter pre-
7 ceding subparagraph (A), by striking “mineral-
8 related activities on Federal land” and inserting
9 “mineral projects”;

10 (6) in subsection (e), by striking “critical”;

11 (7) in subsection (f), by striking “critical” each
12 place it appears;

13 (8) in subsection (g), by striking “critical”; and

14 (9) by adding at the end the following:

15 “(h) OTHER REQUIREMENTS.—

16 “(1) MEMORANDUM OF AGREEMENT.—To
17 maximize efficiency and effectiveness of the Federal
18 permitting and review processes described in sub-
19 section (c), the lead agency in the Federal permit-
20 ting and review processes of a mineral project shall
21 enter into a memorandum of agreement with a
22 project applicant on request by the applicant to
23 carry out the activities described in subsection (c).

1 “(2) CONSULTATION.—A lead agency described
2 in paragraph (1) shall carry out that paragraph in
3 consultation with—

4 “(A) any other Federal agency involved in
5 the applicable Federal permitting and review
6 processes; and

7 “(B) on request of the project applicant,
8 an affected State government, local government,
9 Indian Tribe, or other entity that the lead agen-
10 cy determines appropriate.

11 “(3) TIMELINES AND SCHEDULES.—

12 “(A) DEADLINES.—Any timelines or
13 schedules established under subsection (c)(1)
14 relating to a review under section 102(2)(C) of
15 the National Environmental Policy Act of 1969
16 (42 U.S.C. 4332(2)(C)) shall require that the
17 review process not exceed—

18 “(i) 1 year for an environmental as-
19 sessment; and

20 “(ii) 2 years for an environmental im-
21 pact statement.

22 “(B) EXTENSION.—A project applicant
23 may enter into one or more agreements with a
24 lead agency to extend 1 or more of the dead-

1 lines described in subparagraph (A) by not
2 more than 6 months.

3 “(C) ADJUSTMENT OF TIMELINES.—At the
4 request of a project applicant, the lead agency
5 and any other entity that is a signatory to a
6 memorandum of agreement under paragraph
7 (1) may, by unanimous agreement, adjust—

8 “(i) any deadlines described in sub-
9 paragraph (A); and

10 “(ii) any deadlines extended under
11 subparagraph (B).

12 “(D) DEADLINE FOR ISSUANCE OF AU-
13 THORIZATIONS.—For a proposed agency action
14 with a timeline or schedule established under
15 subsection (c)(1) and a review process estab-
16 lished in accordance with subparagraph (A), the
17 record of decision prepared for the proposed
18 agency action and all authorizations required
19 under any other Federal law with respect to the
20 proposed agency action shall be issued not later
21 than 90 days after the date on which the appli-
22 cable environmental impact statement or envi-
23 ronmental assessment is published in the Fed-
24 eral Register.

1 “(4) DOCUMENT PREPARED BY PROJECT APPLI-
2 CANT.—The lead agency with respect to a mineral
3 project may adopt an environmental impact state-
4 ment or environmental assessment prepared by or
5 for a project applicant with respect to the mineral
6 project if that document fulfills the requirements of
7 section 102(2)(C) of the National Environmental
8 Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

9 “(5) EFFECT ON PENDING APPLICATIONS.—On
10 a written request by a project applicant, the require-
11 ments of this subsection shall apply to any applica-
12 tion for a mineral exploration or mine permit or
13 mineral lease that was submitted before the date of
14 enactment of the Spur Permitting of Under-
15 developed Resources Act.”.

16 (c) FEDERAL REGISTER PROCESS IMPROVEMENT.—
17 Section 7002(f) of the Energy Act of 2020 (30 U.S.C.
18 1606(f)) is amended—

19 (1) in paragraph (2), by striking “critical” in
20 each place it appears; and

21 (2) by striking paragraph (4).

22 (d) DESIGNATION OF MINING AS A COVERED SECTOR
23 FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.—
24 Section 41001(6)(A) of the FAST Act (42 U.S.C.
25 4370m(6)(A)) is amended in the matter preceding clause

1 (i) by inserting “minerals production,” before “or any
2 other sector”.

3 (e) MINERAL EXPLORATION ACTIVITIES WITH LIM-
4 ITED SURFACE DISTURBANCE.—

5 (1) DEFINITION OF SECRETARY CONCERNED.—

6 In this subsection, the term “Secretary concerned”
7 means—

8 (A) the Secretary of the Interior, with re-
9 spect to land under the jurisdiction of the Sec-
10 retary of the Interior; or

11 (B) the Secretary of Agriculture, with re-
12 spect to land of the National Forest System.

13 (2) NOTICE.—An operator may submit to the
14 Secretary concerned notice requesting to carry out
15 mineral exploration activities other than casual use,
16 which shall include a description of the mineral ex-
17 ploration activities and subsequent reclamation ac-
18 tivities intended to be carried out.

19 (3) APPROVAL.—Notwithstanding any other
20 provision of law, not later than 15 calendar days
21 after receiving a notice under paragraph (2), the
22 Secretary concerned shall allow the activities de-
23 scribed in the notice to proceed if—

24 (A) the surface disturbance on Federal
25 land will not exceed 5 acres;

1 (B) the Secretary concerned determines
2 that the notice is complete; and

3 (C) financial assurance is provided.

4 (f) USE OF MINING CLAIMS FOR ANCILLARY ACTIVI-
5 TIES.—Section 10101 of the Omnibus Budget Reconcili-
6 ation Act of 1993 (30 U.S.C. 28f) is amended by adding
7 at the end the following:

8 “(e) SECURITY OF TENURE.—

9 “(1) CLAIMANT RIGHTS.—

10 “(A) DEFINITION OF OPERATIONS.—In
11 this paragraph, the term ‘operations’ means—

12 “(i) with respect to a locatable min-
13 eral, any activity or work carried out in
14 connection with—

15 “(I) prospecting;

16 “(II) exploration;

17 “(III) processing;

18 “(IV) discovery and assessment;

19 “(V) development; or

20 “(VI) extraction;

21 “(ii) the reclamation of an area dis-
22 turbed by an activity described in clause
23 (i); and

24 “(iii) any activity reasonably incident
25 to an activity described in clause (i) or (ii),

1 regardless of whether that incidental activ-
2 ity is carried out on a mining claim, in-
3 cluding the construction and maintenance
4 of any facility, road, transmission line,
5 pipeline, or any other necessary infrastruc-
6 ture or means of access on public land.

7 “(B) RIGHTS TO USE, OCCUPATION, AND
8 OPERATIONS.—A claimant shall have the right
9 to use, occupy, and conduct operations on pub-
10 lic land, with or without the discovery of a valu-
11 able mineral deposit, if—

12 “(i) the claimant makes a timely pay-
13 ment of the location fee required by section
14 10102 and the claim maintenance fee re-
15 quired by subsection (a); or

16 “(ii) in the case of a claimant who
17 qualifies for a waiver under subsection
18 (d)—

19 “(I) the claimant makes a timely
20 payment of the location fee required
21 by section 10102; and

22 “(II) the claimant complies with
23 the required assessment work under
24 the general mining laws.

1 “(2) FULFILLMENT OF FEDERAL LAND POLICY
2 AND MANAGEMENT ACT OF 1976.—A claimant that
3 fulfills the requirements of this section and section
4 10102 shall be deemed to satisfy any requirements
5 under the Federal Land Policy and Management Act
6 of 1976 (43 U.S.C. 1701 et seq.) for the payment
7 of fair market value to the United States for the use
8 of public land and resources pursuant to the general
9 mining laws.

10 “(3) SAVINGS CLAUSE.—Nothing in this sub-
11 section diminishes any right (including a right of
12 entry, use, or occupancy) of a claimant.”.

13 (g) LIMITATION ON JUDICIAL REVIEW.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, a claim arising under Federal law
16 seeking judicial review of a permit, license, or ap-
17 proval issued by a lead agency (as defined in sub-
18 section (a) of section 40206 of the Infrastructure In-
19 vestment and Jobs Act (30 U.S.C. 1607)) for a min-
20 ing project shall be barred unless it is filed not later
21 than 60 days after the date of publication of a no-
22 tice in the Federal Register announcing that the
23 permit, license, or approval is final in accordance
24 with the law under which the agency action is taken,

1 unless a shorter time is specified in the Federal law
 2 pursuant to which judicial review is allowed.

3 (2) SAVINGS CLAUSE.—Nothing in this sub-
 4 section—

5 (A) establishes a right to judicial review;

6 or

7 (B) places any limit on filing a claim that
 8 a person has violated the terms of a permit, li-
 9 cense, or approval.

10 (h) REMAND.—Notwithstanding any other provision
 11 of law, no approval of a mineral exploration or mine per-
 12 mit as defined in section 40206(a) of the Infrastructure
 13 Investment and Jobs Act (30 U.S.C. 1607) (as amended
 14 by subsection (b)(2)) shall be vacated or otherwise limited,
 15 delayed, or enjoined unless the applicable court concludes
 16 allowing such proposed action will pose a risk of an immi-
 17 nent and substantial environmental harm and there is no
 18 other equitable remedy available as a matter of law.

19 **TITLE III—FEDERAL ENERGY**
 20 **REGULATORY COMMISSION**

21 **SEC. 3001. TARIFF REFORMS, RATE TREATMENTS, AND**
 22 **RULEMAKING TO ENSURE THE RELIABILITY**
 23 **AND SECURITY OF ELECTRIC SERVICE AND**
 24 **INTERSTATE NATURAL GAS SERVICE.**

25 (a) DEFINITIONS.—In this section:

1 (1) COMMISSION.—The term “Commission”
2 means the Federal Energy Regulatory Commission.

3 (2) CRITICAL ELECTRIC INFRASTRUCTURE; DE-
4 FENSE CRITICAL ELECTRIC INFRASTRUCTURE; GRID
5 SECURITY EMERGENCY.—The terms “critical electric
6 infrastructure”, “defense critical electric infrastruc-
7 ture”, and “grid security emergency” have the
8 meanings given the terms in section 215A(a) of the
9 Federal Power Act (16 U.S.C. 824o–1(a)).

10 (3) INTERSTATE NATURAL GAS PIPELINE.—The
11 term “interstate natural gas pipeline” means a facil-
12 ity under the jurisdiction of the Commission under
13 the Natural Gas Act (15 U.S.C. 717 et seq.) that is
14 engaged in the transportation of natural gas in
15 interstate commerce, or the sale in interstate com-
16 merce of natural gas for resale, under section 3 or
17 7 of that Act (15 U.S.C. 717b, 717f).

18 (4) NATURAL DISASTER.—The term “natural
19 disaster” means—

20 (A) a major disaster declared by the Presi-
21 dent under section 401 of the Robert T. Staf-
22 ford Disaster Relief and Emergency Assistance
23 Act (42 U.S.C. 5170); and

24 (B) any other natural catastrophe, includ-
25 ing a hurricane, tornado, storm, snowstorm,

1 superstorm, flood, high water, winddriven
2 water, tidal wave, tsunami, earthquake, volcanic
3 eruption, landslide, mudslide, drought, and
4 wildfire.

5 (b) TARIFF REFORMS, RATE TREATMENTS, AND
6 RULEMAKING.—Not later than 1 year after the date of
7 enactment of this Act, the Commission shall adopt tariff
8 provisions and rate treatments, and establish separately,
9 by rule, additional reforms, that, in the determination of
10 the Commission, are necessary to protect the adequacy,
11 affordability, reliability, and security of the supply and de-
12 livery of—

13 (1) electricity, and attributes of electric supply,
14 that enhance the continuance or prompt resumption
15 of the supply or delivery of electricity—

16 (A) under normal operating conditions; or

17 (B) during or after—

18 (i) a grid security emergency; or

19 (ii) a natural disaster; and

20 (2) natural gas by interstate natural gas pipe-
21 lines.

22 (c) REQUIRED CONSIDERATIONS.—

23 (1) IN GENERAL.—In carrying out subsection

24 (b), the Commission shall—

1 (A) consider whether and the extent to
2 which each of the matters described in subpara-
3 graphs (A) through (E) of paragraph (2) have
4 a material impact on the adequacy, afford-
5 ability, reliability, and security of the supply or
6 delivery of—

7 (i) electricity; or

8 (ii) natural gas by interstate natural
9 gas pipelines; and

10 (B) ensure that the record of the rule-
11 making proceeding under that subsection re-
12 flects that consideration.

13 (2) MATTERS TO BE CONSIDERED.—In carrying
14 out subsection (b), the Commission shall solicit, con-
15 sider, and include in the record of the rulemaking
16 proceeding under that subsection evidence of—

17 (A) with respect to each category of facili-
18 ties that are subject to the jurisdiction of the
19 Commission and have a material impact on the
20 supply or delivery of electricity, including inter-
21 state natural gas pipelines, or of natural gas by
22 interstate natural gas pipelines—

23 (i) the adequacy, affordability, reli-
24 ability, and security of—

1 (I) the facilities in the applicable
2 category;

3 (II) the contribution to the sup-
4 ply and delivery of electricity or nat-
5 ural gas, as applicable, by the facili-
6 ties in the applicable category; and

7 (III) the supply and delivery of
8 other energy products by facilities in
9 the applicable category, to the extent
10 that the supply and delivery of those
11 energy products has a material impact
12 on the supply or delivery of electricity
13 or natural gas, as applicable; and

14 (ii) rate treatments and tariff reforms
15 that would protect the adequacy, afford-
16 ability, reliability, and security of the sup-
17 ply and delivery of, as applicable—

18 (I) electricity; or

19 (II) natural gas by interstate
20 natural gas pipelines;

21 (B) the attributes of electric generating
22 units that make a demonstrable contribution
23 to—

24 (i) grid stability; and

1 (ii) the continuation or resumption of
2 reliable service in a defined region;

3 (C)(i) the state of development of relevant
4 energy technologies, including electric tech-
5 nologies; and

6 (ii) the likelihood of deployment of those
7 technologies during the 7-year period beginning
8 on the date of enactment of this Act;

9 (D) identifiable threats to—

10 (i) critical electric infrastructure; and

11 (ii) defense critical electric infrastruc-
12 ture; and

13 (E) identifiable impediments to the ade-
14 quacy, affordability, reliability, or security of
15 the supply and delivery of electricity or of nat-
16 ural gas by interstate natural gas pipelines pre-
17 sented by any precedents or rules of the Com-
18 mission in effect as of the date of enactment of
19 this Act.

20 (d) UPDATES.—

21 (1) IN GENERAL.—Beginning on the date that
22 is 4 years after the date of enactment of this Act,
23 and every 5 years thereafter, the Commission
24 shall—

1 (A) revise and update the rule established
2 under subsection (b); or

3 (B) make a public determination that re-
4 vising and updating the rule is not necessary at
5 that time.

6 (2) REQUIREMENT.—In carrying out paragraph
7 (1), the Commission shall solicit, consider, and in-
8 clude in the record of any rulemaking proceeding
9 carried out under subparagraph (A) of that para-
10 graph or any determination made under subpara-
11 graph (B) of that paragraph any new evidence or in-
12 formation relating to the matters described in sub-
13 paragraphs (A) through (E) of subsection (c)(2).

14 **SEC. 3002. FEDERAL AUTHORIZATIONS UNDER THE NAT-**
15 **URAL GAS ACT.**

16 Section 15 of the Natural Gas Act (15 U.S.C. 717n)
17 is amended—

18 (1) in subsection (a), by inserting before “In
19 this section” the following:

20 “DEFINITION OF FEDERAL AUTHORIZATION.—
21 ”;

22 (2) in subsection (e), by inserting before “Hear-
23 ings under this” the following:

24 “HEARINGS AND PROCEEDINGS.—”;

1 (3) in subsection (f), by inserting before “All
2 hearings,” the following:

3 “GOVERNING RULES.—”; and

4 (4) by inserting after subsection (f) the fol-
5 lowing:

6 “(g) ADDITIONAL REQUIREMENTS.—

7 “(1) DEFINITION OF EFFECTS.—In conducting
8 a review under the National Environmental Policy
9 Act of 1969 (42 U.S.C. 4321 et seq.) relating to any
10 Federal authorization (or to any other decision relat-
11 ing to the issuance of an order or certificate, or the
12 approval or denial of an application, under section 3
13 or 7), the Commission shall consider the term ‘ef-
14 fects’, as used in that Act with respect to impacts
15 and effects, to mean physical changes to the human
16 environment as a result of a proposed action or al-
17 ternative action to be carried out by a Federal agen-
18 cy that—

19 “(A) are reasonably foreseeable, not specu-
20 lative, and not remote in time or geographically
21 remote;

22 “(B) have a reasonably close causal rela-
23 tionship that is not the product of a lengthy
24 causal chain to the proposed action or alter-

1 native action, respectively, as determined by the
2 Commission;

3 “(C) the Commission has the ability to
4 prevent and that would not occur absent the
5 proposed action or alternative action; and

6 “(D) do not constitute potential effects
7 from emissions upstream or downstream of the
8 facility that is the subject of the application
9 under section 3 or 7.

10 “(2) REQUIREMENT.—For purposes of para-
11 graph (1)(B), a ‘but for’ causal relationship is insuf-
12 ficient to establish a reasonably close causal relation-
13 ship.

14 “(3) ALTERNATIVES.—Any alternatives re-
15 quired to be analyzed under the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
17 by the Commission shall—

18 “(A) meet the purpose and need for the
19 proposed action;

20 “(B) where applicable, meet the goals of
21 the applicant; and

22 “(C) be within the authority of the Federal
23 agency to control.

24 “(4) NO USE OF SOCIAL COST METRICS.—In
25 conducting a review described in paragraph (1), the

1 Commission shall not consider or apply any metric
 2 that purports to estimate the monetized damages or
 3 benefits associated with incremental increases or de-
 4 creases in greenhouse gas emissions.”.

5 **SEC. 3003. FEDERAL AUTHORIZATIONS UNDER SECTION 216**
 6 **OF THE FEDERAL POWER ACT.**

7 Section 216(h) of the Federal Power Act (16 U.S.C.
 8 824p(h)) is amended—

9 (1) in paragraph (1)—

10 (A) by striking “(1) In this subsection”
 11 and all that follows through “The term” in sub-
 12 paragraph (A) and inserting the following:

13 “(1) DEFINITION OF FEDERAL AUTHORIZA-
 14 TION.—

15 “(A) IN GENERAL.—In this subsection, the
 16 term”; and

17 (B) in subparagraph (B), by striking “(B)
 18 The term” and inserting the following:

19 “(B) INCLUSIONS.—In this subsection, the
 20 term”; and

21 (2) by adding at the end the following:

22 “(10) ADDITIONAL REQUIREMENTS.—

23 “(A) DEFINITION OF EFFECTS.—In con-
 24 ducting a review under the National Environ-
 25 mental Policy Act of 1969 (42 U.S.C. 4321 et

1 seq.) relating to any Federal authorization (or
2 to any other decision relating to the issuance of
3 a Federal authorization, or the approval or de-
4 nial of an application, under this section), the
5 Commission shall consider the term ‘effects’, as
6 used in that Act with respect to impacts and ef-
7 fects, to mean physical changes to the human
8 environment as a result of a proposed action or
9 alternative action to be carried out by a Federal
10 agency that—

11 “(i) are reasonably foreseeable, not
12 speculative, and not remote in time or geo-
13 graphically remote;

14 “(ii) have a reasonably close causal
15 relationship that is not the product of a
16 lengthy causal chain to the proposed action
17 or alternative action, respectively, as deter-
18 mined by the Commission;

19 “(iii) the Commission has the ability
20 to prevent and that would not occur absent
21 the proposed action or alternative action;
22 and

23 “(iv) do not constitute potential ef-
24 fects from emissions upstream or down-

1 stream of the facility that is the subject of
2 the application under this section.

3 “(B) REQUIREMENT.—For purposes of
4 subparagraph (A)(ii), a ‘but for’ causal rela-
5 tionship is insufficient to establish a reasonably
6 close causal relationship.

7 “(C) ALTERNATIVES.—Any alternatives re-
8 quired to be analyzed under the National Envi-
9 ronmental Policy Act of 1969 (42 U.S.C. 4321
10 et seq.) by the Commission shall—

11 “(i) meet the purpose and need for
12 the proposed action;

13 “(ii) where applicable, meet the goals
14 of the applicant; and

15 “(iii) be within the authority of the
16 Federal agency to control.

17 “(D) NO USE OF SOCIAL COST METRICS.—
18 In conducting a review described in subpara-
19 graph (A), the Commission shall not consider or
20 apply any metric that purports to estimate the
21 monetized damages or benefits associated with
22 incremental increases or decreases in green-
23 house gas emissions.”.

1 **SEC. 3004. PROMOTING INTERAGENCY COORDINATION FOR**
2 **REVIEW OF NATURAL GAS PROJECTS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COMMISSION.—The term “Commission”
5 means the Federal Energy Regulatory Commission.

6 (2) FEDERAL AUTHORIZATION.—The term
7 “Federal authorization” has the meaning given that
8 term in section 15(a) of the Natural Gas Act (15
9 U.S.C. 717n(a)).

10 (3) ENVIRONMENTAL REVIEW.—The term “en-
11 vironmental review” means the process of preparing,
12 for a proposed agency action in accordance with the
13 National Environmental Policy Act of 1969 (42
14 U.S.C. 4332)—

15 (A) an environmental impact statement;

16 (B) an environmental assessment;

17 (C) a categorical exclusion;

18 (D) a finding of no significant impact; and

19 (E) a record of decision.

20 (4) PROJECT-RELATED ENVIRONMENTAL RE-
21 VIEW.—The term “project-related environmental re-
22 view” means any environmental review required to
23 be conducted with respect to the issuance of an au-
24 thorization under section 3 of the Natural Gas Act
25 or a certificate of public convenience and necessity
26 under section 7 of such Act.

1 (b) COMMISSION RESPONSIBILITIES.—In acting as
2 the lead agency under section 15(b)(1) of the Natural Gas
3 Act for the purposes of complying with the National Envi-
4 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
5 with respect to an authorization under section 3 of the
6 Natural Gas Act or a certificate of public convenience and
7 necessity under section 7 of such Act, the Commission
8 shall, in accordance with this section and other applicable
9 Federal law—

- 10 (1) be the only lead agency;
- 11 (2) coordinate as early as practicable with each
12 agency designated as a participating agency under
13 subsection (d)(3) to ensure that the Commission de-
14 velops information in conducting its project-related
15 environmental review that is usable by the partici-
16 pating agency in considering an aspect of an appli-
17 cation for a Federal authorization for which the
18 agency is responsible; and
- 19 (3) take such actions as are necessary and
20 proper to facilitate the expeditious resolution of its
21 project-related environmental review.

22 (c) DEFERENCE TO COMMISSION.—In making a deci-
23 sion with respect to a Federal authorization required with
24 respect to an application for authorization under section
25 3 of the Natural Gas Act or a certificate of public conven-

1 ience and necessity under section 7 of such Act, each agen-
2 cy shall give deference, to the maximum extent authorized
3 by law, to the scope of the project-related environmental
4 review that the Commission determines to be appropriate.

5 (d) PARTICIPATING AGENCIES.—

6 (1) IDENTIFICATION.—The Commission shall
7 identify, not later than 30 days after the Commis-
8 sion receives an application for an authorization
9 under section 3 of the Natural Gas Act or a certifi-
10 cate of public convenience and necessity under sec-
11 tion 7 of such Act, any Federal or State agency,
12 local government, or Indian Tribe that may issue a
13 Federal authorization or is required by Federal law
14 to consult with the Commission in conjunction with
15 the issuance of a Federal authorization required for
16 such authorization or certificate.

17 (2) INVITATION.—

18 (A) IN GENERAL.—Not later than 45 days
19 after the Commission receives an application for
20 an authorization under section 3 of the Natural
21 Gas Act or a certificate of public convenience
22 and necessity under section 7 of such Act, the
23 Commission shall invite any agency identified
24 under paragraph (1) to participate in the review
25 process for the applicable Federal authorization.

1 (B) DEADLINE.—An invitation issued
2 under subparagraph (A) shall establish a dead-
3 line by which a response to the invitation shall
4 be submitted to the Commission, which may be
5 extended by the Commission for good cause.

6 (3) DESIGNATION AS PARTICIPATING AGEN-
7 CIES.—Not later than 60 days after the Commission
8 receives an application for an authorization under
9 section 3 of the Natural Gas Act or a certificate of
10 public convenience and necessity under section 7 of
11 such Act, the Commission shall designate an agency
12 identified under paragraph (1) as a participating
13 agency with respect to an application for authoriza-
14 tion under section 3 of the Natural Gas Act or a
15 certificate of public convenience and necessity under
16 section 7 of such Act unless the agency informs the
17 Commission, in writing, by the deadline established
18 pursuant to paragraph (2)(B), that the agency—

19 (A) has no jurisdiction or authority with
20 respect to the applicable Federal authorization;

21 (B) has no special expertise or information
22 relevant to any project-related environmental
23 review; or

1 (C) does not intend to submit comments
2 for the record for the project-related environ-
3 mental review conducted by the Commission.

4 (4) EFFECT OF NON-DESIGNATION.—

5 (A) EFFECT ON AGENCY.—Any agency
6 that is not designated as a participating agency
7 under paragraph (3) with respect to an applica-
8 tion for an authorization under section 3 of the
9 Natural Gas Act or a certificate of public con-
10 venience and necessity under section 7 of such
11 Act may not request or conduct an environ-
12 mental review that is supplemental to the
13 project-related environmental review conducted
14 by the Commission, unless the agency—

15 (i) demonstrates that such review is
16 legally necessary for the agency to carry
17 out responsibilities in considering an as-
18 pect of an application for a Federal au-
19 thorization; and

20 (ii) requires information that could
21 not have been obtained during the project-
22 related environmental review conducted by
23 the Commission.

24 (B) COMMENTS; RECORD.—The Commis-
25 sion shall not, with respect to an agency that is

1 not designated as a participating agency under
2 paragraph (3) with respect to an application for
3 an authorization under section 3 of the Natural
4 Gas Act or a certificate of public convenience
5 and necessity under section 7 of such Act—

6 (i) consider any comments or other in-
7 formation submitted by such agency for
8 the project-related environmental review
9 conducted by the Commission; or

10 (ii) include any such comments or
11 other information in the record for such
12 project-related environmental review.

13 (e) WATER QUALITY IMPACTS.—

14 (1) IN GENERAL.—Notwithstanding section 401
15 of the Federal Water Pollution Control Act (33
16 U.S.C. 1341), a certification under such section
17 shall not be required with respect to a Federal au-
18 thorization.

19 (2) COORDINATION.—With respect to any envi-
20 ronmental review for a Federal authorization to con-
21 duct an activity that will directly result in a dis-
22 charge into the navigable waters (within the mean-
23 ing of the Federal Water Pollution Control Act), the
24 Commission shall identify as an agency under sub-
25 section (d)(1) the State in which the discharge origi-

1 nates or will originate, or, if appropriate, the inter-
2 state water pollution control agency having jurisdic-
3 tion over the navigable waters at the point where the
4 discharge originates or will originate.

5 (3) PROPOSED CONDITIONS.—A State or inter-
6 state agency designated as a participating agency
7 pursuant to paragraph (2) may propose to the Com-
8 mission terms or conditions for inclusion in an au-
9 thorization under section 3 of the Natural Gas Act
10 or a certificate of public convenience and necessity
11 under section 7 of such Act that the State or inter-
12 state agency determines are necessary to ensure that
13 any discharge described in paragraph (2) conducted
14 pursuant to such authorization or certification will
15 comply with the applicable provisions of sections
16 301, 302, 303, 306, and 307 of the Federal Water
17 Pollution Control Act.

18 (4) COMMISSION CONSIDERATION OF CONDI-
19 TIONS.—The Commission may include a term or
20 condition in an authorization under section 3 of the
21 Natural Gas Act or a certificate of public conven-
22 ience and necessity under section 7 of such Act pro-
23 posed by a State or interstate agency under para-
24 graph (3) only if the Commission finds with clear
25 and convincing evidence that the term or condition

1 is necessary to ensure that any discharge described
2 in paragraph (2) conducted pursuant to such au-
3 thorization or certification will comply with the ap-
4 plicable provisions of sections 301, 302, 303, 306,
5 and 307 of the Federal Water Pollution Control Act.

6 (f) SCHEDULE.—

7 (1) DEADLINE FOR FEDERAL AUTHORIZA-
8 TIONS.—A deadline for a Federal authorization re-
9 quired with respect to an application for authoriza-
10 tion under section 3 of the Natural Gas Act or a
11 certificate of public convenience and necessity under
12 section 7 of such Act set by the Commission under
13 section 15(c)(1) of such Act shall be not later than
14 90 days after the Commission completes its project-
15 related environmental review, unless an applicable
16 schedule is otherwise established by Federal law.

17 (2) CONCURRENT REVIEWS.—Each Federal and
18 State agency—

19 (A) that may consider an application for a
20 Federal authorization required with respect to
21 an application for authorization under section 3
22 of the Natural Gas Act or a certificate of public
23 convenience and necessity under section 7 of
24 such Act shall formulate and implement a plan
25 for administrative, policy, and procedural mech-

1 anisms to enable the agency to ensure comple-
2 tion of Federal authorizations in compliance
3 with schedules established by the Commission
4 under section 15(c)(1) of such Act; and

5 (B) in considering an aspect of an applica-
6 tion for a Federal authorization required with
7 respect to an application for authorization
8 under section 3 of the Natural Gas Act or a
9 certificate of public convenience and necessity
10 under section 7 of such Act, shall—

11 (i) formulate and implement a plan to
12 enable the agency to comply with the
13 schedule established by the Commission
14 under section 15(c)(1) of such Act;

15 (ii) carry out the obligations of that
16 agency under applicable law concurrently,
17 and in conjunction with, the project-related
18 environmental review conducted by the
19 Commission, and in compliance with the
20 schedule established by the Commission
21 under section 15(c)(1) of such Act, unless
22 the agency notifies the Commission in writ-
23 ing that doing so would impair the ability
24 of the agency to conduct needed analysis
25 or otherwise carry out such obligations;

1 (iii) transmit to the Commission a
2 statement—

3 (I) acknowledging receipt of the
4 schedule established by the Commis-
5 sion under section 15(c)(1) of the
6 Natural Gas Act; and

7 (II) setting forth the plan formu-
8 lated under clause (i) of this subpara-
9 graph;

10 (iv) not later than 30 days after the
11 agency receives such application for a Fed-
12 eral authorization, transmit to the appli-
13 cant a notice—

14 (I) indicating whether such appli-
15 cation is ready for processing; and

16 (II) if such application is not
17 ready for processing, that includes a
18 comprehensive description of the in-
19 formation needed for the agency to
20 determine that the application is
21 ready for processing;

22 (v) determine that such application
23 for a Federal authorization is ready for
24 processing for purposes of clause (iv) if
25 such application is sufficiently complete for

1 the purposes of commencing consideration,
2 regardless of whether supplemental infor-
3 mation is necessary to enable the agency to
4 complete the consideration required by law
5 with respect to such application; and

6 (vi) not less often than once every 90
7 days, transmit to the Commission a report
8 describing the progress made in consid-
9 ering such application for a Federal au-
10 thorization.

11 (3) FAILURE TO MEET DEADLINE.—If a Fed-
12 eral or State agency, including the Commission, fails
13 to meet a deadline for a Federal authorization set
14 forth in the schedule established by the Commission
15 under section 15(c)(1) of the Natural Gas Act, not
16 later than 5 days after such deadline, the head of
17 the relevant Federal agency (including, in the case
18 of a failure by a State agency, the Federal agency
19 overseeing the delegated authority) shall notify Con-
20 gress and the Commission of such failure and set
21 forth a recommended implementation plan to ensure
22 completion of the action to which such deadline ap-
23 plied.

24 (g) CONSIDERATION OF APPLICATIONS FOR FED-
25 ERAL AUTHORIZATION.—

1 (1) ISSUE IDENTIFICATION AND RESOLU-
2 TION.—

3 (A) IDENTIFICATION.—Federal and State
4 agencies that may consider an aspect of an ap-
5 plication for a Federal authorization shall iden-
6 tify, as early as possible, any issues of concern
7 that may delay or prevent an agency from
8 working with the Commission to resolve such
9 issues and granting such authorization.

10 (B) ISSUE RESOLUTION.—The Commission
11 may forward any issue of concern identified
12 under subparagraph (A) to the heads of the rel-
13 evant agencies (including, in the case of an
14 issue of concern that is a failure by a State
15 agency, the Federal agency overseeing the dele-
16 gated authority, if applicable) for resolution.

17 (2) REMOTE SURVEYS.—If a Federal or State
18 agency considering an aspect of an application for a
19 Federal authorization requires the person applying
20 for such authorization to submit data, the agency
21 shall consider any such data gathered by aerial or
22 other remote means that the person submits. The
23 agency may grant a conditional approval for the
24 Federal authorization based on data gathered by
25 aerial or remote means, conditioned on the

1 verification of such data by subsequent onsite in-
2 spection.

3 (3) APPLICATION PROCESSING.—The Commis-
4 sion, and Federal and State agencies, may allow a
5 person applying for a Federal authorization to fund
6 a third-party contractor to assist in reviewing the
7 application for such authorization.

8 (h) ACCOUNTABILITY, TRANSPARENCY, EFFI-
9 CIENCY.—For an application for an authorization under
10 section 3 of the Natural Gas Act or a certificate of public
11 convenience and necessity under section 7 of such Act that
12 requires multiple Federal authorizations, the Commission,
13 with input from any Federal or State agency considering
14 an aspect of the application, shall track and make avail-
15 able to the public on the Commission’s website information
16 related to the actions required to complete the Federal au-
17 thorizations. Such information shall include the following:

18 (1) The schedule established by the Commission
19 under section 15(c)(1) of the Natural Gas Act.

20 (2) A list of all the actions required by each ap-
21 plicable agency to complete permitting, reviews, and
22 other actions necessary to obtain a final decision on
23 the application.

24 (3) The expected completion date for each such
25 action.

1 (4) A point of contact at the agency responsible
2 for each such action.

3 (5) In the event that an action is still pending
4 as of the expected date of completion, a brief expla-
5 nation of the reasons for the delay.

6 (i) PIPELINE SECURITY.—In considering an applica-
7 tion for an authorization under section 3 of the Natural
8 Gas Act or a certificate of public convenience and neces-
9 sity under section 7 of such Act, the Federal Energy Reg-
10 ulatory Commission shall consult with the Administrator
11 of the Transportation Security Administration regarding
12 the applicant’s compliance with security guidance and best
13 practice recommendations of the Administration regarding
14 pipeline infrastructure security, pipeline cybersecurity,
15 pipeline personnel security, and other pipeline security
16 measures.

17 **SEC. 3005. COORDINATION PROCESS TO PROTECT ELEC-**
18 **TRIC RELIABILITY.**

19 (a) DEFINITION.—Section 215(a) of the Federal
20 Power Act (16 U.S.C. 824o(a)) is amended by adding at
21 the end the following:

22 “(9) The term ‘agency head’ means the prin-
23 cipal officer of any executive agency of the United
24 States.

1 “(10) The term ‘identified agency proposal’
2 means any proposed rule, regulation, standard, cri-
3 teria document, deadline, or determination that, if
4 adopted, is likely to have a significant negative im-
5 pact on the reliability and adequacy of the bulk-
6 power system in North America.”.

7 (b) ELECTRIC RELIABILITY ORGANIZATION COORDI-
8 NATION.—Section 215 of the Federal Power Act (16
9 U.S.C. 824o) is amended—

10 (1) in subsection (g)—

11 (A) by striking “The ERO” and inserting
12 “(1) The ERO”; and

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

14 “(2) At the request of a State, the Commission,
15 an agency head with authority over the identified
16 agency proposal at issue, or on its own motion, the
17 ERO, in conducting periodic assessments under
18 paragraph (1), in consultation with relevant regional
19 reliability coordinators, shall—

20 “(A) consider the potential impacts of any
21 identified agency proposal; and

22 “(B) as soon as practicable after con-
23 ducting the assessment, submit to the Commis-
24 sion and the relevant agency head a report con-
25 taining an assessment of the identified agency

1 proposal describing those potential impacts and
2 any relevant information relating to those po-
3 tential impacts.”;

4 (2) by redesignating subsections (h) through (k)
5 as subsections (i) through (l), respectively; and

6 (3) by inserting after subsection (g) the fol-
7 lowing:

8 “(h)(1) The agency head shall make available to the
9 Commission for review and comment an identified agency
10 proposal in accordance with paragraph (2).

11 “(2) In carrying out paragraph (1), the agency head
12 shall provide to the Commission the identified agency pro-
13 posal described in that paragraph—

14 “(A) on the earliest date on which the identified
15 agency proposal is provided to the Office of Manage-
16 ment and Budget or any another Federal agency for
17 formal review and comment; or

18 “(B) if the identified agency proposal is not
19 provided to the Office of Management and Budget
20 or any other Federal agency for formal review and
21 comment, not later than 90 days before the date on
22 which the agency head publishes in the Federal Reg-
23 ister or otherwise makes available for public inspec-
24 tion or comment the identified agency proposal.

1 “(3)(A) The Commission, in consultation with the
2 ERO, shall, by order, provide to the agency head com-
3 ments on the identified agency proposal.

4 “(B) An agency head shall not finalize any identified
5 agency proposal that is the subject of a comment from
6 the Commission under subparagraph (A) until the agency
7 head has responded in writing to the Commission with an
8 explanation of how the agency head has modified or deter-
9 mined not to modify the identified agency proposal in re-
10 sponse to the comment from the Commission.

11 “(C) Not later than the date on which an identified
12 agency proposal with respect to which a comment is pro-
13 vided by the Commission under subparagraph (A) is pub-
14 lished in the Federal Register, the agency head shall—

15 “(i) include the comment and any response pro-
16 vided by the agency head under subparagraph (B) in
17 the public record of the applicable proceeding relat-
18 ing to the identified agency proposal; or

19 “(ii) otherwise make the comment and response
20 available for public inspection.”.

21 **SEC. 3006. ADDRESSING INACTION BY COMMISSION ON**
22 **CERTAIN ELECTRIC RATE FILINGS.**

23 Section 205 of the Federal Power Act (16 U.S.C.
24 824d) is amended by striking subsection (g) and inserting
25 the following:

1 “(g) INACTION BY COMMISSION DUE TO VACANCY,
 2 INCAPACITY, RECUSAL, OR LACK OF QUORUM.—With re-
 3 spect to a change described in subsection (d), if the Com-
 4 mission allows the 60-day period described in that sub-
 5 section to expire without issuing an order accepting or de-
 6 nying the change because the Commissioners are divided
 7 2 against 2 as to the lawfulness of the change, as a result
 8 of vacancy, incapacity, or recusal on the Commission, or
 9 because the Commission lacks a quorum—

10 “(1) the Secretary of the Commission shall
 11 issue a notice stating the reason that the Commis-
 12 sion was unable to issue an order accepting or deny-
 13 ing the change;

14 “(2) the change shall be considered to be re-
 15 jected; and

16 “(3) the rejection described in paragraph (2)
 17 shall take effect automatically, by operation of law,
 18 on issuance of the notice described in paragraph
 19 (1).”.

20 **SEC. 3007. TOLLING ORDER REFORM FOR THE NATURAL**
 21 **GAS ACT.**

22 Section 19(a) of the Natural Gas Act (15 U.S.C.
 23 717r(a)) is amended, in the fourth sentence, by striking
 24 “thirty” and inserting “60”.

1 **SEC. 3008. TOLLING ORDER REFORM FOR THE FEDERAL**
2 **POWER ACT.**

3 Section 313(a) of the Federal Power Act (16 U.S.C.
4 8251(a)) is amended, in the fourth sentence, by striking
5 “thirty” and inserting “60”.

6 **SEC. 3009. DE NOVO REVIEW OF CIVIL PENALTIES UNDER**
7 **THE NATURAL GAS ACT.**

8 Section 22(b) of the Natural Gas Act (15 U.S.C.
9 717t–1(b)) is amended by inserting before the period at
10 the end the following: “, in accordance with the same pro-
11 visions as are applicable under section 31(d) of the Fed-
12 eral Power Act (16 U.S.C. 823b(d)) in the case of civil
13 penalties assessed under section 31 of the Federal Power
14 Act (16 U.S.C. 823b)”.

15 **SEC. 3010. EXTENSION OF TIME TO COMMENCE CONSTRUC-**
16 **TION OF CERTAIN HYDROPOWER PROJECTS.**

17 (a) **DEFINITION OF COVERED PROJECT.**—In this sec-
18 tion, the term “covered project” means a hydropower
19 project with respect to which the Federal Energy Regu-
20 latory Commission issued a license before March 13, 2020.

21 (b) **AUTHORIZATION OF EXTENSION.**—Notwith-
22 standing section 13 of the Federal Power Act (16 U.S.C.
23 806), on the request of a licensee of a covered project,
24 the Federal Energy Regulatory Commission may, after
25 reasonable notice and for good cause shown, extend in ac-
26 cordance with subsection (c) the period during which the

1 licensee is required to commence construction of the cov-
 2 ered project for an additional 4 years beyond the 8 years
 3 authorized by that section.

4 (c) PERIOD OF EXTENSION.—An extension of time
 5 to commence construction of a covered project under sub-
 6 section (b) shall—

7 (1) begin on the date on which the final exten-
 8 sion of the period for commencement of construction
 9 granted to the licensee under section 13 of the Fed-
 10 eral Power Act (16 U.S.C. 806) expires; and

11 (2) end on the date that is 4 years after the lat-
 12 est date to which the Federal Energy Regulatory
 13 Commission is authorized to extend the period for
 14 commencement of construction under that section.

15 **SEC. 3011. JUDICIAL REVIEW.**

16 Section 19(d)(3) of the Natural Gas Act (15 U.S.C.
 17 717r(d)(3)) is amended, in the first sentence, by inserting
 18 “, is not supported by clear and convincing evidence,”
 19 after “such permit”.

20 **SEC. 3012. APPROVAL FOR BORDER-CROSSING FACILITIES.**

21 (a) DEFINITIONS.—In this section:

22 (1) APPROPRIATE FEDERAL AGENCIES.—The
 23 term “appropriate Federal agencies” in subsection
 24 (b)(2)(A) means the Secretary of Defense, the Attor-
 25 ney General, the Secretary of the Interior, the Sec-

1 retary of Commerce, the Secretary of Transpor-
2 tation, the Secretary of Energy, the Secretary of
3 Homeland Security, the Administrator of the Envi-
4 ronmental Protection Agency, and, for applications
5 concerning the border with Mexico, the United
6 States Commissioner of the International Boundary
7 and Water Commission.

8 (2) BORDER-CROSSING FACILITY.—The term
9 “border-crossing facility” means—

10 (A) the portion of an oil pipeline between
11 an international boundary and the first main-
12 line valve on the United States side of an inter-
13 national boundary; and

14 (B) the portion of a natural gas pipeline or
15 electric transmission facility that is located at
16 an international boundary of the United States.

17 (3) ELECTRIC RELIABILITY ORGANIZATION; RE-
18 GIONAL ENTITY.—The terms “Electric Reliability
19 Organization” and “regional entity” have the mean-
20 ings given those terms in section 215 of the Federal
21 Power Act (16 U.S.C. 824o).

22 (4) INDEPENDENT SYSTEM OPERATOR; RE-
23 GIONAL TRANSMISSION ORGANIZATION.—The terms
24 “Independent System Operator” and “Regional
25 Transmission Organization” have the meanings

1 given those terms in section 3 of the Federal Power
2 Act (16 U.S.C. 796).

3 (5) MODIFICATION.—The term “modification”
4 includes a reversal of flow direction, change in own-
5 ership, change in flow volume, change in product de-
6 livered, addition or removal of an interconnection, or
7 an adjustment to regulate flow (such as a reduction
8 or increase in the number of pump or compressor
9 stations or valves).

10 (6) NATURAL GAS.—The term “natural gas”
11 has the meaning given that term in section 2 of the
12 Natural Gas Act (15 U.S.C. 717a).

13 (7) OIL.—The term “oil” means petroleum or
14 a petroleum product.

15 (b) AUTHORIZATION OF CERTAIN ENERGY INFRA-
16 STRUCTURE PROJECTS AT AN INTERNATIONAL BOUND-
17 ARY OF THE UNITED STATES.—

18 (1) AUTHORIZATION.—Except as provided in
19 paragraph (3) and subsection (f), no person may
20 construct, connect, or operate, a border-crossing fa-
21 cility for the import or export of oil or natural gas,
22 or the transmission of electricity, across an inter-
23 national border of the United States without obtain-
24 ing a certificate of crossing for the border-crossing
25 facility under this subsection.

1 (2) CERTIFICATE OF CROSSING.—

2 (A) REQUIREMENT.—Not later than 90
3 days after final action is taken, by the relevant
4 official or agency identified under subparagraph
5 (B), under the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4321 et seq.) with re-
7 spect to a border-crossing facility for which a
8 person requests a certificate of crossing under
9 this subsection, the relevant official or agency,
10 in consultation with appropriate Federal agen-
11 cies, shall issue a certificate of crossing for the
12 border-crossing facility unless the relevant offi-
13 cial or agency finds that the construction, con-
14 nection, or operation, of the border-crossing fa-
15 cility is not in the public interest of the United
16 States.

17 (B) RELEVANT OFFICIAL OR AGENCY.—
18 The relevant official or agency referred to in
19 subparagraph (A) is—

20 (i) the Federal Energy Regulatory
21 Commission with respect to border-cross-
22 ing facilities consisting of oil or natural
23 gas pipelines; and

1 (ii) the Secretary of Energy with re-
2 spect to border-crossing facilities consisting
3 of electric transmission facilities.

4 (C) ADDITIONAL REQUIREMENT FOR
5 ELECTRIC TRANSMISSION FACILITIES.—In the
6 case of a request for a certificate of crossing for
7 a border-crossing facility consisting of an elec-
8 tric transmission facility, the Secretary of En-
9 ergy shall require, as a condition of issuing the
10 certificate of crossing under subparagraph (A),
11 that the border-crossing facility be constructed,
12 connected, operated, or maintained consistent
13 with all applicable policies and standards of—

14 (i) the Electric Reliability Organiza-
15 tion and the applicable regional entity; and

16 (ii) any Regional Transmission Orga-
17 nization or Independent System Operator
18 with operational or functional control over
19 the border-crossing facility.

20 (3) EXCLUSIONS.—This subsection shall not
21 apply to any construction, connection, operation, or
22 maintenance of a border-crossing facility for the im-
23 port or export of oil or natural gas, or the trans-
24 mission of electricity—

1 (A) if the border-crossing facility is oper-
2 ating for such import, export, or transmission
3 as of the date of enactment of this Act;

4 (B) if a permit described in subsection (e)
5 for the construction, connection, operation, or
6 maintenance has been issued; or

7 (C) if an application for a permit described
8 in subsection (e) for the construction, connec-
9 tion, operation, or maintenance is pending on
10 the date of enactment of this Act, until the ear-
11 lier of—

12 (i) the date on which such application
13 is denied; or

14 (ii) 2 years after the date of enact-
15 ment of this Act, if such a permit has not
16 been issued by such date.

17 (4) EFFECT OF OTHER LAWS.—

18 (A) APPLICATION TO PROJECTS.—Nothing
19 in this subsection or subsection (f) shall affect
20 the application of any other Federal statute to
21 a project for which a certificate of crossing for
22 a border-crossing facility is requested under
23 this subsection.

24 (B) NATURAL GAS ACT.—Nothing in this
25 subsection or subsection (f) shall affect the re-

1 requirement to obtain approval or authorization
2 under sections 3 and 7 of the Natural Gas Act
3 (15 U.S.C. 717b, 717f) for the siting, construc-
4 tion, or operation of any facility to import or
5 export natural gas.

6 (C) OIL PIPELINES.—Nothing in this sub-
7 section or subsection (f) shall affect the author-
8 ity of the Federal Energy Regulatory Commis-
9 sion with respect to oil pipelines under section
10 60502 of title 49, United States Code.

11 (D) SCOPE OF NEPA REVIEW.—Nothing in
12 this Act, or the amendments made by this Act,
13 shall affect the scope of any review required to
14 be conducted under section 102 of the National
15 Environmental Policy Act of 1969 (42 U.S.C.
16 4332) with respect to a project for which a cer-
17 tificate of crossing for a border-crossing facility
18 is requested under this subsection.

19 (c) IMPORTATION OR EXPORTATION OF NATURAL
20 GAS TO CANADA AND MEXICO.—Section 3(c) of the Nat-
21 ural Gas Act (15 U.S.C. 717b(c)) (as amended by section
22 1303) is amended by adding at the end the following:

23 “(3) CANADA AND MEXICO.—In the case of an
24 application for the importation of natural gas from,
25 or the exportation of natural gas to, Canada or Mex-

1 ico, the Commission shall grant the application not
2 later than 30 days after the date on which the Com-
3 mission receives the complete application.”.

4 (d) TRANSMISSION OF ELECTRIC ENERGY TO CAN-
5 ADA AND MEXICO.—

6 (1) REPEAL OF REQUIREMENT TO SECURE
7 ORDER.—Section 202(e) of the Federal Power Act
8 (16 U.S.C. 824a(e)) is repealed.

9 (2) CONFORMING AMENDMENTS.—

10 (A) STATE REGULATIONS.—Section 202(f)
11 of the Federal Power Act (16 U.S.C. 824a(f))
12 is amended by striking “insofar as such State
13 regulation does not conflict with the exercise of
14 the Commission’s powers under or relating to
15 subsection (e)”.

16 (B) SEASONAL DIVERSITY ELECTRICITY
17 EXCHANGE.—Section 602(b) of the Public Util-
18 ity Regulatory Policies Act of 1978 (16 U.S.C.
19 824a–4(b)) is amended by striking “the Com-
20 mission has conducted hearings and made the
21 findings required under section 202(e) of the
22 Federal Power Act” and all that follows
23 through the period at the end and inserting
24 “the Secretary has conducted hearings and
25 finds that the proposed transmission facilities

1 would not impair the sufficiency of electric sup-
2 ply within the United States or would not im-
3 pede or tend to impede the coordination in the
4 public interest of facilities subject to the juris-
5 diction of the Secretary.”.

6 (e) NO PRESIDENTIAL PERMIT REQUIRED.—No
7 Presidential permit (or similar permit) shall be required
8 pursuant to any provision of law or Executive order for
9 the construction, connection, operation, or maintenance of
10 an oil or natural gas pipeline or electric transmission facil-
11 ity, or any border-crossing facility thereof.

12 (f) MODIFICATIONS TO AND MAINTENANCE OF EX-
13 ISTING PROJECTS.—No certificate of crossing under sub-
14 section (b), or permit described in subsection (e), shall be
15 required for a modification to or maintenance of—

16 (1) an oil or natural gas pipeline or electric
17 transmission facility that is operating for the import
18 or export of oil or natural gas or the transmission
19 of electricity as of the date of enactment of this Act;

20 (2) an oil or natural gas pipeline or electric
21 transmission facility for which a permit described in
22 subsection (e) has been issued; or

23 (3) a border-crossing facility for which a certifi-
24 cate of crossing has previously been issued under
25 subsection (b).

1 (g) EFFECTIVE DATES; RULEMAKING DEADLINES.—

2 (1) EFFECTIVE DATE.—Subsections (b)
3 through (f) and the amendments made by such sub-
4 sections shall take effect on the date that is 1 year
5 after the date of enactment of this Act.

6 (2) RULEMAKING DEADLINES.—Each relevant
7 official or agency described in subsection (b)(2)(B)
8 shall—

9 (A) not later than 180 days after the date
10 of enactment of this Act, publish in the Federal
11 Register notice of a proposed rulemaking to
12 carry out the applicable requirements of sub-
13 section (b); and

14 (B) not later than 1 year after the date of
15 enactment of this Act, publish in the Federal
16 Register a final rule to carry out the applicable
17 requirements of subsection (b).

18 (h) JUDICIAL REVIEW.—

19 (1) IN GENERAL.—Any entity aggrieved by a
20 final agency action taken under this section may ob-
21 tain a review of such action by filing a petition for
22 review in—

23 (A) the United States Court of Appeals for
24 any circuit wherein an applicant for authoriza-

1 tion under this section is located or has its
2 principal place of business; or

3 (B) in the United States Court of Appeals
4 for the District of Columbia.

5 (2) PETITION DEADLINE.—The petition must
6 be filed not later than 60 days after such action is
7 taken.

8 **TITLE IV—OTHER NATURAL** 9 **RESOURCES**

10 **SEC. 4001. ROOT AND STEM PROJECTS.**

11 (a) DEFINITIONS.—In this section:

12 (1) COLLABORATIVE PROCESS.—The term “col-
13 laborative process” means a process that—

14 (A) includes multiple interested persons
15 representing diverse interests; and

16 (B)(i) is transparent and nonexclusive; or

17 (ii) meets the requirements for a resource
18 advisory committee under subsections (c)
19 through (f) of section 205 of the Secure Rural
20 Schools and Community Self-Determination Act
21 of 2000 (16 U.S.C. 7125).

22 (2) FEDERAL LAND.—The term “Federal land”
23 means—

24 (A) land of the National Forest System (as
25 defined in section 11(a) of the Forest and

1 Rangeland Renewable Resources Planning Act
2 of 1974 (16 U.S.C. 1609(a)); and

3 (B) public lands (as defined in section 103
4 of the Federal Land Policy and Management
5 Act of 1976 (43 U.S.C. 1702)).

6 (3) SECRETARY CONCERNED.—The term “Sec-
7 retary concerned” means, as applicable—

8 (A) the Secretary of Agriculture, acting
9 through the Chief of the Forest Service; or

10 (B) the Secretary of the Interior, acting
11 through the Director of the Bureau of Land
12 Management.

13 (b) LIST OF CONTRACTORS.—The Secretary con-
14 cerned shall—

15 (1) maintain a list of non-Federal, third-party
16 contractors that the Secretary concerned can hire in
17 each State to complete the analysis described in sub-
18 section (c)(1); and

19 (2) not later than 180 days after the date of
20 enactment of this Act, and every 3 years thereafter,
21 submit to the Committee on Energy and Natural
22 Resources of the Senate and the Committee on Nat-
23 ural Resources of the House of Representatives a
24 copy of the list described in paragraph (1).

1 (c) AGREEMENTS.—If a person submits to the Sec-
2 retary concerned a proposal for a project on Federal land
3 that was developed through a collaborative process and
4 that meets local and rural community needs, the Secretary
5 concerned may enter into an agreement with the person,
6 under which—

7 (1) the person initially provides to the Secretary
8 concerned all, or a portion of, the funding necessary
9 to complete any analysis that the Secretary con-
10 cerned determines to be necessary under Federal
11 law, including the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4321 et seq.) and the En-
13 dangered Species Act of 1973 (16 U.S.C. 1531 et
14 seq.), for the consideration of the proposed project;

15 (2) the Secretary concerned uses the funding
16 provided under paragraph (1) to pay a contractor in-
17 cluded on the list maintained under subsection
18 (b)(1) to conduct the analysis described in para-
19 graph (1);

20 (3) on completion of the analysis described in
21 paragraph (1), if the Secretary concerned makes a
22 decision to proceed with the project, the Secretary
23 concerned—

24 (A) solicits bids to carry out the project;

25 and

1 (B) enters into a contract or agreement
2 under section 604 of the Healthy Forests Res-
3 toration Act of 2003 (16 U.S.C. 6591c) to
4 carry out the project; and

5 (4) using any receipts described in subsection
6 (d)(1), the Secretary concerned, to the maximum ex-
7 tent practicable, repays to the person the funding
8 initially provided under paragraph (1).

9 (d) ADDITIONAL RELATED AUTHORITIES.—

10 (1) USE OF RECEIPTS.—Any receipts that are
11 generated by a project described in subsection (c)
12 that are normally deposited in the General Fund of
13 the Treasury shall be available for expenditure by
14 the Secretary concerned, without further appropria-
15 tion or fiscal year limitation, for the use described
16 in subsection (c)(4).

17 (2) CONTRACTORS.—The Secretary concerned
18 may noncompetitively hire a contractor included on
19 the list maintained under subsection (b)(1) to con-
20 duct the analysis described in subsection (c)(1).

21 (e) SAVINGS CLAUSES.—

22 (1) AUTHORITY OF THE SECRETARY CON-
23 CERNED.—The Secretary concerned shall—

1 (A) determine the sufficiency of any docu-
2 ments prepared by a contractor under sub-
3 section (c)(2); and

4 (B) retain responsibility for any author-
5 izing decision relating to a proposed project de-
6 scribed in subsection (c).

7 (2) REVIEW AND APPROVAL OF INDEPENDENT
8 THIRD PARTIES.—The Secretary concerned shall
9 verify that there is no conflict of interest between—

10 (A) a person that submits a proposal
11 under subsection (c); and

12 (B) a contractor that the Secretary con-
13 cerned hires under paragraph (2) of that sub-
14 section to carry out an analysis with respect to
15 that proposal.

16 (3) ADMINISTRATIVE COSTS.—The Secretary
17 concerned—

18 (A) shall only use the funding provided to
19 the Secretary concerned under subsection (c)(1)
20 to pay a contractor pursuant to subsection
21 (c)(2); and

22 (B) shall not use any portion of the fund-
23 ing provided to the Secretary concerned under
24 subsection (c)(1) to cover any other expense or

1 cost incurred by the Secretary concerned, in-
2 cluding administrative costs.

3 (4) LIMITATIONS ON REIMBURSEMENTS.—If in-
4 sufficient receipts are generated by a project de-
5 scribed in subsection (c) to reimburse the person
6 that provided funding under paragraph (1) of that
7 subsection, the Secretary concerned shall not provide
8 additional funding to the person.

9 (f) PROMOTION.—Not later than 60 days after the
10 date of enactment of this Act, the Secretary concerned
11 shall provide guidance to each local field office of the Sec-
12 retary concerned for—

13 (1) making stakeholders aware of the authority
14 under this Act; and

15 (2) encouraging use of that authority to meet
16 land management goals.

17 (g) TREATMENT OF COLLABORATIVE MEMBERS.—
18 For purposes of a civil action relating to a project de-
19 scribed in subsection (c), any person that participated in
20 the collaborative process to develop the proposal for the
21 project shall be—

22 (1) entitled to intervene, as of right, in any sub-
23 sequent civil action; and

24 (2) considered to be a full participant in any
25 settlement negotiation relating to the project.

1 (h) SUNSET.—The requirements described in sub-
 2 section (b) and the authority to enter into an agreement
 3 under subsection (c) shall expire on January 1, 2033.

4 **SEC. 4002. CONSULTATION UNDER CERTAIN LAND AND RE-**
 5 **SOURCE MANAGEMENT PLANS AND LAND**
 6 **USE PLANS.**

7 (a) NATIONAL FOREST SYSTEM LAND AND RE-
 8 SOURCE MANAGEMENT PLAN.—Section 6 of the Forest
 9 and Rangeland Renewable Resources Planning Act of
 10 1974 (16 U.S.C. 1604) is amended by adding at the end
 11 the following:

12 “(n) COMPLETED FEDERAL ACTION.—A land and
 13 resource management plan for a unit of the National For-
 14 est System approved, amended, or revised under this sec-
 15 tion shall not—

16 “(1) be considered to be a continuing Federal
 17 agency action; or

18 “(2) constitute a discretionary Federal involve-
 19 ment or control for a distinct Federal purpose.”.

20 (b) BUREAU OF LAND MANAGEMENT LAND USE
 21 PLANS.—Section 202 of the Federal Land Policy and
 22 Management Act of 1976 (43 U.S.C. 1712) is amended
 23 by adding at the end the following:

1 “(g) COMPLETED FEDERAL ACTION.—A land man-
2 agement plan approved, amended, or revised under this
3 section shall not—

4 “(1) be considered to be a continuing Federal
5 agency action; or

6 “(2) constitute a discretionary Federal involve-
7 ment or control for a distinct Federal purpose.”.

8 **SEC. 4003. RENEWAL TERM OF GRAZING PERMITS OR**
9 **LEASES.**

10 Section 402 of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1752) is amended—

12 (1) in subsection (a), by striking “ten years”
13 and inserting “not more than 20 years”; and

14 (2) in subsection (b)—

15 (A) in the matter preceding paragraph (1),
16 by striking “shorter than ten years” and insert-
17 ing “of less than 20 years”;

18 (B) in paragraph (1), by striking “or” at
19 the end;

20 (C) in paragraph (2)—

21 (i) by striking “ten years” and insert-
22 ing “20 years”; and

23 (ii) by striking “or” at the end;

24 (D) by redesignating paragraph (3) as
25 paragraph (4);

1 (E) by inserting after paragraph (2) the
2 following:

3 “(3) the initial environmental analysis under
4 the National Environmental Policy Act of 1969 (42
5 U.S.C. 4321 et seq.) with respect to a grazing allot-
6 ment, permit, or lease has not been completed; or”;
7 and

8 (F) in paragraph (4) (as so redesign-
9 nated)—

10 (i) in the first proviso, by striking
11 “shorter than ten years” and inserting “of
12 less than 20 years”; and

13 (ii) in the second proviso—

14 (I) by striking “shorter than ten
15 years” and inserting “of less than 20
16 years”; and

17 (II) by striking “items (1)
18 through (3) of this subsection” and
19 inserting “paragraphs (1) through
20 (4)”.

1 **SEC. 4004. RENEWAL OF GRAZING PERMITS AND LEASES**
2 **AND CERTAIN ACTIONS DURING EXTREME**
3 **NATURAL EVENTS AND DISASTERS.**

4 Section 402(h) of the Federal Land Policy and Man-
5 agement Act of 1976 (43 U.S.C. 1752(h)) is amended by
6 adding at the end the following:

7 “(3) RENEWAL.—A categorical exclusion (as
8 defined in section 1508.1 of title 40, Code of Fed-
9 eral Regulations (or successor regulations)) under
10 the National Environmental Policy Act of 1969 (42
11 U.S.C. 4321 et seq.) shall apply with respect to the
12 renewal of a grazing permit or lease under this sec-
13 tion, if—

14 “(A) the renewal of the grazing permit or
15 lease is consistent, or substantially consistent,
16 with the use authorized in the permit or lease
17 being renewed;

18 “(B) the renewal of the grazing permit or
19 lease is the same as, or has a minor adjustment
20 in, as determined by the Secretary or the Sec-
21 retary of Agriculture, as applicable, the season
22 of use authorized in the permit or lease being
23 renewed; or

24 “(C) the applicable permittee or lessee is
25 in compliance with the terms, conditions, and

1 applicable regulations of the permit or lease
2 being renewed.

3 “(4) AUTHORIZED USE DURING EMERGENCIES
4 AND NATURAL EVENTS AND DISASTERS.—A categor-
5 ical exclusion (as defined in section 1508.1 of title
6 40, Code of Federal Regulations (or successor regu-
7 lations)) under the National Environmental Policy
8 Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to
9 the temporary use of a vacant grazing allotments or
10 other minor adjustment in terms and conditions of
11 a permit or lease necessary to respond and adapt to
12 resource conditions, if—

13 “(A) there is an unforeseen, uncontrollable
14 natural event or disaster (including extreme
15 weather conditions, drought, and infestation),
16 that impedes the use by the permittee or lessee
17 of the grazing allotment under established
18 terms and conditions;

19 “(B) the use of the vacant grazing allot-
20 ment or the adjustment in the authorized use
21 would be limited to 2 grazing seasons;

22 “(C) a temporary adjustment in the exist-
23 ing season of use to immediately respond to lo-
24 calized resource conditions does not fluctuate

1 more than 14 days prior to, or immediately fol-
2 lowing, the existing season of use date;

3 “(D) the permittee or lessee is in compli-
4 ance with—

5 “(i) all other terms and conditions of
6 the applicable permit or lease; and

7 “(ii) any applicable regulations;

8 “(E) the vacant grazing allotment consid-
9 ered for temporary use pursuant to section 405
10 has been assessed or evaluated; and

11 “(F) the use of the vacant grazing allot-
12 ment or adjustment in the authorized use does
13 not alter the original grazing allotment of the
14 permittee or lessee.”.

15 **SEC. 4005. WITHDRAWAL OF BLM PROPOSED RULE.**

16 The Director of the Bureau of Land Management—

17 (1) shall withdraw the proposed rule of the Bu-
18 reau of Land Management entitled “Conservation
19 and Landscape Health” (88 Fed. Reg. 19583 (April
20 3, 2023)); and

21 (2) may not take any action to finalize, imple-
22 ment, or enforce the proposed rule described in
23 paragraph (1) or any substantially similar rule.

○